REPORT/RECOMMENDATION

To:	**MAYOR AND COUNCIL**	**Agenda Item**	**Item No. VI.C.**
From:	**Sherry Engelman, R.S.** **Community Health Administrator**	☒ ☐	**Action** **Discussion**
Date:	**May 1, 2012**	☐	**Information**
Subject:	**Levying Special Assessment For Public Health Nuisance Abatement No. 18165, Resolution No. 2012-70**		

ACTION REQUESTED:
Assess the total cost of $9,893.66 to the property owner at 4617 Golf Terrace, 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 4617 Golf Terrace, Edina, MN, PID 19-028-24-22-0024, to remove refuse and clean the property to comply with Edina City Code, staff arranged to abate the public health nuisance. Refuse was removed and the property cleaned to eliminate the public health nuisance and provide a safe, healthy environment for the resident.

The total cost to the City for the cleaning service, refuse removal, staff time and $30 administrative fee is $9,893.66. A one year assessment period is proposed.

ATTACHMENTS: (pdf format)
Correction Notice 9/09/11
Correction Notice 9/21/11
Memo to Prosecuting Attorney
Public Health Nuisance Log
Service Master Invoice
Billing Notice 1/25/12
Resolution No. 2012-49
Resolution No. 2012-70
Notice of Public Hearing Refuse Removal for Public Health Nuisance Abatement Levy #18165

City of Edina

September 9, 2011

Earl H. Isensee, Jr.
4617 Golf Terrace
Edina, MN 55424

Dear Mr. Isensee:

Thank you for your time on September 8, 2011. As you know Chet Vorspan from Hennepin County Adult Protection was present to determine how they may be able to assist you. Mr. Vorspan determined that a case worker would be contacting you to facilitate further assistance.

In addition, I spoke with you about contacting a plumber. The plumber would correct the gas leak at the stove which would allow the gas company to reconnect the service to your home. You expressed concern to get that done and that you were a nervous about hiring a plumber because of past experience. However, Edina City Code 725 and its inclusion of the International Property Maintenance Code (IPMC) section 602.3 requires your home to have heating ability to 68°F. Therefore, you must repair the gas leak by Tuesday, September 20, 2011

We also discussed the need for you to clean the home. The kitchen has spoiled and rotting food on the table, counters and in the refrigerator. There are food spills on the counters, floor and stove. There is an accumulation of refuse in the kitchen. In the bathroom, there is an accumulation of toilet paper soiled with feces; the floor and tub are soiled with feces and urine; and there is an accumulation of discarded papers. The bedroom has spoiled food and food containers, soiled linens and clothing and discarded papers on the floor. Throughout the house there is an accumulation of discarded papers. Edina City Code 725, IPMC section 305.1 requires a property owner to keep their home in a clean and sanitary condition. Therefore, you must clean and sanitize the above referenced areas by Tuesday, September 20, 2011.

Any person aggrieved by a notice of violation of Edina City 725 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

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

City of Edina

September 21, 2011

Earl H. Isensee, Jr.
4617 Golf Terrace
Edina, MN 55424

HAND DELIVERED

Dear Mr. Isensee:

In follow up to the notice of code violation that was sent September 9, 2011, I find that correction has not been made. Edina City Code 725 and its inclusion of the 2006 International Property Maintenance Code (IPMC) section 602.3 and section 305.1 regarding the lack of natural gas and heat; and the sanitary conditions are outstanding.

I am aware that you have had two plumbers stop out to your home to correct the gas leak at the stove which is the reason for the gas to be shut off to the home. The information that has been shared with me is that the plumbers are able to cut and cap the natural gas line to the stove in order to allow the gas service to the home to be turned on. However, the stove needs extensive repair and may be of an age that it would be required to be replaced. Your desire to have the stove repaired has resulted in additional delays to resume the natural gas and heat to the home. Since heat is a requirement of IPMC section 602.3 and the current seasonal conditions warrant the need to able to heat a home, you must correct this violation by Wednesday, September 28, 2011.

