

Chapter 2 ADMINISTRATION*

***Cross reference(s)**--Poundmaster, § 10-3; fees, ch. 26; fire prevention and protection, ch. 30; fire department, § 30-26 et seq.; fire marshal, § 30-28; fire chief, § 30-41 et seq.; assistant fire chief, § 30-43; law enforcement, ch. 34; library, ch. 38; parks and recreation, ch. 50; sanitation, ch. 54; sanitarian, § 54-2; streets, sidewalks and other public places, ch. 58; taxation, ch. 66; utilities, ch. 74.

State law reference(s)--Statutory cities, Minn. Stat. § 412.013 et seq.

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ARTICLE I. IN GENERAL

Sec. 2-1. City elections.

Regular city elections shall be held biennially in even-numbered years, on the first Tuesday after the first Monday in November.

(Code 1977, § 2.11)

Sec. 2-2. Workers' compensation coverage of mayor and council.

Pursuant to Minn. Stat. § 176.011, subd. 9(6), the mayor and council are hereby included in the coverage of the Minnesota Workers' Compensation Act (Minn. Stat. § 176.011 et seq.).

(Code 1977, § 2.12)

Sec. 2-3. Clerk/treasurer office established.

In accordance with Minn. Stat. § 412.591, the offices of city clerk and city treasurer are hereby combined into a single office to be known as the city clerk/treasurer. The clerk/treasurer shall assume and perform all of the duties of the city treasurer as prescribed by law and city ordinance.

(Code 1977, § 2.10)

Secs. 2-4--2-30. Reserved.

ARTICLE II. COUNCIL

Sec. 2-31. Regular meetings.

Regular meetings of the council shall be held on the Wednesday nearest the tenth of each month and the last Wednesday of each month, at such times as the council may designate from time to time. Any regular meeting falling on a holiday shall be held on the next following business day. All meetings, including special and adjourned meetings, shall be held in the city hall unless notice of another place has been given as specified in section 2-32.

(Code 1977, § 2.01(1))

Sec. 2-32. Special meetings.

Special council meetings may be called by the mayor or by any two members, by writing filed with the clerk, who shall then mail a notice to all the members of the time and place of the meeting, at least one day before the meeting. The clerk shall also mail such notice to the official

newspaper and shall post it at city hall, and shall provide whatever additional notice is required to reasonably notify all members of the meeting. Notwithstanding the above, any council meeting attended by all the members shall not be invalid for lack of proper notice.

(Code 1977, § 2.01(2))

Sec. 2-33. Initial meeting of each year.

At 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 one of the members as acting mayor, who shall perform the duties of the mayor during the disability or absence of the mayor from the city or, in the case of a vacancy in the office of mayor, until a successor has been appointed and qualifies.
- (4) Appoint such officers and employees and such members of boards, commissions and committees as may be necessary.

(Code 1977, § 2.01(3))

Sec. 2-34. Public meetings.

Except as otherwise provided by law for public meetings, all council meetings, including special and adjourned meetings, and meetings of council committees, shall be open to the public.

(Code 1977, § 2.01(4))

Sec. 2-35. Presiding officer.

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 clerk shall call the meeting to order and shall preside until the members present at the meeting choose one of their number to act temporarily as presiding officer.

(Code 1977, § 2.02(1))

Sec. 2-36. Rules of procedure.

The presiding officer shall preserve order, enforce the prescribed rules of procedure, and determine without debate, subject to the final decision of the council on appeal, all questions of procedure and order.

(Code 1977, § 2.02(2))

Sec. 2-37. Appeal procedure.

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 ruling, but no other 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.

(Code 1977, § 2.02(2))

Sec. 2-38. Rights of presiding officer.

The presiding officer may make motions, second motions, or speak on any question except that on demand of any member, he shall vacate the chair and designate a member to preside temporarily.

(Code 1977, § 2.02(4))

Sec. 2-39. Minutes.

(a) Minutes of each council meeting shall be kept by the clerk or, in his absence, the deputy clerk or such other person the council may appoint. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the clerk and can be accurately identified from the description given in the minutes.

