

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL  
CITY OF WASHINGTON, FRANKLIN COUNTY, MISSOURI  
MONDAY, JULY 15, 2019**

**INTRODUCTORY ITEMS:**

The Regular Meeting of the City of Washington, Missouri, City Council was held on Monday, July 15, 2019, at 7:00 p.m. in the Council Chamber. Mayor Sandy Lucy opened the meeting with roll call and Pledge of Allegiance.

<b>Mayor:</b>	Sandy Lucy	Present
<b>Council Members: Ward I</b>	Steve Sullentrup	Present
	Nick Obermark	Absent
<b>Ward II</b>	Mark Wessels	Present
	Mark Hidritch	Present
<b>Ward III</b>	Jeff Patke	Present
	Greg Skornia	Absent
<b>Ward IV</b>	Gretchen Pettet	Present
	Joe Holtmeier	Present

<b>Also Present:</b>	City Attorney	Mark Piontek
	City Administrator	Darren Lamb
	City Clerk	Mary Trentmann
	Police Chief	Ed Menefee
	Public Works Director	John Nilges
	Parks Director	Wayne Dunker
	Finance Director	Mary Sprung

Originals and/or copies of agenda items of the meeting, including recorded votes are available on record in the office of the City Clerk. Each ordinance is read a minimum of twice by title, unless otherwise noted.

**Approval of Minutes:**

- \* Approval of the Minutes from the July 1, 2019 Council Meeting

A motion to accept the minutes as presented was made by Councilmember Sullentrup, seconded by Councilmember Hidritch, passed without dissent.

**Approval and Adjustment of Agenda including Consent Agenda:**

- \* Fireworks Display Request

*July 3, 2019*

*Honorable Mayor and City Council*

*405 Jefferson Street*

*Washington, MO 63090*

*Re: Fireworks Display Permit Request*

*Dear Honorable Mayor and City Council,*

*Jennifer Giesike, President of Washington Town & Country Fair, is requesting a permit for a fireworks display on the evening of Sunday August 11<sup>th</sup>, 2019 at Washington Fair Grounds Park following the Main Stage concert.*

*The issuance of this permit is contingent upon all paperwork and approvals being met by all departments and weather conditions being favorable.*

*Respectfully submitted,*

*Tom Neldon*

*Building Official*

A motion to accept and approve the agenda including the consent agenda accordingly was made by Councilmember Patke, seconded by Councilmember Hidritch, passed without dissent.

### **PRIORITY ITEMS:**

\* **Public Facilities Authority Reappointment**

*June 28, 2019*

*Honorable Mayor and City Council*

*City of Washington*

*405 Jefferson Street*

*Washington, MO 63090*

*Honorable Mayor & City Council*

*The Board of Directors of the Washington, Missouri Public Facilities Authority hereby submits for your approval the re-appointment of Robert Dobsch – term expires June 2022.*

*Respectfully submitted,*

*Darren Lamb*

*Secretary*

*:mt*

After a brief discussion, a motion to accept and approve the Reappointment was made by Councilmember Patke, seconded by Councilmember Hidritch, passed without dissent.

\* **Fire Department Selection of Officers**

*3 July 2019*

*Honorable Mayor and City Council*

*City of Washington*

*405 Jefferson Street*

*Washington, MO. 63090*

*RE: Ordinance 17-11667*

*Honorable Mayor and City Council:*

*Pursuant to the aforementioned ordinance, I am forwarding for your review the names of the Officers selected by the membership to serve the Washington Fire Department through June 2020.*

*Fire Chief – Tim Frankenberg*

*Deputy Chief – Mike Holtmeier*

*Assistant Chief – Nick Risch*

*Secretary – Matt Coleman*

*Treasurer – Ron Eckelkamp*

*The Fire Company Membership stands at 77 with recruitment a constant priority. Reference the inventory and expenditures requested they are detailed, current, and on file within the City System (Tyler and Firehouse Software). All expenditures follow the City Purchasing Manual, questions are referred to the Finance Manager. If you have additional questions feel free to contact me.*  
*Yours in service,*  
*Tim Frankenberg*  
*Fire Chief*

A motion to accept and approve the Selection of Officers for the Washington Fire Department was made by Councilmember Hidritch, seconded by Councilmember Pettet, passed without dissent.

**Mayor's Presentations, Appointments & Re-Appointments:**

\* None

**PUBLIC HEARINGS**

\* Special Use Permit – 1518 Riverview Drive – Short Term Rental

*July 9, 2019*

*Mayor & City Council*

*City of Washington*

*Washington, MO 63090*

*RE: File No. 19-0701-Tyann Marcink-Special Use Permit-1518 Riverview Drive*

*Mayor & City Council*

*At the regular meeting of the Planning & Zoning Commission held on July 8, 2019 the above mentioned Special Use Permit was approved with the following vote:*

*Samantha Wacker-No*

*Chuck Watson-Yes*

*John Borgmann-No*

*Jeff Patke-Yes*

*Tom Holdmeier-Yes*

*Mark Hidritch-No*

*Carolyn Witt-Yes*

*Tony Gokenbach-Yes*

*Special Use Permit passed with a 5-3 vote.*

*Sincerely,*

*Thomas R. Holdmeier*

*Chairman*

*Planning & Zoning Commission*

**Lamb:** I'll take over.

**Nilges:** I'm sorry.

**Lamb:** No that's okay, I got it. At the Planning and Zoning Commission Meeting last week last Monday, the Commission went ahead and recommended approval of a Special Use Permit. This is for a short-term lodging or whatever basically like for Airbnb's or Vacation Rental By

Owners, etc. Your ordinance specifies single-family zoning districts that require a Special Use Permit.

Looking at the Staff Report, it is surrounded by single-family homes up in that area. The other stuff that Sal had within the report with short-term lodging is a low frequency use creates minimal traffic.

Staff recommended approval of such and you can see the site on the north side of the road obviously, it goes toward the Riverfront.

**Mayor:** On the south side.

**Lamb:** Riverview Drive but there's the subject property that's highlighted. Unless you have any other questions of staff or anything with regards for us, I'll do my best to answer.

**Mayor:** John, did you have anything to add?

**Nilges:** No, I did not. I was, I apologize I was...

**Mayor:** No.

**Nilges:** Was waiting.

**Mayor:** So was I.

**Nilges:** I would add that the driveways is longer than a typical driveway setback so they should have some adequate parking onsite in addition that the driveway to the eastern property you can kind of see it towards the...*(inaudible.)*

**Mayor:** You need to speak into the microphone...

**Nilges:** Sorry, sorry.

**Mayor:** A little bit more.

**Nilges:** The property to the east of the subject property accesses the road just to the east. So there's an area in the front there if there was some, there shouldn't be any parking issues along on the streets as well. I don't know if that was discussed in Planning and Zoning, I was not there but just a couple things that Sal and I went over before he left.

**Mayor:** Okay. All right, so this is a Public Hearing so if anyone would like to address the Council on this item, you can please come forward and do so.

**Joette Reidy:** Hi, my name is Joette Riedy and I am a business owner here in Washington. I see the need for additional vacation rental, short-term vacation rental in our area first-hand.

I have helped other people set-up there sites for short-term vacation rentals and help them manage their sites. I am very involved in the local short-term rental vacation industry.

I am a fellow business owner along with Tyann Marcink. I am in a women's business club with her called Women With A Purpose and more than anything, Tyann is a good friend of mine as is Diana.

So, Tyann called me when she found out that this was going to be heard tonight and she knew that she was not going to be able to make it. She's out of town this week. So, she asked me to come and just read a letter on her behalf. *(Attachment A)*

So, in addition I would like to add that two of Tyann's properties: The Bank Haus and the Katy Haus, are adjacent to a home that I own in Marthasville, Missouri. She has the highest standards. She keeps her place impeccable, if there's ever an issue she's quick to address all the neighbors, let's us know what's going on, if there's anything out of the ordinary. She's super quick to jump on that noise ordinance thing, and I know that because the first time she had to use it was because my daughter had a Bachelorette Party at her thing and they chose a quiet

neighborhood, not a City, because they're older than the traditional bachelorettes. They didn't choose it to have a party, but they got a little giggly and just barely got above that noise level and Tyann was quick to respond and they took it down they realized.

