

Legal SCENE

By Ron Hocevar
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District Court in a COVID world

District Court in a COVID world has been interesting and challenging. From the very beginning of the COVID shutdown, the Scott County Courthouse has been closed and only essential hearings are being conducted. Minnesota Supreme Court Chief Justice Lorie S. Gildea has issued several orders regarding how court is to be conducted. Her latest order, dated May 1, 2020, extended the limited access to courthouses until May 18, 2020. Remote or virtual technology is authorized and is being used by this office to conduct hearings. Courts are using ITV, WebEx, Zoom, Virtual Courtrooms, and phone bridges. All jury trials have been suspended, and are authorized to begin only after June 1, 2020, at the earliest. Individuals who must participate in remote hearings and individuals who wish to access a remote hearing can go to <http://mncourts.gov/remote-hearings> to obtain information on how to do so.

We continue to be open on a limited basis for in-person hearings that need to be held in a courtroom. In Scott County, our in-person hearings are held in the Law Enforcement Center. Almost all in-person hearings are for those who are being held in custody on new charges, pending sentencing, arrested on warrants, and for probation violations. Where a victim or other party has the right to be heard, we have those individuals call in to the courtroom to speak with the judge on a speaker phone. Our Treatment Court and Veteran's Court continue to operate and are being handled almost exclusively using technology. Scott County District Court continues to accept filings in all case types, and self-help services continue to be conducted by phone or email. Scott County District Court information can be found at <http://www.mncourts.gov/Emergency.aspx>.

It is anticipated that Scott County will have one of the first jury trials in the state when trials resume in June. Guidelines for these proceedings are currently being established to provide for the safety of everyone participating.

Once we get the go-ahead to open the courthouse, many items are being taken into consideration to provide for a safe atmosphere. There will likely be directives regarding social distancing and occupancy in a courtroom. One possibility is conducting the large first appearance calendar via Zoom. Letters would be sent directly to defendants, asking them (if need be) to apply for a public defender in advance, and provide them a link to join the court through Zoom. Other considerations are to have specific times set for each individual that is required to appear in court. That should decrease the number of people waiting in the hallways and conference rooms for their cases to be called.

Although this article will come out after of these timeframes mentioned, I don't expect things to be changing a great deal from a District Court perspective -- even if the Governor opens everything. I am sure the directive will be to provide for social distancing, to still provide and encourage the use of technological participation when appropriate, and to provide for the safety and comfort of all who enter the facility. It is going to take some time for the court system to become safely functional, catch up on what has been continued since the shutdown, while still handling all the new files that come into the system.

It is the County Attorney's Office goal to ensure that all individuals who participate in our court system are doing so safely. If you have questions or concerns about a matter in which this office is involved, please call us at (952) 496-8240.



High water levels on McMahon Lake have resulted in the a "no wake" restriction.

"No wake" restriction in effect on McMahon (Carl's) Lake

If you've driven to McMahon Lake in the last few years, you should have noticed a red and white *No Wake* sign posted at the public access. McMahon water levels are very high for this landlocked lake. It has been under its current no wake restriction since June 2017 due to high waters. When you see the sign, please be respectful of shoreland property by operating your boat at a slow, no wake speed limit of five miles per hour within 150 feet of the shoreline

at all times. Boat wakes cause damage and erosion along the shoreline during high waters.

The Scott County Board Resolution 2014-095 adopted Surface Water Use Ordinance 30, June 3, 2014. Violation of this ordinance is a misdemeanor punishable by a fine of up to \$500. For more information, look for the ordinance on the County website at www.scottcountymn.gov or call (952) 496-8875.

Thank you for your cooperation!

County plans for watercraft inspections this summer

If you're an angler, boater, wildlife watcher, or hunter, we need your help in preventing the spread of aquatic invasive species (AIS). Help us protect our lakes in Scott County by understanding the threat, taking responsibility, and working together to preserve our waters.

This summer, Scott County is contracting with Waterfront Restoration, LLC to provide watercraft inspections on Cedar, McMahon (Carl's), O'Dowd, and Thole Lake accesses. In partnership with the Minnesota Department of Natural Resources (DNR), Waterfront Restorations will perform DNR certified Level I inspections on certain days of the week, with the DNR performing inspections on other days. Inspections on Spring, Lower, and Upper Prior Lake will be performed, with decontamination equipment on Prior Lake only. Yet due to the COVID-19 pandemic, the start date for the inspections and decontamination may be delayed.

The goal of the increased inspections is to prevent the spread of invasive species into our lakes through boater education, watercraft inspections, and watercraft decontamination at public water accesses. Inspectors can visually and physically inspect water-related equipment, including the removal, drainage, decontamination, or treatment of water-related equipment to prevent the transportation of AIS. Inspectors can prohibit the launching or operation of water-related equipment if a person refuses to allow an inspection or doesn't

remove water or AIS. Additionally, inspectors can require a watercraft to be decontaminated prior to launching into Minnesota waters.

Inspectors are not law enforcement officers, and are looking for AIS only. They will be looking in areas of the boat that could contain water, or come in contact with water, for possible AIS. Most inspections are quick and can be completed in less than three minutes; however, if a decontamination is required, boaters will be delayed. Only boats with obvious signs of aquatic nuisance species, plants, mud, debris, higher risk standing water, or that have been moored for three or more days will be required to be decontaminated.

Two lake service providers in Scott County offer high pressure cleaning of watercraft: One Choice Detailing in Lakeville (in Credit River Township) and Bricks Boatworks in Shakopee.

We are asking for your help and cooperation with the inspectors with season to follow the law and take precautions to make sure you are not transporting AIS to one of our lakes.

While you're waiting at the boat launch, please remember to practice social distancing to keep yourself and everyone around you safe and healthy. Leave space between yourself and the next person in front of you. Also, remember to continue social distancing practices when you finally make it onto the lake or are fishing from the shore.

Become an Aquatic Invasive Species (AIS) detector

Do you live on a lake and have a desire to learn about aquatic invasive plants (AIS)? There's an opportunity to join a network of citizen scientists and learn how to identify and report aquatic invasive species to help protect your lake. This is a fun and engaging way to improve your AIS knowledge.

What you'll do:

- Help Scott County and the Minnesota Department of Natural Resources (DNR) by responding to reports of AIS and weeding out false positives.
- Be on the lookout for new AIS infestations.
- Provide helpful outreach to others in your community.

Ideal for:

- Lake association members and Master Naturalists.
- Motivated adults 18 years and older.
- Anyone who has a desire to learn about AIS.

How it works:

Sign up for aerial seeding

If you happened to look to the sky late last September to see planes flying over crop fields, you probably caught a glimpse of cover crop aerial seedings.

The Scott SWCD partnered with a local aerial applicator to seed cover crops onto local farmers' fields, and they will be continuing that program this year for the third time. The seed was dropped over 332 acres three to four weeks before harvest, giving it time to germinate and grow before winter set in. The cooperation among the Scott SWCD, Le Sueur SWCD, and participating farmers

made the effort last year successful.

If you're interested in aerial seeding cover crops on your fields this year, contact Scott SWCD Ag Program Specialist Diann Korbel at (952) 492-5414 or dkorbel@scottswcd.org. Requests must be made before Aug. 1 to ensure you are put on the seeding list. The Scott SWCD will not only help you schedule your seeding, they will also help you design and implement your entire cover crop plan. Financial incentives may be available as well.