



City Hall, 215 Sycamore St.  
Muscatine, IA 52761-3840  
(563) 262-4141  
Fax (563) 262-4142

COMMUNITY DEVELOPMENT

Planning,  
Zoning,  
Building Safety,  
Construction Inspection Services,  
Public Health,  
Housing Inspections,  
Code Enforcement

MEMORANDUM

**To:** Mayor and City Council Members

**Cc:** Gregg Mandsager, City Administrator

**From:** Ken Rogers, Senior Health & Housing Inspector, Community Development

**Date:** March 14, 2011

**Re.:** Proposed Demolitions of 405 Van Horne and 1310 Orange Streets

---

**INTRODUCTION:** A request is being made for City Council to authorize the City's contractor to demolish the structures at 405 Van Horne and 1310 Orange Street.

**BACKGROUND:** City staff has been dealing with nuisance violations at 405 Van Horne since July 2002. The property has been posted for "No Occupancy" since October 16, 2009. The residential structure has fallen into disrepair. The City's contractor has conducted nuisance abatement at the property off and on since July 2002. It has been regularly maintained since the posting date in October 2009.

City staff first responded to a nuisance complaint at 1310 Orange Street in June 2010. The owner was sent a notice to abate the nuisance. Upon re-inspection of the property, staff made contact with the owner and gained access to the property. The conditions of the property were determined to be unsafe and unhealthy. The property was posted for "No Occupancy" on July 2, 2010. The City's contractor has regularly maintained since that time.

**RECOMMENDATION/RATIONALE:** It is recommended that the City Council approve the demolition request for 405 Van Horne and 1310 Orange Streets.

**BACKUP INFORMATION:**

1. Demolition Information
2. Resolution

RESOLUTION NUMBER \_\_\_\_\_

A RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO  
PROCEED WITH SPECIFIED WORK ON THE PREMISES LOCATED  
AT 1310 Orange Street. IN THE CITY OF MUSCATINE, IOWA

WHEREAS, The Building Official has caused all (known) interested parties to be advised that the building located at 1310 Orange Street is subject to be abated under a notice to "ABATE A NUISANCE" from the Building Official of the City of Muscatine, Iowa, a copy of which notice is attached hereto, and incorporated by reference; and

WHEREAS, an oral report by the Building Official was submitted to this Council on March 17, 2011 and an updated report submitted to the City Council, a copy of which is attached hereto and made a part hereof, indicating that the said owner (s) (has) (have) failed, neglected, or refused to comply with said Notice; and

WHEREAS, it would be in the best interest of the health and well being of the citizens of Muscatine, Iowa, if this Council were to order the Building Official to "Abate a Nuisance" by demolition as set out in said Notice,

NOW, THEREFORE, be it resolved by the City Council of the City of Muscatine, Iowa, as follows:

1. The Building Official is ordered to proceed with the demolition of this structure and the clean-up necessary to Abate a Nuisance as specified in said Notice.
2. The Building Official may contract for the performance of said work, the cost of which shall not exceed \$12,191.14 and shall upon completion of said work, transmit a statement of cost to this Council which shall in turn certify the same to the County for placement on the tax roles in the manner prescribed by State Code.

PASSED, APPROVED AND ADOPTED THIS 17th DAY OF March, 2011.

\_\_\_\_\_  
Richard O'Brien, Mayor

ATTEST:

(SEAL)

\_\_\_\_\_  
Gregg Mandsager, City Clerk

## Demolition Request / Information

re:

1310 Orange Street

Parcel # 0835205046

**June 2010** This office received a complaint regarding the condition of the yard at 1310 Orange Street. Caller advised that it had not been mowed for quite some-time and was overgrown. I had checked to verify the complaint but could not locate the property address. Nothing further was done at this time thinking that the address was provided wrong.

Approximately one week later I had received another complaint regarding this property and the caller had left a phone number. Upon returning the call, I had advised that I did check the complaint but was unable to locate the address. The complainant then advised that the property was so overgrown that you could not see it from the street.

When I responded a second time I did locate the property and it was not visible from the street at all. There was no way to even determine there was a house located here.

**June 25, 2010** A notice was sent via regular mail reference the weeds, brush and overgrowth on the property.

**July 02, 2010** A recheck of the property indicated that nothing had been done. While there, a next door neighbor indicated that this property had been like this for some-time now and that an elderly gentleman resided here. The neighbor indicated that he could not remember the last time he had seen this person and that there had been a very strong odor emanating from the property. I attempted contact several times at the front door as well as the rear door with no results. There was a window air conditioner operating as well as a kitchen light on. I contacted the Police Department at this point with the information I had and my concern for this person.

