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**CRYSTAL CITY CODE REVIEW
TASK FORCE**

**DECEMBER 3, 2015
7:00 p.m.
CONFERENCE ROOM A, CITY HALL**

MEETING NOTICE AND AGENDA

1. Call meeting to order
2. Comments from Chair Richter
3. Review October 22, 2015 Meeting Notes
4. Review Task Force comments
 - a. Consent Agenda – approval of all editorial and clarifying comments, Chapter 5, Sections 515.01-.21
 - b. Chapter 5, Sections 515.01-21:
 - i. Substantive comments
5. Discuss assignments and homework (due Monday, January 18)
6. Next meeting – Thursday, January 28, 2016
7. Adjourn – 9 p.m.

Attach: June 6, 2013 Star Tribune article regarding Golden Valley home
July 23, 2014 Sun Post article regarding Golden Valley home

CITY CODE REVIEW TASK FORCE

MEETING NOTES OCTOBER 22, 2015

Task Force Members Present: Kirsten Anderson, Bonnie Bolash, Tim Buck, Tom Krueger, Carolyn Maristany, Nicholas Meyer, Candace Oathout, Andrew Richter and David Seffren.

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 provided a recap of the Task Force's first report to the City Council on October 1.

Comments from Attorney Gilchrist

Attorney Gilchrist reported that in his presentation to the Council on the Task Force's recommendations he noted the changes would be incremental. Once the review of the Code is done, formatting changes will be done (an example: doing historic citations of Code revisions as an appendix).

Norris noted Task Force member Schwappach had submitted his resignation due to being overscheduled.

September 24, 2015 Meeting Notes

The September 24, 2015 meeting notes were accepted with the change that Councilmember Parsons was at the September 24 meeting rather than Councilmember Kolb.

Review Comments – Chapter 4, Sections 410 – 420, 430 – 440 and Chapter 5, Sections 500-510:

Section 420 – The Task Force agreed that if this section is needed, it should be put with the EDA section, updated or removed.

Section 430 – The Task Force agreed this section should be condensed and moved to the section of the City Code that addresses nuisances. There was discussion about whether Section 430.13 violates private property rights.

Section 440 – The Task Force suggested this section be moved to Section 400, if it is even needed. If the trades are licensed by the State, is there a reason the city needs to license them?

Section 500 – The Task Force agreed this section should be referenced in Section 305.29 and that Section 305.29 should be referenced in this section. There was general support for cross referencing as needed to help the reader find related information in the City Code.

Section 505 – The Task Force requested this section be consistent with other Task Force recommendations and sections of the City Code, including the placement of definitions.

Section 410 – The Task Force recommended that “permit fees” be renamed to something like non-refundable application fees or processing fees.

Section 435 – The Task Force agreed this section should be rewritten to reflect abandoned properties (versus merely vacant) and potential impacts to the safety and stability of neighborhoods. The Task Force also discussed the process for notice needs better definition and that there needs to be clear exemptions for properties actively for sale, being rented or renovated.

Assignments and Homework

As the next two meetings fall on holidays, the Task Force agreed to have one meeting on December 3. The homework is to review Section 515, through Section 515.21. Comments are due Monday, November 23.

Adjournment

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

The meeting adjourned at 8:59 p.m.

CITY CODE REVIEW – EDITORIAL AND CLARIFYING COMMENTS
CHAPTER 5
Section 515, Chapters .01 - .21

Section	Nature of Comment	Comment	Author
515.01. subd. 2	Clarification	Is this subdivision really needed?	Tom Krueger
515.01, Subd. 3	Edit	Intent and Purpose: grammar....fix punctuation. This will also help clarify/simplify the subd.	Jen Pohl
	Clarify	Should read more like these are requirements rather than suggestions. Needs to have things defined, like overcrowding, undue structure concentration and what is congestion of public right-of-way?	Carolyn Maristany
515.01, subd. 8	Clarify	Is this subdivision really needed?	Tom Krueger
	E and G	I don't know what qualifies as non-conforming. Is it something that doesn't look like everything else or something like a house that is being used as a business, but not a house? Aren't e and g in conflict?	Carolyn Maristany Tom Krueger
515.01, subd. 9	Edit	It is....that several" is not really needed.	Tom Krueger
515.01, Subd. 9 b)	Clarify	Should apply to all similar properties with non-conforming features or properties that want the same non-conforming features. It doesn't make sense that the guy that has the money to go to court of knowledge of the rules can have it, but not the one that doesn't.	Carolyn Maristany
515.05, subd. 1	Clarify	I'm just confused about how much time the planning commission has to decide on projects and when they get their information and if they are able to extend their time if they are wading through a lot of issues. Because projects	Carolyn Maristany

