

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD**  
**WASHINGTON COUNTY, MINNESOTA**  
**AUGUST 9, 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 and Stafford. Commissioner Hegberg absent. Board Chair Peterson presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Doug Johnson, County Attorney; Don Theisen, Director of Transportation and Physical Development; Jim Luger, Parks Director; Carolyn Phelps, Historic Courthouse Coordinator; Keith Potter, Facilities Manager; Lowell Johnson, Director of Public Health and Environment; Judy Hunter, Senior Program Manager; Jeff Travis, Program Manager; Kevin Corbid, Director of Assessment, Taxpayer Services and Elections; Bogdan Filipescu, Assessment, Taxpayer Services and Elections; Rebecca Ault, Assessment, Taxpayer Services and Elections; Edison Vizuite, Financial Services Director; Tonya Weinert, Financial Services; Tom Adkins, Community Corrections Director; Dan Papin, Community Services Director; Cindy Koosmann, County Recorder; Nancy Brase, Administrative Services Manager; and Steve Nelson, Public Information Coordinator II.

The Board recited the Pledge of Allegiance.

**COMMENTS FROM THE PUBLIC**

The Board Chair asked for comments from the audience; none were heard.

**CONSENT CALENDAR**

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

1. Approval of the July 26, 2005 Board meeting minutes.
2. Approval to appoint Suzanne Hurlburt, Consumer Representative, to the Mental Health Advisory Council to a first term expiring December 31, 2007.

3. Approval of the following fee changes to County Policy #1032:

Fee

ATV Registration, Renewal, Transfer	\$38.50
ATV Transfer and Renewal	42.50
ATV Renewal Only	36.00
Boat Titling	Ranges from 10 - 17
Disability License Plate Application	
County Fee	8.50
County Highway map	Free
Motor Vehicle Plates, Renewals, & Transfers	
(County Fee)	8.50

Motor Vehicle Operator Licenses & Renewal	
State Fee	9.50 to 53.50
County Fee	4.50
Passport Adult	97.00
Passport Child	82.00
(no county fee increase – all federal)	
Birth Certificate	16.00
Additional copy	9.00
Uncertified	13.00
Amendment (State Service)	40.00
Verification	9.00
Marriage	
Certificate	9.00
Additional (no change)	2.00
Marriage Application	100.00
Reduced Fee Marriage License	30.00
Verification	9.00
Death Certificate	13.00
Additional copy	6.00
Amendment	40.00
Verification	9.00
(County fee on birth, marriage & death certificates increase from \$8 to \$9; state retains remainder)	

4. Approval to accept \$2,000 Emergency Fund Grant from the Minnesota Department of Public Safety for expenses incurred by crime victims that are a direct result of the crime.
  
5. Approval to issue Request for Proposals for the service of Financial Advisor to the county for the period October 1, 2005 through September 30, 2010.
  
6. Adoption of **Resolution No. 2005-124** as follows:

Resolution Authorizing Execution of an Agreement with the  
Minnesota Department of Public Safety for the  
Safe and Sober Communities Project

BE IT RESOLVED, that the Washington County Sheriff’s Office enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled: Safe and Sober Communities, during the period of October 1, 2005 through September 30, 2006.

The Sheriff of Washington County is hereby authorized to execute such agreement and amendments as are necessary to implement the project on behalf of the Washington County Sheriff’s Office and to be the fiscal agent and administrator.

The foregoing Consent Calendar was adopted unanimously; Commissioner Hegberg absent.

**TRANSPORTATION AND PHYSICAL DEVELOPMENT**

Commissioner Kriesel moved to adopt **Resolution No. 2005-125** as follows:

August 9, 2005

### Acceptance of a Grant from the Bayport Foundation

WHEREAS, the Bayport Foundation of Andersen Corp. has grant funds available for capital and repair projects; and

WHEREAS, the Historic Courthouse seeks funding for window repairs.

