



CITY OF HOWARD LAKE

PARKS AND PLANNING COMMISSION

*The City of Howard Lake strives to build upon its good neighbor traditions –
A welcoming community for all, supported by vibrant and engaged businesses and community organizations, involved
citizens, and diverse amenities that provide a well-rounded quality of life.*

Howard Lake City Hall
TENTATIVE AGENDA
March 9, 2022 – 6:00 pm

A. CALL TO ORDER

B. APPROVAL OF AGENDA

Any additions, deletions, modifications to the agenda will be done at this time.

C. CONSIDER APPROVAL OF MINUTES

- a. February 9, 2022 PPC Meeting Minutes

D. PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS

E. NEW BUSINESS

- a. Consider Resolution Approving EDA Redevelopment Project Area.
- b. Consider Approval of Site Plan for new Library/Community Room Project.
- c. Consider Approval of Arbor Day 2022 Activities.
- d. Discuss Short Term Rental Regulations & Set Public Hearing for April 13, 2022.
- e. Discuss Continued Comprehensive Plan Review/Update.

F. OLD BUSINESS

G. ADJOURN



CITY OF HOWARD LAKE

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Phone: 320-543-3670 | cityadmin@howard-lake.mn.us | www.howard-lake.mn.us

HOWARD LAKE PARKS AND PLANNING COMMISSION

Howard Lake City Hall
February 15, 2022 – 6:00 pm

MEETING MINUTES

MEMBERS PRESENT

Jason Deiter
Gene Gilbert
Molly Hibbard
Barb Guenigsman
Jean Schmidt
Vern Kleve

MEMEBERS ABSENT

April Debner

OTHERS PRESENT

Nick Haggemiller, City Administrator
Meagan Theisen, Assistant City Administrator
Nate Sparks, City Planner

A. CALL TO ORDER

Vice Chair Deiter called the meeting to order at 6:00 pm.

- a. Consider Annual Organizational Appointments & Declarations
 1. Chairperson – April Debner
 2. Vice Chairperson – Jason Deiter
 3. Secretary – Meagan Theisen
 4. 2022 Meeting Dates

Commissioner Kleve motioned to approve the organizational appointments and meeting dates as presented. The motion was seconded by Commissioner Schmidt and passed unanimously.

B. APPROVAL OF AGENDA

The agenda was approved as presented.

C. APPROVAL OF MEETING MINUTES

Commissioner Guenigsman moved to approve the August 11, 2021 PPC Meeting minutes. The motion was seconded by Commissioner Hibbard and passed unanimously.

D. PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS

- a. **Public Hearing: Rezoning & CUP Request for 800 5th Ave S Rezoning – Reeds & Rushes**

Commissioner Deiter closed the Regular Meeting at 6:01 and opened the Public Hearing at 6:01

Haggemiller stated that residents were notified of the public hearing within 300 feet of the property. He opened the floor for Curtis and Maddie Gruidl to introduce themselves.

The Gruidl's introduced themselves and shared that it has been a long time dream to open an event center.

Haggenmiller reviewed the staff report.

Sparks reviewed the Planning staff report, highlighting site plans and staff recommendations.

Haggenmiller requested public comment.

Deb Hanson – 270 Orchard Ct. – Shared she is happy to see the property filled with something. Parking and noise were her original concerns, but those have been addressed. She wants to make sure their pond is protected from runoff water.

Shawn Farber – 717 5th Ave – Requested information on the types of events and expected traffic amounts. He also questioned when they expect to open for business.

Greg Baumann – 801 5th Ave – Shared concerns about the dead end street and the amount of traffic this will create on the street. He doesn't want people to be parking on the grass or road.

Maddie Gruidl shared that they will be looking to partner with local shuttle services to bring guests to and from the event center from area hotels.

Gary Hagemann – 820 5th Ave – Commented about traffic concerns. He also questioned how property values would be effect.

Haggenmiller addressed questions from the public related to the pond and street conditions, parking standards, and property values.

Sparks stated that the CUP should require the venue to notify the City when alcohol will be served at events.

Hibbard asked the Gruidl's why they chose Howard Lake and if they plan to work with local businesses.

Curtis Gruidle shared that they loved the property, the beautiful surroundings and the price. He also stated they have already made contact with local contractors for the renovations and they hope to work with other local event vendors.

Kleve shared that he thinks this option is doing everyone a favor for the location. The church could have been leveled and a large apartment complex could have replaced it or a less than ideal "church".

Deiter closed the Public Hearing at 7:15 pm.

Haggenmiller reviewed the items to be considered. Stating anything passed tonight would be specifically for the property and would not open up opportunities for other properties in town.

Commissioner Kleve motioned to approve the Comprehensive Plan Amendment, the Rezoning from R-1A to B-1, Ordinance Amendment of the B-1 Zoning District, the CUP, and the Site and Building Plans. The motion was seconded by Commissioner Hibbard and passed unanimously.

E. OLD BUSINESS

a. Comprehensive Plan Update

Haggenmiller provided an update to the Comprehensive Plan update and shared the survey is about ready to be published.

F. ADJOURN

The Parks and Planning Commission meeting adjourned at 7:23 p.m.

Chair, April Debner

Secretary, Meagan Theisen



HOWARD LAKE PARKS & PLANNING

March 9, 2022

AGENDA ITEM: Consider Resolution Approving EDA Redevelopment Project Area.

SECTION: New Business

FROM: Nick Haggenmiller, City Administrator

BACKGROUND: The City has been working towards the construction of a new library facility that is proposed to be located at Central Park at the corner of 8th Avenue and 9th Street.

General Project/Financing Background

At the recommendation of the city's financial advisor, the proposed financing mechanism will be to have the Economic Development Authority (EDA) act as the building/property owner and lease the facility to the City for the purpose of providing library services. Additionally, the City is seeking to use United States Department of Agriculture (USDA) Community Facilities Program as loan underwriter. The USDA program enables the City to obtain very competitive borrowing rates of about 2% but at a 40-year term, rather than a traditional 10 or 20 year bond. Extending the term in this manner makes the annual bond payments much more reasonable and will have a less dramatic hit to your levy and tax rate.

Why is the Planning Commission Involved?

The application process and underwriting requirements necessary to successfully structure the project in this manner are arduous. Specific to the Parks and Planning Commission, the EDA is seeking to establish a Redevelopment Project Area. This redevelopment area needs to be reviewed and deemed to be consistent with the Comprehensive Plan. Once the planning commission passes a resolution confirming the redevelopment area is consistent with the comprehensive plan, the City Council and EDA may adopt the overall Redevelopment Plan.

Comprehensive Plan Conformance

In May of 2018, the Planning Commission and City Council formally amended the Comprehensive Plan to establish the area as acceptable for park, recreation and institutional purposes. The original concept plan for Central Park did NOT include the library facility. However, as the splash pad project came to fruition it was determined that bathroom facilities would be required. In tandem to this effort, the city council had commissioned a library study to determine options associated with either renovation or new construction of a library facility. Recognizing the practical issues associated with renovating the current two-story library AND the need for bathroom facilities for the splash pad, the library with bathroom facilities for the splash pad began to materialize.

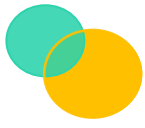
1. The 1999 Comprehensive Plan specifically calls out the Library/Community Room as a key asset to the City and further calls out the "need to address expansion issues in the near future." [issues identification page 33]
2. The 1999 Comprehensive Plan details Downtown Improvement Strategies (pages 95-98 and calls out the following reaffirming recommendations relating to the library at this site:
 - Continue to maintain the city hall and library in the downtown.
 - Promote redevelopment and reuse of parcels on the periphery of the commercial core for expansion or relocation of institutions.

The current comprehensive plan was written prior to the relocation of HLWW High School. Therefore, while the comprehensive plan does not specifically call out the library to be located at this site, the overall goals of the plan match very well for its placement at this location.

PLANNING COMMISSION ACTION REQUESTED: Approve Resolution Approving EDA Redevelopment Project Area

ATTACHMENTS:

1. Memo from City Financial Advisor, Shannon Sweeney
2. EDA Redevelopment Plan
3. Resolution

**DDA****David Drown Associates, Inc.
Public Finance Advisors**

Cologne Office:
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Cologne, MN 55322
(952) 356-2992
shannon@daviddrown.com

March 2, 2022

City of Howard Lake
Nick Haggenmiller, City Administrator
PO Box 736
Howard Lake, MN 55349-0736

RE: Planning Commission Resolution – Redevelopment Plan – Howard Lake EDA

Honorable Planning Commission Members and Administrator Haggenmiller:

The City of Howard Lake has been working its way through the funding process to construct a new library on the former school site. It is intended for the Economic Development Authority of the City to be the borrower from USDA-Rural Development (Federal Government) for the project to access better loan terms.

As a part of the process for serving as issuer, the Economic Development Authority must adopt a Redevelopment Plan that establishes goals for a redevelopment area within the City. Ultimately those goals are to encourage additional private investment. The Planning Commission plays a role in the process as you are asked to adopt a resolution finding that the Redevelopment Plan is consistent with the Comprehensive Plan and the development goals for the city. A draft resolution making that finding is attached for consideration by the Planning Commission.

Thank you for your time and consideration of this material. Please feel free to contact me if you would like to discuss this information in additional detail.

Sincerely,

Shannon Sweeney, Associate
David Drown Associates, Inc.

REDEVELOPMENT PLAN

FOR

LIBRARY PROJECT

DATED: MARCH 21, 2022

CITY OF HOWARD LAKE ECONOMIC DEVELOPMENT AUTHORITY

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Exhibit A - Redevelopment Area Boundary Map

Exhibit B - Budget

I. INTRODUCTION AND LEGAL BASIS

A. Intent

The City of Howard Lake Economic Development Authority, Howard Lake, Minnesota (the “EDA”) proposes to establish a Redevelopment Project Area as described herein (the "Redevelopment Project Area"), in connection with the development of a new library in the City.

In the remainder of the Redevelopment Area the EDA proposes to facilitate, as appropriate, private development by acquiring land and preparing it for private development and by constructing public infrastructure improvements.

B. Statement

The City and EDA have determined that conditions exist within the Redevelopment Area which have prevented further development of land by private enterprise. It has been found that the Redevelopment Area is potentially more useful and valuable for contributing to the public health, safety and welfare than has been realized under existing development.

The development of these parcels are not attainable in the foreseeable future without the intervention of the EDA in the private development process. The EDA has prepared the Redevelopment Plan, which provides for the elimination of these conditions, thereby making the land useful and valuable for contributing to the public health, safety and welfare.

C. Redevelopment Area Boundaries

The boundaries of the Redevelopment Area are outlined on the Redevelopment Area Boundary Map, Exhibit A.

All land included in the Project Area is within the legal boundaries of the City.

D. Statement of Authority

Minnesota Statutes Section 469.001-469.047 (Housing and Redevelopment Authority Act) grants municipalities the authority to designate redevelopment areas within the boundaries of the municipalities. Within these areas, the municipality may adopt a redevelopment plan and establish a project consistent with the municipality's public purpose. The project as contemplated by this

plan consists of a redevelopment project as defined in Section 469.001, Subdivision 14.

E. Findings and Declaration

The City and the EDA make the following findings:

1. The certain parcels of land in the project area would not be made available for redevelopment without some public financial aid.
2. The redevelopment plans for the Redevelopment Area in the City will afford maximum opportunity consistent with the needs of the locality as a whole, for the redevelopment of the area by private enterprise.
3. The Redevelopment Plan conforms to the general plan for development of the locality as a whole.

II. REDEVELOPMENT PROGRAM

A. Redevelopment Plan Objectives

The EDA, through implementation of this plan, seeks to achieve the following objectives:

1. To promote and seek the orderly and harmonious development of the Redevelopment Area.
2. To provide logical and organized land use for the entire Redevelopment Area consistent with the Comprehensive Land Use Plan and the Zoning Ordinance of the City.
3. To promote the prompt development of property in the Redevelopment Area with a minimal adverse impact on the environment.
4. To provide general design guidance in conjunction with a suitable development contract in order to enhance the physical environment of the area.
5. To provide adequate utilities and other public improvements and facilities, to enhance the Redevelopment Area and the City for new and existing development.
6. To assist the financial feasibility of private projects to the extent necessary and where there is a corresponding level of public benefit.
7. To enhance the overall economy of the City and surrounding area by retaining current, and providing additional employment opportunities for the residents of the City and surrounding community.

8. To increase the City's tax base.
9. To stimulate development and investment within the Redevelopment Area by private interests.

B. Land Use

The proposed land use for the Redevelopment Area is public facilities including park area and library and private residential development.

C. Redevelopment Activities

1. Acquisition

The EDA proposes to acquire the property in the Redevelopment Area on which the library will be located. Other than that property, other property in the Redevelopment Area may be acquired by the EDA if and when required to facilitate development or redevelopment within the Redevelopment Area by private enterprise.

2. Relocation

It is not expected that any persons will be displaced as a result of this Redevelopment Plan.

3. Library and Other Public Improvements.

The EDA proposes to cause the library to be constructed and, as appropriate, other public improvements within the Redevelopment Area.

D. Financing Plan

1. Project Budget

Attached hereto as Exhibit B is a budget which details estimated development costs associated with constructing and equipping the Library as currently contemplated. The items of cost and the costs thereof shown in the budget are estimated to be necessary based upon information now available. It is anticipated that the items of cost and the costs thereof shown in each category in the budget may decrease or increase, but that the total project cost will not exceed the amount shown above.

2. Source of Funds and Public Assistance

The EDA is seeking a USDA-Rural Development Community Facilities Loan of approximately \$3,581,529 to fund that portion of the project cost not covered by a State Grant. It is anticipated that the total project cost will be approximately \$4,248,174.

3. Bond Issue Details

The EDA proposes to issue revenue bonds in an amount not to exceed \$3,581,529 to finance a portion of the cost of construction.

E. Development Standards

The EDA will consider among other things, the following factors when evaluating development proposals for projects within the Redevelopment Area seeking public assistance and support:

1. Degree to which redevelopment objectives are provided for or enhanced.
2. Consistency with this plan and the City's Comprehensive Plan.

F. Environmental Controls

It is presently anticipated that the proposed development in the Redevelopment Area will not present major environmental problems. All municipal actions and public improvements will be carried out in a manner that will comply with applicable environmental standards. The environmental controls to be applied within the area are contained within the codes and ordinances of the City.

G. Administration of Project

The City Council has authorized the EDA to be responsible for seeing that the contents of this Plan are promoted, implemented and enforced.

