

**Personnel/Budget Committee
Meeting Agenda
Fillmore Conference Room
February 13, 2023 - 4:30 p.m.**

1. Personnel Budget Committee February 13, 2023 4:30 p.m.
2. Police Department resignation and hiring process.
3. Review proposed changes to Administrative Code
4. Continue discussion regarding an employment agreement.

Members Present: Councilor Mike Urban and Paul Novotny.

Members Absent: None.

Others Present: Rocky Burnett, Brian Burkholder, Shane Fox, and Beth Carlson.

Review proposed Budget-At-A-Glance: The proposed levy won't change much at this time unless the financing for the property purchase changes. The committee is asking that those two items be switched on the council agenda in case something with the property purchase changes.

Property Purchase: The committee is considering asking for an extension on the closing date for purchasing the property on Twiford Street mainly to iron out details including funding sources and zoning issues. There are ideas on what could be done to possibly lower financing costs like interest and penalties, maybe using COVID money would be a way to lower interest costs.

Ambulance Power Cot: One of the Stryker Power load cots has a main hydraulic housing with a leak. Cost to repair the leak would be around \$8000. We have been offered an option of rolling into a protection plan that will cover the cost of this repair plus any other needed repairs for a year on both cots, both LUCAS devices and both stair chairs for the price of \$9,024. A final option would offer the same coverage just mentioned plus a needed yearly inspection on equipment, all parts and labor including batteries on all devices in both trucks. The cost of this third option is \$10,932. The committee will recommend the third option at the meeting this evening.

Discuss resolutions to appoint City Clerk and City Administrator and potential employment agreement: Councilor Urban is not sure an employment agreement is needed at this time, but he can see one with a new employee. Councilor Novotny is for exploring an agreement. There are certain things in the presented agreement that do not seem to fit our situation including moving and relocation expenses. There was discussion on vacation and accruals and payouts of unused accruals.

Aaron Miliander

19123 CO Rd. 2 Chatfield, MN 55923 (507) 421-5003 a_miliander@yahoo.com

February 7th, 2023

Chief of Police Shane Fox
Chatfield Police Department
City of Chatfield
21 Second Street SE
Chatfield, MN 55923

Dear Chief Shane Fox,

I would like to notify you that I am resigning from my position as a police officer from the City of Chatfield effective February 21st, 2023.

Thank you for the opportunity to work for you and for the City of Chatfield. I appreciate all the support you have given me over the years. The opportunity to serve as a police officer for the City of Chatfield has given me many skills that will carry over as I pursue future endeavors.

I have excepted a position at Mayo Clinic as an emergency medical dispatcher.

Sincerely,

A handwritten signature in cursive script that reads "Aaron Miliander".

Aaron Miliander

Patrol Officer Hiring Process	
8-Feb	Draft Job Description
9-Feb	Draft Who We Are statement
9-Feb	Submit notice to POST, Chatfield News, LMC, website, etc.
9-Feb	Draft and publish news article on website / inform city council
9-Feb	Draft Training & Experience Rating Form
9-Feb	Determine who will be involved at what points in the process
15-Feb	Official publication in Chatfield News
24-Feb	Preference to applications received by this date
27-Feb	Review applications and identify interview candidates
1-Mar	Schedule first interviews
3/6 & 7	1st Interview
8-Mar	Determine who to invite for second interview
14-Mar	2nd Interview
16-Mar	Offer job and negotiate as necessary
27-Mar	Official Hire
11-Apr	Start date, assuming the applicant needs to give two weeks notice.

Note: we need to insert background, medical and psychological exams into the mix.

Chapter 2 ADMINISTRATIVE CODE¹

ARTICLE I. IN GENERAL

Sec. 2-1. Purpose.

In conformity with chapter 2, section 6 of the Charter, the city council by this chapter adopts an administrative code providing a complete plan of administrative organization and management of the city government and deems it advisable in conformity with the Charter to create the departments, divisions, boards, committees, and funds in this chapter hereinafter set forth, together with certain provisions pertinent to the administration of the city government.

(Code 1999, § 2.1)

Sec. 2-2. Executing instruments.

