

RESOLUTION NUMBER 2022-006 _____
CONDEMNATION AND DEMOLITION OF STRUCTURES

A RESOLUTION SETTING FORTH AND ADOPTING FINDINGS OF FACT, FINDING THAT THE RESIDENCE LOCATED AT 216 W. OAK, BUCKLIN, KANSAS IS AND CONTINUES TO BE DANGEROUS, UNSAFE, AND UNFIT FOR HUMAN HABITATION; FINDING THAT ANY OWNERS, OWNERS' AGENTS, LIENHOLDERS OF RECORD AND/OR OCCUPANTS HAVE ABANDONED EFFORTS TO REPAIR OR REHABILITATE SUCH RESIDENCE; AND RESOLVING TO DEMOLISH SUCH RESIDENCE AND ASSESSING COSTS

WHEREAS, Article VIII, Section 5 of the Code of the City of Bucklin, and K.S.A. 12-1750ff provide the governing body of the City of Bucklin with the powers to find structures located within the corporate limits of the City to be dangerous and unsafe, to cause such structures to be repaired or removed, following the provision of notice to all owners, owners' agents, lienholders of records, and any occupants of the property and the conducting of a show cause hearing; and

WHEREAS, Article VIII, Section 5, furthermore permits the governing body to direct that barricades be erected, or the property to be vacated or otherwise made safe without delay, whenever any structure is found, in the opinion of the governing body, to be in such a condition as to constitute an immediate hazard requiring immediate action to protect the public.

NOW THEREFORE, the Governing Body of the City of Bucklin sets and adopts the following findings of fact:

1. On February 16, 2022, Ford County Sheriff's Office deputies, during the course of investigating certain alleged violations of the Criminal Code of the State of Kansas, lawfully entered upon the property located at 216 W. Oak, Bucklin, Kansas, and did lawfully enter into the residential structure (the "Residence") located thereon; and
2. While inside the Residence, deputies observed roaches crawling on the walls, mice present inside the home, dog feces on the floor, the overwhelming odor of feces, mold, and garbage.
3. Minor children were present inside the Residence and were taken into police protective custody due to the condition of the home.
4. The deputies who entered into the Residence were wearing body cameras. However, because such footage would identify the minor children who were taken into police protective custody and out of concern for the privacy of such children, such body camera footage was not presented to the City Council during any open meeting.
5. Master Deputy Gerald Boron, III, Ford County Sheriff's Office, prepared a sworn affidavit based upon his observations of and actions inside the Residence. A redacted copy of this affidavit, having the names of the minor children removed and personal

identifying information such as birth dates removed, was presented to and considered by the City Council at its regular meeting held on March 14, 2022.

6. On this date of February 16, 2022, City Code Enforcement official Vicki Williamson was unavailable due to a personal medical emergency. Mayor Clay Sellard spoke with Kevin Israel, Code Enforcement official with the City of Dodge City, about the Residence and the deputies' observations. In the opinion of Mr. Israel, relayed to Mayor Sellard, the Residence appeared from video he observed to be dangerous, unsafe, and unfit for human habitation.
7. On March 14, 2022, the City Council met in regular session. At this session, the Council considered the aforementioned redacted affidavit as well as past citations issued by the City concerning the Residence. The Council considered and passed Resolution 2022-03, finding that the Residence was dangerous, unsafe, and unfit for human habitation.
8. Resolution 2022-03 provided for notice of the Resolution to be published in the official city newspaper and to be mailed via certified mail to all owners, owners' agents, lienholders, and/or occupants, and such service was timely accomplished.
9. Resolution 2022-03 also ordered that the Residence be immediately vacated and barricaded.
10. A show cause hearing was scheduled for the regularly scheduled meeting of the City Council on April 25, 2022, at 7:00 p.m.
11. Prior to the show cause hearing, due to scheduling conflicts involving some councilmembers, it was informally decided to advance the regulary-scheduled meeting from 7:00 p.m. to 6:00 p.m. on April 22, 2022.
12. Verbal notice of the change was provided to Devin Copeland, shown to be the owner of the Residence.
13. On April 25, 2022, at 6:00 p.m. the City Council met in regular and open session. Devin Copeland and several occupants of the Residence appeared. Kevin Israel, City of Dodge City, also appeared. Mr. Copeland advised he had retained the services of Terry Malone and on behalf of Mr. Malone he was requesting a continuance of the show cause hearing.
14. No additional evidence or arguments were presented in favor of or against finding the Residence to be dangerous, unsafe, and unfit for human habitation other than the redacted affidavit and information previously presented and considered by the Council.
15. Mr. Copeland advised that he had the resources available to repair the Residence or otherwise bring the Residence into compliance with City Code and render it no longer dangerous, unsafe, or unfit for human habitation. Mr. Copeland advised he would be able to have work commence on the residence in the immediate future.

