

September 2022 Special Board of Health Meeting Minutes



Public Health
Prevent. Promote. Protect.
Grand Forks Public Health

Coalition/Group Name:	Board of Health		
Date of Meeting:	September 14, 2022	Location:	GF City Hall – Council Chambers

1. Purpose of Meeting

Public Hearing on conditions at 1319 University Avenue, Consideration of evidence from public hearing and determination of findings of fact, conclusions of law and orders pertaining to property at 1319 University, Abatement of property discussion and next meeting details.

2. Attendees

Board members present: Dr. Grant Korsmo, Dr. Joel Walz, Rebecca Osowski, Dr. David Bradley and Cindy Pic (over Zoom). Others present: Debbie Swanson, Javin Bedard, Ana Ebbert, Kristie Hegg (all from GF Public Health), Todd Feland (GF City Administrator), John Bernstrom (GF City Public Information), Dan Gaustad and Aaron Meland (GF City Attorney’s office), Corporal Steve Conley (GF Police Department) and Dennis Denault.

3. Meeting Agenda

1. Call to Order
2. Public Hearing on conditions of property at 1319 University Avenue
3. Consideration of evidence from public hearing and determination of findings of fact, conclusions of law, and orders pertaining to property at 1319 University
4. Abatement discussion and vote
5. Next Regularly Scheduled Meeting details
6. Adjournment

4. Meeting Notes, Decisions, Issues

Call to Order – Dr. Korsmo	Dr. Korsmo called the meeting to order at 6:00 p.m.
Public Hearing on conditions of property at 1319 University Avenue – Javin Bedard	<ul style="list-style-type: none"> • Javin introduced himself to those present and verbalized the intent of tonight’s meeting as well as what the Board of Health has the authority to do on this matter. • Property in question is located at 1319 University Avenue in Grand Forks, North Dakota and is owned and used as a

September 2022 Special Board of Health Meeting Minutes

	<p>residence by Mr. Dennis Denault.</p> <ul style="list-style-type: none">• Javin went through several exhibits (A-D) of outdoor pictures taken of the property over a period of time as well as discussing a timeline of events regarding complaints received on the property.• Pictures showed accumulation of junk consisting of multiple vehicles, trailers, personal watercraft, numerous tires, numerous containers of miscellaneous chemicals as well as overgrown grass.• Since 2019, GF Public Health received more than 8 complaints about 1319 University Avenue and has been inspected more than 10 times.• Property was mowed for enforcement in 2019 and 2022.• Property owner was fined \$1,000 in Municipal Court in March of 2021 for junk code violations stemming from multiple complaints received through 2020.• Issues and concerns were discussed with the property owner, Mr. Denault, multiple times as well as requests and directives to clean and maintain the property.• Mr. Denault was personally served notice of this meeting and hearing on 8/29/22, which was not less than 15 days prior to tonight's meeting. The notice & affidavit are Exhibit E.• Certain city codes pertinent to this situation were mentioned and include:<ul style="list-style-type: none">✓ City Code 10-0101 – Cellars, vaults, drains, pools, sewers, etc.✓ City Code 13-0614 – Accumulation of garbage prohibited✓ City Code 13-0702 – Storage of junk, junk automobiles, etc., contrary to public health and safety• Javin concluded the following facts:<ul style="list-style-type: none">✓ The existing condition of the property is excessive and causes an unsanitary condition.✓ The property is offensive to neighbors, generating complaints, and makes the property injurious and dangerous to public health.✓ Miscellaneous chemicals present on the property is a hazard to the property owner and others.✓ Overgrown vegetation has required abatement mowing.✓ Property conditions make it favorable to harboring vermin and neighbors report having issues with rodents.✓ The only improvement on the property was when abatement mowing was done on the property.✓ Due to all these findings, Javin requested that the Board of Health review the evidence & testimony and consider approving an abatement of the property at 1319 University Avenue.
--	---

