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CRYSTAL CITY CODE REVIEW TASK FORCE

**SEPTEMBER 24, 2015
7:00 p.m.
CONFERENCE ROOM A, CITY HALL**

MEETING NOTICE AND AGENDA

1. Call meeting to order
2. Comments from Chair Richter
 - First report to City Council – October 1 work session
3. Review August 27, 2015 Meeting Notes
4. Review Task Force comments
 - a. Balance of Chapter 3:
 - i. Editorial and clarifying comments
 - ii. Substantive comments
 - b. Chapter 4, Sections 400 – 420:
 - i. Editorial and clarifying comments
 - ii. Substantive comments(additional comments on Chapter 4 will be forthcoming)
5. Assignments and homework (due Monday, October 12)
6. Next meeting – October 22, 2015
7. Adjourn – 9 p.m.

CITY CODE REVIEW TASK FORCE

MEETING NOTES AUGUST 27, 2015

Task Force Members Present: Kirsten Anderson, Jon Bohlinger, Bonnie Bolash, Jerry Bolash, Tim Buck, Carolyn Maristany, Nick Meyer, Candace Oathout, Jennifer Pohl, Andrew Richter.

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

The meeting was called to order at 7:00 p.m.

Comments from Chair Richter

Chair Richter stated his goal is to keep the Task Force moving and avoid editing. Editorial comments and typos will be made as recommendations and tracked separately.

July 23, 2015 Meeting Notes

Motion by Bolash and seconded by Maristany to accept the July 23, 2015 meeting notes as presented. Motion carried.

Review Comments – Continue Chapters 2- 3

Chapter 2, Sections 200.03, 210, 211, 215.09, 215.11 – the comments were editorial or clarifying comments which will be listed and presented with the Task Force's other comments.

Section 305.09 – Motion by Oathout, seconded by Maristany that this section include clear guidelines for commissions, and review of standing commissions to determine that they are meeting objectives or whether they should be sunsetted. Have specific objectives and membership for set by resolution; keep general commission information in the City Code. Motion carried.

Section 305.17 – there was discussion about the role of the Council liaison. The Task Force requested the Council discuss the expectations of the Council liaison and whether a liaison was appropriate for all commissions. Agreed to the liaison should not have a vote.

Section 305.25 – Motion by Maristany, seconded by Oathout to recommend the Council consider eliminating the youth commission and instead look at how the Council can involve youth generally and consider adding youth to the Parks and Recreation and

Human Rights Commissions. Motion carried. Motion by Richter, seconded by Bohlinger to recommend the Council discuss the need for all commission.

Section 305.33 – The Task Force recommended the City Council the need for an Economic Development Authority Advisory Commission.

Section 306.09, Subd, 7 – Motion by Bohlinger, seconded by Maristany to remove the 10th factor. Motion carried 9 -1.

The Task Force agreed to skip Sections 320 and 321 as they need to be totally rewritten to reflect the joint powers agreement and bylaws of West Metro Fire-Rescue District.

Section 340 – the Task Force asked the City Attorney to review whether there is any need for the domestic partnership provision given recent changes to law and have the City Council review and update as needed based on the City Attorney's findings.

Sections 305.21, 305.23, 305.27, Subd. 1.a., 306.01-.09 – editorial and clarifying comments will be listed and presented with Task Force recommendations.

Assignments and Homework

At its September 24 meeting, the Task Force will complete its review of the remaining sections of Chapter 3. At that meeting the Task Force will begin review of Chapter 4, Sections 400 – 420.

Adjournment

Motion by Pohl, seconded by Buck to adjourn the meeting of the City Code Review Task Force. Motion carried.

The meeting adjourned at 9:08 p.m.

**CITY CODE REVIEW – EDITORIAL AND CLARIFYING COMMENTS
CHAPTER 3**

CHAPTER 3

Section	Nature of Comment	Comment	Author
306.15 Subd. 4	Clarification/general comment	late fees/charges. I know these are used to punish people but we have usury laws to protect people from excessive or abusive interest rates. At what point is a penalty too much for lateness? What is the standard for the IRS? I thought a fine is the punishment. I was surprised by the 25, 50 and 100% late payment fees. I do not think as a business I could charge those late fees. Here is the link to lateness fees charged by the IRS. http://www.irs.gov.uac/Newsroom/Eight-Facts-on-Late-Filing-and-Late-Payment-Penalties	Bonnie Bolash
306.16 Subd. 4b	General comment	These penalties are unnecessarily harsh	Candace Oathout
306.17	Clarification	A2 conflicts with failure to appear in Section 306.09	Nicholas Meyer
306.17 Sec. b		Amend the last line. Simply changing the last date should not grant the power to readjudicate the same facts simply by changing the date.	Candace Oathout
310	Edit	This section does not need to exist. It reads like a motion to the council, not as actual functional code.	Jon Bohlinger
310.03	Clarification	Is it practice to include intent language in code? I would think stating the policy should be sufficient without including intent.	Tom Krueger
310.03 and .05	Edit	310.03 and .05 may be stricken	Nicholas Meyer
310.07	Edit	Subsection 310.07 states that the appendix may be amended. This does not need to be stated if the Appendices are part of the code.	
311.01 Subd. 1	Clarification	I guess I find it hard to determine the difference between applicants for positions with the city and applicants who are	Carolyn Maristany

