



State of Minnesota

County of Washington

District Court

Judicial District:

TENTH

Court File Number:

Case Type:

Civil Constitutionality
MS282 Tax
Forfeiture, Injunctive Relief
Jury Demand

Cheryl Hilyar,

Plaintiff/Petitioner

vs.

Affidavit for Proceeding

In Forma Pauperis

(Minn. Stat. §563.01)

State of Minnesota, et al, Washington County Board and all others

Defendant/Respondent

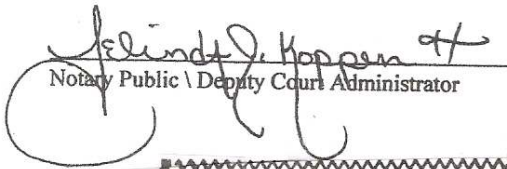
1. I request a court order waiving court fees and costs. I believe that I have valid reasons for pursuing this: (check one) ☒ Civil ☐ Family ☐ Probate action.
2. I am a party in this action and in good faith I request an Order to proceed in forma pauperis.
3. ☐ I am receiving public assistance under one or more of the following programs:
 - SSI and/or MSA (The Supplemental Security Income and Minnesota Supplemental Assistance Programs);
 - MFIP (Minnesota Family Investment Program);
 - Food Stamps;
 - General Assistance or Work Readiness;
 - Medical Assistance or General Assistance;
 - Medical Care;
 - Energy Assistance;
 - and/or Other (specify): _____

3. ☐ I am represented by attorney _____ on behalf of _____ a civil legal services program or volunteer attorney program, based on indigency.

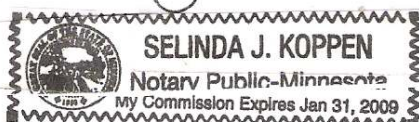
4. ☐ My annual family income before taxes is \$ _____ which is less than 125% of the Federal Poverty Line for my family size of _____ members.

Note: See the Court Administrator's office for a current poverty line schedule.

If you checked any of boxes 2 through 4 above, skip 5 and sign this document in the presence of a notary public.


Notary Public / Deputy Court Administrator

Telephone: (651) - 288-6024



5. ☐ I cannot support my family and myself and also pay court fees and costs. If you check this box, you must complete the following financial statement. (Items A-I)

A. There are _____ minor child(ren) residing with me.

B. My net (take home) monthly income is \$_____.

C. The source of my monthly income is _____

D. I pay \$_____ per month in childcare or support.

E. I pay \$_____ per month for rent/mortgage payment.

F. I own the following property:

1. Cash

\$_____

2. Checking, savings and credit union accts

\$_____

3. Cars, other vehicles (list make, year and equity value (market value minus unpaid loans) for each)

\$_____

\$_____

\$_____

\$_____

4. Real Estate

5. Other personal property (jewelry, stocks, bonds, etc. list separately)

\$_____

\$_____

G. I am presently \$_____ in debt.

H. I am unable to pay the costs and expenses of this proceeding or to give security for such costs and expenses.

I. Other factors which support this are (explain unusual medical expenses, emergencies or other circumstances to help the Judge understand your situation):

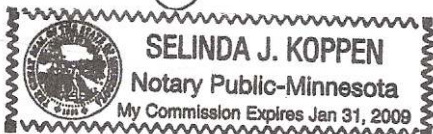
Dated: 6/6/05

administrator.)

Sworn/affirmed before me this

06th day of June, 2005

Selinda J. Koppen
Notary Public \ Deputy Court Administrator



Cheryl Seliger
Signature (Sign only in front of notary public or court)

Name: SELINDA KOPPEN

Address: 976 N. Lexington

City/State/Zip: ST Paul, MN 55103

Telephone: (651) - 288-6024

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT
Case Type:MS 282: Tax Forfeiture,
when paid triggering
Demolition,,Homestead near 3M's
Hazaradus Dump CIVIL
INJUNCTION -JURY DEMAND
Court File No

Cheryl ~~McAloney~~ owner in fee simple 8961-
37th Ave N. Lake
Elmo,Heirs,Assigns,Family & John Doe
and Mary Roe

Plaintiff's

vs.

State of Minnesota,by and thro Governor
Tim Pawlenty and Revenue
Commissioner Dan Salomone,
Washington County Board, Chair Myrna
Peterson,Pulkrabek,Kriesel,Stafford,Hedb
erg,County Attorney James R. Schug,
County Administrator Molly
O'Rourke,KuprianKay McAloney HR
Director,Kevin Corbid, Taxes John Doe
and Mary Roe, severally,individually and
in official capacitys.

Defendants

SUMMONS

THE STATE OF MINNESOTA TO DEFENDANTS

**STATE OF MINNESOTA: by and thro Washington county attorney Doug Johnson a
Korean War Vet, legal counsel to the Washington County Agencies and Boards.**

You are hereby summoned and required to serve upon Plaintiff an answer to the

Complaint that is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of Service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

You are advised that Rule 114 of the Minnesota General Rules of Practice provides that most civil cases are subject to alternative dispute resolution processes. However, the Plaintiff is demanding a Jury Trial.

June 15, 2005

A handwritten signature in blue ink, appearing to read "Cheryl Hylar", written over a horizontal line.

Cheryl Hylar owner in fee simple of
8951-37th ve N. Lake Elmo
Homesteaded since 1979

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT

CASE TYPE: OTHER CIVIL
(CONSTITUTIONAL CHALLENGE MS.282.

Injunctive Relief Jury Demand

Cheryl Hylar owner in fee simple 8961-
37th Ave N Lake Elmo Heirs, Assign et
al

Plaintiffs,

v.

STATE OF MINNESOTA, by and thro
Governor Tim Pawlenty and Revenue
Commissioner Dan Salomone,
Washington County Board, Chair
Myrna
Peterson, Pulkrabek, Kriesel, afford, Hed
berg, County Attorney Doug Johnson,
James R. Schug, County Administrator
Molly O'Rourke, Kuprian, Kay
McAloney HR Director, Kevin Corbid,
Taxes, John Doe and Mary Roe,
severally, individually and in official
capacitys.

