



## City of Cashmere

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CASHMERE CITY COUNCIL MEETING  
MONDAY, MARCH 14, 2022, 6:00 P.M., CITY HALL

**THE PUBLIC CAN ATTEND IN PERSON, CALL-IN OR LOG-IN TO ZOOM TO PARTICIPATE IN THE CITY COUNCIL MEETING. PLEASE CALL-IN OR LOGIN 5 MINUTES PRIOR TO MEETING.**

**To Join the Meeting Go To <https://zoom.us>  
Meeting ID: 882 719 9871 Passcode: 788276  
Audio Only: PH# 1-(253)-215-8782**

### **AGENDA**

CALL TO ORDER - ROLL CALL – FLAG SALUTE

EXECUTIVE SESSION – To Discuss Potential Litigation

#### ANNOUNCEMENTS

- Community Forum – March 21, 2022 at 6:00 p.m. at Riverside Center

PUBLIC COMMENT PERIOD (For Items Not on the Agenda)

APPROVAL OF AGENDA

#### CONSENT AGENDA

1. Minutes of February 28, 2022, Regular Council Meeting
2. Payroll and Claims Packet Dated March 14, 2022

#### BUSINESS ITEMS

3. Ordinance No. 1309 Granting legal non-conforming use status for a limited use irrigation only well to be drilled at 300 Sullivan Street
4. Resolution 02-2022 Water Meter replacement
5. Woodard & Curran Operations and Maintenance Agreement

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)**

MINUTES OF THE CASHMERE CITY COUNCIL MEETING  
MONDAY FEBRUARY 28, 2022, AT CASHMERE CITY HALL – In Person and Digital

OPENING

Mayor Jim Fletcher opened the regular City Council meeting at 6:00 p.m. at City Hall. Clerk-Treasurer Kay Jones took minutes.

Public can attend the council meeting in person, by phone or by digital conference.

ATTENDANCE

	<u>Present</u>	<u>Not Present</u>
Mayor:	Jim Fletcher	
Council:	John Perry Chris Carlson Shela Pistoresi - Digital Jayne Stephenson - Digital Derrick Pratt	
Staff:	Kay Jones, Clerk-Treasurer Steve Croci, Director of Operations	Chuck Zimmerman, City Attorney
Planning:	Paul Kinser – Digital Kirk Esmond - Digital Zack Steigmeyer Christina Wollman - Digital	

ANNOUNCEMENTS

No Announcements.

PUBLIC COMMENT

Dean Hills residing at 300 Sullivan Street voiced his concern with the process the City took in passing an ordinance declaring a public health emergency and prohibiting drilling of new wells in the City. Mr. Hills explained that in December, after he received approval from the Department of Ecology, he began drilling an irrigation well for his three adjoining properties. The City made him stop drilling, stating that new wells were prohibited in the city limits. Mr. Hills asked for the ordinance preventing him from doing so, however the City could not provide one.

At the City's regular council meeting in December, the Council approved an ordinance, which was to take effect immediately, prohibiting drilling of new wells in the city limits. Mr. Hills accused the City of acting unlawfully, stating they had no legal right to stop him from drilling the well since there was no ordinance in place at the time to prohibit him from drilling a well. Mr. Hills stated that he did everything right and believed that he should have been grandfathered in and allowed to finish his well.

There was a heated and lengthy discussion. Councilor Pratt argued that the City had made a mistake and that Mr. Hills should be allowed to drill his well as Mr. Hills did everything right and the City did not.

Councilors Stephenson and Carlson both expressed concern the Mr. Hills had stated on the utility locate that he was digging for a flagpole, not a well. Carlson told Mr. Hills that it seemed deceitful, and Stephenson stated that it seemed like Mr. Hills was being dishonest about drilling a well.

The Mayor stated that the topic was not on the agenda, if the council wanted to discuss the topic further or take any action the item would need to be added to the agenda.

MOVED by Councilor Pratt and seconded by Councilor Carlson to add Dean Hills irrigation well as a business item to the agenda. Motion carried unanimously.

Larry Bruehl residing at 107 Evergreen Drive voiced his concern regarding the legal advice the City receives.

#### APPROVAL OF AGENDA

MOVED by Councilor Pratt and seconded by Councilor Carlson to approve the agenda as amended with the addition of Dean Hills irrigation well. Motion carried unanimously.

