

# ADJOURNED MEETING OF THE COUNTY BOARD OF COMMISSIONERS July 3, 2012 – BOARD AGENDA

- 9:00 1) J. Mark Wedel, County Board Chairperson  
A) Call to Order  
B) Pledge of Allegiance  
C) Board of Commissioners Meeting Procedure  
D) Approval of Agenda  
E) Citizens' Public Comment\*
- 2) Consent Agenda  
A) Correspondence File June 12, 2012 – June 25, 2012  
B) Approve 6/22/12 County Board Minutes – Emergency Meeting  
C) Approve 6/26/12 County Board Minutes  
D) Approve Commissioner Warrants  
E) Accept \$200 STS Donation - Malmo Township  
F) Approve Teamsters Funeral Leave Memorandum of Agreements  
G) Approve Gravel Crushing Quotes
- 9:05 3) Scott Turner, Sheriff  
A) Flood Update
- 9:30 4) Patrick Wussow, County Administrator  
A) 9:30 Dangerous Dog Hearing – Moby
- 9:50 5) Patrick Wussow, County Administrator  
A) Flood Discussions  
1. Approve Resolution – Temporary Variance Suspension  
2. Approve Resolution – Temporary Aitkin County Lakes Slow-No Wake Zone  
B) Approve Personnel Committee Recommendation  
1. FT Public Health Nurse – Health & Human Services  
C) Approve Resolution – Authorizing Flood Related Expenditures Not Budgeted (**this was added at the meeting**)
- 11:00 6) Kirk Peysar, Aitkin County Fair Secretary/Treasurer  
A) 2012 Aitkin County Fair
- 11:15 7) Board Discussion  
Mark Wedel – Historical Society  
Laurie Westerlund – DAC, All Veterans Monument Dedication  
Don Niemi – Snake River  
Brian Napstad – Flood Response  
Anne Marcotte –
- Noon Adjourn

\* Comments from visitors must be informational in nature and not exceed five (5) minutes per person. The County Board cannot engage in a discussion or debate in those five minutes but will take the information and find answers if that is appropriate. As part of the County Board protocol, it is unacceptable for any speaker to slander or engage in character assassination at a public Board meeting.

**\*\* Please note: all times, except public advertised hearings, are approximate and subject to change without notice.**

The Aitkin County Board of Commissioners met this 22<sup>nd</sup> day of June, 2012 at 8:31 a.m. with the following members present: Chairperson J. Mark Wedel, Commissioners Laurie Westerlund, Don Niemi, Brian Napstad, Anne Marcotte, County Administrator Patrick Wussow, and Administrative Assistant Sue Bingham.

**CALL TO ORDER**

Motion by Commissioner Niemi, seconded by Commissioner Napstad and carried, all members voting yes to approve the June 22, 2012 agenda.

**APPROVED  
AGENDA**

Scott Turner, Sheriff discussed with the Board the recent heavy rains and gave updates on Aitkin County flooding issues, and subsequent high lake levels.

**FLOODING**

Motion for a resolution by Commissioner Westerlund, seconded by Commissioner Marcotte and carried, all members voting yes to approve resolution – Declaring a Local Emergency:

**WHEREAS**, the heavy rainfall impacted the population of Aitkin County and its cities, and

**RESOLUTION  
062212-061  
DECLARING A  
LOCAL  
EMERGENCY**

**WHEREAS**, the June 17 through June 20, 2012 event has caused a significant amount of public property damage, and

**WHEREAS**, the Aitkin County Department of Emergency Management requests the Aitkin County Board of Commissioners to declare a LOCAL EMERGENCY for Aitkin County; for the heavy rainfall event of June 17 through June 20, 2012.

**NOW, THEREFORE, BE IT RESOLVED**, that the Aitkin County Board of commissioners declares a Local Emergency for Aitkin County in response to the conditions resulting from the heavy rainfall event of June 17 through June 20, 2012.

Motion for a resolution by Commissioner Westerlund, seconded by Commissioner Napstad and carried, all members voting yes to approve resolution – Temporary Aitkin County Lakes Slow-No Wake Zone:

**WHEREAS**, due to extraordinary weather conditions, including excessive rainfall during June of 2012, record high water elevations prevail on all Aitkin County lakes, and

**RESOLUTION  
062212-062  
TEMPORARY  
AITKIN COUNTY  
LAKES SLOW-  
NO WAKE ZONE**

**WHEREAS**, wave action from wind and watercraft has and will exacerbate shoreline erosion and cause damage to real and personal property, and

**WHEREAS**, high water levels coupled with increased wave action have led to the inundation of low-lying yards and structures, and

**WHEREAS**, in an effort to protect property and limit environmental damage to lakes from shoreline erosion where the County can and may exert some control, the County Board of Commissioners enacts this 22<sup>nd</sup> day of June, 2012, the following Temporary Special Controls to Section 5 Regulations of the Watercraft Ordinance.

**NOW THEREFORE, BE IT RESOLVED**, that no person shall operate a watercraft at greater

than slow-no wake speed on the following:

- i. All lakes in Aitkin County, with the exception of Mille Lacs Lake.

Motion by Commissioner Marcotte, seconded by Commissioner Napstad and carried, all members voting to adjourn the meeting at 9:38 a.m.

**ADJOURN**

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J. Mark Wedel, Chairperson  
Aitkin County Board of Commissioners

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Patrick Wussow, County Administrator

# AITKIN COUNTY BOARD

June 26, 2012

The Aitkin County Board of Commissioners met this 26<sup>th</sup> day of June, 2012 at 11:06 a.m. with the following members present: Chairperson J. Mark Wedel, Commissioners Laurie Westerlund, Don Niemi, Brian Napstad, Anne Marcotte, County Administrator Patrick Wussow, and Administrative Assistant Sue Bingham.

Motion by Commissioner Napstad, seconded by Commissioner Niemi and carried, all members voting yes to approve the June 26, 2012 amended agenda. Items 4.5 A) Approve Resolution - Requesting a Presidential Declaration of a Major Disaster, and 4.5 B) Approve (2) Resolutions - Temporary Aitkin County Lakes Slow-No Wake Zone were added.

Motion by Commissioner Niemi, seconded by Commissioner Napstad and carried, all members voting yes to approve the Consent Agenda as follows: A) Correspondence File: June 12, 2012 – June 25, 2012; B) Approve County Board Minutes: June 12, 2012; C) Approve County Board of Appeal and Equalization Minutes: June 12, 2012; D) Approve Auditor Warrants – May Sales and Use Tax: General Fund \$483.96, Road & Bridge \$1,254.48, Health & Human Services \$53.19, State \$7,978.00, Trust \$168.08, Forest Development \$154.99, Long Lake Conservation Center \$222.58 for a total of \$10,314.88; E) Approve Auditor Warrants – May/June Tax Settlements: Agency \$3,028,375.31; F) Approve VHF Interoperable Frequency Use Agreement between the State of MN and Aitkin County; G) Approve Resolution – Set Date for Tax-Forfeited Land Sale; a) Approve Commissioner Warrants: General Fund \$402,496.73, Road & Bridge \$292,488.03, Health & Human Services \$617.74, State \$300.00, Trust \$17,910.01, Forest Development \$49,176.68, Long Lake Conservation Center \$20,861.91 for a total of \$783,851.10; b) Approve Resolution – Form LG230 Aitkin Fire Relief Assoc.

Under the consent agenda, motion for a resolution by Commissioner Niemi, seconded by Commissioner Napstad and carried, all members voting yes to approve resolution – Set Date for Tax-Forfeited Land Sale:

**WHEREAS**, the classification of the following county owned and tax-forfeited lands to be offered for sale has been made by the County Board in accordance with Minnesota Statutes 282, and

**WHEREAS**, a public hearing was held on March 6, 2012 at 10:00 am in the Aitkin County Courthouse regarding the classification to the attached lands and classified them to dispose of, and

**WHEREAS**, the County Board has made appraisals of the lands classified as non-conservation and of the timber and timber products thereon, and has made appraisal of timber and buildings on such lands as have not been classified, and a list of such lands and timber, timber only and of buildings so appraised has been filed with the County Auditor for the purpose of offering lands, timber and buildings, so listed, for sale at not less than the appraised value of the land, timber, and buildings combined, with said appraisals of each property following, and

**WHEREAS**, the list of lands classified as non-conservation land in the Conservation Areas and a list of the lands classified as non-conservation in the tax forfeited areas, has

**CALL TO ORDER**

**APPROVED  
AGENDA**

**CONSENT  
AGENDA**

**RESOLUTION  
062612-063  
SET DATE FOR  
TAX-FORFEITED  
LAND SALE**

been submitted to the Commissioner of Natural Resources for his approval of the classification and sale of such, and

**WHEREAS**, the County Board is by law designated with authority to provide for the sale of such lands on terms:

**NOW, THEREFORE BE IT RESOLVED**, that such parcels shall be sold on the following terms, to wit: That on sales amounting to \$5,000.00 or less per parcel, the purchase price shall be paid in full at the time of purchase. On sales amounting to more than \$5,000.00 per parcel, the purchaser shall pay a minimum of \$5,000.00 down or 25% of the purchase price (whichever is greater) with the privilege of paying the balance over 5 years with the balance amortized over the 5 years plus interest at the rate according to Minnesota Statutes 282.01, Subdivision 4, on the deferred balance. Any remaining balance may be paid at any time. If the property is purchased on a contract for deed, a \$46.00 fee will be required at the time of purchase for the recording of the contract. Any contract for deeds on properties on this sale, are required to be recorded. Any property with a known well on it, will be charged a \$50.00 fee for recording the well certificate. Any property purchased on a contract for deed that has buildings on it, will be required to carry insurance on the property with Aitkin County as a loss payable on it until such time as the building and timber costs have been paid in full. The insurance binder will be required to be sent to the Land Department within 5 days of the purchase.

Provided that in case any parcel of land bearing standing timber, buildings or timber products is sold at public auction for more than the appraised value, the amount bid in excess of the appraised value shall be allocated between the land, buildings, and timber in proportion to the respective appraised value. The purchaser of tax-forfeited land at such sale shall be entitled to immediate possession, subject to the provision of any existing lease made in behalf of the State, and

**BE IT FURTHER RESOLVED**, that notice of such sale of lands, timber and buildings be given by publication in the official newspaper of the County as provided by law; that the County Auditor of Aitkin County offer such parcels of land for sale in the order in which they appear in said NOTICE OF SALE, and that such sale shall commence at 10:00 A.M. on Thursday, the 30th day of August, 2012 and continue until all parcels classified as non-conservation and timber only, buildings on parcels not classified, are offered to the highest bidder for sale. This sale will be held at the 40 Club Convention Center in Aitkin.

