

**Study Session Meeting - May 29, 2018 5:30pm**  
**Council Chambers, Ely City Hall**

**CALL TO ORDER**

Mayor Novak called the Study Session to order at 5:30pm

**PRESENT:** Council Members A.Forsman, Kess, Debeltz, Omerza, Callen, D.Forsman, and Mayor Novak

**ABSENT:** None

**ADDITIONS OR OMISSIONS:** None

**REQUEST TO APPEAR:** None

**OLD BUSINESS:** None

**NEW BUSINESS**

Transient Merchant/Peddlers Permits/Food Trucks

Clerk Langowski stated that the Clerk's Office has been receiving more calls requesting Transient Merchant and Food Truck Permits.

All transient merchants including Food Trucks unless excluded are required to have a Transient Merchant Permit from the City of Ely. Permit cost is \$25/day, and the processing time is 14 days and requires a background check. A lot of vendors do not know they need a permit and will come up to City Hall and expect to get one right away to be able to sell the same day.

State Statute allows transient merchants to sell for 21 days our City Code currently allows for 14 days.

In the past the City has allowed Food Trucks and Transient Merchants to set up on Commercial Lots for no fee and without a background check.

Per State Statute, Farmers selling products cultivated from their own land (fruits, nuts, vegetables, meats, etc) should be excluded from requiring a Transient Merchant Permit. Langowski stated that we do not think the people selling the fruits and vegetables mid to late summer have grown the product themselves, they probably purchased the product from a farmer and then brought it up here to sell. In the past we have looked at them as exempt, thinking that it was a farmer's product, but looking into Statute these products were not grown on their own land.

Looking into the City of Ely's Ordinances more City Code Sec. 9.33 does not allow any person to park a vehicle on any street for the purpose of advertising or selling merchandise thereon or therein. City Code Sec 9.35 also states that it is a misdemeanor to park a motor vehicle on the property of another, or upon an area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of any such property or facility. So this means that as of right now transient merchants are not allowed on any city street.

One suggestion is to designate and rent one location at each Semer's Park and Whiteside Park as a designated spot that would be available for Transient Merchant and Food Truck Activity.

During City sanctioned events (4<sup>th</sup> of July, Blueberry Arts Festival, Harvest Moon, Marathon, street dances, car shows, etc) which will utilize City property or will obstruct City Streets, the event organizer may allow Transient Merchants including food trucks within the location authorized for the event.

Currently the fee is \$25 per day, but there has been some discussion on raising the fee to \$50 per day to cover the costs of issuing the permit.

Transient Merchant is defined in City Code as a person who temporarily sets up business out of a vehicle, trailer, tent, empty lot, or storefront for the purpose of selling products or merchandise and who does not intend to remain in any one location for more than fourteen (14) consecutive days. Note: Fourteen (14) consecutive days is the maximum period a transient merchant is allowed to park in any one location within the City of Ely.

According to State Statute transient merchants should operate no more than 21 days annually at any one place unless operated at the site of a permanent business owned by the same individual or company and the sale apparatus (food stand/trailer) is readily movable, without disassembling, for transport to another location. Current City ordinance states a limit of 14 days in any one location.

Kess asked about the Farmers Market and if those individuals would have to get a permit. Langowski stated that is an organized activity, the organizers have rented that corner of the park as part of their event, so it would be considered a City Sanctioned event.

Chief Lahtonen asked if the 14 or 21 days would be consecutive or annual. Attorney Klun stated that it would be annual and the City would monitor it via issuing permits to the specific company/person.

Kess asked about Blueberry and Harvest Moon Festivals and how to regulate those events. Langowski stated that several years ago the City Passed a Resolution for Transient Merchants during the Blueberry and Harvest Moon Festivals would have to pay \$300 for the weekend to set up in town. Currently we have at least one vendor that sets up on a residential lot and according to the City Code that is not allowed so they would have to find a commercial lot to set up on. Transient Merchants can only set up on commercial lots not residential property.

A.Forsman asked if a Food Truck is catering an event at Semers if would they need to get a permit. Langowski stated that as long as they are only serving for that event they would not need a license.

Omerza asked when a vendor would rent out a space at either park how would we regulate the electrical hook up. Langowski stated that we have discussed possibly charging a minimum fee for electrical usage.

A.Forsman asked about the Marathon or the Car Show or events like that how we would go about selling T-Shirts and such for events. Mayor Novak stated those events would fall under the City Sanctioned event and would not need a permit.

Chief Lahtonen asked about the rental spots at Whiteside Park or Semers if they would be first come first serve and one person at a time at these spots. Langowski stated it would only be one person at a time at these spots.

Callen asked if a health inspector would be required.

Langowski stated that would be regulated by the state and we can ask for their health license during the application process.

Omerza asked where the spots would be designated at Whiteside and Semers Park.

Langowski stated at Semers it would be by the pavilion since that is the only spot with power. At Whiteside we were thinking about two locations, but only one would be used at a time. One location would be by Sheridan Street and 7<sup>th</sup> Avenue; the other would be closer to the Pavilion on 7<sup>th</sup> Avenue.

Mayor Novak stated that food trucks can compete with other restaurants in town and that's why we need to regulate the amount of food trucks we have in town.

Langowski stated that if a vendor set up on a commercial lot we would require them to show proof that they received permission from the commercial lot owner and they will be required to get a permit.

Mayor Novak stated that he thinks the discussion is going down the right road, with a potential \$50 fee and having limitations on 14 days or 21 days.

Chief Lahtonen asked if a current commercial lot owner sets up a meat wagon on his own property if they would need a permit.

Langowski stated that vendor would not need a permit since he is set up on his own commercial lot. If that same vendor wanted to set up in Whiteside Park or a different commercial lot they would need a permit.

Langowski stated the current Transient Merchant/Peddlers Permit is \$25. Moving forward the fee should at least cover the cost to provide the permit which will entail a background check, and staff time, currently the \$25 would not cover that.

Kess asked about fundraising events at the school, or other fundraising event.

Langowski stated that we discussed this and as long as it is a fundraising event it would be exempt.

Mayor Novak directed Attorney Klun to start drafting an ordinance on this matter.

Langowski stated that the current ordinance does not allow for a Food Truck or Transient Merchant at Semers or Whiteside Park. Currently if you are a vendor on a commercial lot you will have to get a Transient Merchant Permit.

Mayor Novak adjourned the meeting at 6:06pm.

Casey Velcheff  
Deputy Clerk