

Minutes of September 24, 2018

The Sumas City Council met in regular session with all councilmen present. Everyone stood and recited the Pledge of Allegiance. The minutes of the September 10, 2018 council meeting were approved for filing.

The public hearing for the conditional use application submitted by Teal Jones Lumber Services for 530 W. Front Street was opened at 7:02pm. Rollin Harper, City Planner, approached the council. Rollin stated the applicant seeks to expand its operation by establishing a lumber drying facility on an adjacent property and would include gas-fired boilers to generate steam used in the lumber drying process. The council may recall a year and a half ago Teal Jones Lumber Services submitted this exact application and was approved by council. The new application includes one change and that is the boiler was changed from wood fired to natural gas fired. Many of the findings are the same and all the conditions of approval are exactly the same. One of the previous applications conditions was the project will be commenced within a period of one year from the date of approval of the conditional use permit. They failed to do so and also failed to submit for an extension in a timely fashion. One of the problems they ran into was the wood fired boiler with the NW Clean Air Agency. The application and the report draft of decision was included in the agenda packet. It states the property is located at 301 Bob Mitchell Avenue and is owned by the Port of Bellingham. Right now they have to take their lumber to neighboring business to be processed, this will enable them to dry their lumber in house. The draft findings were included in the report of decision. Rollin mentioned this is in the industrial district. Some of the procedural findings mentions SEPA review and during the SEPA comment period, we did receive one comment from the Department of Ecology. The comment was of the standard boiler plate response, related to storm water. This issue was already covered in conditions of approval. Councilman Bosch inquired if this would affect our water rights. Rollin stated it does not affect the water rights directly, every new business in town that uses water is accessing what is a defined water right. Gary Debont made a motion to close the public hearing. Bruce Bosch seconded the motion, all were in favor and it carried.

Bruce Bosch made a motion approving the conditional use permit for the Teal Jones Lumber Services expansion project. Josh Clawson seconded the motion, all were in favor and it carried.

The public hearing for the conditional use permit application submitted by Thomas & Linda Young for 1134 & 1136 Sumas Avenue was opened at 7:12pm. Rollin Harper, City Planner approached the council. The project is to construct a duplex in the residential high-density district. The location is in the northeast corner, at Front Street and Sumas Avenue. The site plan along with the application was included in your council packet. The report of decision and conditions of approval were also included. The applicant was asked to provide additional information regarding lot coverage and landscaping, they did so. There were no written comments submitted. The project meets conditional use criteria. Pretty straight forward project and the applicant has constructed projects within the city limits. Utilities Superintendent Hernandez spoke regarding a sidewalk down Sumas Avenue in front of the project. At the current time a sidewalk would not be feasible due to light poles and other utilities in the area. The long-term thought would be to apply for a TIB grant to resurface Sumas Avenue and that would include placing utilities underground. At that time sidewalks could be placed down Sumas Avenue. The sidewalk on Front Street would be maintained and replaced if damaged during the project. He apologized for not including the landscape plan in the council packet. Mayor Christensen questioned Ruben's opinion on whether the landscaping plan met the criteria required. Ruben stated he felt the plan met criteria and the project the Young's completed on Boon Avenue turned out very well. Mayor Christensen inquired to

where the project would be accessed. Ruben stated Sumas Avenue. Josh Clawson questioned whether the parking met current standards. Ruben stated both unit had garages and met required parking standards. Rollin added the current parking standard requires 1 ½ spaces per unit, which would mean 3 parking spaces for the project. The council has been considering changing the code to read two spaces per unit. This project already meets 2 parking spaces per unit. Todd Daniels inquired as to how this project differs from the project that was denied on Harrison Street. Mayor Christensen stated it was much more cosmetically pleasing. Superintendent Hernandez reminded the council the project was not denied by the council, the applicant withdrew the application due to wetland issues which prohibited the building plans. There were no public comments. Gary Debont made a motion to close the public hearing at 7:22pm. Todd Daniels seconded the motion, all were in favor and it carried.

Mayor Christensen referred the Young CUP application to the Building Permit Committee for further review. And requested a recommendation at the next council meeting.