Defendants.

Court File No.

PLAINTIFF'S STATEMENT OF
CLAIMS AND DEFENSES
COMPLAINT

In Good Faith I Cheryl Hylar,, mother and grandmother comes to the Judicial Branch of government to determine if the County Attorney gave erroneous advise to the Washington County Board. Concerning Plaintiff's property and making false statements about the Plaintiff on the www.co.washington.mn.us web site, further to liable me in the Woodbury Bulletin County to demolish lake Elmo House in May 2005 article by Judy *Spover*

"stating forfeited for unpaid property taxes a year ago:

I have paid the tax's on the Lake Elmo Property, up to May 15th 2005

We have been reduced to Poverty, the hardship is awesome,
contrary to 42USC fair housing.

We have tried to pay taxes to the best of our abilities, in reading the Statute MS282.01 classification of property it appears the County and its employees have continually wilfully failed to cooperate with our family to 1. Clean up the property, as we are intimidated by threats of Jail if we go on our Land.

2. Apparently the money I paid for taxes on the Lake Elmo the county has failed to deposit in the State or County Treasury.

3. Condemnation without Compensation is Bizarre

4. Failure of the County to protect with Health, Safety, Welfare of Lake Elmo Residents as my Home is directly across the street from the old 3 M's Hazardous Dumping Grounds.

A. In fact my well water was contaminated so city water and sewer was put in.

B. Any reasonable person would agree that the current property taxes still in my name reflecting over \$190,000.00 market value is not conducive to condemnation by demolition.

C. Criminal Violation by the county to account for the taxes paid at my homestead since 1974, my children were born to inherit our home.

Therefore I come to the Courts of Public Accountability to try to resolve this matter, Demand for Jury Trial.

The jury is to determine if the government should pay for violating Plaintiff's God given rights and destroying her reputation. The jury also has the responsibility to determine if the government has created any statutes, applied to this case, that violate the

limits in the Minnesota constitution, that the people of Minnesota have placed on the government.

The Courts must now resolve this MS282.01 violation by the County Attorneys Ineffective counsel, to trigger Demolition without due process of law.fail to account for property taxes paid.

Since this seizure should never have happened, it should not have been shown to millions of people. This damaged plaintiff socially, emotionally and financially.

Has executed an erroneous collection

This entire case is a gross example of government error and abuse caused by statutes that violate the restrictions of the Minnesota constitution.

A challenge to a statute that allows the government to make claims for money without investigation, hearings, witnesses, testimony, or evidence.

2) Claims that the government denied Plaintiff's constitutional rights to a hearing, and a trial by jury.

3) A challenge to the statute that prevents Plaintiff from getting his money back even when they admit it wasn't owed.

4) A challenge to a statute that allows the government to invade and seize property without obtaining ownership rights in court.

5) Invading Plaintiff's constitutional right to privacy and intentionally defaming her character on Washington county cable TV

If the government obeyed the constitution, they would have had hearings at which they would have learned that Plaintiff did not owe the money.

Minnesota Constitution, Article 1, Sec. 4, The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy

Minnesota Constitution, Article 1, Sec. 7, No person shall...be deprived of life, liberty or property without due process of law.

However, the government has created statutes that directly violate the constitutional protections from mistakes. Minnesota statute §289A.35 that says they can make a claim that you owe money without any evidence, testimony or witnesses to prove it. Then, after you give them evidence that the claim is not true, they can decide that you are wrong without any evidence, testimony, witnesses or getting any input from you. If the government agent makes a mistake, the government has created statute §289A.65, subd 1, which prevents him from correcting his own mistakes.

To correct a mistake by the government, they have statute §271.06, subd 2 that says you have to appeal to the tax court within 60 days. The tax court does not allow you to have a trial by jury, as required by the Constitution. If you miss that deadline, the government has statute §271.01, subd 5, which will not allow you to have a trial by jury or get justice in any court ever again. This statute is a direct violation of Minnesota constitution Article 6 section 3, as well as the guarantee of trial by jury in Article 1, section 4.

Minn Statute 289A.35 The commissioner, from information in the commissioner's possession or obtainable by the commissioner, may make a return for the taxpayer. The return will be prima facie correct and valid.

Minn Statute 289A.65 A taxpayer cannot obtain reconsideration under this section if the action taken by the commissioner is the outcome of an administrative appeal.

Minn Statute 271.06 subd 2: Appeals from orders...within 60 days after notice of the, making and filing of an order of the commissioner of revenue, the appellant, ...shall serve a notice of appeal upon the commissioner and file the original, with proof of such service, with the Tax Court administrator...

Minn Statute 271.01, subd 5: Creation of Tax Court; jurisdiction - the Tax Court shall be the sole, exclusive, and final authority for the hearing and determination of all questions of law and fact arising under the tax laws of the state, as defined in this subdivision, ...

Minnesota Constitution, Article 6, Sec. 3, The district court has original

jurisdiction in all civil and criminal cases and shall have appellate jurisdiction as prescribed by law.

The government also has statute §270.70 that allows the Department of Revenue to seize your house without a trial. This is also in direct violation of Minnesota constitution Article 1, Sections 4 & 7. Minnesota Statute §550 says that the government has to have a trial before they can seize property.

Minn Statute 270.70, Subd. 1- Authority of commissioner; If any tax payable to the commissioner of revenue or to the Department of Revenue is not paid when due, such tax may be collected by the commissioner of revenue ... In making the execution of the levy and in collecting the taxes due, **the commissioner shall have all of the powers provided in chapter 550 and in any other law for purposes of effecting an execution against property in this state.... The levy for collection of taxes may be made whether or not the commissioner has commenced a legal action for collection of such taxes.**

The government uses this statute to violate the constitutional restrictions on our privacy in Article 1, section 10. It is also a violation of the restrictions placed on government by the people in the 4th Amendment to the U.S. Constitution. Both the Minnesota Supreme court and the United States Supreme Court have upheld this restriction on the government.

