



**CITY OF BROKEN BOW
CITY COUNCIL AGENDA
May 28, 2024 @ 6:00 PM
Broken Bow Municipal Building
314 South 10th Ave, Broken Bow NE**

Meeting Procedure

The Public may address specific agenda items at the pleasure of the Mayor. Please come to the podium, state your name and address, and limit your remarks to five minutes or less. Out of respect to City employees, we request that any complaints or criticisms of employees not be aired in a public meeting. Concerns about employees should be brought to the attention of the City Administrator or Mayor. An individual in violation will be declared out of order. Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items.

A. Call to Order

B. Open Meetings Act: A current copy of the Open Meetings Act is available and is posted for review by all citizens.

C. Roll Call

D. Pledge of Allegiance

E. Consent Agenda: Council will have consideration of approving the consent agenda items for May 28th, 2024, which will include the following:

- a. Approval of Minutes of May 14th, 2024, Council Meeting
- b. Approval of Bills as Posted
- c. Approval of Loud & Proud Fireworks Application
- d. Approval of Troy's Hot Rocket Fireworks Application
- e. Approval of Broken Bow Ambulance Service Official Roster

F. New Business:

- a. **Resolution 2024-04, Sale of Surplus Real Property valued at over \$5,000-** Council will have the consideration of approving the Sale of Real Property – Lot Six (6), and the North Half (N½), of Lot Seven (7), in Block Twelve (12), of Jewett & Lilly's Addition to Broken Bow, Custer County, Nebraska valued at over \$5,000.
- b. **Public Hearing, Arrow Seed Lot Split Application-** Council will have consideration of opening a public hearing regarding the Lot Split Application located at parcel 01231800, Broken Bow, Custer County, Nebraska.
- c. **Resolution 2024-05, Arrow Seed Lot Split-** Council will have consideration of approving Resolution 2024-05, Arrow Seed Lot Split.



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- d. Public Hearing, Ordinance 1282, Amending Chapter 113 of the Broken Bow City Code-** Council will have consideration of opening a public hearing regarding Ordinance 1282, an Ordinance to establish business permits and regulations as Chapter 113 of the Broken Bow City Code and provide regulation of itinerant merchants and vendors.
- e. Waive Two Readings of Ordinance 1282-** Council will have consideration of waiving the two readings of Ordinance 1282.
- f. Ordinance 1282, Amending Chapter 113 of the Broken Bow City Code-** Council will have consideration of approving Ordinance 1282, an Ordinance to establish business permits and regulations as Chapter 113 of the Broken Bow City Code and provide regulation of itinerant merchants and vendors.
- g. Public Hearing, Ordinance 1283, Amending the Vendor Permit Fees in the City of Broken Bow-** Council will have consideration of opening a public hearing regarding ordinance 1283, an Ordinance amending the vendor permit fees in the City of Broken Bow.
- h. Waive Two Readings of Ordinance 1283-** Council will have consideration of waiving the two readings of Ordinance 1283.
- i. Ordinance 1283, Amending the Vendor Permit Fees in the City of Broken Bow-** Council will have consideration of approving Ordinance 1283, an Ordinance amending the vendor permit fees in the City of Broken Bow.
- j. Temporary Closing of Streets-** Council will have consideration of temporarily closing off 8th, 9th and D Streets around the square on Saturday, July 13th, 2024, from 8:00 am - 4:00 pm. The Custer County Historical Society has requested the street closings to facilitate a car show fundraiser for the Custer County Museum.
- k. Temporary Closing of Street-** Per the recommendation of the Park Board and in the interest of public safety, Council will have consideration of temporarily closing South A Street along the North side of Tyke Arnold Field during games. This would be approximately starting at the Tyke Arnold field Visitors' dugout and extend to about the scoreboard.
- l. City Treasurer Appointment-** Council will have the consideration of approving the appointment of the City Treasurer.



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G. Mayor and Council Comments

H. Adjournment

***The Next City Council Meeting Will Be on Tuesday, June 11th, 2024
at 6:00 pm in the Broken Bow Municipal Building***

Upcoming Events:

- ❖ **May 31st- June 2nd**– City Wide Garage Sales
- ❖ **June 1st** -Wheels for Warriors USA and Combat Veterans Motorcycle Giveaway presentation
- ❖ **June 2nd**- Rod & Custom Car Show
- ❖ **June 3th** – Park Board Meeting @ 5:10 pm in the Broken Bow Municipal Building
- ❖ **July 4th** – 43rd Army Band Patriotic Concert @ 7:00 pm at Melham Park (rain out location: Municipal Building)
- ❖ **June 11th** – Board of Public Works @ 12:30 pm in the Broken Bow Municipal Building
- ❖ **July 13th** – Custer County Historical Society Car Show Fundraiser

The Council will review the above matters and take such action as they deem appropriate. The Council may enter into closed session to discuss any matter on this agenda when it is determined by the Council that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of any individual and if such individual has not requested a public meeting, or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was classed. If the motion to close passes, immediately prior to the closed session the Mayor shall restate on the record the limitation of the subject matter of the closed session.

BROKEN BOW

N E B R A S K A

Rooted. But Not Standing Still.

City of Broken Bow, Nebraska

Application to Sell Fireworks

Name of Applicant/Organization Troy Wuehler

Permanent Address of Applicant or Organization 921 Avenue C

Cozad NE 69130

Daytime/Evening Phone 308-784-3132

Contact Person Troy Wuehler

Address of Contact Person 921 Avenue C

Cozad NE 69130

Phone Numbers for Contact Person 308-746-2440 (cell)

Street Address or Legal Description of Premises for Firework Stand:

454 East South E Street

Broken Bow NE 68822

(Empty lot between
Napa and
Tractor Supply)

Description of Proposed Firework Stand (ie: tent, building, trailer, etc.)