H. Modification of Plan

A Redevelopment Plan may be modified at any time. The modification must be adopted by the EDA and the City, upon notice and after the public hearing required for the original adoption of the Redevelopment Plan.

Changes that do not alter or affect the exterior boundaries and do not substantially alter or affect the general land use established in

the plan, shall not constitute a modification of the Redevelopment Plan, nor require approval by the City.

EXHIBIT A

Description of the Redevelopment Area and Boundary Map



Date created: 2/24/2022
Last Data Uploaded: 2/24/2022 10:37:53 AM
Developed by Schneider
GEOSPATIAL

EXHIBIT B - Budget



Howard Lake Library - Feasibility Study

New Construction: Central Park

BKV Project No. 2193.01.02

June 1, 2021

Item	BKV PD Est	PPM SD Est	Work included/ Notes
SITEWORK			
Site Demolition	\$36,000		Site clearing for new work, incl. new foundations
New Site Work (Hard and Softscape)	\$40,000		Includes soil, plantings, pavers. Parking itemized under shared costs.
Utilities	\$9,750		
Subtotal:	\$85,750	\$168,398	
DEMOLITION			
See site development above	\$0		
Subtotal:	\$0		
ARCHITECTURAL			
New Construction	\$1,871,135	\$2,097,528	
New Construction: Library & Cmty Rm	\$1,741,635		
New Construction: Park Restrooms	\$129,500		Fixtures count towards library req'ts; separate ext entry
Construction Cost Uplift for ZNE	\$135,000	\$128,376	
Subtotal:	\$2,006,135	\$2,225,904	
Construction Subtotal:	\$2,091,885	\$2,394,302	
Design Contingency (15%)	\$313,783	\$287,316	
General Conditions / General Requirements (15%)	\$313,783	\$383,088	
Construction Contingency (10%)	\$209,189	\$239,430	
Subtotal Construction Cost:	\$2,928,639	\$3,304,136	
	Delta	\$375,497	
SOFT COSTS			
Design & Engineering Fees	\$249,202		
Architecture & Engineering	\$132,702		
FF&E	\$7,000		
Envelope	\$8,000		
Commissioning	\$8,000		Includes services from design through CA and post-occupancy
Geotechnical Testing	\$2,500		
Remaining for Other Consultants TBD	\$60,000		
ZNE Energy Modeling and Specs	\$31,000		Precipitate excl B3/SB2030 Lead
Moving	\$4,500		
Furniture	\$155,758		Based on predesign plan/quantities
Equipment	\$41,540		
AV/IT - New Work	\$53,471		
Artwork	\$20,000		Allowance for integrated public artwork (murals etc)
Exterior Signage	\$20,000		Type to be defined: building mounted vs. monument
Permitting	\$7,800		
Owner's Contingency	\$104,594		New allowance at DD 5%
	\$656,865	\$656,865	
Estimated Total Project Cost:	\$3,585,504	\$3,961,002	
Escalation to Midpoint of Construction	\$286,840	\$287,173	Projected to 2022 at 4% per year
Escalated Library Subtotal Project Cost:	\$3,872,344	\$4,248,174	PD Report listed as 3,717,480
	Delta	\$375,830	

THE PLANNING & ZONING COMMISSION OF
THE CITY OF HOWARD LAKE, MINNESOTA

PPC Resolution 22-01

HELD: MARCH 9, 2022

RESOLUTION OF THE PLANNING & ZONING COMMISSION, CITY OF
HOWARD LAKE, MINNESOTA CONCERNING CITY OF HOWARD LAKE
ECONOMIC DEVELOPMENT AUTHORITY, MINNESOTA'S
REDEVELOPMENT PROJECT AREA PROPOSAL

A. WHEREAS, the proposal by the City of Howard Lake Economic Development Authority to establish a Redevelopment Project Area as described herein (the "Redevelopment Project Area"), in connection with construction of a library in connection with the redevelopment of a former school site located at 825 8th Avenue and adopting the Redevelopment Plan for the Redevelopment Project Area (the "Plan"); all pursuant to and in conformity with applicable law, including Minnesota Statutes, Sections 469.001 through 469.047; and have been submitted to the Planning & Zoning Commission, City of Howard Lake, Minnesota (the "Commission"); and

B. WHEREAS, the Commission has reviewed the Plan to determine the consistency of the Plan with the Comprehensive Plan of the City.

NOW, THEREFORE, BE IT RESOLVED by the Commission, City of Howard Lake, Minnesota, that the Plan is consistent with the City's Comprehensive Plan and the Commission recommends approval of the Plan to the Howard Lake City Council.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Whereupon the resolution was declared passed and adopted by the Planning & Zoning Commission, City of Howard Lake, Minnesota, on March 9, 2022.

Chairperson

ATTEST:



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.957.1100 Website: www.nacplanning.com

To: Howard Lake Parks & Planning Commission
Nicholas Haggenmiller, City Administrator

From: Nate Sparks, City Planner

Date: March 3, 2022

Re: Library Site Plan Review

BACKGROUND

The City of Howard Lake is proposing to construct a library 825 8th Avenue located at the intersection of 9th Street and 8th Avenue.

ZONING/COMPREHENSIVE PLAN

The site is Zoned R-1, Traditional Single Family Residential. It is guided for a park and institutional uses.

SUBJECT PROPERTY

The subject property is Lots 1 and 2 of Block 33 in Greens Addition. PID# 109016033020)

SITE & BUILDING PLAN REVIEW

Existing Site

The site is a vacant lot adjacent to the City's Central Park. It is located on the northwest corner of 8th Avenue and 9th Street.

Zoning District Standards

This general use is permitted provided a conditional use permit is put in place prior to obtaining a certificate of occupancy.

This zoning district typically requires 20' setbacks abutting public right of way. The current code requires institutions are required to be 30' from property lines. However, this is in conflict with more traditional downtown zoning districts which allow up to a zero setback. A stated goal of placing the library in this location has been to consider this as an extension of downtown. The City Council and Parks & Planning Commission rather would address this through an ongoing comp plan revision process.

Building Standards

The proposed structure is primarily made of brick, stone, and metal siding. These materials are acceptable for institutional uses in the R-1 District.

Landscaping

The proposed landscaping exceeds City requirements.

Lighting

A photometric plan was not supplied. However, in review of the submitted plans exterior lighting appears to be modest and centered on illuminating pedestrian walkways similar to the existing lighting on site. Additionally, lighting at entrances and for wall signage are included. Provided a final photometric plan is provided that meets code, this will be acceptable.

Parking & Access

The original plat proposed one parcel that would contain park/recreational and library facilities. One parcel that includes the parking lot would have met the parking requirement. To meet underwriting requirements related to financing the library facility is now on its own parcel separate from the parking lot. This is significant in terms of planning and zoning. The City's code requires the parcel to include parking. Now that it is on a separate parcel, the parking is considered "shared" by code and permitted provided it is specifically called out in the site plan and related conditional use permit. It's noted no physical changes are proposed, rather the existence of a property line is pushing this issue. Additionally, as this is considered an extension of the downtown district – parking regulations encourage shared parking to avoid sprawl and loss of structures.

Grading & Drainage

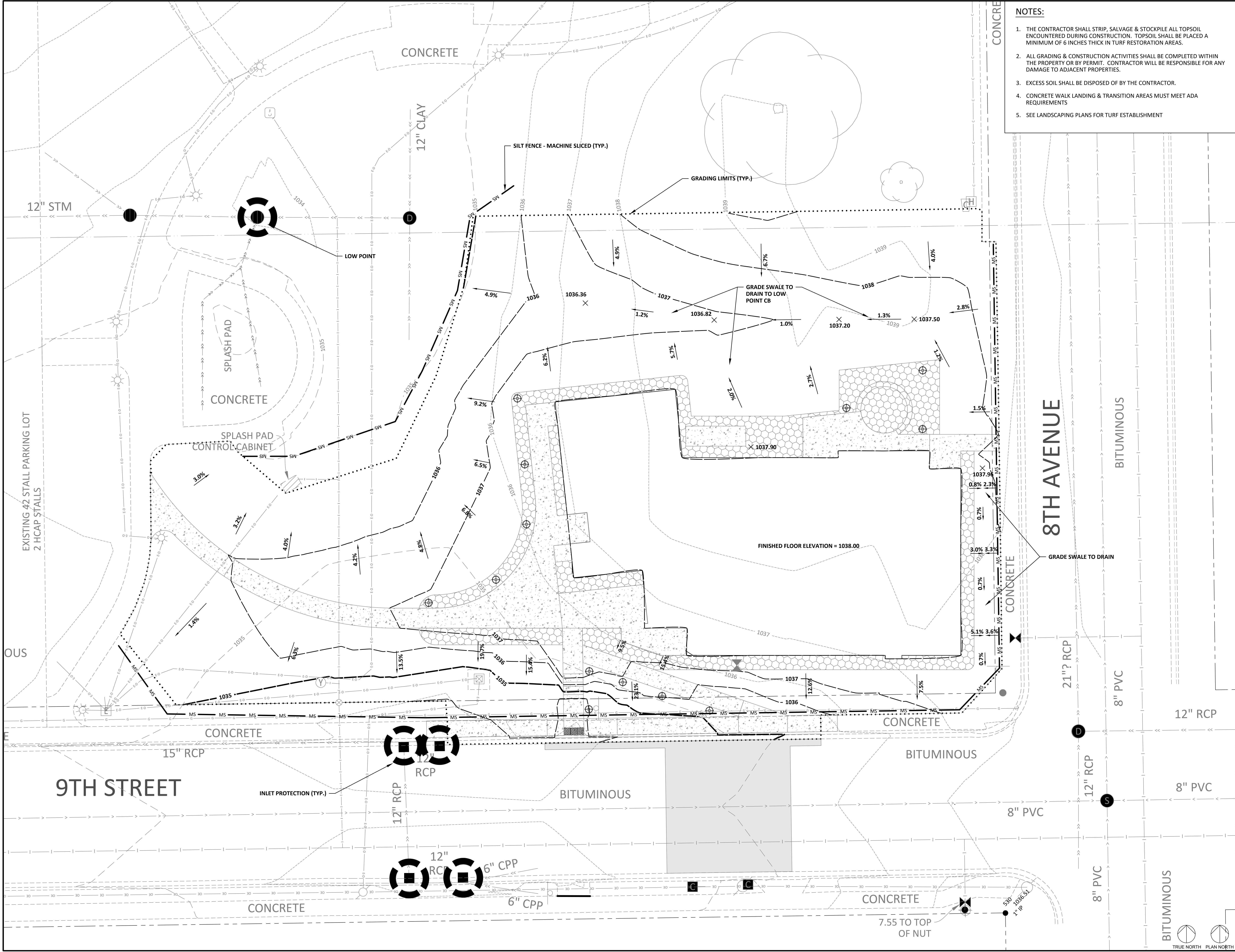
The City Engineer was retained to design civil drawings that meet or exceed city codes for the facility.

STAFF RECOMMENDATION

Approve site plan for proposed library, direct staff to draft conditional use permit materials.

Attachments:

Applicant's Plan Set



- NOTES:
1. THE CONTRACTOR SHALL STRIP, SALVAGE & STOCKPILE ALL TOPSOIL ENCOUNTERED DURING CONSTRUCTION. TOPSOIL SHALL BE PLACED A MINIMUM OF 6 INCHES THICK IN TURF RESTORATION AREAS.
 2. ALL GRADING & CONSTRUCTION ACTIVITIES SHALL BE COMPLETED WITHIN THE PROPERTY OR BY PERMIT. CONTRACTOR WILL BE RESPONSIBLE FOR ANY DAMAGE TO ADJACENT PROPERTIES.
 3. EXCESS SOIL SHALL BE DISPOSED OF BY THE CONTRACTOR.
 4. CONCRETE WALK LANDING & TRANSITION AREAS MUST MEET ADA REQUIREMENTS
 5. SEE LANDSCAPING PLANS FOR TURF ESTABLISHMENT

BKV

GROUP

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Landscape Architecture
Engineering

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PROJECT TITLE

HOWARD LAKE
LIBRARY

ISSUE #	DATE	DESCRIPTION
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CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

JARED A. VOGEL, P.E.
LIC. NO. 45063 DATE XX/XX/XXXX

DRAWN BY	DTI
CHECKED BY	JH
COMMISSION NUMBER	2193-02

SHEET TITLE

CIVIL - SITE
GRADING &
EROSION CONTROL

SHEET NUMBER

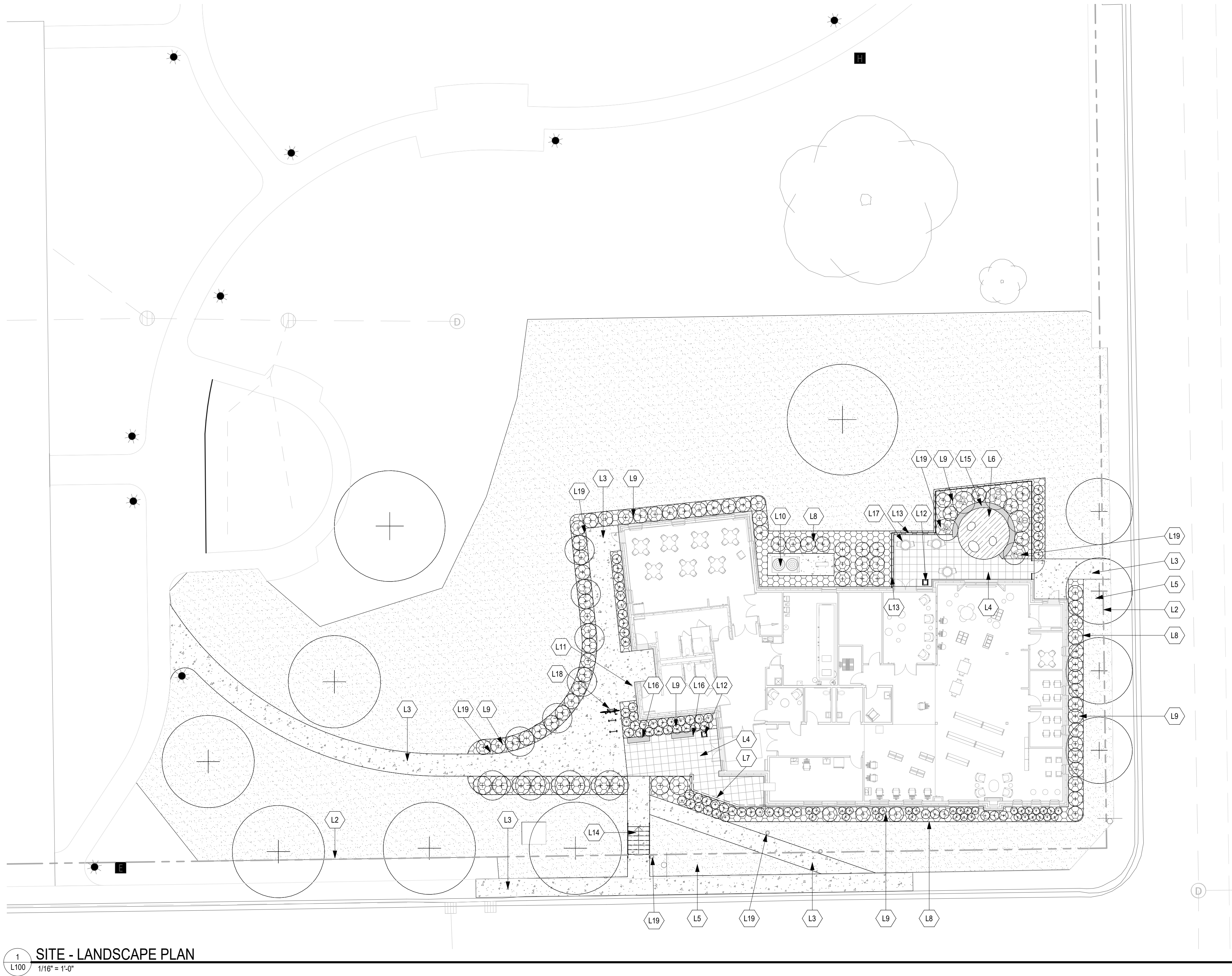
C103

TRUE NORTH

PLAN NORTH

H:\BKV\GROUP PROJECTS\974\CA\CA\CD\103874_C103_Grading.dwg 1/11/2022 2:21:03 PM

BIM 360/2193-02 Howard Lake_New Library/2193-02_Howard Lake_LAND_2021.rvt
1/12/2022 4:55:10 PM

