

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
MAY 17, 2005

The Washington County Board of Commissioners met in regular session at 9:00 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Pulkrabek, Kriesel, Peterson, Stafford and Hegberg. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; Linda Krafthefer, Assistant County Attorney; Don Theisen, Director of Transportation and Physical Development; Jim Luger, Parks Director; Carolyn Phelps, Historic Courthouse Coordinator; Michael Welling, Surveyor; Ann Pung-Terwedo, Senior Planner; Kevin Corbid, Director of Assessment, Taxpayer Services and Elections; Bogdan Filipescu, Assessment, Taxpayer Services and Elections; Rebecca Ault, Assessment, Taxpayer Services and Elections; Kay McAloney, Human Resources Director; Lowell Johnson, Director of Public Health and Environment; Jeff Travis, Program Manger; and David Brierley, Public Information Coordinator.

The Board recited the Pledge of Allegiance.

The Board held a moment of silence for slain St. Paul Police Officer, Sergeant Gerald Vick who was a former resident of Afton.

DISABLED VETERANS REST CAMP

The Board Chair introduced Senator Michelle Bachman and Don Driggans, member of the Disabled Veterans Rest Camp Board.

Commissioner Hegberg moved to adopt **Resolution No. 2005-080** as follows:

2005 Minnesota Laws Chapter 43

WHEREAS, the 2005 Minnesota Legislature enacted 2005 Minnesota Laws Chapter 43 which is special legislation for the Disabled Veterans Rest Camp on Big Marine Lake providing a property tax exemption, establishing a limitation on condemnation, making the camp a legal conforming use for purposes of zoning controls, giving Washington County right of first refusal, exclusion from the regional recreational open space system, ingress and egress controls and camp requirements including development and promotion of the camp to veterans who are disabled, and requiring regular rotation of campsites, cabins and parking spots; and

WHEREAS, Minn. Stat. § 645.021, subd. 2 requires a County Board resolution approving the special law in order for it to be effective; and

WHEREAS, the Washington County Board of Commissioners desires to enable this special legislation.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners grants its approval of 2005 Minn. Laws Chapter 43.

BE IT FURTHER RESOLVED, that pursuant to Minn. Stat. § 645.021, subd. 3 and the requirements of the Special legislation, the County Administrator shall file with the Secretary of State a certificate validating approval of the Special legislation.

Commissioner Kriesel seconded the motion and it was adopted unanimously.

COMMENTS FROM THE PUBLIC

Jeff O'Brien, Attorney for Cheryl Hilyar, addressed Item 6 on today's agenda. He has submitted to the Director of Assessment, Taxpayer Services and Elections, Kevin Corbid, a repurchase application for Robert Beale. This is an alternative to the pending resolutions. Ms. Hilyar will assign her purchase rights to Mr. Beale. Mr. Beale would then do the abatement work by either remodeling the house or demolish it. Then he would sell the property with Ms. Hilyar getting a portion of the sales proceeds for payment of her assignment of the repurchase right from Mr. Beale. This way the cleanup would be affected, Ms. Hilyar would get some money out of it and there would either be a rehabilitated house or vacant lot on the site. This application was submitted to the Finance Committee and he understands that the Finance Committee was hesitant on some aspects of the proposal. After further discussion with Mr. Corbid, they suggested removing the remodeling option completely from the proposal and the demolition of the structure would be a pre-ordained conclusion. Ms. Hilyar was not emotionally ready to commit to that, but she will explain why. She will also explain that she has no interest or ability to repurchase this property, ever. He asked that the Board consider the Beale repurchase application basically leaving the decision up to Mr. Beale as to whether or not after the abatement work is complete whether or not he feels it is in his best interest to remodel the existing structure or demolish the structure completely and have a vacant lot listed for sale.