In addition, the interior of the home was ordered to be cleaned and sanitized. The home must be cleaned by Wednesday, September 28, 2011.

Failure to comply with the requirements of Edina City Codes by Wednesday, September 28, 2011 will result in the home being posted as Do Not Occupy due to lack of heat and sanitary conditions, as authorized by Edina City Code 725 Section 108.4.1. You will not be allowed to occupy the dwelling until the City of Edina has abated the violations. The cost of the abatement will be assessed to the property as authorized by Edina City Code 725 section 111.3 and Minnesota Statute 145A.

Sincerely,

Solvei M. Wilmot

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

MEMO

Date: October 13, 2011
To: Soren Mattick, Attorney
From: Solvei Wilmot, R.S. Environmental Health Specialist
RE: Earl Isensee, Jr. , Date of Birth: 5/11/33, 4617 Golf Terrace, Edina, MN 55424

In the summer of 2011 Mr. Isensee made several visits to Edina City Hall/Utility Billing Department regarding his outstanding water and natural gas bills. The Utility Department informed Mr. Isensee that a water leak could be the cause for his larger consumption of water resulting in a higher water bill. The Utility Department also informed him that the natural gas bill was handled by a different agency; CenterPointe. The Utility staff approached the Edina Health Department with concerns that Mr. Isensee was dressed in the same clothes at each visit. They reported that his clothing was very soiled and he had a strong odor of filth and urine. Ms. Wilmot of the Edina Health Department contacted Hennepin County Adult Protection and made an appointment to visit Mr. Isensee's home on September 8, 2011.

On September 8, 2011, Ms. Wilmot and a reviewer from Hennepin County Adult Protection visit with Mr. Isensee. During that visit Ms. Wilmot observed that Mr. Isensee was dressed in very soiled clothing and had a strong odor. It was found that he was not using the household toilets. The master bedroom bathroom appeared to function properly. The main bathroom for the house has a quantity of soiled toilet paper, feces in tub and Mr. Isensee stated that he urinates into the tub. In addition, Mr. Isensee has accumulated spoiled and rotting foods found in both the kitchen and bedroom, soiled clothing and linens were also found in the bedroom. The kitchen has an accumulation of food, beverage and filth on the floors, counters and table. The majority of the food found in the refrigerator was outdated and the stove was soiled with food spills and was dismantled. Further inspection found that the gas was turned off by CenterPointe energy due to lack of payment on the bill. Mr. Isensee paid the bill; however, CenterPointe found a leak at the stove which resulted in an unsafe condition therefore the gas will remain shut off until the leak is repaired.

Written orders for correction were issued to Mr. Isensee on September 9, 2011. The notice informed Mr. Isensee of the requirements of Edina City Code 725 IPMC sections 305.1 and 602.3. To keep a clean and sanitary house and the requirement for heat (natural gas) September 15 to May 15. Mr. Isensee was given until September 20, 2011 to correct the violations of Edina City Code. Mr. Isensee did not comply and a second notice was mailed and hand delivered on September 21, 2011 with a compliance date of September 28, 2011. A follow up inspection was conducted with Hennepin County Adult Protection and an Edina Police Department on September 29, 2011. To date compliance had not been met. The door was posted as "Do Not Occupy" as authorized by Edina City Code 725 section 108.4.1, due to unsanitary conditions and lack of heat. Mr. Isensee refused to leave. In order to facilitate cleaning the home and repairing the natural gas line leak the City of Edina Health Department is seeking to designate the house as a Hazardous Building.

