



City of Cashmere

101 Woodring Street
Cashmere, WA 98815
Ph (509) 782-3513 Fax (509) 782-2840
Website www.cityofcashmere.org

CASHMERE CITY COUNCIL MEETING
MONDAY, MARCH 25, 2013 7:00 P.M., CITY HALL

AGENDA

CALL TO ORDER

FLAG SALUTE

EXCUSE ABSENCE

ANNOUNCEMENTS & INFORMATION

PUBLIC COMMENT PERIOD (For Items Not on the Agenda)

APPROVAL OF AGENDA

CONSENT AGENDA

1. Minutes of March 11, 2013 Regular Study Session Meeting
2. Minutes of March 11, 2013 Regular Council Meeting
3. Payroll and Claims Packet Dated March 25, 2013

BUSINESS ITEMS

1. Erik Howe, RH2 – Pioneer Ave Preservation Project Design Presentation
2. Resolution No. 02-2013 Establishing a Policy for City Council E-Mail
3. Resolution No. 03-2013 Establishing an Employee Handbook
4. Resolution No. 04-2013 Establishing a Fixed Assets Policy
5. Ordinance No. 1211 Amending Chapter 13.10 relating to water rights and the transfer of the same
6. Release of easement interest for old water cisterns located at 306 Valley Street

PROGRESS REPORTS

ADJOURNMENT

TO ADDRESS THE COUNCIL, PLEASE BE RECOGNIZED BY THE MAYOR AND STATE YOUR NAME WHEN YOU BEGIN YOUR COMMENTS
Americans with Disabilities Act (ADA) accommodations provided upon request (48-hour notice required)

The City of Cashmere is an equal opportunity provider and employer.

To file a complaint of discrimination, write USDA, Director, Office of Civil rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202)720-6382 (TDD).

**CITY OF CASHMERE
MINUTES OF REGULAR STUDY SESSION
MONDAY, MARCH 11, 2013 AT CASHMERE CITY HALL**

OPENING

Mayor Gomes opened the study session at 6:00 p.m. at City Hall. Clerk-Treasurer Kay Jones took minutes.

ATTENDANCE

	<u>Present</u>	<u>Not Present</u>
Mayor:	Jeff Gomes	
Council:	Skip Moore Jim Fletcher Donna Wynne Derek Knutsen John Bryant	
Staff:	Bob Schmidt, Dir. of Operations Kay Jones, Clerk-Treasurer Mark Botello, Dir. of Planning/Bldg	

REVIEW EMPLOYEE HANDBOOK

Staff reviewed with council the changes that were requested from the previous meeting. After checking with WCIA, staff added language clarifying a "drug free work place" since the state law on marijuana has changed. After reviewing draft policies regarding social media, staff did not add language. Changes were made to clarify pool employee pay periods and a statement that the benefit section did not pertain to seasonal employees. Other minor housekeeping changes were made regarding changing City Manager to Mayor.

The Employee Handbook will be on the next agenda for approval.

ADJOURNMENT

Mayor Gomes closed the study session at 6:45 p.m.

Jeff Gomes, Mayor

Attest:

Kay Jones, Clerk-Treasurer

**MINUTES OF THE CASHMERE CITY COUNCIL MEETING
MONDAY, MARCH 11, 2013 AT CASHMERE CITY HALL**

OPENING

Mayor Jeff Gomes opened the regular city council meeting at 7:00 p.m. at City Hall. Clerk-Treasurer Kay Jones took minutes.

ATTENDANCE

	<u>Present</u>	<u>Not Present</u>
Mayor:	Jeff Gomes	
Council:	Skip Moore Jim Fletcher Donna Wynne Derek Knutsen John Bryant	
Staff:	Bob Schmidt, Director Kay Jones, Clerk-Treasurer Mark Botello, Dir of Planning/Building	

FLAG SALUTE

ANNOUNCEMENTS & INFORMATION

Mayor Gomes reported on the Mayors meeting that took place in Cashmere regarding the jail fees. The Mayors also discussed the Sheriff's contract and negotiations. They all agreed to send a letter to the County Commissioners before sitting down with them to discuss the contracts.

The Mayor announced the MPO boundaries are being extended for transportation planning purposes. The entities will have a rotating voting representative. They estimate the dues after extending the boundary will be \$2500, which is much less than first discussed.

APPROVAL OF AGENDA

Mayor Gomes asked for approval of the agenda with the addition of item #6 selecting a surveyor for the City Storm System Mapping project.

MOVED by Councilor Moore and seconded by Councilor Wynn to approve the agenda as amended. Motion carried.

CONSENT AGENDA

Minutes of February 25, 2013 Regular Council Meeting

Payroll and Claims Packet Dated March 11, 2013

Claim Check Nos. 33082 through 33123 totaling \$37,011.36

Payroll Check Nos. 33077 through 33081 totaling \$90,759.59

MOVED by Councilor Wynne and seconded by Councilor Fletcher to approve the consent agenda. Motion carried.

EXPANDED SCOPE OF WORK FOR SUB-CONSULTANT UNDER TASKS A-18 AND A-22 IN THE WASTEWATER TREATMENT PLANT AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

Director Bob Schmidt explained that Rick Ballard from RH2 Engineering has proposed an expanded scope of work to sub-contract with Donohue and Associates. The original estimate for training and operations support was based on a concept to hire a retired Class 4 Treatment Plant Operator to help with startup. RH2 and the City have found a valuable resource in Donohue and Associates.

Donohue and Associates services would include process training, an O&M manual, standard operating procedures for various processes, SOP startup training, startup assistance and post startup assistance. The scope of work for Donohue and Associates will not exceed \$85,962. Since some of the tasks are already budgeted in the agreement the extended scope is estimated to be \$50,000. A change order is not needed at this time, but may be necessary down the road.

MOVED by Councilor Fletcher and seconded by Councilor Wynne to approve the expanded scope of work for sub-consultant services under tasks A-18 and A-22 of the WWTP Agreement with RH2 Engineering. Motion carried.

TIB CONSULTANT AGREEMENT WITH RH2 FOR THE PIONEER AVENUE PRESERVATION PROJECT

The TIB Consultant Agreement with RH2 Engineering for the Pioneer Avenue project includes engineering design, documents and specifications for bidding, surveying and pre-design core sampling and testing of existing road conditions. The amount of the agreement is \$32,683.

There will be a separate agreement for construction services at a later date.

MOVED by Councilor Bryant and seconded by Councilor Knutsen to authorize the Mayor to sign the Consultant Agreement with RH2 Engineering for the Pioneer Avenue project, subject to TIB approval. Motion carried.

TIB CONSULTANT AGREEMENT WITH RH2 FOR THE MISSION AVENUE IMPROVEMENT PROJECT

The TIB Consultant Agreement with RH2 Engineering for the Mission Avenue project includes engineering design, documents and specifications for bidding, surveying and pre-design core sampling and testing of existing road conditions. The amount of the agreement is \$63,023.

