

CITY OF JEFFERSON
Regular Council Meeting & Public Hearing
November 17, 2022
6:30pm

COUNCILORS PRESENT: Dave Beyerl, David Watkins, Mayor Myers, Bob Rossiter, David Kellogg, Walt Perry, Keonali Hutley

COUNCILORS ABSENT: None

STAFF PRESENT: Sarah Cook, CM/R; Jeff Buskirk, PWD; Deanna Donato, Deputy Recorder; Sergeant Olson, Deputy West, and Deputy Morse of MCSO

- I. **CALL TO ORDER/FLAG SALUTE** – Mayor Myers called the meeting to order at 6:30pm and led in the flag salute.

- II. **PUBLIC HEARING – DANGEROUS BUILDING CASE 2022-01: 145 S MAIN ST.**

Mayor Myers opened the public hearing at 6:31pm and read the required language for the hearing type, and confirmed with the Council there were no conflicts, bias, prejudice, or ex-parte contacts, and with those in attendance that there were no objections to the notices for the hearing or concerns with impartiality of the Council.

City Manager, Sarah Cook presented the staff report, offering background on the complaints and safety concerns submitted to the City from tenants of the Jones Building Apartments, which initiated a site visit from Marion County Building Department, the State Fire Marshall, local Fire Department, Marion County Sheriff's Office, and the City's Public Works staff. She noted their complete findings were provided in the materials and had been forwarded to the property owner as well. Findings included extreme safety concerns with the structural integrity of the rear stairs, railing, and upper decking that was deemed dangerous and at risk of partial or complete collapse, as well as other concerns surrounding fire safety, such as failure to service extinguishers, provide adequate smoke detectors in units, lighting in stairwells, and more. Due to the extreme safety risk to life and property, it was staff's recommendation that the City Council adopt the findings issued in the agency inspection reports, declare the property a dangerous building, and order abatement within 30 days.

Mayor Myers called for public testimony from those in favor of the staff's recommendation:

Ted Myers, 233 N 3rd – He and his wife were tenants at the Jones Building for 2 years, but had since moved elsewhere. He said during their time there, they had expressed concerns to the owner about a number of problems in their unit, some of which were very scary including burned out electrical outlets, mold, lack of heat to the building, and the rotting condition of the rear decking and stairs, and nothing had ever been fixed or addressed in the time they lived there. He said instead, the owner evicted them and that he knew of others that were fearful of retaliation from the owner if they made complaints. Mr. Myers provided a slide show of assorted photos of inside their apartment, as well as the exterior of the building.

Mayor Myers called for public testimony from those opposed to the staff's recommendation:

Deborah Hatton, 145 S. Main #6 – She was a current resident of the Jones Building and said the previous testimony and photos were exaggerated, noting the landlord was more than willing to make timely repairs that were reported to her, but couldn't respond to them if they weren't reported. Councilor Beyerl questioned how the reports from the official agencies came about if everything was taken care of. Councilor Hutley agreed, adding that the condition of the property was the owner's responsibility and that the reports from the official agencies supported Mr. Myers' testimony. Councilor Perry inquired how often the owner visited the property, to which Ms. Hatton said about once a month. Councilor Perry did not understand how the owner

was unaware of the things identified in both the photos from the previous tenants and those included in the staff report.

Kevin Shaddock, son of the owner and who was also a tenant of the building, commented that some complaints had been addressed; however, the stair railing kept getting knocked down and they had failed to provide a more permanent fix because they couldn't keep up with people breaking things. He said they had been aware of the condition for a period of time, noting it had been a work in progress since they purchased it in 2009.

Mick Cochrane lived in #7 and said he was a new tenant, having lived there about 5 weeks. He indicated he hadn't had any problems with the unit and everything he brought to the owner's attention had been addressed. He added that he lived on the lower level, so he did not utilize the stairs.

Alisha Bauer lived in #8 with her 2 children and did not have any concerns. She indicated she was aware of the condition of the stairs but she knew people often yanked on them to make them wobbly. She also shared that the past tenants making the complaints to the City were evicted for not paying their rent.

