

**AGENDA**  
**CITY COUNCIL MINI - RETREAT**  
**WAYNE FIRE HALL**  
**June 29, 2021**

**5:30 p.m. Call the Meeting to Order**

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located in the southwest corner of the Fire Hall.

The City Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

1. Update/Discussion/Possible Action on the following Retreat Topics:
  - Water Update
  - **Commercial Food Trucks**
  - Videotaping Council Meetings
  - Sidewalk Improvement Districts
    - Sidewalk on the north side of 7<sup>th</sup> Street to Bomgaars
  - **4<sup>th</sup> Street Development**
  - **Update on Civic and Community Center Financing (CCCF) Planning Grant**
  - Discussion on Historic Buildings
  - Disputes on Water/Sewer Bills
  - **Lagoon Redevelopment Survey Updates/Recreational Development**
    - **Additional Recreation Fields**
    - **Fitness Court Presentation**
  - Alley Parking/New Construction/Owner Responsibility/Runoff
  - **Update on Community Redevelopment Authority**
  - Juneteenth Holiday – Amend Personnel Manual to include?
2. Adjourn

**CITY OF SCHUYLER, NEBRASKA, ORDINANCE NO. 2020-10**

AN ORDINANCE OF THE CITY OF SCHUYLER, NEBRASKA, AMENDING ORDINANCE NUMBER 2018-06 AND 2018-17, AND ZONING CODE SUPPLEMENTAL USE REGULATION 11-618, REGARDING THE CITY OF SCHUYLER, NEBRASKA, MOBILE FOOD VENDORS ORDINANCE; SPECIFICALLY PROVIDING FOR A CHANGE RELATING TO LIABILITY AND INSURANCE PROVISIONS REQUIRING INSURANCE FOR PRIVATELY OWNED PROPERTY AND CITY OWNED PROPERTY; ALLOW THE MAYOR TO AUTHORIZE USE OF CITY OWNED PROPERTY/RIGHT OF WAY BY MOBILE FOOD VENDORS; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PENALTIES; AND TO PROVIDE FOR WHEN SAID ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCHUYLER, NEBRASKA:

SECTION 1. The City Council of the City of Schuyler, Nebraska, passed approved Ordinance No. 2018-06 on May 15, 2018, with the supplemental amendment to same with new Ordinance No. 2018-17 on November 6, 2018, establishing a mobile food vendors ordinance and regulations and application, and there now appears to be a community need to provide certain insurance provisions applicable to both privately owned property and property owned by the City of Schuyler, Nebraska.

SECTION 2. Zoning Ordinance Section 11-618, Supplemental Use Regulations; mobile food vendors shall provide, to-wit:

11-618 Supplemental Use Regulations: Mobile Food Vendors

A. Long term mobile food vending site. In the event mobile food vending unit is operating on one site 50 or more days per calendar year, these regulations shall apply. One-half hour or more of operation shall be considered one day. Applicable to private property only.

1. Vending area and parking area shall be of a hard surface including paving, asphalt or pavers. Alternatively, with City of Schuyler, Nebraska Planning and Zoning Commission approval, upon Schuyler Building Inspector advice, approval may be given for crushed rock such as limestone crushed rock that is applied with appropriate compaction for the appropriate use.
2. Minimum of 3 parking spaces.
3. Entrance, access and traffic flow plan must be approved by City of Schuyler Building Inspector.
4. There shall be no accessory buildings that do not meet the zoning regulations for the zoning district. Structures such as carports shall not be permitted unless they have been in existence on the subject property on or before January 1, 2018, and

such structures are affixed to the ground with concrete anchors or footings and conform with zoning setbacks. Mobile food vending units must be set according to setbacks the same as for building structures within the appropriate zoning district.

5. Mobile food vendors must follow all of City of Schuyler, Nebraska, mobile food vendor standards and application form.
6. These mobile food vending regulations or standards do not necessarily apply to temporary contract caters for venues and events as defined in the City of Schuyler, Nebraska, Municipal Code or Zoning Regulations.
7. Exempt from the mobile food vending regulations or standards shall be all vendors that are owned by or under the exclusive direction of a non-profit entity or governmental subdivision within the Schuyler, Nebraska, area (considered no more than 10 miles from the city limits of the City of Schuyler, Nebraska), for a specific or special event or purpose.

B. City of Schuyler, Nebraska, owned property and right-of-way property. It shall be unlawful for any person to engage in mobile food vending as a mobile food vendor on property owned by the City of Schuyler, Nebraska, or public right-of-way of the City of Schuyler, Nebraska, without first having obtained permission for such use (time/day limits a part of permission) from Schuyler City Mayor in addition to the approval of any vendor application permit. This permission is available irrespective of the zoning district permitted under Table 4-2. Mobile food vendors must be actively engaged in mobile food vending operations at all times while parked in any City owned or right-of-way property after permission is granted. This additional written permission by the Mayor shall result in additional fees as set forth on the Application for the permit which shall be approved by City Council in advance.

C. Violations of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor and appropriate law enforcement officer may issue a citation to the applicant or other appropriate person with the penalty provisions as provided in Section 11-1214 being applicable upon conviction.

## **CITY OF SCHUYLER, NEBRASKA, MOBILE FOOD VENDOR STANDARDS**

### **REQUIREMENTS**

It shall be unlawful for any person to engage in mobile food vending as a mobile food vendor on public or on private property within this City of Schuyler and its extraterritorial zoning jurisdiction, without first obtaining all applicable state and municipal permit and licenses.

## **CITY OF SCHUYLER, NEBRASKA, OWNED PROPERTY AND RIGHT-OF-WAY PROPERTY.**

It shall be unlawful for any person to engage in mobile food vending as a mobile food vendor on property owned by the City of Schuyler, Nebraska, or public right-of-way of the City of Schuyler, Nebraska, without first having obtained permission for such use (time/day limits a part of permission) from Schuyler City Mayor in addition to the approval of any vendor application permit. This permission is available irrespective of the zoning district permitted under Table 4-2. Mobile food vendors must be actively engaged in mobile food vending operations at all times while parked in any City owned or right-of-way property after permission is granted. This additional written permission by the Mayor shall result in additional fees as set forth on the Application for the permit which shall be approved by City Council in advance.

### **MOBILE FOOD VENDING PERMIT ISSUANCE AND FEES**

Prior to any mobile food vending permit being issued, the applicant shall have all applicable state and municipal permits and licenses, (including vehicle/trailer license and registration) pay a nonrefundable application fee of as set by fee schedule by Schuyler City Council, and submit to and pass a background check and provide a photo of applicant. The primary operator of the mobile food vending unit is required to obtain a mobile food vending permit.

### **ISSUANCE RESTRICTED**

No mobile food vending permit shall be issued to a corporation, partnership, or other impersonal legal entity. A permit is issued to the primary operator of the vending unit.

### **NON-TRANSFERABILITY**

Any permit issued is non-transferable to another mobile food vending unit. Separate permits are required for multiple vending units owned by same applicant/operator.

### **BACKGROUND CHECK**

A background check will be conducted annually by the City of Schuyler, Nebraska Police Department/Colfax County Sheriff/City of Schuyler Staff with all applicable information being provided to the city's licensing specialist. The applicant shall submit to photographing. No permit shall be granted to any person:

- Who has been convicted for a sex crime as defined by Neb. Rev. Statutes 29-4001 - 29-4014, or any indecent exposure for which they are still subject to registration requirements.
- Who has a conviction or date of discharge from prison, jail, probation, or parole within the last five years for all other indecent exposure (Class 1 misdemeanor).
- Who has a conviction or date of discharge from prison, jail, probation, or parole within the last ten years of application for a crime of violence.
- Who has a conviction or date of discharge from prison, jail, probation, or parole within the last five years of application for felony possession/distribution of controlled substances.
- Any fraud, misrepresentation or false statements contained in the application for a permit or made in connection with the selling of any products, which is the subject of these guidelines.

- Conviction of the applicant of any felony or misdemeanor involving a crime of moral turpitude.
- For any good cause.

Any conviction for an offense in another state which, if committed in this state, would be a violation of one of the offenses listed above shall be used to determine if applicant is eligible for a license.

### **DISPLAY OF PERMIT**

Permits issued shall be displayed in a conspicuous place where it can be read by the general public on the mobile food vending unit. This will include City of Schuyler Occupation Tax, Food and Dairy Permit and Nebraska sales tax number.

### **REVOCAION**

Any permit issued may be revoked by the city's licensing specialist, for violation of any provisions of Municipal Code, state law, or city ordinance. Upon revocation, the permit shall immediately be surrendered, and failure to surrender said permit shall be an offense.

### **ALLOWED MOBILE VENDING LOCATIONS**

Mobile food vending units are permitted on private property within the Schuyler Zoning Districts as provided in Table 4-2 of Schuyler Zoning Code and as per the official zoning map of the City of Schuyler, Nebraska, including its extraterritorial zoning jurisdiction.

### **HOURS OF OPERATION**

Mobile food vendors are not allowed to operate in the public right-of-way (after City permission) between the hours of 12 a.m. and 6 a.m. from Monday to Thursday and between the hours of 2 a.m. and 6 a.m. from Friday to Sunday. Regarding private property, mobile food vendors are not allowed to operate on private property between the hours of 3:00 a.m. and 6:00 a.m. daily.

### **HEALTH AND SANITATION REQUIREMENTS**

Mobile food vendors shall comply with the minimum public health and safety requirements determined by the State of Nebraska Department of Health.

Mobile food vendors shall allow:

- The equipment used in vending be inspected upon application for a permit and shall be required to obtain a valid food service license and operating permit.
- City of Schuyler, Nebraska, duly appointed employee/agency so tasked with jurisdiction over this duty.

### **NOISE**

Mobile food vending units must adhere to all noise ordinances found in Schuyler Municipal Code or other applicable law.

### **PARKING**

- If operating from the public right-of-way, (with City permission) mobile food vendor shall only vend from legal parking space in the public right-of-way.

- If operating on public right-of-way, mobile food vendors shall not operate with the serving window facing street traffic.
- Mobile food vendors must adhere to established parking rules as found in Schuyler Municipal Code, unless City permission authorizes other use rules.
- If operating from private property, there shall be sufficient parking spaces for a minimum of 3 vehicles.

#### **FIRE SAFETY**

- No mobile food vendor shall operate without proof of an annual third-party inspection or receipt of propane fill or gas-related capabilities.
- Mobile food vending is not allowed within parking garages, overhangs, or within 10' of any entrance to any property.

#### **LITTER CONTROL**

- Mobile food vendors are responsible for providing one private trash bin for public use with capacity of no less than 30 gallons each.
- All litter shall be removed within 100' of the mobile food vending unit upon closing.
- Litter shall be removed at mobile food vendor's expense and shall not be placed in an unauthorized private or city receptacle.

#### **PROHIBITED CONDUCT**

No mobile food vendor shall:

- Vend on the public right-of-way within 150 feet of a licensed restaurant property line or 150' from a sidewalk patio, whichever is greater, unless the restaurant is closed for business.
- Operate a mobile food vending unit within 300 feet of any sanctioned event held in the Central Business District without obtaining permission from the event sponsor.
- Operate in or abutting a city park without proper permissions and permits from the City of Schuyler and specific approval from Schuyler City Council.
- Place any object that blocks the pedestrian pathway.
- Utilize signage in addition to what is already permanently displayed on the mobile food vending unit, unless additional signage is permitted through the Zoning division.
- Operate without commercial license plates and registration.
- Erect or construct structures or seats that are not removed when the mobile food vending unit is not in operation on the site. Excepted from this provision are structures such as carports in existence and on site of a mobile food vendor as of January 1, 2018.

#### **LIABILITY AND INSURANCE**

Before a mobile food vendor permit is granted, the applicant shall sign a statement holding harmless the City of Schuyler, Nebraska, and agreeing that said applicant shall indemnify the City of Schuyler, Nebraska, Mayor, City Council Members, officers and employees for any claims for damages to property or injury/disease or death to persons, which may occur in connection with any activity carried on pursuant to any activities associated with mobile food vending and this ordinance. All applicants, whether the mobile food vendor is applicable to

property owned by the City of Schuyler, Nebraska, or by private property owners, shall furnish and maintain an in-force policy of liability insurance protecting the applicant and the City of Schuyler, Nebraska, and its agents identified above from all claims for damage to property or bodily injury/disease, including death, which may arise from activities associated with mobile food vending and that applicant. The insurance policy shall list or endorse the City as an additional insured and carry minimum liability limits of at least \$1,000,000.00 per occurrence.

**SELF CONTAINED FOOD TRUCKS/TRAILERS AND UTILITIES**

No mobile food vending unit permit shall be issued unless the applicant is operating with a self contained food truck or trailer, not relying or using other water or sewer services, and operating in that manner. Food waste and grease must be disposed of in accordance with City of Schuyler Municipal Code and other applicable laws. If operating on public right of way, no other utilities other than the food truck or trailer shall be used. If operating on private property no utilities from off site shall be used.

**MOBILITY OF VENDING UNIT**

Mobile food vending units must be operational as a licensed and registered mobile truck/vehicle or a trailer pulled by another licensed and registered vehicle and must be moved off site if using private property a minimum of 10 hours per week.

**LIGHTING/ENTRANCE AND EXIT/ADVERTISING SIGN**

There shall be adequate lighting provided for the mobile food vending operation, and if operating from private property there shall be adequate entrance and exits available to be approved by City of Schuyler Building Inspector. Advertising sign as permitted by the zoning district only when the food vending unit is on site. Electronically display sign only to operate when food vending unit is on site and open for sales.

**CATERERS**

These Mobile Food Vendor Standards do not necessarily apply to temporary, contract caterers for venues and events as defined in the City of Schuyler, Nebraska Municipal Code or Zoning Regulations.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor, Jon Knutson

Attest:

\_\_\_\_\_  
City Clerk, Lora Johnson

Prepared and Submitted by:

\_\_\_\_\_  
Richard T. Seckman, Schuyler City Attorney

# City of Schuyler

1103 B Street  
Schuyler, Nebraska 68661  
Telephone: 402-352-3101

## OCCUPATION TAX APPLICATION & MOBILE FOOD VENDORS APPLICATION

Please allow seven to ten business days to process application

This application is non-transferable

**MOBILE FOOD VENDING UNITS ARE NOT ALLOWED ON CITY PROPERTY OR CITY RIGHT-OF-WAY  
WITHOUT MAYOR APPROVAL**

RENEWAL: \_\_\_\_\_ NEW APPLICATION: \_\_\_\_\_ YEAR: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_

PERSONAL ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

BUSINESS NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

BUSINESS EMAIL ADDRESS: \_\_\_\_\_

DRIVER'S LICENSE NUMBER/STATE ISSUED: \_\_\_\_\_

SOCIAL SECURITY: \_\_\_\_\_ DOB: \_\_\_\_\_

VEHICLE/TRAILER LICENSE NUMBER/STATE ISSUED: \_\_\_\_\_

DESCRIPTION OF VEHICLE: \_\_\_\_\_ PROVIDE PHOTO: \_\_\_\_\_

PRODUCT: \_\_\_\_\_ DAYS OF OPERATION : \_\_\_\_\_

LOCATION: \_\_\_\_\_ HOURS OF OPERATION: \_\_\_\_\_

OWN: \_\_\_\_\_ LEASE: \_\_\_\_\_, IF LEASE WRITTEN CONSENT OF PROPERTY OWNER: \_\_\_\_\_

NAME OF PROPERTY OWNER: \_\_\_\_\_ ATTACHED CONSENT FORM: \_\_\_\_\_

PROPERTY ZONED: "GI" GENERAL INDUSTRIAL \_\_\_\_\_ "LI" LIMITED INDUSTRIAL \_\_\_\_\_  
"GC" GENERAL COMMERCIAL \_\_\_\_\_ "LC" LIMITED COMMERCIAL \_\_\_\_\_

FOOD SAFETY & CONSUMER PROTECTION PERMIT NO.: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

SALES TAX NUMBER: \_\_\_\_\_

VEHICLE/TRAILER SELF-CONTAINED: YES \_\_\_\_\_ NO \_\_\_\_\_

LIST UTILITIES & DESCRIBE USE: \_\_\_\_\_

PROPANE FILL RECEIPT OR 3<sup>RD</sup> PARTY INSPECTION OF PROPANE TANK: \_\_\_\_\_

WASTE DISPOSAL SITE: \_\_\_\_\_

GREASE DISPOSAL SITE: \_\_\_\_\_

LIABILITY INSURANCE MINIMUM: \$1,000,000

INSURANCE COMPANY: \_\_\_\_\_ ATTACHED: \_\_\_\_\_

List the last five (5) cities/states where the applicant has worked/resided before coming to the City of Schuyler, if any:

\_\_\_\_\_

List all employees: \_\_\_\_\_

The facts set forth above in my application for Occupation Tax Application for Mobile Food Vendors are true and complete. I understand false statements shall be considered sufficient cause for denial and /or revocation. I acknowledge and agree to allow the City of Schuyler Police/Colfax County Sheriff/City of Schuyler staff to search my criminal history and photograph to determine my eligibility to obtain a permit. To the fullest extent permitted by laws and regulations, Applicant shall indemnify and hold harmless the City of Schuyler and its officers, employees and agents from and against all claims, suits, damages, cost, demands, losses and expenses, direct, indirect or consequential (including but not limited to fees and charges of attorneys and other professionals and court and arbitration costs) arising out of or resulting from the performance under this registration permit. The Applicant is entirely and solely responsible for all acts while engaged in the operation of vending with the City of Schuyler.