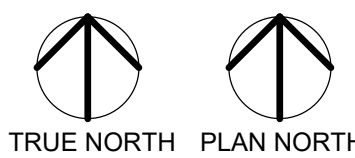


KEY NOTES:

- L2 PROPERTY LINE
L3 SURFACE TREATMENT #1: CAST IN PLACE PLAIN CONCRETE: BROOM FINISH-TYP; JOINTING PER SIDEWALK WIDTH AND ON LAYOUT AND SURFACING PLANS
L4 SURFACE TREATMENT #2: CAST IN PLACE COLORED CONCRETE: 'SPLIT ROCK CPC-142L' BY CEMSTONE; TOOLED JOINTS @7' O.C. SPACING EACH WAY; LIGHT BROOM FINISH
L5 TURFGRASS, SOD; IRRIGATED LIMITED TO AREAS OF DISTURBANCE, TYP.
L6 SYNTHETIC TURF, SYNLAWN 'SYNAUGUSTINE 347', INSTALLED AT GRADE PER MANUFACT. SPEC(S), SEE 6 AND 7/L300
L7 TURNED DOWN SLAB EDGE EXTENTS, SEE 8/L300
L8 STEEL EDGER, PRE-FINISHED BLACK, ALL LOCATIONS WHERE PLANTING BEDS MEET SODDED LAWNS, SEE 3/L300
L9 ROCK MULCH PLANTING BED, BUFF LIMESTONE, 3/4\" CLEEN WITH FABRIC UNDERLAYMENT, 12\" MIN DEPTH PLANTING SOIL MIX, 3\" MIN DEPTH ROCK MULCH, AUTOMATED DRIP IRRIGATION, INCLUDE EDGER WHERE PLANT BED MEETS SOD, SEE 3/L300
L10 ELECTRICAL/MECHANICAL EQUIPMENT PAD, SEE MECH. FOR EQUIPMENT
L11 EXTERIOR SHOWER HEAD, SEE PLUMBING FOR FIXTURE, CIVIL FOR DRAINAGE
L12 EXTERIOR TRASH RECEPTACLE, CITY OF HOWARD LAKE STANDARD, INSTALLED PER CITY STANDARDS (2 TOTAL UNITS)
L13 42\" STEEL PICKET FENCE, AMERISTAR MONTAGE PLUS MAJESTIC STYLE 2 RAIL, BLACK POWDERCOATED FINISH, MATCHING 42\" GATE WITH PANIC HARDWARE AND TAMPER PROOF MESH, INSTALLED AT GRADE PER MANUFACT. SPEC(S)
L14 CIP PLAIN CONCRETE EXTERIOR STAIR, DUAL SIDED HANDRAILS, PREFINISHED BLACK COLOR, SEE 5/L300
L15 ARCHED SEAT WALL BENCH (A), WAUSAU TILE SEAT WALL BENCH, 'A38 NIGHT' COLOR, ACID WASH FINISH, INSTALLED PER MANUFACT. SPEC(S), SEE 9/L300
L16 STRAIGHT SEAT WALL BENCH (B), WAUSAU TILE SEAT WALL BENCH, 'A38 NIGHT' COLOR, 72\" LENGTH, ACID WASH FINISH, SURFACE MOUNT PER MANUFACT. SPEC(S) (2 TOTAL UNITS), SEE 9/L300
L17 MOVEABLE CAFE TABLES AND CHAIRS, FFE BY OWNER
L18 BIKE RACKS, 'HOCIP BY DERO, BLACK POWDERCOAT FINISH, INCLUDE CITY OF HOWARD LAKE LOGO, SURFACE MOUNT PER MANUFACT. SPEC(S), (6 TOTAL UNITS)
L19 SITE LIGHTING, SHOWN FOR REFERENCE, SEE ELEC.

GRAPHIC LEGEND:

- STANDARD PLAIN CONCRETE
WALK, BROOM FINISH, TYP.
- TURFGRASS, SOD, IRRIGATED,
TYP.
- COLORED CONCRETE,
CEMSTONE SPLIT ROCK
CPC-142L, BROOM FINISH, TYP.
- ROCK MULCH, BUFF LIMESTONE,
3/4\" CLEEN, 3\" MIN. DEPTH WITH
FABRIC UNDERLAYMENT
- SYNTHETIC TURF, SYNLAWN
'SYNAUGUSTINE A-47'



CONSULTANTS

PROJECT TITLE

HOWARD LAKE LIBRARY

ISSUE #	DATE	DESCRIPTION
	09/24/2021	DESIGN DEVELOPMENT

CERTIFICATION

NOT FOR
CONSTRUCTION

DRAWN BY	SB
CHECKED BY	BH
COMMISSION NUMBER	2193-02

SHEET TITLE

SITE - LANDSCAPE PLAN

SHEET NUMBER

L100

CONSULTANTS

PROJECT TITLE

HOWARD LAKE
LIBRARY

ISSUE #	DATE	DESCRIPTION
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CERTIFICATION

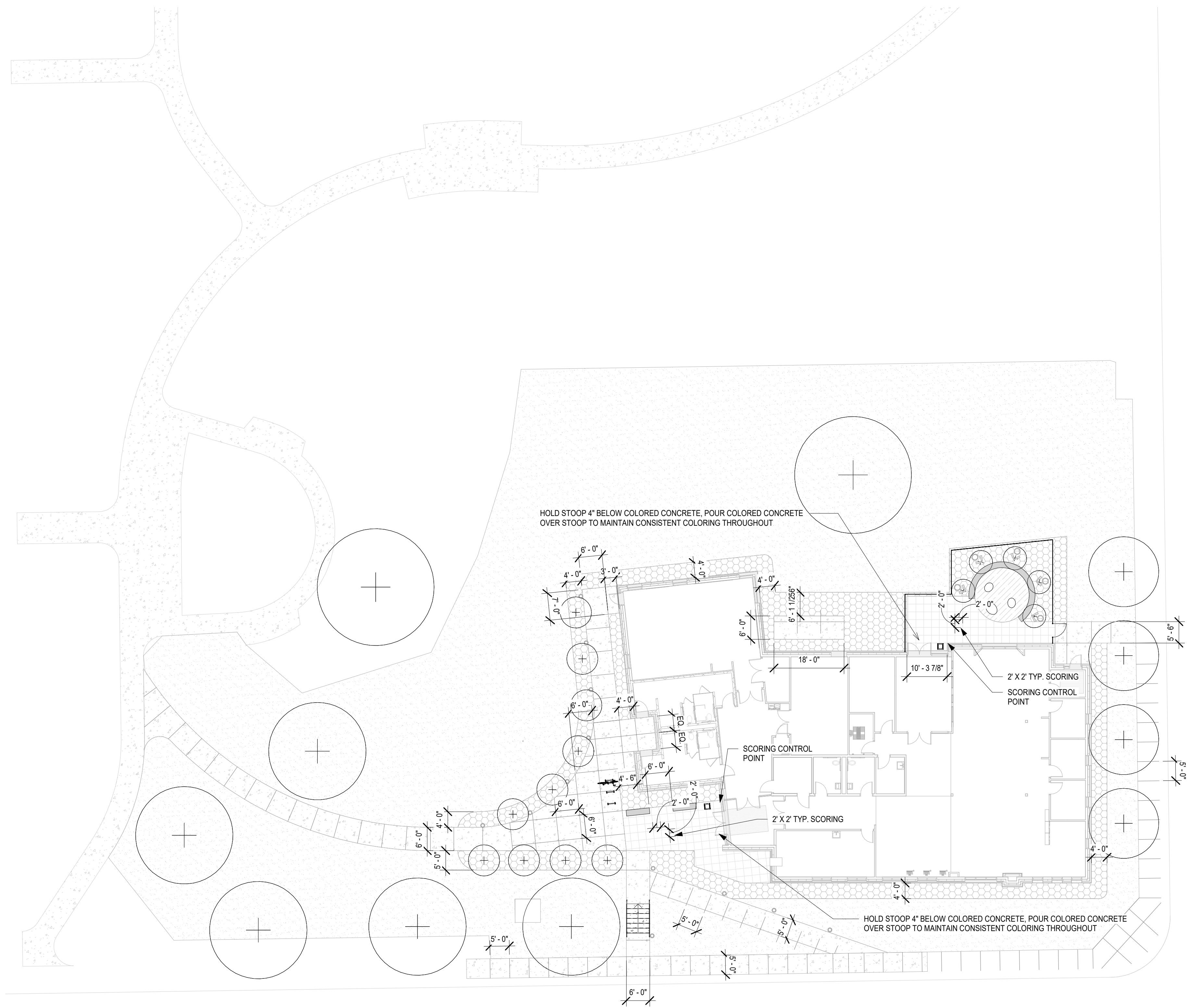
DRAWN BY	SB
CHECKED BY	BH
COMMISSION NUMBER	2193-02

SHEET TITLE

SITE - LAYOUT
AND SURFACING
PLAN

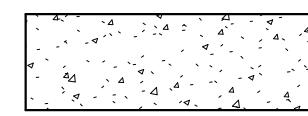
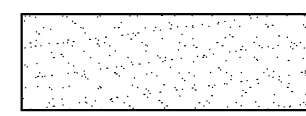
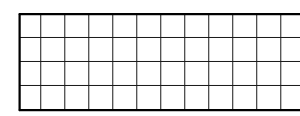
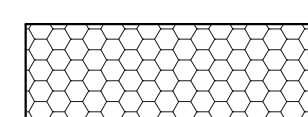
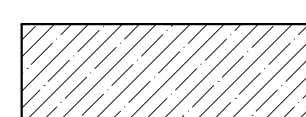
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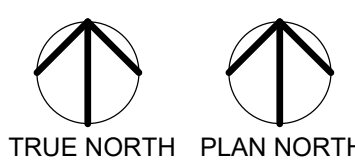
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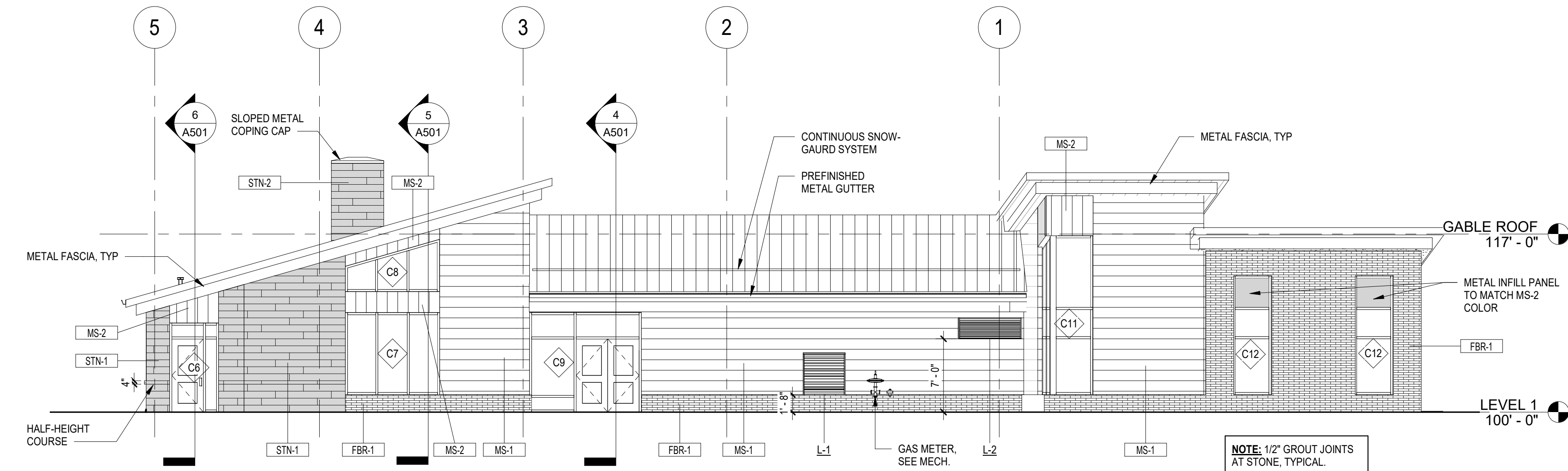
1 SITE - LAYOUT AND SURFACING PLAN
L200 1/16\"/>

GRAPHIC LEGEND:

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 ROCK MULCH, BUFF LIMESTONE, 3/4\"/>	 SYNTHETIC TURF, SYNLAWN SYNAUGUSTINE X-47	