BE IT RESOLVED that Washington County agrees to accept a grant from the Bayport Foundation in the amount of \$5,000 for window repairs 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; Commissioner Hegberg absent.

## PUBLIC HEALTH AND ENVIRONMENT

### Reduction in Tipping Fee

Commissioner Stafford moved to adopt **Resolution No. 2005-126** as follows:

Reduce the Tipping Fee for Haulers with All  
Waste Delivery Agreements to \$34.00 Per Ton

WHEREAS, Section II.F. of the All Waste Delivery Agreement establishes a \$38 per ton tipping fee for haulers delivering waste to the Ramsey/Washington County Resource Recovery Facility; and

WHEREAS, because of changed circumstances in the solid waste market place, the Ramsey/Washington County Resource Recovery Project Board recommended to the respective County Boards a reduction in the tipping fee for All Waste haulers to \$34 per ton; and

WHEREAS, such reduction in the tipping fee must be accomplished through an amendment to the All Waste Agreement; and

WHEREAS, further adjustment of the tipping fee maybe necessary to address the changing dynamics of the solid waste market place.

NOW, THEREFORE BE IT RESOLVED, The Washington County Board of Commissioners hereby approves a tipping fee for haulers that have entered into All Waste Delivery Agreements at \$34.00 per ton, effective August 15, 2005, through the term of the agreements, subject to the right of the County, in its sole discretion, to further lower the tipping fee or to raise the tipping fee up to the amounts established in Section II-F of the All Waste Delivery Agreements prior to this amendment, through action of the County Board but without the necessity of amending the All Waste Delivery Agreements; and

BE IT FURTHER RESOLVED, The Washington County Board of Commissioners hereby authorizes the Director of the Washington County Public Health and Environment Department to execute amendments to All Waste Delivery Agreements containing these provisions in a form approved by the County Attorney.

Commissioner Pulkrabek seconded the motion and it was adopted unanimously; Commissioner Hegberg absent.

**Resource Recovery Project’s 2006 and 2007 Operating Budget**

Commissioner Pulkrabek moved to adopt **Resolution No. 2005-127** as follows:

Ramsey/Washington Resource Recovery Project  
Budget for 2006 and 2007

WHEREAS, the Joint Powers Agreement for Resource Recovery provides that authority for approval of Resource Recovery Project budgets remains with the respective County Boards; and

WHEREAS, the Ramsey/Washington County Resource Recovery Project Board has prepared and recommended a proposed Project budget for 2006 and 2007; and

WHEREAS, Ramsey and Washington Counties, in order to accomplish environmental and public health goals, have each contracted with waste haulers to assure the delivery of waste to the Facility through July, 2007, at a reduced tipping fee; and

WHEREAS, the County Board has authorized amending the All Waste Delivery Agreements to reduce the tipping fee to \$34.00 per ton.

NOW, THEREFORE BE IT RESOLVED, the Washington County Board of Commissioners hereby approves the 2006 and 2007 Resource Recovery Project Budget as recommended by the Resource Recovery Project Board as follows:

<u>Appropriations</u>	<u>2006</u>	<u>2007</u>
Administration	\$ 757,492	\$ 681,892
Service Fee	<u>17,800,000</u>	<u>9,200,000</u>
	\$18,557,492	\$ 9,881,892
<u>Financing Sources</u>	<u>2006</u>	<u>2007</u>
Washington County Participation	\$ 4,998,373	\$ 2,655,961
Ramsey County Participation	\$13,514,119	\$ 7,180,931
Interest Income	<u>45,000</u>	<u>45,000</u>
	\$18,557,492	\$ 9,881,892

Commissioner Stafford seconded the motion and it was adopted unanimously; Commissioner Hegberg absent.