**DISCLAIMER:**

I hereby release the City of Schuyler from any liability relating to any action caused or charged against me or my business as a result of any sales herein described.

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(DATE)

\*Equipment/Vehicle subjected to be inspected.

\*Upon receipt display Occupation Tax, Food Safety & Consumer Protection Permit and Sales Tax Number.

\*Permit not transferrable.

I HAVE READ AND UNDERSTAND THE STANDARDS AND ZONING SUPPLEMENTAL REGULATIONS FOR MOBILE FOOD VENDORS SET FORTH BY THE CITY OF SCHUYLER, NEBRASKA.

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(DATE)

**OFFICE USE**

**ATTACHMENTS REQUIRED:**

Driver's License _____	Food Safety & Consumer Protection Permit _____
Sales Tax No. _____	Insurance Policy _____ Vehicle Registration _____
Property Owner Consent _____	Vehicle Photo _____
Background Check Approved _____	Background Check Denied _____

**NON-REFUNDABLE FEES:**

PER DAY: \$35.00 \_\_\_\_\_ PER YEAR: \$125.00 \_\_\_\_\_ RECEIPT # \_\_\_\_\_ RECEIVED BY \_\_\_\_\_  
CITY PROPERTY APPROVAL FEE : \$50.00 \_\_\_\_\_

PERMIT APPLICATION EXPIRES ON \_\_\_\_\_

COPY OF PERMIT PROVIDED TO APPLICANT ON \_\_\_\_\_

DATES CITY PROPERTY WILL BE USED: \_\_\_\_\_

LOCATION OF CITY PROPERTY: \_\_\_\_\_

\_\_\_\_\_  
(MAYOR APPROVAL FOR CITY PROPERTY)

\_\_\_\_\_  
(DATE)

**Betty McGuire - RE: Food Trucks**

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**From:** "Brianna Duerst" <bduerst@norfolkne.gov>  
**To:** "Betty McGuire" <betty@cityofwayne.org>  
**Date:** 6/22/2021 1:26 PM  
**Subject:** RE: Food Trucks

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Hi Betty,

I've copied below the City of Norfolk's section of code regarding food trucks. I've also linked our permit application. Our code on these isn't great and open to interpretation, but Police and I are on the same page so what we tell people:

We categorize Food Trucks as Temporary Merchants. Temporary merchants are allowed on private property only, up to 2 locations and we must receive written permission from the property owner(s) that the food truck is allowed to park there.

Permit application:

<https://norfolkne.gov/assets/site/documentcentral/administrationdepart/forms/vendor-application-and-permit.pdf>

## ARTICLE VIII. ITINERANT MERCHANTS, PEDDLERS, SOLICITORS, STREET VENDORS AND TEMPORARY MERCHANTS\*

\***Editor's note**-Ord. No. 3331, § § 1--9, adopted July 16, 1985, has been set out herein as §§ 13-111--13-119 at the discretion of the editor. See the editor's note to Art. I in reference to its repeal by the aforesaid ordinance.

### **Sec. 13-111. Definitions.**

For the purposes of this article, the following definitions shall apply:

(a) *Itinerant merchant* shall mean every person, firm, partnership, corporation, association, receiver or trustee buying for the purpose of sale in any form or selling or offering to buy for the purpose of sale in any form or to sell in the city, at wholesale or retail, any goods, wares, merchandise or chattels of any description and transporting the same by the use, upon any public highway, of a motor truck or trucks or any other vehicle or vehicles except as otherwise provided in this section. The term does not include those engaged in the business of transporting property by motor vehicle for hire or operating vehicles in such business as agents, employees, lessees or contractors, and who do not

act on the cargo transported, or interest therein, and who do not act for any party in the acquiring, purchase, sale or disposition of the cargo transported. In addition, itinerant merchant shall not mean or include, and there shall be exempt from the provisions of this section:

- (1) Those using such vehicles for the transportation of grain, fruits, vegetables, hay, livestock or other agricultural products by them;
- (2) Those transporting products or property when such transportation is incident to a business conducted by them at an established place of business operated by them at an established place of business operated by them either within or without the city, and when the property is being transported to and from the established place of business, and when the entire course of such transportation extends not more than two hundred fifty (250) miles from the established place of business; provided, that when the entire course of the transportation is for the purpose of delivery of the property subsequent to sale thereof, the two hundred fifty (250) miles restriction shall not apply;
- (3) Those using such vehicles for the transportation, sale and delivery at retail of any particular group of products having a common trademark, trade name or brand, as agents, employees, or retail dealers of the manufacturers or wholesale distributors of such products through whom they market the same;
- (4) Those having the purpose of hauling products for the use of the owner of such vehicle, or for the use of others where no charge is made for the use of such vehicle, or those using vehicles in the exchange of work;
- (5) Those using such vehicles exclusively within the limits of the city and who are bona fide residents hereof;
- (6) Those using such vehicles for the transportation of livestock bought or sold at any livestock market; and
- (7) The provisions of this section shall not apply to grain.

(b) *Peddler* shall mean a person, or persons, traveling from place to place selling and delivering at the same time.

(c) *Person or persons* shall mean any natural person and any firm, proprietorship, partnership or corporation.

(d) *Solicitor* shall mean a person, or persons, who travel from place to place not carrying his goods with him, but taking orders for future delivery to the general public.

(e) *Street vendor* shall mean a person, or persons, who travel from street to street upon public or private property, carrying, conveying or transporting such items as food, beverages, flowers and balloons, offering and exposing the same for sale by hand or from a mobile-type device such as a push cart.

(f) *Temporary merchant* shall mean a person, or persons, who occupies a temporary, fixed location, and sells and delivers goods from stock on hand, and/or provides services, and does business in much the same manner as a permanent business.

Source: Ord. No. 3331, § 1, 7-16-85; Ord. No. 5158, § 1, 4-18-11

### **Sec. 13-112. Licenses and permits.**

(a) No itinerant merchant shall engage in business as such without:

- (1) Obtaining a sales tax permit as required by Section 77-2705, R.R.S. 1943, as amended; and
- (2) Paying any occupation tax or permit fee as set forth in Section 2-5 of this Code. In addition, every person, partnership, firm or corporation desiring to engage in business as an itinerant merchant shall, before engaging in such business, make an application to the city clerk for an itinerant merchant's permit. Such application shall be in the form prescribed by the city. All applications shall set forth the name and address of the applicant, his or her post office or residence address, an exact description of the vehicle or vehicles to be used in the conduct of his or her business, and such other information as may be prescribed by the city.

(b) All peddlers, solicitors, temporary merchants, and street vendors shall obtain a permit from the city clerk prior to engaging in any activities defined in section 13-111 of this article.

(c) Each permit issued to a temporary merchant or street vendor shall be valid for no more than two (2) locations.

(d) The permit and fees provided for under section 13-113 of this article shall not pertain to those persons whose entire profits from such activity are contributed to a charitable, religious or education organization, association or institution and/or those persons who conduct business in conjunction with a community festival or event.

Source: Ord. No. 3331, § 2, 7-16-85; Ord. No. 5189, § 1, 11-21-11; Ord. No. 5455, § 1, 2-21-17

### **Sec. 13-113. Occupation taxes and permit fees.**

Itinerant merchants, peddlers, solicitors, street vendors and temporary merchants shall pay the following occupation taxes or permit fees as follows:

(a) *Itinerant merchant.* Each itinerant merchant shall pay a permit fee as set forth in Section 2-5 of this Code along with an occupation tax for each vehicle to be used in his or her business, in the amount of fifty dollars (\$50.00) per vehicle, per calendar year to the city clerk. All fees and occupation taxes are nonrefundable.

(b) *Peddler or solicitor.* Each peddler or solicitor shall pay a permit fee as set forth in Section 2-5 of this Code. In addition, each peddler or solicitor shall pay a permit fee as set forth in Section 2-5 of this Code per vehicle used by him or her. Any person who shall transport, sell or deliver at retail of any particular group of products having a common trademark, trade name, or brand, as agents, employees or retail dealers of the manufacturers or wholesale distributors of such products through whom they market the same shall be exempt hereunder.

(c) *Street vendor or temporary merchant.* Each street vendor or temporary merchant shall pay a permit fee as set forth in Section 2-5 of this Code. This fee is nonrefundable. In addition, each street vendor or temporary merchant shall pay a permit fee as set forth in Section 2-5 of this Code per vehicle used by him or her.

Source: Ord. No. 3331, § 3, 7-16-85; Ord. No. 5135, § 9, 9-7-10; Ord. No. 5189, § 1, 11-21-11; Ord. No. 5253, § 1, 5-6-13; Ord. No. 5455, § 2, 2-21-17

### **Sec. 13-114. General requirements.**

Itinerant merchants, peddlers, solicitors, street vendors and temporary merchants shall meet the following standards and conditions:

- (1) Provide personal identification including date of birth, driver's license number and/or other appropriate identification, together with a recent photograph of the individual, or individuals, who will be selling within the community.
- (2) Supply copies of any state or county licenses which are also required to operate or conduct activities proposed by the applicant.
- (3) Specify a local agent to receive complaints against the business.
- (4) List the names and identification of all individuals within the area who will be working for the applicant.
- (5) Provide a description of the merchandise or services offered for sale.

Source: Ord. No. 3331, § 4, 7-16-85; Ord. No. 5158, § 2, 4-18-11; Ord. No. 5189, § 1, 11-21-11

**Sec. 13-115. Special standards for itinerant merchants, peddlers and solicitors.**

(a) An itinerant merchant, peddler and solicitor shall limit their hours of operation to only those hours between 8:00 a.m. and 8:00 p.m.

(b) No person, while engaged in the business of itinerant merchant, peddler or solicitor, shall enter uninvited into a private building, structure or room.

(c) An itinerant merchant, peddler or solicitor shall perform the following requirements when soliciting door to door:

- (1) Within thirty (30) seconds after beginning the conversation, the itinerant merchant, peddler or solicitor shall:
  - a. Provide identification of both the person and whom the person represents;
  - b. Explain the purpose of the person's call;
  - c. Provide a description in commonly understood terms of the goods or services offered for sale; and
  - d. Inquire whether the person being solicited is interested in listening to a sales presentation and immediately discontinue the solicitation if the person being solicited gives a negative response.
- (2) During the course of the solicitation, state the total cost of the goods or services offered for sale and the number, timing and amount of installment payments if payment on an installment basis is available to the person being solicited.
- (3) Carry on their person at all times while engaging in the activities defined in Section 13-111 of this article the permit issued to them as an itinerant merchant, peddler, or solicitor.

Source: Ord. No. 3331, § 5, 7-16-85; Ord. No. 4422, § 1, 7-6-99; Ord. No. 5455, § 3, 2-21-17

**Sec. 13-116. Special standards for temporary merchants and street vendors.**

A temporary merchant or street vendor shall adhere to the following additional standards and conditions:

- (1) If located on private property, the temporary merchant shall obtain a signed, written consent from the owner of the property which authorizes the temporary merchant to conduct business from the property. A copy of said written consent shall be filed with the city clerk.
- (2) The temporary merchant or street vendor shall obtain a written authorization from the police division to allow any sales of merchandise or services from public property.
- (3) The activities of the temporary merchant shall not impair or impede the proper flow of traffic on public or private property.
- (4) The activities of the temporary merchant shall not unduly restrict parking spaces on public or private property. Any parking spaces which are customarily in use during normal working hours shall not be used as a location for a temporary merchant or street vendor.
- (5) Permits for temporary merchants and street vendors shall be displayed by the temporary merchant or street vendor in a visible location and they are required to show their permit to any customer or police officer upon request.
- (6) Temporary merchants shall comply with all zoning setback requirements, and no sign, storage, display or sales of goods or services may take place in an area inside the required setback (front yard) area except as otherwise allowed in this subsection. When adjacent real property closest to that side of the property on which a temporary merchant is conducting lawful business activities has a building that is located closer to the street than what is allowed by the setbacks applicable to the property on which the temporary merchant is located, then the temporary merchant shall be allowed to place its sign, storage, display or sales of goods or services in a location that is up to or even with the plane of the front of the building on the adjacent real property closest to that side of the property on which the temporary merchant is located.
- (7) Temporary merchants and street vendors shall comply with all vision clearance requirements set forth in Chapter 27, Article IX of this Code.

- (8) Signs for street vendors shall be of professional appearance and mounted upon the mobile-type device or push cart used for sales. No accessory signs shall be permitted.
- (9) Temporary merchants are limited to the use of no more than two (2) signs which shall have a professional appearance and comply with the provisions of Chapter 27, Article XI of this Code.
- (10) Temporary merchants shall be located only on property that is currently being used for commercial or industrial purposes.
- (11) Temporary merchants shall not be located on property that is either zoned as residential or which property's primary use is residential.
- (12) Temporary merchants shall not be located on any area that is not hard-surfaced with concrete or asphaltic concrete as approved by the city engineer.
- (13) Temporary merchants shall comply with off-street parking space requirements set forth in Section 27-347 of this Code.

Source: Ord. No. 3331, § 6, 7-16-85; Ord. No. 5158, § 3, 4-18-11; Ord. No. 5455, § 4, 2-21-17

### **Sec. 13-117. Permit approval, authority and appeals.**

The city clerk shall have the authority to approve or deny any application for a permit to be issued under this article. Any application for a permit which is denied may be appealed to the city council. The city council shall affirm or revoke the denial, or issue the permit on the basis of the evidence presented at the hearing. All appeals must be made by submitting a formal request of an appeal to the city clerk, together with a nonrefundable processing fee as set forth in Section 2-5 of this Code.

A permit shall not be issued to any applicant where any of the following has been determined during the initial investigation and review of the application:

- (1) If the applicant has been convicted of a crime, the nature of which indicates a lack of honesty and reliability which would lead one to believe that future violations of the law could occur. An example of such crimes would be theft, burglary, robbery, fraud, deceit or any other crime of violence.

- (2) Any previous history relating to the manner in which the applicant made door-to-door sales which resulted in a violation of the law.
- (3) Providing false information on the application form.
- (4) A failure to comply with any condition, standard or requirement of this article or any city, county or state regulation.

Source: Ord. No. 3331, § 7, 7-16-85; Ord. No. 5135, § 9, 9-7-10; Ord. No. 5189, § 1, 11-21-11

**Sec. 13-118. Parking for certain purposes prohibited.**

(a) It shall be unlawful for any person, who is not required to have a permit or pay an occupation tax under this article, to stand or display any animal, goods or merchandise whatsoever, upon the street or sidewalk, or terrace any vehicle displayed for sale without the prior consent of the mayor and city council; provided, however, that duly organized trade associations may apply for and receive consent for all members of their association.

(b) It shall be unlawful for an owner or occupant or a place of business to allow any wagon, cart, carriage or other vehicle, whether left for safekeeping, repair, refueling or otherwise, to be or remain standing on the sidewalk, street or alley adjoining or in front of any such place of business.

Source: Ord. No. 3331, § 8, 7-16-85

**Sec. 13-119. Penalty.**

Any person identified within section 13-111 of this article who engages in activities within the city limits without having first paid the occupation tax or applied for and obtained the permit herein provided for or who violates any other of the provisions of this article shall be guilty of an offense and, upon conviction thereof, be punished by a payment of a fine of not less than fifty dollars (\$50.00) for each and every offense. Every day of a continuing violation shall be deemed a separate offense for the purposes of these penalties.