Fireworks will be sold out of a semi trailer

32 feet long and a car trailer for additional merchandise and sales.

How will the fireworks be secured during hours stand is not open for business?

The trailers will be locked with padlocks

Where will the fireworks inventory be stored?

All inventory except for what is in the trailers will be stored
in a building in Cozad, before, during and after the
season

When will your inventory arrive? First part of June

Please attach the following to the application:

1. Map or sketch showing the location of the fireworks stand in relation to the boundaries of the premises and any other building on the premises.
2. Letter of permission from the owner of the property on which proposed fireworks stand will be located.
3. Copy of the Certificate of Insurance
4. Copy of State of Nebraska License for Sale of Fireworks
5. Copy of Certificate of Flame Resistance for tent stands

The undersigned hereby agrees to conduct the sale of fireworks within the City of Broken Bow strictly in accordance with all laws of the State of Nebraska and Ordinances of the City of Broken Bow.

Signature of Applicant Troy Wuehler

Police Chief Comments:

[Signature] 5/13/24
Police Chief Date

Fire Chief Comments:

[Signature] 5/20/2024
Fire Chief Date

Returned to City Clerk on May 5th, 2024

Brought before the Broken Bow City Council on May 28, 2024

Fee paid to the City of Broken Bow? check # 3124 for \$10.00, check # 3125 for \$1,000
yes Date paid? 5-5-24

Approval given by City Council? _____ Date approved _____

East Hiway 2

car
Trailer

25 ft.

steps
Fireworks
Trailer

40 Feet

Wenquist
Auto
Parts

E

Existing lot line

100 Feet

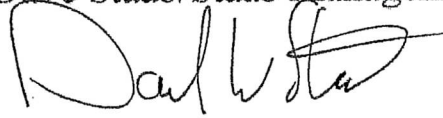
S

Tractor
Supply

N.

I have given my permission for Troy Wuehler to set up and operate a fireworks stand on my property during the upcoming 2024 fireworks season. The fireworks will be sold out of a semi-trailer, and it will be located on property that I own at 454 East South E Street. (West of Wenquist Auto Parts)

Dave Staab/Staab Management Co.

A handwritten signature in black ink, appearing to read "Dave Staab", written over the printed name.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/5/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Ryder Rosacker McCue & Huston (MGD by Hull & Company)
509 W Koenig St
Grand Island NE 68801

CONTACT
NAME: Kristy Wolfe
PHONE (A/C, No, Ext): 308-382-2330 FAX (A/C, No): 308-382-7109
E-MAIL ADDRESS: kwolfe@ryderinsurance.com

INSURED
Troy's Hot Rocket Fireworks LLC
116 Ave A
Cozad NE 69130

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : SCOTTSDALE INS CO	41297
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

COVERAGES**CERTIFICATE NUMBER:** 1474317183**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			CPS4056869	3/21/2024	3/21/2025	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Regarding the General Liability coverage, Waiver of Subrogation applies to the entities listed below per attached form CG 24 04 when required by written agreement.

Regarding the General Liability coverage, Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.

Dave Staab; Staab Management Company City of Broken Bow
Stand Location: 454 E St. South, Broken Bow, NE

CERTIFICATE HOLDER**CANCELLATION**

Dave Staab
Staab Management Company
454 E St. South
Broken Bow NE 68822

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

NEBRASKA STATE FIRE MARSHAL

246 South 14th Street
Lincoln, NE 68508-1804

LICENSE FOR SALE OF FIREWORKS

Permissible fireworks may be sold at retail commencing 12:01 AM June 25 and ending 11:59 PM July 4 OR 12:01 AM December 29 and ending 11:59 PM December 31 and must be purchased from a licensed distributor or jobber. A jobber may not sell retail. Invoice copies for all fireworks must be kept available for inspection and must show the license number of the distributor or jobber. Fireworks may not be sold outside the city limits of an incorporated town or village. Violations of State Fire Marshal regulations may result in immediate revocation of this license.

LICENSE GOOD ONLY FOR CALENDAR YEAR IN WHICH ISSUED

This copy signed, dated and numbered by the STATE FIRE MARSHAL constitutes issuance of a LICENSE pursuant to the provisions of Nebraska Revised Statute 28-1246 (1994 Supp.). Such license shall be displayed at licensee's place of business.

DATE RECEIVED:

May 04, 2024 09:55 PM

TYPE OF LICENSE AND FEE:

Retail Permit (July) - \$25.00

LOCATION OF OUTLET FOR RETAIL SALE OF FIREWORKS:

454 East South E Street
Broken Bow
Trailer in vacant lot

COUNTY:

Custer

STORAGE LOCATION:

DISTRIBUTOR(S)/JOBBER(S):

American Promotional Events, Inc. - West (2024-RP-82727762-20)
Kracklin Kirks Fireworks (2024-RP-82563206-13)
Crazy Debbies Fireworks, LLC (2024-RP-82725294-19)
Winco Fireworks International, LLC (2024-RP-82477042-4)
Spirit of 76 Fireworks (2024-RP-82477118-5)
Lews Fireworks, Inc. (2024-RP-82509568-9)
Jakes Fireworks, Inc. (2024-RP-54300711-30)
Garretts Worldwide Enterprises, LLC (2024-RP-82477642-6)

SALES TAX NUMBER:

DATE ISSUED:

April 25, 2024 08:43 AM


STATE FIRE MARSHAL

LICENSE HOLDER:

Troys Hot Rocket Fireworks

LICENSE NUMBER:

2024-RP-84290854-266-02

Return to agenda



Broken Bow Ambulance Service

1848 South G Street, Broken Bow, NE 68822

Phone: 308-872-1253 □ Fax: 308-767-2651

Andy Holland, Emergency Service Director

David Baltz EMS Chief

Official Roster Effective on May 28, 2024

1. Doyle Woods	EMT	22. Mason Holmes	Paramedic
2. Londa Woods	EMT	23. BreAnna Holmes	Paramedic
3. Andrew C Holland	EMT	24. Brenda Dankert	Paramedic
4. Bobbie Summerford	EMT		
5. Lawrence Stump	Paramedic		
6. Kacey Finney	EMT		
7. Jacob Karmazin	EMT		
8. Rebeka Anderson	EMT		
9. Dennis Schiller	EMT		
10. David Baltz	Paramedic		
11. Ahren Finney	EMT		
12. Cody Neville	Non-Healthcare		
14. Mishele Wooters	EMT		
15. Wade Williams	EMT- A		
16. Kelvin Kreitman	EMT- A		
17. Lance Oatman	EMT		
18. Jess Hightower	EMT		
19. Christina Watson	EMT		
20. Troy Mack	EMT		
21. Tyler Edwards	EMT		

EMS Chief

Date: 5/23/2024

Emergency Services Director

Date: 5/23/2024

Medical Director

Date: 5/23/24

RESOLUTION 2024-04

A RESOLUTION DIRECTING THE SALE OF SURPLUS REAL PROPERTY OF THE CITY OF BROKEN BOW, NEBRASKA.

WHEREAS, the City of Broken Bow does have in its possession certain property deemed to be surplus property to the City, with a fair market value of greater than \$5,000, and wishes to dispose of this property; and

WHEREAS, State Statute 17-503 allows for the sale of surplus real property; and

WHEREAS, the sale will be conducted as a sealed bid auction with the following instructions:

- 1) Bids must be submitted in writing to the City Clerk by Wednesday, July 3, 2024 at 12:00 P.M. at the Municipal Building, 314 South 10th Avenue in Broken Bow.
- 2) Sealed bids will be open at the City Council Meeting held in Broken Bow Municipal Auditorium on July 9, 2024, meeting commencing at 6:00 P.M.
- 3) The high bidder, regardless of city staff's ability to contact such bidder, will have until July 19, 2024 to make full payment. The failure to make such payment will result in either, a) the City accepting the next highest bid, or b) the City rejecting all bids and canceling the sale.
- 4) The City reserved the right to reject all bids for said property.
- 5) Notice of this sale shall appear in the Custer County Chief on June 6, June 13 and June 20, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Broken Bow that the following City property be sold according to the terms listed above, with a minimum bid of \$6,500.

Lot Six (6), and the North Half (N½), of Lot Seven (7), in Block Twelve (12), of Jewett & Lilly's Addition to Broken Bow, Custer County, Nebraska.

PASSED AND APPROVED this 28th day of May, 2024

Rodney W. Sonnichsen, Mayor

Attest:

Jennifer A. Waterhouse, City Clerk

RESOLUTION 2024-05

RESOLUTION APPROVING THE ARROW SEED LOT SPLIT

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

WHEREAS, the owner of the real estate, described on the plat attached hereto, has petitioned for a split of said real estate into parcels; and,

WHEREAS, said real estate lies within the city's zoning jurisdiction of the City of Broken Bow, Custer County, Nebraska; and,

WHEREAS, the division and sale of a portion of said real estate as described on the attached diagram, should be allowed without the necessity of a subdivision of the real estate.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

That the lot split of the above described premises is hereby approved.

PASSED AND APPROVED this 28th day May, 2024.

Rod Sonnichsen, Mayor

ATTEST:

Jennifer Waterhouse City Clerk



Lot Split Application
Broken Bow, Nebraska

Complete this form and submit it to the City of Broken Bow Planning and Zoning Office with the following attachments:

- A detailed drawing/map of the property involved, showing the current structures and the proposed new property lines. A survey is highly recommended, however, the City is not by this application certifying or verifying the actual lot lines, survey lines or pin locations. The applicant is responsible for the legal description herein.
- A certified list of all the property owners within 300 feet of the boundary of the proposed lot to be split. This list must be prepared by a registered abstractor.
- Filing fee - \$50.00

Property Owner/Applicant Arrow Seed Co., Inc
Property Address _____ Legal Description _____
SW NW Sec 32-17-20
What is the intended use for the property after the lot split is granted? _____
South half will be sold to V Bar Trailer for Trailer parking

Is a new street or alley needed if this lot split is granted? Yes _____ No X

Is a vacation of streets, alleys, setback lines, access control or easements required for this particular lot split? Yes X No _____

Will this lot split require an increase in service requirements by the City of Broken Bow? (utilities, traffic control, streets) Yes _____ No X

Will this lot split interfere with maintaining existing services? Yes _____ No X

Does the granting of this lot split lessen the right-of-way by the City of Broken Bow? Yes _____ No X

Does this lot split result in a substandard sized lot or parcel? Yes _____ No X

Will this lot have direct access to a street? Yes ☒ No ☐

Has this lot been previously split in accordance with current zoning regulations? Yes _____ No X

