

## **PUBLIC HEARING\_ AB22-02\_Wastewater Treatment Plant Upgrades**

*Public hearing dates: January 27, 2022*

### **January 27, 2022**

*Held during the City of Sultan Council Meeting and presentation on file with the city clerk's office*

Mayor Wiita opened the public hearing and read the public hearing procedures. The meeting was a hybrid with attendees both in person at City Hall Council Chambers and via Zoom Internet Conference Service. The following were in attendance: Councilmembers to include Morgan, Aldrich, Dearborn, Hund, Niegel, Sivewright, and Beeler. Staff to include City Administrator Ibershof, Public Works Director Morgan, Community Development Director Galuska, Finance Director Erdman, City Attorney Graber, Assistant Planner Bond, and City Clerk Pevey.

### Staff Report

Public Works Director Morgan provided the history of the WWTP originally constructed in 1970. In 1997 the original plant was demolished, and the current configuration constructed. In March of 2019 the city updated its engineering/facility report which evaluated the current plant equipment conditions, facility conditions, and existing treatment processes. During this process a hydraulic model and biological process model of the plant was created. The study revealed that 5 of the 13 major components of the WWTP were already at or exceeding capacity during peak flows. Suggestions to address the issues were created and costs were summarized in the report. At the September 9<sup>th</sup>, 2020, council meeting a public hearing was held and the treatment plant alternatives were presented along with a draft facility report and public comment. On November 5<sup>th</sup>, 2020, the city posted a request for qualifications and received four respondents who were interviewed. The city awarded Gray & Osborne Inc. the design contract. It was determined that additional WWTP capacity was needed sooner than anticipated and to save time and money design costs combined phases 1 and 2, requiring an amendment to the facilities plan. Gray & Osborne Inc. submitted an amendment in September 2021. Department of Ecology approved the amendment on October 5<sup>th</sup>, 2021. The Department of Ecology approved the design plans and specifications on December 13<sup>th</sup>, 2021. Morgan explained the permitting phase which required permits from the City of Sultan, Department of Ecology, Department of Fish and Wildlife, US Army Corp of Engineers, and Department of Historic Preservation. He then discussed the floodplain mitigation requirements and environmental/habitat migration requirements Project Funding Plan and impacts were presented.

Cost & Funding: A rate study completed in 2017 confirmed that local funds were insufficient to fund the entire project and it was determined that the city would need to finance \$17.8 million in improvements. Various funding options were presented to include grants, bonds, and loans. The city has begun the process to update the rate study, which is anticipated to be completed the second quarter of 2022. The study will reconfirm the amount the city needs to finance.

### Council Questions and Discussion

Suggested project timeline and variables that may affect the project moving forward. Inflation since the 2019 study and how that will impact constructions costs for the project. The phases and length of time before more improvements need to be considered.

### Public Comment

Ron Kraut: Written comments expressing concerns (Exhibit A)

Judy Heydrick: Written comments expressing concerns (Exhibit B)

### Staff Response to Comments

Public Works Director Morgan explained the city is still in the permitting process and mitigation is anticipated that should address concerns raised by Judy Heydrick regarding the impact to Oregon frogs. Morgan is still reviewing to address additional concerns and will be sure to update council on additional public comment responses.

Motion

On a motion by Councilmember Aldrich, seconded by Councilmember Beeler, the public hearing on the WWTP upgrades was closed; Motion passed 7-0.

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Russell Wiita, Mayor

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Tami J. Pevey, City Clerk

**WRITTEN COMMENTS RECEIVED  
AND ATTACHED AS REFERENCE**

**From:** [cohobanger@aol.com](mailto:cohobanger@aol.com)  
**To:** [Russell Wiita](#); [Conner Morgan](#); [Stephanie Aldrich](#); [Joe Neigel](#); [Christina Sivewright](#); [Jeffrey Beeler](#); [Cory Dearborn](#); [Joseph Hund](#); [Tami Pevey](#); [Andy Galuska](#); [Nate Morgan](#)  
**Subject:** Comments for tonight's public hearing and council meeting  
**Date:** Thursday, January 27, 2022 2:25:11 PM

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Dear Mayor and City Council,

Regarding tonight's public hearing and council meeting. Please incorporate these comments into the record for both.

#### **PUBLIC HEARING WASTEWATER TREATMENT PLANT UPGRADE ALTERNATIVES:**

In November of 2021 the city council chose to adopt **ORDINANCE NO. 1359-21 Capital Facilities Element**. This appears to have resulted in the removal of essential segments from the city's comprehensive plan. Some of the essential segments that were discarded include: **"9.11 Capital Facilities Funding Plan"** which included **"9.11.9 Overall 6-year Capital Improvement Program"** and **"9.12.1 Six Year Capital Improvement Program (CIP) and Financing Plan"**. This decision appears to have left the city and it's citizens without the required statutory tools to finance capital projects.

Now the city is attempting to move forward with the the examination and adoption of an alternative for it's Wastewater Treatment Plant upgrades; after apparently jettisoning the the very planning tool required to make that decision possible. The city has created what appears to be a procedural impossibility with which to fund capital projects.

Attempting to move forward with such a proposal, lacking a capital facilities element which includes provisions for implementation would be an exercise in futility.

