

City of Rock Springs)
County of Sweetwater)
State of Wyoming)

City Council met in special session on October 11, 2021. Mayor Timothy A. Kaumo called the meeting to order at 5:15 p.m. Members present included Councilors Tim Savage, Tim Robinson, Jeannie Demas, Rob Zotti, Brent Bettolo, Keaton West, and Larry Hickerson. Councilor David Halter was absent from the meeting. Department Heads present included Richard Beckwith, Paul Kauchich, Dwane Pacheco, Jim Wamsley, Dave Lansang, and Matthew L. McBurnett. The pledge of allegiance was recited.

FOOD TRUCK LICENSING DISCUSSION

Mayor Kaumo stated that this discussion will revolve around food trucks, and added that no public is present, so no public input will be provided this evening. The existing language in ordinance does not meet needs in the community and rising demands for food trucks.

Laura Leigh, Article 10-3 of the Ordinance contains food truck vendors along with peddlers, solicitors and transient merchants, which are where food trucks fall under. The definition of a transient merchant was given. Ms. Leigh gave reasons for reviewing transient merchants, such as an increase for food trucks. Of 100 businesses in 2019, 7 were transient merchants, in 2020, in 2021, get percentage. When there were fewer applications, it made sense to lump them in with transient merchants, but many more issues are present when it comes to food trucks. Brick and mortar businesses are encouraged, and an investment is made with those businesses as opposed to the food trucks parking in a parking lot and providing direct competition without having to meet the same requirements. Prohibited practices were listed for transient merchants, peddlers, and solicitors. In addition, prohibited locations and zoning restrictions were discussed. Mayor Kaumo stated that with food trucks, some of the prohibited locations, as written, will not work. Ms. Leigh added that the current process includes applicants/vendors completed and submitting a business license application together with the transient merchant supplemental sheet. For each location, a supplemental sheet must be completed for the areas in which the transient merchants plan to park to sell goods. The City does not track dates of operation at each location. If the applicant does not have a specific location, they will process the business license alone and the supplemental sheet can be very difficult to obtain after the license is issued.

Councilor Robinson asked if the process must be gone through for every location change, and Ms. Leigh clarified that a supplemental sheet must be turned into her office, but for recurring locations, a new sheet is not required.

Once the application is completed, location is reviewed to be sure that it adheres to the zoning ordinance and other departments review including water, water reclamation, fire, and building. Once all departments sign off, payment is made and the license is issued through the Clerk's Office. When a vendor adds a new location, they stop in or email the supplemental sheet, which is approved, and then attached to the business license. Enforcement ordinance was reviewed.

Topics for discussion were summarized, including:

What is temporary?

Some communities have a 6-month or 180-day limit, and then some communities have an 8-day limit for food trucks to move. Movement is a good idea to reduce competition with brick and mortar businesses as well as preventing trash accumulation, should they remain in one area for an extended period. A trash receptacle is not required for a transient merchant as it is for brick and mortar businesses.

Food Trucks on public property

Trucks such as ice cream trucks are always doing businesses on public property, and Sheridan has a specific section in ordinance for ice cream trucks. Mayor Kaumo stated that someone approached him regarding setting up a lemonade stand and the more he researched it, he found that maybe it is not allowed without a license. There are three types, mobile, non-mobile, and the ice cream truck who is moving all the time while making sales. His hope is that we can capture all of this. In Pinedale, a catastrophe took place for several months regarding the food truck vendors there. Mayor Kaumo clearly understands the businesses that have invested, with site plans, fire hoods, etc. for brick and mortar businesses, and he believes that they became more popular perhaps with covid taking place to where they could take their business anywhere with a food truck. He hopes that we can find a way to be fair to everyone. He added that inspections just could not take place for every single vendor or business owner, so signing off on them saying that they have done all the requirements is the only way.

Ms. Leigh added that requirements are made of those who come into the City to get permission to open businesses and they are penalized where others go without enforcement and get away with it regularly. The amount of time spent on transient merchant applications has increased significantly. The planning department is all for streamlining the process, if possible, but also want to make sure that it is fair for all involved.

Zoning requirements

If food trucks are parking in another business's parking lot, it takes away from the required parking for that business in order to park the food truck. The distance from the curb and controlled intersection is also an issue to prevent blocked vision of drivers in the area. Allowable zoning districts should also be reviewed to allow situations such as ice cream trucks or food trucks near a residentially zoned area.