**BE IT FURTHER RESOLVED**, as required by Minnesota Statutes 284.28, there will be added to the sale price of any tax-forfeited lands sold, an amount equal to three percent of the total sale price. Said additional amount to be deposited in the State Treasury and credited to the State Real Estate Assurance Fund, and

**BE IT FURTHER RESOLVED**, that the Land Commissioner may withdraw any description on the list, later subject to the approval of the County Board, when it may appear to be in the public interest to do so, and

**BE IT FURTHER RESOLVED**, Minnesota Statutes 282.014, imposes a \$25.00 fee upon purchasers of tax-forfeited land for issuance of a State Deed.

**BE IT FURTHER RESOLVED**, as required by Minnesota Statutes 282.01, Subdivision 6,

all State Tax Deeds must be recorded with the County Recorder prior to issuing the Deed to the purchaser, therefore a recording fee for each State Deed issued must be paid to the Aitkin County Recorder by the purchaser when tax-forfeited land is paid for in full, as required in MS 357.18.

**BE IT FURTHER RESOLVED**, as required by Minnesota Statutes 287.22, all State Tax Deeds are subject to State Deed Tax which must be paid by the purchaser.

**BE IT FURTHER RESOLVED**, Aitkin County is not responsible for location of or determining property lines or boundaries.

**BE IT FURTHER RESOLVED**, that all lands sold hereunder are sold subject to the Zoning Ordinance adopted by the County Board, and all lands are sold subject to railroad and highway easements, power and pipeline easements, any recreational easements, and subject to all flowage rights.

**BE IT FURTHER RESOLVED**, that except in the case of Deeds issued for platted property and Deeds issued to correct errors in either legal description or grantees, the Deeds issued for these parcels will contain a restrictive covenant which will prohibit enrollment of the land in a State Funded program providing compensation of marginal land or wetlands.

Aitkin County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment and the provision of services. Prospective bidders who require special accommodations to participate in this sale should inform the Land Department as soon as possible and more than three working days before the sale. You may write to Aitkin County Land Department at 209 2nd St. NW Room 206 Aitkin, MN 56431 or call 218-927-7364.

Parcel ID Number	Access	Legal Description	Sec	Tw p	Rge	Acres	Valuation
1	*	1 acre Lot 3 as in Document #179645 less hwy r/w	24	43	22	.48	\$6,800.00
2	None	SE-NE and NE-SE	35	46	23	80	\$23,600.00
3		NE-NW	32	47	23	40	\$12,000.00
4	*	Big Sandy Lake Highlands Lot 62	3	49	23		\$4,000.00

# AITKIN COUNTY BOARD

June 26, 2012

5	29-1-366000 to 29-1-366300	*	Big Sandy Lake Highlands Lots 163, 164, 165, 166	3	49	23		\$12,800.00
6	29-0-043200	*	1.54 ac of that part of NW-SE lying W of Hwy 65 in B 108 D P 77 Doc 182190 and 364233	19	49	23	1.54	\$5,600.00
7	29-1-202700	*	Sheshebe Point Lot 598	21	49	23	.18	\$1,800.00
8	29-1-293100	*	Sheshebe Point 3 <sup>rd</sup> Addn Lot 20 Blk 45	27	49	23		\$2,000.00
9	29-1-271200	**	Sheshebe Point 3 <sup>rd</sup> Addn Lot 3 Blk 33	27	49	23		\$1,200.00
10	29-1-468600, 29-1-468700, and 29-1-469100	*	VanderMeys Shores Outlot A, Lot 23, Lot 24	19	49	23		\$77,000.00
11	32-1-066600	*	Big Sandy Lake Highlands 5 <sup>th</sup> Addn Lots 82 and 83	34	50	23		\$35,800.00
12	02-1-066102	*	Bridge Park Part of Lot 15 W of Hwy 65 and N of Hwy 200	9	52	23		\$500.00
13	02-1-075100	*	Hay U – Lot 5	26	52	23	.53	\$10,000.00
14	16-0-008400	*	¼ acre Lot 1 in Book 118 Dds Page 503	5	44	25	.25	\$6,400.00
15	16-0-050800	*	3 ac in NW-NW in Book 99 Dds Page 435	35	44	25	3	\$7,000.00
16	15-0-055300	none	NE-SE	32	47	25	40	\$8,200.00

			<b>County Auditor's Plat of Swatara</b>					
17	20-1- 062800	**	Lot 12 Blk 3	20	51	26		\$900.00
			<b>Quadna Mountain View</b>					
18	12-1- 075600	*	Lot 2 Blk 1	2	52	26	.98	\$2,300.00
			<b>150 x 155 in Govt</b>					
19	12-0- 041606	*	Lot 1	23	52	26	.53	\$3,600.00
			<b>Tibbetts Irregular Lots in Aitkin</b>					
20	56-1- 122800	*	W 8 rods of Lot 16	24	47	27	.61	\$8,000.00
			<b>Jenkins Acre Lots</b>					
21	56-1- 162700	*	N 150' of E 50' of Lot 10	26	47	27	.17	\$6,700.00
			<b>Buck's Addn to Hill City</b>					
22	57-1- 019900	*	Lot 12 Blk 14	14	52	26	.16	\$3,400.00
			<b>Quadna Condo</b>					
23	57-1- 087500	*	#315	24	52	26		\$4,100.00
			<b>Approx .30 ac of SE-SW in Doc</b>					
24	60-0- 002700	*	162911	22	49	25	.3	\$6,700.00

**Access Code:**

- \* maintained public access
- \*\* unmaintained public access

Under the consent agenda, motion for a resolution by Commissioner Westerlund, seconded by Commissioner Niemi and carried, all members voting yes to approve resolution – Form LG230 Aitkin Fire Relief Assoc.:

**BE IT RESOLVED**, the Aitkin County Board of Commissioners agrees to approve the Application to Conduct Off-Site Gambling - Form LG230 - of the Aitkin Fire Relief Association, at the following location – 4 blocks north of 210-169 intersection in Aitkin on Minnesota Ave. N., (632 Minnesota Ave N), Aitkin, MN 56431– Aitkin Township. (Note: Dates of activity for Raffle and Pull-tabs – July 12, 13 & 14th, 2012)

Kirk Peysar, Jim Bright, and Vern Watters of the Aitkin County Fair Board discussed the upcoming County Fair and related flooding issues with the Board. This year's fair dates are July 10, 2012 through July 14, 2012.

Penny Harms, Veterans Service Officer updated the Board on the Veterans Service Office.

**RESOLUTION  
061912-060  
FORM LG230  
AITKIN FIRE  
RELIEF ASSOC.**

**AITKIN COUNTY  
FAIR**

**VETERANS  
SERVICE OFFICE**



Motion for a resolution by Commissioner Westerlund, seconded by Commissioner Napstad and carried, all members voting yes to approve resolution – Requesting a Presidential Declaration of a Major Disaster:

**WHEREAS**, the County of Aitkin has sustained severe losses of major proportion, caused by heavy rainfall from June 17 through June 20, 2012; and

**WHEREAS**, Aitkin County is a public entity within the State of Minnesota; and

**WHEREAS**, substantial damage has been sustained to public and private property, as outlined in the attached damage assessment forms; and

**WHEREAS**, the cost of recovery from this disaster is beyond the resources available within the county, and state and federal resources are necessary.

**NOW, THEREFORE, BE IT RESOLVED**, that the Aitkin County Board of Commissioners, for and on behalf of the citizens of Aitkin County, request the Governor of the State of Minnesota to petition the President of the United States to declare the County of Aitkin, Minnesota, to be a major disaster area, through appropriate channels.

**BE IT FURTHER RESOLVED**, that this request is for:

1. The Public Assistance (Infrastructure Support) and Human Service Programs as offered through P.L. 93-288 and 106.390.
2. The Hazard Mitigation Program, as offered through P.L. 93-288 and 106.390.

**BE IT FURTHER RESOLVED**, that the County Emergency Management Director is authorized to coordinate the damage survey teams with local government, and assist in the administration of the disaster recovery process, as needed.

Motion for a resolution by Commissioner Westerlund, seconded by Commissioner Marcotte and carried, all members voting yes to approve resolution – Temporary Aitkin County Lakes Slow-No Wake Zone:

**WHEREAS**, due to extraordinary weather conditions, including excessive rainfall during June of 2012, record high water elevations prevail on all Aitkin County lakes, and

**WHEREAS**, wave action from wind and watercraft has and will exacerbate shoreline erosion and cause damage to real and personal property, and

**WHEREAS**, high water levels coupled with increased wave action have led to the inundation of low-lying yards and structures, and

**WHEREAS**, in an effort to protect property and limit environmental damage to lakes from shoreline erosion where the County can and may exert some control, the County Board of Commissioners enacts this 26<sup>th</sup> day of June, 2012, the following Temporary Special Controls

**RESOLUTION  
062612-064  
REQUESTING A  
PRESIDENTIAL  
DECLARATION  
OF A MAJOR  
DISASTER**

**RESOLUTION  
062612-065  
TEMPORARY  
AITKIN COUNTY  
LAKES SLOW-  
NO WAKE ZONE**

to Section 5 Regulations of the Watercraft Ordinance.

**NOW THEREFORE, BE IT RESOLVED**, that no person shall operate a watercraft at greater than slow-no wake speed on the following:

- i. All lakes in Aitkin County, with the exceptions of Mille Lacs Lake and everything south of CR 2 extending eastward from Malmo.
- ii. Effective June 27, 2012 through July 1, 2012.

Motion for a resolution by Commissioner Napstad, seconded by Commissioner Niemi and carried, all members voting yes to approve resolution – Temporary Aitkin County Lakes Slow-No Wake Zone:

**WHEREAS**, due to extraordinary weather conditions, including excessive rainfall during June of 2012, record high water elevations prevail on all Aitkin County lakes, and

**WHEREAS**, wave action from wind and watercraft has and will exacerbate shoreline erosion and cause damage to real and personal property, and

**WHEREAS**, high water levels coupled with increased wave action have led to the inundation of low-lying yards and structures, and

**WHEREAS**, in an effort to protect property and limit environmental damage to lakes from shoreline erosion where the County can and may exert some control, the County Board of Commissioners enacts this 26<sup>th</sup> day of June, 2012, the following Temporary Special Controls to Section 5 Regulations of the Watercraft Ordinance.

