

CHAPTER 2. ADMINISTRATION AND GENERAL GOVERNMENT

Section 200 – GENERAL PROVISIONS

200.01 Authority and Purpose. Pursuant to authority granted by Statute, this Chapter of the Code is enacted so as to set down for enforcement the government and good order of the City by and through the Council.

200.02 Council Meetings - Time and Place. Regular meetings of the Council shall be held in the Municipal Building on the first Monday of each month at 6:00 o'clock p.m., or at a date set at the discretion of the Council. Special and adjourned meetings shall be held at the time and in the place as set by the City Council, or at the time and in the place specified in the Notice of Meeting. In the event that any regular meeting falls on a holiday, then the meeting shall be held the following Monday at the same time. All Council meetings, including special and adjourned meetings, shall be open to the public unless such meeting is closed pursuant to the Minnesota Open Meeting law. Notice of all meetings, including closed meetings, shall comply with the notice requirements of the Open Meeting law.

Subd. 1 Electronic Meetings. The Council may hold one or more meetings using interactive video, electronic or telephonic means in accordance with Minnesota law. Meetings must be held by telephonic or computerized audio means if the presiding officer, chief legal counsel, or chief administrative officer for the affected governing body determines that an in-person meeting or a meeting conducted through interactive television is not practical or prudent because of a health pandemic or an emergency declared under chapter 12 of Minnesota Statutes.

200.03 Special Meetings. Special meetings of the Council may be called by the Mayor or by any two members of the Council by a writing filed with the City Clerk. At least one day before the meeting the City Clerk shall by electronic means and may by mail notify each member of the time, place and purpose of the meeting. Special meetings may be held without prior written notice when all Council members are present at the meeting or consent in writing to the special meeting. Such consent shall be filed with the City Clerk prior to the beginning of the meeting. Any special meeting attended by a quorum of Council members shall be a valid meeting for the transaction of any business that may come before the meeting. A written notice shall be posted in the Municipal Building in addition to the notices given to members of the Council.

200.04 Organizational Meeting. The organizational meeting shall be held on the first business day of January of each year or other date in January at the discretion of the Council. No later than the first regular Council meeting in January of each year, the Council shall (1) designate the depositories of City funds; (2) designate the official newspaper; (3) choose an acting Mayor from the Council members, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the City or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies; (4) appoint officers, employees and members of boards, commissions and committees as may be necessary.

200.05 Council Rules.

Subd. 1 Presiding Officer.

A. The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the City Clerk shall call the meeting to order and preside until the Council members present at the meeting choose one of their number to act temporarily as presiding officer.

B. The presiding officer shall preserve order, enforce the rules of procedure prescribed in this Code, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by Statute or by these rules, the proceedings of the Council shall be conducted in accordance with Roberts' Rules of Order (Newly Revised).

C. Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain his/her ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.

Subd. 2 Minutes.

A. Minutes of each Council meeting shall be kept by the City Clerk. In the absence of the City Clerk, the presiding officer shall appoint a secretary. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Clerk and can be accurately identified from the description given in the minutes.

B. The minutes of each meeting shall be reduced to legible handwritten or typewritten form, shall be signed by the City Clerk, and copies shall be delivered to each Council member with the packet of information for the next regular Council meeting. At the next regular Council meeting following such delivery, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. The Council will then vote on the minutes or the minutes as corrected.

Subd. 3 Order of Business. Council business shall ordinarily be conducted in the following order:

1. Call meeting to order.
2. Roll call.

3. Adoption of agenda.
4. Approval of minutes.
5. Action on current bills.
6. Reports from department heads, officers, boards and commissions.
7. Public hearing or action on bids, etc.
8. Comments and suggestions from citizens present.
9. Unfinished business.
10. New business or items that require Council action.
11. Miscellaneous items and information.
12. Adjournment.

Subd. 4 Quorum and Voting.

A. At all Council meetings a majority of all the Council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

B. The votes of the members on any question pending before the Council may be by voice vote, standing vote, or in any other manner of voting which signifies the intention of the members, and the names of those voting for and against the question shall be recorded in the minutes. If any member, being present, does not vote, the minutes, as to the member's name, shall be marked "Present - Not Voting".

C. A majority of all members of the Council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.

Subd. 5 Ordinances, Resolutions, Motions, Petitions, and Communications.

