

**City Council**



**501 Delta Ave  
Marysville, WA 98270**

**Regular Meeting  
October 9, 2023**

**Call to Order**

Mayor Nehring called the meeting to order at 7:00 p.m.

**Invocation**

Larisa Koenig gave the invocation.

**Pledge of Allegiance**

Mayor Nehring led the Pledge of Allegiance.

**Roll Call**

**Present:**

Mayor: Jon Nehring

Council: Councilmember Peter Condyles, Councilmember Mark James, Councilmember Tom King, Councilmember Michael Stevens, Councilmember Kelly Richards, Councilmember Steve Muller, Council President Kamille Norton

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, Deputy City Attorney Burton Eggertsen, Parks Director Tara Mizell, Police Chief Erik Scairpon, Human Resources Director Megan Hodgson, Public Works Director Jeff Laycock, Finance Director Jennifer Ferrer-Santa Ines, Community Development Director Haylie Miller, IT Director Stephen Doherty, Network Systems Administrator Chris Brown, Computer Technician Xay Keomongkhoun, Police Officer Andrew Wood, Communications Specialist Bridgette Larsen

**Approval of the Agenda**

**Motion** to approve the agenda moved by Councilmember Richards seconded by Council President Norton.

**AYES: ALL**

## **Presentations**

A. Oath of Office - Police Officer Andrew Wood

### **Oath Police Officer Andrew Wood.docx**

Chief Scairpon introduced Police Officer Andrew Wood. Mayor Nehring performed the oath of office.

B. Community Development - Project Update

Communications Director Haylie Miller presented an update on business and development activity in the city and highlighted four projects in the Cascade Industrial Center:

- Marysville Corporate Center: 156th Street NE
- Twin Lakes Logistics - 15955 39th Ave NE
- Undi Commerce Park: East of Smokey Point Blvd., south of 152nd Street NE
- Ideal Industrial Park: Smokey Pt. Blvd south of 150th Place NE

Councilmember Richards asked about the timeline to build the road. Director Miller explained the applicant will be building part of it, and the City is working with another applicant to build the connection between 47th and 156th. Director Laycock thought the extension had already been built to the property line. He is looking forward to the design of the rest of it. As time progresses, the roads in this area will be completed.

- Other new businesses all around Marysville: Everett Clinic Volli Pickle ball, Burlington Coat Factory, Roy Robison RV/Camping World, Monkey Bar
- Under construction/Building Improvements: Kendall Subaru, Soli Organic, and Tesla Tenant Improvement work, Bayview Electric - Warehouse, Korean BBQ, Burrito California
- Pipeline Projects: Coconut Kenny's, nail salon, dental office, Kendall Auto Group, Pilchuck Rentals, Brown Bear Car Wash, Hungry Buzzard, Walden RV Storage, Fuel Station, Kids 'N Us, Grooming Shop, Levin Road Industrial Building
- Speculative: Chick-Fil-A (another location)

Questions/Comments:

Councilmember James asked if Coconut Kenny's was coming to the Marysville side of Soper Hill or the Lake Stevens side. Director Miller thought it was the Marysville side. Councilmember Stevens commented that they have installed a sign on the Marysville side.

Councilmember King asked about numbers for new housing starts for next year. Director Miller replied that there are about 1100 housing units in progress right now in the Whiskey Ridge area and the same within the Lakewood area. She thought at least 500 would be permitted and finalized next year. Most of the housing development is in the Lakewood and Whiskey Ridge area right now.

### **Audience Participation**

Public comments were closed due to an apparent "Zoom bombing".

### **Consent**

1. September 20, 2023 Claims in the Amount of \$1,775,854.97 Paid by EFT Transactions and Check Numbers 165288 through 165329 with Check Number 164335 Voided

### **092023.rtf**

2. September 27, 2023 Claims in the Amount of \$2,760,688.31 Paid by EFT Transactions and Check Numbers 165330 through 165524 with Check Numbers 142782 and 165218 Voided

### **092723.rtf**

3. CDBG Homage Senior Services Minor Home Repair Second Amendment

### **Second Amendment.doc**

4. Securus (AllPaid) Technologies LLC - Second Amendment

### **20230921012302.pdf**

5. Interagency Agreement between the City and the Washington Traffic Safety Commission regarding participation in and grant funding associated with the Target Zero Task Force

### **TZT\_Grant\_Interagency\_Agreement\_2024.pdf**

**Motion** to approve Consent items 1, 2, 3, 4, and 5 moved by Councilmember King seconded by Councilmember Richards.

**AYES: ALL**

### **New Business**

6. Duck Regulations Discussion

### **Duck Regulations Memo - Final.pdf**

Director Miller explained they had reached out to the individual who originally commented and found out he has at least 15 ducks and a few chickens on his property which is just over a half acre. She visited the site and did not find it to be impactful to neighbors. He was requesting that the City consider increasing the amount of fowl per lot.