**NOW THEREFORE, BE IT RESOLVED**, that no person shall operate a watercraft at greater than slow-no wake speed on the following:

- i. All lakes in Aitkin County, with the exceptions of Mille Lacs Lake and everything south of CR 2 extending eastward from Malmo.
- ii. Effective July 2, 2012 through July 6, 2012.

During the meeting the Board discussed: i) CMCC, ii) P&Z, iii) Mille Lacs Watershed, iv) AMC District Meeting, v) Extension, vi) HRA, vii) ARDC, viii) MN House Tax Tour Meeting, ix) EQB, x) Rivers & Lakes Fair, xi) Fair Board, xii) Aitkin Airport, xiii) Sobriety Court

Terry Neff, Environmental Services Director and Terry Bentley, Aitkin Township Board discussed how to respond to emergency situations due to flooding, and how to protect residential structures.

**RESOLUTION  
062612-066  
TEMPORARY  
AITKIN COUNTY  
LAKES SLOW-  
NO WAKE ZONE**

**BOARD  
DISCUSSION**

**FLOODING**

# AITKIN COUNTY BOARD

June 26, 2012

Motion by Commissioner Napstad, seconded by Commissioner Niemi and carried, all members voting yes to adjourn the meeting at 1:11 p.m. until Tuesday, July 3, 2012 at 9:00 a.m.

ADJOURN

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J. Mark Wedel, Chairperson  
Aitkin County Board of Commissioners

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Patrick Wussow, County Administrator

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners

Date: 06-26-12

From: Sheriff Scott Turner

Title of Item: STS Donation

Requested Meeting Date: 07/03/2012 Est. Presentation Time: \_\_\_\_\_

Presenter: Sheriff Scott Turner

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_
- Approve under Routine Business
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Consent Agenda**

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget?  Yes  No (attach explanation)
- What type of expenditure is this? \_\_\_\_\_ Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list)

**Provide eleven (11) copies of supporting documentation NO LATER THAN Wednesday at 8:00am to make the Board's agenda for the following Tuesday. Items WILL NOT be placed on the Board agenda unless complete documentation is provided for mailing in the Board packets. (see reverse side for details)**

**SCOTT A. TURNER**  
**SHERIFF OF AITKIN COUNTY**

217 Second Street NW, Room 185  
Aitkin, MN 56431

218-927-7435 Emergency 911  
Sheriff Fax 218-927-7359 / Dispatch Fax 218-927-6887  
TOLL FREE 1-888-900-2138

**MEMO**

TO: Board of Commissioners      DATE: June 26, 2012  
FROM: Sheriff Scott Turner      RE: STS Donation

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Malmo Township has made a generous donation of \$200 to the Aitkin County STS program.

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 6-27-2012

Via: Patrick Wussow, County Administrator

From: Bobbie Danielson, HR Manager *Bobbie Danielson*

Title of Item:

Teamsters Funeral Leave MOA's

Requested Meeting Date: 7/3/12 Estimated Presentation Time: consent

Presenter: Bobbie Danielson

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- Approve under Consent Agenda
- For discussion only with possible future action
- Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Other (please list) \_\_\_\_\_
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_


**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

# AITKIN COUNTY HUMAN RESOURCES

**Bobbie Danielson, HR Manager**  
bobbie.danielson@co.aitkin.mn.us  
**Nicole Visnovec, HR Specialist**  
nicole.visnovec@co.aitkin.mn.us

Phone 218-927-7306  
Job Hotline 218-927-7393  
Fax 218-927-7374  
www.co.aitkin.mn.us

To: County Commissioners

From: Bobbie Danielson, HR Manager 

Date: June 27, 2012

Subject: Funeral Leave MOA for Teamsters Licensed and Non-licensed Essential Units

## Background

The current funeral leave language provides a maximum of three (3) days (24 hours) leave with pay when a death occurs in a regular full-time employee's family. Funeral leave pay has been provided at 8 hours per day over the past several years, with a few exceptions when pay has been provided at 10 or 12 hours per day, matching the employee's shift assignment.

Shift assignments vary – full-time employees in these units are now generally assigned to work 8, 10, or 12 hour shifts (mostly 10 hours in the licensed unit and 12 hours in the non-licensed unit). The attached MOAs provide that employees may take “up to” 24 hours off with pay to attend the funeral or make funeral arrangements over the course of “up to” three (3) days, and “up to” an additional 16 hours when extensive travel time is required. It also includes grandparents for the licensed essential unit, for consistency. It should also be noted, this MOA will resolve a non-licensed essential unit grievance and the Sheriff is in support.

## Action Requested

Motion to approve the funeral leave Memorandum of Agreements, as presented, for the Teamsters licensed essential unit and Teamsters non-licensed essential unit and authorize the Chair and staff to sign.

**MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement is entered into between Aitkin County (hereafter "County") and the General Drivers, Warehousemen, Helpers & Inside Employees Local Union No. 346 (hereafter "Union").

**WHEREAS**, the County and the Union are parties to a collective bargaining agreement negotiated pursuant to the Public Employment Labor Relations Act; and

**WHEREAS**, Article 19 of the 2011-2013 collective bargaining agreement contains the following language:

**FUNERAL LEAVE**

A maximum of three (3) days (24 hours) leave with pay will be allowed when a death occurs in a regular full-time employee's family, namely the husband, wife, son, daughter, father, mother, sister, brother, father-in-law, mother-in-law, grandparents and grandchildren. Employees may elect to use their accrued and unused sick leave, up to the number of hours in each employee's regularly scheduled shift, to complete a funeral leave day.

Two (2) additional days (16 hours) may be allowed when traveling is necessary, subject to the approval of the Employer. Additional time, if needed, may be allowed by the Employer, but such additional time in excess of five (5) days (40 hours) indicated above, shall be charged against the employee's sick leave.

**WHEREAS**, shift assignments for employees vary, including but not limited to the most common being 8 hour or 10 hour or 12 hour shifts.

**NOW, THEREFORE**, the parties agree to modify Article 19 as follows, effective May 1, 2012:

**FUNERAL LEAVE**

When a death occurs in a regular full-time employee's immediate family, the employee may take up to 24 hours off with pay to attend the funeral or make funeral arrangements over the course of up to three (3) days. i.e. 3 eight-hour days or 2.4 ten-hour days or 2 twelve-hour days. Employees may elect to use their accrued and unused sick leave, up to the number of hours in each employee's regularly scheduled shift, to complete a funeral leave day. The County may require verification of the need for the leave. For purposes of this Article, immediate family members are defined as an employee's husband, wife, son, daughter, father, mother, sister, brother, father-in-law, mother-in-law, grandmother, grandfather, and grandchildren.

In cases requiring extensive travel time, the regular full-time employee may be granted up to an additional 16 hours off with pay over the course of up to two (2) days, subject to approval of the Sheriff. Extensive travel time is defined as travel distance greater than 250 miles, one way.

Additional time, if needed, may be allowed by the County Sheriff, but such additional time in excess of 40 hours off with pay, over the course of up to five (5) days as indicated above, shall be charged against the regular full-time employee's sick leave.



**FURTHERMORE**, the parties understand the general intent is as follows:

If the employee is working 12 hour shifts and needs two days off, they would be paid for 24 hours funeral leave -- or if they are working 10 hour shifts and need two days off, they would be paid for 20 hours funeral leave -- or if they are working 8 hour shifts and need two days off, they would be paid for 16 hours funeral leave -- or if they are working 12 hour shifts and need 3 days off and there's no extensive travel time, they would be paid for 24 hours funeral leave and can elect to use 12 hours from their sick leave bank for the third day -- or if they are working 10 hour shifts and need three days off and there's no extensive travel time, they would be paid for 24 hours funeral leave and can elect to use 6 hours from their sick leave bank to complete the third day and it is understood that in most cases the County is not likely to schedule an employee to return for a partial shift on the last day.

This Memorandum of Agreement constitutes the complete and total agreement of the parties regarding this matter.

**IN WITNESS WHEREOF**, the parties have caused this Memorandum of Agreement to be executed this

\_\_\_\_\_ day of \_\_\_\_\_, 2012.

FOR COUNTY OF AITKIN:

FOR LOCAL NO. 346:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement is entered into between Aitkin County (hereafter "County") and the General Drivers, Warehousemen, Helpers & Inside Employees Local Union No. 346 (hereafter "Union").

**WHEREAS**, the County and the Union are parties to a collective bargaining agreement negotiated pursuant to the Public Employment Labor Relations Act; and

**WHEREAS**, Article 19 of the collective bargaining agreement contains the following language:

**FUNERAL LEAVE**

A maximum of three (3) days (24 hours) leave with pay will be allowed when a death occurs in a regular full-time employee's family, namely the husband, wife, son, daughter, father, mother, sister, brother, father-in-law, mother-in-law, and grandchildren. Employees may elect to use their accrued and unused sick leave, up to the number of hours in each employee's regularly scheduled shift, to complete a funeral leave day.

Two (2) additional days (16 hours) may be allowed when traveling is necessary, subject to the approval of the Sheriff. Additional time, if needed, may be allowed by the County Sheriff, but such additional time in excess of five (5) days (40 hours) indicated above, shall be charged against the employee's sick leave.

**WHEREAS**, shift assignments for employees vary, including but not limited to the most common being 8 hour or 10 hour or 12 hour shifts; and

**WHEREAS**, funeral leave has also been paid for grandparents.

**NOW, THEREFORE**, the parties agree to modify Article 19 as follows, effective May 1, 2012:

**FUNERAL LEAVE**

When a death occurs in a regular full-time employee's immediate family, the employee may take up to 24 hours off with pay to attend the funeral or make funeral arrangements over the course of up to three (3) days. i.e. 3 eight-hour days or 2.4 ten-hour days or 2 twelve-hour days. Employees may elect to use their accrued and unused sick leave, up to the number of hours in each employee's regularly scheduled shift, to complete a funeral leave day. The County may require verification of the need for the leave. For purposes of this Article, immediate family members are defined as an employee's husband, wife, son, daughter, father, mother, sister, brother, father-in-law, mother-in-law, grandmother, grandfather, and grandchildren.

In cases requiring extensive travel time, the employee may be granted up to an additional 16 hours off with pay over the course of up to two (2) days, subject to approval of the Sheriff. Extensive travel time is defined as travel distance greater than 250 miles, one way.

