

**CITY OF EMILY
MEETING MINUTES
PLANNING AND ZONING COMMISSION**

August 1, 2007, 7:00 PM

1. Call to Order
2. Roll Call

Commission Members

Bill Spiess, Bonnie Fairchild, Bob Swanson (Chair), Art Patterson, Bonnie Kile

Charles Marohn, City Planner

3. Public Hearings

**Ordinance Amendment (continuation), Leasing/renting of Residential Property,
City of Emily**

Marohn reviews the staff report.

Bob Harmann states that he does not like the idea that properties in the residential shoreland could be rented out. The best case is that they would be rented to a quiet property. The worst case is that they would be rented out to noisy family, loud kids and barking dogs. States that he can't imagine people thinking it is a good idea. This makes sense to do in a commercial district, but not in a residential property. People making an investment up here are not going to want rental of their neighboring properties. This has the potential to hurt property values.

Jim Kloster states that he has no interest in renting his property. He is concerned that there would be no rental of the property. Mr. Kloster gives an example of someone who is deployed to Iraq and would need to rent their property or a senior citizen who is ill and needs to move out for a while. He would be opposed to the fourth option.

John McConnell, states that the City of Emily has no choice unless the zoning is changed.

Marohn discusses the difference between short and long-term residential and the opinions of the agencies, as expressed.

Barbara Schewe states that she opposes the fourth option as an infringement of property rights. She states that there is enough stuff from the DNR and the Department of Health that can protect against these issues. For nuisances, people can call the police. This may happen even with a long-term lease. Has concerns with the commercial nature of weekly and weekend rental, but the licensing requirements should address this.

Mike Trautschold has concerns with short-term rentals. A long term rental, in six months or more, is reasonable and maintains property rights. Bought here because the properties were residential and would remain quiet. When people are renting short time, they are more care free. Lives near the resort and sees the traffic and noise level. For people purchasing properties for primary or secondary residences, we did not buy into

Roger Rowen states that he is not opposed to rentals, but is opposed to weekly rentals. Has experienced in Florida where there is six month rentals. It has worked out well and people are responsible. Short term people are in and out and not as responsive. We do not have the police force here to respond in a short term. Not opposed to rentals, but needs to be categorized as a rental property with certain terms so that everyone understands the regulation. Short term will destroy the environment here.

Mike Hineke states that there is a unique situation on Lake Emily with the river between there and Lake Mary. He has concerns with the dramatic increase in use of the water. This needs to be managed. With the poor water quality in Emily, more people are coming over onto Mary with pontoons and jet skis. The additional use for an extended period is made worse by having short term rental. Could be supportive of a three month or longer lease, but short term would add to the congestion on the lake.

John Hosch states that he is in favor of less restrictions than more restrictions, but has wondered about roommates renting out rooms. Could someone not have a roommate? This might be a problem if we had no rentals.

Nancy Koch is concerned that the ordinance be able to be enforced. If we can't enforce the ordinance, it is not any good. They may rent their place out and everything is fine and there is no problem. Down the road that might not be the case. Unless we can cover this, it is going to be difficult to enforce. The ordinance should be written to be enforced.

Frank Martin states we absolutely need to have long term rentals. Many young families can't afford a down payment on a home. For short term rentals, the price of property is forcing resorts to close. There are fewer places for people coming to stay. This option needs to be left open. The people that are here visiting are also the people who ultimately buy property.

Frank Dzurich, states that there are houses being rented today that nobody knows about. On his lake, he is fed up with the ATV's and all the noise. He states he is against the entire thing.

Barbara Schewe, after listening to the discussion, would oppose the short term rental if the ordinance could be enforced. Supports long term rental.

Mick Davis has a rental property next to them and it is nothing but trouble. The owner lives in the cities and nobody takes care of it. He does not want to put up with that. Not in favor of short term, but can support long term.

Sue Warren asks what kind of taxes people pay on the income of the rental property. Who regulates this? They have to pay sales and income tax and be licensed and inspected. It is difficult to make a living and this would be unregulated competition.

Chairman Swanson asks for any additional comments. None. He closes public hearing.

Commissioner Spiess states that he has heard no enforcement. If people oppose short term rental but favor the long term, the Lake Associations need to step in and help police this.

Marohn discusses the City's violation and enforcement policy. He states that the City responds to complaint situations.

Roger Rowen, states that people who rent the property should pay tax on the rental income. This should be registered with the City so that everyone gets their share of the rental income. There needs to be a mechanism in place to recoup the tax on the income.

Chairman Swanson states that this is why we requested direction on whether or not we could license rental property. Since we can't this puts a different view on it.

Commissioner Kile, states that we had a housing ordinance that required people who rented to register with the City. This applied to even long-term rental. This got lost in the shuffle.

Chairman Swanson states that this would be on the honor basis.

Commissioner Kile states this is a registration, not a licensing.

Commissioner Fairchild asks whether or not we prohibit rental right now.

Marohn states that we do, although that was not the intent.

Commissioner Fairchild states that long-term rental creates a different relationship between the resident and the property and is a decent thing to do. It sounds like most people would be willing to do long term rental, but most also oppose short term. If we are going to go with long term, we need to determine when this would start. Asks if the MDH stated when something would be considered long or short term.

Marohn states no.

Chairman states that he is in favor of the long-term portion but would be more supportive of something two months or longer. This would provide for a house sitter.

Commissioner Fairchild states that there is a difference between house sitting and rental. House sitters do not typically pay rent.

Commissioner Patterson states that alternative three is the way to go. Believes the long term rental does not have impact.

Discussion on what the Department of Health would allow without a license.

Commissioner Fairchild asks if we can run three month rental term by them and see what they would say.

Chairman Swanson would like to verify the three or six month option with the MDH and then carry this discussion over to the next month.

Motion by Commissioner Kile, seconded by Commissioner Spiess to table to September. Passed unanimously.

4. EAW Petition Review for Northern Lights subdivision

Marohn presents the staff report.

Discussion and a number of changes to the memo prepared by the Staff.

Mary Kowalski, President of RALALA, makes a presentation regarding the development and the EAW petition.

Al Cibuzar, A.W. Research Labs in Brainerd, submits a handout and makes a presentation on why the EAW should proceed.

Discussion with Marohn and Cibuzar.

Motion by Commissioner Kile to recommend that the City Council order an EAW, seconded by Commissioner Patterson. Passed unanimously.

5. Additions or Deletions to the Agenda

6. Open Forum

Lonnie Thomas, attorney for Chris Scott of Northern Lights subdivision, wants to make sure that the record is clear and the subject is over and will not be revisited tonight.

Bob states they will not revisit it tonight.

7. Planning and Zoning Administrator's Report

- a. Permits
- b. Correspondence
- c. Enforcement Actions
- d. Feedback Surveys
- e. Council Action
- f. ISTS Compliance Testing

- g. CUP and Variance Review
- 8. New Business
- 9. Old Business
 - a. Utility Overlay Zone
 - b. Alternative Shoreline Standards
 - c. Extractive Use Discussion
- 10. Adjournment – 9:19 PM

Respectfully Submitted,

Charles Marohn, City Planner