

**MEMORANDUM**

To: Edina City Council  
From: Soren Mattick, City Attorney  
Date: March 11, 2014  
Re: Hazardous Building Located at 4100 Parklawn Avenue, Apt. 109

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This matter is now before the Edina City Council to determine whether to declare the Subject Property a Hazardous Building. The following documents are attached to this memorandum for Council review:

- 1) A Proposed Resolution Ordering the Abatement of the Hazardous Building
- 2) Exhibit A: This contains all evidence (documents, reports, and photographs) relating to the code violations at the Subject Property.
- 3) Exhibit B: An Order for Repair and Removal of Hazardous Conditions

**Summary of Code Violations at 4100 Parklawn Avenue, Apt. 109**

On May 15, 2013, the Edina Police Department responded to a complaint to conduct a health and safety welfare check at 4100 Parklawn Avenue, Apt. 109 in the City of Edina ("Subject Property"). Upon arrival at approximately 4:13 a.m., police learned that Ms. Karen Brundin was asleep in the building library of the Subject Property. Ms. Brundin is the owner of the Subject Property. Police officers accompanied Ms. Brundin to her apartment. The officers observed excessive storage at the apartment, such that the officers could only open the door approximately ten (10) inches. Excessive storage including cardboard boxes, bags, and other storage items blocked the entrance and exit area of the Subject Property.

Subsequently, the City of Edina obtained and executed an administrative search warrant at the Subject Property to document the code violations. Fire Marshal Jeff Siems mailed notices to the owner in an effort to have her remedy the code violations. The Fire Marshal granted the owner an extension to remedy the code violations, but the owner failed to take action to remedy the code violations.

**Overview of Hazardous Building Declaration Process**

Minnesota law permits the Edina City Council to order the repair and abatement of hazardous conditions that exist within its city limits. Hazardous conditions include healthy, safety, and fire hazards that exist because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment. Minn. Stat. § 463.15, subdiv. 3. A condition is a hazard if it affects public safety or health.

If the Edina City Council determines that the Subject Property constitutes a hazardous building, it may sign a resolution ordering the owner to abate the hazards. Once the resolution has been signed, the Order for Repair and Removal of Hazardous Conditions (Exhibit B) will be served upon the owner, Ms. Karen Brundin. Ms. Brundin will then have twenty (20) days to remedy the hazardous conditions. If she fails to comply within that time period, we will seek permission from District Court to allow the City of Edina to abate the hazardous conditions.

**RESOLUTION NO. 2014-28**  
**CITY OF EDINA**  
**A RESOLUTION ORDERING ABATEMENT**  
**OF HAZARDOUS BUILDING**

**WHEREAS**, the Fire Marshal for the City of Edina has attempted without success to have the owner of certain property remedy the hazardous and unsafe condition of the uninhabitable apartment situated on property at 4100 Parklawn Avenue South Unit #109, Edina, Minnesota 55435 (“Subject Property”), in Hennepin County; and

**WHEREAS**, the City Council has determined that the building on the property constitutes a hazardous building and is a health and safety hazard within the meaning of Minn. Stat. § 463.15, subd. 3; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA:**

- I. The City has fully considered all evidence relating to the code violations at the Subject Property. Said evidence is attached hereto as **Exhibit A**. Exhibit A includes the following documents:
  - a. Ownership Documents: Parcel Data for the Subject Property for the year 2013; An Owners and Encumbrance Report for the Subject Property dated October 24, 2013
  - b. Police Report and Photographs: Initial Complaint, Edina Police Department Report from May 15, 2013 with attached photographs of the Subject Property
  - c. Administrative Search Warrant
  - d. Correspondence: A letter from Ms. Karen Brundin dated October 14, 2013; A letter from Fire Marshal Jeff Siems to Ms. Brundin dated December 9, 2013
  - e. Past Code Violations: Letters regarding violations at the Subject Property and photographs
2. After fully considering all of the reports, photographs, documents, and other evidence pertaining to the code violations at the Subject Property, the City of Edina finds:
  - a. Karen Lynn Brundin, 4100 Parklawn Avenue, Apt. 109, Edina, Minnesota 55435, is the owner of the Subject Property. The lienholders of the Subject Property are as follows: Secretary of Housing and Urban Development, 451 7<sup>th</sup> Street, SW, Washington, D.C. 20410; and Wells Fargo Bank, N.A., P.O. Box 17339, Baltimore, Maryland 21297.
  - b. The Fire Marshal for the City of Edina has made repeated efforts without success to have the owner, Ms. Karen Brundin, remedy the code violations. The administrative search warrant dated September 5, 2013, notified Ms. Brundin of the code violations. Ms. Brundin acknowledged the excessive storage but failed to take any action to resolve the matter. On October 14, 2013, Ms. Brundin requested an extension to remedy the code violations via letter, and the City granted her an extension. On December 9, 2013, the City sent a letter requesting that Ms. Brundin schedule an inspection of the Subject Property no later than December 17, 2013. Ms. Brundin failed to respond to that letter.