Additional time, if needed, may be allowed by the County Sheriff, but such additional time in excess of 40 hours off with pay, over the course of up to five (5) days as indicated above, shall be charged against the employee's sick leave.

**FURTHERMORE**, the parties understand the general intent is as follows:

If the employee is working 12 hour shifts and needs two days off, they would be paid for 24 hours funeral leave -- or if they are working 10 hour shifts and need two days off, they would be paid for 20 hours funeral leave -- or if they are working 8 hour shifts and need two days off, they would be paid for 16 hours funeral leave -- or if they are working 12 hour shifts and need 3 days off and there's no extensive travel time, they would be paid for 24 hours funeral leave and can elect to use 12 hours from their sick leave bank for the third day -- or if they are working 10 hour shifts and need three days off and there's no extensive travel time, they would be paid for 24 hours funeral leave and can elect to use 6 hours from their sick leave bank to complete the third day and it is understood that in most cases the County is not likely to schedule an employee to return for a partial shift on the last day.

This Memorandum of Agreement constitutes the complete and total agreement of the parties regarding this matter.

**IN WITNESS WHEREOF**, the parties have caused this Memorandum of Agreement to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

FOR COUNTY OF AITKIN:

FOR LOCAL NO. 346:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 6-26-12

Via: Patrick Wussow, County Administrator

From: John Welle

Title of Item:

Gravel Crushing Quotes

Requested Meeting Date: 7-3-12 Estimated Presentation Time: Consent Agenda

Presenter: NA

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes  No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: 5001, 5852
- Expenditure line account # for this item is: 6519

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this Issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

**Date: June 26, 2012**

**Consent Agenda Item:**

Gravel Crushing Quotes

**Summary:**

I requested separate quotes for the crushing of 50,000 tons of class 5 aggregate at the Pliny Township pit and 30,000 tons of class 5 aggregate at the Gun Lake Gravel pit. DLL Excavating, Inc. from Little Falls, MN submitted total bids of \$88,000 (\$1.76 per ton) and \$56,400 (1.88 per ton) respectively for these two pits. Northern Aggregate, Inc. from Bemidji, MN submitted total bids of \$208,500 (\$4.17 per ton) and \$64,200 (\$2.14 per ton) respectively for these two pits. Based on the low quoted amount, I recommend acceptance of both quotes from DLL Excavating.

Please note, due to the recent flooding and the need to replace washed aggregate on various roads, I will likely have additional material processed beyond the stated amounts.

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners      Date: 6-28-12

Via: Patrick Wussow, County Administrator

From: Patrick Wussow, County Administrator

Title of Item:

Flood Update

Requested Meeting Date: 7-3-12      Estimated Presentation Time: \_\_\_\_\_

Presenter: Scott Turner, Sheriff

**Type of Action Requested** (check all that apply)

- For info only, no action requested       Approve under Consent Agenda
- For discussion only with possible future action       Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion       Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale       Other (please list) \_\_\_\_\_
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) No packet materials – verbal update at meeting

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 06/26/12

Via:

From: Undersheriff John Drahota

Title of Item: Dangerous Dog hearing

Requested Meeting Date: 07/3/12 Est. Presentation Time: 9:30

Presenter: Undersheriff John Drahota

**Type of Action Requested** (check all that apply)

- For info only, no action requested  Approve under Routine Business  
 For discussion only with possible future action  Adopt Ordinance Revision  
 Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)  
 Approve/adopt proposal by motion  Approve/adopt proposal by resolution (attach draft resolution)  
 Authorize filling vacant staff position  
 Request to schedule public hearing or sale  Other (please list) **Approve or Rescind Dangerous Dog Notice**  
 Request by member of the public to be heard  
 Item should be addressed in closed session under MN Statute \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget?  Yes  No (attach explanation)  
What type of expenditure is this?  Operating  Other (attach explanation)  
Revenue line account # that funds this item is: \_\_\_\_\_  
Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No  
Applicable job description(s) may require revision.  Yes  No  
Item may impact a bargaining unit agreement or county work policy.  Yes  No  
Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item  
 Copy of applicable county policy and/or ordinance (excerpts acceptable)  
 Copy of applicable state/federal statute/regulation (excerpts acceptable)  
 Copy of applicable contract and/or agreement  
 Original bid spec or quote request (excluding complex construction projects)  
 Bids/quotes received (excluding complex construction projects, provide comparison worksheet)  
 Bid/quote comparison worksheet  
 Draft County Board resolution  
 Plat approval check-list and supporting documents  
 Copy of previous minutes related to this issue  
 Other supporting document(s) (please list) Police Reports, Misc. forms, photos

**Provide eleven (11) copies of supporting documentation NO LATER THAN Wednesday at 8:00am to make the Board's agenda for the following Tuesday. Items WILL NOT be placed on the Board agenda unless complete documentation is provided for mailing in the Board packets. (see reverse side for details)**

# AITKIN COUNTY ADMINISTRATION

**Aitkin County Courthouse**  
217 Second Street N.W. Room 130  
Aitkin, MN 56431  
218-927-7276  
Fax: 218-927-7374

**TO: Aitkin County Board of Commissioners**

**FROM: Patrick Wussow, Aitkin County Administrator**

**RE: Request for Hearing to Remove Dangerous Dog Designation-  
Dog Named Moby**

**DATE: June 27, 2012**

Attached you will find a request from Susan Andersen, 27044 State Hwy 18, Isle, MN to contest the designation of Dangerous Dog for her dog named Moby. Staff will mail the agenda and related packet information to Ms. Andersen.

Undersheriff Drahota and members of the Aitkin County Sheriff's Department will be at the hearing to present and answer any questions relating to their information contained as part of this packet.

The County Board will need to determine if the dog named Moby is dangerous as defined by Mn. Statute.

Please note that the complainant has been notified of the hearing and been invited to speak.



**SCOTT A. TURNER**  
**SHERIFF OF AITKIN COUNTY**

217 Second Street NW, Room 185  
Aitkin, MN 56431

Telephone: 218-927-2138  
Toll Free: 1-888-900-2138  
Fax: 218-927-7359

June 26, 2012

Paul Tinjum  
1670 Whitecloud Dr.  
Isle MN 56342

RE: Dangerous Dog hearing, ICR 12-2263.

Dear Mr. Tinjum,

On 6/20/2012, our office issued Sue Anderson a Dangerous Dog notice, which determined her dog, "Moby", to be a dangerous dog. This was based on the incident that occurred on 6/20/2012, in which Moby bit your son on the facial area.

As part of due process, the owner has requested a hearing on this matter to challenge/contest the Dangerous Dog determination. This letter is to inform you that a hearing date and time has been set before the Aitkin County Board, who is the hearing authority. The hearing date is Tuesday, July 3rd, 2012 at 9:30 a.m. in the Board Room of the Aitkin County Courthouse.

Your presence is not required but I encourage you to attend and provide personal input to the County Board in order to aid them in making their decision on this matter. Without personal input from the victim(s), the Board must rely upon testimony presented by the dog owner and the police report(s) and statement(s). I would ask that you contact me prior to the hearing date to let me know whether you plan on attending. I can be reached direct by calling 218-927-7423.

Sincerely,



John Drahota  
Undersheriff  
ACSO

**SCOTT A. TURNER**  
**SHERIFF OF AITKIN COUNTY**

217 Second Street NW, Room 185  
Aitkin, MN 56431

218-927-7435 Emergency 911  
Sheriff Fax 218-927-7359 / Dispatch Fax 218-927-6887  
TOLL FREE 1-888-900-2138

**MEMO**

TO: County Board Members

DATE: 6/26/12

FROM: Undersheriff John Drahota

RE: Dangerous Dog Notice

---

Please note that since the victim is a juvenile, his identification information has been redacted to comply with data privacy.

Aitkin County Sheriff's Office  
Animal Care and Control Program

Date: 6-22-12

ICR # D-2263

**DECLARATION OF OWNERSHIP AND REQUEST FOR HEARING**

I Certify that I am the owner or person claiming an interest in the animal(s) described on the Notice, and

- 1)  I request a hearing to contest the determination of a Potentially Dangerous or a Dangerous Dog.
- 2)  My animal has been impounded and I request a hearing for the determination of whether reasonable grounds for the impoundment exist.
- 3)  My animal has been impounded and I relinquish ownership of the impounded animal described on the Impoundment Notice to the Aitkin County Sheriff's Office for appropriate disposition by Animal Control. I hereby release the Aitkin County Sheriff's Office, its employees, agents and Animal Control employees and agents from any and all liability arising from the acceptance and disposition of the animal(s).

To the best of my knowledge the animal(s) has  , has not  (check one) bitten any persons or animals in the past fourteen (14) days.

SIGNATURE: Susan Andersen Date: 6-22-12

PRINTED NAME: Susan Andersen

ADDRESS: 27044 State Hwy B  
Blk, MN 56342

PHONE: HOME: 320-676-8511 WORK: 320-676-3232

DRIVER'S LICENSE #: R518161386014

**THIS NOTICE MUST BE RETURNED BY PERSONAL DELIVERY OR MAIL AND RECEIVED BY THE AITKIN COUNTY ADMINISTRATOR'S OFFICE WITHIN FOURTEEN (14) DAYS FROM THE DATE LISTED ABOVE TO RECEIVE A HEARING BEFORE THE ANIMAL CONTROL AUTHORITY.**

Aitkin County Administrator's Office  
217 2<sup>nd</sup> Street NW, RM# 130  
Aitkin, MN 56431  
Phone: 218-927-7276

Moby-dog's name

**JUN 22 2012**

ICR# D-2263

**AITKIN COUNTY SHERIFF'S OFFICE  
ANIMAL CARE AND CONTROL PROGRAM**

**NOTICE OF DETERMINATION**

**OF**

**DANGEROUS DOG**

TO: Name: Sue + Erik Andersen

Address: 27044 Hwy 18 ~~State~~ Isle 56342

Phone #: 320-676-8511

Your dog, a Kuvasz "Moby" 10yr old male white in color, has been determined to be  
(description)  
a dangerous dog within the meaning of Minnesota Statutes 347.50 Subd. 2.

A dangerous dog must be registered pursuant to Minnesota Statute 347.51. Failure to register said dog within 14 days of this Notice may result in confiscation pursuant to Minnesota Statute 347.54. Failure to provide the safeguards required by Minnesota Statutes 347.52 is a misdemeanor and may be punished by up to 90 days in jail and/or a fine of \$1000.00.