The public hearing regarding the moratorium prohibiting marijuana business was opened at 7:24pm. Attorney Wright spoke to the council. The council adopted ordinance number 1730 on September 10, 2018 in regular session prohibiting the establishment, Location, Operation, Licensing, Maintenance, or Continuation of Marijuana Producers, Processors, and Retailers as Regulated Pursuant to Washington State Initiative 502 and Re-establishing a Moratorium and establishing an Effective Date. It also set a public hearing for today's date to hear additional testimony regarding the moratorium. Gary Debont made a motion to close the public hearing at 7:26pm. Bruce Bosch seconded the motion, all were in favor and the motion carried.

Attorney Wright stated no further action was required tonight regarding the marijuana business moratorium. The council has been provided a draft ordinance that would make the moratorium permanent. The staff shall review the ordinance and council committee could meet on the issue.

Mayor Christensen inquired if there was anyone in the audience that had any citizen input. Becky Johns residing at 4392 Nordom Road approached the council. She stated she is involved with the Sumas Community Senior Center Wednesday night program. She let the council know the seniors have a new board coming and they are excited about expanding community events. They have been involved with the Whatcom County Library, Friends of the Library and Sumas Museum. She has some proposals to bring to the new senior board and then will present to the Sumas City Council. Seems to be some conflict with people thinking it is just a senior center and not a community center. The Wednesday night program is more of a community event and they will be promoting that with signs and advertising. They will be providing a flu shot clinic open to the public. She stated she is very jazzed to see the building used more for community events. She thanked the Mayor for having the open meetings to come and express ideas. And she wanted to acknowledge Mollie for putting together the newsletter and sending reminders by email and giving us hard copies to distribute, as not everyone has access to a computer. She thanked the council for their time.

Mayor Christensen advised the TV committee met and discussed different options. He requested the TV committee meet again to continue discussion.

Ruben advised the council the Building and Ordinance committee had met regarding the Davidson Conditional Use Permit application. He advised Allen Peterson, who is here tonight, was to supply updated plans. The previous plans he submitted had some limitations regarding glazing. He stated

deadline dates were set up and they were not able to arrange for an architect to change the submitted plans before the deadline. If the paperwork was not submitted by the deadline the CUP would be dismissed. Superintendent recommended dismissing the CUP. Rollin Harper stated the deadline was established the first meeting of August 2018. Josh Clawson stated he would like to hear from Mr. Peterson. Allen Peterson, representing the Cleveland Street property owner, approached the council. He stated they started considering the project in February and approached the city to see if the project was even viable. They went from a four-plex to duplex and then a possible tri-plex. He had contact with Ruben every two or three weeks. In August he received a phone call stating he needed to submit the changes required on paper by September 14, 2018. The original designer back out, as he was involved with other projects. He was able to find another designer but the firm wasn't able to begin work on the project until November 2018. The building trade over these past months has been very busy. He stated the site plan works but the building design needs to be re-designed. Rollin Harper, City Planner, stated on staff perspective, we've been going back and forth on-site design and now building design. It's not the end of the world if the council doesn't give them more time but does understand Ruben's concerns. If the council was to move forward with denial, Rollin would prepare documents to present at the next council meeting. Mayor Christensen requested Rollin to prepare a report of decision denying the Davidson Conditional Use Permit to present at the next meeting.

Chief Debruin reported Officer Pluschakov successfully completed his FTO and his patrolling on his own. He then updated the council on implementing the CAD system. They are in the final stages of getting the system up and running. Chief Debruin invited any of the council members for a ride along with an officer anytime to observe the new system.

Clerk-Treasurer Schultz spoke regarding a resolution that was included in the council packet transferring water surplus funds to the general fund. In June of 2015 the city entered into an agreement with Meadowbrook Water Association to provide water rights allowing them to pump water from their wells to supply water to their customers for a few. Those funds have been receipted into the water fund. It has been determined that the city has no operational or maintenance responsibility and doesn't need the added revenue to the water fund and would consider it surplus. Bruce Bosch made a motion to adopt Resolution #776 transferring Water fund surplus to the General Fund. Gary Debont seconded the motion, all were in favor and it carried.

