

CHAPTER III

ADMINISTRATION OF CITY GOVERNMENT

Section 300 - Administrative code; officers; departments

(The administrative code of the city is adopted by council resolution and is embodied in appendix II)

Section 305 – Commissions and Boards

305.01. Commissions and boards. The city council may establish such commissions and boards as it determines are needed to assist it in conducting the business of the city. Commissions and boards shall be created and shall conduct themselves in accordance with this section. The city's planning commission and board of appeals and adjustments are provided for in sections 500 and 503.

305.03. Charter authority. Section 2.02 of the charter of the city of Crystal authorizes the city council to create such advisory commissions and boards, as it deems necessary. The commissions and boards created by ordinance are created pursuant to that authority, this code, and applicable state law.

305.05. Advisory nature. Except as otherwise provided by law or charter, the commissions and boards created under this section are advisory to the council and to the city manager, but the commissions and boards have no other official status or independent authority other than to provide investigative or quasi-judicial functions on behalf of the city council. Commissions and boards are not authorized to enter into contracts.

305.07. Compensation. Unless otherwise provided by law or charter, members of commissions or boards serve without compensation, but may be reimbursed for actual and necessary expenses if funds for that purpose are identified in the adopted city budget and city council authorizes the reimbursement of expenses when establishing the commission or board.

305.09. Open meetings. Meetings of commissions or boards are open to the public and all commissions or boards must comply with all applicable open meeting laws.

305.11. Creation. The city council may create a commission or board by adopting an ordinance that establishes the commission or board. The establishment ordinance shall, at a minimum, contain the following information:

1. The name of the commission or board;
2. The purpose and duties of the commission or board;
3. The number of members and whether they are to be appointed at-large or by geography;
4. The terms for the commission or board members, including the length of terms, when terms begin, whether terms will be staggered, whether members may serve concurrently on other commissions or boards, and whether there are term limits; and
5. Whether the commission or board will have a council liaison, a staff liaison, or a staff secretary.

305.13. Commission or Board Membership. Subdivision 1. Appointment. Members of commissions or boards are appointed by the city council. (Amended, Ord. 2017-01, sec. 1)

Subd. 2. Qualifications. Members of commissions or boards must be residents of the city or owners of businesses within the city, and be at least 15 years old. The city council may establish additional qualifications for the particular commissions or boards in the ordinance it adopts to establish the commission or board. (Amended, Ord. 2017-01, sec. 1)

Subd. 3. Removal. Members of commissions or boards serve at the will of the city council and may be removed from office at any time, with or without cause, by a majority vote of the city council. (Amended, Ord. 2017-01, sec. 1)

Subd. 4. Applications and interviews. The city council shall establish, by resolution, a process for accepting applications and interviewing applicants to commissions and boards. The process must allow for interviews at least once annually for any open positions. All open positions must be advertised on the city's website and at city hall for at least 45 days prior to the application deadline. The application and interview process shall be posted on the city's website and made available at city hall.

Subd. 5. Vacancies. A vacancy is created when a commission or board member resigns or is removed from office. Vacancies may be filled at the discretion of the city council following the same process to make the initial appointment. Members appointed to fill a vacant position are appointed to serve the remainder of the unexpired term.

Subd. 6. Reappointment. Members of commissions or boards seeking reappointment shall go through the regular application and interview process to be eligible for reappointment.

305.15. Organization and governance. Subdivision 1. Bylaws. The city council shall approve bylaws for all commissions and boards, and such bylaws may not be amended except by approval of the city council. At a minimum, the bylaws shall provide for the election from its membership of a chairperson, vice-chairperson, and such other officers as are deemed necessary. The term of office for each officer is one year. The bylaws must specify the month of the election of officers, duties of the officers, number of members to constitute a quorum, the order of business, attendance requirements, and other matters necessary for the conduct of the business of the commission or board. Each commission or board may propose changes to its bylaws to the city council for review and approval. The city council may also initiate and approve amendments to the bylaws of any commission or board. (Amended, Ord. 2017-01, Sec. 2)

Subd. 2. Meeting governance. The procedure at meetings is governed by the bylaws of the commission or board and the requirements of the open meeting law.

Subd. 3. Meeting Schedule. Each commission or board must adopt a regular meeting schedule for the next year by no later than the last regular meeting of each calendar year. The schedule of meetings for all commissions and boards must be posted on the city's website and at city hall.

Subd. 4. Minutes. The secretary of a commission or board shall keep the minutes of its meetings, unless the city council has provided for a staff secretary in the establishment ordinance. The secretary shall also perform the clerical duties of the commission or board as needed. The secretary shall transmit meeting minutes to the city clerk, who must furnish copies to each member of the particular commission or board, the mayor, and city council members. The minutes shall include a copy of all resolutions and other actions of the commission or board. These records shall be maintained by the city clerk in accordance with the Minnesota Government Data Practices Act and the city's records retention schedule.

Subd. 5. Reports. Commissions or boards must annually make a report to the city council which summarizes their activities, findings, and recommendations. The report must be submitted to the city clerk prior to August 1 each year. Other reports, findings, and recommendations must be made and submitted from time to time to the city council as may be requested by the city council. Commissions or boards that regularly submit recommendations to the city council are not required to summarize each recommendation as part of their annual report.