#### **US 2 Corridor Study with Transportation Solutions Inc. (TSI)**

Regarding section 8. EAST-WEST CONNECTOR:

Page 35 of 37 states:

*"8. EAST-WEST CONNECTOR The City of Sultan has identified plans to construct a new east-west roadway to the north of US 2 which would connect the developing Sultan Basin area with the historic downtown area to the west. The 2020 "East-West Corridor Alternatives Traffic Analysis" **evaluated four possible alignments for this future connector**, and the 2020 Sultan Transportation Impact Fee Rate Study project list includes two of the identified connector alignments."*

Please be aware that the referenced 2020 "East-West Corridor Alternatives Traffic Analysis" was an analysis of possible connector road alignments not contemplated in any element of the city's adopted comprehensive plan at the time it was performed. Therefore the analysis is not based on best available science. Best available science was utilized to evaluate legitimate connector alternatives incorporated in the city's adopted comprehensive plan. For unexplained reasons, the 2020 study ignored those connector alternatives and instead analyzed connector routes not approved by the city council when they adopted the relevant portions of the city comprehensive plan.

**Agenda Bill No. 22-13 SUBJECT Water and Sewer Design Standard Update Contract:**

The adoption of **ORDINANCE NO. 1359-21** Capital Facilities Element, resulted in the removal of "**9.11 Capital Facilities Funding Plan**" which included "**9.11.9 Overall 6-year Capital Improvement Program**" and "**9.12.1 Six Year Capital Improvement Program (CIP) and Financing Plan**" from the adopted comprehensive plan.

Prior to the adoption of that ordinance, the city had tools to analyze the funding of this proposal (see discarded chapter "**9.11 Capital Facilities Funding Plan**" and "**Table 9-22 Sewer System Capital Projects over 20-year Planning Horizon**" from previous capital facilities element).

Unfortunately the statutory guidance once provided by that chapter is now gone. Now, with the newly adopted capital facilities element, the city appears to have left it's citizens with what appears to be an infinite procedural mine field with regard to planning and funding capital projects.

**The newly adopted Capital facilities Element creates further confusion:**

*"The GSP is adopted by reference and may be used to enhance understanding of the wastewater system. This section summarizes the inventory section of the GSP."*

I can't find this document anywhere in the city web site. To my knowledge, the document is not hyperlinked either. Please provide information regarding where the "GSP" may be viewed.

**Summary and suggestion:**

Unfortunately the newly updated capital facilities element is incomplete, convoluted and confusing. It appears that the document makes analysis and funding capital projects impossible.

Here is a recently adopted Capital Improvement Plan approved by the City of Burlington. Please take the time to review it and compare it to the capital planning documents adopted by the City of Sultan:  
<http://council.burlingtonwa.gov/agendas/2019/04-25-19/1.pdf>

**The following are the sources used as the basis for my comments:**

Agenda:

[https://ci.sultan.wa.us/AgendaCenter/ViewFile/Agenda/\\_01272022-341](https://ci.sultan.wa.us/AgendaCenter/ViewFile/Agenda/_01272022-341)

PUBLIC HEARING WASTEWATER TREATMENT PLANT UPGRADE:

[https://ci.sultan.wa.us/AgendaCenter/ViewFile/Agenda/\\_01272022-340](https://ci.sultan.wa.us/AgendaCenter/ViewFile/Agenda/_01272022-340)

November of 2021 **ORDINANCE NO. 1359-21 Capital Facilities Element:**

[https://www.ci.sultan.wa.us/DocumentCenter/View/5724/Ordinance-1359-21\\_Comprehensive-Plan---Chapter-9-Update-PDF](https://www.ci.sultan.wa.us/DocumentCenter/View/5724/Ordinance-1359-21_Comprehensive-Plan---Chapter-9-Update-PDF)

2011 Comprehensive Plan with previous Capital Facilities Element:

<https://www.ci.sultan.wa.us/DocumentCenter/View/5448/Sultan-Comprehensive-Plan-2011-15-pdf?bidId=>

East-West Corridor Alternatives Analysis

Email document to Andy Galuska

January 30, 2020

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Sincerely,

Ron Kraut

**From:** [Judy Heydrick](#)  
**To:** [Tami Pevey](#); [Conner Morgan](#); [Stephanie Aldrich](#); [Cory Dearborn](#); [Joseph Hund](#); [Joe Neigel](#); [Christina Sivewright](#); [Jeffrey Beeler](#); [Russell Wiita](#); [Will Ibershof](#); [Andy Galuska](#)  
**Subject:** Public Hearing #1 AB 22-02  
**Date:** Thursday, January 27, 2022 11:33:12 AM

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Council, Mayor and Staff

Please include my comments in the record.

E-Page 12 of the Hearing packet informs that the city has completed a habitat assessment for the proposed WWTP upgrades to ensure the project would not adversely affect any of the Endangered species or any critical habitat. In particular, it is noted that the threatened Oregon Spotted Frog and Bull Trout are unlikely to be adversely affected by the project. How can additional wastewater discharge be unlikely to adversely impact these two ESA listed species? Note citations from several scientific studies;

The scientific journal **Eco Watch**, published May 16, 2016

"The Oregon spotted frog is 4 inches long and calls while under water. It is a highly aquatic frog and needs clean water and stable flows for egg-laying, tadpole development and adult overwintering. The species is threatened by loss of wetlands, poor river management that forces artificial flows, reduced water quality, drought, invasive species and other threats. Worldwide, more than one-third of amphibian species are threatened with extinction. Amphibians have been on the planet for millions of years and when they start dying off it's a wakeup call that we need to take better care of our resources,"

### **Science Daily**

from research organizations-"Fish exposed to treated wastewater have altered behavior"

Date:

December 5, 2017

Source:

McMaster University

Summary:

Researchers have found that fish living downstream from a wastewater treatment plant showed changes to their normal behavior --- ones that made them vulnerable to predators --- when exposed to elevated levels of antidepressant drugs in the water."

Many more scientific studies related to wastewater impacts on fish and amphibians are readily available on the net. What is the basis for the city's determination in light of the various scientific studies to the contrary?

Judy Heydrick