

P.O. Box 46
Kotzebue, AK 99752

City Hall (907) 442-3401

Police Dept. (907) 442-3351

Fire Dept. (907) 442-3404

Public Works (907) 442-3401

Memorandum on Process for Demolition or Removal of House 671, Dickie Curtis owner

TO: City Council for the City of Kotzebue

FROM: The Office of the City Manager, Tessa Baldwin

DATE: July 25, 2024

Background: At the August 1, 2024, the City Council will sit as the BOARD OF ADJUSTMENT on this matter. [The city council is the board of adjustment. At the appeal hearing the Board of Adjustment shall review the appeal record and hear evidence and argument presented by persons interested in the appeal. The Board of Adjustment shall either affirm or reverse the lower administrative decision in whole or in part. Every decision of the Board of Adjustment shall be based upon findings and conclusions adopted by the Board. Such findings must be reasonably specific so as to provide the community, and where appropriate, reviewing authorities, a clear and precise understanding of the reason for the decision. After the public hearing, the Board of Adjustment shall adopt an ordinance containing its findings. If removal or demolition is provided and ordered, the owner, tenant or person in control/possession of the property shall be given at least thirty (30) days from the date of the public hearing to do so. However, if the building can be made safe by alteration, repair or reconstruction of the building under such terms and conditions as the Board of Adjustment determines within such time and under such terms and conditions as the Board of Adjustment shall so specify, the Ordinance shall so state.]

1. Initial Complaints and Investigations

- **Complaints Received:** Multiple complaints about the homeowner throwing human feces outside the house. Please review the residents' complaints and City of Kotzebue response through the Fire Department, Police Department and Public Works.
- **Fire and Police Involvement:** Police and Fire/EMS have been called to the property multiple times to address the issue.

2. Documentation and Notice

- **Documentation:** All incidents, police reports, and inspections are documented thoroughly.
- **Notice to Homeowner:** Numerous notices have been issued to the homeowner detailing the violations, health risks, and the need for immediate corrective actions. The notice includes a deadline for compliance.

3. Non-Compliance Follow-Up

- **Public Works Intervention:** Despite the notices, public works have intervened to mitigate immediate health hazards. This has included cleaning up the area and putting gravel on the property.
- **Cost Documentation:** The costs incurred to date by public works, which amount to up to \$10,000, are documented and itemized.

4. Demolition or Removal Process Initiation

- **Review of Non-Compliance:** After a year and a half of ongoing issues and non-compliance, the city is presenting this matter to the Board of Adjustment.
- **Health and Safety Assessment:** A thorough assessment has been conducted to determine that the property poses a continued risk to public health and safety.

5. Demolition or Removal Hearing

- **Hearing Scheduled:** A demolition or removal hearing has been scheduled for Monday, August 1, 2024, at the RCCM, and the homeowner has been notified of the date, time, and place. This notice was given to the homeowner by way of personal service, USPS First Class mail and posting notice on House # 671.
- **Presentation of Evidence:** At the hearing before the Board of Adjustment on August 1, 2024 at the RCCM, all evidence, including police reports, fire/EMS reports, public works interventions, health assessments, and costs incurred, will be presented.
- **Homeowner's Defense:** The homeowner at the hearing before the Board of Adjustment on August 1, 2024 at the RCCM will be given an opportunity to present their defense and any corrective actions taken.

6. Demolition or Removal Decision

- **Decision by Authorities:** Based on the evidence and testimonies, the Board of Adjustment will decide demolition or removal.
- **Demolition or Removal Order:** After the public hearing, the Board of Adjustment shall adopt an ordinance containing its findings. If removal or demolition is provided and ordered, the owner, tenant or person in control/possession of the property shall be given at least thirty (30) days from the date of the public hearing to do so. However, if the building can be made safe by alteration, repair or reconstruction of the building under such terms and conditions as the Board of Adjustment determines within such time and

under such terms and conditions as the Board of Adjustment shall so specify, the Ordinance shall so state.]

7. Post-Demolition or Removal Actions

- **Notification to Homeowner:** The homeowner is notified of the demolition or removal decision order and given a timeline at least thirty (30) days from the date of the public hearing to demolish or remove the property and vacate the property.
- **Enforcement of Order:** If the homeowner fails to vacate within the given timeline, the city may take enforcement actions, which may include seeking a court order for eviction.
- **Demolition and Sealing of Property:** Once vacated, the property may be demolished or sealed off to prevent access and further health risks.

8. Recovery of Costs

- **Billing the Homeowner:** The homeowner is billed for all costs incurred by the city, including public works interventions and any legal or administrative fees associated with the demolition or removal process.
- **Liens:** If the homeowner fails to pay, the city may place a lien on the property to recover the costs.

9. Public Communication

- **Community Notification:** The community is informed about the demolition or removal and the reasons behind it to ensure transparency and maintain public trust.
- **Ongoing Monitoring:** The property is monitored to ensure compliance with the demolition and removal order and to prevent further public health issues.

By following this structured process, the City of Kotzebue ensures that public health and safety are prioritized while providing due process to the homeowner.

Attachments:

- Police Reports
- Fire/EMS Reports
- Public Works Department Reports
- KMC Chapter 15.04 Steps [two pages]
- Notice of Process given to, posted and mailed to Dickie Curtis, House 671



**NOTICE
TO
ABATE
DANGEROUS
NUISANCE/
FIRE/HEALTH
HAZARD**

Pursuant to Kotzebue Municipal Code, Chapter 15.04, Dangerous Structures and Premises, this structure, **House # 671, Caribou Drive**, Kotzebue, Alaska, has been determined to be a dangerous nuisance, a fire hazard and a public health hazard. As such, this property must be condemned and demolished. The decision to condemn and demolish this property is based, *inter alia*, upon the materials attached hereto which I, as City Manager, adopt as my findings in this matter. These materials clearly support that this structure must be condemned and demolished.

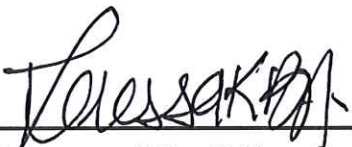
Pursuant to Kotzebue Municipal Code 15.04.050 *et seq.*, the City Council of the City of Kotzebue, sitting as the Board of Adjustment, shall hold a public hearing on **Thursday, August 1, 2024**, during the Regular City Council Meeting, starting at 5:15pm AKDT, regarding this intent to condemn and demolish.

You, Dick Curtis, as owner of this property should attend this public hearing. (The procedures for this

process are set out in the attachments to this NOTICE.) ****If you ignore this process, you do so at your own peril.****

This NOTICE has been posted on the property, USPS mailed and hand-delivered.

Dated this 17th day of June, 2024, at Kotzebue, Alaska.



Tessa Baldwin, City Manager

Materials attached to this NOTICE:

1. Planning Director's Report of January 23, 2024 [2 pages]
2. KFD Incident Spreadsheet [1 page]
3. October 6, 2023 letter (with Attachments) [11 pages]
4. KPD Report of January 2, 2024 (with attachments) [28 pages]
5. PWD Invoices [4 pages]



P.O. Box 46
Kotzebue, AK 99752

Phone: (907) 442-3401
Fax: (907) 442-2155

January 23rd, 2024

Planning Director Building Dangerous Structures Report: House 671

Purpose

The purpose of this report is to detail the findings on the status of the structure at property Lot: 16 Block: 6 USS: 2645 House number: 671 belonging to Dick Curtis that have led to its categorization as a dangerous structure in accordance with Kotzebue Municipal Code (KMC) section 15.04.020. This report also provides the KMC sections that the structure is in non-compliance with and recommendations for abatement or correction.

15.04.020 Finding and report by city officials.

Whenever any official of the city, such as the fire chief, fire marshal, police chief, building inspector, electrical inspector, plumbing inspector or sanitarian, shall, after inspection, find a building, premises, open lot, basement or area to be a dangerous structure or condition or fire hazard or health hazard or public nuisance, he shall forthwith render to the city manager a full report of the reasons why such structure or premises should be corrected, demolished or abated, including in his report all violations of this code or any rule or regulation issued hereunder, together with his recommendation in full as to correcting, altering, repairing, demolishing or removing such structure.

(Prior code § 10.05.010(a)).

Definitions

This property has been deemed a health hazard and public nuisance as defined by KMC section.

15.04.010 Definitions.

For the purposes of this chapter:

- A. "Fire hazard" means any building or structure which, for want of proper repairs, or by reason of age or dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimneys, defective heating apparatus or any other cause or reason, is especially liable to fire, or which building or structure is so situated or occupied as to endanger any other building or property or human life. The term shall also mean and include any building or structure containing any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind, especially liable to cause fire or endanger the safety of such building, premises or human life.
- B. "Health hazard" means and includes any building or structure which shall be kept or maintained or shall be in a filthy or unsanitary condition especially liable to cause the spread of contagious or infectious disease or diseases, or permitting foul odors or obnoxious or poisonous gases to escape from said building.

- C. "Public nuisance" means any building or structure whose condition has been allowed by the owner to deteriorate to a point where it affects the rights enjoyed by citizens of the city, to which rights every citizen is entitled, namely the safety of life, limb and property. The terms shall also mean and include any building or structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property, or which is an "unsafe building" as defined by section 203 of the Uniform Building Code.

(Prior code § 10.05.010(b),(c),(d)).

- D. A nonconforming use or structure shall not be changed so as to increase the extent or degree of its nonconformity.

(Ord. 80-14 § 1 (part), 1980: prior code § 13.35.020).

Areas of non-compliance

The following is a list of KMC sections that the structure is currently in violation of:

17.28.020 Nuisance effects and hazards.

- A. Notwithstanding any provision of this title to the contrary, no person may establish or maintain any use of land or a structure that causes or reasonably may be expected to cause noise, vibration, smoke, dust or other particulate matter, humidity, heat or glare, at or beyond any lot line on which the use is located, to a degree that prevents the reasonable use of other land or structures in accordance with this title, or that is injurious to the public health, safety, convenience or welfare.
- B. Before a building permit is issued for a use of or structure that may have the effects described in subsection A of this section, the commission shall determine whether it will have those effects. The building permit shall not be issued unless the commission finds that, through the use of mitigating measures or otherwise, the proposed use will not have such effects.

(Ord. 80-14 § 1 (part), 1980: prior code § 13.30.020).

House 671 Caribou	Incident Type	Dispatch Info
Date		
9/30/2020	Medical	ETOH Intox
10/9/2020	Medical	ETOH Intox/Chest Pain
2/2/2021	Medical	Eye Infection
8/13/2021	Medical	Obvious Death
9/5/2021	Trauma	ETOH/Assault
10/31/2021	Medical	ER Death-EMS CPR
11/8/2021	Trauma	ETOH/Assault
11/8/2021	Medical	ETOH/Drug Issue
11/15/2021	Medical	ETOH/Drug Issue
3/10/2022	Medical	Infection-Hand
4/4/2022	Welfare Check	Welfare Check
11/13/2022	Medical	Obvious Death
12/27/2022	Medical	ETOH/Withdrawals
3/5/2023	Medical	ETOH/Withdrawals
11/28/2023	Trauma	ETOH/Burns



Joseph W. Evans
City Attorney
joe@jwcevanslaw.com

Friday
October 6, 2023
[Hand-delivered]

Valerie V. Evans
Legal Assistant
valerie@jwcevanslaw.com

Dickie Curtis
House # 671
Caribou Drive
Kotzebue, Alaska

Re: Your Property – House 671, Caribou Drive - is a Public Health and Safety Hazard, Fire Hazard and Public Nuisance Subject to KMC Chapter 15.04, Dangerous Structures and Premises

Dear Mr. Curtis:

You have completely and totally ignored my letter of July 25, 2023, a copy of which is attached hereto and incorporated by reference herein. As a result, the City of Kotzebue is required to take the following actions.