All contracts, bonds, and instruments of every kind to which the city is a part shall be signed by the **mayer** **city administrator** on the city's behalf and attested to by the city clerk, and shall be executed in the city's name.

(Code 1999, § 2.11)

Sec. 2-3. Official newspaper.

The city council shall annually designate a legal newspaper of general circulation in the city as the official newspaper in which shall be published such measures and matters whatsoever which require publication either by state laws, or the city Charter, or city ordinances.

(Code 1999, § 2.6)

State law reference(s)—Qualifications of newspapers for publishing public notices, Minn. Stat. § 331A.02.

Sec. 2-4. Vacating streets.

No street or alley within the city shall be discontinued, except by ordinance approved by a four-fifths vote of the city council. A record of such vacation shall be made in the office of the county recorder of the county in which street or alley is situated.

(Code 1999, § 2.10)

State law reference(s)—Vacation of public ways by municipalities, Minn. Stat. § 160.29.

¹State law reference(s)—Cites classified, Minn. Stat. § 410.01.

Sec. 2-5. Polling place.

The Chatfield Center for the Arts shall be the location of the polling place for any election conducted by the City of Chatfield.

(Code 1999, § 2.13; Ord. No. 2, 3-8-1887; Ord. No. 452, § 1, 3-22-2021)

State law reference(s)—Designation of polling places, Minn. Stat. § 204B.16.

Secs. 2-6—2-14. Reserved.

ARTICLE II. CITY COUNCIL

Sec. 2-15. Meetings.

Regular meetings of the city council shall be held on the second and fourth Mondays in each month at 7:00 p.m., except the fourth Monday of December of each year no regular meeting will be held. If the date of a regular meeting is a holiday then the meeting shall be held on the next day that is not a holiday. Special meetings may be called by the mayor or any four members of the city council by written notice of at least 72 hours to each of the members, to be delivered to them personally, electronically, or left at their usual place of abode. Said notice shall contain a statement of the business for which the meeting is called. No other business shall be transacted at such special meeting, except such as is designated in the notice; provided, however, that whenever all members of the city council are present at any special meeting, by unanimous consent any business can be transacted which could be transacted at a regular meeting, and any defect as to notice may be waived.

(Code 1999, § 2.4)

State law reference(s)—Minnesota Open Meeting Law, Minn. Stat. ch. 13D.

Secs. 2-16—2-24. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES²

Sec. 2-25. Bonds.

The city clerk, deputy clerk, ~~treasurer of the firemen's relief association, treasurer of the volunteer fire department~~ and such other officers or employees as the city council may by resolution designate, shall each, before entering upon the duties of their respective office, give a corporate surety bond to the city in an amount to be fixed by the city council, but in no event in an amount of less than \$10,000.00 and in such form as is approved by the city council and the city attorney, as an additional security for the faithful performance of their respective duties and the safe keeping of the public funds. All bonds provided for in this section shall be paid for by the city.

(Code 1999, § 2.12)

²State law reference(s)—Municipal personnel and retirement, Minn. Stat. chs. 419—425.

Sec. 2-26. Vacancies in appointive offices.

Whenever a vacancy occurs in any appointive office provided for by this article, such vacancy shall be filled for the unexpired term of such official in the same manner as provided in this Code for the original appointment of such official. All such appointive officers shall continue in office until their successors have been duly qualified.

(Code 1999, § 2.5)

Secs. 2-27—2-44. Reserved.

ARTICLE IV. DEPARTMENTS, BOARDS AND COMMITTEES

Sec. 2-45. Ambulance service department.

- (a) *Established.* There shall be established a volunteer ambulance service department under the ~~control of the city council, of which the mayor shall have general-general~~ supervision of the city administrator. The present constitution and bylaws of the department shall be continued. Future changes shall be subject to the city council's confirmation and approval.
- (b) *Director; assistant director.* The volunteer ambulance service department shall be headed by a director and assistant director appointed by the city council. The director shall have general superintendence of the department and the custody of all of the property used and maintained for the purposes of said department. The director shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the state and city ordinances relative to ambulance services are duly observed. In the case of the absence or disability of the director for any cause, the assistant director shall exercise all of the powers, perform all the duties and be subject to all responsibilities of the director. It shall also be the duty of the director of the ambulance service department, on or before January 1 in each year, to file a detailed inventory with the city ~~clerk-administrator~~ of all the property used and maintained for the department.

