

City Council



501 Delta Ave
Marysville, WA 98270

**Work Session
October 2, 2023**

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 and led those present in the Pledge of Allegiance.

Roll Call

Present:

Mayor: Jon Nehring

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

Staff: City Attorney Jon Walker, Police Chief Erik Scairpon, Finance Director Jennifer Ferrer-Santa Ines, Public Works Director Jeff Laycock, Chief Administrative Officer CAO Hirashima, IT Director Stephen Doherty, Systems and Database Analyst Will Kaiser, Commander James Tolbert, IT Services Supervisor Jeremiah Nyman (via Zoom), Community Information Officer Connie Mennie (via Zoom), Senior Planner Amy Hess (via Zoom), Skip Knutsen (via Zoom), Principal Planner Angela Gemmer (via Zoom)

Absent: None

Approval of the Agenda

Motion to approve the agenda moved by Councilmember Muller seconded by Councilmember James.

AYES: ALL

Presentations

- A. Proclamation Declaring October 2023 as National Disability Employment Awareness Month in Marysville

Mayor Nehring read the proclamation into the record.

- B. Proclamation Declaring Oct. 4-10, 2023, as Code Enforcement Appreciation Week in Marysville

Mayor Nehring read the proclamation into the record.

Discussion Items

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
- 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

Review Items

Public Hearings

New Business

- 3. Duck Regulations Discussion

Principal Planner Gemmer reviewed this item. Staff is proposing treating all fowl in the same manner which means they would be subject to the provisions currently in place for chickens.

Council President Norton asked about turkeys. She also expressed concern about how "or similar" would be interpreted. Principal Gemmer thought, as proposed, any type of fowl would be included, including the larger type.

Councilmember Richards asked if they could have six of one type and six of another. Principal Planner Gemmer noted the intent was to allow a cumulative total of six. Councilmember Richards asked if they had followed up with the individual who brought up this issue. Principal Planner Gemmer replied that Director Miller had been in contact with him but they could follow up to see if this addresses his concern.

Councilmember King asked about roosters. Ms. Gemmer said roosters would be prohibited on properties that are one acre or smaller. There is no cap on properties over

an acre but there is a provision that shelters/pens need to be maintained in a good, sanitary condition. This has not been a problem historically.

Councilmember James expressed concern that ducks might be noisy. He wondered if this was only during the day or at night too. Councilmember Muller said they can be loud, but chickens can be also. However, six ducks might be a lot louder than six chickens. He wondered about increasing the number of total fowl but limiting certain species. Councilmember Stevens remarked that there are some ducks in his neighborhood, and he only hears them during the day.

Councilmember James asked what could be done if ducks were too noisy. Chief Scairpon indicated they could look into the noise ordinance.

Councilmember James asked if geese would be allowed. Ms. Gemmer thought they would be, but staff can look into this and provide options related to larger fowl.

Councilmember Condyles asked if there have been any code enforcement issues related to ducks or geese. Chief Scairpon said he would check to see if they have had any issues in the past.

Council President Norton asked about regulations in other cities. Ms. Gemmer said they can look into other jurisdictions and see what best practices are for different types of fowl.

4. Dilapidated Fences

Principal Planner Gemmer reviewed this item. She reviewed estimated costs for repairing the various options. There is also an artistic rendering of potential landscaping prepared by Master Builders that will be provided to the City Council.

Councilmember Richards asked if galvanized chain link fences would be allowed. Ms. Gemmer thought that certain chain link fences with a powder coating would be allowed, but non-powder-coated fences tend to get rusty and deteriorate. Councilmember Richards disagreed and said they would last for 50 years even though they are ugly. He commented that they need to be careful about personal property rights versus the overbearing city government. What kind of fence each resident wants is kind of a personal decision.

Councilmember King noticed there had been a lot of repairs over the summer along 51st and 67th Avenue. He wondered if staff had noticed that. Ms. Gemmer explained that the intern went out over the summer to do an inventory of the three corridors and noted the ones in disrepair. Councilmember King said he is a chain link fence kind of guy. You can always put slats in it to make it look a little nicer. He has one that has been up for 45 years.

Council President Norton referred to option 2 regarding repairing and staining. She asked Director Laycock about the prep work required to stain wood fences. Is there an

advantage to the City in managing graffiti and other issues that come along if they take that course? Director Laycock replied they would need to pressure wash it, let it dry, and apply the stain. Having a consistent look in stain would help to cover the graffiti. They have three colors they generally work with. Council President Norton expressed concern about the creating an expectation that the City would be taking care of the fences in the future.