The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification pursuant to Minnesota Statute 347.515. The name of the microchip manufacturer and the identification number of the microchip must be provided to the animal control authority within 30 days of this notice. Failure to comply with the microchip requirement is a misdemeanor and may be punished by up to 90 days in jail and/or a fine of \$1000.00.

6/20/12  
Date

Sherrill Cook #218  
Deputy

I have read and understand the contents of this notice and acknowledge receipt of a copy thereof.

6/20/12  
Date

Sue Andersen  
Owner or Caretaker

Check if owner refused to sign

White Copy: County Auditor

Yellow Copy: Owner

Pink Copy: Deputy



**Aitkin County Sheriff's Office**  
 217 Second Street NW, Room 185  
 Aitkin, MN 56431  
 (218) 927-7435

**Incident Detail Report**

**Printed On: Mon, Jun 25, 2012**

<u>Case Number:</u> J2012002263	<u>NCIC:</u> MN0010000	Status: CAD Import	Status By:
Juvenile: Yes	Protected: No	Case Hold: No	Additional Reports: No
			Status Date Time: 06/21/2012 06:18

**Call For Service**

Date Reported: 6/20/2012 Wednesday 15:49      Date Committed Start: 6/20/2012 15:49      Date Committed End:

Received By: 339      How Received: CAD

Description: Animal Complaint      CAD Seq Nbr: ACSO:2012:2927

Event Type:      CAD Agency: Aitkin County

Case Status:      Case Disposition:

**Scene**

Location:

Business Name:

Low House Nbr: 27044      High House Nbr:      Community Code:

Street: STATE HWY 18

Unit Nbr/Type:      Intersection Street:

City/State/Zip: ISLE, MN 56342      Address:

LGN: 1007      GEO Code:      Weather Conditions:

Place Committed: 27044 STATE HWY 18, ISLE (280TH PL/)

**Officer Information**

<u>Officer</u>	<u>Dt/Tm Dispatched</u>	<u>Dt/Tm Assigned</u>	<u>Dt/Tm Arrived</u>	<u>Dt/Tm Cleared</u>	<u>Role</u>
218	6/20/2012 16:06		6/20/2012 20:27	6/20/2012 21:03	Primary

**Offense Detail**

ISN: 01      Offense Code: 7818      Literal: potentially dang dog/dang dog

Statute:      Status: Exceptionally cleared      Status Date: 06/20/2012      Criminal Activity:

Counts:      Larceny Type:      Campus Code:      Offense Level:

CAD Offense Code:      CAD Literal: Animal Complaint

   CAD Disposition: Cleared

Remark:

Disposition:

Aitkin County Sheriff's Office  
Case Number 2012002263 (MN0010000)

Incident Detail Report

Printed On: Mon, Jun 25, 2012

Associations

<b>Name:</b>		<b>Driver License:</b>		<b>Victim</b>
<b>Role:</b>	Victim			
<b>Phone:</b>		<b>DOB:</b>		<b>Resident:</b>
<b>Address:</b>	, , MN	<b>Age (Range):</b>	03	<b>Organization Type:</b>
<b>Sex:</b>	Male	<b>Race:</b>		<b>LGN:</b>
<b>Eye Color:</b>		<b>Hair Color:</b>		<b>Disability:</b>
		<b>Height:</b>		<b>Weight:</b>
<b>Name:</b>	<b>Onamia Hospital (Business)</b>	<b>Driver License:</b>		
<b>Role:</b>	Reported By			<b>Resident:</b>
<b>Phone:</b>	(320)532-2402			<b>Organization Type:</b>
<b>Address:</b>	, , MN			<b>LGN:</b>

Media

<u>Date</u>	<u>Identification</u>	<u>Narrative</u>
6/21/2012	12-2263	Notice of Determination of Dangerous Dog

Narrative

R: LGN 1007 Jenah form Onamia hospital reporting dog bite patient seen at their hospital  
R: per 218 owners were served dangerous dog papers



**Aitkin County Sheriff's Office**  
217 Second Street NW, Room 185  
Aitkin, MN 56431  
(218) 927-7435

2012002263 002 NTE 218 Report

**Supplemental Reports**

**Printed On: Mon, Jun 25, 2012**

Description: 218 Report      Sequence: 002      Report Date: 06/24/2012  
Case Number: 2012002263      N C I C: MN0010000      Off Cd: 7818      Report Type: Notes  
Officer: 218      Approval Process:      Secured: No  
CSI Status:      Status By:      Status Dt/Tm: 06/24/2012 02:03

Notes

**AITKIN COUNTY SHERIFF'S OFFICE  
INVESTIGATIVE REPORT**

INV. REPORT BY: Deputy Sheryl Cook #218      CASE # 12-2263

NATURE OF CASE: Dog bite

OFFICERS ASSISTING:

LOCATION : 27088 Hwy18 Isle

**SUMMARY:**

**PERSONS MENTIONED:**

REPORTING PARTY: Name/DOB: Onamia Hospital  
Address:  
Telephone (H/W): 320-532-2402

VICTIM:      Name/DOB:      Father Paul Lynn Tinjum  
Address: 1670 Whitecloud Drive, Isle, MN 56432  
Telephone (H/W): 763-226-4329

DOG OWNER:      Name/DOB: Eirik and Sue Anderson  
Address: 20044 Hwy 18, Isle, MN 56342  
Telephone (H/W): 320-676-8511

WITNESS:      Name/DOB: Jake Anderson  
Address: same as above

Aitkin County Sheriff's Office

Supplemental Reports

Printed On: Mon, Jun 25, 2012

Notes

Telephone (H/W):

MENTIONED: Name/DOB: East Central Veterinarians  
Address: 2004 Mahogany Street, Mora, MN 55051  
Telephone (H/W): 320-679-4197

WITNESS: Name/DOB: Anne Theresa Hummel 10/3/1969  
Address: 27088 Hwy 18, Isle, MN 56342  
Telephone (H/W): 320-676-1655

WITNESS: Name/DOB:  
Address:  
Telephone (H/W):

PROPERTY STOLEN:

DATE AND TIME OCCURRED: 6/21/2012 14:30 hours

TIME ARRIVED: TIME COMPLETED:

DETAILS:

On June 20, 2012, I, Deputy Sheryl Cook was notified of a dog bite. Onamia Hospital called at 15:49 hours stating they were notifying Aitkin County of the mandatory reporting for a dog bite. A young male, [redacted], was being treated for a severe bite to the face.

Dispatch gave me the phone number for [redacted] father, Paul. I called Paul and spoke with him. He stated they were on their way to Brainerd to have a plastic surgeon stitch [redacted] face. Onamia hospital was concerned there would be scarring since the bite was so deep and it needed multiple layers of stitches. I advised Paul I would have a Brainerd Officer go to the hospital so pictures could be taken. Paul said that [redacted] was at Anne Hummel's daycare when they received a call stating [redacted] had been bitten. [redacted] told his father that he went to pet a dog and it jumped up and bit him.

I called dispatch and had them call Brainerd Police Department to see if they could assist. Brainerd PD stated they would send an officer over to the hospital.

I then called Anne Hummel. She said that the dog belongs to a neighbor Eirik and Sue Anderson.



Notes

Their son Jake is friend's with her son and he came over on his ATV from his house. The dog, "Moby" followed Jake over. Her daughter and son were standing over next to Jake when the incident happened. She did not see the bite but saw [redacted] running toward the house. She was able to get a gauze pad placed on the bite and then called Paul Tinjum. I asked if either of her children had witnessed the incident. She had asked them and they did not see what happened but had been standing near the incident. A 6 year old girl did state she had petted the dog first and then [redacted] tried to pet him. She said the children were around the dog and the dog did not approach them.

I then called the dog owner, Sue Anderson. I advised her I would try and come down later that evening to see the dog. She said she was unaware that the dog had followed their son over and usually they try to keep the dog in the yard. She said the dog has never been aggressive before and has never bitten anyone. The dog is a 10 year old male Kuvasz. I advised her to keep the dog inside or in a kennel.

I was able to speak with Paul later that evening. He stated that [redacted] had 18 stitches in his face that were inside and outside of the skin. He said that there was a slight possibility of it scarring but said it should heal up okay.

Dispatch also advised me that Brainerd Officer Timothy Friis had called stating he had gone over to the hospital at 16:50 hours. He stated it was a laceration to the lower left side of [redacted] face that was approximately 1.5 inches long.

I then went to the Anderson residence to speak with Sue and Eirik. The dog was inside a kennel and appeared to be calm and friendly when I walked over to him. I noted he was an all white male dog. He was not aggressive toward me. I also took photographs of the dog.

I advised the Anderson's that since there was a severe bite that I determined that the papers I would serve them would be a Dangerous Dog Notification. I filled it out and Sue signed it. I then gave them a form for a hearing and the statues and explained it to them. I also advised them to keep the dog confined. They gave me the name of their Veterinarian and showed me the Rabies certification.

After I went to the Hummel residence. It is three driveways east of the Anderson's. Anne Hummel showed me where the incident occurred. It was on the side of the driveway in the grassy area. I also photographed this. Anne said the dog barked at one point but did not know if that was before or after the incident.

The next day I called East Central Veterinarian and was able to confirm the rabies shots were good through March 2013. The office was able to fax over the shot report to our office. I called Paul and advised him of this.