- c. The condition of the property located at 4100 Parklawn Avenue, Apt. 109, Edina, Minnesota 55435, in Hennepin County, is a health and safety hazard and contains a fire hazard or a hazard to public safety or health and is therefore a Hazardous Property within the meaning of Minn. Stat. § 463.15, subd. 3.
  - d. Piles of cardboard boxes, bags, and other storage items have blocked the front door of the Subject Property, such that, on May 15, 2013, police officers could only open the front door approximately ten (10) inches. Officers observed that the boxes, bags, and other storage items were piled within inches of the ceiling and blocked all view of the rest of the apartment unit. This constitutes a violation of Edina City Code § 605.01, subd. 1 and Minn. State Fire Code § 315.2.
  - e. The piles of cardboard boxes, bags, and other storage items are not maintained at least 2 feet or more in non-sprinklered areas of the Subject Property or at least 18 inches below sprinklered areas of the Subject Property in violation of Edina City Code § 605.01, subd. 1, 2; Minn. State Fire Code § 315.2.1.
  - f. The piles of cardboard boxes, bags, and other storage items are not separated from heaters or heating devices in the Subject Property in violation of Edina City Code § 605.01, subd. 1 and Minn. State Fire Code § 315.2.
  - g. The piles of cardboard boxes, bags, and other storage items are stored near exits, making access into and out of the Subject Property nearly impossible in violation of Edina City Code § 605.01, subd. 1 and Minn. State Fire Code § 315.2.2. Said storage obstructs and impedes the ability to exit in the case of a fire or other emergency in violation of Edina City Code § 605.01, subd. 2, 3; Minn. Admin. R. 7511.1028.2, 7511.1028.3; and International Property Maintenance Code (IPMC) § 702.1.
3. Pursuant to Minnesota Statutes § 463.16 *et seq.*, the City hereby adopts and approves the Order for Repair and Removal of Hazardous Conditions attached hereto as **Exhibit B**.
  4. The City's legal counsel, Campbell Knutson, P.A., 317 Eagandale Office Center, 1380 Corporate Center Curve, Eagan, Minnesota 55121, is directed to serve the Order for Repair and Removal of Hazardous Conditions and to proceed with enforcement in accordance with Minn. Stat. § 463.15 *et seq.*

**ADOPTED** this 18th day of March, 2014, by the City Council of the City of Edina, Minnesota.

Attest: \_\_\_\_\_  
Debra A. Mangen, 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 March 4, 2014, and as recorded in the Minutes of said Regular Meeting.

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

\_\_\_\_\_  
City Clerk

# Exhibit A

# Ownership Documents

**Parcel Data for Taxes Payable 2013**

**Property ID:** 31-028-24-41-0023  
**Address:** 4100 PARKLAWN AVE #109  
**Municipality:** EDINA  
**School Dist:** 273 **Construction year:** 1970  
**Watershed:** 1 **Approx. Parcel Size:** IRREGULAR  
**Sewer Dist:**  
**Owner Name:** KAREN LYNN BRUNDIN  
**Taxpayer Name & Address:** KAREN LYNN BRUNDIN  
 4100 PARKLAWN AV #109  
 EDINA MN 55435

**Sale Information**

Sales prices are reported as listed on the Certificate of Real Estate Value and are not warranted to represent arms-length transactions.