MOVED by Councilor Bryant and seconded by Councilor Fletcher to authorize the Mayor to sign the Consultant Agreement with RH2 Engineering for the Mission Avenue Improvement project, subject to TIB approval. Motion carried.

LOCAL AGENCY STANDARD CONSULTANT AGREEMENT WITH RH2 FOR THE RAILROAD AVENUE IMPROVEMENT PROJECT

The Local Agency Standard Consultant Agreement with RH2 Engineering for the Railroad Avenue project includes engineering design, documents and specifications for bidding, surveying and pre-design core sampling and testing of existing road conditions. The amount of the agreement is \$51,022.

MOVED by Councilor Fletcher and seconded by Councilor Bryant to authorize the Mayor to sign the Local Agency Standard Consultant Agreement with RH2 Engineering for the Railroad Avenue Improvement project, subject to WSDOT final approval. Motion carried.

PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH ECOPLAN & DESIGN

The Professional Consulting Services Agreement Scope of Work includes the following landscape enhancement projects. Riverside Park design including bid documents for \$7,000, Riverside Park boat ramp, to determine ordinary high water mark for \$600, Ardetta Park re-design for \$300 and the Cashmere Cemetery replacement tree planting program for \$300. The scope of work for all four projects totals \$8,200.

MOVED by Councilor Fletcher and seconded by Councilor Wynne to approve the Professional Consulting Services Agreement with EcoPlan & Design. Motion carried.

SELECT SURVEYOR FOR CITY STORM SYSTEM MAPPING PROJECT

Using the Small Works Roster the City requested quotes for surveying services for the City Storm System Mapping project. The city received quotes from six surveying companies ranging from \$27,900 to \$82,500. The apparent low quote was Fitzpatrick Surveying.

MOVED by Councilor Moore and seconded by Councilor Knutsen to select Fitzpatrick Surveying for the City Storm System Mapping project. Motion carried.

PROGRESS REPORTS

Director Mark Botello informed the Council of the 2013 Tree City USA Tree Planting Grant Program through the Department of Natural Resources. He has applied for a \$10,000 grant for trees to plant in Riverside Park.

Director Bob Schmidt reported that they poured another basin wall, a single wall of a clarifier was poured earlier today, and the rebar and formwork was completed for the sump slab, which was poured today as well.

ADJOURNMENT

Mayor Gomes adjourned the meeting at 7:32 p.m.

Jeff Gomes, Mayor

Attest:

Kay Jones, City Clerk-Treasurer

RESOLUTION NO. 02-2013

**A RESOLUTION OF THE CITY OF CASHMERE, WASHINGTON,
ESTABLISHING A POLICY FOR CITY COUNCIL E-MAIL.**

WHEREAS, the City of Cashmere has established an e-mail account for each City Council Member; and

WHEREAS, the City feels an E-mail policy will help facilitate communication between the City Council and the citizens of Cashmere in accordance with the Public Records Act; and

WHEREAS, the City Council has had an opportunity to review the proposed policy set forth in this Resolution and has determined that approval of this Resolution would be in the best interest of the public and will assist the City Council in proper management of official e-mails;

NOW THEREFORE the City Council of the City of Cashmere, Washington hereby resolves as follows:

Section 1. The policy for City Council E-mail as set forth in Exhibit A, attached, is hereby adopted:

Section 2. Effective Date. This Resolution shall be effective immediately upon passage by the City Council.

APPROVED by the City Council the 25th day of March, 2013.

APPROVED:

Jeff Gomes, Mayor

ATTEST:

Kay Jones, City Clerk-Treasurer

E-MAIL POLICIES FOR PUBLIC OFFICIALS

CONTENTS

- 1.0 PURPOSE AND SCOPE**
- 2.0 EXPLANATION OF KEY TERMS AND DEFINITIONS**
- 3.0 MANAGEMENT OF E-MAIL**
 - A. City-Provided E-mail Account**
 - B. Rackspace Access to City E-Mail Account**
 - C. Password Responsibility**
 - D. Non-City E-mail Account Use For City Matters**
 - E. E-mail From or To Private Addresses**
 - F. Spam and Virus Filtering**
- 4.0 USE OF CITY E-MAIL**
 - A. E-mail between Public Officials**
 - B. E-mail Content**
 - C. Administrative Inquiries and Risk Management**
 - D. The City's E-mail system is for City business use**
- 5.0 RETENTION OF E-MAIL**

1.0 PURPOSE AND SCOPE

It is the policy of the City of Cashmere that City provided e-mail accounts are to be used when City business is conducted through e-mail by Public Officials (appointed or elected). This policy will help to assure retention of public records and compliance with state laws including the Public Records Act "PRA" and Open Public Meetings Act "OPMA".

The purpose and scope of this policy is to:

- A. Ensure that City provided e-mail accounts are used when City business is conducted by Public Officials.
- B. Ensure the retention of e-mail as public records in compliance with state law. State laws include PRA and OPMA (and apply equally to other forms of written communications).
- C. Provide guidelines and tools for conducting City business in a professional, businesslike, and transparent manner, for easy use of City e-mail for conducting City business, and to provide guidelines for the management and use of e-mail.
- D. Provide procedures to facilitate ease and consistency in using the City's e-mail system and individual e-mail accounts.

2.0 EXPLANATION OF KEY TERMS AND DEFINITIONS

- A. **E-mail:** Short for *electronic mail*, the transmission of messages over a communications network.
- B. **Spam:** Unsolicited "junk" e-mail sent to large numbers of people, often to promote products or services.
- C. **OPMA:** Open Public Meetings Act, RCW 42.30. Council Members must exercise caution when directly communicating with fellow Council Members via e-mail, so as to not violate the Open Public Meetings Act. Refer to Section 4.0 (A).
- D. **PRA:** Public Records Act, RCW 42.56.
- E. **Public Official** is either an Elected Official or an Appointed Official as defined below:

Elected Official refers to City Council members and the Mayor.

Appointed Official refers to either employee or non-employee members of City Boards and Commissions, including the Planning Commission, and Parks & Recreation Board etc., the Fire Chief, Clerk-Treasurer, Director of Operations and Director of Planning and Building.

- F. **Public Record.** All e-mail communications regarding City business are public records, and must be retained by the City according to legal retention requirements.

A Public Record is defined as any "writing" containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any State or local agency regardless of physical

form or characteristics. RCW 42.56.010(2). (Any e-mail regarding City business of which an appointed or elected official is a party, is a public record.)

"Writing" as regards public records, means handwriting, typewriting, printing, photocopying, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. RCW 42.17.020 (49)

G. **Public Disclosure.** E-mails that are determined to be a public record are subject to public records disclosure under State law, Chapter 42.56 RCW, unless specifically exempt by statute.

H. **Council action:** "Action" under the Open Public Meetings Act means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions.

"Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance. RCW 42.30.020 (3)

I. **Records Management & Retention:** The City's program for records management is facilitated by the City Clerk's office and based on the State of Washington Local Government General Records Retention Schedule and Records Management Manual issued under the authority of the Washington State Local Records Committee through the Office of Secretary of State, Division of Archives and Records Management. The City's program is in compliance with Chapter 40.14 RCW.

J. **Records with Minimal Retention Value:** E-mail communications which are a public record, but which have no state mandated retention value and can be deleted when its administrative use has ended without being printed or retained as part of City records management. Examples include:

- a. Routine information such as meeting dates and times, business hours and web/e-mail addresses.
- b. City-generated forms and publications.
- c. Catalogs, reports, etc. from other agencies.
- d. Newsletters, bulletins, announcements
- e. Unsolicited information such as advertisements.
- f. Copies of records, **provided that** the City retains the primary copy

3.0 MANAGEMENT OF E-MAIL

A. **City Provided E-mail Account:** When using the City provided e-mail account, a Public Official who sends or receives an e-mail message should be aware that a record copy of the message is automatically retained by the City for a minimum of six

years to comply with the PRA. E-mail is archived (retained) instantly upon sending and cannot be deleted or un-sent.

B. Rackspace Access to City E-Mail Account: City e-mail users can access their City e-mail account from a remote location or from a non-City computer that has Internet access, using Rackspace.

C. Password Responsibility: E-mail users are responsible for the security of their e-mail account, including their account password. Users can change their e-mail account password at any time in Rackspace. Passwords are required for security purposes; all e-mails remain a public record subject to PRA disclosure.

D. Non-City E-mail Account Use for City Matters: The use of a personal, private or other non-City e-mail account for City business is discouraged. If a Public Official uses a non-city e-mail account for City business, the Public Official must copy or forward the e-mail to his/her City e-mail account for archiving (retention).

Users of non-City e-mail addresses acknowledge that non-City e-mail addresses may be disclosed in the course of responding to public records requests or discovery requests in legal proceedings.

E. E-mail From or To Private Addresses (Citizens, Business, etc.): E-mails between non-City e-mail addresses (such as citizens, business, and other non-City parties), and City e-mail addresses (Public Officials) relating to City matters are public records subject to records retention and public records disclosure laws.

The following, or a similar disclosure statement, shall be provided on the City website, including e-mail links to city staff and Public Officials:

Please be aware that e-mail sent to or received from City Staff or Public Officials is a public record and subject to public disclosure upon request.

This disclosure notice shall also be automatically (if feasible) inserted into all e-mail originating from staff and Public Officials of the City.

F. Spam and Virus Filtering: The City's e-mail host uses a third party spam filtering system (off-site and off-system) that quarantines messages based on language, content, or potential virus hazard. E-mail detected by this service as spam or virus infected are quarantined in a separate off-site account for user review before delivery into the City's e-mail system. Public Officials should review and clear out their quarantined messages on a regular (semi-weekly) basis. Please note, while the service is very effective in filtering spam and virus hazards, it cannot guarantee that all spam or viruses will be intercepted. **Public Officials must use caution.**

4.0 USE OF CITY E-MAIL

E-mail users are responsible for the content of e-mail they send. E-mail users are specifically reminded that ANY e-mail they send may be subject to public disclosure. The following guidelines will provide a framework to assist in the use of a City e-mail account.

A. E-mail between Public Officials: E-mail exchanges between Public Officials can create an unintended quorum (three council members) by "serial communication" and violate the OPMA. *Even receipt of an e-mail may constitute council action. Public Officials should avoid e-mail exchanges that ultimately involve or create a quorum.* To avoid creating a quorum reply only to sender, Mayor, or appropriate staff members.

If Public Officials wish to send an informational e-mail to a majority of the respective Public Officials make it clear in the e-mail that the e-mail is informational only and that no response is desired.

1. When possible, limit e-mail exchanges on issues related to City business to less than a majority of council members.
2. Never decide at an open meeting that a majority of the council will continue or complete discussion of an agenda item by e-mail.
3. Council members should verbally announce in open meetings if they have sent a one-sided, informational, no-response e-mail to a majority of the council.
4. E-mail exchanges on issues that the council will not address are consistent with the OPMA. However, if any reasonable chance exists that an issue relates to a vote that may or will come before the governing body, a majority of the council should not subject the issue to e-mail discussion.
5. To avoid a violation of the letter or spirit of the Open Public Meetings Act, any interactive e-mail (i.e. e-mail requiring or inviting two-way communication) between or among Council Members or a quorum of members of the City Council, must be restricted to matters that are not currently or likely to come before the Council.

B. E-mail Content:

1. **E-mail Subject Lines:** E-mail should be clearly labeled via the subject line, being as descriptive as possible (i.e., "Quarterly Financial Report" not "Report", or "City Records Committee Minutes" not "Minutes").
2. **Subject Matter:** There should only be one subject per e-mail.
3. **Carbon Copies:** Carbon copies (cc) are public records and fully subject to the PRA.
4. **Blind Copies - Prohibited:** Blind copying e-mail (bc or bcc) is specifically prohibited, including the use of blind distribution lists. Inadvertent blind copies (bc or bcc) are automatically archived (retained) and cannot be deleted or unsent. A blind copy is a public record and fully subject to the PRA and disclosure.

C. Administrative Inquiries & Risk Management: Inquiries are often directed to several Public Officials. More than one Public Official responding to an inquiry can result in an inconsistent "City message" and delays in processing inquiries, requests, or complaints. If Public Officials wish to respond to such inquiries, please keep in mind that assigned staff is in a position to resolve the inquiry on the City's behalf.

In instances where an e-mailed complaint, notice, or other communication concerns a safety matter, care should be taken in responding; your response is as a Public Official representing the City of Cashmere.

Such inquiries and complaints should be forwarded or copied to the Mayor or Director of Operations for coordination, assignment, investigation and resolution.

Nothing in this paragraph is intended to limit communications between citizens and Public Officials of the City of Cashmere.

D. The City's E-mail system is for City business use. Personal e-mail should be transmitted via personal e-mail accounts, and not from City e-mail accounts. The state Constitution, state and federal laws, and City of Cashmere policies strictly prohibit certain private activity and certain use of City resources. The following are examples of inappropriate or prohibited uses of City e-mail:

1. Any use for the purpose of conducting an outside business or private employment;
2. Use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to a private business, a nonprofit organization, or a political party;
3. Any use for the purpose of assisting a campaign for election of a person to an office, or for the promotion of or opposition to a ballot proposition;
4. Any use related to conduct that is prohibited by federal or state law or rule, or a City policy;
5. Gambling;
6. Transmission of confidential information to unauthorized persons or organizations.