Councilmember Muller commented that the original intent of the fence was screening so he didn't think chain link would serve the same purpose. He also expressed concern about opening a Pandora's Box with this. He suggested maybe just offering some grant money as a pilot project to pay for half of fence repairs to see if people take us up on that.

Councilmember Stevens thought the only way this would be successful would be if the City owned the fence and maintained it. He hates driving down 67th and looking at this but agrees that he doesn't want to throw good money at something that is going to be out of their control to maintain. He also appreciates the property rights component of this. On 67th there appears to be room for the City to plant something in front of the fences which might be an option. He is in favor of a code amendment of some form to require property owners to keep fences maintained. He wonders if there is some way to stipulate that the fences have to be one of the three colors that they use. He also suggested they should not be approving developments with a bunch of back yards facing arterial roads because this will happen again with those developments.

Councilmember James agreed with Councilmember Muller's comments and his observation that chain link doesn't provide screening of sound and sight like wood does. He also wondered if there is any legal recourse to put pressure on HOAs. City Attorney Walker said there was no real way to force an HOA to enforce their covenants with their residents. He thought most of the fences were not HOA-owned fences. Councilmember James was in favor of using community beautification grants to help improve these.

There was discussion about the current code and how it could be improved to address aesthetics.

Councilmember Condyles agreed that they don't want to be heavy-handed to force people to do things but there are parts that look bad so something needs to be done. He likes the grant idea and suggested a pilot program to see how it goes for a certain portion. He recommended making an effort to talk to people who have fences that are of concern to let them know about the grant opportunity. He also thinks they need to have something in the code to address the aesthetics.

Councilmember Stevens thought the language in the proposed code covers the aesthetics and the life safety issues. He agreed with having a push with grant dollars to get one area up to speed.

Council President Norton agreed with other comments. She agreed with not being heavy handed but noted that they have codes for a reason. She was in favor of amending the code and thinks code enforcement has been good about not being heavy handed with enforcement. She was in favor of a pilot project of beautification grants to try to get compliance.

There was consensus to keep the code change as proposed and to look into a potential grant program. Councilmember Condyles suggested having staff look at creating a schedule of improvements based on the assessments they had done.

Councilmember Richards expressed concern about eliminating galvanized chain link fences because they are so durable.

Councilmember King also thought that chain link fences should be included. He asked Director Laycock if the City could replant some of the trees they took out between 64th and 84th along 67th Avenue.

Councilmember James asked about penalties in the code. City Attorney Walker reviewed the process and noted that after you get a third infraction it could be charged as a crime but there would be prosecutorial discretion. Councilmember James asked what would trigger the beautification grant money. Would the fence actually have to be falling down? Would that encourage people to let their fences fall down so they could apply for the money? He also wondered about having a requirement when houses change hands to fix these things.

Councilmember Muller thought they should come up with a fixed number for the grant to offset the cost of replacement.

Councilmember Richards asked how they would manage the grants and make sure the money is used as intended.

Council President Norton asked about the number of property owners they are talking about. Ms. Gemmer was not sure but offered to check. She agreed that a flat amount would be easiest.

Councilmember James asked where the grant money would come from. Mayor Nehring said staff could bring back a recommendation for funding from the General Fund for next year. Typically there is a staff committee that manages the grants and makes sure the grant is fulfilled. The money is usually either reimbursed or the city oversees the work.

Mayor Nehring strongly recommended making sure that they intend to enforce the code before making a code change. He doesn't want to put officers in a situation where they are doing something the Council doesn't actually want them to do. It is important to be consistent with how they enforce the code.

Councilmember Stevens said he would consider this the same as derelict vehicles, trash, or overgrown grass that they have codes for because it is an aesthetic code enforcement issue.

5. CDBG Homage Senior Services Minor Home Repair Second Amendment

Senior Planner Amy Hess explained this is an amendment to the existing contract with Homage for the minor home repair program.

6. Securus (AllPaid) Technologies LLC - Second Amendment

Chief Scairpon introduced Commander James Tolbert who reviewed this related to the Securus Technologies contract. He stated that there is no financial impact to the City for this.

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

Chief Scairpon reviewed this agreement between the City of Marysville and the Washington State Traffic Safety Commission. This allows the City on an annual basis to take part in some of the extra enforcement actions and receive grant dollars for traffic enforcement devices. There is no cost to the City but it provides revenue to be able to use those enforcement actions and purchase equipment.

