



CITY OF MATTAWA
COUNCIL MEETING AGENDA
August 21, 2025
5:30 P.M.

Call to Order:

Roll Call: Mayor Maria Celaya, Sun Hwang, Brian Berghout, Silvia Barajas, Tony Acosta,
Alex Heredia, Fabiola Hernandez, Wendy Lopez

I. Additions/Approval of Agenda:

II. Public Comments:

III. Presentation:

- Our Lady of the Desert Parish – Jaripeo (Rodeo)

IV. Consent Agenda/Informational:

- Minutes- Council Meeting Minutes 08.07.25
- Gray & Osborne Project Summary 08.13.25
- Mattawa Code on Cattle
- 2025 Claims EFT & Checks Approval #21193-21215 -- \$49,414.64
- 2025 Payroll EFT Approval -- \$7,400.00

V. Reports:

Mayor Report

Council Report

Police Department Report

Public Works Department Report

VI. Council, Items for Motion (Old Business):

None.

VII. Council, Items for Motion (New Business):

- 1. Change Order #2 - WWTF Improvements**
- 2. Change Order #3 - WWTF Improvements**
- 3. Change Order #4 - WWTF Improvements**
- 4. Well 2 Re-Equipping - Progress #9**
- 5. WWTF Improvements - Progress #14 (Approval contingent on Startup and Testing Plan & updated schedule from contractor.)**
- 6. CDBG Grant Application & Submittal**
- 7. Food Vendors - Council Discussion**

VIII. Executive Session (RCW 42.30.110 (g) Review performance of public employee)

IX. Adjournment:



**CITY OF MATTAWA
COUNCIL MEETING MINUTES
August 07, 2025
5:30 PM**

Call to Order/Roll Call

Mayor Maria Celaya called the council meeting to order at 5:30 p.m. Council members present were Sun Hwang, Brian Berghout, Silvia Barajas, Tony Acosta, Alex Heredia, Fabiola Hernandez, Wendy Lopez.

Staff present – Police Chief Alex Zesati, Public Works Director Juan Ledezma, City Clerk Anabel Martinez

Others present—City attorney Katherine Kenison, Jamin Ankney (G & O), Rachele Bradley (SCJ Alliance)

~ ~ ~ ~ ~

I. Additions/Approval of Agenda:

**M/s; Hwang / Barajas motion to remove items #2 & #3 from items for motion and approve tonight’s agenda. Motion carried. (No vote from councilman Berghout, connection difficulties)

II. Public Comments:

**None

III. Consent Agenda/Information

- Minutes – Council Meeting 07.17.25
- Gray & Osborne Project Summary 07.23.25
- SCJ Alliance – Monthly Update 07.31.25
- Revenue & Expenditures YTD Report
- 2025 Claims EFT & Checks Approval #21168-21192 -- \$178,529.28
- 2025 Payroll EFT & Checks Approval #32044-32051 -- \$106,219.13
- Treasurer Report

** Approval of Claims, Prepaid Claims, and Payroll Vouchers audited and certified by the City Clerk as required by RCW 42.24.080, and those expense reimbursement claims, certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Council for approval and is retained for public inspection at city hall.

** As of August 7th, 2025, the Council approved payment of 2025 Claims Checks Approval #21168-21192 in the amount of \$178,529.28, 2025 Payroll EFT & Checks Approval #32044-32051 for \$106,219.13.

***** M/s; Acosta / Hwang motion that bills, checks, payroll, 07.17.25 meeting minutes, treasurer report be approved. Motion carried.***

IV. Reports:

SCJ Alliance Report

- **Rachell spoke on the project status report.
- **Climate grant- finished full draft by end of June.
- **Working on development regulations.
- **Received a request from hearing examiner 2.44 to appoint a pro tem when he is unavailable.

Mayor's Report

- **Mayor Celaya reported that all August events are promoted on Facebook, promoted 5k color run from CBHA.
- **Backpack raffle- thanked Fabiola for donating a backpack, the raffle will be August 22nd, 2025.

Council Report

- **There are food vendors during weekends that are taking away from other businesses.
- **Councilwoman Hernandez said there are students interested in the council liaison.
- **Councilwoman Lopez noticed many properties have weed nuisance.

Police Department Report

- **Chief provided a service calls report.
- **Received new patrol car from Day Wireless.
- ** National Night Out tomorrow from 5pm to 7pm, hope to see you all there.

Public Works Department Report

- **Well 2 re-equipping project is ongoing. Working on electrical panel and fencing. A pause may be anticipated for equipment to arrive.
- **WWTF Improvements project is ongoing and behind schedule.
- **The TIB project is almost complete, some punch list items.
- **The park sign was replaced, will be painting cook shack and other signage.
- **Summer Cleanup will be August 22 & 23rd.
- ** Councilwoman Barajas said a stray dog was causing problems in her property, was finally able to catch it and remove it from her property.

V. Council, Items for Motion (Old Business):

None.

VI. Council, Items for Motion (New Business):

- 1. Our Lady of the Desert Parish – Parade Event Permit
M/s; Berghout / Barajas motion to approve contingent to have clean-up. Opposed;
Acosta. Motion carried.**
- 2. Change Order #2 – WWTF Improvements
Item was removed from agenda.**
- 3. Change Order #3 – WWTF Improvements
Item was removed from agenda.**
- 4. Rate Study Update
M/s; Berghout / Acosta motion to approve. Motion carried.**
- 5. Request to Consent to Co-locate – US Cellular
M/s; Acosta / Lopez motion to approve. Motion carried.**
- 6. SRO Agreement for 2025/2026 & 2029/2027 School Years
M/s; Berghout / Hwang motion to approve. Motion carried.**
- 7. MPD Laptop Purchase
M/s; Acosta / Lopez motion to approve purchase. Motion carried.**
- 8. AWC Representative – Sun Hwang
M/s; Berghout / Bararjas motion to appoint Sun Hwang as candidate for small city
representative for Grant County Housing plan committee. Motion carried.**

VII. Executive Session (RCW 42.30.110 1iii-Potential Litigation)

The session started at 6:45 pm for 5 minutes with no decision afterwards.

The session closed at 6:50 pm.

VIII. Adjournment:

The council meeting was adjourned at 6:50 P.M. M/s; Berghout / Barajas. Motion carried.

Respectfully submitted,

Anabel Martinez, City Clerk

Maria Celaya, Mayor

Gray & Osborne/City of Mattawa Project Summary (8/13/25)

Development Projects

Hwang Subdivision – Jamin Ankney, Mike Meskimen

Project Number: 21845.05/24858.03

Funded: Developer Contributions

- Development agreement completed
- Completed review of construction drawings
- Completed preconstruction conference
- **Punch list has been completed**
- **G&O has signed the final plat**

Bodrero Development – Jamin Ankney, Mike Meskimen

Project Number: 21845.07/21845.21

Funded: Developer Contributions

- Preliminary subdivision review period complete
- Completed review of construction drawings
- Completed preconstruction conference
- Part-inspection will be provided during construction
- **Infrastructure installation for Phases I&II is complete, including punch list items**
- **Phase III will likely not start until next year**

S4 Retail Development – Jamin Ankney, Mike Meskimen

Project Number: 21845.14

Funded: Developer Contributions

- **G&O's comments on the engineering plans have been satisfied**
- **Construction has started**

Portage Court (Balaggan) Development – Jamin Ankney, Mike Meskimen

Project Number: 21845.16

Funded: Developer Contributions

- Completed first review of construction drawings
- **Completed second review of construction drawings**
- **Have responded to multiple questions from the developer**

Transportation Projects

TIB Applications – Michael Woodkey, Julio Renteria, Brandon Larson

Project Number: TBD

- Applications are due August 2025
- **TIB applications are due this Friday, August 15**

UPWP Funding Application – Russ Powers, Michael Woodkey

Project Number: OH250.39

- Opportunity to apply for transportation planning money
- Submission of funding application for Government Rd feasibility update with roundabout analysis

2025 RED Town Initiative – Michael Woodkey, Christian Weishaar

Project Number: 24881

Project Completion: August 2025

Funded: TIB

- TIB has offered the City an out-of-call project
- Award of the project was awarded at the 5/1 council meeting
- Construction is mostly complete
- **Total Budget: \$1,300,000**

Government Road Feasibility Study Update – Mike Meskimen, Julio Renteria, Michael Woodkey

- City may budget this effort for next year
- City to determine next steps desired
- Updated cost ranges provided by G&O for budgeting

Water System Projects

Well 2 – Re-equipping Design and CA – Jamin Ankney, Jared McMeen

Project Number 22867/24846

Project Completion: September 2024

Funded: City Water Fund/Public Works Board

- Final design and construction funding for the project will be from the PWB
- A funding scope change is being processed that will increase the grant to 50%
- Construction is ongoing and progressing well
- Contractor may have a suspension of work during August/September while waiting for electrical equipment
- The current schedule shows completion in late October
- **Total Budget: \$2,900,000**

CDS Funding Compliance Assistance – Russ Powers, Jamin Ankney

Project Number: 24847

Project Completion: July 2025

Funded: CDS funding

- G&O is completing the paperwork for CDS funding
- Confirmation has been received that this effort will be reimbursed from the CDS funding
- The City can move forward with the project
- **Total Budget \$7,780**

Water Rights Assistance – Dan Haller (Aspect Consulting), Jamin Ankney

- Project Number: 24884
- Project Completion: 2025
- Funded: City
- The water rights application was submitted to Ecology
- **The meeting with the School District Board was completed**
- **Draft agreement for the water rights issue is being prepared**
- **Total Budget: \$19,630**

SCADA Upgrade – Jamin Ankney, Brad Bailey (Conley Engineering)

- Project Number: 24886
- Project Completion: 2025
- Funded: DWSRF
- City has had recent issues with the SCADA system and is working with Connetix to address the issues.
- Connetix provided a cost estimate for improvements for use in procuring future funding
- **DOH approved the contract documents**
- **The project advertised for bids on July 9**
- **No bids were received at the bid opening on July 31**
- **DOH has required the City to rebid the project.**
- **The project was advertised on August 13 and will open bids on August 29**
- **Total Budget: \$134,000**

Well 5 Siting Analysis and Drilling Design – Jamin Ankney, Aspect Consulting

- Project Number: TBD
- Project Completion: 2025
- Funded: DWSRF
- **The siting analysis is complete and provides the City has a clear plan for the potential locations of Well 5**
- **City staff have been consulted on possible Well 5 locations**

PWB Funding Applications – Russ Powers, Jamin Ankney

- Opportunity to apply for PWB funding for infrastructure projects
- City applying for Reservoir 2 recoating and valve replacement projects
- **The PWB funding applications has been submitted**
- **PWB will announce the awards in October**

Re-equipping Well 2 Construction/Well 5/Pressure Zone Improvements – Jamin Ankney, Jared McMeen, Russ Powers (funding)

- Applied for Congressional Funding Application – Received funding
- Applied for Legislative Appropriation – Did not receive funding
- Applied to CDBG – Did not receive funding
- Applied to PWB – Received funding
- Applied to DWSRF – Received funding – terms still TBD.

- Added SCADA upgrades to funding application to DWSRF
- Based on discussion with funders PWB funding will be used for Well 2, while the rest of the project will be funded by DWSRF and CDS
- **Total Budget: \$7,200,000**

Future/Pending Water System Projects

Reservoir Project – Jamin Ankney, Myron Basden

- Coating Project
- Reservoir No. 1 – No need to evaluate until 2029.
- Reservoir No. 2 – Need to evaluate in 2025 for potential coating project.
- **Total Budget: Not an active project**

Wastewater System Projects

WWTF Fire Assistance – Nancy Wetch, Russ Powers

Project Number: 20827

Project Completion: November 2023

Funded: Insurance Reimbursement/City Funds (Ecology Emergency Funding)

- Phase 1 – Blower Procurement
- Phase 2 – Building Restoration
- Phase 3 – Equipment Installation
- **Total Budget: The total cost of the fire response, cleanup, design, construction, etc., is not completely known at this time as costs are still being assembled and approved by the insurance company.**

Initial Emergency Response (G&O does not have total cost)

Engineering: \$414,840 (insurance will reimburse)

Phase I: \$93,505.84 (insurance will reimburse)

Phase II: \$320,864 (insurance will reimburse)

Phase III: \$1,189,148 (working on insurance reimbursement, City will be responsible for some costs – TBD)

- City has all costs in hand and can proceed with closeout
- The City will still need to pay the retainage to Apollo, but can request this from the insurance now
- Apollo has indicated that they will address the baseboard warranty issue
- Apollo has been notified about the filtrate pump issue
- **Apollo has been notified about the telemetry radio issue**

WWTF Improvements Construction – Tim DeVries, Nancy Wetch, Jamin Ankney

Project Number: 19044.01

Project Completion: 2025 (for construction completion)

Funded: Ecology Water Quality Funding

- Current schedule appears to extend beyond the allowed construction days – an updated schedule has been received and a response has been provided to the contractor

- Ecology has added the control panel upgrades to the funding agreement and a change order proposal for this work is pending
- The City's change order to add working days has been executed and the contractor has filed a protest
- G&O has responded to the contractor's protest, denying both of their requests
- The contractor resumed work the week of 4/14
- **The contractor's most recent schedule showed completion in mid-November 2025**
- **A few outstanding change order options are being discussed**
- **The contractor need to provide an updated schedule**
- **Total Budget \$5,883,000 (includes design, construction, construction administration)**

WWTF Solids Handling Analysis – Nancy Wetch, Jamin Ankney

Project Number: 23813

Project Completion: July 2024

- Council presentation was completed on 7/18
- Council approved a funding application to Ecology at the August 15 council meeting
- Ecology funding application was submitted
- The City is on the draft Ecology funding list for this project
- **Total Budget \$24,200**

Sewer System Improvements (Portage Avenue LS Elimination) – Jamin Ankney, Justin Wies

Project Number: 24817

Project Completion: 2026

Funded: Ecology Grant/Loan

- Ecology is finalizing the funding agreement
- City has obtained signed landowner agreements with the property owners to complete the preliminary work
- Ecology has indicated that a cultural resource survey will be required prior to ground disturbing activities
- Slight changes in the proposed route were made to better serve future development in the area
- **Draft contract documents were submitted to Ecology – their comments are currently being reviewed and responses prepared**
- **Obtained approved from the County for the detour**
- **Coordinating with WSDOT for traffic control approval**
- **Now that the alignment is finalized, easements are being prepared for the signature of the property owners**
- **Total Budget \$207,500**

Other Projects

City Hall Feasibility Analysis – Jamin Ankney, Aaron Pease

Project Number 23856

Project Completion: November 2023

Funded: City

- City could consider funding options for the selected alternative.
- City may consider proceeding with conceptual design to aid in future funding efforts.
- **Total Budget \$27,700**

CDBG Funding Applications – Russ Powers, Jamin Ankney

- Opportunity to apply for CDBG funding for projects
- CDBG is primarily interested in funding community facilities or projects that facilitate housing and growth

Rate Study Update – Michael Woodkey

Project Number TBD

Project Completion: January 2026

Funded: City

- City would like to assess its rates, given current capital improvement funding packages
- **Total Budget \$15,000**

Next Meeting – August 27, 2025, 10 am

Mattawa Code on Cattle

§ 6.12.010. Restraint in truck upon town entrance. (Ord. 33 § 1, 1962)

No cattle of any age or sex or description shall be allowed to enter the town unless said cattle are properly restrained within a suitable truck designed to properly restrain each and every animal contained therein.

§ 6.12.020. Restraint in truck required. (Ord. 33 § 2, 1962)

It is unlawful for the owners of any cattle of any age, sex or description to allow said cattle to enter the town unless restrained in a truck as set forth in Section 6.12.010.

