

STATE OF MINNESOTA  
COUNTY OF WASHINGTON

DISTRICT COURT  
TENTH JUDICIAL DISTRICT

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John P. Norusis,

Plaintiffs,

v.

City of Marine on Saint Croix,

Defendant.

Case Type: Declaratory Judgment  
Court File No.: 82-CV-20-3974

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**AFFIDAVIT OF BRANDON M. SCHWARTZ**

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STATE OF MINNESOTA            )  
                                                  )ss  
COUNTY OF WASHINGTON        )

I, Brandon M. Schwartz, being duly sworn upon oath, state, allege and verify as follows:

1. I am one of the attorneys representing Plaintiff John P. Norusis in the above-captioned matter.
2. Attached hereto as **Exhibit A** are true and correct copies of the deposition transcript pages from Gerald Mrosła's deposition which were cited in Plaintiff's Memorandum of Law filed concurrently herewith.

Further your affiant sayeth naught.

Dated: June 11, 2021

/s Brandon M. Schwartz  
Brandon M. Schwartz

# **EXHIBIT A**

NORUSIS v. CITY OF MARINE ON ST. CROIX

GERALD L. MROSLA

4/30/2021

Northwestern Court Reporters

(800) 628-7551

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1 **Q Have the Goodfellows ever talked to you about**  
 2 **Mr. Norusis's background?**  
 3 A Can't recall on that one.  
 4 **Q Have the Kramers ever talked to you about**  
 5 **Mr. Norusis's background?**  
 6 A I don't believe so.  
 7 **Q Has anybody told you that the reason they wanted**  
 8 **an ordinance regulating short-term rentals was**  
 9 **because of Mr. Norusis's background?**  
 10 A No, sir.  
 11 **Q Have the Whitakers ever talked to you about**  
 12 **Mr. Norusis's background?**  
 13 A I don't recall. I don't think so.  
 14 **Q Have the Wrights ever talked to you about**  
 15 **Mr. Norusis's background?**  
 16 A Don't recall, and I don't think so.  
 17 **Q When was the first time -- well, let me ask you**  
 18 **this.**  
 19 **Do you have any notes from any conversations**  
 20 **you've had with anyone excluding legal counsel --**  
 21 A No, sir.  
 22 **Q -- regarding Mr. Norusis's background?**  
 23 A No. Not at all.  
 24 **Q Do you have any text messages or emails that you**  
 25 **sent or received regarding Mr. Norusis?**

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1 A No. I don't think so.  
 2 **Q Have you looked to see if you have any text**  
 3 **messages or emails regarding Mr. Norusis?**  
 4 A No, I have not looked. I don't recall ever  
 5 sending an email or texting. I'm not a texter to  
 6 begin with.  
 7 **Q When was the first time the Planning Commission**  
 8 **discussed any type of regulation related to**  
 9 **short-term rentals?**  
 10 A I think it was mid-2018, August, September,  
 11 somewhere in that area.  
 12 **Q Did the regulation of rental properties by the**  
 13 **City come up prior to 2018?**  
 14 A I don't recall. Don't know.  
 15 **Q Can you explain to me how it was that the task of**  
 16 **investigating short-term rental regulations was**  
 17 **brought to the Planning Commission's attention?**  
 18 A I believe the Council asked us to do a study.  
 19 **Q Did the Council explain why they wanted you to do**  
 20 **a study?**  
 21 A Not to me. I think -- I think one of the  
 22 concerns were that investors may come into  
 23 Marine, purchase homes, and eat up our  
 24 inventory.  
 25 **Q Were any other concerns regarding short-term**

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1 **rentals conveyed by the City Council?**  
 2 A No.  
 3 **Q In mid-2018 -- well, let me ask you this, sir.**  
 4 **Do you have the documents that were marked**  
 5 **as exhibits during Ms. Peterson's deposition?**  
 6 A I may have, but they're in my briefcase in my  
 7 office.  
 8 MR. SCHWARTZ: Mr. Reuvers, were those  
 9 provided to him, or do I need to screen share  
 10 with him?  
 11 MR. REUVERS: You're going to need to  
 12 screen share those with him.  
 13 MR. SCHWARTZ: Okay.  
 14 **Q (By Mr. Schwartz, continuing) The first minutes,**  
 15 **just for a point of reference that I can find in**  
 16 **the Planning Commission related to short-term**  
 17 **rentals, is a July 12th, 2018, City Council**  
 18 **meeting minute, all right, just using that for**  
 19 **point of reference.**  
 20 A Okay.  
 21 **Q Prior to July 12th of 2018, are you aware of any**  
 22 **injurious effect to the public health from**  
 23 **short-term rentals?**  
 24 A No.  
 25 **Q Prior to July 12th of 2018, are you aware of any**

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1 **injurious effect to the public health from**  
 2 **Norusis's use of the property?**  
 3 A No, sir.  
 4 **Q You know -- I'm sorry. I don't mean to butcher**  
 5 **it.**  
 6 **It's Mrosla; right?**  
 7 A Mrosla.  
 8 **Q Do you know the address of Mr. Norusis's**  
 9 **property?**  
 10 A I know it's on Pine Cone Trail. I don't know the  
 11 address.  
 12 **Q Does 801 Pine Cone Trail sound accurate?**  
 13 A Yes.  
 14 **Q Prior to July 12th of 2018, are you aware of any**  
 15 **injurious effect to the morals of the City from**  
 16 **short-term rentals?**  
 17 A No, sir.  
 18 **Q Prior to July 12th of 2018, are you aware of any**  
 19 **injurious effect to the morals of the City from**  
 20 **Norusis's use of the property?**  
 21 A No.  
 22 **Q Prior to July 12th of 2018, are you aware of any**  
 23 **injurious effect to the safety of citizens from**  
 24 **short-term rentals?**  
 25 A No.