This house is not super close to the other neighbors, the noise level will be kept at bay and I think that Tyann is a wonderful manager, and I think that Diana is a responsible and diligent property owner as well.

So, I would like to see this approved in our community. I know first-hand that our community needs more beds especially on busy weekends. Not every night of the week but on those busy weekends kids are being turned away and people are being turned away that want to come in town for a wedding or a big family reunion things like that when a lot of things are happening in town at the same time as the same time as the festival weekends. Our town needs this and I hope that it's approved tonight.

**Mayor:** Thank you.

**Joette Reidy:** Thank you.

**Mayor:** Any questions for Joette?

**Sullentrup:** Mark, I have a question. When you have a special use permit for an Airbnb, are you able to say it's not working out? Are you able to rent it out then too to an individual for a lease for a year?

**Lamb:** Yeah.

**Piontek:** Yeah, you can.

**Lamb:** There are no ordinances in place.

**Piontek:** *Inaudible*

**Lamb:** Yeah.

**Sullentrup:** Okay.

**Mayor:** Mark, did you have...

**Hidritch:** I was just, you know Joette all of those statistics are great but obviously these people know their neighbors. I work long hours myself not just because it's in a book means I know all of my neighbors and I work tons of hours. It's if you want to know your neighbors or not, you can just go home and shut the door...

**Joette Reidy:** Sure.

**Hidritch:** So some of those things aren't, I don't believe 100% correct that you spoke of. Just my feeling.

**Joette Reidy:** Okay.

**Mayor:** Anyone else?

**Joette Reidy:** No, okay. Thank you.

**Mayor:** Thank you. Okay, anyone else? You know what, let's see. You gave your name but name and your address...

**Mike McFatrach:** Sure.

**Mayor:** When you arrived so.

**Mike McFatrach:** I'm Mike McFatrach, I live at 1514 First Parkway. It's a street just south of this proposed Airbnb.

I'm speaking in opposition to the permit. It was interesting to hear the bundle of rights statement because as a resident and as a property owner, I do have rights to maintain the integrity of my neighborhood as well as the property value that has been assigned.

With regards to the statistics, when investigating Realtor.com, our information that was collected showed a 13.8% reduction in property value.

**Unknown:** Was that short-term?

**Mike McFatrich:** That was short-term. We have over 25 Airbnb's in the immediate Washington area and 90 plus in that area that's serviced by Washington.

For one, I don't see the value or the necessity of allowing this permit in our neighborhood. I would think that certainly where it's located with regard to traffic or parking or whatever that's a consideration, but I think that it destroys the integrity of the neighborhood as well as lowers our property values. I'm not necessarily opposed to Airbnb's in general but particularly within this neighborhood which has a long standing commitment to the to our integrity of our neighborhood.

I would like to add a personal note; we've lived in Washington twice. We moved here in 2005 and I took a new position and we left the community and we lived in Ames, Iowa and Chapel Hill, North Carolina. I took a position as Vice President of Business Development for a Biotech Firm in St. Louis and we chose to move back to Washington. In fact, when we lived here before in a subdivision, we always drove in that area because we always felt that it was a great opportunity and a great neighborhood. In fact, my neighbors who are here as well proved that our choice was absolutely correct. When we had the opportunity and moved back, we moved back to this neighborhood.

I would urge you to vote against this permit. Thank you.

**Mayor:** Okay, thank you.

**Patke:** Sir, can I ask you a question?

**Mike McFatrich:** Sure.

**Patke:** Is it true to say that you're not against Airbnb's, but just not in your neighborhood?

**Mike McFatrich:** Well.

**Patke:** Are you saying that there is a time and place for them?

**Mike McFatrich:** Yeah, I think there is a time and place and there are two things that I would like to reiterate. One is that we have over 25 in the immediate Washington area, we have 90 and I just pulled this up before I got here...

**Patke:** Right.

**Mike McFatrich:** So I think it's a matter of do we have enough to satisfy a need? Clearly there are probably times in any community where need exceeds demand or demand exceeds need. I'm opposed to it in this neighborhood simply because of the integrity of the neighborhood would be compromised and I think in terms of the volume, in terms of the number of Airbnb's we currently have that are accessible not only in Washington but also in the area, I don't think that it's needed.

**Patke:** Okay, thank you.

**Mayor:** Any other questions of this gentleman? Okay.

**Mike McFatrich:** Thank you.

**Mayor:** Alright.

**Mark Wood:** Good evening everyone. My name is Mark Wood, we live at...

**Mayor:** Mark, why don't you pull that microphone up just a little bit, there you go.

**Mark Wood:** My name is Mark Wood; we live at 1513 First Parkway and our backyard backs up to the backyard of the property on Riverview.

My family has owned this home for 70 years. I grew up in this neighborhood. It has a bunch of beautiful, beautiful homes that were built by many people that lived and worked in Washington and had businesses on Main Street.

Years ago when I was a child, we had five doctors that lived in the neighborhood. They built some beautiful homes. One of them is right next door, the house that Dr. Mensch built which is a very beautiful home, which the Buescher's live in now. I don't know if they're here tonight, I don't see them but...

**Unknown:** *Inaudible*

**Mark Wood:** Pardon me, no. Mr. Buescher did speak against the short-term rental. Like I said, it's a beautiful neighborhood and it's a residential subdivision. The Houseman's built this in the 1950's and the 1960's and back in those days the Houseman's lived in the subdivision. We had Houseman's living on one end of the street, on the other end of the street and down at the bottom of Fifth Street. This was all Houseman Subdivision and it has remained a beautiful subdivision and the people take care of their homes.

At Christmas time, we try to see who can put up the most Christmas lights. It's just a beautiful neighborhood. I would hate to see a short-term rental go in my backyard.

My family has been in the short-term rental business for years but we call it a hotel and I work for my family at the Holiday Inn at Six Flags and I see all kinds of people come and rent rooms for nights, for the weekend, for weeks and whatever. Sometimes bad things happen, as in anything, bad things can happen anywhere.

I just don't think the short-term rental is good for a subdivision. I don't think you should put a short-term rental in Quail Run or Washington Heights or Haase Acres or Lake Washington. Those are all residential subdivisions and they need to be kept that way. There are certain places for everything. I am not against an Airbnb, I just don't think it's good in a residential subdivision. There's lots of other places that they would work just fine.

**Mayor:** Okay.

**Mark Wood:** Thank you. Anybody have a question of me?

**Mayor:** Any Questions? Okay.

**Mark Wood:** Thank you very much.

**Mayor:** Thank you Mark.

**Sally Haddox:** Hi, my name is Sally Haddox and Darryl and I live right next to Diana. We really don't oppose it only because we kind of oppose more of a long-time renter. Daryl and I talked and we both felt that I've seen some really bad renters where they don't cut their grass and everything and Steve really does maintain this and so for us that's why we approve it.

Joe lives, my son lives, well Vicki lives next to me and then Joe's next door where I grew up. He cannot be here because he's in Florida. He said the same thing, he'd much rather have a vacation renter than the long-term renter cause long-term renters sometimes they do things where you can't get them out. That's kind of where we feel. Does anyone have any questions?