305.17. Task forces. The city council may establish such task forces as it determines are needed to assist it to address a particular item of city business. Task forces shall be established and shall conduct themselves in accordance with the following subsections.

305.19. Creation. The city council may establish task forces by resolution as it determines is appropriate to study and advise the city council on specific matters of limited scope. The resolution creating a task force must set forth the number of members, the specific issue or issues the task force is to study and advise, and the date by which the task force will be dissolved. The city council may, by resolution, extend the date of dissolution or alter the scope of the matters being reviewed by a task force. The requirements associated with the establishment and administration of commissions and boards shall not apply to task forces, except as hereinafter provided.

305.21. Appointment. The number of members of a task force and the process by which a member of a task force is appointed will be left to the discretion of the city council. Those appointed to serve on task forces serve at the will of the city council and may be removed at any time, with or without cause, by vote of the city council. (Amended Ord. 2017-01, sec 3)

305.23. Advisory nature. Task forces are advisory to the city council and to the city manager, and have no other official status or independent authority other than to gather, discuss, and make recommendations to the city council.

305.25. Open meetings. Meetings of task forces are open to the public and members must comply with all applicable open meeting laws.

(Section 305 Amended, Ord. No. 2016-01)

Section 306 – Administrative Enforcement Program  
(Added, Ord. No. 2002-15)

306.01. Administrative citations and civil penalties. Sections 306.07 through 306.17 govern administrative citations and civil penalties for violations of the city code.

306.03. Purpose. The city council finds that there is a need for alternative methods of enforcing the city code. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard city code violations as being important. Accordingly, the city council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for city code violations.

306.05. General provisions. Subdivision 1. Administrative offense. A violation of any provision of the city code is an administrative offense that may be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.

Subd. 2. Exemption. Alcohol and tobacco license violations are not subject to administrative citation under this ordinance.

Subd. 3. Civil penalty. An administrative offense may be subject to a civil penalty not to exceed the maximum penalty for a misdemeanor violation under state law.

Subd. 4. Schedule of fines and fees. The city council must adopt by resolution a schedule of fines for offenses initiated by administrative citation. The city council is not bound by that schedule when a matter is appealed to it for administrative review under section 306.13. The city council may adopt a schedule of fees to be paid to administrative hearing officers.

306.07 Administrative citation procedures. Subdivision 1. Administrative notice.

- a) Upon the first violation, the city will issue an administrative notice to the violator. The city will deliver the administrative notice to the violator in person or by regular mail. The violator will have ten calendar days to correct the violation after issuance of the administrative notice.
- b) If the violator is making a good faith attempt to remedy the violation, the city may grant an extension, the length of which must be agreed upon in writing between the city and the violator.

Subd. 2. Administrative citation. If the violator fails to correct the violation within the time period provided in the Administrative Notice, the city may issue an administrative citation. The city must issue the citation to the violator in person or by certified and regular mail. In the case of a vehicular offense, the citation may be attached to the motor vehicle. The citation must state the date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled fine, and the manner for paying the fine or appealing the citation

Subd. 3. Payment. The violator must either pay the scheduled fine or request a hearing within seven days after issuance of the citation. Penalties for failure to correct the violation or late payment of the fine may be imposed as set forth in section 306.15, subdivision 4. The city may issue a second citation or take other legal action to achieve compliance with the ordinances.

306.09. Administrative hearing. Subdivision 1. Hearing officers. The city council will periodically approve a list of qualified individuals, from which the city clerk will randomly select a hearing officer to hear and determine a matter for which a hearing is requested. The hearing officer will be a public officer as defined by Minnesota Statutes, section 609.415. The hearing officer must not be a city employee. The city clerk must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and city staff. These reports must be provided to the city council.

Subd. 2. Removal of hearing officer. No later than five days before the date of the hearing, the violator may make a written request that the assigned hearing officer be removed from the case. The city clerk will automatically grant one request for removal. A subsequent request must be directed to the assigned hearing officer who will decide whether they can fairly and objectively review the case. If the hearing officer determines they cannot fairly and objectively review the case, the hearing officer shall notify the city clerk in writing at least one day before the scheduled hearing date. The city clerk will then assign another hearing officer.

Subd. 3. Notice of hearing. Within 30 days of the request for a hearing, the city clerk will schedule the hearing and will notify the violator and involved city staff of the date, time and place for the hearing. Parties are expected to be available for two hours. Notice of the hearing must be mailed to the violator and the hearing officer at least ten days in advance of the scheduled hearing, unless a shorter time is accepted by all parties. The notice must contain the names of the parties, the identity of the hearing officer, the location of the alleged violation and the type of violation alleged.

Subd. 4. Continuance. A request for a continuance must be made to the city clerk at least five days prior to the scheduled hearing date. The city clerk may grant a continuance at the request of the violator or the city staff member only for good cause shown and for no more than ten days from the originally assigned date.

Subd. 5. File transmittal. a) Upon receipt of any request for a hearing, the city clerk's office will compile a summary report detailing the facts in support of any determination that the offense constitutes a violation. The summary report will include:

- (i) copy of the citation issued;
  - (ii) copy of the Administrative Notice, which preceded the citation;
  - (iii) copy of any case history in the issuing employee's department;
  - (iv) photographs and/or videotape of property where available;
  - (v) proof of mailing and/or posting of notice on the property if the citation was not personally served on the violator.
- b) The file must be ready for the hearing officer to pick up on the business day preceding the scheduled hearing.

