

**MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF DIRECTORS
WENATCHEE RECLAMATION DISTRICT
THURSDAY, MAY 9, 2019
8:00 A.M.
DISTRICT OFFICE**

Present:	Alan H. Witte	President
	Lynn O. Smith	Director
	Donald E. VanWinkle	Director
	Waylon Marshall	Manager
	Andy Sanders	Assistant Manager
	David E. Sonn	Attorney
	Bill Stoner	Canal Patrolmen
	Vicki Martz	Guest
	Alice M. Meyer	Secretary

Moved by VanWinkle, seconded by Smith, and carried that the minutes of the regular meeting of April 11, 2019 be approved as submitted.

The Report of Office Collections in the amount of \$145,492.30 for the month ending April 30, 2019 was submitted to the Board of Directors and thoroughly reviewed.

The Report of Assessment Collection as of April 30, 2019 was submitted to the Board of Directors and thoroughly reviewed.

The Monthly Financial Report for the month ending April 30, 2019 was submitted to the Board of Directors and thoroughly reviewed. Secretary noted that the investment interest for April is not reported in this report.

Marshall stated that earlier this year he and Meyer met with Washington State Department of Transportation (WSDOT) regarding a Roundabout & Access Control at SR 28 and 35th Street. The proposal calls for a Gabion Wall to be located in the SW Corner of SR 28 and 35th Street on the District's right-of-way. After further investigation provided by Deanna Nicolas, WSDOT Property & Acquisition Specialist, WSDOT reported that the District has fee ownership of this area. WSDOT is presenting an Administrative Offer Summary for a 97 Sq Ft Permanent Easement to install and maintain a retaining wall plus an ADA compliant pedestrian ramp that should not result in any significant changes and a 2,957 Sq Ft two-year Temporary Construction Easement. WSDOT Acquisition Compensation will be \$3,900. If the District rejects this offer WSDOT will use its right of eminent domain to acquire the property for public use. Marshall displayed pictures of the area noting that the District has no concerns and that a wall will be an added benefit. Discussion ensued.

Moved by Smith, seconded by VanWinkle, and carried that Alan H. Witte, as President of the Board and under the authority of R.C.W. 87.03.115, execute all necessary documents for the WSDOT Roundabout & Access Control at SR 28 and 35th Street.

Vicki Martz, water user 525 Sage Hills Drive, arrived 8:18 a.m the following summarizes her statements.

Martz asked that since this is an open public meeting, she would like to record her portion of the meeting. There is no objection. Martz began by noting that she is part of a not for profit lateral system that runs South of Fifth Street to Number 1 Canyon. Martz provided a brief history of the lateral association named Number 1 Canyon Water Users. Martz noted that there are, what she called, "Rogue Members" within this association that are dishonest and has depleted their bank account. Currently, the association by-laws only give voting rights to a few members. Martz stated that she has tried to work with the association to change the by-laws in order for all members to have voting rights.

Several years ago, Martz gave verbal permission for Number 1 Canyon Water Users to place a booster pump on her property with no promises for the longevity of the pump. Martz' attorney requested the association enter into an agreement or easement for the pump. The association sent Martz a threatening letter stating that the language within the Water Right Agreement Dated January 31, 1977 provides an easement to the pump and if she adversely impacts the pump in anyway the association would take her to court. Martz had several copies, that she had retyped, of the language in what she noted as paragraph 2 of the wording in question. Martz began to read aloud her interpretation of the wording. Martz stated that she and her attorney were shocked at the language in the Water Right Agreement and had asked for clarification from the District in a meeting she had with Marshall and Meyer on April 17, 2019. Marshall stated that he requested Martz to give him 30 days, so that he could speak with the District's Attorney who, at the time was unavailable. Martz agreed to wait 30 days. However, Marshall stated that Martz' attorney reached out to Attorney Sonn prior to the 30-day allowance. Attorney Sonn spoke with the attorney for Martz. Martz suggested that the district amend the agreement. Attorney Sonn noted that the same Water Right Agreement has been in place for years and governs the rights to thousands of water users. The change suggested by Martz was therefore not practicable.

Martz would like clarification from the District, not the association, of the intent of the wording in the Water Right Agreement. In her mind, rights-of-way are given only to the District. Attorney Sonn stated that he would not give an opinion to benefit Martz. Attorney Sonn stated that this is a civil matter and needs to be worked out between the association and Martz.

Martz asked if her property was inside or outside the District in 1977? Attorney Sonn asked if she was referring R.C.W. Title 90 or 87 or to define what was being asked. Martz could not define the question. Marshall questioned how this would affect the booster pump?

President Witte asked if it was reasonable to assume that if the booster pump was moved to the property line the situation might be resolved. Discussion followed.

Martz thanked the Board and left the meeting at 9:20 a.m.

Marshall stated that the Lessee at 900 S. Wenatchee Avenue was in earlier in the month and presented two estimates to repair the roof. The District was not aware that there was an issue. Marshall and Sanders went to investigate and noted that the roof does need some attention. Marshall presented pictures. There is asphalt missing at the joint liners and the grease from the vent hood is destroying the roofing. Marshall noted the District employees could probably do some of the work, but there are a few areas that would be a concern. Marshall stated that he could seek a couple more estimates for the repair since the estimates that were presented ranged between \$10,000 – \$13,500. Discussion followed on the best use of the property.

Marshall presented a five-year cost analysis to hire an addition maintenance person. Discussion followed.

The Board asked that the Marshall and Meyer prepare a 5, 10- and 20-year average projection of income and expenses to be presented at the July Board of Directors meeting.

Marshall stated that he and Meyer have compiled an Employment and Personnel Policies Manual for review. Attorney Sonn stated that an attorney at his firm who handles employment law should review the manual. This item is tabled until the July meeting.

Marshall mentioned that he has a canal patrolman/maintenance person that he will be promoting to the Foreman/Maintenance position. A 5% raise will be given along with the promotion. The Board expressed their approval.

A Lease renewal with Checker's Drive In was signed.

A Water Right Agreement for 1.00 share from the city of East Wenatchee to the city of East Wenatchee was signed.

Revolving Fund Checks Nos. 10096 through 10136 for Accounts Payable in the amount of \$65,853.23 were approved for payment.

Revolving Fund Checks for payroll and payroll benefits for April in the amount of \$103,706.67 were approved for payment.

There being no further business to come before the Board of Directors, meeting adjourned at 11:00 a.m.



PRESIDENT Pro-Tem

ATTEST: 

SECRETARY

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