Minnesota Constitution, Article 1, Sec. 10, The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated.

U.S. Constitution, Amendment IV, The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated

State v. Larsen, 2002.MN.0001476: The right to be left alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a **violation of the Fourth Amendment**. Id. at 478 (Brandeis, J., dissenting) Concerns for this essential element of our personal freedom are reflected in the **Fourth Amendment and art. I, § 10 of the Minnesota Constitution** protecting the

"right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures." U.S. Const. amend. IV; see Minn. Const. art. I, § 10

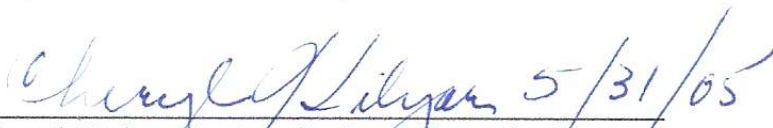
***In re Welfare of B.R.K.*, 658 N.W.2d 565 (Minn. 04/03/2003): The Fourth Amendment** guarantees: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." U.S. Const. amend. IV. "The Fourth Amendment protects people, not places." **Katz v. United States**, 389 U.S. 347, 351 (1967) Thus, **the Fourth Amendment is a personal right and an individual must invoke its protections. Minnesota v. Carter**, 525 U.S. 83, 88 (1998)

If the government obeyed the law, this tragedy would not have happened. They could easily have called the Plaintiff or sent ~~him~~ a personal letter to discuss this issue at any time during the three year process. This also would have avoided the social, emotional and financial damage to the Plaintiff and the defendants. This tragedy can only be mitigated by a public exoneration of the Plaintiff and a public apology by the government.

Under the Penalty of Perjury, My Familys Health is so impaired, This is just not fair or reasonable for the County to "take" my Home when in Good Faith I paid the Taxes, then Have No Trespassing Signs so we could not clean,
FURTHER AFFIANT SAYETH NOT AT THIS TIME:

DEMAND PUNATIVE, COMPENSATORY, TORT DAMAGES OVER \$190 THOUSAND FOR EACH OCCURRENCE AS LISTED ON THE PROPERTY TAX STATEMENT.

Prepared and Submitted by:


Cheryl Hylar Acting for herself as the lawyers
resolved; 8961-37th Ave Lake Elmo
Cell: 651-5875152

refuse to get this matter

Date Tues. 31 May 05



Department of
Assessment, Taxpayer
Services and Elections

14949 62nd Street North PO Box 200
Stillwater, MN 55082-0200
(651) 430-6175
www.co.washington.mn.us

TAXPAYER COPY
SAVE THIS COPY FOR FUTURE REFERENCE

STATEMENT OF PROPERTY TAXES PAYABLE IN 2004

PROPERTY ID: R 16.029.21.14.0007

TAX DESCRIPTION: KENRIDGE ADD LOT-001 BLOCK-
002 LOT 1 & 2

TAXPAYER: 8167
MICHAEL L & CHERYL J HILYAR
8961 37TH ST N
LAKE ELMO MN 55042

Bill # 24760

PAYABLE 2003 PAYABLE 2004

Improvements		
Excluded:		
New Improvements:		
Estimate Market Value:	242,200	186,100
Taxable Market Value:	226,400	186,100
Property Class:	RES NON-HSTD	RES NON-HSTD

1. Use this amount on Form M-1PR to see if you're eligible for a property tax refund. File by August, 15. If this box is checked, you owe delinquent taxes and are not eligible.



2. Use this amount for the special property tax refund on schedule 1 of Form M-1PR.

Your Property Tax And How It Is Reduced By The State

3. Your property tax before reduction by state-paid aids and credits	\$ 5,453.96	\$ 3,815.70
4. Aid paid by the state of Minnesota to reduce your property tax	\$ 2,992.96	\$ 2,104.70
5. Credits paid by the state of Minnesota to reduce your property tax		
A. Homestead and Agricultural Credits		
B. Other Credits		
6. Your property tax after reduction by state-paid aids and credits	\$ 2,461.00	\$ 1,711.00

Where Your Property Tax Dollars Go

7. Washington County	\$ 753.65	\$ 580.53
8. City or Town: LAKE ELMO	\$ 516.53	\$ 359.45
9. State General Tax		
10. School District: 0834		
A. Voter Approved Levies	\$ 661.18	\$ 413.08
B. Other Local Levies	\$ 350.78	\$ 222.59
11. Special Taxing Districts		
A. Metropolitan Special Taxing Districts	\$ 86.30	\$ 65.53
B. Other Special Taxing Districts	\$ 92.56	\$ 69.82
C. Tax Increment		
D. Fiscal Disparity		

12. Non-School voter approved referenda levies

13. Total property tax before special assessments	\$ 2,461.00	\$ 1,711.00
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14. Special Assessments	\$ 3.00	\$ 3.00
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Principal: \$ 3.00 co env chg: \$3.00

15. YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$ 2,464.00	\$ 1,714.00
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You may be eligible for one or even two refunds to reduce your

FIRST HALF DUE

MAY 15

\$857.00

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Protecting, maintaining and improving the health of all Minnesotans

August 16, 2004

Michael L and Cheryl J Hilyar
8961 37th Street N
Lake Elmo, MN 55042

Dear Michael L and Cheryl J Hilyar:

In June we sent you a letter regarding groundwater sampling that was to occur in your area. Thank you for assisting us in locating currently existing private wells for that sampling effort.

Thirty-two homes were sampled along 31st St. N., Stillwater Boulevard, Stillwater Lane, and Kelvin Avenue. As a result of the sampling, very low concentrations of perfluorooctanoic acid (PFOA) was found in seven wells along 31st St. N. Very low concentrations of two forms of freon, a refrigerant used until the late 1980's, were also found in four of those wells. None of the wells have exceeded any health risk limits and they will continue to be monitored to ensure the residents are protected.