End of Report

EVIDENCE: Photographs

Notes

Deputy Sheryl Cook #218  
ACSO



**Aitkin County Sheriff's Office**  
217 Second Street NW, Room 185  
Aitkin, MN 56431  
(218) 927-7435

2012002263 003 NTE 711 Brainerd PD's supplement report

**Supplemental Reports**

**Printed On: Mon, Jun 25, 2012**

Description: 711 Brainerd PD's supplement report

Sequence: 003

Report Date: 06/25/2012

Case Number: 2012002263

N C I C: MN0010000

Off Cd: 7818

Report Type: Notes

Officer: 383

Approval Process:

Secured: No

CSI Status:

Status By:

Status Dt/Tm: 06/25/2012 08:16

**Notes**

----Subject: dog bite report

Supplemental Report

ICR:12007738 (Brainerd Police Department)

06-20-2012

Created By: Friis, Timothy

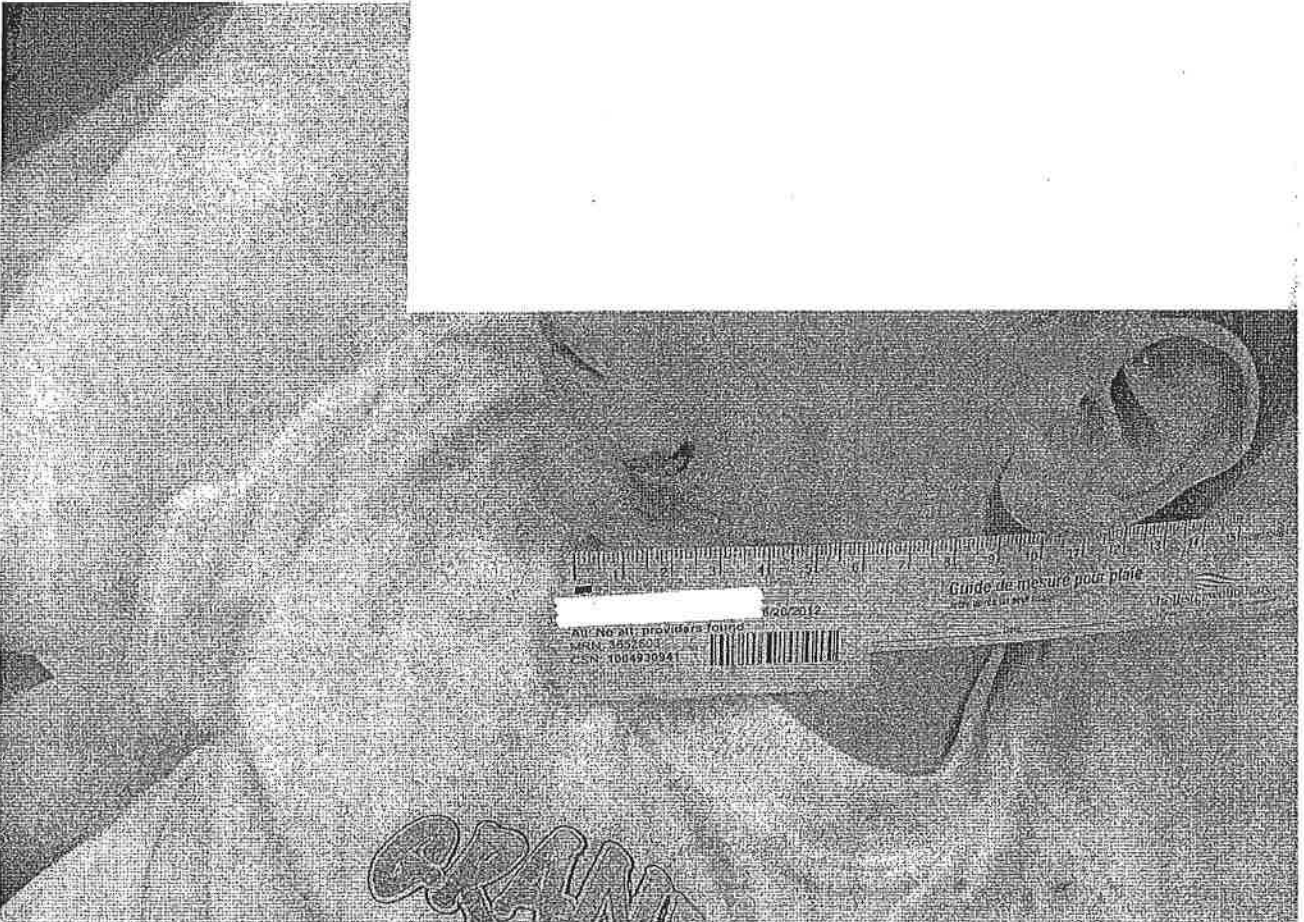
Last Modified By: Friis, Timothy

Title:711 report

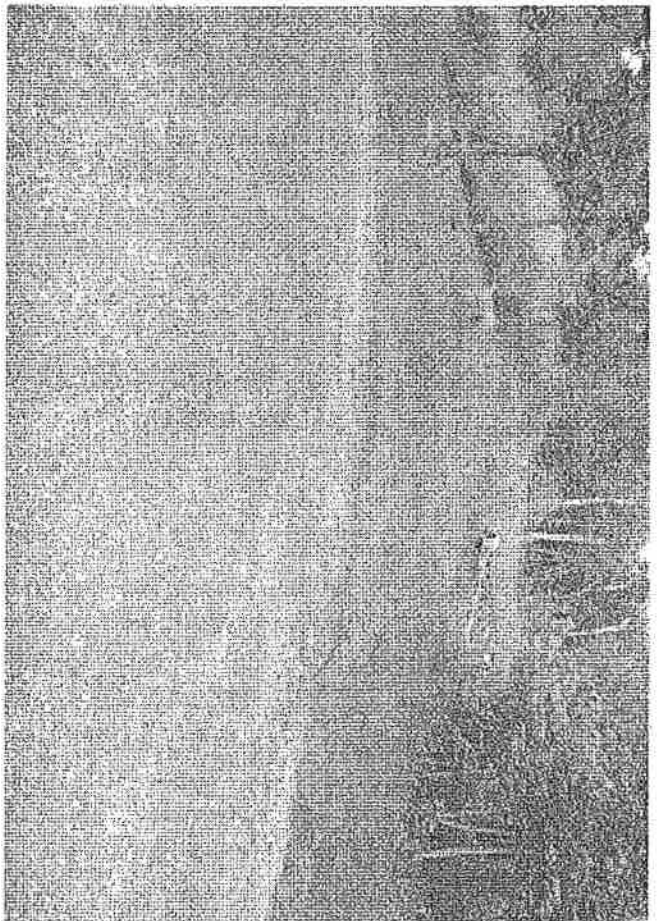
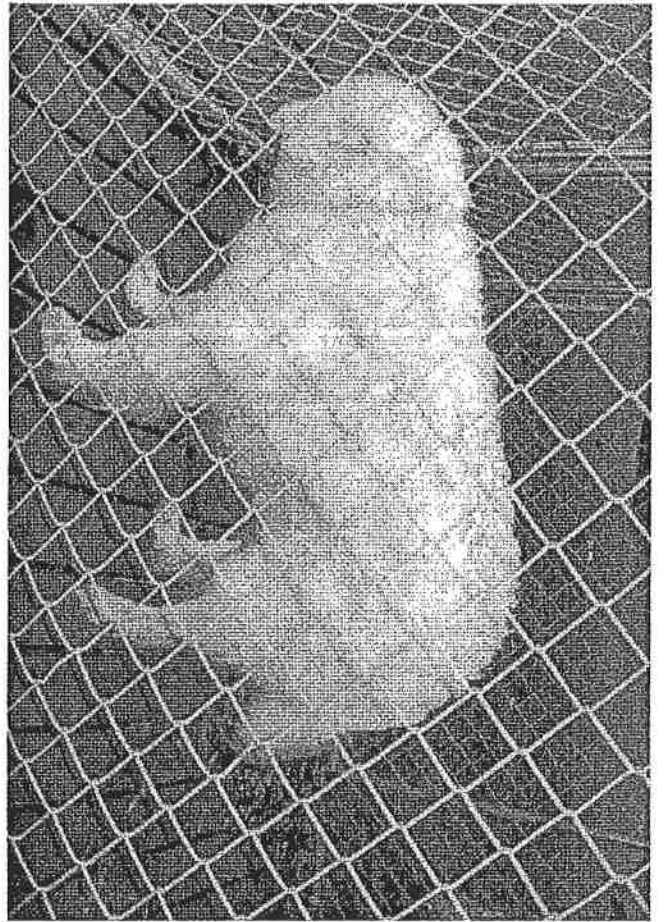
On 6-20-12, at approximately 1650 hours, Officer Friis was requested to assist Aitkin County Sheriff's Office with taking pictures of a three year old boy who suffered an injury to his face due to a dog bite. Officer Friis arrived at Essentia Health and met with Paul Tinjum, the father of . Officer Friis noticed ad a cut on the lower left side of his face, just below and to the left of his mouth. The cut was approximately 1.5 inches in length. Officer Friis took photographs of the injury and forwarded this information to Aitkin County Sheriff's Office.

Paul Tinjum stated to Friis that his son was walking in the yard of their daycare provider when a smaller white dog belonging to the neighbor of the daycare was in the vicinity. Pauls son, walked up to the dog to pet it when the white dog bit him on the left cheek area.

End







# 2011 Minnesota Statutes

## Regulation of Dangerous Dogs

### **347.50 DEFINITIONS.**

#### **Subdivision 1. Terms.**

For the purpose of sections 347.50 to 347.56, the terms defined in this section have the meanings given them.

#### **Subd. 2. Dangerous dog.**

"Dangerous dog" means any dog that has:

- (1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) killed a domestic animal without provocation while off the owner's property; or
- (3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

#### **Subd. 3. Potentially dangerous dog.**

"Potentially dangerous dog" means any dog that:

- (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (2) 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
- (3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

#### **Subd. 4. Proper enclosure.**

"Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. 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.

### **Subd. 5.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.

### **Subd. 6.Substantial bodily harm.**

"Substantial bodily harm" has the meaning given it under section 609.02, subdivision 7a.

### **Subd. 6a.Great bodily harm.**

"Great bodily harm" has the meaning given it under section 609.02, subdivision 8.

### **Subd. 7.Animal control authority.**

"Animal control authority" means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

### **Subd. 8. Provocation.**

"Provocation" means an act that an adult could reasonably expect may cause a dog to attack or bite.

### **History:**

1988 c 711 s 1; 1989 c 37 s 3-5; 1994 c 550 s 1; 1Sp2001 c 8 art 8 s 14,15; 2008 c 325 s 2

## **347.51 DANGEROUS DOGS; REGISTRATION.**

### **Subdivision 1.Requirement.**

No person may own a dangerous dog in this state unless the dog is registered as provided in this section.

### **Subd. 2. Registration.**

An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

- (1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children;
- (2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least \$300,000, payable to any person 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 \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;

(3) the owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and

(4) the owner has had microchip identification implanted in the dangerous dog as required under section 347.515.

### **Subd. 2a. Warning symbol.**

If an animal control authority issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision 2, the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The commissioner shall provide the number of copies of the warning symbol requested by the animal control authority and shall charge the animal control authority the actual cost of the warning symbols received. The animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

### **Subd. 3. Fee.**

The animal control authority may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

### **Subd. 3a. Dangerous dog designation review.**

Beginning six months after a dog is declared a dangerous dog, an owner may request annually that the animal control authority review the designation. 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. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog designation.

