

City of Sumas
Council Meeting
Minutes of February 10, 2020

The Sumas City Council met on February 10, 2020 with all councilman present. Everyone stood and recited the Pledge of Allegiance. The minutes of the January 27, 2020 meeting were approved.

Mayor Christensen opened the Lakeport Reach LLC public hearing. Any public comments will be timed for 4 minutes and to address all comments to the council members.

Rollin Harper, City Planner, updated the council about the current Draft Report of Decision that was provided in their packets. The Draft Report of Decision is a starting point for them to use to begin the process. The new findings in the Report of Decision are stemming from the public hearing in November 12, 2019, which at that time the council had asked for additional information about Sumas Creek drainage. In January the applicant provided the additional information; council then re-opened the public hearing to accept the new documents regarding the culvert repair prepared by Reichhardt and Ebe and letter from Lakeport Reach expressing the applicant's willingness to relinquish the access off the Kneuman Road. The council had re-opened the public hearing also allowed for any written comments closing on February 06, 2020 at 5:00 pm. Rollin spoke about the written comments that had been submitted; 12 comments were in opposition of the project 91 comments were in favor of the project. The current Draft Report of Decision; highlighted all the new findings and addresses two new topics: one is the removal of the culvert and comments about peat soils on the sight. Also, highlighted the staff's specific findings where the council, after hearing all the testimony will need to decide; the project is consistent with the conditional use permit, is the project consistent with the industrial district, is the project consistent with the shoreline master program requirements.

Mayor Christensen opened the public hearing for citizen comments

Rich VanDiest, 207 W Second Street, Sumas, is in support of the project. He believes this plant meets and exceeds all requirements and it is a state-of-the-art plant. The culvert issue has been addressed and will be removed by the applicant. The decision needs to be made on the facts.

Toby Alexander, PO Box 744, Sumas, opposes the project. He thinks the plant will be a disastrous and not a healthy project.

Rich Greenbaum – 9872 Frost Road, oppose the project. MR. Greenbaum is concerned because there was not complete environmental study done and does not provide enough US jobs. He is also concerned about the Canadians doing business here, because their airport already is sending more flights over us and do not care about the effects of the planes.

Steven Brock – 464 Arthurs Way, Sumas, opposes this project. He spoke about a business from 8 years ago, Leadcore and had reviewed the completed report of decision done at that time and the City denied the applicant. That plant is the same as this proposed project before but on a bigger scale. The hand count in November was 4 to 1 after looking around against the room. He requested another hand count to be done.

Sev Samulski, applicant, 34931 Ochard Drive, Abbotsford, Mr. Samulski addressed the concerns from the last meeting about air quality and the environment. He submitted to the council the Department of Ecology Water Certification Order, NW Clean Air Order of Approval and Geotechnical Engineering Report. Mr. Samulski has agreed to relinquish the entry access off Kneuman Road for the drainage issues, it has been suggested that he does the permitting and the cost to remove the culvert where the water bottlenecks. This project will not be contributing to the water upstream of the wetlands.

Dave Grainger – 311 Bob Mitchell Avenue, Sumas, property owner and businessmen, supports the project. He was involved in creating this industrial park to bring in business with the full support of the city council at that time. The reason Canadians come here is because this area was designed to attract Canadian businesses to come here with the heavy haul road. He spoke about Leadcore that was denied and believes the council at that time made the right decision to deny that business. He believes this project is being confused with all the different kinds of cement plants and not a concrete block plant, he encourages people to tour a block plant they are very clean, not noisy, and do not give off emission, he believes this will be a clean operation and the property was designed for this kind of business.

Helen Solem- 4289 Rock Road, Sumas, opposes the project, has three points for the consideration, according to the NW Clean Air Agency there is a clause if you take accumulated air emissions of all the plants an environmental impact study needs to be done. The second concern is with the salmon runs and what will happen to the salmon that go through property and the pollution run off that will happen to the salmon. Her third point is if this area should flood it will pollute the wildlife and that we need to protect the wetlands. Ms. Solem states that if this plant is built the citizens will have undesirable hardship and the environment will have harm.

Henry Buitter - 603 Arthurs Way, Sumas opposes the project, he is concerned with the noise, air quality and water. Mr. Buitter would like to see another hand count vote of the room. The location of the project is directly below his property and he is concerned about the effect the project will have on all the surrounding properties and land.

Kathleen Greenbaum – 9872 Frost Road, Sumas – opposes the project, and wanted to know how this happened without an impartial environment impact study done. Concerned about the water culvert and that cement is not needed to construct the culverts. She does not believe there will be no pollution from this plant.