**Sale Date:** November, 2005  
**Sale Price:** \$5,693  
**Transaction Type:**

**Tax Parcel Description**

The following is the County Auditor's description of this tax parcel. It may not be the legal description on the most recent conveyance document recording ownership. Please refer to the legal description of this property on the public record when preparing legal documents for recording

**Addition Name:** APARTMENT OWNERSHIP NO. 0088 HEATHERTON OF EDINA CONDOMINIUMS  
**Lot:**  
**Block:**  
**First Line Metes & Bounds:** APT # 109  
**Full Metes & Bounds:** **Note: To read full tax parcel description, click here.**  
**Abstract or Torrens:** TORRENS

**Value and Tax Summary for Taxes Payable 2013  
Values Established by Assessor as of January 2, 2012**

<b>Estimated Market Value:</b>	\$80,000	
<b>Taxable Market Value:</b>	\$49,960	
<b>Total Improvement Amount:</b>		
<b>Total Net Tax:</b>	\$758.38	<a href="#">Expand for details</a>

**Total Special Assessments:**  
**Solid Waste Fee:**  
**Total Tax:** \$758.38

**Property Information Detail for Taxes Payable 2013  
Values Established by Assessor as of January 2, 2012**

**Values:**

<b>Land Market</b>	\$20,000
<b>Building Market</b>	\$60,000
<b>Machinery Market</b>	
<b>Total Market:</b>	\$80,000

**Qualifying Improvements**  
**Veterans Exclusion**  
**Homestead Market Value Exclusion** \$30,040  
**Classifications:**

**Property Type**  
**Homestead Status**  
**Relative Homestead**  
**Agricultural**  
**Exempt Status**

CONDOMINIUM  
HOMESTEAD

**First American Title Insurance Company**

**701 Xenia Avenue South, Ste 450**

**Golden Valley, MN 55416**

October 24, 2013

Jean Olson  
Campbell Knutson PA  
1380 Corporate Center Curve, STE 317  
Eagan, MN 55121  
Phone: (651)234-6212  
Fax: (651)452-5550

Any inquiries concerning this Owners and Encumbrance Report, please call the Customer Service Department at (763)852-3800 or [mproduction@firstam.com](mailto:mproduction@firstam.com).

Order Number: 1330435

Borrower: Brundin  
Property: 4100 Parklawn Avenue #109  
Edina, Minnesota

Attached please find the following item(s):

Owners and Encumbrances Report

Thank You for your confidence and support.

*Customer First!*

## OWNERS AND ENCUMBRANCES REPORT

File No. 1330435

For the exclusive use of :

Campbell Knutson PA

Effective Date of this Report: September 30, 2013, at 7:00 A.M.

On Real Estate described as:

**Apartment Number 109, and 1.13013 percent of undivided interest in the common areas and facilities, Apartment Ownership No. 88, Heatherton of Edina Condominiums, Hennepin County, Minnesota.**

NOTE: This property is Torrens, the Torrens Certificate No. is 561582.

The County Recorders or Register of Titles records indicate that:

A. The Grantees on the last deed of conveyance, are:

Karen Lynn Brundin

B. The Real Estate is encumbered by the following Mortgages, Contract for Deeds, and other liens, including: Mechanic's Liens, Tax Liens, Bankruptcies and Judgments:

1. A mortgage to secure an original principal indebtedness of \$228,000.00, and any other amounts or obligations secured thereby, recorded October 20, 2006 as Doc. No. 4318466 of Official Records.

Dated:	February 27, 2006
Mortgagor:	Karen Lynn Brundin, a single person
Mortgagee:	Wells Fargo Bank, N.A.

2. A mortgage to secure an original principal indebtedness of \$228,000.00, and any other amounts or obligations secured thereby, recorded October 20, 2006 as Doc. No. 4318467 of Official Records.

Dated:	February 27, 2006
Mortgagor:	Karen Lynn Brundin, a single person
Mortgagee:	Secretary of Housing and Urban Development

NOTE: A name search of Karen Lynn Brundin has not been completed at the request of the customer.