(Code 1999, § 2.2.6; Ord. No. 442, § 1, 3-11-2019)

Sec. 2-46. Economic development authority (EDA).

An EDA, consisting of seven members, with the present administrative organization and management to be continued pursuant to law. Such economic development authority also has the powers of a housing and redevelopment authority.

(Code 1999, § 2.2.13)

State law reference(s)—Economic development authorities, Minn. Stat. § 369.090 et seq.; authority to vest powers of housing and redevelopment authority in economic development authority, Minn. Stat. § 469.091; housing and redevelopment authorities, Minn. Stat. § 469.001 et seq.

Sec. 2-46.1. Chatfield center for the arts advisory committee.

An advisory committee consisting of seven persons known as the Chatfield Center for the Arts Advisory Committee is hereby established and will function under the control of the economic development authority (EDA). The membership of the committee consists of five persons appointed the governing board of the EDA,

together with two persons who are presently members of the governing board of the EDA. The advisory committee shall serve as the liaison between the management of the Chatfield Center for the Arts and EDA.

(Ord. No. 442, § 2, 3-11-2019)

Sec. 2-47. Fire department ~~and relief association.~~

- (a) *Established.* A volunteer fire department under the ~~general supervision of the city administrator~~~~city council's control, of which the mayor shall have general supervision.~~ The present constitution and bylaws of the department shall be continued. Future changes shall be subject to the city council's confirmation and approval. The members of the department shall continue to ~~recommend elect~~ their own chief, assistant chief, and other officers subject to the city council's confirmation and approval.
- (b) *Fire chief; assistant fire chief.* The chief of the fire department shall have general superintendence of the fire department and the custody of all the property used and maintained for the purposes of said department. ~~He~~~~The chief~~ shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the state and city ordinances relative to a fire department and to the prevention and extinguishment of fires are duly observed. ~~He~~~~The chief~~ shall superintend the preservation of all property endangered by fire and shall have control and direction of all persons engaged in preserving such property. In case of the absence or disability of the chief for any cause, the assistant chief shall exercise all the powers, perform all the duties, and be subject to all the responsibilities of the chief. It shall also be the duty of the chief of the fire department, on or before January 1 in each year, to file a detailed inventory with the city ~~clerk-administrator~~ of all the property used and maintained for said department, and ~~he~~~~the chief~~ shall also on or before the fifth day of each month file with the city ~~clerk-administrator~~ a report as to all fires occurring during the previous month stating the nature of the fire.
- (c) *Relief association.* ~~A fire department relief association is established and operates as a separate unit of the fire department with its own constitution and bylaws.~~
- (1) ~~Officers.~~ The fire department relief association's officers are elected by the firefighters, with notification to the city council and are as follows:
- a. ~~President;~~
 - b. ~~Vice-president;~~
 - c. ~~Secretary; and~~
 - d. ~~Treasurer.~~
- (2) ~~Board of trustees.~~ The board of trustees for the fire department relief association shall be composed of the following:
- a. ~~President;~~
 - b. ~~Vice-president;~~
 - c. ~~Secretary;~~
 - d. ~~Treasurer; and~~
 - e. ~~Two general trustees;~~
- each of whom shall be elected for a three-year term as specified in this article, or until his successor has been elected and qualified, at the annual meeting of the association for its members, and the statutory ex-officio trustees, who are the city's chief of the fire department, the mayor and the city clerk, or person authorized by law. ~~Delete all~~

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- (d) *Adoption and approval of constitution and bylaws.* The Revised Constitution and Bylaws, dated Oct. 1, 2001, of the town volunteer fire department, organized under and pursuant to the City of Chatfield Ordinance No. 116 and as amended by Ordinance No. 133 and Ordinance No. 260, title II, section 2, and Ordinance No. 303 are hereby approved and adopted.