Property Clean-Up: Starting next week – October 9th to October 13th – the City of Kotzebue Public Works Department will begin the process of removing the garbage, sewage, and waste from your property. In order to have access to the garbage, sewage, and waste on your property, it will be necessary to excavate many of the willows on your property and pile them on your property. Once that is done, the pallets and wood debris on your property will be removed so that the City's equipment can access the garbage, sewage, and waste on your property. Then, the garbage, sewage and waste will be removed and taken out to the City's sewage lagoon. Once at the sewage lagoon, the plastic bags will have to be individually opened, inspected for non-sewage waste and that non-sewage waste removed before the sewage can be disposed of in the sewage lagoon. This clean-up process will involve the use of City equipment – bulldozer, loader, excavator, and dump truck – and three to five City employees working a minimum of 100+ hours. You will be billed for these expenses which will be in the \$20,000.00 range. If you do not pay the bill for these services, the City will reduce the amount owed to a Court judgment and execute on your PDF and any other assets you may have to satisfy the amount owed to the City.

Kotzebue Municipal Code ("KMC"), Chapter 15.04, Dangerous Structures and Premises: Once the clean-up process of your property has been completed, the City will start the process of condemning your property so that your house can be demolished. See, KMC Chapter 15.04, a copy of which is attached hereto and incorporated by reference herein. You should start making arrangement for alternative housing/living quarters.

Letter of October 6, 2023 to Dickie Curtis, House # 671
Re: Clean-up/KMC 15.04
Page 2 of 2

If you have any questions, please do not hesitate to contact me.

Sincerely,
CITY OF KOTZEBUE



Joseph W. Evans
City Attorney
(360) 981-5508 [cell]
joe@jwevanslaw.com

Attachments: (1) Letter of July 25, 2023 (with photos) [5 pages]
(2) KMC Chapter 15.04 [four pages]

cc: Tessa Baldwin, City Manager
Chelsea Sieh, Finance Director
Roger Rouse, Chief of Police and Acting City Manager
Chloe Belflower, Acting Fire Chief
Russ Ferguson, Public Works Director
Sam Atkinson, City Planner
Darilyn Nelson, Community Service Officer
Lorlie Brown, House # 670



Dickie Curtis
House # 671
Caribou Drive
Kotzebue, Alaska

Tuesday
July 25, 2023
[Hand-delivered]

Joseph W. Evans
City Attorney
joe@jiveanslaw.com

Valerie V. Evans
Legal Assistant
valerie@jiveanslaw.com

Re: IMMEDIATE ORDER TO CEASE AND DESIST/ABORT PUBLIC HEALTH HAZARD/CLEAN UP PROPERTY

Dear Mr. Curtis:

Your property is a public health hazard and the land around your home must be cleaned up **immediately**. See, photos attached to this email.

History of your property: Over the past 2 ½ years, the Fire Department ambulance has responded to house 671 Caribou Drive 15 times for 9 different adults (three of which have been deceased). The dates of responses are: 12/15/19, 9/30/20, 10/9/20, 2/2/21, 8/13/21, 9/5/21, 10/31/21, 11/8/21, 11/8/21, 11/15/21, 3/10/22, 4/1/22, 11/13/22, 12/27/22, and 3/5/23. The unclean condition of your residence, inside and out, is a health and safety concern for occupants and responders. The only entrance is in the back of the structure. One must walk over broken pallets--past, around, and through garbage, sewage, and waste--to get to the doorway. In the winter, a glacier of human urine is unavoidable when entering. Obstacles render a wheeled-stretcher useless and moving patients with the aid of a backboard that far is a challenge. The front entrance is boarded shut. Most of the windows are either broken or boarded over. The interior of the home is torn apart and covered in filth. The black grime on floors and other surfaces that sticks to boots is especially notable. The only heat source has been an improperly installed woodstove. There is no electricity in use. Considering the dilapidation, a hazardous heat source, and only one entrance/exit the risk and chance of fire is extremely high. Many fires have caused deaths in places like this in Kotzebue. You MUST make a change before another tragic event occurs. (As you know you have been repeatedly cited for the deplorable condition of your property.)

Enough is enough! **You have until the close of business on Friday, August 4th to remove all of trash, waste, sewage, etc., from your property.** If you fail to do so by that date, the City Public Works Department will plan to clean up your property and bill you for the time and equipment used in this effort. It is estimated that such a clean-up will cost you in excess of \$2,000.00 considering the deplorable condition of your property and the difficulty of accessing the mess you have created.

Letter of July 25, 2023, to Dickie Curtis, House # 671
Re: Cease and Desist/Abort Public health Hazard/Clean Up Property
Page 2 of 2

If you have any questions, please do not hesitate to contact me. If you fail to regard this ORDER, the City will also pursue condemning your property as a public health hazard and seek to have it demolished to protect yourself, other residents of your home and residents along Caribou Drive. Should you ignore this letter and ORDER, you do so at your own peril and will be subject to all efforts by the City to stop your endangering yourself and others.

Sincerely,
CITY OF KOTZEBUE

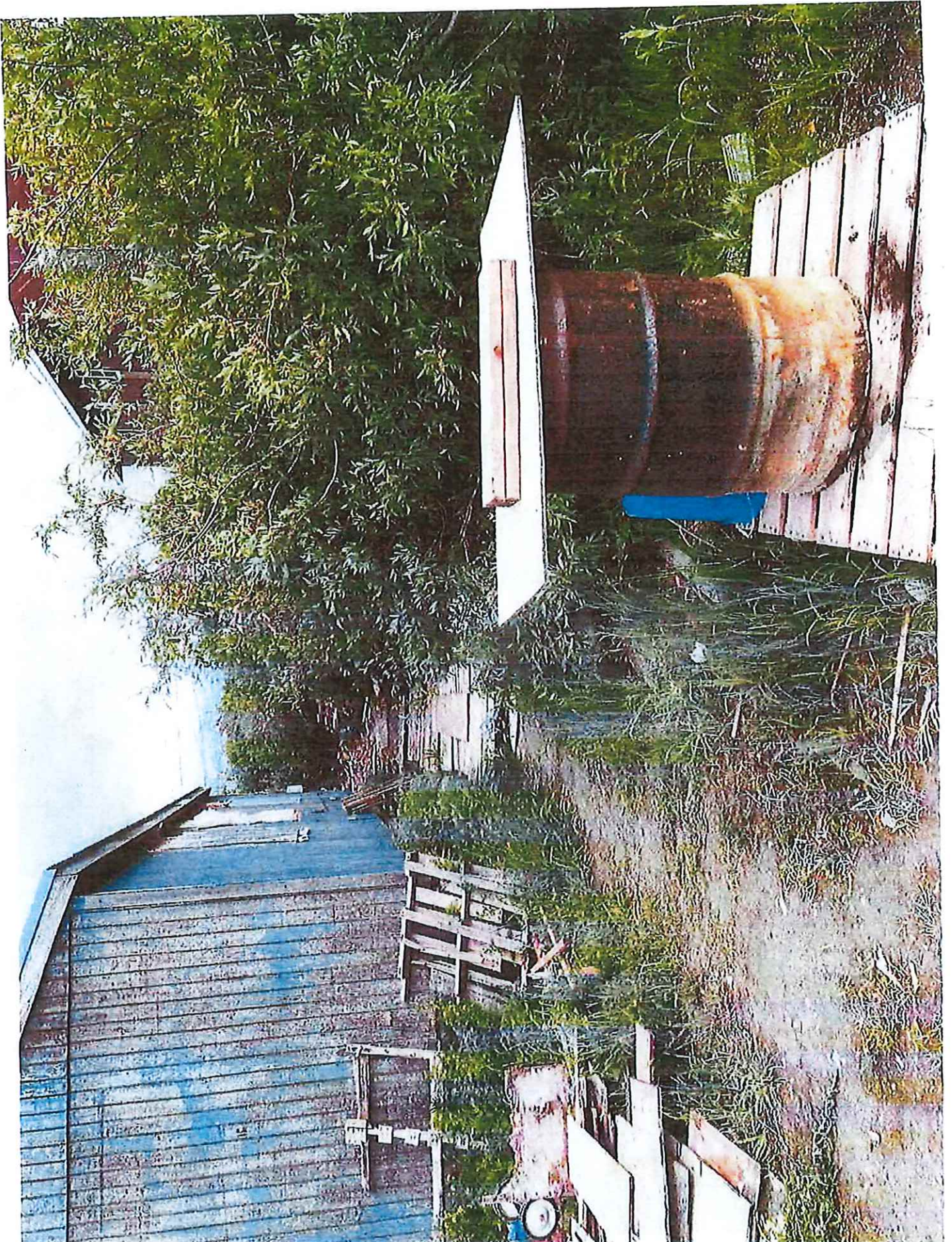


Joseph W. Evans
City Attorney
(360) 981-5508 [cell]
joe@jwevanslaw.com

Attachments: Three (3) photos of House # 671 taken July 19, 2023

cc: Tessa Baldwin, City Manager
Chelsea Sieh, Finance Director, and Acting City Manager
Roger Rouse, Chief of Police and Acting City Manager
Kelly Marcus, Fire Chief
Russ Ferguson, Public Works Director
Darilyn Nelson, Community Service Officer
Lorlie Brown, House # 670







Chapter 15.04 DANGEROUS STRUCTURES AND PREMISES

Sections:

15.04.010 Definitions.

For the purposes of this chapter:

- A. "Fire hazard" means any building or structure which, for want of proper repairs, or by reason of age or dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimneys, defective heating apparatus or any other cause or reason, is especially liable to fire, or which building or structure is so situated or occupied as to endanger any other building or property or human life. The term shall also mean and include any building or structure containing any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind, especially liable to cause fire or endanger the safety of such building, premises or human life.
- B. "Health hazard" means and includes any building or structure which shall be kept or maintained or shall be in a filthy or unsanitary condition especially liable to cause the spread of contagious or infectious disease or diseases, or permitting foul odors or obnoxious or poisonous gases to escape from said building.
- C. "Public nuisance" means any building or structure whose condition has been allowed by the owner to deteriorate to a point where it affects the rights enjoyed by citizens of the city, to which rights every citizen is entitled, namely the safety of life, limb and property. The terms shall also mean and include any building or structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property, or which is an "unsafe building" as defined by section 203 of the Uniform Building Code.

(Prior code § 10.05.010(b),(c),(d)).

15.04.020 Finding and report by city officials.

Whenever any official of the city, such as the fire chief, fire marshal, police chief, building inspector, electrical inspector, plumbing inspector or sanitarian, shall, after inspection, find a building, premises, open lot, basement or area to be a dangerous structure or condition or fire hazard or health hazard or public nuisance, he shall forthwith render to the city manager a full report of the reasons why such structure or premises should be corrected, demolished or abated, including in his report all violations of this code or any rule or regulation issued hereunder, together with his recommendation in full as to correcting, altering, repairing, demolishing or removing such structure.

(Prior code § 10.05.010(a)).

15.04.030 Findings of city manager.

Upon receipt of the report of the administrative official, the city manager shall make his written findings in the matter, excepting, adopting or modifying the subordinate administrative official's reports.

(Prior code § 10.05.020).