#### CONSENT AGENDA

Minutes of February 14, 2022, Regular Council Meeting

Payroll and Claims Packet Dated February 28, 2022

Reschedule public hearing for March 28, 2022, at 6:00 p.m. on 5701 Evergreen Dr. petition for annexation

MOVED by Councilor Carlson and seconded by Councilor Stephenson to approve the items on the Consent Agenda. Motion carried unanimously.

#### DEAN HILLS IRRIGATION WELL

The Council continued the discussion on whether to allow Dean Hills to finish drilling and if so, how to modify the ordinance to legally allow him to do so. The Council could not violate the ordinance that was now in place. After a lengthy and heated discussion on how to modify the ordinance Councilor Perry recommended waiting for legal advice to do it correctly. Councilor Pratt argued that Mr. Hills had waited long enough, and he shouldn't have to wait for the City to right a wrong.

Councilor Pistoresi explained that before the Council changed the ordinance to make things right for Mr. Hills, legal advice was needed to make sure the changes are best for everyone.

MOVED by Councilor Perry and seconded by Councilor Pistoresi to table the entire discussion to the following council meeting to seek legal advice. Motion carried with 3 in favor and councilors Pratt and Carlson voting no.

Council Pratt did not want to table the discussion and was adamant that the ordinance was a separate issue, stating Mr. Hills should not have to wait two more weeks to finish drilling his well. He insisted the Council needed to do something that night to allow Mr. Hills to finish drilling his well.

MOVED by Councilor Pratt and seconded by Councilor Carlson to allow Dean Hills to finish drilling his irrigation well. Motion carried with 3 in favor and councilors Perry and Pistoresi voting no.

### JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING – TO SET 2022 WORK AGENDA

The Mayor started the discussion by explaining that there is little room left inside the City for additional growth. Future development will need to occur primarily in the Urban Growth Area (UGA), which is mostly to the southwest of the City. He suggested the Council and Commission decide where the UGA should be in 30 years. Rather than the future growth being dictated by the county and by developers. With a plan, the City can approach Chelan County on how best to manage the UGAs.

There is a wide variety of lot sizes within the City and the Mayor asked the Council and Commissioner to consider what lot sizes should be allowed within the UGA. Director of Operations, Steve Croci, recommended thinking in terms of high, medium and low density. The Director further explained that the City cannot add more UGA until the current areas are developed and the City is not close to doing that. Mayor Fletcher stated growth is happening at a much faster rate than in the past. The Council and Commission need to consider options to make it easier to infill the UGA.

The expansion of sewer and water into developing areas is necessary for the City. However, lot sizes impact the affordability of extending those lines. Higher density development provides more homeowners to help pay for the expansion. Larger lots result in fewer people paying to be connected. The City's planning consultant, Christine Wolman, with Perteet, Inc., described a problem with expanding beyond the UGA. She said that the area surrounding the UGA is primarily comprised of small lots with wells and septic systems. According to Wolman those homeowners will be unlikely to want to pay to be connected to city services.

Based on the discussion, the Cashmere Planning Commission was directed to investigate options for multi-family zones along transportation routes, how to encourage infill, and how to best manage lot sizes. The Planning Commission will continue to work on updating the park plan, which includes the lagoon area in east Cashmere.

### SMALL WORKS CONSTRUCTION CONTRACT FOR WASTEWATER TREATMENT PLANT IMPROVEMENTS

The City requested quotes from the MRSC Roster for electrical improvements to the wastewater treatment plant. The work includes installing electrical components used to monitor the water treatment process. This is an early addition item associated with the budgeted SCADA improvement project. The City received one bid, which was from Farmers Electric in the amount of \$17,144.

Councilor Carlson recommended the last sentence in Section C be amended to read "The Project Work shall be completed by April 1, 2022," striking the rest of the language.

MOVED by Councilor Carlson and seconded by Councilor Pratt to approve the Small Works Construction Contract with Farmers in the amount of \$17,144 with the amendment to Section C. Motion carried unanimously.

### PROGRESS REPORTS

Kay Jones, City Clerk-Treasurer announced that she is speaking with someone interested in being the pool manager. She needs to get her lifeguard certification and her instructors certification updated. Once the certifications are completed, she will be hired to begin working on hiring and training lifeguards.