(Code 1999, § 2.2.2; Ord. No. 353, § 1, 10-22-2001)

State law reference(s)—Police and Firefighters' Relief Associations Guidelines Act of 1969, Minn. Stat. § 69.77; police and salaried firefighters relief association, Minn. Stat. ch. 423A.

Sec. 2-48. Library board.

A public library board consisting of nine members, the present administrative organization and management is to be continued pursuant to law.

(Code 1999, § 2.2.7)

State law reference(s)—Library board, Minn. Stat. § 134.09 et seq.; local libraries, Minn. Stat. § 134.07 et seq.

Sec. 2-48.1. Cable television access board.

- (a) A cable television access board is established and shall consist of: Six persons appointed by the mayor and confirmed by the city council, and one city councilor appointed by the mayor whose appointment shall be confirmed by the city council at its annual meeting. The six appointees of the mayor confirmed by the city council shall serve three-year terms of office, which duration shall be staggered among these six board members so that only the terms of two such members shall expire in any given year. The city councilor appointed shall serve a term of one year. The board shall elect its own officers at its annual meeting. The board shall be advisory to the city council and shall manage the administration of Chatfield Community Television, attend to matters arising under the provisions of any cable television franchise granted by the city, and any other related cable television issue referred to it by the city council.

- (b) Administrator: The administrator of the Cable Access Board and CCTV shall be appointed or hired by the city council, and will work under the general supervision of the city administrator. In addition to the general duties of the administrator, on or before January 1 of each year, the administrator will file a detailed inventory with the city administrator of all property used and maintained for said department and Board.

(Ord. No. 442, § 3, 3-11-2019)

Sec. 2-49. Park and recreation committee.

A park and recreation committee is hereby established. It shall consist of two councilors selected by the mayor with the city council's approval. The members shall be appointed to such committee for a term of two years commencing at the first meeting in January in each odd-numbered year. It shall be the special duty of the members of the committee, in addition to their general duties as councilors, to act as an advisory committee to the swimming pool manager and managers of the city's recreation program. The members of the committee shall act as a liaison between the swimming pool manager, the managers of the recreation program, Chatfield Community Education, and the city council.

(Code 1999, § 2.2.11; Ord. No. 442, § 4, 3-11-2019)

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Sec. 2-50. Planning and zoning commission.

A planning and zoning commission shall consist of: six members appointed by the mayor and confirmed by the city council for three-year staggered terms, and one councilor appointed annually for a one-year term by the mayor and confirmed by the city council at its annual meeting. The planning and zoning commission will elect its own officers at its annual meeting. The commission will be advisory to the city council and shall handle the administration of the zoning chapter and all related planning and zoning matters referred to it by the city council.

(Code 1999, § 2.2.9)

State law reference(s)—Municipal planning agencies, Minn. Stat. § 462.353, subd.1.

Sec. 2-51. Police department.

- (a) *Established.* There is hereby established a city police department under the ~~command-and-control-of-the~~ ~~mayer~~ ~~general supervision of the city administrator~~. The head of this department shall be known as the chief of police. The number of additional members and employees of the police department to be regularly employed shall be determined by the city council through resolution which may be amended or changed from time to time and such additional members shall be appointed by the ~~mayer~~ ~~city administrator~~, subject to city council's approval.
- (b) *Post board certification required.* The chief of police and any member of the police department shall be certified by the post board before employment. The ~~mayer~~ ~~city administrator~~ shall have authority to appoint additional members to the police force for temporary duty when in his judgment an emergency exists for the preservation of life or property.
- (c) *Powers and duties.* The chief of police and all members of the police department shall have the powers and authority of police officers generally and they shall perform such duties as are required of them by the ~~mayer~~ ~~city administrator~~ or by the provisions of any state law, of the city Charter, or of any city ordinance.
- (d) *Chief of police.* The chief of police shall have the general superintendence of the police department and custody of all the property used and maintained for the purpose of said department; and it shall be ~~his~~ ~~the~~ ~~chief's~~ duty, on or before January 1 in each year to file a detailed inventory with the city ~~clerk~~ ~~administrator~~ of all such property.