September 2022 Special Board of Health Meeting Minutes

<p>Consideration of evidence from public hearing and determination of findings of fact, conclusions of law, and orders pertaining to property at 1319 University – Dennis Denault and City Attorney, Dan Gaustad and Councilperson Osowski</p>	<ul style="list-style-type: none"> • Mr. Denault was given an opportunity to address the Board and others present. • Mr. Denault spent a period of time talking about issues he’s having with neighbors and made several references to himself being victimized by others. • Before Mr. Denault finished speaking, he did indicate he “can’t seem to get any help” and indicated he’s “willing to put anything in a dumpster to solve the issue”. • Mr. Dan Gaustad, City Attorney, stated the following: <ul style="list-style-type: none"> ✓ Reminded board members of what authority they have in this type of situation. ✓ Indicated the City of GF has gone above and beyond as having this hearing is not in the Century Code. ✓ Mentioned several city codes that are applicable in this situation. ✓ Indicated that by Mr. Denault verbalizing “bring a dumpster and I’ll put what you want in it” is a concession. ✓ Reviewed the findings of fact, conclusions of law and orders pertaining to this property at 1319 University Avenue (document attached at the end of the minutes). ✓ Indicated that if an abatement is ordered, the cost of the abatement will be assessed to the owner of the property in question. ✓ Indicated that if an abatement is voted and approved it would need a signature from the Board of Health Chairperson • Councilperson Osowski asked the following questions: <ul style="list-style-type: none"> ✓ She inquired about the existence of photos of the property from prior dates. ✓ Javin indicated more property photos are on file. ✓ She inquired about how many fines have been given to Mr. Denault and wondered what other services could be offered to him rather than to continue fining him. ✓ Javin indicated he was fined recently \$1,000 through Municipal Court but wasn’t sure of an accumulative amount. Social Services or Northeast Human Services has been offered to him, but he has not taken Javin up on that offer. Addressing this issue to the Board of Health allows us to abate and remove the issue. ✓ Another offer was made by Board Chairperson, Dr. Korsmo, to Mr. Denault at tonight’s meeting to bring him to either Social Services or NE Human Services for assistance to which he agreed.
<p>Board Action regarding Abatement of 1319 University Avenue – Board members</p>	<ul style="list-style-type: none"> • ACTION: Motion needed to approve the findings of fact, conclusions of law and order pertaining to property at 1319 University and issuance of the order of abatement by Dr. Walz. Motion made by Ms. Osowski and seconded by Dr. Walz. All

September 2022 Special Board of Health Meeting Minutes

	board members voted in favor of approving the motion. Motion passed.				
Next Meeting details	<ul style="list-style-type: none"> The next regularly scheduled meeting is October 6th, 2022, at 4:15 p.m. 				
Adjournment	<ul style="list-style-type: none"> <u>ACTION:</u> Motion to adjourn the meeting was made by Ms. Pic and seconded by Dr. Walz. All were in favor to end the meeting. Meeting ended at 7:08 p.m. 				
6. Next Meeting					
Date:	October 6th, 2022 @ 4:15 pm			Location/Time	Virtual Meeting over Microsoft Teams or in person at GF Public Health at 4:15 pm
Agenda:	TBA				

Attachments:

1. Notice of Public Hearing
2. Findings of Fact, Conclusions of law and order
3. Order of Abatement by GF County Health Officer



Public Health
Prevent. Promote. Protect.

Grand Forks Public Health

Before the Board of Public Health
Grand Forks, North Dakota

NOTICE OF PUBLIC HEARING

IN RE THE MATTER OF PROPERTY LOCATED AT 1319 UNIVERSITY AVENUE
GRAND FORKS, NORTH DAKOTA

The Grand Forks Board of Public Health (the “Board”) hereby provides notice that it shall conduct a public hearing to consider the condition of that certain property located at 1319 University Avenue, Grand Forks, North Dakota (the “Property”).

The Public Hearing shall be to receive and consider evidence regarding the Property and to make and issue findings of fact, conclusions of law, and order as to whether the Property: (a) as alleged violates Grand Forks City Code Chapter XIII, Article 7 regarding the storage or accumulation of trash, rubbish, junk, junk automobiles, and/or the maintenance of blighted structures; (b) as alleged violates Grand Forks City Code Chapter X, Article 1 prohibiting the Property from being nauseous, foul, or offensive to any portion of the citizens, or injurious or dangerous to the public health, and/or (c) contains a nuisance, source of filth, or cause of sickness as described under N.D.C.C. § 23-35-09.