and 2		finalist for paid...positions with the city. I also don't think the city manager should be the one that determines if a crime may be related to the position sought. There should be clear standards and practices that disclude people based on prior actions.	
315.05 Subd. 3	Edit	315.05 Subd 3 uses the phrase "creating a vacancy on" instead of saying "resigning from" or "leaving" or really anything a non-lawyer would say. This is also a problem in section 305.07. Additionally, the handling of vacancies on the ERB is handled in both 315.05 and 305.07. It should only be in one of those places.	Jon Bohlinger
315.01	Edit	Current language is redundant. Sentence one says it is established. Sentence three says it was established under. Don't think the first sentence is even needed.	Tom Krueger
325	Edit	This subsection can probably be struck or rolled into 321.03	Jon Bohlinger
325.03	Clarification	If the owner is known I would suggest the city deposit the money with the state for unclaimed property. Http://mn.gov/commerce/businesses/unclaimed-property/voluntary-disclosure-program.jsp	Bonnie Bolash
325	Edit	325.05 Can be struck. Subsection 325.11 is probably pre-empted by county, state, or federal statutes.	Jon Bohlinger
330	Clarification	Subsection 330.01 Subd 2 is clear as mud	Jon Bohlinger
330 Subd 2	Edit	Forth line – without Interest should read without interest	Carolyn Maristany
335.01 Subd 1	Edit	I don't believe we need to state where we get the authority for every piece of code	Jon Bohlinger

<p>335.01 Subd 1 and 2</p>	<p>Edit</p>	<p>Subd. 2 & 3 need editing for clarity and flow</p> <p>I would eliminate the word special so all assessments or liens against properties would get the same due process. Throughout the chapter eliminate the word special and add assessment and lien language to conform. 335.01 subdivision 2. Standard for deferment b) 2. I would include temporary disabilities. Many people with chronic illnesses may suffer from temporary disabilities until they qualify for long term or total disabilities. If they get temporary disability it does not pay very much. Throughout the chapter add conforming language. The assessment is eventually paid.</p>	<p>Jon Bohlinger Bonnie Bolash</p>
<p>335.03 Subd. B)</p>	<p>Edit</p>	<p>Wouldn't it be easier to have the following documentation instead of the 7 items listed: Instead of items 1-3 and 5- just provide a print out of the property information from the Hennepin county property information search. Instead of item 6(i) birth certificate or similar documentation</p>	<p>Carolyn Maristany</p>

**SUBSTANTIVE COMMENTS – CHAPTER 3
SECTIONS 306.15 – END OF CHAPTER 3**

CHAPTER 3			
Section	Nature of Comment	Comment	Author
306.15 Subd. 2	Edit/substantive	Recover of Civil Penalties Subdivision 2 lien can the word or words "assessment" or "special assessment" be used instead of taxes? I would like those that are assessed a penalty to have the same opportunity to be able to defer if they are in a special circumstance like section 335 like deferment of special assessments.	Bonnie Bolash
311.01	Substantive	At the risk of opening a massive can or worms, it might be fruitful to discuss background checks and the types of businesses that are required to undergo them.	Kirsten Anderson
315	Substantive	I know the Employee Review Board is in our charter but I think we should recommend it be removed.	Andrew Richter
315	Clarification/Substantive	More Appendix V mentioned. I'm thinking the Employee Review Board is more a city staff human resources. The language doesn't sound like it's a place for the citizens of Crystal to comment on the people employed by Crystal. It's also might be a conflict of interest if it is the city manager that recommends people for the board to the council (315.05) and then depending on whether the board agrees with the manager or not depends on if the city pays the court cost for the grievance. The board are all members of the city, so that assumes that they are not going to want to have the city pay more for soemthing if they think the manager was wrong. I almost think that people that do not have an interest in the city should be reviewing and ruling on grievances instead of someone that gets their life blook from the city or is invested in the city.	Jon Bohlinger