The County Tax Records indicate that the real estate taxes are:

Taxes currently due and payable in **2013 are UNPAID**

Amount: \$ **758.38**

PIN: **31-028-24-41-0023**

Homestead or non-homestead: **Homestead**

Delinquent taxes: **2013**

Address: **4100 Parklawn Avenue #109, Edina, MN**

Estimated Market Value: \$ **80,000.00**

This Report is limited to only the information described above.

This Report specifically does not include information relating to:

- a. Rights of dower, curtesy, homestead, or other marital rights of spouse if any, of any individual shown.
- b. Any lien, or right to lien, for services, labor or materials heretofore or hereafter furnished or imposed by law.
- c. Any encroachments, measurements, party walls, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the real estate.
- d. Easements, or claims of easements.
- e. Rights or claims of parties in possession not shown by the public records.
- f. Minerals and mineral rights.
- g. Covenants, conditions, and restrictions.
- h. Levied and/or pending special assessments.

This report is not nor is to be construed as, an Abstract of Title, title opinion, or title insurance policy.

The total liability of this Company by reason of losses and damages that may occur by reason of any errors and omissions in this Company's report, is limited to the fee it received for the preparation and issuance of this report.

# Police Report and Photographs

**COMPLAINT RECORD**  
**Edina Health Department**

Date: 5/13/13

Type:

- |   |   |
|---|---|
| <input type="checkbox"/> Garbage/Refuse         | <input type="checkbox"/> Housing            |
| <input type="checkbox"/> Recycling              | <input type="checkbox"/> Food               |
| <input type="checkbox"/> Public Nuisance        | <input type="checkbox"/> Pools              |
| <input type="checkbox"/> Public Health Nuisance | <input type="checkbox"/> Other: <u>FIRE</u> |
| <input type="checkbox"/> Freedom to Breathe     |   |

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Complaint Location: 4100 Parklawn Ave. Unit # 109

Owner: \_\_\_\_\_

Owners Address: \_\_\_\_\_

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Complainant: Laural Spande

Complainant Address: 4100 Parklawn Ave. Unit #110

Complainant Telephone (H) 651-775-2935 (W) \_\_\_\_\_

Received by: Brown – Forwarded to Jeff Siems (Fire Dept.)

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**Nature of Complaint:**

Resident (Karen) is sleeping in common areas of condo complex, and using laundry room for hygiene purposes, as her unit is full of belongings. Complainant states that management is investigating and has taken pictures inside the unit. She indicated that the door to the unit can barely open because of the accumulation of items in front of the door. This unit has a history of accumulating items, but not of unsanitary conditions. Complainant said she spoke with resident, who indicated her heating/cooling system was not working. Egress from the unit may be an issue.

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Report of Investigation:

Comments:

Inspection Date:

Compliance Date:

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Date of Referral: 5/13/13

Refer to:     Planning    Building    Animal Control    Park/Weeds    Other





### REPORTING OFFICER NARRATIVE

Edina Police Department

OCA
13-001029
Date / Time Reported
Wed 05/15/2013 04:13

Victim	Offense	Date / Time Reported
	MP-MISC PUB-WELFARE CHECK	Wed 05/15/2013 04:13