(b) The minutes of each meeting shall be reduced to written form, and copies shall be delivered to each member as soon as practicable after the 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. If there are no additions or corrections, the minutes shall stand approved.

(Code 1977, § 2.03)

Sec. 2-40. Order of business.

(a) *Established.* Each meeting of the council shall convene at the time and place appointed therefor.

(b) *Varying order.* The order of business may be varied by the presiding officer; but all public hearings shall be held at the time specified in the notice of hearing.

(c) *Agenda.* An agenda of business for each regular council meeting shall be prepared and filed in the office of the clerk not later than one day before the meeting. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each member, and posted at city hall, as far in advance of the meeting as time for preparation will permit.

(Code 1977, § 2.04)

Sec. 2-41. Quorum; voting.

(a) *Quorum*. At all council meetings a majority of all the members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

(b) *Voting*. The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statutes. If any member is present but does not vote, the minutes, as to his name, shall be marked ``Present--Not Voting.''

(c) *Votes required*. A majority of all members 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.

(Code 1977, § 2.05)

Sec. 2-42. Ordinances, resolutions, motions, petitions, communications.

(a) *Readings*. Every ordinance shall be presented in writing. Every ordinance shall receive two readings before the council prior to final adoption, but shall not be read twice at the same meeting unless the rules are suspended for that purpose. An ordinance need not be read in full unless a member requests such a reading.

(b) *Signing and publication proof*. Every ordinance or resolution passed by the council shall be signed by the mayor and attested by the clerk. It shall then be filed in the ordinance or resolution book. Proof of publication of every ordinance shall be attached to and filed with every ordinance. Where appropriate, ordinances shall be

incorporated into the Code, as provided for in section 1-3, unless the council specifies otherwise.

(c) *Repeals and amendments.* 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 code number of the ordinance or resolution to be repealed in whole or part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

(Code 1977, § 2.06)

Sec. 2-43. Suspension or amendment of rules.

The rules set out in this article, except where they reflect state law requirements, may be suspended by a three-fifths vote of the members present and voting.

(Code 1977, § 2.07)

Sec. 2-44. Salaries of mayor, and members.

The salary of the mayor shall be \$250.00 per month, and the salary of each other member of the council shall be \$210.00 per month. Additionally, the mayor and each member of the council shall be paid \$80.00 per day for meetings attended outside the geographical area of the county when such attendance is in performance of their duties as municipal officials.

(Code 1977, § 2.08)

Sec. 2-45. Annual audit.

The council shall provide for an annual audit of the financial affairs of the city by the state auditor or a public accountant, in accordance with minimum procedures prescribed by the state auditor and as required by law.

(Code 1977, § 2.09)

State law reference(s)--State auditor, Minn. Stat. § 6.01 et seq.

Secs. 2-46--2-65. Reserved.

ARTICLE III. BOARDS AND COMMISSIONS*

***Cross reference(s)**--Police civil service commission, § 34-1; library board, § 38-2; park board, § 50-26 et seq.; public utilities commission, § 74-2.

DIVISION 1. GENERALLY

Sec. 2-66. Procedures on appointment of board or commission members.

(a) Each newly appointed member of a board or commission of the city shall receive the following:

- (1) A copy of the statute or statutes governing the activities of the board or commission. If there is none, a copy of the enabling resolution or ordinance creating the body shall be given.
- (2) A copy of any ordinances, resolutions or directives of the city affecting the board or commission.
- (3) A synopsis of the state open meeting law (Minn. Stat. § 471.705).
- (4) Minutes, for the past three months, of the board or commission.
- (5) A copy of the current budget for the particular board or commission, if there is a budget for that board or commission.

(b) Each newly appointed member, or reappointed member, shall take the oath or affirmation required by Minn. Stat. § 358.05. Forms, requiring the signature of the appointee, will be supplied by the clerk. The forms shall include the name of the board or commission to which the appointment is made; the title of the position, if appropriate; and the date of the expiration of the term of the office to which the appointment is made.

(Ord. No. 145, § 2.13, 6-27-90)

Sec. 2-67. Tenure of appointed board or commission members.