Cheryl Hilyar stated she would like to cooperate with the County Board and would like the Board to be happy. She believes that if Robert Beale were to purchase the property with the abatement in place that he could properly make a decision as to whether the house should be rehabilitated or demolished and rebuilt. She believes if the house were rehabbed it would have a value of upwards of \$400,000 on that beautiful acre lot. If there was no house, she believes it would be from \$100,000 to \$150,000. She has not confided her problems to her friends and family; however, she has now shared with them and has gotten their support. She always thought that she should be able to conquer problems on her own; however, she is not financially stable enough and not strong enough to do that. Her intentions would be to eventually leave the State of Minnesota and live with a sister in Arizona or a brother in Atlanta. The reason she would like to see the house rebuilt is not only the financial interest she might appreciate after, but she would like to take her grandchildren by that house someday and say this is where your mother and dad grew up. She has faith in the Board's decision and appreciates the Board working with her, her attorney and Mr. Beale. She is interested in doing what she can to rectify the problems that overwhelmed her. She would like to get things back on track and with the Board's help and decisions.

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CONSENT CALENDAR

Commissioner Pulkrabek moved, seconded by Commissioner Stafford to adopt the following Consent Calendar:

1. Approval of the May 3, 2005 Board meeting minutes.
2. Approval of a Memorandum of Agreement between the City of Oakdale and Washington County for administration of an Edward Byrne Memorial Justice Assistant Grant.
3. Bids were received for 2005 overlay construction as follows:

<u>Vendor</u>	<u>Alternate A</u>	<u>Alternate B</u>
Tower Asphalt, Inc.	\$1,050,449.10	No Bid
North Valley, Inc.	1,073,474.69	No Bid

Adoption of **Resolution No. 2005-081** as follows:

Bid Award for 2005 Bituminous Road Overlays
to Tower Asphalt, Inc.

WHEREAS, in order to complete road maintenance construction on county roads, the county solicited bids for this project; and

WHEREAS, bids were opened on May 11, 2005 with Tower Asphalt, Inc. being the lowest responsible bidder; and

WHEREAS, no bids were received for Alternate B, the ground asphalt shingle mixture with the bituminous material, therefore, Alternate A, the standard bituminous mixture for road overlays was selected for the bid award; and

NOW, THEREFORE, BE IT RESOLVED, that the bid of Tower Asphalt, Inc. be accepted and the county enter into a contract with Tower Asphalt, Inc. under the terms and conditions set forth in the bid specification documents; and

BE IT FURTHER RESOLVED, that the contract between the county and Tower Asphalt, Inc. be executed through the signatures of the Chair of the Washington County Board of Commissioners and the Washington County Administrator without further action of the County Board conditioned upon compliance with all bid specifications requirements and approval as to form by the Washington County Attorney’s office.

The foregoing Consent Calendar was adopted unanimously.

TRANSPORTATION AND PHYSICAL DEVELOPMENT

Commissioner Kriesel moved to adopt **Resolution No. 2005-082** as follows:

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Acceptance of a Grant from the Margaret River Fund
for the Historic Courthouse

WHEREAS, the Margaret Rivers Fund has grant funds available for repair projects; and

WHEREAS, the Historic Courthouse seeks funding for a wireless fire alarm panel.

BE IT RESOLVED that Washington County agrees to accept a grant from the Margaret Rivers Fund in the amount of \$25,000 for the wireless fire alarm panel and that the county has the institutional, managerial and financial capability to ensure that all aspects of the proposed project will be completed.

NOW BE IT FURTHER RESOLVED, that Carolyn Phelps, Parks Coordinator-Historic Courthouse, is hereby authorized to execute the grant agreement as necessary to implement the project on behalf of Washington County.

Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

ASSESSMENT, TAXPAYER SERVICES AND ELECTIONS

Kevin Corbid, Director of Assessment, Taxpayer Services and Elections, indicated the following matter came before the Board of May 3, 2005 related to property located at 8961 37th Street North in Lake Elmo. The Board tabled action on this matter to allow further negotiations.