Codes and Statutes
Minnesota Statute 145A.04 Subd. 8: Health Department authority to remove filth.
Edina City Code 725 and its inclusion of the 2006 International Property Maintenance Code (IPMC)
section: 305.1 requirement to keep dwelling in a clean and sanitary condition
Section: 602.3 requirement for heat September 15 to May 15

PUBLIC HEALTH NUISANCE

Employee Time Log

Case Address 4617 Golf Terrace

DATE	HOURS	ACTIVITY	INSPECTOR
11/9/2011	1.5	Service master visit and police wait for lock installation	SW
11/10/2011	1	open for Service Master, check progress, lock	SW
11/11/2011	0	(Veterans Day) key at PD for check out	SW
11/14/2011	0.5	check at lunch	SW
11/14/2011	0.5	check secure end of day	SW
11/15/2011	0.5	check at lunch	SW
11/15/2011	0.5	check secure at end of day	SW
11/16/2011	0.5	check at lunch complete and secure	SW
11/17/2011	2	court documents prep	SW
	7	**Total hours**	
11/9 & 11/17	2	Sherry 46.19 + 30% x 2 = 120.00	SE
		Solver 33.35 + 30% x 7 303.49	
		(52% Benefits) 423.49	

Interest Rate 6.5%

Admin. Charge $30.

Bill to resident - 30 days to pay

Assessment 1/1

$ 9,470.17 Service Master
+ 423.49 Staff
9,893.56
+ 30.00 Admin Chg
$ 9,923.56

Bill to resident

Invoice

ServiceMaster TC

7320 Oxford Street
St. Louis Park, MN 55426

Date	Invoice
12/19/2011	35524

Billing Address:	Service Address:
City of Edina Solvei Wilmot 4801 West 50th Street Edina, MN 55424	4617 Golf Terrace Edina, MN

P.O. No.	Terms	Due Date	Rep
	Due on receipt	12/19/2011	JS

Quantity	Description	Rate	Amount
1	Disaster Restoration - Other	8,411.61	8,411.61T
1	Vendor Services	416.33	416.33T
	Hennepin County Sales Tax Group	7.275%	642.23

Note: Please fill out tag completely
AMOUNT $ 9,470.17

PEID (Finance only)

ACCOUNT # 4298.6103

DESCRIPTION Property clean-up / 4617 Golf Terrace
(i.e., what item is ... mower ... envelopes ... film)

INVOICE #

INVOICE DATE 12/19/2011

PURCH. ORDER #

APPROVAL G L Englman

Total	$9,470.17
Payments/Credits	$0.00
Balance Due	$9,470.17

Phone Number	(612)871-3885	(952)445-5233

Finance Charges are applied to all accounts 30 days past due.

January 25, 2012

City of Edina

Mr. Earl Isensee
4617 Golf Terrace
Edina, MN 55424

Dear Mr. Isensee:

On September 9 and 21, 2011, the City of Edina issued orders to you to abate violations of the Edina City Code Section 725 and the 2006 International Property Maintenance Code on your property located at 4617 Golf Terrace, Edina, MN by September 28, 2011. The abatement included repairing gas leak in order to restore gas service to the home, removing spoiled and rotting food from counters, floor and refrigerator; cleaning feces and urine in the tub, floor and toilet stool. Remove the accumulation of soiled toilet paper in the bathroom, and removing garbage from the home. By November 9, 2011, you had not abated the violations and the City took immediate action to complete the abatement to clean and sanitize the dwelling. **The cost of the abatement including staff involvement is $ 9,893.66.**

This amount will be certified to Hennepin County for a special assessment collection with the 2013 property taxes. An additional 6.5% interest rate and a $30 administrative fee will apply. **To avoid paying the interest rate and the administrative fee, you may pay the full amount of $9893.66 directly to the City of Edina any time before February 27, 2012.** Mail the payment to:

Edina Health Department
Edina City Hall
4801 W 50th Street
Edina, MN 55424

If we do not receive the full payment of $9,893.66 by February 27, 2012, a hearing to certify this special assessment will be set with the City Council. We will inform you by mail regarding the hearing date.

Please feel free to call me if you have any questions.

