



To: Mayor and Council

Agenda Item #: VI. F.

From: Jeff Brown, Community Health Administrator

Action
Discussion
Information

Date: October 21, 2014

Subject: Certification of Abatement of Public Health Nuisance Improvement No. AB-14

Action Requested:

Assess the total cost of \$2,844.68 to the property owner at 5609 Beard Ave. South, Edina, MN, for refuse removal and public health nuisance abatement at that address.

Information / Background:

Due to lack of response by the property owner at 5609 Beard Ave. South, Edina, MN, PID 20-028-24-24-0152, City staff arranged to abate public health nuisance conditions at the property in order to comply with City Code. Refuse was removed, the property was cleaned, and items were discarded to abate public health nuisance conditions and provide egress pathways within the residence.

The total cost to the City for the cleaning service, refuse removal, staff time, and administrative fees is \$2,844.68 . A one year assessment period is proposed.

Attachments:

Public Health Nuisance Employee Time Log
Notice of Public Hearing
Resolution No. 2014-130 Levying Special Assessment
Letter to Property Owner: June 13, 2014
Letter to Property Owner: July 2, 2104
Letter to Property Owner: July 28, 2014

PUBLIC HEALTH NUISANCE

Employee Time Log

Case Address 5609 Beard Ave, Edina, MN 55410, June 2014 to September 2014

DATE	# OF HOURS	ACTIVITY	INSPECTOR	
6/11/14	1 hr	Lined up animal control to assist in removal of cat. Entered home and searched for cat with animal control.	Wilmot	
6/17/14	1 hr	Entered home for clothing, purse, shoes. With Patrick, Intern	Wilmot	
6/19/14	1 hr	Contacted Service Master, established sight visit. Met Service Master at Beard, entered and reviewed property for cleaning	Wilmot	
6/24/14	1 hr	Ms. McBride had requested check blanks, entered home retrieved check blanks which were delivered to Ms. McBride by a neighbor whom she had made arrangements to deliver them to her	Wilmot	
6/30/14	2 hr	Met Service Master to review cleaning needs and provide entry. Recheck around noon provide clarification for their questions. Afternoon stop for final review of services. (follow up phone call for dumpster removal 1 wk later)	Wilmot	
7/21/14		Contacted Service Master to inquire about final bill	Wilmot	
7/28/14	1 hr	Final bill received, letter prepared sent to McBride to pay Edina. Sent payment request to Finance for services.	Wilmot	
8/24/14	1 hr	No payment received. Start special assessment process. Review hours for clean out project and special assessment	Wilmot	\$321.20



NOTICE OF PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENT IMPROVEMENT NO. NA-14

The Edina City Council will meet at **7 p.m. Oct. 21, 2014**, at City Hall, 4801 W. 50th St., Edina, MN, to approve and adopt the listed special assessments for public health nuisance abatement against the following described property: 5609 Beard Avenue South.

Property Identification No. 20-028-24-24-0152

The special assessment to this property for public health nuisance abatement is: \$2,844.68. The proposed assessment roll is on file with the City Clerk.

No invoices will be mailed. This is the only notice you will receive regarding payment.

Payment Options

The proposed assessment is payable in one annual principal installment extending over a period of one year at the rate of 6.5 percent.

Should the City Council adopt the assessment roll at the Oct. 21 meeting, you may pay the assessment in one of these ways:

1. Pay the whole of the assessment without interest to the City to the Assessing Office, 4801 W. 50th St, Edina, MN 55424 on or before Nov. 25, 2014.
2. Pay a minimum of 25 percent of the assessment to the Assessing Office, 4801 W. 50th St, Edina, MN 55424 on or before Nov. 25, 2014. The remaining balance will be certified to the County Auditor and your annual payment will be payable with your real estate taxes in 2015, with interest on the remaining assessment at the rate of 6.5 percent per annum from Oct. 21, 2014 to Dec. 31, 2015.
3. Pay the assessment with your real estate taxes. If the special assessment is not paid in the Assessing Office by Nov. 25, 2014, it will be certified to the County Auditor and your first year's payment will be payable with your real estate taxes in 2015, with interest on the entire assessment at the rate of 6.5 percent per annum from Oct. 21, 2014 to Dec. 31, 2015.

Objections/Appeals

If you wish to object or appeal to this assessment:

1. File a signed, written objection with the City Clerk prior to the assessment hearing, or present the written objection to the Mayor at the assessment hearing.
2. Serve notice of the appeal to the Mayor or the City Clerk within 30 days after the adoption of the assessment and file such notice with the District Court within 10 days after the notice was served to the Mayor or the City Clerk.

To comment on the special assessment, you may:

- **Write to** City of Edina, Health Division, 4801 West 50th Street, Edina, MN 55424
- **Email to** mail@EdinaMN.gov, attention City Council and Health Division.
- **Attend the Oct. 21 public hearing and offer comments.**

If you have questions regarding the project, please call the Health Division at 952-826-0370. If you have questions about paying your assessment, please call the Assessing Division of the Community Development Department at 952-826-0365.