A. Every ordinance shall be presented in writing and shall be read in full before a vote is taken; but reading in full may be dispensed by a unanimous consent. Resolutions may be presented either in writing or verbally. All motions shall be recorded in the minutes and stated in full before they are submitted to a vote by the presiding officer. All petitions and other communications addressed to the Council shall be in writing and shall be read in full upon presentation of the same to the Council. They shall then be recorded in the minutes by title and filed with the minutes in the office of the City Clerk.

B. Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the City Clerk, and filed by the Clerk in the ordinance or

resolution book. Proof of publication of every ordinance shall be attached to and filed with the ordinance. Publication of summaries of resolutions, ordinances and minutes is specifically authorized under this Section.

C. Every Ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or subdivision shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended.

Subd. 6 Committees.

A. The Council may create committees, standing or special, as it deems necessary. Such committees shall perform duties as may be required. Each committee member shall serve as appointed by the Council unless excused by a majority of the members of the Council. The chairman of each committee if necessary shall be designated by the Mayor or by the committee.

B. Any matter before the Council for consideration may be referred by the Council to the appropriate committee or to a special committee appointed by them for a written or oral report and recommendations, as may be required by the Council, before it is considered by the Council. Each committee report shall be signed by a majority of the members and shall be filed with the City Clerk prior to the Council meeting at which it is to be submitted. Minority reports may be submitted. Each committee shall act promptly and faithfully on any matter referred to it.

Subd. 7 Suspension or Amendment of the Rules. The rules may be temporarily suspended by a majority vote of all the Council members, and shall not be repealed or amended except by a majority vote of the whole Council after notice has been given at some preceding Council meeting.

Subd. 8 Limitation on Council Members.

A. Prohibition on Individual Council Member Involvement in City Administration. As individuals, Council members have no administrative authority and shall not give orders or otherwise supervise City employees unless the Council specifically directs them to do so and this direction is not otherwise precluded by Minnesota law or City ordinance. Knowledge of the prohibitions contained in this Section is imputed to all Council members.

B. Penalties. Any Council member who violates Subsection 200.05, Subd. 8, Paren A is guilty of a misdemeanor, which is punishable by up to 90 days in jail, a fine of up to the maximum permitted in Minnesota Statutes 412.231, or both. A defendant convicted of a misdemeanor under this Section of the City Ordinances, in addition to the other penalties proscribed by law, shall be made responsible for

reimbursing the City its costs of prosecution. This Section is adopted in conformance with Minnesota Statutes Section 412.231 as amended, which the City hereby adopts and incorporates herein.

200.06 City Clerk.

Subd. 1 Position Established. The position of City Clerk is hereby established effective January 1, 2003. The position shall remain an elective position in its current form.

Subd. 2 Appointment. The City Clerk shall be appointed by the Council for an indefinite term.

Subd. 3 Duties. The City Clerk shall at all times be responsible to the Council for the proper administration of all affairs of the City and accordingly, subject to such Council approval, shall be the administrative officer, and the Council hereby delegates to the Clerk the following:

- A. The City Clerk shall perform all duties of a Clerk of a statutory city.
- B. The City Clerk shall interview and screen all prospective City employees as permitted by law and shall make recommendations to the Council before the Council makes any appointment; the Clerk shall also make recommendations for terminating and suspending employees.
- C. The City Clerk shall develop and, after consultation with the Council issue all administrative rules, regulations and procedures necessary to ensure the proper functioning of all departments and offices under the Clerk's jurisdiction as permitted by law and Council approval.
- D. The City Clerk shall prepare and submit an annual budget to the Council and keep the Council advised of the financial condition of the City, and make such recommendations as the Clerk may from time to time determine desirable and necessary.
- E. The City Clerk shall attend and participate in discussions at all meetings of the Council and other official bodies as directed by the Council. The City Clerk shall also represent the City at all official or semi-official functions as may be directed by the Council and not in conflict with the prerogative of the Mayor. The Clerk shall be entitled to notice of all regular and special meetings of the Council.
- F. The City Clerk shall see that all laws and provisions of the Code are duly enforced.
- G. The City Clerk shall purchase or enter into contracts for previously budgeted items when the amount thereof does not exceed an amount set at the annual organizational meeting of the Council, and shall receive estimates, quotations, sealed bids, purchases and contracts for such other items and present them to the Council for official action.