(Code 1999, § 2.2.1)

State law reference(s)—Police officer training and certification, Minn. Stat. § 626.84 et seq.; Police and Firefighters' Relief Associations Guidelines Act of 1969, Minn. Stat. § 69.77; police and salaried firefighters relief association, Minn. Stat. ch. 423A.

Sec. 2-52. Public service committee.

A public service committee is hereby established. It shall consist of two councilors selected by the mayor with the city council's approval. The members shall be appointed to such committee for a term of two years commencing at the first meeting in January in each odd-numbered year. It shall be the special duty of the members of the committee, in addition to their general duties as councilors, to act as an advisory committee to the mayor and city council and the appropriate department heads relating to the functions of the city pertaining to street lighting, fire protection, fire relief association, cable television, ambulance service, skywarn, dispatch service and any and all such functions of a public service nature.

(Code 1999, § 2.2.12; Ord. No. 442, § 5, 3-11-2019)

Sec. 2-53. Personnel/budget committee.

A personnel/budget committee is hereby established. It shall consist of two councilors selected by the mayor with the city council's approval. The members shall be appointed to such committee for a term of two years commencing at the first meeting in January in each odd-numbered year. It shall be the special duty of the members of the committee, in addition to their general duties as councilors, to act as advisory committee to the city staff regarding matters of personnel, budgeting and taxation, and to act as a liaison between the city staff and city council.

(Ord. No. 442, § 6, 3-11-2019)

Editor's note(s)—Ord. No. 442, § 6, adopted Mar. 11, 2019, amended § 2-53 in its entirety to read as herein set out. Former § 2-53 pertained to the public utility department, and derived from the Code of 1999, § 2.2.12.

Sec. 2-54. Public works committee.

A public works committee is hereby established. It shall consist of two councilors selected by the mayor with the city council's approval. The members shall be appointed to such committee for a term of two years commencing at the first meeting in January in each odd-numbered year. It shall be the special duty of the members of the committee, in addition to their general duties as councilors, to act as an advisory committee to the director of public works, and to act as a liaison between the public utility department, the public works department, and the city council.

(Code 1999, § 2.2.10; Ord. No. 442, § 7, 3-11-2019)

Sec. 2-55. Public works department.

- (a) *Established.* A public works department is hereby established and shall be under the general ~~control of the mayor and city council~~ supervision of the city administrator.
- (b) *Director; powers and duties.* The head of this department shall be known as ~~the superintendent of city services~~ Director of Public Works. The ~~superintendent director~~ shall be appointed by the ~~mayor-city administrator~~ subject to the city council's approval. The ~~superintendent director~~ has authority over all streets and alleys within the city, all city parks and swimming pool maintenance. The swimming pool manager is in charge of pool operations. Parkways, all water mains, wells, pumps, pump houses, storage tanks, all city sanitary sewer lines, wastewater treatment facilities, and all storm sewers shall be under the direct supervision of the ~~superintendent director~~. It shall be the duty of the ~~superintendent director~~ to ensure that any laws of the state or ordinances of the city relating to weed control and eradication are observed. The ~~superintendent director~~ shall have supervision of all labor employed by and custody of all property used and maintained for the purpose and carrying out of the duties and responsibilities of the department. The ~~superintendent director~~ shall have authority to hire necessary labor, and make expenditures for materials on the city's behalf for snow removal, weed control and eradication, the repair and cleaning of debris from streets, alleys, parkways, and storm sewers in the case of damage from storms or other causes, under such conditions and to such amounts as the city council may from time to time by resolution provide.

(Code 1999, § 2.2.4; Ord. No. 442, § 8, 3-11-2019)

State law reference(s)—Municipal public works, Minn. Stat. chs. 440—446A.

Sec. 2-55.1. City lien for provision of utility and other property-related services.