§ 6.12.040. Unrestrained to be impounded. (Ord. 33 § 4, 1962)

Any unrestrained cattle found within the boundaries of the town shall be impounded by the town marshal or his deputy or any other official appointed by the town council to act in that regard. The owner of any impounded cattle shall have not less than seventy-two hours to reclaim said cattle. However, before being eligible to reclaim said cattle the owner must post bail for the said violation in the amount of ten dollars for the first time one head of cattle was allowed to stray into the town, twenty dollars for the second time one head of cattle belonging to said owner is allowed to stray into the town and fifty dollars for each subsequent time that one head of cattle belonging to said owner is allowed to stray into the town. In the event that more than one head of cattle is allowed to stray into the town at one time each head of cattle shall be dealt with as a separate offense and the owner shall be fined ten dollars for each head of cattle for the first offense, twenty dollars for each head of cattle for the second offense and fifty dollars for each head of cattle for the third offense and each and every offense thereafter. Upon posting bail in the amounts aforesaid the owner of cattle shall have the right to reclaim the animal or animals unless the animal or animals have been disposed of as hereinafter set forth. The town custodian of cattle shall, at the time bail is posted, give the owner of cattle a receipt for the balance paid and set a time for hearing at which time the police judge shall determine the merits of the case. In the event that the animal is not claimed within seventy-two hours the cattle may be sold or disposed of.

ACCOUNTS PAYABLE

City Of Mattawa

Time: 16:58:35 Date: 08/18/2025

As Of: 08/21/2025

Page: 1

| Accts Pay # | Received | Date Due | Vendor | Amount | Memo |
|----------------|-------------------|----------------------------|-----------------------------------|-----------------|--------------------------------|
| 18514 | 08/21/2025 | 08/21/2025 | 3627 | | |
| | | | ANATEK LABS INC-SPOKANE | 85.00 | WWTF RC Samples |
| | 535 10 41 02 | Testing Samples | 405 000 535 Sewer Operatin | 85.00 | WWTF RC Samples |
| 18515 | 08/21/2025 | 08/21/2025 | 443 | | |
| | | | CITY OF MATTAWA-PETTY CASH | 52.71 | Petty Cash |
| | 521 20 31 02 | Postage | 001 000 521 Current Expens | 52.71 | MPD- Postage Certified |
| 18509 | 08/21/2025 | 08/21/2025 | 225 | | |
| | | | GRANT COUNTY PUBLIC WORKS | 1,450.00 | PW- Gravel Rock Pit |
| | 534 10 31 01 | Operating Supplies | 401 000 534 Water Operatin; | 400.00 | PW- Gravel Rock Pit |
| | 535 10 48 02 | Sewer Plant Maintenance | 405 000 535 Sewer Operatin | 1,000.00 | PW- Gravel Rock Pit |
| | 576 80 48 00 | Park Maintenance | 001 000 576 Current Expens | 50.00 | PW- Gravel Rock Pit |
| 18495 | 08/21/2025 | 08/21/2025 | 1698 | | |
| | | | GRANT COUNTY PUD | 2,247.63 | Power Billing July 2025 |
| | 542 63 47 00 | Street Lighting | 101 000 542 Street Fund | 193.08 | Park Lights |
| | 542 63 47 00 | Street Lighting | 101 000 542 Street Fund | 1,911.05 | St Lights |
| | 542 63 47 00 | Street Lighting | 101 000 542 Street Fund | 143.50 | Government St Lights |
| 18511 | 08/21/2025 | 08/21/2025 | 1698 | | |
| | | | GRANT COUNTY PUD | 2,675.18 | Power Billing July 2025 |
| | 534 10 47 01 | Utilities | 401 000 534 Water Operatin; | 48.88 | 709 1st Street |
| | 534 10 47 01 | Utilities | 401 000 534 Water Operatin; | 56.05 | 710 1st Street |
| | 535 10 47 00 | Utilities | 405 000 535 Sewer Operatin | 75.37 | 8th Street /Portage |
| | 535 10 47 00 | Utilities | 405 000 535 Sewer Operatin | 2,494.88 | U Rd |
| 18512 | 08/21/2025 | 08/21/2025 | 1698 | | |
| | | | GRANT COUNTY PUD | 5,911.13 | Power Billing July 2025 |
| | 518 30 47 14 | City Hall Utilities | 001 000 518 Current Expens | 243.56 | City Hall |
| | 534 10 47 01 | Utilities | 401 000 534 Water Operatin; | 5,395.70 | 707 2nd Well |
| | 534 10 47 01 | Utilities | 401 000 534 Water Operatin; | 27.35 | Boundary |
| | 572 20 47 00 | Library - Utility Services | 001 000 572 Current Expens | 125.89 | Library |
| | 576 80 47 00 | Park Utilities | 001 000 576 Current Expens | 29.15 | 106 Portage |
| | 576 80 47 00 | Park Utilities | 001 000 576 Current Expens | 33.40 | Manson Lane |
| | 576 80 47 00 | Park Utilities | 001 000 576 Current Expens | 29.15 | Control Circuit |
| | 576 80 47 00 | Park Utilities | 001 000 576 Current Expens | 26.93 | Park Outlet |
| 18517 | 08/21/2025 | 08/21/2025 | 286 | | |
| | | | KENISON P.S, KATHERINE L. | 3,840.00 | Legal Fees July 2025 |
| | 515 41 41 00 | Legal Fees | 001 000 515 Current Expens | 3,686.40 | Legal Fees July 2025 |
| | 515 41 41 01 | Legal Fees -- Union Costs | 001 000 515 Current Expens | 153.60 | Legal Fees July 2025 |
| 18505 | 08/21/2025 | 08/21/2025 | 1193 | | |
| | | | MARTY'S HARDWARE | 418.94 | Parts/Supplies |
| | 535 10 48 02 | Sewer Plant Maintenance | 405 000 535 Sewer Operatin | 10.29 | Fem Connectors |

ACCOUNTS PAYABLE

City Of Mattawa

As Of: 08/21/2025

Time: 16:58:35 Date: 08/18/2025

Page: 2

| Accts Pay # | Received | Date Due | Vendor | Amount | Memo |
|----------------|----------------------------|-------------------|--|-----------------|--|
| 535 10 48 02 | Sewer Plant Maintenance | | 405 000 535 Sewer Operatin | 16.24 | ORG Pledge |
| 576 80 31 01 | Flags And Supplies | | 001 000 576 Current Expens | 205.02 | Paint/ Paint Brush/Oil Base |
| 576 80 31 02 | Skateboard Park Supplies | | 001 000 576 Current Expens | 44.42 | Margin Trowel/ Rubb Float/ Krazy Glue/ Cement |
| 576 80 31 03 | Playground Equipment Sup | | 001 000 576 Current Expens | 2.70 | Inflating Needle |
| 576 80 48 00 | Park Maintenance | | 001 000 576 Current Expens | 20.66 | Bushing/ Coupling/PVC Coupling |
| 576 80 48 00 | Park Maintenance | | 001 000 576 Current Expens | 47.68 | Land Fabric |
| 576 80 48 00 | Park Maintenance | | 001 000 576 Current Expens | 15.17 | Plass Sprinkler |
| 576 80 48 00 | Park Maintenance | | 001 000 576 Current Expens | 7.77 | Elbows |
| 576 80 48 00 | Park Maintenance | | 001 000 576 Current Expens | 5.96 | Wire Connections |
| 576 80 48 00 | Park Maintenance | | 001 000 576 Current Expens | 31.43 | Trim Line |
| 576 80 48 00 | Park Maintenance | | 001 000 576 Current Expens | 9.21 | Sprinkler |
| 576 80 48 01 | Vehicle Repair & Maintena | | 001 000 576 Current Expens | 2.39 | Nails |
| 18501 | 08/21/2025 | 08/21/2025 | 625 NORCO | 29.85 | Cylinder Rental August 2025 |
| 534 10 31 02 | Chlorine | | 401 000 534 Water Operatin | 29.85 | Cylinder Rental August 2025 |
| 18504 | 08/21/2025 | 08/21/2025 | 434 OXARC | 66.18 | Chlorine Cylinder Rental |
| 534 10 31 02 | Chlorine | | 401 000 534 Water Operatin | 66.18 | Chlorine Cylinder Rental |
| 18510 | 08/21/2025 | 08/21/2025 | 2798 PACIFIC OFFICE AUTOMATION | 238.43 | Ink Usage For July 2025 |
| 518 70 45 01 | Copier Lease | | 001 000 518 Current Expens | 59.61 | Ink Usage For July 2025 |
| 521 20 31 00 | Office Supplies | | 001 000 521 Current Expens | 59.61 | Ink Usage For July 2025 |
| 534 10 45 01 | Copier Lease | | 401 000 534 Water Operatin | 59.61 | Ink Usage For July 2025 |
| 535 10 45 01 | Copier Lease | | 405 000 535 Sewer Operatin | 59.60 | Ink Usage For July 2025 |
| 18507 | 08/21/2025 | 08/21/2025 | 2820 PETRO-USA MATTAWA MART | 1,920.27 | MPD- Fuel Services |
| 521 20 32 03 | Police Vehicle Fuel | | 107 000 521 Public Safety T | 1,920.27 | MPD- Fuel Services |
| 18496 | 08/21/2025 | 08/21/2025 | 1712 Q. GLOBAL | 1,528.39 | WGL PhaseIII Plan Reviews- Invoice From 2024 |
| 558 50 41 00 | Building Permit & Plan Rev | | 001 000 558 Current Expens | 1,528.39 | WGL PhaseIII Plan Reviews- Invoice From 2024 |
| 18497 | 08/21/2025 | 08/21/2025 | 3416 SCJ ALLIANCE | 4,263.50 | Planning Services Period July 1st- August 1st, 2025 |
| 558 60 41 00 | Planning-Zoning & Land U | | 001 000 558 Current Expens | 4,263.50 | Planning Services Period July 1st- August 1st, 2025 |
| 18498 | 08/21/2025 | 08/21/2025 | 3923 SOFT WATER SPECIALISTS LLC, ESSENTIAL WA | 59.84 | Water Cooler Rental August 2025 |
| 518 70 31 00 | Other Supplies And Furnitu | | 001 000 518 Current Expens | 19.95 | Water Cooler Rental August 2025 |
| 521 20 31 00 | Office Supplies | | 001 000 521 Current Expens | 19.95 | Water Cooler Rental August 2025 |
| 534 10 31 01 | Operating Supplies | | 401 000 534 Water Operatin | 19.94 | Water Cooler Rental August 2025 |

ACCOUNTS PAYABLE

City Of Mattawa

Time: 16:58:35 Date: 08/18/2025

As Of: 08/21/2025

Page: 3

| Accts Pay # | Received | Date Due | Vendor | Amount | Memo |
|----------------|-------------------|-----------------------------|---------------------------------------|-----------------|---|
| 18502 | 08/21/2025 | 08/21/2025 | 3299 | | |
| | | | SOILTEST FARM CONSULTANTS INC | 748.00 | WWTF RC Samples |
| | 535 10 41 02 | Testing Samples | 405 000 535 Sewer Operatin | 748.00 | WWTF RC Samples |
| 18513 | 08/21/2025 | 08/21/2025 | 3299 | | |
| | | | SOILTEST FARM CONSULTANTS INC | 674.00 | WWTP RC Samples |
| | 535 10 41 02 | Testing Samples | 405 000 535 Sewer Operatin | 674.00 | WWTP RC Samples |
| 18506 | 08/21/2025 | 08/21/2025 | 1979 | | |
| | | | THE BUILDING DEPARTMENT LLC | 7,415.98 | Building Permit And Rental/fire Inspections Fee |
| | 524 20 41 00 | Rental/Fire Inspection Cost | 001 000 524 Current Expens | 450.00 | Rental/fire Inspections Fee |
| | 558 50 41 00 | Building Permit & Plan Rev | 001 000 558 Current Expens | 6,965.98 | Building Permit Fee |
| 18508 | 08/21/2025 | 08/21/2025 | 2140 | | |
| | | | THINK TANK SANITATION INC. | 180.00 | Portable Restrooms |
| | 576 80 47 00 | Park Utilities | 001 000 576 Current Expens | 180.00 | Portable Restrooms |
| 18500 | 08/21/2025 | 08/21/2025 | 613 | | |
| | | | UTILITIES UNDERGROUND | 10.80 | Excavation Notification (8) |
| | 534 10 41 05 | Professional Services | 401 000 534 Water Operatin | 10.80 | Excavation Notification (8) |
| 18516 | 08/21/2025 | 08/21/2025 | 3362 | | |
| | | | VISION MUNICIPAL SOLUTIONS LLC | 3,473.06 | PW- Dell Toughbook, Lenovo Thinkpad & On-site Installation |
| | 534 10 41 05 | Professional Services | 401 000 534 Water Operatin | 358.71 | PW- Dell Toughbook, Lenovo Thinkpad & On-site Installation |
| | 534 10 48 00 | Computer Support/Mainten | 401 000 534 Water Operatin | 1,377.82 | PW- Dell Toughbook, Lenovo Thinkpad & On-site Installation |
| | 535 10 41 04 | Professional Services | 405 000 535 Sewer Operatin | 358.71 | PW- Dell Toughbook, Lenovo Thinkpad & On-site Installation |
| | 535 10 48 01 | Computer Support/Mainten | 405 000 535 Sewer Operatin | 1,377.82 | PW- Dell Toughbook, Lenovo Thinkpad & On-site Installation |
| 18503 | 08/21/2025 | 08/21/2025 | 143 | | |
| | | | WA STATE DEPT OF ECOLOGY | 2,153.00 | WWTP Permit Fee |
| | 535 10 51 00 | Permit Fees | 405 000 535 Sewer Operatin | 2,153.00 | WWTP Permit Fee |
| 18499 | 08/21/2025 | 08/21/2025 | 2957 | | |
| | | | WASTE MANAGEMENT | 144.01 | Waste Services WWTP |
| | 535 10 47 00 | Utilities | 405 000 535 Sewer Operatin | 144.01 | Waste Services WWTP |

Report Total: 39,585.90

| | |
|--------------------------|-----------|
| Fund | |
| 001 Current Expense Fund | 18,370.19 |

ACCOUNTS PAYABLE

City Of Mattawa

Time: 16:58:35 Date: 08/18/2025

As Of: 08/21/2025

Page: 4

| Accts Pay # | Received | Date Due | Vendor | Amount | Memo |
|----------------|----------|----------|----------------------------|----------|------|
| | | | 101 Street Fund | 2,247.63 | |
| | | | 107 Public Safety Tax Fund | 1,920.27 | |
| | | | 401 Water Operating Fund | 7,850.89 | |
| | | | 405 Sewer Operating Fund | 9,196.92 | |

This report has been reviewed by:

Anabel Martinez

8/18/25

REMARKS:

Anabel Martinez - City Clerk

Date

CHANGE ORDER 2

| | | | |
|--------------------------|-------------------|---------------------------|---|
| Project Title | WWTF Improvements | | |
| Owner | City of Mattawa | Contractor Name | Boss Construction, Inc. |
| Change Order No. | 2 | Contractor Address | 4945 Guide Meridian Bellingham, WA 98226 |
| Change Order Date | July 24, 2025 | | |
| G&O No. | 19044.01 | | |

The following changes are hereby made to the Contract Documents:

ITEM 1: Non-Potable Water Pump Station Revisions

Install the non-potable water pump station structure around the existing effluent line. This includes a new saddle section for the structure, additional excavation and shoring next to the operations building, sealing the saddle section around the pipe, and all other modifications per the contractor's letter 031.