5.0 RETENTION OF E-MAIL

A. *All* e-mails sent *to* or *from* City e-mail accounts of Public Officials are automatically archived by an e-mail management service retained by the City for a minimum retention period of six years. Archived e-mail cannot be modified or deleted. Archived e-mail can be accessed for review or copying, and is subject to PRA disclosure requests. It is specifically noted that e-mail sent to or from Public Officials' City e-mail account is automatically archived on behalf of the Public Official, thus the Public Official has no duty to retain copies; the Public Official may delete e-mail from their Outlook Inbox and Sent Mail. In no case should any e-mails be kept in the Public Official's e-mail folders longer than 2 years.

B. E-mail records are kept for not less than the retention period identified on either the state's general records retention schedule or the City's specific retention schedule. The retention periods apply regardless of the record's medium or method of transmission; the content determines how long the record will be maintained.

RESOLUTION NO. 03-2013

A RESOLUTION OF THE CITY OF CASHMERE, WASHINGTON, REPEALING THE PERSONNEL AND POLICIES MANUAL AND ADOPTING AN EMPLOYEE HANDBOOK AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cashmere adopted a Personnel and Policies Manual in an open public meeting on June 12, 1989; and

WHEREAS, the City Council has determined it is in the best interest of the City to replace the Personnel and Policies Manual with an Employee Handbook in addition to the adopted Union Contract; and

WHEREAS, the City Council has had an opportunity to review the proposed policy set forth in this Resolution and has determined that approval of this Resolution would be in the best interest of the public and will assist the Mayor, Director of Operations, and Clerk-Treasurer in proper management of the employees of the City;

NOW THEREFORE the City Council of the City of Cashmere, Washington hereby resolves as follows:

Section 1. The Employee Handbook as set forth in Exhibit A, attached, is hereby adopted.

Section 2. The Personnel and Policy Manual adopted by the City Council on June 12, 1989 is hereby repealed.

Section 3. Effective Date. This Resolution shall be effective immediately upon passage by the City Council.

APPROVED by the City Council the 25th day of March, 2013.

APPROVED:

Jeff Gomes, Mayor

ATTEST:

Kay Jones, City Clerk-Treasurer

RESOLUTION NO. 04-2013

A RESOLUTION OF THE CITY OF CASHMERE, WASHINGTON, REPEALING THE FIXED ASSETS CAPITALIZATION AND DEPRECIATION POLICY, ADOPTING A NEW FIXED ASSETS POLICY, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cashmere adopted a Fixed Assets Capitalization and Depreciation Policy in an open public meeting on September 12, 1994; and

WHEREAS, the City Council feels it is in the best interest of the City to establish a new Fixed Assets Policy; and

WHEREAS, the City Council has had an opportunity to review the proposed policy set forth in this Resolution and has determined that approval of this Resolution would be in the best interest of the public; and

WHEREAS, a Fixed Asset Policy will assist the City Clerk-Treasurer in proper management of the assets of the City;

NOW THEREFORE the City Council of the City of Cashmere, Washington hereby resolves as follows:

Section 1. The Fixed Asset Policy as set forth in Exhibit A, attached, is hereby adopted.

Section 2. The Fixed Assets Capitalization and Depreciation Policy adopted on September 12, 1994 is hereby repealed.

Section 3. Effective Date. This Resolution shall be effective immediately upon passage by the City Council.

APPROVED by the City Council the 25th day of March, 2013.

APPROVED:

Jeff Gomes, Mayor

ATTEST:

Kay Jones, City Clerk-Treasurer

FIXED ASSET POLICY

PURPOSE

The purpose of the fixed asset policy and procedures is to enable the City to meet statutory requirements, to produce adequate records and reports, and to safeguard assets properly.

DEFINITIONS

"Capital Fixed Assets" are real and personal property and intangible assets, above a specified value, with a reasonably expected life of over one year. Capital assets include land and land rights; buildings and their furnishings, fixtures, and furniture; equipment, machinery, vehicles, and tools.

"Capitalization threshold" is a dollar amount set in a formal policy defining when an item with more than one year of useful life will be classified as a capital asset.

"Cost" is the amount paid to acquire an asset. The cost is based on the actual price paid including related taxes, commissions, installation costs and any other costs related to acquiring the asset or preparing the asset for use.

"Depreciation" is the portion of the cost of a capital fixed asset which is prorated over the estimated service life of the item. Only capital assets of the proprietary funds are depreciated.

"Fixed asset system" is the set of policies, procedures and computer programs used to control the City's fixed assets.

"Physical inventory" is the procedure used to verify the existence of assets on the inventory list by physically observing the assets at their location in the field.

"Small and attractive assets" are real and personal property which have a cost above a specified value and a useful life over 1 year, but which do not meet the cost threshold of a capital fixed asset.

CAPITALIZATION LIMIT

All assets purchased that have a cost of \$5,000 or more and an estimated useful life of over one year shall be capital assets.

SMALL AND ATTRACTIVE ASSETS

Small and attractive assets are items with a cost of \$250 but less than \$5000 and an estimated useful life of over one year. Small and attractive assets are particularly at risk or vulnerable to loss. Each department is ultimately accountable for its small and attractive assets.

Examples of small and attractive assets are:

- Audio and video communication equipment
- Cameras
- Laptops
- Small equipment and tools
- Other easily portable and desirable equipment

FIXED ASSET TRACKING SYSTEM

The City has established a fixed asset database to facilitate tracking, reporting and safeguarding the fixed assets of the City. The database contains the following information for each asset:

- Purchasing fund
- Type of item
- Descriptive name of item
- A unique number for the item
- Location
- Cost
- Date purchased
- Depreciation status (Capital or Non-Capital)
- Vendor name

Reconciliation of the capital assets BARS numbers against the database shall be performed at least annually.

ADDITIONS

A form provided by the administration office and attached as Exhibit A, shall be completed by the purchaser and delivered to administration for each new fixed asset acquired through the normal purchasing procedure. The form will include the category of the asset, purchase information, location of use, serial number, and a description of the asset. A copy of the purchase order shall be attached to the form.

The purchaser shall obtain a City of Cashmere tag containing the unique number of the item and the words "Property of City of Cashmere". When possible the tag shall be placed on the front of the asset for easy viewing. If the sticker is not feasible the number shall be engraved on the item if possible.

PHYSICAL INVENTORY AND DELETIONS

An annual physical inventory of assets shall be performed by each department. Each asset on the department's list shall be verified by direct observation and verification of the asset number, and the condition of the item noted on the form.

Deletion of an asset from the fixed asset tracking system may be requested by the department head when an item is damaged or broken beyond repair or when all efforts to locate the item have been exhausted. Whenever an asset has mysteriously disappeared and all efforts have failed to recover it, the controlling department shall notify the administration office in writing. Missing or damaged items shall be reported immediately. Additional reports may be required for insurance or police report purposes.

ACCOUNTING

Fixed assets shall be reported in the financial software of the City under the appropriate object code for the asset. Small and attractive assets shall be reported under object code 35 and capital assets under object codes 60-64.