		take years to form before they are voted on. I'm also wondering about how long projects have to wait once they are denied before they can try to get voted on again and if they can use any of the information they collected the first time for their proposals the second time.	
515.05, subd. 2 f)	Edit	Just wondering if that means that a variance cannot create a non-conforming use. Wondering if it is possible to combine language from subd. 2 (i,j,k,l,m,n,-), Subd. 3 (c,e,f,g,h,l,d) and Subd. 4 (d,f,g,h,l,k,e) together so it doesn't have to be repeated 3 times.	Carolyn Maristany
515.05, Subd.3 (J)	Simplify	Lapse of conditional use permit: 1) and 2) both could maybe be simplified	Jen Pohl
515.09	Formatting	<p>Definitions: relocate in code consistent with prior recommendations</p> <p>Any further explanation: Confused: alley def: does this mean it's < 30 feet since a street is defined as >30 feet. building def: if it's attached with a covered walk way, then people can live in it, but people are not suppose top live in ancillary buildings and over garages. Essential services def: Are things that are provided by private systems included (phone and internet) Family def: why only 3 persons why not a house capacity? Floor Area Gross: what about basement bedrooms? Why not just define it as above ground? Lot line, Front: Not sure that this is fair to through lots since there are different regulations for back lot lines and front lines with regards to fences and buildings. No mixed use definition or tiny house definitions.</p> <p>Move definitions to be consistent with balance of city code. Earlier in the Zoning Code would be appropriate.</p>	<p>Jen Pohl</p> <p>Carolyn Maristany</p> <p>Tom Krueger</p>
515.13	Clarify	I would make this section more open for things like tiny	Carolyn Maristany

		houses to be allowed on properties.	
515.13, subd. 1	Edit	Purpose – fix grammar	Jen Pohl
	Edit	Remove purpose subdivision.	Tom Krueger
515.13, subd. 3	Clarify	I would use lumen brightness allowable instead of meter readings because people can find that information easier	Carolyn Maristany
515.13, subd. 4(a)	Simplify	(a): Intersections & (b) driveways: simplify	Jen Pohl
515.13, subd. 6	Clarify	What is acceptable landscaping material?	Carolyn Maristany
515.13, subd. 7 (a.1)	Simplify	Any way to simplify this segment on Fences and Walls?	Jen Pohl
	Clarify	Why not just have max heights for fences that surround property and max heights for fences that don't depending on their location on street or non-street facing?	Carolyn Maristany
515.13, subd. 8 (c)	Clarify	Subd. 8 is confusing should cars be included in a), and tiny houses not, household is not defined should that be family?	Carolyn Maristany
	Clarification	Why is this needed?	Jen Pohl
515.13, subd. 9B)	Simplify	Can it be simplified to just say confirm with 515.13 subd. 4 standards?	Carolyn Maristany
515.13, subd. 11	Clarify	I think this could use further explanation in the code. What are "materials and equipment?" Does this mean that a snow shovel can't be kept by the back door? Does this mean that 75-90% of homeowners are out of compliance with their trash containers?	Tom Krueger
515.17, Subd. 1	Formatting	Remove Subd. 1 to an appendix	Carolyn Maristany
		Another purpose clause	Tom Krueger
515.17, subd. 4	Edit	Subd. 4.g) 5) i) and 6) i) are the same. Subd. 4.g) 11) should be in 405 sign section or just referenced back to 405.17	Carolyn Maristany
515.17,	Clarify	Subd. 4.i) not clear if this also includes residential 405.17	Carolyn Maristany