Sincerely,

Solvei M. Wilmot

Solvei M. Wilmot
Environmental Health Specialist
Edina Health Department
952-826-0463

cc: Assessing Department, Finance Department

RESOLUTION NO. 2012-49
SET PUBLIC HEARING FOR May 1, 2012
REFUSE REMOVAL FOR PUBLIC HEALTH NUISIANCE ABATEMENT

City of Edina

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EDINA, MINNESOTA, that a public hearing shall be held on the 1st day of May, 2012, in the Council Chambers at City Hall at 7:00 p.m. to consider assessment of refuse removal for public health nuisance abatement:

- Property PID 19-028-24-22-0024; 4617 Golf Terrace, Edina, MN Levy #18165;

BE IT FURTHER RESOLVED that the City Clerk shall give mailed and published notice of such hearing and improvements as required by law.

Dated: March 20, 2012

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 20, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 2012.

_____
City Clerk

City Hall
4801 WEST 50TH STREET
EDINA, MINNESOTA, 55424-1394

www.CityofEdina.com

952-927-8861
FAX 952-826-0390
TTY 952-826-0379

RESOLUTION NO. 2012-70

A RESOLUTION LEVYING SPECIAL ASSESSMENTS
FOR GARBAGE AND DEBRIS REMOVAL IMPROVEMENTS

City of Edina

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:

Garbage and Debris Removal No. REM – 11

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 rolls 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 is 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, 2013. 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
Garbage and Debris Removal	REM-11	Levy No. 18165	1 year

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 assessment of such property, to the City Treasurer, except that no interest shall be charged if the entire special assessment is paid before November 30 following the adoption of this resolution.

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 1st day of May, 2012.

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 October 20, 2009, and as recorded in the Minutes of said Regular Meeting.

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

_____
City Clerk

(OFFICIAL PUBLICATION)

CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MN 55424

Notice of Public Hearing

THE EDINA CITY COUNCIL will meet at the Edina City Hall, Council Chambers, 4801 West 50th Street, on Tuesday, May 1, 2012, at 7:00 p.m. to hear, consider and pass upon all objections, both oral and written, to a proposed special assessment for the following improvement.

Refuse Removal for Public Health Nuisance Abatement
Levy #18165

PROPOSED ASSESSMENT AGAINST YOUR PARTICULAR PROPERTY IS: $9,893.66
Property PID: 19-028-24-22-0024

Such assessment is proposed to be payable in equal annual principal installments extending over a period of one year.

The proposed assessment roll is now on file in the office of the City Clerk and is open to public inspection.

PAYMENT
Following the assessment hearing, the owner of any property assessed may pay the whole of the assessment, without interest, to City of Edina, Attn: Assessing Dept., 4801 West 50th St., Edina, MN 55424, on or before November 15, 2012. If not prepaid by that date, the first year's installment of the proposed assessment will be payable together with real estate taxes payable in 2013 with interest on the entire assessment at the rate of 6.5% per annum from May 2, 2012 to December 31, 2013. Partial prepayment of the assessment in excess of 25 percent of the total assessment has been authorized by ordinance.

NO FURTHER STATEMENT WILL BE ISSUED

APPEAL
Any owner may appeal the assessment to the District Court pursuant to Minnesota Statute 429.081, by serving notice of the appeal upon the Mayor or Clerk of the City of Edina within thirty (30) days after adoption of the assessment by the City Council, and by filing such notice with the District Court within ten (10) days after service upon the Mayor or Clerk. However, no appeal may be taken as to an assessment unless a written objection signed by the affected property owner is filed with the Clerk of the City of Edina prior to the hearing or presented to the presiding officer at the hearing.

All recommendations and objections will be heard at said meeting

BY ORDER OF THE EDINA CITY COUNCIL

Debra A. Mangen
City Clerk

Please publish in the Edina Sun Current on Thursday, April 12, 2012
Please furnish two (2) Affidavits of Publication
Bill to Edina City Clerk