H. The City Clerk shall recommend from time to time the adoption of such measures as the Clerk may deem necessary or expedient for the health, safety and welfare of the community or for the improvement of the administration.

I. The City Clerk shall perform such other duties as may be required by the Council and consistent with Minnesota Statutes and the City Code

200.07 City Seal. All contracts to which the City is a party shall be sealed with the City Seal. Said Seal shall be kept in the custody of the City Clerk and affixed by the Clerk. The official City Seal shall be a circular disc having engraved thereupon "CITY OF HEIDELBERG" and such other words, figures or emblems as the Council may, by resolution, designate.

200.08 Facsimile Signatures. The Mayor and City Clerk are hereby authorized to request a depository of City funds to honor an order for payment when such instrument bears a facsimile of the Mayor's or the Clerk's signature, and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were such person's manually written signature. Such authority is granted only for the purpose of permitting such officers an economy of time and effort.

200.09 Right to Administrative Appeal. If any person shall be aggrieved by any administrative decision of the City Clerk or any other City official, or any board or commission not having within its structure an appellate procedure, such aggrieved person is entitled to a full hearing before the Council upon serving a written request therefor upon the Mayor and City Clerk at least five (5) days prior to any regular Council meeting. This request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At such hearing the appellant may present any evidence deemed pertinent to the appeal, but the City shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements and on the presiding officer's own motion or the motion of the appellant, the City Clerk, or a member of the Council, adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

200.10 Rules of Procedure for Appeals and Other Hearings. The Council may adopt by resolution certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the Council or other bodies authorized to hold hearings and determine questions therein presented. Such rules of procedure shall be effective thirty (30) days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

200.11 Salaries of Mayor and Council Members. Salaries of the Mayor and Council are hereby fixed as follows, which amounts are deemed reasonable:

Subd. 1 Mayor. The Mayor shall receive an amount per meeting for all Council meetings, including regular, special, and emergency meetings, set by the Council annually at its organizational meeting.

Subd. 2 Council Members. The Council members shall each receive an amount per meeting for all Council meetings, including regular, special, and emergency meetings, set by the Council annually at its organizational meeting.

Subd. 3 Reimbursement. Members may be reimbursed at the discretion of the Council for ordinary and necessary expenses incurred while conducting the City's business. No Council member shall have any right to reimbursement unless approved in advance by the Council.

200.12 Worker's Compensation. All officers of the City elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term shall be included in the definition of "employee" as defined in Minnesota Statutes relating to coverage for purposes of worker's compensation entitlement.

200.13 Interim Emergency Succession and Civil Defense.

Subd. 1 Purpose. Due to the existing possibility of a man-made, pandemic, health, riot, or natural disaster requiring a declaration of a state of emergency, it is found urgent and necessary to ensure the continuity of duly elected and lawful leadership of the City to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their offices.

Subd. 2 Succession to Local Offices. In the event of a disaster affecting the vicinity of the City, the Mayor, Council and City Clerk shall be forthwith notified by any one of said persons and by any means available to gather at the City Hall. In the event that safety or convenience dictate, an alternative place of meeting may be designated. Those gathered shall proceed as follows:

A. By majority vote of those persons present, regardless of number, they shall elect a Chair and Secretary to preside and keep minutes, respectively.

B. They shall review and record the specific facts relating to the disaster and injuries to persons or damage to property already done, or the imminence thereof.

C. They may, based on such facts, declare a state of emergency.

D. By majority vote of those persons present, regardless of number, they shall fill all positions on the Council, (including the office of Mayor) of those persons upon whom notice could not be served or who are unable to be present.

E. Such interim successors shall serve until such time as the duly elected official is again available and returns to the position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.

Subd. 3 Duties of the Interim Emergency Council. The Council shall appoint a Civil Defense Coordinator either for the City or in conjunction with another unit of

government, and provide for coordinator's compensation, to serve in case of declared emergency.

Subd. 4 Emergency Authority. The Council, the Interim Emergency Council, or the Civil Defense Coordinator shall have emergency authority to make transactions affecting the health and safety of the City and its residents as provided in Minnesota Statutes, Chapter 12.

Section 205 – DEPARTMENTS GENERALLY

205.01 General.

Subd. 1 Control. All departments of the City are under the overall control of the Council. Heads of all departments are responsible to the City Clerk and are subject to his or her supervision and direction, except as otherwise provided in this Section.