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

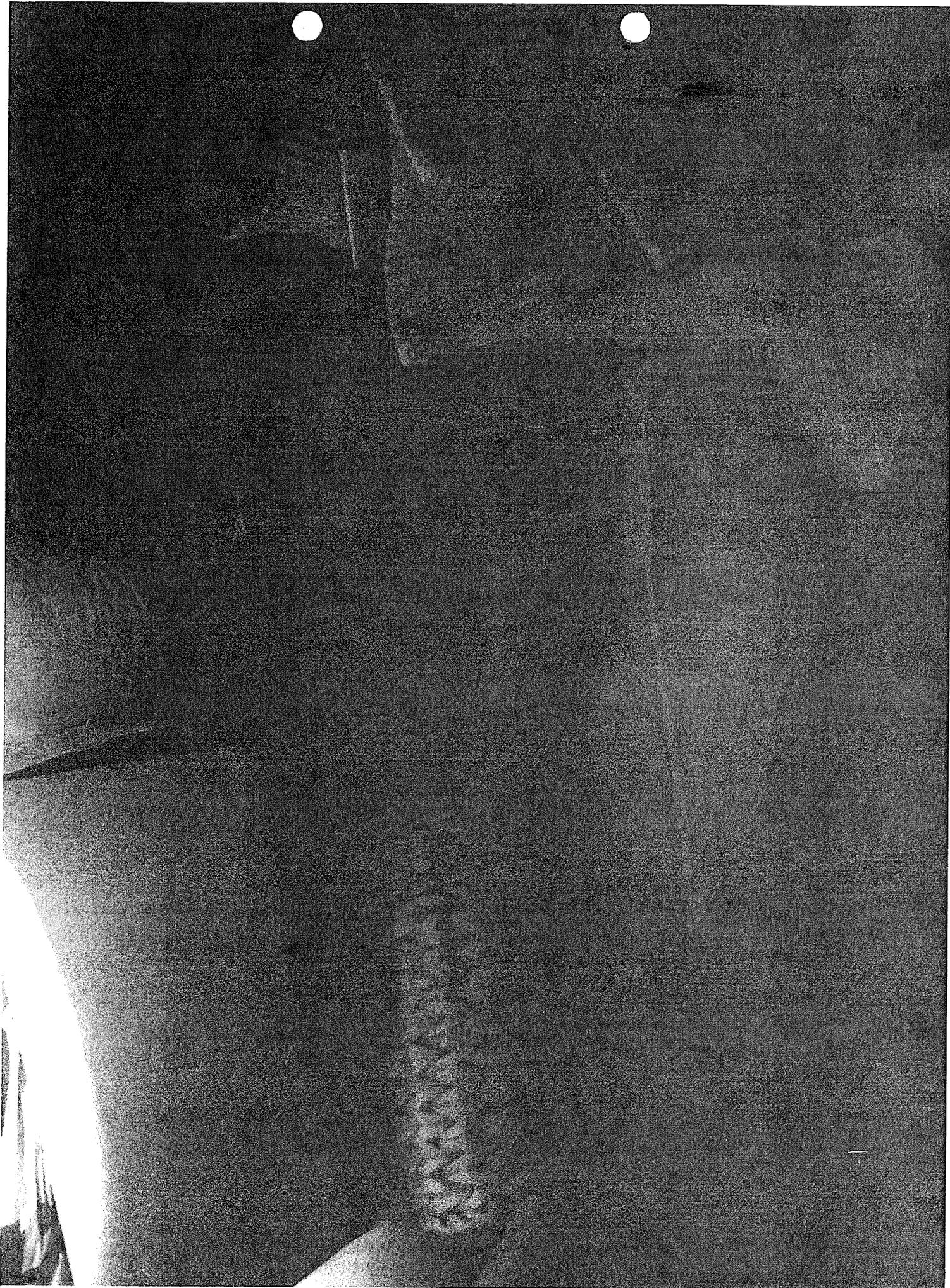
On 05-15-2013 at approximately 0413 hours I, Officer Jamie La Manna and Officer Sean young were dispatched to 4100 Parklawn Ave. to check the welfare of Karen Lynn Brundin. Reporting party Laura Beth Spande, Brundin's neighbor, was reporting that Brundin has been sleeping in common areas of the building.

Upon arrival I spoke with Spande who stated Brundin was asleep in the building library. Spande stated she believed Brundin was sleeping in the common areas because she had stock piled belongings to a point where she could no longer gain access to her own apartment. Spande stated she finally contacted the police department because she could not access her storage unit, which is adjacent to Brundin's, because of all the property she is keeping. I asked Spande how long this has been going on for and she said approximately eighteen months.

