

CITY OF CRETE, NEBRASKA
CITY COUNCIL REGULAR MEETING

August 4, 2020

Notice of the meeting was given by posting and publishing in The Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the Mayor and City Council. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The City may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

Those in attendance pledged allegiance to the flag.

1. Open Meeting

Committee Chair Ryan Hinz called the meeting to order at 5:56pm.

2. Roll Call

Kyle Frans: Present

Ryan Hinz: Present

Jack

Oelschlager: Present

Present: 3.

3. Items of Business

- A. Discuss and provide a recommendation to the City Council on granting LB840 funds to Elles on Main to assist with purchasing their building.

Recommend City Council approve the Elles on Main request for LB840 funds to assist with purchasing their building. Carried with a motion by Jack Oelschlager and a second by Kyle Frans.

Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye

Aye: 3, No: 0

- B. Discuss and provide a recommendation to the City Council on granting LB840 funds to Nick Dice Promotions for the Cornhusker State Games event.

Recommend City Council approve the Nick Dice Promotions request for LB840 funds for costs associated with the Cornhusker Sate Games event. Carried with a motion by Kyle Frans and a second by Jack Oelschlager.

Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye
Aye: 3, No: 0

City Administrator Tom Ourada reported that future requests of this nature will be directed to the Saline County Tourism grant program.

- C. Discuss and provide a recommendation to the City Council on enacting Ordinance 2110: An ordinance relating to sidewalk cafes.

Recommend City Council enact Ordinance 2110 relating to sidewalk cafes. Carried with a motion by Kyle Frans and a second by Jack Oelschlager.

Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye
Aye: 3, No: 0

4. Officers' Reports

5. Adjournment

The meeting was adjourned at 6:05pm.

Mayor

(SEAL)

City Clerk

I, Judi Meyer, City Clerk for the City of Crete, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council. I hereby certify that a copy of the Open Meetings Act was posted in the back of the Council Chambers. I certify that all of the subjects included in

the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk. I certify that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting and that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public. I certify that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of the City Council. I certify that all news media requesting notification concerning meetings of the City Council were provided with advance notification of the time and place of said meeting and the subjects to be discussed.

City Clerk

(S E A L)

ECONOMIC DEVELOPMENT PROGRAM
APPLICATION FOR FUNDS

Please Type or Print Clearly and Answer Each Question (If Question Does Not Apply – Mark *NA*).

Please Note: The Information Contained in this portion of the document is Public Information and will **NOT** be Considered Confidential.

A. APPLICANT INFORMATION:

Name of Entity Applying for Assistance: Elle's on Main

Business Address: 1103 Main Avenue Crete NE 68333
(City) (State) (Zip Code)

Contact Person: Lynnferd Begay Telephone Number: 4024187101

Fax Number: _____ Email Address: ellesonmain@gmail.com

Federal Tax ID Number: 47-1796035

Type of Entity: Start-Up Buyout Existing

If Existing, Number of Years in Business in Crete: 5.5 years

Business Classification: (Please Choose One)

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Retail | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Research & Development |
| <input type="checkbox"/> Headquarter | <input type="checkbox"/> Telecommunications | <input type="checkbox"/> Tourism |
| <input type="checkbox"/> Warehouse/Distribution | <input type="checkbox"/> Government | <input type="checkbox"/> Other |

Business Type: (Please Choose One)

- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> Proprietorship | <input type="checkbox"/> Corporation | <input type="checkbox"/> Partnership |
| <input checked="" type="checkbox"/> LLC | <input type="checkbox"/> Governmental Entity | <input type="checkbox"/> Other |

Does the Company have a Parent or Subsidiaries? Yes No

If Yes, Please List Name: _____

Address: _____
(City) (State) (Zip Code)

Ownership Identification: Please List all Officers, Directors, Partners, Owners, Co-owners and Stockholders.

Full Name	Title	Ownership Percentage
Lynnferd Begay	owner	50
Sarah Begay	owner	50

Which type of assistance is the entity applying for?

Grant
 Loan Guarantee If so, Lender? _____
 Other

Explain: use for downpayment on purchase of building

What is the general purpose of the request (must be an allowed LB840/Economic Dev. Plan Project)?