Enclosed you will find an information sheet that provides more detailed information regarding the sampling and the chemicals detected. If you have any questions, please contact the people identified on the information sheet.

Thank you again for your assistance in this project.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Kelly", is written over the typed name.

James Kelly
Site Assessment and Consultation Unit
Environmental Health Division



Minnesota
Pollution
Control
Agency

Ground-Water Sampling for PFOA Near the Washington Co. Landfill

August 2004



MPCA Closed
Landfill
Program,
Majors and
Remediation
Division

In cooperation
with the
Minnesota
Department of
Health,
Environmental
Health Division

This Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Health (MDH) fact sheet includes some site history information and describes testing of ground water, including private wells, for perfluorooctanoic acid (PFOA) near the former Washington County Landfill. Additionally, this fact sheet discusses PFOA, and explains why state agencies tested for it, how the testing was done and what was found. Finally, the fact sheet tells citizens where they can get more information.

Site history

This 40-acre site operated from 1969 to 1975 as a sanitary landfill. Site operations were discontinued in 1975 and a clean soil cap was placed on the landfill. In 1981, ground-water monitoring indicated the presence of elevated concentrations of volatile organic compounds (VOCs) and some heavy metals in on-site monitoring wells and off-site residential wells. In 1983 and 1984, alternate drinking water supplies were provided to the affected residences. In 1983, Ramsey and Washington counties installed a pump-and-treat system to reduce any potential ground-water contamination from the landfill.

The site was added to the federal Superfund list, the National Priority List (NPL) and the state Superfund list, the Permanent List of Priorities (PLP), in 1984. After entry into the MPCA's Closed Landfill Program (CLP), the site was delisted from both the state and federal Superfund lists in 1996.

Since 1996, the CLP has taken additional steps to address ground-water contamination by improving the landfill cover and ground-

water treatment systems.

Looking at PFOA

PFOA is a man-made chemical. PFOA is used in the manufacturing of products that resist heat, oil, stains, grease and water. Common examples include non-stick surfaces on cookware, stain-resistant carpets and fabrics, and other industrial applications.

Why did the MPCA and MDH test ground water for PFOA?

As scientific studies and testing methods improve, chemicals that could not be detected before are now detectable at low concentrations and are emerging as potential health and environmental concerns. The U.S. Environmental Protection Agency (EPA) performed a preliminary risk assessment on PFOA in 2003 indicating that PFOA is widely distributed, even occurring in the arctic, and lasts for a long time in the environment. Lab animal studies have found that exposure to high levels of PFOA can have adverse developmental impacts, may be toxic to the liver, and could be associated with an increased risk of certain cancer types.

Following the EPA risk assessment, the MDH and other laboratories developed sampling and testing methods to measure PFOA in ground water. During recent routine ground-water sampling at the former Washington County Sanitary Landfill, the MPCA checked for PFOA for the first time. It was detected at low levels in monitoring wells on the landfill property in both the shallow and deeper ground water.

The MPCA and MDH sampled ground

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water in the areas south and southeast of the landfill. These areas are downgradient (i.e., in the direction of ground-water flow) from the landfill. The two agencies focused on private wells around 31st St. North and Stillwater Blvd., to the south of the landfill, and Stillwater Ln. and Kelvin Ave., southeast of the landfill.

How did PFOA get into the ground water?

During its years of operation, the Washington County Sanitary Landfill accepted both municipal and industrial solid waste. Based on recent monitoring results, the MPCA has concluded that some of the waste disposed of at this landfill contained PFOA.

The PFOA has leached into the ground water and moved with the ground-water flow. It has also moved deeper, affecting the bedrock aquifer where it was found at low levels. The simplified map on Page 3 of this fact sheet shows where monitoring wells are located around this landfill.

At what level does PFOA pose a risk if consumed in drinking water?

The MDH has proposed a Health Based Value (HBV) for PFOA of 7 parts per billion (ppb) in ground water. This is a preliminary health-based risk number used to evaluate the potential impact of the chemical on public health. In the landfill monitoring wells in which PFOA was found, the levels ranged from 70 ppb at the landfill itself to 1.3 ppb downgradient from the landfill.

The agencies collected water samples from 32 private wells; some wells were sampled twice. Low levels of PFOA (less than 1 ppb) were detected in 7 wells. The other 25 wells did not show any detection of PFOA.

Volatile organic compounds (VOCs) were also tested at the residences where PFOA was initially detected.

These compounds are commonly associated with landfill contamination. Low levels of two VOCs were found in four of the seven wells. All of the impacted wells are located along 31st Street North and are believed to draw their water from the bedrock aquifer.

It is important for citizens to know that:

- The concentrations of PFOA and VOCs were well below MDH health-based risk numbers.

- Health-based criteria are designed to protect people's health. They represent the concentration of a contaminant in water that can be safely consumed over a lifetime.
- PFOA was not detected in the monitoring wells north of the landfill (which is in the opposite direction to the ground-water flow).
- Many residences and businesses in the area are hooked up to the Oakdale municipal water supply and are not affected.
- The MPCA and MDH are working cooperatively with the city of Lake Elmo and Washington County to assess any potential problems with PFOA in ground water.

What's Next?