James L. Hurd
Applicant

5/2/24
Date

308-872-6826
Phone

For Office Use Only

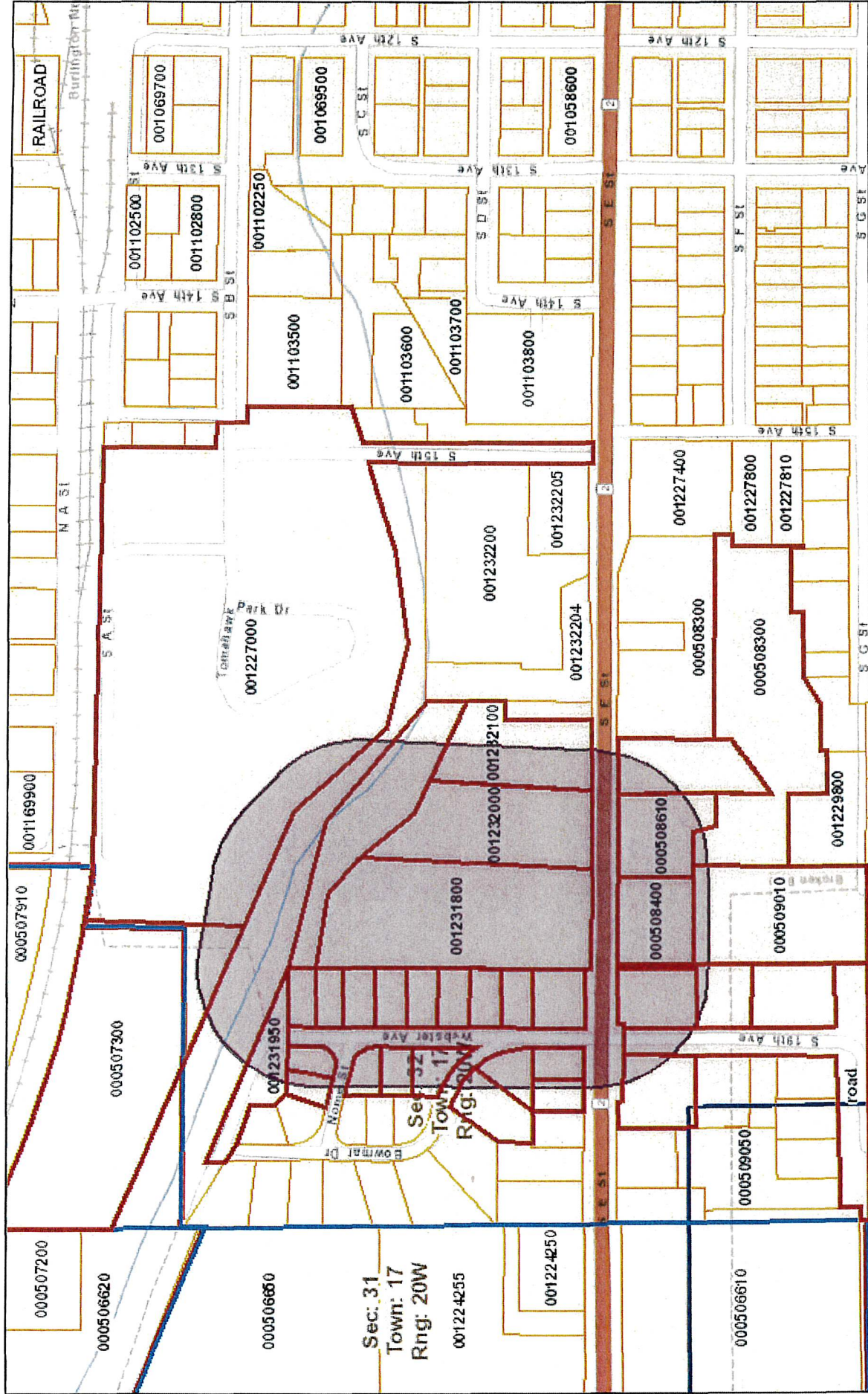
Application Approved _____ Not Approved _____

Accepted by Jacob Holcomb Date 5-13-24

Payment received: mo. _____ day. _____ yr. _____
Cash _____ Check _____

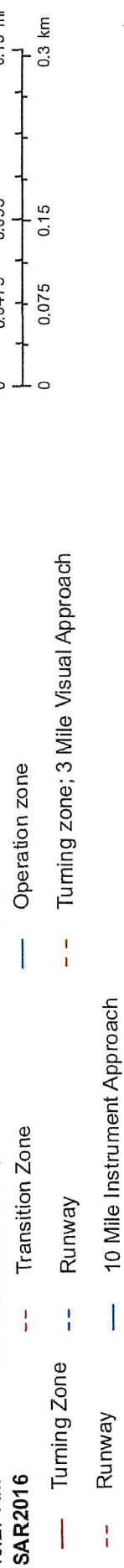


Sec: 32
Town: 17
Rng: 20W



May 8, 2024
10:27 AM
SAR2016

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.



KNOW ALL MEN BY THESE PRESENTS:

THAT I or We, Wayne L. Strong and Jill M. Strong, husband and wife

, herein called the grantor whether one or more,

in consideration of One Dollar and other good and valuable consideration

received from grantee, do hereby grant, bargain, sell, convey and confirm unto

Arrow Seed Co., Inc.

herein called the grantee whether one or more, the following described real property in

Custer County Nebraska : A parcel of land commencing 516.4 feet west and 52.1 feet North of the South quarter quarter section corner of the Northwest Quarter (NW $\frac{1}{4}$) of Section Thirty-two (32), Township Seventeen (17) North, Range Twenty (20), West of the 6th P.M., in Custer County, Nebraska, thence North 659 feet, thence right 112° 91 feet, thence right 10° 5' 96 feet, thence south 569 feet, thence West along the State road right of way 155.5 feet to point of beginning, containing 2.18 acres, more or less, AND a parcel of land commencing 648.9 feet West and 55 feet North of the South quarter quarter section corner of the Northwest Quarter (NW $\frac{1}{4}$) of Section Thirty-two (32), Township seventeen (17) North, Range Twenty (20), West of the 6th P.M., in Custer County, Nebraska, thence North along the East line of Thompson's Addition 715 feet, thence right 112° 143 feet, thence South 659 feet, thence west 133 feet along the state road right of way to point of beginning, containing 2.10 acres, more or less.