The lump sum cost for this work is:.....\$18,763.23

Justification: The additional work is the result of changed site conditions.

Working Days: 3 working days are added to the Substantial and Physical Completion Contract Times.

CHANGE TO CONTRACT PRICE

Original Contract Amount (without tax):\$4,167,741.50
Current Contract Amount, as adjusted by previous change orders:\$4,167,741.50
The Contract Amount due to this Change Order will be increased by:\$18,763.23
The new Contract Amount (without tax) due to this Change Order will be:\$4,186,504.73

CHANGE TO CONTRACT TIME

The Substantial Completion Contract Time will be increased by 3 working days, for a total of 279 working days.

The Physical Completion Contract Time will be increased by 3 working days, for a total of 299 working days.

This document will become a supplement to the Contract and all provisions in the Contract will apply hereto. The Contractor acknowledges and agrees that by executing this change order he foregoes all rights and privileges of acquiring any additional compensation for any known or unknown claims of any type or nature, to include but not be limited to, any additional work, delays, extended office overhead, design omissions, changed site conditions, or any oral directions as of the date of the execution of this change order.

GRAY & OSBORNE, INC.
(RECOMMENDED)



Date 08/01/2025

BOSS CONSTRUCTION, INC.
(ACCEPTED)

Date _____

CITY OF MATTAWA
(ACCEPTED)

Date _____

CHANGE ORDER 3

| | | | |
|--------------------------|-------------------|---------------------------|---|
| Project Title | WWTF Improvements | | |
| Owner | City of Mattawa | Contractor Name | Boss Construction, Inc. |
| Change Order No. | 3 | Contractor Address | 4945 Guide Meridian Bellingham, WA 98226 |
| Change Order Date | July 24, 2025 | | |
| G&O No. | 19044.01 | | |

The following changes are hereby made to the Contract Documents:

ITEM 1: Additional Conduit (Unmarked Handhole and Future Control Panel Upgrades)

Install additional conduit between the electrical room and the well house and between the electrical room and the influent pump station as further shown in change order proposal 8, revision 3.

The lump sum cost for this work is:.....\$17,264.47

Justification: The additional work is the result of changed site conditions and at the request of the Owner.

Working Days: 2 working days are added to the Substantial and Physical Completion Contract Times.

CHANGE TO CONTRACT PRICE

| | |
|--|----------------|
| Original Contract Amount (without tax): | \$4,167,741.50 |
| Current Contract Amount, as adjusted by previous change orders:..... | \$4,186,504.73 |
| The Contract Amount due to this Change Order will be increased by: | \$17,264.47 |
| The new Contract Amount (without tax) due to this Change Order will be:..... | \$4,203,769.20 |

CHANGE TO CONTRACT TIME

The Substantial Completion Contract Time will be increased by 2 working days, for a total of 281 working days.

The Physical Completion Contract Time will be increased by 2 working days, for a total of 301 working days.

This document will become a supplement to the Contract and all provisions in the Contract will apply hereto. The Contractor acknowledges and agrees that by executing this change order he foregoes all rights and privileges of acquiring any additional compensation for any known or unknown claims of any type or nature, to include but not be limited to, any additional work, delays, extended office overhead, design omissions, changed site conditions, or any oral directions as of the date of the execution of this change order.

GRAY & OSBORNE, INC.
(RECOMMENDED)


_____ Date 08/01/2025

BOSS CONSTRUCTION, INC.
(ACCEPTED)

_____ Date _____

CITY OF MATTAWA
(ACCEPTED)

_____ Date _____

CHANGE ORDER 4

| | | | |
|--------------------------|-------------------|---------------------------|---|
| Project Title | WWTF Improvements | Contractor Name | Boss Construction, Inc. |
| Owner | City of Mattawa | Contractor Address | 4945 Guide Meridian Bellingham, WA 98226 |
| Change Order No. | 4 | | |
| Change Order Date | July 28, 2025 | | |
| G&O No. | 19044.01 | | |

The following changes are hereby made to the Contract Documents:

ITEM 1: Installation of Power Conduit to the Hot Box

Install new circuit including conduit, conductors, penetration, and all other work required to provide power to the hot box, which houses the backflow preventer on the south side of the wastewater treatment plant's operations building.

The lump sum cost for this work is:.....\$4,259.97

Justification: This work is required to power the hot box. This cost was not included in the bids and this work provides added value to the Owner.

Working Days: 2 working days are added to the Substantial and Physical Completion Contract Times.

CHANGE TO CONTRACT PRICE

| | |
|--|----------------|
| Original Contract Amount (without tax): | \$4,167,741.50 |
| Current Contract Amount, as adjusted by previous change orders:..... | \$4,203,769.20 |
| The Contract Amount due to this Change Order will be increased by: | \$4,259.97 |
| The new Contract Amount (without tax) due to this Change Order will be:..... | \$4,208,029.17 |

CHANGE TO CONTRACT TIME

The Substantial Completion Contract Time will be increased by 2 working days, for a total of 283 working days.

The Physical Completion Contract Time will be increased by 2 working days, for a total of 303 working days.

This document will become a supplement to the Contract and all provisions in the Contract will apply hereto. The Contractor acknowledges and agrees that by executing this change order he foregoes all rights and privileges of acquiring any additional compensation for any known or unknown claims of any type or nature, to include but not be limited to, any additional work, delays, extended office overhead, design omissions, changed site conditions, or any oral directions as of the date of the execution of this change order.

GRAY & OSBORNE, INC.
(RECOMMENDED)



Date 08/14/2025

BOSS CONSTRUCTION, INC.
(ACCEPTED)

Date _____

CITY OF MATTAWA
(ACCEPTED)

Date _____



August 15, 2025

Ms. Anabel Martinez
Clerk - Treasurer
City of Mattawa
521 East Government Road
Mattawa, Washington 99349

SUBJECT: PROGRESS ESTIMATE 9, WELL 2 RE-EQUIPPING
CITY OF MATTAWA, GRANT COUNTY, WASHINGTON
G&O #24846.00

Dear Ms. Martinez:

We have enclosed Progress Estimate 9 for this project. Please retain a copy for the City files and also provide a copy to the Contractor with the payment. The amount due the Contractor is indicated below. Because the City has accepted the Contractor's retainage bond, no funds are to be retained.

Payment to Contractor: \$353,773.61

Please call me if you have any questions or concerns regarding this matter.

Sincerely,

GRAY & OSBORNE, INC.

A handwritten signature in black ink, appearing to read 'Jared McMeen', is written over a horizontal line.

Jared D. McMeen, P.E.

JDM/ch
Encl.
By email

PROGRESS ESTIMATE 9
AUGUST 15, 2025

CITY OF MATTAWA
 GRANT COUNTY
 WASHINGTON

PROGRESS ESTIMATE PERIOD
 JULY 10, 2025 TO AUGUST 13, 2025

PROJECT:
 CITY OF MATTAWA
 WELL 2 RE-EQUIPPING
 G&O JOB NUMBER #24846

CONTRACTOR:
 POW CONTRACTING
 P.O BOX 4772
 PASCO, WA 99301

| BID ITEMS | | | | QUANTITIES | | PROJECT COSTS | | PERCENT OF CONTRACT QUANTITY |
|-----------|-------------------------------------|---------------|--------------|-------------------|---------------|--------------------|----------------|------------------------------|
| NO. | DESCRIPTION | QUANTITY UNIT | UNIT PRICE | TOTAL THIS PERIOD | TOTAL TO DATE | AMOUNT THIS PERIOD | AMOUNT TO DATE | |
| 1 | Mobilization and Demobilization | 1 LS | \$175,000.00 | 0.00% | 75.00% | \$0.00 | \$131,250.00 | 75% |
| 2 | Minor Change | 1 CALC | \$40,000.00 | 18.02% | 78.43% | \$7,209.41 | \$31,370.42 | 78% |
| 3 | New Electrical Service | 1 CALC | \$15,000.00 | 0.00% | 0.00% | \$0.00 | \$0.00 | 0% |
| 4 | Erosion Control | 1 LS | \$7,500.00 | 15.00% | 100.00% | \$1,125.00 | \$7,500.00 | 100% |
| 5 | SPCC Plan | 1 LS | \$2,000.00 | 0.00% | 100.00% | \$0.00 | \$2,000.00 | 100% |
| 6 | Survey | 1 LS | \$25,000.00 | 0.00% | 100.00% | \$0.00 | \$25,000.00 | 100% |
| 7 | Trench Excavation Safety Systems | 1 LS | \$1,000.00 | 0.00% | 100.00% | \$0.00 | \$1,000.00 | 100% |
| 8 | Demolition | 1 LS | \$45,000.00 | 0.00% | 100.00% | \$0.00 | \$45,000.00 | 100% |
| 9 | Unsuitable Excavation | 20 CY | \$25.00 | 0.00 | 20.00 | \$0.00 | \$500.00 | 100% |
| 10 | Bank Run Gravel for Trench Backfill | 100 TN | \$25.00 | 0.00 | 100.00 | \$0.00 | \$2,500.00 | 100% |
| 11 | Site Piping and Appurtenances | 1 LS | \$126,500.00 | 1.98% | 100.00% | \$2,500.00 | \$126,500.00 | 100% |
| 12 | Well 2 Building | 1 LS | \$495,000.00 | 0.25% | 94.44% | \$1,250.00 | \$467,500.00 | 94% |
| 13 | Well 2 Pump | 1 LS | \$255,000.00 | 13.82% | 93.43% | \$35,250.00 | \$238,250.00 | 93% |
| 14 | Well 2 Chlorination System | 1 LS | \$55,000.00 | 1.09% | 74.18% | \$600.00 | \$40,800.00 | 74% |
| 15 | HVAC | 1 LS | \$55,000.00 | 0.00% | 89.55% | \$0.00 | \$49,250.00 | 90% |
| 16 | Plumbing | 1 LS | \$30,000.00 | 0.00% | 91.67% | \$0.00 | \$27,500.00 | 92% |
| 17 | Piping, Valves, and Appurtenances | 1 LS | \$65,000.00 | 47.69% | 96.19% | \$31,000.00 | \$62,525.00 | 96% |
| 18 | Electrical and Instrumentation | 1 LS | \$383,000.00 | 22.04% | 81.36% | \$84,400.00 | \$311,600.00 | 81% |
| 19 | Generator | 1 LS | \$125,000.00 | 77.90% | 93.90% | \$97,375.00 | \$117,375.00 | 94% |
| 20 | Fencing and Restoration | 1 LS | \$125,000.00 | 29.52% | 92.92% | \$36,900.00 | \$116,150.00 | 93% |

PROGRESS ESTIMATE 9
AUGUST 15, 2025

CITY OF MATTAWA
 GRANT COUNTY
 WASHINGTON

PROGRESS ESTIMATE PERIOD
 JULY 10, 2025 TO AUGUST 13, 2025

PROJECT:
 CITY OF MATTAWA
 WELL 2 RE-EQUIPPING
 G&O JOB NUMBER #24846

CONTRACTOR:
 POW CONTRACTING
 P.O BOX 4772
 PASCO, WA 99301

| BID ITEMS | | | | QUANTITIES | | PROJECT COSTS | | PERCENT OF CONTRACT QUANTITY |
|-----------------------|---|---------------|-------------|-------------------|---------------|--------------------|----------------|------------------------------|
| NO. | DESCRIPTION | QUANTITY UNIT | UNIT PRICE | TOTAL THIS PERIOD | TOTAL TO DATE | AMOUNT THIS PERIOD | AMOUNT TO DATE | |
| CHANGE ORDERS: | | | | | | | | |
| CO1 | Item 1 - Well Deviation Survey | 1 LS | \$6,500.00 | 0.00% | 100.00% | \$0.00 | \$6,500.00 | 100% |
| | Item 2 - Upgrade to Anti-Graffiti Sealant for CMU | 1 LS | \$7,250.00 | 0.00% | 100.00% | \$0.00 | \$7,250.00 | 100% |
| | Item 3 - Fiber Conduit Upsize | 1 LS | \$2,275.00 | 0.00% | 100.00% | \$0.00 | \$2,275.00 | 100% |
| CO2 | Item 1 - Concrete Pad | 1 LS | \$3,950.00 | 0.00% | 100.00% | \$0.00 | \$3,950.00 | 100% |
| | Item 2 - Epoxy Coating | 1 LS | \$17,150.00 | 0.00% | 0.00% | \$0.00 | \$0.00 | 0% |
| CO3 | Item 1 - Additional Fencing and Gate | 1 LS | \$24,500.00 | 100.00% | 100.00% | \$24,500.00 | \$24,500.00 | 100% |
| | Item 2 - Basalt Landscaping Rock | 1 LS | \$5,250.00 | 80.95% | 100.00% | \$4,250.00 | \$5,250.00 | 100% |
| | Item 3 - Concrete Apron | 1 LS | \$34,500.00 | 0.00% | 100.00% | \$0.00 | \$34,500.00 | 100% |
| CO4 | Item 1 - Control Panel Modifications | 1 LS | \$2,450.00 | 0.00% | 100.00% | \$0.00 | \$2,450.00 | 100% |
| | Item 2 - Door Soft-Closers | 1 LS | \$4,750.00 | 0.00% | 100.00% | \$0.00 | \$4,750.00 | 100% |

PROGRESS ESTIMATE 9
AUGUST 15, 2025

CITY OF MATTAWA
 GRANT COUNTY
 WASHINGTON

PROGRESS ESTIMATE PERIOD
 JULY 10, 2025 TO AUGUST 13, 2025

PROJECT:
 CITY OF MATTAWA
 WELL 2 RE-EQUIPPING
 G&O JOB NUMBER #24846

CONTRACTOR:
 POW CONTRACTING
 P.O BOX 4772
 PASCO, WA 99301

| | PROJECT COSTS | |
|---|---------------------|-----------------------|
| | AMOUNT THIS PERIOD | AMOUNT TO DATE |
| SUBTOTAL EARNED TO DATE | \$326,359.41 | \$1,894,995.42 |
| SALES TAX 8.40% | \$27,414.20 | \$159,179.62 |
| MATERIALS ON HAND | \$0.00 | \$0.00 |
| TOTAL | \$353,773.61 | \$2,054,175.04 |
| TOTAL EARNED TO DATE LESS RETAINAGE | | \$2,054,175.04 |
| <u>LESS AMOUNTS PREVIOUSLY PAID</u> | | |
| PROGRESS ESTIMATE 1 | | \$431,555.62 |
| PROGRESS ESTIMATE 2 | | \$109,913.70 |
| PROGRESS ESTIMATE 3 | | \$225,006.06 |
| PROGRESS ESTIMATE 4 | | \$100,925.99 |
| PROGRESS ESTIMATE 5 | | \$185,601.53 |
| PROGRESS ESTIMATE 6 | | \$201,925.88 |
| PROGRESS ESTIMATE 7 | | \$122,103.49 |
| PROGRESS ESTIMATE 8 | | \$323,369.16 |
| TOTAL PAYMENT NOW DUE: | \$353,773.61 | \$353,773.61 |
| ORIGINAL CONTRACT AMOUNT (WITHOUT TAX) | \$2,028,000.00 | |
| CONTRACT AMOUNT WITH CHANGE ORDERS 1-4 | \$2,136,575.00 | |
| CONTRACT PERCENTAGE TO DATE | 88.69% | |

PROGRESS ESTIMATE 9
AUGUST 15, 2025

CITY OF MATTAWA
 GRANT COUNTY
 WASHINGTON

PROGRESS ESTIMATE PERIOD
 JULY 10, 2025 TO AUGUST 13, 2025

PROJECT:
 CITY OF MATTAWA
 WELL 2 RE-EQUIPPING
 G&O JOB NUMBER #24846

CONTRACTOR:
 POW CONTRACTING
 P.O BOX 4772
 PASCO, WA 99301

I HEREBY CERTIFY THE ABOVE ESTIMATE IS A TRUE AND CORRECT STATEMENT OF THE WORK PERFORMED UNDER THIS CONTRACT.