### **Subd. 4. Law enforcement; exemption.**

The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

### **Subd. 5. Exemption.**

Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:



- (1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
- (2) 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
- (3) who was committing or attempting to commit a crime.

### **Subd. 6.**

[Repealed, 1Sp2001 c 8 art 8 s 30]

### **Subd. 7. Tag.**

A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.

### **Subd. 8. Local ordinances.**

A statutory or home rule charter city, or a county, may not adopt an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed of the dog. Ordinances inconsistent with this subdivision are void.

### **Subd. 9. Contracted services.**

An animal control authority may contract with another political subdivision or other person to provide the services required under sections 347.50 to 347.565. Notwithstanding any contract entered into under this subdivision, all fees collected under sections 347.50 to 347.54 shall be paid to the animal control authority and all certificates of registration must be issued in the name of the animal control authority.

### **History:**

1988 c 711 s 2; 1989 c 37 s 6-10; 1991 c 195 s 1; 1994 c 550 s 2; 1997 c 187 art 3 s 32; 1Sp2001 c 8 art 8 s 16-18; 2008 c 325 s 3-7

## **347.515 MICROCHIP IDENTIFICATION.**

The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification, and 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, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

## **347.52 DANGEROUS DOGS; REQUIREMENTS.**

(a) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner 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.

(b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.

(c) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath 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 has been transferred or the address where the dog has been relocated.

(d) An animal control authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the dog and have it sterilized at the owner's expense.

(e) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

(f) A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

### **History:**

1988 c 711 s 3; 1Sp2001 c 8 art 8 s 20; 2008 c 325 s 8

## **347.53 POTENTIALLY DANGEROUS AND DANGEROUS DOGS.**

Any statutory or home rule charter city, or any county, may regulate potentially dangerous and dangerous dogs. Except as provided in section 347.51, subdivision 8, nothing in sections 347.50 to 347.565 limits any restrictions that the local jurisdictions may place on owners of potentially dangerous or dangerous dogs.

### **History:**

1988 c 711 s 4; 1989 c 37 s 11; 2008 c 325 s 9

## **347.54 CONFISCATION.**

### **Subdivision 1. Seizure.**

(a) The animal control authority having jurisdiction shall immediately seize any dangerous dog if:

(1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under section 347.51;

(2) after 14 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 section 347.51, subdivision 2;

(3) the dog is not maintained in the proper enclosure;

(4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 347.52; or

(5) the dog is not sterilized within 30 days, pursuant to section 347.52, paragraph (d).

(b) If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

### **Subd. 2.Reclaimed.**

A dangerous dog seized under subdivision 1 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements of sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under 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.

### **Subd. 3. Subsequent offenses; seizure.**

If a person has been convicted of a misdemeanor for violating a provision of section 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under section 35.71, subdivision 3.

### **History:**

1988 c 711 s 5; 1989 c 37 s 12; 2008 c 325 s 10,11

## **347.541 DISPOSITION OF SEIZED ANIMALS.**

### **Subdivision 1. Hearing.**

The owner of any dog declared dangerous has the right to a hearing by an impartial hearing officer.

### **Subd. 2. Security.**

A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of the seizure.

### **Subd. 3. Notice.**

The authority declaring the dog dangerous shall give notice of this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

- (1) a description of the seized dog; the authority for and purpose of the dangerous dog declaration and seizure; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is kept;
- (2) a statement that the owner of the dog may request a hearing concerning the dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this section;
- (3) a statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of section 347.52, paragraphs (a) and (c), and until such time as the hearing officer issues an opinion;
- (4) a statement that if the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of sections 347.51, 347.515, and 347.52;
- (5) a form to request a hearing under this subdivision; and
- (6) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

### **Subd. 4. Right to hearing.**

Any hearing must be held within 14 days of the request to determine the validity of the dangerous dog declaration. The hearing officer must be an impartial employee of the local government or an impartial person retained by the local government to conduct the

hearing. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.

## **History:**

2008 c 325 s 12

## **347.542 RESTRICTIONS.**

### **Subdivision 1. Dog ownership prohibited.**

Except as provided in subdivision 3, no person may own a dog if the person has:

- (1) been convicted of a third or subsequent violation of section 347.51, 347.515, or 347.52;
- (2) been convicted of a violation under section 609.205, clause (4);
- (3) been convicted of a gross misdemeanor under section 609.226, subdivision 1;
- (4) been convicted of a violation under section 609.226, subdivision 2; or
- (5) had a dog ordered destroyed under section 347.56 and been convicted of one or more violations of section 347.51, 346.515, 347.52, or 609.226, subdivision 2.

### **Subd. 2. Household members.**

If any member of a household is prohibited from owning a dog in subdivision 1, unless specifically approved with or without restrictions by an animal control authority, no person in the household is permitted to own a dog.

### **Subd. 3. Dog ownership prohibition review.**

Beginning three years after a conviction under subdivision 1 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 deems 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 limitations 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 state.

## **History:**

2008 c 325 s 13

### **347.55 PENALTY.**

- (a) A person who violates a provision of section 347.51, 347.515, or 347.52 is guilty of a misdemeanor.
- (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 or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.
- (c) A person who is convicted of a second or subsequent violation of paragraph (a) or (b) is guilty of a gross misdemeanor.
- (d) An owner who violates section 347.542, subdivision 1, is guilty of a gross misdemeanor.
- (e) Any household member who knowingly violates section 347.542, subdivision 2, is guilty of a gross misdemeanor.

## **History:**

1988 c 711 s 7; 1Sp2001 c 8 art 8 s 21; 2008 c 325 s 14

### **347.56 DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.**

#### **Subdivision 1. Circumstances.**

Notwithstanding sections 347.51 to 347.55, a dog may be destroyed in a proper and humane manner by the animal control authority if the dog:

- (1) inflicted substantial or great bodily harm on a human on public or private property without provocation;
- (2) inflicted multiple bites on a human on public or private property without provocation;
- (3) bit multiple human victims on public or private property in the same attack without provocation; or
- (4) bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

## **Subd. 2. Hearing.**

The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker. The definitions in section 347.50 and the exemptions under section 347.51, subdivision 5, apply to this section.

### **History:**

1Sp2001 c 8 art 8 s 22; 2008 c 325 s 15

## **347.565 APPLICABILITY.**

Sections 347.50 to 347.56 must be enforced by animal control authorities or law enforcement agencies, whether or not these sections have been adopted into local ordinance.

### **History:**

2008 c 325 s 16

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: June 27, 2012

Via: Patrick Wussow, County Administrator

From: Terry Neff, Environmental Services Director

Title of Item:

Resolution to Temporarily Suspend Excavation and Fill Threshold

Requested Meeting Date: July 3, 2012 Estimated Presentation Time: 5 minutes

Presenter: Terry Neff

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes N/A No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No

_____ HR Review
--------------------

**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**



# Aitkin County Environmental Services Planning and Zoning

209 Second Street NW, Rm 100

Aitkin, MN 56431

Phone: 218-927-7342 Fax: 218-927-4372



## MEMORANDUM

**DATE:** June 27, 2012  
**TO:** Aitkin County Board of Commissioners  
**FROM:** Terry Neff, Environmental Services Director  
**RE:** Proposed Resolution for Erosion Control

Enclosed is a copy of proposed resolution to temporarily suspend the requirements of Section 5.32,D,(1) of the Aitkin County Shoreland Management Ordinance, which limits the amount of excavation and placement of material within steep slopes and shore and bluff impact zones to 30 cubic yards. This temporary suspension will be needed to reduce the need for variances, which take 4 to 5 weeks to process, and allow land owners who have been effected by the rain and flooding to quickly repair the shorelines and reduce the potential for negative water quality impacts.

At the July 3, 2012, Aitkin County Board of Commissioners meeting, I will be requesting approval and adoption of the proposed resolution.

If you have any questions prior to the meeting, or wish to discuss this in further detail, please contact me at 218-927-7342 or by e-mail at [tneff@co.aitkin.mn.us](mailto:tneff@co.aitkin.mn.us).

enclosures

c:\ctybrd\ctybrd2012

**CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA**

ADOPTED July 3, 2012

By Commissioner: xx

**070312-0xx**

**Temporary Variance Suspension**

**WHEREAS**, on June 22, 2012, the Aitkin County Board of Commissioners declared a local emergency due to extensive flooding from recent rain event, and

**WHEREAS**, many riparian properties have experienced extensive erosion within steep slopes and shore and bluff impact zones, and

**WHEREAS**, many riparian properties will require more than 30 cubic yards of excavation or placement of material within steep slopes and shore and bluff impact zones to reclaim the property to pre-erosion conditions, and

**WHEREAS**, the Aitkin County Board of Commissioners have adopted a Shoreland Management Ordinance which contains provisions to regulate the use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources, and

**WHEREAS**, Section 5.32,D,(1) of the Aitkin County Shoreland Management Ordinance limits the amount of excavation and placement of material within steep slopes and shore and bluff impact zones to 30 cubic yards and within an existing or proposed recreational use area or access path, and

**WHEREAS**, the declared local emergency from the recent rain and flooding events is a rare event that is an act of nature and not created or caused by any individual property owner.

**THEREFORE**, in order to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources, riparian property owners who have sustained erosion within steep slopes and shore and bluff impact zones may need to exceed the 30 cubic yards of excavation and placement of material to reclaim or restore the property to pre-erosion conditions.

**BE IT RESOLVED**, that the Aitkin County Board of Commissioners temporarily suspends the 30 cubic yard maximum amount of excavation and fill within steep slopes and shore and bluff impact zones until December 31, 2012.

Commissioner xx moved the adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT

All Members Voting Yes

STATE OF MINNESOTA)  
County of Aitkin ) ss.  
Office of County Auditor,)

I, Kirk Peysar, Auditor, of the County of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 3<sup>rd</sup> day of July A.D., 2012, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 3<sup>rd</sup> day of July A.D., 2012

KIRK PEYSAR, County Auditor

BY \_\_\_\_\_, Deputy

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 6-28-12

Via: Patrick Wussow, County Administrator

From: Patrick Wussow, County Administrator

Title of Item:

Temporary 300' No Wake Zone on Certain Lakes in Aitkin County

Requested Meeting Date: 7-3-12 Estimated Presentation Time: \_\_\_\_\_

Presenter: Patrick Wussow, County Administrator

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
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- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

# AITKIN COUNTY ADMINISTRATION

**Aitkin County Courthouse**  
217 Second Street N.W. Room 130  
Aitkin, MN 56431  
218-927-7276  
Fax: 218-927-7374

**TO: Aitkin County Board of Commissioners**

**FROM: Patrick Wussow, Aitkin County Administrator; Terry Neff, Environmental Services Director; John Welle, County Engineer; Rich Courtemanche, Assistant Land Commissioner; Steve Hughes, SWCD District Manager**

**RE: Temporary 300' No-wake Zone on Certain Lakes in Aitkin County**

**DATE: June 28, 2012**

Due to recent heavy rains Aitkin County has experienced flooding. Subsequently, the County Board has passed resolutions declaring an emergency situation and is seeking State and Federal assistance. Additionally, the County Board has approved no-wake zones on all lakes in Aitkin County due to elevated lake levels and flooding conditions.