Subd. 2 Appointment. All department heads and employees shall be appointed by the Council. All appointments shall be for an indeterminate term and subject to any applicable Civil Service Regulations in effect in the City.

Subd. 3 Compensation. All wage and salary scales shall be fixed and determined by the Council, except as otherwise provided by law.

Subd. 4 Budgetary Information. The heads of all departments shall, prior to August 1 of each year, file with the City Clerk the projected financial needs of the department for the ensuing year. Such projections shall include information as to maintenance and operation of equipment, new equipment, personnel, and such other information as may be requested by the Council.

Section 210 - PLANNING AND ZONING

210.01 Planning and Zoning Commission.

Subd. 1 Decision Making. All Planning and Zoning decisions within the City of Heidelberg shall be made by the City Council.

Subd. 2 Preparation of City Plan. It shall be the function and duty of the Heidelberg City Council to prepare and adopt a Comprehensive City Plan from time to time for the physical development of the City, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the City. Such Plan may be prepared in sections, each of which shall relate to a major subject of the Plan, as outlined in an applicable program of work.

Subd. 3 Procedure for Adoption of Plan. Before adopting the City Plan, the City Council shall hold at least one public hearing. Notice of the time and place of the hearing shall be given by publication in a newspaper of general circulation at I ten (10) days before the day of the hearing. The adoption of the City Plan, any section or amendment, shall be by

resolution of the City Council. The City Council may from time to time amend or add to the City Plan or section as provided in this Section for the adoption of the original Plan, whenever changed conditions or further studies by the Council indicate that such amendment or addition is necessary.

Subd. 4 Means of Executing Plan. Upon the adoption of the City Plan or any section thereof, it shall be the duty of the City Council to also adopt reasonable and practicable means for putting into effect such Plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the City and as a basis for the efficient expenditure of funds relating to the subjects of the City Plan. Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the City, a long-term program of capital expenditures and such other matters as will accomplish the purposes of this Section. The Council has the power to adopt, reject or amend the City Plan.

Subd. 5 Zoning Plan. The City Council upon its own motion may prepare a proposed zoning plan for the City. Before adopting the zoning plan the Council shall hold at least one (1) public hearing after a notice similar to that required by Subd. 3. The same procedure shall apply for the preparation of any plan of proposed rights-of-way for future streets or highways, or the future widening of existing streets or highways, or for the reservation of lands for other public purposes.

Subd. 6 Official Map of Street Extensions. The City Council, with the assistance of the City Engineer, may prepare an official map of the platted and unplatted portions of the City and adjoining territory, or portions thereof, indicating upon such map the proposed future extension of widening of streets of the City within such existing platted and developed territory or across such unplatted territory. After such map has been prepared and a hearing has been held as provided in Subd. 3 the Council may consider such map and adopt it or any part of it with such amendments as it deems advisable. Before such adoption by the Council, a public hearing shall be held upon the proposal at least ten (10) days after a notice has been published in a newspaper published in the City. After such map has been adopted by the Council and filed with the County Recorder, whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other public purpose are acquired by action of the City it shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit after the filing of such a map within the limits of the mapped street, or outside of any building line that may have been established upon the existing street, or within any area thus reserved for public purposes.

Subd. 7 Plats. Every proposed plat of land within the City or within two miles of the limits of the City and not within a town which itself requires the approval of plats, shall be submitted to the Council before being filed and no plat of land shall be filed unless and until the same shall first have been approved by the Council. The procedure for submitting and approving a proposed plat is set out in the subdivision regulations of Chapter Twelve (12) of this Code.

Section 220 - DISPOSAL OF ABANDONED MOTOR VEHICLES, UNCLAIMED
PROPERTY AND EXCESS PROPERTY

220.01 Definitions. Unless the context indicates otherwise, the following terms have the stated meanings:

Subd. 1 Abandoned Motor Vehicle. A motor vehicle as defined in Minn. Stat. Chap. 169, that has remained for a period of more than forty-eight (48) hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight (48) hours on private property without the consent of the person in control of such property, or in an inoperable condition such that it has no substantial potential further use consistent with its function unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by the City. A classic car or pioneer car, as defined in Minn. Stat. Chap. 168, shall not be considered an abandoned motor vehicle within the meaning of this Section. Vehicles on the premises of junk yards or automobile graveyards, which are licensed and maintained in accordance with this Code, shall not be considered abandoned motor vehicles within the meaning of this Section.