Just as the Officer from the Police Department was arriving, an elderly man appeared at the front door. The officer and I approached him and he identified himself as Harold Behncke, the owner. I advised Mr. Behncke why I was there and why I had called the Police Department. It was very obvious that he was quite elderly and did not appear to be in the best health. While speaking with him at the front door, there was a very strong odor coming from inside and what could be seen of the interior it was obvious that there were certainly some hazards. Mr. Behncke was asked if we could step inside and take a look at the interior which he allowed us to do. The Police Officer basically left at this point where I could then see that there were terrible living conditions. Trash and garbage appeared to be strewn everywhere, empty beer cans were stacked nearly every place they could be and there was barely a path for anyone to walk.

A number of pictures were taken of the interior which are all on file if needed. At this point it was clear that Mr. Behncke would need to be relocated as this was unhealthy and unsafe to occupy this residence in the condition that it was. Mr. Behncke was advised of the situation and was asked if he had any family or friends where he could go until it was determined what was going to be done with the property. Mr. Behncke then provided me

with a name and phone number(s) of his daughter, Bonnie Behncke who was living in Moline, IL. The first number I attempted was her home in which I had left a message. The second number was her work number at the Rock Island Arsenal. When I was able to get Bonnie on the phone, I explained who I was and what was going on. She couldn't understand at first why I was bothering her with this situation but after a time, she agreed to come to Muscatine and pick her father up.

While waiting for Ms. Behncke to arrive, I advised Mr. Behncke that his daughter was enroute to pick him up and he needed to gather some of his belongings.

The city's contractor had then arrived as they were contacted earlier to abate the nuisance.

It was nearly 4 hours later when Ms. Behncke finally arrived to pick up her father.

Upon her arrival, I attempted to speak with her to advise her further of the situation, Ms. Behncke was not interested in hearing or knowing any of this. In fact, one of the comments made to be is that she could not understand why this could not have waited until Monday and how I was being a big inconvenience to her since this was a Holiday weekend. Ms. Behncke stated that she really did not want her father at her place and that due to the Holiday, she would be unable to place him into any type of senior living or assisted care. I attempted several times to speak with Ms. Behncke in reference to the entire situation but she chose not to listen or have anything to do with me. She refused to go into the home to see the conditions for herself or even assist her father with gathering belongings. Ms. Behncke stayed at her car while waiting for her father to gather some items which took quite sometime due to his age and health. Ms. Behncke did however, continue to yell at him in an effort to get him moving faster.

After Ms. Behncke left with her father, the city contractor continue to mow, cut down brush and weeds and cleanup the property. I Posted the property for No Occupancy and was able to finally leave.

**August 12, 2010** An attempt was made to contact Ms. Behncke by phone to check on the condition of her father and check if they had made any plans regarding the condition of the property. I left a message on Ms. Behncke's answering machine to return my call.

**October 19, 2010** After not hearing anything from Ms. Behncke reference my phone call, I made another attempted call. At this time the message that I received indicated that the phone had been disconnected. Having no other choice, I again called Ms. Behncke at her work place. I advised her that I was checking in with her since I had not heard anything regarding her father's health or the plans with the property. Ms. Behncke again was not pleased to hear from me however, stated that her father had passed away on October 11<sup>th</sup> and that she had moved to another address. She went on to say that she was not going to have anything to do with the property but that Wells' Fargo was holding a mortgage on it. She stated that she had been in contact with them to make them aware of

the situation and that she would let me know what they were going to do within a week or so.

That was the last time I heard from or spoke with Ms. Behncke.

The city's nuisance abatement contractor continued to maintain the property.

Also sometime in October Muscatine Power and Water had disconnected the utilities as no one was paying the bill.

**February 09, 2011** After no contacts regarding this property, Ms. Behncke's comment reference not wanting anything to do with it and the overall condition of the property along with the odor, the appropriate notice was sent out for the abatement of the property. This notice included the right to appeal the determination that the condition of the property constituted a nuisance and a request of a hearing before the City Council. The original was posted on the property and photographed with a copy being sent to Ms. Behncke as well as Wells Fargo Mortgage Company. To date there has been no contact with this office from anyone regarding this property.

**March 10, 2011** Notice was posted on the door of the property and photographed advising that a request for demolition was being brought up at City Council on Thursday March 17, 2011. A copy of this notice was also sent via regular mail to Bonnie Behncke and Wells Fargo Home Mortgage.

Following is a list of assessments thus far for the maintenance of this property by the city's contractor:

2010 = \$1,542.30

2011 = \$380.10 this amount is current to Feb. 28, 2011 and has not yet been assessed.







