

Grand Forks Board of Health

Special Meeting Minutes Tuesday, September 13, 2016

I. **Call Meeting to Order**

The Grand Forks Board of Health met for a special meeting on Tuesday, September 13, 2016, in Council Chambers at Grand Forks City Hall. Chairperson Dr. Grant Korsmo called the meeting to order at 5:35 p.m. Members that were present for this meeting: Dr. Grant Korsmo, Dr. Joel Walz, Dr. Sally Pyle and Jeannie Mock. Members not present: Cynthia Pic. Others present: Debbie Swanson, Javin Bedard, Richard Klockmann, Kristie Hegg (all from Grand Forks Public Health) and John Warcup (Deputy City Attorney). The property owner, Mr. Donald Masse, of 610 South 9th Street, was also in attendance along with surrounding neighbors of Mr. Masse.

II. **New Business**

- A. Amend agenda to include Other Business – Set public hearing on the matter of pigeon waste at 311 DeMers Avenue. Dr. Pyle moved to amend the agenda. Ms. Mock seconded the motion. All board members present voted unanimously in favor. Motion carried.
- B. Public Hearing on the matter of property located at 610 South 9th Street
 1. Mr. Warcup said the issue for the Board of Health is whether the exterior of 610 South 9th Street constitutes a threat to public health sufficient to warrant abatement as provided by ND Century Code 23-35-09. Mr. Warcup indicated to everyone in attendance an outline for how this hearing would be conducted. First, Mr. Warcup indicated staff from Grand Forks Public Health would give a presentation. Next, Mr. Masse would have an opportunity to speak if he so chooses. Lastly, the floor would open for public comments to the Board. Mr. Warcup indicated this matter only pertains to the exterior condition of Mr. Masse's property. He indicated matters taken by Municipal Court or other courts are not binding upon this body. The Board of Health should make its decision based on evidence presented today. Mr. Warcup asked the Board of Health members to adopt the findings, conclusions and order and indicated it could be amended if need be. Mr. Warcup reiterated his role is to assist with legal matters pertaining to this situation.
 2. Mr. Bedard provided the following historical references regarding the property at 610 South 9th Street:
 - a. Grand Forks Public Health has attempted to resolve this problem for several years.
 - b. Court records indicate the property was cleaned in 2006 and 2008.
 - c. From 2012 through 2014, fines were imposed by the court but no cleaning occurred.
 - d. In 2015, the Board of Health found the property to be a public nuisance and ordered it to be abated. At that time, volunteers arrived and cleaned the exterior of the property as of last fall. Since that time, the property owner has continued to collect items located in the outdoor area and around the house at 610 S. 9th Street.
 - e. The outdoor areas of the property were inspected by the Health Department in September of 2015, April of 2016, June 3rd, 2016 and August 16, 2016 as well as August 22, 2016.

- f. The property continues to have a large amount of accumulated junk, debris, food and other items throughout the yard which poses a public health threat due to a potential to harbor rodents and vermin.
 - g. The Health Department has received complaints from neighbors expressing concern that the condition of the property is not only unsightly, but also poses a health hazard for residents on the adjacent properties.
 - h. Several recent pictures were shown indicating the condition of the outside of Mr. Masse's property at 610 South 9th Street.
 - i. Mr. Bedard indicated the Health Department finds the conditions at this property to be a public health nuisance to neighbors and asked that the Board agree to the findings, conclusions and order.
3. Mr. Masse, property owner of 610 South 9th Street, mentioned the following statements:
- a. He indicated he is trying to recycle items for his benefit.
 - b. He mentioned that every month in town that the media encourages residents to recycle.
 - c. He feels he is being screwed around with.
 - d. He indicates he has been filling a 90 gallon trash can every Friday.
 - e. He said there is no garbage, refuse or trash in his yard.
 - f. He said there are no rodents or vermin in his yard. He indicated he has had traps out all summer and has caught nothing.
 - g. He says he is the only one in his block that has a bug zapper.
 - h. He indicated that neighbors have a dog pond that breeds mosquitoes.
 - i. He indicated that if there is a smell it could be due to grass clippings from others that are not being disposed of properly.
4. Randy Whittall, a neighbor who lives at 604 South 9th Street, said the following statements:
- a. He has been in the area for 4 years and has lived next door to Mr. Masse for 2 years.
 - b. He said he does have a plastic pool that has water in it. He indicated it is used for their dogs but that tablets are put in the water to prevent mosquitoes from breeding.
 - c. He indicated his fiancée is 6 months pregnant and is concerned with the health of this unborn child as well as an 11 year old child that lives with them as well.
 - d. He indicated they had water in their basement recently due to the heavy rain and is concerned about Mr. Masse have water in his basement.
 - e. He acknowledged progress was made last year but that this problem still exists. He is hoping this situation can be dealt with once and for all.
5. Tom Haupt, a neighbor who lives at 615 South 9th Street, said the following statements:
- a. He said within a year after Mr. Masse's property was cleaned up his property was back to the condition it was in prior to cleanup.
 - b. He said Mr. Masse's property affects the neighborhood and said people don't feel comfortable. He acknowledged Mr. Masse has not been violent.
 - c. He mentioned that neighbors want him to get help. He said Mr. Masse has rights but so do the neighbors.

