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**CRYSTAL CITY CODE REVIEW
TASK FORCE**

APRIL 28, 2016

7:00 p.m.

CONFERENCE ROOM A, CITY HALL

MEETING NOTICE AND AGENDA

1. Call meeting to order
2. Review March 24, 2016 Meeting Notes
3. Review Task Force comments
 - a. Review comments: Chapter 5, Sections 520, 525, 530 and Chapter 6, Sections 600 - 645
4. Discuss assignments and homework due Monday, May 17, 2016
5. Next meeting – Thursday, May 26, 2016
6. Adjourn – 9 p.m.

CITY CODE REVIEW TASK FORCE

MEETING NOTES MARCH 24, 2016

Task Force Members Present: Kirsten Anderson, Bonnie Bolash, Jerry Bolash, Tim Buck, Carolyn Maristany, Jen Pohl and Andrew Richter.

Also present: City Attorney Troy Gilchrist, Councilmember Jeff Kolb and City Manager Anne Norris.

Chair Richter called the meeting to order at 7:00 p.m.

Comments from City Attorney – Chapter 3 Recommendations to City Council

Attorney Gilchrist updated the Task Force on the status of the Council's consideration of the recommendations for revisions to Chapter 3.

February 25, 2016 Meeting Notes

Motion by Maristany, seconded by Buck to accept the February 25, 2016 meeting notes as presented. Motion carried.

Review Comments – Chapter 5, Sections 515.61 - .69

Section 515.61 - The Task Force recommended this section be laid out like a zoning district, understanding flood plain language is governed by state and federal law.

Section 515.61, Subd. 1 – The Task Force agreed the purpose statement should be handled in the same matter as other purpose statements. It should be more descriptive as was suggested for the zoning districts.

Section 515.61, Subd. 2 – The Task Force agreed definitions should be consistent with the rest of the zoning ordinance. Also, that the flood map listed is the most current.

Section 515.61. Subd. 2d)2 – The Task Force agreed the language needed to be clarified. References to decisions should be set off separately and better explain and set off the contest process.

Section 515.61, Subd. 2h – The Task Force agreed this should be clarified.

Section 515.61, Subd. 2h)2 – The Task Force requested clarifying that this language also references basement walk-outs.

Section 515.61, Subd. 2h)12 – The Task Force requested that tiny homes be included.

Section 515.61, Subd. 2h)16 – The Task Force suggested using one term for travel trailer/travel vehicle in place of RV consistently throughout the Code.

Section 515.61, Subd. 2h)17 – The Task Force agreed this section should be clarified.

Section 515.61, Subd. 2h)21 – The Task Force recommended a definition of historic structure be added to the Code.

Section 515.61, Subd. 3b – The Task Force agreed this section should be simplified and questioned whether the cross references are needed.

Section 515.61, Subd. 4d)4iii – The Task Force suggested “100 year flood” be defined.

Section 515.61, Subd. 4d)5iii – The Task Force requested the attorney review this to be sure it is consistent with federal laws.

Section 515.61, Subd. 4d)6i – The Task Force agreed this section should be clarified.

Section 515.61, Subd. 5a – The Task Force agreed this should be reformatted to be like Section 515, 61, Subd. 4.

Section 515.61, Subd. 5b) and e) – The Task Force agreed these sections could be combined.

Section 515.61, Subd. 5d)5 – The Task Force agreed this should be reformatted.

Section 515.61, Subd. 5e)4 – The Task Force agreed this section should simply refer to FEMA requirements so that it is not outdated.

Section 515.61, Subd. 6 – The Task Force agreed this section should be reformatted so general information is first.

Section 515.61, Subd. 6b) – The Task Force agreed this section should be reformatted with earlier sections to minimize repetition.

Section 515.61, Subd. 9c) – The Task Force agreed this section should either be reformatted so exemptions are in one section or reworded to clarify.

Section 515.61, Subd. 10 – This section refers to MN Statute – be sure the references are current. Reference section that discusses Board of Appeals and Adjustments.

Section 515.61, Subd. 10c)5 – The Task Force questioned whether this section is needed and, if so, consider whether to reference the 60 day rule.