**Mayor:** Does anyone have any questions of Sally?

**Sullentrup:** Sally, you live where you lived for quite some time. Have you ever had any troubles with parking?

**Sally Haddox:** No, in parking, no.

**Sullentrup:** Doesn't look like it.

**Sally Haddox:** Inaudible...sides of the street.

**Sullentrup:** Yeah.

**Sally Haddox:** No, there hasn't been any problems with that.

**Mayor:** Thanks Sally.

**Mark Michels:** My name is Mark Michels, I live at 1520 First Parkway. I'm not trying to get into trouble with my neighbors. I was going to be neutral but I have a rental property to my east that has not been up kept very well. This spring we had grass a foot high. We have a property to my west, the previous owner, my kids called him Junk Yard Charlie because we had junk and trash all next to our house. The people that live in the house now aren't doing the very best of up keep and actually got a dog run next to my fence in the backyard.

I have had to; I have had issues with those people. These neighbors here are great and I'm not trying to cause problems but if we have somebody that's going to up keep a property and the neighborhood, I don't see the adverse effect.

So, like I said I've had issues on both sides and they know that.

**Mayor:** Okay.

**Mark Michels:** I just wish it would be fair, that's all I've got. Thank you.

**Mayor:** Okay. Thank you Mark.

**Dave Schmitz:** Good evening, my name is Dave Schmitz. I live at 6434 Meadowlake. Dave Schmitz, 6434 Meadowlake Drive here in town. I don't really have a vested per say interest in this. I know I've been doing short-term rentals for 14 years now.

From my experience, I have never seen where the neighboring properties went down in value. All I have seen is increase in value when there is a short-term rental that has been put in.

I guess my point is, I had 20 units, yearly rentals here in town and then started doing short-term rentals. The majority of my guests are more like doctors and lawyers, executives, business owners. You'll have a few for hey it's grandmas birthday or it's grandma and grandpas 50<sup>th</sup> anniversary and they want to do something special and all kind of get together; we can't do that in a hotel, we'd like to use a room. They go out and not only pay City tax for their stay but all the restaurants, stores and all that stuff all adds up quite a bit.

As far as neighbors, if it's a monthly rental you're stuck with that neighbor for the next year. If it's a short-term rental you don't like them, guess what they're gone in a day or two. Tyann has NoiseAware in this. She's very, very professional. Actually she has given me a lot of advice, she has made my homes look a lot better just because she has an eye for what guests look for. I turn to her for advice as well. She would be a great manager for this home.

I've only seen positive. I've had other neighbors in my short-term rental neighborhoods who've said hey, we really enjoy getting to talk to the different that come through. So and so was from this state, so and so was from this state. We've enjoyed just chit-chattin with them a little bit. Everybody you have is always so nice. I've never had negative experiences with the short-term rentals. That's all I wanted to add.

**Mayor:** Okay.



**Dave Schmitz:** Thank you.

**Mayor:** Thank you.

**Nancy Anderson:** I'm short. My name is Nancy Anderson and I live at 1516 First Parkway. I would be right on the corner of that map.

When the school district we lived in lost its accreditation due to the area severely declining, my husband and I decided to check out different areas to move and ended up settling in Washington, Missouri. That was 25 years ago.

This is so much more than allowing a short-term rental in our neighborhood. It's about the decline of a community. There's a house one street over from us that has so much construction equipment in front of the house on a daily basis that we almost have to flip our mirrors in just to get by. Most days some of that equipment is parked on the front lawn, across the street and around the corner. That's the result of a business being ran in a residential area.

We as a group have nothing against a short-term rental but we do oppose the location. Once you allow one you set a precedent to allow more. As Mike said, statistics show high rental concentration drags the value of a home down by 13.8%.

Our area is slowly deteriorating, this does not happen overnight. It is a gradual process that comes from poor decision, ignoring ordinances and saying yes when we should be saying no, to what we know is not right for the community.

We are not opposing the request to be uncooperative. I thought the house was vacant, I actually did and did not realize that Diana has lived there for two years. So as a resident to the area, she should know that we are the type of neighbors that will come over with a chainsaw when a tree falls after a storm, right Greg? We walk each other's dogs when we're on vacation, we water our plants and we even have block parties. We are acting out of preservation for what we feel is right for our neighborhood. We want to continue to know our neighbors on a first name basis, not by a weekly rental agreement. I believe in the old adage to leave a place better than the way you found it. I would hope that the members of the City Council, the Mayor and our Alderman would feel the same way during their term.

The one thing that stands strong and remains the same is the residents. Without the residents in a community, we are just one big industrial park. Let's turn the neighborhood, our community, back into pride of ownership and not just above revenue. Thank you.

**Mayor:** Any questions of Nancy?

**Dave Schmitz:** Can I say something...*inaudible*?

**Mayor:** You have to come up.

**Dave Schmitz:** As far as property values, I just looked up what he quoted and said a drag of 13.8% this is for long-term rentals, not short-term rentals. So I just wanted to clarify that, cause for short-term rentals it does not drag down your property values.

**Mayor:** Okay, thank you.

**Wessels:** Mayor, can I ask a question?

**Mayor:** Sure.

**Wessels:** Ms. Marcink seems to have a track record known to some of the people anyway, if people were to have a problem say some problems occurred with short-term rentals there for whatever reason noise, whatever, what would be the recourse for the neighbors then?

**Lamb:** I can address that. I'll give the example you gave Mark, noise. We do have a decibel limit within our code that we talked about actually on another use not too long ago that's got limitations as to what you can go ahead and do, so that would be one thing. We would have to go ahead and enforce it and say you're exceeding the noise, Police Department would have to go ahead and be called and go ahead and do so. If that was something that we saw, I guess you could always revoke the Special Use Permit at a later date. You would have to have some reason to go ahead and do so but you could do that if that continued to go ahead and cause a problem.

**Pettet:** To clarify Darren, if it was a rental, a long-term rental, you would still have the decibel consideration...

**Lamb:** Absolutely.

**Pettet:** But the City would otherwise have no...

**Lamb:** There's no...

**Pettet:** No recourse...

**Lamb:** Like we said earlier, there's nothing that can keep somebody owning a house be it Quail Run, be it Stonecrest, be it good old Ward 4 from trying to get into a rental.

**Pettet:** Thank you.

**Sullentrup:** Anytime.

**Lamb:** Anytime.

**David Anderson:** My name is David Anderson; I live at 1516 First Parkway. When this first started, we missed understood there was a discussion across the front that even though it was a short-term rental somebody could still rent the property for one, two, three years, didn't make any difference. There was nothing in the ordinance that saying that it didn't make any difference, am I correct with that?

**Lamb:** I'm sorry.

**Mayor:** Yes, that's...

**Piontek:** That's correct.

**Mayor:** That's correct.

**David Anderson:** So in other words, the gentleman over here saying...

**Mayor:** Could rent it for a few years.

**David Anderson:** That it's just short-term rental, it's not just really short-term rental. It can be used for long-term rental also.

**Wessels:** It can do that without the ordinance.

**Patke:** Yeah, we can...

**Lamb:** You can do that without an ordinance.

**Pettet:** *Inaudible*

**Mayor:** You don't need a Special Use Permit for that.

**Lamb:** Right.

**Unknown:** *Inaudible*

**Mayor:** You have to come back up to the microphone so we can...

**David Anderson:** The gentleman over here was stating that you would not lose on your home value because it's just short-term property. No it's not, it's not just short-term rental because as you were addressing up here as the meeting started, short-term rental can go long time.

**Mayor:** Okay.

**David Anderson:** It has no provisions so therefore, it is a detriment to our home value.

**Mayor:** Okay, thank you.

**Marc Thurston:** I'm taller than Nancy. My name is Marc Thurston, I live at 1502 First Parkway and I will have been there 31 years next month. I am most concerned about the process by which what I believe to be a business that the City also evidentially believes to be a business because a business license is required in order to have a short-term rental. We can refer to it in any way we want but I think it does come out to be a business. It was one of the questions I asked last week to differentiate between a long-term rental, just a normal home rental verses an Airbnb.