I HEREBY CERTIFY THAT THE WAGES HAVE BEEN PAID IN ACCORDANCE WITH RCW 39.12 (PREVAILING WAGES).

GRAY & OSBORNE, INC.

POW CONTRACTING


 JARED D. MCMEEN, P.E.


 CONTRACTOR'S REPRESENTATIVE

SUMMARY AND DISTRIBUTION OF PAYMENTS

| PAY EST NO. | PROGRESS ESTIMATE PERIOD DATES | TOTAL | | | MATERIALS ON HAND | RETAINAGE (5%) | TOTAL PAYMENT |
|---------------|--|-------------------|----------------|------------------|-------------------|----------------|----------------|
| | | EARNED PER PERIOD | SALES TAX RATE | SALES TAX AMOUNT | | | |
| 1 | NOVEMBER 12, 2024 TO DECEMBER 13, 2024 | \$365,750.00 | 8.40% | \$30,723.00 | \$35,082.62 | \$0.00 | \$431,555.62 |
| 2 | DECEMBER 14, 2024 TO JANUARY 8, 2025 | \$99,750.00 | 8.40% | \$8,379.00 | \$1,784.70 | \$0.00 | \$109,913.70 |
| 3 | JANUARY 9, 2025 TO FEBRUARY 12, 2025 | \$227,120.00 | 8.40% | \$19,078.08 | (\$21,192.02) | \$0.00 | \$225,006.06 |
| 4 | FEBRUARY 13, 2025 TO MARCH 12, 2025 | \$73,275.00 | 8.40% | \$6,155.10 | \$21,495.89 | \$0.00 | \$100,925.99 |
| 5 | MARCH 13, 2025 TO APRIL 9, 2025 | \$147,100.00 | 8.40% | \$12,356.40 | \$26,145.13 | \$0.00 | \$185,601.53 |
| 6 | APRIL 10, 2025 TO MAY 7, 2025 | \$189,056.01 | 8.40% | \$15,880.70 | (\$3,010.83) | \$0.00 | \$201,925.88 |
| 7 | MAY 8, 2025 TO JUNE 11, 2025 | \$165,900.00 | 8.40% | \$13,935.60 | (\$57,732.11) | \$0.00 | \$122,103.49 |
| 8 | JUNE 12, 2025 TO JULY 9, 2025 | \$300,685.00 | 8.40% | \$25,257.54 | (\$2,573.38) | \$0.00 | \$323,369.16 |
| 9 | JULY 10, 2025 TO AUGUST 13, 2025 | \$326,359.41 | 8.40% | \$27,414.20 | \$0.00 | \$0.00 | \$353,773.61 |
| TOTAL: | | \$1,894,995.42 | | \$159,179.62 | \$0.00 | \$0.00 | \$2,054,175.04 |



August 14, 2025

Ms. Anabel Martinez
Clerk-Treasurer
City of Mattawa
521 Government Road
Mattawa, Washington 99349

SUBJECT: PROGRESS ESTIMATE 14, WWTF IMPROVEMENTS
CITY OF MATTAWA, GRANT COUNTY, WASHINGTON
G&O #19044.01

Dear Ms. Martinez:

We have enclosed Progress Estimate 14 for this project. Please retain a copy for the City files and also provide a copy to the Contractor with the payment. The amount due the Contractor is indicated below. Because the City has accepted the Contractor's retainage bond, no funds are to be retained.

Payment to Contractor: \$195,832.48

Because the Contractor has not yet submitted a Startup and Testing Plan or revised Progress Schedule as required by the Contract, our recommendation of payment is contingent upon receipt of these items.

Please call me if you have any questions or concerns regarding this matter.

Sincerely,

GRAY & OSBORNE, INC.

A handwritten signature in black ink, appearing to read 'Jared McMeen', is written over the typed name.

Jared D. McMeen, P.E.

JDM/js
Encl.
By email

PROGRESS ESTIMATE 14
AUGUST 11, 2025

CITY OF MATTAWA
 GRANT COUNTY
 WASHINGTON

PROGRESS ESTIMATE PERIOD
 JULY 9, 2025 TO JULY 25, 2025

PROJECT:
 CITY OF MATTAWA
 WWTF IMPROVEMENTS
 G&O JOB NUMBER #19044.01

CONTRACTOR:
 BOSS CONSTRUCTION, INC.
 4945 GUIDE MERIDIAN
 BELLINGHAM, WA 98226

| NO. | DESCRIPTION | QUANTITY UNIT | UNIT PRICE | QUANTITIES | | PROJECT COSTS | | PERCENT OF CONTRACT QUANTITY |
|-----|-----------------------|---------------|----------------|-------------------|---------------|--------------------|----------------|------------------------------|
| | | | | TOTAL THIS PERIOD | TOTAL TO DATE | AMOUNT THIS PERIOD | AMOUNT TO DATE | |
| 1 | Mobilization | 1 LS | \$451,783.00 | 0.00% | 75.00% | \$0.00 | \$338,837.25 | 75% |
| 2 | Minor Changes | 1 CALC | \$40,000.00 | 0.00% | 57.64% | \$0.00 | \$23,055.54 | 58% |
| 3 | Trench Safety | 1 LS | \$9,669.00 | 8.20% | 69.86% | \$792.50 | \$6,755.00 | 70% |
| 4 | Unsuitable Excavation | 50 CY | \$120.49 | 0.00 | 0.00 | \$0.00 | \$0.00 | 0% |
| 5 | WWTF Improvements | 1 LS | \$3,641,812.00 | 5.27% | 70.81% | \$191,857.39 | \$2,578,904.92 | 71% |
| 6 | Rock Excavation | 100 CY | \$184.53 | 0.00 | 375.00 | \$0.00 | \$69,198.75 | 375% |

PROGRESS ESTIMATE 14
AUGUST 11, 2025

CITY OF MATTAWA
 GRANT COUNTY
 WASHINGTON

PROGRESS ESTIMATE PERIOD
 JULY 9, 2025 TO JULY 25, 2025

PROJECT:
 CITY OF MATTAWA
 WWTF IMPROVEMENTS
 G&O JOB NUMBER #19044.01

CONTRACTOR:
 BOSS CONSTRUCTION, INC.
 4945 GUIDE MERIDIAN
 BELLINGHAM, WA 98226

| | PROJECT COSTS | |
|---|--------------------|-----------------------|
| | AMOUNT THIS PERIOD | AMOUNT TO DATE |
| SUBTOTAL EARNED TO DATE | | \$3,016,751.46 |
| SALES TAX 8.40% | \$192,649.89 | \$253,407.12 |
| MATERIALS ON HAND | \$16,182.59 | \$284,057.24 |
| TOTAL | \$0.00 | \$3,554,215.82 |
| CONTRACTOR HAS RETAINAGE BOND | \$208,832.48 | \$0.00 |
| LESS LIQUIDATED DAMAGES (13 DAYS) | \$0.00 | (\$50,000.00) |
| TOTAL EARNED TO DATE | | \$3,504,215.82 |
| LESS AMOUNTS PREVIOUSLY PAID | | |
| PROGRESS ESTIMATE 1 | | \$212,740.22 |
| PROGRESS ESTIMATE 2 | | \$197,874.62 |
| PROGRESS ESTIMATE 3 | | \$152,050.04 |
| PROGRESS ESTIMATE 4 | | \$303,336.73 |
| PROGRESS ESTIMATE 5 | | \$221,060.80 |
| PROGRESS ESTIMATE 6 | | \$69,092.85 |
| PROGRESS ESTIMATE 7 | | \$226,007.89 |
| PROGRESS ESTIMATE 8 | | \$543,631.86 |
| PROGRESS ESTIMATE 9 | | \$488,326.97 |
| PROGRESS ESTIMATE 10 | | \$23,759.11 |
| PROGRESS ESTIMATE 11 | | \$48,195.77 |
| PROGRESS ESTIMATE 12 | | \$470,968.45 |
| PROGRESS ESTIMATE 13 | | \$351,338.03 |
| TOTAL PAYMENT NOW DUE: | | \$195,832.48 |
| ORIGINAL CONTRACT AMOUNT (WITHOUT TAX) | \$4,517,831.79 | |
| CONTRACT PERCENTAGE TO DATE | 66.8% | |

PROGRESS ESTIMATE 14
AUGUST 11, 2025

CITY OF MATTAWA
 GRANT COUNTY
 WASHINGTON

PROGRESS ESTIMATE PERIOD
 JULY 9, 2025 TO JULY 25, 2025

PROJECT:
 CITY OF MATTAWA
 WWTF IMPROVEMENTS
 G&O JOB NUMBER #19044.01

CONTRACTOR:
 BOSS CONSTRUCTION, INC.
 4945 GUIDE MERIDIAN
 BELLINGHAM, WA 98226

I HEREBY CERTIFY THE ABOVE ESTIMATE IS A TRUE AND CORRECT STATEMENT OF THE WORK PERFORMED UNDER THIS CONTRACT.

GRAY & OSBORNE, INC.


 JARED D. MCMEEN, P.E.

I HEREBY CERTIFY THAT THE WAGES HAVE BEEN PAID IN ACCORDANCE WITH RCW 39.12 (PREVAILING WAGES) AND THE FEDERAL DAVIS-BACON AND RELATED ACTS (DBRA).

BOSS CONSTRUCTION, INC.


 CONTRACTOR'S REPRESENTATIVE

* BOSS is executing this pay application to obtain payment of undisputed amounts but notes that BOSS disputes any assessment of liquidated damages included herein, which is the subject of current pending claims and changes. BOSS continues to receive and pursue such claims for cost and time extension and nothing herein waives such claims

| PAY EST NO. | PROGRESS ESTIMATE PERIOD DATES | EARNED PER PERIOD | SALES TAX RATE | SALES TAX AMOUNT | MATERIALS ON HAND | RETAINAGE (%) | LIQUIDATED DAMAGES | TOTAL PAYMENT |
|-------------|--|-------------------|----------------|------------------|-------------------|---------------|--------------------|---------------|
| 1 | JUNE 19, 2023 TO JUNE 30, 2023 | \$205,744.89 | 8.40% | \$17,282.57 | \$0.00 | \$10,287.24 | \$0.00 | \$212,740.22 |
| 2 | JULY 1, 2023 TO JULY 21, 2023 | \$173,051.09 | 8.40% | \$14,536.29 | \$0.00 | (\$10,287.24) | \$0.00 | \$197,874.62 |
| 3 | JULY 22, 2023 TO AUGUST 25, 2023 | \$131,184.75 | 8.40% | \$11,019.52 | \$9,845.77 | \$0.00 | \$0.00 | \$152,050.04 |
| 4 | AUGUST 26, 2023 TO OCTOBER 20, 2023 | \$199,822.80 | 8.40% | \$16,785.12 | \$86,728.81 | \$0.00 | \$0.00 | \$303,336.73 |
| 5 | OCTOBER 21, 2023 TO NOVEMBER 24, 2023 | \$120,339.32 | 8.40% | \$10,108.50 | \$90,612.98 | \$0.00 | \$0.00 | \$221,060.80 |
| 6 | NOVEMBER 25, 2023 TO DECEMBER 22, 2023 | \$63,738.79 | 8.40% | \$5,354.06 | \$0.00 | \$0.00 | \$0.00 | \$69,092.85 |
| 7 | DECEMBER 23, 2023 TO JANUARY 26, 2024 | \$104,712.08 | 8.40% | \$8,795.81 | \$112,500.00 | \$0.00 | \$0.00 | \$226,007.89 |
| 8 | JANUARY 27, 2024 TO MARCH 22, 2024 | \$342,333.62 | 8.40% | \$28,756.03 | \$172,542.21 | \$0.00 | \$0.00 | \$543,631.86 |
| 9 | MARCH 23, 2024 TO JUNE 28, 2024 | \$570,393.50 | 8.40% | \$47,913.05 | (\$129,979.58) | \$0.00 | \$0.00 | \$488,326.97 |
| 10 | JUNE 29, 2024 TO JULY 26, 2024 | \$21,918.00 | 8.40% | \$1,841.11 | \$0.00 | \$0.00 | \$0.00 | \$23,759.11 |
| 11 | JULY 27, 2024 TO MARCH 31, 2025 | \$15,402.00 | 8.40% | \$1,293.77 | \$31,500.00 | \$0.00 | \$0.00 | \$48,195.77 |
| 12 | MARCH 31, 2025 TO MAY 23, 2025 | \$545,407.06 | 8.40% | \$45,814.19 | (\$115,252.80) | \$0.00 | (\$5,000.00) | \$470,968.45 |
| 13 | MAY 24, 2025 TO JULY 8, 2025 | \$330,053.67 | 8.40% | \$27,724.51 | \$25,559.85 | \$0.00 | (\$32,000.00) | \$351,338.03 |
| 14 | JULY 9, 2025 TO JULY 25, 2025 | \$192,649.89 | 8.40% | \$16,182.59 | \$0.00 | \$0.00 | (\$13,000.00) | \$195,832.48 |

**CITY OF MATTAWA
STAFF REPORT**

To: Mayor Celaya and City Council
 From: Public Works Department
 Date: August 21, 2025
 Proceeding Type: New Business
 Subject: CDBG Grant Applications & Submittal

Legislative History:

- | | |
|------------------------|-----------------|
| • First Presentation: | August 21, 2025 |
| • Second Presentation: | |
| • Requested Action: | Motion Needed |

Staff Report Summary

The subject in front of City Council is to authorize staff to apply and submit for Community Development Block Grant (CDBG).

Background

CDBG General Purpose grants are open on an ongoing basis, as funds are available. Funding is to assist eligible Washington State **small cities**, towns, and counties in carrying out community development projects that principally benefit low-and moderate-income people. The Washington State CDBG Program is funded by the U.S Department of Housing and Urban Development (HUD). Eligible General Purpose grant activities (PDF) (attached):

- Public facilities, such as water, wastewater, streets and sidewalks
- Community facilities, such as community centers, fire stations, homeless shelters, childcare facilities
- Infrastructure in support of affordable housing and housing rehabilitation
- Economic development such as micro-enterprise assistance

The funding call is open until the grants are gone. The funding is a 100% grant and does not require a match, although having other funding partners, etc. might increase the chance of receiving a grant. The plan for this grant application is to provide Mattawa residents, visitors and developers with a secondary corridor (another means of entrance to the city. The completion of Second Street could provide this and would facilitate economic development for housing.

Fiscal and Policy Implications

Financial impacts are expected depending on the grant award and if a city match is provided. A budget amendment to follow if awarded. No matching funds are expected or requested at this time. No policy implications are anticipated; besides grant reporting if awarded.

| FUND | BARS | LINE ITEM | AMOUNT BUDGETED | CURRENT EXPENDITURE | REMAINING AMOUNT |
|--------------|------|-----------|-----------------|---------------------|------------------|
| | | | | | |
| TOTAL | | | | | |

Options

1. Authorize staff to apply and submit for Community Development Block Grant (CDBG).
2. Do not authorize staff to apply and submit for Community Development Block Grant (CDBG).