- New Development
 New Business Startup
 Building Renovation
 Public Works
 Professional/Employee Recruitment
 Promotion/Tourism
 Job Training
 Working Capital
 Low - Moderate Income Housing
 Workforce Housing
 Technology
 Plan Management
 Technical Assistance
 Equity Investment

Does the business qualify to receive any incentives from the State of Nebraska? Yes No DK

Has the business applied for any incentives from the State of Nebraska? Yes No

If yes, please explain: _____

Employee Information: (FTE = Full-Time Equivalent = 2,080 Hours/Per Year)

Number of Existing Full-Time Equivalent Employees: COVID 19 - not all employees

Number of Full-Time Equivalent Positions to Be Created: _____

Will all of the Full-Time Equivalent Positions be Physically Located within the City of Crete, their Two- Mile Extraterritorial Jurisdiction or on Land Held in the Name of the City of Crete?
 Yes No

If no, please explain: _____

Does the Company Employ Any Seasonal Employees? Yes No

If Yes, How Many: _____
 (Seasonal employees must work for at least three continuous months and the position must reoccur annually)

B. PROJECT INFORMATION:

Please provide a Brief Project Summary Description:

Elle's on Main LLC is in current negotiations for 1101 Main Avenue. The current offer pending is for \$140,000 and we are requesting 20% to finance this purchase. This building has substantial repairs that we are aware of due to a full inspection that will be Elle's expenditures in the future. Kingery has provided an estimate in regards to the issues that need to be addressed.

Use of Funds	Total Project Cost	Econ Dev Funds Requested
Land or Building Acquisition	\$ 140,000.00	\$ 28,000.00
Renovation/Rehabilitation	\$	\$
New Construction	\$	\$
Machinery / Equipment Acquisition	\$	\$
Business / Employee Recruitment Activities	\$	\$
Technology Costs	\$	\$
Small Business Development	\$	\$
Working Capital (Includes Inventory)	\$	\$
Job Training	\$	\$
Other	\$	\$
Total Project Cost	\$ 140,000.00	
	Total LB840 Funds Requested:	\$ 28,000.00

C. FUNDING SOURCES AND EQUITY INJECTION:

If Borrowing, Name of Lender: City Bank and Trust

Loan Amount: 112,000.00 Loan Term (Years): 30

Amount Injected Into the Project by Business/Partners/Owners:
\$ 0.00

Other Funding Source(s) and Amount(s): Elle's will be assuming costs for needed repairs/maintenan

C. PROJECT LOCATION:

- | | | |
|--|---|--|
| Within the Crete City Limits? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Within the Crete Two-Mile Jurisdiction? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Land Owned by the City of Crete? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Not Located in Crete but for area benefit? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If Not in City Jurisdiction, please explain local benefit:

D. ATTACHMENTS: - Please Include the Attachments that Apply to Your Entity – See *checklist Page 5.*

Please Note: The Information provided pursuant to this Section **Will** be Deemed Confidential and will not be Available for Public Disclosure.

- Business Plan: Brief Description of the Business
- Resumes of all Owners/Co-Owners/Directors/Partners/Stockholders
- For Existing Businesses – Three (3) Yearly Financial Statements
- For Existing Businesses – Current Financial Statements (Less Than Sixty (60) Days Old)
- For Existing Businesses - List of Current Obligations (Include Company Names and Amounts)
- For Start-Up Businesses – Current Business Plan
- For Start-Up Businesses – Three Year Projections
- Tax Returns – Previous Three (3) Years – Personal Tax Returns May be Required for Proprietorship
- Letter from Lending Institution if applicable
- If a Corporation, LLC or Other Legal Entity - Copy of Organizational Documents (Articles, Bylaws)
- Please Note that Other Financial Documents May Be Required

E. APPLICANT SIGNATURE:

I certify that the information contained in this application and all attachments are correct to the best of my knowledge. By signing below, I authorize the City of Crete or their contracted representative to check my credit and the credit of all who are listed within this application. I understand that I must update my credit information if my financial situation changes

Applicant's Signature

6.10.20

Date

United States Citizenship Attestation Form

For the purpose of complying with Neb. Rev. Stat. §§ 4-108 through 4-114, I attest as follows:

I am a citizen of the United States.

— OR —

I am a qualified alien under the federal Immigration and Nationality Act, my immigration status and alien number are as follows: _____, and I agree to provide a copy of my USCIS documentation upon request.

I hereby attest that my response and the information provided on this form and any related application for public benefits are true, complete, and accurate and I understand that this information may be used to verify my lawful presence in the United States.