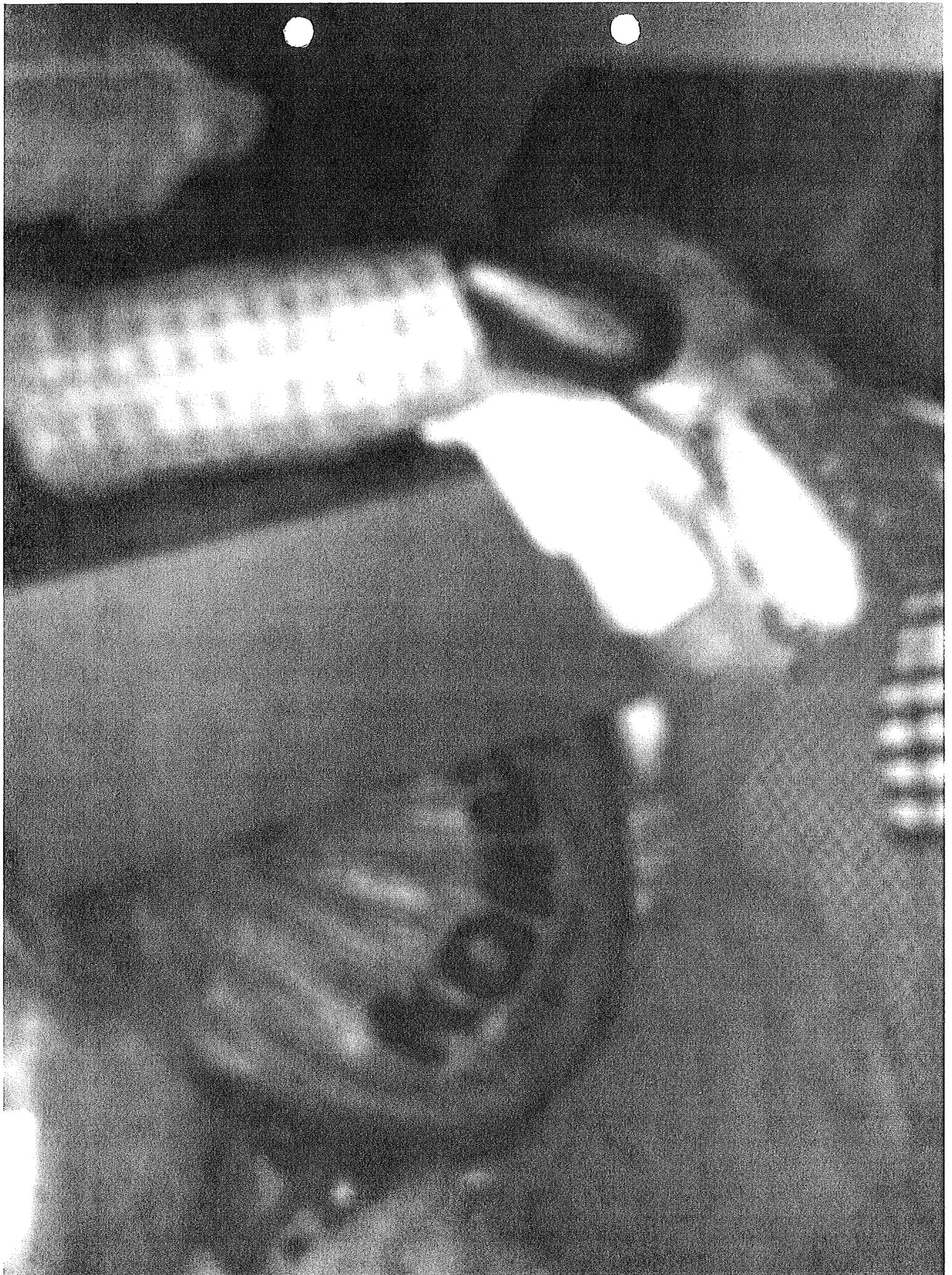
I found Brundin asleep in the building library as Spande stated she would be. I woke Brundin up and asked her why she was asleep in the library. Brundin stated she slept in the library because she needed to be awake early to take care of moving stuff from her storage unit before work. I asked Brundin why the library would be more comfortable than her home and she kept reiterating she needed to be awake early.