Staff Recommendation

1. Authorize staff to apply and submit for Community Development Block Grant (CDBG).

Attachments

| | |
|----|---|
| A. | General Purpose Grants Program and Application Overview |
| B. | Summary of CDBG Eligible Activities |

The following documents are attached and subject for review:

| Review by: | Type of Document | Title of Document | Date Reviewed | Comment: |
|-------------------|-------------------------|--------------------------|----------------------|-----------------|
| Engineering | ▪ PDF | Call for Projects | 8/5/2025 | |
| Legal | ▪ WORD | Staff Report | | |
| Financial | ▪ WORD | Staff Report | | Initials: |
| Comment: | | | | |



General Purpose Grants Program and Application Overview

CDBG funds eligible applicants in support of public/community infrastructure or economic development projects. Applications are accepted and evaluated year-round based on [CDBG program priorities](#). Awards are made on an on-going basis, as funds are available.

Application Submission. The CDBG application uses a 2-step process that begins with *Part 1 – Eligibility and Readiness*. If approved, you will proceed to *Part 2 – Public Participation*.

CDBG Funds Available: Approximately \$11 million each program year (July 1 – June 30).

| | |
|--------------------------------------|---|
| Eligible Applicants | <p>Cities, towns and counties that are not entitled to receive CDBG funds directly from the U.S. Department of Housing and Development (HUD). See the CDBG website for a map and list of local governments served by the state CDBG program.</p> <p>Subrecipients: Special purpose districts, public housing authorities, community action agencies and other nonprofit organizations are not eligible to apply directly, but may be partners in projects and be a subrecipient of funding through an eligible city/town or county applicant.</p> |
| National Objectives | <p>All CDBG funded activities must meet at least one of three national objectives:</p> <ul style="list-style-type: none"> • Principally benefit low- and moderate-income persons • Prevent or eliminate slums or blight • Meet urgent needs posing serious and immediate threat to public health or safety |
| Eligible Activities | <p>Eligible CDBG activities are identified in Section 105(a) of Title I of the Housing and Community Development Act of 1974 located on the CDBG website under Eligible Activity Resources.</p> <ul style="list-style-type: none"> • Community facilities such as community centers, fire stations and homeless shelters • Public facilities such as water, wastewater and streets • Infrastructure in support of affordable housing and housing rehabilitation • Economic development such as microenterprise assistance |
| Ineligible Activities section | <p>Construction activities cannot fund:</p> <ul style="list-style-type: none"> • Government buildings • New housing construction • Facility maintenance/operations • Costs incurred prior to CDBG award |
| Maximum Grant Amounts | <ul style="list-style-type: none"> • \$2,000,000 for construction and acquisition projects • \$500,000 for local housing rehabilitation and assistance programs • \$250,000 for local microenterprise assistance programs • Investment limit is \$75,000 per household |
| Timing of Funds | <p>CDBG cannot fund projects that are already under construction. See Timing of CDBG Funding and NEPA Restrictions.</p> |
| Length of Benefit | <p>Funded activities must provide the intended benefit for at least 10 years.</p> |

SUMMARY OF CDBG ELIGIBLE ACTIVITIES

Public Facilities – Activities to design, construct, or reconstruct water and sewer systems, flood and drainage facilities, solid waste disposal facilities, streets and sidewalks, and other public facilities.

Special assessments for low- and moderate-income (LMI) homeowners are eligible if the improvements meet CDBG requirements, such as labor standards and environmental review. For purposes of the CDBG program, a "special assessment" is the recovery of the capital costs of a completed public improvement through:

- 1) a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of a benefit derived from the installation of a public improvement; or
- 2) a one-time charge made as a condition of access to the improved public system.

Grantees, subrecipients or partners cannot assess low- and moderate-income property owners a fee to recover the capital costs of any CDBG-funded public facility.

Community Facilities – Acquisition, design, construction, or reconstruction of community facilities to serve lower income communities or lower income youth, elderly, or other lower income groups with special needs. This includes shelters and transitional housing facilities. It also includes acquisition, design, construction, or rehabilitation of fire protection facilities, and purchase of fire protection equipment. Community facility projects must provide the intended benefit for at least 10 years.

Economic Development – Construction or reconstruction of public infrastructure or facilities in support of private for-profit entities when the project will create or retain full-time equivalent (FTE), permanent jobs primarily for low- and moderate-income persons. Local microenterprise assistance programs offering direct loans and technical assistance/training to commercial enterprises with five or fewer employees, when at least one is the enterprise owner. Downtown revitalization activities, including infrastructure improvements, façade rehabilitation, and correction of code violations. Capitalizing a local economic development revolving loan fund for eligible private for-profit entities to create/retain FTE permanent jobs primarily for LMI persons or provides essential services to an LMI residential area. Limited assistance to private for-profit entities such as loans, loan guarantees, interest supplements, and interim financing/float loans to create or retain FTE, permanent jobs primarily for low- and moderate-income persons. *The need for public funds to benefit private for-profit entities must clearly balance the extent of public benefit received.*

Housing Rehabilitation – Activities to rehabilitate public or privately owned single- or multi-family housing units, commercial buildings and other non-residential structures. Substantial housing rehabilitation, lead-based paint mitigation, minor home repairs, energy conservation improvements and removal of architectural barriers are eligible rehabilitation activities. Also eligible is the cost of connecting residential structures to available water and sewer lines. Rehabilitation assistance can take the form of grants, loans, loan guarantees or interest supplements. Housing rehabilitation grants are limited to \$500,000 each. CDBG funds available for general administration and housing rehabilitation administration costs are generally limited to 25 percent of the CDBG award.

Other Eligible Activities - The following activities are eligible, and depending on the context, may qualify as elements of any of the above project categories:

- **Local Match** - For the non-federal share required by other federal or state grant programs used to support CDBG-eligible activities.
- **Relocation** - Relocation payments and assistance to permanently or temporarily displaced individuals, families, or businesses. All CDBG proposals that may cause displacement must include relocation assistance in the project plan and budget.

TITLE 1 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

This Act is the congressionally adopted statute from which most of the CDBG Program regulations are developed.

Activities eligible for assistance [Section 105 of the Act]105 (a)

(a) Enumeration of eligible activities

Activities assisted under this chapter may include only:

(1) the acquisition of real property (including air rights, water rights, and other interests therein) which is:

- (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth;
- (B) appropriate for rehabilitation or conservation activities;
- (C) appropriate for the preservation or restoration of historical sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development;
- (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or
- (E) to be used for other public purposes.

(2) the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements.

(3) code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public or private improvements or services to be provided, may be expected to arrest the decline of the area.

(4) clearance, demolition, removal, reconstruction, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation, of privately owned properties, and including the renovation of closed school buildings)

(5) special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons.

(6) payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by activities under this title.

(7) disposition (through sale, lease, donation or otherwise) of any real property acquired pursuant to this title or its retention for public purposes.

(8) provisions of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by the said unit, or received by such unit from the state in which it is located) during any part of the twelve-month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services,

unless the Secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 percent of the amount of any assistance to a unit of general local government under this title may be used for activities under this paragraph unless such unit of general local government used more than 15 percent of the assistance received under this title for fiscal year 1982 or fiscal year 1983 for such activities (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculation yields the higher amount.

(9) payment of the non-federal share required in connection with a federal grant-in-aid program undertaken as part of activities assisted under this chapter.

(10) payment of the cost of completing a project funded under Title I of the Housing Act of 1949.

(11) relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate.

(12) activities necessary (A) to develop a comprehensive community development plan, and (B) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively (i) determine its needs, (ii) set long-term goals and short-term objectives, (iii) devise programs and activities to meet these goals and objectives, (iv) evaluate the progress of such programs in accomplishing these goals and objectives, and (v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation.

(13) payment of reasonable administrative costs related to establishing and administering federally approved enterprise zones and payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of such activities, and including the carrying out of activities as described in section 701(e) of the Housing Act of 1954 on the date prior to the date of enactment of the Housing and Community Development Amendments of 1981.

(14) provision of assistance including loans (both interim and long term) and grants for activities which are carried out by public or private nonprofit entities, including (A) acquisition of real property. (B) acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities (except for buildings for the general conduct of government), site improvements, and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and (iii) planning.

(15) assistance to neighborhood-based nonprofit organizations, local development corporation, nonprofit organizations serving the development needs of the communities or non-entitlement areas, or entities organized under section 301(d) of the Small Business Investment Act of 1958 to carry out a neighborhood revitalization or community economic development or energy conservation project in furtherance of the objectives of Section 101(c), and assistance to neighborhood-based nonprofit organizations, for the purpose of assisting, as part of neighborhood revitalization or other community development, the development of shared housing opportunities (other than by construction of new facilities) in which elderly families (as defined in Section 3(b)(3) of the United States Housing Act of 1937) benefit as a result of living in a dwelling in which the facilities are shared with others in a manner that effectively and efficiently meets the housing needs of the residents and thereby reduces their cost of housing.

(16) activities necessary to the development of energy use strategies related to recipient's development goals, to assure that those goals are achieved with maximum energy efficiency, including items such as:

(A) an analysis of the manner in, and the extent to which energy conservation objectives will be integrated into local government operation, purchasing and service delivery, capital improvements budgeting, waste management, district heating and cooling, land use planning and zoning, and traffic control, parking, and public transportation functions.

(B) a statement of the action the recipient will take to foster energy conservation and the use of renewable energy resources in private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low- and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities.

(17) provisions of assistance to private, for-profit entities, when the assistance is necessary or appropriate to carry out an economic development project.

(18) the rehabilitation or development of housing assisted under section 1437 of this title;

(19) provision of technical assistance to public or nonprofit entities to increase the capacity of such entities to carry out eligible neighborhood revitalization or economic development activities, which assistance shall not be considered a planning cost as defined paragraph (12) or administrative cost as defined in paragraph (13).

(20) housing services, such as housing counseling, energy auditing, preparation of work specification, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in housing activities authorized under this section, or under Title II of the Cranston-Gonzalez National Affordable Housing Act, except that activities under this paragraph shall be subject to any limitation on administrative expenses imposed by any law.

(21) provision of assistance by recipients under this title to institutions of higher education having a demonstrated capacity to carry out eligible activities under this subsection for carrying out such activities.

(22) provision of assistance to public and private organizations, agencies, and other entities (including nonprofit and for-profit entities) to enable such entities to facilitate economic development by:

(A) providing credit (including providing direct loans and loan guarantees, establishing peer lending programs) for the establishment, stabilization, and expansion of microenterprises.

(B) providing technical assistance, advice, and business support services (including assistance, advice, and support relating to developing business plans, securing funding, conducting marketing, and otherwise engaging in microenterprise activities) to owners of microenterprises and persons developing microenterprises.

(C) providing general support (such as peer support programs and counseling) to owners of microenterprises and persons developing microenterprises.

(23) activities necessary to make essential repairs and to pay operating expenses necessary to maintain the habitability of housing units acquired through tax foreclosure proceedings in order to prevent abandonment and deterioration of such housing in primarily low-income neighborhoods.

(24) *Not used in HUD guidance.*

(25) provision of direct assistance to facilitate and expand home ownership among persons of low-income (except that such assistance shall not be considered a public service for purpose of paragraph (8)) by using such assistance to:

- (A) subsidize interest rates and mortgage principal amounts for low-income home buyers.
- (B) finance the acquisition by low-income home buyers of housing that is occupied by the home buyers.
- (C) acquire guarantees for mortgage financing obtained by low-income home buyers from private lenders (except that amounts received under this title may not be used under this subparagraph to directly guarantee such mortgage financing and grantees under this title may not directly provide such guarantees).
- (D) provide up to 50 percent of any down payment required from low-income home buyer.
- (E) pay reasonable closing costs (normally associated with the purchase of a home) incurred by low-income home buyer.

(26) lead-based paint hazard evaluation and reduction, as defined in section 4851b of this title.

(b) Reimbursement of Secretary for administrative services connected with rehabilitation of properties

Upon the request of the recipient of assistance under this title, the Secretary may agree to perform administrative services on a reimbursable basis on behalf of such recipient in connection with loans or grants for the rehabilitation of properties as authorized under subsection (a)(4) of this section.

(c) Activities benefitting persons of low and moderate income

(1) In any case in which an assisted activity described in paragraph (14) or (17) of subsection (a) is identified as principally benefiting persons of low-income, such activity shall:

- (A) be carried out in a neighborhood consisting predominately of person of low-income and provide services for such person.
- (B) involve facilities designed for use predominately by person of low-income.
- (C) involve employment of persons, a majority of whom are persons of low-income.

(2)(A) In any case in which an assisted activity described in subsection (a) is designed to serve an area generally and is clearly designed to meet identified needs of persons of low-income in such area, such activity shall be considered to principally benefit persons of low income if

- (i) not less than 51 percent of the residents of such area are persons of low-income;
- (ii) in any metropolitan city or urban county, the area served by such activity is within the highest quartile of all areas within the jurisdiction of such city or county in terms of the degree of concentration of persons of low-income; or
- (iii) the assistance for such activity is limited to paying assessments (including any charge made as a condition of obtaining access) levied against properties owned and occupied by persons of low-income to recover the capital cost for a public improvement.

(B) The requirements of subparagraph (A) do not prevent the use of assistance under this title for the development, establishment, and operation for not to exceed 2 years after its establishment of a uniform emergency telephone number system if the Secretary determines that.

(i) such system will contribute substantially to the safety of the residents of the area served by such system.

(ii) not less than 51 percent of the use of the system will be by persons of low-income.

(iii) other federal funds received by the grantee are not available for the development, establishment, and operation of such system due to the insufficiency of the amount of such funds, the restrictions on the use of such funds, or the prior commitment of such funds for other purposes by the grantee.

The percentage of the cost of the development, establishment, and operation of such a system that may be paid from assistance under this title and that is considered to benefit low-income persons is the percentage of the population to be served that is made up of persons of low-income.

(3) Any assisted activity under this title that involves the acquisition or rehabilitation of property to provide housing shall be considered to benefit persons of low-income only to the extent such housing will, upon completion, be occupied by such persons.

(4) For the purposes of subsection (c)(1)(C) of this section

A. if an employee resides in, or the assisted activity through which he or she is employed, is located in a census tract that meets the Federal enterprise zone eligibility criteria, the employee shall be presumed to be a person of low- or moderate-income; or

B. if an employee resides in a census tract where not less than 70 percent of the residents have incomes at or below 80 percent of the area median, the employee shall be presumed to be a person of low or moderate income.

INELIGIBLE ACTIVITIES

Although ineligible activities are not specifically identified in Title I, the Code of Federal regulations (CFR's), developed from the statute, provide guidance. According to 24 CFR 570.207, the general rule is that any activity that is not authorized under the provisions of 570.201 - 570.206 of this Subpart is ineligible to be carried out with CDBG funds. This section identifies three specific activities that are ineligible and provides guidance thought to be necessary in determining the eligibility of several other activities frequently associated with housing and community development.

(A) the following activities may not be carried out using CDBG funds:

(1) Buildings or portions thereof used predominantly for the general conduct of government cannot be assisted with CDBG funds. Such buildings include, but are not limited to: city halls and other headquarters of government where governing body of the recipient meets regularly, courthouses, and other state or local government office buildings. This does not exclude, however, the removal of architectural barriers under Subpart 570.201 (k) and historic preservation under 570.202(d) involving any such building. Also, where acquisition of real property includes an existing improvement which is to be utilized in the provision of a building or facility for the general conduct of government, the portion of the acquisition cost attributable to the land is eligible provided such acquisition meets a national objective, (570.208).

(2) General government expenses. Except as otherwise specifically authorized in this Subpart or 2 CFR 200, expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this Part.

(3) Political activities. CDBG funds shall not be used to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities, such as candidate forums, voter transportation, or voter registration. However, a facility originally financed in whole or in part with CDBG funds may be used on an incidental basis to hold political meetings, candidate forums, or voter registration campaigns, provided that all parties and organizations have access to the facility on an equal basis, and are assessed equal rent or use charges, if any.