(a) A board or commission member appointed to fill a vacancy shall be appointed for the unexpired term of his or her predecessor.

(b) Terms of office on the board or commission shall terminate on the date specified by the council at the time of appointment.

(c) No board or commission member shall serve more than two consecutive full terms. No member who has served two consecutive full terms on a board or commission shall be reappointed until such person has not been a member of the board or commission for one year.

(d) This section shall not apply to a board or commission member appointed from the council as a representative of the council.

(e) This section shall not prohibit a former member, who has served two consecutive full terms, from serving on committees or performing such other services as may be requested by the board or commission during the year immediately following the two consecutive terms described above.

(Ord. No. 145, § 2.13, 6-27-90)

Secs. 2-68--2-75. Reserved.

DIVISION 2. PLANNING COMMISSION

Sec. 2-76. Established.

Pursuant to the provisions of Minn. Stat. § 462.354, there is hereby established a city planning commission, with the powers and duties specified in Minn. Stat. §§ 462.351--462.364.

(Code 1977, § 17.01)

Sec. 2-77. Membership; terms.

The planning commission shall consist of five members, all city residents. All members shall be appointed by the council. One of the members shall be a member of the council, and shall serve from year to year until his successor is appointed and qualified. The other four members, who may or may not be members of the council, shall be appointed for three-year terms, to commence on January 1, and shall serve staggered terms. If a vacancy in the commission occurs, the council shall appoint a successor to fill the unexpired term.

(Code 1977, § 17.02)

Sec. 2-78. Compensation.

No member of the planning commission shall receive any compensation for his services thereon, but the council may provide for reimbursement of necessary expenses incurred in connection with the work of the commission.

(Code 1977, § 17.03)

Sec. 2-79. Ex officio members.

The city engineer and city attorney shall be ex officio members of the planning commission and shall attend meetings of the commission, and advise and assist in the commission's works, whenever requested by the chairman of the commission.

(Code 1977, § 17.04)

Sec. 2-80. Organization.

The planning commission shall elect from among its members a chairman, who shall serve for a one-year period. The city clerk shall serve as the secretary of the commission, but he shall not be entitled to vote unless he is appointed as a member of the commission. The commission may create and fill such other offices or committees as it shall from time to time determine. The commission shall hold at least one regular meeting every three months. It shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, hearings, findings and expenditures, which records shall be a public record.

(Code 1977, § 17.05)

Sec. 2-81. Annual report.

On or before February 1, the planning commission shall submit a report of its work in the preceding year to the council.

(Code 1977, § 17.06)

Sec. 2-82. City plan preparation.

The planning commission shall prepare and adopt a comprehensive plan 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 and adopted in sections, each of which shall relate to a major subject of the plan or to a major geographical section of the city.

(Code 1977, § 17.07)

State law reference(s)--Preparation, adoption and amendment of comprehensive municipal plan, Minn. Stat. § 462.355.

Sec. 2-83. City plan adoption procedures.

(a) *Public hearing.* Before adopting the city plan, in whole or part, the planning commission shall hold at least one public hearing. Notice of the time, place and purpose of the hearing shall be published in the official newspaper not less than ten nor more than 30 days before the hearing.

(b) *Required vote.* The adoption of the plan, in whole or part, by the planning commission shall be by a resolution supported by the affirmative votes of not less than four-fifths of its total membership.

(c) *Amendments.* Whenever changed conditions or further studies indicate that an amendment is needed, the planning commission may amend the plan, following the procedures in subsections (a) and (b) of this section. An amendment to the comprehensive plan may not be acted upon by the council until it has received the recommendation of the planning commission or until 60 days have elapsed from the date an amendment proposed by the council has been submitted to the planning commission for its recommendation. Unless otherwise provided by Charter, the council may by resolution by a two-thirds vote of all of its members amend the comprehensive plan or portion thereof as the official municipal plan upon such notice and hearing as provided in this section.

(d) *Certification.* An attested copy of any whole, part or amendment of the plan adopted by the planning commission shall be certified to the council.

(Code 1977, § 17.08)

Sec. 2-84. Means of executing city plan.