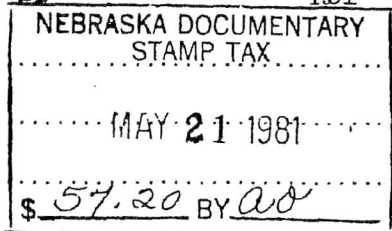
To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the grantee and to grantee's heirs and assigns forever.

And the grantor does hereby covenant with the grantee and with grantee's heirs and assigns that grantor is lawfully seised of said premises; that they are free from encumbrance

except easements and restrictions of record

that grantor has good right and lawful authority to convey the same; and that grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

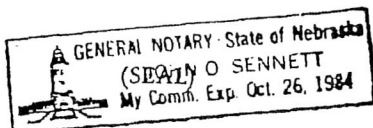
Dated May 21 1981



Wayne L. Strong
Jill M. Strong

STATE OF Nebraska }
Custer County } ss.

On this 21 day of May, 1981, before me, the undersigned a Notary Public, duly commissioned and qualified for in said county, personally came Wayne L. Strong and Jill M. Strong, husband and wife



to me known to be the identical person or persons whose name is or names are affixed to the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

CERTIFICATE

I hereby certify that the following is a list of the names of the owners of record of real estate within 300 feet of the real estate described below:

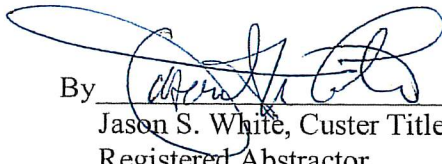
A parcel of land commencing 516.4 feet west and 52.1 feet North of the South quarter quarter section corner of the Northwest Quarter (NW¼) of Section Thirty-two (32), Township Seventeen (17) North, Range Twenty (20), West of the 6th P.M., in Custer County, Nebraska, thence North 659 feet, thence right 112° 91 feet, thence right 10°5' 96 feet, thence south 569 feet, thence West along the State road right of 155.5 feet to point of beginning, containing 2.18 acres, more or less, AND a parcel of land commencing 648.9 feet West and 55 feet North of the South quarter quarter section corner of the Northwest Quarter (NW¼) of Section Thirty-two (32), Township seventeen (17) North, Range Twenty (20), West of the 6th P.M., in Custer County, Nebraska thence North along the East line of Thompson's Addition 715 feet, thence right 112° 143 feet, thence South 659 feet, thence west 133 feet along the state road right of way to point of beginning, containing 2.10 acres, more or less.

Subject to restrictions of record and easements visible on inspection of the premises.

See attached list of addresses that pertain to said certification.

Date: May 8th, 2024

By


Jason S. White, Custer Title & Abstract
Registered Abstractor

Custer Title & Abstract
Certificate of Authority No. 578

ORDINANCE NO. 1282

AN ORDINANCE TO ESTABLISH BUSINESS PERMITS AND REGULATIONS AS CHAPTER 113 OF THE BROKEN BOW CITY CODE; PROVIDE REGULATION OF ITINERANT MERCHANTS AND VENDORS; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA, AS FOLLOWS:

Section 1. That Chapter 113 of the Broken Bow City Code is hereby amended to read as follows:

CHAPTER 113

BUSINESS PERMITS AND REGULATIONS

Section

- 113.01 Vendors
- 113.02 Purpose and Intent
- 113.03 Definitions
- 113.04 Permit Required
- 113.05 Application for Permit
- 113.06 Health Inspection Certificate
- 113.07 Issuance of Permits
- 113.08 Permit Fees
- 113.09 Display of Permits
- 113.10 Notification Change
- 113.11 Exemptions
- 113.12 Claims of Exemption
- 113.13 Littering and Trash Removal
- 113.14 Itinerant Merchant Rules
- 113.15 Prohibited Conduct
- 113.16 Penalties
- 113.17 Suspension and Revocation of Permit
- 113.18 Appeals
- 113.19 Renewals
- 113.20 Construction
- 113.21 Advertising Signs
- 113.22 Policy on Soliciting
- 113.23 Notice Regulating Soliciting
- 113.24 Posted Notice; Solicitors to Comply
- 113.25 Prohibited Solicitation.

§ 113.01 Vendors

- **Itinerant Merchant** shall include “transient merchant”, “transient vendor”, and “itinerant vendor” engaged in transacting any temporary or transient business in the City within one locality or traveling from place to place in the sale of merchandise.

- **Peddler** shall mean any person who shall carry and offer to sell any merchandise from place to place. (Cottage Food Registration and Egg Code Numbers may apply to specific peddler permits)
- **Solicitor** shall mean any person traveling by foot from house to house or from street to street or from a fixed location taking orders for the sale of merchandise.
- **Mobile Food Vendor** shall mean any person preparing and offering food or beverages for sale from a cart, truck or other vehicle or conveyance who has obtained an Itinerant Merchant Permit from the City.

§ 113.02 Purpose and Intent.

It is the intent of the council in enacting this article:

- (1) To serve and protect the health, safety and welfare of the general public;
- (2) To establish a uniform set of rules and regulations that are fair and equitable.
- (3) To develop a vending system that will enhance the overall appearance and environment along public streets, pedestrian ways, and other public properties;
- (4) To provide economic development opportunities to small entrepreneurs in the city; and,
- (5) To promote regulation of vendors who will enrich the city's ambiance and to further promote small businesses and entrepreneurship.

