

**CITY OF THE HIGHLANDS**  
SPECIAL COUNCIL MEETING  
Monday, 6:30 p.m., March 27, 2023  
Crazy Horse Sports Club, 922 W. Crazy Horse Dr., 67502

This meeting is being recorded.

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**Minutes**

**I. Meeting called to order - 6:30 p.m.**

A. Welcome by Mayor Moore

B. Roll call of the Council by City Clerk, Bonnie Swenson

Present: Jeff Jackson, Mark Kerschen, Butch Neel, Kenny Nuss, Brian McElgunn

AZRC: Mo Penny

\*\*Guests: see list at end of Minutes

**II. Purpose of this meeting:**

A special meeting of the governing body for the purpose of discussing the occurrences of AirBnB, Vrbo, or like arrangements within the City of The Highlands.

**III. Review proposed amendments to Ordinance No. 2023-31, an ordinance amending Ordinance No. 2020-18, Article III, Section 2, Inhabitable Structure:**

Mayor Moore stated specifically at issue are the above listed ordinances and their amendments regarding what is an inhabitable structure. Item K is the issue in question - "no dwelling structure may be rented or leased or other form of occupancy agreement for a period of 30 days or less." This is the ordinance that the residents received the mass email about and thanked them for their generous participation. Jeff Jackson said that we wanted their comments and appreciate the information that was sent to the residents. We are a volunteer City council, and we do not lay awake at night thinking of ways to make you mad or take away your property. Lots of cities are dealing with this issue. He asked our city attorney, Stan Juhnke, if he had had any problems with the cities he deals with, and his response was "not yet". Jeff suggested that it be taken to a ballot and allow the residents to vote on it. The easy answer is to do nothing - as it stands now, the ordinances allow for AirBnB's, etc., to operate in The Highlands. The ordinance, or law, can be changed. Either side of the question can force us by petition to address it again. It can be on the ballot every year if one side or the other doesn't get the desired result. The hope, and intention, is to do it the democratic way by allowing you to vote. We understand that you don't want someone telling you what you can and can't do with your property.

There are questions of do you want one next to you, and when it comes to selling your property, it could be positive or negative - not arguing either way. In other cities, they collect tax dollars because they are after the revenue. Jeff does not see the City of The Highlands doing that, at this point. That is a totally different topic to have once a decision is made.

Mayor Moore reviewed the process: if a special election is held, it would involve 90 days' notice to the residents by the Reno County Clerk, putting it to the end of June. They do all the work, sending out post cards and advance ballots, the county commissioners would do the canvassing, and we would get the results quickly. It would cost around \$2,000.00. Butch Neel said he checked with Donna Patton, and if we put it on the regular November election ballot, it would not cost anything extra.

#### **IV. Discussion and recommendations:**

Jeff is for saving the City \$2,000.00. Brian McElgunn feels the City should save their money. AirBnb's have strict rules they must follow and, personally, he doesn't have a problem with them. The council shouldn't make this decision on their own. Wishes the community could arrive at a decision together. He feels it will be a topic that has to be addressed every year. Mayor Moore called for the question - should City of The Highlands ban short term rentals and put on a ballot for residents to vote on.

- Jeff Jackson made motion to delete Item K. out of Ordinance 2023-31, re-post for another four weeks; Butch Neel seconded; motion carried unanimously.

Audience comments: what is Item K? Mayor Moore read again. What are the pros and cons - doesn't feel they are voting with much comprehension of the issue. We should consider the differences between AirBnB's and long-term rentals. Why is this an issue? How will this ordinance be enforced? Have heard comments that if the Dunes host another PGA tournament, a Highlands resident would be renting regardless. Have there been any fines issued for violations?

Mayor Moore and Jeff Jackson addressed questions: warnings have been issued, but no fines imposed for violations. The council was not petitioned to address AirBnb's. The residents will have time to educate themselves before voting in November. Jeff has found thousands of articles on the legal issues. Some states have rules that regulate how they operate in the cities, such as how often you can rent them during a year, etc. There are neighbors that do not want AirBnb's in the City, due to the additional traffic and disturbances that could be caused. The council could put links to more info on the website if that would be helpful.

**V. Adjournment** - 6:58 p.m.

- Butch Neel made motion to adjourn; Brian McElgunn seconded; motion carried unanimously.

\*\*Terri Noll, Tony Gaston, Janell Swartz, Steve Swartz, Bob Updegraff, Dave Thomas, John McDowell, Stacy McDowell, Brandon Fox, Matt and Kristi Sherrer, Loren Frees, Randy Miller, Pamela Butler, Cheryl Wiggins, Matt and Kelly Graber, Amber Brown, Lori Likes, Keith Likes, Joey Dean, Greg Thiessen, Jon Brown, Gene Buxton, Mitch Cramer, Jennalee Boggs, Dennis Boggs, Tom Dobson, Brian Langlais, Zane Jackson, Jackie Ashcraft.