Commissioner Hegberg moved to remove from table the following resolutions related to tax forfeited property located at 8961 37th Street North in Lake Elmo: 1) Resolution denying the original repurchase application; 2) Resolution authorizing the demolition of the property; and 3) Resolution related to personal property. Commissioner Peterson seconded the motion and it was adopted unanimously.

Mr. Corbid reviewed the three resolutions presented on May 3, 2005. He presented a second document authorizing the repurchase of the property. This information was presented to the Finance Committee on May 10, 2005. The first page outlines the procedure that was requested by Mr. Beale and Mr. O'Brien on behalf of Ms. Hilyar. On the bottom of the second page is the assignment from Ms. Hilyar to Mr. Beale which includes: Requirement that Ms. Hilyar turn over to Mr. Beale the \$12,000 which she will get back from the county as part of the denial of her application; Mr. Beale will then use that \$12,000 plus an additional \$3,000 to pay the cost of the repurchase application; Payment of \$1 made to Ms. Hilyar upon the execution of the assignment an additional \$99,999 upon the closing of the property second sell; there is a provision allowing recovery of personal property; a provision that requires that Mr. Beale resell the property; a provision that requires that Ms. Hilyar will satisfy the tax liens which are required before any transaction occurs as a second sale; and on Page 4 of the document there is a contingency that if the Board does deny

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the repurchase application of Mr. Beale then his money is returned to him and he has no obligations under the assignment. The document also contains an application for repurchase and two exhibits, Exhibit B, Abatement Plan and Exhibit C Conditions of Approval.

The County Board considered the motion from the May 3, 2005 Board meeting which is still on the floor as follows:

Commissioner Pulkrabek moved to adopt the following resolutions related to property located at 8961 37th Street North in Lake Elmo: Resolution to deny repurchase application from previous owner and return funds provided by the applicant; Resolution authorizing the demolition of buildings on tax forfeited property and Resolution related to personal property. Commissioner Stafford seconded the motion.

Commissioner Stafford stated his reasons for supporting the above motion: Two weeks ago the Board made it clear that anything that came back before the Board today had to have some teeth in it. This agreement is toothless. Mr. Beale had presented himself as a philanthropist who was going to do wonderful things, he at the most has \$1 invested in this. There is a difference of opinion between the parties making application as to whether or not that building could be salvaged. Mr. Beale said two weeks ago that Ms. Hilyar has means, she today told the Board that she has no money. His view is the first obligation of government is now and has always has been the health and safety of its citizens. He sees this as both a health and safety hazard. He thinks the process has run its course, he believes the government has been fair. Ms. Hilyar has one option left to repurchase the property by July.

Commissioner Hegberg stated that as he looked at the pictures he believes it is reasonable to assume that the cost of doing repairs will probably be right next to the value either way. He will support the motion.

Commissioner Kriesel stated he does not believe that anybody takes pleasure in moving this forward. But as Commissioner Stafford indicated the Board has a greater duty to all the citizens of the county to protect their health and welfare. He will support the motion.

The motion to adopt the following resolutions related to property located at 8961 37th Street North in Lake Elmo: Resolution to deny repurchase application from previous owner and return funds provided by the applicant; and Resolution authorizing the demolition of buildings on tax forfeited property and Resolution related to personal property was adopted unanimously.

Resolution No. 2005-083

Resolution Denying the Repurchase of the Property at
8961 37th Street in Lake Elmo (Parcel Number 16.029.21.14.0007)

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WHEREAS, parcel number 16.029.21.14.0007 went into tax forfeiture on the 21st of July, 2004; and

WHEREAS, the Washington County Department of Public Health and Environment found the property to be in violation of County Public Health Nuisance Ordinance No. 165; and

WHEREAS, the former owner submitted an application for repurchase; and

WHEREAS, the Washington County Board of Commissioners had the authority and responsibility to establish conditions as it relates to the repurchase of the property; and