City Council Minutes  
February 28, 2022

ADJOURNMENT

Mayor Fletcher adjourned the meeting at 7:53 p.m.

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James Fletcher, Mayor

Attest:

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Kay Jones, Clerk-Treasurer

# Staff Summary

**Date:** March 10, 2022  
**To:** City Council  
**From:** Jim Fletcher, Mayor  
**RE:** Contract for Utility Management Services, Woodard & Curran

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The City has completed a process to solicit qualified water and wastewater management services. Statements of Qualifications were received, reviewed and on sit interview were conducted to identify the firm best for Cashmere's situation. Upon selecting Woodard and Curran several meetings were held to further review Cashmere's facilities, operations and needs. A contract proposal was reviewed and negotiated to assure full understanding of responsibilities of Woodard & Curran and by City Staff. Review was also provided by the bond attorney to assure compliance with tax exempt financing and by the City's insurance authority.

Utility management services are sought to provide industry best practices to operate and maintain facilities, assure operations meet all state and federal requirements, provide preventive maintenance, recording of activities, employee training and career opportunities. All services with the fiscal goal of finding efficiencies that assist in controlling future cost increases and slow increases to customer rates.

**Staff Recommendation:**

Approve the Agreement with Woodard and Curran for operations and management of Cashmere's water and wastewater utilities.

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# Staff Summary

**Date:** March 10, 2022  
**To:** City Council  
**From:** Jim Fletcher, Mayor  
**RE:** Water Meter Replacement – Resolution No. 02-2022 Sole Source

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Council previously directed Staff to prepare bid documents for replacing all City water meters with Advanced Metering Infrastructure (AMI) using acoustic meters with a bid alternative to add acoustic leak detection (ALD) that would monitor both customer service and City's distribution lines. It has been determined that only one vendor offers the combination of acoustic meter and acoustic leak detection.

For the following reasons staff recommends the Council select the AMI-ALD product for sole source contract negotiation.

1. Acoustic meters are the most accurate low flow water measuring technology.
2. AMI-ALD provides timely and accurate usage and information and meter alerts that can be used to improve customer service with real time meter reading to close/open accounts, reduce adjustments on water bills and detect customer service problems such as:
  - a. Leak: Alert of continuous flow for the past 24 hours
  - b. Burst: Indicating 30 minutes of high flow
  - c. Dry: Indication of air in the pipe, no fluid or a frozen meter
  - d. Reverse Flow: Indicating water is running in the opposite direction of normal flow. May indicate a review is needed of a backflow prevention device.
  - e. Tamper: Indication that electronics or meter has been compromised
  - f. Overflow: Indicating the flow exceeded the rated maximum flow rate for the meter size
3. AMI telemetry is encrypted providing enhanced security from interference with other communication devices.
4. At present the City water loss is about seven percent (7%) of the average daily supply of 620,000 gallons or about 43,000 gallons of water lost each day. Average family water uses about 300 gallons per day. While many leaks may be small identifying those approximate locations enables monitoring and planning for repairs.

**Staff Recommendation:**

MOVE to approve Resolution No. 02-2022 Declaring A Sole Source supply for Kamstrup acoustic leak detection meters, authorizing the Mayor and staff to negotiate an agreement for the purchase and installation of Kamstrup ALD water meters from correct Equipment, Inc.

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**RESOLUTION NO. 02-2022**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASHMERE, WASHINGTON, DECLARING THAT ACOUSTIC LEAK DETECTION (“ALD”) AS A COMPONENT OF ADVANCED METERING INFRASTRUCTURE (“AMI”) WITHIN WATER METERS IS CLEARLY AND LEGITIMATELY LIMITED TO A SINGLE SOURCE OF SUPPLY, KAMSTRUP, AS REPRESENTED EXCLUSIVELY IN THE NORTHWEST BY VENDOR, CORRECT EQUIPMENT, INC. AND AUTHORIZING THE MAYOR AND CITY STAFF TO NEGOTIATE AN AGREEMENT FOR THE PURCHASE AND INSTALLATION OF KAMSTRUP WATER METERS FROM CORRECT EQUIPMENT, INC.**

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WHEREAS, the City Mayor and staff have studied the issue of whether Acoustic Leak Detection (“ALD”) within the City lines is available from multiple manufacturers and has found that the ALD feature is limited at the present time to only Kamstrup Water Meters; and