15.04.040 Notice to abate or correct—To whom given.

The city manager shall cause a written notice to be given to the person creating, causing, committing or maintaining said dangerous condition, nuisance or hazard, if such person be known, or to the owner, tenant or person in possession or control of the premises upon which the dangerous condition, nuisance or hazard exists, or on the premises abutting the public place upon which the nuisance or other hazard exists.

(Prior code § 10.05.030).

15.04.050 Notice to abate or correct—Posting and service—Content.

- A. The notice provided for in Section 15.04.040 shall be given in either of the following ways:
1. By posting the notice in a conspicuous place upon the premises, or upon a public sidewalk, street or other thoroughfare on the same side and in front of the premises, upon which or abutting the public place upon which the nuisance exists;
 2. By personally serving such person responsible for the nuisance or such owner, tenant, or person in possession or control in the manner required for service of summons.
- B. The notice shall be headed, "NOTICE TO ABATE OR CORRECT DANGEROUS NUISANCE" or "NOTICE TO ABATE OR CORRECT EITHER FIRE OR HEALTH HAZARD" in letters not less than one inch in height. The notice, in legible wording, shall further direct the abatement, correction, demolition or removal of the dangerous condition, nuisance or hazard.
- C. The notice shall also specify a date at least thirty days from date of the notice at which public hearing will be had before the city council, sitting as a board of adjustment, on the question of abatement, condemnation, altering, repairing, demolition, or removal of the dangerous condition, nuisance or hazard. A copy of the city manager's findings shall accompany the notice of the hearing where the notice can be served personally as provided in subdivision (A)(2) of this section.

(Prior code § 10.05.040 (a),(b),(c),(d)).

15.04.060 Objections to findings.

Any person having an interest in the property, subject to proceedings before the board of adjustment, may submit his written objections to the findings of the city manager by filing such objections with the city manager at any time prior to the public hearing.

(Prior code § 10.05.040(e)).

15.04.070 Public hearing.

After notice is given in the manner specified by Section 15.04.050, a public hearing shall be had regardless of whether or not objections to the findings of the city manager are submitted. At the hearing, any person having an interest in the property may appear in person or by agent or attorney. The chairman or acting chairman of the board of adjustment may administer oaths and compel the attendance of witnesses. Record shall be kept of the proceedings by a competent stenographer or by a mechanical or electrical recording device.

(Prior code § 10.05.050(part)).

15.04.080 Board of adjustment findings—Removal or demolition.

After the hearing is concluded, the board of adjustment shall enter its findings in the matter and may provide by ordinance for the condemnation of any building which has been found to be a fire or health hazard or public nuisance and to order or cause the removal or demolition of such building; provided, however, that the owner shall be given at least thirty days after the hearing within which to remove the objectionable building or buildings before the city may proceed to do so.

The cost incurred by the city in demolishing or removing the objectionable building or buildings, or condition, shall be chargeable to the property first against the salvageable material, which may be sold at public auction, and the balance of cost, if any, against the land, the same as taxes.

(Prior code § 10.05.050 (part)).

15.04.090 Board of adjustment findings—Correction.

In the event that the board determines that a dangerous condition, public nuisance, fire or health hazard exists which may be corrected or made safe without the necessity of demolition or removal of the building, the board shall allow alteration, repair or reconstruction of the building under such terms and conditions as the board may find proper.

(Prior code § 10.05.050 (part)).

15.04.100 Board of adjustment findings—Ordinance—Compliance.

The board, after the public hearing, shall adopt an ordinance containing its findings. If removal or demolition of the structure is provided for and ordered, the owner, tenant or person in possession or control of the property shall have at least thirty days from the date of such public hearing so to do; if repairs, alterations or reconstruction is permitted by the board, the work may be done within such time and under such terms and conditions as the board may specify.

(Prior code § 10.05.060).

15.04.110 Failure to comply—City enforcement.

If the owner, tenant or person in possession or control of the property fails to comply with the ordinance or any provisions contained therein for removal or demolition, repair or alteration within the prescribed time, or fails to appeal from the board's order, the city manager shall enforce all provisions of the ordinance with city employees. The cost of such abatement shall be chargeable against the property, first against the salvaged material which may be sold at public auction, and the balance of cost, if any, to be filed as a lien upon the real property and enforced as such.

(Prior code § 10.05.070).

15.04.120 Appeals to court.

Appeals may be taken by person aggrieved, or any officer or department head or by any administrative official of the city. Such appeal shall be taken within twenty days from the adoption of the ordinance containing the findings and order of the board. Such appeal may be taken by filing with the city clerk, a notice of appeal, which notice shall specify the ground of such appeal. Upon filing of the notice of appeal, as herein provided, the

clerk shall forthwith transmit to the Superior Court Clerk of the judicial district in which the controversy arises, the original or certified copies of all papers constituting the record in the case, together with the ordinance containing the order, decision or ruling of the board of adjustment.

(Prior code § 10.05.080).

15.04.130 Violation—Penalty.

Any person who is the owner of, or is in possession of, or in responsible charge of any building or structure which is a fire hazard, a health hazard or a public nuisance within the city, and who knowingly suffers or permits any such building or structure to be or remain a fire hazard, a health hazard or a public nuisance shall, upon conviction thereof, be fined not to exceed one hundred dollars or imprisoned not to exceed ten days, or both fined and imprisoned, in the judgment of the court. Each day on which any violation is allowed to continue shall be considered a separate offense and is punishable as such.

(Prior code § 10.05.090).



City of Kotzebue, Alaska
Police Department


258B Third Avenue Box 550 Kotzebue, AK 99752-0550
Office: 907-442-3539 Fax: 907-442-3357



Roger Rouse, Chief of Police

MEMORANDUM

To: Tessa Baldwin, Kotzebue City Manager.

From:  Roger Rouse, Kotzebue City Chief of Police

Date: 01/02/2024

Reference: Notifications and Citation in Reference to House 671

As per your request I have compiled the notice(s) and citation provided to Dickie Curtis at house 671 regarding his city code 8.03.010 violations. Please see the attachment listings for specifics but as a general overview I have listed the contacts below.

06/07/2023 – Mr. Dickie Curtis given verbal warning regarding city code 8.03.010 violations.

06/21/2023 – Mr. Dickie Curtis was issued a citation after two weeks of no apparent action towards correcting the 8.03.010 violations.

07/25/2023 – Abatement paperwork hand delivered by CSO Darilyn Nelson to Mr. Dickie Curtis at house 671 and Ms. Lorie Brown at house 670.

10/02/2023 – CSO Darilyn Nelson sent to take photos of 08.03.010 violations at house 671.

10/06/2023 – Updated abatement paperwork hand delivered by Officer Donovan Chappel to Mr. Dickie Curtis, house 671, Ms. Lorie Brown, house 670 and Mr. and Mrs. Funk, house 661.

Attachments:

Call for Service 23-003287

Citation: 000001657

7/31/2023 email of hand delivered paperwork.

Abatement Paperwork dated 7/25/2023.

Call for Service 23-005765

Updated Abatement Paperwork dated 10/06/2023.

KOTZEBUE POLICE DEPARTMENT
258B THIRD AVENUE

PO BOX 550
 KOTZEBUE, AK 99752

Call For Service
Event Detail Page

Event #	23-003287	Print Date	01/02/2024
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Call For Service / Event	Date	06/07/2023	Day	Wednesday	Time	14:40:00	Dispatcher ID	PETA	Agency	KPD	Source	R	
	Beat	600	Sector	RESIDE	District	KOTZEB	Incident #						
	Fire #		Med #		Other Inc. #1		Other Inc. #2						
	Address	671	CARIBOU				DR						
	Location	671 CARIBOU DR											
	City	KOTZEBUE				County	1 NWA	State	AK				
	REPORTING PARTY INFORMATION												
	Name	NELSON, DARILYN / /											
	Location	258B Third Av, Kotzebue, AK											
	Phone	907	442-3351	Requests Contact	N								
RESPONSE INFORMATION													
Unit	KPD Patrol				Unit								
Officer ID	DLN0 ACO Darilyn Nelson				Officer ID								
Dispatch Time	06/07/2023 14:40:00				Dispatch Time								
Enroute Time	06/07/2023 14:40:00				Enroute Time								
Arrive Time	06/07/2023 14:40:00				Arrive Time								
Clear Time	06/07/2023 14:44:00				Clear Time								
											Total Consumed Minutes of all associated Units :		
											4		
											Dispatch ID	PETA	
CALL DETAILS													
Call Type	CIVIL		CIVIL									Priority	

Description :

I'll be out at house 671 to issue a city code violation

Disposition *CIT Citation Issued* **EMD Code**

Comments *Gave a verbal warning to Dickie Curtis regarding city code 8.03.010 violation; for trash and hazardous waste on property.*

Dickie agreed he needs to throw away the trash that is on his property and told me he is waiting for the water to be removed from his property to pick up the remaining trash on the back of his residence. He said he can start taking the bags from the top and get them "taken care of".

The city is pumping water from the property and I noticed a lot of water in the backyard that still needs to be pumped out along with a huge pile of garbage bags full of waste and trash.

He was informed if he doesnt clean his yard he will be issued a citation for city code violation for hazardous material on his property or they city will have no choice to come and clean his yard and fine him for the costs of cleaning. He understood and complied to the warning.

K9/DN

Citation issued on 06/21/2023 in regards of violating said city code after two weeks of no visible cleaning to the hazardous waste and trash. Citation amount \$300 and informed Mr Curtis the city will be in contact to clean the area and will cite him the costs for the ci



ean up which will be separate than the citation issued today.

CIT#0007, Citation#000001657

K9/DN



**KOTZEBUE POLICE DEPARTMENT
258B THIRD AVENUE**

PO BOX 650
KOTZEBUE, AK 99752

**Citation
Detail Page**

Citation # 000001657	Citation Type	Print Date 01/02/2024
--------------------------------	---------------	---------------------------------

Date 06/07/2023	Day Wednesday	Time 14:40	Officer ID DLNO ACO Darilyn Nelson	Agency KPD
Beat 600	Sector RESID	District KOTZ	Other # CIT#0007	Incident #

Location **671 CARIBOU DR**

SUBJECT INFORMATION

Name CURTIS, DICK JR	Apartment
Address 671 Caribou Dr	
City/ST/Zip KOTZEBUE AK 99752-0386	
Home Phone 907 412-1895	Work Phone
	Cell Phone

Employer	
Address	
City/ST/Zip	

D.O.B. 08/31/1958	Sex M	Race I	HT 5-02	WT 135	Hair BRO	Eyes BLK	DL Class
DL # 6046587 ID ONLY	State AK	Endorsements	Restrictions				

VEHICLE INFORMATION

License	State AK	VIN #
Year	Make	Model
		Style
		Color

Comment

CONDITIONS

Radar N	Laser N	Accident N	Construction Zone Const Zn Occupied N	School Zone	Weather	Surface	Roadway	Lighting
Radar/ Laser ID :	Date/Time Calibrated				Speed 0	Posted Speed 0	Direction of Travel	Lane 0

VIOLATIONS

Violation	Description	Fine	Surcharge	Points
-----------	-------------	------	-----------	--------

KMC 08.03.020	KMC 08.03.020 - Littering Prohibited	300.00		
----------------------	---	---------------	--	--

CITATION

**KOTZEBUE POLICE DEPARTMENT
258B THIRD AVENUE**

PO BOX 550
KOTZEBUE, AK 99752

**Citation
Notes Page**

Citation # 000001657		Print Date 01/02/2024	
Court Date	Court Time	Officer ID DLNO	Agency KPD
Court ID			
OFFICER NOTES			

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K9/DN





City of Kotzebue, Alaska
Police Department
 258B Third Avenue Box 550 Kotzebue, AK 99752-0550
 Office: 907-442-3539 Fax: 907-442-3357
 www.kotzebuepolice.com
 Roger L. Rouse, Chief of Police



Case#: 23-003287 Date: 06/07/2023 Time: 14:40

Defendant: Dick Curtis DOB: 08/31/1958 ID#: 6046587 State: AK

Address (Residence): 671 Caribou dr

Mailing Address: P.O. Box 386

Home Phone: 907-412-1895 Work Phone:

KOTZEBUE MUNICIPAL CODE VIOLATION: 8.03.010

PROBABLE CAUSE STATEMENT

contacted Dickie on June 7th regarding city code violation for trash and hazardous waste on his property. Dickie was given 2 wks to clean property without any charges on 6/21/2023

PENALTIES AND FINES

PENALTY / FINE AMOUNT: \$300.00

- 1.20.030 - Violations—Fine—Separate offenses.