Therefore, based on that, what I'm concerned about primarily is that the subdivision where we live in the Houseman Subdivision, turned into an ever increasing business oriented environment simply because there's money to be made. There's money to be made for the Tyann who manages the home, money to be made for the person or folks that own the home, there's money to be made for the City because there's increased taxes although in this particular case I don't think there's going to be very much.

It's been a residential neighborhood since its beginning in the mid 50's and so what then is to prevent the next person who comes to simply say well I'd like to have a child care facility in the neighborhood and since there already is an existing Airbnb business, there shouldn't be a problem running a child care out of my home. Similarly, any other type business that would want to establish itself in the neighborhood could piggyback on this license being granted for the Airbnb.

So, that's a concern that I have in this regard. We got overwhelmed, I got overwhelmed with the amount of material that was being trotted out, nicely done I might add. It sounded almost like we were watching C-SPAN.

In the end, the question that I would like to have considered you as planners consider is what will happen when someone does come and wants to put a car wash or child care or a construction company? What we have seen those that have lived in the neighborhood for as long as I've been there and some longer, that the entire area is a changing neighborhood. It's not changing for the better and I don't believe that adding an Airbnb is going to make an improvement in that direction. Any questions?

**Patke:** I do, just a comment Sir. I listened to this at Planning and Zoning last week as well, in my opinion or I guess where you guys are sitting, if it was a long-term rental if someone came in if this doesn't pass tonight, hypothetically, and Diane has no other choice but to sell it and it's a long-term rental, and we have tall grass, we have whatever going on there, that is more of a detriment to your neighborhood than this.

So, I guess that's why I voted for it last week to pass it on because I thought this was the better case scenario for you as a neighborhood than having a long-term rental person there. Like we have said before, no one can stop a long-term rental. She can rent the house tomorrow to me or to anyone else and be an even bigger problem. With this Special Use Permit and it's a short-term rental, and that's what it's made to be or that's what it's intended to be, is going to be a better situation for you guys as a neighborhood than a long-term rental. If you disagree with that, tell me that but that was my take last week. This was a better situation than a long-term rental and a possible deterioration of property values in that aspect.

**Marc Thurston:** So my response to that would be, I would agree with you.

**Patke:** Okay.

**Marc Thurston:** But I would ask you in response, why it is that rental properties within Washington in general and I know this after the number of years I've been here, have deteriorated in such a degree that they are not being kept up? So my understanding has always been and maybe it's incorrect because we have tried to maintain our property, that there are special ordinances already currently in affect that say things like you should cut your grass and that when parts of your house are falling off, you need to repair them. As a landlord who was renting to someone, I think that the landlord should be responsible for maintaining his property in the same way a homeowner who lives in his own home is required to take of his property.

So, you asked I can lay it out. If you drive around the City of Washington and you see the weeds coming out all over it didn't use to be that way. I can drive across International and go across the bridge and there are stuff growing out of the street that's two or three feet high. If you drive around in our neighborhood and if you've been here some of you no doubt you know some of the names I think seem to indicate you've got family been here for generations, you'll know that the town has changed in many ways especially in our area.

So, my question would be back to you. Why is that that what once was well cared for is now not so well cared for and should it be justification for asking us the question, which is better a full-time rental or an Airbnb? We are forced to make a decision when I believe that what would be really helpful to the community as a whole rather than adding one Airbnb home is to ensure whether you own your own home or you rent your home to a full-time renter that it's cared for, it's kept up.

So, it shouldn't come down to being short-term verses long-term rental, who takes care of the home better, it should come down to we should all be taking care of our homes equally well. I just think that whole points been overlooked and I think as a community it's being overlooked for a number of years.

**Patke:** My only response to that is, I agree with you in the fact that you want your neighborhood to look the best. My thought on what is a good-looking property and your thought is two different things. Unfortunately, some landlords aren't that. We've taken measures to ordinances for where we control ordinances for grass clippings in the street, derelict houses those kind of things and we always run into that property owners they have rights also to what their property should look like, has to look like, has to be kept up to. I'd love to see every neighborhood in better condition, there's no doubt about that.

My statement was in general that a full-time renter has a potential to be worse than a short-term rental. Not the fact that every renter in Washington is bad or it's making it bad in general, that's all. I appreciate it.

**Marc Thurston:** Okay, and again, the situation in which we find ourselves in and I don't want to lose site as to what I'm trying to bring as my primary point. Once you've allowed a business to enter into a residential neighborhood, then what's to stop you from allowing any business in and saying the same thing? Well they bringing examples of how Colorado has been so successful or New York was read in the opening statement from Tyann. We're not Colorado, we still have the American Flag flying, and I would like to see us look at Washington as a community in of itself, not compared to some place else.

**Mayor:** Okay.

**Marc Thurston:** Okay.

**Mayor:** All right.

**Marc Thurston:** Did you have any other questions? Sorry to have rambled.

**Mayor:** That's okay, thank you. Diana, are you...

**Diane Tyler:** Yes...

**Mayor:** Are you currently living in the home?

**Diane Tyler:** I am currently living in the home. I am in the process of moving out into another rental, not a rental property, but a property that we have that I am actually rehabbing. Because that is part of what I do.

I did want to say, I do know my neighbors. I know the Haddox's very well, I know Joe, I know Vickie, I know Dan next store not very well and I don't know his wife very well, but part of that is that my hours at work. I go in about 10 and I have to work and sometimes I'm coming in at 10 at night. So, that is part of the reason that I am not able to necessarily engage it's not because I don't want to.

**Mayor:** You need to speak into the microphone.

**Diane Tyler:** Not that I don't want to, sorry. When Steve bought this property, I moved into it. I started rehabbing this property it was derelict, it been empty somewhere 10 12 years as I understand it. So, anything that I have done to this property is only been in order to make it better.

The property value as I understand it has gone up to a little over \$20,000 since I've made these repairs. This house was in very ill repair, and I mentioned this last week but I had to strip out all of the carpet, which was in the bathrooms, in the kitchen, under the kitchen sink, the walls were sticky with oil heat yellow with nicotine. Before I could even manage to get in those things had to be dealt with. I had the floors professional stripped and refinished to their natural beauty.

I'm working very diligently to make this a beautiful home and try to, I don't want to compete, there are some beautiful homes in this neighborhood but I want my home to be just as beautiful.

Doing this Airbnb is not something that I want to do to hurt the neighborhood by any means at all. I just really do feel that it is something that will raise the value of the property. When you have an Airbnb and you take pride in it, you take care of it when people leave it, you make sure it's clean, you address anything that might go wrong with it, you have to make sure you're on top of it. We can also take time to then go in and do different repairs that we want to do. Like I want to do some repairs on the screen in patio for instance so I can actually not schedule a time frame so we can get in there and get that done.

Steve and I also have an Airbnb in St. Charles, it's a duplex. When we purchased this property, we had a long-term tenant in the back unit and we Airbnb the unit in the front.

There is a common wall that they share and I have not had any problems whatsoever with that situation. I did call specifically about one situation because it was a little bit a younger group and they were coming to a wedding, and I was just a little concerned about the noise. She said they were a little bit rowdy earlier but as soon as the time frame came, then they quieted right down. That's with an adjoining wall.

The fact that the Haddox's are fine, we're the closest to them. They understand what it is we're doing, they see how we're taking care of our property. I think it says a whole lot.

There were some other things that I wanted to say. I've been a part of this community, I moved in 93 here. I've been here, I've had a nail salon early on, my ex-husband had a business in town. I now own Vivify Salon & Spa, I've raised my children here, I love this town. My children are very active in the community and I don't want to do anything to hurt this town. I want to do everything I can to help build it up. I love this town, that's why I stayed here. I did after my divorce move to California where I am from for about five years, but as you see I'm back. Any questions for me? Okay, thank you very much.

**Mayor:** Thank you. Hi.

**Gail McFatrigh:** Hi. My name is Gail McFatrigh and I live at 1514 First Parkway. Today we received the letter around the neighborhood that was delivered by you I think, right?