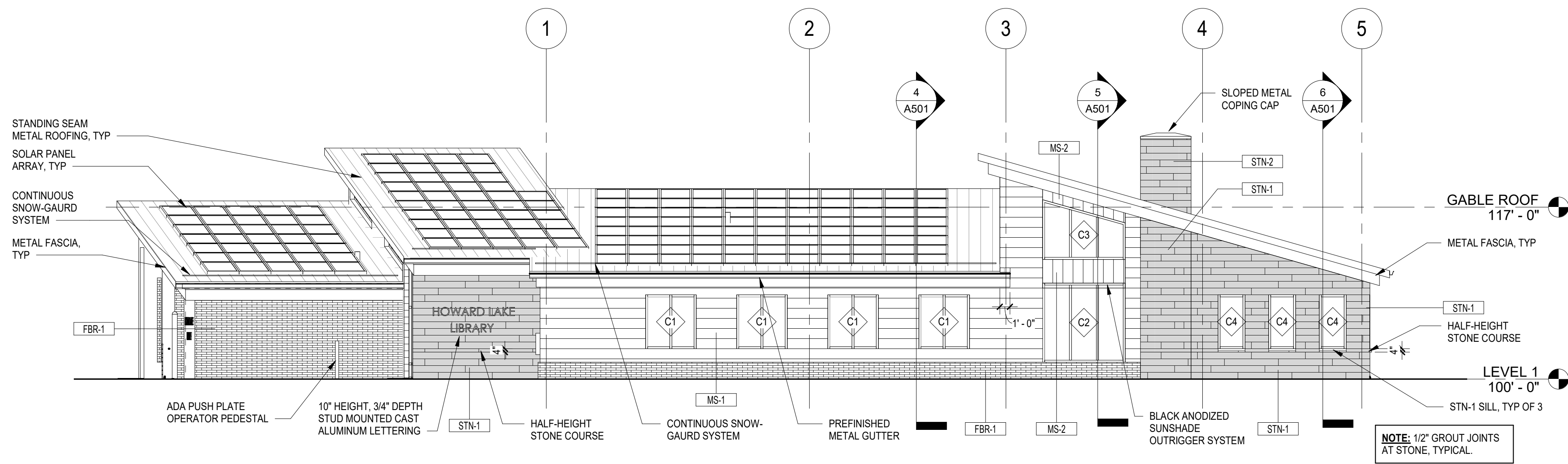


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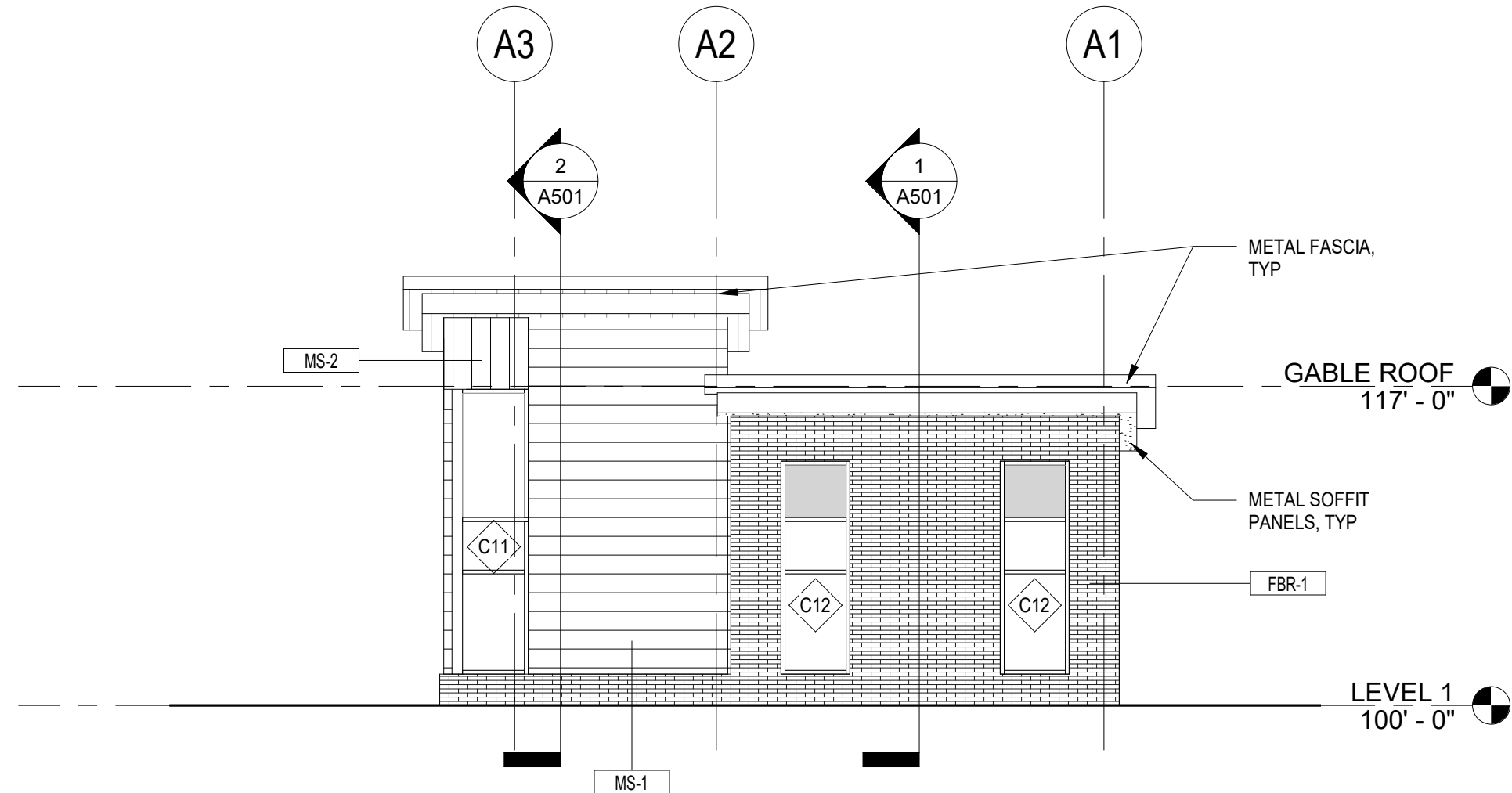
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A401
1/8" = 1'-0"

EXTERIOR ELEVATION - NORTH



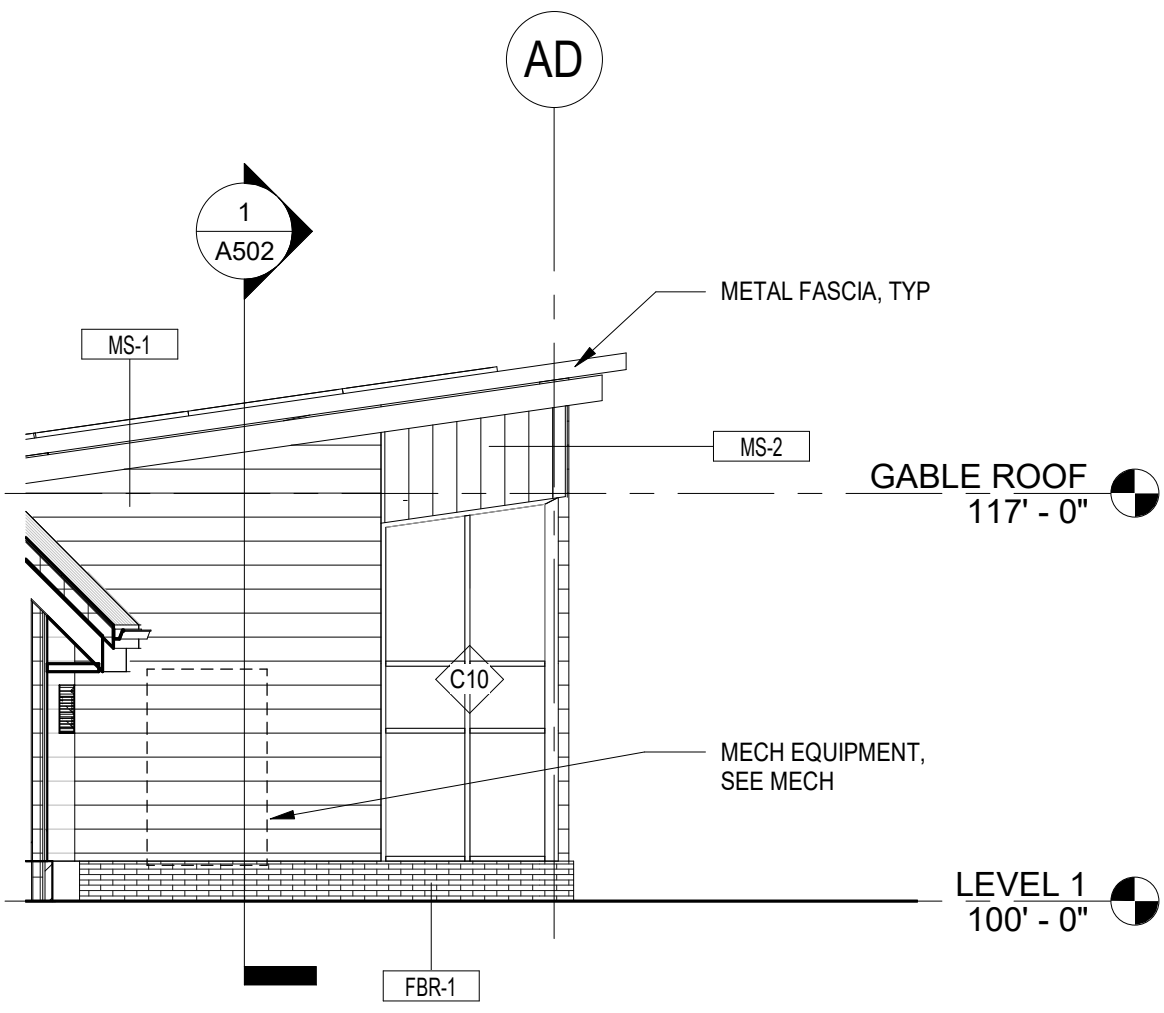
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A401
1/8" = 1'-0"

EXTERIOR ELEVATION - SOUTH



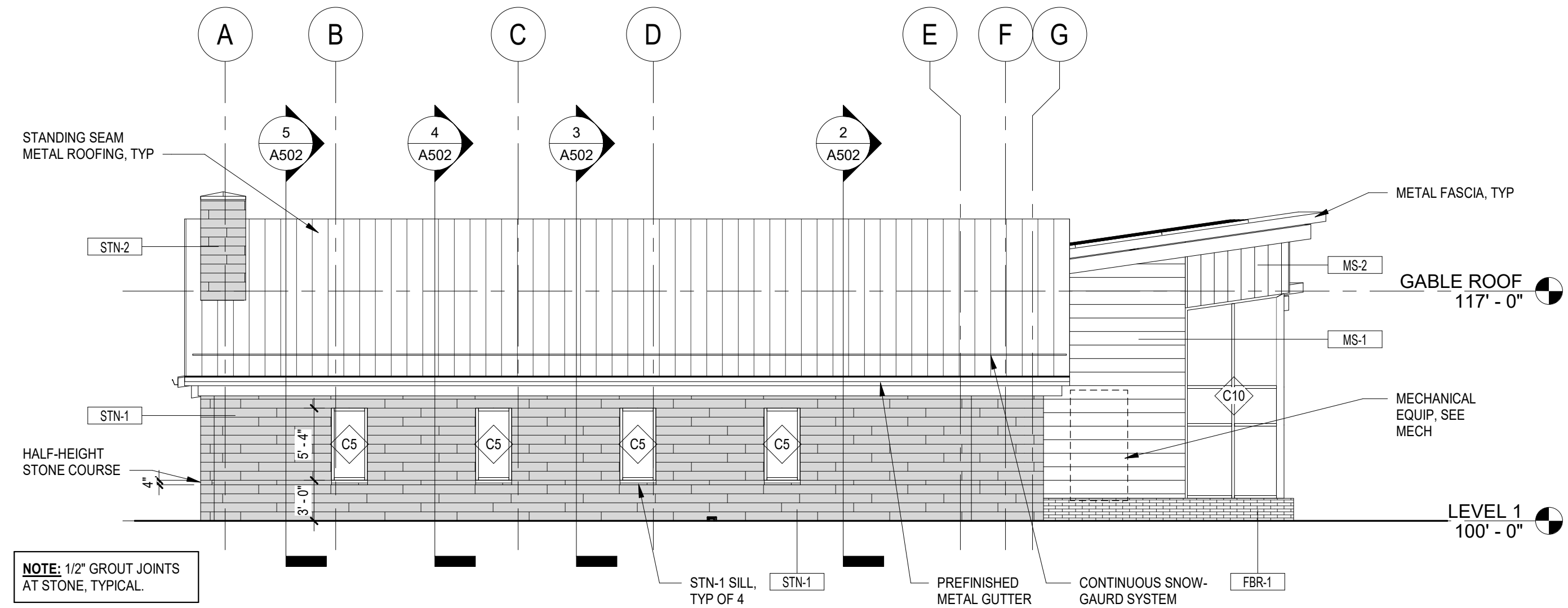
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A401
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EXTERIOR ELEVATION - NORTH - PARTIAL