WHEREAS, on November 23, 2004 the Board of Commissioners agreed to the repurchase application only if the following conditions were met:

1. The repurchaser, Ms. Cheryl Hilyar, provides a signed purchase agreement with a third party that transfers the property into that person's ownership within 14 days after Board approval of the repurchase application.
2. The third party purchaser agrees to submit a plan to abate the public health nuisance that currently exists on the property within 14 days after the County Board approves the application for repurchase.
3. The third party purchaser agrees to the abatement of the public health nuisance and asbestos contamination in a manner that is consistent with the Washington County Public Health Ordinance No. 165. The public health nuisance abatement must be completed within 180 days following the sale of the property to the third party purchaser.
4. The repurchaser agrees to reimburse the County for its direct administrative costs related to the property after forfeiture. The costs include the securing of the property, contamination investigative reports and administrative costs. The direct costs equal \$3000. Repurchaser shall reimburse the County these costs within 14 days after the sale of the property to the third party repurchaser.
5. The repurchaser pays the required repurchase amount as determined by state law (taxes, penalties, and fees).

WHEREAS, the applicant for repurchase has failed to meet the conditions identified above in numbers 1, 2, and 3; and

WHEREAS, the 180 day deadline for abating the public health nuisance expired on April 23, 2005 and the nuisance has not been abated and a plan was never submitted, and

WHEREAS, the applicant has met the conditions identified above in numbers 4 & 5, and

WHEREAS, the repurchase resolution stated that if any of the conditions were not met the property would remain in public ownership; and

WHEREAS, the property continues to be a public health nuisance and continues to deteriorate in condition as evidenced by the letter from the City of Lake Elmo building official, and

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THEREFORE BE IT RESOLVED that the repurchase application from Ms. Cheryl Hilyar be denied, and

THEREFORE BE IT FURTHER RESOLVED that all monies submitted by Ms. Hilyar in furtherance of the repurchase application be returned.

Resolution No. 2005-084

Resolution Authorizing Demolition of the Main Structure
on PIN 16.029.21.14.0007

WHEREAS, PIN 16.029.21.14.0007 forfeited to the State of Minnesota for non-payment of taxes on 21st of July, 2004; and

WHEREAS, the Washington County Department of Public Health and Environment found the property to be in violation of County Public Health Nuisance Ordinance No. 165; and

WHEREAS, the Washington County Department of Transportation and Public Works has determined that this property is within purview of section 299F.10 of Minnesota Statutes; and

WHEREAS, the Washington County Board of Commissioners has the authority and responsibility per Minnesota Statutes 282.04, Subd. 2, to order the demolition of any structure by reason of age, dilapidated condition or excessive size as compared with nearby structures, will result in a material lessening of net tax capacities of real estate in the vicinity of the tax-forfeited lands; and

WHEREAS, the Washington County Board of Commissioners determines, based on Washington County Tax Forfeited Property Policy, that the demolition is the appropriate way for the elimination of public health and safety threats from current condition of the property.

THEREFORE BE IT RESOLVED that the Washington County Board of Commissioners declares the main structure on property identification number 16.029.21.14.0007 to be within the purview of Minnesota Statutes section 299F.10 and directs the Department of Assessment, Taxpayer Services and Elections together with the Department of Public Health and Environment to demolish said structure.

City of Lake Elmo 8961-27th Street N. Lots 1 & 2 Block 2
Kenridge Addition

Resolution No. 2005-085

Resolution Approving the Seizure and Sale of the
Abandoned Personal Property Left by Previous Owners
on the Premises of Parcel 16.029.21.14.0007

WHEREAS, parcel 16.029.21.14.0007 went into forfeiture on the 21st of July, 2004, for non-payment of real taxes for payable years 2000 through 2004; and

WHEREAS, the property has been found to be in violation of the County's Public Health Ordinance and appears to have been uninhabited for a number of years ago; and