WHEREAS, the Kamstrup ALD feature is a unique attribute that will enable the water meters to detect leaks within the City water lines; and

WHEREAS, some of the City water lines are old and the City recently experienced a leak in a water line which it was unable to timely locate and repair; and

WHEREAS, the ALD feature is an important feature for the City because of the age of the City water lines and because this technology is the most up to date technology; and

WHEREAS, the City intends to replace all of its approximately 1200 water meters and the Mayor and City staff recommend that the City utilize the best available technology in this process; and

WHEREAS, the Kamstrup Water Meters with the ALD feature are available only through Kamstrup’s northwest area vendor, Correct Equipment, Inc., located in Redmond, Washington; and



WHEREAS, Correct Equipment, Inc. will remove the existing meters, and replace them with the new Kamstrup ALD feature meters without the necessity of involving a third party contractor; and

WHEREAS, the Mayor and City staff recommend that the City Council authorize the Mayor and City staff to negotiate an agreement with Correct Equipment, Inc. of Redmond, Washington for the purchase and installation of the Kamstrup ALD feature Advanced Metering Infrastructure (“AMI”) meters; and

WHEREAS, the City Council concurs with the recommendation of the Mayor and City staff and finds that passage of this Resolution and purchase and installation of the Kamstrup ALD feature AMI water meters is in the best interest of the City water customers; NOW THEREFORE,

**THE CITY COUNCIL OF THE CITY OF CASHMERE, WASHINGTON, HEREBY RESOLVE AS FOLLOWS:**

Section 1. Pursuant to RCW 39.04.280(1)(a), the City Council finds that the ALD feature AMI water meters are clearly and legitimately limited to Kamstrup as a single source of supply for this technology and that Correct Equipment, Inc. is the exclusive vendor for Kamstrup in the northwest.

Section 2. The Mayor and City staff are authorized to negotiate the terms of an agreement between the City and Correct Equipment, Inc. for the purchase of approximately 1200 ALD feature AMI water meters and for their installation in the City.

Section 3. Final approval of the negotiated agreement is subject to review and approval by the City Council.

Section 4. This Resolution shall be effective immediately upon passage by the City Council.

APPROVED BY the City Council at an Open  
Public Meeting the 14<sup>th</sup> day of March, 2022.

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MAYOR JAMES FLETCHER

ATTEST/AUTHENTICATED:

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KAY JONES, CITY CLERK/TREASURER

# Staff Summary

**Date:** March 10, 2022

**To:** City Council

**From:** Jim Fletcher, Mayor

**RE:** Ordinance No. 1309 Granting Legal Non-Conforming Irrigation Well

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Ordinance No. 1309 confirms a legal non-conforming status to the exempt irrigation well on property owned by Dean Hill.

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**ORDINANCE NO. 1309**

**AN ORDINANCE OF THE CITY OF CASHMERE, WASHINGTON, GRANTING LEGAL NON-CONFORMING USE STATUS FOR A LIMITED USE IRRIGATION ONLY WELL TO BE DRILLED AT 300 SULLIVAN STREET IN THE CITY SUBJECT TO CONDITIONS IN THE ORDINANCE.**

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**WHEREAS**, effective December 13, 2021, the City Council pursuant to passage of City Ordinance No. 1308 which is now codified in Cashmere Municipal Code Section 13.10.035, prohibited drilling of new water wells in the City and declared the City to be the exclusive provider of water within the City; and

**WHEREAS**, a dispute has arisen between the owners of the properties located at 300 Sullivan Street, 302 Sullivan Street, and 712 Pioneer Street, as those properties are legally described in Exhibit "A" to this Ordinance (collectively the "Property") and the City concerning whether the owners should be granted legal non-conforming use status for purposes of continuing to drill a well with the conditions set forth in this Ordinance; and

**WHEREAS**, the City Council finds that a well on the Property used for the sole purpose of providing irrigation water to the Property pursuant to the terms of this Ordinance will not create a public health risk in the City; NOW, THEREFORE

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

**Section 1.** The City of Cashmere ("City") consents to the drilling of a well for the sole purpose of providing irrigation use only water to serve the Property, as the Property is legally described in Exhibit "A" to this Ordinance, as due to the timing of the initial effort to drill the well, it is hereby deemed a legal non-conforming use. The well shall under no circumstances be used for domestic consumption. The City consent for this well to be drilled and used is subject to the remaining provisions of this Ordinance.