CITY OF CASHMERE FIXED ASSET PURCHASE

CATEGORY: SMALL EQUIPMENT
 (Over \$100 + 1 Yr life expectancy)

CAPITAL ASSET
(Over \$5000 + 1 Yr life expectancy)

ITEM DESCRIPTION: _____

SERIAL NUMBER: _____

VENDOR: _____

DATE PURCHASED: _____

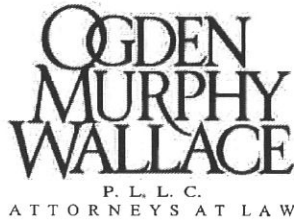
PURCHASE ORDER #: _____ BARS # _____

PURCHASER SIGNATURE _____

****OFFICE USE****

NUMBER ASSIGNED _____

ENTERED IN DATABASE _____



CHARLES D. ZIMMERMAN
czimmerman@omwlaw.com

February 22, 2013

VIA E-MAIL ONLY (MARK@CITYOFCASHMERE.ORG)

Mark Botello
Director of Planning/Building
City of Cashmere
101 Woodring Street
Cashmere, WA 98815

Re: Water Rights Transfer Ordinance

Dear Mark:

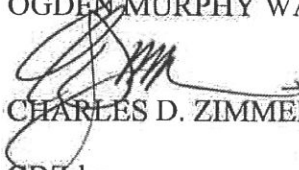
Enclosed is a revised version of the water rights transfer ordinance updated since our first version, which was sent to you on January 28, 2013. The revisions we made were to add a few words to Section 13.10.020(A); add the definition of "potential uses of real property" in Section 13.10.025(A)(2); and revise the first sentence in Section 13.10.025(D) to make reference to the "potential uses of real property" defined term, and to modify the sentence that referred to the annexation of property, which previously provided the default zoning would be single family (SF) Zoning District. We modified this provision with the understanding that the City has, or will be, adopting pre-annexation zoning for all potential annexations or areas which may be considered for extension of City water services.

We considered your suggestion to add a Subsection D to Section 13.10.020 to address the potential for future transfer of water rights or future payment, but determined the most efficient method of addressing this issue was to add the words we added in Subsection A in order to avoid redundant references within the ordinance.

If you have any questions concerning the revised ordinance, do not hesitate to contact me.

Very truly yours,

OGDEN MURPHY WALLACE, P.L.L.C.



CHARLES D. ZIMMERMAN

CDZ:lrc

Enclosure

Established 1902
A Member of the International Lawyers Network with independent member law firms worldwide

ORDINANCE NO. 1211

AN ORDINANCE OF THE CITY OF CASHMERE, WASHINGTON, AMENDING PORTIONS OF CHAPTER 13.10 OF THE CASHMERE MUNICIPAL CODE RELATING TO WATER RIGHTS AND THE TRANSFER OF THE SAME FROM OWNERS OF PROPERTY TO THE CITY UPON ANNEXATION AND/OR DEVELOPMENT AND PROVIDING FOR A FEE IN LIEU OF TRANSFER IN CERTAIN CONDITIONS; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Cashmere (“City”) operates a water utility to provide water service in and throughout the City and City Urban Growth Area; and

WHEREAS, Chapter 13.10 of the Cashmere Municipal Code (“CMC”) contains provisions relating to the City water system; and

WHEREAS, various provisions in Chapter 13.10 CMC identify a “City administrator,” as the individual responsible for administering the Chapter, but such position does not currently exist within the City government; and

WHEREAS, City staff recommend amending Section 13.10.010 CMC to clarify identification of the City employee responsible for administering the water utility code set forth in Chapter 13.10 CMC; and

WHEREAS, Sections 13.10.020 and 13.10.025 CMC currently require that applicants for annexation to the City transfer water rights associated with the property to the City sufficient to support all potential uses of the subject property following annexation; and

WHEREAS, by previously adopting Sections 13.10.020 and 13.10.025 CMC, the City Council recognized the impacts on the City’s water rights arising from annexation and that

addressing said impacts should be the responsibility of the property owner desiring to annex or develop; and

WHEREAS, Sections 13.10.020 and 13.10.025 CMC, presently do not address water right consumption or transfers for properties located within the City Urban Growth Area that are the subject of development applications, including but not limited to short plats, subdivisions, binding site plans, planned developments and other applications; and

WHEREAS, City staff have reviewed the existing requirements and recognize the potential impacts of development activity in the Urban Growth Area on the City's water rights, propose revising Sections 13.10.020 and 13.10.025 CMC, as set forth in this Ordinance, to require transfer of water rights upon annexation or certain qualifying development applications, or, in the alternative, to require payment to the City to enable the City to purchase sufficient water rights to serve the property to be annexed or developed; and

WHEREAS, the City Council concurs with the recommendation of City staff and has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to amend Sections 13.20.010, 13.10.020 and 13.10.025 CMC as set forth in this Ordinance; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF CASHMERE, WASHINGTON DO
ORDAIN AS FOLLOWS:**

Section 1. Section 13.10.010 of the Cashmere Municipal Code is hereby amended to read as follows:

13.10.010 Purpose - Administration

To establish policies and regulations specific to the provision of water utility services within the City of Cashmere. This Chapter shall be administered by the "City Water Code Administrator," or his/her authorized designee, who shall be a person employed by the City and appointed by the Mayor to serve in such capacity. All references to "City administrator"

contained in this Chapter shall be interpreted as a reference to the City Water Code Administrator.

Section 2. Section 13.10.020 of the Cashmere Municipal Code is hereby amended to read as follows:

13.10.020 Water connection outside city limits prohibited – Exceptions.

A. No new water lines and no new water service connections or water utility services shall be allowed, approved, or extended outside the City limits of Cashmere, Washington, unless approved by the Cashmere City Council after receipt of documentation acceptable to the City confirms that either (i) sufficient additional water rights have been or will be transferred to the City to serve and support all potential uses of the real property to which the water service is to be connected, or (ii) payment has been or will be made to the City to enable the City to purchase sufficient additional water rights to serve and support all potential uses of the real property to which the water service is to be connected, all as provided in Section 13.10.025.

B. The rates for water utility services furnished to property located outside the City limits of Cashmere, Washington, shall apply to services and connections until such time as the property is annexed to the City.

C. Water utility services shall not be provided to any property that is not connected to the City of Cashmere wastewater utility service.

Section 3. Section 13.10.025 of the Cashmere Municipal Code is hereby amended to read as follows:

13.10.025 Definitions – Annexation – Determinations of Water Rights and Usage-Transfer of Water Rights Required or Payment in the Alternative – Appeal – Form of Transfer

A. **Definitions.** For purposes of this Section, the following words and terms shall have the following meanings:

1. An “applicant” shall mean the property owner(s) involved in the action that triggers the transfer of water rights under this Section, whether that be through annexation or through a permit or approval process, all as more fully described in this Section.

2. The phrase “potential uses of the real property” as used in this Chapter, shall mean the uses permitted under City zoning regulations applicable to the real property, or in the case of real property proposed for annexation to the City, the uses permitted under City zoning regulations that would apply to the real property upon annexation.