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1 **Q** Prior to July 12th of 2018, are you aware of any  
 2 injurious effect to the safety of citizens from  
 3 Norusis's use of the property?  
 4 **A** No, sir.  
 5 **Q** Prior to July 12th of 2018, are you aware of any  
 6 injurious effect to the convenience of the  
 7 citizens of the City from short-term rentals?  
 8 **A** No.  
 9 **Q** Prior to July 12th of 2018, are you aware of any  
 10 injurious effect to the convenience of the  
 11 citizens of the City from Norusis's use of the  
 12 property?  
 13 **A** No.  
 14 **Q** Prior to July 12th of 2018, are you aware of any  
 15 injurious effect to the general welfare of the  
 16 citizens of the City from short-term rentals?  
 17 **A** No.  
 18 **Q** Prior to July 12th of 2018, are you aware of any  
 19 injurious effect to the general welfare of the  
 20 citizens of the City from Norusis's use of the  
 21 property?  
 22 **A** No.  
 23 **Q** Now I want to ask you about prior to the passage  
 24 of the ordinance.  
 25 **Q** If I call it the ordinance, can we have an

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1 understanding that we're referring to Ordinance  
 2 2020-156, which was the short-term rental  
 3 ordinance?  
 4 **A** Sounds correct.  
 5 **Q** Prior to the passage of the ordinance, are you  
 6 aware of any injurious effect to the public  
 7 health from short-term rentals?  
 8 **A** No, sir.  
 9 **Q** Prior to the passage of the ordinance, are you  
 10 aware of any injurious effect to the public  
 11 health from Norusis's use of the property?  
 12 **A** No.  
 13 **Q** Prior to the passage of the ordinance, are you  
 14 aware of any injurious effect to the morals of  
 15 the City from short-term rentals?  
 16 **A** No.  
 17 **Q** Prior to the passage of the ordinance, are you  
 18 aware of any injurious effect to the morals of  
 19 the City from Norusis's use of the property?  
 20 **A** No.  
 21 **Q** Prior to the passage of the ordinance, are you  
 22 aware of any injurious effect to the safety of  
 23 the citizens from short-term rentals?  
 24 **A** No.  
 25 **Q** Prior to the passage of the ordinance, are you

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1 aware of any injurious effect to the safety of  
 2 the citizens of the City from Norusis's use of  
 3 the property?  
 4 **A** No.  
 5 **Q** Prior to the passage of the ordinance, are you  
 6 aware of any injurious effect to the convenience  
 7 of the citizens of the City from short-term  
 8 rentals?  
 9 **A** No.  
 10 **Q** Prior to the passage of the ordinance, are you  
 11 aware of any injurious effect to the convenience  
 12 of the citizens of the City from Norusis's use of  
 13 the property?  
 14 **A** No, sir.  
 15 **Q** Prior to the passage of the ordinance, are you  
 16 aware of any injurious effect to the general  
 17 welfare of the citizens of the City from  
 18 short-term rentals?  
 19 **A** No, sir.  
 20 **Q** Prior to the passage of the ordinance, are you  
 21 aware of any injurious effect to the general  
 22 welfare of the City from Norusis's use of the  
 23 property?  
 24 **A** No, sir.  
 25 **Q** You testified earlier, sir, that the Planning

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1 Commission sometimes is tasked by the City  
 2 Council with I think you said investigating or  
 3 studying ordinances; is that correct?  
 4 **A** That's correct.  
 5 **Q** Other than the short-term rental ordinance that  
 6 we're talking about today, how many other  
 7 ordinance studies have you been a part of on the  
 8 Planning Commission?  
 9 **A** Currently I'm on a study -- I'm not on the study,  
 10 but the Planning Commission is studying their  
 11 ordinance for communications, cell tower  
 12 communications.  
 13 And prior to that, this goes back quite a  
 14 ways, we developed a chicken ordinance.  
 15 **Q** Chicken, like the animal?  
 16 **A** Yes, sir.  
 17 **Q** And is that related to the number of chickens you  
 18 can have or where they can be located?  
 19 **A** Exactly.  
 20 **Q** And so during the nine years that you've been on  
 21 the Planning Commission, is it accurate that the  
 22 ordinances that you've been a part of studying  
 23 would be those three; the short-term rental  
 24 ordinance, the cell tower communications  
 25 ordinance, and chicken ordinance?

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- 1 A That's all I recall, other than the Comprehensive  
2 Plan.
- 3 **Q Does the Planning Commission play any role in**  
4 **zoning within the City?**
- 5 A Yes.
- 6 **Q Explain to me, please, what role the Planning**  
7 **Commission plays as it relates to zoning within**  
8 **the City.**
- 9 A The only one that I worked on, this was kind of  
10 going on with the short-term rentals, was  
11 reclassifying a piece of property that's split  
12 into lots for a PUD or something like that. I  
13 can't recall exactly. It was three five-acre  
14 lots -- 15 acres. We converted it to three  
15 five-acre lots.
- 16 MR. REUVERS: Brandon, can we go off  
17 the record a second?
- 18 MR. SCHWARTZ: Yeah.  
19 (Off the record)  
20 (Attorney Wolf appears on behalf of  
21 Attorney Reuvers)
- 22 MR. SCHWARTZ: We're going back on the  
23 record. And just so the record is clear,  
24 Mr. Wolf is now appearing on behalf of the  
25 City in place of Mr. Reuvers.

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- 1 **Q (By Mr. Schwartz, continuing) Mr. Mrosla, we'll**  
2 **pick up where we left off here.**
- 3 A Sure.
- 4 **Q What studies are you aware of that the City**  
5 **conducted on the effect of short-term rentals?**
- 6 A Once the City assigned us the task of drafting an  
7 ordinance, we assigned a three-person committee,  
8 which actually was four persons, one person from  
9 the Council, and they did the study.
- 10 **Q Who was on that four-person committee that you**  
11 **just referenced?**
- 12 A Kristina Smitten, Anna Hagstrom, Jennifer Henry,  
13 and Gwen Roden from the City Council.
- 14 **Q What studies are you aware of that that committee**  
15 **conducted on short-term rentals?**
- 16 A I believe the first part of the study was looking  
17 at existing ordinances in the surrounding  
18 communities.
- 19 **Q Anything else?**
- 20 A Well, I can't remember exactly, but I can't  
21 remember if I developed it or if the committee  
22 did. I thought I did, but maybe not. Six  
23 parameters of types of STRs, regulating them,  
24 enforcement.  
25 I can't remember all six categories.