Subd. 2 Vital Component Parts. Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to the motor, drive train and wheels.

220.02 Custody. The City shall take into custody and impound any abandoned motor vehicle.

220.03 Immediate Sale. When an abandoned motor vehicle is more than seven (7) model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall be eligible for sale at public auction, and shall not be subject to the notification, reclamation, or title provision of this Section.

220.04 Notice.

Subd. 1 Within Ten Days. When an abandoned motor vehicle does not fall within the provisions of 220.03 of this Section, the City shall give notice of the taking within ten (10) days. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle under 220.05 of this Section, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents be deemed a waiver by them of all rights, title and interest in the vehicle and a consent to the sale of the vehicle and contents at a public auction pursuant to 220.06 of this Section.

Subd. 2 Sent by Mail or Published. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in

the official newspaper, published notices may be grouped together for convenience and economy.

220.05 Right to Reclaim.

Subd. 1 Upon Payment. The owner or any lien holder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen (15) days after the date of the notice required by this Section

Subd. 2 Garage Keeper. Nothing in this Section shall be construed to impair any lien of a garage keeper under the laws of this State, or the right of the lien holder to foreclose. For the purposes of this Section “garage keeper” is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

220.06 Public Sale.

Subd. 1 Sale by Public Auction. An abandoned motor vehicle and contents taken into custody and not reclaimed under 220.05 shall be sold to the highest bidder at public auction or sale, following one (1) published notice published at least seven (7) days prior to such auction or sale. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

Subd. 2 Proceeds of Sale. From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this Section. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for ninety (90) days and then shall be deposited in the General Fund of the City.

220.07 Disposal of Vehicles Not Sold. Where no bid has been received for an abandoned motor vehicle, the City may dispose of it in accordance with this Section.

220.08 Contracts and Disposal.

Subd. 1 Contract. The City may contract with any qualified person for collection, storage, incineration, volume reduction, transportation or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.

Subd. 2 Disposal. Where the City enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency’s plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where a contract has been approved, the

Agency may reimburse the City for the costs incurred under the contract which have not been reimbursed.

Subd. 3 City Reimbursement. If the City utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as provided in this Section.

220.09 Disposal of Unclaimed Property.

Subd. 1 Definition. Unless the context indicates otherwise, the term abandoned property means tangible or intangible property that has lawfully come into the possession of the City in the course of municipal operations, remains unclaimed by the owner, and has been in the possession of the City for at least sixty (60) days and has been declared such by a resolution of the Council.

Subd. 2 Preliminary Notice. If the City Clerk knows the identity and whereabouts of the owner, the Clerk shall serve written notice upon the owner at least thirty (30) days prior to a declaration of abandonment by the Council. If the City acquired possession from a prior holder, the identity and whereabouts of whom are known by the City Clerk notice shall also be served upon the prior holder. Such notice shall describe the property and state that unless it is claimed and proof of ownership, or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the Council after the expiration of thirty (30) days from the date of such motion.

Subd. 3 Notice and Sale. Upon adoption of a resolution declaring certain property to be abandoned property, the City Clerk shall publish a notice describing the same, together with the names (if known) and addresses (if known) of prior owners and holders, and including a brief description of such property. The text of such notice shall also state the time, place and manner of sale of all such property, except cash and negotiables. Such notice shall be published once at least three (3) weeks prior to sale. Sale shall be made to the highest bidder at public auction or sale conducted in the manner directed by the Council in its resolution declaring property abandoned and stated in the notice.

Subd. 4 Fund and Claims Thereon. All proceeds from such sale shall be paid into the General Fund of the City and expenses from the sale paid, throughout these proceeds. If the former owner makes claim within eight (8) months from the date of publication of the notice provided in this Section, and upon application and satisfactory proof of ownership, the owner may be paid the amount of cash and negotiables or, in the case of property sold, the amount received, less a pro-rata share of the expenses of storage, publication of notice, and sale expenses, but without interest. Such payment shall be also made from the General Fund.