PRINT NAME	<u>Lynnferd Begay</u> <small>(first, middle, last)</small>
SIGNATURE	<u></u>
DATE	<u>6.10.20</u>

1/19/2010

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ECONOMIC DEVELOPMENT PROGRAM APPLICATION FOR FUNDS

Please Type or Print Clearly and Answer Each Question (If Question Does Not Apply – Mark N/A).

Please Note: The Information Contained in this portion of the document is Public Information and will **NOT** be Considered Confidential.

A. APPLICANT INFORMATION:

Name of Entity Applying for Assistance: Tuxedo Park Raceway - Team Dice Promotions LLC

Business Address: 6521 Monticello Dr Lincoln NE 68510
(City) (State) (Zip Code)

Contact Person: Nick Dice Telephone Number: 4028713423

Fax Number: 1 Email Address: nick.a.dice@gmail.com

Federal Tax ID Number: 82-5203568

Type of Entity: Start-Up Buyout Existing

If Existing, Number of Years in Business in Crete: 1 Year

Business Classification: (Please Choose One)

- | | | |
|---|---|---|
| <input type="checkbox"/> Retail | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Research & Development |
| <input type="checkbox"/> Headquarter | <input type="checkbox"/> Telecommunications | <input type="checkbox"/> Tourism |
| <input type="checkbox"/> Warehouse/Distribution | <input type="checkbox"/> Government | <input checked="" type="checkbox"/> Other |

Business Type: (Please Choose One)

- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> Proprietorship | <input type="checkbox"/> Corporation | <input type="checkbox"/> Partnership |
| <input checked="" type="checkbox"/> LLC | <input type="checkbox"/> Governmental Entity | <input type="checkbox"/> Other |

Does the Company have a Parent or Subsidiaries? Yes No

If Yes, Please List Name: _____

Address: _____
(City) (State) (Zip Code)

Ownership Identification: Please List all Officers, Directors, Partners, Owners, Co-owners and Stockholders.

Full Name	Title	Ownership Percentage
Nick Dice	President	50
Tara Dice	Vice President	50

Which type of assistance is the entity applying for?

Grant Loan Guarantee If so, Lender? _____ Other

Explain: _____

What is the general purpose of the request (must be an allowed LB840/Economic Dev. Plan Project)?

- New Development New Business Startup Building Renovation Public Works
 Professional/Employee Recruitment Promotion/Tourism Job Training
 Working Capital Low - Moderate Income Housing Workforce Housing
 Technology Plan Management Technical Assistance Equity Investment

Does the business qualify to receive any incentives from the State of Nebraska? Yes No DK

Has the business applied for any incentives from the State of Nebraska? Yes No

If yes, please explain: _____

Employee Information: (FTE = Full-Time Equivalent = 2,080 Hours/Per Year)

Number of Existing Full-Time Equivalent Employees: None

Number of Full-Time Equivalent Positions to Be Created: None

Will all of the Full-Time Equivalent Positions be Physically Located within the City of Crete, their Two- Mile Extraterritorial Jurisdiction or on Land Held in the Name of the City of Crete?

Yes No

If no, please explain: _____

Does the Company Employ Any Seasonal Employees? Yes No

If Yes, How Many: _____
 (Seasonal employees must work for at least three continuous months and the position must reoccur annually)

B. PROJECT INFORMATION:

Please provide a Brief Project Summary Description:

(\$1,000) - Cornhusker State Games
 The Cornhusker State Games will be coming to Crete on July 25th 2020. This is the first motorsport event ever held in the CSG's history. There will be a new audience exposed to both Kart Racing and the City of Crete. We expect to see additional coverage via the local news media and the internet.

As part of the project, we are requesting \$500 in funds for awards (trophies) that will be acquired by Team Dice Promotions, LLC. The estimated total cost of the trophies is \$1,000.

Tuxedo Park Raceway will host approximately 12 events in 2020. Our participant count went from 40 to over 60 per week in 2019. We expect to have well over 70 entries at each event this year. On average, each participant brings 3-4 people with them to Crete. With spectators, we are expecting to bring in excess of 400 people to Crete every event. Tuxedo Park Raceway does not charge admission to spectators that are not in the pit area.

