

CITY OF MENDOTA HEIGHTS  
DAKOTA COUNTY  
STATE OF MINNESOTA

Minutes of the City Council Work Session  
Tuesday, September 19, 2023

CALL TO ORDER

Mayor Levine called the work session to order at 5:00 p.m. Councilmembers Lorberbaum, Mazzitello, and Paper were present. Councilmember Miller was absent.

Staff in attendance included City Administrator Cheryl Jacobson, Police Chief Kelly McCarthy, Public Works Director Ryan Ruzek, Assistant City Administrator Kelly Torkelson, Park and Recreation Manager Meredith Lawrence, Finance Director Kristen Schabacker, Planning Consultant Jennifer Haskamp, and City Clerk Christine Lusian.

Nine members of the public were present.

SHORT TERM RENTALS

Levine introduced the item, explained that complaints have caused the city to look at the city code to address concerns, and invited planning consultant Haskamp to present information and lead discussion. Jacobson noted that discussion would include a background and introduction of a moratorium.

Haskamp began with the meaning of short term rentals and noted definitions vary from city to city, but for our purposes, it is rentals less than 30 days which coincides with the definition for state lodging taxes. She explained that definitions typically exclude multi-family apartments, and focus on typical owner-occupied residential uses such as single family attached and detached homes. She noted that there are homes within the city that are listed on platforms like VRBO and AirBnb and that the city has received numerous inquiries relating to short term rentals. Enforcement is limited to what is currently in code, which addresses rental housing, property maintenance, nuisance, and zoning.

Haskamp described that in 2005 the city studied and determined that a rental housing licensing ordinance would benefit the community and implemented title 3, chapter 5 of the city code. She noted that in 2019, council considered an amendment to the ordinance to eliminate references to licensing, since the city had not registered rental housing in the R-1 district since 2017 and stopped licensing rental units in 2018. She noted that inspection of rental units was never an element of the rental licensing program. Council tabled the issue at that time and the amendment did not move forward. Again in 2020, the council considered an ordinance to repeal all of chapter 5, but again no action was taken.



She summarized that ordinances in place today, which govern rental housing include title 3, chapter 5 the rental housing ordinance, title 12 the zoning ordinance and nuisance and property maintenance ordinances.

Haskamp described the purpose and objectives for the proposed short term rental moratorium and that it will allow the council time to study short term rental ordinances and evaluate how they may impact surrounding neighborhoods, as well as define short term rentals for the city and determine performance standards.

Levine asked if short-term rentals could be banned. Haskamp explained that there are current court cases that should be reviewed and investigated before a ban.

Mazzitello stated that this moratorium opens discussion and those currently operating short term rentals will not be affected by the moratorium, but the existing ordinances are available as tools. Haskamp added that it is important to document complaints in writing. Prior to the adoption of a new code, courts will consider those that were legally compliant prior to the adoption in deciding whether to allow operation to continue.

Paper inquired about cross checking rental licenses with other records like building permits. Haskamp pointed out that sleeping people in areas that aren't bedrooms could be an issue and Mazzitello agreed that was a reason for rental inspections.

Paper asked about parties and complaints and if those records are cross checked with rental license compliance. Police Chief McCarthy explained that verifying homeownership was not something that officers do on a call for a party or noise complaint.

Paper asked about what would happen if an owner does not comply or obtain a license. Haskamp explained that the process is like a conditional use permit where conditions are imposed and opportunity is given to comply before court action. She noted that an interim use permit is another option that some cities use.

Levine redirected back to the goal of the discussion being the moratorium with policy development happening over the next year. Mazzitello clarified that action will not be taken on rentals that are in compliance, but if someone opens a short term rental after the moratorium passes, it would be an enforcement issue. He recommended reviewing Cottage Grove's short term rental regulations as an example.

Levine reminded that emails are a great record of documenting concerns, that policy is not being crafted today, and that public engagement and timeline development will happen over the next six to 12 months.

## ADULT USE CANNABIS

McCarthy introduced the item and reviewed the past meeting direction to explore an ordinance and enforcement options. The ordinance proposed focuses on smoking and vaping in public spaces, while seeking consistency with alcohol and tobacco regulations.



Lorberbaum asked about smoking on sidewalks and Paper asked about smoking in parks. McCarthy explained that the ordinance prohibits smoking on trails and in parks and pointed out that tobacco violations are a misdemeanor while cannabis violations are a petty misdemeanor.

Paper inquired about lowering tobacco violations to a petty misdemeanor. Chief McCarthy stated that she has been working with the City Attorney who has indicated that it may be an option.

Paper asked about non-smoke products like gummies and the use of those in parks. McCarthy said prohibiting the use of those products would be hard to enforce.

Levine noted that regulations vary widely between cities and it could confuse the public on what is allowed and restricted. She added that some consistency in rules and policies between bordering cities and Dakota County would be ideal.

Council members were supportive of all components in this item, including the smoking and vaping ordinance, amendment to social host ordinance, and reducing the tobacco penalty.

#### POLICE DEPARTMENT CITY HALL BUILDING UPDATE

McCarthy provided an update on the facility issues within the police department relating to security, accessibility, victim privacy and building conditions. She noted that feedback was received from an initial small group of residents, soil samples have been collected, and options such as contracting with Dakota County and relocating to other sites within the city have been considered.

McCarthy stated that a component of the city's state capital bonding request is a city council resolution of support.

Mazzitello added that it is necessary for public understanding that we define the scope of work early and a narrative of what we hope to accomplish.

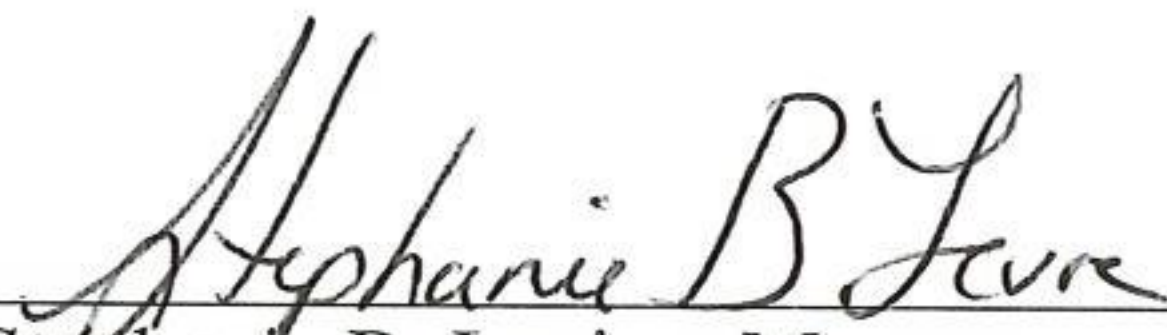
Council members were supportive of remaining a campus that includes the police department and city hall and plan to pass a resolution of support at the first October meeting. Jacobson added that the resolution would be added to a request to the state for funding.

#### ADJOURNMENT

Mayor Levine adjourned the meeting at 6:23 p.m.

ATTEST:

  
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Christine Lusian, City Clerk

  
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Stephanie B. Levine, Mayor