The Board, as part of its consideration of evidence and issuance of findings of fact, conclusions of law and order, shall also determine whether an abatement of the Property shall be required.

The public hearing shall be held on the **14th day of September, 2022, commencing at 6:00 p.m. (central time) at City Hall, Council Chambers, 255 N. 4th St., Grand Forks, ND 58203.**

YOU ARE FURTHER NOTIFIED that in the event an abatement is ordered and undertaken by the Board, a charge in the form of a special assessment shall be levied against the Property in an amount equivalent to the cost of the abatement, as provided for by North Dakota Century Code § 23-35-09.

For more information concerning this Notice, please contact Daniel L. Gaustad, Attorney for Grand Forks Public Health, at 24 N. 4th Street, Grand Forks, ND 58203 and/or (701) 775-0521.



Public Health
Prevent. Promote. Protect.

Grand Forks Public Health

DATED this 29th day of August, 2022.

Grand Forks Public Health Board

Dr. Grant Korsmo

By: Dr. Grant Korsmo

Its: Chair

BEFORE THE GRAND FORKS BOARD OF PUBLIC HEALTH,
GRAND FORKS, NORTH DAKOTA

In the Matter of the property located at:)

1319 University Ave, Grand Forks, ND)
_____)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Grand Forks Board of Public Health (the “Board”) met on the 14th day of September, 2022. A quorum was present. The Board considered the matter of the property located at 1319 University Avenue, Grand Forks, North Dakota (the “Property”), and, after due consideration of the testimony and evidence presented to the Board, hereby adopts the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The Board is a public health unit created pursuant to N.D.C.C. chapter 23-35, and has jurisdiction to exercise its judgment, authority and discretion in the determination of the condition of the Property.
2. At all times the Board has acted in good faith and with due diligence in carrying out its responsibilities under North Dakota law.
3. The Property is located within the City of Grand Forks, County of Grand Forks, State of North Dakota and is owned and used as a residence by Dennis Denault.
4. The Grand Forks Public Health Department has received complaints from adjacent property owners regarding the condition of the Property.
5. The Board received testimony, evidence and viewed photographs regarding the condition of the above referenced Property. The testimony, evidence, reports and photographs show the existing condition of the Property.
6. The Property has been inspected on numerous occasions prior to the current complaint (that precipitated the September 14, 2022 hearing). In the past three years alone, the Property has been inspected by the Board (by and through its employees) more than ten times in

relation to at least eight complaints regarding the condition thereof, and the subject of various orders to correct, abate and remedy the nuisance that had existed on the Property.

7. The resident and owner of the Property, Dennis Denault, was personally served with notice of the September 14, 2022, Hearing, on August 29, 2022, or not less than fifteen days of the hearing as described in Grand Forks City Code 10-0108(1).

8. Based on the testimony and evidence received at the September 14, 2022, hearing, the outdoor area of the Property has the presence and accumulation of an excessive quantity of junk, as defined at Grand Forks City Code §13-0701(1), junk automobiles, as defined at Grand Forks City Code § 13-0701(2), trash and rubbish, as defined at Grand Forks City Code § 13-701(7), garbage, chemicals, debris and other nauseous objects (said condition of the Property and said items accumulated thereon shall be referred to as the “Existing Property Condition”) resulting in a harborage for vermin, origination of foul odors, an eyesore, and detraction of an expected quality of life in the neighborhood. The Existing Property Condition covers the yard and causes the impairment of the typical and intended use and activities of the Property as a residence.

9. The Existing Property Condition is unusually excessive and causes an unsanitary condition interfering with the health and safe day-to-day use of the Property.

10. The owner of the Property has permitted the Property to become nauseous, foul, or offensive to the citizens, and injurious or dangerous to the public health in contravention of Grand Forks City Code § 10-0101.

11. The Existing Property Condition creates a fire and safety hazard, and a hazard and impediment for emergency personnel attempting to enter and exit the Property and the residence located thereon during a time emergency services would be needed at the Property.

12. Further, the Existing Property Condition is a safety hazard to the owner of the Property because such conditions impede and limit the owner’s and other occupant’s means of escape during an emergency.