Section 515.61, Subd. 10c)7 – This section needs to be consistent with Federal law, remove the dollar amount if possible.

Section 515.61, Subd. 10d)5 – The Task Force agreed this section needs to be combined with an earlier section to reduce redundancy.

Section 515.61, Subd. 11a – Typos need to be corrected (21 not 31 and 20 not 30).

Section 515.61, Subd. 12 – The Task Force recommended the penalty structure be consistent with the penalty structure throughout the Code.

Section 515.69 – The Task Force suggested AP and AO could be formatted similarly to Planned Development district.

Section 515.69, Sec. 2 – The Task Force requested the attorney review for formatting consistency with the rest of the Code.

Assignments and Homework

The homework is review Sections 600 - 645. Comments are due Monday, April 18, 2016. The next meeting of the Task Force is Thursday, April 28, 2016.

Adjournment

Chair Richter adjourned the meeting of the City Code Review Task Force at 9 p.m.

CITY CODE REVIEW – COMMENTS
CHAPTER 5, Sections 520, 525 and 530 and
CHAPTER 6, Sections 600 - 645

Section	Nature of Comment	Comment	Author
. 520.01	Format	Purpose statement, move to location of the other purpose statements.	Carolyn Maristany
520.01 d.	Clarify	When they talk about promoting vehicular traffic does that include bike traffic? We do not seem to have a plan for bike traffic in the Comprehensive Plan do we?	Bonnie Bolash
520.07, Subd. 6	Clarify	The language needs to be clearer.	Bonnie Bolash
520.07, Subd. 8	Format	Make consistent with extensions granted in 515.05 Subd. 3 j)	Carolyn Maristany
520.13	Question	I just wanted to know if this applies to the LRT station	Carolyn Maristany
520.13, Subd. 3	Amend/delete	I don't understand the purpose of this and would like to remove it.	Andrew Richter
520.13, Subd. 5	Amend	I don't see why a sprinkler system needs to be required, it just adds to the cost of a new project or expansion	Andrew Richter
520.13, Subd. 6	Amend	Repeal the 30% part, no need for it.	Andrew Richter
520.13, Subd. 7.	Amend	Repeal; again I'm lost to the point of this	Andrew Richter
520.15, Subd.1	Clarify	Escrow deposit. Does this apply to the City as well when doing street reconstruction? Since we have had failure of some of the trees and sod are the people required to provide an escrow for the potential failure?	Bonnie Bolash
525.09, Subd. 5	Clarify	Because cremation is becoming more popular can you bury more than one person at a burial plot that have been cremated?	Bonnie Bolash
530	General	Should this be titled storm water management instead? With then current title it sounds like it should be in Chapter 3 otherwise	Carolyn Maristany

530.03/.05	Format	Back history that should go with purpose statements	Carolyn Maristany
530.07	Format	Place this wherever definitions are being placed	Carolyn Maristany
530.07, Subd. 2 (d.r.f.)	Clarify	Shouldn't these be defined the same as 515.61 Subd. 2 h) 7, 8, 10	Carolyn Maristany
530.11, Subd. 2 a) 8	Clarify	100 year flood plain already defined as regional flood in 530.07, Subd. 2(l), so use defined terminology.	Carolyn Maristany
530.13, Subd. 2	Format	Make consistent with 515.05 and 520.07, Subd. 8	Carolyn Maristany
530.15, Subd. 8 b	Format	Update to numerical representation like we discussed at February meeting	Carolyn Maristany
530.15, Subd. 8 f	Edit	Modernize the metrics and replace rod with width in feet and meters	Carolyn Maristany
530.15, Subd. 9b	Edit	Modernize the metrics and replace rod with width in feet and meters	Carolyn Maristany
Six	General formatting	I would put Sections 605,635, 650 and 670 in sequential order together, I would put Sections 640 and 665 next to each other and I would have these sections follow Section 600. Just organizing things so like things are together in the code.	Carolyn Maristany
600.01	Clarification	Is the public health sanitarian person a city employee or is this service contracted?	Candace Oathout
	Archaic language	If "public health sanitarian" is not a term in current use today, replace all instances in the code with the updated term, whatever it is.	Kirsten Andersen
	Clarification	We no longer have wells in our city. Does water supplies include the lakes and other natural water sources or just what is piped to our homes/businesses? Also how does this work since we get our drinking water from Minneapolis? Do they have standards that mirror ours and if they do why are	Carolyn Maristany