Source: Ord. No. 3331, § 9, 7-16-85; Ord. No. 5189, § 1, 11-21-11

**From:** Sheila Schukei <sschukei@norfolkne.gov>  
**Sent:** Tuesday, June 22, 2021 11:49 AM  
**To:** Brianna Duerst <bduerst@norfolkne.gov>  
**Subject:** FW: Food Trucks

Brianna,

**CITY OF NORFOLK, NEBRASKA  
APPLICATION & PERMIT**

Date Paid: \_\_\_\_\_

Receipt #: \_\_\_\_\_

Permit Fee:	
30-day	\$25.00
90-day	\$60.00
180-day	\$125.00
Annual	\$250.00
Vehicle Fee	\$5.00

ISSUE/EXPIRATION DATES
Issue Date: _____
Expiration Date: _____

	HOURS OF OPERATION
Itinerant Merchant	8:00 a.m. to 8:00 p.m.
Peddler	8:00 a.m. to 8:00 p.m.
Solicitor	8:00 a.m. to 8:00 p.m.
Street Vendor	None specified
Temporary Merchant	None specified

Applicant Name \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Applicant address while in Norfolk:** \_\_\_\_\_

Proof of Personal I.D.: \_\_\_\_\_  
date of birth \_\_\_\_\_ drivers license # \_\_\_\_\_ yes no  
recent photo

Applicant is: Individual: \_\_\_\_\_ Business: \_\_\_\_\_

If Business - Name and Address of President/Owner:  
 \_\_\_\_\_  
 \_\_\_\_\_

**Name, Mailing Address and Telephone Number** of local agent to receive complaints:  
 \_\_\_\_\_  
 \_\_\_\_\_

Description of each vehicle to be used:

1	make	year	vin
2	make	year	vin
3	make	year	vin

State Permit Number: \_\_\_\_\_

Sales Tax Number: \_\_\_\_\_

Location(s) of Sale: \_\_\_\_\_  
*(valid for no more than two locations per issued permit)*

**ATTACH copy of consent -- Applicant must provide a copy of signed, written consent from owner of property(ies).**

List of people who will be doing business within the city:  
 (For Temporary Merchant and Street Vendor only (If sales door to door - each person needs individual permit))  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Description of Merchandise for sale: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Fee required to be paid at City Clerk's Office: \$ \_\_\_\_\_

The applicant agrees to hold the City of Norfolk, Nebraska harmless from any and all liability  
 which may result from the performance of the activities arising out of this application.

PD Initials \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
 Signature of Applicant  
*(By signing applicant acknowledges receipt of a copy of City Code Chapter 13, Article VIII--  
 Itinerant Merchants, Peddlers, Solicitors, Street Vendors and Temporary Merchants.)*

**Original to Vendor.** Copies to: City Clerk, Police Records & Dispatch, Permits & Codes & Nebraska Dept of Revenue

## ORDINANCE NO. 1396

AN ORDINANCE AUTHORIZING MOBILE FOOD VENDORS; TO PROVIDE RULES AND REGULATIONS GOVERNING MOBILE FOOD VENDORS; TO PROVIDE FOR THE ISSUANCE OF LICENSES FOR MOBILE FOOD VENDORS; TO PROVIDE FOR FEES FOR THE ISSUANCE OF LICENSES FOR MOBILE FOOD VENDORS AND FOR THE COLLECTION THEREOF; TO PROVIDE FOR PENALTIES FOR VIOLATION OF THE PROVISIONS HEREOF.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, as follows:

Section 1. The Mayor and City Council of the City of La Vista desire to establish rules, regulations, and a licensing process for mobile food vendors as Section 113.11 of the La Vista Municipal Code as provided in this Ordinance.

Section 2. Section 113.11 of the La Vista Municipal Code is hereby adopted and approved as follows:

### “§ 113.11 MOBILE FOOD VENDORS

#### § 113.11.0. – FINDINGS AND PURPOSE.

Mobile food vendors provide a beneficial service to the general public within the city while, due to their distinct manner of operation, also presenting substantial differences of circumstances from other food retailers and vehicle users which suggest the expediency of diverse legislation. It is, thus, desirable to regulate, and require licenses for, mobile food vendors so that their transitory use of various properties and right-of-way locations can occur in a fair and safe manner, and so that public safety and welfare can be protected. The purpose of this section is to enact regulations to serve those goals.

While the city wishes to encourage the business of mobile food vendors, the city also recognizes the benefits of permanent food establishments. The owners of permanent food establishments make substantial and long-lasting capital investments in buildings, infrastructure, and the built environment. These investments benefit the city, improve real property, and provide consistent locales for the entertainment and enjoyment of city residents and visitors. The city wishes to cultivate and encourage the creation and maintenance of permanent food establishments. Accordingly, it is also the purpose of this section to encourage the co-existence of mobile food vendors and permanent food establishments, to provide appropriate places for each within the fabric of the city, and to accommodate the interests of each, toward the goal of achieving a rich and diverse community.

**§ 113.11.1. – DEFINITIONS.** As used in this section, the following words and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates or requires a different meaning:

*Beverage* shall mean any drinkable liquid for humans for hydration, nutrition, taste, pleasure or similar purposes, including without limitation, any such liquid that is frozen, alcoholic or nonalcoholic.

*Caterer* shall mean a person who transports ready-to-eat food from a permitted food service establishment to another location or building for service on a per event basis for hire and does not include a temporary food service event.

*City Administrator* shall mean the City of La Vista City Administrator or any designee of the City Administrator.

*City Clerk* shall mean the City of La Vista City Clerk or any designee of the City Clerk.

*Food* shall mean all edible substances, whether solid, semi-solid, liquid, concentrated, frozen, dried, dehydrated, or otherwise, for ingestion, chewing, or consumption by humans for nutrition, taste, refreshment, pleasure or similar purposes.

*Mobile food vendor* shall mean a person who by traveling from place to place upon the public ways sells or offers for sale food from public or private property to consumers for immediate delivery and consumption upon purchase. The following activities are excluded from such definition, and, alone, do not subject a vendor to being covered by such definition: (a) the sale or offer for sale of farm products produced or raised by such a vendor from land occupied and cultivated by him/her; or (b) the sale or offer for sale of food by a caterer.

*Permanent food establishment* shall mean a fixed building which a person occupies on a continual basis and from which such person sells or offers to sell food for immediate delivery and consumption upon purchase. Such term shall not include a location where a mobile food vendor sells or offers to sell food.

**§ 113.11.2. – LICENSE REQUIRED.**

It shall be unlawful for any person to sell or offer for sale food as a mobile food vendor or operate as a mobile food vendor within the city unless such person complies with the requirements and regulations of this section, including holding a valid and active mobile food vendor license issued by the City Clerk under this section.

**§ 113.11.3. – APPLICATION.**

An applicant for a license pursuant to this section shall file with the City Clerk a signed application on a form to be furnished by the City Clerk, which shall contain the following information:

- (a) The applicant's business name, address, and phone number; and e-mail address;
- (b) If the applicant is a corporation, partnership, or other entity, the names of all officers and managers of such entity;
- (c) The vehicle license numbers and descriptions of all vehicles from which the applicant proposes to sell food, and the names of all persons expected to drive such vehicles;
- (d) A copy of the vehicle registration and proof of insurance;
- (e) The description of the general type of food items to be sold;
- (f) Documentation from the Nebraska Department of Agriculture showing its approval of the applicant's sale of food, if required;
- (g) A copy of the State of Nebraska sales tax permit, or proof of an applicable sales tax exemption, for the applicant;
- (h) A general description of the types of locations the applicant anticipates selling from;
- (i) Such other information as the City Clerk may require and as requested in the said application form.

#### **§ 113.11.4. – ISSUANCE OR DENIAL.**

(a) Upon receipt of a complete application for a license pursuant to this section, the City Clerk shall make or cause to be made any inquiry or investigation that may be necessary to determine whether the applicant is in compliance with the provisions of all applicable laws and this Code. The City Clerk may request and take into consideration the recommendations of other affected departments of the city.

(b) After receipt of the completed application and application fee, the City Clerk shall either approve or deny the application. Grounds for denial may include, but are not limited to, the following:

- (1) A finding that the application is incomplete;
- (2) The nonpayment of applicable fees;
- (3) A finding that the application is not in conformance with any applicable laws or this Code;
- (4) A finding that the applicant has been convicted of three or more separate violations of the provisions of this section within the 12 months preceding the submission of a complete application.

**§ 113.11.5. – LICENSE FEE.**

An application for a license under this section shall be accompanied by a nonrefundable processing fee as set forth in the Master Fee Schedule, provided, however, that the processing fee for the remainder of 2020 calendar year alone shall be \$75.00. Mobile food vendors who have already paid for an occupation license in 2020 do not have to pay the processing fee.

**§ 113.11.6. – RENEWAL.**

A license issued under this section shall expire on December 31 of each year, unless renewed for the following year by the licensee. The licensee shall renew the license for the following year by filing with the City Clerk, on or before December 31, a registration updating or confirming the information provided in the immediately preceding license application or registration. The registration shall be on a form provided by the City Clerk. At the time of registration, the licensee shall pay a renewal fee as set forth in the Master Fee Schedule per year for each motor vehicle, trailer, cart, or other piece of mobile equipment to be utilized in the business.

**§ 113.11.7. – SALES REGULATIONS.**

Mobile food vendors shall comply with the following regulations:

(a) A mobile food vendor shall not sell nor offer to sell food from a location within 50 feet of the main entrance used by customers to enter or exit a permanent food establishment during the hours food is sold within such permanent food establishment, unless each such permanent food establishment within such area has provided written consent.

(b) A motor vehicle from which a mobile food vendor sells or offers to sell food shall not exceed 40 feet in length and 96 inches in width. A mobile food vendor selling or offering the sale of food from or using a trailer or other auxiliary equipment shall, during such operations, keep the trailer or auxiliary equipment hitched to an

operable motor vehicle towing it, unless otherwise permitted by the city in association with an authorized street show, festival, parade, block party, or similar event. An attached trailer or other auxiliary equipment shall not exceed 96 inches in width, and the combined length of the motor vehicle and trailer or auxiliary equipment shall not exceed 60 feet. The maximum dimensions in this subsection may be exceeded by a particular motor vehicle, trailer, or piece of equipment, if approved by the City Clerk upon a mobile food vendor's application for a waiver.

(c) A mobile food vendor may sell or offer to sell food from a motor vehicle at a location in a city right-of-way open to traffic or parking, but only from a motor vehicle parked in a location where a motor vehicle is authorized to park by law, signage, or city permit. Such a motor vehicle and auxiliary equipment shall not be parked at a diagonal parking space, unless specifically authorized by the City. Such a motor vehicle and auxiliary equipment shall not be parked in a parking space adjacent to the corner of a street intersection.

(d) A mobile food vendor shall not sell or offer to sell food from a location which would involve customers to be waited on or served while standing in a portion of a street being traversed by motor vehicle traffic.

(e) A mobile food vendor who sells or offers to sell food from a location on property other than a parking space or city right-of-way shall first obtain and possess, and be able to exhibit upon request, each of the following:

(1) Written consent of the owner of such property; and

(2) A temporary use permit issued by the Community Development Director or his/her designee, where same permanent uses are permitted under the La Vista Zoning Ordinance; provided, that a temporary use permit shall not be required if the mobile food vendor is present as an authorized part of a private event or an event authorized by another city permit.

(f) A mobile food vendor shall not sell nor offer to sell food from city park property unless he/she possesses the written consent of the Director of Public Works or his/her designee.

(g) A mobile food vendor shall not sell nor offer to sell food from a school property unless he/she possesses the written consent of an authorized representative of the school.

(h) A mobile food vendor shall not sell nor offer to sell food from an area developed as single-family residential except as a caterer or otherwise for an isolated private event hosted at the sole cost of the owner of the residence for the owner's personal guests, with no public access, or an event authorized by another city permit.

(i) A mobile food vendor shall not sell nor offer to sell food from a location within an area authorized for a street show, festival, parade, block party, or similar event, or within at least 200 feet of any boundary of such authorized area, unless the mobile food vendor is in possession of the written consent of the event licensee to sell or offer to sell food from that location.

(j) A mobile food vendor shall possess and be able to exhibit his/her license under this section, all required Nebraska Department of Agriculture permits, a State of Nebraska sales tax permit or proof of sales tax exemption, and any other written consents or documentation required under this section, at all times during which the mobile food vendor is selling or offering to sell food.

(k) An authorized employee of the public works or police departments may order a mobile food vendor to move from or leave a specific location, if the operation of the mobile food vendor at that location causes an obstruction to vehicular or pedestrian traffic or otherwise endangers the health, safety, or welfare of the public. The city may tow or otherwise move a mobile food vendor's vehicle or other auxiliary equipment to another location if the vehicle or equipment presents a danger to public safety and the mobile food vendor fails to move the same. The City Clerk shall provide to the mobile food vendor a written explanation for any such order, upon written request by the mobile food vendor to the City Clerk.

(l) An individual representative of the mobile food vendor shall be present with the motor vehicle and other auxiliary equipment operated by the mobile food vendor at all times that it is parked in city right-of-way or on city property, and at all times that it is parked on private property at a location where food is or will be offered for sale.

(m) A mobile food vendor may sell or offer to sell food seven days a week, but only from 6:00 a.m. to 2:30 a.m. It shall be unlawful for a mobile food vendor to sell or offer to sell food at any other times. Notwithstanding this subsection, upon evidence of endangerment of public safety, the Chief of Police or his/her designee may further limit hours of operation for all mobile food trucks within the city, as needed for the protection of public safety, for a period of no more than 30 consecutive days at a time.

(n) A mobile food vendor during non-hours of operation shall not leave a mobile food vendor motor vehicle or trailer parked or to remain on any city property or city right-of-way, or on any private property on which any sales have taken place, or on any other private property unless parking of such vehicles or trailers is permitted under applicable zoning and other laws or regulations.

(o) A mobile food vendor using a motor vehicle shall maintain a motor vehicle liability insurance policy for such motor vehicle as required by state law and shall exhibit proof of such policy when requested.

(p) A mobile food vendor shall maintain in operable condition all fire suppression equipment or devices as required by local, state or federal law.

(q) It shall be unlawful for a mobile food vendor to sell or offer to sell alcoholic beverages or alcoholic food.

(r) A mobile food vendor shall visibly display his/her business name on his/her motor vehicle or auxiliary equipment.

(s) A mobile food vendor shall provide trash receptacles for the collection of trash and recyclable materials, in sizes sufficient to serve his/her customers. Prior to leaving a location, the mobile food vendor shall pick up and properly dispose of any trash, litter, or recyclable materials within 20 feet of the location. Receptacles and their contents shall be removed from the location for proper disposal or recycling, and contents shall not be deposited in public trash or recycling containers on city right-of-way or city property.

(t) A mobile food vendor shall not place on city right-of-way or city property any freestanding sign, table, chair, umbrella, electric generator, or other fixture or equipment; provided, that a mobile food vendor may place one identification or menu sign and one table (not for seating customers) on the sidewalk or other area directly adjacent to his/her parked motor vehicle or other equipment.

(u) A mobile food vendor shall comply with all city ordinances regulating noise.

#### **§ 113.11.8. – REVOCATION OR SUSPENSION.**

(a) Grounds. A license issued under this section may be revoked or suspended by the City Clerk for any of the following reasons:

(1) Any fraud, misrepresentation, or false statement contained in the application for license;

(2) Any fraud, misrepresentation, or false statement made in connection with the selling of food;

(3) Any violation of this section or any applicable laws or provisions of this Code;

(4) Conducting the business licensed under this section in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

(b) Multiple violations of this section or of any similar section. The City Clerk shall revoke a license issued under this section for any mobile food vendor who on three

or more separate occasions has been in violation of the provisions of this section within any consecutive 12-month period.

(c) Notice. To revoke or suspend a license, the City Clerk shall provide written notice to the license holder stating the revocation or suspension action taken, the grounds for such action, and the availability of an appeal under this section. Such notice shall be served personally upon the license holder or sent by regular U.S. mail to the license holder's permanent address as stated in his/her application.

(d) Appeal. A license holder aggrieved by the decision of the City Clerk under this section may file a written appeal with the City Administrator. The appeal shall be mailed by certified mail or hand delivered to the office of the City Administrator within fourteen calendar days from the date of service or mailing of the notice. Upon receipt of written appeal, the City Administrator will review and respond to appeal within ten calendar days.

(e) Re-application. A person whose license has been revoked under this section may not re-apply for a new license for a period of six months after the effective date of the revocation.

#### **§ 113.11.9. – PENALTY.**

It shall be unlawful for any person to violate the provisions of this section. Any person found guilty of violating any of the provisions of this section shall, upon conviction be fined a sum of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) in addition to the penalties set forth herein.