County health approval and sales tax verification

Ms. Leigh wondered if there should be a checkbox that merchants select, as they do now, stating that they understand they need to obtain certain permits regarding food service permits, sales tax permits, etc.

Fees, Proof of Insurance, Enforcement

Discussion of current businesses being on more permanent properties took place. Councilor West added that ice cream trucks are in violation as it is and so what would others do, naming specific businesses that are in special situations and have different arrangements. With some of the more permanent structures, a different approach will need to be considered.

Matthew L. McBurnett stated that the current annual fee is \$50 for under 15 employees and \$100 for 15 or more employees. Transient merchants pay a temporary fee of \$25 for the first 30 calendar days, but the consensus has been that transients should not have to pay more than a regular business license, so they have been told to obtain a regular business license to cover them for the entire year instead.

Councilor Robinson stated that he feels the peddler licenses should be separated, or the food trucks separated from the other business types. Rick Beckwith, City Attorney, stated that he believes that these businesses should be encouraged to thrive in the environment they are in, but the legal process should be adjusted. Mr. McBurnett added that it was found in past years that it is unconstitutional to disallow door-to-door sales, so it was added to this ordinance as an after-thought, which is why the current language may not appear to be a good fit.

Enforcement was discussed.

Councilor Zotti offered suggestions to the prohibited locations and how a buffer could be created for those location restrictions by allowing the business owner to waive the requirement. Scenarios were discussed regarding prohibited locations and what should be considered when drafting a new ordinance. Councilor West asked about Sheridan's ordinance, stating that we could use it as a reference. Councilor Bettolo asked about separating the types of businesses, where some that are considered transient merchants do not necessarily qualify as a transient. Ms. Leigh added that Sheridan also touches on these categories. Mayor Kaumo added that he would like to see a review of Sheridan's ordinance, draft our own, and then have another workshop to get it nailed down to where it includes common sense and is fair, along with not tying staff up with unnecessary procedures and approvals.

Mayor Kaumo stated that this has to be something that provides common ground, and businesses having competition is a good thing for the economy. We also want to protect those who have made an investment with their brick and mortar businesses also. Councilor Robinson believes that the food trucks put hard-earned time and money into their trucks, much like brick-and-mortar businesses do. He also agrees that dining may have evolved some with Covid happening as it did. He would also like to see the hours of operation extended.

Mr. McBurnett stated that with the renewal period coming soon for business license renewals, his staff would like to see a choice made on this sooner rather than later so they have a path moving forward before renewals are sent to business license holders on December 1. With the ordinance requiring three readings, it will need to come forth soon if the renewal period is to be met. Ms. Leigh added that the draft ordinance can come about quite quickly if needed.

Councilor Robinson stated that advertising the next discussion such as this would be a huge help in order to assist with getting the word out to food truck vendors to provide input and attend. He added that seeing samples from other places such as Sheridan and Aurora would be helpful. Jim Wamsley, Fire Chief, added that contact information is contained in a database for each food truck vendor, so the City can use this to reach out to get vendors involved in the process.

Councilor Savage expressed concern about the grease traps, and Mr. Kauchich added that most of the trucks have holding tanks. Mr. Kauchich added that the concern is where they are dumping their holding tanks, as there have been reports of waste being dumped in inlets, storm drains, etc. He has seen that some cities require a log of waste dump be kept and available for inspection of City staff. The Water Reclamation Facility allows free dumping. This topic should be regulated in the ordinance somehow.

Ms. Leigh added that one topic that should be addressed this evening is use on public property, so she asked what process would be most beneficial to the City to incorporate into the new

ordinance. Mayor Kaumo stated that the leaving the discretion to the department head over the related department would work best. Councilor Robinson added that he feels it would be important for those who are newly licensed to know the new regulations and locations that can and cannot work, so an information sheet or pamphlet would be helpful. Councilor West added that it seems like the Planning Department is in need of a process, since there are many case-by-case scenarios in this particular arena.

Mayor Kaumo asked about a timeline for staff to review the ordinance draft and prepare it for the City Council to review. It is hoped that the draft will be discussed at next week's regular meeting.

Mayor Kaumo added to keep in mind that a cost must be defined as well. It was requested that the City invites food vendors to the regularly scheduled meeting next week.

There being no further business, the meeting adjourned at 6:23 p.m.

By: _____
Council President

ATTEST:

City Clerk

Mayor