subd. 4.i)		405.17 Subd. 4.i) 6) I would just remove-this is confusing for residential properties. 405.17	
515.17. subd. 4 j)	Clarify	4) Does this mean that you can't bus people to your facility? It makes it sound like you have to be able to park near your work.	Carolyn Maristany
515.17, subd. 5	Clarify	I just wonder how these numbers are determined since I can name properties and parks that have been here for ages that do not comply with this.	Carolyn Maristany
515.17, subd. 6	Clarify/formatting	Is the planning commission advising the council here or working with the council here, so they have a vote equal to the council? I can't stress enough how I would divide this into 3 sections 1-General applies to everyone 2-Business/Industrial applies to business and industrial zoned areas 3-Residential-Applies to residential zoned properties.	Carolyn Maristany
515.21	Simplify	It has a lot of things we've already mentioned, like moving the purpose statement to an appendix. There's also repetition in Subd2 that can be condensed. There's also segments repeated in this section under different letter s (a, b and c-5). Normally I would be for this so you don't have to change documents to find what you need, but in this case, you already have the document, so the repetition is just taking up space. I'm also unclear how 515.21 Subd 4 c) is different from 515.21 Subd. 4 (v and w). It just seems like things are repeating themselves all through this area and it could benefit from better overall organization, whether it is general, permitted use and conditional use or general, tower locations, structural requirements/maintenance, variances. If I'm looking for information about towers I'll already know the type of tower and information I want, so making it a more intuitive search would be helpful. Otherwise I'm reading a bunch of information I don't need.	Carolyn Maristany
515.21, subd. 1-2	Edit	Findings and purpose not really needed	Tom Krueger

515.21, subd. 3	Formatting	Definitions: relocate in code consistent with prior recommendations	Jen Pohl
515.21, subd. 4	Simplify	Development of Towers (a & b) Simplify the narrative/add grammar to enhance readability	Jen Pohl
515.21, subd. 4 (c- 5)	Simplify	Simplify as in subd. 4 (a&b) above	Jen Pohl

**SUBSTANTIVE COMMENTS – CHAPTER 515
SECTIONS .01- .21**

CHAPTER 515

Section	Nature of Comment	Comment	Author
515.17, subd. 4c	Amend	makes it sound like once a parking space always a parking space. I would simplify this section to 3 sections (instead of 6)-general (applies to everyone), Commercial/industrial and residential. That way the exceptions don't have to be added.	Carolyn Maristany
515.17, subd. 4 (g)(4)5	Substantive	<p>I would like to see changes to the driveway and curb cut laws. Like my driveway I believe there are many driveways that are non conforming structures. Because of the retaining wall and then the fence backing out of my driveway which is along the property line even with the 16 foot curb cut I often times am driving over the curb. I respect the city wishing to establish and maintain green space to absorb the displaced water I also think there is a hardship that was created because of the failure for 30 years to follow the ordinance. I just think the rules should be the same for each property which was the norm before. It is about direct access allowed to each property from the street which is public use and managing traffic flow based on that. I also suggest that a staggered driveway alignment be thought about.</p> <p>4 g)5) ii is too restrictive. Should read more like 8) where it's approved on a case by case basis.</p>	Bonnie Bolash
515.17, Subd. 4 f)3)	Remove	Since we have no hospitals I see no reason to have this statement	Carolyn Maristany
515.17, subd.	Amend	I'm not clear as to why we are restricting people the use of their land and where they can put a parking space on it. I	Andrew Richter
			Carolyn Maristany

4.i.4)		would just make this whole section as a case by case basis.	
515.17, subd. 4, i)6)	Remove	Under location remove i)6) I don't see why anyone should need a permit to sell a car	Andrew Richter
515.17, subd. 4	Remove	I don't see any reason why we need a parking lot maximum. I'd like to eliminate any parking lot maximum.	Andrew Richter

WEST METRO

Legal dispute drags on as Golden Valley home falls into disrepair

Steven Dargi and his wife are seeking a massive payout from Golden Valley stemming from a 2007-08 construction project.