3. A "utility extension" shall mean an extension of domestic water or waste water service by an applicant within the meaning of Chapters 13.01 of the Cashmere Municipal Code, that triggers the requirement for the applicant to enter into a utility extension agreement with the City before the City will provide water service to the applicant.

4. A "water right" shall mean and include all of the various types of water rights or rights to water that are appurtenant to or associated with the real property that is subject to this Section (excluding shares in an irrigation district formed pursuant to RCW Chapter 87.03), and shall include all associated real and personal property interests in and to the water rights at issue, which rights include, but are not necessarily limited to, Permits, Certificates, and Claims issued by or on file with the Washington State Department of Ecology, or any of its predecessors.

B. Annexation. Prior to approval of any annexation of land to the City through a petition method of annexation, water rights associated with the property proposed for annexation shall be transferred to the City, subject to the provisions in this Section. Alternatively, the City and the applicant may enter into an agreement, at the election of the City, for the transfer to the City of the water rights associated with the annexing property at such future point in time as the City determines appropriate. The purpose of the future transfer provision is to accommodate potential delays encountered in the process to transfer the water rights to the City, the submission of an application within the scope of Subsection C below, or continued use of water rights associated with uses in existence at the time of annexation and anticipated to continue until further development of the annexation area property occurs. As part of the agreement, the City may require (a) the applicant to acquire adequate water rights and transfer the same to the City, and/or (b) the applicant to deposit an amount of money into the City water fund not to exceed the payment in lieu of transfer provided in Subsection F, which sum is refundable, without interest, in the event there is a successful transfer of water rights pursuant to the agreement referred to herein.

C. Short Plats, Subdivisions, Binding Site Plans, Planned Developments, and Other Permits.

1. Upon application for a short plat, subdivision, binding site plan or planned development the owner of the property that is the subject of the application shall transfer water rights associated with the property to the City, subject to the provisions in Subsection F, below. Alternatively, at the election of the City, the owner and City may enter into an agreement to transfer the water rights to the City at a later time. The purpose of this deferment provision is to accommodate (a) potential delays encountered in the process to transfer the water rights to the City, or (b) the continued use of the water rights associated with uses in existence at the time of the application and anticipated to continue until further development of the property that is the subject of the application. As part of the agreement, the City may require (a) the property owners to acquire adequate water rights and transfer the same to the City, and/or (b) the property owners to deposit an amount into the City water fund equal to the payment in lieu of transfer provided in Subsection F, which sum is refundable to the extent of the successful transfer of the water rights.

2. Upon application for a building permit (except for a single family residence) on an existing lot of record, the owner of the property shall transfer water rights consistent with Subsection C(1) above or, alternatively, the City may forego the water right transfer and require a payment in lieu of the water right as set forth in Subsection F.

3. As part of the determination made pursuant to this Subsection, the City shall take into consideration and provide appropriate credit for property that previously complied with the provisions of this Section.

D. Water Use Determination. The amount of water rights to be transferred to the City pursuant to Subsection B and Subsection C shall be sufficient to serve the estimated equivalent residential units (“ERUs”) of water usage of the potential uses of the real property in the area that is the subject of the annexation or application based upon the City’s regulations applicable to (or, in the case of an annexation, that will be applicable to) development of the property in effect at the time the petition for annexation or the application is submitted. In the event the applicant desires to irrigate common areas, open space, recreational areas, and the like, with water provided through the City’s domestic system, then the water demand for said features shall be converted to ERUs by the City Water Code Administrator (working with the City Engineer and the City Attorney) for purposes of determining how much additional water the applicant must transfer to the City for said uses. The determination of how much water the City will deliver to the property at issue (expressed in ERUs) shall be made by the City Water Code Administrator (working with the City Engineer and City Attorney) and the determination communicated in writing to the applicant within forty (40) days of the City’s receipt of a valid petition for annexation triggering Subsection B, or a complete application is received triggering Subsection C. In the case of an annexation or the extension of water service outside of the City limits, in no event shall the ERUs of anticipated water usage be less than the number of ERUs required for potential uses of the real property that would apply if the property were annexed. In calculating the amount of water rights that must be transferred to the City, credit shall be provided for any existing and previously approved connections to the City’s municipal water system that are currently in use on the subject property. In addition, if the applicant has an exempt well or wells and desires to transfer the water rights associated with said wells, as currently provided for in RCW 90.44.105, then credit shall also be provided for the water use associated with said wells to the extent the water rights associated with said wells are successfully transferred to the City.

E. Excess Water Rights. To the extent the water rights associated with the subject property exceed the anticipated water usage for the subject property as determined pursuant to Subsection D, and the City is interested in acquiring the excess water rights, the City and the applicant may agree as follows with respect to any such excess water rights: (i) to transfer any amount of the excess water rights to the City and, in exchange, the City shall pay the applicant for the excess water rights to be transferred to the City an amount of money agreed upon by the City and the applicant, or (ii) to transfer the excess water rights to the City in exchange for ERU credits associated with water provided through the City’s domestic water system to be applied to other property owned by the applicant within the City’s approved Urban Growth Area, subject to the provisions of this Section. In the event the excess water rights are transferred to the City, the transfer will be processed simultaneously with and as a part of the transfer process outlined in

Subsection J, and the City shall be responsible for the proportionate share of the transfer costs attributable to the excess water rights, as agreed to by the City. The intent of this Subsection E is to provide the City with a means to acquire excess water rights that are no longer needed by the applicant.

F. Payment in Lieu. In the event: (i) no water rights are associated with the property that is the subject of an annexation or a Subsection C application; or (ii) the water rights associated with said property are less than the City Water Code Administrator (working with the City Engineer and City Attorney) determines to be sufficient to serve the estimated ERUs of anticipated water usage for the property that is subject of to the requirements of this Section as determined by the City Water Code Administrator pursuant to Subsection D; or (iii) the water rights successfully transferred to the City are less than the City Water Code Administrator (working with the City Engineer and City Attorney) determines to be sufficient to serve the estimated ERUs of anticipated water usage for the property that is subject to the requirements of this Section as determined by the City Water Code Administrator pursuant to Subsection D; or (iv) a building permit application is sought (except for a single family residence) and the City does not require water rights to be transferred as set forth in Subsection C(2), then the City may elect to have the owner(s) of the subject property pay to the City, at the then current market value as determined by the City Water Code Administrator (working with the City Engineer and City Attorney), a sum of money that represents the current market value of the water rights the City estimates will be necessary to serve the property as determined in accordance with the provisions of Subsection D of this Section.

G. Payment of Costs. The applicant shall pay the City for all costs associated with (i) the City's determination and evaluation of the anticipated water demand and usage for the subject property and, if determined to be necessary by the City, the current market value of each ERU of water, and (ii) completing the transfer of the water rights to the City consistent with this Section. If the applicant is making a payment to the City in lieu of transferring water rights to the City, then the applicant shall also pay the City's estimated costs of processing the future transfer and acquisition of the water rights. The term "costs" as used in this sub-section shall include, but is not limited to, City staff time, engineering fees, attorneys fees, application fees, Chelan County Water Conservancy Board Fees (if applicable), publication fees, and any other fees or charges associated with processing and recording the transfer and acquisition of water rights.