The city shall have the first lien upon all property where it has furnished public utility or other property-related services as authorized and described in the provisions of chapter 28 of the Chatfield Charter and the statutes of the State of Minnesota, as security for payment for such services, including labor and material furnished, whether furnished at the request of the owner, lessee, or occupant of the property. Any such amounts for utility or other property-related service unpaid on October 15 of a calendar year may be levied on, and assessed against, the particular parcel of property for which utility services were rendered, by adoption of a city council resolution, and certified to the county auditor for collection in the manner provided for general taxes; or, such lien may be foreclosed by the city in an appropriate action at law.

(Ord. No. 442, § 9, 3-11-2019)

Sec. 2-56. Rural fire advisory committee.

A rural fire advisory committee is hereby established and the city shall maintain a rural fire advisory committee consisting of the city clerkadministrator, two representatives of the city's volunteer fire department and one member of each town contracting fire protection from the city. The committee shall advise and make recommendations to the city on matters relating to the services furnished by the city, the purchase of firefighting equipment and expenditures.

(Code 1999, § 2.2.8)

Sec. 2-57. Joint powers committee.

A joint powers committee is hereby established. It shall consist of two councilors selected by the mayor with the city council's approval. The members shall be appointed to such committee for a term of two years commencing at the first meeting in January in each odd-numbered year. It shall be the special duty of the members of the committee, in addition to their general duties as councilors, to meet with officials appointed by the Chatfield Public School District regarding issues of mutual interest, and to act a liaison between the school district and the city council.

(Ord. No. 442, § 10, 3-11-2019)

Secs. 2-58—2-74. Reserved.

ARTICLE V. FINANCE³

DIVISION 1. GENERALLY

Sec. 2-75. Disbursing funds; payment of bills.

All fund disbursements shall be by order signed by the mayor and city clerk, duly authorized by the city council, and every such order shall specify the purpose for which the disbursement is made, and indicate that it is

³State law reference(s)—Municipal finance and taxation, Minn. Stat. chs. 426—435.

to be paid out of the proper fund; but no such order shall be paid until there is money to the credit of the fund out of which it is to be paid sufficient to pay the same together with all then-outstanding encumbrances upon such fund. No claim against the city shall be allowed, except as otherwise provided in this Code, unless accompanied by an itemized bill and voucher, payroll, or timesheet signed by a responsible officer who has personal knowledge of the facts in the case, together with a certificate verifying the correctness and reasonableness of the claim. However, the city council may provide for the regular payment without specific individual authorization or the filing of an itemized bill and voucher, payroll, or timesheet of the salaries and wages of regular employees or laborers, and any other fixed charges which have been previously and duly regularly authorized.

(Code 1999, § 2.7)

Sec. 2-76. Purchases and contracts.

The city **clerk-administrator** shall be the chief purchasing agent of the city. All purchases on the city's behalf shall be made by the city **clerk-administrator** subject to the city council's approval. Such approval must be given in advance whenever the amount of such purchase or contract exceeds \$520,000.00, unless otherwise provided in this Code. All contracts shall be made in accordance with law.

(Code 1999, § 2.8)

State law reference(s)—Uniform municipal contracting law, Minn. Stat. § 471.345.

Sec. 2-77. Selling real estate.

No real property of the city shall be disposed of except by ordinance, except that any property transferred involving tax-increment financing shall be handled in accordance with the provisions set up for such transfers. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction, or improvement of this or other property used for the same public purpose; but if there is no such outstanding indebtedness, then the city council may by a resolution adopted by a four-fifths majority designate some other public use for such proceeds.

(Code 1999, § 2.9)

Secs. 2-78—2-95. Reserved.

DIVISION 2. SPECIFIC FUNDS

Sec. 2-96. General fund.

The city shall maintain a general fund into which shall be placed or credited all moneys and from which shall be paid all city expenses, not otherwise appropriated or provided for in other funds created in the city Charter or this article.

(Code 1999, § 2.3.1)

Sec. 2-97. Bond, certificates, and warrant funds.

Separate funds shall be maintained for each issue of bonds, certificates, or warrants in the resolution or ordinance authorizing such issuance and into each such separate fund shall be placed and credited all moneys

received from taxes and assessments levied and revenues pledged for the payment of each such issue, together with any other moneys appropriated by the city council for their payments. From such funds shall be paid the principal and interest and fiscal agent's fees for making such payment as such become due.