(B) The following activities may not be carried out with CDBG funds unless authorized under provisions of 570.203 or as otherwise specifically noted herein, or when carried out by a subrecipient under the provisions of 570.204.

(1) Purchase of equipment. The purchase of equipment with CDBG funds is generally ineligible.

(i) Construction equipment. The purchase of construction equipment is ineligible, but compensation for the use of such equipment through leasing, depreciation, or use allowances pursuant to 2 CFR 200 for an otherwise eligible activity is an eligible use of CDBG funds. However, the purchase of construction equipment for use as part of a solid waste disposal facility is eligible under Subpart 570.201(c).

(ii) Fire protection equipment. Fire protection equipment is considered for this purpose to be an integral part of a fire protection facility and thus, purchase of such equipment would be eligible under 570.201(c).

(iii) Furnishings and personal property. The purchase of equipment, fixtures, motor vehicles, furnishings, or other property which is not an integral structural fixture is generally ineligible. CDBG funds may be used, however, to purchase, or to pay depreciation or use allowances (in accordance with 2 CFR 200), for such items when necessary for use by a recipient or its subrecipients in the administration of activities assisted with CDBG funds, or when eligible as firefighting equipment, or as a public service pursuant to Subpart 570.201(e).

(2) Operating and maintenance expenses. The general rule is that any expense associated with repairing, operating or maintaining public facilities and services is ineligible. Specific exceptions to this general rule are operating and maintenance expenses associated with public service activities, interim assistance and office space for program staff employed in carrying out the CDBG program. For example, where a public service is being assisted with CDBG funds, the cost of operating and maintaining that portion of the facility in which the service is located is eligible as part of the public service. Examples of ineligible operating and maintenance expenses are:

(i) Maintenance and repair of streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for the handicapped, parking and similar public facilities. Examples of maintenance and repair activities for which CDBG funds may not be used include the filling of pot holes in streets, repairing cracks in sidewalks, the mowing of recreational areas, and the replacement of expended street light bulbs.

(ii) Payment of salaries for staff, utility costs and similar expenses necessary for the operation of public works and facilities.

(3) New housing construction. Assistance may not be used for the construction of new permanent residential structures or for any program to subsidize or finance such new construction, except:

(i) As provided under the last resort housing provisions set forth in 49 CFR Part 24.

(ii) As authorized under 570.201(m).

(iii) When carried out by a subrecipient pursuant to 570.204(a).

Mattawa Code on Food Vendors

City of Mattawa, WA
Monday, August 18, 2025

Title 5. Business Taxes, Licenses and Regulations

Chapter 5.16. STATIONARY VENDORS AND SOLICITORS

§ 5.16.010. License required.

It shall be unlawful for any person, firm, or corporation to engage in business as a stationary vendor or solicitor (as hereinafter defined) within the city of Mattawa without obtaining an annual license in compliance with the provisions of this chapter. A separate license shall be required for each location of any stationary vendor and for each vehicle or other conveyance used by a stationary vendor or solicitor. The license required under this chapter is separate from and in addition to the business license issued under Chapter 5.04, which may also be required when applicable.

(Ord. No. 644 § 1, 12-17-2020; Ord. No. 565 § 1, 7-2-2015; Ord. No. 518 § 1, 12-1-2011; Ord. 415 § 1, 2002)

§ 5.16.020. Definitions.

The following terms and definitions shall be used in the administration of this chapter:

"Food"

shall have its usual and ordinary meaning, and shall include all items designed for human consumption, including, but not limited to candy, gum, popcorn, hotdogs, sandwiches, peanuts, soft drinks and dairy products.

"Solicitor"

shall mean any person who goes from house to house, or place to place, in the city, selling or taking orders for or offering to sell, rent, lease or take orders for the sale, rental or lease of goods, wares, merchandise, services or whatsoever, for present or future delivery, or for the making, manufacturing or repairing of any article or thing whatsoever, for present or future delivery.

"Stationary vendor"

shall mean any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether a resident of the city or not, who engages in a business of selling and delivering goods, wares, food, or merchandise of any kind or description and who may conduct business from a vehicle or other conveyance upon privately or publicly owned property but not on a public street, sidewalk, alley, or public way of the city. A person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such temporary business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.

(Ord. 415 § 2, 2002; Ord. No. 565 § 1, 7-2-2015; Ord. No. 518 § 1, 12-1-2011)

§ 5.16.030. Exemptions.

The provisions of the chapter requiring a license shall not be construed to apply to the following; however, any activity that is exempt from licensing still must comply with the general ordinances of the city of Mattawa, including trash disposal:

- A. Persons selling only fruits, vegetables, berries, eggs or any farm produce or edibles raised, gathered, produced or manufactured by such persons in the state of Washington.
- B. Persons selling only trees used for the celebration of Christmas season.
- C. Non-profit religious, charitable and educational organizations selling goods for a limited period of time and to raise funds for the organization's stated purposes.

(Ord. 415 § 3, 2002; Ord. No. 565 § 1, 7-2-2015; Ord. No. 518 § 1, 12-1-2011)

§ 5.16.040. Application.

Any person, firm, or corporation desiring to secure a license as a stationary vendor or solicitor shall make application to the city, on forms to be provided by the city. Such application shall provide:

- A. The name or names and address of the applicant; vehicle license numbers of all vehicles from which the applicant proposes to conduct business; description of the general type of goods, wares, merchandise or food proposed to be sold by the applicant; and the place or places where the applicant proposes to engage in business.
- B. Each application for a stationary vendor license shall be accompanied with the following:
 1. Proof of registration with the Washington State Department of Revenue, and if the application is a renewal of a license granted in prior years, it must be accompanied by proof of payment in full of all sums due the Department of Revenue for sales, excise, and/or other taxes and fees incurred in the prior year's operations.
 2. The license fee or fees as hereinafter provided.
 3. A statement explaining the method of trash and litter disposal being proposed by the vendor.
 4. If the business to be conducted will sell food, proof of compliance with all Department of Health rules, regulations and requirements; and compliance with any other regulatory agency rules, regulations and requirements.
 5. A certificate of liability insurance in the minimum amount of one million dollars with the city of Mattawa as an additional named insured, providing liability coverage for the operation of the business.
 6. A written authorization from the property owner to conduct the applicant's business at the place so noted on the application.
 7. A drawing to a scale not greater than fifty feet per inch and not less than ten feet per inch, which shall depict the following information:
 - a. The portion of the property to be occupied by the business.
 - b. The portion of the property to be used for automobile parking and the number of automobiles accommodated in said area.
 - c. The location of driveways providing ingress and egress to the property shall be approved by the public works director.
 - d. The location of existing buildings and structures located on the property noting the use of each building or structure so identified.
- C. Each application for a solicitor license shall be accompanied with the following:
 1. Proof of registration with the Washington State Department of Revenue, and if the application is a renewal of a license granted in prior years, it must be accompanied by proof of payment in full of all sums due the Department of Revenue for sales, excise, and/or other taxes and fees incurred in the prior year's operations.
 2. The license fee or fees as hereinafter provided.

All orders taken by solicitors shall be written in duplicate, stating the name as it appears on the permit, the address of both the solicitor and his employer, the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser.
(Ord. No. 565 § 1, 7-2-2015)

§ 5.16.120. Revocation of license.

Any license issued pursuant to this chapter may be revoked, in writing, by the city council for any of the following causes:

- A. Any fraud, misrepresentation or false statement contained in the application for license;
- B. Any fraud, misrepresentation or false statement made in connection with the selling of products;
- C. Any violation of any provision of this chapter or the failure to pay taxes and fees when due to any governmental entity imposed in connection with the operation of the business, or the violation of any other regulatory rule or regulation relating to the operation of the business;
- D. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude;
- E. Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(Ord. 415 § 12, 2002; Ord. No. 565 § 1, 7-2-2015; Ord. No. 518 § 1, 12-1-2011)

§ 5.16.130. Appeal.

Any person aggrieved by the denial of an application for a license or by the revocation of a license as provided for in this chapter, shall have the right to appeal to the city council. Such appeal shall be taken by filing with the city clerk/treasurer within fourteen calendar days after the notice of decision has been mailed, by certified mail, to the applicant's or licensee's last known address, a written statement setting forth the grounds for the appeal. The council shall set the time and place for hearing on such appeal and notice of such hearing shall be given by certified mail to the appellant at least five calendar days prior to the date fixed for such hearing.
(Ord. 415 § 13, 2002; Ord. No. 565 § 1, 7-2-2015; Ord. No. 518 § 1, 12-1-2011)

§ 5.16.140. Violation and penalty.

Any person, firm or corporation in violation of any of the provisions of this chapter shall have committed a code infraction and upon a finding by the municipal court judge that an infraction occurred, such person shall be punished by a civil penalty in the sum of two hundred fifty dollars. Each day of violation shall be a separate infraction for which such penalty shall be imposed.

(Ord. 415 § 14, 2002; Ord. No. 565 § 1, 7-2-2015; Ord. No. 518 § 1, 12-1-2011)

§ 5.16.150. Reserved.

[1] *Editor's note*—Ord. No. 565, § 1, adopted July 2, 2015, repealed § 5.16.150, which pertained to amended and repealed sections and derived from Ord. No. 415, 2002, and Ord. No. 518, 2011.

Chapter 5.07

MOBILE FOOD VENDORS, FOOD COURTS, AND STREET FOOD VENDORS

Sections:

- 5.07.010 License Required.**
- 5.07.020 Definitions.**
- 5.07.030 Exemptions.**
- 5.07.040 Mobile Food Vendor Application.**
- 5.07.045 Food Court Application.**
- 5.07.050 Investigation and Determination.**
- 5.07.060 Fees.**
- 5.07.070 Exhibiting of License/Transfer.**
- 5.07.080 Compliance with Regulations.**
- 5.07.090 Mobile Food and Street Food Vendor and Food Court Standards.**
- 5.07.100 Revocation or Denial of License.**
- 5.07.110 Appeal.**
- 5.07.120 Penalty.**
- 5.07.130 Duty of Finance Department to Enforce.**
- 5.07.140 General Fund.**
- 5.07.150 Fees Collected by Court.**

5.07.010 License Required:

It shall be unlawful for a mobile food or street food vendor to engage in business within the City of Moses Lake except when licensed as a mobile food or street food vendor as defined in this chapter. The license required by this chapter is in addition to the business license provided for by Chapter [5.04](#), if it is also required. (Ord. 3045, 3/26/24; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2784, 10/13/15; Ord. 1619, 1994)

5.07.020 Definitions:

The following terms and definitions shall be used in the administration of this chapter:

- A. "Mobile food vendor" shall mean any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether a resident of the City or not, who engages in a business of selling and delivering food from a vehicle or other motorized conveyance upon privately or publicly owned property including any public street, sidewalk, alley, or public way of the City. A person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer,

trader, merchant, or auctioneer, or by conducting such temporary business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.

B. "Food" shall have its usual and ordinary meaning, and shall include all items designed for human consumption, including, but not limited to, candy, gum, popcorn, hot dogs, sandwiches, peanuts, soft drinks, frozen concessions, nonalcoholic beverages, and dairy products. Products regulated by the Washington State Liquor and Cannabis Board may not be sold by mobile food or street food vendors.

C. "Authorized concession stand" shall mean a concession stand operated or maintained for the sale of food or merchandise, in the public parks of the City, or on other public property, by the City or in accordance with a City-approved agreement or franchise.

D. "Public celebration" shall mean the Spring Festival activities customarily celebrated in and around McCosh Park and other areas of the City, as well as any other time of public celebration.

E. "Special event" shall mean an event for which the City has authorized use of City facilities for use by vendors, such as the farmers market.

F. "Street food vendor" shall mean a vendor, including any owner and employee, selling food within a public or private parking lot, pedestrian plaza, public street, alley, sidewalk, public right-of-way, or public property, using a nonmotorized cart or temporary structure.

G. "Food court" shall mean one (1) location (parking lot, plaza, or lot) where three (3) or more street food vendors operate within a defined space that has been designed to accommodate multiple food vendors on a permanent basis. The site offers permanent utility connections, paved parking and restrooms for patrons.

H. A "tent," for the purposes of this chapter, shall be defined as a structure, enclosure, canopy or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects, and which meets the flame propagation performance treatment set forth in Section 3104.2 of the International Fire Code (test method 1 or 2 of NFPA 701), CPAI 84, or California Fire Marshal Seal. (Ord. 3045, 3/26/24; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2878, 11/14/17; Ord. 2784, 10/13/15; Ord. 1619, 1994)

5.07.030 Exemptions:

The provisions of this chapter shall not be construed to apply to the following:

A. Persons selling only fruits, vegetables, berries, eggs, or any farm produce, pursuant to RCW [36.71.090](#).

B. *Limited Special Event Vending.* Mobile food vendors and street food vendors may vend from a zone approved for mobile food vending and are exempt from the permitting requirements of this chapter but must have and maintain all other licenses and approvals necessary to lawfully operate as a mobile food or street food vendor in Moses Lake. Limited special event vending cannot remain at a location for longer than the duration of the special event and while there must be located so as to avoid creating conflicts with pedestrian or motor vehicle traffic or

creating other public safety problems. The owner of the property where an event such as a community event, special event approved by the City, a neighborhood block party, wedding, birthday party, grand opening, or similar event is taking place must have invited the mobile food or street food vendor to participate and such vending is part of the event activities. (Ord. 3045, 3/26/24; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2784, 10/13/15; Ord. 1619, 1994)

5.07.040 Mobile Food Vendor Application:

Any person, firm, or corporation desiring to secure a license as a mobile food or street food vendor shall make application to the City, on forms to be provided by the City, at least twenty-one (21) days before the requested start date of the business. Such mobile food or street food vendor application shall provide:

- A. The name or names and address of the applicant, vehicle license numbers of all vehicles or a description of the conveyance from which the applicant proposes to conduct business; description of the general type of food proposed to be sold by the applicant.
- B. Each mobile food vendor application shall be accompanied with the license fee as provided for in the currently adopted fee schedule.
- C. Each license application for a mobile food or street food vendor shall be accompanied with the following information to establish compliance with this chapter and other applicable codes:
 1. Washington State Unified Business Identifier (UBI).
 2. Copy of approved operations permit from the Moses Lake Fire Department, as applicable (for instance for operators with grease-laden vapors, etc.), which must be renewed annually. Requirements for such a permit are found in the most recently adopted Washington State Adopted and Amended Fire Code.
 3. The mobile food vendor must obtain a signed agreement between the property owner, or legal agent, and the mobile food vendor allowing use of the property for the mobile food business. This shall include written permission from the property owner for employees of the mobile food vendor to use the property owner's restroom.
 4. Vendors must have access to restrooms with warm water under pressure and be open/accessible during all hours of operations. If seating is provided restrooms must also be accessible to customers. Portable restrooms are not permitted.
 5. A statement explaining the method of trash and litter disposal being proposed by the vendor and/or signed agreement from the property owner to utilize their garbage.
 6. Site plan of where unit will be located (if applicable), as it pertains to existing buildings, parking and exits, will be provided for each operating location within City limits.

