



City Council Special Meeting - Appeal Hearing Minutes

Monday, June 30, 2025 at 6:00 PM

9103 E Frederick Ave.

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1. CALL TO ORDER & ROLL CALL

Mayor Freeman called the City Council Special Meeting - Administrative Appeal Hearing to order at 6:01 pm. Mayor Freeman noted that the agenda stated that this was a closed record appeal hearing but informed the Council that was an oversight and the appeal hearing would not be closed until a decision was rendered.

Council Member Beese asked to be excused from the appeal hearing due to a prescheduled vacation.

Motion made by Council Member Van Hees, Seconded by Council Member Culler to excuse Council Member Beese from the Administrative Appeal Hearing on 6.30.25.

Voting Yea: Council Member Culler, Council Member Sander, Council Member Stravens, Council Member Van Hees.

PRESENT

Council Member Shaun Culler

Council Member Dan Sander

Council Member Kelly Stravens

Council Member Andy Van Hees

ABSENT

Council Member Shawna Beese

A quorum was present.

2. PLEDGE OF ALLEGIANCE

3. ACTION ITEMS

- a. Closed Record Appeal Hearing - Administrative Decision Appeal - Fence Permit - 9011 E South Riverway

Mayor Freeman stated that the Appeal Hearing was for an Administrative Decision rendered by the City for a fence permit at 9011 E South Riverway. Mayor Freeman stated that the appellant would have 15 minutes to address the City Council. Mr. Joseph G. Ward, 15102 N Tormey RD Nine Mile Falls, WA 99026, stated that he was asking the City to help him restore and maintain his property after the 2021 windstorm through reasonable interpretation of the existing ordinances. Mr. Ward stated that he found staff difficult to deal with because they were not attorneys, felt staff weaponized the municipal code against him and targeted him. He stated that the fencing was not new, but restoration of existing barriers and he asked repeatedly for on-site meetings but was refused. Mr. Ward discussed the stop work orders he had received, unanswered emails, the amended fence permit he submitted and the meeting he had with staff at City Hall.

Aziza Foster, Menke Jackson Beyer, LLP, stated that this was an appeal hearing based on the denial of a fence permit. The permit was denied because the Millwood Municipal Code only allows for a fence height of 42" tall within the front and front side yard area (25' setback). Ms. Foster stated that Mr. Ward felt that his fencing should be considered a non-conforming use however there was no supporting documentation to support the non-conforming use. She also stated that the dumpster fence was also denied because it was over 42" and within the 25' setback area.

Ms. Tainio stated that the code enforcement on the fence violation began in late fall 2024. Ms. Tainio and Ms. Cassels met with Mr. Ward in March 2025 to discuss the options available to address the violation which were to file an Administrative Appeal or a Variance. Mr. Ward submitted a restated permit in April of 2025 with portions of the permit being approved, portions determined to be out of the scope of the permit and portions of the permit being denied. Mr. Ward then filed the appeal.

Council Members asked staff clarifying questions regarding fence locations, how long the 42" fence height had been required and the height of the fencing along Argonne.

Mr. Ward began his 5-minute rebuttal. He stated that the City had not done anything to help him finish his project, he was denied meetings with staff, the junipers should be considered a fence, the cedar fence predated the ordinance and the barbwire fence photos were submitted.

Council Members asked Mr. Ward about how the rocks could be classified as a fence and why he didn't complete a permit prior to building the fence.

b. City Council Deliberation & Possible Decision - Administrative Decision Appeal - 9011 E South Riverway

Mr. Werst asked if any Council members had any conflicts of interest or had any ex parte communications regarding this matter that they needed to disclose? None of the Council members had anything to disclose.

Staff and those in attendance were asked if they had anything to disclose or any concerns regarding City Council Members in their decision-making position. No one in attendance voiced any concerns.

Council Members discussed the that since 1955 the City has had a fencing ordinance that limited fence height to 42" in the 25' setback area, Council did not agree that rocks established a 6" fence, Council had no recollection of a fence variance ever being issued, they discussed the lack of application for a fence permit and if a permit would have been applied for the appellant would have been informed of the 42" height requirement.

Motion made by Council Member Culler, Seconded by Council Member Stravens to deny the Appeal of the Administrative Decision Fence Permit Application for 9011 E South Riverway dated 4.15.25.

Voting Yea: Council Member Culler, Council Member Sander, Council Member Stravens, Council Member Van Hees

4. ADJOURNMENT

Motion made by Council Member Van Hees, Seconded by Council Member Stravens to adjourn the City Council Special Meeting Administrative Decision Appeal Hearing at 7:00pm.

Voting Yea: Council Member Culler, Council Member Sander, Council Member Stravens, Council Member Van Hees