

**CITY OF ELYSIAN
PLANNING AND ZONING COMMISSION
REGULAR MEETING
APRIL 2, 2024**

The Elysian Planning and Zoning Commission met in regular session Tuesday, April 2, 2024 at City Hall at 6:00 pm.

Present were: Chairperson Tom McBroom, Sr.; Commissioners Dan Engebretson, and Paul Hunter; Zoning Administrator Lorri Kopischke. Absent: Commissioners Shelly Ims and Al Linse.

On motion by McBroom, seconded by Engebretson, all voting in favor, to approve the agenda of the April 2, 2024 meeting as presented.

On motion by Engebretson, seconded by Hunter, all voting in favor, to approve the minutes of the February 6, 2024 Regular Meeting as presented.

Clark and Kathleen Fell, 300 Third Street NE, have submitted a Minor Subdivision Application for 204 and 300 Third Street NE, aka PID #16.440.0270 and #16.440.0180, Elysian, Minnesota. The request is to split off part of PID#16.440.0270 and add it to #16.440.0180.

Clark and Kathy Fell recently purchased the home at 300 Third Street NE. After the closing of the sale, the Fells had a survey done and it was discovered that their property lines run pretty tight to their new house. They approached the neighbor, Mary Lou Kaderlik, to inquire if she would be willing to sell them a portion of her property so they could square up theirs. An agreement was reached, and the surveyor prepared a legal description of the property to be split off and conveyed.

All the required materials of the Minor Subdivision Application have been received and the newly created property lines will not cause any of the unit lots or structure to be in violation of Chapter 156 of the City of Elysian Code of Ordinances or the state's Building Code.

On motion by McBroom, seconded by Hunter, all voting in favor, to recommend City Council approval of the Minor Subdivision Application for Clark and Kathy Fell, 300 Third Street NE (PID #16.440.0180) to split off part of PID #16.440.0270 and add it to PID #16.440.0180.

The Commissioners considered the Short Term Rental Ordinance. The City Council placed a moratorium on any new short term licenses in the shoreland zone to allow Planning and Zoning to determine if a density or distance between units should be required. The Council also asked Planning and Zoning to discuss the maximum capacity allowed as the maximum occupancy was discussed as part of the Ahavah Cottage short term rental units.

Examples of such restrictions have been received from two communities as follows: City of Carlton (population 948) Density: Only one (1) short-term rental allowed within 500 feet of an existing short-term rental and a maximum of five (5) short-term rentals allowed in City limits; and City of Ranier (273 households) capped their units at 8% of total households within City limits, so roughly 21 units. A map was provided that illustrated the location of the short term rental properties within Elysian city limits.

Rick Galewski and Pete Steinmetz, who were participants in the task force that drafted the original ordinance were invited to attend the meeting.

Pete Steinmetz, owner of a short term rental unit at 17 Roots Beach Lane, was unable to attend the meeting but submitted written comments. His summary response to the issue is:

- You'll want the city attorney to do plenty of homework to ensure something like the property ordinance is legal in MN. You don't want to spend months of effort like Ames, IA did only to have it all reverted at the end.
- What are the issues that are driving this discussion? I suspect it stems from concerns that neighbors have with the constant turnover involved with short term rentals and the behaviors of the tenants. We've learned from 15+ years of renting that the solution to these problems is very strict screening of tenants and very strict house rules. The rules must be enforced. As you are aware, we had concerns from a neighbor early on in our rental experience. Each time a concern was raised we added more strict verbiage to our house rules and scaled back the number of people we allowed at any one time on the property. I think we have things dialed in pretty tight at this point as things have been running smoothly for years without any complaints or concerns.
- Assuming you may not have the ability to limit rentals per state laws, your next step is to find a way to better enforce the current rules. The current limitations are probably fine, but are they enforced? Are the complaints being received by the city a result of rules being broken?
- If we have "good" renters that respect the neighborhoods, it's good for all involved. Owners receive income on properties that are increasingly expensive to own, local businesses see the benefit of more traffic as visitors go to dinner or buy gas, etc. We need to remember that tourism is a huge part of the health of Elysian.

Rick Galewski, 109 Shoreview Drive, noted that he is a member of the Fire Department and Rescue Squad. He sees issues from that perspective. If the driveway is filled with cars, the rescue vehicles cannot get to the house. There is one example where there was not enough room to get the gurney between the cars. Also, there are only 24 members on the Fire Department. It would not be possible for them to rescue 40 people from the big house on Shoreview Drive. He would like the maximum occupancy to remain at no more than (3) three occupants per bedroom in the residential zoned district. Commercial zone is a different type of deal. It may be acceptable to increase to no more than (4) four occupants per bedroom in a commercial district.

Galewski reported other violations of the ordinance that have occurred at the short term rental on Shoreview Drive. He stated he did not want to call the sheriff and he did not believe it was right that the residents had to be the ones to keep watch over these short term rental properties.

Commissioners encouraged the homeowners to call the Le Sueur County Sheriff's Office when they saw a violation. There is a process in place to revoke a license but there has to be documentation, a paper trail. The citizens have to take some responsibility.

Doug Stanke, 135 Shoreview Drive, stated he has called the owner but they do not return his calls.

Clinton Stoen, 211 Jill Lynn Circle, previous City Council and Planning and Zoning Commissioner, stated that the density per capita of short term rentals in the entire City needs to be addressed. Not just in the shoreland zone.

John Butler, owner of a short term rental property located at 124 Willow Point Drive, asked if the maximum occupancy would be regulated via the State Building Code. A rental property will be under control if the landlord is on top of things. The owner can cancel a reservation and ask a short term renter to leave immediately if there are violations of the rental agreement. A long term rental is different. It is almost impossible to get out of a long term lease.

Galewski stated that may be the case but a long term renter will settle down while with short term rentals there are new people every weekend and the neighbors have to deal with the noise and behavior on an ongoing basis.

Cheryl Galewski, 109 Shoreview Drive, asked if the fines for violations should be increased. She suggested a higher fine would have more of an impact.

The Commissioners thanked those in attendance for their input. The short term rental ordinance will be reviewed at the May 7, 2024 meeting with an emphasis on density and distance, maximum occupancy residential versus commercial, and amount of fine for violations.

The Commissioners encouraged anyone experiencing difficulty with a rental property to contact the sheriff and to take pictures and videos for documentation.

The City Attorney is researching the regulation of “shouse” via zoning and will provide an update for consideration at the May 7, 2024 meeting.

There will be a joint meeting of the City Council, Planning and Zoning Commission, and Economic Development Authority on April 11, 2024 at 6:00 pm at City Hall to discuss the update to the Comprehensive Land Use Plan.

ISG is hosting their second annual Future of Southern Minnesota Lakes 2024 Conference on April 12 through 13, 2024 at the Mayo Clinic Health System Event Center.

There was no further business to come before the Commission.

On motion by McBroom, seconded by Engebretson, all voting in favor, meeting adjourned at 7:08 pm.

Attest:

Tom McBroom, Sr., Chairperson

Lorri Kopischke, Zoning Administrator