Upon adopting any whole, part or amendment of the city plan, the planning commission shall recommend to the council

reasonable means of effectuating the adopted part. Such means shall include a zoning plan, a future streets plan, a long term program of capital expenditures, the coordination of normal city improvements, and such other matters as will accomplish the purposes of the city plan.

(Code 1977, § 17.09)

Sec. 2-85. Official map.

(a) *Preparation.* The planning commission, with the assistance of the city engineer, may, and upon instruction by the council shall, 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 or widening of streets of the city within such existing platted and developed territory or across such unplatted territory.

(b) *Adoption.* After such map has been prepared and a hearing on it has been held as provided in section 2-83, it shall be submitted to the council, which shall consider it and may 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; notice shall be made as specified in section 2-83(a).

(c) *Effect.* After such map has been adopted by the council and filed with the register of deeds, whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other public purposes are acquired by action of the city, the city shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of the conditions of a permit after the filing of such 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.

(Code 1977, § 17.10)

State law reference(s)--Procedure for plan effectuation, official maps, Minn. Stat. § 462.359.

Sec. 2-86. Procedures for changes, referral to commission.

No change shall be made in the zoning plan, future street and public lands plan or regulations governing the platting of land, after they have been adopted by the council, until the proposed change has been referred to the planning commission for report thereon and an attested copy of such report has been filed with the council. No ordinance or resolution establishing any of such plans or specifications shall be adopted by the council until such ordinance or resolution has been referred to the planning commission for a report thereon and an attested copy of such report has been filed with the council. Failure of the planning commission so to report within 45 days after such reference shall be deemed to be approval of the proposed change.

(Code 1977, § 17.11)

Sec. 2-87. List of recommended public works.

Each officer, department, board or commission of or in the city whose functions include recommending, planning or constructing public works shall, at least three months before the end of each fiscal year, submit to the planning commission a list of the proposed public works recommended by such officer, department, board or commission for planning, initiation or constructing during the ensuing fiscal year. The planning commission shall request from the local school district a similar list of its proposed public works. The planning commission shall list and classify all such proposed public works and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such program shall be recommended by the planning commission to the council and to such other officers, departments, boards or public bodies as have jurisdiction over the recommending, planning or constructing such public works. A copy of such recommended program of public works shall be included in the

annual report of the planning commission provided for in section 2-81.

(Code 1977, § 17.12)

Secs. 2-88--2-110. Reserved.

ARTICLE IV. SERVICE CHARGES, SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY*

*State law reference(s)--Service charges, a special assessment against benefited property, Minn. Stat. § 429.101.

Sec. 2-111. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Current service means one or more of the following:

- (1) Snow, ice or rubbish removal from sidewalks.
- (2) Weed elimination from streets or private property.
- (3) Removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Minn. Stat. §§ 463.15-- 463.26.
- (4) Installation or repair of water service lines, street sprinkling or other dust treatment of streets.
- (5) The trimming and care of trees and the removal of unsound trees from any street.

- (6) The treatment and removal of insect infested or diseased trees on private property, the repair of sidewalks and alleys.

(Code 1977, § 24.01)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 2-112. Snow, ice and rubbish removal from sidewalks.

(a) *Twenty-four-hour removal limit.* All snow, ice and rubbish remaining on a public sidewalk more than 24 hours after deposit thereon is a public nuisance. The owner and the occupant of any property adjacent to a public sidewalk shall use due diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice or rubbish to remain on the sidewalk more than 24 hours after its deposit thereon.

(b) *City action.* The city clerk may cause the removal of all snow, ice and rubbish from public sidewalks 24 hours after it has been deposited thereon or after snowing ceases. He shall record the cost of such removal adjacent to each separate lot and parcel, and shall deliver such records to the council.

(Code 1977, § 24.02)

Cross reference(s)--Sidewalks, § 58-26 et seq.; snow removal, § 58-61 et seq.

Sec. 2-113. Weeds.

(a) *Control.* Any weeds, whether noxious or not, growing upon any lot or parcel of land outside the traveled portion of any city street, alley or other public way, that are over eight inches high or are about to or have gone to seed are a public nuisance. The owner and occupant shall prevent such nuisance.