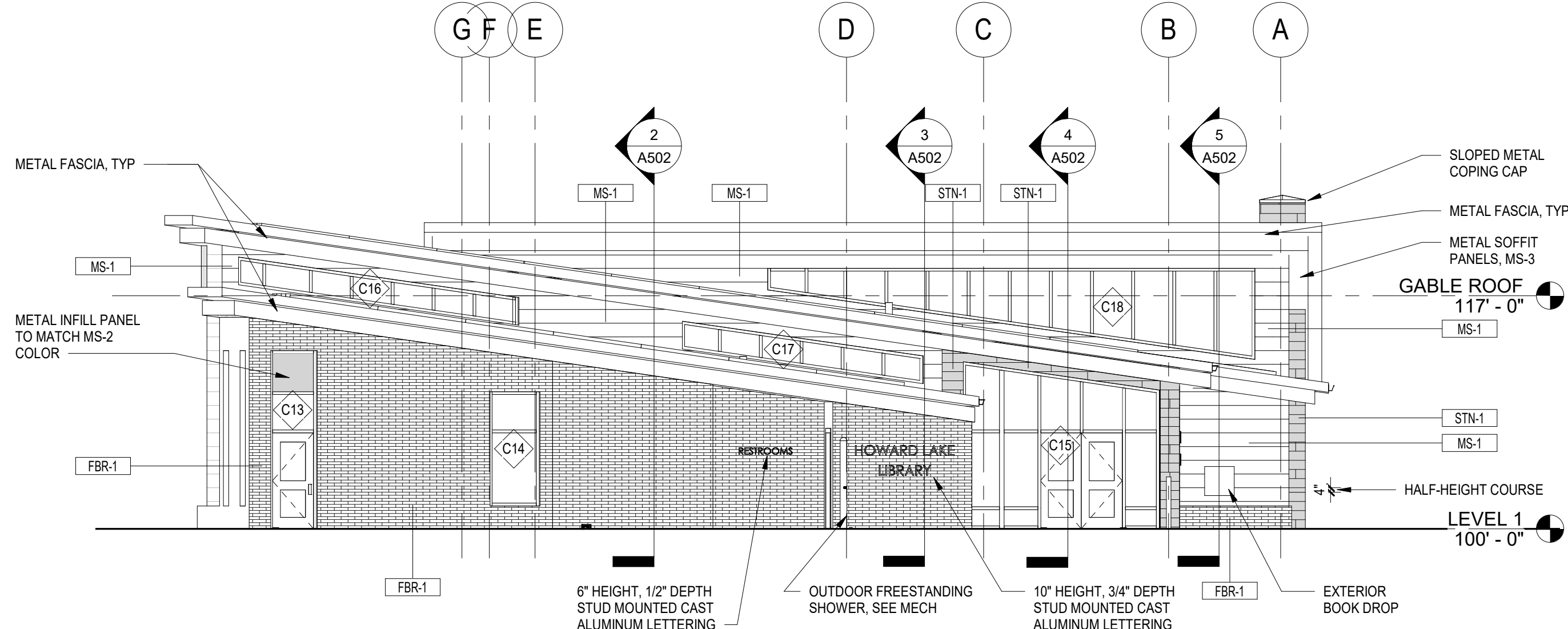
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A401
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EXTERIOR ELEVATION - EAST - PARTIAL



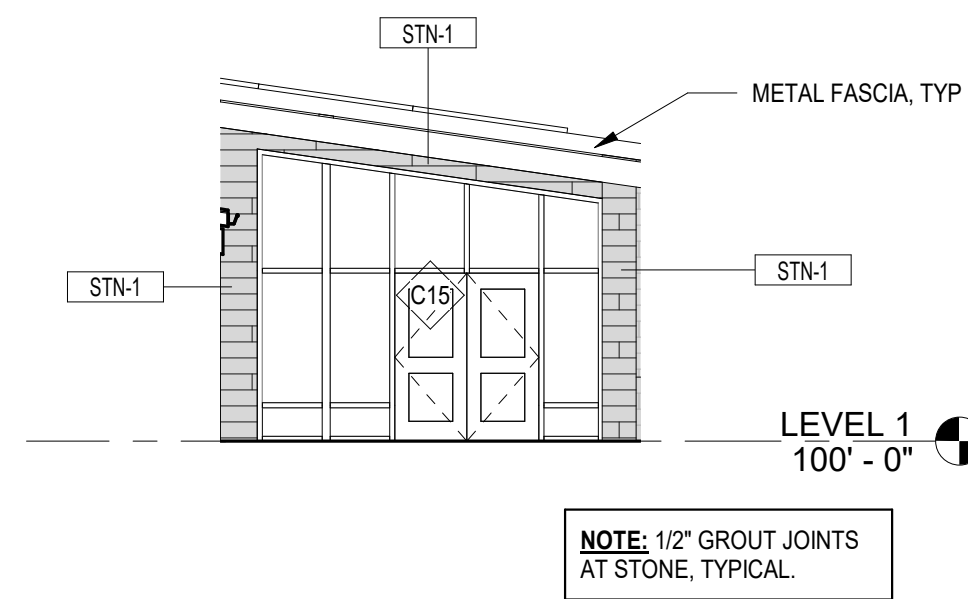
2
A401
1/8" = 1'-0"

EXTERIOR ELEVATION - EAST



4
A401
1/8" = 1'-0"

EXTERIOR ELEVATION - WEST



7
A401
1/8" = 1'-0"

EXTERIOR ELEVATION - WEST PARTIAL

EXTERIOR ELEVATION GENERAL NOTES

1. DO NOT SCALE THE DRAWINGS. WHERE DIMENSIONS ARE NOT PROVIDED OR ARE UNCLEAR, REQUEST CLARIFICATION FROM THE ARCHITECT.
2. REFER TO CIVIL DRAWINGS FOR GRADE ELEVATION AROUND THE PERIMETER OF THE BUILDING.
3. REFER TO STRUCTURAL DRAWINGS FOR FOOTING DEPTHS AND TYPES.
4. REFER TO PLUMBING DRAWINGS FOR LOCATIONS OF HOSE BIBS, ROOF OVERFLOW DRAINS, ETC.
5. REFER TO ELECTRICAL DRAWINGS FOR EXTERIOR LIGHT FIXTURE TYPES AND LOCATIONS.
6. REFER TO ARCHITECTURAL FLOOR PLANS AND WALL SECTIONS FOR WALL TYPES.

KEYNOTES - EXTERIOR ELEVATION

BKV
GROUP

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Interior Design
Landscape Architecture
Engineering

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CONSULTANTS

PROJECT TITLE

HOWARD LAKE
LIBRARY

ISSUE #	DATE	DESCRIPTION
	12/28/2021	QA/QC SET

CERTIFICATION

NOT FOR
CONSTRUCTION

DRAWN BY: Author
CHECKED BY: Checker
COMMISSION NUMBER: 2193-02

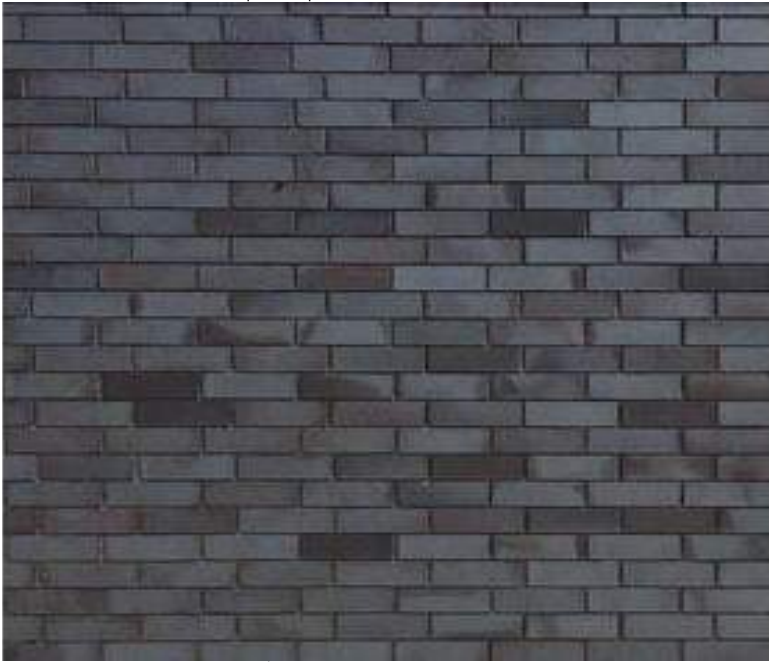
SHEET TITLE

OVERALL
EXTERIOR
ELEVATIONS

SHEET NUMBER

A401

© 2021 BKV Group



CAPITAL IRON SPOT FACE BRICK

SOURCE: YANKEE HILL BRICK
COLOR: CAPITAL IRON SPOT
FINISH: N/A
THICKNESS: 3 5/8"
COURSING/PATTERN: STANDARD NORMAN
BRICK, 1/2 BRICK OFFSET
JOINT: STANDARD 3/8" GROUT
GROUT: PRISM P9140 SLATE GREY



KASOTA STONE

SOURCE: VETTERSTONE
COLOR: GLACIER BUFF
FINISH: HONED
THICKNESS: 3 1/2"
COURSING/PATTERN: SINGLE
HEIGHT COURSED ASHLAR (7 1/2")
JOINT: STANDARD 1/2" GROUT
GROUT: GREY (TBD)



CONCEALED FASTENER METAL SIDING

MANUFACTURER: FIRESTONE
MATERIAL: GALVANIZED STEEL
COLOR: UNA-CLAD SLATE GRAY
FINISH: PVDF KYNAR 500 PAINT
GAUGE: 20GA.
ORIENTATION: HORIZONTAL



**BLACK ANODIZED ALUMINUM
CURTAIN WALL MULLIONS**

MANUFACTURER: KAWNEER
MATERIAL: ALUMINUM
COLOR: BLACK
FINISH: ANODIZED

NOTE: GLAZING TO BE TRIPLE PANED, FINAL
GLASS SPECIFICATIONS TBD.



CONCEPTUAL EXTERIOR VIEW FROM 9TH STREET WALKING EAST



CONCEPTUAL EXTERIOR VIEW FROM 8TH AVENUE WALKING SOUTH



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.957.1100 Website: www.nacplanning.com

PLANNING MEMO

TO: Howard Lake Parks & Planning Commission
Nicholas Haggenmiller, City Administrator

FROM: Nate Sparks, City Planner

DATE: March 3, 2022

RE: Ordinance Discussion - Short Term Rentals

BACKGROUND

Short term or vacation rentals have become a common alternative to traditional hotels, bed and breakfasts, and resorts. Short term rentals are also used by people in an area for a temporary basis. Renting out cabins, houses, and rooms have become popular in tourist destination type areas. Instead of getting a hotel room, people may instead rent a house or a room in a residential area for a weekend, for example.

Typical concerns with this type of activity include impacts on the adjacent residential neighborhoods. The introduction of short term guests into a residential area introduces the potential for noise and incompatible activities. It may also raise concerns about public health and safety. Hotels and formal lodging facilities have stringent requirements that a general residence may not. Washington County's inspection department states that these types of uses with a license may end up having areas where the guests are not permitted to go due to code restrictions.

Another concern is related to taxation. Hotels pay taxes related to their operations while these units are typically still taxed as residential. These residential units may have a larger impact on community services than a general residence, due to the commercial nature of the use. However, cities without hotels have no alternatives for lodging.

Current City Regulations

Short term or vacation rentals are not currently mentioned in the City Code. This would likely imply that this use is not permitted unless considered to be a general residential use. It would also be considered a type of "rental" which would trigger the standards found in Section 17.06 for minimum housing standards.

State & County Lodging Regulations

The State of Minnesota has statutes related to the regulation of lodging facilities. There are licensure requirements for such activity that a property owner must meet. The state has the following classifications (with definitions) of lodging facilities that require licenses:

- **Lodging establishment**
A building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public.
- **Hotel or Motel**
A building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week.
- **Resort**
A building, structure, enclosure, or any part thereof located on, or on property neighboring, any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.
- **Boarding establishment**
A food and beverage service establishment where food or beverages, or both are furnished to five or more accommodations, for periods of one week or more.
- **Bed & Breakfast**
Owner occupied establishments which offer lodging and breakfast, without a limitation on the number of rooms offered. If breakfast is offered to more than 10 persons, a commercial kitchen is required.

Any person offering to the public to rent a room or a house for a period of time less than one week would technically be in violation of the requirement of the State to license as a hotel. If the room is offered for rent for a week or more, it would no longer be classified as a hotel and not require a license. However, with the large number of short term rentals, the State agencies note that enforcement is difficult. The State doesn't actively enforce these standards for short term rentals.

Area Municipal & County Regulations

Many area communities have discussed the topic of short term/vacation rentals. Some communities (Burnsville, Savage, Annandale) have prohibited this practice. Others have permitted the activity with restrictions. The restrictions sometimes require an interim or conditional use permit and/or a license with requirements for minimum standards that may include parking, occupancy limits,

screening, minimum/maximum square feet of units, noise standards, and other such requirements. In most communities with regulations, a rental for a term less than 30 days is considered to be a “short term” rental and a type of lodging. There are cities that have 15 day terms and 90 day terms. There are other cities that simply permit the use in single family neighborhoods. Others prohibit the use within single family neighborhoods.

Planning Commission Discussion

Short term/vacation rentals bring in transient residents that are coming to an area to partake in a commercial service being offered by a residential property owner. If the Planning Commission wishes to prohibit or regulate this use, an ordinance amendment would be necessary.

Potential Actions

The Planning Commission should discuss the topic of short term rentals. The following direction may be provided:

- No code changes. Do not expressly prohibit this use and do not regulate this use.
- Amend the ordinance to prohibit short term rentals.
- Amend the ordinance to require registration or licensing of short term rentals with specific standards.
- Consider addressing these issues through regulations for all rental housing.

RECOMMENDATION: Review materials, receive staff presentation and hold initial discussions. Planning Commission is recommended to set a public hearing to solicit feedback on the topic. Pending the outcome of discussion and public input, determine if code revisions are appropriate to further regulate short term rentals.

Attachments:

1. Existing Ordinance Language
2. Various Newspaper Articles

ORDINANCE NO. _____

AN ORDINANCE ADDING SECTION 426.01, LICENSING OF SHORT-TERM RENTAL HOUSING TO THE DELANO CITY CODE

THE CITY COUNCIL OF THE CITY OF DELANO ORDAINS:

Section 1. Section 426.01, Licensing of Short-Term Rental Housing, of the City Code is hereby added to read as follows:

SECTION 426.01. LICENSING OF SHORT-TERM RENTAL HOUSING.

Subd 1. Statement of Policy.

- A. Preamble. The City believes that promoting the public health, safety and welfare of its citizens mandates the existence of a limited short-term rental licensing and maintenance program that corrects substandard conditions and maintains a standard for short-term rental housing. It is the purpose of this article to only allow short-term rental housing in certain circumstances to ensure that it remains decent, safe and sanitary and is so operated and maintained as not to 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. The operation of short-term rental housing is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy such housing may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary.
- B. Purpose. This article shall apply to all short-term rental dwelling units, as defined herein. It also includes accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls, which are on the same property as the short-term rental dwelling unit.

Subd 2. Definitions.

- A. **“Bedroom”** means a habitable room within a primary residence which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.
- B. **“Building Official”** means the building official for the City, or his/her designee.

- C. **“Dwelling Unit”** means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.
- D. **“Lease”** means an oral or written agreement between a dwelling unit owner and a occupant for temporary use of a short-term rental dwelling unit, usually in exchange for payment of rent.
- E. **“Occupant”** means any person who occupies a short-term rental dwelling unit or art of the same.
- F. **“Owner”** means any person having a legal or equitable interest in the property or the short-term rental dwelling unit.
- G. **“Primary Residence”** means a dwelling unit with a homestead classification, as defined by Minnesota Statutes, section 273.124, and as determined by the Hennepin County Assessor.
- H. **“Rent”** means the monetary or other consideration paid by an occupant to the owner of a short-term rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the occupant.
- I. **“Short-Term Rental Dwelling Unit”** means a dwelling unit rented or leased for a period of less than 30 consecutive days, for tourist or transient use.