The proposed revisions would regulate fowl on lots under an acre. Currently the City does not limit livestock, fowl, etc. on lots over an acre, and staff is not recommending changing that as it has not been a problem. Roosters would still not be allowed on lots under an acre. This would allow for one fowl per every 1000 square feet of property or 20 fowl total, whichever is less.

Councilmember James asked if they intended to single out rabbits (10.04.340). Director Miller explained this section referred specifically to rabbits because there aren't specific regulations about the number of rabbits in the code. She suggested that she could clean it up to eliminate redundancy.

Council President Norton said she would prefer not including peafowl because they are loud and obnoxious and can be quite destructive. Director Miller explained the regulations would limit it to three but they could be banned along with roosters if desired. Council President Norton recommended banning them altogether.

Councilmember King asked if the Health District would have authority over this. Director Miller thought the initial response would be with animal control. If there was a health concern it could be elevated.

Councilmember Stevens wondered if it was the male peafowl (peacocks) that are the noisy ones. Council President Norton said her understanding was that the males were louder than the females. Councilmember Stevens referred to the section saying that shelters and pens must be 20 feet from neighboring residentially occupied structures and asked if this was referring to the owner's residence or neighboring homes. Director Miller thought it was referring to neighbor's homes but indicated she could confirm this.

Councilmember Richards said he didn't have a strong opinion about peacocks, but noted they are noisy and messy. He wondered, however, why they were only allowing three pigeons. Director Miller said she had learned in her research that their droppings are very toxic to humans. Having a lot of them is dangerous.

There appeared to be no objection to banning peafowl. Director Miller clarified that right now no one can have peafowl on lots under an acre. Over an acre they would be allowed. There was agreement to leave that as it is.

Councilmember Stevens asked if there is a limit to how close to the fence line shelters and pens could be. Should there be some sort of setback from the fence line? Director

Miller replied they could do that, but she thought it was already covered with the 20 feet away from neighbor's house limit. If they wanted to also require it a certain distance away from the fence they would need to add something regarding that.

Councilmember Richards thought it would be awkward to put a chicken coop 10 feet away from your fence because it would be in the middle of the yard. Councilmember Stevens responded that he wouldn't want someone's chicken coop on his backyard fence line. Councilmember Muller asked about the requirements for other outbuildings. Director Miller said she would attach those regulations and bring back a proposed ordinance to the next meeting.

7. An Ordinance of the City Council of the City of Marysville, Washington, Repealing Chapter 6.37 of the Municipal Code in Regard to Solicitation

#### **Ordinance - Solicitation Chapter Repeal.pdf**

Deputy City Attorney Eggertsen reviewed this item.

**Motion** to adopt Ordinance No. 3287 moved by Councilmember Muller seconded by Councilmember King.

**AYES: ALL**

8. An Ordinance Amending Chapter 2.45 of the Marysville Municipal Code and Reclassifying the Marysville Jail as a Correctional Facility

#### **Jail Ordinance 7-18-23.pdf**

Chief Scairpon said he had no new information from last week.

**Motion** to adopt Ordinance No. 3288 moved by Councilmember James seconded by Councilmember Richards.

**AYES: ALL**

9. An Ordinance of the City Council of the City of Marysville, Washington, Setting Mandatory Minimum Sentences for Certain Crimes Committed by Repeat Offenders, Creating a Crime of Escape in the Third Degree - Absconding from Treatment, and Amending Chapters 6.03 and 6.15 of the Municipal Code

#### **Mandatory Minimums - Public Disorder Crimes 10-6-23.pdf**

Deputy City Attorney Eggertsen discussed this ordinance which would establish mandatory minimums for public disorder crimes - 30 day mandatory minimum for third and subsequent public disorder offenses. It also provides for a treatment option for post-sentencing petitions with clear criteria to make sure the treatment is followed and completed. If not, this also establishes an offense for absconding from treatment to incentivize compliance.