Councilmember King asked if this covers speed trailers. Chief Scairpon said they are shifting to using the speed signs instead of the trailers because they are not as cumbersome.

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

Commander Tolbert explained this would reclassify the jail to give more flexibility for how long someone can stay there. It saves the City money in the long run.

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

City Attorney Walker reviewed the proposed ordinance.

Council President Norton asked who the qualified individual would be. City Attorney Walker thought that the court would determine that. Chief Scairpon explained how this has been handled in the past and how they intend for it to work now. Council President Norton asked what they would do if it is a long wait for the bed date. Chief Scairpon

explained they would remain in custody until their bed date. City Attorney Walker indicated they could tighten up the language related to that.

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

Finance Director Jennifer Ferrer-Santa Ines reviewed the resolution which would update the City of Marysville Investment Policy to be more in line with of the statute and actual practice.

11. An Emergency Resolution for Water Main Repair East of Marine Drive NE and 27th Avenue NE (Action Requested 10/2/2023)

Director Laycock reviewed the water main repair east of Marine Drive NE and 27th Avenue NE.

Councilmember King asked if the Tulalip Tribes would ever take over the operation and maintenance of this line. Director Laycock explained that this is under consideration and has been for a while.

Council President Norton asked about the cause. Director Laycock thought it had just deteriorated with age.

Motion to waive normal rules to take action on this item moved by Councilmember Richards seconded by Councilmember Muller.

AYES: ALL

Motion to adopt Resolution No. 2541 moved by Councilmember Richards seconded by Council President Norton.

AYES: ALL

Legal

Mayor's Business

Mayor Nehring had the following comments:

- Thanks to everybody involved in getting the water main repair done and coordinating with the Tribes and the school district.
- The Mayors and Business Leaders Public Safety Group brought in Sam Quinone to speak last week. He provides a lot of backing for the type of things Marysville is trying to do with regard to public safety.
- Domestic Violence Services of Snohomish County has its Runway to Hope event this Thursday at the Opera House at 5 p.m.
- He will be speaking at a Pinewood neighborhood meeting this Saturday at 3 p.m.

Staff Business

None

Call on Councilmembers and Committee Reports

Councilmember Condyles:

- He reported on the Alliance for Affordable Housing meeting last week. They officially added Darrington to the group. They had a presentation from the Department of Commerce on different zoning options they recommend to increase density. They also reviewed the 2025 work plan and budget for the group.
- Snohomish County Tomorrow also met last week. They got an update on a workforce initiative through the county executive's office. There was an update on a research and development center for sustainable aviation fuels that will be constructed at Paine Field. There was an update on the 2024 Comprehensive Plan update from the County. Everything seems to be on schedule.
- Funeral services were held last Friday for Edith Johnson who was a very dedicated member of the community. She served as the secretary of the Museum Board for a long time and also served as President of the Friends of the Library. Marysville will miss her. She was dedicated to making the community a better place.

Councilmember James:

- He attended the Finance Committee meeting last week.
- He asked about the programming of the colors on the water tower and how they determine the colors. Mayor Nehring explained that it's not programmable on the tower yet, but in the future they will be able to switch them remotely. Parks will be putting a calendar together to be discussed with him and Council President Norton.

Councilmember King:

- Solid Waste Advisory Committee met last week. The Snohomish County Solid Waste Division intends to do a rate study. They talked about HB 1799 which has to do with organic recycling and food waste.
- He attended the chamber breakfast on Friday. The two candidates for sheriff were there along with the county executive.
- He saw in the paper that the City of Marysville is set to receive thousands of dollars for trees through the Conservation District.

Councilmember Stevens had no comments.

Councilmember Richards said he is recovering well.

Councilmember Muller attended the class reunion for the class of 1957. Many of them were children of Marysville's founders. It was very interesting, and they appreciated having a representative from the City there.

Council President Norton reported on the Finance Committee meeting where they had a presentation from Government Portfolio Advisors regarding the investment policy change that was discussed today. They also reviewed numbers for sales tax, construction, and non-construction. Numbers are up but slowing down compared to increases they have seen over the past several years. Assessed values for residential were down 6.6% and commercial was up 7.7%.

Adjournment

The meeting was adjourned at 8:52 p.m.

Approved this 24th day of October, 2023.

Mayor
Jon Nehring