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WHEREAS, Minnesota Statutes 282.04 subdivision 2 allows the County Board to choose the option of dealing with the personal property pursuant to Minnesota Statutes 504B.271; and

WHEREAS, the Department will provide notice to the previous owner of her ability to recover personal property remaining at the property; and

THEREFORE BE IT RESOLVED that the Washington County Board of Commissioners declares any remaining personal property on the premises after the timeframe given for removal has lapsed to be abandoned and directs the Department of Assessment, Taxpayer Services and Elections to remove the property pursuant to Minnesota Statutes 504B.271; and

THEREFORE BE IT FURTHER RESOLVED that because of the asbestos contamination present in the premises and the unsafe structural condition of the building only the department or a licensed designee of the department, is authorized to remove the personal property along with the real property during the demolition.

City of Lake Elmo 8961-27th Street N. Lots 1 & 2 Block 2
Kenridge Addition

GENERAL ADMINISTRATION

Jim Schug, County Administrator, presented a legislative update: Transportation bill passed out of the House and the county is watching that closely; Tax bill in the House still has the turbo-charged truth-in-taxation and also there is a tax freeze in the Senate Bill; and possibility of getting additional funds for public safety in supervision of probation offenders and help reduce caseload size in Community Corrections.

Commissioner Stafford moved to adopt **Resolution No. 2005-086** as follows:

Resolution Supporting the Solid Waste Management Coordinating Board's Legislative Initiative on Electronics Recycling

WHEREAS, technological advances in the areas of computers and televisions has created an inadvertent environmental problem when electronic products need to be disposed; and

WHEREAS, this waste stream, called E-waste, includes old TVs and computer monitors that have picture tubes or cathode ray tubes containing 2 to 8 pounds of lead per tube; and

WHEREAS, these items contribute to lead in our water, air, and soil when disposed with other mixed wastes; and

WHEREAS, the Washington County Board of Commissioners supports efforts to ensure a long-term and sustainable system to ensure the proper management of old TVs and computers without reliance on government-only solutions.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby supports the Solid Waste Management Coordinating Board's legislative initiative to create a viable solution for

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electronic waste before the legislative prohibition on placement of products with cathode ray tubes (televisions and computer monitors) becomes effective on July 1, 2005; and

BE IT FURTHER RESOLVED, that legislation to solve this problem should include provisions to require manufacturer responsibility, reliable and convenient collection options, responsible recycling of CRTs, a mechanism to address the backlog of CRTs, and a funding method that does not require substantial end-of-life fees.

Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

Commissioner Peterson moved to adopt **Resolution No. 2005-087** as follows:

Congratulating Legislators for Their Work in
Furthering the Development of the Comprehensive Transit
and Transportation Package

WHEREAS, Ramsey and Washington Counties understand that transportation is a critical issue for the movement of people and goods in our state and region; and

WHEREAS, there is a serious shortfall in funding for transit and transportation that impacts how transportation needs can be met and erodes the economy of the state and region; and

WHEREAS, Representative Ron Erhardt has led the discussion in the State Legislature about a comprehensive package for funding transportation and transit that provides balance to all forms of transportation and is able to sustain growth of the transportation and transit system so that the system meets both existing and future needs; and

WHEREAS, the bonding bill was one key step in the efforts to obtain the overall transportation and transit package.

NOW, THEREFORE, BE IT RESOLVED, that the Boards of Washington and Ramsey County Commissioners appreciate, applaud and congratulate Representative Nora Slawik, Representative Dennis McNamara and Representative Katie Sieben for their work in furthering the development of the comprehensive transit and transportation package that has proven to be so elusive; and

BE IT FURTHER RESOLVED, that the leadership and skills of the above Legislators are recognized as vitally important to continued collaborative work on the transportation funding issue for which they skillfully set the framework in the 2005 legislative session.

Commissioner Hegberg seconded the motion and it was adopted unanimously.