The MPCA will continue to sample ground water at the landfill for PFOA, and will continue to monitor private wells that have been impacted on an annual basis. Households where well testing took place have received the results (along with an explanation of the results) and this fact sheet. Additional studies may be planned. If you receive this fact sheet or live in the area of interest, and have any questions please contact:

Ingrid J. Verhagen

Closed Landfill Program Unit
Majors and Remediation Division
Minnesota Pollution Control Agency
(651) 296-7266
Ingrid.verhagen@pca.state.mn.us

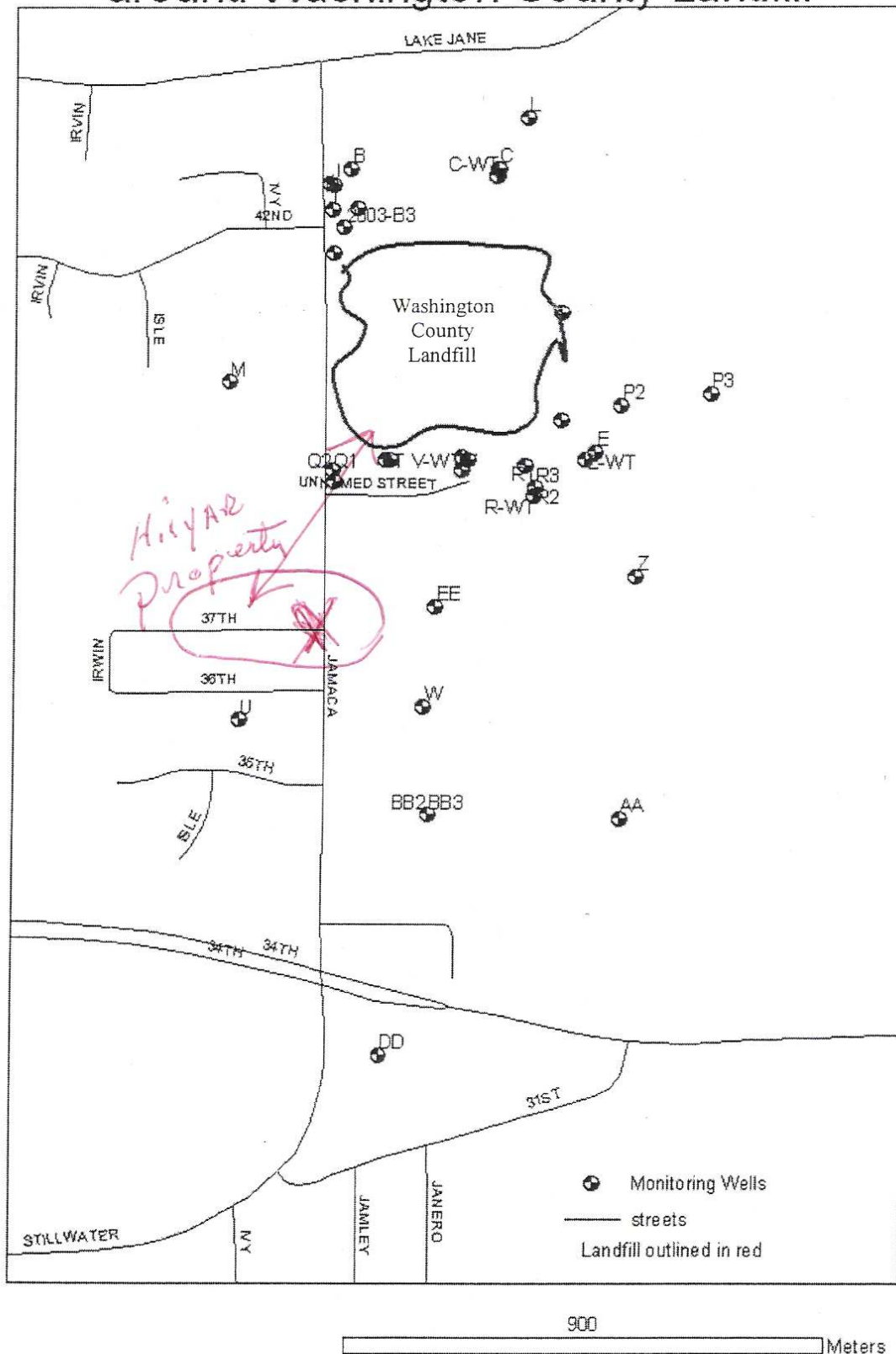
James Kelly

Site Assessment and Consultation Unit
Environmental Health Division
Minnesota Department of Health
(651) 215-0913
james.kelly@health.state.mn.us

Where can I go to find out more?

- The EPA's draft health risk assessment for PFOA can be found at www.epa.gov/opptintr/pfoa/pfoafacts.pdf.
- The MDH Web site includes basic information about health risk and exposure at www.health.state.mn.us/divs/eh/hazardous/index.html

Groundwater Monitoring Network around Washington County Landfill



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Minnesota Statutes 2004, Table of Chapters

Table of contents for Chapter 282

282.01 Tax-forfeited lands; classification, sale.

Subdivision 1. **Classification as conservation or nonconservation.** It is the general policy of this state to encourage the best use of tax-forfeited lands, recognizing that some lands in public ownership should be retained and managed for public benefits while other lands should be returned to private ownership. Parcels of land becoming the property of the state in trust under law declaring the forfeiture of lands to the state for taxes must be classified by the county board of the county in which the parcels lie as conservation or nonconservation. In making the classification the board shall consider the present use of adjacent lands, the productivity of the soil, the character of forest or other growth, accessibility of lands to established roads, schools, and other public services, their peculiar suitability or desirability for particular uses and the suitability of the forest resources on the land for multiple use, sustained yield management. The classification, furthermore, must encourage and foster a mode of land utilization that will facilitate the economical and adequate provision of transportation, roads, water supply, drainage, sanitation, education, and recreation; facilitate reduction of governmental expenditures; conserve and develop the natural resources; and foster and develop agriculture and other industries in the districts and places best suited to them.

In making the classification the county board may use information made available by any office or department of the federal, state, or local governments, or by any other person or agency possessing pertinent information at the time the classification is made. The lands may be reclassified from time to time as the county board considers necessary or desirable, except for conservation lands held by the state free from any trust in favor of any taxing district.

