

**CITY OF MAYER  
CITY COUNCIL WORKSHOP MEETING  
CITY COUNCIL CHAMBERS  
MONDAY, MAY 24, 2021  
AFTER REGULARLY SCHEDULED CITY COUNCIL MEETING**

1. Call Meeting to Order
2. Rental Ordinance
3. Mayer Lutheran High School - Address Change
4. Adjournment



## City Council Memorandum - Workshop

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**Subject: Rental Ordinance**

**Meeting Date: May 24, 2021**

**Presented By: Margaret McCallum, City Administrator**

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### **Council Action:**

To receive additional information on a City of Mayer Rental Ordinance and determine how to move forward.

### **Details:**

The City Council of the City of Mayer has been researching the creation of a Rental Ordinance.

Most commonly, the purpose of local rental ordinances is to promote the health, safety, and welfare of the general public, assure preservation of the existing housing supply, help maintain property values, work toward eliminating substandard and deteriorating rental housing and to maintain a living environment that contributes to healthful individual and family living.

### **Government Rental Laws**

Each level of government provides its own laws and requirements for rental properties.

#### **Federal Law: Discrimination**

Federal Law protects renters from discrimination in many areas such as race, sex, familial status or disability (and more).

#### **State Law: Landlords and Tenants: Rights and Responsibilities**

State Law pertaining to rental properties can and do vary from state to state.

For the State of Minnesota, the rights and duties of landlords and tenants are spelled out in federal law, state statutes, local ordinances, safety and housing codes, common law, contract law and a number of court decisions.

These responsibilities can even vary from place to place around the state.

According to Minnesota law, when the owner of a house or apartment agrees to give to someone else – for money or labor- the temporary use of that place, the two have entered a legally binding rental

contract. It does not matter if the agreement is oral or in writing. It is an agreement to rent, and that means some of its most important terms are automatically defined by law.

The basis of the legal relationship between landlord and tenant is grounded both in contract and property law. State Statute regulates some areas of this relationship such as terms and standards of tenancy and outlines rights and protections for both parties.

### **Local Government Rental Ordinances**

While the state government law provides standards and protections for both the landlord and tenant. Some cities enact their own stricter laws when it comes to rental properties.

As renters can make up a significant population within cities, some local government entities determine that it is important to ensure these properties are:

1. Safe, decent, and healthy housing
2. Operated and maintained as to not become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community

Many cities see the operation of rental dwelling units is a business enterprise that entails certain responsibilities.

The City of Mayer wants to protect public health, safety and welfare of its residents and therefore has been researching a rental dwelling licensing program that allows for the ability to correct substandard conditions and maintains standards for rental dwelling units.

### **City of Mayer – Drafting the Rental Housing Ordinance**

As the City Administrator continues to research and draft a rental ordinance that would best fit the community, more and more questions have arisen as far as the desired scope and depth. Cities tend to have rental ordinances that vary significantly. This includes how, when and what the inspection process entails. In addition, there are differences in how properties are licensed and for how long.

With those differences, cities have also had to decide whether their rental ordinance is a proactive approach or a reactive approach.

Therefore, before the City Administrator can finalize the draft of the City's rental ordinance, the City Council needs to provide additional direction on which approach the ordinance should be structured under.

### **Proactive or Reactive:**

A goal of a Rental Ordinance is to make sure that rental housing in the City of Mayer is decent, safe and sanitary and is operated and maintained so as to not become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community.

***Proactive-***

A proactive approach to a Rental Housing Ordinance would mean that the City would require the registration of all rental properties within the City.

Upon registration, an inspection of the residential rental property would be done initially and on a regular basis, within a routine timeline and on a comprehensive level to assure the overall quality of the rental unit.

If all requirements are met, the property is issued a license to operate as a rental property for a specific amount of time.

With this approach, the City is proactive in making sure the rental property meets guidelines before it is rented out. If issues come up throughout the license period, the City would also can be reactive, enter the properties and seek compliance.

Adding this ordinance will require administrative time and resources. Staff will need to monitor licenses and ensure that communications with rental property owners is maintained, that licenses are kept up to date, that inspections are scheduled and completed, and the properties stay in compliance.