Subd. 6. Presentation of case. At the hearing, the parties will have the opportunity to present testimony and question any witnesses, but strict rules of evidence will not apply. The hearing officer must tape record the hearing and receive testimony and exhibits. The hearing officer must receive and give weight to evidence, including hearsay evidence, that possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.

Subd. 7. Decision.

- a) The hearing officer must issue a written decision containing findings of fact, conclusions of law and an order. The decision will be mailed to the parties within ten days after the hearing. The hearing officer has the authority to determine that a violation occurred, to dismiss a citation, to impose the scheduled fine, and to reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions. When imposing a penalty for a violation, the hearing officer may consider any or all of the following factors:
- 1) the duration of the violation;
  - 2) the frequency of reoccurrence of the violation;
  - 3) the seriousness of the violation;
  - 4) the history of the violation;
  - 5) the violator's conduct after issuance of the administrative notice and citation;
  - 6) the violator's conduct after issuance of the notice of hearing;
  - 7) the good faith effort by the violator to comply;
  - 8) the impact of the violation upon the community;
  - 9) prior record of city code violations; and
  - 10) any other factors appropriate to a just result.
- b) The hearing officer may not impose a fine greater than the established fine, except that the hearing officer may impose a fine for each week that the violation continues if: (i) the violation caused or is causing a serious threat of harm to the public health, safety, or welfare or (ii) the violator intentionally and unreasonably refused or refuses to comply with the code requirement.

Subd. 8. Decision. Except as provided in sections 306.11 and 306.13, the decision of the hearing officer is final without any further right of appeal.

Subd. 9. Failure to appear. The failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death in the immediate family or documented incapacitating illness of the violator; a court order requiring the violator to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness; lack of transportation or child care; and intentional delay.

306.11. Judicial review. An aggrieved party may obtain judicial review of the decision of the hearing officer or the city council as provided in state law.

306.13. Administrative review. Subdivision 1. Appeal. A violator may appeal the hearing officer's decision in any of the following matters to the city council for administrative review:

- a) an alleged failure to obtain a permit, license or other approval from the city council as required by an ordinance;
- b) an alleged violation of a permit, license, other approval, or the conditions attached to the permit, license, or approval, that was granted by the city council; or
- c) an alleged violation of regulations governing a person or entity who has received a license granted by the city council.

Subd. 2. Notice. The appeal under this section will be heard by the city council. Notice of the hearing must be delivered to the alleged violator or property owner and involved city staff, in person or by mail at least ten days in advance of the hearing. The parties to the hearing will have an opportunity to present oral or written arguments regarding the hearing officer's decision.

Subd. 3. Decisions. The city council must consider the record, the hearing officer's decision, and any additional arguments before making a determination. The council is not bound by the hearing officer's decision, but may adopt all or part of the officer's decision. The council's decision must be in writing.

Subd. 4. Suspension or revocation. In addition to imposing a civil penalty, the council may suspend or revoke a city-issued license, permit, or other approval associated with the violation.

306.15. Recovery of civil penalties. Subdivision 1. Non-payment. If a civil penalty is not paid within the time specified, it will constitute:

- a) a lien on the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation and the property owner was found responsible for that violation; or
- b) a personal obligation of the violator in all other situations.

Subd. 2. Lien. A lien may be assessed against the property and collected in the same manner as taxes.

Subd. 3. Personal obligation. A personal obligation may be collected by appropriate legal means.

Subd. 4. Late fees/charges.

- a) If after seven days the fine has not been paid or a hearing requested, the fine will increase by 10% for each seven days thereafter for one month. After four weeks and four late fee charges have been added to the original fine, the total bill will be assessed to the property taxes and all city licenses will be revoked. For continued violations, the city will correct the violation and assess the charges for doing so onto the property taxes or criminal charges may be filed.
- b) If the same property and property owner are charged with a subsequent violation within a 12-month period for the same, or substantially similar offense, the fine will be increased by 25%. After a third infraction in a 12-month period, the fine will increase by 50%, and after a fourth infraction by 100%.

Subd. 5. License revocation or suspension. Failure to pay a fine is grounds for suspending or revoking a license related to the violation.

306.17. Criminal penalties.

- a) The following are misdemeanors, punishable in accordance with state law:
  - 1) Failure, without good cause, to pay a fine or request a hearing within 30 days after issuance of an administrative citation;
  - 2) Failure, without good cause, to appear at a hearing that was scheduled under section 306.09;
  - 3) Failure to pay a fine imposed by a hearing officer within 30 days after it was imposed, or such other time as may be established by the hearing officer.
- b) If the final adjudication in the administrative penalty procedure is a finding of no violation, then the city may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the city from pursuing a criminal conviction for a violation of the same provisions based on a different set of facts. A different date of violation will constitute a different set of facts.

Section 310 - Personnel administration

310.01. Background; findings; charter amendment. Ordinance no. 90-22, adopted by the city council pursuant to Minnesota Statutes, section 410.12, subdivision 7, abolished the city's civil service commission and required the establishment of the employee review board whose powers and duties are set forth in section 315.

310.03 (Repealed, Ord. No. 2016-01)

310.05. Rules and regulations. The city manager has developed a set of personnel rules and regulations to carry out the intent expressed in subsection 310.03. The council has reviewed those rules and regulations and found that the rules and regulations embody an efficient, uniform, and comprehensive system of personnel administration for the city.