#### **§ 113.11.10. – PERIODIC REVIEW.**

The City Administrator may review provisions of this article annually or at such other times as the City Administrator determines necessary or advisable.

SECTION 3. Repeal of Conflicting Provisions. Any and all Ordinances or portions thereof, which are in conflict herewith are hereby repealed.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 5. Pamphlet form. This Ordinance shall be published in pamphlet form.

Section 6. Effective date. This Ordinance shall take effect and be in full force from and after its passage, approval and publication.

PASSED AND APPROVED THIS 4TH DAY OF AUGUST 2020.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

## ORDINANCE NO. 992

**AN ORDINANCE AUTHORIZING MOBILE FOOD VENDORS IN THE CORPORATE LIMITS OF ST. PAUL, NEBRASKA; TO PROVIDE RULES AND REGULATIONS GOVERNING MOBILE FOOD VENDORS; TO PROVIDE FOR THE ISSUANCE OF LICENSES FOR MOBILE FOOD VENDORS; TO PROVIDE FOR FEES FOR THE ISSUANCE OF LICENSES FOR MOBILE FOOD VENDORS AND FOR THE COLLECTION THEREOF; TO PROVIDE FOR PENALTIES FOR VIOLATION OF THE PROVISIONS HEREOF; TO REPEAL ANY CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ST. PAUL, NEBRASKA.

On the 18th day of June, 2018, the St. Paul City Council conducted a discussion at which it considered authorizing mobile food vendors within the corporate boundaries of the City of St. Paul.

### **Section 1. - Mobile Food Vendors:**

**Findings and purpose:** Mobile food vendors provide a beneficial service to the general public within the City while, due to their distinct manner of operation, also presenting substantial differences of circumstances from other food retailers and vehicle users which suggest the expediency of diverse legislation. It is, thus, desirable to regulate, and require licenses for, mobile food vendors so that their transitory use of various properties and right-of-way locations can occur in a fair and safe manner, and so that public safety and welfare can be protected. The purpose of this article is to enact regulations to serve those goals.

While the City wishes to encourage the business of mobile food vendors, the City also recognizes the benefits of permanent food establishments. The owners of permanent food establishments make substantial and long-lasting capital investments in buildings, infrastructure, and the built environment. These investments benefit the City, improve real property, and provide consistent locales for the entertainment and enjoyment of City residents and visitors. The City wishes to cultivate and encourage the creation and maintenance of permanent food establishments. Accordingly, it is also the purpose of this article to encourage the co-existence of mobile food vendors and permanent food establishments, to provide appropriate places for each within the fabric of the City, and to accommodate the interests of each, toward the goal of achieving a rich and diverse community.

**Definitions:** For the purpose of this article the following terms shall have the meanings respectively ascribed to them:

**Caterer** shall mean a person who transports ready-to-eat food from a permitted food service establishment to another location or building for service on a per event basis for hire, and does not include a temporary food service event.

**City Clerk** shall mean the City Clerk of the City of St. Paul, Nebraska or his/her authorized designee.

**Food** shall mean any raw, cooked, or processed edible substance, beverage, ingredient, ice, or water used or intended for use or for sale in whole or in part for human consumption.

**Mobile food vendor** shall mean a person who by traveling from place to place upon the public ways sells or offers for sale food from public or private property to consumers for immediate delivery and consumption upon purchase, including but not limited to any such person engaged for the purposes of any public or private event occurring within the corporate limits of the City of St. Paul, Nebraska. The following activities are excluded from such definition, and, alone, do not subject a vendor to being covered by such definition: (a) the sale or offer for sale of farm products produced or raised by such a vendor from land occupied and cultivated by him/her; or (b) the sale or offer for sale of food by a caterer.

**Permanent food establishment** shall mean a fixed building which a person occupies on a continual basis and from which such person sells or offers to sell food for immediate delivery and consumption upon purchase. Such term shall not include a location where a mobile food vendor sells or offers to sell food.

**License required:** It shall be unlawful for any person to sell or offer for sale food as a mobile food vendor or operate as a mobile food vendor within the City, unless such person complies with the requirements and regulations of this article, including holding a valid and active mobile food vendor license issued by the City Clerk under this article (**copy of registration and proof of insurance.**)

**Application:** An applicant for a license pursuant to this article shall file with the City Clerk a signed application on a form to be furnished by the City Clerk, which shall contain the following information;

- (a) The applicant's business name, address, and phone number; and e-mail address, if any;
- (b) If the applicant is a corporation, partnership, or other entity, the names of all officers and managers of such entity;
- (c) If food is to be sold from any motor vehicle, the vehicle license numbers and descriptions of all vehicles from which the applicant proposes to sell food, and the names of all persons expected to drive such vehicles;
- (d) The description of the general type of food items to be sold;
- (e) Documentation (certificate) from the State of Nebraska (Dept. of Agriculture) Health Department showing its approval of the applicant's sale of food, if required;
- (f) A copy of the State of Nebraska sales tax permit, or proof of an applicable sales tax exemption, for the applicant;

- (g) A general description of the types of locations the applicant anticipates selling from;
- (h) A copy of the vehicle registration and proof of insurance;
- (i) A background check with the City of St. Paul Police Department, the results of which may be specifically considered in the issuance or denial of a license;
- (j) Such other information as the City Clerk may require and as requested in the said application form.

**Issuance or denial:**

(a) Upon receipt of a complete application for a license pursuant to this article, the City Clerk shall make or cause to be made any inquiry or investigation that may be necessary to determine whether the applicant is in compliance with the provisions of all applicable laws and this Code. The City Clerk may request and take into consideration the recommendations of other affected departments of the City.

(b) After receipt of the completed application and application fee, the City Clerk shall either approve or deny the application. Grounds for denial may include, but are not limited to, the following:

- (1) A finding that the application is incomplete;
- (2) The nonpayment of applicable fees;
- (3) A finding that the application is not in conformance with any applicable laws or this Code;
- (4) A finding that the applicant has been convicted of three or more separate violations of the provisions of this article within the 12 months preceding the submission of a complete application;
- (5) A history of criminal convictions which, in the discretion of the City Clerk, indicates that the issuance of a license to the applicant may place the health, safety and/or welfare of the residents of the City of St. Paul at risk of harm.

**License fee:** An application for a license under this article shall be accompanied by a nonrefundable processing fee of \$100.00.

**Renewal:** A license issued under this article shall expire on December 31 of each year, unless renewed for the following year by the licensee. The licensee shall renew the license for the following year by filing with the City Clerk, on or before December 31, a registration updating or confirming the information provided in the immediately preceding license application or registration. The registration shall be on a form provided by the City Clerk. At the time of registration, the licensee shall pay a renewal fee of \$100.00 per year for **each** motor vehicle, trailer, cart, or other piece of mobile equipment to be utilized in the business.

**Sales regulations:** Mobile food vendors shall comply with the following regulations:

(a) A mobile food vendor shall not sell nor offer to sell food from a location within 50 feet of the main entrance used by customers to enter or exit a permanent food establishment during the hours food is sold within such permanent food establishment, unless each such permanent food establishment within such area has provided written consent.

(b) A motor vehicle from which a mobile food vendor sells or offers to sell food shall not exceed 40 feet in length and 102 inches in width. A mobile food vendor selling or offering the sale of food from or using a trailer or other auxiliary equipment shall, during such operations, keep the trailer or auxiliary equipment hitched to an operable motor vehicle towing it, unless otherwise permitted by the City in association with an authorized street show, festival, parade, block party, or similar event. An attached trailer or other auxiliary equipment shall not exceed 102 inches in width, and the combined length of the motor vehicle and trailer or auxiliary equipment shall not exceed 60 feet. The maximum dimensions in this subsection may be exceeded by a particular motor vehicle, trailer, or piece of equipment, if approved by the City Clerk upon a mobile food vendor's application for a waiver.

(c) A mobile food vendor may sell or offer to sell food from a motor vehicle at a location in a City right-of-way open to traffic or parking, but only from a motor vehicle parked in a location where a motor vehicle is authorized to park by law, signage, or city permit. Such a motor vehicle and auxiliary equipment shall not be parked at a diagonal parking space, unless specifically authorized by the City. Such a motor vehicle and auxiliary equipment shall not be parked in a parking space adjacent to the corner of a street intersection.

(d) A mobile food vendor shall not sell or offer to sell food from a location which would involve customers to be waited on or served while standing in a portion of a street being traversed by motor vehicle traffic.

(e) A mobile food vendor who sells or offers to sell food from a location on property other than a parking space or City right-of-way shall first obtain and possess, and be able to exhibit upon request, each of the following:

- (1) Written consent of the owner of such property; and
- (2) A temporary use permit issued by the City Utility Superintendent or his/her designee, where same permanent uses are permitted under the City of St. Paul Zoning Ordinance; provided, that a temporary use permit shall not be required if the mobile food vendor is present as an authorized part of a private event or an event authorized by another city permit.

(f) A mobile food vendor shall not sell nor offer to sell food from a City park property unless he/she possesses the written consent of the City of St. Paul Utility Superintendent.

(g) A mobile food vendor shall not sell nor offer to sell food from a school property unless he/she possesses the written consent of an authorized representative of the school.

(h) A mobile food vendor shall not sell nor offer to sell food from a location within an area authorized for a street show, festival, parade, block party, or similar event, or within 200 feet of any boundary of such authorized area, unless the mobile food vendor is in possession of the written consent of the event licensee to sell or offer to sell food from that location.

(i) A mobile food vendor shall possess and be able to exhibit his/her license under this article, all required State of Nebraska (Dept. of Agriculture) Health Department permits, a State of

Nebraska sales tax permit or proof of sales tax exemption, and any other written consents or documentation required under this article, at all times during which the mobile food vendor is selling or offering to sell food.

(j) The City Utility Superintendent or the St. Paul Police Department may order a mobile food vendor to move from or leave a specific location, if the operation of the mobile food vendor at that location causes an obstruction to vehicular or pedestrian traffic or otherwise endangers the health, safety, or welfare of the public. The City may tow or otherwise move a mobile food vendor's vehicle or other auxiliary equipment to another location if the vehicle or equipment presents a danger to public safety and the mobile food vendor fails to move the same.

(k) An individual representative of the mobile food vendor shall be present with the motor vehicle and other auxiliary equipment operated by the mobile food vendor at all times that it is parked in City right-of-way or on City property, and at all times that it is parked on private property at a location where food is or will be offered for sale.

(l) A mobile food vendor may sell or offer to sell food seven (7) days a week, but only from **8:00 a.m. to 9:00 p.m.** It shall be unlawful for a mobile food vendor to sell or offer to sell food at any other times. Notwithstanding this subsection, upon evidence of endangerment of public safety, the chief of police or his/her designee may further limit hours of operation for all mobile food trucks within the City, as needed for the protection of public safety.

(m) A mobile food vendor using a motor vehicle shall maintain a motor vehicle liability insurance policy for such motor vehicle as required by state law, and shall exhibit proof of such policy when requested.

(n) A mobile food vendor shall maintain in operable condition all fire suppression equipment or devices as required by local, state or federal law.

(o) It shall be unlawful for a mobile food vendor to sell or offer to sell alcoholic drinks or food.

(p) A mobile food vendor shall visibly display his/her business name on his/her motor vehicle or auxiliary equipment.

(q) A mobile food vendor shall provide trash receptacles for the collection of trash and recyclable materials, in sizes sufficient to serve his/her customers. Prior to leaving a location, the mobile food vendor shall pick up and properly dispose of any trash, litter, or recyclable materials within **25 feet of the location**. Receptacles and their contents shall be removed from the location for proper disposal or recycling, and contents shall not be deposited in public trash or recycling containers on City right-of-way or City property.

(r) A mobile food vendor shall not place on City right-of-way or City property any freestanding sign, table, chair, umbrella, electric generator, or other fixture or equipment; provided, that a mobile food vendor may place one identification or menu sign and one table (not for seating customers) on the sidewalk or other area directly adjacent to his/her parked motor vehicle or other equipment.

(s) A mobile food vendor shall comply with all City **ordinances regulating noise.**

**Revocation or suspension:**

(a) Grounds. A license issued under this article may be revoked or suspended by the City Clerk for any of the following reasons:

(1) Any fraud, misrepresentation, or false statement contained in the application for license;

(2) Any fraud, misrepresentation, or false statement made in connection with the selling of food;

(3) Any violation of this article or any applicable laws or provisions of this Code;

(4) Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

(b) Multiple convictions of violation of this article or of any similar article. The City Clerk or City Police shall revoke a license issued under this article for any mobile food vendor who is convicted of three (3) or more separate violations of the provisions of this article or of any similar article in effect in any other jurisdiction within any consecutive 12-month period. For purposes of this section conviction shall mean any finding of guilt or liability on the part of the mobile food vendor by a court of competent jurisdiction, and shall include any conviction that has previously been set aside.

(c) Notice. To revoke or suspend a license, the City Clerk or City Police shall provide written notice to the license holder stating the revocation or suspension action taken, the grounds for such action, and the availability of an appeal under this section. Such notice shall be served personally upon the license holder or sent by regular U.S. mail to the license holder's address as stated in his/her application.

(d) Appeal. A license holder aggrieved by the decision of the City Clerk under this section may file an appeal with the City Council.

(e) Re-application. A person whose license has been revoked under this article may not re-apply for a new license for a period of six (6) months after the effective date of the revocation.

**Penalty:** It shall be unlawful for any person to violate the provisions of this article. Any person found guilty of violating any of the provisions of this article shall, upon conviction be fined a sum of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) in addition to the penalties set forth herein.

**Severability:** If any provision, clause, sentence, paragraph or other portion of this article or the application thereof to any person or circumstances shall be held to be invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**Special districts:**

- (a) The City finds that the City's various and diverse neighborhoods and business districts have differing characteristics, and will be affected in varying ways by the operations of mobile food vendors. Thus, it is appropriate to provide for the creation of special districts subject to special rules governing mobile food vendors.
- (b) The City Council may by ordinance establish a special district with defined geographic boundaries, and adopt special rules governing mobile food vendors to be applied, based on a reasonable showing of public health and/or public safety concerns demonstrating the need for different operation of mobile food vendors, within such special district.
- (c) An application for the establishment of a special district may be submitted to the City Utility Superintendent by a neighborhood association that is registered as such with the planning department, or by a business improvement district. The proposed special district must lie within the geographic boundaries of such neighborhood association or business improvement district. An application by a neighborhood association or business improvement district shall contain:
  - (1) A map indicating the boundaries of the proposed special district;
  - (2) The name of the proposed special district;
  - (3) The text of the proposed special rules to be applicable in the special district;
  - (4) A copy of the signed resolution of the governing body of the business improvement district or neighborhood association approving the proposed special district and special rules;
  - (5) Documentation showing that an official of the business improvement district or neighborhood association discussed the proposed special district and special rules with mobile food vendors who primarily operate in the proposed special district; and
  - (6) Enumeration of the specific reason(s) for expansion or limitation of mobile food vendor activity based upon public health and/or public safety concerns.

Upon the filing of such an application, the Mayor or any City Councilmember may request that an ordinance establishing such a special district and special rules be forwarded to the City Council for consideration and final action.

**Section 2 - Repealer:** Any and all Ordinances or portions thereof, which are in conflict herewith, are hereby repealed.

**Section 3 - Pamphlet form:** This Ordinance shall be published in pamphlet form.

**Section 4 - Effective date:** This Ordinance shall take effect and be in full force from and after its passage, approval and publication.

ADOPTED by the Mayor and City Council this 2nd day of July, 2018.