(b) *Notice.* When a weed nuisance exists, as defined in subsection (a) of this section, the clerk may serve notice upon the owner of the property who resides in the city and can be found, or upon the occupant in other cases, by registered or certified mail or by personal service, ordering such owner or occupant to have such weeds cut or removed within ten days after receipt of the notice, and stating that in case of noncompliance such work will be done by the city at the owner's expense; and that if unpaid, the charge for such work will be made a special assessment against the property concerned. When no owner, occupant or agent of the owner or occupant can be found, the provision for notice shall not apply.

(c) *City action.* If the owner or occupant fails to comply with the notice within ten days after its receipt, or if no owner, occupant or agent of the owner or occupant can be found, the clerk may cause such weeds to be removed. He shall record the cost of such work attributable to each separate lot and parcel and deliver such records to the council.

(Code 1977, § 24.03)

State law reference(s)--Minnesota noxious weed law, Minn. Stat. § 18.76 et seq.

Sec. 2-114. Public health and safety hazards.

When the city removes or eliminates public health or safety hazards from private property, under this Code, state law or other authority, the clerk shall keep a record of the cost of such removal or elimination against each parcel of property affected and deliver such information to the council. This section does not apply to hazardous buildings under the hazardous building law, Minn. Stat. §§ 463.15--463.26.

(Code 1977, § 24.04)

Sec. 2-115. Installation, repair of water service lines.

Whenever the city installs or repairs water service lines serving private property, the public utilities manager shall keep a record of the total cost of the installation or repair against the property and deliver such information to the council as to each parcel of property on which the cost has not been paid.

(Code 1977, § 24.05)

Cross reference(s)--Utilities, ch. 74.

Sec. 2-116. Repair of sidewalks, alleys.

(a) *Duty of owner.* The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe. Repairs shall be made in accordance with the specifications set forth by the council in the construction permit, as specified in chapter 58.

(b) *Inspections; notice.* The clerk may make inspections to determine if public sidewalks and alleys within the city are kept in repair and safe. If he finds that any sidewalk or alley abutting on private property is unsafe and needs repairs, he shall report the same to the council, which may cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property or the occupant, if the owner does not reside within the city, or cannot be found therein, ordering such owner to have the sidewalk repaired and made safe within 30 days and stating that if the owner fails to do so the council will do so on behalf of the city and that the expense thereof must be paid by the owner, and that if unpaid it will be made a special assessment against the property concerned.

(c) *City action.* If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the clerk shall report the facts to the council and the council may by resolution order the clerk to repair the sidewalk and make it safe for pedestrians or order the work done by contractor, or by day labor, in accordance with law. The clerk shall keep a record of the total cost of the repair

attributable to each lot or parcel of property and report such information to the council.

(Code 1977, § 24.06)

Cross reference(s)--Streets, sidewalks and other public places, ch. 58.

Sec. 2-117. Tree care.

(a) *Council decision; notice.* The council may, from time to time, determine by resolution:

- (1) To trim or care for any tree, or remove any unsound tree, from any street; or
- (2) To treat or remove any insect-infected or diseased tree on private property.

Before any work is done pursuant to such resolution, the council shall cause a notice thereof to be served upon the owner of the abutting property in the same manner as prescribed in section 2-116(b).

(b) *Method; record.* All such tree care or removal shall be performed in like manner to that set forth in section 2-116(c). The clerk shall keep a record of the cost and the portion of the cost properly attributable to each lot and parcel of property abutting on the street on which the work is done and shall report such information to the council.

(Code 1977, § 24.07)

Sec. 2-118. Street sprinkling and flushing.

(a) *Proposed projects.* The council may, from time to time, determine by resolution what streets and alleys shall be sprinkled or flushed, oiled or given other dust treatment, and the kind of work to be done on each.

(b) *Notice.* Before any work is done pursuant to the resolution, the clerk shall publish notice that the council will meet to consider such projects. Such notice shall be posted at city hall and published in the official newspaper at least once not less than ten days, nor more than 30, prior to such meeting of the council; and shall state the date, time and place of the meeting, the streets affected and the particular projects proposed, and their estimated cost--either in total or on the basis of the proposed assessment per front foot or otherwise.