The regulations contained in this article are not intended to prohibit or hamper speech that is protected by the First Amendment of the United States Constitution, but merely to regulate specific activities that are commercial in nature.

§ 113.03 Definitions.

When used in this article, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conveyance includes any public or privately owned vehicle, method or means of transporting people, bicycles, motorized or non-motorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels;

Goods, wares, merchandise shall include, but not be limited to, fruits, vegetables, farm products or provisions, dairy products, fish, game poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, artwork, toys, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks. For other specialty items requiring state or federal permits, said applicable state and/or federal rules shall be adhered to.

Intersection means the convergence of two or more public ways and, for purposes of this article, proximity measurements will be taken from the outermost perimeters of said converging public ways;

Motor vehicle means any vehicle used for displaying, storing, or transporting articles for sale by a vendor which is required to be licensed and registered by the state department of motor vehicles of any state;

Private space shall include privately owned property, whether developed or undeveloped,

which is properly zoned for retail sales;

Public space all city-owned property, including but not limited to parks and city-owned property within street rights-of-way, including any roadways and sidewalks and parking lots;

Public way means all areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings;

Pushcart means any wheeled vehicle approved by the City and in accordance with this article designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle;

Sidewalk means all areas legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property;

Special event means any occasion approved by the city, including but not limited to Market on the Square, fairs, shows, exhibitions, city-wide celebrations, and festivals taking place within a specifically defined area within the jurisdiction of the City of Broken Bow, Nebraska, for a specific period of time;

Stand means any showcase, table, bench, rack, handcart, pushcart, stall or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise upon a sidewalk;

Street means all that area legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way;

Vendor and/or Vending means any person, traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares, or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City of Broken Bow, Nebraska, or upon private space. A "Vendor" also includes any street vendor, hawker, huckster, itinerant merchant, transient vendor, door-to-door salesperson; and,

Vehicle means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

§ 113.04 Permit Required.

It shall be unlawful for any person to engage in the business of vending unless he or she has first obtained a permit from the City. All permits shall be issued according to regulations established by the City. Each conveyance or location must obtain a separate permit.

§ 113.05 Application for Permit.

The application for a vending permit shall contain all information relevant and necessary to determine whether a particular permit may be issued, including but not limited to:

- (1) The applicant's full name, permanent address, telephone number and valid government issued photo identification;
- (2) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;
- (3) The specific location, in which the vendor intends to conduct business, and the length of time during which it is proposed the business will be conducted;
- (4) If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation;
- (5) If a motor vehicle is to be used, a description of the vehicle together with a valid motor vehicle registration number and license number;
- (6) A sales tax permit as required by Neb. R.S. § 77-2705 and Department of Agriculture Food Permit;
- (7) If applicable, Cottage Food Registration and Egg Code Numbers, which may apply to specific peddler permits;
- (8) If the applicant intends to operate on private property, not owned by the applicant, the location, and written permission of the record title owner of the private space;
- (9) Proof of Applicable Liability Insurance.

§ 113.06 Health Inspection Certificate.

Any application for a vending permit to engage in the sale of prepared food or beverages shall be required to furnish and maintain a certificate of health inspection from the Nebraska Department of Agriculture. The applicant's equipment shall be subject to inspections at the time of application and at periodic intervals thereafter. Applicant is responsible for maintaining a valid certificate throughout the entirety of duration of the permit.

§ 113.07 Issuance of Permit.

The City shall deny any application for permit when:

- (a) it shall appear that a permit shall be in conflict with any of the provisions of this Chapter;
- (b) when the applicant shall not provide the required information, in a timely manner as provided herein;
- (c) when a permit shall be in conflict with a permit previously issued for a specific location; or
- (d) city reserves the right to deny, accept or revoke any and all permits for good cause shown, including but not limited to public safety and sanitation.

The applicant shall be notified in writing by the City of the city's decision to issue or deny the vending permit, no later than thirty (30) days after the applicant has filed a completed application with the City. Applications received within (30) days of the desired sale date are not guaranteed approval by the desired sale date.

Each permit shall show the name and address of the permittee, the type of permit issued, the kind of goods to be sold, the amount of the permit fee, the date of issuance, the permit number, the expiration date, an identifying description of any vehicle or conveyance used by the permittee plus, where applicable, the motor vehicle registration number.

All permits issued under this section are valid for the term of the permit fee paid by the vendor unless suspended or revoked and shall be both non-assignable and non-transferable.

§ 113-.08 Permit Fees.

Any vendor granted a vending permit under this article shall pay a permit fee and electricity fee (if applicable) as established by a separate fee ordinance.

§ 113.09 Display of Permits.

Any permit issued by the City shall be carried with the permittee whenever he/she is engaged in vending. Certificates of health inspection shall also be properly and conspicuously displayed at all times during the operation of the vending business.

A certificate of health inspection shall be deemed to be properly displayed when attached to the vending pushcart, vehicle, stand or other conveyance, and clearly visible to the public and law enforcement officials.

§ 113.10 Notification Change.

All vendors shall ensure that a current and correct name, residence address, mailing address and telephone number are on file with the City. Whenever either the name or address provided by a permitted vendor on his or her application for a vending permit change, the permittee shall notify the City in writing within seven days of such change and provide the same with the name change or address change. The vendor must notify the City whenever he or she changes the nature of the vending operation, such as adding prepared food merchandise when food was previously not offered.

§ 113.11 Exemptions.