Every act and violation of this code is declared unlawful unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code, or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than three hundred dollars. Every act of violation and every day upon which such violation shall occur shall constitute a separate offense. (Ord. 91-15 § 2 (part), 1991; Ord. 81-2 (part), 1981; prior code § 1.05.080 (part)).

- 1.20.040 - Civil penalty.

The city may institute a civil action against a person who violates any provision of this code for any rule or regulation adopted or issued in pursuance thereof. In addition to injunctive and compensatory relief civil penalty not to exceed one thousand dollars may be imposed for each violation. (Ord. 91-15 § 2 (part), 1991).

- 1.20.050 - Surcharge.

A. In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a

1. Violation of a municipal ordinance comparable to a misdemeanor offense under A.S. 28.33.030, 28.33.031, A.S. 28.35.030, or 28.35.032 and adopted under A.S. 28.01.010, shall be assessed a surcharge of seventy-five dollars.

2. Violation of a municipal ordinance if a sentence of incarceration may be imposed for the ordinance violation, other than a provision identified in subsection (A)(1) of this section, shall be assessed a surcharge of forty-five dollars.

3. A violation of a municipal ordinance if a sentence of incarceration may not be imposed for the ordinance violation shall be assessed a surcharge of fifteen dollars if the fine or bail forfeiture amount for the offense is thirty dollars or more.

B. The surcharge collected under Section 1.20.050 shall be deposited into the general fund of the state and accounted for under A.S. 37.05.142.

C. A citation issued under A.S. 12.25.180 must indicate the amount of bail or fine and the surcharge applicable to the offense. (Ord. 99-3 § 1, 1998).

I have probable cause to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and correct and that I personally served this citation on the defendant.

CSO's Signature

Darlyn Nelson
CSO's Name Printed

CSO/149
ID

06/21/2023
Date Served

Roger Rouse

From: Joe Evans <outlook_1CB75C0800483E07@outlook.com> on behalf of Joe Evans <joe@jwevanslaw.com>
Sent: Monday, July 31, 2023 7:35 AM
To: Darilyn Nelson
Cc: Roger Rouse
Subject: Re: Paperwork house 670 & 671

CSO Nelson,

Talkuul

Joe Evans

From: Darilyn Nelson <DNelson@Kotzebue.org>
Sent: Tuesday, July 25, 2023 1:49 PM
To: Joe Evans <joe@jwevanslaw.com>
Cc: Roger Rouse <RRouse@Kotzebue.org>
Subject: Paperwork house 670 & 671

Good afternoon,

I was able to drop off both copies to Mrs. Brown and Mr. Curtis at houses 670 and 671.

Darilyn Nelson
Community Service Officer
Kotzebue Police Department
258B Third Avenue, P.O. Box 550
Kotzebue, AK 99752-0550
Office: 907-442-3351
Fax: 907-442-3357



Dickie Curtis
House # 671
Caribou Drive
Kotzebue, Alaska

Tuesday
July 25, 2023
[Hand-delivered]

Joseph W. Evans
City Attorney
joe@jwevanslaw.com

Valerie V. Evans
Legal Assistant
valerie@jwevanslaw.com

Re: IMMEDIATE ORDER TO CEASE AND DESIST/ABORT PUBLIC HEALTH HAZARD/CLEAN UP PROPERTY

Dear Mr. Curtis:

Your property is a public health hazard and the land around your home must be cleaned up immediately. See, photos attached to this email.


History of your property: Over the past 2 ½ years, the Fire Department ambulance has responded to house 671 Caribou Drive 15 times for 9 different adults (three of which have been deceased). The dates of responses are: 12/15/19, 9/30/20, 10/9/20, 2/2/21, 8/13/21, 9/5/21, 10/31/21, 11/8/21, 11/8/21, 11/15/21, 3/10/22, 4/1/22, 11/13/22, 12/27/22, and 3/5/23. The unclean condition of your residence, inside and out, is a health and safety concern for occupants and responders. The only entrance is in the back of the structure. One must walk over broken pallets--past, around, and through garbage, sewage, and waste--to get to the doorway. In the winter, a glacier of human urine is unavoidable when entering. Obstacles render a wheeled-stretcher useless and moving patients with the aid of a backboard that far is a challenge. The front entrance is boarded shut. Most of the windows are either broken or boarded over. The interior of the home is torn apart and covered in filth. The black grime on floors and other surfaces that sticks to boots is especially notable. The only heat source has been an improperly installed woodstove. There is no electricity in use. Considering the dilapidation, a hazardous heat source, and only one entrance/exit the risk and chance of fire is extremely high. Many fires have caused deaths in places like this in Kotzebue. You MUST make a change before another tragic event occurs. (As you know you have been repeatedly cited for the deplorable condition of your property.)

Enough is enough! You have until the close of business on Friday, August 4th to remove all of trash, waste, sewage, etc., from your property. If you fail to do so by that date, the City Public Works Department will plan to clean up your property and bill you for the time and equipment used in this effort. It is estimated that such a clean-up will cost you in excess of \$2,000.00 considering the deplorable condition of your property and the difficulty of accessing the mess you have created.

Letter of July 25, 2023, to Dickie Curtis, House # 671
Re: Cense and Desist/Abort Public health Hazard/Clean Up Property
Page 2 of 2

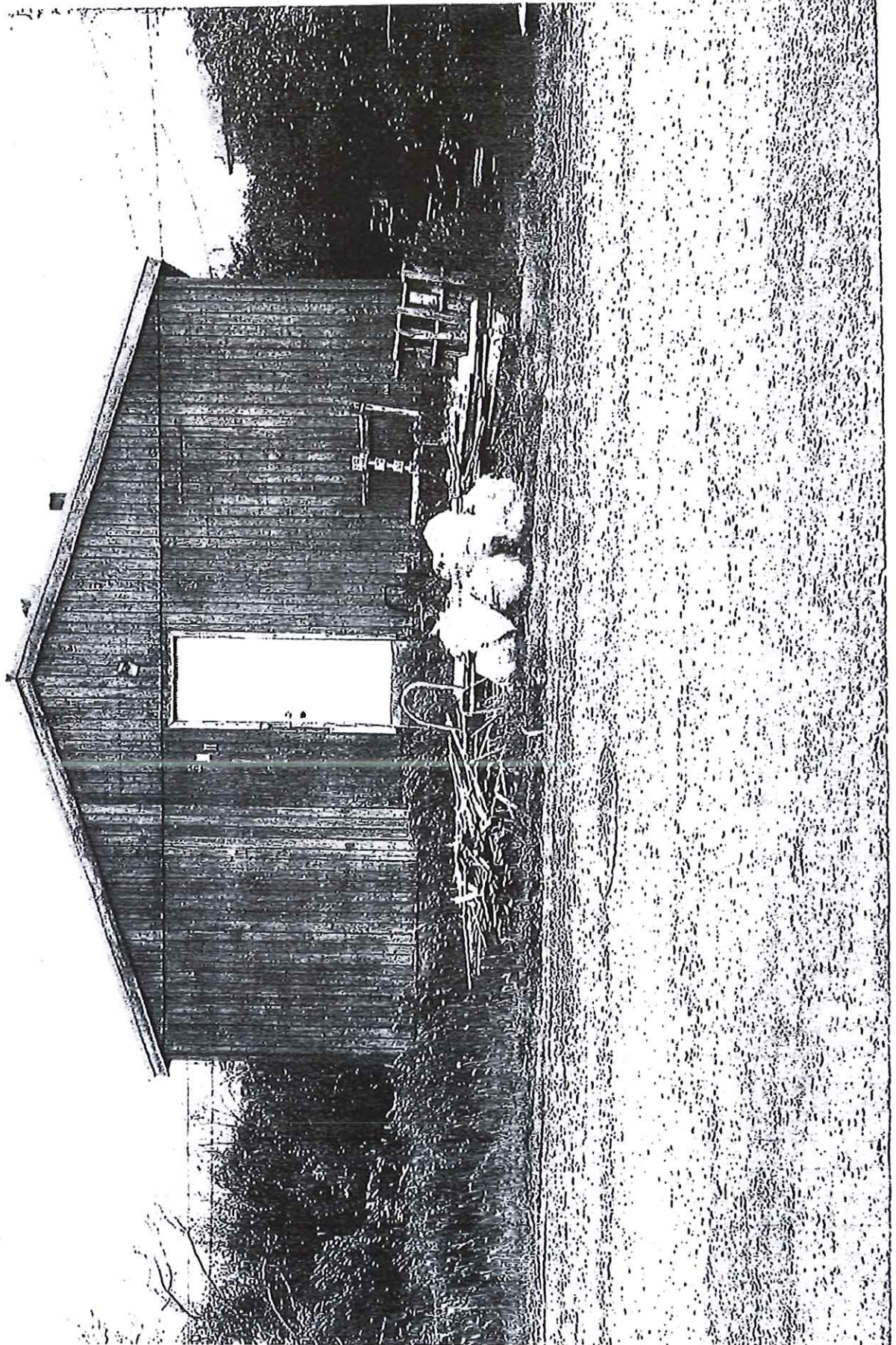
If you have any questions, please do not hesitate to contact me. If you fail to regard this ORDER, the City will also pursue condemning your property as a public health hazard and seek to have it demolished to protect yourself, other residents of your home and residents along Caribou Drive. Should you ignore this letter and ORDER, you do so at your own peril and will be subject to all efforts by the City to stop your endangering yourself and others.