- a. A mobile food or street food vendor shall not be located within five feet (5') from the outside edge of the public right-of-way. The setback requirement applies to all vehicle appurtenances, on or in the vehicle, including but not limited to tanks, generators, awnings, tents, etc.
 - b. Site distance triangles shall be observed. The site triangle shall be formed by measuring from the intersection of the extended curb line or the traveled right-of-way (if no curbs exist) of the adjacent street, to a distance of fifty feet (50') from the corner point. The third side of the triangle is the straight line connecting the two (2) fifty foot (50') sides. Within the area comprising the triangle, no fence, shrub, or other physical obstruction higher than thirty-six inches (36") above the established street grade shall be permitted.
 - c. The vending window shall be facing the interior of the lot, away from the public right-of-way.
7. Copy of current food establishment permit issued by the Grant County Health District, which must be renewed annually.
 8. Each food vendor shall be a self-contained unit and shall obtain an electrical permit and inspection from L&I prior to operation.
 9. Approval from Fire Department.
 - a. LPG (commonly referred to as propane tanks) or compressed natural gas (CNG) gas containers shall adhere to the following requirements:
 - 1) Maximum aggregate capacity shall not exceed forty-six (46) gallons for propane (LPG), and no more than one thousand three hundred (1,300) pounds for CNG (compressed natural gas). The final maximum capacity shall be determined by the Fire Department on a case-by-case basis.
 - 2) Gas containers shall be contained on, or within, the food vending unit.
 10. Any tents used by the food vendor shall comply with the standards of Section [5.07.090\(I\)](#). (Ord. 3045, 3/26/24; Ord. 3022, 4/11/23; Ord. 3012, 8/9/22; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2784, 10/13/15; Ord. 1619, 1994)

5.07.045 Food Court Application:

Any person, firm, or corporation desiring to operate a "food court," as defined in Section [5.07.020](#), shall request a preapplication meeting through the Community Development Department prior to submission of a business license. Upon successful completion of the preapplication meeting, such person, firm, or corporation shall make application to the City, on forms to be provided by the City, at least twenty-one (21) days before the requested start date of the business. Such food court application shall provide:

- A. The name or names and address of the applicant, vehicle license numbers of all vehicles or a description of the conveyance(s) from which the applicant proposes to conduct business; description of the general type of food proposed to be sold by the applicant.
- B. Each mobile food court application shall be accompanied with the application review fee as currently adopted.
- C. Each food court operations application shall be accompanied with the following information to establish compliance with this chapter and other applicable codes:
1. Washington State Unified Business Identifier.
 2. Copy of approved operations permit from the Moses Lake Fire Department for each vendor proposing to locate on the site, as applicable (i.e., for operators with grease-laden vapors, etc.). Requirements for such a permit shall comply with the most recently adopted Washington State Adopted and Amended Fire Code.
 3. A site plan depicting the following:
 - a. Parcel lines and right-of-way lines.
 - b. The boundaries of the portion of the property to be used for the food court.
 - c. Location and dimensions of:
 - 1) Existing structures, vehicles, and signage on the site.
 - 2) Proposed vending stalls for the site.
 - 3) Tank locations for each food vendor unit, including dimensions.
 - A) Setbacks shall adhere to the most recently adopted Washington State Adopted and Amended Fire Code.
 - B) Any protective bollards proposed for the site shall also be depicted.
 - 4) Accessory seating and tables.
 - 5) Permanent restroom facilities.
 - 6) Trash enclosure.
 - 7) Parking. Location of available parking spaces required for the food vendors shall be depicted. The site plan must also demonstrate compliance with the parking requirements for any primary use on the site.
 - d. Vehicle ingress and egress.
 - e. Utilities, including power, water, sewer, etc.

- f. Lighting.
 - g. Landscaping, pursuant to most currently adopted development code of the Moses Lake Municipal Code.
 - h. A tent may be included with each food vendor on the site and shall comply with the requirements of Section [5.07.090\(I\)](#).
4. Compliance with setback and distance requirements.
- a. Food vendors within the food court shall not be located within five feet (5') from the outside edge of the public right-of-way. The setback requirement applies to all vehicle appurtenances, on or in the vehicle, including but not limited to tanks, generators, awnings, tents, etc.
 - b. All vending windows within the food court shall face the interior of the food court, and away from the public right-of-way.
 - c. There shall be at least ten feet (10') of separation between each food vending unit, unless there is a neighboring vendor that includes a grease-laden vapor. In such case, the distance between units shall be twenty feet (20') between units.
 - d. Sight distance triangles for the outer perimeter of the site shall be observed. The sight triangle shall be formed by measuring from the intersection of the extended curb line or the traveled right-of-way (if no curbs exist) of the adjacent street, to a distance of fifty feet (50') from the corner point. The third side of the triangle is the straight line connecting the two (2) fifty-foot (50') sides. Within the area comprising the triangle, no fence, shrub, or other physical obstruction higher than thirty-six inches (36") above the established street grade shall be permitted.
5. Approval from Fire Department (required for each individual vendor hook-up that utilizes a separate source).
- a. LPG (commonly referred to as propane tanks) or compressed natural gas (CNG) gas containers shall adhere to the following requirements:
 - 1) Maximum aggregate capacity shall not exceed forty-six (46) gallons for propane (LPG), and no more than one thousand three hundred (1,300) pounds for CNG (compressed natural gas). The final maximum capacity shall be determined by the Fire Department on a case-by-case basis.
 - 2) Gas containers shall be contained on, or within, the food vending unit.
6. Permanent power shall be provided within the food court, with connections made available to each individual food vending unit.
- a. The property owner, property lessee, or their contractor shall obtain a permit from L&I and necessary inspections performed prior to operation of the food court.

7. It is the responsibility of the individual food vendors within the food court to obtain a food establishment permit from Grant County and to adhere to best practices for food handling when undertaking food vendor activities involving the preparation and serving of food.
8. Noise generated on site shall comply with currently adopted noise ordinance of the Moses Lake Municipal Code. (Ord. 3045, 3/26/24)

5.07.050 Investigation and Determination:

Upon receipt of such complete application, the Finance Department shall cause such investigation of such person's or persons' business responsibility to be made as is deemed necessary for the protection of the public good and shall refer the application to all City departments for their determination as to compliance with standards and requirements of this chapter. An application shall be denied by the Finance Department upon written findings that the applicant's business responsibility is unsatisfactory or that the proposed business activity will violate any applicable law, rule, or regulation. Any license issued under this chapter shall contain the number on the license, the date same was issued, the nature of the business authorized to be carried on, the expiration date of said license, and the name or names of the person or persons authorized to carry on the same. The Finance Department shall keep a record of all licenses issued under this chapter and shall promptly provide the Washington State Department of Revenue a record of any license issued under this chapter. (Ord. 3045, 3/26/24; Ord. 3022, 4/11/23; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2784, 10/13/15; Ord. 1925, 4/11/00; Ord. 1619, 1994)

5.07.060 Fees:

The business license fee for a mobile food or street food vendor, and the application review fee for a food court, shall be assessed in accordance with the adopted fee schedule for the year or part thereof, payable in advance, for each vehicle, conveyance, or mobile food or street food vendor. (Ord. 3045, 3/26/24; Ord. 3012, 8/9/22; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2917, 12/11/18; Ord. 2878, 11/14/17; Ord. 2839, 12/27/16; Ord. 2784, 10/13/15; Ord. 1975, 11/14/00; Ord. 1886, 12/14/99; Ord. 1619, 1994)

5.07.070 Exhibiting of License/Transfer:

- A. Any license issued under this chapter shall be posted conspicuously upon all vehicles, conveyances, or temporary structures from which a mobile food or street food vendor conducts business.
- B. Any license issued under this chapter shall not be transferred to any other person, firm, or corporation. (Ord. 3045, 3/26/24; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2784, 10/13/15; Ord. 1619, 1994)

5.07.080 Compliance with Regulations:

All food vendors shall comply with all laws, rules, and regulations regarding food handling, and all vehicles, conveyances, and stands used for the sale of food shall comply with all applicable laws, rules, and regulations respecting such vehicles, conveyances, or stands as established by the Grant County Health District, the Washington State Motor Vehicle Code, Washington State Adopted Fire Code, Washington State Adopted Building Code, as currently or hereafter amended, and as set forth in the Moses Lake Municipal Code.

All mobile food and street food vendors are subject to periodic compliance inspections by the City. (Ord. 3045, 3/26/24; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2784, 10/13/15; Ord. 1619, 1994)

5.07.090 Mobile Food and Street Food Vendor and Food Court Standards:

All mobile and street vendors licensed under this chapter shall conform to the following standards:

- A. No mobile food or street food vendor shall operate from one (1) location in a residential zone as defined in Title [15](#) for longer than fifteen (15) minutes at a time.
- B. No mobile food or street food vendor shall locate his or her vehicle or conveyance in that portion of public right-of-way abutting private property without the written permission of the owner of the abutting private property. No food shall be offered, displayed, or sold, and no customers served, in any vehicle travel lane. A mobile food or street food vendor shall not be located within five feet (5') from the outside edge of any public right-of-way.
- C. No signs or signage shall be permitted other than that which can be contained on the vehicle or conveyance utilized.
- D. The distance between any food vendor and other structures on the site shall comply with the requirements of the International Fire Code, as currently enacted or hereinafter amended.
- E. No vehicle, mobile food, street food vendor, other conveyance or temporary stand shall locate closer than fifty feet (50') from flammable combustible liquid or gas storage and dispensing structures.
- F. All mobile food and street food vendors shall have at least one (1) adequately sized and properly secured garbage receptacle upon the site of business or on the vehicle or conveyance for customer use.
- G. Sites used by mobile food or street food vendors, or food courts shall be cleaned of all debris, trash, and litter at the conclusion of daily business activities.
- H. All vehicles, mobile food vendor, street food vendor, other conveyances, or temporary stands shall be equipped with at least one (1) fire extinguisher approved by the Fire Department, with an up-to-date annual inspection tag provided.

I. All tents with dimensions larger than ten feet (10') by ten feet (10') must conform to labeling and certification which shall be done in accordance with the currently adopted and amended state fire code.

1. The tent shall be of vinyl, canvas, or similar durable material. All parts of such tent must have a minimum of seven feet (7') of vertical clearance to the ground.
2. All tents shall be anchored in accordance with requirements of the International Fire Code, as currently adopted or hereinafter amended.
3. Cooking under tents shall conform with each of the following requirements:
 - a. Any tent that is placed over any cooking apparatus, or near a heat source, shall be of a flame-retardant material, and require approval from the Fire Department.
 - b. Tents with cooking devices are not allowed to be open to the public.
 - c. Cooking devices are not allowed to obstruct the exit access, exit or exit discharge.
 - d. Cooking devices located under tents with sidewalls shall have cooking devices located a minimum of three feet (3') from tent walls.
 - e. Cooking surfaces shall have a minimum vertical clearance of forty-two inches (42") to tent structure when the tent dimensions do not exceed ten feet (10') by ten feet (10'), and a minimum vertical clearance of forty-eight inches (48") when the tent dimensions exceed ten feet (10') by ten feet (10').
 - f. A minimum rated 2A-10BC fire extinguisher shall be located within each tent.
 - g. If grease-laden vapors are produced, a six (6) liter class K extinguisher shall be located within the tent.
 - h. All compressed gas cylinders shall be restrained to prevent dislodging.

J. No mobile food or street food vendor shall sell or vend from his or her vehicle or conveyance:

1. Within four hundred feet (400') of any public or private school grounds during the hours of regular school session, classes, or school-related events in said public or private school, except when authorized by said school.
2. Within three hundred feet (300') of any public park of the City where any City-authorized concession stand is located during times other than during the course of a public celebration except as approved by the Parks and Recreation Department of the City.
3. Within three hundred feet (300') of any public park of the City where any City authorized concession stand is located during the course of a public celebration when nonprofit organizations are permitted to engage in the sale of merchandise and food in such park.

4. Within three hundred feet (300') of any public park or other public space during a special event for which organizations are permitted to sell merchandise and/or food in the park or public space for a fee, unless the mobile food or street food vendor obtains written permission from the coordinator of the event.
- K. No mobile food or street food vendor shall conduct business so as to violate the traffic and sidewalk ordinances of the City as now in effect or hereafter amended.
- L. No mobile food or street food vendor, acting solo or as part of a food court, shall obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where goods, wares, food, or merchandise of any kind is being sold or offered for sale.
- M. Generators shall not be operated from 10:00 p.m. to 6:00 a.m. (Ord. 3051, 9/24/24; Ord. 3045, 3/26/24; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2824, 9/27/16; Ord. 2784, 10/13/15; Ord. 1619, 1994)

5.07.100 Revocation or Denial of License:

Any license pursuant to this chapter may be revoked or denied, in writing, by the Finance Director for any of the following causes:

- A. Any fraud, misrepresentation, or false statement contained in the application for license.
- B. Any fraud, misrepresentation, or false statement made in connection with the selling of products.
- C. Any violation of this chapter.
- D. Any violation of building or fire codes of the City.
- E. Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public. (Ord. 3045, 3/26/24; Ord. 3022, 4/11/23; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2784, 10/13/15; Ord. 1925, 4/11/00; Ord. 1619, 1994)

5.07.110 Appeal:

Any person aggrieved by the denial of an application for a license or by the revocation of a license as provided for in this chapter shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the Finance Director within fourteen (14) calendar days after the notice of decision has been mailed, by certified mail, to the applicant's or licensee's last known address, a written statement setting forth the grounds for the appeal. The City Council shall set the time and place for hearing on such appeal and notice of such hearing shall be given by certified mail to the appellant at least five (5) calendar days prior to the date fixed for such hearing. (Ord. 3045, 3/26/24; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2493, 7/28/09; Ord. 1619, 1994)

5.07.120 Penalty:

Failure to comply with any of the provisions of this chapter shall subject the violator to a C-6 penalty as defined in Chapter [1.08](#). (Ord. 3045, 3/26/24; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 1619, 1994)

5.07.130 Duty of Finance Department to Enforce:

It shall be the duty of the Finance Department of the City of Moses Lake to enforce the application and licensing provisions of this chapter against any person found to be violating the same. It shall be the duty of any other department to enforce violations of any permit issued by that department. (Ord. 3045, 3/26/24; Ord. 3022, 4/11/23; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2784, 10/13/15)

5.07.140 General Fund:

All funds received by the City under the terms of this chapter shall be paid into the General Fund of the City and budgeted annually for any municipal purpose, as required by law. (Ord. 3045, 3/26/24; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2784, 10/13/15)

5.07.150 Fees Collected by Court:

The City shall have the power to institute suit or action in any court of competent jurisdiction for the purpose of collecting any license fees that are due and payable. (Ord. 3045, 3/26/24; Ord. 2988, 9/28/21; Ord. 2924, 4/23/19; Ord. 2784, 10/13/15)

The Moses Lake Municipal Code is current through Ordinance 3067, passed February 11, 2025.