H. Commitment by City. Effective upon the date the water rights are successfully transferred and conveyed to the City as required by this Section, and for a period of ten (10) years thereafter, the City shall make available to the property that was subject to the application of this Section, water usage in amounts at least equal to the amount of water usage: (i) transferred to the City by the applicant, or (ii) paid for by the applicant pursuant to this Section. The requirement of the City to make available this water usage shall not be construed to require the City to construct any City water system extensions or improvements that may be necessary to serve said property or the applicant. Any such City water system extensions or improvements shall be constructed by the owner of said property at the owner's expense. Nothing herein precludes the City from making commitments to provide municipal water service as part of an annexation agreement, when the owner of property subject to the annexation is required to pay some sum to the City as set forth in Subsection F. In the event (i) a building

permit is denied solely because of water unavailability, and (ii) the property for which said building permit is sought was previously subject to the provisions of this Section resulting in a transfer and conveyance of water rights or the payment in lieu thereof to the City (which payment has not been refunded by the City), then the party seeking the building permit, as the sole and exclusive remedy, shall receive a payment equal to the ERU(s) originally attributed to the property identified in the building permit at the value established at the time of the original application (all as determined by the City Water Code Administrator), without interest from the date of the original application.

I. Appeal. Any decision identified in this Section to be made by the City Water Code Administrator will be reviewed by the City Council; provided the affected applicant serves a written notice to the City requesting the review within 14 calendar days of the issuance of the written recommendation of the City Water Code Administrator. If a written notice requesting review is not timely served upon the City, then the City Water Code Administrator's recommendation shall be the final decision of the City. If a written notice requesting review is timely served on the City, the City Council shall review the recommendation of the City Water Code Administrator and issue a final decision within 30 calendar days of the service of the notice requesting review on the City. Any final decision within the limited scope of this Section may be appealed for abuse of discretion by filing an appeal in the Chelan County Superior Court within 21 calendar days of the date of the final decision.

J. Form of Transfer. The transfer of water rights pursuant to this Section shall be in such forms as may be approved by the City. Owners of property transferring water rights pursuant to this Section shall execute all documents required by the City and/or any other governmental entity that may be necessary to achieve the purposes of this Section. Those documents may include, but are not limited to, change in point of diversion, change in place of use, change in purpose of use, and any other documents or forms. The City will diligently pursue approval of the water right transfer. In order for a water right transfer to be completed, the water right transfer must (a) ultimately be approved by the Department of Ecology and all appeal periods must have expired without challenge, and (b) be changed to a municipal water right. The owner(s) of the property transferring water rights pursuant to this Section must convey the water right to the City by Statutory Warranty Deed or other appropriate conveyance instrument, as determined by the City, upon completion of the water right transfer; provided, however, that the actual conveyance may be delayed to coincide with the City's approval of the petition for annexation or application described in this Section, or as otherwise set forth in an agreement between the property owner(s) and the City.

Section 4. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 5. This Ordinance shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published.

APPROVED:

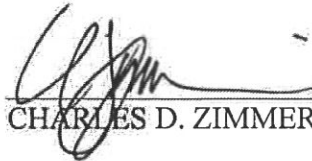
JEFF GOMES, MAYOR

ATTEST/AUTHENTICATED:

KAY JONES, CITY CLERK/TREASURER

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY:



CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK
PASSED BY THE CITY COUNCIL
PUBLISHED
EFFECTIVE DATE
ORDINANCE NO.

: _____
: _____
: _____
: _____
: _____

SUMMARY OF ORDINANCE NO. _____

of the City of Cashmere, Washington

On the _____ of _____, 2013, the City Council of the City of Cashmere, Washington, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF CASHMERE, WASHINGTON, AMENDING PORTIONS OF CHAPTER 13.10 OF THE CASHMERE MUNICIPAL CODE RELATING TO WATER RIGHTS AND THE TRANSFER OF THE SAME FROM OWNERS OF PROPERTY TO THE CITY UPON ANNEXATION AND/OR DEVELOPMENT AND PROVIDING FOR A FEE IN LIEU OF TRANSFER IN CERTAIN CONDITIONS; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 2013.

KAY JONES, CITY CLERK-TREASURER

Staff Summary

Date: March 25, 2013
To: Cashmere City Council
Mayor Gomes

From: Mark Botello
RE: Release of Easement Interest in Old Water Cisterns Located at 306 Valley Street

Please see attached letter from Melinda Birt (daughter of Arnold Samuelsen) in regards to the old City of Cashmere water cisterns located on her property at 306 Valley Street. It is assumed that these two (2) cisterns were constructed by the City shortly after 1907.



The Cashmere Council meeting minutes from May 18th 1907 state the following (minutes attached):

"JW Sherman offered site on the hill east of his residence for placement without consideration moved and seconded report of Committee accepted..."

Prior to the 1907 Cashmere Council meeting, a water works committee group was established to evaluate this property (location) and placement of the subject cisterns and a report was prepared by this committee. However, staff is unable to locate this report. The City has not utilized these cisterns in over 30-years shortly after the current Sherman Reservoir was constructed which is adjacent to Ms. Birt's property as shown above.

Ms. Birt is asking that the City of Cashmere remove the cloud caused by the cisterns from her property, and not remove the cisterns. According to Chelan County Assessor, Ms. Birt and family have been paying property tax on the complete property over the years.



To: Mark Botello

Copy to: Mayor Jeff Gomes

From: Melinda Birt

RE: Old City Cisterns Clouding my property

Dear Mark Botello,

Last I talked to you in your office you requested me to write a letter to you and Mayor Gnomes about how my Dad came by purchasing the property at 306 Valley St.

Dad's Father died when my Dad was 16. My Dad, his mother and his & six siblings were living in a barn, in Cashmere, no property, no credit.

Friends of my Dad found this farm for sale, at that time he was 17 and since He had no credit, He needed help. His mentor was Armen Tertsgian co-founder of Aplets & Cotlets. Armen co-signed a contract for my Dad to buy this farm around 1936-1937.

This was a bad time, no work in Cashmere, after graduation from High School my Dad went to Seattle where he worked full time and went to UDUB part time. He made payments on the farm to provide a home for his Mom & siblings. He spent weekends & off days in Cashmere to work on the farm.

Small world... after college my Dad was a Packaging Engineer for Container Corporation of America. He designed & maintained the packing machines & packing lines for Aplets & Cotlets as part of his territory.

When he bought the farm He was told by everyone involved that the City of Cashmere only had use of the Cistern property " for water works only"... basically an easement, not ownership of the land. He was also told when City of Cashmere was done using the cisterns, they would be removed & that piece of land would be returned to the parent property.