August 9, 2005

**ASSESSMENT, TAXPAYER SERVICES AND ELECTIONS**

Kevin Corbid, Director of Assessment, Taxpayer Services and Elections, presented a brief history of today's request to consider repurchase applications from Robert Beale for tax forfeited property located in Oakdale and Lake Elmo. The previous owner, Cheryl Hilyar, has assigned her repurchase rights to Mr. Beale through an agreement signed on July 21, 2005. The agreement consists of the following items: 1) Ms. Hilyar agrees to assign her rights to repurchase to Mr. Beale; 2) Mr. Beale submits the repurchase applications to the County and includes the payment of past due taxes, penalties, interest, and fees as well as administrative costs incurred by the County; 3) Ms. Hilyar provides to Mr. Beale the roughly \$12,000 she paid to the County (and since refunded back to Ms. Hilyar) at the time the first repurchase application was submitted; 4) Ms. Hilyar agrees to take action to satisfy the federal and state tax liens on the properties; and, 5) Mr. Beale, upon resale of the property, agrees to pay Ms. Hilyar \$100,000 for each property, minus any costs incurred by the County for cleanup of the property and paid by Mr. Beale at the repurchase.

Mr. Corbid indicated that the current conditions of the properties are as follows: Lake Elmo – Currently a vacant lot, the abandoned well has been sealed and septic tanks crushed and filled; Oakdale – Not in as bad of shape as the Lake Elmo property, but there has been a history of city code violations at the property. The County Board has several options to consider including the following: Statute allows the previous owner the right to submit a repurchase application, however, the County Board has discretion on whether or not to approve repurchase; The County Board should consider whether the repurchase application will correct a hardship or injustice that has occurred because of the forfeiture and whether the repurchase will promote and best serve the public interest. The repurchase applications were reviewed by the County's Finance Committee last week and they recommended that the County Board deny the repurchase applications. If that is position the County Board takes today, the department will move forward in preparing the properties for sale or reconveyance to another party. The biggest obstacle to that would be tax liens that currently exist on the two properties of nearly \$500,000.

Commissioner Pulkrabek moved to deny the repurchase applications by Robert Beale for the following tax forfeited properties: 827 Greenway Avenue North, Oakdale and 8961 37<sup>th</sup> Street, Lake Elmo. Commissioner Stafford seconded the motion. The Board discussed this motion.

Robert Beale, applicant, asked the County Board why they are denying the repurchase application and he would like to know what the Board's position is on the takings clause of the Minnesota Constitution, and also the Federal Constitution which states in the Fifth Amendment that no private property will be taken for public use without just compensation. He asked what the county intends to do with the proceeds of the sale of the property, assuming that the liens are taken care of. He believes the properties were assessed at somewhere near \$500,000. He requested if the properties are going to be taken and used for public use, just compensation be provided to the owner.

August 9, 2005

Mr. Corbid stated that the process for the tax forfeiture, as it's laid out in Minnesota Statute, is that if a property owner fails to pay their property taxes over a period of years the property goes into a forfeiture status and the title and ownership of the property reverts to the State of Minnesota. The property is currently owned by the State of Minnesota and managed by Washington County. If a property goes to sale and there are proceeds from the sale, Minnesota State Statute outlines how the proceeds are distributed amongst the taxing jurisdictions. If this property goes to sale and repurchase application is not approved, there are no funds to reimburse the local units of government for the back taxes, penalties and fees that it has lost so the sale proceeds are distributed in a manner that compensates those governments for its loss of tax revenue over that period of time. As to the question of denial of the property, Mr. Beale and the attorney for Ms. Hilyar asked the same question when he made them aware of the Finance Committee's recommendation for denial, and the discussion can best be characterized that the Finance Committee looked at the history of both properties, the history they've had with the property since it's been forfeited, and came to the conclusion that the two conditions that needed to be met for a repurchase application to be approved could not be met.