		we duplicating the work done to ensure water safety? How do the new water towers that are slated to be built fit into this whole equation? I know the water will be unsoftened, but will it be a “drinkable” water source or is it just for watering plants?	
600.01-.07	Simplify	This looks like a lot of definitions/purpose. Can reformat and relocate as we have been doing.	Jen Pohl
600.03	Clarify	Does this include private homes? I prepare and eat food in my home	Carolyn Maristany
600.09	Clarification	Identify the clerk in this sentence: "If an owner, proprietor, occupant or agent refuses to obey an order, the sanitarian may give notice to the <u>clerk</u> of any dangerous, harmful, unhealthy or offensive condition setting forth...etc." (I assume this is the city clerk.)	Kirsten Andersen
	Update	Paragraph after d) just make sure that the state statute is current	Carolyn Maristany
605.01	Format	Relocate definitions	Jen Pohl
	Format	Info needs to be bulleted or charted for clarity and ease of comprehension. Some of these definitions are sub-classes of other definitions. A chart or something showing the hierarchy would be helpful here. "Garbage" is a category of "refuse", for example.	Kirsten Andersen
	Clarify	Put wherever we decided the definition section should be put. Include 600.15 in this section's definitions. Use only one definition for compost and define the other as a compost bin because plant material that is not in a bin is still compost since it meets the first definition, but maybe in the city we would like it to be contained in a bin rather than just a pile in a yard. Garbage definition is at odds with 605.03 Subd 2 because compost is fruits and vegetables,	Carolyn Maristany

		<p>but this section says you can't compost garbage.</p> <p>In pest definition listing specific types of vermin in not required. Make sure the premises definition standardizes with other sections of the code that uses this type of generalization. Waste matter definition needs to work with 605.11subd 3(d). I may have a pile of something in my yard that is listed under waste matter, but I'm using it for my compost or other project. However, if it gets reported to the sanitarian they may see it as waste matter or a nuisance, so I just want to make sure citizens can have their dirt piles just like the city has theirs.</p>	
605.03, Subd. 1	<p>Enforcement question</p> <p>Clarify</p>	<p>Sentence #2 – each such container – residential or commercial – how enforced?</p> <p>Now that waste containers are provided by waste haulers, this section needs to be updated accordingly in a few sections. Also in 605.07 Subd 11</p>	<p>Tim Buck</p> <p>Carolyn Maristany</p>
605.03, Subd. 2	Update	The code should be amended so some forms of garbage can be composted (see also 605.13, Subd. 2 and 3)	Kirsten Andersen
605.03, Subd. 3	<p>Enforcement question</p> <p>Clarify</p>	<p>Sentence #2 – spilling – trucks with side arm spill a lot and don't clean up because people overfill. How to enforce</p> <p>“Covers of containers must be replaced.” I assume this means non-connecting lids and does not apply to requiring collection companies to close lids once emptied....</p>	<p>Tim Buck</p> <p>Jen Pohl</p>
605.03, Subd. 4	Simplify	Any way to simplify these requirements? Seems overly wordy	Jen Pohl
605.03, Subd. 6	Edit	<p>Two questions. 1. What is considered a public place where dumpsters are concerned? 2. What about not located on any premises for more than three consecutive months during a twelve month period?</p> <p>If we have permanent trash container enclosures to serve businesses and multiple unit buildings and a permit process</p>	Candace Oathout

