

REPORT / RECOMMENDATION



To: Mayor and Council

Agenda Item #: VI. A. ii.

From: Brian E. Olson, Director of Public Works *BEO*

Action

Discussion

Date: October 14, 2013

Information

Subject: Tree Removal Improvement No. TR-13 – Resolution No. 2013-89

Action Requested:

Assess the costs to remove diseased elm tree(s) to the owners of the properties listed below:

4018 W. 44 th Street	\$1,878.80	1 Elm Tree
	<u>\$ 30.00</u>	Administrative Fee
	\$1,908.80	(3 year assessment)
3316 W. 56 th Street	\$1,179.20	1 Elm Tree
	<u>\$ 30.00</u>	Administrative Fee
	\$1,209.20	(3 year assessment)

Information / Background:

The above 2 properties collectively had a total of (2) trees removed. The diseased elm trees were removed in accordance with City Code Section 1055, Control and Prevention of Shade Tree Diseases. Property owners were first given an opportunity to remove the diseased tree(s) within a three-week (21 days) period of time. If the tree(s) is not removed within that period of time, the City contracts the removal of the diseased tree(s) and assesses the property owner. The property owners at the addresses above chose to have the City contract the removal of their diseased tree(s) in 2013 and have the cost of removal assessed to their property. This practice prevents the spread of Dutch Elm Disease and Oak Wilt and is mandated by Minnesota State Statutes.

The guideline used to set the length of the assessment period is:

- Under \$500.00 = one year assessment.
- \$500 to under \$1,000 = two year assessment.
- \$1,000 and up = three year assessment.
- Additional years upon request.

When the City is requested to (or forced to) contract the removal of a diseased shade tree on private property, the City Forester asks the property owner if they wish to have the tree stump removed at their expense. State and City law does not demand that tree stumps be removed; only the diseased bark must be removed. Minnesota State Statute 18.023 demanded tree stump removal; however, that State law was repealed in 2003.

RESOLUTION NO. 2013-89
LEVYING SPECIAL ASSESSMENTS FOR
IMPROVEMENT NO., TR-13 TREE TRIMMING

WHEREAS, pursuant to proper notice duly given as required by law, the Edina City Council has met and heard and passed upon all written and oral objections to the proposed special assessments for improvements listed below:

Tree Trimming Improvement No. TR-13 – Various Properties with the City of Edina

BE IT RESOLVED by the City Council of the City of Edina, Minnesota as follows:

1. Each special assessment as set forth in the special assessments roll on file in the office of the City Clerk for each aforementioned improvement is hereby accepted and shall constitute the special assessments against the lands named therein, and each tract of land therein included in herein found to be benefited by the improvement in the amount of the special assessments levied against it.
2. The special assessments shall be payable in equal installments, the first of said installments together with interest at a rate of 6.5% per annum, on the entire special assessments from the date hereof to December 31, 2014. To each subsequent installment shall be added interest at the above rate for one year on all unpaid installments. The number of such annual installments shall be as follows:

	NAME OF IMPROVEMENT	NUMBER OF INSTALLMENTS
Tree Trimming	TR-13 Levy No. 18586	Three Years

3. The owner of the property so assessed may, at any time prior to certification of special assessment to the County Auditor, partially prepay an amount not less than 25% of the whole assessment to the City Treasurer and no interest shall be charged on the portion of the assessment prepaid; or pay the whole of the special assessments on such property, to the City Treasurer, except that no interest shall be charged if the entire special assessment is paid before November 25 following the adoption of this resolution and they may, at any time thereafter, pay to the City Treasurer the entire amount of the special assessments remaining unpaid. Such payment must be made before November 15.

4. The Clerk shall forthwith transmit a certified duplicate of these special assessments to the County Auditor to be extended on the property tax lists of the County. Such special assessments shall be collected and paid over in the same manner as other municipal taxes.

Dated: October 14, 2013

Attest: _____
Debra A. Mangan, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of October 14, 2013, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____,
_____.

City Clerk