By Ben Johnson Star Tribune JUNE 6, 2013 - 11:38PM

A contentious legal dispute between the city of Golden Valley and a former homeowner surrounding a 2007 construction project has dragged on as the vacant property falls into disrepair, blighting an otherwise idyllic neighborhood.

Steven and Andrea Dargi sued Golden Valley on Sept. 25, 2008, claiming that the construction of a culvert on Bassett Creek behind their home at 2241 Legend Dr. triggered a slow landslide that rendered the home unsafe and ruined the entertainment business Steven operated out of the home.

"[Golden Valley city engineer] Jeff Oliver did not follow his code of ethics and purposefully and willfully destroyed my property," said Dargi, who covered his home in red stenciled graffiti to bring attention to his case against the city. "[City attorney] Allen Barnard, unfortunately, is an elderly gentleman who has made assumptions and slanderous claims he cannot back up with fact. ... Barnard made this personal."

Barnard says no landslide ever occurred at the Dargi residence and that the city probably will fix the damages caused by Dargi's neglect and sell the property after the court proceedings are over.

Before the Dargis sued, they hired Robert Eric Zimmerman to document the slow destruction of their home. Zimmerman has run an independent engineering consulting firm out of St. Paul since 2007 after decades working as an engineer in Illinois. From April 2008 to October 2011, he made more than 90 site visits and took more than 14,000 photos at the Dargi home, documented in the 17 reports Zimmerman wrote detailing the "slow earth flow landslide" at the residence.

His voluminous testimony proved instrumental in Dargi's victory in court over the city on Jan. 24, 2012. Hennepin County District Judge Bruce Peterson declared that "the extensive observations and data about changes to the house, described in detail by Zimmerman ... show that the residence was damaged beyond repair" and that the city "engaged in physical government activity that caused the damage."

Northwest Asphalt, named as a co-defendant as the company contracted by the city to perform the construction, was cleared of any wrongdoing.

Barnard vehemently disagreed with the decision and pointed to testimony from American Engineering Testing Inc., Wenck Associates Inc., Braun Intertec and Encompass Inc., all of which found that the damage to Dargi's home was not caused by a landslide. Furthermore, a report by Encompass stated that it was "obvious" that a "pry bar and/or hammer had been utilized" to damage the west wall of the home.

Judge Peterson disagreed, saying he did not believe Dargi destroyed his own home. Dargi subsequently filed complaints with the state against every expert that testified for Golden Valley and Northwest Asphalt.

"Dr. Zimmerman is the most thorough man I have ever met ... he wiped the floor with [the city's experts] because he had facts," said Dargi.

After the trial ended, Zimmerman had racked up \$511,455.41 in billings, while only being paid \$6,500 by Dargi, according to court documents. Dargi also accumulated another \$620,857.50 in billings from the four law firms he employed to build his case. After much legal finagling, Golden Valley was ordered to pay \$299,026.55 to Dargi for Zimmerman and the law firms; the rest of the billings were deemed inessential to the trial.

The city lost again on appeal because it failed to serve Citizens Independent Bank as an involuntary co-plaintiff after the bank had been made an indispensable party in a prior ruling. The city appealed one more time to the state Supreme Court, but was denied. "I've been practicing law for 45 years and this case defies logic, in my view," said Barnard.

The case is now awaiting a condemnation hearing, where a panel of three real estate experts will decide what Golden Valley will have to pay Dargi for his property.



(http://stmedia.startribune.com/images/ows_13703711788566.jpg)
JOEL KOYAMA

Steven Dargi covered his Golden Valley home in red stenciled graffiti to bring attention to his case against the city over a 2007-08



(http://stmedia.startribune.com/images/ows_1370371195)

Steven Dargi sued the city of Golden Valley, contending that his home was damaged during a 2007-08 city construction project. Dargi has

The city recently had the home's value assessed at \$360,000. That number was reduced to \$322,000 after subtracting \$38,000 in damages the city says Dargi caused through neglect. Dargi bought the home for \$299,000 in 2001. For 2013, Hennepin County valued it at \$303,000.

Dargi, however, says he is entitled to millions from the city. He said any appraisal Golden Valley does won't take into account the millions he spent specializing his home to accommodate his wife's health concerns and his business, Black on Black Publishing.