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- 1 **Q Do you have documentation still, sir, of the six**  
2 **parameters?**
- 3 A I think I do.
- 4 **Q Would you provide that to Mr. Wolf or**  
5 **Mr. Reuvers, please?**
- 6 A It might be in one of my files upstairs.  
7 Do you want me to go get that?
- 8 **Q You don't have to do it right now. If you'd look**  
9 **during a break and provide that, I would**  
10 **appreciate it.**
- 11 A I think I -- I might have gave that to Paul  
12 already.
- 13 **Q Did the planning, did that three-person or**  
14 **four-person committee report to the Planning**  
15 **Commission about its findings?**
- 16 A Yes.
- 17 **Q Did the Planning Commission conduct any studies**  
18 **on the effect of Norusis's use of the property?**
- 19 A I don't believe so.
- 20 **Q Other than reviewing the existing ordinances from**  
21 **other cities, and I'll get to that in a minute**  
22 **because that's noted in the minutes, and these**  
23 **six parameters, are you aware of any other**  
24 **studies conducted by the City regarding**  
25 **short-term rentals?**

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- 1 A You know, they might have got into the League of  
2 Cities. There's some templates of how to draft  
3 an ordinance for short-term rentals. I recall  
4 some discussion on that, but I'm not clear on it,  
5 but I think they dove into that.
- 6 **Q Any other studies that you're aware of conducted**  
7 **by the Planning Commission or this four-person**  
8 **committee regarding short-term rentals?**
- 9 A You know, I'm not aware of it, Mr. Schwartz.  
10 They really did a lot of research.  
11 I'd have to look at all the minutes, if  
12 that's even included in the minutes, but I know  
13 they worked on it for quite a long time.
- 14 **Q Is there a file that you're aware of maintained**  
15 **by the City or the Planning Commission that**  
16 **contains the research that you referenced or the**  
17 **templates that you referenced or the existing**  
18 **ordinances that you referenced?**
- 19 A No. I don't think so.
- 20 **Q Are you aware of any studies conducted by the**  
21 **City on the effect of short-term rentals on any**  
22 **neighborhoods?**
- 23 A No.
- 24 **Q Are you aware of any studies conducted by the**  
25 **City on the effect of Norusis's use of the**

Pages 29 to 32

<p style="text-align: right;">Page 37</p> <p>1 study the City conducted on the number of days a 2 property could be rented per month? 3 A No, sir. 4 Q Prior to the passage of the ordinance, are you 5 aware of any police calls made due to short-term 6 rentals in the City? 7 A No, sir. 8 Q Prior to the passage of the ordinance, are you 9 aware of any police calls made due to Norusis's 10 use of the property? 11 A No, sir. 12 Q Prior to the passage of the ordinance, are you 13 aware of any noise-related complaints made due to 14 short-term rentals in the City? 15 A No, sir. 16 Q Prior to the passage of the ordinance, are you 17 aware of any noise-related complaints made due to 18 Norusis's use of the property? 19 A No, sir. 20 Q Prior to the passage of the ordinance, are you 21 aware of any zoning violations written by the 22 City due to short-term rentals? 23 A No, sir. 24 Q Prior to the passage of the ordinance, are you 25 aware of any zoning violations issued by the City</p>	<p style="text-align: right;">Page 39</p> <p>1 Q I want to go back to the discussion that we had 2 earlier about Mr. Norusis's past background. 3 Did any of the residents of Pine Cone Trail 4 demand that you're aware of that the City pass an 5 ordinance to regulate short-term rentals because 6 of Mr. Norusis's background? 7 A I don't believe so. 8 Q Do you know how or why short-term rentals and the 9 regulation of them were first brought to the City 10 Council's attention? 11 A That's a really good question, and I do not. 12 Q Other than residents on Pine Cone Trail, are you 13 aware of any complaints regarding short-term 14 rentals? 15 A Yes. 16 Q What complaints are you aware of outside from 17 Pine Cone Trail residents regarding short-term 18 rentals? 19 A In my community of Jackson Meadow, one of our 20 neighbors, maybe two neighbors, would lease their 21 house out from time to time, and our association 22 got wind of it and notified them that that's not 23 allowed by our bylaws, and short-term rentals 24 ceased at that point. No City involvement. 25 Q So that was more of an association issue then?</p>
<p style="text-align: right;">Page 38</p> <p>1 to Norusis from the use of his property? 2 A No. 3 Q Prior to the passage of the ordinance, are you 4 aware of any nuisance complaints made due to 5 short-term rentals? 6 A No. 7 Q Prior to the passage of the ordinance, are you 8 aware of any nuisance complaints made related to 9 Norusis's use of the property? 10 A No. 11 Q Prior to the passage of the ordinance, are you 12 aware of any crimes committed in the City due to 13 short-term rentals? 14 A No. 15 Q Prior to the passage of the ordinance, are you 16 aware of any crimes committed related to 17 Norusis's use of the property? 18 A No, sir. 19 Q Did the City retain any independent consultants 20 to study the impact of short-term rentals? 21 A I don't believe so. 22 Q Did the City retain any independent consultants 23 to study the impact of Norusis's use of the 24 property? 25 A No.</p>	<p style="text-align: right;">Page 40</p> <p>1 A Correct. Correct. 2 Q And the renting out of the houses that you just 3 referenced, was that more than just, for 4 instance, a weekend? 5 A Yeah. I think it was just, you know, very 6 spotty. Whenever the residents were out of town, 7 they would lease it out to I think in one case I 8 heard was a bridal party or something like that, 9 bachelorette party. 10 I was really unaware that was even going on, 11 tell you the truth. 12 Q Other than the issue within your own association 13 that was resolved by the association bylaws, are 14 you aware of any other complaints in the City 15 regarding short-term rentals that don't involve 16 the residents of Pine Cone Trail? 17 A No, sir. 18 Q Did the residents of Pine Cone Trail attend the 19 Planning Commission meetings to lobby for 20 regulations regarding short-term rentals? 21 A Yes. 22 Q Would it be accurate to say that the regulation 23 of short-term rentals was a big deal to the Pine 24 Cone Trail residents? 25 A Yes.</p>