Use of Funds	Total Project Cost	Econ Dev Funds Requested
Land or Building Acquisition	\$	\$
Renovation/Rehabilitation	\$	\$
New Construction	\$	\$
Machinery / Equipment Acquisition	\$	\$
Business / Employee Recruitment Activities	\$	\$
Technology Costs	\$	\$
Small Business Development	\$	\$
Working Capital (Includes Inventory)	\$	\$
Job Training	\$	\$
Other	\$ 1,000	\$ 500
Total Project Cost	\$ 0.00	
	Total LB840 Funds Requested:	\$ 500.00

C. FUNDING SOURCES AND EQUITY INJECTION:

If Borrowing, Name of Lender: N/A

Loan Amount: _____ Loan Term (Years): _____

Amount Injected Into the Project by Business/Partners/Owners:

Other Funding Source(s) and Amount(s): _____

C. PROJECT LOCATION:

- | | | |
|--|---|-----------------------------|
| Within the Crete City Limits? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Within the Crete Two-Mile Jurisdiction? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Land Owned by the City of Crete? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Not Located in Crete but for area benefit? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If Not in City Jurisdiction, please explain local benefit:

D. ATTACHMENTS: - Please Include the Attachments that Apply to Your Entity – See checklist Page 5.

Please Note: The Information provided pursuant to this Section Will be Deemed Confidential and will not be Available for Public Disclosure.

- Business Plan: Brief Description of the Business
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- For Start-Up Businesses – Current Business Plan
- For Start-Up Businesses – Three Year Projections
- Tax Returns – Previous Three (3) Years – Personal Tax Returns May be Required for Proprietorship
- Letter from Lending Institution if applicable
- If a Corporation, LLC or Other Legal Entity - Copy of Organizational Documents (Articles, Bylaws)
- Please Note that Other Financial Documents May Be Required

E. APPLICANT SIGNATURE:

I certify that the information contained in this application and all attachments are correct to the best of my knowledge. By signing below, I authorize the City of Crete or their contracted representative to check my credit and the credit of all who are listed within this application. I understand that I must update my credit information if my financial situation changes.

Applicant's Signature

Date

Checklist for Local Economic Development Program Application

For a qualifying business to be considered for direct or indirect financial assistance under the Crete Local Economic Development Program an applicant must provide to the City Administrator or Program Administrator:

- A completed and signed application with all required support documents including, but not limited to:
 - A detailed description summary of the proposed project which clearly states what assistance the business is requesting from the program, including evidence that the project qualifies for assistance under the Local Option Municipal Economic Development Act and is consistent with the goals of the Crete Local Economic Development Program.
 - Use of Funds – Total project costs and financing requirement; include copies of any preliminary bids (if applicable/available).
 - A review of key management and employees and their experience as related to the proposed project.
- Start Up Business
 - Current Business Plan for the project and the company, including employment and financial projections;
 - Three (3) Years Financial Projections
 - Past three years personal tax returns
- Existing Business:
 - Most Current Business Plan
 - Three (3) Yearly Financial Statements: Profit & Loss Statements, Cash Flows and Income Statements covering the last three years of business operation, or if a new business, personal income statements.
 - List of Current Obligations (include company Names and Amounts)
 - Past three years personal tax returns
- Letter from Lending Institution(s) (if applicable): Evidence of private financing commitments for investors or lenders.
- If a Corporation, LLC or Other Legal Entity - Copy of Organizational Documents (Articles, ByLaws)
- Resume(s) of all owners/co-owners/directors/partners/stockholders: Necessary entity or personal financial information about the Applicant(s), including name, address, past experience, work history, and related information.
- Other information or financial documentation as requested.

Questions: Contact City Administrator, Tom Ourada, at 402-826-4313 or email tom.ourada@crete.ne.gov. **Return** application and supporting documentation to City Administrator, at City Hall, 243 E. 13th Street, Crete, NE 68333

United States Citizenship Attestation Form

For the purpose of complying with Neb. Rev. Stat. §§ 4-108 through 4-114, I attest as follows:

I am a citizen of the United States.

— OR —

I am a qualified alien under the federal Immigration and Nationality Act, my immigration status and alien number are as follows: _____, and I agree to provide a copy of my USCIS documentation upon request.

I hereby attest that my response and the information provided on this form and any related application for public benefits are true, complete, and accurate and I understand that this information may be used to verify my lawful presence in the United States.