(c) *Hearing; order.* At such hearing or at any adjournment thereof, the council shall hear property owners with reference to the scope and desirability of the proposed projects. The council shall thereupon adopt a resolution confirming the original projects with such modifications as it considers desirable and shall provide for the doing of the work by day labor through the clerk or by contract. The clerk shall keep a record of the cost and the portion of the cost properly attributable to each lot and parcel of property abutting on the street or alley on which the work is done and shall report such information to the council.

(Code 1977, § 24.08)

Cross reference(s)--Streets, sidewalks and other public places, ch. 58.

Sec. 2-119. Personal liability.

The owner of property on which or adjacent to which a current service has been performed, shall be personally liable for the cost of such service. As soon as the service has been completed and the cost determined, the clerk shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the clerk.

(Code 1977, § 24.09)

Sec. 2-120. Assessment.

On or before September 1 of each year, the clerk shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this section. The council shall spread such charges against property benefited as a special assessment under Minn. Stat. § 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

(Code 1977, § 24.10)

Sec. 2-121. Interference prohibited.

No person shall interfere with a city employee, or other authorized person, performing any current service.

(Code 1977, § 24.11)

Sec. 2-122. Penalty.

Any person violating any provision of this article is guilty of a petty misdemeanor, except that any person violating section 2-121 is guilty of a misdemeanor.

(Code 1977, § 24.12)

Secs. 2-123--2-145. Reserved.

ARTICLE V. ABANDONED PROPERTY

Sec. 2-146. Authority to establish procedures.

In accordance with the powers granted by Minn. Stat. § 471.195, the following procedures and requirements in this article are established for the custody and disposal of property lawfully coming into the possession of the city in the course of city operations and remaining unclaimed by the owner thereof.

(Code 1977, § 13.01)

Sec. 2-147. Abandoned motor vehicles.

The custody and disposal of abandoned motor vehicles are not to be governed by this article but shall be governed by Minn. Stat. § 168.B et seq.

(Code 1977, § 13.02)

Cross reference(s)--Traffic and vehicles, ch. 70.

Sec. 2-148. Custody.

The council may provide for the custody of property belonging to any person, whenever it appears that the property is unlawfully interfering with any proper city operation, or whenever it appears that the property has been abandoned and remains unclaimed by the owner thereof. Such property may be stored or held by the city, or the council may contract with any other party for the removal and storage thereof. All such property shall be held by the city until claimed by the owner thereof and upon payment of reasonable charges for removal and storage, or until such property is sold as provided in this article.

(Code 1977, § 13.03)

Sec. 2-149. Sale.

All property held in the custody of the city or any party with whom it contracts for such storage shall be sold to the highest bidder at public auction at any time after such property has been held for at least 60 days. The council shall cause notice of the sale to be published once in the official newspaper at least ten days before the date of sale, and the notice shall contain a description of the property to be sold.

(Code 1977, § 13.04)

Sec. 2-150. Disposition of proceeds.

The proceeds of any sale conducted under this article shall be paid into the general fund of the city, after first deducting therefrom the reasonable charges for removal, storage and sale of the property. Any of such funds so paid into the general fund shall be subject to the right of the former owner of the property sold to payment of the net sale price from the fund upon application and satisfactory proof of ownership within six months of the sale.

(Code 1977, § 13.05)

Sec. 2-151. Claims.

The owner of any property removed or taken into the custody of the city may claim the property at any time prior to sale thereof. Upon giving satisfactory proof of ownership and upon payment of all reasonable charges for removal and storage, the city shall cause the property to be delivered to the owner thereof. After sale of any such property, the owner thereof may claim the proceeds of such sale by giving satisfactory proof of ownership of the property and by paying all reasonable charges for the removal, storage and sale thereof. Any such payment of the proceeds of sale shall be made out of the general fund of the city. No such payment shall be made unless the claim therefor has been properly made within six months after the sale of such property.

(Code 1977, § 13.06)