<p style="text-align: right;">Page 41</p> <p>1 <b>Q Did they ever explain to you why?</b> 2 A Yes. 3 <b>Q What were the explanations that you received?</b> 4 A Their main concern, they thought it was a 5 commercial operation in a residential area. 6 <b>Q What other concerns did they convey to you?</b> 7 A Don't recall. There were some, but I don't 8 recall exactly what they were. If you look at 9 the minutes, you might see something in there. 10 <b>Q Who do you recall raising the complaints about it</b> 11 <b>being a commercial operation in a residential</b> 12 <b>area?</b> 13 A There were several, but I can't recall the names. 14 One to me was Larry Whitaker. 15 <b>Q Anybody else?</b> 16 A I can't recall what there was. 17 <b>Q Did you keep any notes from any of these</b> 18 <b>interactions you had with the Pine Cone Trail</b> 19 <b>residents regarding short-term rentals?</b> 20 A No, sir. 21 <b>Q You would agree, sir, that there is a history of</b> 22 <b>short-term rentals within Marine on St. Croix?</b> 23 A It was brought to my attention I believe late 24 2018 that there were several locations. 25 <b>Q The Pine Cone Trail homes, were you aware that</b></p>	<p style="text-align: right;">Page 43</p> <p>1 <b>when he moved out of North Oaks?</b> 2 A No, sir. 3 <b>Q How was it that you first became aware of</b> 4 <b>Mr. Norusis's background?</b> 5 A Like I said, I think a resident mentioned it to 6 me. 7 <b>Q Can you recall the resident's name?</b> 8 A No, I can't. 9 <b>Q Do you believe that it's common knowledge within</b> 10 <b>Marine on St. Croix as to what Mr. Norusis's</b> 11 <b>background is?</b> 12 A I can't answer that. I don't know. 13 <b>Q Has more than one resident told you that they</b> 14 <b>know what Mr. Norusis's criminal background is?</b> 15 A Possible. I don't recall. 16 <b>Q Have any of the City Council members told you</b> 17 <b>anything related to Mr. Norusis's background?</b> 18 A No, sir. 19 <b>Q I'm going to try and screen share here some</b> 20 <b>exhibits with you. If you have any trouble</b> 21 <b>seeing them, let me know and we can try and email</b> 22 <b>them to you so you have them on your own</b> 23 <b>computer.</b> 24 <b>Okay?</b> 25 A That's fine.</p>
<p style="text-align: right;">Page 42</p> <p>1 <b>they used to be rented out during the summer by</b> 2 <b>the prior homeowners?</b> 3 A No, I did not. 4 <b>Q Have you ever yourself researched Mr. Norusis's</b> 5 <b>background?</b> 6 A I might have. I don't -- I might have Googled 7 it. 8 <b>Q What did you find?</b> 9 A Was a resident of North Oaks, which I was. I 10 think there's some minor criminal drug -- I don't 11 really recall exactly. 12 <b>Q Were you just referencing something on your</b> 13 <b>computer to answer that question, sir?</b> 14 A I believe so. 15 <b>Q And what were you just looking at?</b> 16 A Just like myself, I Google my name every so often 17 to see what's out there on my name. I think I -- 18 I must have Googled John's name at one point. 19 <b>Q And did you just look at your computer now to</b> 20 <b>answer my question?</b> 21 A No, sir. 22 <b>Q Has anybody ever provided you with any criminal</b> 23 <b>background information regarding Mr. Norusis?</b> 24 A No, sir. 25 <b>Q Did you know that Mr. Norusis was 5 years old</b></p>	<p style="text-align: right;">Page 44</p> <p>1 <b>Q This was the Declaration of Lynette Peterson that</b> 2 <b>was marked as Exhibit No. 1 in her deposition.</b> 3 <b>Are you able to see that, sir?</b> 4 A Yes. 5 <b>Q The Declaration is 215 pages long. I want to ask</b> 6 <b>you about certain minutes here.</b> 7 A Okay. 8 <b>Q So this is the July 12th meeting minutes.</b> 9 <b>You see this Planning Commission piece?</b> 10 A I do. 11 <b>Q Prior to this July 12th, 2018, meeting, what were</b> 12 <b>you told about the Commission beginning to look</b> 13 <b>at the Airbnb issue?</b> 14 A I don't recall. I think nothing, but I don't 15 recall. 16 <b>Q Who was on the Planning Commission as of July</b> 17 <b>12th, 2018?</b> 18 A Jack Warren, Gwen Roden, Scott Spisak, Kristina 19 Smitten, Ron Brenner, Anna Hagstrom, I believe. 20 <b>Q Prior to this July 12th, 2018, meeting -- well,</b> 21 <b>let me ask you this.</b> 22 <b>Have you ever heard the term "police</b> 23 <b>powers?"</b> 24 A No, sir. 25 <b>Q I'm going to turn to the August 28th minutes.</b></p>