Subd 3. License Required. No person shall operate a short-term rental dwelling unit within the City without first obtaining a short-term rental license in compliance with the provisions of this Section. A short-term rental license must be obtained for each short-term rental dwelling unit except that two or more short-term rental dwelling units located within a single building and having a common owner and a common property identification number shall require only a single short-term rental license.

Subd 4. Exceptions. No short-term rental license is required for the following:

- A. Facilities licensed by the Minnesota Department of Public Health, including rest homes, nursing homes, convalescent care facilities, or residential group homes serving six or fewer persons.
- B. Accessory dwelling units utilized by a blood relative or on-site employee of the owner of the dwelling.
- C. Hotels or motels.

Subd 5. License Applications.

- A. License Application. All applications for short-term rental licenses under this Section shall be made on forms furnished by the City. All questions asked or information required by the application forms shall be answered fully and completely by the applicant. The application shall be executed by the owner of the short-term rental dwelling unit(s) if such owner is a natural person or, if the owner is a business entity, by a person authorized to legally bind the entity.
- B. Certificate of Property Maintenance. No short-term rental license shall be issued until the applicant has obtained a Certificate of Property Maintenance from the City.
1. The applicant shall arrange for an inspection of the short-term rental dwelling unit(s) proposed to be licensed by either the building official or a state-certified building official to determine whether it is in compliance with the requirements of this Section, other sections of the Delano City Code, and all other applicable federal, state, and local laws. If compliance is met, the City shall issue a Certificate of Property Maintenance.
 2. All buildings proposed to be licensed under this Section, including mechanical, electrical, plumbing and other building systems, originally constructed or installed in accordance with applicable federal, state, and local codes and laws must be maintained in conformance with the requirements of the laws in effect at the time of construction or installation.
 3. Specific requirements of other provisions of the City Code, including but not limited to Sections 405.01 (Property Maintenance Code), 415.01 (Fire Code), Chapter 8 (Nuisances and Public Health, Safety and Welfare) and Chapter 51 (Zoning and Land Use), shall supersede the general requirements of this Section.
 4. In cases where a conflict may occur between the requirements of this Section or other applicable law, the requirements providing the greatest degree protection of life safety, property maintenance, and general welfare shall govern.
- C. Application, Inspection, and License Fees.
1. Application and Inspection Fee. The license application form must be accompanied by payment in full of the required license application fee and inspection fee, nonrefundable to the applicant, to cover the costs of the City in processing the application and the inspection of the short-term rental dwelling unit(s) proposed to be licensed.

2. Upon approval of an application and issuance of a Certificate of Property Maintenance, the applicant shall pay a license fee in the amount described in this Section. The short-term rental license will not be effective until the license fee is paid.
3. The fee amounts will be as determined by the City Council and listed in the City's fee resolution. Fees for new licenses obtained for less than the three-year license term will be determined on a monthly prorated basis until the next full three-year term.

D. Issuance or Denial.

1. Issuance. The City Administrator shall issue a short-term rental license if the short-term rental dwelling unit(s) and the application are found to be in compliance with the provisions of this Section and any required fees are paid.
2. Denial. The City Administrator may deny a short-term rental license on the same grounds for which a license may be suspended or revoked as set forth in Subdivision 9 of this Section. Written notice of the denial shall be mailed to the applicant at the address listed on the application. An applicant may appeal a denial by submitting a hearing request to the City Clerk within ten days of the date contained in the notice of denial. If a hearing request is not received by the City Clerk within such time period, the applicant's right to a hearing shall be deemed waived. If timely requested, the hearing shall be held in accordance with the procedures set forth in Subdivision 9.C.2 and 9.C.3 of this Section.

E. License Term and Renewal. Short-term rental licenses will expire at midnight on the third April 1st following its issuance. Applications for renewal must be submitted at least 30 days prior to the expiration of the current license and shall contain such information as may be required by the City. The City shall issue or deny a renewal application in accordance with the provisions for issuance or denial of an initial license set forth in Subdivision 5.D of this Section.

F. No Vested Right. Licenses granted hereunder constitute a revocable, limited right. Nothing herein shall be construed as granting a vested property right.

G. Changes in Ownership and Amended Licenses. A short-term rental license is not assignable or transferable. Any changes occurring in the ownership of a licensed short-term rental dwelling unit(s) require a new short-term rental license. The new owner must obtain a new short-term rental license within thirty days of acquiring the property. The fee for the new short-term rental license shall be twenty-five percent of the fee required for an initial license. If changes occur in any information required on the license application other than the change in ownership, the new owner must submit an amended license application to the City within thirty days of the change. If any short-term rental dwelling units are added

to a current short-term rental license, the additional short-term rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional unit(s).

Subd 6. General Performance Standards.

- A. No Physical Alterations. No physical alterations of a primary residence shall be permitted in conjunction with the operation of a short-term rental dwelling unit, except that additional onsite parking may be provided, to the extent that such parking is otherwise permitted by the applicable provisions of the city code.
- B. Non-Transferable. Licenses issued under this section are non-transferable. Each license shall automatically terminate upon the sale or other conveyance of the property to an unlicensed person or entity.
- C. Number of Bedrooms. Each license shall indicate the number of bedrooms which are contained in the primary residence. No licensee shall advertise the primary residence as containing any more than the identified number of bedrooms.
- D. Limit on the Number of Guests. The maximum number of transient guests permitted to stay within a short-term rental dwelling unit at any one time shall be the sum of the number of bedrooms contained in the primary residence multiplied by two, up to a maximum of 10. Such sum shall include both adults and children.
- E. Signage. No commercial signage is allowed on the property of any short-term rental dwelling unit.
- F. Events. Events are not allowed to be hosted by transient guests on the licensed property. For purposes of this prohibition, an event shall mean a gathering on the property of the total number of people permitted to stay on the premises plus five. Events hosted by the owner are exempt from this prohibition, but must otherwise abide by state and local law and policies.
- G. Parking. A property with a short-term rental dwelling unit shall provide a minimum of two off-street parking stalls for guests. The maximum amount of vehicles allowed at the property shall be limited to the number of off-street parking spaces provided. To be valid, off-street parking shall meet any applicable requirements set forth in the city code.
- H. Occupant Eligibility. The primary overnight and daytime occupant of a short-term rental dwelling unit must be an adult 18 years of age or older. This adult must provide a telephone number to the owner and shall be accessible to the owner by telephone at all times.
- I. Advertising. All advertising for short-term rental dwelling units within the city shall include the city-issued license number.

- J. House Number Visible. Property containing a short-term dwelling unit must have a visible house number that can be easily seen from the street at all times.

Subd 7. Disorderly Behavior

- A. Prohibition. Disorderly behavior, as defined in this Subdivision 7, is prohibited. It shall be the owner's responsibility to assure that the occupants and the guests of any occupant of a short-term dwelling unit not engage in disorderly behavior in the short-term rental dwelling unit. For the purposes of this Subdivision 7, short-term rental dwelling unit shall include all common areas, both inside the building where the rental dwelling unit is located and outside.
- B. For the purposes of this subdivision, disorderly behavior includes but is not limited to violation of any of the following statutes or ordinances:
1. Minn. Stat. §§ 609.75–609.76, which prohibit gambling;
 2. Minn. Stat. §§ 609.321–609.324, which prohibit prostitution and acts relating thereto;
 3. Minn. Stat. §§ 152.01–152.027, which prohibit the unlawful sale or possession of controlled substances;
 4. Minn. Stat. § 340A.401 and City Code Chapter 5, which prohibits the unlawful sale of alcoholic beverages;
 5. Minn. Stat. § 340A.503, which prohibits the underage consumption of alcoholic beverages;
 6. Minn. Stat. § 609.595, which prohibits damage to property;
 7. Minn. Stat. §§ 97B.021, 97B.045, 609.66–609.67, and 624.712–624.716, and City Code Section 804, which prohibit the unlawful possession, transportation, sale, or use of a weapon;
 8. Minn. Stat. § 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the other occupants of the permitted premises or other surrounding premises;
 9. Minn. Stat. § 152.027, subd. 4, which prohibits the unlawful sale or possession of small amounts of marijuana;
 10. Minn. Stat. § 152.092, which prohibits the unlawful possession or use of drug paraphernalia;
 11. City Code Chapter 8, which prohibits public nuisances;

12. Minnesota State Fire Code 302 and 307-307.5, which limit recreational fires to no larger than 3'X3' feet, natural wood only, attended until extinguished, conditions permitting; and
13. Minn. Stat. §§ 624.20-624.21 which prohibits exploding fireworks.

C. Instances of Disorderly Behavior.

1. First Incident. Upon a determination by city staff or law enforcement that a rental dwelling unit was the location of disorderly behavior, the city shall notify the owner of the violation by first class mail and direct the owner to take steps to prevent further violations.
2. Second Incident. Upon a determination by city staff or law enforcement that a second incident of disorderly behavior occurs at a rental dwelling unit within three months of a first disorderly behavior incident, the city shall notify the owner and the occupant by first class mail of the violation and direct the owner to submit, within 10 days of the date of the notice, a written report of all actions taken by the owner since the first violation notice and what actions the owner intends to take to prevent further disorderly behavior.
3. Third Incident. Upon a determination by City staff or law enforcement that a third incident of disorderly behavior occurs at a short-term rental dwelling unit within three months after a second disorderly behavior incident, the short-term rental license may be revoked, suspended or not renewed in accordance with Subdivision 9 of this Section.
4. For purposes of this Subdivision 7, second and third instances of disorderly behavior shall be those which:
 - a. Occur at the same short-term rental dwelling unit;
 - b. Involve occupant at the same short-term rental dwelling unit;
 - c. Involve guests or invitees at the same short-term rental dwelling unit;
 - d. Involve guests or invitees of the same occupant; or
 - e. Involve the same occupant.
5. Incidents will not be counted for purposes of determining whether a short-term rental license will be suspended, non-renewed or revoked where the victim and suspect are “family or household members” as defined in the Domestic Abuse Act, Minn. Stat. § 518B.01, subd. 2(b) and where there is a report of “domestic

abuse” as defined in the Domestic Abuse Act, Minn. Stat. § 518B.01, subd. 2(a).

6. Incidents will not be counted for purposes of determining whether a short-term rental license will be suspended, non-renewed or revoked where the call is a result of an occupant or guest taking action to seek emergency assistance that is protected by Minn. Stat. § 504B.205.
 7. Any notice required under this Subdivision 7 will be mailed to the licensee at the most recent address listed on the short-term rental license application.
- D. For purposes of this section, a determination that the rental dwelling unit has been the location of a disorderly behavior incident shall be made by a preponderance of the evidence. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact or dismissal or acquittal of such a criminal charge operate as a bar to adverse registration permit action under this article.
- E. Enforcement actions provided throughout this article shall not be exclusive, and the city may take any action with respect to an owner, a occupant or the registered rental dwelling unit(s) as is authorized by this article or any other provision contained in state or local law.

Subd 8. Inspections.

- A. Authority. Whenever necessary to make an inspection to enforce any of the provisions of this Section, or whenever the building official has reasonable cause to believe that there exists in any building or short-term rental dwelling unit any condition or code violation which makes such building or unit unsafe, dangerous, or hazardous, the building official may enter such building or unit at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this Section or other applicable law. The building official may set up a schedule of periodic inspections to ensure compliance with this Section.
- B. Access for Inspection. No short-term rental license shall be issued under this Section unless the owner of the short-term rental dwelling unit agrees to permit inspections, upon reasonable notice from the building official to the owner, to determine compliance with the City Code and state law. The submission of a short-term rental license application or the possession of a short-term rental license issued by the City shall constitute such agreement by the owner identified in the application or on the short-term rental license. The building official shall provide reasonable notice to the owner or the owner’s agent as to the date and time of the inspection. Each occupant of a short-term rental dwelling unit shall grant access to any part of such short-term rental dwelling unit at reasonable times for the purpose of effecting inspection, maintenance, repairs or alteration as are necessary to comply with the provisions of this Section. If any owner, owner’s agent, or occupant of a short-term rental dwelling unit fails or refuses to permit entry to the short-term rental dwelling unit under his/her control for an inspection pursuant to this Section, the building official may pursue any remedy at law or under the City Code, including, but not limited to, securing an

administrative search warrant for the short-term rental dwelling unit, issuing a citation, denying a short-term rental license application, imposing a fine, revoking or suspending a short-term rental license, or denying a renewal license.

- C. Private Inspection. As an alternative to an inspection by the building official, the owner may elect to hire a private certified building inspector at his or her cost. The results and findings of said inspection shall be provided to the building official for review.

Subd 9. Suspension or Revocation of Short-Term Rental License.

- A. Grounds for Suspension or Revocation. The City may suspend or revoke a short-term rental license issued under this Section. In buildings containing more than one short-term rental dwelling unit, the revocation or suspension may apply to one or more short-term rental dwelling units. The following are grounds for suspension or revocation of a license:
1. The license was procured by misrepresentation of material facts with regard to the short-term rental dwelling unit or the ownership of the short-term rental dwelling unit.
 2. The applicant or one acting in his/her behalf made oral or written misstatements accompanying the application.
 3. The applicant has failed to comply with any condition set forth in any other permit or approval granted by the City related to the short-term rental dwelling unit.
 4. The activities of the owner or the owner's agent have created a danger to the public health, safety, or welfare.
 5. The short-term rental dwelling unit contains conditions that may injure or endanger the health, safety, or welfare of any member of the public.
 6. The failure to pay any application, inspection, or license fee required by this Section.
 7. Any violation of this Section, or any other provision of the City Code or other federal, state, or local law or regulation applicable to the short-term rental dwelling unit.
 8. The failure to correct any violation of City Code Section 405.01 (Property Maintenance Code) in the time period specified in the notice of violation and correction.
 9. The failure to continuously comply with any condition required of the applicant for the approval or maintenance of the short-term rental license.