PRINT NAME

Nicholas A Rice

(first, middle, last)

SIGNATURE



DATE

11 Jun 2020

1/19/2010

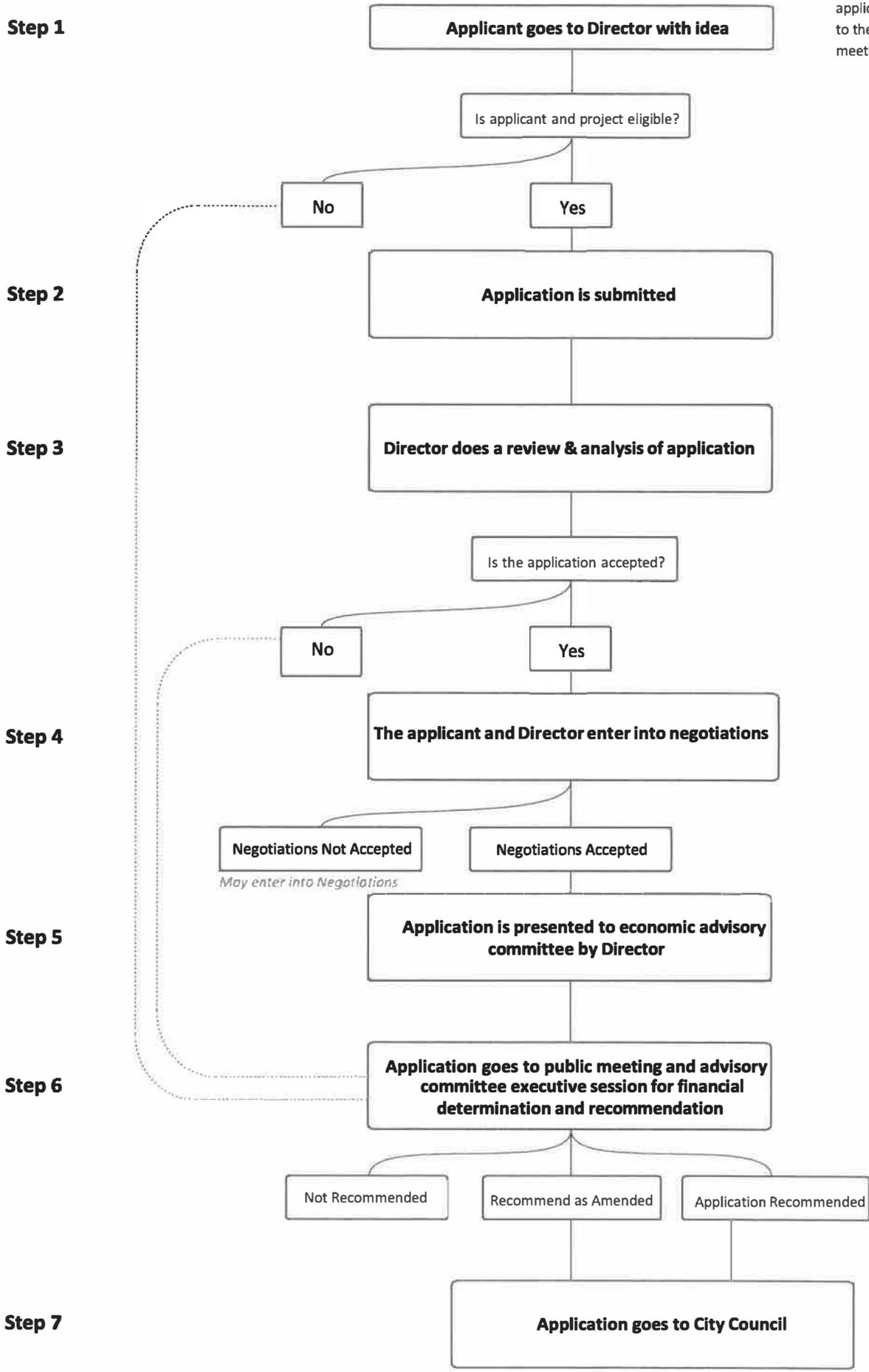
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LB 840 APPLICATION PROCESS

Next Step In Process

If application is denied, the applicant has the ability to appeal to the advisory board at a public meeting



ORDINANCE NO. 2110

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO SIDEWALK CAFÉS; TO AMEND SECTIONS OF CHAPTER 8 OF THE CRETE CITY CODE TO ALLOW LIMITED OCCUPATION OF THE PUBLIC RIGHT-OF-WAY; AND TO ENACT A NEW SECTION TO CHAPTER 8, ARTICLE 2 TO REGULATE SIDEWALK CAFÉS.