<p style="text-align: right;">Page 45</p> <p>1 A What year?</p> <p>2 <b>Q 2018.</b></p> <p>3 A Okay. Thank you.</p> <p>4 <b>Q This is the first page of the Planning Commission</b></p> <p>5 <b>meeting on August 28th, 2018. It was attached as</b></p> <p>6 <b>Exhibit 2 to Ms. Peterson's Declaration.</b></p> <p>7 A Okay.</p> <p>8 <b>Q On the second page -- well, first let me ask you</b></p> <p>9 <b>this. These minutes were taken by Kiersten</b></p> <p>10 <b>Young.</b></p> <p>11 <b>Do you see that?</b></p> <p>12 A Yes.</p> <p>13 <b>Q Do you know how Ms. Young takes minutes during</b></p> <p>14 <b>these Planning Commission meetings?</b></p> <p>15 A I believe she had a laptop and she'd take minutes</p> <p>16 as the meeting went on.</p> <p>17 <b>Q Under short-term rentals it says, passed out</b></p> <p>18 <b>review materials.</b></p> <p>19 <b>Do you know what materials were passed out</b></p> <p>20 <b>during this meeting?</b></p> <p>21 A Brandon, is that the August meeting?</p> <p>22 <b>Q Yes.</b></p> <p>23 A I don't recall if I had the six items that we</p> <p>24 talked earlier about, if I handed them out at</p> <p>25 that point, kind of give the Planning Commission</p>	<p style="text-align: right;">Page 47</p> <p>1 <b>Q Do you know -- well, let me ask you this first.</b></p> <p>2 <b>What's the population of Marine?</b></p> <p>3 A I believe it's under 700. 680-something, 689.</p> <p>4 <b>Q Do you know what the population of Burnsville</b></p> <p>5 <b>is?</b></p> <p>6 A No, sir.</p> <p>7 <b>Q If I told you that it was 61,000, do you have any</b></p> <p>8 <b>reason to dispute that?</b></p> <p>9 A No, sir.</p> <p>10 <b>Q Do you know what the population of Stillwater</b></p> <p>11 <b>is?</b></p> <p>12 A No, sir.</p> <p>13 <b>Q If I told you that it was 19,000 plus, do you</b></p> <p>14 <b>have any reason to dispute that?</b></p> <p>15 A No, sir.</p> <p>16 <b>Q How was it that the cities of Burnsville and</b></p> <p>17 <b>Stillwater were picked to reference as it related</b></p> <p>18 <b>to short-term rentals?</b></p> <p>19 A I think that might have been what my son gave me</p> <p>20 to start out with. That was the infancy of</p> <p>21 gathering some materials, so it's just kind of</p> <p>22 here's what these cities are doing. Doesn't mean</p> <p>23 it's going to fit our city, but at least it was</p> <p>24 some easy material for me to get my hands on</p> <p>25 without a lot of research.</p>
<p style="text-align: right;">Page 46</p> <p>1 some guidelines.</p> <p>2 I don't recall, honestly.</p> <p>3 <b>Q Do you have the materials that were passed out</b></p> <p>4 <b>during this August 28th, 2018, meeting?</b></p> <p>5 A No, sir.</p> <p>6 <b>Q This states that you gathered materials from both</b></p> <p>7 <b>Burnsville and Stillwater.</b></p> <p>8 <b>Do you see that?</b></p> <p>9 A Yeah.</p> <p>10 <b>Q What materials do you recall gathering from</b></p> <p>11 <b>Burnsville and Stillwater?</b></p> <p>12 A My son is a city planner for, back then it was</p> <p>13 probably Woodbury, and I asked him for any type</p> <p>14 of documents that he may have on short-term</p> <p>15 rentals. My son sent those two items to me.</p> <p>16 <b>Q Do you still have those documents?</b></p> <p>17 A No, sir.</p> <p>18 <b>Q Do you recall what those documents were?</b></p> <p>19 A I think it was their ordinance.</p> <p>20 <b>Q And by "their," you're talking about Stillwater</b></p> <p>21 <b>and Burnsville?</b></p> <p>22 A Correct.</p> <p>23 <b>Q And what do you recall about whether Burnsville</b></p> <p>24 <b>and Stillwater permit short-term rentals?</b></p> <p>25 A They allowed them.</p>	<p style="text-align: right;">Page 48</p> <p>1 <b>Q Are you aware of the Planning Commission looking</b></p> <p>2 <b>at any cities that had populations more in line</b></p> <p>3 <b>with Marine as to how they handled short-term</b></p> <p>4 <b>rentals?</b></p> <p>5 A I believe they reviewed Scandia and I believe</p> <p>6 they reviewed May Township. I remember Bayport</p> <p>7 coming up. I remember Afton coming up I believe.</p> <p>8 I don't recall any others.</p> <p>9 <b>Q Do you know if Scandia permits short-term</b></p> <p>10 <b>rentals?</b></p> <p>11 A Yes, sir.</p> <p>12 <b>Q Yes, they do?</b></p> <p>13 A Yes.</p> <p>14 <b>Q Do you know if May Township permits short-term</b></p> <p>15 <b>rentals?</b></p> <p>16 A I believe not.</p> <p>17 <b>Q Do you know if Bayport permits short-term</b></p> <p>18 <b>rentals?</b></p> <p>19 A I believe not.</p> <p>20 <b>Q Do you know if Afton permits short-term</b></p> <p>21 <b>rentals?</b></p> <p>22 A I don't know.</p> <p>23 <b>Q It does not look like at this August 28th, 2018,</b></p> <p>24 <b>Planning Commission meeting that there was any</b></p> <p>25 <b>reference to crime from short-term rentals; is</b></p>