		in special circumstances shouldn't question two be eliminated as unnecessary? Strike Subd. 6, second paragraph.	
605.07	Clarify	what is the purpose of reporting the amount of recyclable materials, but not of the amount of garbage materials? What about haulers that go through the garbage and recycle some of that does that get reported?	Carolyn Maristany
605.07, Subd. 3	Clarification	Why is it necessary to specify that there be no disparity between premises that recycle and those that don't? Strike Subd. 3, sentence 3.	Candace Oathout
	Clarify	this is confusing since we have recycling throughout the city and some haulers will go through garbage and recycle even more. Also recycling is not just cans and bottles, it's also repurposing and reusing items, so even if I do not have a bunch in my recycle bin that doesn't mean I'm not recycling.	Carolyn Maristany
605.07, Subd. 6	Clarify	Why is the license not transferable? So new license if the company has to replace a vehicle unexpectedly?	Jen Pohl
	Archaic language – decalomania	Let's just use the word "decal," and instead lament the fact that there was never an all-girls pop band from the 1980s called "Decalomania." I bet they would have been totally boss!	Kirsten Andersen
	Clarify	Does this mean that there is a Crystal specific decal or is it just a Hennepin County one?	Carolyn Maristany
605.09	Format	I would put this in the beginning of this section somewhere. This is also repeated in 635.03	Carolyn Maristany
605.13, Subd. 2 and 3	Update/expand	The city should amend the code to allow the composting of egg shells, coffee grounds, tea bags, fruit/vegetable garbage, and other non-meat/dairy products as these are commonly recommended as beneficial compostable items. With a proper container and the lack of animal products in	Kirsten Andersen

	Update	<p>the bins, scavengers shouldn't be a problem. (see also 605.03, Subd. 2)</p> <p>Subd 2- herbaceous garden debris is not defined. Is it only the things I grow or is it broader to include the debris from the gardens where the grocery store gets their vegetables so I can compost that. Either way composting seems to be at odds with the garbage definition because the garbage definition includes fruit and vegetables.</p>	Carolyn Maristany
605.13, Subd. 3	Update/expand	Prohibited contents list appears to ban the use of litter from cages, or confinement spaces for chickens, pocket pets, or rabbits which add necessary nitrogen and carbon to the mixture and help to jump start the process. If the composter is using this material from a known source or their own animals the risk of antibiotic resistant illness is minimal. This also gives the gardener a regular supply of compostable material and reduces landfill waste. Add caged pet litter from herbivores to the list of materials approved for composting.	Candace Oathout
	Simplify	Do we need this, if we've already identified permitted contents and there are not any exceptions?	Jen Pohl
605.13, Subd. 5	Clarify/update	Unreasonable expectation to have it emptied once a year	Carolyn Maristany
610 – 615	Format	Put wherever we're putting these	Carolyn Maristany
615.15, Subd. 2-5	Simplify	Bullet this for ease of reading/simplification?	Jen Pohl
620	Edit	Rename – steambaths – out of date term	Tim Buck
	Clarify	I am wondering if these rules apply to private business as well as public facilities. Because private business can refuse service to people who are not patrons. I know that business is open to the public, but that does not mean that	Carolyn Maristany

		they do not make themselves more exclusive as to what members of the public they are serving	
620.01	Edit	Suggest this section be edited and condensed. Reads like micro management on steroids. Aren't these facilities also covered in Minnesota Statutes? Edit and revise this section. It is overly detailed. Most of 620.19 should be considered rules of operation to be explained before a permit is issued and reinforced on each inspection visit.	Candace Oathout
	Format	Just make sure consistent with previous discussion and formatting	Carolyn Maristany
620.01, Subd. 2-9	Simplify	Relocate per our past history	Jen Pohl
620.01, Subd. 3	Update	Isn't "sanitarium" a wee bit archaic at this point? Suggest we replace this with a more modern word - if there is one. Do we mean a "sanitarium" - a health resort, or a "sanitorium" - which is more like a hospital.	Kirsten Andersen
620.01, Subd. 5	Archaic language	"Water closet" is a very charming, British-y term, but "toilet" is probably more commonly understood. (see also 620.19, Subd. 3)	Kirsten Andersen
	Update	do we want to use a more modern term than flush water closet? Also would this include port-o-potties or is it just plumbed facilities?	Carolyn Maristany
620.01, Subd. 6	Clarify	make sure state statues are current. 1195 is therapeutic message. Do we also want to disclude other alternative therapy such as acupuncture?	Carolyn Maristany
620.03	Clarify	Replace sex with gender. Discuss how this might impact transgender community.	Jen Pohl
	Typos – 4 th sentence	"A hand washing sink equipped with hot and cold running water under pressure and a sanitary towel <u>dispense</u> or hand-drying <u>devise</u> must be provided in a public restroom."	Kirsten Andersen