10. Three instances of disorderly behavior at the short-term rental dwelling unit, as described in Subdivision 7.

B. Fines. In lieu of or in addition to revoking or suspending a short-term rental license, the City may impose a civil fine for the following violations of this Section:

1. Renting a short-term rental dwelling unit without a rental license as required herein.
2. Failure to comply with a property maintenance correction order from the building official in the time required by the order.
3. Fine amounts shall be as follows:

Fine Matrix		
1st Violation	2 nd Violation Within 12 Months of 1 st Violation	3 rd Violation Within 12 Months of 1 st Violation
\$200.00	\$400.00	\$600.00

4. All fines are payable within thirty (30) days of the imposition of the fine. Failure to timely pay any fine imposed will result in a late fee equal to twenty-five percent (25%) of the fine and revocation or suspension of the short-term rental license to which the fine applies.

C. Procedure.

- a. Notice. A suspension, revocation, or fine shall be preceded by written notice from the building official or City Administrator to the licensee and an opportunity for a hearing by the City Council. The notice shall state the nature of the violation(s) or grounds for fine, suspension, or revocation and shall inform the licensee of the licensee's right to request a hearing within ten (10) days of the date contained in the notice to dispute the fine, suspension, or revocation. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application. If a hearing request is not received by the City Clerk within ten (10) days of the date contained in the notice, the licensee's right to a hearing shall be deemed waived. No fine, suspension, or revocation of a license shall take effect until (a) the licensee's time to request a hearing expires; or (b) if a hearing is requested, after the licensee is informed of the decision of the City Council.
- b. Hearing. If a hearing is requested, the City Clerk shall provide written notice to the licensee of the date, time, and place of the City Council meeting at which the hearing will take place. The notice shall be mailed in the same manner as the initial notice and shall be mailed no less than ten (10) days and no more than thirty (30) days prior to the hearing. The licensee and the building official or City

Administrator shall be given an opportunity to be heard. The licensee may be represented by counsel.

- c. Decision. The City Council shall make findings based on the evidence and shall make a decision on the recommendation to fine, revoke, or suspend a short-term rental license based on the findings. The City Council shall issue a written decision regarding the recommendation of the building official or City Administrator within thirty (30) days following the date of the hearing. The City Clerk shall notify the licensee of the decision by regular mail. The decision shall specify the short-term rental dwelling unit or units to which it applies. Thereafter, and until a short-term rental license is reissued or reinstated, no short-term rental dwelling unit that has had its license revoked or suspended may be re-let or occupied. Revocation or suspension shall not excuse the owner from compliance with all terms of this Section for as long as any short-term rental dwelling unit(s) in the building is occupied.

- D. License Process after Revocation, Suspension, Denial or Non-Renewal. After a short-term rental license has been denied, not renewed, revoked, or suspended under this Section, no short-term rental license may be issued for the affected short-term rental dwelling unit(s) until the building official or City Administrator determines that the licensee has remedied the conditions identified by the City as the basis for its action. In the case of revocation, the licensee shall be ineligible for applying for a new license for a period of twelve (12) months from the date of revocation. An application to obtain a new license for a short-term rental dwelling unit(s) after the City has revoked, denied, or declined to renew a license, or for reinstatement of a suspended license, for the same short-term rental dwelling unit(s) must be accompanied by all fees required by this Section.

- E. Effect of Revocation, Suspension, Denial, or Non-Renewal. If a short-term rental license is denied, not renewed, revoked or suspended, it shall be unlawful for the owner to operate or thereafter permit the lease of the then-vacant or thereafter vacated short-term rental dwelling unit(s), until such time as a valid short-term rental license is obtained for the short-term rental dwelling unit(s). Issuance of a license after revocation, suspension, denial or non-renewal shall be made in the manner provided for in this Section.

- F. Posted to Prevent Occupancy. Whenever any short-term rental dwelling unit has been denied an initial short-term rental license or has had its license revoked, suspended, or not renewed, the short-term rental dwelling unit shall be posted by the building official to prevent further occupancy. No person other than the building official shall remove or alter any posting. The building official will post the date the short-term rental dwelling unit shall be vacated, and no person shall reside in, occupy or cause to be occupied that short-term rental dwelling unit until the building official permits it.

Subd 10. Penalties.

- A. Any person who violates any provision of this Section is guilty of a misdemeanor. Each day that a violation continues shall be deemed a separate offense.
- B. In the event of a violation of this section, the City, in addition to any and all other remedies provided by law, shall be entitled to seek injunctive relief or proceedings to prevent, restrain, correct, or abate such violations or threatened violations.

Section 2. Effective date. This ordinance shall be in full force and effect upon its passage and publication.

ADOPTED by the Mayor and City Council of Delano, Minnesota this ____ day of _____ 2019.

Dale Graunke, Mayor

Attest. Paula Bauman, City Clerk

A pill that treats plaque psoriasis

Planning Commission revises ordinance on house rentals

By [Matthew Liedke](#) on Mar 30, 2018 at 2:50 p.m.

2

BEMIDJI—The Greater Bemidji Area Joint Planning Commission approved an ordinance to regulate short term rentals Thursday, with a few of their own additions.

Short term rentals, as classified in the ordinance, refers to a dwelling unit or portion of a dwelling unit that's rented for a period of less than 30 consecutive days at a time. The term doesn't include bed and breakfasts, motels, hotels or resorts.

The use of those rentals, such as Airbnbs, which markets rentals worldwide, has skyrocketed in recent years. This is especially true in Minnesota, where multiple rentals came about when the Super Bowl was held in Minneapolis.



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For the Bemidji area, talk of local rentals and an ordinance to regulate them began to form last year. Currently, there are four short-term vacation rental units in the jurisdiction of the Greater Bemidji Area Joint Planning. Because of concerns raised in 2017 with the rentals, though, a moratorium was put in place in November until a new ordinance was developed.

The original ordinance only required an individual looking to rent their property to have an interim use permit. However, the new ordinance, reviewed Thursday, would add a requirement for the owner to get an annual renting permit along with an interim use permit. The annual permit for short term rentals would allow planning staff to go out to the site and conduct inspections.

Other rules set by the new ordinance include:

- Allowing only two people per room in the house.
- All guest parking must be accommodated on improved surfaces on the premises and shall comply with all parking standards. No on-street parking is allowed for guests.
- Each permittee shall maintain a transient guest record for their property. This record will include the name, address and phone number of guests. Additionally, this record will have the number of guests and lodging tax data.
- The city nuisance ordinances will be enforced by the Bemidji Police Department and the Beltrami County Sheriff's Office, including between 10 p.m. and 7 a.m.
- No events are allowed to be hosted by the guest on the premises of a rental. An event is described as a gathering of more than four un-registered guests.
- The permittee must designate a managing agent or a local contact who resides within 30 minutes of the property and can respond within 24 hours for any complaints.
- Enforcement and permit revocation is attached to the ordinance. If a permittee has violated the ordinance on three separate occasions in a 12-month period, the Joint Planning Board can revoke the rental permit.

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Complaints against a short term rental shall first be directed to the agent/contact. If there is a failure to respond, the complaint will then be addressed by either law enforcement or planning staff.

During a public hearing on the ordinance Thursday, some residents who live near existing rental homes discussed concerns on allowing them to continue. During their time to speak, some of the residents cited cities such as Apple Valley and Edina, which do not allow these rentals. Residents also stated that the concept of rentals is a business opportunity for a few at the expense of many.

After the public hearing, the JPC added new language to the ordinance, such as a 600 foot density rule. The rule will not allow a short term rental to be within 600 feet of another rental property. Another rule was adding a 90 rental day limit on properties in a calendar year.

The JPB will hold a meeting on April 11 and will have the option to either vote on the original version presented Thursday or the version that includes the JPC's additions.

Matthew Liedke

Matthew Liedke is the city, county and state government reporter for the Bemidji Pioneer. He also covers business, politics and financial news.

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By Ranker

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TOP STORY

Savage council passes ban on short-term rentals of homes

By ALEX HALL editor@savagepacer.com Dec 11, 2015



Savage City Council members include Christine Kelly, Gene Abbott, Jane Victorey, Al McColl and Mayor Janet Williams.

FILE PHOTO

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In response to complaints from residents regarding neighbors who rent out their homes for nights and weekends, the Savage City Council decided Monday night to ban rentals of homes in residential zones for any period shorter than 15 days.

The council passed the new ordinance unanimously at its Monday, Dec. 7 meeting. Several council members stated that the practice of renting out one's home for a night or weekend essentially constitutes a commercial use, which they said has no place in an area that is zoned residential.

Short-term rentals have gained in popularity in recent years, largely due to online services like Airbnb that help facilitate the rental process. The economic downturn also played a role in the practice's popularity, as more and more homeowners became willing to rent out their house in order to make some extra money.

But as the practice has become more common in the suburbs, so have complaints about issues such as noise and parking. Savage officials have recently received a number of complaints regarding short-term rentals of homes in residential neighborhoods.

So due to residents' complaints, along with the apparent commercial use of properties in residential areas, city staff began working with the city attorney's office this fall to prepare an ordinance restricting short-term home rentals.

Other communities in Minnesota have adopted short-term rental ordinances recently, including Prior Lake. Officials in that city had been receiving complaints in regards to large parties, but because they live in a lake community, they did not want to completely eliminate the ability of lakeside home owners to rent out their properties on a short-term basis. Instead, Prior Lake decided to regulate short-term rentals instead of restrict them, meaning that homeowners would need to register and have their property inspected. The Prior Lake ordinance also now limits the number of overnight guests to two times the number of bedrooms, and there also must be one off-street parking space for each bedroom the property has.

Savage City Administrator Barry Stock said that it is important to note that every community is different, and that what might work for one might not work for another. He said city staff wanted to keep the Savage ordinance simple, and Council member Gene Abbott said he thought that was the right decision.

"If you get too complex with it, then you're using quite a bit of staff time, [going] out and [counting] how many people are there per bedroom," Abbott said.

Those found in violation of the ordinance could be convicted of a gross misdemeanor.

Abbott did ask if traditional bed and breakfasts would be affected by the decision. City Attorney Ric Rosow said they would, but Stock said he was unaware of any that were located in Savage. Stock said that if a bed and breakfast did want to open in a residential area, the council could possibly amend the ordinance so that certain properties could receive a conditional use permit for their operation.

OPPOSITION

Woodhill Circle resident John Binetti — who rents his house out via Airbnb — spoke at Monday's meeting in opposition to the ordinance. Binetti said he thought the city should try to find another way to address the issue without banning the practice entirely. He also said that issues with parking and noise are not isolated to short-term rental homes, and that the people he has rented to have been well-behaved.

"I think there's something that could be done that could work on both sides," Binetti said, adding that he would be open to limiting the number of times he rents out his house each month. "I think it's taking away an opportunity to be able to stay in my home."

Binetti's next door neighbor, Julie Bernick, also spoke at the meeting. Bernick said there are often no issues with the rentals, but on occasions when the house is rented out for things like family reunions or bachelor parties, the noise and parking problems start to arise.

"That's not six or eight people in a home [when there's a family reunion], that's 10 and 12 and 15," she said.

Stock also confirmed that police have responded to complaints at Binetti's residence while it's being used as a short-term rental, and he said "most of those complaints were [for] noise."

"That's not to say that the people who were renting didn't tone it down a notch, but nonetheless there were police calls that had to be responded to in response to noise and parking," Stock said.

Andrew Maurer, another neighbor of Binetti's, said the fact that he didn't know who might be in his neighborhood on any given night made him uncomfortable with having his young daughter play outside. Airbnb does background checks on renters and homeowners, but Maurer said that didn't account for people who are simply showing up to parties.

"I'm not saying anything has happened, but who says the person that registered to rent the [house] for the weekend [doesn't] invite 10 of their buddies who didn't get a background check," Maurer said. "How do you stop something like that from happening?"

Abbott said he could see why residents would be concerned about a short-term rental property located in their neighborhood.

"I didn't move next to a hotel or a motel, I moved into a single family residential area, and if this is allowed to happen, all of a sudden that changes," Abbott said. "From my perspective, I would be upset."

City documents state that the ordinance would help "preserve the residential character of the city's residential districts," and Council member Christine Kelly agreed, saying that Savage has "extraordinary" neighborhoods, and that allowing short-term rental properties could affect their cohesiveness. Kelly said that when people move to Savage, "the expectation is that they're going to have the neighborhoods that we have become known for, and I want to preserve that."

Council member Al McColl said short-term rentals do not belong in residential neighborhoods, and that the ordinance needed to be kept simple for enforcement purposes.

"I sympathize with someone trying to make an honest dollar, but after having dealt with the ordinances in this community for over 27 years, I know it's important to keep them simple and enforceable," McColl said. "And to go back to what I said earlier, we have zoning laws for a reason. And this is not an appropriate fit for a residential neighborhood. It's that simple to me."

EAST METRO

After wild parties, Twin Cities suburbs reining in short-term rentals

Fed up with wild parties and traffic, Roseville and other cities tighten rules on Airbnbs, VRBOs.

By Shannon Prather (<https://www.startribune.com/shannon-prather/6370507/>) Star Tribune |

JANUARY 25, 2021 — 11:20AM

There were reports of boisterous parties, parked cars jamming up neighborhood streets, loud music and indecent behavior.

Forget Las Vegas, or even downtown Minneapolis. With pandemic restrictions limiting large-scale events, folks have been flocking to suburban short-term home rentals for bachelor parties, reunions, staycations and weddings. The trend has some neighbors fuming and local officials rushing to clamp down, while property owners — including a state legislator — say they're doing their best.

In Roseville, residents have complained that some single-family home rentals, including two on Lake McCarrons, created a "nonstop party atmosphere" that at times spilled outside with drinking games, marijuana use, sexual activity and never-ending campfires.

The Ramsey County suburb is now poised to regulate and restrict short-term rentals — which are booked through websites like Airbnb and VRBO — saying the vacation destination atmosphere is not a good fit for otherwise quiet neighborhoods.

"I do feel restrictions are necessary, especially for those non-owner occupied houses," said Roseville Mayor Dan Roe. "One of the messages we were hearing from the neighbors is the uncertainty aspect of it. They just don't know what to expect."

Other suburban communities, as well as the city of Minneapolis (<https://www.startribune.com/minneapolis-cap-on-short-term-rentals-upsets-operators-developers/600013349/>), are also tightening the reins.

Prior Lake, which had allowed short-term rentals with a 2015 ordinance, last spring banned any new ones being rented for less than 60 days after neighbors complained about party houses. The city of Spring Park on Lake Minnetonka also voted last year to restrict short-term rentals to properties adjacent to commercial properties on main thoroughfares, said City Administrator Dan Tolsma.



An Airbnb logo.
Roseville is now
short-term rent

Prior Lake Community Development Director Casey McCabe said a few of the nine registered short-term rentals in the city generated a wave of complaints.