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1 **Q And specifically this paragraph here, you state**  
 2 **that the City was acting based off of City**  
 3 **Attorney Dave Snyder's interpretation of the**  
 4 **code; that while it may imply that it is**  
 5 **prohibited, it does not formally establish it as**  
 6 **so.**  
 7 **Do you see that?**  
 8 A Yes, I do.  
 9 **Q That was a true statement when you made it?**  
 10 A I believe so.  
 11 **Q And prior to the passage of the ordinance, you're**  
 12 **not aware of any regulation in the City regarding**  
 13 **short-term rentals; correct?**  
 14 A Correct.  
 15 **Q Prior to the passage of the ordinance, are you**  
 16 **aware of any regulation regarding weddings or**  
 17 **events within the City?**  
 18 A No, sir.  
 19 **Q Do you play any role on the Planning Commission**  
 20 **as it relates to the tax classifications of**  
 21 **properties within the City?**  
 22 A No, sir.  
 23 **Q Was there any discussion on the Planning**  
 24 **Commission about permitting or excluding**  
 25 **properties that were classified as nonresidential**

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1 **or nonhomesteaded for short-term rentals?**  
 2 A Can you repeat that, please?  
 3 **Q Sure. On the Planning Commission, was there any**  
 4 **discussion about whether a nonhomesteaded**  
 5 **property should be permitted or excluded from**  
 6 **short-term rental usage?**  
 7 A Yeah, I think there was some discussion on  
 8 that.  
 9 **Q What do you recall about that?**  
 10 A Well, I think some folks wanted the house to be  
 11 homesteaded.  
 12 **Q What other discussion do you recall?**  
 13 A I recall some discussion that for like in my  
 14 case, my house is in my trust, so it's not  
 15 homesteaded. So I would not be able to, if it  
 16 was under a homestead, I would not be able to,  
 17 you know, rent my house out, for example.  
 18 **Q What do you recall the reasons for why the people**  
 19 **did not want a nonhomesteaded house to be able to**  
 20 **have short-term rentals?**  
 21 A I believe they wanted people in the City that  
 22 owned the property to have better control of  
 23 it.  
 24 **Q Are you aware of any increase in crime from**  
 25 **short-term rentals for people that have**

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1 **homesteaded homes versus nonhomesteaded homes?**  
 2 A Not at all.  
 3 **Q Has the Planning Commission provided any**  
 4 **recommendations or amendments to the**  
 5 **comprehensive zoning plan regarding short-term**  
 6 **rentals?**  
 7 A I don't think so.  
 8 **Q Has the Planning Commission provided any**  
 9 **recommendations regarding any amendments or**  
 10 **additions to the comprehensive zoning plan**  
 11 **related to weddings or events?**  
 12 A I don't think so.  
 13 **Q And you would agree, sir, that part of the duties**  
 14 **and responsibilities of the Planning Commission**  
 15 **is to review the comprehensive zoning plan and**  
 16 **provide recommendations on amendments or**  
 17 **additions thereto?**  
 18 A Yes.  
 19 **Q Do you know whether or not Mr. Norusis's property**  
 20 **is classified as homestead?**  
 21 A I don't know.  
 22 **Q Do you know what zoning district Mr. Norusis's**  
 23 **property is located in?**  
 24 A This is kind of funny. I know we have six  
 25 districts, and I can't keep them straight. I

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1 think it's St. Croix Rural maybe. I get them  
 2 mixed up all the time. That's why I keep in the  
 3 back of my notebook I have the zoning  
 4 districts.  
 5 **Q That's fair. If you don't know the answer, sir,**  
 6 **it's perfectly acceptable to say I don't know.**  
 7 A I don't know. I should know.  
 8 **Q Did you have any conversations -- you told me**  
 9 **about the one conversation outside of the meeting**  
 10 **that you had with Mr. Norusis, but did you have**  
 11 **any conversations with him before he purchased**  
 12 **the property in Marine?**  
 13 A No, sir. Not that I'm aware.  
 14 **Q I'm going to show you what we marked as Exhibit**  
 15 **8.**  
 16 A Okay.  
 17 **Q And this is the ordinance.**  
 18 **Can you see that, sir?**  
 19 A Yes, I can.  
 20 **Q I want to ask you about some of these definitions**  
 21 **here.**  
 22 A Okay.  
 23 **Q Primary residence is defined in the ordinance as**  
 24 **a dwelling within which a person having a bona**  
 25 **fide ownership interest demonstrably occupies and**

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1 resides in for more days annually than it is  
2 rented for a minimum of six months during a  
3 calendar year.  
4 Do you see that?  
5 A Yes, I do.  
6 Q What discussion do you recall the Planning  
7 Commission having regarding defining primary  
8 residence as set forth in Section 3 of the  
9 ordinance?  
10 A I know we discussed, but I can't recall.  
11 Q Do you recall any studies being conducted  
12 regarding a residence being primary versus  
13 nonprimary and why that would be permitted as a  
14 short-term rental usage?  
15 A I don't recall. I would think the committee may  
16 have, but I don't recall.  
17 Q What discussion do you recall the Planning  
18 Commission had that if the definition of primary  
19 residence was in place that somebody occupied for  
20 more days than rented for a minimum of six  
21 months, why there's a limit to short-term rentals  
22 of 72 days per calendar year?  
23 A I think the Planning Commission was trying to get  
24 a balance out so the home is not rented out all  
25 the time. I think that was the goal. Trying to

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1 find, I think trying to find a common denominator  
2 between the short-term rentals and the neighbors  
3 so there's not something going on every  
4 weekend.  
5 Q 72 calendar days is 19.7 percent of the year.  
6 A Yes.  
7 Q Do you recall any discussion as to why 19 percent  
8 of the calendar year was used to appease these  
9 neighbors?  
10 A I'm sure there was some discussion, but I don't  
11 recall.  
12 Q Did the Pine Cone Trail residents tell you, the  
13 Planning Commission, that 19 percent was an  
14 acceptable number to them?  
15 A No.  
16 Q They didn't want any short-term rentals; would  
17 that be correct?  
18 A Some would take that stand, and some wanted  
19 regulated, so yeah, there's a little split there.  
20 Yeah, there's definitely some folks that did  
21 not want, as their view, a commercial entity in  
22 their residential community.  
23 Q If I take you to the next page here, you would  
24 agree, sir, that the ordinance breaks out  
25 short-term rentals into three different