6. Tina Hagaman, a neighbor who lives at 616 South 9th Street, said the following statements:
 - a. She indicated that the cleanup last year was a good start, but said Mr. Masse managed to go out every day several times a day on a bike and fill up his yard within a year.
 - b. She indicated the court has given him a 4 week extension and said that extension is up on 9/23/16. She is concerned about giving him another 30 days especially with winter soon approaching. She expressed wanting this cleanup to happen sooner rather than later.
 - c. She indicated that a dumpster that Mr. Masse has had for 5 ½ weeks sits mostly empty except for a few papers.
 - d. She also expressed her concern regarding Mr. Masse's well-being stressing that he needs help.
7. Dr. Korsmo indicated he would like some discussion among Board members at this time.
 - a. Dr. Korsmo said we are in the same situation we were in a year ago. He indicated that mental health is an issue here. He said Northeast Human Services has contacted Mr. Masse but he refused help. Dr. Korsmo also said that just cleaning the property will not solve the problem.
 - b. Ms. Mock wondered if there was a need to review legal limitations and allowances with this situation. She wondered if there is a way to have an inspection done of the interior of Mr. Masse's home.
 - c. Mr. Warcup indicated that there would need to be evidence to indicate that the interior of the home was a public health nuisance. As of now, we are just dealing with the exterior of Mr. Masse's property.
 - d. Ms. Mock asked about the requirement of a certain amount of notice regarding declaring a public nuisance (30 day notice versus a 15 day notice). Mr. Warcup indicated that a 15 day notice is a reasonable option, but indicated it would be up to the Board to make that determination, order it done and hire it to be cleaned.
 - e. A member of the audience indicated he had pictures of the inside of Mr. Masse's residence. Mr. Warcup indicated that might be something for consideration at a later time.
 - f. Mr. Warcup said currently the findings are set up for a 30 day notice for abatement so if the Board decides on a 15 day time period the findings and order for abatement would need to be amended.
 - g. Ms. Mock asked again about mental health services for Mr. Masse. Mr. Warcup indicated the Board does not have the authority to force Mr. Masse to get mental health services.
 - h. Dr. Walz indicated the findings that were stated are accurate.
 - i. Dr. Korsmo said the property owner will more than likely not clean up his property on his own so whether it's a 15 day notice or a 30 day notice is irrelevant.
 - j. Dr. Pyle said she felt there was no question that this property is a public health nuisance. She felt that unless we have legal recourse for Mr. Masse to get help she fears this will continue to remain an ongoing issue. Dr. Pyle inquired about fines Mr. Masse has paid.
 - k. Mr. Warcup indicated fines have been issued against Mr. Masse as well as continuances. However, Mr. Warcup feels that court actions are separate from the matter before the Board of Health.

- l. Dr. Pyle moved to accept the findings, conclusions and order. Dr. Walz seconded the motion.
- m. Ms. Mock indicated she was unsure of the impact of 30 day notice versus a 15 day notice. She indicated that legally Mr. Masse is allowed a reasonable amount of time to fix the problem. However, due to the length of time this problem has been in existence she feels the Board should amend the findings, conclusions and order from a 30 day notice to a 15 day notice for abatement. Ms. Mock moved to amend the findings, conclusions and order to a 15 day notice. Dr. Pyle seconded the amendment. All board members present voted unanimously in favor of the motion to adopt the findings, conclusions and amended order of 15 days to clean up the property.

III. Other Business

A. Set public hearing date for matter of pigeon waste at 311 DeMers Avenue

- 1. Dr. Korsmo indicated this issue could be addressed at the next regularly scheduled Board of Health meeting on October 13th. Ms. Mock moved to address this issue on 10/13/16 with a public hearing. Dr. Walz seconded the motion. All board members present voted unanimously in favor. The motion was carried.

IV. Adjournment

- A. Dr. Pyle moved to adjourn. Ms. Mock seconded the motion. All board members present voted unanimously in favor. The meeting adjourned at 5:58 pm.

Attachments:

- 1. Notice of Public Hearing
<http://www.grandforksgov.com/Home/ShowDocument?id=13919>
- 2. 2016 Inspection photos
<http://www.grandforksgov.com/Home/ShowImage?id=4335&t=636100563636997319>
<http://www.grandforksgov.com/Home/ShowImage?id=4337&t=636100563659809867>
<http://www.grandforksgov.com/Home/ShowImage?id=4339&t=636100563682622559>
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<http://www.grandforksgov.com/Home/ShowImage?id=4345&t=636100563751999093>
<http://www.grandforksgov.com/Home/ShowImage?id=4347&t=636100563770904565>
- 3. Findings, Conclusions, and Order
<http://www.grandforksgov.com/Home/ShowDocument?id=13917>
- 4. Order of Abatement
<http://www.grandforksgov.com/Home/ShowDocument?id=13915>