Superintendent Hernandez advised the council of the need to repair the water reservoirs sitting on Moe Hill. He stated there was a \$2,929.50 quote in the council packet from Baker Silo to provide the work needed. This would be a permanent fix and last 10 to 15 years. Ruben then reported on the recent power outage that occurred on September 21<sup>st</sup>. The outage was caused by a trap from a construction site blowing onto our c-phase power line. This triggered a vault to start smoking and that is how it was determined the damaged that was caused. Moving forward Ruben would like to purchase an infra-red scanner to inspect the electrical system. He will research and bring back a quote for the council to examine. And re-start the fuse replacement program to catch bad fuses before they fail.

Ruben gave a soccer field update. Met with Sam and discussed where the two new fields could go. Something to take into consideration was how that soccer field location could work into the plans of the new event center. Ruben then reported on the new playground. He stated the community work party had happened and a lot of work was completed. There are some issues we are working through to complete the project.

Ruben spoke regarding BPA efficiency program for the Teal Jones project to replace their air compressor. All the paper work has been submitted and set for approval. Ruben then spoke of a planned power outage for Tuesday September 25<sup>th</sup> from 11pm to 3am to install a new route for power lines due to the two-story package express building. The outage will affect consumers east of the railroad tracks and north of Columbia Street.

Gary Debont inquired of the progress of the clean-up of the creek. Ruben toured the site with Joel Ingram to determine the plan for clean-up. For the east side of the culvert on Kneuman Road, we need to rent equipment to remove the blackberry bushes and other debris. Then plant trees, in turn will create shade and stop the grass from growing. We did get an approved permit and are ready to proceed.

Mayor Christensen reported the need of a new Sumas Planning Commission member, as Steve Jordan moved from the Sumas area. He recommended Lizette Custer for the empty position. She has been very active in the community since I have become mayor. Bruce Bosch made a motion to appoint Lizette Custer to the Sumas Planning Commission. Gary Debont seconded the motion, all were in favor and it carried.

Kyle then spoke regarding a policy for invocation at council meetings. A draft ordinance was included in the council packets. He requested the Ordinance Committee to review the draft ordinance. It would be on a volunteer basis, with no specific religion or faith, from the Sumas area. He requested a recommendation from the committee at the next council meeting.

Mayor Christensen then reported the 2 scoops with the mayor event went well and he compiled two pages of recommendations. He then reported NV Business Association wanted to meet in council chambers on September 28<sup>th</sup> at 7pm and he will be attending. Mayor Christensen feels this will be an excellent way to promote business in Sumas. He reminded the council Senator Erickson will be here on September 27<sup>th</sup> at 6:30pm at the community center. He encouraged people to attend, and anytime a politician comes to our area we should hear what they have to say and give feed-back on ideas.

Mayor Christensen the reported he had been contacted by several local mayors about the possibility of increasing the local 1-cent tax to a 2-cent tax. With talks of how to boost the revenues in the general fund this was one idea. This would be a great way of getting the people coming from Canada to share the burdens of maintaining the streets and sidewalks. This legislation is being presented in Olympia and other cities have hired lobbyists. First it need to pass in Olympia and then presented to our local voters on a ballot. He sees no harm in supporting the legislation.

The bills were presented to the finance committee. Claims voucher 39899 through 39923 in the amount of \$16,873.88 and payroll voucher 21019 plus direct deposit run in the amount of \$19,250.00 were approved with a motion by Bruce Bosch, seconded by Gary Debont, which carried with all in favor.

Council went into executive session at 8:10pm with Attorney Wright present. The meeting continued in regular session.

Shelley Schultz presented Ordinance 1731 Amending Ordinance 1729 Establishing the Salaries for 2018. She stated the position and duties of the Clerk-Treasurer needed to be separated. There would now be a Finance Director and City Clerk position. Bruce Bosch made a motion to adopt Ordinance 1731 amending Ordinance 1729 establishing the salaries for 2018. Todd Daniels seconded the motion, all were in favor and the motion carried.

Josh Clawson made a motion to adjourn the meeting. Todd Daniels seconded the motion, all were in favor and the meeting was adjourned.

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Mayor

ATTEST:

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City Clerk