Next, calling for neutral testimony and receiving none, Mayor Myers called upon the property owner, Jeri Aunspaugh (Shaddock). Ms. Aunspaugh explained she and her late husband purchased the building in 2009 and it was in poor condition then. Her husband at the time had been medically retired so they thought they would make a living buying rentals and had slowly made some repairs to the interior of the building before he passed away. She talked about the struggles with Covid and the laws that prevented landlords from collecting rent from tenants that were affected, which had created financial problems for her. Regarding the condition of the building, Ms. Aunspaugh indicated she was not aware that the rear stairs and deck were in such disrepair because she used the front access when she visited. Regarding the complaints made by Ted Myers, she said she was not made aware of all of them and some were fixed and others were left because it was just the way it was and he did not like that. She went on to explain that she hated having to put people out and would often go without rent to avoid evicting them, but the Myers had been evicted and owed her over \$12k. Mayor Myers reminded her to stay on the topic of the hearing, and Ms. Aunspaugh moved on to inform them that the dark interior stairways had been cleaned but the lights inside the stairwells were two stories high so she was not able to access them to replace them. She was considering removing the doors from the bottom of the stairwells so natural light could come in and added that often times the light bulbs were stolen by the tenants. In closing, Ms. Aunspaugh said she had contacted a couple contractors but it was unclear exactly what the City was requesting her to do, and as soon as she knew, she planned to hire one. She had met with her bank to begin lining up funding and expressed her interest in keeping the building and doing whatever needed to be done to make it safe.

Questions from Council:

Councilor Watkins commented that the reports provided to the owner were explicit and asked her if any contractors had looked at the building, to which the owner responded that she was confused whether or not something needed repaired or replaced, so she wasn't sure exactly what to do. Councilor Watkins pointed out the many other items noted in the reports that were simple fixes such as replacing the fire extinguishers and lighting, and questioned why she had waited so long. She confirmed she had received the inspection reports and had contacted a couple contractors, but none had viewed the site yet.

Councilor Kellogg, directing his comments to the property owner, said there seemed to be a lot of things she didn't know about her property and it was her job and responsibility to know them, including landlord tenant laws she must abide by. Her added that ignorance of the law was not an excuse, that she needed to be more proactive because these were important, life-threatening things going on there that needed to be dealt with

and a contractor would know what needed to be done in order to bring it up to code and be made safe. Ms. Aunspaugh said contractors were busy and probably couldn't meet the 30-day deadline.

Mayor Myers pointed out that the owner purchased the building in 2009; 13 years ago, and her testimony indicated she was aware of the poor condition of the building since it was purchased. He questioned if she had replaced the fire extinguishers yet, to which the owner said she had not because she was confused by the Fire Marshall's report that mentioned an electronic monitoring device of some sort. Councilor Kellogg, reading from the inspection report, explained it was an option available to bypass the 30-day inspection regulations, not a requirement. Mayor Myers indicated the items in that inspection report were simple, 1-day fixes and he was bothered that none of those had occurred yet. Pointing out the rear stairway and deck were the most critical pieces noted in the staff report, he confirmed with the owner again that no contractors had been out to inspect the site since receiving the notice. A couple of the current tenants that spoke previously announced that personal kitchen fire extinguishers had been provided to them.

With no further testimony, questions or comments, Mayor Myers closed the hearing at 7:30pm and moved into Council deliberations. Councilor Watkins said he looked at the building and agreed it was a public safety matter and needed professional help. He was disappointed the owner hadn't dealt with some of the issues before it got to the critical point it was at. Councilor Rossiter confirmed when the photos in the staff report had been taken and felt the work was beyond what an average person could do financially, noting it was an enormous project. He expressed worry for the tenants and the general public, and he didn't think they had time to allow the owner to wait any longer to address it. Councilor Perry said he was a former contractor and understood how busy schedules could be; however, the safety aspect of the project created more urgency, noting the back stairs were a secondary entrance and egress to the building and a way to get out in an emergency. He went on to say the condition of the structure did not occur overnight, rather it had been neglected for quite some time and it was the owner's responsibility to maintain. Discussion moved to the timeline proposed, and Mayor Myers explained the order was to close off all access to the rear stairs and decking within 5 days and to complete all repairs within 30 days, adding that the owner had been aware of the inspection reports and information from the City for 11 days and had not addressed any of the items. He was very concerned with the safety aspect and lack of owner's action. Councilor Hutley confirmed there was no Section 8 housing and pointed out the owner's liability if something happened, urging her to take action to protect herself as a property owner. Councilor Beyerl agreed with all that had been said, and added that rotting wood did not rot in a day. It was clear to him that regular, preventative maintenance had not been done for some time, if ever, as evidenced by what was visible on the outside and he was very concerned for what might be on the inside that they didn't see.