Disclaimer: The city clerk has the official version of the Moses Lake Municipal Code. Users should contact the city clerk for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cityofml.com](http://www.cityofml.com)

[Staff Directory](#)

[Hosted by General Code.](#)

Chapter 5.12

SPECIAL EVENTS

Sections:

- 5.12.010 Purpose and Policy.**
- 5.12.020 Intent.**
- 5.12.030 Definitions.**
- 5.12.040 Exemptions.**
- 5.12.050 Administration.**
- 5.12.060 Permit Required.**
- 5.12.070 Permit Fee and Deposit – Exemptions.**
- 5.12.080 Prioritization of Permit Applications.**
- 5.12.090 Permit Application and Issuance.**
- 5.12.100 Permit Requirements.**
- 5.12.110 Permit Conditions.**
- 5.12.120 Denial of Application.**
- 5.12.130 Indemnification.**
- 5.12.140 Insurance Required.**
- 5.12.150 Revocation or Suspension.**
- 5.12.160 Appeal Procedure.**
- 5.12.170 Waiver of Application Deadline – Waiver of fees, insurance and performance requirements for special events protected under the First and Fourteenth Amendments to the U.S. Constitution.**
- 5.12.180 Penalty for Violation.**
- 5.12.190 Severability.**

5.12.010 Purpose and Policy:

Special events are of infrequent occurrence and temporary nature and may be associated with promotions, holidays, festivals, and the like. Special events shall be allowed by a special events permit granted by the City Manager or designee. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.020 Intent:

It is the specific intent to place the obligation of complying with the requirements of this chapter upon the applicant or sponsor, and nothing contained in this chapter is intended to be construed to create or form the basis

for liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from the failure of the applicant or sponsor to comply with the provisions stated herein. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.030 Definitions:

For the purpose of this chapter, words and phrases used herein are as follows:

- A. "Applicant" shall mean any person or organization who seeks a special event permit to conduct or sponsor an event governed by this chapter.
- B. "Athletic event" shall mean an occasion in which a group of persons collect to engage in or watch a sport or form of exercise on private or public property and/or on a City street, sidewalk, alley, or other street right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls. Athletic events include, but are not limited to, bicycle and foot races.
- C. "Block party" shall mean a limited street closure within a residentially zoned area for the purposes of holding a gathering involving the immediately surrounding residents.
- D. "Expressive activity" means conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas. Expressive activity includes, but is not limited to, public oratory and the distribution of literature.
- E. "Funeral procession" means a single direct movement from a mortuary or church to the place of burial of a human body, under the direction of an authorized funeral director.
- F. "Permit application fee" shall mean the fee to be paid by the special event permit applicant at the time the application is filed with the Finance Director. Such fee shall be set by the City Council.
- G. "Permittee" shall mean any person or organization who has been issued a special events permit by the City Manager or designee. The permittee shall have authority, subject to approval by the City, to determine participation in commercial activities during a special event.
- H. "Refundable deposit" shall mean the amount of money required of a permittee by the Municipal Services Department, Public Works Division, in order to assure adequate cleanup of the special event site. The deposit shall be returned to the permittee upon the completion of the event and approval of the Municipal Services Department, Public Works Division.
- I. "Special event" means:
 - 1. Any organized formation, parade, procession, demonstration or assembly which may include persons, animals, vehicles, or any combination thereof, which is to assemble or travel in unison on any street, sidewalk or other public right-of-way owned or controlled by the City which does not comply with applicable traffic regulations, laws or controls.

2. Any organized assemblage of seventy-five (75) or more persons at any public place, property, or facility which is to gather for a common purpose under the direction or control of a person.

3. Examples of special events include, but are not limited to, concerts, parades, circuses, fairs, festivals, block parties, street fairs, community events, on the water activities (such as boat races), mass participation sports (such as marathons and other running events), athletic or sporting events, and community celebrations and observances conducted on public property or public rights of way.

J. "Special events permit" shall mean the permit issued by the City Manager or designee after the applicant has met all applicable reviews and requirements set forth in this chapter. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.040 Exemptions:

The provisions of this chapter shall not apply to:

A. Funeral processions.

B. Groups required by law to be so assembled.

C. Pedestrian processions along a route that is restricted to sidewalks and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls.

D. *Expressive activities.* If practicable, the organizers should give notice to the City at least four (4) hours prior to the event informing the City of the date and time of the event and provide an estimate of the approximate number of persons who will be participating.

E. Activities of state and federal governmental agencies, including military units, which are performed within the scope of such agency's duties and functions.

F. Events conducted by the City of Moses Lake. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.050 Administration:

The City Manager shall, after consultation with appropriate departments and agencies, have discretionary authority regarding special event permits. The City Manager may approve, modify, or condition an application for a special events permit in accordance with the principles of this chapter. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.060 Permit Required:

A. Any person desiring to conduct or sponsor a special event on public property or which will necessitate the use of the public right-of-way shall first obtain a special events permit.

- B. Any event subject to the provisions of this chapter that is staged without complying with all conditions of this chapter shall be subject to closure by the City Police Department.
- C. The permit required by this chapter does not absolve the special event permittee or any participants of the event from otherwise obtaining and maintaining a business license under Chapter [5.04](#) when required. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.070 Permit Fee and Deposit – Exemptions:

- A. The fee for issuance of a special events permit shall be set by resolution of the City Council. A clean-up deposit is required for applicants or sponsoring organizations of special events involving the sale of food or beverages for immediate consumption, the erection of structures, the use of horses or other animals, other than dogs and cats, or the use of fireworks or other incendiary devices, in an amount reasonably anticipated to be incurred in removing debris or litter caused by such special event as determined by the City Council. The clean-up deposit may be returned after the special event if the applicant or sponsoring organization cleans and restores the area used for the permitted event to the same condition as existed prior to the event. If the property used for the event has not been properly cleaned or restored, the clean-up deposit shall be applied toward the City's costs in cleaning up the permitted area. There may be requirements for police officers to control traffic, provide security, and protect people and property at additional costs. The Public Works Division may have additional costs for placing barricades, roadway preparation, and clean-up.
- B. No fee shall apply to a block party. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.080 Prioritization of Permit Applications:

When an event is proposed that would conflict with the time or location of another event, the following criteria shall guide the determination of priority for the special event:

- A. Whether a special event is being proposed for the same area or time as another event and, if so, whether multiple events can be reasonably accommodated given the location and resources, and if not, giving priority to the first event for which a permit application is submitted; provided, that either an event sponsored by the City of Moses Lake or a bona fide nonprofit organization that has previously occurred in the same general location or at the same approximate time of year shall have priority; provided further, that the nonprofit organization submits a timely and complete permit application for the special event.
- B. Whether timing or location of an event might conflict with other projects and activities, for example, road work or a construction project.
- C. History of the event or of other events held by a sponsoring party as related to safety, security, and compliance with permit conditions. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.090 Permit Application and Issuance:

- A. A special event application as provided by the Administration Department and provided by the Parks and Recreation Department shall be completed and submitted to the Parks and Recreation Department at least sixty (60) days prior to the event. Applications submitted less than sixty (60) days prior to the event may be accepted if the Administration Department finds that there is adequate time to properly process the request, that all requirements of the permit can be met without undue strain on City resources and the date and venue are available for use.
- B. If required by the City, the permittee shall provide the City with proof of commercial general liability insurance as required in Section [5.12.140](#).
- C. The Parks and Recreation Director or designee shall issue the special event permit once the application has been approved after review of appropriate departments to include Police, Fire, Public Works, Parks, Community Development, and others as determined by the City Council, and the applicant has agreed in writing to comply with the terms and conditions of the permit.
- D. The Parks and Recreation Director or designated appointee shall approve, conditionally approve, or deny an application based on the recommendations of City departments involved in the review process. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.100 Permit Requirements:

- A. Special event uses are to be temporary and approved for a particular zoning district by the Community Development Director.
- B. Temporary signage and temporary structures will be allowed subject to provisions of this code pursuant to the interpretive authority and discretion of the Community Development Director.
- C. Requests for temporary parking facilities for special events and street closures for special events shall be subject to provisions of this code pursuant to the interpretive authority and discretion of the Police Chief. Street closures for any portion of a state highway or right-of-way shall be subject to state requirements and approvals.
- D. Requests for fire and emergency medical services shall be subject to requirements and interpretive authority and discretion of the City's Fire Department.
- E. Requests for police services shall be subject to provisions of this code pursuant to the interpretive authority and discretion of the Police Chief.
- F. Expenses for fire, police, medical services, parks, and public works crews needed for coverage and cleanup at the special event shall be prepaid and the responsibility of the permittee, even if the permit fee has been waived. If the actual cost for City services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.

G. Adequate sanitation and other required health facilities shall, as required by applicable statutes and the Grant County Health District, be provided or made available in or adjacent to any public assembly areas.

H. Use of City water beyond incidental and typical consumptive uses, such as use of City water to run a water toy or water feature, shall require prepayment for such use in an amount to be determined by the City Manager. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.110 Permit Conditions:

The Parks and Recreation Director or designee may condition the issuance of a special event permit by imposing reasonable requirements concerning time, place, and manner of the event; and such requirements as are necessary to protect the safety and rights of persons and property and the control of traffic. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.120 Denial of Application:

A special event permit may be denied based upon a determination that:

- A. The event would endanger public safety or health;
- B. The proposed event would seriously inconvenience or impair the general public's use of public property, services or facilities;
- C. The event would unreasonably infringe upon the rights of abutting properties;
- D. The event would conflict with another proximate event or interfere with construction or maintenance work in the immediate vicinity;
- E. There is not sufficient qualified safety personnel or other necessary City staff to accommodate the event;
- F. The applicant failed to complete the application form after being notified of the additional information or documents required;
- G. Information contained in the application of supplemental information requested from the applicant is found to be false in any material detail;
- H. The applicant cannot meet, or is unwilling to meet, all of the requirements of this chapter or any special conditions imposed by any of the reviewing agencies;
- I. Other issues in the public interest were identified by the City Manager, City Council, or City Official;
- J. Failure to prepay expenses, fees, charges, deposits, insurance or bonds;

- K. The proposed event is scheduled to occur at a route or location adjacent to a school or class during a time when such school or class is in session, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class;
- L. The purpose of the proposed event is to incite crime or the overthrow of the government by force or the event would engage in or encourage participants to engage in illegal acts;
- M. The primary purpose of the special event is for advertising products, goods, or events that are for private profit, and the special event is primarily for private profit. The prohibition against advertising any product, goods, or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the special event. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.130 Indemnification:

- A. Prior to the issuance of the special event permit, the applicant must agree to reimburse the City for any costs incurred by the City in repairing damage to City property occurring in connection with the permitted event.
- B. In consideration of being permitted to produce this special event or activity or use of any City property or facilities in connection with this activity, the applicant ("indemnitor") agrees to the following:
1. The indemnitor hereby agrees to release, indemnify and hold harmless the City of Moses Lake from any and all liability, claims, demands, causes of action, charges, expenses, and attorney fees (including attorney fees to establish the City's right to indemnity or incurred on appeal) resulting from involvement in this event whether caused by any negligent act or omission of the City or otherwise. This agreement shall not apply to any liability resulting from the sole negligence of the City.
 2. The indemnitor agrees to reimburse the City for any loss, theft of, or damage to City property, equipment and/or facilities.
 3. The indemnitor agrees to comply with all applicable laws, statutes, ordinances, rules and requirements including, but not limited to, not admitting more attendees than designated by the Fire Department as safe for the particular event or facility.
 4. The indemnitor expressly agrees that this release and hold harmless agreement is intended to be as broad and inclusive as permitted by Washington law and that if any portion thereof is held invalid, notwithstanding, the balance shall continue in full legal force and effect.
 5. Falsification and/or misrepresentation in completing this application may result in rate adjustment or event cancellation. Changes to the detailed program require immediate notification to City. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.140 Insurance Required:

A. As required by the City Manager, the permittee shall provide the City with proof of commercial general liability insurance generally in the amount of at least one million dollars (\$1,000,000) (combined single limits per occurrence), two million dollars (\$2,000,000) aggregate, and an endorsement naming the City of Moses Lake as an additional insured must be provided. If food or nonalcoholic beverages are sold or served at the event, the policy must also include an endorsement for product liability. If alcoholic beverages are sold or served at the event, the policy must also include an endorsement for host liquor liability. If the event involves athletic or other types of active participants, the policy must include participant coverage. If vehicles are used for other than nominal and standard commute purposes, a policy of business automobile liability, on an insurance industry standard form or equivalent including coverage for owned, non-owned, leased or hired vehicles, or equivalent coverage.

The City Manager and the City's Risk Manager may require additional endorsements or higher limits depending upon the proposed activity. Such insurance shall be primary to, and noncontributory with, any insurance maintained by the City.

B. Certificates of insurance shall be submitted to the City for approval directly from the insuring agency via postal mail, fax or email. The insurance policy shall be written on an occurrence basis, shall name the City as an additional insured, shall be written for a period not less than twenty-four (24) hours prior to the event and extending for a period not less than twenty-four (24) hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy except upon thirty (30) days' written notice to the City. Acceptability of insurance, including coverage types and limits, is subject to approval by the City's Risk Administrator. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.150 Revocation or Suspension:

- A. A special events permit issued under this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be immediately revoked or suspended by the City Manager or City Council if:
1. The applicant has made a misstatement of material fact in the information supplied; the applicant has failed to fulfill a term or condition of the permit in a timely manner; or the check submitted by the applicant in payment of the fee for a permit has been dishonored;
 2. The applicant requests the cancellation of the permit or cancels the event;
 3. The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property;
 4. The activity conducted is in violation of any of the terms or conditions of the special events permit;
 5. An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety;

6. The applicant fails to prepay expenses.

B. The City shall refund the permit fee in the event of a revocation caused by an emergency or supervening occurrence; the City shall refund the balance of the fee, less the actual costs incurred if the cancellation occurs at the request of an applicant who is in compliance with this chapter.

C. If any event, use, or occupancy for which the permit has been revoked is not immediately discontinued, the City Manager or designee may remove any structure or obstruction, or cause to be made, without obligation to do so, such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, or adjourn any special event. The cost and expense of such removal, repair or adjournment shall be assessed against the permittee, including all professional fees associated with enforcement of the collection of the same. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.160 Appeal Procedure:

Any party, including the applicant, may appeal the Parks and Recreation Director's or designee's decision to grant or deny a permit. A written appeal must be received by the Finance Director within ten (10) days after a written decision. The written notice of appeal shall set forth the specific grounds for the appeal and attach any relevant documents for consideration. A hearing shall be held by the City Manager not more than ten (10) business days after the receipt of the request for a hearing. The Finance Director shall give the appellant reasonable notice of the appeal hearing to the applicant and appellant (if not the applicant). The applicant shall have the right to attend said hearing and present evidence. Any hearing under this chapter shall be conducted during normal business hours, on an informal basis. A record of the hearing, including the date of hearing, who was present, and the findings made as to whether or not the decision was consistent with the approval criteria, shall be made in writing. The written finding shall be filed with the City Manager or designee. The decision of the City Manager shall be final. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.170 Waiver of Application Deadline – Waiver of fees, insurance and performance requirements for special events protected under the First and Fourteenth Amendments to the U.S. Constitution:

A. Upon a showing of good cause the City Manager shall consider an application that is filed after the filing deadline, if there is sufficient time to process and investigate the application and obtain police and other services for a special event protected under the First and Fourteenth Amendments to the U.S. Constitution primarily involving political or religious activities intended for the communication or expression of such ideas. Good cause can be demonstrated by the applicant showing that the circumstances that gave rise to the permit application did not reasonably allow the participants to file within the time period prescribed and that the event is for the purpose of exercising the right of free speech.

B. An application for a special event protected under the First and Fourteenth Amendments to the U.S. Constitution shall be processed promptly without charging a fee that impermissibly infringes on constitutionally protected rights and without imposing terms and conditions or performance requirements that impermissibly infringe on constitutionally protected rights.

C. The City Manager may waive or reduce the insurance requirements under this chapter if the applicant or an officer of the sponsoring organization signs a verified statement that s/he believes the event's purpose is First Amendment expression, and that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression. The statement shall include the name and address of two insurance agents or other source of insurance coverage contacted to determine insurance premium rates for insurance coverage. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.180 Penalty for Violation:

Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a civil infraction and shall be subject to a C-4 penalty. Each day or portion of a day in which a violation is committed constitutes a separate offense. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

5.12.190 Severability:

If any part, provision or section of this chapter is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect. (Ord. 2924, 4/23/19; Ord. 2817, 7/12/16)

The Moses Lake Municipal Code is current through Ordinance 3067, passed February 11, 2025.

Disclaimer: The city clerk has the official version of the Moses Lake Municipal Code. Users should contact the city clerk for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cityofml.com](http://www.cityofml.com)

[Staff Directory](#)

[Hosted by General Code.](#)