310.07. Rules adopted. The rules and regulations as proposed by the city manager are adopted by the council and are set forth in appendix V. Appendix V may be amended by the council by resolution from time to time.

Section 311 - Background Investigations  
(Added, Ord. No. 96-3)

311.01. Computerized criminal history background check. Subdivision 1. Requirements. The police department is authorized to conduct a Minnesota Computerized Criminal History background investigation (a "CCH Investigation") on all applicants for positions with the city, and applicants for identified city licenses and permits, as provided by this section and Minnesota Statutes, section 299C.72. The CCH Investigation shall be performed pursuant to the requirements of the Minnesota Bureau of Criminal Apprehension for non-criminal justice purposes, as those guidelines may be amended, which are on file with the city clerk and the chief of police. (Amended, Ord. No. 2007-11, Sec. 1; Amended Ord. No. 2016-01)

Subd. 2. Job or volunteer CCH investigation. This section applies only to applicants who are finalists for paid or volunteer positions with the city. The police department may not perform a CCH Investigation unless the applicant consents in writing to the investigation and to the release of the investigation information to the city manager and other city staff as may be appropriate, unless authorized by law. An applicant's failure to provide consent may disqualify the applicant for the position sought. If the city manager rejects the applicant's application due, solely or in part, to the applicant's prior conviction of a crime, subject to the exception set forth in Minnesota Statutes, section 364.09, the city manager must notify the applicant in writing of the following: (Amended, Ord. No. 2007-11, Sec. 1; Amended, Ord. No. 2016-01)

- a) the grounds and reasons for the rejection;
- b) the applicable complaint and grievance procedure set forth in Minnesota Statutes, section 364.06, as amended; (Amended, Ord. No. 2007-11, Sec. 1)
- c) The earliest date the applicant may reapply for employment; and
- d) that all competent evidence of rehabilitation will be considered upon reapplication.

Subd. 3. CCH investigation for approval or denial of a license or permit. The police department is authorized to conduct a CCH Investigation to assist in determining the factual basis for the approval or denial of a city license or permit where the health, safety or welfare of the public is a concern based on the activity regulated and subject to the license or permit. A CCH Investigation is required for the applicant for a license or permit under the following ordinance sections: 1160.11; 1175.17; 1177.07; 1185.03; 1190.11; 1195.15; 1200.09; 1215.11. (Added, Ord. No. 2007-11, Sec. 2; Amended, Ord. No. 2016-01)

Section 315 - Employee Review Board

315.01. Board established. The employee review board ("Board") is established and continued. The Board has the powers and duties set out in this section. The Board is established pursuant to sections 2.02 and 6.07 of the charter and section 305 of the city code.

315.03. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. "Appendix V" means the rules and regulations adopted by section 310 of this code.

Subd. 3. "Board" means the employee review board.

Subd. 4. "Grievance" means a dispute or disagreement as to the interpretation or application of any term or terms of Appendix V.

Subd. 5. "Employee" means a city employee other than the city manager, the assistant city manager, or a department head. The term does not include an employee who is a member of a certified appropriate bargaining unit that has entered into a collective bargaining agreement with an employee organization pursuant to Minnesota Statutes, chapter 179A.

315.05. Board; membership. Subdivision 1. Appointment. The Board consists of three regular members and two alternate members. Members are appointed by the city council in accordance with the procedures established in section 305.13.

Subd. 2. Terms. Members of the Board serve for a term of three years. The terms of members are staggered so only one member is appointed each year. One or more alternate members may be appointed for three-year terms. The term of a member expires on February 28 of the final year of a term. Vacancies on the Board are filled for the unexpired term in the same manner as original appointments are made. Members may be appointed for consecutive terms.

Subd. 3. Qualifications. Members of the Board must be residents of the city. In making an appointment, the city council must give consideration to persons who are knowledgeable and experienced in the field of dispute resolution, including arbitration and mediation. An officer or employee of the city may not be appointed to the Board or otherwise serve on the Board. A member of the Board may apply and be appointed to any other board or commission at the discretion of the city council without such appointment creating a vacancy on the Board. A person who has been an elected officer or employee of the city may not be appointed to the Board until one year has elapsed since termination of that service or employment.

315.07. Organization; meetings. The Board shall organize, adopt bylaws, and govern itself in accordance with section 305.15. Meetings of the Board shall be held in accordance with open meeting laws and are open to the public unless closed as provided by law.

315.09. Council Liaison. The Board shall have one liaison from the city council that attends its meetings and reports back to the city council. The liaison is not an official member of the Board and may not vote on its issues.

315.11. Staffing; financing. The city manager must provide appropriate staff support including legal assistance to the Board from existing city personnel. Members of the Board serve without compensation, but may be reimbursed for actual and necessary expenses in accordance with normal city policy regarding such reimbursement for other boards and commissions of the city.

315.13. Grievances; procedures. Subdivision 1. Submission. An employee may submit a grievance to the Board subject to the provisions of this subsection.

Subd. 2. Exhaustion of remedies. An employee may not submit a grievance to the Board until the steps of the grievance procedure established by Appendix V have been completed and within ten days of that completion. The grievance procedure provided in Appendix V is complete on the date that the city manager gives written notice of the city manager's final determination of the grievance. The Board must provide in its bylaws for the form and details of a grievance submission.