Commissioner Stafford stated that if the Minnesota Statutes on the procedure for handling tax forfeited land were unconstitutional they would have been challenged and turned down a long time ago. Mr. Beale used the term taking for a public use, that's not the case. The county is not taking it for a public use, it is taking it and reselling it at a public auction to get it back on the tax roles, it is not taking it for a road or a park or school. Commissioner Stafford indicated he is not sure that selling it back to the former owner is in the best interest of the public, he's not sure that the power of attorney is appropriate, he is not sure that the Federal tax liens could be resolved and that is enough for him to say that they get this over with. The parties interested still have an option to buy at auction. He does not agree with Mr. Beale's figure on the value of the property. The Board is to consider whether the repurchase will promote and best serve the public. He hopes that Mr. Beale is not suggesting to this Board that allowing the prior owner to continue to own property and treat it in a manner that she has in the past ten or twenty years is in the best public interest.

George Kuprian, Assistant County Attorney, stated that Mr. Beale's argument is basically disingenuous. Commissioner Stafford is correct, the County Board is merely following State statutes.

The motion to deny the repurchase applications by Robert Beale for the following tax forfeited properties: 827 Greenway Avenue North, Oakdale and 8961 37<sup>th</sup> Street, Lake Elmo was adopted unanimously; Commissioner Hegberg absent.

## **GENERAL ADMINISTRATION**

### **County Wheelage Tax**

Jim Schug, County Administrator, advised the Board that Anoka County has recently passed a resolution initiating a wheelage tax of \$5.00 beginning in 2007. Staff is not looking for action today, but there has

August 9, 2005

been discussion as to whether or not several counties would be interested in pursuing this as a metropolitan group rather than individual counties. If the County Board is interested, staff could start having discussions with other counties.

It was Board consensus that staff work with other counties in the metropolitan area to determine what they are looking at for a wheelage tax, how it would be implemented and how it would affect each county's budget.

### **Methamphetamine Testimony**

Mr. Schug announced that the National Association of Counties used information pertaining to the impact of the methamphetamine problem and how it affects child protection and child neglect and abuse, provided by Community Services staff, when it testified before the House of Representatives Subcommittee on Criminal Justice, Drug Policy and Human Resources in July.

### **MCIT 2005 Dividend**

Mr. Schug announced that the Minnesota Counties Insurance Trust has issued its 2005 dividend notice. Washington County's portion for Worker's compensation and Property/Casualty was in the amount of \$318,971 which will be placed in the Post Retirement Health Care Fund.

### **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 was adopted unanimously; Commissioner Hegberg absent.

### **2006 BUDGET HEARINGS**

The Board meeting was followed by 2006 budget hearings with the following departments: Introduction and review of major impacts on proposed 2006 budget; Assessment, Taxpayer Services and Elections; and Recorder's Office.

August 9, 2005

**BOARD WORKSHOP WITH THE COUNTY LIBRARY BOARD**

The Board met in workshop session with the Washington County Library Board to discuss its role and responsibilities under the new governance structure. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Pulkrabek, Kriesel, Peterson, and Stafford. Also present were Jim Schug, Molly O'Rourke, Pat Conley, Sue Johnson, and the following members of the Library Board: Brian Zeller, Nancy Remakel, Bonita Sindelir, Paul Ryberg and Pauline Schottmuller.

**BOARD WORKSHOP WITH TRANSPORTATION AND PHYSICAL DEVELOPMENT**

The Board met in workshop session with the Department of Transportation and Physical Development for an update on the status of acquisition and proposed development for Big Marine Park Reserve. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Pulkrabek, Kriesel, Peterson and Stafford. Also present were Jim Schug, Molly O'Rourke, Don Theisen, Jim Luger, John Elholm, Peter Mott, Sharon Price, Steve Nelson and Yvonne Klinnert, Stillwater Courier.

**BOARD WORKSHOP WITH ASSESSMENT, TAXPAYER SERVICES AND ELECTIONS**

The Board met in workshop session with the Department of Assessment, Taxpayer Services and Elections to discuss the county role in off-year school district and city elections. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Pulkrabek, Kriesel, Peterson and Stafford. Also present were Jim Schug, Molly O'Rourke, Kevin Corbid, Carol Peterson and Yvonne Klinnert, Stillwater Courier.

Myra Peterson, Chair  
County Board

Attest:

James R. Schug  
County Administrator