**Diane Tyler:** Yes it was.

**Gail McFatrigh:** We all received the letter and have read it, and I just want to say right off the bat, this is not personal at all, it is not personal but the one thing that stuck out to me is that when she referred to her Airbnb in St. Charles, she says it's been a wonderful experience showing great profit. I want you all to think about that we are a neighborhood that isn't really interested in anyone else's profit. That's all I have been hearing.

The first person that came up with all of the statistics of quoting other places of what they say and how well they are. I know that you guys also owns Airbnb's and I know that they are important in Washington.

Last week when I asked one of the people who that voted for it, and I said you wouldn't want it in your neighborhood she goes your right, I don't. I said why did you vote it for ours and she changed the subject.

You have to start thinking a little bit about the folks that are already here. Living in Washington, as my husband said we've lived here for seven years in what I will call a Stepford Wife Subdivision. The day that we moved out, people showed up and said we're going to miss you. I've never seen any of those people in my life. The only people that I could ever talk to were the folks that farmed and still lived up on the hill or in the back of the subdivision. The rest of them, I had one guy come over and yell at me because my cat killed a mole in his yard. He said that if he ever seen my cat in his yard again killing moles that he'd be gone. Naturally, seven years we leave we go to places because of my husband's job, he has been driving back and forth from our neighborhood on First Parkway to St. Louis every day for four years because we choose to come back to Washington.

One day when I was still in Chapel Hill, North Carolina looking on-line to see if a house was available on First Parkway and one came on for sale. My husband immediately went and made an offer on it that day. That's where we're living right now because that was our goal, to leave the stepford wife neighborhood in town to go to a neighborhood where I love my neighbors.

I want you to all remember it's not always about profit. You have to respect and think about the folks that are already living here and are already within these communities and we too spend money in the restaurants, we too shop in this town. Something to think about, thank you. Any questions?

**Mayor:** All right, thank you Gail.

**Diane Tyler:** I'd just like to address that. One thing when we brought this property, one thing that we were thinking about was that I do have family in California. I do these different Airbnb's as well and so our thought process was that while I was gone, it would be nice to have somebody staying there so the house wasn't vacant. That was one thought with this Airbnb that started us down the road.

Now, when I said profit, yes it is definitely profitable, but also the fact of the matter is that we're taking care of the property. It's coming in and people are coming in, you have to be able to take care of a property in order for it to be profitable or people are not going to want to stay there. Yes profitable, but also beneficial to the community in the area as well. I didn't mean that that oh you know I'm running in the money, I just meant that we're trying to take care of our properties and that's what we want to do with this one as well.

Also, I would like to address to that there was concern about long-term. Yes, we can long-term rent anytime we want, but that's not our goal here. To be honest, I'm hoping that that will end up being an actual retirement home for me later on.

I understand family. My mother has lived in the home that I was raised in for 50 years. I understand, I get it. We don't want to lose that home either.

I just wanted to clarify that just a little bit, I hope that it makes sense to you.

**Mayor:** Okay, thank you.

**Kim Obermark:** Hi my name is Kim Obermark and I am with Berkshire Hathaway in the Washington Redheads, and I am a local realtor in this area. I wanted to come and support the Airbnb.

I have sold several properties to owners that have turned their homes into Airbnb. At this point, I have sold probably six in the last two years in a residential area. I am a local business owner and I live on Fifth Street in Washington.

I understand about keeping the neighborhood the family, for me as a realtor, it's very important. I have not had from the feedback that had, I haven't had any negative responses. The properties do go up in value because the owners if you've ever stayed in an Airbnb, you have the ability to go in and rate the place where you stay. The owners do take my experiences, impeccable care of their homes. They make sure that the landscaping is done and the interior has been well taken care of.

I just sold three up in Villa Ridge and I know he has put a huge amount of money into redoing the homes as opposed to a long-term rental. He wanted that for Purina Farms people coming in to work for a training or something like that in St. Louis. He has put an astronomical amount of money actually into the three properties that he purchased.

I have sold in Marthasville, Warren County and St. Charles. I don't know if you have any questions for me as a realtor but for me and I have seen the home, I would think I know it went up in value and I can't see it going having it as an Airbnb taking any value away from our community.

I work with seller and buyers all the time and I've stayed in Airbnb's, and I think one of the main one of the positive facts I guess is that you can all stay together. You can have a kitchen, you can have several bedrooms, you can have they tell you a certain amount of people but you

can be together unlike a hotel where you have to spend a much more astronomical amount of money doing that.

So, I didn't know if you had any questions for me as a realtor but I would try to answer anything you may have.

**Mayor:** Any questions or comments? Okay, thank you.

**Kim Obermark:** Okay, thank you.

**Mayor:** Any discussion from Councilmembers?

With no further discussion, a motion to accept this item into the minutes was made by Councilmember Sullentrup, seconded by Councilmember Holtmeier, passed without dissent.

**Bill No. 19-12019, FAILED, Introduced by Councilmember Holtmeier, an ordinance granting a Special Use Permit to utilize 1518 Riverview Drive as a vacation rental in the City of Washington, Franklin County, Missouri.**

The ordinance was introduced by Councilmember Holtmeier.

With no further discussion, the ordinance was read a second time and failed on the following roll call vote; Holtmeier-aye, Wessels-aye, Patke-aye, Pettet-aye, Sullentrup-nay, Hidritch-nay, Skornia-absent, Obermark-absent.

\* Rezone 4967 & 4971 South Point Road From R-2, Two-Family Residential to R-1C, Single-Family Attached

*July 9, 2019*

*Honorable Mayor and City Council*

*City of Washington*

*Washington, Missouri*

*RE: File No. 19-0703 Applicant is seeking to rezone from R-2, Two Family Residence District to R-1C, Single Family Attached*

*Dear Mayor and Council Members:*

*At the regular meeting of the Planning and Zoning Commission, held on July 8, 2019 the Commission reviewed and recommended approval of the above request with a unanimous vote.*

*Sincerely,*

*Thomas R. Holdmeier*

*Chairman*

*Planning and Zoning Commission*

**Lamb:** You should have within your packets, this is another one where the owners are wanting to go ahead and resubdivide the properties so that they can go ahead and have two separate distinct lots. They are requesting that we rezone this from R-2 to R-1C Single-Family Attached.

Planning and Zoning Commission recommended approval of the request, staff also recommends approval.

**Mayor:** Okay.

**Lamb:** Later on in the packet or later on in your agenda, I should say you would have a Subdivision Plat that would also follow.

**Mayor:** Thank you all for being her tonight.

**Unknown:** Thank you.



**Mayor:** We appreciate you being here.

**Unknown:** *Inaudible*

**Mayor:** We appreciate it. Okay, so any questions or comments regarding this item from Councilmembers? Is there anyone here who would like to address the Council on this item?

With no further discussion, a motion to accept this item into the minutes was made by Councilmember Patke, seconded by Councilmember Sullentrup, passed without dissent.

**Bill No. 19-12020, Ordinance No. 19-12061, an ordinance rezoning 4967/4971 South Point Road from R-2, Two-Family Residential to R-1C, Single-Family Attached in the City of Washington, Franklin County, Missouri.**

The ordinance was introduced by Councilmember Wessels.