Subd. 3. Review; discretion. The Board must promptly review the grievance submission. The Board may decline to review a grievance. The Board's decision not to review a grievance is final.

Subd. 4. Hearing. If the Board decides to review a grievance, it may conduct one or more hearings on the matter in the manner set forth in its bylaws. The bylaws must provide for written notice of its hearings to the city manager and the employee. The city manager must supply the Board with information reasonably requested by the Board. The employee may be represented by counsel at a hearing. If the manager's final determination of the grievance is not confirmed by the Board, the reasonable costs, including attorney's fees, incurred by the employee in the proceedings must be paid by the city. If the manager's final determination of the grievance is confirmed by the Board, the employee's costs, including attorneys' fees, will not be paid by the city.

Subd. 5. Decisions. Upon completion of hearings on a grievance, the Board must issue a written order stating its decision, the reasons for the decision, and the findings on which the decision is based. The order may confirm the decision of the city manager or modify it in any respect. The Board must send a copy of the order to the employee and to the city manager. The decision of the Board is final.

315.15. Information; publication. The city manager is directed to take appropriate steps to fully inform employees of the existence and functions of the Board. A notice describing the Board and its functions must be continually posted in conspicuous places in the workplace.

(Section 315, Amended, Ord. No. 2016-01)

Section 320 - Administrative code;  
volunteer fire department; special provisions  
(Repealed, Ord. No. 97-4, Sec. 2)

Section 320 – Crystal-New Hope  
West Metro Fire-Rescue District  
(Added, Ord. No. 2000-07)

320.01. Enabling legislation. Pursuant to Minnesota Statutes, section 471.59 and 1995 Minnesota Laws, chapter 262 (collectively, the "Act"), the city of Crystal has entered into a joint and cooperative agreement ("Agreement") with the city of New Hope that establishes a joint fire district. Article 11 of the Act further provides for the consolidation of the fire relief associations of the respective fire departments in New Hope and Crystal. (Amended, Ord. No. 2016-01)

320.03. West Metro Fire-Rescue District codified. Pursuant to the Act and Agreement, the West Metro Fire-Rescue District ("District") is hereby reaffirmed and shall continue to serve as the city's fire department. The District's fire department serves both the cities of Crystal and New Hope and provides each city with effective and economical fire suppression services. The Agreement establishing the District was acted upon and approved by the Crystal and New Hope city councils in Crystal resolution numbers 97-120 and 98-12 and New Hope resolution numbers 97-139 and 97-172. The effective date for operation of the District per the Agreement was July 6, 1998. (Amended, Ord. No. 2016-01)

320.05. Fire department. The District is authorized pursuant to the Agreement to exercise the delegated powers as needed to provide emergency services within the city as its fire department, including serving as the city's fire marshal. Major areas of involvement of the District are fire suppression, emergency medical support, fire prevention through code enforcement and public education, hazardous materials release response and specialized heavy rescue. The management, budgeting, and operations of the District shall be as provided in the Agreement. (Amended, Ord. No. 2016-01)

320.07. Amendment or dissolution of District. Amendments to the Agreement or dissolution of the District shall be governed by the Agreement. The Agreement may be amended by identical resolutions adopted by each city council. An amendment is effective when it is filed together with the authorizing resolutions with the fire chief. (Amended, Ord. No. 2016-01)

Section 321 - Fire department;  
special provisions  
(Added, Ord. No. 97-4, Sec. 1)  
(Repealed, Ord. No. 2016-01)

Section 325 - Disposition of unclaimed property

325.01. Unclaimed property; purpose and statutory authority. This section has been enacted to provide for the custody and disposal of property other than motor vehicles coming into the possession of the city in the course of municipal operations and remaining unclaimed by the owner. It has been adopted pursuant to the provisions of Minnesota Statutes, section 471.195.

325.02. The city manager shall maintain a complete file of unclaimed property which shall contain the following information:

- a) a description of the property;
- b) the finder of the property;
- c) the time and place of the finding;
- d) the disposition of the property; and
- e) any other information deemed pertinent by the city manager. (Added, Ord. 2006-3, Sec. 1)

325.03. Method of disposition. Subdivision 1. The city manager shall take all reasonable steps to determine the owner of the unclaimed property prior to its disposal. (Amended, Ord. No. 2016-01)

Subdivision 2. Property that has come into the possession of the city and has remained unclaimed by its owner for a period of 60 days or more shall be disposed of by the city by sale to the highest bidder at public auction. The public auction shall be conducted under the direction of the city manager, following published notice in the official newspaper at least ten days in advance of the sale. The published notice shall state the place and time of such sale, and shall contain a general description of the property to be sold. In lieu of a public auction, any of the unclaimed property may be appropriated to the city for its use upon approval of the appropriation by the city council. In the event that any unclaimed property that is put up for sale at the auction and is not sold, the city manager shall submit a report to the city council advising the city council of the items unsold. The city council shall then make a disposition of the unsold items as it deems in the best interest of the city. (Amended, Ord. 2006-3, Sec. 2; Ord. 2007-07, Sec. 1; Amended, Ord. No. 2016-01)