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

Section 1. That Chapter 8, Article 1, Section 8-101 of the Crete City Code shall be amended as follows:

§8-101 DEFINITIONS.

The following definitions shall be applied throughout this Chapter. When no definition is specified, the normal dictionary usage of the word shall apply.

~~SIDEWALK SPACE. The term “sidewalk space,” as used herein, shall mean that portion of a street between curb lines and adjacent property lines.~~

- (1) “Public right-of-way” means all land between property lines that is dedicated to use by the general public.
- (2) “Sidewalk café” means that portion of the public right-of-way kept, used, maintained, and held out to the public as a place where food or drink is served for consumption on the premises or which is used directly in conjunction with a pedestrian pick-up window.
- (3) “Sidewalk right-of-way” or “sidewalk space” means that portion of the public right-of-way between the curb line and the adjacent property line.
- (4) “Street right-of-way” or “street space” means that portion of the public right-of-way between curb lines.

Section 2. That Chapter 8, Article 1, Section 8-103 of the Crete City Code shall be amended as follows:

§8-103 MUNICIPAL PROPERTY; OBSTRUCTIONS.

- (1) ~~Trees and shrubs, growing upon, or near, the lot line, or upon public ground and interfering with the use, or construction of any public improvements shall be deemed an obstruction under this Article. Said trees, shrubs and their roots may be removed by the Municipality at the expense of the owner of the property upon which the tree or shrub is located should the owner fail, or neglect, after notice, to do so. It shall be unlawful for any person, persons, firm, or corporation to obstruct, or encumber, by fences, gates, buildings, structures, or otherwise, any of the streets, alleys, or sidewalks-, except as expressly provided for by this code.~~
- (2) Trees and shrubs growing upon or near the property line or upon the public right-of-way and interfering with the use or construction of any public right-of-way or improvements shall be deemed an obstruction under this Article. Such trees and shrubs and their roots may be removed by the City at the expense of the owner of the property upon which the tree or shrub is located should the owner, after proper notice, fail or neglect to do so.

Section 3. That Chapter 8, Article 1, Section 8-106 of the Crete City Code shall be amended as follows:

§8-106 MUNICIPAL PROPERTY; AWNINGS IN SIDEWALK SPACE.

All awnings hereafter erected or suffered to remain in the sidewalk space shall be elevated at least seven (~~7~~) feet (7') at the lowest part from the top of the public sidewalk and shall not project over said sidewalk to exceed three-fourths (3/4) of the width thereof. Except as allowed by permit from the City, all awnings They shall be supported without posts by iron brackets or by any iron framework attached firmly to the building, so as to leave the sidewalk wholly unobstructed. ~~thereby; provided, nothing herein shall be construed to prevent the owner of any building from constructing a substantial awning or marquee of non-combustible material supported with or without posts over the sidewalk space if located flush with the outer edge thereof and if permission in writing shall have first been secured from the Mayor and Council.~~

Section 4. That Chapter 8, Article 2, Section 8-213 of the Crete City Code shall be amended as follows:

**§8-213 SIDEWALKS; PERMITTED ENCROACHMENTS AND OBSTRUCTIONS;
REQUIREMENTS; RENEWAL REMOVAL UPON REQUEST.**

- (1) No encroachment and-or obstructions of any kind, except those of a temporary nature due to (loading or and unloading), are allowed upon any sidewalk located on any public right-of-way unless a permit for the encroachment and-or obstruction is applied for and granted by the City. Permits issued pursuant to this section are a unique, personal privilege and may not be transferred to another legal entity or location. Permit holders do not acquire any right, title, or interest in the space permitted to be used. Public works director, and the following requirements, at a minimum, are met, to wit:
 1. ~~Such encroachment and-or obstruction shall not pose a hazard to pedestrians or others using the sidewalk.~~
 2. ~~Such encroachment and-or obstruction shall not hinder or interfere with the normal use of the sidewalk by pedestrians or others.~~
 3. ~~No more that 30% of the sidewalk is obstructed at anyone time and the unobstructed area of the sidewalk is a minimum of six (6') feet (1.82 meters) wide, as measured from the curb, on sidewalks in any commercial zone and a minimum of four (4') feet (1.21 meters) wide, in any residential zone.~~
 4. ~~Proof of liability insurance is provided, naming the City of Crete, Nebraska, as an additional insured, in an amount as set by the Public Works Director.~~
- (2) Except for sidewalk café permits, no sidewalk right-of-way permit shall be issued unless the following requirements are met:
 - (a) Such encroachment or obstruction shall not pose a hazard to pedestrians or others using the sidewalk.
 - (b) Such encroachment or obstruction shall not hinder or interfere with the normal use of the sidewalk by pedestrians or others.
 - (c) No more than thirty percent (30%) of the sidewalk is obstructed at any one time and the unobstructed area of the sidewalk is, in any Commercial or Industrial District, at least six feet wide or, in any Residential District, at least four feet wide.
 - (d) Proof of liability insurance naming the City of Crete as an additional insured is provided under such terms and in such amounts as reasonably determined by the City.
 - (e) Any other special requirements as determined by the City that are reasonably related to special conditions of the property or to the specific use or design of the building, structure, or property.