September 26, 2014
Debra A. Mangen
City Clerk

Cut the bottom section and mail in with your payment if paying on or before Nov. 25, 2014:



PAYMENT PROCEDURE

- If paying on or before Nov. 25, 2014, please cut and return this stub with your payment.
- Make check payable to the City of Edina.
- Mail payment or pay in person: Edina City Hall, Assessing Division, 4801 W. 50th Street, Edina, MN 55424.

PID	Impr. No.	Pay this amount by Nov. 25, 2014, to avoid interest charges.	If not paid on or before Nov. 25, 2014, the assessment will be placed on your property taxes at 6.5% interest rate.
20-028-24-24-0152	AB-14	\$2,844.68	

Amount Enclosed: _____

Name: _____

RESOLUTION NO. 2014-130
A RESOLUTION LEVYING SPECIAL ASSESSMENTS
FOR ABATEMENT OF PUBLIC HEALTH NUISANCE

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 the improvement listed below:

ABATEMENT OF PUBLIC HEALTH NUISANCE AB-14

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 assessment 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, 2015. 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:

<u>NAME OF IMPROVEMENT</u>	<u>NUMBER OF INSTALLMENTS</u>
Abatement of Public Health Nuisance AB-14	Levy No. 18885

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, 2014 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 25, 2014.

4. The Clerk shall forthwith transmit a certified supplicate 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.

Adopted this 21st day of October, 2014

ATTEST: _____
City Clerk

Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
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 21, 2014, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 20__.

City Clerk

June 13, 2014

Dorothy Janet McBride
5609 Beard Ave S
Edina, MN 55410

Dear Ms. McBride:

I observed that the living conditions of your dwelling are in violation of Minnesota Statute 145A regarding Public Health Nuisances and Edina City Code Chapter 20 and its inclusion of the 2006 International Property Maintenance Code (IPMC) 305.1:

- In the kitchen there is an accumulation of spoiled and rotting food in the sink and on the counter along with soiled plates and cups. There are emptied and discarded bottles, food wrappers, and plastic bags. In addition, there is an accumulation of soiled paper towels and toilet paper in the bathroom and in the hallway on the main floor and upper level bedroom.
- The bed, linens and several items of clothing are soiled and must be cleaned or discarded.

All refuse; including soiled toilet paper, paper towels, bags, food containers and discarded paper must be removed from the dwelling. All reusable dishes, cups, glasses must be cleaned and sanitized. All counters, floors and toilets must be clean and sanitized. The home is posted "Do Not Occupy" until the home has been cleaned.

All code violations must be corrected **by Monday, June 23 2014**. A follow up inspection will be conducted after that date.

Any person aggrieved by a notice of violation of Edina City Chapter 20 may file for an appeal by submitting a written request to the Edina City Clerk within ten days of this notice. Any such appeal will be heard by the City Council at a scheduled council meeting when they may confirm, amend or deny the existence of a code violation.

Thank you for your immediate attention to this matter.

Sincerely,

Solvei M. Wilmot, R.S.
Environmental Health Specialist
Health Division
Edina Police Department
952-826-0463



July 2, 2014

Janet Mc Bride
5609 Beard Ave
Edina, MN 55410

Dear Janet:

A letter was sent to you on June 13, 2014 indicating that the condition of your home is in violation of Minnesota Statute 145A and Edina City Code Chapter 20 and must be brought into compliance. Since that date we have spoken on the phone and you indicated you would have the City of Edina contract the cleaning and assess the cost. Since you have received a notice allowing you ten days to appeal the notice and/or take action on your own and you have not done so, the City has taken action to correct the code violations.

On Monday, June 30, 2014 Service Master under the direction of the City of Edina, cleaned the interior of the home. They removed all refuse including spoiled and rotten food, papers, soiled paper towels, disposable food containers, cat feces and vomitus, soiled clothing and linens and the upstairs mattress was disposed due to being soiled with feces and/or vomitus. The floors, counters in the kitchen and bathroom surfaces were clean and sanitized.

You indicated the furnace was in need of repair. Sears Home Services has been contacted and is scheduled to complete the repair on Friday, July 11, 2014.

All costs for cleaning and furnace repair will be forwarded to you for the cleaning. You will have 30 days to pay the bill or the cost plus administrative fees and interest will be assessed to your property taxes.

If you have questions, please call me at 952-826-0463.

I hope you are in good health.

Sincerely,

Solvei M. Wilmot, R.S.
Environmental Health Specialist
Health Division
Edina Police Department

July 28, 2014

D. Janet McBride
5609 Beard Ave
Edina, MN 55410

Dear Ms. McBride:

I am glad you are back home and hope you have continued good health.

The city has received the final bill from ServiceMaster for the cleaning that was required due to violations of Edina City Code.

The total cost for cleaning and dumpster service is **\$2,398.78**.

Please pay by Monday, August 20, 2014 and mail to:

City of Edina
4801 West 50th Street
Edina, MN 55424.

Should you find you are unable to pay by the due date; the City will assess the cost to your property along with additional Administrative fees, staff labor time, and interest. Thank you for your immediate attention to this matter.

Sincerely,

Solvei Wilmot, R.S.
Environmental Health Specialist
Health Division
Edina Police Department
952-826-0463