Subd. 3. Notwithstanding any other procedural requirement of this section, once the property described in subdivision 2 above has remained unclaimed by its owner for a period of 60 days or more, the city may contract to dispose of such unclaimed property using an electronic selling process in which purchasers compete to make offers to purchase the surplus property at the highest price in an open and interactive environment. (Added, Ord. 2007-07, Sec. 1; Amended, Ord. No. 2016-01)

325.05. (Repealed, Ord. 2006-3, Sec. 3)

325.06. Reports on property sold. Upon the completion of any sale under section 325.03, the city manager shall maintain a list of the following:

- a) a copy of the published notice of sale;
- b) a list of property sold;
- c) the amount for which each item of property was sold;
- d) the name of the individual to whom each item of property was sold;
- e) a list of property that was put up for sale at the auction that was not sold; and
- f) a statement of the expenses of the sale. (Added, Ord. 2006-3, Sec. 4)

325.07. Items which may be destroyed. Items of personal property having nuisance potential, such as firearms, dangerous weapons, liquor and narcotics, may be destroyed upon order of the city manager. A list of items so destroyed and the pertinent facts of the disposal must be maintained for a period of at least six years. (Amended, Ord. 2006-3, Sec. 5)

325.09. Disposition of proceeds. The proceeds of the sale must be deposited in the general fund of the city, subject to the right of the former owner to payment of the sale price from such fund upon application and satisfactory proof of ownership within six months of the sale. In the event that the property has already been sold, the former owner shall be entitled to receive the actual sale price of the property, except that there shall be deducted from the sale price any expenses incurred by the city in connection with the retention, storage and/or sale of the property. (Amended, Ord. 2006-3, Sec. 6)

325.11. Property held as evidence. When any law enforcement officer seizes, with or without consent, any property, the property shall be safely kept as directed by the court, so long as may be necessary for the purpose of being produced as evidence in any trial or court proceedings. After the trial or court proceedings have been completed, the property shall, unless otherwise subject to lawful detention, be returned to the owner, or returned to such other persons as may be entitled to the possession of the property. If the owner cannot be located or does not want the property returned to them, or the court directs disposal of the property by the city, it may be sold by the city at auction pursuant to the procedure set forth in section 325.03 of this section. (Added, Ord. 2006-03, Sec. 7)

325.13. Unclaimed money. Any person finding money within the city shall deliver it personally to the police department to be held for a period of 90 days in order to determine the rightful owner. If no claim is made by the owner or if the owner cannot be located, the money shall be returned to the finder 90 days after delivery to the police department. If a party or parties claim ownership, the money shall be held until determination by the chief of police has been made whether any of the parties is the rightful owner. If none of the parties are the rightful owner, and no other claims have been made, the finder shall receive the money 90 days after delivery to the police department, or as soon as a determination has been made by the chief of police that no owner has been found. The police department shall keep a record of the amount of money found and the name, address and phone number of the finder. Upon delivery of the money to the finder as provided in this subdivision, the city shall have no further interest or obligation with respect to the money. The city shall, however, provide the name and address of the finder and the location of the money to any individual making a satisfactory claim and proof of ownership subsequent to the delivery of the money to the finder. Any money found by a city employee on public property shall be delivered to the police department to be held for a period of 90 days in order to determine the rightful owner. If no claim is made by the owner or if the owner cannot be located, the money shall be deposited in the general fund of the city 90 days after delivery to the police department. (Added, Ord. 2006-3, Sec. 8)

325.15. Exception. This section shall not apply to abandoned motor vehicles or to property forfeited to the city pursuant to Minnesota Statutes, section 169A.63, 609.531 through 609.5319. (Added, Ord. 2006-3, Sec. 9)

Section 330 - Partial prepayment of special assessments  
(Added, Ord. No. 94-15, Sec. 1)

330.01. Special assessments; partial payment. Subdivision 1. Authority. This section is enacted pursuant to Minnesota Statutes, section 429.061, subdivision 3.

Subd. 2. Procedure. During the 30-day period following the adoption by the city council of the assessment roll in a local improvement proceeding conducted under Minnesota Statutes, chapter 429, but prior to the certification of the assessment to the taxpayer services division manager, the owner of property specially assessed in the proceeding may pay to the finance director, without interest, any portion of the special assessment not less than \$100. The remaining balance of the special assessment is to be then spread over the period of time and at the interest rate established by the council for the installment payment of the special assessment. (Amended, Ord. No. 2016-01)

Section 335 – Deferment of special assessments  
(Added, Ord. No. 2004-05)

335.01. Deferment of assessments. Subdivision 1. Authority. This section is enacted pursuant to Minnesota Statutes, sections 435.193 to 435.195. (Amended, Ord. No. 2011-2, Sec. 1; Amended, Ord. No. 2016-01)

Subd. 2. Standard for deferment. At its discretion, the city may defer the payment of a special assessment levied for a public improvement, if all of the following conditions applicable to the respective deferment category are present: (Amended, Ord. No. 2011-2, Sec. 1; Amended, Ord. No. 2016-01)

- a) the property is one acre or less and is homestead property of the owner;
- b) the owner is:
  - 1) 65 years of age or older, or
  - 2) totally and permanently disabled with income which does not exceed the limits in subdivision 3 a); or (Amended, Ord. No. 2011-2, Sec. 1)
  - 3) a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in Minnesota Statutes, section 190.05, subdivision 5b or 5c, as amended, as stated in the person's military orders; (Added, Ord. No. 2011-2, Sec. 1)
  - 4) for all deferment categories stated above in subdivisions 2 b) 1) – 3), payment of the assessment would be a hardship for the property owner. (Added, Ord. No. 2011-2, Sec. 1)

