

**Study Session Meeting - August 28, 2018
Council Chambers, Ely City Hall**

CALL TO ORDER

Mayor Novak called the Study Session to order at 5:32pm.

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

ABSENT: Council Member A.Forsman

ADDITIONS OR OMISSIONS: None

REQUEST TO APPEAR: None

OLD BUSINESS:

A. Food Truck, Transient Merchants, Peddlers Ordinances

Tim Riley, Planning and Zoning Administrator discussed some of the changes in the revised ordinance. Riley stated that for the mobile food vendor we need to make sure we comply with the Minnesota Department of Health regulations. The ordinance does not allow mobile food vendors to sell on city property including city streets, the ordinance does allow for a spot at Whiteside Park, Semers Park, and the Softball fields. Twenty-one is the maximum time one vendor can be at one location.

Langowski stated that one of the key points that the council should decide on is if the City wants to allow mobile food carts and mobile food vendors on city streets? We have not had any complaints about mobile food vendors, but we are just trying to clear up the gray area, the clerk's office has been dealing with the last couple years with what is allowed and what is not.

Attorney Klun stated that her office did some research on the fees that mobile food vendors pay around the state; the fees can range from \$50-\$818 per year. Klun stated that a Mobile Food Cart or Mobile Food Vehicle must carry insurance according to Subd 19 and list the City of Ely as other insured.

D.Forsman stated that the council will need to work on the fee structure

Klun stated that there will be an annual fee, an extra fee if they rent a designated space, and also have a single day fee. It is written in the ordinance that exceptions to having a Mobile Food Cart or Mobile Food Vehicle license is exempt if it is used solely for the purpose of fundraising or operated in connection with a City festival or event.

Callen asked about Subd 17 C Prohibited from using utilities from public property and right-of-ways, and if a vendor rented a space if they would be able to use the utilities along with the rental.

Langowski stated that it could be included in the rental fee, we could charge them for the usage that they use, or it could be a flat fee.

Kess asked that the council discourage Mobile Food Carts or Mobile Food Vehicles in commercial areas with restaurants, those businesses pay property taxes and area here all year round.

Klun stated that can be regulated in Subd 20. G in the ordinance stating that Mobile Food Carts and Mobile Food Vehicles may not operate within XX feet from the public entrance to any restaurant and/or any portion of a restaurant's outdoor dining area during that restaurant's hours of operation unless the licensee obtains permission from the restaurant owner or manager, said XX feet measured in a straight line of constant elevation.

Omerza asked who will be in charge of enforcing these licenses.

Langowski stated that the application process will be handled through the clerk's office with enforcement being handled by the police department.

NEW BUSINESS: None

ADJOURN

Mayor Novak adjourned the study session at 6:11pm without objection.

Casey Velcheff
Deputy Clerk