

**PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY
203 OLDS STATION ROAD
WENATCHEE WA 98801**

REGULAR COMMISSION MEETING

JUNE 2, 2025

STUDY SESSION

10:00 AM

1. Pledge of Allegiance and Safety/H&OP Minute – Kirsten Cox
2. Approval of the Agenda
3. Large Load Framework and Draft Microsoft Agreement
Proposed motion: To approve the proposed outreach plan and to set a rate hearing on June 16, 2025 at 1:00 pm to consider changes to Rate Schedules 4 and 36
4. Draft Helion Lease Agreement
5. Parks Update
6. Fifth Street Redevelopment Update
7. Public Comment
Time for public comments or questions related to matters not covered by the agenda

BUSINESS SESSION

1:00 PM

Consent Agenda

8. Minutes of the May 13, 2025 and May 14-15, 2025 Special Meetings and the May 16, 2025 Regular Meeting
9. Vouchers: Accounts Payable Summary Report dated May 27, 2025:
 - a. Vouchers totaling \$17,228,346.51;
 - b. Approval of Customer Deposit Returns and Conservation Incentive payments for the period May 13, 2025 through May 26, 2025 in the amount of \$12,262.03.
 - c. Approval of the net Payroll, Warrant Nos. 238768 through 238778 and Advice Nos. 800211 through 801080 for the pay period ending May 23, 2025 in the amount of \$2,893,980.19.

REGULAR COMMISSION MEETING AGENDA

June 2, 2025

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- d. Approval of Warrant Nos. 33134 through 33205 totaling \$16,880.23 for claim payments from the workers' compensation self-insurance fund for the period ending May 26, 2025.
 - e. Approval of Parks Reservation System customer refunds for the period May 13, 2025 through May 26, 2025 in the amount of \$1,890.00.
10. A RESOLUTION RATIFYING FIELD WORK ORDER NO. 1, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER CONTRACT NO. 24-13516 WITH WIRELESS STRUCTURES CONSULTING, INC. DBA WESTERN UTILITY TELECOM, INC. OF SALEM, OREGON AND AUTHORIZING PAYMENT OF RETAINAGE

Regular Agenda

11. A RESOLUTION APPROVING A TEMPORARY WATER RIGHT AGREEMENT BETWEEN THE REGIONAL WATER SYSTEM MEMBERS AND CROWN COLUMBIA WATER RESOURCES, LLC
12. A RESOLUTION RATIFYING CHANGE ORDER NOS. 1 THROUGH 3 AND APPROVING CHANGE ORDER NO. 4 FOR CONTRACT NO. 23-12793 WITH CANYON FENCE LLC OF CASHMERE, WASHINGTON FOR UNIT PRICE FENCING SERVICES
13. Manager Items
14. Commissioner Travel
15. Commission Items
- a. Public Works Board
16. Follow-up on Delegation of Action Items from Previous Board Meeting
17. Delegation of Action Items
18. Additional Public Comment
19. Matters of general business as may necessarily come before the Commission
20. Executive Session: To discuss with legal counsel agency enforcement actions, litigation, potential litigation to which the District or its board is, or is likely to become, a party, and/or legal risks, as authorized by RCW 42.30.110(1)(i) for ____ minutes

This agenda and resolutions (if any) may be revised by the Commission as appropriate.

RESOLUTION NO. _____

A RESOLUTION RATIFYING FIELD WORK ORDER NO. 1, AUTHORIZING FINAL ACCEPTANCE OF WORK PERFORMED UNDER CONTRACT NO. 24-13516 WITH WIRELESS STRUCTURES CONSULTING, INC. DBA WESTERN UTILITY TELECOM, INC. OF SALEM, OREGON AND AUTHORIZING PAYMENT OF RETAINAGE

FACTUAL BACKGROUND AND REASONS FOR ACTION

The District Commission by Resolution No. 17-14215 delegated authority to the General Manager to advertise, award and execute contracts when the total contract price is \$3,000,000 or less. Authority was also granted to the General Manager and the staff to execute field work orders under certain circumstances.