He says it contained antimicrobial, antistatic carpet, specialized paint and windows, fake walls and a pneumatic bookcase, a \$600,000 mixing console, 80 computers, 200 terabytes of solid state drive, Cat 6 Ethernet wiring and commercial-grade electrical wiring, all of which were ruined when his house shifted as a result of the landslide.

Dargi, 51, said he helped redesign the sound system at the State Theatre in Minneapolis and worked on the fountains at the Bellagio casino in Las Vegas in addition to other high-profile projects. But he would not name any business associates or elaborate further.

"I get work because I am stealth," he said. "What I do is not about being famous, I don't go on stage, I don't play in bars. I'm a very private person."

Dan Biersdorf, the attorney Dargi hired for the condemnation case, said he would not be able to ballpark the amount of damages they will seek until Cameron vs. Dakota County is ruled on by the state Supreme Court. That case, argued by Biersdorf last November, deals with the vague terminology in the Minnesota Minimum Compensation Statute, which articulates what compensation is necessary for the government to provide to displaced business owners. He added that he doubts that the condemnation trial will proceed for at least another year, maybe two years, due to all of the legal issues that still need to be addressed.

"The feeling in the neighborhood is that [the former Dargi residence] is an eyesore, and neighbors want something to be done," said Golden Valley Mayor Shep Harris. About a year and a half ago Harris and other members of City Council held a meeting at a nearby home to discuss the Dargi case.

"People want to know what's being done, and when, and how soon can it be remedied, so for the last year and a half I've been in office, we've increased our communication with the neighborhood to keep them up-to-date," Harris said.

Dargi has been involved in a number of lawsuits in the past, and neighbors contacted for this story declined to go on the record, citing his history of frequent litigation.

Community & People

Golden Valley house to be renovated and sold

Published July 23, 2014 at 8:00 am



Former Golden Valley resident Steve Dargi sued the city in 2008 for destroying his home. According to City Attorney Allen Barnard, Dargi claims that a 2007 road construction project created a creeping landslide on his property and began shifting his home toward Bassett Creek. (Sun Post staff photo by Gina Purcell)

Seven-year legal case may be headed to resolution in Golden Valley



The home at 2241 Legend Drive has sat vacant for years – an eyesore in the neighborhood – because its previous owner Steven Dargi no longer found the home to be habitable due to construction work performed by the City of Golden Valley in 2007.

But soon the eyesore will be restored to its former glory and new neighbors will occupy the home.

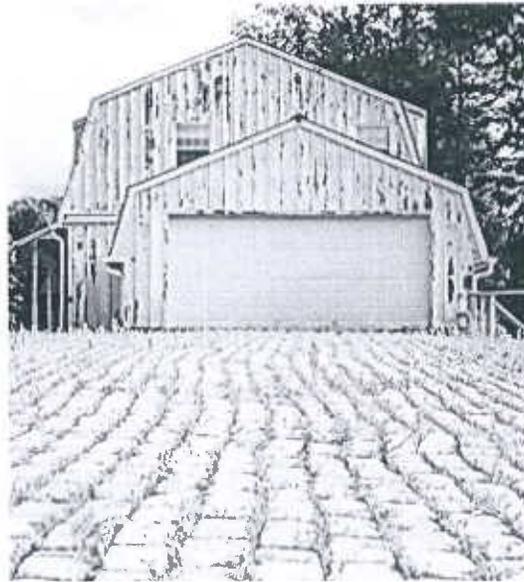
Storied history

Dargi originally purchased the home on Legend Drive in the early 2000s for \$299,000, according to City Attorney Allen Barnard.

Golden Valley has a pavement management program that entails road reconstruction in various parts of the city each year. The curb and gutter are replaced along with rebuilding the infrastructure (storm water, sewer, gas lines and such).

In 2007, the proposed project included Bassett Creek and Legend drives. As is procedure for any large city construction project, Golden Valley held several meetings in 2006 to inform residents living nearby the project.

According to Barnard, Dargi was against the project from the beginning and immediately informed the city he would sue if the project went forward.