\_\_\_\_\_  
Tracy J. Howard, Mayor

ATTEST:

\_\_\_\_\_  
Connie Jo Beck, City Clerk / Deputy Treasurer

# City of St. Paul Mobile Food Vendor License Application

704 6<sup>th</sup> Street

St. Paul, Nebraska 68873

(308)754-4483 or email: [cjbeck@cityofstpaulne.org](mailto:cjbeck@cityofstpaulne.org)

Ordinance #992 is Effective: July 25, 2018

Date: \_\_\_\_\_ License Expires: \_\_\_\_\_

Annual Fee: \$100 Paid: Cash _____ Check No. _____
-------------------------------------------------------

Business Type: \_\_\_\_\_ Corporation \_\_\_\_\_ Company \_\_\_\_\_ Individual \_\_\_\_\_ City & State: \_\_\_\_\_

## **Applicant Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Driver's License No. (attach copy for each employee) \_\_\_\_\_

Event Date / Time: \_\_\_\_\_

Signature to Authorize Background Check (required): \_\_\_\_\_

## **Business Operation Information:**

Description of General Type of Food Item Sold: \_\_\_\_\_

General Description of Location(s) of Operation: \_\_\_\_\_

## **Vehicle Information:**

Description of Mobile Food Vendor Vehicle(s): \_\_\_\_\_

Vehicle License Number(s): \_\_\_\_\_ Issuing State: \_\_\_\_\_

Vehicle Insurance (attach): \_\_\_\_\_

Length of Time proposed business to be conducted: \_\_\_\_\_

## **Applicant must submit the following:**

- Documentation from the State of Nebraska Health Department showing approval of the applicant's sale of food;
- A copy of the State of Nebraska Sales Tax Permit or Proof of Applicable Exemption;
- A copy of the certificate or proof of motor vehicle liability insurance for each vehicle and Liability Insurance not less than \$300,000 for property damage and injuries
- Annual Permit Fee of \$100

***It is understood that for reasons of public safety and pedestrian or vehicular traffic, the City Utility Superintendent or St. Paul Police Department may order a mobile food vendor to move from or leave a specific location.***

***If it further understood that failure to follow the proper Mobile Food Vendor regulations may result in the license being suspended or revoked.***

License applied for and all terms and stipulations agreed to by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\*\*\*\*\*

**For City of St. Paul Office Use Only:**

Approved \_\_\_\_\_ Declined \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date



**HOUSING DEVELOPMENT POSITION: SUPPORT**

June 15, 2021

Mayor Cale Giese & City Council Members  
City of Wayne  
306 Pearl Street  
Wayne, NE 68787

Dear Mayor Giese & Council,

Wayne Area Economic Development (WAED) and the WAED Business & Industry Committee (B&I) strongly support the City of Wayne subsidizing housing development.

Prior to 2005, Wayne Industries had a long history of instigating or assisting in Wayne's economic development efforts. B&I became the direct successor to the Wayne Industries organization following the merger of Wayne Industries, the Wayne Chamber of Commerce, and Main Street Wayne in 2005. Since the merger, WAED has served many roles, but B&I ensures that business retention, business expansion, and business recruitment are at the forefront of the organization's mission and goals.

At their regular meeting on April 8, 2021, B&I discussed many of the topics from the Wayne City Council Retreat held on March 30. Following their discussion, B&I voted unanimously to take a position of strong support regarding the subsidization of housing development.

Similar to most communities in Nebraska, Wayne has a housing shortage. Landlords in Wayne are reporting vacancy rates of 1% or less. Home sales occur almost as fast as owners place property on the market. Employers are granting new employees residency waivers. While these factors create a sense of urgency, the ever-increasing costs of construction materials, construction labor, and infrastructure have slowed the willingness of contractors and developers.

While housing is not typically the purview of B&I, the lack of housing in Wayne has become so severe that it is limiting the expansions of area businesses and deterring business recruitment. The City of Wayne and the Wayne Community Redevelopment Authority (CRA) have successfully subsidized housing development in the past via the Western Ridge subdivision. B&I feels it is time for the City of Wayne and the Wayne CRA to embark on another subdivision project.

Again, WAED and the B&I Committee strongly support the City of Wayne subsidizing housing development. We believe the City of Wayne and Wayne CRA have a model to follow with Western Ridge, which can mitigate the rising cost of infrastructure and ensure the continued growth of Wayne.

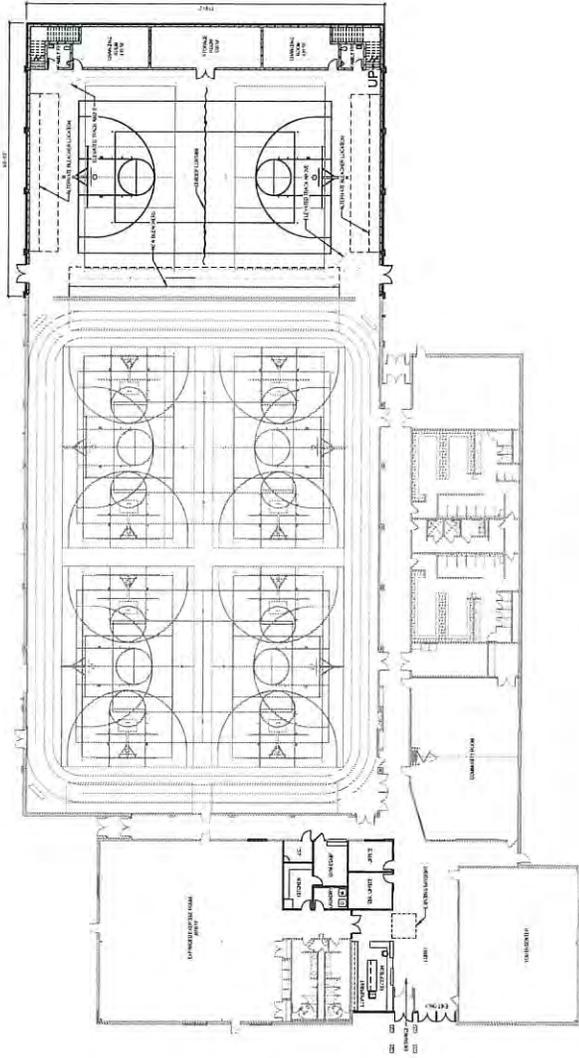
If you have any questions, please contact us. We appreciate your consideration on this matter and look forward to your action.

Sincerely,

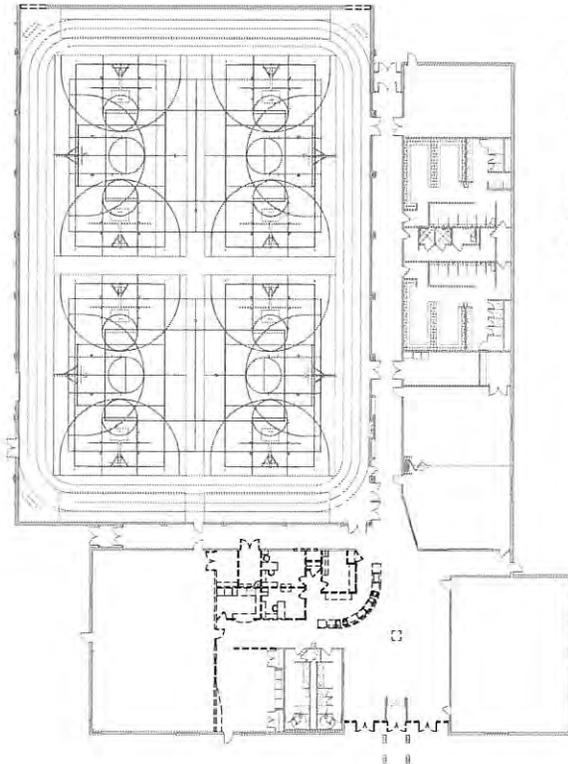
*Luke Virgil*  
Executive Director, WAED  
[lvirgil@waynetworks.org](mailto:lvirgil@waynetworks.org)

*Gary Boehle*  
2021 Chair, WAED B&I Committee  
[g.boehle@elkhornvalleybank.com](mailto:g.boehle@elkhornvalleybank.com)

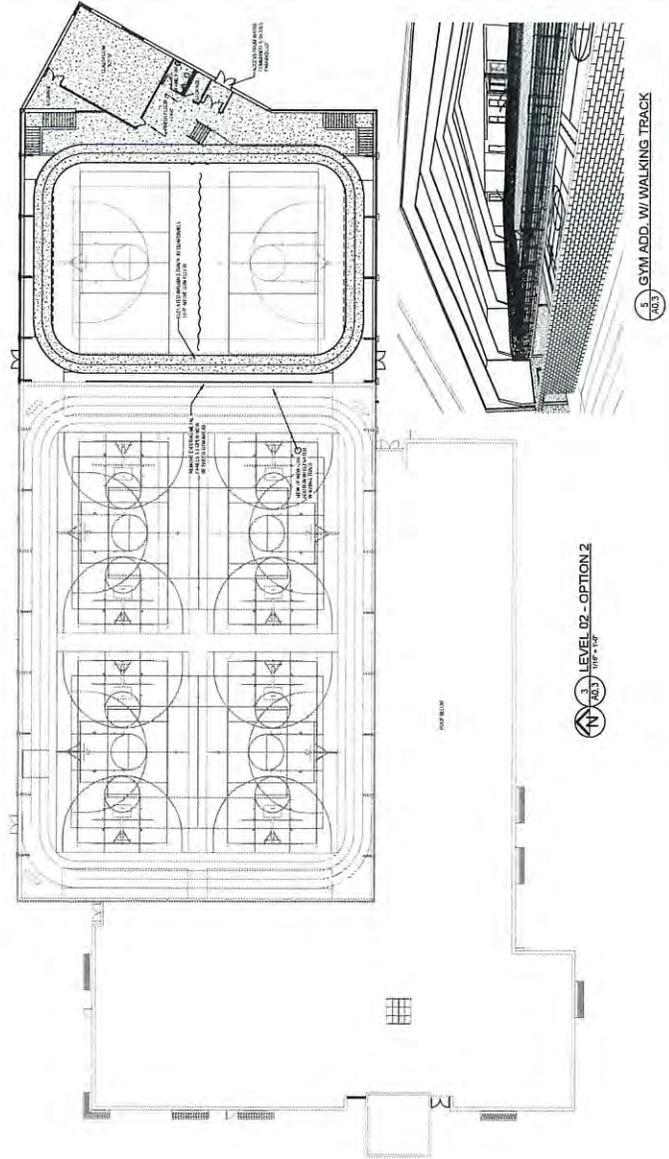




LEVEL 01 - EXISTING  
 0.3' W.P. 1' O.P.



LEVEL 01 - DEMOLITION  
 0.3' W.P. 1' O.P.



LEVEL 02 - OPTION 2  
 0.3' W.P. 1' O.P.

[Back to Top](#)**Betty McGuire - Council Retreat**

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**From:** Dwaine Spieker  
**To:** Betty McGuire; Cale Giese; Wes Blecke; Jason Karsky; Jill Brodersen; Low...  
**Date:** 6/24/2021 3:00 PM  
**Subject:** Council Retreat  
**Cc:** dwainespieker@gmail.com

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Hi, Folks,

I would like to make a short presentation at the council retreat about the fitness court I saw at UNL last week. I took photos, which I'll attach in a "Reply All" from my personal e-mail. To my mind, this seems like something we might consider for the trailhead at the old pool area.

Here is their website: <https://nationalfitnesscampaign.com>

I have also contacted them through that website and requested more information about designs, pricing, and grant/financing options. I'm supposed to be hearing from them within 24 hours, but it's Friday at 3pm when I write this.

This isn't something I'm dead-set on; it's just something I want to offer as part of the discussion of what to do with the old pool area. Might be what we're looking for.

Thanks,  
DS

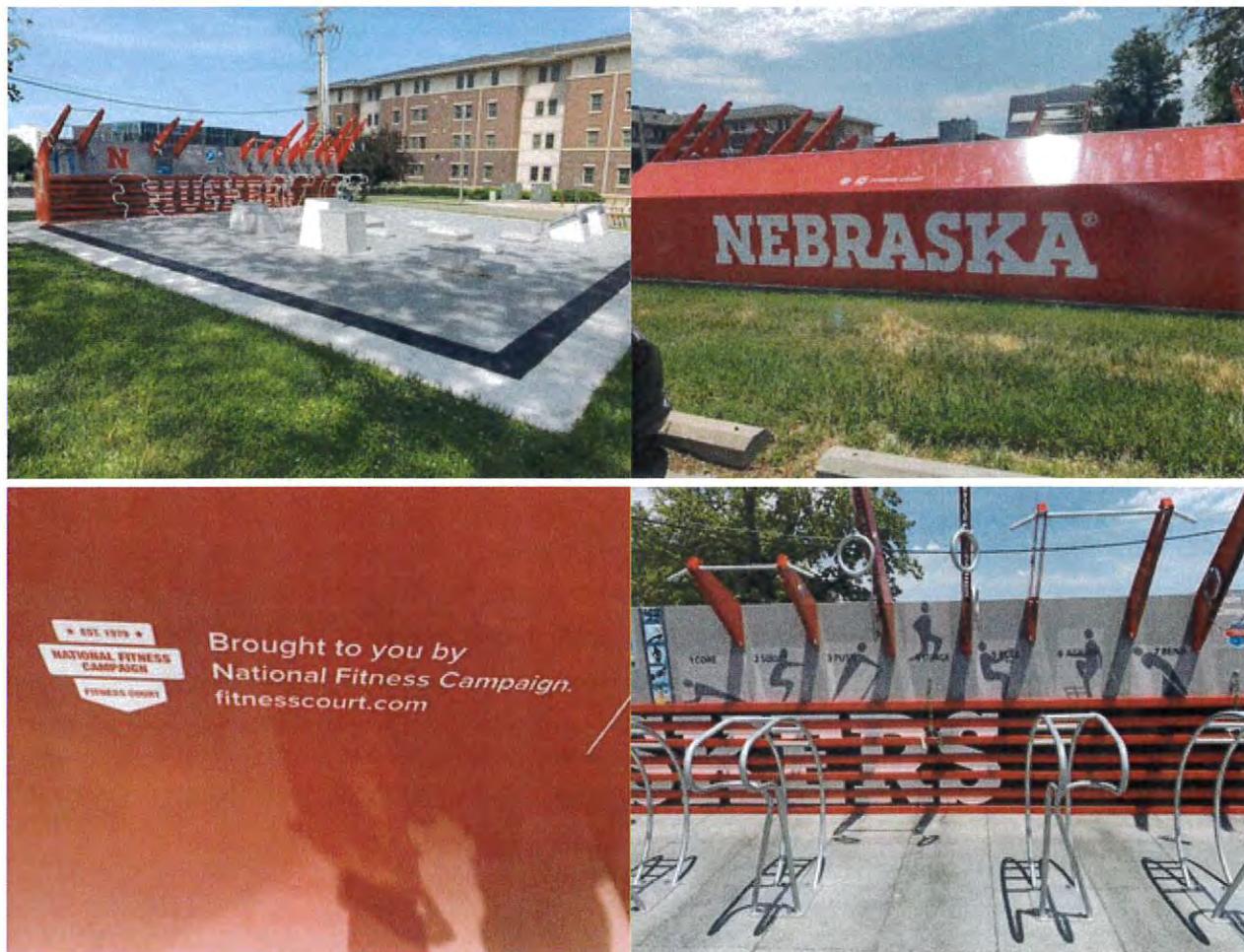
Dwaine Spieker  
Ward Three City Council Member  
Wayne, Nebraska

## Betty McGuire - Re: Council Retreat

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**From:** Dwaine Spieker <dwainespieker@gmail.com>  
**To:** Dwaine Spieker <dspieker@cityofwayne.org>  
**Date:** 6/24/2021 3:03 PM  
**Subject:** Re: Council Retreat  
**Cc:** Betty McGuire <betty@cityofwayne.org>, Cale Giese <cgiese@cityofwayne.or...