		Suggest changing those to be "dispenser" and "device"?	
620.05	Clarify	Do we have any public steam baths?	Carolyn Maristany
620.05, Subd. 2	Clarify	Either cite state building code or simplify to note that these things must be in compliance (same as 620.07)	Jen Pohl
620.05, Subd. 3	Simplify	Language....appurtenances (same as 620.09)	Jen Pohl
620.11	Clarification	How do you control people that may be affected/infected with disease	Tim Buck
620.11, Subd. 3	Clarify	"Approved manner" Is this overkill, or too general?	Jen Pohl
620.19, Subd. 2 h	Clarify	Suggest we add the full term "Code of Federal Regulations" here instead of just putting "CFR" as depicted in the following sentence: "Equipment must meet the provisions of 21 CFR (<i>Code of Federal Regulations</i>), Part 1040 and all subsequent amendments." This will at least give the reader some idea of what CFR refers to.	Kirsten Andersen
	Clarify	contrary to definition where it was just a flush water closet. 620.19 subd 2 h) make sure current.	Carolyn Maristany
620.19, Subd. 3	Clarify	Replace "water close" with updated term	Jen Pohl
	Archaic language	Again with the reference to "water closet."	Kirsten Andersen
	Update	Update water closet to toilet. I'm confused why there are not any operating requirements for fitness, exercise, etc and there are ones for tanning. What makes tanning special that it needs the requirements and the others don't? Shouldn't everybody have their equipment sanitary and in working order?	Carolyn Maristany
620.21	Clarify	What is meant by a "reducing" facility as referenced in the first line: "It is unlawful to operate a public steam bath, heat bathing room, <i>reducing</i> , relaxation, fitness, tanning, or bathing facility, or engage in the business of..."	Kirsten Andersen

625	Clarify	Does this Crystal Cove has no rules or are they located somewhere else?	Carolyn Maristany
630	Format	Put this section where we put the rest	Carolyn Maristany
635	Format	I'm really seeing this section as great to merge with 605 and lead with this topic	Carolyn Maristany
635.01, Subd. 2	Format	Relocate definitions	Jen Pohl
	Clarify	litter is not defined in 605.01. 515.07 does not exist in the zoning code. 515.09 is the definition section, but does not have garbage etc defined.	Carolyn Maristany
635.03-.07	Simplify	Any way to simplify/condense this?	Jen Pohl
635.07	Edit	610 has been deleted probably want 605.03	Carolyn Maristany
635.09	Edit	Edit and clarify subd. 1 – mostly word-smithing. Edit and revise this section. It is overly detailed.	Candace Oathout
640	Format/edit	Rename lawn maintenance Section 640 repealed – repeal to wherever those things are going	Carolyn Maristany
640.01	Format	Purpose....yeah...	Jen Pohl
	Format	With a name change for this section the purpose statement is not needed	Carolyn Maristany
640.03	Format	Definitions: relocate	Jen Pohl
640.13, Subd. 1	Edit/update	Definition of weeds delete last phrase “often causing injury to the desired vegetation type. A “weed” is a plant that is growing where the gardener doesn’t want it. Just an additional comment re: Subd. 6 I’m surprised to see such a strong push to plant milkweed as it was listed as a “noxious weed” for many years.	Candace Oathout
640.15, Sub. 4	Clarify	why do you need a permit? I can understand why line of sight requirements would need to be maintained, like we discussed with fences. Otherwise, I’m unsure why the city cares what I plant as long as it doesn’t degrade city features like curbs or soil erosion.	Carolyn Maristany