***Reactive-***

A reactive ordinance would still require the registration of rental properties. Rental properties would still be licensed. However, it would be as an “operating license” instead of a rental license. The owner of the property would be required to register the property as a rental property and get the operating license. The difference would be that no inspections would be required before the occupancy of a renter.

Inspections would instead be performed on an “as needed” basis. This would be allowed through the consent of the property owner during the application process. The property owner/manager would give consent to allow the City to enforce and inspect the property if there is cause.

If an issue does arise or a complaint is received, the City could be contacted to go into the property and do an inspection. If the property is found out of compliance, then the city could seek compliance at that time.

With this approach, the City is being reactive by doing inspection on an “as needed” or “requested” basis.

Adding this ordinance would still require administrative time and resources, however to a lesser degree as in this scenario, administrative staff needs to only process applications for the operating licenses on an annual basis. All other duties would be done on as needed.

**Financial:**

None.

**Recommendation:**

The City Administrator is asking for guidance on whether the City Council's preference as far as continuing drafting the draft rental ordinance in a "proactive" or "reactive" format.

The City Administrator believes that if the City Council would like to continue with a Rental Ordinance, that starting with a reactive ordinance format may be a better fit for the community at this time. The reasoning behind this suggestion is that a proactive approach would require a significant amount of time on a currently small administrative staff. As the City grows and the administrative department grows, this could change. However, the reactive approach would still allow additional control for the City in ways the City currently does not. Under this format will, the ordinance would:

1. Ease the City into the process of regulating Rental Properties.
2. Still require rental property registration and licensing (Operating License).
3. Still provide the property owner with compliance guidelines.
4. Allow the City to do inspections and seek compliance as needed.

**Attachments:**

None.



## City Council Memorandum - Workshop

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**Subject:** Mayer Lutheran High School – Address Change

**Meeting Date:** May 24, 2021

**Presented By:** Margaret McCallum, City Administrator

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**Council Action:**

To further review the doing an address change for Mayer Lutheran High School.

**Details:**

Over the last few years, city residents have expressed concern with the traffic on 5<sup>th</sup> street related to entering Mayer Lutheran High School located at 305 5<sup>th</sup> Street NE in Mayer.

The historical entrance to the high school is 305 5<sup>th</sup> Street NE with another newer entrance to the north off of the roundabout on 62<sup>nd</sup> Street/7<sup>th</sup> Street.

In 2018, the High School did a major expansion that included a remodel of the school entrance and the addition of a field house. With that expansion, there have been increased events at the high school; especially on the weekends. Those events have thus increased traffic on 5<sup>th</sup> Street from visitors.

Therefore, Mayer Lutheran High School has asked that the City to research re-addressing their property to be on the northern street of 7<sup>th</sup> Street NE.

The hope is that readdressing the school may reduce the amount of traffic and thus concerns regarding visitors using 5<sup>th</sup> Street to access the High School.

This appears to be a cost-effective step towards addressing the issue from residents.

In 2015, the roundabout to the north of Mayer Lutheran High School was completed and the entrance of the school changed to the northern side of the property. Mayer Lutheran High School has been educating residents, students, employees and visitors to use the northern entrance instead of the 5<sup>th</sup> Street Entrance. The problem has been that the address remains 5<sup>th</sup> Street NE.

Google was contacted and the map directions were changed to direct visitors to the roundabout entrance.

The section of road between the roundabout at the intersection of Mayer Boulevard/MN-25 and 7<sup>th</sup> Street/62<sup>nd</sup> Street and the intersection of 7<sup>th</sup> Street/62<sup>nd</sup> Street, Fieldstone Parkway, and Harvest Curve (“Road Section”) is identified on the City’s address map as 7<sup>th</sup> Street. However, the properties to the east of the school property have 62<sup>nd</sup> Street addresses, including 14025 62<sup>nd</sup> Street (the farm property accessed directly from the Road Section).



**Changing the Address:**

The City of Mayer has the authority to rename streets and renumber lots within the City by Ordinance. The City Council would pass an Ordinance amendment that would designate the changes. The ordinance would be recorded with Carver County.