On November 29, 2024, the District entered into a contract (Bid No. 24-13516) with Wireless Structures Consulting, Inc. dba Western Utility Telecom, Inc. (Contractor) of Salem, Oregon for the Bavarian and Confluence Parkway - Supply of Steel Structures, in the amount of \$660,769.00. This contract was advertised for public bid and awarded as required by RCW 54.04.070 and .080.

The work in Field Work Order No. 1 consists of conditions and work not anticipated or included in the original contract, but within the scope of the contract. The District's staff has executed Field Work Order No. 1, which is on file in the offices of the District and summarized as follows:

Change Order No.	Amount
1. Provide new design for South Confluence Parkway Structure 0/10 and updated requirements for climbing, grounding pads, foundation, welding procedures, cross section, and slip joint verification.	\$89,906.00
Total	\$89,906.00

Field Work Order No. 1 results in a net increase in the contract price of \$89,906.00, for a total revised contract price of \$750,675.00 (excluding sales tax), which the District's Engineers recommend be ratified. Resolution No. 17-14215 requires that this type of field work order be presented to the Commission for approval as part of the final acceptance resolution.

District staff has determined that the completion of all contract work occurred on May 20, 2025. In accordance with the terms of the contract, retainage in an

amount not exceeding 5% of the contract price has been withheld from the Contractor.

The General Manager of the District concurs with staff's recommendations that the District accept the work performed by the Contractor, ratify Field Work Order No. 1, and authorize the payment of retainage due the Contractor subject to the requirements of the contract and state law.

ACTION

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON, as follows:

Section 1. Field Work Order No. 1 to Contract No. 24-13516 with Wireless Structures Consulting, Inc. dba Western Utility Telecom, Inc. for the work specified above, which will result in a net increase in the contract price of \$89,906.00, for a total revised contract price of \$750,675.00 plus Washington State sales tax, are hereby ratified.

Section 2. All the contract work required under Contract No. 24-13516 was completed on May 20, 2025 and the same is hereby accepted, subject to Section 3 hereof. Payment of retainage to the Contractor, in the amount determined by the District's auditor to be due, is authorized to be paid to the Contractor subject to Sections 3 and 4 hereof and the provisions and limitations of Chapter 39.12 RCW (Prevailing Wages on Public Works) and Chapter 60.28 RCW (Liens for Labor, Materials and Taxes on Public Works).

Section 3. This resolution shall not constitute an acceptance by the District of any work performed or goods supplied pursuant to the contract which are not in strict compliance with the contract terms and conditions.

Section 4. After the expiration of the forty-five (45) day period for giving the District notice of lien and after receipt of the Department of Revenue's certification of the Contractor's payment of taxes, the Employment Security Department's Certificate of Payment of Contributions, Penalties and Interest on Public Works Contracts, and the Department of Labor & Industries' Certificate of Release of the State's Lien on Public Works Contracts, and the District being satisfied that taxes certified as due or to become due are discharged and the filed claims of materialmen and laborers, if any, together with a sum sufficient to pay costs of foreclosing the liens and attorneys' fees have been paid, the District's General Manager is authorized and directed to withhold from the remaining retained amounts for claims the District may have against the Contractor, and the balance shall be paid to the Contractor. In the event said taxes, claims, expenses and fees have not been paid, the General Manager is authorized and directed to withhold an amount equal to unpaid taxes and unpaid claims, together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and the balance shall be paid to the Contractor.

DATED this 2nd of June 2025.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

ESOLUTION NO. _____

A RESOLUTION APPROVING A TEMPORARY WATER
RIGHT AGREEMENT BETWEEN THE REGIONAL
WATER SYSTEM MEMBERS AND CROWN
COLUMBIA WATER RESOURCES, LLC

FACTUAL BACKGROUND AND REASONS FOR ACTION

The District entered into a Water Contract – Regional Water System (“Contract”) with the City of Wenatchee and the East Wenatchee Water District to collectively form the Regional Water System (“Regional”) effective January 1, 1999, as amended.

In 2012, Regional purchased additional water rights from the Pioneer Water Users Association (“Pioneer”). In total, 6,186.71 acre-feet (1,769.63 acre-feet consumptive use) were purchased to provide continuous municipal supply.