The provisions of this article do not apply to:

- (1) Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer;
- (2) Persons, including farmers or farmers' cooperative associations, selling, offering for sale or soliciting orders for the following items grown or produced by them and not purchased by them for sale: Newspapers, firewood, Christmas trees, vegetables, or fruits; provided, that a dairy who uses on the streets of the City one (1) or more delivery trucks or vehicles, may sell and deliver from its trucks, or vehicles, milk, butter, cream and eggs, dairy products, and frozen food products on customer subscribed routes;
- (3) The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books;
- (4) The distribution of free samples of goods, wares and merchandise by any individual from his person;
- (5) Salesman or agents for wholesale houses or firms who solicit orders from, or sell to, retail dealers in the county for resale or other commercial purposes or to manufacturers for manufacturing or other commercial purposes;
- (6) Sales to wholesale or retail merchants, by sample, for future delivery made by representatives of established wholesalers or manufacturers;
- (7) Yard sales conducted on residentially zoned property;
- (8) The distribution of goods for which there is no charge;
- (9) Persons giving, selling or offering for sale goods, wares or merchandise, or soliciting orders for sale of same who qualify as bona fide nonprofit organizations under Section 501(c) of the Internal Revenue Code or which are organized and operated exclusively for nonprofit, religious, charitable, educational or civic purposes or where persons selling or offering for

- sale goods, wares or merchandise, or soliciting orders for sale of the same do so in an event held exclusively for nonprofit, religious, charitable, educational or civic purposes;
- (10) Recognized, established charitable organizations which have a business location in Custer County, Nebraska;
 - (11) Persons soliciting on behalf of a candidate for public office or on behalf of a political party;
 - (12) Merchants offering goods for sale from a permanent structure in an appropriate zoning area of the City of Broken Bow;
 - (13) Fireworks Stands licensed and regulated by the State of Nebraska. Fireworks are covered under Ordinance 1224.
 - (14) The city reserves the right to exempt community wide events at the City's discretion. Contact City Offices for additional information regarding said exemptions.

§ 113.12 Claims of Exemption and Notice Requirements.

Any person claiming to be legally exempt from the regulations set forth in this article, or from the payment of a permit fee, shall cite to the City Clerk the statute or other legal authority under which exemption is claimed and shall present to the City Clerk proof of qualification for such exemption. The City Clerk shall respond within 30 days.

Itinerant Merchants having successfully met the requirements for exemption, shall notify the City of Broken Bow of the following information, no later than two hours prior to the commencement of sales activities:

- (1) The exempt vendor's full name, permanent address, and telephone number;
- (2) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;
- (3) The specific location, in which the vendor intends to conduct business, and the length of time during which it is proposed the business will be conducted;

If the merchant is commencing sales Monday through Friday, the City of Broken Bow shall be notified; either in person at the Municipal Building, located at 314 South 10th Avenue, or via telephone at 308-872-5831, between the hours of 8 a.m. and 5 p.m.

If the merchant is commencing sales on Saturday, Sunday, a holiday, or after regular business hours, the City of Broken Bow shall be notified; either in person at the Broken Bow Police Station, located at 116 South 11th Avenue, or via telephone at 308-872-6424.

§ 113.13 Littering and Trash Removal.

Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within 100 feet of any vending stand shall be collected by the vendor and disposed of appropriately off site.

Persons engaged in food vending shall provide, in close proximity to their vending station, vehicle, pushcart or other conveyance, a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.

§ 113.14 Itinerant Merchant Rules.

- (1) The holder of the Itinerant Merchant Permit shall not park on any City property unless participating in a Special Event authorized and approved by the City.

- (2) When vending on City property during Special Events, Peddlers, Solicitors, Mobile Food Vendors shall be required to ensure that, all cords used to provide electrical service to vending operations, be appropriately covered, or made safe, so as not to create a tripping hazard.
- (3) It shall be unlawful for an itinerant merchant to consume, sell or offer to sell alcoholic drinks.
- (4) All vendor's auxiliary equipment shall not be parked in a parking space adjacent to the corner of a street intersection.
- (5) Itinerant Merchants shall comply with all City ordinances and relevant and applicable State and Federal Laws, Rules, and Regulations.
- (6) Itinerant Merchants may park parallel to the curb on the north, east, and south sides of the City Square, during Market on the Square and only when authorized by either the Mayor or City Administrator, during other permitted special events at the City Square.
- (7) Vendors shall not be parked in a parking space adjacent to the corner of a street intersection, when permitted to park on the south side of the City Square.
- (8) A Mobile Food Vendor may sell or offer to sell food, seven (7) days a week from 7:00 am to 11:59 pm.
- (9) A Peddler may sell or offer to sell goods, wares, or services, seven (7) days a week, from 8:00 a.m. to 8:00p.m.
- (10) A Solicitor may sell or offer to sell goods, wares, or services, Monday through Friday, from 10:00 a.m. to 6:00p.m., excluding all State and Federal holidays.
- (11) Itinerant Merchant Permits shall expire on December 31 of each year, unless renewed by the permit holder. The permit holder shall renew the permit for the following year by filing with the City Clerk, on or before December 1st of each year, if the Merchant desires a valid permit by January 1st of the subsequent year. The application shall be on a form provided by the City Clerk. At the time of applying, the permit holder shall pay a permit fee per the fee ordinance.

§ 113.15 Prohibited Conduct.

No person authorized to engage in the business of vending under this article shall do any of the following:

- (1) Obstruct traffic signals or regulatory signs;
- (2) Stop, stand or park any vehicle, pushcart or another other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings;
- (3) Leave any conveyance unattended for more than 15 minutes; or store, park, or leave such conveyance in a public space overnight, unless otherwise designated permissible by the City;
- (4) Use a conveyance that, when fully loaded with merchandise, cannot be easily moved and maintained under control by the permittee, his employee, or an attendant;
- (5) Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention, or otherwise violate noise regulations of the City Code;
- (6) Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles; and,

§ 113.16 Penalties.