With no further discussion, the ordinance was read a second time and approved on the following vote; Holtmeier-aye, Wessels-aye, Patke-aye, Pettet-aye, Sullentrup-aye, Skornia-absent, Obermark-absent, Hidritch-absent

### **CITIZENS COMMENTS**

\* None

### **UNFINISHED BUSINESS**

\* None

### **REPORT OF DEPARTMENT HEADS**

\* Code Revision – Section 505.840.Method Generally – Backfilling & Resurfacing

*July 9, 2019*

*Honorable Mayor and City Council*

*City of Washington*

*Washington, MO 63090*

*RE: Code Revision*

*Section 505.840. Method Generally – Backfilling and Resurfacing*

*Dear Mayor and City Council Members:*

*Please find the enclosed DRAFT code revision to Section 505.840. Method Generally – Backfilling and Resurfacing. This was discussed at the last Administration Operations meeting.*

*The Engineering Department has experienced an uptick in utility trenches awaiting final hot mix asphalt that have not been properly maintained. This has resulted in rock in the streets and potholes in the trenches.*

*While trenches are backfilled and compacted with an inspector present, additional settlement will happen as moisture enters the trench. In order to ensure the final asphalt patch is as smooth as possible, we typically allow a min. 4-6 week settlement time before final patching. In the winter this can be much longer. This issue occurs when the contractor leaves the site after backfilling and doesn't maintain the trench, as required, until the City can complete the final asphalt patch.*

*The attached code revision requires the contractor to choke off or cap the gravel backfill with temporary asphalt cold mix. It's one additional step in the backfilling process, but it reduces trench maintenance and risk until the City can complete the final asphalt patch. The contractor is still responsible for the trench until the City can complete the asphalt patch and the warranty period elapses. No other current process will change.*

*Respectfully submitted,  
John Nilges, P.E.  
Public Works Director*

*(Remaining of page intentionally left blank)*

## Chapter 505. Streets and Sidewalks

### Article V. Excavations

#### Section 505.840. Method Generally – Backfilling and Resurfacing

Excavations in any surfaced street or alley, whether a permanent or temporary surfacing exists on the street or alley at the time the excavation is made, shall be made to minimize effect on existing pavement, and all materials removed from the excavation shall be disposed of at some different location other than its origin. Such excavations and related pavement shall be restored per Figures A, B or C at the end of this Section. The applicant shall be responsible to place backfill as specified. Such placement shall only be accomplished after proper notice has been provided to the City Engineer. Such notice shall be given to allow for the proper inspection services to be provided. Any backfill placed without proper notice being provided shall be removed and restored under the City's inspection. The pavement shall be restored by the City. If the initial payment is not sufficient, the applicant shall be required to pay the balance. Any excess amount shall be returned to the applicant. A sequence of required events, as stated herein, can be found on Figure D.

#### **BACKFILL**

##### Existing Asphalt Pavement

Minimum thickness four (4) inches or match existing thickness.

##### Existing Concrete Pavement

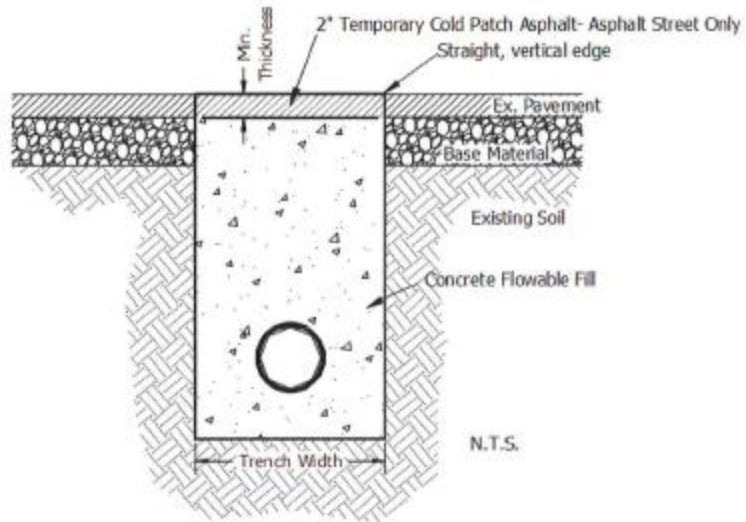
Minimum thickness six (6) inches or match existing thickness.

Replace concrete a minimum of eight (8) feet from joint.

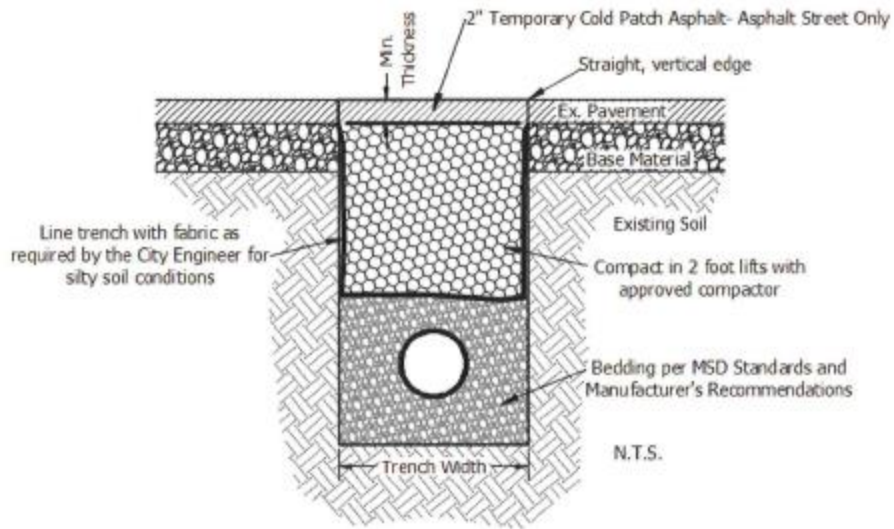
Dowel with five-eighths (5/8) inch diameter rebar eighteen (18) inches long on eighteen (18) inch centers for concrete equal to or greater than seven (7) inches thick.

*(Remaining of page intentionally left blank)*

**FIGURE A. FLOWABLE FILL**

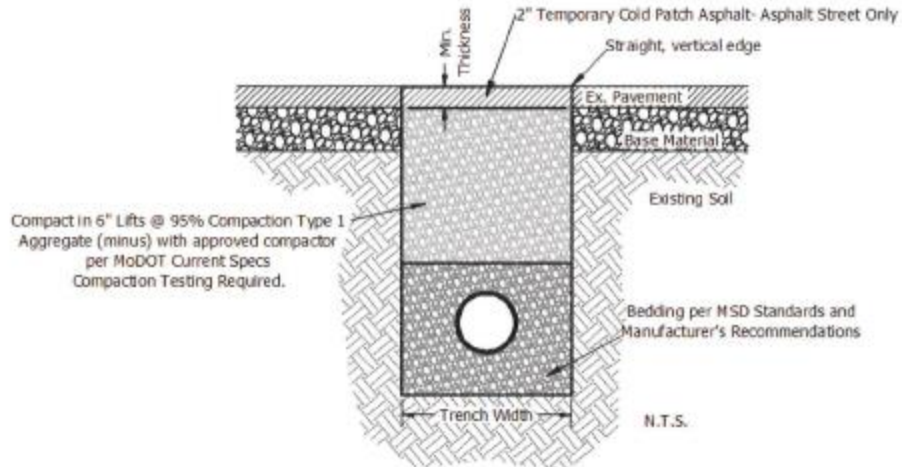


**FIGURE B. ONE INCH CLEAN ROCK BACKFILL**



*(Remaining of page intentionally left blank)*

**FIGURE C. TYPE (1) ROCK BACKFILL**



**FIGURE D**

- A. City receives application. (Street Excavation Permit)
- B. City Engineer establishes the cost for pavement restoration.
- C. Applicant provides payment of twice the cost of pavement restoration. One-half (1/2) of this shall be utilized for initial pavement restoration. The remaining one-half (1/2) of the payment shall serve as a warranty as specified herein. The inspection fee shall also be paid.
- D. Applicant notifies City when backfill operations will occur.
- E. Applicant places backfill with City inspector present. – See Figures A, B, and C above.
- F. City completes final pavement restoration. If the initial payment is not sufficient, the applicant shall be required to pay the balance. Any excess amount shall be returned to the applicant.
- G. After the required warranty period the City shall:
  - a. Return the deposit amount if it has been demonstrated that the right-of-way was properly restored.
  - b. If the restored right-of-way has failed during the warranty period, the deposit shall be forfeited. The City shall thereafter cause the excavation to be restored. If the deposit is not sufficient, the depositor shall be required to pay the balance. Any excess deposit shall be returned to the depositor.