Council President Norton wondered how long they would do this before they gauge the impacts. Chief Scairpon commented that there are numerous people in the community that are arrested on similar type crimes multiple times. He recalled that there is a group of about 30 people that were responsible for numerous crimes just within a one-year period in 2022. He thought they would see impacts within six months to a year. He pledged to report back as soon as they can see impacts. The timeline will depend on the arrests and the actual convictions. He indicated they could report back on a quarterly basis if desired. Deputy Director Eggertsen concurred.

Councilmember Muller asked if they would be tracking those who go through this process, get out, and reoffend. Deputy Director Eggertsen said they could track that on the prosecution side. Chief Scairpon said they wanted to start with the 30 days and evaluate the impact to resources. If they are still seeing a core group of people reoffending after the 30-day stay, they can come back to consider other enhancements that were originally on the table.

**Motion** to adopt Ordinance No. 3289 moved by Councilmember Richards seconded by Councilmember Condyles.

**AYES: ALL**

10. A Resolution of the City of Marysville Amending the Policy for the Investment of City Funds and Rescinding Resolution 2489

**2023 Policy Review Memo (002).pdf**

**2023 Marysville Investment Policy - REDLINE.pdf**

**Marysville Investment Policy 2023 Resolution 9.28.pdf**

Finance Director Ferrer-Santa Ines reviewed this item.

**Motion** to adopt Resolution No. 2542 moved by Council President Norton seconded by Councilmember Muller.

**AYES: ALL**

**Legal**

**Mayor's Business**

Mayor Nehring:

- He and Councilmembers Condyles, James, and King were at the Pinewood neighborhood meeting last weekend. It was a very encouraging event.
- Thanks to all the staff work that went into the Domestic Violence Services (DVS) Runway to Hope event.
- The coffee klatch before tonight's meeting was great.
- He made comments regarding the recent terrorist attacks in Israel.

## **Staff Business**

Director Laycock discussed an upcoming public hearing related to a sewer recovery contract at the next meeting agenda. Deputy Director Eggertsen reviewed the Appearance of Fairness doctrine related to this process.

Director Miller said that the Community Development department is holding an open house tomorrow at 4:30 p.m. related to the Housing Element of the Comprehensive Plan. The intention is to solicit feedback from the public. Staff will be making a presentation, and the consultant will be present to provide further explanations.

CAO Hirashima noted that it was discovered that the Council needs to take a majority vote for the appointment of the new finance director. She requested that they take action tonight.

**Motion** to ratify the confirmation of the appointment of Finance Director Jennifer Ferrer-Santa Ines retroactive to the July 28, 2023 start date moved by Councilmember Richards seconded by Councilmember Condyles.

**AYES: ALL**

## **Call on Councilmembers and Committee Reports**

Councilmember Condyles said it was good to see a nice crowd of faces they haven't seen before at tonight's coffee klatch. They seemed appreciative of the feedback. He also attended the Pinewood neighborhood meeting which was a great meeting.

Councilmember James said he attended the ribbon cutting for a second location of Jay's Flooring. The Pinewood neighborhood meeting was really refreshing. The DVS event at the Opera House was a great event. He is glad they have events like this to support important causes.

Councilmember King reported that last week the Fire Administration moved into their recently remodeled facility which turned out well. The DVS Runway for Hope night at the Opera House was a great event. He commended Director Laycock for his role in that event. He also attended the Jay's Flooring open house. The Saturday Pinewood neighborhood meeting was really inspiring. Mayor Nehring did a great job on the coffee klatch. Cedar Avenue looks great.

Councilmember Stevens said he saw some of the wraps getting installed. They look really nice when they are done. Welcome to Officer Wood joining the force and getting installed tonight. Thanks to Mayor Nehring for his words tonight on things that are going on in the world.

Councilmember Richards commented that the agenda says "duck" regulations but it should probably be "fowl". Director Miller agreed. Councilmember Richards said he is happy to have the new lateral officer. He wanted to attend the Pinewood meeting but family issues took precedence.

Councilmember Muller commented that the locals think the wraps look great. He felt the earthquake last night. He is pleased with the new officer. He referred to the issues with tonight's Zoom public comments and asked if the online participation at Council meetings is a requirement. Deputy Director Eggertsen said it was not; they just need to have it open to the public in person.

Council President Norton agreed with previous comments. She also acknowledged and thanked everyone involved in putting together the mandatory minimum ordinance. She thinks it is an important step. She appreciates a city committed to common sense and public safety.

### **Adjournment**

**Motion** to adjourn the meeting at 8:16 p.m. moved by Councilmember Muller seconded by Councilmember Richards.

**AYES: ALL**

Approved this 24<sup>th</sup> day of October, 2023.

  
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Mayor  
Jon Nehring