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On Jun 24, 2021, at 3:00 PM, Dwaine Spieker <[dspieker@cityofwayne.org](mailto:dspieker@cityofwayne.org)> wrote:

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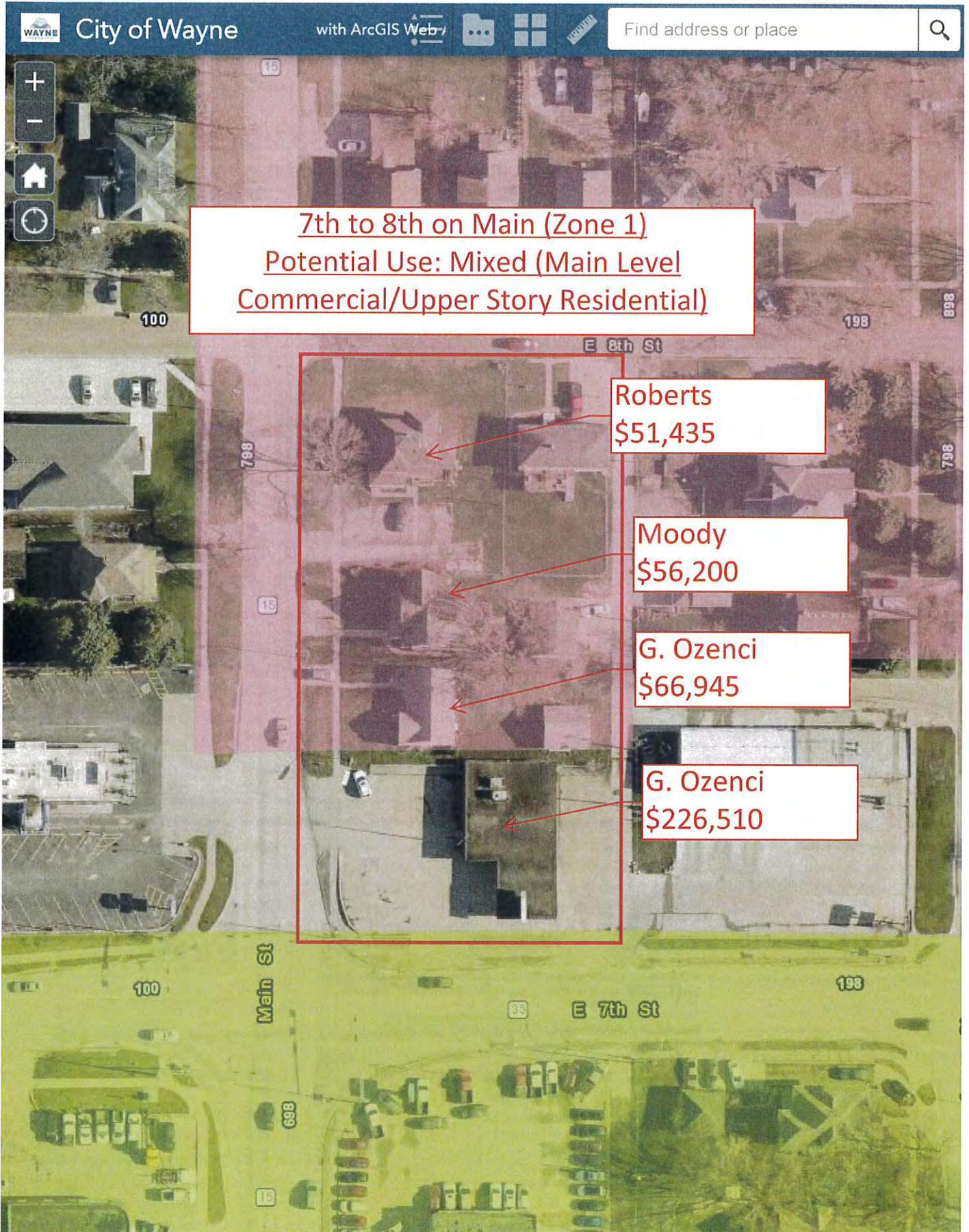
Dwaine Spieker  
Ward Three City Council Member  
Wayne, Nebraska



[Back to Top](#)

7th to 8th on Main (Zone 1)		2020 Valuation	Property Type	Property Use	TIF Eligible	Recent Sale	Sale Date	Parcel #	Legal
Address	Owner	\$ 51,435.00	Residential	2-story house	Yes	\$43,000.00	9/1/2020	4409.00	W 90' of Lots 1 & 2, Block 5, John Lake's Addition
721 Main Street	Bradley F. Roberts	\$ 56,200.00	Residential	2-story house	Yes	N/A		4410.00	Lot 3, Block 5, John Lake's Addition
717 Main Street	Douglas & Lorraine Moody (Omaha, NE)	\$ 66,945.00	Residential	1-story house	Yes	N/A		4411.00	Lot 4, Block 5, John Lake's Addition
711 Main Street	Gurkan Ozenc	\$ 226,510.00	Commercial	(former 1st Nat'l Bank)	No	N/A		4412.00	Lot 5 & PT Lot 6, Block 5, John Lake's Addition
(700 Main Street)									
12th to 13th on Main (Zone 2)		2020 Valuation	Property Type	Property Use	TIF Eligible	Recent Sale	Sale Date	Parcel #	Legal
Address	Owner	\$ 13,615.00	Residential	bare lot (old armory)	Yes	\$0.00	12/5/2017	3035.01	Lot 22, 23, 24, Block 10, College Hill First Addition
1216 Main Street	Wayne CRA	\$ 33,525.00	Residential	1.5-story house	Yes	\$45,000.00	5/14/2019	3035.00	Lot 20 & 21, Block 10, College Hill First Addition
1214 Main Street	Sebadie Housing, LLC	\$ 66,210.00	Residential	1-story house	Yes	N/A		3034.00	lots 18 & 19, Block 10, College Hill First Addition
1212 Main Street	Chris & Amanda Hansen (Laurel, NE)	\$ 53,960.00	Residential	1-story house	Yes	N/A		3033.00	lots 16 & 17 & N 15' of Lot 15, Block 10, College Hill First Addition
1208 Main Street	Wakefield	\$ 117,595.00	Residential	2-story house	Yes	\$100.00	2/6/2018	3032.00	PT Lot 13, All Lot 14 & S 10' of Lot 15, Block 10, College Hill First Addition
1202 Main Street	John F. & Irene L. Buck (S. Sioux City, NE)								
Aca to Valley Drive on Hwy 35 (Zone 3)		2020 Valuation	Property Type	Property Use	TIF Eligible	Recent Sale	Sale Date	Parcel #	Legal
Address	Owner	\$ 69,435.00	Residential	1-story house	No	\$125,000.00	2/16/2017	5025.00	Lot 4, Block 1, Cecil Wriedt's Second Addition
707 E 7th Street	GLP Development Corp (Pick)	\$ 541,755.00	Commercial	Retail Store (O'Reilly Auto Parts)	No	N/A		5024.00	PT of Lot 3, Block 1, Cecil Wriedt's Second Addition
821 E 7th Street	GLP Development Corp (Pick)	\$ 42,840.00	Residential	Trailer Court	Yes	N/A		5021.00	lots 1, 2, PT of Lot 3, Cecil Wriedt's Second Addition
(710 E 6th Street)	Corner View Properties, Inc. (Ron Wriedt)								
CAC to School on Hwy 35 (Zone 4)		2020 Valuation	Property Type	Property Use	TIF Eligible	Recent Sale	Sale Date	Parcel #	Legal
Address	Owner	\$ 81,950.00	Residential	1-story house	No	N/A		5079.00	TL 53, PT NE 1/4, NW 1/4, Wayne Tracts, 13-26-3
809 W 7th Street	Ronald & Amanda Vick	\$ 112,640.00	Residential	1-story house	No	\$157,500.00	11/5/2020	5049.00	TL 52 & TL 129, PT NE 1/4, NW 1/4, Wayne Tracts, 13-26-3
803 W 7th Street	Lucas & Danielle Oberlander	\$ 70,285.00	Residential	1.5-story house	No	N/A		5064.00	TL 79, N1/2, NE1/4, WAYNE TRACTS 13-26-3
721 W 7th Street	Joshua & Brittany Stevers (Ankeny, IA)								
Community Gardens & Lagoon (Zone 5)		2020 Valuation	Property Type	Property Use	TIF Eligible	Recent Sale	Sale Date	Parcel #	Legal
Address	Owner	\$ -	Recreational/Residential	Community Gardens/Soccer Fields	Yes	N/A		80238.00	Lot 3, Southeast Addition
(700 E 4th Street)	City of Wayne	\$ -	Recreational/Residential	Community Gardens/Soccer Fields	Yes	N/A		80238.01	Lot 4, Southeast Addition
(800 E 4th Street)	City of Wayne	\$ -	Recreational/Industrial	Lagoon/Sewer Treatment/Sofball Complex	No	N/A		80235.00	Lot 5, Southeast Addition
(700 E Fairgrounds Ave)	City of Wayne								
Kardell Property (Zone 6)		2020 Valuation	Property Type	Property Use	TIF Eligible	Recent Sale	Sale Date	Parcel #	Legal
Address	Owner	\$ 30,040.00	Residential	bare lot	No	\$0.00	6/24/2016	4316.21	Lot 2, Kardell East 14th Street Addition
1216 E 14th Street	Virgil L. Kardell	\$ 34,000.00	Commercial	bare lot	No	\$70,000.00	12/15/2017	4316.23	Lot 4, Kardell East 14th Street Addition
1280 E 14th Street	Cornerstone, LLC (Virgil Kardell)	\$ 15,400.00	Commercial	bare lot	No	\$0.00	1/26/2017	4316.22	Lot 3, Kardell East 14th Street Addition
1290 E 14th Street	Cornerstone, LLC (Virgil Kardell)	\$ 4,245.00	Commercial	bare lot	No	\$75,000.00	6/17/2016	4316.24	Outlot (Johnson Drive), Kardell East 14th Street Addition
(1300 E 14th Street)	Cornerstone, LLC (Virgil Kardell)	\$ 44,600.00	Commercial	bare lot	No	N/A		2075.00	Lot 5, Kardell East 14th Street Addition
(1360 E 14th Street)	Cornerstone, LLC (Virgil Kardell)	\$ 341,090.00	Agricultural	Agricultural	No	N/A			7-26-4, PT E1/2, E1/4, 7-26-4
N/A	Virgil L. Kardell								
Logan to Nebraska on 2nd Street (Zone 7)		2020 Valuation	Property Type	Property Use	TIF Eligible	Recent Sale	Sale Date	Parcel #	Legal
Address	Owner	\$ 9,900.00	Commercial	bare lot	Yes	N/A		2788.00	PT of Lot 5 & All of Lot 6, Block 14, Original Wayne
201 Logan Street	Mid Plains Grain, LLC (Breck Glese)	\$ 43,730.00	Commercial	grain storage bldg.	Yes	N/A		2789.00	lots 7 & 8, Block 14, Original Wayne
201 Logan Street	Mid Plains Grain, LLC (Breck Glese)								

Main to Walnut on 10th Street (Zone 8)		2020 Valuation	Property Type	Property Use	TIF Eligible	Recent Sale	Sale Date	Parcel #	Legal
Address	Owner		Commercial/Residential	bare lot	Yes	N/A		4702.00	S 25' Lot 5 & N 5' of Lot 4, Block 1, Spahr's Addition
961 Main Street	City of Wayne	\$ 60,715.00	Residential	1-5-story house	Yes	N/A		4700.00	N 5' of Lot 3 & S 45' of Lot 4, Block 1, Spahr's Addition
995 Main Street	Edwin & Lee Ann Brogie	\$ -	Commercial/Residential	campus ministry	Yes	N/A		80187.00	Lots 6-7-8, Block 1, Spahr's Addition
117 E 10th Street	Neb. District of the Lutheran Church (MO Synod)	\$ -	Residential	1-5-story house	Yes	N/A		4705.00	Lots 9 & 10, Block 1, Spahr's Addition
932 Logan Street	Charissa Loftis	\$ 35,875.00	Residential	1-5-story house	Yes	N/A		4084.00	Lots 5 & 6, Block 3, College View Addition
303 E 10th Street	Steve Hall	\$ 117,130.00	Residential	2-story house	Yes	N/A		4083.00	Lots 3 & 4, Block 3, College View Addition
305 E 10th Street	Joel & Kristene Lipp (Laurel, NE)	\$ 63,760.00	Residential	1-5-story house	Yes	N/A		4082.00	Lots 1 & 2, Block 3, College View Addition
309 E 10th Street	309 Partners, LLC (Jeff Morlok)	\$ 78,365.00	Residential	1-5-story house	Yes	N/A		4075.00	Lots 5 & 6, Block 2, College View Addition
315 E 10th Street	Timothy & Rachelle Heesacker (Gretina, NE)	\$ 64,130.00	Residential	1-5-story house	Yes	N/A		4074.00	Lots 3 & 4, Block 2, College View Addition
317 E 10th Street	M2RB Properties, LLC (Mike McManigal)	\$ 91,545.00	Residential	1-5-story house	Yes	N/A		4073.00	Lots 1 & 2, Block 2, College View Addition
321 E 10th Street	Leathers, LLC (Mike Leathers-Lyons, NE)	\$ 51,310.00	Residential	1-5-story house	Yes	N/A		4065.00	N 1/2 Lots 3-4-5-6, Block 1, College View Addition
933 Windom Street	Gordon & Karen Gramberg	\$ 32,990.00	Residential	1-5-story house	Yes	N/A		4066.00	S 1/2 Lots 3-4-5-6, Block 1, College View Addition
327 Windom Street	Robert & Linda Sweetland	\$ 87,370.00	Residential	1-5-story house	Yes	N/A		4064.00	Lots 1 & 2, Block 1, College View Addition
407 E 10th Street	Sizlin' Properties, LLC (Steven & Cindy Meyer)	\$ 108,660.00	Residential	1-5-story house	Yes	N/A		4482.00	Lot 22, McPherran's Addition
415 E 10th Street	Matthew & Jennifer Jonas (Dixon, NE)	\$ 48,285.00	Residential	1-5-story house	Yes	N/A		4481.00	N 98' of Lot 21, McPherran's Addition
926 Walnut Street	Carter Peterson & Larry & Mantha Brodersen	\$ 81,610.00	Residential	Apartments (4 units)	Yes	N/A		4480.00	S 48' of Lot 21, McPherran's Addition
922 Walnut Street									
Northeast Power to Pac N Save on Hwy 35 (Zone 9)		2020 Valuation	Property Type	Property Use	TIF Eligible	Recent Sale	Sale Date	Parcel #	Legal
Address	Owner		Commercial	bare lot west of Pac N Save	No	N/A		4612.03	lots 3A or 3B, Pac N Save Administrative Replat of Lot 3, Westside Heights Subdivision
1115 W 7th Street	Pac N Save, Inc.	\$ 550,360.00	Residential	Apartments (2 Bldg; 11 total units)	No	N/A		5053.00	TL 97 PT NW 1/4, NW 1/4, Wayne Tracts, 13-26-3
1305 W 7th Street	KG-Wac, LLC (Vicki Herman-Clarks, NE)	\$ 274,565.00	Commercial	bare lot west of Pac N Save	No	N/A		4884.04	Lot 2, Westside Heights Subdivision
	Pac N Save, Inc.	\$ 15,200.00							
Pick-Meyer Property (Zone 10)		2020 Valuation	Property Type	Property Use	TIF Eligible	Recent Sale	Sale Date	Parcel #	Legal
Address	Owner		Agricultural	Agricultural	Partial	50.00	4/16/2020	1490.02	12-26-3, PT SW 1/4, 12-26-3
(N/A)	B. Pick (1/2); S. Meyer (1/4); M. Meyer (1/4)	\$ 391,330.00							
Riley's Property (Zone 11)		2020 Valuation	Property Type	Property Use	TIF Eligible	Recent Sale	Sale Date	Parcel #	Legal
Address	Owner		Commercial	Retail Store (Flooring & Gifts)	Yes	N/A		2892.01	Lot 9, block 29, Original Wayne
110 S Logan Street	Vakoc Construction Company	\$ 11,375.00	Commercial	Retail Store (Flooring & Gifts)	Yes	N/A		5131.00	TL 57, PT SW 1/4, NW 1/4, Wayne Tracts, 18-26-4
110 S Logan Street	Vakoc Construction Company	\$ 175,930.00	Commercial	Retail Store (Auto Parts)	Yes	N/A		2893.00	PT Lot 4 & 1.5' Vac Alley, Block 29, Original Wayne
117 S Main Street	Lindsay Family Trust	\$ 81,725.00	Commercial						
113 S Main Street	City of Wayne	\$ -	Commercial	bare lot	Yes	\$87,275.00	9/28/2018	80205.00	lots 1-2-3 & 6-7-8 & 8' Vac Alley Adj To Each & Lot 5 & 14.5' Vac Alley & 18' Vac Alley (Previously TL 8 & 9), Block 29, Original Wayne
113 S Main Street	City of Wayne	\$ -	Commercial	bare lot	Yes			80205.01	18-26-4, TL 83 PT SW 1/4, NW 1/4, Wayne Tracts, 18-26-4
Walnut to Dearborn on Hwy 35 (Zone 12)		2020 Valuation	Property Type	Property Use	TIF Eligible	Recent Sale	Sale Date	Parcel #	Legal
Address	Owner		Residential	1-5-story house	No	N/A		4211.00	W 1/2 of Lots 6 & 7, Block 1, East Addition
501 E 7th Street	Wayne Rentals, LLC (Tom Jacobsen)	\$ 51,970.00	Residential	1-5-story house	No	N/A		4210.00	E 1/2 of Lots 6 & 7, Block 1, East Addition
511 E 7th Street	Melvin & Joan Miller	\$ 49,985.00	Residential	1-5-story house	No	N/A		4209.00	W 1/2 Lot 4 & All Lot 5, Block 1, East Addition
515 E 7th Street	Stuhmann Rentals, LLC (Connie Stuhmann)	\$ 40,395.00	Residential	1-5-story house	No	N/A		4208.00	Lot 3 & E 25' of Lot 4, Block 1, East Addition
521 E 7th Street	Greenwald Rentals, LLC (Neal Greenwald)	\$ 61,165.00	Residential	1-5-story house	No	N/A			