At the County Board meeting on June 26<sup>th</sup> the Board stated they would like to review the decisions relating to no wake zones and how the lakes in the County are receding.

Staff identified the need to have restrictions in place for some of our area lakes that have been severely impacted by the flooding that has occurred. The no-wake restrictions that have been enacted on these severely impacted lakes are justifiable not only from an environmental perspective, but from a public safety perspective as well due to the floating debris. Staff discussed alternatives including possible removal of no-wake zones on small lakes, and placing no-wake restrictions within 300 feet of the shoreline, rather than the entire lake. Lonnie Thomas from the DNR has reviewed the proposed policy and concurs.

With all of this in mind, as part of the recommendation process staff recommends the attached resolution. In summary, a 300' no wake restriction will be placed on the larger lakes in Aitkin County. These lakes are identified in our Shoreland Ordinance as RD Recreational Development, and GD General Development Lakes, as shown in the resolution.

For example, Lone Lake is a Recreational Development Lake that would have been included in the 300' no wake zone limit. However, it has an OHW of 1,264.90 and the

current lake level is 1,264.35. Because Lone Lake is about half a foot below the OHW, that lake would not have any wake restrictions.

At Tuesday's Board meeting staff will present alternatives for obtaining the OHW and removal of 300' no wake signs. Additionally, we are coordinating staff for the installation of these new signs and removal of the signs already up. With the emergency situation staff and volunteers are spread thin.

Please contact me with any questions.

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED July 3, 2012

By Commissioner: xx

070312-0xx

**Temporary Aitkin County Lakes Slow-No Wake Zone**

**WHEREAS**, due to extraordinary weather conditions, including excessive rainfall during June of 2012, record high water elevations prevail on all Aitkin County lakes, and

**WHEREAS**, wave action from wind and watercraft has and will exacerbate shoreline erosion and cause damage to real and personal property, and

**WHEREAS**, high water levels coupled with increased wave action have led to the inundation of low-lying yards and structures, and

**WHEREAS**, in an effort to protect property and limit environmental damage to lakes from shoreline erosion where the County can and may exert some control, the County Board of Commissioners enacts this 3<sup>rd</sup> day of July, 2012, the following Temporary Special Controls to Section 5 Regulations of the Watercraft Ordinance.

**NOW THEREFORE, BE IT RESOLVED**, that no person shall operate a watercraft at greater than slow-no wake speed for a distance of 300' from the shore line on the following lakes:

Lake Name	Township
Aitkin	Turner
Ball Bluff	Cornish
Big Pine	Wagner
Cedar	Farm Island
Clear	Glen
Dam	Glen
Diamond	Farm Island
Elm Island	Nordland
Esquagamah	Waukenabo
Farm Island	Hazelton
Fleming	Fleming
Glacier	Turner
Gun	Fleming
Hammal – (Bass)	Farm Island
Hanging Kettle	Farm Island
Hickory	Farm Island
Hill Lake	Hill Lake
Horseshow	Shamrock
Island	Haugen
Jenkins	Fleming
Long	Glen
Minnewawa	Shamrock
Moulton	Unorg. 49-27
Nord	Nordland
Pine	Wagner
Pine, Big	Hazelton

Pine, Little	Farm Island
Rabbit	Glen
Rat	Workman
Ripple	Nordland
Rock	Jevne
Round	Haugen
Round	Waukenabo
Round	Hazelton
Sandy River	Workman
Section 10 (Wladimiraf)	Nordland
Section 12	Nordland
Sissabagamah	Nordland
Spirit	Farm Island
Sugar	Malmo
Sunset	Farm Island
Tame Fish	Hazelton
Thornton (Thorton)	Farm Island
Townline	Farm Island
Vanduse	Ball Bluff
Waukenabo	Waukenabo
Wilkins	Fleming

- i. The 300' no wake zone is in effect until the lake water elevation is 12" or less above that lake's Ordinary High Water (OHW) mark
- ii. This Resolution does not affect resolution 060112-052 as identified for Big Sandy Lake and the associated area.
- iii. The no wake restrictions for all other lakes in Aitkin County are lifted.

Commissioner xx moved the adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT

All Members Voting Yes

STATE OF MINNESOTA)  
 County of Aitkin ) ss.  
 Office of County Auditor,)

I, Kirk Peysar, Auditor, of the County of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 3<sup>rd</sup> day of July A.D., 2012, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 3<sup>rd</sup> day of July A.D., 2012

KIRK PEYSAR, County Auditor

BY \_\_\_\_\_, Deputy

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 6/27/2012

Via: Patrick Wussow, County Administrator

From: Bobbie Danielson, HR Manager *Bobbie Danielson*

Title of Item:  
Personnel Committee Recommendations

Requested Meeting Date: 7/3/2012 Estimated Presentation Time: \_\_\_\_\_

Presenter: Patrick Wussow or Bobbie Danielson

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
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- Is this item in the current approved budget? Yes  No \_\_\_\_\_ (attach explanation)
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- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
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- Other supporting document(s) (please list) \_\_\_\_\_

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# AITKIN COUNTY HUMAN RESOURCES

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**Bobbie Danielson, HR Manager**  
bobbie.danielson@co.aitkin.mn.us  
**Nicole Visnovec, HR Specialist**  
nicole.visnovec@co.aitkin.mn.us

Phone 218-927-7306  
Job Hotline 218-927-7393  
Fax 218-927-7374  
www.co.aitkin.mn.us

To: County Commissioners  
From: Bobbie Danielson, HR Manager   
Date: June 27, 2012  
Subject: Personnel Committee Recommendations – Consent Agenda

The Personnel Committee met on June 26, 2012, and unanimously recommends refilling the following position:

**HHS Department**

1 full-time Public Health Nurse, Grade L, wage range \$19.00 - \$34.30/hour. This is a budgeted position, previously held by Kathy Carlson. Her last day was 6/8/2012.

If you have any questions or concerns prior to the meeting, please feel free to contact me or Patrick. Tom Burke will also be available at the board meeting to answer questions.

# Aitkin County Health & Human Services

204 First St. NW  
AITKIN, MINNESOTA 56431  
PHONE 1-800-328-3744 or 1-218-927-7200 - FAX # 927-7210

DATE: June 13, 2012  
TO: Aitkin County Personnel Committee  
FROM: Tom Burke, Director  
RE: Request to Fill Public Health Nurse Position

Due to a recent resignation, we have an open full time Public Health Nurse position in Home and Community Based Services (HCBS). This case load works primarily with maintaining seniors in their own homes. This is the area of our business in which we continue to expect the largest rise in need in the future.

I have attached a position description for review. In addition to the listed duties I feel it is important to note, this position must assist with flu clinics, immunizations, emergency preparedness, community education, and disease prevention and control. We are already down a .5 nurse position of a full complement of 5 we have historically maintained. We would be inadequately staffed to cover emergencies or other staff absences if we did not fill this position.

I would also note that within the last several years, the Minnesota Department of Human Services has begun the process of evaluating and assuring that the program areas they oversee are managed and implemented in the most efficient and cost effective manner possible. This has resulted in an ever changing and complex delivery system that has shifted and impacted our work at a county level. This has increased demand for accountability and quality assurance. Specifically, the HCBS unit has experienced an increase in the amount of paperwork mandated, provider over site, contract management and client interaction. The intensified work load is tied to financial support from the DHS and is monitored and tracked on our State computer system for reimbursement purposes. If we do not draw down revenues through this process, costs for completing these essential and mandated services, would need to be covered by county dollars

Despite the complexities, the efficiencies and effectiveness of our staff has led to positive results in all of our audits and reviews in HCBS. Due to proper staffing ratios this unit area has demonstrated competency in all programmatic functions and mandates according to DHS and contracted health care providers. This results in meeting our primary goal of providing a high level of care for the county consumers whom we serve. Our present complement of staffing allows us to maximize revenue generation.

### HCBS Nurse Position - Full Time Replacement

**Current Wage Expense**

**Projected Replacement Expense**

	Current	Current		Step 2	Step 2	
Position	2012 Salary	2012 Fringe		2012 Salary	2012 Fringe	
Public Health	\$51,937.60	\$8,500.00	Health	\$43,305.60	\$8,500.00	Health
		\$3,220.13	FICA		\$2,684.95	FICA
<b>Monthly</b>	<b>\$4,390.89</b>	\$753.10	Medicare		\$627.93	Medicare
		\$73.20	Life		\$73.20	Life
		\$3,765.48	PERA		\$3,139.66	PERA
	\$51,937.60	\$16,311.90		\$43,305.60	\$15,025.73	
<b>Total Staff Expense:</b>		<b>\$68,249.50</b>			<b>\$58,331.33</b>	
<b>Savings:</b>	<b>\$9,918.17</b>					

### Projected Revenues

PH Nurse		
Case Mgmt \$	\$56,760.00	**EW/AC/MSHO/MSC+ = 50 Hours per Mo.
	<u>\$32,745.60</u>	**CADI/CAC/BI = 30 Hours per Mo.
<b>Total Revenues</b>	<b>\$89,505.60</b>	

Projected Total Revenues	89,505.60
Projected Step 2 Expenditures	<u>58,331.33</u>
	+ 31,174.27

Based on the information provided, I would request permission to fill the current budgeted full time position of PHN for the HCBS unit.

I should also note that Health and Human Services has the following positions unfilled:  
 2 Full time social workers, part time nurse, part time CSP worker

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 6-27-12

Via: Patrick Wussow, County Administrator

From: Kirk Peysar, County Auditor

Title of Item:

Aitkin County Fair Update

Requested Meeting Date: 7-3-12 Estimated Presentation Time: \_\_\_\_\_

Presenter: Kirk Peysar and Jim Bright, County Fair Board

**Type of Action Requested** (check all that apply)

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