III. OLD BUSINESS

- 3.1 Resolution #1085, Declaring the Shaddock Building located at 145 S. Main St., known as the Jones Building, to be a dangerous building constituting a public nuisance and ordering abatement

Councilor Beyerl moved to approve the resolution as presented, seconded by Councilor Perry. Discussion: Councilor Watkins was in favor of the action but wondered how they could force the 30-day deadline, suggesting they extend it to 60 days. Councilor Perry stated the building was dangerous and had been for too long, and that 60 days is enough for 60 accidents to happen. There was discussion about amending the resolution to extend only the rear stairs and decking, while keeping the other requirements at the 30-day deadline; however, in the end all agreed to leave the resolution as it was, noting the contractor should have a completed structural application into the City within 30 days and staff could work with the owner around any supply delays or contractor schedules so long as there was progress being made. All in favor: Ayes – 3, Opposed – 3, Mayor broke the tie by voting Aye, commenting that owners have the responsibility to keep their property safe and none of the concerns were unknown to her. **APPROVED.**

Break: 7:55pm; Reconvene: 8:03pm

Mayor Myers diverted from the agenda briefly so Sergeant Olson could introduce the new Jefferson deputy, that took the place of Deputy Kittelson who was reassigned to K-9. Deputy Nate Morse shared information about himself and his law enforcement background, noting he had been with MCSO for 6 years and had been on a number of assignments. He was happy to be in Jefferson and the Council welcomed him.

IV. NEW BUSINESS

4.1 Appeal Re: Request for 2nd Driveway – 190 N 7th St.

Mr. Waggoner addressed the Council, explaining he had been denied a 2nd driveway by City staff, but noted several other locations through town that had 2 driveways and he was hoping to receive approval of the same from the Council. He wanted to be able to access the rear of his property for boat storage, which would be out of sight. There was brief discussion on his plans to install a gate across the driveway, as well as the improvements he had made to the property. Councilor Beyerl confirmed there would be no ADA compliance concerns with a second driveway. Councilor Rossiter supported staff's decision, noting they were only following the City's rules and process. Councilor Watkins moved to approve the 2nd driveway request for 190 N 7th St and requested that it meet City standards and was inspected and approved by the Public Works Director. Councilor Perry seconded. All in favor: Ayes – 6, Opposed – 0. **APPROVED.**

V. DISCUSSION/INFORMATION

5.1 Conclusion of Strategic Plan Review

Mayor Myers said the little bit that was left should not take much time, so he went straight to Section D: Planning & Growth. The TSP was done and moved to the completed list at the back of the document. No other changes were made to the section. Section E: Economic Development – Item E1 was moved to in progress and comments were updated to reflect upcoming conversations with property owners and investors. Comments should be updated for item E18 and no other changes were made.

VI. CONSENT AGENDA

Councilor Beyerl moved to approve as presented, seconded by Councilor Watkins. All in favor: Ayes – 6, Opposed -0. **APPROVED.**

VII. VISITORS

Linda Baker, FOL – provided the 4th installment for the green binders, which included information on November events at the Library. Patti Ball invited all to the Holiday Faire on Saturday where 20 vendors had signed up to participate. Edna Campau inquired about the work being done on 6th St, to which Jeff Buskirk explained it was the water line project funded by ARP funds.

VIII. COUNCIL/STAFF COMMENTS

Sarah Cook reminded all of the tree lighting event on the 1st at 6pm, provided the date for the one December meeting, which would be the 8th, and also spoke on the holiday dinner contribution to go toward the catering expense. Jeff Buskirk noted well 5 had been capped and the lot was ready to be sold. There were no comments from Council.

IX. **ADJOURNMENT** – Councilor Beyerl moved to adjourn. Councilor Rossiter seconded. All were in favor and the meeting adjourned at 8:26pm.

MINUTES APPROVED this 8th day of December, 2022.



Michael D. Myers, Mayor

ATTEST:



Sarah Cook, City Manager/Recorder