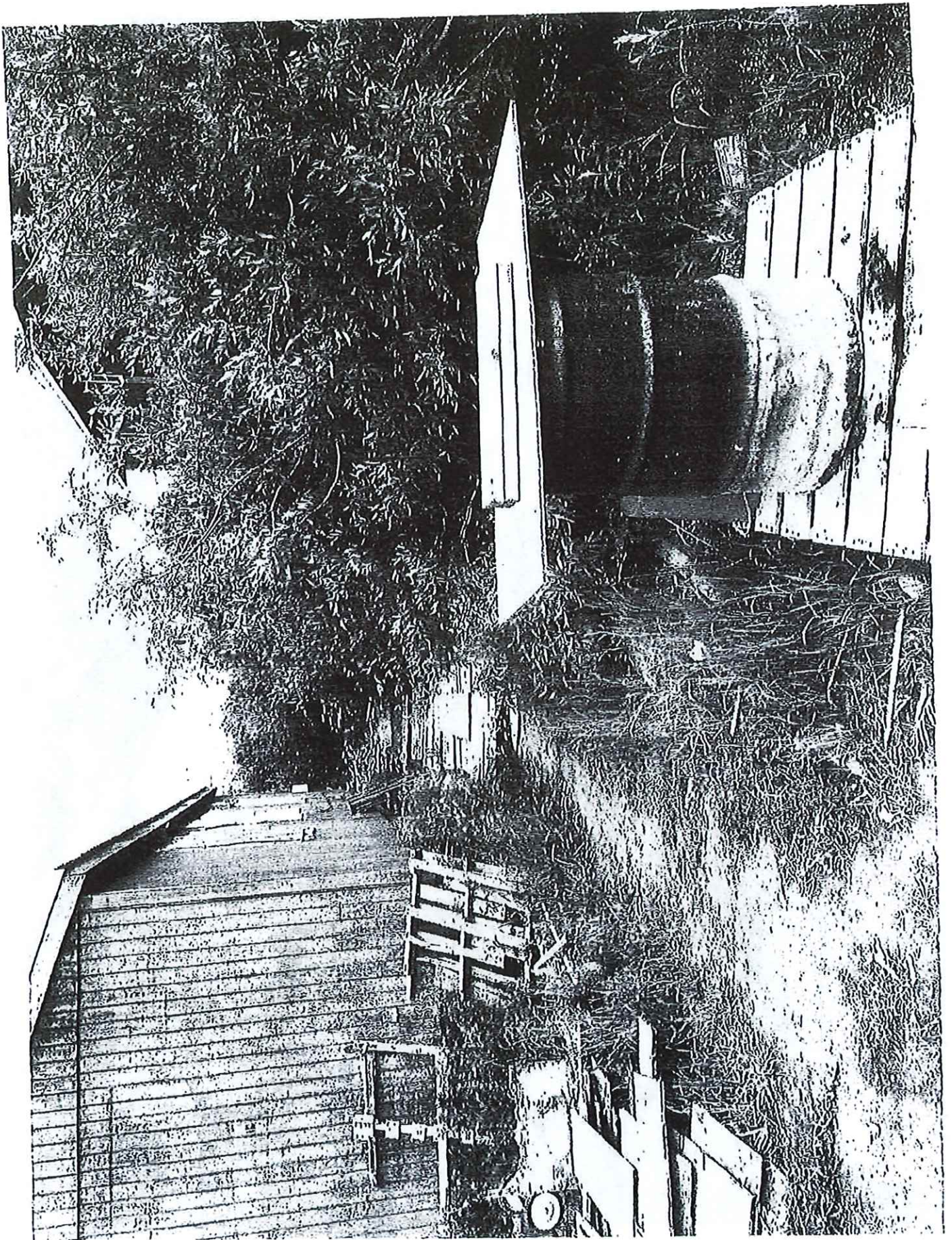
Sincerely,
CITY OF KOTZEBUE

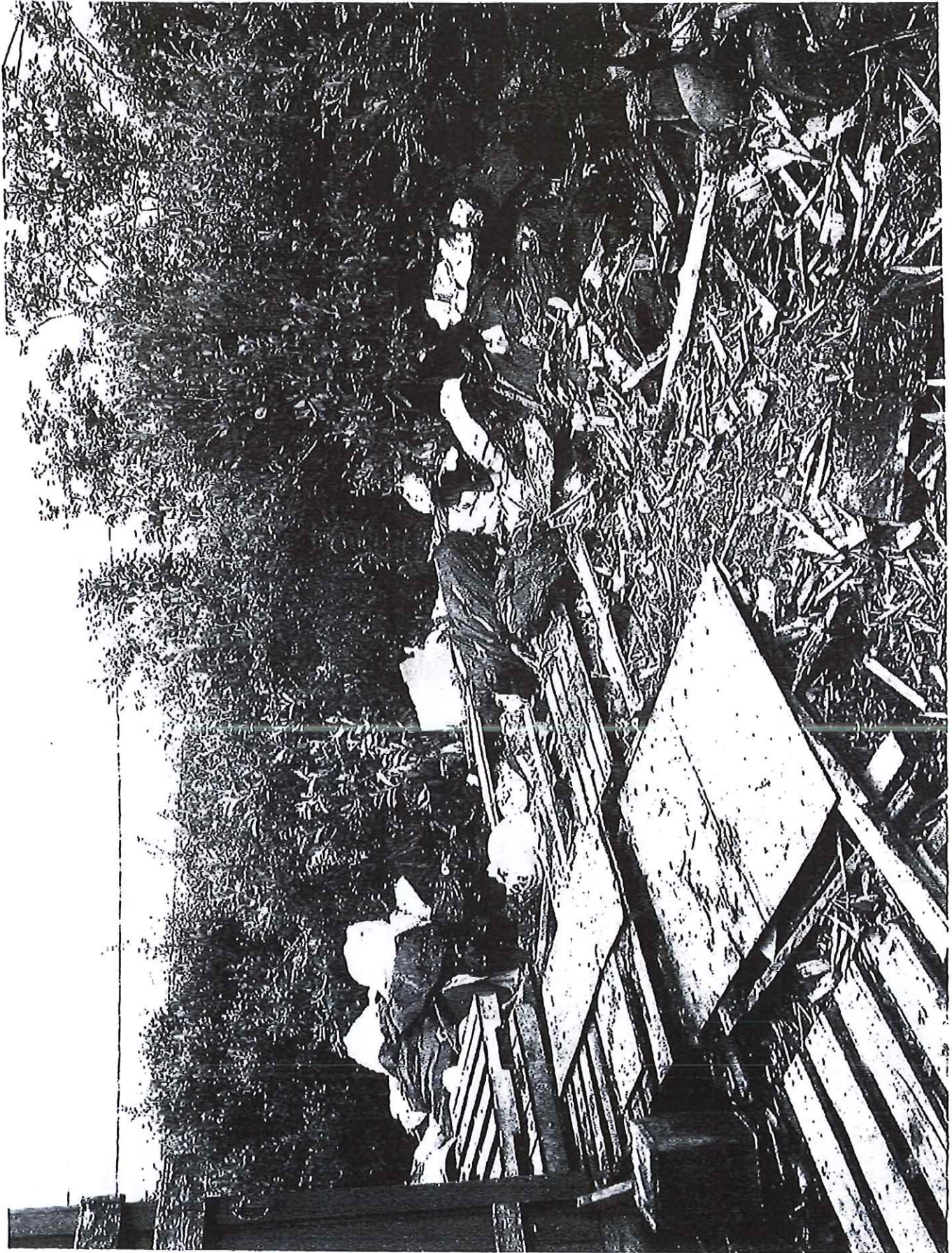

Joseph-W. Evans
City Attorney
(360) 981-5508 [cell]
joe@jwevanslaw.com

Attachments: Three (3) photos of House # 671 taken July 19, 2023

cc: Tessa Baldwin, City Manager
Chelsea Sieh, Finance Director, and Acting City Manager
Roger Rouse, Chief of Police and Acting City Manager
Kelly Marcus, Fire Chief
Russ Ferguson, Public Works Director
Darilyn Nelson, Community Service Officer
Lorlie Brown, House # 670







Chapter 15.04 DANGEROUS STRUCTURES AND PREMISES

15.04.010 Definitions.

For the purposes of this chapter:

- A. "Fire hazard" means any building or structure which, for want of proper repairs, or by reason of age or dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimneys, defective heating apparatus or any other cause or reason, is especially liable to fire, or which building or structure is so situated or occupied as to endanger any other building or property or human life. The term shall also mean and include any building or structure containing any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind, especially liable to cause fire or endanger the safety of such building, premises or human life.
- B. "Health hazard" means and includes any building or structure which shall be kept or maintained or shall be in a filthy or unsanitary condition especially liable to cause the spread of contagious or infectious disease or diseases, or permitting foul odors or obnoxious or poisonous gases to escape from said building.
- C. "Public nuisance" means any building or structure whose condition has been allowed by the owner to deteriorate to a point where it affects the rights enjoyed by citizens of the city, to which rights every citizen is entitled, namely the safety of life, limb and property. The terms shall also mean and include any building or structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property, or which is an "unsafe building" as defined by section 203 of the Uniform Building Code.

[Prior code § 10.05.010(b),(c),(d)].

15.04.020 Finding and report by city officials.

Whenever any official of the city, such as the fire chief, fire marshal, police chief, building inspector, electrical inspector, plumbing inspector or sanitarian, shall, after inspection, find a building, premises, open lot, basement or area to be a dangerous structure or condition or fire hazard or health hazard or public nuisance, he shall forthwith render to the city manager a full report of the reasons why such structure or premises should be corrected, demolished or abated, including in his report all violations of this code or any rule or regulation issued hereunder, together with his recommendation in full as to correcting, altering, repairing, demolishing or removing such structure.

[Prior code § 10.05.010(a)].

15.04.030 Findings of city manager.

Upon receipt of the report of the administrative official, the city manager shall make his written findings in the matter, excepting, adopting or modifying the subordinate administrative official's reports.

[Prior code § 10.05.020].

15.04.040 Notice to abate or correct—To whom given.

The city manager shall cause a written notice to be given to the person creating, causing, committing or maintaining said dangerous condition, nuisance or hazard, if such person be known, or to the owner, tenant or person in possession or control of the premises upon which the dangerous condition, nuisance or hazard exists, or on the premises abutting the public place upon which the nuisance or other hazard exists.

(Prior code § 10.05.030).

15.04.050 Notice to abate or correct—Posting and service—Content.

- A. The notice provided for in Section 15.04.040 shall be given in either of the following ways:
1. By posting the notice in a conspicuous place upon the premises, or upon a public sidewalk, street or other thoroughfare on the same side and in front of the premises, upon which or abutting the public place upon which the nuisance exists;
 2. By personally serving such person responsible for the nuisance or such owner, tenant, or person in possession or control in the manner required for service of summons.
- B. The notice shall be headed, "NOTICE TO ABATE OR CORRECT DANGEROUS NUISANCE" or "NOTICE TO ABATE OR CORRECT EITHER FIRE OR HEALTH HAZARD" in letters not less than one inch in height. The notice, in legible wording, shall further direct the abatement, correction, demolition or removal of the dangerous condition, nuisance or hazard.
- C. The notice shall also specify a date at least thirty days from date of the notice at which public hearing will be had before the city council, sitting as a board of adjustment, on the question of abatement, condemnation, altering, repairing, demolition, or removal of the dangerous condition, nuisance or hazard. A copy of the city manager's findings shall accompany the notice of the hearing where the notice can be served personally as provided in subdivision (A)(2) of this section.

(Prior code § 10.05.040 (a),(b),(c),(d)).

15.04.060 Objections to findings.

Any person having an interest in the property, subject to proceedings before the board of adjustment, may submit his written objections to the findings of the city manager by filing such objections with the city manager at any time prior to the public hearing.

(Prior code § 10.05.040(e)).

15.04.070 Public hearing.

After notice is given in the manner specified by Section 15.04.050, a public hearing shall be had regardless of whether or not objections to the findings of the city manager are submitted. At the hearing, any person having an interest in the property may appear in person or by agent or attorney. The chairman or acting chairman of the board of adjustment may administer oaths and compel the attendance of witnesses. Record shall be kept of the proceedings by a competent stenographer or by a mechanical or electrical recording device.

(Prior code § 10.05.050(part)).