220.10 Disposal of Excess Property.

Subd. 1 Declaration of Surplus and Authorizing Sale of Property. The City Clerk may, from time to time, recommend to the Council that certain personal property owned by the City is no longer needed for a municipal purpose and should be sold. By action of the

Council, said property shall be declared surplus, the value estimated, and the City Clerk authorized to dispose of said property in the manner stated in this Section.

Subd. 2 Surplus Property with a Total Estimated Value of Less than \$100.00. The City Clerk may sell surplus property with a total value of less than \$100.00 through negotiated sale.

Subd. 3 Surplus Property with a Total Estimated Value Between \$100.00 and \$500.00. The City Clerk shall offer for public sale, to the highest bidder, surplus property with a total estimated value of from \$100.00 to \$500.00. Notice of such public sale shall be given stating time and place of sale and generally describing the property to be sold at least ten (10) days prior to the date of sale either by publication once in the official newspaper, or by posting in a conspicuous place in the City Hall at the City Clerk's option. Such sale shall be by auction.

Subd. 4 Surplus Property with a Total Estimated Value Over \$500.00. The City Clerk shall offer for public sale, to the highest bidder, surplus property with a total estimated value over \$500.00. Notice of such public sale shall be given stating time and place of sale and generally describing property to be sold at least ten (10) days prior to the date of sale. The notice shall be by publication once in the official newspaper. Such sale shall be to the person submitting the highest bid.

Subd. 5 Receipts from Sales of Surplus Property. All receipts from sales of surplus property under this Section shall be placed in the General Fund.

220.11 Persons Who May Not Purchase - Exception.

Subd. 1 City Employees. No employee of the City who is a member of the administrative staff, department head, a member of the Council, or an advisor serving the City in a professional capacity, may be a purchaser of property under this Section. Other City employees may be purchasers if they are not directly involved in the sale, if they are the highest responsible bidder, and if at least one (1) week's published or posted notice of sale is given.

Subd: 2 Unlawful. It is unlawful for any person to be a purchaser of property under this Section if such purchase is prohibited by the terms of this Section.

Section 230 - SUPPLEMENTAL ADMINISTRATIVE PENALTIES

230.01 Authority. In addition to those administrative penalties established in this code and the enforcement powers granted in the Code, the City Council is authorized to create by resolution, adopted by a majority of the members of the Council, supplemental administrative penalties.

230.02 Purpose and Intent. These administrative penalty procedures in this section are intended to provide the public and the city with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain provisions

of this code. The procedures are intended to be voluntary on the part of those who have been charged with those offenses.

230.03 Limitation. Such resolution may not proscribe administrative penalties for traffic offenses designated by Minnesota Statutes § 169.999.

230.04 Process.

Subd. 1 Administrative penalty for violations of various provisions of the code, other than those penalties established in the code or in statutes that are adopted by reference, may be established from time to time by resolution of a majority of the members of the City Council. In order to be effective, an administrative penalty for a particular violation must be established before the violation occurred.

Subd. 2 In the discretion of the peace officer, City Clerk, or other person giving notice of an alleged violation of a provision of this code, in a written notice of an alleged violation, sent by first class mail to the person who is alleged to have violated the code, the person giving notice may request the payment of a voluntary administrative penalty for the violation directly to the City Treasurer within 14 days of the notice of the violation. In the sole discretion of the person giving the notice of the alleged violation, the time for payment may be extended an additional 14 days, whether or not requested by the person to whom the notice has been given. In addition to the administrative penalty, the person giving notice may request in the notice to the alleged violator to adopt a compliance plan to correct the situation resulting in the alleged violation and may provide that if the alleged violator corrects the situation resulting in the alleged violation within the time specified in the notice, that the payment of the administrative penalty will be waived.

Subd. 3 At any time before the payment of the administrative penalty is due, the person who has been given notice of an alleged violation may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the Council, the Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the Council.

Subd. 4 At any time after the date the payment of the administrative penalty is due, if the administrative penalty remains unpaid or the situation creating the alleged violation remains uncorrected, the City, through its Attorney, may bring criminal charges in accordance with state law and this code. Likewise, the City, in its discretion, may bring criminal charges in the first instance, rather than requesting the payment of an administrative penalty, even if a penalty for the particular violation has been established by Council resolution. If the administrative penalty is paid, or if any requested correction of the situation resulting in the violation is completed, no criminal charges shall be initiated by the City for the alleged violation.