If the lands are located within the boundaries of an organized town, with taxable valuation in excess of \$20,000, or incorporated municipality, the classification or reclassification and sale must first be approved by the town board of the town or the governing body of the municipality in which the lands are located. The town board of the town or the governing body of the municipality is considered to have approved the classification or reclassification and sale if the county board is not notified of the disapproval of the

classification or reclassification and sale within 60 days of the date the request for approval was transmitted to the town board of the town or governing body of the municipality. If the town board or governing body desires to acquire any parcel lying in the town or municipality by procedures authorized in this section, it must file a written application with the county board to withhold the parcel from public sale. The application must be filed within 60 days of the request for classification or reclassification and sale. The county board shall then withhold the parcel from public sale for six months. A municipality or governmental subdivision shall pay maintenance costs incurred by the county during the six-month period while the property is withheld from public sale, provided the property is not offered for public sale after the six-month period. A clerical error made by county officials does not serve to eliminate the request of the town board or governing body if the board or governing body has forwarded the application to the county auditor. If the town board or governing body of the municipality fails to submit an application and a resolution of the board or governing body to acquire the property within the withholding period, the county may offer the property for sale upon the expiration of the withholding period.

Subd. 1a. **Conveyance; generally.** Tax-forfeited lands may be sold by the county board to an organized or incorporated governmental subdivision of the state for any public purpose for which the subdivision is authorized to acquire property or may be released from the trust in favor of the taxing districts on application of a state agency for an authorized use at not less than their value as determined by the county board. The commissioner of revenue may convey by deed in the name of the state a tract of tax-forfeited land held in trust in favor of the taxing districts to a governmental subdivision for an authorized public use, if an application is submitted to the commissioner which includes a statement of facts as to the use to be made of the tract and the need therefor and the recommendation of the county board.

Subd. 1b. **Conveyance; targeted neighborhood lands.**
(a) Notwithstanding subdivision 1a, in the case of tax-forfeited lands located in a targeted neighborhood, as defined in section 469.201, subdivision 10, and section 473.121, subdivision 2, the commissioner of revenue shall convey by deed in the name of the state any tract of tax-forfeited land held in trust in favor of the taxing districts, to a political subdivision that submits an application to the commissioner of revenue and the recommendation of the county board.

(b) The application under paragraph (a) must include a statement of facts as to the use to be made of the tract, the

Washington County, Minnesota Board of Commissioners - Actions

Actions at the Tuesday, May 17, 2005 Board Meeting

This page is a brief view of the actions taken by the Washington County Board of Commissioners. For further information, please telephone 651-430-6001.

Washington County's mission is to provide quality public services in a cost-effective manner through innovation, leadership, and the cooperation of dedicated people.

County Board Approves Special Legislation for the Disabled Veterans Rest Camp on Big Marine Lake

The Washington County Board approved special legislation for the Disabled Veterans Rest Camp on Big Marine Lake in May Township. Among the provisions in the special law are a property tax exemption for the Rest Camp and gave Washington County the right of first refusal in the event the property is offered for sale.

County Board Accepts Grants to Enhance Public Safety and Historic Courthouse Repair

The Washington County Board accepted an Edward Byrne Memorial Justice Assistance Grant agreement to provide funding for a project that will enhance the ability of Washington County and the City of Oakdale to prevent criminal activity. The grant will be used to pay for part of the cost of wireless data equipment in two squad cars to provide wireless communication of background check data and license imaging to assist officers while on patrol.

The Washington County Board accepted a grant for \$25,000 from the Margaret Rivers Fund to partially fund a wireless fire alarm system at the Historic Courthouse in Stillwater.

01/07/2002 08:42
Woodbury Bulletin

6517020977

WOODBURY BULLETIN

PAGE 01

CALL RUTH DRYE 651-750-4007
CITY QUESTIONS

Afton council considers paving options

County to demolish Lake Elmo house

BY JUDY SPOONER
Staff Writer

Washington County officials made it final last week. A home at 8961 37th Ave. N. in Lake Elmo, owned by Cheryl Hilyar until it was forfeited for unpaid property taxes a year ago, will be demolished and the land sold at public auction.

Hilyar attempted to re-purchase the property last year, but

failed to meet the terms in the agreement, including paying \$3,000 in county administrative expenses.

Three weeks ago, Hilyar through her attorney Jeff O'Brien, asked for another chance to buy back the property with the help of Robert Beale of North Oaks.

Kevin Corbid, director of assessments, taxpayer services and elections, said the home on one acre needs abatement for

asbestos in floor tiles and the ceiling, which is caving in.

State regulations do not require abatement in private homes, but in this case the falling ceiling is causing asbestos in the air.

To get the property back, Hilyar would have to pay \$12,000 in back taxes, \$3,000 in county administrative costs and up to \$30,000 in clean-up costs.

The County Board gave Hilyar a two-week reprieve to get a detailed offer to the county, but

last week little appeared to change from the original agreement with Beale offering \$1 in the form of a purchase agreement.

Board Member Dick Stafford, who said he would not support re-purchase of the property by Hilyar, said there was still the perception the house could be saved.

Corbid said the city sent a letter stating the home was an imminent health threat and is structurally unsafe.

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Washington County, Minnesota Board of Commissioners - Actions

Actions at the Tuesday, May 17, 2005 Board Meeting

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Oakdale • Lake Elmo Review

5, Number 22

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page 8

Oakdale, 3M negotiate removal of pollutants from city water

Chemicals made by 3M discovered in city wells in December

Aaron Sorenson
news editor

Nearly six months after discovering that Oakdale's municipal water supply contained trace amounts of chemicals produced by 3M to make products resistant to water, grease and stains, city officials and 3M representatives have entered into preliminary discussions about installing a filtration system on one of Oakdale's wells.

"We have had a very good relationship with (3M)," City Administrator Craig Waldron said. "They understand the concerns we have for our citizens, and they have been working with us in good faith."

Waldron said 3M representatives have indicated an interest in building a granular-activated carbon filtering system near city well No. 5 in Richard Walton Park. Of the six city wells tested by 3M in December 2004, well No. 5 showed the

highest concentrations of perfluorooctanoic acid and perfluorooctane sulfonate, said City Engineer Brian Bachmeier.

The state Department of Health determined the amount of chemicals detected throughout the city's water supply were below levels considered unsafe.