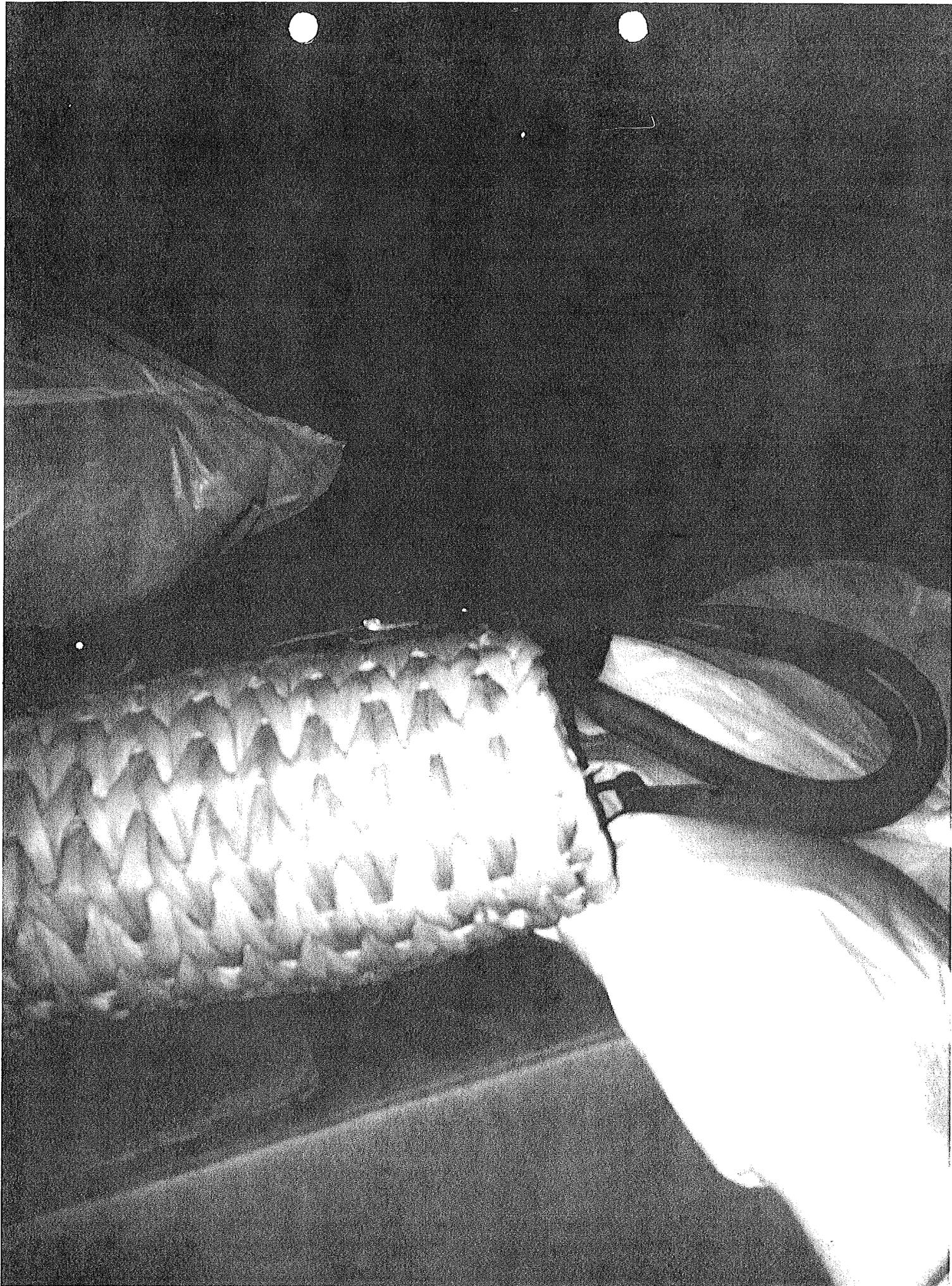
I accompanied Brundin back to her apartment and asked her to open the door to make sure she could return to her unit safely. Brundin used her keys to open the door and explained that she was in the process of moving some of her belongings and could not open the door very far. I tried to assist Brundin in opening the door to her apartment and I was only able to open the door about ten inches. I observed various boxes and bags stacked within inches of the ceiling in the hallway behind the door. The volume of boxes and bags prevented the front door from being open. I was unable to see past the boxes and bags to determine the condition of the rest of the apartment.