**CITY CODE REVIEW – EDITORIAL AND CLARIFYING COMMENTS
CHAPTER 4**

CHAPTER 4

Section	Nature of Comment	Comment	Author
400	Clarification/Edit	I don't know if 400.01 applies to all of the zoning classifications listed in 105.09 (zoning districts) or just the ones under subd. 3. a). It also reads like I need to go elsewhere to get information, but who creates the Minnesota Rules? That's very confusing as to why this section is needed when it doesn't contain any information on building code. In subd. 3. b) 1) it seems like there are other options that we could go with, so I would like to know why the others have not been chosen or don't apply. 400.05 should include sign installation as something that needs a license after reading what's in section 405. 400.05 Subd. 2. Is using language from when this was the village of Crystal. 400.07 should list the building inspectors code so it doesn't change each time a building instructor does. 400.07 subd. 2. I don't know why R-1 and R-2 have to have exteriors complete, but not zoning districts. 400.09 should be joined with 400.05 so all licensed things are in the same place. 400.13 I think you should be able to work on your house yourself and include any family and friends that are willing to help. There's just a lot that can be simplified and clarified here.	Carolyn Maristany
400.03	Clarify	Who is the building official	Jen Pohl
400.05, Subd. 1	Simplify	Is the last sentence even needed given the prior one?	Jen Pohl
400.05, Subd. 2	Update/edit	"village of Crystal". the "village of Crystal" became a city of the second class in 1960.	Tim Buck
	Simplify	Isn't this a duplication of Subd. 1?	Jen Pohl
400.07, Subd. 1	Simplify		Jen Pohl

400.09, Subd. 2-4	Simplify or eliminate	Isn't this already clarified in 400.05/	Jen Pohl
400.09, Subd. 6	Clarify	Is there a time (sentence 1) when this isn't true?	Jen Pohl
400.13, Subd. 1	Simplify	Overly wordy	Jen Pohl
400.13, Sub. 2	Clarify	Redefine immediate family	Jen Pohl
400.13, Subd. 3	Clarify	Is this a legal catch all? Is it truly needed?	Jen Pohl
400.15, Subd. 1 and 2	Edit	I think this can be simplified linguistically without losing any integrity	Jen Pohl
405.01, Subd. 3	Simplify	Talks about manager – manager of what	Jen Pohl
	Clarify		Tim Buck
405.07	Clarify	? Repair, repaint without permit. Annual repaint post and frame, change bulbs. Does this include awnings?	Tim Buck
405.09	Simplify	The last sentence seems sufficient	Jen Pohl
405.11, Subd. 3	Simplify	This is actually one place where I wonder if a diagram would be more effective	Jen Pohl
405.15, Subd. 9	Simplify	The first sentence seems sufficient	Jen Pohl
405.17, Subd. 7	Clarify	How is this enforceable?	Jen Pohl
415	Simplify	415.01 needs to be simplified and updated to current standards. I'm also confused as to who creates International Building code. I would like to keep our standards on pace with the USA and what we have deemed safe and not necessarily what other countries, with different circumstances deem acceptable. 415.05 Appendix chapter J is confusing because the rest of the appendixes have been roman numerals.	Carolyn Maristany

420	Format/clarify	<p>This is just out of place it sounds like a city board or commission, so that's where it should be. Accordingly, it should be modified according to what was discussed on 27 Aug 2015 for section 305.</p> <p>If anything just put the "note" at bottom to cover section.</p>	<p>Carolyn Maristany</p> <p>Tim Buck</p>
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**SUBSTANTIVE COMMENTS – CHAPTER 4
SECTIONS 400 - 420**

CHAPTER 4

Section	Nature of Comment	Comment	Author
405	Simplify/substantive	Any further explanation: This is 16 pages on signs. 2 ½ are definitions for what is a sign. This is ridiculous. If a sign is being attached to a building I would put the specifications in building code. Different buildings will have different parameters for what is safe for attachment location, size appropriateness, weight limits, electricity functions, if it is safe to have rotating/ moving signs, etc. As far as free standing signs, the rules should not be that hard. 1) It shouldn't block line of sight for streets and there should be parameters for what is safe for height/weight/general conditions for this area ratios. 2) You can't place them on other people's property without permission 3) For non-permanent ones (like garage sales, corn feeds, elections, etc.) there are time limits for how long they can be displayed. 4) The building manager, inspector or someone with similar structural knowledge should be responsible for violations and safety issues with regard to all signs, not the city manager. 5) Any locations on public property where signs are not allowed. Frankly I'm surprised that this code didn't have anything for signs held by people at tax time and lights that burn out in signs.	Carolyn Maristany
410	Substantive	Any further explanation: 410.07 subd. 2. F) list information. 410.09 subd. 3. c) and d) are the same. Subd. 4. I would return the permit fee as well since the city neglects to give the permit and instead have a processing fee associated with the permit for city expenses in processing the request. Also this code talks a lot about moving buildings within the	Carolyn Maristany

		city or out of the city, but never really moving something into the city from outside or pre-manufactured houses. Also this codes needs to be given the same leniency that new buildings are given for neighborhoods. If there have been newer houses built in a neighborhood that don't match the old ones, then houses that move into the area that fully built shouldn't have stricter requirements than the ones recently built.	
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