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Commissioner Stafford moved to send a letter to the county's Legislative delegation commenting on House File 1, the House Public Safety Finance bill, and the effects it would have on future funding of the 800 MHz Radio Communication System. Commissioner Peterson seconded the motion and it was adopted unanimously.

Commissioner Peterson suggested that a cover letter be sent identifying the main points in the letter.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Pulkrabek has talked with Mayor Dean Johnson of Lake Elmo about a library in Lake Elmo. They have run into an obstacle with the city's stringent sprinkling system policy regarding remodeling or new construction which would add about \$60,000 to the cost and may be a deal breaker. The city is in the process of taking a look at the policy to assist the county in dropping that cost.

Commissioner Pulkrabek announced that Governor Pawlenty reappointed him to chair the nominating committee for the Metropolitan Council vacant seat. Mary Krinkie has resigned her position.

Commissioner Kriesel reported that last week he attended the Lakeland and Lakeland Shores open house for the County Road 18 project. It was a great meeting with a lot of public interest.

Commissioner Stafford reported he will be attending the EMS event at Regions Hospital today. He will be accepting an award for the county for its years of involvement with the East Metro Emergency Radio Board.

Commissioner Stafford advised the Board that the Mayor of Woodbury would like to meet with Commissioner Pulkrabek, Jim Schug and himself to discuss the county's attitude toward economic development and its tax abatement policy. He suggested that at some point the Board should meet with the communities in a workshop to discuss this issue.

Commissioner Hegberg asked if there was legislative approval on the bill they joined with Anoka County on, the economic development bill. Mr. Schug will look into the status of that bill.

Commissioner Hegberg reported on meetings he's attended with staff, architects and the City of Forest Lake on the north service center. The city asked the county to switch sites with the community center which is on the west side of that development. Another meeting is scheduled for this afternoon.

Commissioner Hegberg reported on the Rush Line /I-35 Corridor meeting and they will be asking for Federal funds. Anoka county will look at the bonding bill next year for funding of another Park and Ride.

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Commissioner Peterson indicated she has received a letter from the Chair Person of the Board of Education in the Stillwater area schools commending Commander Scott Malinosky, Sergeant Gary Swanson and Commander Tim Tuthill of the Sheriff's Department, for their help in investigating the Oak-Land Junior High School incident.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Stafford moved to adjourn, seconded by Commissioner Kriesel and it as adopted unanimously. The Board meeting adjourned at 10:25 a.m.

BOARD WORKSHOP WITH THE OFFICE OF ADMINISTRATION

The Board met in workshop session with the Office of Administration to discuss the county's interest in accepting ownership and/or conservation easement of the Garden in Hugo. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Pulkrabek, Kriesel, Peterson, Stafford and Hegberg. Also present were Jim Schug, Molly O'Rourke, Don Theisen, Jim Luger, Jane Harper, Jennifer Wagenius, Judy Spooner, Washington County Bulletin, and Alex Friedrich, Pioneer Press.

BOARD WORKSHOP WITH COURT ADMINISTRATION

The Board met in workshop session with Court Administration to discuss the county's future involvement and support locally of CriMNet. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Kriesel, Peterson and Hegberg. Also present were Jim Schug, Molly O'Rourke, Tom Adkins, Chris Volkens, Doug Johnson, Jane Harper, Dale Good, CriMNet Program Office, Judy Spooner, Washington County Bulletin, and Alex Friedrich, Pioneer Press.

BOARD WORKSHOP WITH FINANCIAL SERVICES

The Board met in workshop session with the Financial Services Department to review the 2004 Collections Annual Report. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Kriesel, Peterson and Hegberg. Also present were Jim Schug, Molly O'Rourke, Edison Vizuete, Kathy Trombly-Ferrin, Chris Volkens, Tom Adkins, Judy Spooner, Washington County Bulletin, and Alex Friedrich, Pioneer Press.

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Myra Peterson, Chair
County Board

Attest:

James R. Schug
County Administrator