The penalty for violating any provision of this article or any other applicable section of the Broken Bow City Code shall be, in addition to any other sanctions provided, a fine not exceeding \$500.00 for each offense together with revocation or suspension of the vendor's permit. Each violation shall be evidenced by a separate written notice presented at the time of citation for the offense. Each day of violation shall be deemed a separate offense.

Any business activity in violation of this article is further declared to be a nuisance as being against the public health, safety and welfare, and in addition to any penalty imposed, the Court may enter an order of abatement as part of the judgment of that case.

§ 113.17 Suspension and Revocation of Permit.

In addition to the penalties contained in this article, any permit issued under this article may be suspended or revoked for any of the following reasons:

- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit;
- (2) Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending;
- (3) Conducting the business of vending in any manner contrary to the conditions of the permit; or
- (4) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners.

The City shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the permittee of his or her right to appeal. Such notice shall be mailed to the address shown on the permit holder's application by certified mail, return receipt requested.

If the city revokes a vending permit, the fee already paid for the permit shall be forfeited. A person whose permit has been revoked under this section may not apply for a new permit for a period of one year from the date that the revocation took effect.

§ 113.18 Appeals.

If the City denies the issuance of a permit, suspends or revokes a permit, or orders the cessation of any part of the business operation conducted under the permit, the aggrieved party may appeal the City's decision to the City Administrator.

The filing of an appeal stays the action of the City in suspending or revoking a permit or any part of the business operation being conducted under such permit until the City Administrator makes a final decision, unless determined that continued operation of the vending business constitutes an imminent and serious threat to the public health or safety, in which case the City shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation or order.

§ 113.19 Renewals.

A vending permit may be renewed, provided an application for renewal and permit fees are received by the city no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. The City shall review each application for

renewal, and upon determining that the applicant is in full compliance with the provisions of this article, shall issue a new permit.

§ 113.20 Construction.

No part of this article or the article itself shall be construed to be an amplification or derogation of the rights or responsibilities of abutting property owners. Any remedies, rights or obligations provided to such property owners or their successors in interest under the law of real property or their successors in interest under the law of real property or the laws of the State of Nebraska shall be in addition to the remedies, rights, obligations or penalties provided hereunder.

§ 113.21 Advertising Signs.

All signs advertising a permitted vending business hereunder must conform to the following requirements:

- (1) A maximum of two signs are allowed per vending location;
- (2) Each sign allowed may not exceed 16 square feet in area;
- (3) Signs not able to safely and securely support themselves or remain in place must be attached to the trailer, tent, table or other display area of the permitted vendor; and,
- (4) If applicable, free-standing signs must be located within 3 yards of the Conveyance and no holes may be drilled on concrete, or make alterations of any kind, located on public property.

Note: Signage, badging, or decals of similar nature that are permanently affixed to the vending pushcart, vehicle, stand or other conveyance shall be exempt from signage square feet restrictions.

§ 113.22 Policy on Soliciting.

It is hereby declared to be the policy of the City that the occupants of the residences in the city shall make the determination of whether solicitors shall be or shall not be, invited to their respective residences.

§ 113.23 Notice Regulating Soliciting.

- (1) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:
"NO SOLICITORS INVITED"
- (2) The letters shall be at least one-third inch in height.
- (3) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

§ 113.24 Posted Notice; Solicitors to Comply.

- (1) It shall be the duty of every solicitor upon going onto any premises in the City upon which a residence is located to first examine the notice provided for in § 113.23 if any is attached and be governed by the statement contained on the notice. If the notice states "No

Solicitors Invited”, then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

- (2) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. Penalty, see § 10.99

§ 113.25 Prohibited Solicitation.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door or create any sound in any manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 113.23 above. Penalty, see § 10.99

All Ordinances or sections of Ordinances in conflict herewith are hereby repealed.

This Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this _____ day of _____, 2024.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer A. Waterhouse, City Clerk

**CITY OF BROKEN BOW
ORDINANCE NO.1283**

AN ORDINANCE OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA, AMENDING THE VENDOR PERMIT FEES IN THE CITY OF BROKEN BOW, REPEALING THE SECTIONS OF ALL PREVIOUS ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA, AS FOLLOWS:

Section 1. That the City Council of Broken Bow has determined that the Vendor Permit Fees for the municipality should be revised as herein set forth.

Section 2.

I. Vendor Permit Fees

<u>Peddler</u>	<u>Solicitor</u>	<u>Mobile Food Vendor</u>
Single Location	Door-to-Door	Single Location
\$10.00 – Per Day	\$10.00 – Per Day	\$35.00 – Per Day
\$25.00 – Per Week	\$100.00- Full Year	\$250.00 – Full Year
\$100.00 – Full Year		

Market on Square/Special Event

Peddler	Mobile Food Vendor
\$10.00 – Per Day	\$35.00 – Per Day
\$5.00 – Electricity Fee – Per Day	\$25.00 – Electricity Fee – Per Day
\$50.00 – 4 Months [May-August]	\$80.00 – 4 Months [May-August]
\$140.00 – 4 Months [May-August] Peddler + Electrical	\$550.00 – 4 Months [May-August] Mobile Food Vendor + Electrical

Section 3. That all ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

Section 4. That this ordinance shall be in full force and take effect from and after its passage, approval and publication in pamphlet form according to the law.

PASSED AND APPROVED this _____ day of May, 2024.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer A. Waterhouse, City Clerk