For decades, the Maplewood

see **Oakdale water**
on Page 9

Oakdale water...

continued from page 1

based company produced the synthetic chemicals at its Cottage Grove facility for use in its Scotchgard products. Due to growing health concerns surrounding the chemicals, 3M changed the formula for Scotchgard.

Some of the waste from the Chemolite plant in Cottage Grove was disposed of at the Washington County Landfill and at a former disposal site near Granada Avenue and

Highway 5 in Oakdale, the Department of Health said.

Bachmeier said granular-activated carbon filter systems are used by many cities to improve the taste and smell of the water.

"It's a large vessel where the water is stored temporarily to provide a minimum amount of contact time where the carbon absorbs the compounds out of the water," he said. "It's becoming known as the best available technology for improving

water quality."

The Department of Health will be installing similar systems on 12 private, residential wells in Lake Elmo that have also tested positive for perfluorochlorinated chemicals, said Jim Kelly, the department's health risk assessor.

The filtering system in Oakdale would be installed in a yet-to-be constructed building at Walton Park. Bachmeier estimated the system would cost over \$1 million.

City officials will be looking to 3M to cover the costs associated with installing the filtration system.

"It would be... we could start... during this cycle, but there's... to be done before... installed," Wal... "These are some... tanks that conta... bon. There are so... considerations t... want to take into... Walton Park."

Bill Nelson, a 3... tative, declined... on the discussio... taking place wi... officials, only to... are ongoing.

Lake Elmo comp plan in number crunch

Met Council reps question city's housing math

Ryan Kathman
staff writer

The Lake Elmo City Council ended its May 10 special meeting in high spirits, having finally and unanimously approved a comprehensive plan for the city. In the weeks that have followed, however, it remains to be seen whether the Metropolitan Council — who must review Lake Elmo's 25-year proposal to meet the population

lished in a memorandum of understanding between the two entities — will indeed accept the document.

Although Lake Elmo's projections still have the city reaching a population of 24,000 and adding 6,500 new residential equality capacity (REC) sewer units by the year 2030, early indications from Met Council officials are that the city's proposed number of persons per dwelling unit (PPDU) during its major growth period may ultimately be a deal-breaker.

"The numbers in the memorandum of understanding (approved in February) relate to population and REC units, but the memoran-

in conjunction with our adopted regional framework and the forecasts included in that framework," said Steve Dornfeld, the Met Council's public affairs director. "All of those numbers continue to apply."

The discrepancy may seem small at first: the Met Council has suggested in its regional framework that Lake Elmo plan for its 16,000 new residents using a persons-per-dwelling-unit number of 2.53. The Lake Elmo City Council opted for a slightly higher figure of 2.91 PPDU. But when those numbers are divided into the total of 24,000, the difference in the actual number of housing units is about 1,200.

Comp plan...

continued from page 1

More is less

While 2.53 PPDU would put about 9,500 total units in Lake Elmo by 2030, 2.91 PPDU leaves that number at only about 8,200. The city's Planning Commission knew going into its meetings about the comprehensive plan about three months ago what figure the Met Council was suggesting in its regional framework. But, after consulting City Planner Chuck Dillerud who was in communication with Met Council planning staff, the commission decided it might be able to justify a slightly higher number.

"It appears unlikely that a decline in PPDU will occur in Lake Elmo to the extent forecast by the (regional) framework," the planning commissioners stated in a draft of the city's land use plan submitted to the City Council in April. "A 2030

persons per dwelling unit.

DeLapp introduced a resolution that set the number at 2.91. Although Dillerud advised the council that he did not believe he could justify the higher PPDU number to the Met Council, the remaining members ultimately supported it unanimously.

"We're entitled to choose the type of housing and office buildings we want, as per the agreement, and that includes the number of people per unit," said DeLapp, who believed that using 2.53 would actually inflate the 2030 population closer to 30,000. "The Met Council has no clue as to how to determine occupants per house (in Lake Elmo)."

Fuzzy math

However, according to Dornfeld, Met Council demographers carefully consider the age groups, birth rates, death rates and migration rates for a given community to help determine its projected per-

Elmo is at — 2.79 — is significantly different than the figure Dillerud himself has determined through his own calculations: 2.98 PPDU. (If the Met Council number is to be believed, 2.91 would be an increase while, if Dillerud is correct, the City Council's proposal would be a small decrease over the next 25 years.)

For Mayor Dean Johnston, who argued for the 2.75 compromise during City Council meetings (though he ultimately supported 2.91), the disagreement in calculations is not the main issue of concern — it's time. The deadline for a completed and approved comprehensive plan is June 15.

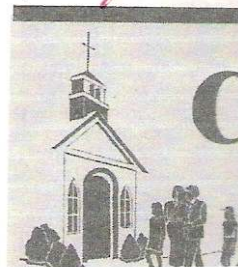
"We have submitted our first draft of our comp plan to the Met Council for staff comment. We haven't received that yet," Johnston said. "If they respond with anything other than 2.91, we've got some changes that we've got to make."

Johnston noted that, in addition to any potential revisions, nearly \$60,000 worth of

ing 8,000 people, land speculators."

While it is not Met Council member Chair Peter Bell reviewed Lake Elmo's plan yet, Dornfeld said that the city still has to do before June 15. Johnston said that the comp plan has been shared with surrounding communities, a task that has been completed a month ago.

"So there are some things here that still need to be completed," Dornfeld said. "The clock is ticking."



OFFICIAL PROCEEDINGS OF THE COUNTY BOARD

WASHINGTON COUNTY, MINNESOTA

MAY 3, 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 R. Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Doug Johnson, County Attorney; Don Wisniewski, Director of Transportation and Physical Development; Don Theisen, County Engineer; Jim Luger, Parks Director; Sandy Cullen, Transportation Manager; Wayne Sandberg, Transportation Engineer; Kay McAloney, Human Resources Director; Jeneen Johnson, Deputy Human Resources Director; Lowell Johnson, Director of Public Health and Environment; Jeff Travis, Program Manager; Cindy Weckwerth, Program Manager; Diane Elias, Management Analyst II; Kevin Corbid, Director of Assessment, Taxpayer Services and Elections; Bogdan Filipescu, Assessment, Taxpayer Services and Elections; Linda Dyer, Assessment, Taxpayer Services and Elections; Rebecca Ault, Assessment, Taxpayer Services and Elections; Tom Adkins, Community Corrections Director; Cindy Koosmann, Recorder; and David Brierley, Public Information Coordinator.