The Regional members agreed to place the water rights into a temporary Trust Water Right because Regional did not have a present need for the additional water rights purchased for municipal supply.

Pursuant to a request from Crown Columbia Water Resources, LLC (“Crown”) to use a portion of the Pioneer water rights on a temporary basis as mitigation for the issuance of new, temporary water rights by the Department of Ecology, the Regional members entered into a Temporary Water Right Mitigation Agreement (“Temporary Agreement”) with Crown on May 17, 2016, which was effective through August 26, 2022 and was amended at various times, extending the Temporary Agreement through the 2025 irrigation season.

Crown has requested to continue use of the water rights for the next four (4) irrigation seasons (April 1, 2026 – October 15, 2029). The parties agree that a new agreement, the 2025 Temporary Water Right Agreement, should govern the relationship between the Parties concerning the new request.

The Regional members have been represented in these negotiations by Peter Fraley of the law firm Ogden Murphy Wallace, PLLC. District staff reviewed the proposed 2025 Temporary Water Right Agreement and recommend that it is in the best interest of the District to approve the Agreement.

The General Manager has reviewed the District staff’s recommendation and concurs with the same.

ACTION

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT
NO. 1 OF CHELAN COUNTY, WASHINGTON, as follows:

Section 1. The Commission hereby approves the 2025 Temporary Water Right Agreement and authorizes the General Manager to execute said Agreement on behalf of the District as a member of the Regional Water System.

Section 2. The Commission hereby delegates to the General Manager, or his designee, the authority to execute any and all necessary and customary documents to take any and all necessary actions to effectuate the 2025 Temporary Water Right Agreement.

Dated this 2nd day of June 2025.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION RATIFYING CHANGE ORDER NOS. 1 THROUGH 3 AND APPROVING CHANGE ORDER NO. 4 FOR CONTRACT NO. 23-12793 WITH CANYON FENCE LLC OF CASHMERE, WASHINGTON FOR UNIT PRICE FENCING SERVICES

FACTUAL BACKGROUND AND REASONS FOR ACTION

The District Commission by Resolution No. 17-14215 delegated authority to the General Manager to advertise, award and execute contracts when the total contract price is \$3,000,000 or less. Authority was also granted to the General Manager and the staff to execute change orders under certain circumstances.

On November 2, 2023, the District entered into a contract (Bid No.23-12793) with Canyon Fence LLC of Canyon Fence LLC for Unit Price Fencing services in the amount of \$196,800. This contract was advertised for public bid and was awarded as required by RCW 54.04.070 and .080. The bid by the Contractor was the low bid and met the District's specifications.

Change Orders to be Ratified

The work in Change Order Nos. 1 through 3 consists of conditions and work not anticipated or included in the original contract but within the scope of the contract. The District's staff has executed Change Order Nos. 1 through 3, which are on file in the offices of the District and summarized as follows:

Change Order	Description	Amount
1	Add Unit Price Items	\$0
2	Extend Contract Term and Increase the Not-to-Exceed Price	\$250,000
3	Annual Price Adjustments – Year 2	\$0
Total:		\$250,000

Change Order Nos. 1 through 3 resulted in a net increase in the not-to-exceed contract price by \$250,000 for a revised not-to-exceed contract price of \$446,800 (excluding sales tax), which District staff recommends be ratified.

Proposed Change Order for Approval

Additionally, District staff recommends execution of Change Order No. 4 to increase the not-to-exceed contract amount by \$423,200, resulting in a revised total of

\$870,000 (excluding sales tax), and to extend the contract term through November 14, 2026.

The General Manager of the District concurs with staff's recommendations that Change Order Nos. 1 through 3 be ratified, and that Change Order No. 4 be approved.

ACTION

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON, as follows:

Section 1. The Commission finds that Change Order Nos. 1 through 3 were properly executed pursuant to the authority delegated by Resolution No. 17-14215 and said Change Orders are hereby formally acknowledged and ratified.

Section 2. The General Manager of the District is hereby authorized to execute Change Order No. 4 extending the contract term to November 14, 2026 and revising the not-to-exceed contract amount to \$870,000 (excluding sales tax). A copy of the Change Order shall be on file in the offices of the District.

DATED this 2nd day of June 2025.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

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