"The complaints that came in were disturbing enough that our residents should not have to put up with this in their residential neighborhoods," McCabe said.

In February, the Roseville City Council will consider a license requirement for all short-term rentals, defined as rentals where customers stay for less than 30 days. The council is also considering requiring minimum stays ranging from seven to 14 days when the property owner doesn't live on the premises.

Frustrated Roseville neighbors have spent months making the case for more regulations, describing party behavior they say ruins their quality of life. The city received complaints of "noise, smoke, excessive parking, offensive language, drug use, nudity and other indecent conduct," according to Community Development Director Janice Gundlach.

Roseville resident Tracy Moore, who lives near Lake McCarrons, said at a council meeting last year that she and other neighbors felt uneasy as a group of revelers packed into one of the lakefront rental homes, tipping a sailboat.

"It was a large gathering in this COVID time. It didn't feel safe to people I know who were walking around the lake," Moore told the council. "There was a lot of buzz in the neighborhood because it was so loud and so intrusive."

Roseville resident Frank Hess said he's worried the proposed regulations don't go far enough, and he would prefer the city ban all short-term rentals of less than 30 days. He described "opportunists" who are buying up lakeshore property to turn into weekend rentals without consideration for the neighborhood.

Owners push back

But some owners, including Sen. John Marty, D-Roseville, and his wife, Connie, say they want to be good neighbors.

The couple purchased their two-bedroom lakefront property on Shady Beach Avenue on Lake McCarrons for \$406,500 in 2019 with the idea that they'd have it for retirement. In the meantime, renting it out would help cover the mortgage.

John Marty said they carefully screen guests and explicitly prohibit parties. They did allow a young family friend and his guests to use the property last summer, he said, which caused neighbors to complain.

"They did everything wrong," Marty said, noting the guests left a campfire burning.

He said that won't happen again, and that he and his wife have intentionally not taken part in the city discussion because they don't want to be viewed as unduly influencing city leaders.

"It's very important for cities to get this right," Marty said. "We figure we will live with whatever they come up with."

Eric Carrara, the owner of the other lakefront rental home on McCarrons Boulevard, declined to comment.

Roseville City Council Member Wayne Groff was the buyer's real estate agent for the property the Martys bought. Groff said he has no active business relationship with the Martys and supports more stringent regulations on short-term rentals, but not a total ban.

"The city has to do something, but you don't need to go to the extreme to solve a couple problems," Groff said.

Groff speculated that the pandemic, which shut down and limited traditional venues, has pushed parties to large suburban rental homes. He said he heard that a half dozen catering trucks showed up at one rental home.

"I do sympathize with the residents around there," Groff said. "When you have 20 extra cars and you have people there until 3 in the morning, that's a quality-of-life issue we have to address."

Pattie and Tim Garger, who rent out a seven-bedroom house on Gluek Avenue in Roseville through Airbnb, told the council last year that the pandemic did create problems, with people hosting parties at the property. They said they've increased screening and now make sure guests understand the rules — but also said neighbors have become intolerant and "discriminatory."

"The neighbors have started harassing our guests when they come over," Pattie Garger said. "They now are calling the police on everything that happens."

Finding a middle ground

While Roseville is trying to find a middle ground, other suburbs have simply said no to short-term rentals.

Edina has a decades-old ordinance banning short-term rentals, and there's been no interest on the City Council to roll that back, said Assistant City Planner Kris Aaker.

Eagan doesn't allow short-term rentals, either. The City Council formed a task force and spent months studying the issue in 2018 before deciding there wasn't a good way to allow them in neighborhoods, said Community Development Director Jill Hutmacher.

Reports that some communities are dealing with party houses was one of the scenarios that prompted Eagan leaders to keep a short-term rental ban, she said.

Still, there are cities that have found a way to both allow and regulate short-term rentals.

Stillwater expanded the number of short-term rentals allowed in its historic downtown business district, known for its antique and artisan shops.

Jenn Sundberg, who runs the short-term rental licensing program in Stillwater's planning department, said neighbors are told when a property is registered as a short-term rental. Owners are required to notify renters of local rules and noise ordinances.

"There really haven't been any overwhelming issues," Sundberg said. "I feel like the owners do take responsibility for their guests and they try to make it work for their neighbors. Also, Stillwater is just a destination for a less rowdy crowd."

Shannon Prather • 651-925-5037

Correction: A previous version incorrectly identified the role of Roseville City Council Member Wayne Groff in a real estate transaction.

Shannon Prather covers Ramsey County for the Star Tribune. Previously, she covered philanthropy and nonprofits. Prather has two decades of experience reporting for newspapers in Minnesota, California, Idaho, Wisconsin and North Dakota. She has covered a variety of topics including the legal system, law enforcement, education, municipal government and slice-of-life community news.

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Sec. 109-201. - Vacation/private home rentals.

- (a) *Purpose.* The purpose of this section is to allow the short-term rental of private homes in the R-LDR-MFR districts and to regulate such rentals. The city sees the benefit of such uses but also realizes that the high turnover in occupancy of residential structures can bring increased intensity of use, higher levels of noise, and increased need for parking and sanitation facilities which, if not controlled, can detract from the residential character of certain areas of the city. Therefore, such uses may be allowed by interim use permit, on an individual basis, subject to the criteria in this section.
- (b) *Definition.* For the purpose of this section, the term "vacation/private home rentals" means a single-family dwelling that is rented out on a transient basis for a charge. A transient basis shall be any period of time less than 30 consecutive days.
- (c) *Permit required.*
 - (1) Each vacation/private home rental is required to obtain an interim use permit (IUP). This section shall control IUPs for vacation/private home rentals, notwithstanding the provisions of section 109-52.
 - (2) The appropriate lodging license must also be obtained from the Minnesota Department of Health in order for the IUP to be valid. An IUP granted by the city is contingent upon the applicant's receipt of an appropriate lodging license. Failure to obtain an appropriate lodging license within 30 days of IUP approval shall render the IUP void and of no effect, unless no license is required by the state.
 - (3) The initial term of a vacation rental IUP is two years. The property owner may thereafter apply to renew the IUP for a term of two years. There are no automatic renewals. Each initial and renewal application is subject to an inspection as provided in subsection (c)(5) of this section.
 - (4) A site plan must be provided to the city with the IUP application. The site plan must contain a sketch of the floorplan of each floor of the house. The floorplan shall contain the dimensions of each room to be rented and have all exits marked. The site plan must also show all structures on the property and indicate all off-street parking locations.
 - (5) Prior to consideration of an initial or renewal IUP application by the council, the property shall be inspected by the city building inspector (the "application inspection"). In the event modifications are made to the property after the application inspection but prior to council consideration of the application, additional inspections may be required. The applicant is responsible for all inspection fees. The inspector shall provide a report to the council regarding the home's compliance with applicable building codes and this section.
 - (6) Any modifications to the property rendering the property unsuitable for residential use under this Code or the state building code may be grounds for revocation of the IUP upon notice of hearing and hearing by the planning and zoning commission sitting as the board of adjustment and appeals. The planning and zoning commission shall make a recommendation as to revocation to the city council, which shall make the final decision.
 - (7) Due to normal differences in operation, the IUP shall not be transferrable to a new owner, nor transferable to a different property. Any change in ownership of the property shall terminate the IUP and require a new application and process if the use is to continue.
 - (8) Each permittee is required to carry general liability insurance on the subject property with minimum coverage of \$1,000,000.00 per occurrence. An umbrella policy may be used in conjunction with liability coverage to reach the \$1,000,000.00 minimum. A certificate of insurance shall be provided to the city upon request of the city.
- (d) *Administrative requirements.*
 - (1) Agent. Only the fee owner, power of attorney or immediate family members (spouse, children or parents) of the property owner shall rent it; the property shall not be rented by any outside agent.

- (2) Water/sewer. Vacation/private home rentals are only allowed on properties served by and connected to municipal water and sewer.
 - (3) Parking. One off-street parking space for every two bedrooms shall be provided on-site. Garage spaces may be counted towards required parking spaces on a one-to-one basis. Parking spaces applied toward this requirement must be concrete, asphalt or other approved alternative. Parking on grass or dirt is not allowed.
 - (4) Signage. Notwithstanding any other provision of the zoning ordinance, no signage shall be allowed unless specifically allowed by IUP.
 - (5) Licensee. The licensee shall keep a report detailing use of the home by recording, at a minimum, the name, address, phone number and vehicle license number of all guests using the property. A copy of the report shall be provided to the city and law enforcement upon request.
 - (6) House rules. Notification shall be posted both on the property and in rental documents stating the following: "This property is located in a residential zoning district. Please be considerate of neighbors. Quiet hours shall be observed between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday, and 11:59 p.m. and 7:00 a.m. Friday evening through Sunday morning."
 - (7) Complaint. If a problem arises, the owner or registered agent must respond to the issue within a two-hour time frame.
 - (8) All other city ordinances that are not listed in this section must be followed. Violations of city ordinances by vacation/private home owners are deemed a violation of this section.
 - (9) Maximum of two individuals per bedroom, and no more than two additional people per guest rental at any given time other than the renters.
- (e) *Minimum standards.* All vacation/private home rentals must meet the following minimum standards:
- (1) Every home shall contain a kitchen sink in good working condition and properly connected to water and sewer systems.
 - (2) Every home shall contain a bathroom that is fully enclosed with a properly functioning door, and which has a water closet and lavatory basin that are properly connected to water and sewer systems.
 - (3) Every home shall contain a room that is fully enclosed with a properly functioning door and which has a bathtub or shower in good working condition that is properly connected to water and sewer systems.
 - (4) Every kitchen sink, lavatory basin, bathtub and shower shall be properly connected to both hot and cold water, and the hot water heater must be in proper working condition.
 - (5) Every home shall be supplied with adequate refuse storage facilities. All refuse containers shall be made of rust-resistant material equipped with suitable handles and tightfitting covers, shall be watertight and verminproof, with tapered side walls and shall have a capacity of not more than 32 gallons. Refuse containers shall be kept in good repair and free of ragged or sharp edges. All refuse containers shall be kept as near the rear of the premises as practical and shall be easily accessible to the collector.
 - (6) Every home shall have two independent, unobstructed exit doors in proper working condition. The exits shall lead to safe and open space as required by state law. Every home shall be provided with deadbolt locks on all entrance/exit doors.
 - (7) Every home shall have adequate natural and artificial lighting.
 - (8) Every home shall have adequate ventilation and every bedroom shall have at least one window that can be easily opened. All operable windows must be equipped with a locking device. At least one bedroom window must be an egress window, and that window shall:
 - a. Be not less than 5.7 square feet in size;

- b. Have a minimum width of 20 inches;
 - c. Have a minimum height of 24 inches; and
 - d. Have a maximum sill height of four feet.
- (9) Every home shall have heating facilities that are properly installed, maintained in a safe and good working condition, and are capable of safely heating all habitable rooms and bathrooms to a temperature of at least 68 degrees Fahrenheit at a distance of three feet above the floor and three feet from an outside wall, window or door when the outside temperature is minus 25 degrees Fahrenheit.
- (10) Smoke alarms shall be installed in the following locations: each sleeping room, and on each story of the dwelling, including basements and cellars. Smoke alarm/carbon monoxide combo detector shall be installed outside of each sleeping room in the immediate vicinity of the sleeping rooms.
- (11) A fire extinguisher should be located on each story of the dwelling, including basements.
- (f) *Maintenance standards.* All vacation/private home rentals shall be maintained according to the following minimum standards:
 - (1) Every foundation, exterior wall, window and roof shall be weathertight, watertight, rodentproof, and insectproof, and shall be kept in a workmanlike state of maintenance and repair.
 - (2) Every interior partition wall, floor and ceiling shall be capable of affording privacy, and shall be kept in a workmanlike state of repair and maintained so as to permit them to be kept in clean and sanitary condition.
 - (3) Every inside and outside stairway, porch, or appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and in a reasonably good state of maintenance and repair. Every stairwell requiring one shall have a handrail provided with a minimum and maximum height of 34 and 38 inches on at least one side of the stairway.
 - (4) Every supplied plumbing fixture and water and waste pipes shall be properly installed and maintained free from defects, leaks, or obstructions.
 - (5) All open areas and parts of the premises shall be maintained and kept in a reasonably clean and neat condition. This requirement shall include the removal of dead trees and brush, inoperable machines, appliances, fixtures, and equipment so damaged, deteriorated, or obsolete as to have insubstantial value and which constitutes junk, the removal of lumber piles and building materials not being used in actual construction on the premises, and the removal of tin, cans, broken glass, broken furniture, boxes, crates and other debris.
 - (6) Ground fault outlets shall be installed where required and kept in operable condition.
 - (7) Every foundation, exterior wall, roof, window and exterior door of every nondwelling structure shall be so constructed and maintained as to prevent the structure from becoming a harborage for vermin. Each entranceway for persons or vehicles shall have properly maintained and operable exterior doors. Nondwelling structures shall not be used for the storage of garbage or rubbish unless it is placed in a container approved for that use. Nondwelling structures shall not be used for human occupancy.
 - (8) Every fence and retaining wall on the premises shall be properly maintained and in good repair.
 - (9) No excavation, pit, well, stairwell or window well shall be allowed on the premises if it constitutes a hazard to health and safety.
- (g) *Violations.*
 - (1) Any IUP issued pursuant to this section is subject to the right of the city to suspend, revoke or nonrenew on grounds including:
 - a. False or misleading information is provided with the IUP application.

- b. The applicant fails to pay the requisite fees.
 - c. The applicant fails to obtain a required state lodging license.
 - d. Violation of nuisance standards or other provisions of this Code.
- (2) The owner shall be provided with notice of suspension, revocation or nonrenewal. The suspension or revocation is effective 30 days after notice is issued.
 - (3) The owner may appeal the suspension, revocation or nonrenewal by filing a notice of appeal with the city clerk within 14 days of the issuance of the notice of suspension, revocation or nonrenewal.
 - (4) Upon receipt of a notice of appeal, the city clerk shall issue a notice of hearing for a hearing by the planning and zoning commission sitting as the board of adjustment and appeals. At the hearing, the city shall present the basis for the permit decision, and the owner shall have an opportunity to respond. The planning and zoning commission shall issue findings of fact and make a recommendation to the city council, which shall make the final decision.
 - (5) If a violation of this section occurs, a fine according to the fee schedule may be issued. Such fine is appealable in the same manner as a suspension, revocation or nonrenewal.
 - (6) Nothing in this section prevents the city from taking enforcement action under any other provision of the city code or under state law.

(Ord. No. 2016-04, § 1, 6-6-2016)