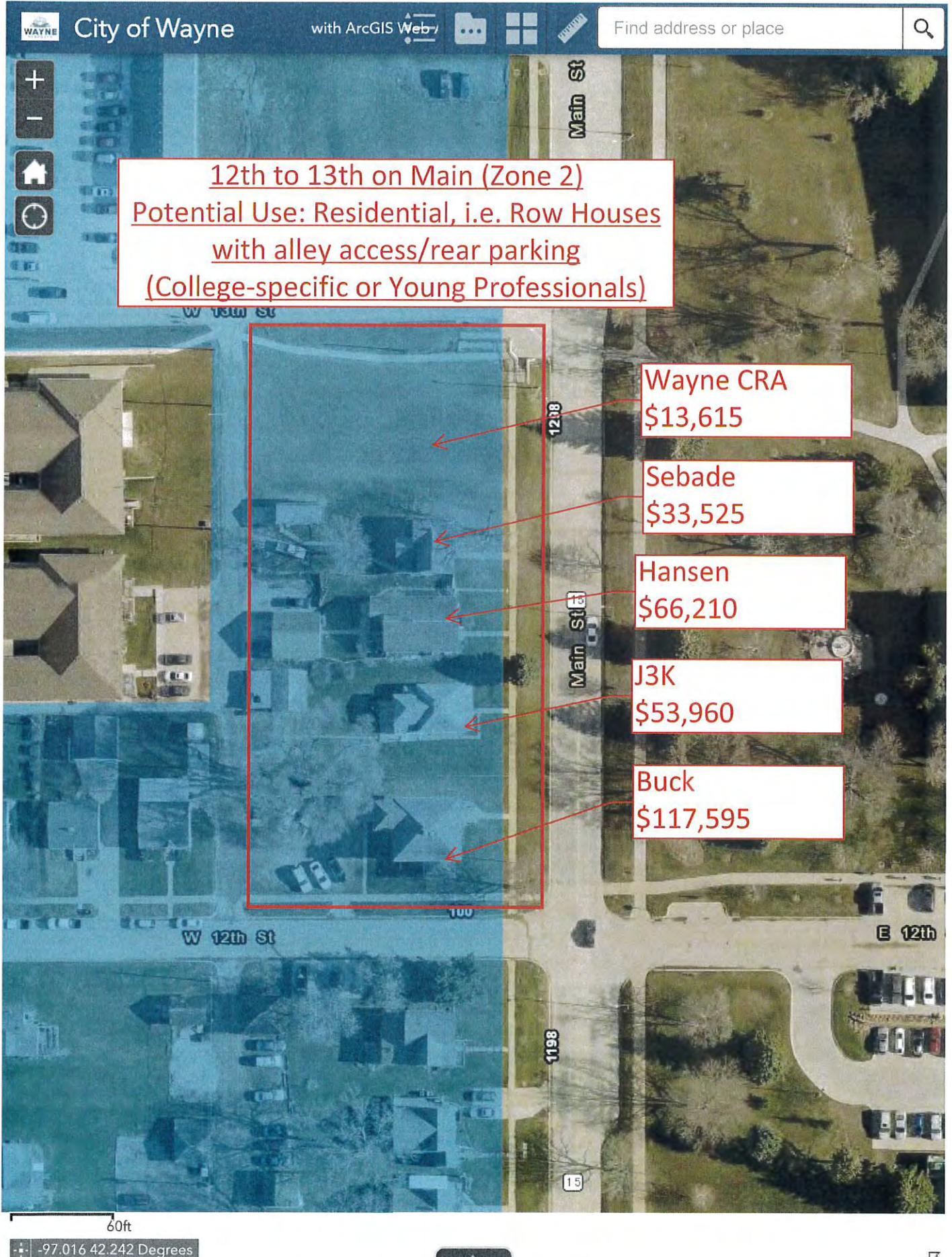
**7th to 8th on Main (Zone 1)**  
**Potential Use: Mixed (Main Level Commercial/Upper Story Residential)**

**Roberts**  
**\$51,435**

**Moody**  
**\$56,200**

**G. Ozenci**  
**\$66,945**

**G. Ozenci**  
**\$226,510**



12th to 13th on Main (Zone 2)  
Potential Use: Residential, i.e. Row Houses  
with alley access/rear parking  
(College-specific or Young Professionals)

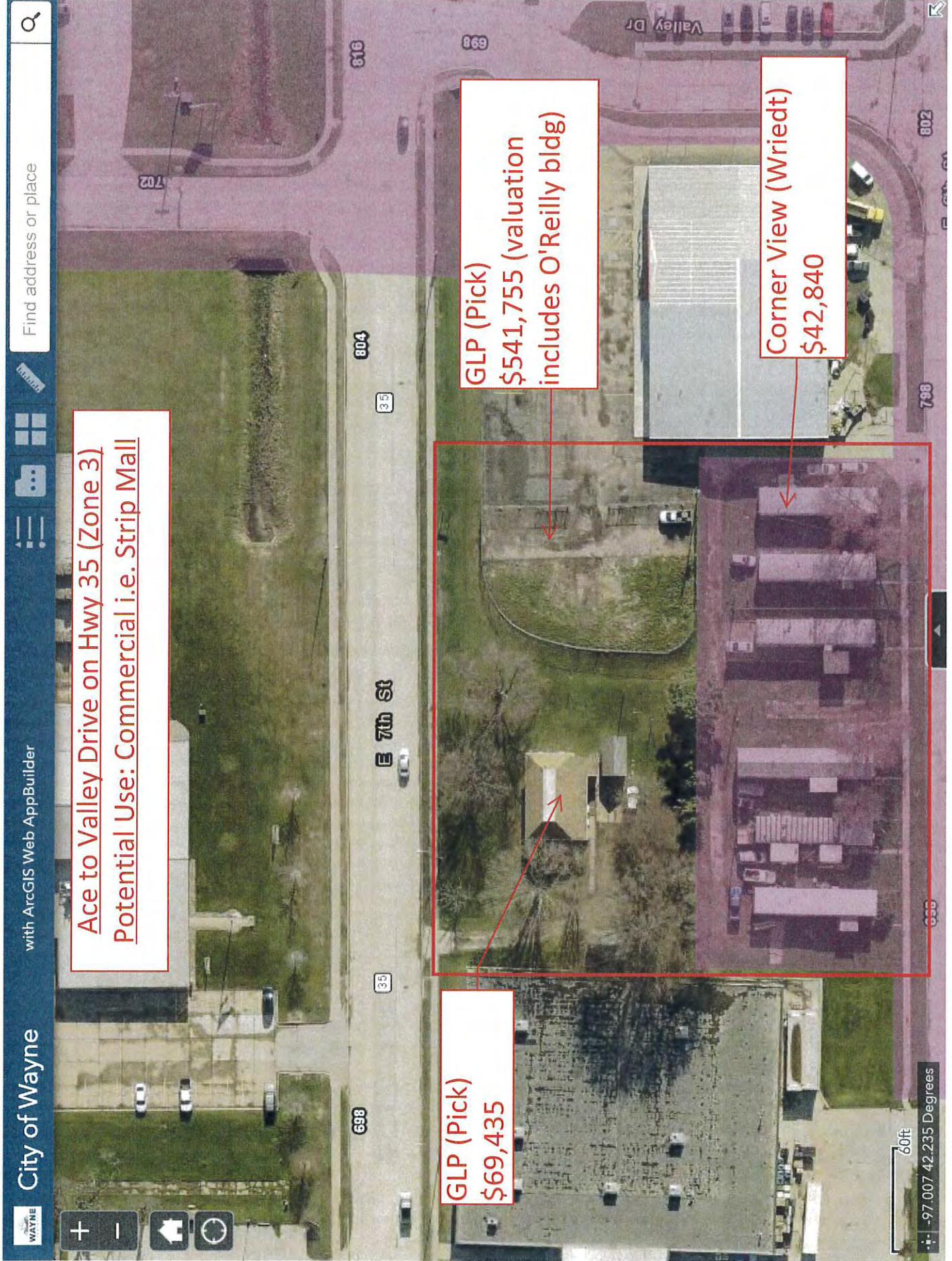
Wayne CRA  
\$13,615

Sebade  
\$33,525

Hansen  
\$66,210

J3K  
\$53,960

Buck  
\$117,595

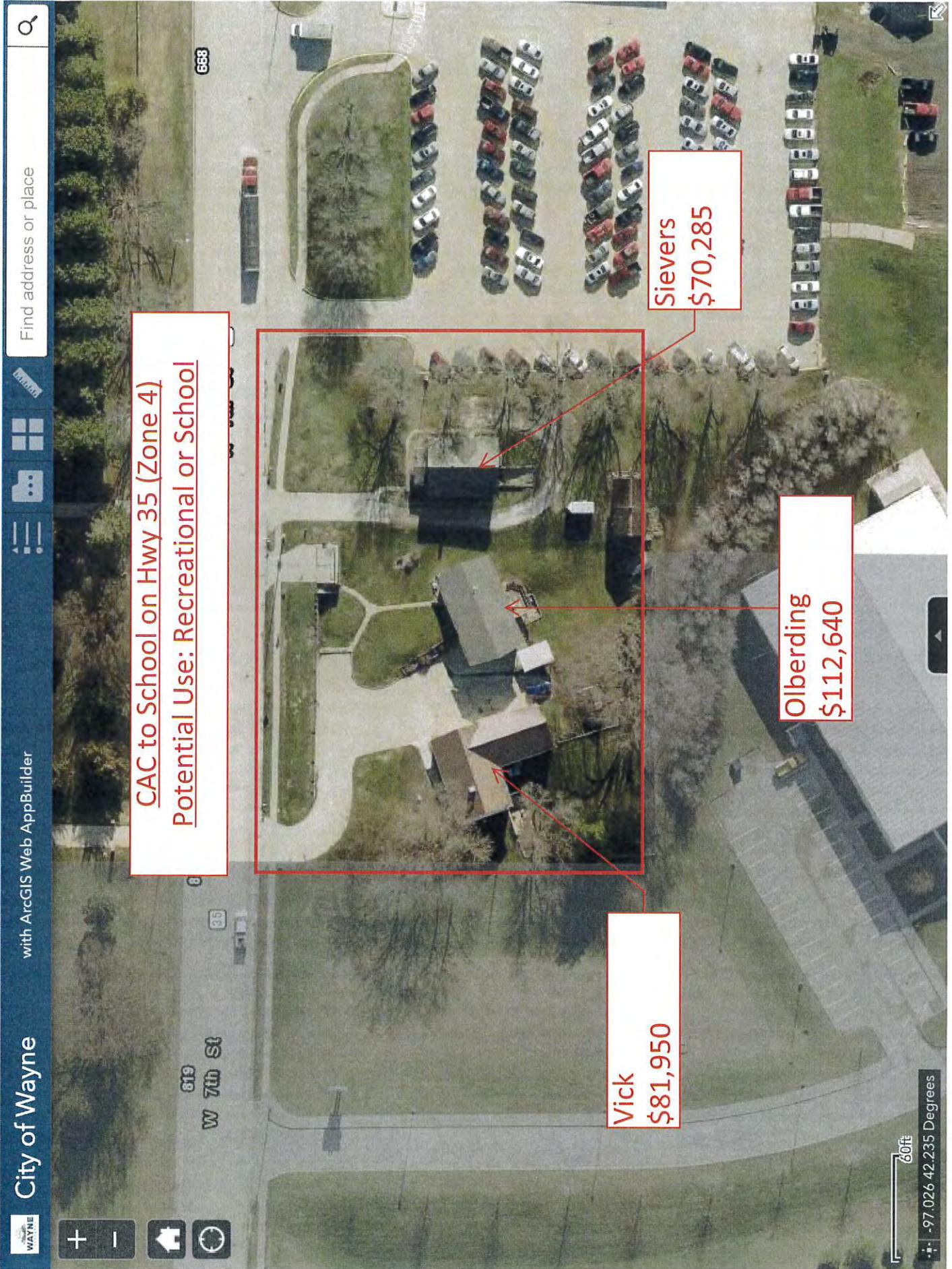


Ace to Valley Drive on Hwy 35 (Zone 3)  
Potential Use: Commercial i.e. Strip Mall

GLP (Pick)  
 \$69,435

GLP (Pick)  
 \$541,755 (valuation  
 includes O'Reilly bldg)

Corner View (Wriedt)  
 \$42,840



CAC to School on Hwy 35 (Zone 4)  
Potential Use: Recreational or School

Vick  
 \$81,950

Olberding  
 \$112,640

Sievers  
 \$70,285

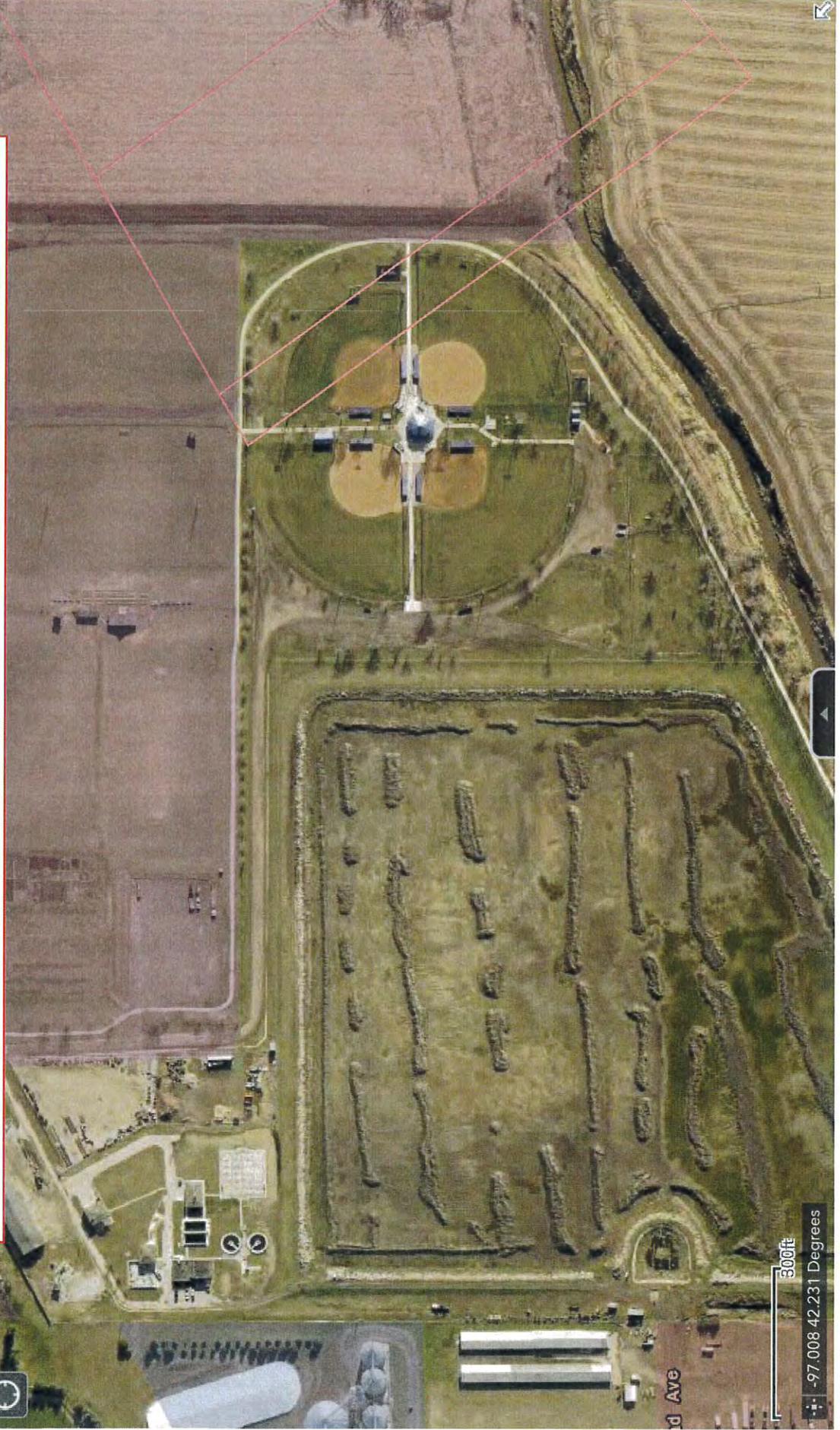
City of Wayne

with ArcGIS Web AppBuilder

Find address or place



Community Gardens & Lagoon (Zone 5)  
Potential Use: Residential & Recreational  
(please refer to RDG Concepts from Council Packet, 03.30.2021)