If you look at my Dad's land deed, it gives Him everything except what was given to the City of Cashmere. The only thing given to Cashmere on that deed was the right to use the land for waterworks only. So everything else about that piece of property went to my Dad.

I just found last week that all these years my Family has paid taxes on the land the cisterns sit on, even the years they were used by Cashmere, for the last 3 years after his death, my sister & I have paid taxes on the cistern ground.

I am only asking that the City of Cashmere remove the cloud caused by the cisterns from my property, not the cisterns themselves.

Sincerely.

Melinda Birt Daughter of Arnold Samuelsen



This Indenture, Made this 2nd, 3rd day of April

A. D. 1907 between I. W. Sherman and Ada Sherman His wife

parties of the first part, and Town of Cashmere

party of the second part

Witnesseth, That the said parties of the first part, for and in consideration of the sum of One (\$1.00) Dollars Lawful Money of the United States of America to them in hand paid by the

said party of the second part, do by these presents, grant, bargain, sell, convey and confirm unto the said party of the second part, its heirs, executors, administrators and assigns, the following real estate, lying and being in the County of Chelan, State of Washing-

ton, described as follows, to-wit Begining at a point one hundred (100) feet North of the South-East corner of North-West quarter Section four (4) Township twenty-three (23) N. Range nineteen (19) E. (Center Sec. 4) Thence East One hundred fifty (150) feet Thence North one hundred (100) feet, Thence West one hundred fifty (150) feet, Thence South one hundred (100) feet to point of begining; also a strip of land Ten (10) feet in width extending North from above described tract of land on the West margin of the South West quarter of the North-East quarter of said Section Four, to Valley Street, to be used as a right of way for water mains and any other rights of easement which may be found necessary in the construction and maintainance of a system of

Water works for the City of Cashmere Washington. and for water use, With all and singular the hereditaments and appurtenances to the same belonging or appertaining, the reversion or reversions, the remainder or remainders, rents, issues and profits thereof.

To Have and To Hold, The above granted premises unto the said party of the second part, its heirs, executors, administrators and assigns forever, with all the privileges and appurtenances thereto belonging.

And the said parties of the first part do covenant for themselves and their heirs, executors, administrators and assigns to and with the said party of the second part, its heirs, executors, administrators and assigns as follows:

- 1st. That the said parties of the first part are well seized of the said premises in fee simple, and have good right to convey the same.
- 2nd. That the said party of the second part shall quietly enjoy the said premises.
- 3rd. That the said premises are free from all incumbrances.

The said first Party shall own and shall be required to take care of all over flow and seepage water from said proposed system of water works if any there be, and to hold said town of Cashmere harmless from any and all damages that might result or occur on account of said seepage or overflow of water of said town of Cashmere

4th. That the said parties of the first part will WARRANT and DEFEND the title to the same forever against all lawful claims and demands whatsoever.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed and Sealed in the presence of

W. M. Wheeler
A. C. Jones

I. W. Sherman (Seal)
Ada Sherman (Seal)
(Seal)
(Seal)

State of Washington,
County of Chelan } ss.

I, A.C. Jones, a Notary Public in
and for the State of Washington, residing at Cashmere in said County
do hereby certify that on this 3rd day of April A. D. 1907
personally appeared before me J. W. Sherman and
Ada Sherman his wife



to me known to be the
individual 2 described in and who executed the within Instrument and acknowledged
that they signed and sealed the same as their free and voluntary act and deed for
the uses and purposes therein mentioned.

Given under my hand and official seal, this third
day of April, A. D. 1907

A.C. Jones
Notary Public in and for said State.
Residing at Cashmere
in said County.
Commission expires Feb 12 1910

Warrant Deed

J. W. Sherman and

TO
Town of Cashmere

Chelan 1907

State of Washington,
County of Chelan } ss.

I hereby certify that the within instrument
was deposited and received for record in the
office of the County Auditor of Chelan
County, Wash., on the 4 day of
May A. D. 1908, at 34
min. past 11 o'clock A. M. and at the
request of A. J. Amoo
was recorded in
Vol. 75 on page 573 of
the records of Deeds of said County.

Witness my hand and official seal this
day of

A. D. 1. Jan. 20
County Auditor, Chelan County, Wash.
By J. W. Sherman Deputy.

100-101-102

Cashmere April 14th 1907

Council met in special session for considering report of Langmuir & Phillips in regard to Water System Surveys etc

J. W. Sherman offered bill for building reservoirs and sludge pipe
Thru a committee of three he appointed Carrizo, Dwyer & Stewart for Water System
appointed to adopt the recommendation of J. D. Phillips in regard to the water system. Dwyer & Stewart
W. D. Phillips
Clerk

Cashmere March April 15th 07

Council met in regular session members present: Francis Stewart, Mayor, A. Jones in the place of J. D. Phillips. Minutes of previous meeting read and approved

Committee on purchase of School House reported they had closed the deal and it was moved the report be accepted on a Warrant be drawn in favor of School District No 48 for \$1000 to be paid on demand and one for \$4000 payable two weeks from the date of issue. \$2000 carried forward in minutes of previous meeting. The following bills were allowed and ordered paid
N. B. Walton & W. R. R. Company Freight on Bill \$104.72

Mr. J. D. Jones for services as Clerk of School District No 48 \$400.00
W. D. Phillips Salary \$700.00
W. D. Phillips Salary \$700.00
A. H. Walker Salary \$200.00
Labor on Street \$200.00

Cashman May 14th 1907

Council met in regular session Mayor A. B. Jones Presiding Members present present Francisco Burbank Stewart minutes of previous meeting read and approved motion announced the Liquor License of M. C. McComick be allowed to be transferred to Henry Ellis Carried motion to amend to read when accompanied by a new Bond Carried Moved and seconded a committee be appointed to secure location for pumping plant for water system carried

Francisco Burbank & Long were appointed on that committee The following bills were allowed and ordered paid

- R. H. Mohler \$31.00 ✓
- Bart Seale 19.85 ✓
- J. Q. Stanford 8.35 ✓
- W. H. Hartley 20.00 ✓
- W. B. Phelps 15.00 ✓
- John Titchard 9.00 ✓
- J. E. DeLong 60.00 ✓
- Chas Denton 171.50 ✓

No further business Council adjourned

W. B. Phelps
Clerk

Cashman Wash May 18 1907

Council met in special session Mayor Jones presiding all members present Committee appointed at the last regular meeting to secure location for pumping plant for water system reported they had decided to accept the offer of J. Kuelbs Mr Kuelbs agreed to deed to the town one acre of land on the southern side of the Rail Road opposite the Falls a short distance above the town for the sum of 2,000.00 and on West side for 50.00

J. W. Sherman offered site on the Hill East of his residence for plant without consideration moved and seconded Report of Committee be accepted Carried Council agreed to give W. H. Hartley until the first of October to raise lumber shed no further business Council adjourned
A. S. Burbank Secy
Proctor