640.19, Subd. 1d	Update	Make sure Statutes current	Carolyn Maristany
640.19, Subd. e	Delete	It seems like an overreach to require a permit, site plan and then qualifications for gardener/landscaper who will maintain it. There are so many controls with permit and site plan that this requirement is either overreach or an insult to the property owner. Surely they have researched the concept and requirements before requesting a permit. If we are simply copying language that other cities have used it needs to be edited and made specific to our geographical and climate needs.	Candace Oathout
640.21	Edit	Delete the last sentence as we have discussed previously.	Candace Oathout
	Edit	Make sure current with previous discussion on this topic	Carolyn Maristany
640.23	Clarify	Who inspects the mayor's yard?	Carolyn Maristany
645.01	Edit/clarification	I need to learn how noise measurements are conducted and what triggers a requirement for measurement. According to equipment I've seen operated even normal conversation can exceed the decibel levels as listed due to the many variables that affect how sound is perceived, how it travels and how it is measured. Is it recorded? Subd. 8 reads in "such manner as to disturb the peace, quiet, and comfort of neighbors and others nearby." This is a very subjective measurement. Are we to accept a complainant's opinion as establishing prima facie evidence?	Candace Oathout
	Simplify	Overly wordy definition	Jen Pohl
	Format	Make sure formatting is consistent with other definition sections	Carolyn Maristany
645.01, Subd. 8	Clarify	No exceptions to the noise, ever? Identified quiet hours? There's a great story here....	Jen Pohl
645.03,	Modify	Suggest this be amended to read, "It is unlawful to sound	Kirsten Andersen

Subd. 3		any signaling device on any vehicle except as a warning of danger [unless one is helpfully alerting a distracted fellow driver that they are burning through precious green left turn arrow time while they text their pet's masseuse or Google the definition of 'decalcomania.'"]	
	Clarify	Would disclude testing purposes for maintenance	Carolyn Maristany
645.03, Subd. 8	Archaic language” Edit	"My dearest Gwendolyn, do feel emboldened to play something on the <u>phonograph</u> whilst I cloister myself within the water closet for the briefest of sojourns." Remove section after operation – 645.07 lists acceptable leves no reason to have them here	Kirsten Andersen Carolyn Maristany
645.03, Subd. 9	Edit	Just wondering how this translates with spot lights businesses use to advertise at night?	Carolyn Maristany
645.05, Subd. 2 -4	Edit/format	Could be put in table format like 645.07 or included in that section	Carolyn Maristany
645.05, Subd. 3	Clarify	Just curious as to why there are week day and weekend differences	Carolyn Maristany
645.07, Subd. 2	Clarification Clarify	Where do bus, light rail and train noise fall on table 1 in this section? What establishes ambient noise levels? Are excessive noise levels measured from ambient levels as additional decibels? Does this mean that it is actually followed on the state and county roads or is this wishful thinking?	Candace Oathout Carolyn Maristany
645.09, Subd. 2	Edit	Make sure State Statutes are current	Carolyn Maristany
645.11	Clarify	Who is the noise control officer? I didn't know about this when I had my A/C installed, so is this necessary now that outdoor units are so quiet?	Carolyn Maristany
645.15	Format	Lay this out like other sections where the people are responsible for managing and monitoring are in the	Carolyn Maristany

		beginning	
645.15, Subd. 3	Clarify	How does this apply to things like LRT?	Carolyn Maristany
645.15, Subd. 5	Clarify	The sanitarian is given the power or arrest for violation, does the noise control officer have that power too?	Carolyn Maristany
645.19, sects. 2,3,5,6	Clarify	These sections are confusing. What areas are these? 645.03, 645.07, 645.09 and 645.11	Carolyn Maristany
645.19, Subd. 2	Edit	Make sure in line with other penalty discussions	Carolyn Maristany
645.19, Subd. 3	Clarify	Is there a place to look at for these or to be referenced	Carolyn Maristany
646	Edit	This whole section is useless as it is regulated at a federal level (or at least higher than city). I would either reference appropriate code or remove all together. Our city can do things to have no whistle, but an alert of some kind is helpful to people that can't see, but can hear. This could be modified for LRT though. On those "trains" though I do not think that the train has noise I think it's more of the gates.	Carolyn Maristany
646.01	Revise	Limitation on use of whistles – delete since it is not enforced. Can this issue be used as a partial basis for the proposed quiet zone improvements on West Broadway and Douglas Drive?	Candace Oathout