15.04.080 Board of adjustment findings—Removal or demolition.

After the hearing is concluded, the board of adjustment shall enter its findings in the matter and may provide by ordinance for the condemnation of any building which has been found to be a fire or health hazard or public nuisance and to order or cause the removal or demolition of such building; provided, however, that the owner shall be given at least thirty days after the hearing within which to remove the objectionable building or buildings before the city may proceed to do so.

The cost incurred by the city in demolishing or removing the objectionable building or buildings, or condition, shall be chargeable to the property first against the salvageable material, which may be sold at public auction, and the balance of cost, if any, against the land, the same as taxes.

(Prior code § 10.05.050 (part)).

15.04.090 Board of adjustment findings—Correction.

In the event that the board determines that a dangerous condition, public nuisance, fire or health hazard exists which may be corrected or made safe without the necessity of demolition or removal of the building, the board shall allow alteration, repair or reconstruction of the building under such terms and conditions as the board may find proper.

(Prior code § 10.05.050 (part)).

15.04.100 Board of adjustment findings—Ordinance—Compliance.

The board, after the public hearing, shall adopt an ordinance containing its findings. If removal or demolition of the structure is provided for and ordered, the owner, tenant or person in possession or control of the property shall have at least thirty days from the date of such public hearing so to do; if repairs, alterations or reconstruction is permitted by the board, the work may be done within such time and under such terms and conditions as the board may specify.

(Prior code § 10.05.060).

15.04.110 Failure to comply—City enforcement.

If the owner, tenant or person in possession or control of the property fails to comply with the ordinance or any provisions contained therein for removal or demolition, repair or alteration within the prescribed time, or fails to appeal from the board's order, the city manager shall enforce all provisions of the ordinance with city employees. The cost of such abatement shall be chargeable against the property, first against the salvaged material which may be sold at public auction, and the balance of cost, if any, to be filed as a lien upon the real property and enforced as such.

(Prior code § 10.05.070).

15.04.120 Appeals to court.

Appeals may be taken by person aggrieved, or any officer or department head or by any administrative official of the city. Such appeal shall be taken within twenty days from the adoption of the ordinance containing the findings and order of the board. Such appeal may be taken by filing with the city clerk, a notice of appeal, which notice shall specify the ground of such appeal. Upon filing of the notice of appeal, as herein provided, the

Created: 2021-11-05 16:07:56 [EST]

(Supp. No. 13, Rev.)

clerk shall forthwith transmit to the Superior Court Clerk of the judicial district in which the controversy arises, the original or certified copies of all papers constituting the record in the case, together with the ordinance containing the order, decision or ruling of the board of adjustment.

(Prior code § 10.05.080).

15.04.130 Violation—Penalty.

Any person who is the owner of, or is in possession of, or in responsible charge of any building or structure which is a fire hazard, a health hazard or a public nuisance within the city, and who knowingly suffers or permits any such building or structure to be or remain a fire hazard, a health hazard or a public nuisance shall, upon conviction thereof, be fined not to exceed one hundred dollars or imprisoned not to exceed ten days, or both fined and imprisoned, in the judgment of the court. Each day on which any violation is allowed to continue shall be considered a separate offense and is punishable as such.

(Prior code § 10.05.090).

Created: 2021-11-05 16:07:56 (EST)

(Supp. No. 13, Rev.)

**KOTZEBUE POLICE DEPARTMENT
258B THIRD AVENUE**

PO BOX 550
KOTZEBUE, AK 99762

**Call For Service
Event Detail Page**

		Event #		23-005765		Print Date		01/02/2024			
Date	10/06/2023	Day	Friday	Time	10:42:42	Dispatcher ID	ESTAM	Agency	KPD	Source	R
Beat	600	Sector	RESIDE	District	KOTZEB	Incident #					
Fire #		Med #		Other Inc. #1		Other Inc. #2					
Address	671 CARIBOU										
Location	671 CARIBOU										
City	KOTZEBUE	County	1 NWA	State	AK						
REPORTING PARTY INFORMATION											
Name	CHAPPELL, DONOVAN 11/14/1997										
Location	258B Third Av, Kotzebue, AK										
Phone	907 442-3351	Requests Contact	N								
RESPONSE INFORMATION											
Unit	KPD Patrol				Unit						
Officer ID	DMC1 Ofc. Donovan...				Officer ID						
Dispatch Time	10/06/2023 10:42:40				Dispatch Time						
Enroute Time	10/06/2023 10:42:42				Enroute Time						
Arrive Time	10/06/2023 10:42:42				Arrive Time						
Clear Time	10/06/2023 10:49:29				Clear Time						
						Total Consumed Minutes of all associated Units :	7				
						Dispatch ID	ESTA...				
CALL DETAILS											
Call Type	CIVIL	CIVIL								Priority	
Description :											
serving Dicky Curtis with civil municipal paperwork at 671											
serving at 670-											
Disposition	PAPERS PAPERWORK SERVED (COURT, CIVIL, ETC.)								EMD Code		
Comments	Civil municipal paperwork served.										
K5/DC											

Call For Service / Event



Joseph W. Evans
City Attorney
joe@jwevanslaw.com

Friday
October 6, 2023
[Hand-delivered]

Valerie V. Evans
Legal Assistant
valerie@jwevanslaw.com

Dickie Curtis
House # 671
Caribou Drive
Kotzebue, Alaska

Re: Your Property – House 671, Caribou Drive - is a Public Health and Safety Hazard, Fire Hazard and Public Nuisance Subject to KMC Chapter 15.04, Dangerous Structures and Premises

Dear Mr. Curtis:

You have completely and totally ignored my letter of July 25, 2023, a copy of which is attached hereto and incorporated by reference herein. As a result, the City of Kotzebue is required to take the following actions.

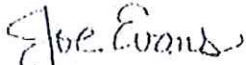
Property Clean-Up: Starting next week – October 9th to October 13th – the City of Kotzebue Public Works Department will begin the process of removing the garbage, sewage, and waste from your property. In order to have access to the garbage, sewage, and waste on your property, it will be necessary to excavate many of the willows on your property and pile them on your property. Once that is done, the pallets and wood debris on your property will be removed so that the City's equipment can access the garbage, sewage, and waste on your property. Then, the garbage, sewage and waste will be removed and taken out to the City's sewage lagoon. Once at the sewage lagoon, the plastic bags will have to be individually opened, inspected for non-sewage waste and that non-sewage waste removed before the sewage can be disposed of in the sewage lagoon. This clean-up process will involve the use of City equipment – bulldozer, loader, excavator, and dump truck -- and three to five City employees working a minimum of 100+ hours. You will be billed for these expenses which will be in the \$20,000.00 range. If you do not pay the bill for these services, the City will reduce the amount owed to a Court judgment and execute on your PDF and any other assets you may have to satisfy the amount owed to the City.

Kotzebue Municipal Code ("KMC"), Chapter 15.04, Dangerous Structures and Premises: Once the clean-up process of your property has been completed, the City will start the process of condemning your property so that your house can be demolished. See, KMC Chapter 15.04, a copy of which is attached hereto and incorporated by reference herein. You should start making arrangement for alternative housing/living quarters.

Letter of October 6, 2023 to Dickie Curtis, House # 671
Re: Clean-up/KMC 15.04
Page 2 of 2

If you have any questions, please do not hesitate to contact me.

Sincerely,
CITY OF KOTZEBUE


Joseph W. Evans
City Attorney
(360) 981-5508 [cell]
joe@jwevanslaw.com

Attachments: (1) Letter of July 25, 2023 (with photos) [5 pages]
(2) KMC Chapter 15.04 [four pages]

cc: Tessa Baldwin, City Manager
Chelsea Sieh, Finance Director
Roger Rouse, Chief of Police and Acting City Manager
Chloe Belflower, Acting Fire Chief
Russ Ferguson, Public Works Director
Sam Atkinson, City Planner
Darilyn Nelson, Community Service Officer
Lorlie Brown, House # 670



Dickie Curtis
House # 671
Caribou Drive
Kotzebue, Alaska

Tuesday
July 25, 2023
[Hand-delivered]

Joseph W. Evans
City Attorney
joe@jivevanslaw.com

Valerie V. Evans
Legal Assistant
valerie@jivevanslaw.com

Re: IMMEDIATE ORDER TO CEASE AND DESIST/ABORT PUBLIC HEALTH HAZARD/CLEAN UP PROPERTY

Dear Mr. Curtis:

Your property is a public health hazard and the land around your home must be cleaned up immediately. See, photos attached to this email.

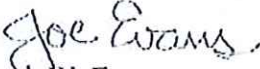
History of your property: Over the past 2 ½ years, the Fire Department ambulance has responded to house 671 Caribou Drive 15 times for 9 different adults (three of which have been deceased). The dates of responses are: 12/15/19, 9/30/20, 10/9/20, 2/2/21, 8/13/21, 9/5/21, 10/31/21, 11/8/21, 11/8/21, 11/15/21, 3/10/22, 4/1/22, 11/13/22, 12/27/22, and 3/5/23. The unclean condition of your residence, inside and out, is a health and safety concern for occupants and responders. The only entrance is in the back of the structure. One must walk over broken pallets--past, around, and through garbage, sewage, and waste--to get to the doorway. In the winter, a glacier of human urine is unavoidable when entering. Obstacles render a wheeled-stretcher useless and moving patients with the aid of a backboard that far is a challenge. The front entrance is boarded shut. Most of the windows are either broken or boarded over. The interior of the home is torn apart and covered in filth. The black grime on floors and other surfaces that sticks to boots is especially notable. The only heat source has been an improperly installed woodstove. There is no electricity in use. Considering the dilapidation, a hazardous heat source, and only one entrance/exit the risk and chance of fire is extremely high. Many fires have caused deaths in places like this in Kotzebue. You **MUST** make a change before another tragic event occurs. (As you know you have been repeatedly cited for the deplorable condition of your property.)

Enough is enough! You have until the close of business on Friday, August 4th to remove all of trash, waste, sewage, etc., from your property. If you fail to do so by that date, the City Public Works Department will plan to clean up your property and bill you for the time and equipment used in this effort. It is estimated that such a clean-up will cost you in excess of \$2,000.00 considering the deplorable condition of your property and the difficulty of accessing the mess you have created.