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1 categories; type A, type B, and type C?  
2 A I recall that, yes.  
3 Q What studies did the City conduct regarding the  
4 difference between a hosted short-term rental and  
5 unhosted short-term rental and a dedicated  
6 short-term rental?  
7 A I'm not sure what studies the committee, the  
8 short-term rental committee did, but I remember  
9 seeing something like that in the Stillwater  
10 documents.  
11 Q Are you aware of any increase in crime or  
12 nuisances from dedicated short-term rentals  
13 versus hosted or unhosted short-term rentals?  
14 A No.  
15 Q Are you aware of any increase in noise complaints  
16 from dedicated short-term rentals versus hosted  
17 or unhosted short-term rentals?  
18 A No.  
19 You're talking about this community; right?  
20 Q Yes, sir.  
21 A No.  
22 Q What discussion do you recall the Planning  
23 Commission had as to why type C short-term  
24 rentals are not permitted in the City?  
25 A What are type C? Can you read it to me?

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1 Q Yep. It's short-term rental type C is a dwelling  
2 or portion thereof that is offered to transient  
3 guests for a period of less than 30 consecutive  
4 days where the primary property use is a  
5 short-term rental.  
6 And then if we go right here under 4A it  
7 says type C short-term rentals are not permitted  
8 in the City.  
9 A I think that was to discourage investors to come  
10 into the city and purchase houses for dedicated  
11 short-term rentals.  
12 Q Any other discussion you can recall as part of  
13 the Planning Commission as to why type C  
14 short-term rentals were not permitted?  
15 A I think that's the one I recall. There may be  
16 some other discussions, but I think that was the  
17 strong point.  
18 Q Under Section 4A, you would agree that these are  
19 the criteria that must be met for a short-term  
20 rental license to be issued? I can scroll back  
21 up here. Criteria for Issuance.  
22 A Okay.  
23 Q And then: The licensee accurately certifies on  
24 the application form that all applicable items  
25 found in this section are satisfied.

<p style="text-align: right;">Page 61</p> <p>1           <b>Do you see here Roman i here about it being</b> 2           <b>a permitted use in the zoning district?</b> 3       A I do. 4       <b>Q Do you know why the City hasn't updated its</b> 5           <b>Zoning Code to show that short-term rentals are a</b> 6           <b>permitted use?</b> 7       A I do not know why the City -- I can tell you that 8           we worked on the City Code for quite a few years, 9           and the City has not adopted it yet. 10       <b>Q When you say you worked on the code for quite a</b> 11           <b>few years, is that related to the short-term</b> 12           <b>rental ordinance?</b> 13       A No. No, sir. Just the code -- we're trying to 14           align the codes so they're uniform through all 15           the residential districts. 16       <b>Q I missed the first part.</b> 17           <b>You're trying to do what?</b> 18       A There's just some discrepancies in the code 19           through all the four residential districts that 20           just needed some housecleaning. We're still not 21           done. 22       <b>Q Is the Planning Commission currently doing any</b> 23           <b>updates to the Zoning Code as it relates to</b> 24           <b>short-term rentals?</b> 25       A No.</p>	<p style="text-align: right;">Page 63</p> <p>1           <b>multi-dwelling properties.</b> 2           <b>Was there any discussion by the Planning</b> 3           <b>Commission distinguishing between multi-dwelling</b> 4           <b>properties and single-family properties?</b> 5       A I'm sure there was, but I don't recall that 6           discussion. 7       <b>Q Are you aware of any increased crime or nuisances</b> 8           <b>or noise complaints from short-term rentals for</b> 9           <b>nonowner-occupied properties?</b> 10       A No. 11       <b>Q Did the Planning Commission have any discussion</b> 12           <b>about grandfathering in any properties that were</b> 13           <b>short-term rentals prior to the passage of the</b> 14           <b>ordinance?</b> 15       A I don't believe so. 16       <b>Q Did the Planning Commission have any discussion</b> 17           <b>regarding grandfathering in properties that were</b> 18           <b>having weddings or events prior to the passage of</b> 19           <b>the ordinance?</b> 20       A I don't believe so. 21       <b>Q Do you know, sir, what the term grandfathering</b> 22           <b>means?</b> 23       A I do. 24       <b>Q What is your understanding of the term</b> 25           <b>grandfathering?</b></p>
<p style="text-align: right;">Page 62</p> <p>1       <b>Q Under paragraph F here, Use for Events</b> 2           <b>Prohibited. The short-term rental shall not be</b> 3           <b>used by the renter nor any rental occupant for</b> 4           <b>nonresidential purposes such as commercial or</b> 5           <b>social events.</b> 6           <b>Do you see that?</b> 7       A I do. 8       <b>Q What studies are you aware of that the City</b> 9           <b>conducted regarding commercial events or social</b> 10           <b>events with the short-term rental?</b> 11       A I have to go back to the committee. I believe 12           they did. I don't recall. I would think the 13           committee did some research on that study. 14       <b>Q Are you aware of any as you sit here today,</b> 15           <b>sir?</b> 16       A No. 17       <b>Q Are you aware of any increased crime or noise</b> 18           <b>complaints or nuisances from commercial or social</b> 19           <b>events being held at a short-term rental?</b> 20       A No. 21       <b>Q Under G: All residential properties offering</b> 22           <b>short-term rentals must be owner-occupied, paren,</b> 23           <b>meaning the owner demonstrably occupies and</b> 24           <b>resides in the property for more days annually</b> 25           <b>than it is rented, end paren, except for</b></p>	<p style="text-align: right;">Page 64</p> <p>1       A To extend a use that's prohibited now in our 2           ordinance. 3       <b>Q Let's take a break, Mr. Mroska. I'm going to</b> 4           <b>look at my notes, but I think I'm getting close</b> 5           <b>to wrapping up.</b> 6           <b>Okay?</b> 7       A Okay. 8           (Off the record) 9       <b>Q (By Mr. Schwartz, continuing) Earlier you</b> 10           <b>testified that as part of the Planning Commission</b> 11           <b>you had worked on three different ordinances.</b> 12           <b>In those different ordinances that you</b> 13           <b>worked on, were there any grandfathering</b> 14           <b>provisions in there?</b> 15       A One correction. The cell ordinance we're working 16           on now, that's in the process right now. 17           No, the chicken ordinance, we just made a 18           new ordinance up and didn't grandfather anybody. 19       <b>Q Is there or will there be a grandfathering</b> 20           <b>provision in the cell tower communication</b> 21           <b>ordinance?</b> 22       A That's not really -- right now we just don't 23           allow over 45 feet, so that's what we're mainly 24           addressing. 25       <b>Q In your nine years on the Planning Commission, is</b></p>