300ft

-97.008 42.231 Degrees



PLANNING

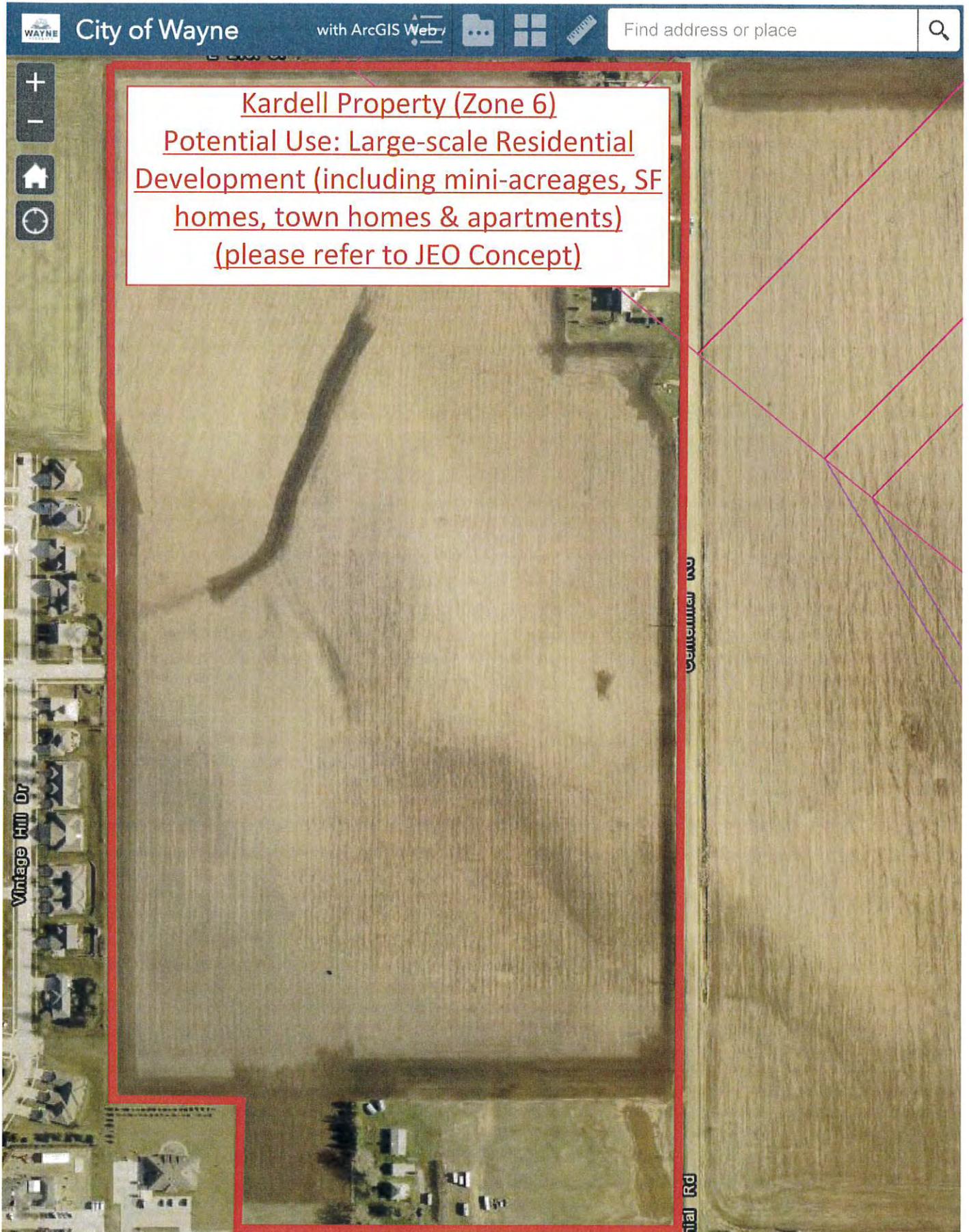




PLANNING







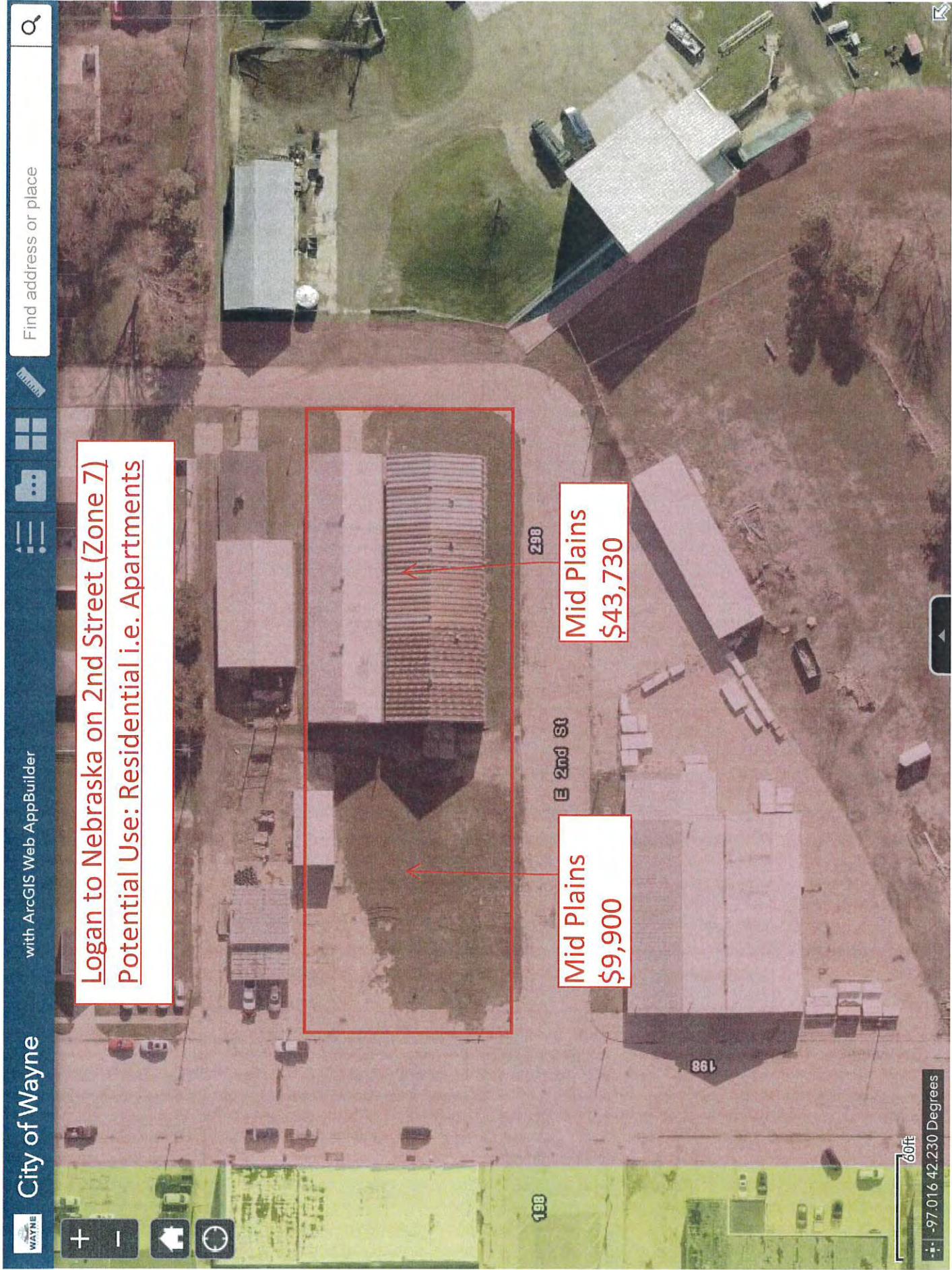
Kardell Property (Zone 6)  
Potential Use: Large-scale Residential  
Development (including mini-acreages, SF  
homes, town homes & apartments)  
(please refer to JEO Concept)



**SUBDIVISION SUMMARY**

APARTMENT BUILDINGS(36 UNIT)	3, 108 UNITS
TOWNHOMES/ROW HOUSING	8, 29 UNITS
DUPLEX/TRI-PLEX	14, 32 UNITS
SINGLE FAMILY	91
LARGE SINGLE FAMILY/VACREAGE	11

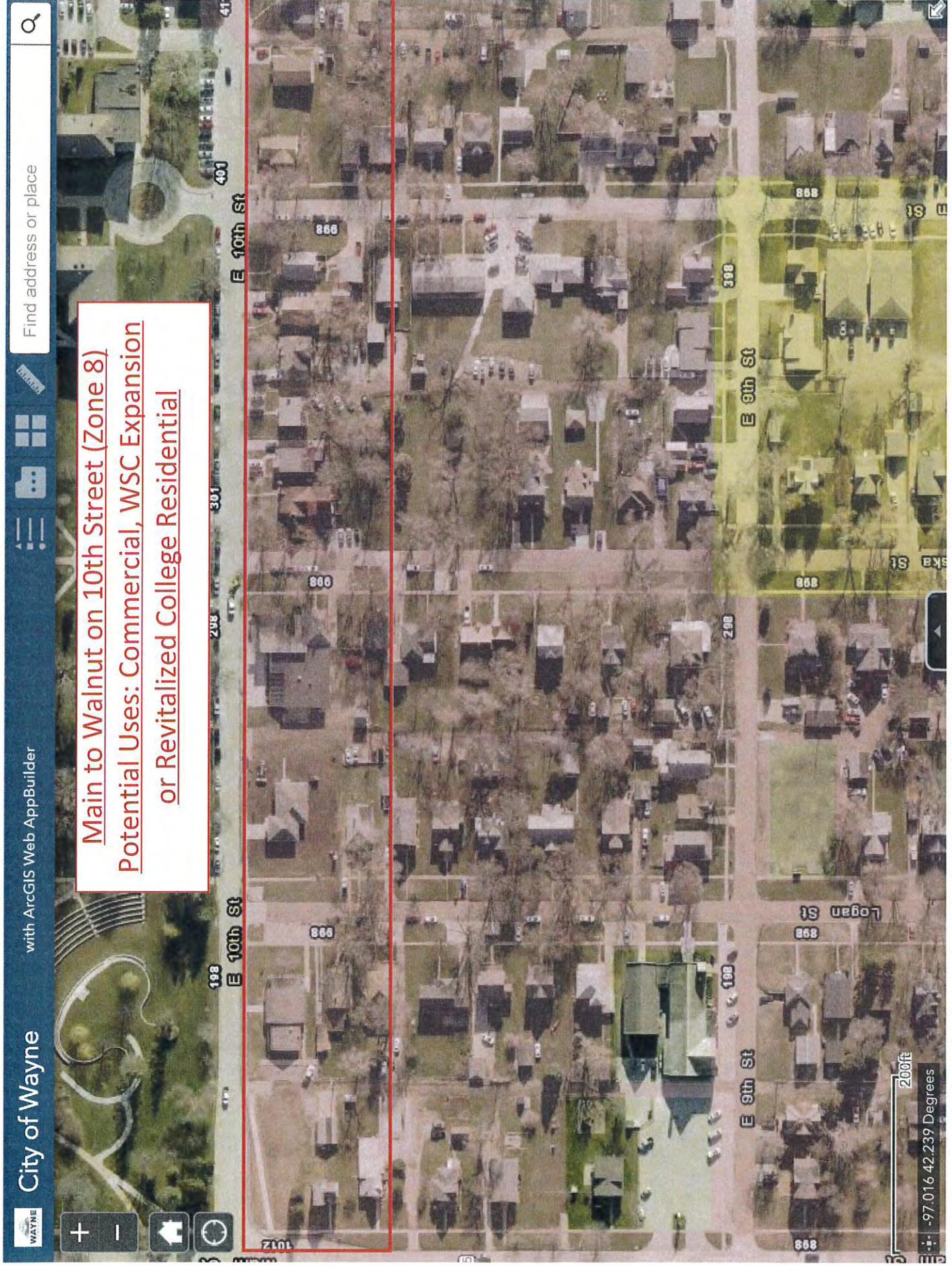




Logan to Nebraska on 2nd Street (Zone 7)  
Potential Use: Residential i.e. Apartments

Mid Plains  
\$43,730

Mid Plains  
\$9,900





Northeast Power to Pac N Save (Zone 9)  
Potential Use: Commercial i.e. Gas Station  
w/ Convenience Store & Truck Parking

Pac N Save  
 \$550,360  
 (includes groc. store)

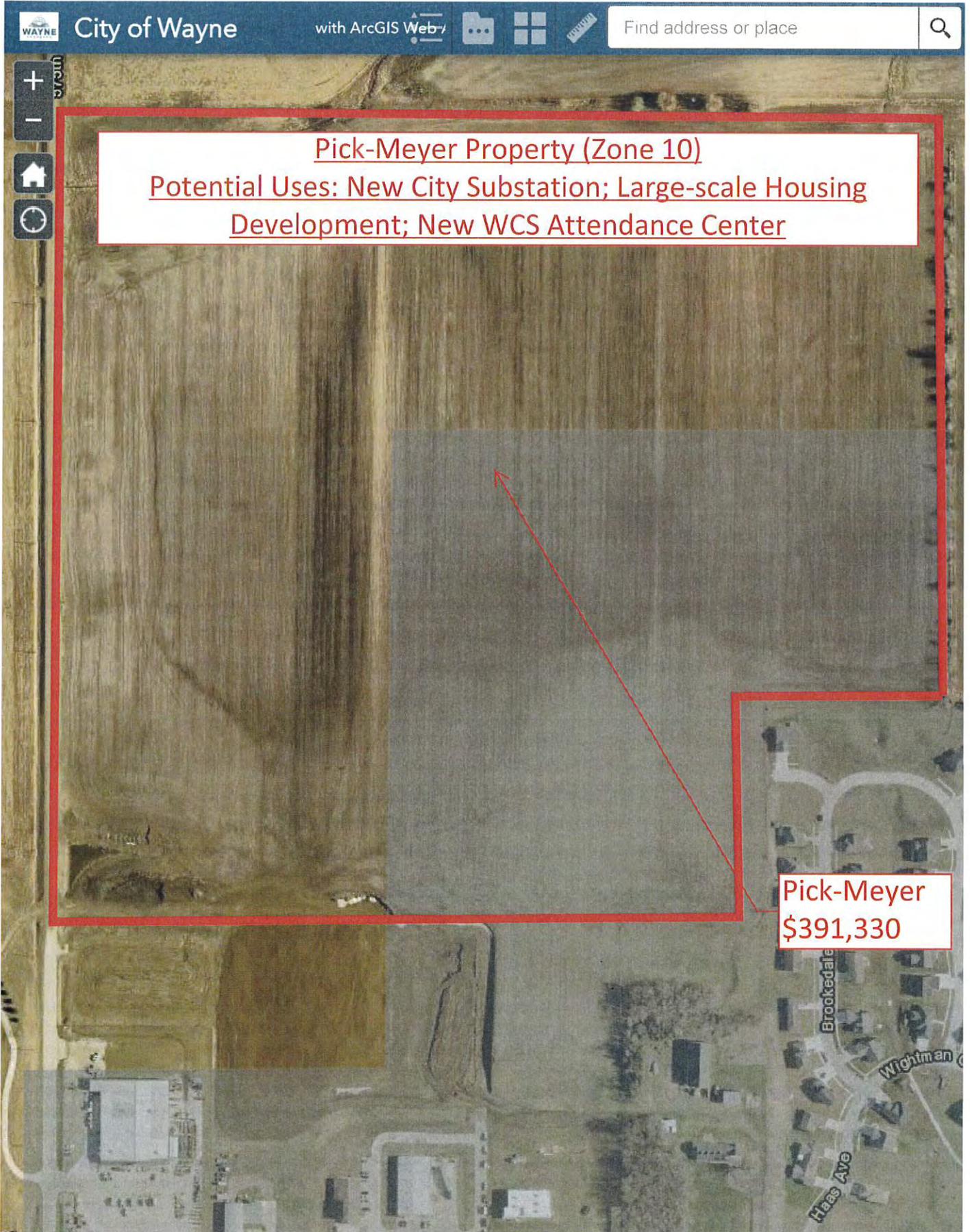
KG-Mac  
 \$274,565

Pac N Save  
 \$15,200

60ft

-97.034 42.235 Degrees





Pick-Meyer Property (Zone 10)  
Potential Uses: New City Substation; Large-scale Housing  
Development; New WCS Attendance Center

Pick-Meyer  
 \$391,330

300ft  
 -97.029 42.240 Degrees