The High School Property address is currently on the north side of 5<sup>th</sup> Street NE and has an odd-numbered property address (305). That is consistent with the numbering convention in the rest of the City. If the Council were to adopt a Resolution re-addressing the property, that address would be moved to the south side of 7<sup>th</sup> Street. As a resolute, the City’s numbering convention would suggest and even-numbered address.

Since there are 200-series properties on the west side of Mayer Boulevard, a 300-series property number would be appropriate. The City would recommend the new MLHS address be 306 7<sup>th</sup> Street NE.

**Authority and Discussion:**

Again, the City has the authority “to name and rename the streets...and to number or renumber the lots and blocks of the city, or any part thereof.” Minn. Stat. 412.221, subd.18.

While the City’s address map identifies the Road Section as 7<sup>th</sup> Street NE, the County Recorder refers to this as 62<sup>nd</sup> Street, so the beginning and end of that designation are uncertain. Because there is consideration of re-addressing the High School, it would likely be more effective to re-name and confirm the name of that road section as 7<sup>th</sup> Street at the same time.

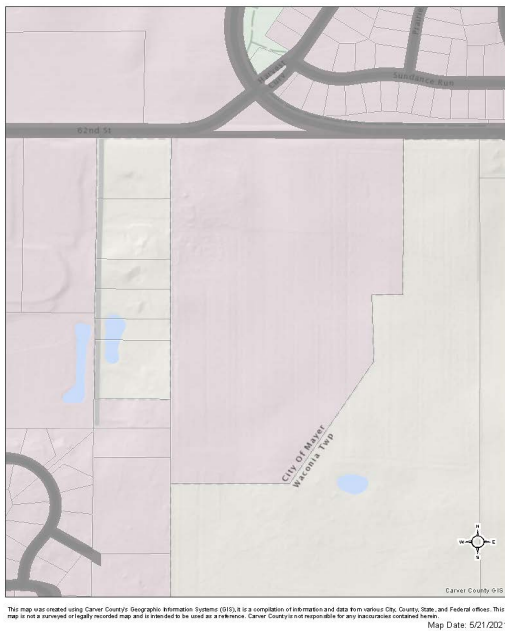
**Properties with a 62<sup>nd</sup> Street Address:**

Note that the properties directly to the east of the High School are accessed from the north-south road that extends from the Road Section. Those properties are addressed as being on 62<sup>nd</sup> Street, which suggests that this township road name may be retained on part of the Road Section. Regardless, that north-south road is a private road and several of those properties are not within the City limits.

The property to the east, identified on the attached map as 14025 62<sup>nd</sup> Street, is accessed by a driveway that is just to the west of the curve towards the intersection at the east end of this Road Section. That property is comprised of two parcels, one of which is within the border of the City and one of which is outside that border. That City does not have the authority to re-address property that is not within the City borders, but the parcel with the home on it appears to be on the parcel that is within the City’s borders.

At this time, staff is only recommending that the portion of the street up to the 62<sup>nd</sup> Street entrance be extended and designated at 7<sup>th</sup> Street NE. If the City were to rename the street beyond 62<sup>nd</sup> Street, the require authorization from other government entities including Waconia Township.

**Township Properties:**



The City currently has six township parcels surrounded by City property in an “island” (green). These properties would be impacted if the City were to extend the street name past the entrance of the private road (62<sup>nd</sup> Street) that provided access to these properties.



As the City continues to grow and develop, these properties will eventually get annexed into the City of Mayer and the street completely changed to 7<sup>th</sup> Street. annexation process is a very complicated and time-consuming process. Historically, these properties have had no interest (together) in annexing into the City. At this time, the staff has decided to reach out to the township to initiate discussion on this.

**Financial:**

NA.

**Recommendation:**

To address immediate and current concerns and to assist in potentially alleviating traffic off 5<sup>th</sup> Street NE, staff is recommending that the City Council allow staff to move forward with preparing documentation that would extend 7<sup>th</sup> Street NE name to include the street up to the entrance of 62<sup>nd</sup> Street. An ordinance amendment would be brought the City Council to do this and readdress MLHS to 306 7<sup>th</sup> Street.

**Attachments:**

None.