**Section 2.** In the event the City Council later finds a risk to public health to the City domestic water system users exists because of the connection of the irrigation well serving the Property to the aquifer below the City from which the City wells draw water, the legal non-conforming use status of the well may be withdrawn by the City Council by passage of an Ordinance containing such findings and the owners of the Property shall immediately abandon the

use of the well and decommission the well in accordance with applicable laws, rules, and regulations in effect at that time. The risk of drilling the well and having to abandon its use and to decommission the well is a risk of the Property owner which will not be compensated by the City.

**Section 3.** Nothing in this Ordinance creates, interprets, or otherwise confers water rights or permits water usage by the City to the owners of the Property. If the well is permit exempt pursuant to RCW 90.44.050 (and therefore is not operating under a water right permit, certificate, or claim issued by Washington State Department of Ecology), use of the well shall be limited to 5,000 gallons per day for the irrigation of one-half acre of non-commercial lawn and garden located on the Property (all three lots combined). The well is prohibited from impacting senior water right holders including, but not limited to, the City.

**Section 4.** Nothing in this Ordinance shall be used as a precedent for individuals to request or for the City Council to grant future exceptions to the provisions of City Ordinance No. 1308 as codified in Cashmere Municipal Code Section 13.10.035.

**Section 5.** This is a special Ordinance of the City that shall not be codified as part of the Cashmere Municipal Code.

**Section 6.** The City Clerk-Treasurer is hereby directed to mail a copy of this Ordinance to the current owners of the Property to provide the owners with notice of this formal action of the City.

**Section 7.** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or the constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 8.** 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:

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MAYOR JAMES FLETCHER

ATTEST:

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CITY CLERK KAY JONES

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

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CHARLES D. ZIMMERMAN

PASSED BY THE CITY COUNCIL:	3/14/2022
PUBLISHED:	3/23/2022
EFFECTIVE DATE:	3/28/2022
ORDINANCE NO.	1309

## EXHIBIT "A"

### 300 Sullivan Street

Assessor's Parcel No. 231905520060

That part of Lot 4, Cashmere Park, according to the plat thereof recorded in Volume 2 of Plats, page 32, described as follows: Beginning at the northwest corner of said Lot 4 and run east along the north line for 25 feet to the true point of beginning; thence continue along said north line for 100 feet; thence south parallel with the west line of said Lot for 87 feet; thence west parallel with said north line of said Lot for 100 feet; thence north 87 feet parallel with the west line of Lot 4 to the true point of beginning.

### 302 Sullivan Street

Assessor's Parcel No. 231905520045

That part of Lot 4, Cashmere Park, Chelan County, Washington, according to the plat thereof recorded in Volume 2 of Plats, Page 32, described as follows: Beginning at the Northwest corner of said Lot 4; thence East along the North line for 25 feet to the True Point of Beginning; thence continue along said North line for 100 feet; thence South parallel with the West line of said lot 151.3 feet; thence West parallel with the said North line of said lot for 100 feet; thence North 151.3 feet parallel with the West line of

Lot 4 to the True Point of Beginning, EXCEPT the North 87 feet thereof.

712 Pioneer Street  
Assessor's Parcel No. 231905520065

PARCEL 1:

Garage and Lot

Part of Lot 4 of Cashmere Park, Chelan County, Washington, according to the recorded plat thereof, described as follows: Commence at the northwest corner of said lot and run thence east on the north line thereof for 175 feet to the true point of beginning; thence continue east on said north line for 51.0 feet; thence run south on a line parallel with the west line of said lot for 151.3 feet; thence run west, parallel with the north line of said lot for 50 feet; thence run north to the true point of beginning.

PARCEL 2:

House and Lot

Part of Lot 4 of Cashmere Park, Chelan County, Washington, according to the recorded plat thereof, described as follows: Commence at the northwest corner of said lot and run east on the north line thereof for 125 feet to the true point of beginning; thence continue east on said north line for 50.0 feet; thence run south on a line parallel with the west line of said lot for 151.3 feet; thence run west parallel with the north line of said lot for 50.0 feet; thence run north to the true point of beginning.