Subd. 3. Hardship based on income and military service defined. (Amended, Ord. No. 2011-2, Sec.1)

- a) A hardship exists under subdivision 2 b) 2) for a deferment when the owner's gross income is at or below the low income standards, adjusted for family size, applicable in the year of application under the federal section 8 program, as determined by the regulations of the United States Department of Housing and Urban Development. (Amended, Ord. No. 2010-2, Sec. 1)
- b) A hardship exists under subdivision 2 b) 3) for a military service deferment when there is a difficulty for the owner/service member in making the payments when due as a result of being called into active military service. The difficulty may include but not be limited to financial difficulties for the service member or the member's family while the member is on active duty or training for active duty, priority of requirements of military duty, problems with transacting financial matters from a military station for the service member or for the member's family while the member is at a military station, or a combination of these or other difficulties which make timely payment of the special assessment more difficult. The owner/service member on active duty shall provide the city with copies of orders evidencing the commencement and termination of the active duty status in order to be eligible for the deferment. (Added, Ord. No. 2010-2, Sec. 1)

335.03. Administration of deferment program. Subdivision 1. Application. An application for a deferment must:

- a) be submitted to the city by November 15;
- b) include information and any supplementary documentation necessary to establish and verify the following:
  - 1) the legal description and property identification number;
  - 2) the street address;
  - 3) that the property is homestead property of one acre or less;
  - 4) the description of the improvement;
  - 5) the name of the homestead owner-occupant;
  - 6) that the property owner either is (i) 65 years of age or older, or (ii) retired because of permanent and total disability as defined in section 335.01, subdivision 2; and
  - 7) that paying the special assessment on the ordinary schedule constitutes a hardship as defined in this section.

Subd. 2. Interest accrual. Simple interest at the rate specified for the special assessment for the local improvement will accrue for the term of the assessment on any principal of the special assessment that is deferred.

335.05. Termination of deferment. The option to defer the payment of special assessments will terminate and all amounts accumulated, plus applicable interest, will become due upon the occurrence of any of the following events:

- a) the death of the owner, provided that the spouse is otherwise not eligible for the benefits;
- b) the sale, transfer or subdivision of the property or any part thereof;
- c) if the property should for any reason lose its homestead status; (Amended, Ord. No. 2010-2, Sec. 1)
- d) if the financial or disability status of the owner should change to the extent that the owner would no longer qualify for the deferment under this section; or (Amended, Ord. No. 2010-2, Sec. 1)
- e) in the case of a military service deferment under subdivision 2 b) 3), the deferment shall terminate 90 days after the release of the service member from active duty. (Added, Ord. No. 2010-2, Section 1)

#### Section 340 – Domestic Partnership Registration

(Added, Ord. No. 2011-10)

##### 340.01. Purpose.

The city of Crystal authorizes and establishes a voluntary program of registration of domestic partners. The domestic partner registry is a means by which unmarried, committed couples who reside or work in Crystal and who share a life and home together may document their relationship.

Crystal's domestic partnership ordinance is a city ordinance and does not create rights, privileges, benefits or responsibilities which are available to married couples under state or federal law, or rights, privileges, benefits or responsibilities which are not legally available to unmarried couples under state or federal law.

340.02. Definitions. Subdivision. 1. The following words and phrases used in this Code have the meanings given in this section.

Subd. 2. “Domestic Partner” means any two adults who meet all the following:

- a. Are not related by blood closer than permitted under marriage laws of the state.
- b. Are not married under that laws of this state.
- c. Are competent to enter into a contract.
- d. Are jointly responsible to each other for the necessities of life.
- e. Are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities.
- f. Do not have any other domestic partner(s).
- g. Are both at least 18 years of age.

- h. At least one of whom resides in or is employed in Crystal.

Subd. 3. “Domestic Partnership” includes, upon production of valid, government-issued documentation, in addition to domestic partnerships registered with the city of Crystal, and regardless of whether partners in either circumstance have sought further registration with the city of Crystal:

- a. Any person who has a currently-registered domestic partnership with a governmental body pursuant to state, local or other law authorizing such registration. The term domestic partnership shall be construed liberally to include unions, regardless of title, in which two individuals are committed to one another as married persons are traditionally committed, except for the traditional marital status and solemnities.
- b. Marriages that would be legally recognized as a contract of lawful marriage in another local, state or foreign jurisdiction, but for the operation of Minnesota law.

Sub. 4. “Health Care Facility” means a medical facility such as a hospital, sanitarium, a nursing home or similar facility licensed under Minnesota law.

340.03. Registration of Domestic Partnerships. Subdivision 1. Application. The city clerk shall accept an application in a form provided by the city to register domestic partners who state in such application that they meet the definition of domestic partners.

Subd. 2. Application Fee. The city clerk shall charge an application fee for the registration of domestic partners and shall charge a fee for providing certified copies of registrations, amendments, or notices of termination. The fees required by this subsection shall be established from time to time by resolution of the City Council and set forth in Appendix IV to this code.

Subd. 3. Certificate. The city clerk shall provide each domestic partner with a registration certificate.