Letter of July 25, 2023, to Dickie Curtis, House # 671
Re: Cease and Desist/Abort Public Health Hazard/Clean Up Property
Page 2 of 2

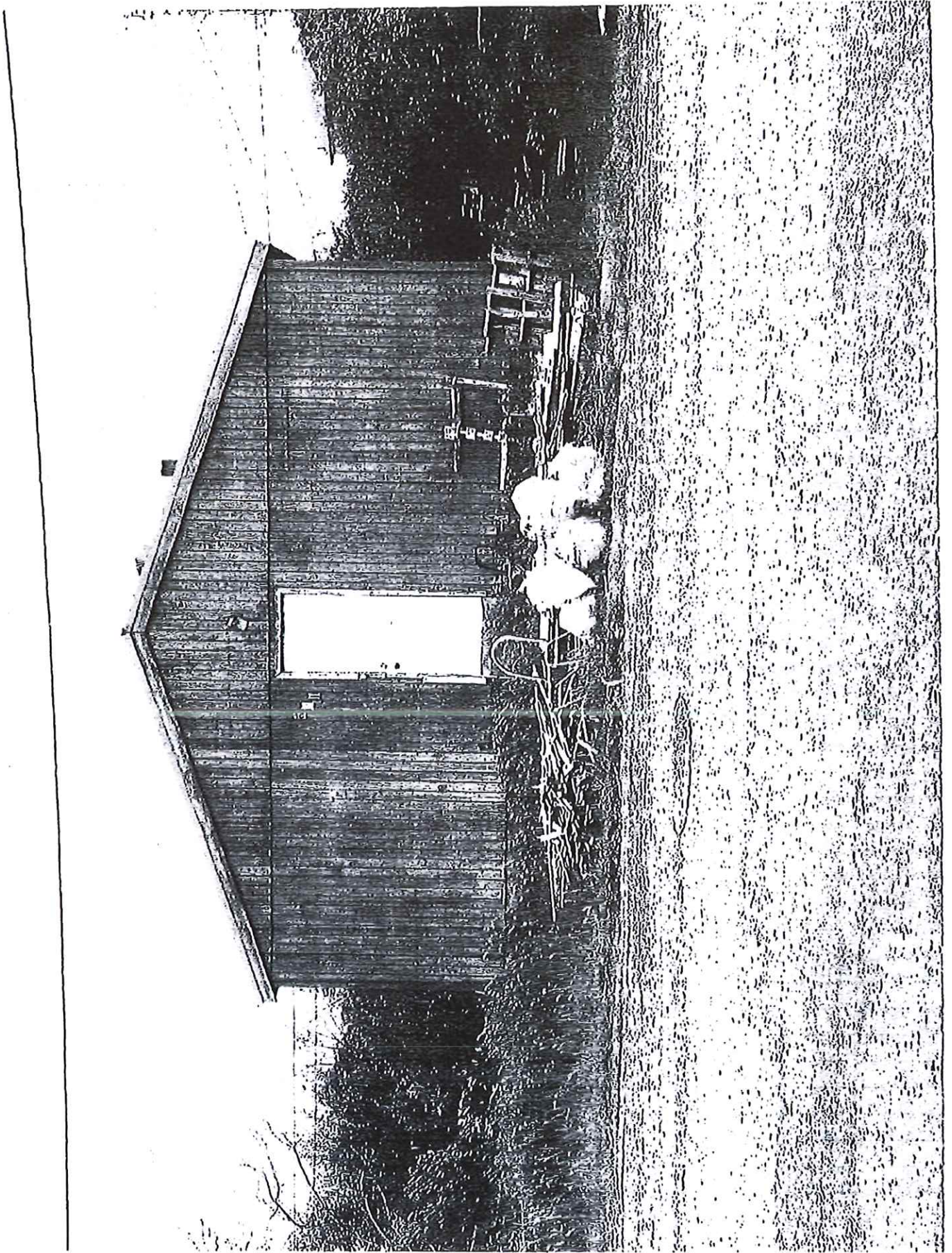
If you have any questions, please do not hesitate to contact me. If you fail to regard this ORDER, the City will also pursue condemning your property as a public health hazard and seek to have it demolished to protect yourself, other residents of your home and residents along Caribou Drive. Should you ignore this letter and ORDER, you do so at your own peril and will be subject to all efforts by the City to stop your endangering yourself and others.

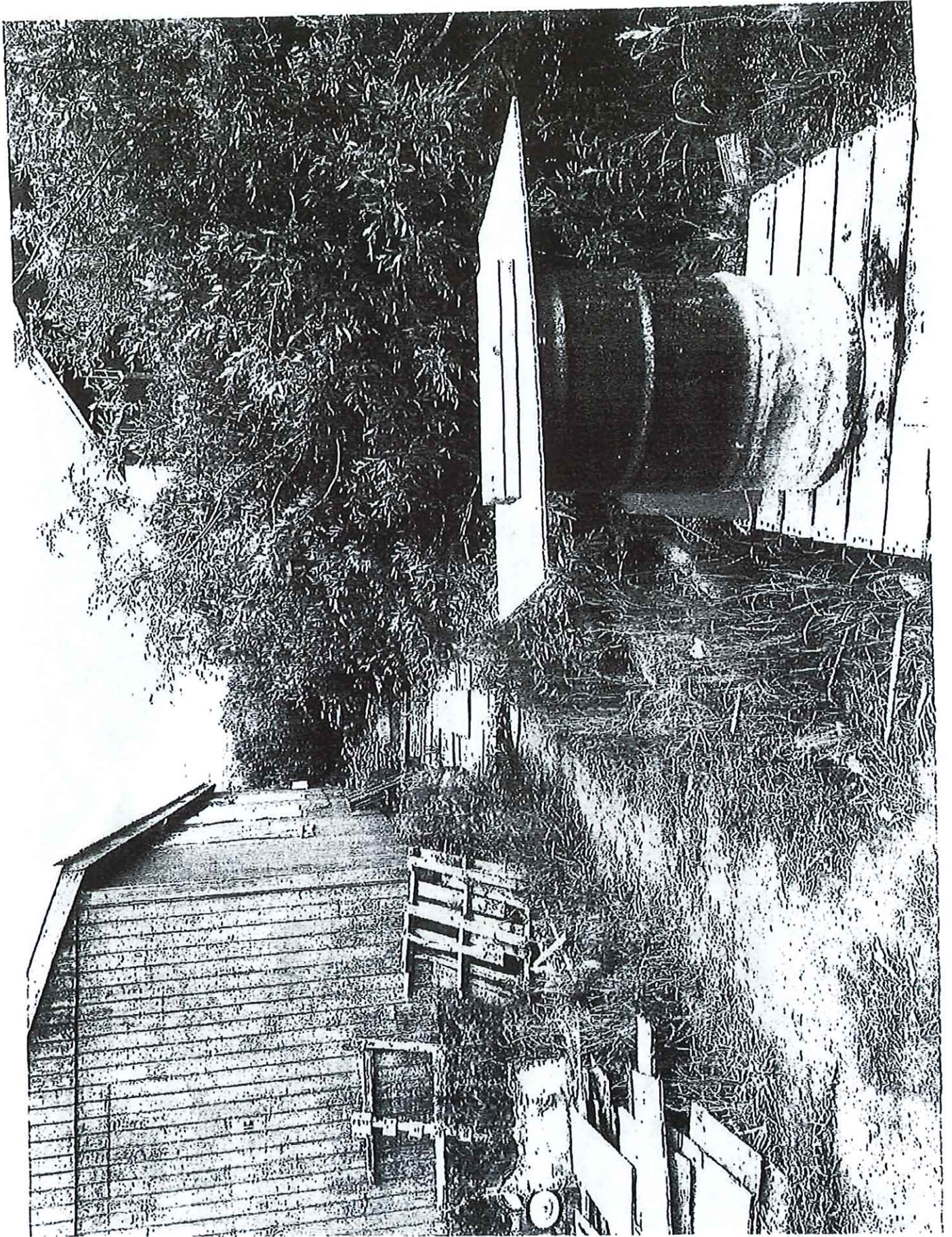
Sincerely,
CITY OF KOTZEBUE

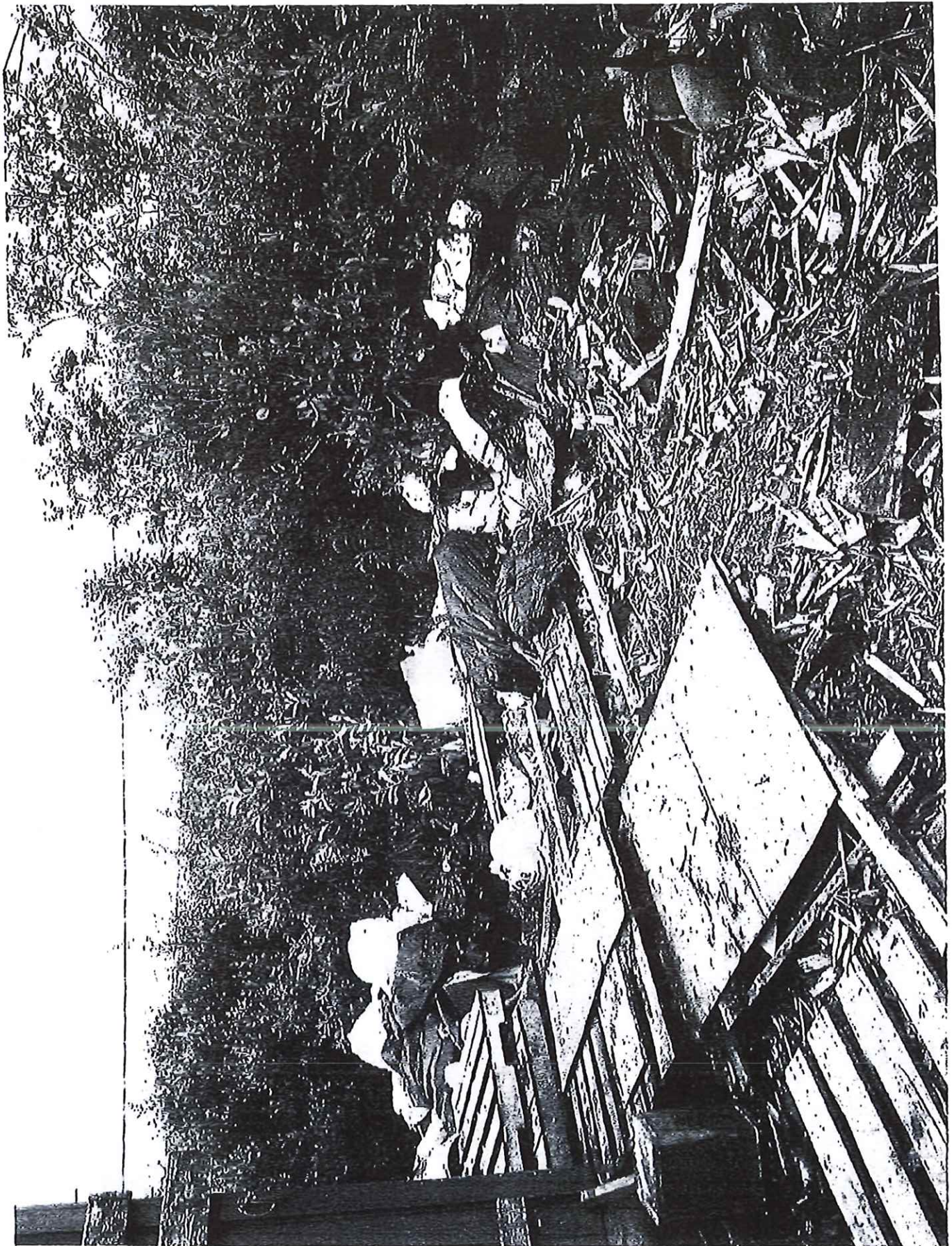

Joseph W. Evans
City Attorney
(360) 981-5508 [cell]
joe@jwevanslaw.com

Attachments: Three (3) photos of House # 671 taken July 19, 2023

cc: Tessa Baldwin, City Manager
Chelsea Sieh, Finance Director, and Acting City Manager
Roger Rouse, Chief of Police and Acting City Manager
Kelly Marcus, Fire Chief
Russ Ferguson, Public Works Director
Darilyn Nelson, Community Service Officer
Lorlie Brown, House # 670







Chapter 15.04 DANGEROUS STRUCTURES AND PREMISES

Sections:

15.04.010 Definitions.

For the purposes of this chapter:

- A. "Fire hazard" means any building or structure which, for want of proper repairs, or by reason of age or dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimneys, defective heating apparatus or any other cause or reason, is especially liable to fire, or which building or structure is so situated or occupied as to endanger any other building or property or human life. The term shall also mean and include any building or structure containing any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind, especially liable to cause fire or endanger the safety of such building, premises or human life.
- B. "Health hazard" means and includes any building or structure which shall be kept or maintained or shall be in a filthy or unsanitary condition especially liable to cause the spread of contagious or infectious disease or diseases, or permitting foul odors or obnoxious or poisonous gases to escape from said building.
- C. "Public nuisance" means any building or structure whose condition has been allowed by the owner to deteriorate to a point where it affects the rights enjoyed by citizens of the city, to which rights every citizen is entitled, namely the safety of life, limb and property. The terms shall also mean and include any building or structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property, or which is an "unsafe building" as defined by section 203 of the Uniform Building Code.

