

Section 305 - Unclaimed and Surplus Property

305.01. Personal property. When personal property has lawfully come into the possession of the city in the course of its municipal operation, including the seizure or confiscation thereof by the police or by any other officer or employee of the city, and the property has remained unclaimed by the owner and has been in the possession of the city continuously for a period of 60 days, the city manager may order the property to be disposed of in the manner provided in section 305.05.

305.03 Surplus Property. When city equipment, furniture, vehicles, etc. have been replaced or are no longer in working condition, the city manager may declare this property to be surplus.

305.05 Disposition of Unclaimed or Surplus Property. Unclaimed or surplus property can be disposed of using the following methods: 1) Public auction, 2) direct sale to the public; 3) donation to a nonprofit organization or other governmental unit; or 4) in the case of damaged property or property which has no significant value, the property may be recycled or disposed of as refuse; or 5) any other method that is approved of by State Statute. (Amended Ord 2008-996)

305.07. Disposition of Unclaimed Property. Subdivision 1. Notice of auction or sale. If the property is going to be sold, either by auction or directly, an advertisement must be placed in the official newspaper of the city. The sale shall be held not less than six days following the date of the publication of the notice.

Subd. 2. Content of notice. The notice must describe the property found or recovered and to be sold, and must specify the time and place of the auction or sale.

Subd. 3. Postponement. The auction or sale may be postponed from time to time by inserting a notice of such postponement as soon as practicable in the newspaper in which the original notice was published.

Subd. 4. Certificate of sale. When the sale of the property is made, the purchaser shall receive a bill of sale containing a description of the property sold and the price paid for each item.

Subd. 5. Proceeds of sale. Proceeds of the sale shall be deposited by the manager in the appropriate fund of the city. Within six months from the date of the sale the former owner of any item of such property may make application to the city for payment of the proceeds of the sale and after satisfactory proof of ownership furnished to the city within six months from the date of sale, the city council shall order the sale price to be paid to the former owner, after deducting therefrom the actual or reasonable cost and expenses necessarily expended by the city in the conduct of the sale and the storage and care of the property.

305.09. Disposition of Surplus Property. Subdivision 1. Notice of auction or sale. If the property is going to be sold, either by auction or directly, notice must be placed on the city's website. The sale shall be held not less than six days following the date of the placement of the notice on the City's website.

Subd. 2. Content of notice. The notice shall contain: (1) a general description of the items of property to be sold; and (2) whether the property will be auctioned or sold directly; and 3) the time and place of the auction or sale.

Subd. 3. Advertising. Items for sale must be advertised in a newspaper of general circulation, or on an appropriate website detailing the method of sale, or the City may contract to sell items using an electronic selling process in which purchasers compete to purchase the surplus supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

Subd. 4. Certificate of sale. When the sale of the property is made, the purchaser shall receive a bill of sale containing a description of the property sold and the price paid for each item.

Subd. 5. Proceeds of sale. Proceeds of the sale shall be deposited by the manager in the appropriate fund of the city.

305.19. Exceptions. This section does not apply to dogs, cats, or other domestic animals impounded pursuant to the statute or this code. This section also does not apply to real property, either land or buildings.

(Section 305 was amended by Ord. 94-743 and Ord. 2011-1029)