Subd. 4. This application and certificate may be used as evidence of the existence of a domestic partner relationship.

Subd. 5. Records. The city clerk shall keep a record of all registrations of domestic partnership, amendments to registrations and notices of termination. The records shall be maintained so that amendments and notices of termination are filed with the registration of domestic partnership to which they pertain.

Subd. 6. Data. The application and amendments thereto, the registration certificate, and termination notices shall constitute government data and will be subject to disclosure pursuant to the terms of the Minnesota Government Data Practices Act.

340.04. Amendments. The city clerk may accept amendments for filing from persons who have domestic partnership registrations on file, except amendments that would replace one of the registered partners with another individual.

340.05 Termination of Domestic Partnership. Domestic partnership registration terminates when the earliest of the following occurs:

- a. One of the partners dies; or
- b. Forty-five days after one partner: 1) sends the other partner written notice, on a form provided by the city, that he or she is terminating the partnership; and 2) files the notice of termination and an affidavit of service of the notice on the other partner with the city clerk.

340.06. Benefits. Subdivision 1. This section does not create any rights, privileges, or responsibilities for domestic partners other than those expressly provided in this section.

Subd. 2. City Fees for Recreational Programs and General Services. If the city offers a family fee, family membership or family registration for any city-provided recreation program or service available to residents or the general public, domestic partners are entitled to the same family fee, family membership or family registration.

Subd. 3. Visitation in health care facilities. If a patient has not designated permitted or restricted visitors, or does not have a health care directive as defined in Minnesota Statutes Chapter 145 C, as amended, a health care facility shall allow the patient's domestic partner, the children of the patient's domestic partner, or the domestic partner of the patient's parent or child to visit the patient. Such visitation rights shall be consistent with the health care facility's visitation policy pertaining to other family members. A health care facility may reasonably determine based on the patient's medical condition not to allow visitors. The health care facility may deny visitation upon the reasonable determination that the presence of a particular visitor would endanger the health or safety of a patient or patients, or would endanger the primary operations of the facility.

Subd. 4. Other code provisions. Domestic partners shall be entitled to rights or benefits as expressly provided by this code for registered domestic partners.

Section 345 – Reasonable Accommodation  
(Added, Ord. No. 2017-01)

345.01. Reasonable accommodation. The city has a legitimate interest in imposing regulations to protect the public health, safety, and general welfare. However, these regulations may not be applied in a manner that denies reasonable accommodation as required by the federal Fair Housing Amendments Act of 1988. It is the policy of the city to provide reasonable accommodation for persons with disabilities seeking fair and equal access to housing, in compliance with federal law. Reasonable accommodation means granting a modification or waiver of city regulations or policies to an individual with a disability, or to a developer of housing for an individual with a disability, when necessary to eliminate barriers to housing opportunities as required by the Act. The process for making and acting upon requests for reasonable accommodation is set forth in this section.

345.02. Initiation of reasonable accommodation request. A person may request the modification or waiver of city regulations or policies by submitting a request in writing to the city manager. For the purposes of this section, "person" includes an individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability. The application must include a detailed explanation of why the modification or waiver is reasonably necessary to make the specific housing available to the person, including verification of the disability, as well as other information as may reasonably be required by the city manager. If the request relates to a matter requiring specific review or approval by the city, then the applicant must file the request for reasonable accommodation concurrently with the application seeking the review or approval.

345.03. Processing of reasonable accommodation request. Subdivision. 1. Authority. The city manager, in consultation with the city attorney, has the authority to consider and act on requests for reasonable accommodation, except that requests associated with another city review or approval will be considered and decided concurrently with that application. A decision must be in writing and may include the imposition of reasonable conditions. In making a decision, the following factors must be considered:

- a) Whether there is a qualifying disability;
- b) Whether the request is needed to allow a disabled person equal opportunity to use and enjoy a dwelling, or to live in a particular neighborhood, as a person without disabilities;
- c) Whether the request is reasonable, considering such things as the potential impact on surrounding uses, the extent to which the accommodation meets the stated need, and other alternatives that may meet that need;
- d) Whether the request would constitute a fundamental alteration of the city's regulations, policies, or procedures;

- e) Whether the request would impose an undue financial or administrative burden on the city;  
and
- f) Any other factor that may have a bearing on the request.

Subd. 2. Decision. The city manager's written decision, including notice of the right to appeal, must be mailed to the applicant and to the owners of all properties that are immediately adjacent to the property that is the subject of the request. An aggrieved party may appeal the city manager's decision to the city council by submitting a written request to the city clerk within 10 days after the decision was mailed to that party. The city manager's decision is the final decision of the city, unless properly appealed. If appealed, the decision of the city council shall be final. Only the aggrieved applicant and immediately adjacent property owners who received notice of the written determination have a right to appeal.

345.04 Applicability. An approved request is granted only to an individual and does not run with the land, unless the city manager determines that:

- a) The accommodation is physically integrated into the residential structure and cannot easily be removed or altered; or
- b) The accommodation is to be used by another individual with a disability.

345.04 Conditions and guarantees. The city manager may require that the applicant record a covenant agreeing to comply with conditions established in the determination, before the issuance of any permits related to an approved reasonable accommodation.

345.04 Fees. There shall be no fee imposed in connection with a request for reasonable accommodations made pursuant to the provisions of this section.