The home at 2241 Legend Drive in Golden Valley has been an eyesore to the community for years. Its former owner Steven Dargi has not occupied the home in some time and claims the city destroyed the house during a construction project in 2007. (Sun Post staff photo by Gina Purcell)



Prior to construction, Dargi also made violent threats to city staff, according to Barnard.

In September 2007, construction began on Bassett Creek and Legend drives. To avoid confrontation, the city requested the presence of a police officer the day construction began but no issues arose throughout the construction period, according to Barnard.

In September 2008, a year after construction began, Dargi sued the city for destroying his home.

“(Dargi’s) engineer testified that the city had caused a creeping landslide,” Barnard said. “(He claimed) the house was slipping toward the culvert and into the creek.”

According to Barnard, another expert used photogrammetry, a science of making measurements from photographs, to determine that the house was, in fact, moving in the opposite direction.

Furthermore, crack monitors were placed in a few cracks found within the home to determine if there was any movement. According to Barnard, experts found movement equivalent to the thickness of a dime but nothing unexpected from an older home.

“There’s no actual data to show that the house is moving at all,” Barnard said.

After the judge deemed it a hazard, Dargi’s expert told him to move out, and Dargi said he believed the movement of his house would cause a gas explosion. Dargi moved. His new city of residence is unknown.

In addition to causing damage to his home, Dargi claims the landslide caused his wife to fall resulting in life-threatening injuries. No further information has been provided as to her current health.

The case was originally dismissed but later reopened by another judge. The new judge decided against the city. While the court ruled that the asphalt company did not cause any damage, it did decide that the city had.

“We just about fell off our chairs,” Barnard said.

It was a decision that city staff found completely unfair, according to Barnard.

Golden Valley appealed the decision and obtained several new lawyers. The appeal was dismissed once again in January 2012. With the case’s dismissal, the judge ordered the city to condemn the home. After some debate the city paid Dargi \$350,000 for the home.

In addition to the cost of his home, the city was responsible for paying Dargi’s legal expenses up to that point. His expenses cost the city another \$300,000. In total, Barnard estimates the city has spent more than \$1 million on the case thus far.

The dispute may not be over.

According to city staff, Dargi believes the city owes him \$5 million for the property and expenses paid since the construction began.

Moving forward

The home that sits on the corner of Legend Drive and Bassett Creek Drive in Golden Valley will no longer sit vacant and run down. The city sold the property to The Investor Group, which plans to have the property fixed up and sold within 2-3 months. (Sun Post staff photo by Gina Purcell)

Following the condemnation order, city staff found the house in very poor condition. Cabinet and hallways doors had been removed, the appliances were taken out, mirrors were gone and windows were caked shut.

After obtaining the home, city staff began pursuing interested developers to renovate the property.

"We want to sell it but not to someone who wants to buy a fixer-upper (because) they might not fix it up quickly," Barnard said. "It may continue to sit as the eyesore that it is for years to come."

This month, city staff was relieved to announce it had chosen a developer, The Investor Group, to renovate and resell the property.

As an incentive to fix the structure quickly, the city is offering \$20,000 if the exterior is complete within 60 days of the closing date. Work includes replacing exterior siding, windows, deck, yard and yard plantings, among other things. According to city staff, the developer hopes to have the home completely renovated and ready to sell within 2-3 months. 

City staff hopes this is the beginning to the end of the nightmare.

"I'm coming to believe that there are so many upside-down situations in our society," Barnard said. "People make claims based on half-truths and untruths. I don't mean everything is that way, but there is a lot of it. This is my 46th year (as an attorney), and I've never seen a case like this."

Mayor Shep Harris said he is happy to have some resolve on the situation for residents' sake.

"In my mind the most important item that had to be taken care of for the sake of the community has been taken care of," he said. "People that suffered the most were the neighbors because they had to look at this eyesore. I'm very happy. I know the residents are very happy that this is being taken care of. I think they are happy that there will be a changeover not only to the structure but having new neighbors. I'm very excited to be moving on. Let people get back to the wonderful neighborhood over there."

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Filed Under: Golden Valley



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