13. The Existing Property Condition creates an environment for and encourages rodent and insect infestation.

14. The continuation of the Existing Property Condition is nauseous, foul, an immediate threat to the public health, safety and well-being of the resident of the Property, residents of adjoining property, and the public.

15. The condition of the Property described herein has not been abated or remedied despite the owner of the Property having received notice and being aware of the conditions.

16. The owner of the Property has been subjected to fines and other sanctions due to the deteriorated and foul and nauseous condition the Property demonstrating a history of permitting the Property to become a health and safety hazard.

CONCLUSIONS OF LAW

From the foregoing Findings, the Board makes the following conclusions:

1. The Property contains an accumulation of junk, junk automobiles, trash and rubbish, garbage, chemicals, debris and other nauseous objects promoting the spread of rodents, vermin, insects and disease that is contrary to the public peace, health, safety and general welfare of the community. See Grand Forks City Code §§ 13-0702 and 13-0703, See also N.D.C.C. § 23-35-09.

2. The Property has become nauseous, foul, or offensive to the adjoining properties and is injurious and dangerous to the public health. See Grand Forks City Code § 10-0101, See also Grand Forks City Code §§ 13-0702 and 13-0703; N.D.C.C. § 23-35-09.

3. The Property and the Existing Property Condition does or is likely to harbor disease as a result of the lack of maintenance and excessive accumulation of such debris. See See Grand Forks City Code §§ 13-0702 and 13-0703, See also N.D.C.C. § 23-35-09.

4. The Property is a nuisance, source of filth and/or cause of sickness and is dangerous and detrimental to the life, safety, and general health and welfare to the resident, owners of that are adjacent the Property and to the public in general. See N.D.C.C. § 23-35-09; See also Grand Forks City Code §§ 10-0101, 13-0702 and 13-0703.

5. The Existing Property Condition as supported by the testimony, evidence and as described and determined herein are an immediate threat to public health, safety and welfare. See N.D.C.C. §§ 23-35-09 and 23-35-12; See also Grand Forks City Code §§ 10-0101, 13-0702 and 13-0703. As a result, it is in the public's best interest to abate these conditions and nuisance without further delay. Abatement is necessary to protect the public health, safety and welfare. See N.D.C.C. § 23-35-09; See also Grand Forks City Code §§ 10-0101, 10-0107, 13-0702 and 13-0703.

6. The Existing Property Condition pose a serious and imminent danger and threat to the public health, safety and welfare warranting this abatement process to be pursued. See

N.D.C.C. § 23-35-09; See also Grand Forks City Code §§ 10-0101, 10-0107, 13-0702 and 13-0703

ORDER

Based upon the forgoing Findings and Conclusions, IT IS HEREBY ORDERED as follows:

1. The outdoor areas of Property shall be, and hereby is, declared to be an imminent threat to public health, safety and welfare as a nuisance, source of filth and/or cause of sickness, and further being dangerous and detrimental to the life, safety, general health and welfare to its resident, adjacent property owners, and to the general public.

2. The Property is also deemed to be nauseous, foul or offensive to adjacent property owners and is injurious or dangerous to the public health.

3. The Existing Property Condition shall be abated and removed within 30 days of the date thereof.

4. In the event the Existing Property Condition are not abated and removed within 30 days of the date thereof, or in the event such conditions are declared an emergency before the 30 days expires, in order to protect the public health, safety and welfare, the Board may exercise its authority granted under N.D.C.C. § 23-35-09 and Grand Forks City Code §§ 10-0107 and 10-0108 to enter onto the Property to abate the declared public health nuisance and emergency by the removal of filth and debris, including the extreme accumulation of objects and personal property.

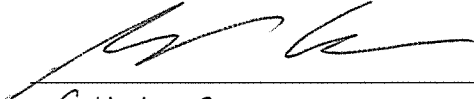
5. As provided by N.D.C.C. § 23-35-09 and Grand Forks City Code §§ 10-0107 and 10-0108, Javin Bedard, Environmental Health Manager of the Grand Forks Public Health Department is authorized to undertake and exercise such authority and action as is reasonably necessary and/or appropriate to abate the nuisance and enforce the action of the Board. Such authority and action shall include, but is not limited to, engaging a contractor to conduct the removal and destruction of the nuisance, source of filth and/or cause of sickness and threats to public health, requesting the assistance of law enforcement and to the extent necessary, seeking a court order or warrant to enter the property to conduct abatement thereof. The costs of such abatement and removal may be levied against the property by the City of Grand Forks as provided by N.D.C.C. § 23-35-09 and Grand Forks City Code §§ 10-0107 and 10-0108.