Ron Groen – Rock Road, Sumas, is in support of the project, he would like to see the town grow and provide good family jobs. He works at a concrete plant and they are under stringent water & air control at his plant.

Judith Akins- 2174 E Bird Street, Bellingham, member of the Mt. Baker Sierra Club concerned about the environment would like to see an EIS done.

Todd Daniels – 126 Roosevelt Court, Sumas, is in support, Mr. Daniels has worked in the cement business for 18 years and the water is monitored very closely. There is a big difference between a cement plant and block plant. This industrial area was created for a reason and it needs to be used.

Terry Underwood – 102 Ridgeview Street, Sumas, loves Sumas, recited a poem, about pollution, wetlands and salmon/steelhead. The health of the environment is good if the salmon and steelhead are running. The wetlands provide storage for overflowing streams, sifting pollutants from the water and providing opportunity for the duck hunters. Mr. Underwood is concerned about the footprint of this project and his question is if they will be good neighbors and care about the environment.

Chuck Beardslee – 240 W Third St, Sumas is in support, this is an opportunity for good jobs and good for the town. He believes there are enough agencies involved in this project to make it compliant with all regulations. Mr. Beardslee thinks this project is a good idea and the applicant has met all requirements. The NW Clean Air Agency will be all over this project. Mr. Beardslee went out to the property in the middle of the flood and noticed the property was not under water. The water issue is not the applicant's fault, beavers, not being able to dredge and clean up the ditch lines has caused most of the problems.

Lawrence Nelson – 701 Arthurs Way, Sumas, is grateful for our neighbors to the north because our economy would suffer severely without them. His questions is if the plant is so good why they would want to come here instead of Abbotsford. Would this project be approved in Canadian? Mr. Nelson does not think this project is suitable for this area.

Jack DeMooy – 438 Gough St, Sumas, a opposes the project, also wants to know why here and are the jobs for US people. The flooding that just happened concerns him and will this project cause more flooding and affect his property and the pollutions it will produce.

Sev Samulski, applicant, 3493 Orchard Drive, Abbotsford. Mr. Samulski spoke about the water concerns on the property, what he envisions will be the removal of the culvert on Kneuman Road and that it will be a joint effort with the City of Sumas. He would like everyone to work together to correct the water/culvert problem. Mr. Salumski believes if the water issue is fixed then the salmon issue will be addressed. This plant will be monitored by all agencies involved and will have to comply with all regulations.

Desiree Douglass, 2330 J Street, Bellingham, had asked the same question for Mr. Samulski why here? One is that the land cost on this side of the border is considerably lower along with transportation and trucking fees. This project has economic benefits, creates jobs and brings them closer to the market. Ms. Douglass also spoke about Leadcore project and she did not work on that project. Ms. Douglass did work on the underlying SEPA process for the industrial zone and the wetland mitigation. Ms. Douglas is currently in contact with Dept of Fish and Wildlife about the culvert removal and salmon issue. This culvert has been a problem for many years. Once the culvert is removed the channel will then be moved out of the roadside and onto property Mr. Samulski will set outside and then create a buffer on both sides and then plant the buffer with trees. This will add additional screening and cooling for the water and the salmon enhancement will absolutely be part of the stream and culvert. Ms. Douglass spoke about the Air Quality Permit, the Department of Ecology 401 Water Quality Certification was also submitted by Mr. Samulski, stating the agency is satisfied with the treatment of the water quality. The next step would be to get construction storm water permit which will be submitted to Department of Ecology if the project moved forward. She listed the agencies involved in this process Army Core of Engineers, Department of Ecology, NW Clean Air Agency, Dept of Fish and Wildlife. Ms. Douglass also addressed the issue of an EIS, that there are thresholds between a SEPA Checklist and the next level. The project must produce that kind of impact to the environment to induce the next level, she does not see anywhere that this project met those thresholds.

Bruce Bosch asked the applicant about the concerns that people asked about regarding the jobs and not being for US people. Mr. Samulski stated all the positions will be US jobs, with one possibly from another country.

Bruce Bosch made a motion to close the public hearing, Rich Postma, seconded all were in favor the motion carried.

Rollin Harper, City Planner explained about the next steps that if the council as a majority saw this did not meet any of conditional use permit criteria for the industrial district criteria or any of the requirements under the shoreline master program then the council would need to identify those and then adjust the findings accordingly which would lead to a denial. If the council as a majority fall on the side of approval then there are two choices, go through all the highlighted areas and answer the questions or if the majority basically has decided all the answer fall toward approval, make a motion to approve and then decide on the conditions.