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

Woodbury Review June 1st 2005
County begins housing rehab program for low-income residents

Aaron Sorenson
news editor

In an effort to improve the quality of the housing stock in Washington County, an owner-occupied rehabilitation program for low-income residents was unanimously approved by the County

Resolution No. 2005-072 as follows:

Resolution Honoring
Nicholas Blau, of Cottage Grove, Minnesota,
Upon Achieving the Rank of Eagle Scout

HEREAS, the Boy Scouts of America was established on February 8, 1910, to provide an educational program for boys and young adults to build their character, develop their abilities of citizenship, and to develop their leadership skills;

“They service a lot of other loan programs as well,” Harper said.

“They will be able to connect people with other resources if they don’t qualify for the county’s program.”

Harper said the county’s owner-occupied rehabilitation program will give priority to projects that improve health and safety concerns, such as replacing furnaces,

members develop inter-reliance with persons, gain the desire and skill in principles of American skills for participation

see **Housing rehab**

98
Under the program, those earning 50 percent or less of the area median income as determined by the federal Department of Housing and Urban Development will be able to apply for no-interest, deferred loans up to \$20,000 for home improvements that address health, safety and accessibility concerns.

“I think it’s a great program,” County Board Chair Myra Peterson said. “We have an aging population, and there are homes in need of furnaces, water heaters, roofs and upgrading. We have a lot of folks that can’t afford to do those things.”

The county has earmarked roughly \$140,000 of Community Development Block Grant funds to use for the program. Another \$107,000 is expected to be added to the program in July, when Washington County receives its next round of CDBG funds, said Jane Harper, the county’s principal policy planner.

“Each year we hope to add more money to the program,” she said.

The program will be administered by the Greater Metropolitan Housing Corporation’s Housing Resource Center.

pg 17

✗ Property Located in Lake Elmo – Parcel No. 15.029.21.14.0007

Kevin Corbid, Director of Assessment, Taxpayer Services and Elections, advised the Board that there are three resolutions before it today regarding property located at 8961 37th Street North in Lake Elmo. This property forfeited for non-payment of property taxes on July 21, 2004. He presented a history of what has taken place since that time. On November 23, 2004, the County Board approved a repurchase application from Cheryl Hilyar, the previous owner, which included a number of conditions. The action provided Ms. Hilyar an opportunity to protect her financial interest and the cleanup of the property quickly. The Department of Public Health and Environment sent a letter to all interested parties requiring that the cleanup be completed by April 23, 2005.

Mr. Corbid stated that the Board has been taken on that property since November. Staff was given direction to take on the Lake Elmo issue under the conditions placed by the County Board with the understanding that if the conditions were met they would probably do the same with Oakdale. As of now they have done nothing new on Oakdale since November.

Commissioner Pulkabek 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.

The Board discussed this motion.

Commissioner Stafford commended Mr. Beale's philanthropic attitude towards life. He would be the last person to argue his Christian values. He totally disagrees with the concept that there are so many people in the county that the five people on this Board shouldn't get involved in individual circumstances. When the Board deals with issues like this they don't think of individual interference they think of fairness. Ms. Hilyar was expected to pay her taxes, you are expected to pay your taxes and I'm expected to pay my taxes. It applies to all 210,000 citizens. When somebody doesn't follow the law the Board not only has the right, but it has an obligation to intercede and get it fixed. It takes a long time, five years, for homesteaded property to get to a forfeited status. There are so many clauses and remedies in State Law to prevent the taking of someone's property. At some point citizens have to be held accountable. There are pages and pages of broken promises and agreements. On that basis alone, Commissioner Stafford stated he is tempted to vote to put an end to this. He does have a suggestion that if Mr. Beale stepped forward claiming to have plenty of assets and claiming to be the man to clean this up, he wonders if there is any way another agreement could be made that included penalties, such as a performance bond, but the cleanup costs, if you don't do it the county has to do it. He would vote to give a little more time, but there would have to be an agreement with teeth.

George Kuprian, Assistant County Attorney, stated that the county can develop an agreement, but whether it would be enforceable later on that could be argued. It always looks good on paper, but it might be difficult to enforce.

Commissioner Stafford stated he is very frustrated with this whole thing, but he is willing to go the extra mile if there was some price to pay if the agreement didn't work out.

Mr. Corbid stated the only leverage they would have here is to do another repurchase application that would again set conditions upon the repurchase, which just like the one done in November, if the conditions are not met they are sitting here with the property still not cleaned up and there's been no action taken. His comment to Mr. Beale's comment about responsibility is that the Department's role in tax forfeited land is to do what is "in the best public interest" both for the taxpayers of the county and for the neighborhood this is


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Board of Commissioners

Board Calendar

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[Budget](#)
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Board of Commissioners - 2005

Telephone: 651-430-6001

Washington County is governed by the Board of Commissioners. These elected officials represent the five districts of the county (see map) and serve staggered terms of office.

The Board elects the Chair and Vice Chair at the first meeting of the calendar year. The Chair is the presiding officer during the Board Meetings and the Vice Chair presides in the Chair's absence.

During Board

Meetings, the Commissioners develop policy, make decisions, and make and amend laws for governing the county. The Board's responsibilities include establishing a county budget and tax levy, setting policy for delivery of services, and approving and revising ordinances.

District 1 - Dennis C. Hegberg

District 2 - Bill Pulkrabek, Vice Chair

District 3 - Gary Kriesel

District 4 - Myra Peterson, Chair

District 5 - Dick Stafford

County Commissioner District Boundaries and Commissioner District Terms

Five County Commissioners are elected to represent the