<p style="text-align: right;">Page 65</p> <p>1 <b>the first time that short-term rentals was</b> 2 <b>brought to your attention the July, starting the</b> 3 <b>July 2018 time period?</b> 4 A I believe so. I was aware of them for sure. I 5 watched the city of St. Paul go through their 6 short-term rental process when the Super Bowl 7 came here, and I thought they got really 8 restrictive. They did a hurry-up offense and put 9 together an ordinance also. 10 <b>Q Was there ever in any prior years any discussion</b> 11 <b>about short-term rentals and whether they should</b> 12 <b>be regulated or not?</b> 13 A Not with me. 14 <b>Q The timing of it, Mr. Norusis buys his property</b> 15 <b>in May of 2018, and then in June -- or excuse me,</b> 16 <b>July of 2018 there's discussion by the Planning</b> 17 <b>Commission about regulating short-term rentals.</b> 18 <b>It looks like the regulation of short-term</b> 19 <b>rentals is almost entirely focused on</b> 20 <b>Mr. Norusis's property; correct?</b> 21 A Possible. 22 <b>Q When I asked you about prior discussions by the</b> 23 <b>Planning Commission about short-term rentals,</b> 24 <b>does your answer change if I ask about just</b> 25 <b>rentals in general within the City of properties</b></p>	<p style="text-align: right;">Page 67</p> <p>1 <b>complaining about short-term rentals?</b> 2 A Once the meetings started taking place, a few 3 residents came in and we had some pro and some 4 against short-term rentals. 5 <b>Q And it would be true, sir, that all the residents</b> 6 <b>that were against short-term rentals reside on</b> 7 <b>Pine Cone Trail; correct?</b> 8 MR. WOLF: I'm going to object. 9 Misstates his testimony. 10 You can go ahead and answer. 11 A There were a couple other folks too, but mainly 12 Pine Cone Trail folks I believe. 13 <b>Q (By Mr. Schwartz, continuing) I had asked you</b> 14 <b>about if you had those six parameters and you</b> 15 <b>were going to look during a break.</b> 16 <b>Do you know if you do have those six</b> 17 <b>parameters that you referenced in your testimony?</b> 18 MR. WOLF: I can answer that. I have 19 them here, Brandon. I can send them to you 20 right now if that works for you. 21 MR. SCHWARTZ: Yeah, that'd be great. 22 <b>Q (By Mr. Schwartz, continuing) Mr. Mrosala, I'm</b> 23 <b>going to mark this as Exhibit No. 14, and I'll</b> 24 <b>share my screen here. This is the document that</b> 25 <b>Mr. Wolf just sent me, this Short-Term Rentals</b></p>
<p style="text-align: right;">Page 66</p> <p>1 <b>versus short-term rentals?</b> 2 A Yes. I believe there's some rentals that are 3 over 30 days which aren't considered short-term, 4 so I assume there's some rentals in the City. 5 I'm not aware of any, but there must be. 6 <b>Q I'm sorry if my question wasn't clear.</b> 7 <b>I was asking about whether the Planning</b> 8 <b>Commission had discussed regulating rentals</b> 9 <b>within the City prior to the ordinance that's at</b> 10 <b>issue here?</b> 11 A I don't believe so. 12 <b>Q And when you say it's possible that the ordinance</b> 13 <b>was focused on Mr. Norusis, is that the Pine Cone</b> 14 <b>Trail residents being the loudest voice in this</b> 15 <b>matter?</b> 16 MR. WOLF: I'm going to object to the 17 form of the question. 18 You can answer. 19 A It looks that way to be quite a coincidence. 20 <b>Q (By Mr. Schwartz, continuing) Well, other than --</b> 21 <b>A I can't say for sure, but something got the</b> 22 <b>Council's attention.</b> 23 <b>Q Other than the Pine Cone Trail residents</b> 24 <b>complaining about short-term rentals, are you</b> 25 <b>aware of any other residents within the City</b></p>	<p style="text-align: right;">Page 68</p> <p>1 <b>Review.</b> 2 <b>Is this a document that you created?</b> 3 A You know, I think I did. But, you know, looking 4 at some of the minutes, it says Kristina put them 5 together, but I think I did, but I don't recall. 6 That was almost a couple, almost a couple 7 years, but I thought I put that together just to 8 get the dialogue going to get the commissioners 9 on track going through this process. 10 <b>Q Do you know when this Exhibit 14 was created?</b> 11 A No, I don't. I could probably look at my 12 computer and try to figure out when, if I still 13 have it. It's pretty early on I believe. 14 <b>Q Do you believe that this document was created --</b> 15 <b>the first reference in the minutes is this July</b> 16 <b>28th time period.</b> 17 <b>Do you believe it was created around that</b> 18 <b>time period?</b> 19 A I don't recall. I swear I would have got that 20 out in maybe our January meeting once the City 21 Council gave us direction to draft an ordinance. 22 But it could have, Brandon. I just don't 23 recall. 24 <b>Q The STR concerns, neighborhood issues, I already</b> 25 <b>asked you about noise, parking, traffic. I did</b></p>