I asked Brundin when she was last in her apartment and she stated "before the weekend." Given the observed condition of the home and call history the case should be referred to Adult Protection Services and the city Sanitarian. The apartment also appears to pose a great fire danger. See case number 08-000240 for additional information.











# Administrative Search Warrant

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA )  
 )ss  
COUNTY OF HENNEPIN )

**APPLICATION FOR  
ADMINISTRATIVE SEARCH  
WARRANT AND  
SUPPORTING AFFIDAVIT**

Sean Young being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, for the things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true. Affiant has good reason to believe, and does believe, that the following described things exist at the premises, to-wit:

The premises located at 4100 Parklawn Avenue, Apartment 109 ("Subject Property"), City of Edina, County of Hennepin, State of Minnesota, contains excessive storage of materials that block means of egress from the Subject Property and create an unsafe condition in violation of the Minnesota State Fire Code.

This affiant applies for issuance of a search warrant upon the preceding grounds. The facts tending to establish the grounds for issuance of an administrative search warrant are as follows:

~~Your affiant is Sean Young, a police officer for the City of Edina. On May 15, 2013, your affiant was dispatched to check on the welfare of Karen Lynn Brundin in response to a neighbor's complaint that Brundin was sleeping in a common area of her apartment building. Your affiant and Edina Police Officer Jamie La Manna initiated a welfare check at 4100 Parklawn Avenue where the officers found Brundin sleeping in the apartment building's library. The officers asked Brundin why she was sleeping in the library instead of her apartment, and~~

Brundin responded that she needed to wake up early to move items to her storage unit.

The officers escorted Brundin back to her apartment unit to make sure that she could safely access her unit. The officers observed that Brundin could only open the front door to the Subject Property about ten inches because it was blocked by a large volume of boxes, bags and other items. The officers observed that the boxes and bags were piled within inches of the ceiling and blocked all view of the rest of the apartment unit.

Based on your affiant's observations of the Subject Property, your affiant has probable cause to believe that the Subject Property contains inadequate means of egress and excessive storage of combustible materials creating unsafe conditions and a fire hazard under the Minnesota State Fire Code. The unsafe conditions must be abated immediately pursuant to the provisions of Minnesota State Fire Code Section 110

**WHEREFORE**, affiant requests that an administrative search warrant be issued authorizing Sean Young and his designated agents to enter the Subject Property and to search inside the Subject Property for the existence of Fire Code violations, evidence of unsafe conditions, and other safety hazards.

  
Sean Young

Subscribed and sworn to before me  
this 5<sup>th</sup> day of September, 2013

  
Notary Public *Court Clerk* *Leadwork*

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

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**ADMINISTRATIVE SEARCH WARRANT**

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TO: SEAN YOUNG, CITY OF EDINA

**WHEREAS**, Sean Young has this day on oath, made application to this Court applying for issuance of an administrative search warrant to search inside and outside of the following described premises: 4100 Parklawn Avenue, Apartment 109, City of Edina, County of Hennepin, and State of Minnesota (Subject Property), for the following described things:

Minnesota State Fire Code violations, City Code violations, evidence of unsafe conditions, and other safety hazards;

**WHEREAS**, the application and affidavit were presented and read by the Court,

**NOW, THEREFORE**, the Court finds that cause exists for the issuance of an administrative search warrant upon the following grounds:

Minnesota State Fire Code violations, unsafe conditions, and fire hazards exist upon the Subject Property and an interior inspection is required to determine the extent and severity of such conditions.

**NOW, THEREFORE**, SEAN YOUNG and his designated agents are hereby commanded to enter the Subject Property and to search inside and outside the Subject Property for the existence of Minnesota State Fire Code violations, evidence of unsafe conditions, and other safety hazards.

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Dated: Sept. 5, 2013

BY THE COURT:

  
\_\_\_\_\_  
Judge of District Court

Laurie Miller

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