The new condition number 30 states the applicant will pay 100% of the culvert as mitigation for the project. Mr. Samulski is suggesting possibly a cost share arrangement with the City.

Mayor Christensen asked the council members if they feel they have all the information they need to make an informed decision.

Bruce Bosch asked Mr. Samulski that he would designate some property to the city for the water flow issue. Mr. Samulski stated he is willingly to allow for a proper drainage ditch on his property.

Rollin Harper, advised there are going to be design cost, permitting cost and construction cost and maintenance. Bruce Bosch asked the council members if the City would like to share in that cost, Josh Clawson thinks it is a good idea due to the culvert also being a city problem. Jennifer Bell, Finance Director addressed the prevailing wage cost issue, it would need to be determined on what threshold of work and if our own crew could handle the repairs or if it would need to go out for bids. Sunny Aulakh suggested we figure out the cost before the city agrees to contribute to the project. Jesse Clawson was wondering if we could accept it contingent on number 30. Rollin advised if no-vote tonight a final draft of approval can be brought back with a firm cost nailed down. Mayor Christensen asked if there was any other information the council members needed, Rollin addressed the condition regarding public access, Department of Ecology does not want the public on the wetland mitigation site. The council members do not want any public access on the designated mitigation wetland site. Rollin will update the draft report of decision and bring it back to the council with the updated condition.

Mayor Christensen asked Mr. Samulski if he had a cost estimate for removing the culvert at this time. Mr. Samulski said it is a guess at this time, it is difficult to determine the cost. Mr. Salumski suggested 60/40 on a shared cost, Rich VanDiest said the removal of culvert is budgeted for \$55,000-\$65,000 a rough estimate.

Rollin Harper wanted to confirm that the majority of the council members wanted to move forward with the information that has been provided, they all were in favor with moving forward.

Mayor Christensen asked if there was any citizen input, there was none

Daniel DeBruin, Chief of Police, advised Lucas Huyber has completed his background check and will be starting his FTO with Officer Munden starting this week. The FTO is usually a two to three-month process depends on the officer.

Daniel thanked all the staff for their hard work with all the flooding. Josh Clawson wanted to acknowledge Rich VanDiest for opening his apartment to his neighbor while her house was flooded and had nowhere to go.

Sunny Aulakh, PW Director, had provided two quotes one from WRS and P&P Excavating for three streets repairs that have been approved by FEMA from 2017 storm damage. Bruce Bosch made a motion to accept WRS bid on all three for the street repairs, Rich Postma seconded, all were in favor the motion carried.

Mayor Christensen wanted to thank Sunny for all his hard work and receiving his residential building inspector certification. Mayor Christensen would like to move Sunny from step 2 to step 3 on the pay scale. He thanked Sunny for stepping in and doing a great job. Mayor Christensen would like a motion to sign Ordinance No 1761 amending the Salaries for 2020 showing Sunny's raise. Josh Clawson made a motion to approve Ordinance 1761, Bruce Bosch seconded, all were in favor the motion carried.

Jennifer Bell, Finance Director, spoke about ordinance 1762 regarding the sewer rate increase, proposed is a 2% increase to match the rate increase from the City of Abbotsford. This is a 2% increase on the base sewer charge and 2% increase on the volume surcharge. The only clarifying information needed is the effective date, Jennifer proposed becoming effective on the April 1st billing for the March usage. Jennifer will notify our customers of the rate increase beginning on the April 1st billing cycle. Josh Clawson made a motion to adopt Ordinance 1762, increasing rates and charges for sewer services with the effective date of April 1st, 2020, Jesse Clawson seconded, all were in favor the motion carried.


Kyle Christensen, Mayor, wanted to commend the city staff, Chief DeBruin, Sunny, PW Director and the city crew for the amazing job during the flooding it was team effort. He also thanked all the volunteers and all support from the community has been amazing.


Chief DeBruin wanted to thank the Mayor for his leadership during the flood and working along side the city staff and crew during the difficult time.

Bruce Bosch said that the finance committee met tonight and reviewed the bank reconciliation for the City of Sumas.

The bills were presented for approval and payment. Check Numbers #41392 thru #41443 in the amount of \$132,717.30, EFT's \$25.00 and January Payroll \$159,240.54. Bruce Bosch made a motioned to pay the bills, seconded by Josh Clawson, all were in favor the motion carried.

Jesse Clawson motioned to adjourn the meeting Josh Clawson seconded; all were in favor the motion carried.


_____ Mayor

ATTEST: 
_____ City Clerk