(Code 1999, § 2.3.5)

Sec. 2-98. Library fund.

A library fund shall be maintained into which shall be placed and/or credited all moneys received from revenues of public libraries, from taxes levied therefor or from transfers from other funds. All disbursements shall be made pursuant to law.

(Code 1999, § 2.3.4)

State law reference(s)—Disbursements from library funds, Minn. Stat. §§ 134.11, 134.12.

Sec. 2-99. Public utility fund.

A public utility fund shall be maintained into which shall be placed and credited all moneys received from the operation of all public utilities or appropriated by the city council thereto, and from which shall be paid all expenses incurred through the operation of such public utilities.

(Code 1999, § 2.3.2)

Secs. 2-100—2-118. Reserved.

ARTICLE VI. ADMINISTRATIVE ENFORCEMENT OF ORDINANCES

Sec. 2-119. Purpose.

- (a) *Administrative offense procedures.* Administrative offense procedures established pursuant to this section are intended to provide the public and the city with an informal, cost effective and expeditious alternative to the traditional criminal charges for violations of certain ordinance provisions.
- (b) *Voluntary participation.* The procedures are intended to be voluntary on the part of those who have been charged with the administrative offenses. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the city may bring criminal charges in accordance with law. Likewise, the city, in its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance.
- (c) *Failure to pay.* In the event a party participates in the administrative offense procedures, but does not pay the monetary penalty which may be imposed, the city will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

(Ord. No. 371, § 1(2.16.1), 3-8-2004)

Sec. 2-120. 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:

Administrative offense means a violation of a provision of this Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in section 2-126.

(Ord. No. 371, § 1(2.16.2), 3-8-2004)

Sec. 2-121. Notice.

Any person employed by the city, authorized in writing by the city **clerk** administrator, shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice and the amount of the scheduled penalty.

(Ord. No. 371, § 1(2.16.3), 3-8-2004)

Sec. 2-122. Payment of penalty.

Once such notice is given, the alleged violator may, within seven days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

(Ord. No. 371, § 1(2.16.4), 3-8-2004)

Sec. 2-123. Appeal.

Any person who is required by the city to pay an administrative penalty may make a written appeal of the penalty to the mayor, or designee, within seven days of notice by the city of the penalty. The mayor, or designee, will have authority to reduce the fine or determine whether the appellant is to be charged with a penalty. The decision of the mayor, or person designated to hear and determine the appeal, shall be final and bind both the appellant and the city.

(Ord. No. 371, § 1(2.16.5), 3-8-2004)

Sec. 2-124. Failure to pay.

In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes.

(Ord. No. 371, § 1(2.16.6), 3-8-2004)

Sec. 2-125. Disposition of moneys.

All penalties collected pursuant to this section shall be paid to the city and may be deposited in the city's general fund.

(Ord. No. 371, § 1(2.16.7), 3-8-2004)

Sec. 2-126. Offenses and penalties.

Offenses which may be charged as administrative offenses and the penalties for such offenses shall be as follows:

Code Section	Description	Penalty
6-6	Permitted number of animals	\$25.00
6-7	Animals running at large	\$25.00
6-9	Animal causing disturbance	\$25.00
6-62	Various offenses; animals	\$25.00
18-1	Curfew violation (juvenile offense)	\$25.00
18-5(c)	Smoking in prohibited areas	\$25.00
22-23	Unlawful deposit refuse	\$100.00
28-2	Prohibited U-turns; certain intersections	\$25.00
28-2	Disobey traffic control device pertaining to parking	\$25.00
30-22	Unauthorized service/meter tampering	\$75.00
113-262	Recreational equipment parking	\$25.00
	Any violation of this Code not otherwise provided for in this section	\$50.00

(Ord. No. 371, § 1(2.16.8), 3-8-2004; Ord. No. 393, § 2, 7-12-2010)

Sec. 2-127. Subsequent offenses.

In the event a party is charged with a subsequent administrative offense within a 12-month period of paying a penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 25 percent above the previous administrative penalty.

(Ord. No. 371, § 1(2.16.9), 3-8-2004)