After a brief discussion, a motion to accept this item into the minutes was made by Councilmember Patke, seconded by Councilmember Hidritch, passed without dissent.

## **ORDINANCES/RESOLUTIONS**

### **Resolution No. 19-12062, a resolution in support of the HOPE VI Main Street Grant.**

After a presentation given by Bridgette Kelch, Executive Director for Downtown Washington, Inc. a brief discussion ensued.

The Resolution was introduced by Councilmember Holtmeier, seconded by Councilmember Pettet, passed without dissent.

### **Bill No. 19-12021, Ordinance No. 19-12063, an ordinance authorizing and directing the execution of an agreement by and between the City of Washington, Missouri and Elm Street Investments.**

The ordinance was introduced by Councilmember Holtmeier.

With no further discussion, the ordinance was read a second time and approved on the following vote; Holtmeier-aye, Wessels-aye, Patke-aye, Pettet-aye, Hidritch-aye, Sullentrup-aye, Skornia-absent, Obermark-absent.

### **Bill No. 19-12022, Ordinance No. 19-12064, an ordinance amending Section 605.180 of the Code of the City of Washington, Missouri pertaining to Business Licenses.**

The ordinance was introduced by Councilmember Patke.

After a brief discussion, the ordinance was read a second time and approved on the following vote; Holtmeier-aye, Wessels-aye, Patke-aye, Pettet-aye, Sullentrup-aye, Hidritch-aye, Skornia-absent, Obermark-absent.

### **Bill No. 19-12023, Ordinance No. 19-12065, an ordinance authorizing and directing the execution of a Parking Lot Lease by and between the City of Washington, Missouri and Eckelkamp Enterprises, LLC.**

The ordinance was introduced by Councilmember Patke.

After a brief discussion, the ordinance was read a second time and approved on the following vote; Holtmeier-aye, Patke-aye, Pettet-aye, Wessels-aye, Sullentrup-aye, Hidritch-aye, Skornia-absent, Obermark-absent.

### **Bill No. 19-12024, Ordinance No. 19-12066, an ordinance amending Section 130.170 of the Code of the City of Washington, Missouri.**

The ordinance was introduced by Councilmember Holtmeier.

After a brief discussion, the ordinance was read a second time and approved on the following vote; Holtmeier-aye, Wessels-aye, Patke-aye, Pettet-aye, Sullentrup-aye, Hidritch-aye, Skornia-absent, Obermark-absent.

## **COMMISSION, COMMITTEE AND BOARD REPORTS**

\* Preliminary Plat Approval – 4967 & 4971 South Point Road

*July 9, 2019*

*Honorable Mayor & City Council*

*405 Jefferson Street*

*Washington, MO 63090*

*RE: File No. 19-0702-Preliminary Plat Approval of 4967 & 4971 South Point Road*

*Dear Mayor and City Council Members:*

*At the regular meeting of the Planning & Zoning Commission, held on Monday, July 8, 2019 the Commission reviewed and recommends approval of the above request with an unanimous vote.*

*Sincerely,*

*Thomas R. Holdmeier*

*Chairman*

*Planning & Zoning Commission*

After a brief discussion, a motion to accept and approve this item was made by Councilmember Patke, seconded by Councilmember Holtmeier, passed without dissent.

**Bill No. 19-12025, Ordinance No. 19-12067, an ordinance approving the Final Plat of Stonecrest Subdivision, Plat 15, in the City of Washington, Franklin County, Missouri.**

The ordinance was introduced by Councilmember Holtmeier.

With no further discussion, the ordinance was read a second time and approved on the following vote; Holtmeier-aye, Wessels-aye, Patke-aye, Pettet-aye, Sullentrup-aye, Hidritch-aye, Skornia-absent, Obermark-absent.

### **MAYOR'S REPORT**

- \* Marthasville Fire Department worked three separate fatalities over the weekend. Our thoughts go out to all involved.
- \* Congratulations to City Administrator Darren Lamb on being nominated for Outstanding Public Official for Missouri Main Street.
- \* American in Bloom Judges Luncheon is Friday, July 26.

### **CITY ADMINISTRATOR'S REPORT**

- \* EPA Workshop, to discuss the old Sporlan Valve site, for City Officials is Tuesday, July 16, 2:30 p.m. at City Hall. General Public Meeting is at 6:30 p.m., KC Hall in the Lower Level.

### **COUNCIL COMMENTS**

- \* None

### **CITY ATTORNEY'S REPORT**

Public vote on whether or not to hold a closed meeting to discuss personnel, legal and real estate matters pursuant to Section 610.021 RSMo (2000) passed at 8:36 p.m. on the following roll call vote; Holtmeier-aye, Wessels-aye, Patke-aye, Pettet-aye, Sullentrup-aye, Hidritch-aye, Skornia-absent, Obermark-absent.

The regular session reconvened at 9:19 p.m.

**ADJOURNMENT**

With no further business to discuss, a motion to adjourn was made at 9:19 p.m. by Councilmember Holtmeier, seconded by Councilmember Pettet passed without dissent.

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Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council

Passed: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor of Washington, Missouri



ATTACHMENT A



City of Washington  
Washington, Missouri

July 12, 2019

*Re: Special use permit for 1518 Riverview Drive*

Dear Mayor Lucy and Washington City Council Members,

My name is Tyann Marcink with Missouri Haus vacation rental properties. I own and/or manage several short-term rental properties in the area, including Union, Villa Ridge, Marthasville, and St. Charles.

Thank you for reading this letter in lieu of my speaking personally at the public hearing since I am currently on vacation with my family and unable to attend the city council meeting.

My clients Diana Tyler of Washington, Missouri and her business partner Steve White of California have asked me to manage their house at 1518 Riverview Drive in Washington as a short-term rental, thus I am seeking the approval of a special use permit in accordance with city regulations.

Short-term rentals have a positive economic impact on small towns, providing:

- Desired lodging alternatives to travelers to the area
- An increase in spending at local businesses
- Increased sales and lodging tax revenue to the city
- Job creation for those in the service industry (cleaning and maintenance specifically)

Recently the St. Louis Business Journal released that \$4.1 million in sales and lodging taxes were collected from short-term rental stays in 2018 through Airbnb. This does not account for additional taxes collected from stays through other platforms like VRBO as well as direct bookings through an owner or manager.

In addition, short-term rentals also increase the property values of the neighborhood in which they are located.

The Harvard Business Review states “that, in aggregate, the growth in home-sharing through Airbnb contributes to about...one-seventh of the average annual increase in U.S. housing prices. (Link: <https://hbr.org/2019/04/research-when-airbnb-listings-in-a-city-increase-so-do-rent-prices>)

A study by the Williams College Department of Economics published January 1, 2018 also finds that when a property that has a short-term rental in their neighborhood is sold, it **increases prices by 3.5%** (for properties that are far from the center of the town and consists of only a few Airbnb properties) to more than 65% for properties that are near the center and/or have a larger number of local short-term rental properties. (Link: <https://www.aeaweb.org/conference/2018/preliminary/paper/sna9Y7s3>)

The house at 1518 Riverview Drive sat vacant for 12 years before Diana and Steve purchased the home and began the long renovation process. A vacant home is a negative impact on a neighborhood. The home is no longer vacant as Diana has been living at the home for nearly 2 years, gradually repairing the home while also running her local business Vivify Salon and Spa.

There are several policies I have in place to manage a short-term rental so that it is a positive presence in a neighborhood, in line with normal residential activities and keeping with city ordinances.