(Prior code § 10.05.010(b),(c),(d)).

15.04.020 Finding and report by city officials.

Whenever any official of the city, such as the fire chief, fire marshal, police chief, building inspector, electrical inspector, plumbing inspector or sanitation, shall, after inspection, find a building, premises, open lot, basement or area to be a dangerous structure or condition or fire hazard or health hazard or public nuisance, he shall forthwith render to the city manager a full report of the reasons why such structure or premises should be corrected, demolished or abated, including in his report all violations of this code or any rule or regulation issued hereunder, together with his recommendation in full as to correcting, altering, repairing, demolishing or removing such structure.

(Prior code § 10.05.010(a)).

15.04.030 Findings of city manager.

Upon receipt of the report of the administrative official, the city manager shall make his written findings in the matter, excepting, adopting or modifying the subordinate administrative official's reports.

(Prior code § 10.05.020).

15.04.040 Notice to abate or correct—To whom given.

The city manager shall cause a written notice to be given to the person creating, causing, committing or maintaining said dangerous condition, nuisance or hazard, if such person be known, or to the owner, tenant or person in possession or control of the premises upon which the dangerous condition, nuisance or hazard exists, or on the premises abutting the public place upon which the nuisance or other hazard exists.

(Prior code § 10.05.030).

15.04.050 Notice to abate or correct—Posting and service—Content.

- A. The notice provided for in Section 15.04.040 shall be given in either of the following ways:
1. By posting the notice in a conspicuous place upon the premises, or upon a public sidewalk, street or other thoroughfare on the same side and in front of the premises, upon which or abutting the public place upon which the nuisance exists;
 2. By personally serving such person responsible for the nuisance or such owner, tenant, or person in possession or control in the manner required for service of summons.
- B. The notice shall be headed, "NOTICE TO ABATE OR CORRECT DANGEROUS NUISANCE" or "NOTICE TO ABATE OR CORRECT EITHER FIRE OR HEALTH HAZARD" in letters not less than one inch in height. The notice, in legible wording, shall further direct the abatement, correction, demolition or removal of the dangerous condition, nuisance or hazard.
- C. The notice shall also specify a date at least thirty days from date of the notice at which public hearing will be had before the city council, sitting as a board of adjustment, on the question of abatement, condemnation, altering, repairing, demolition, or removal of the dangerous condition, nuisance or hazard. A copy of the city manager's findings shall accompany the notice of the hearing where the notice can be served personally as provided in subdivision (A)(2) of this section.

(Prior code § 10.05.040 (a),(b),(c),(d)).

15.04.060 Objections to findings.

Any person having an interest in the property, subject to proceedings before the board of adjustment, may submit his written objections to the findings of the city manager by filing such objections with the city manager at any time prior to the public hearing.

(Prior code § 10.05.040(e)).

15.04.070 Public hearing.

After notice is given in the manner specified by Section 15.04.050, a public hearing shall be had regardless of whether or not objections to the findings of the city manager are submitted. At the hearing, any person having an interest in the property may appear in person or by agent or attorney. The chairman or acting chairman of the board of adjustment may administer oaths and compel the attendance of witnesses. Record shall be kept of the proceedings by a competent stenographer or by a mechanical or electrical recording device.

(Prior code § 10.05.050(part)).

15.04.080 Board of adjustment findings—Removal or demolition.

After the hearing is concluded, the board of adjustment shall enter its findings in the matter and may provide by ordinance for the condemnation of any building which has been found to be a fire or health hazard or public nuisance and to order or cause the removal or demolition of such building; provided, however, that the owner shall be given at least thirty days after the hearing within which to remove the objectionable building or buildings before the city may proceed to do so.

The cost incurred by the city in demolishing or removing the objectionable building or buildings, or condition, shall be chargeable to the property first against the salvageable material, which may be sold at public auction, and the balance of cost, if any, against the land, the same as taxes.

(Prior code § 10.05.050 (part)).

15.04.090 Board of adjustment findings—Correction.

In the event that the board determines that a dangerous condition, public nuisance, fire or health hazard exists which may be corrected or made safe without the necessity of demolition or removal of the building, the board shall allow alteration, repair or reconstruction of the building under such terms and conditions as the board may find proper.

(Prior code § 10.05.050 (part)).

15.04.100 Board of adjustment findings—Ordinance—Compliance.

The board, after the public hearing, shall adopt an ordinance containing its findings. If removal or demolition of the structure is provided for and ordered, the owner, tenant or person in possession or control of the property shall have at least thirty days from the date of such public hearing so to do; if repairs, alterations or reconstruction is permitted by the board, the work may be done within such time and under such terms and conditions as the board may specify.

(Prior code § 10.05.060).

15.04.110 Failure to comply—City enforcement.

If the owner, tenant or person in possession or control of the property fails to comply with the ordinance or any provisions contained therein for removal or demolition, repair or alteration within the prescribed time, or fails to appeal from the board's order, the city manager shall enforce all provisions of the ordinance with city employees. The cost of such abatement shall be chargeable against the property, first against the salvaged material which may be sold at public auction, and the balance of cost, if any, to be filed as a lien upon the real property and enforced as such.

(Prior code § 10.05.070).

15.04.120 Appeals to court.

Appeals may be taken by person aggrieved, or any officer or department head or by any administrative official of the city. Such appeal shall be taken within twenty days from the adoption of the ordinance containing the findings and order of the board. Such appeal may be taken by filing with the city clerk, a notice of appeal, which notice shall specify the ground of such appeal. Upon filing of the notice of appeal, as herein provided, the

(Supp. No. 13, Rev.)

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clerk shall forthwith transmit to the Superior Court Clerk of the judicial district in which the controversy arises, the original or certified copies of all papers constituting the record in the case, together with the ordinance containing the order, decision or ruling of the board of adjustment.

(Prior code § 10.05.080).

15.04.130 Violation—Penalty.

Any person who is the owner of, or is in possession of, or in responsible charge of any building or structure which is a fire hazard, a health hazard or a public nuisance within the city, and who knowingly suffers or permits any such building or structure to be or remain a fire hazard, a health hazard or a public nuisance shall, upon conviction thereof, be fined not to exceed one hundred dollars or imprisoned not to exceed ten days, or both fined and imprisoned, in the judgment of the court. Each day on which any violation is allowed to continue shall be considered a separate offense and is punishable as such.

(Prior code § 10.05.090).

RE: Caribou Drive- Dickie Curtis

Russ Ferguson <RFerguson@Kotzebue.org>

Fri 12/15/2023 11:41 AM

To: Joe Evans <joe@jwevanslaw.com>; Lorlie Brown <lorliebrown719@gmail.com>

Cc: Tessa Baldwin <TBaldwin@Kotzebue.org>; Saima chase <saimachase@gmail.com>; Lorraine Hunnicutt <LHunnicutt@Kotzebue.org>

📎 2 attachments (40 KB)

Refuse R23-016.pdf; Streets ST23-072.pdf;

All,

On 10-13-23 Streets work Order # ST23-072, the alders were removed, and gravel was laid down for a total of \$4300.00 plus tax.

10-13-23 Refuse Work order # R23-16 12 yards of garbage/honey buckets were removed for a total of \$867.00 plus tax.

We estimated about 10 more yards of garbage/waste to pick up once the ground froze enough for an excavator, but he has and continues to add to it, and there now appears to be another 20 yards.

The ground underneath the gravel needed to firm up more for an excavator to walk on it for the remaining garbage and honey bucket removal. With our current staff level and workload, we anticipate doing this in early January.

It is pretty obvious from Chief Rousse's pictures that Dickie continues to add garbage and honey bucket mess on a daily basis, maybe he should be getting fined daily since we cannot condemn the house.

This is getting very time-consuming on the administrative end and frustrating on Lorlie 's end but given the city code that was discussed last night, we don't seem to have any recourse.

Thank you,

Russell Ferguson
Public Works Director
City of Kotzebue
Wk: 907-442-5201, Cell: 907-412-3656
State of Ak DEC Water & WasteWater Operator

From: Joe Evans <outlook_1CB75C0800483E07@outlook.com> **On Behalf Of** Joe Evans

Sent: Thursday, December 14, 2023 6:13 PM

To: Lorlie Brown <lorliebrown719@gmail.com>

Cc: Tessa Baldwin <TBaldwin@Kotzebue.org>; Saima chase <saimachase@gmail.com>; Russ Ferguson <RFerguson@Kotzebue.org>; Lorraine Hunnicutt <LHunnicutt@Kotzebue.org>

Subject: Caribou Drive- Dickie Curtis

Lorlie,

Thank you for attending the RCCM tonight via telephone.

Please send me the photos you mentioned during your telephonic appearance. My email address is joe@jwevanslaw.com. (My mailing address is: P.O. Box 519, Bremerton, WA 98337-0124.)

By "cc" of this email I am requesting that Public Works send me a copy of the WORK ORDER(S) I recall seeing for the clean-up of the Curtis property earlier this year. I will forward a copy of the WORK ORDER(S) to you once received. (As I mentioned during the RCCM, my recollection was the trash was removed and gravel laid down in the area. However, you indicated the trash was NOT REMOVED and only the brush/alders were removed to provide access to the Curtis property...but no trash was removed. I want to make sure I understand exactly what has been done to date.)

Once you send the photos, please call me at (360) 981-5508 [my cell] to discuss this important matter.

Joe Evans, City Attorney

Loc/Veh # 671 Requested by: Russ Ferguson Order No. R23-16
 Radio/Phone ext: ext. 201 Date/Time 10/12/23

Problem/Complaint Description

Need to pick up all the trash around house #671 and keep track of all the hours.

Enter materials and/or special equipment used
 action taken, recommendations, etc. Completion Date/Time 10-13

Removed 12 yds of refuse. Nic, Gus, Tyler, David 1 hour Material Cost Rear Load truck, 110 Loader	Name of Workers		Hours Worked			
	1	Ernie Hyatt				
	2	Gus Nelson				
	3	Jim Beasley				
	4	Liam Milburn				
	5	Tyler Barr				

12 x 16 = 192.00
 4 x 125 = 500.00
 1 x 175 = 175.00

Total ~~867.00~~

Loc/Veh# 671 Requested by: Russ Ferguson Order No: ST23-072
 Radio/Phone ext: ext. 201 Date/Time: 10/12/23

Problem/Complaint Description:

Need to clear a path to the back of house #671, so we can clean up all the trash and honey bucket stuff. Keep track of all hours.

Enter materials and/or special equipment used
 action taken, recommendations, etc.

Completion Date/Time: 10-13-23

6 loads gravel, x 600 = 3,600.00
 225' Excavator
 2 hrs \$225.00 x 2 = 450.00
 Operator \$125.00 x 2 = \$250.00
 Material Cost Total \$ 4,300.00 + tax.

Name of Workers	Hours Worked						
	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Terry McCall					2		
John Garoutte							
David McConnell							