6. The Grand Forks Public Health Officer shall issue an Order of Abatement consistent with the Findings of Fact, Conclusions of Law, and Order, herein.

7. Javin Bedard is hereby authorized to proceed to enforce the provisions of the Findings, Conclusions of Law and Order set forth herein and the Order of Abatement issued by the Grand Forks Public Health Officer.

The foregoing Findings, Conclusions and Order are hereby approved and unanimously adopted on this 14th day of September, 2022.

GRAND FORKS BOARD OF PUBLIC HEALTH

By: 
Its: C A A ± R

BEFORE THE GRAND FORKS BOARD OF PUBLIC HEALTH,
GRAND FORKS, NORTH DAKOTA

_____))
In the Matter of the property located at:))
_____))
1319 University Ave, Grand Forks, ND))
_____))

ORDER OF ABATEMENT BY
GRAND FORKS COUNTY HEALTH OFFICER

Based upon the Findings, Conclusions and Order of the Grand Forks Board of Public Health dated September 14, 2022, and further based upon my independent determination, I hereby adopt the Findings of Fact, Conclusions of Law and Order of the Public Health Board and by this reference such Findings of Fact, Conclusions of Law and Order are fully incorporated herein (including all of terms defined therein) and without in any manner limiting the same, but in addition thereto, I issue this Order of Abatement:

1. The outdoor areas of the property located at 1319 University Avenue, Grand Forks, North Dakota (the "Property") shall be, and hereby is, declared to be an imminent threat to public health, safety and welfare as a nuisance, source of filth and/or cause of sickness, and further being dangerous and detrimental to the life, safety, general health and welfare to its resident, adjacent property owners, and to the general public.

2. The Property is deemed to be nauseous, foul or offensive to adjacent property owners and is injurious or dangerous to the public health.

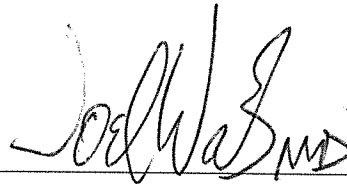
3. The Existing Property Condition shall be abated and removed within 30 days of the date thereof.

4. In the event the Existing Property Condition are not abated and removed within 30 days of the date thereof, or in the event such conditions are declared an emergency before the 30 days expires, in order to protect the public health, safety and welfare, the Board may exercise its authority granted under N.D.C.C. § 23-35-09 and Grand Forks City Code §§ 10-0107 and 10-0108 to enter onto the Property to abate the declared public health nuisance and emergency by the removal of filth and debris, including the extreme accumulation of objects and personal property.

5. As provided by N.D.C.C. § 23-35-09 and Grand Forks City Code §§ 10-0107 and 10-0108, Javin Bedard, Environmental Health Manager of the Grand Forks Public Health Department is authorized to undertake and exercise such authority and action as is reasonably necessary and/or appropriate to abate the nuisance and enforce the action of the Board. Such authority and action shall include, but is not limited to, engaging a contractor to conduct the removal and destruction of the nuisance, source of filth and/or cause of sickness and threats to public health, requesting the assistance of law enforcement and to the extent necessary, seeking a court order or warrant to enter the property to conduct abatement thereof. The costs of such abatement and removal may be levied against the property by the City of Grand Forks as provided by N.D.C.C. § 23-35-09 and Grand Forks City Code §§ 10-0107 and 10-0108.

6. Javin Bedard is hereby authorized to proceed to enforce the provisions of the Findings, Conclusions of Law and Order and this Order of Abatement.

Dated this 14th day of September, 2022.

A handwritten signature in black ink, appearing to read "Joel Walz MD", written over a horizontal line.

DR. JOEL WALZ

Grand Forks Public Health Officer