- (3) All sidewalk right-of-way permits shall expire on the thirtieth day of September following issuance. Annual renewals of such permits may be made for one year by application to the City, and all permit fees shall be due and payable on the first day of October of each year.

Section 5. That Chapter 8, Article 2 of the Crete City Code shall be amended by adding a new section 8-214 to read as follows:

§8-214 SIDEWALKS; SIDEWALK CAFÉS.

- (1) The record owners of commercial or mixed use property abutting sidewalk right-of-way in areas zoned C-1 Central Commercial District may apply for and obtain a permit to use so much of the sidewalk right-of-way abutting their property as the City determines is not needed for the use of the general public for sidewalk cafés. Any record owner that desires to authorize another to occupy the sidewalk right-of-way shall file with the City a copy of the lease or other agreement covering the abutting property prior to the issuance of the permit. Permits issued pursuant to this section are a unique, personal privilege and may not be transferred to another legal entity or location. Permit holders do not acquire any right, title, or interest in the space permitted to be used.
- (2) Application for a sidewalk café permit shall be made to the City upon a form to be furnished by the City, which application shall include all of the information and any plans or drawings required by the City. Incomplete applications shall not be considered until all deficiencies are remedied to the satisfaction of the City.
- (3) The use of sidewalk right-of-way for a sidewalk café shall continually conform with the requirements of this section and any applicable standards imposed by ordinance, resolution, or order of the City Council, including, but not limited to:
- (a) A clear, unobstructed passageway not less than five feet in width shall be maintained between the sidewalk café area and the curb line, unless the City shall find special circumstances involving site characteristics or the flow of pedestrian traffic that requires a passageway greater than five feet.
- (b) Except for permit areas that are not intended for exclusive use, the permit area shall be separated from the pedestrian passageway with a fence or other rigid barrier that meets the specifications required by the City.
- (c) All umbrellas, canopies, or similar devices and all furnishings, including the number and type of tables and chairs to be provided, are subject to approval by the City and may not be modified or substituted.
- (d) The permit area shall be kept clean and free of any litter deposited on or in the vicinity of it and any fixtures or furniture contained therein shall be kept and maintained in good condition.
- (e) The permit holder shall conduct all activities within the permit area in an orderly fashion and in such a manner as to protect the public health and safety and shall comply with all health, sanitation, and building safety regulations.
- (4) All permit holders shall be required to obtain and maintain public liability insurance in the form of a commercial or comprehensive general liability policy naming the City as an additional insured under such terms and in such amounts as reasonably determined by the City.
- (5) Any person issued a sidewalk café permit shall pay to the City an annual permit fee in an amount determined by the City Council. All sidewalk café permits shall expire on the thirtieth day of September following issuance. Annual renewals of such permits may be made for one year by

application to the City, and all permit fees shall be due and payable on the first day of October of each year.

- (6) Any sidewalk café permit may be suspended or revoked by the City after due notice for any of the following causes:
- (a) Fraud, misrepresentation, or false statements contained in the permit application.
 - (b) Violation of any of the provisions of this section, the requirements imposed by the City, or any other local, state, or federal law.
 - (c) Conducting business in an unlawful manner or in such a way as to constitute a menace to the health or safety of the public.
 - (d) Upon demand of the City Council.

Section 6. That the above sections shall be codified as part of the Crete City Code as stated herein.

Section 7. That all ordinances or parts of ordinances in conflict herewith are hereby repealed and that any partial repeal shall not affect the other parts of ordinances that can be given effect without the repealed parts.

Section 8. That this ordinance shall be published in pamphlet or book form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED this 4th day of August 2020.

Mayor

ATTEST:

City Clerk