16. The City Council continued the discussion of the Residence to its regularly-scheduled meeting on May 9, 2022 at 7:00 p.m.. The Council instructed Mr. Copeland to be present on that date and time with his attorney, to have a bid from a contractor defining a scope of work and timeline for repairing the Residence, and to show proof that Mr. Copeland had the funding available to complete the anticipated work. This information was also conveyed to Mr. Copeland via letter dated April 27, 2022.
17. On May 9, 2022 at 7:00 p.m., the Council met in regular and open session. Mr. Copeland appeared with his attorney Terry Malone. Through counsel, Mr. Copeland contested the Council's finding that the Residence was dangerous, unsafe, and unfit for human habitation. Neither Mr. Copeland nor his counsel offered any facts or evidence that would tend to refute or negate the findings of the Council, but instead stated they disagreed with such findings.
18. Mr. Copeland nor his council presented any of the requested information.
19. On May 14, 2022, counsel for Mr. Copeland reported that he retained the services of Derek Deines, a contractor from WaKeeney, to inspect the Residence and make repair recommendations. City records reflect a signed Waiver of Liability showing both Mr. Deines and Mr. Malone sought entrance to the Residence on this date.
20. In an e-mail dated May 19, 2022, counsel for the City contacted Mr. Deines at his business email address asking for any quote or proposal or assessment he made in connection with his inspection of the Residence. None has been provided to the City's counsel as of today's date.
21. Due to scheduling difficulties, it was determined that the matter of the Residence and whether the Residence could be repaired or should be demolished was continued to July 11, 2022 at 7:00 p.m.. Counsel for Mr. Copeland indicated he could be present at this meeting and that he would bring information regarding Mr. Deines' assessment of the Residence.
22. On July 11, 2022 at 7:00 p.m., the City Council met in regular and open session. Neither Mr. Copeland nor his counsel were present. No materials had been submitted to the Council by either Mr. Copeland or his counsel for consideration.
23. Master Deputy Gerald Boron, III, Ford County Sheriff's Office, appeared and spoke to the Council about his observations inside the residence on February 16, 2022. Master Deputy Boron told the Council that he authored the redacted affidavit and that it accurately described his observations inside the Residence on that date.
24. The Council reaffirmed its previous finding that the Residence was dangerous, unsafe, and unfit for human habitation.
25. To date, there has been no evidence, proposal, or contrary evidence presented by Mr. Copeland, any other occupant, counsel for Mr. Copeland, or any other individual that

would tend to suggest the Residence is not and does not continue to be dangerous, unsafe, and unfit for human habitation.

26. To date there has been no repair, cleaning, or upkeep completed on the Residence, nor has there been any further communication from Mr. Copeland or his counsel regarding repairing the Residence.
27. The above and foregoing findings of fact do not represent all facts and occurrences, but merely the relevant factual history regarding this matter.

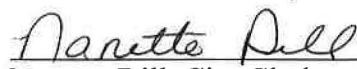
NOW, THEREFORE, it is resolved by the Governing Body of the City of Bucklin this 12th day of September, 2022:

1. At all relevant times, from February 16, 2022, the Residence has been and continues to be dangerous, unsafe, and unfit for human habitation, and such finding is supported in part by the sworn affidavit of Master Deputy Gerald Boron, III, Ford County Sheriff's Office.
2. Despite opportunities to present the City Council with countervailing evidence, plans for rehabilitation or repair of the Residence, or other information, Mr. Copeland, his counsel, and any other interested party have failed to do so. Specifically, no interested party appeared on July 11, 2022, despite notice via e-mail to Mr. Copeland's counsel.
3. No interested party has undertaken any repair or rehabilitation of the Residence, and the City Council is left to conclude that any such intent to make repairs or to rehabilitate the property have been abandoned.
4. The conditions found inside the Residence on February 16, 2022, continue to persist and have not been alleviated.
5. The Residence should be demolished without further delay, with the costs of such action to be assessed against any owners, owners' agents, lienholders of record, and/or occupants, in accordance with Kansas law and City Code.
6. Due to the continuing dangerous and unsafe nature of the Residence, the Residence presents an immediate hazard to public safety and therefore no further entry into the Residence shall be permitted except with the expressed permission of the Council.
7. This Resolution shall be published once per week for two consecutive weeks on the same day of each week in the Bucklin Banner, and a copy thereof shall be mailed by certified mail within three days after its first publication to each owner, owner's agent, lienholder of record, and/or occupant at such person's or entity's last known place of residence and shall be marked "Deliver to Addressee Only."
8. Furthermore, a copy of this Resolution shall be affixed to the entry door of the Residence and remain so affixed until demolition of the Residence is accomplished or until further Resolution of the Council.



Clayton Sellard, Mayor

ATTEST:


Nanette Dill, City Clerk