**Noise:** The home at 1518 Riverview Drive will have a noise level monitoring device called NoiseAware. This device does not record voices, only monitors the level of sound decibels. When an unacceptable level of noise is reached, the system sends me a notification and a text message. I am then able to immediately reach out to guests to lower their noise level.

I set the acceptable noise level up to 70 decibels after 10:00 pm. This would be the level of noise that a group of friends having dinner together would produce. Guests are made aware of the noise monitoring as well as local noise ordinances.

I currently have the NoiseAware system in my Bank Haus in Marthasville. Only twice the guests have triggered the noise level notifications, and each time the guests have lowered their noise levels within moments after I have contacted them.

**Parking:** With this property, there is a long driveway with lots of street curb in front of the house, more than what would be needed for the guests.

**Trash:** Guests would be engaging in normal residential activities, thus producing an average family's amount of trash. There would be no excessive trash amounts to be taken care of besides the normal times of year when an average family has an excessive amount (i.e. holidays).

**Parties:** Our strict policy for guests is they may have up to the maximum number people for the property they are staying at and no parties allowed. The definition of a party would be excessive noise and a large amount of people.

**Pets:** We do have a dog-friendly policy for our vacation rentals and host many families and travelers with dogs. Part of the policy is that guests are required to keep their dog on a leash when outside and must clean up after their dog. If they do not follow our policies, they face a stiff fine up to \$500.

**Commercial activity:** Yes, the city of Washington does require the manager of a short-term rental to have a business license. Yes, each guest also pays sales and lodging taxes on their stay.

The activity of guests, though, is exactly the same residential activity, whether they are staying 2 nights or 2 years.

The use of the home will be no different as a short-term rental than it would be as a long-term rental or residence. The families who will inhabit this home will prepare meals, gather as a family, brush their teeth, and sleep there.

I would like to point out that no commercial activity is taking place at the house. It is residential activity. The exchange of money for services is not done at the house but through an online transaction and before the guests arrive. In fact, their stay must be paid in full before they are given access to the home.

The activities to procure long-term tenants are exactly the same as securing short-term guests:

- Owner/manager advertises the property available
- Tenant/guest signs a rental agreement
- Tenant/guest pays for a stay
- Owner pays for maintenance and cleaning between stays
- Property is income producing

If short-term rentals are to be deemed a commercial activity because money is exchanged, I would like to argue that long-term rentals should be deemed as commercial activity as well. Each of my guests are required to sign a rental agreement, no matter their length of stay. There is nothing magical that happens between night 30 and night 31 except that the state of Missouri does not require sales tax on the rent if a person stays more than 30 nights.

Christopher McElroy, a Realtor from Colorado and chairman of NAR's State & Local Issues Policy Committee, said owning property comes with a "bundle of rights," including the opportunity to rent owned property to another individual. However, advancing technology has expanded choices for consumer travel and changed traditional rental market time frames to much shorter periods.

Brian Blaesser, a real estate attorney partner at the Boston office of law firm Robinson & Cole, states, "Fundamental property rights state that you should be able to buy, rent or sell a property," he said. "Limiting renting is taking away one of those three rights."

At a Realtor Legislative meeting in May 2016, a panel of industry experts spent 90 minutes discussing whether short-term rentals infringed on property rights. The panel agreed that renting a property for less than 30 days is still a residential activity vs. a commercial activity. In other words, just because you lease your home overnight doesn't necessarily make it a commercial property. (Link: [https://www.washingtonpost.com/news/where-we-live/wp/2016/09/07/how-your-neighbors-airbnb-rental-can-affect-your-property-values/?noredirect=on&utm\\_term=.45029aed3c5](https://www.washingtonpost.com/news/where-we-live/wp/2016/09/07/how-your-neighbors-airbnb-rental-can-affect-your-property-values/?noredirect=on&utm_term=.45029aed3c5))

I understand that several neighbors feel a short-term rental would have a negative impact on the neighborhood and fear a change in the neighborhood structure.

They are correct that it does bring a small change to the neighborhood, but so does a vacant house, long term rentals, folks moving out, and families moving in. Neighborhoods are always changing and evolving, going through cycles over the years.

After speaking with several of the neighbors after the planning and zoning meeting last week, I learned that two of their biggest concerns are property values and not knowing their neighbors.

As research has shown, a short-term rental in a neighborhood does not decrease property values but instead increases the value of the neighborhood by 3.5% or more.

As for not knowing your neighbors, sadly research from Pew Research Center in 2018 states that only 31% of adults know all or most of their neighbors. More than two thirds of Americans don't know who their neighbors are. Having a short-term rental in the neighborhood won't change this fact.

As far as the home at 1518 Riverview Drive, with Diana living there nearly 2 years, she has only met her direct next-door neighbors a few times. Between working long hours in her local small business and renovating the house, she has not had the opportunity to meet more of her neighbors.

Having new neighbors each week could be looked at as an adventure. It is an opportunity to have a variety of people from all over the world visit the area, bringing smiles and laughter into a neighborhood, if only for a few days at a time.

Because I have been hosting guests in the Franklin County area for 2 years, I'm happy to share exactly who the people are who visit our area and why they are visiting.

Here are just a few of the guests who have recently visited:

**Connie and her husband from Wisconsin** came to the area to see their son graduate college in St. Louis. They chose the Franklin County area for its location near outdoor activities while being an easy drive to the graduation ceremony.

Their public review states "We really enjoyed the convenient location as we enjoyed hiking at Shaw Preserve, golfing at Wolf Hollow, kayaking on the Meramec River and the art festival and restaurants in Washington, MO with our son from St. Louis. This area is very pretty."

**David from Indiana** came to the area with his grown children and his elderly father to attend a St. Louis Cardinals baseball game and wanted to stay in a quiet area.

His public review states, "If you stay at the Bank Haus, you can expect excellent attention from Tyann, the host. The Bank Haus is clean and well stocked. The beds are very comfortable. The decor is very unique, and this was very interesting to us as it is an old bank that has been converted to a rental home. The location was very quiet and relaxing. It was a short drive to Washington, MO, and we spent time shopping at some shops in the old part of the city along the river. We dined at several restaurants in Washington. Overall, it was a very good experience for a long weekend getaway."

**Marise from Virginia** came with her grown children to attend a wedding nearby and explore the area. Because of the local information I give to my guests, they were able to live like locals as well.

Her public review states, “We are grateful to have stayed in Katy Haus so nicely decorated and well-appointed and conveniently located for all our activities and interests. We especially appreciate the very well done Welcome book with all the necessary details and information and excellent recommendations on places to eat and things to see and do! Be sure to visit Exit 11 coffee! We enjoyed every moment of our time, especially the tour at the Daniel Boone home and an afternoon wine tasting at Cedar Lake! I also had a great hairdo for the wedding thanks to you connecting me to Cindy.”

**Melissa from Minnesota** came with her friend and three show dogs to compete at events at Purina Farms.

Her public review states, “Was a perfect place to stay close to Purina Farms! Was very nice to be able to come back to a house after a long day and just sit back and relax and cook dinner in a kitchen.”

Frequently I have nearby neighbors choose one of my properties specifically because of the close proximity in the neighborhood so out-of-town family can stay nearby. Guests come for holidays, weddings, and family events, including new babies born into the family.

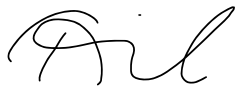
As you can see, many of my guests also spend time in Washington even though they are staying in a nearby town.

The house at 1518 Riverview Drive is a 3 bedroom, 2 bath home and would sleep up to 8 people. It is an excellent location for a short-term rental for several reasons:

- Simple access to both Hwy 47 and Hwy 100
- A few blocks from the hospital and the Missouri River bridge
- Easy bike, drive, or walk to the Downtown Washington area
- Quiet neighborhood for families

Hosting guests to our area is a privilege I hold dear and believe that the home at 1518 Riverview Drive would not be a detriment but an asset to the neighborhood and the city of Washington.

Respectfully,



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