

CHAPTER ONE

CITY ORGANIZATION - BOARDS AND COMMISSIONS

100-110 CITY CHARTER

The City Charter of the City of Glencoe shall read in its entirety as follows:

101. NAME AND GENERAL PROVISIONS

101.01 Name and Boundaries The City of Glencoe, in the County of McLeod, State of Minnesota, shall, upon the effective date of this Charter, continue to be a municipal corporation under the Laws of the State of Minnesota, to be known by the name and style of the City of Glencoe, with the same boundaries as now are or hereafter may be established, and in all respects succeeding the City of Glencoe, McLeod County, as heretofore organized. All ordinances and resolutions of the City of Glencoe as organized heretofore and in effect at the effective date of this Charter and not in conflict with the provisions hereof, shall continue in full force and effect hereafter until repealed. All provisions of the former Charter of the City of Glencoe are hereby repealed.

101.02 General Powers. The City of Glencoe, by and in its corporate name, shall have perpetual succession, and shall have all powers of local self-government and home rule and all other powers possible for a city of its size to have under the laws and Constitution of the State of Minnesota, together with such additional powers as are contained in this charter. The provisions of this charter shall be construed liberally in favor of the City to the end that it may have all necessary powers for the efficient conduct of its municipal affairs, as contemplated by the common law, the general statutes and the Constitution of the State of Minnesota, whether limited to home rule charter cities or not. The specific mention of a particular municipal power in any other section of this Charter shall not be construed as limiting the powers of the City in the premises to those thus mentioned. Masculine or feminine pronouns or nouns shall be considered mutually inclusive of each gender in this charter, as well as any ordinance, resolution or order of the City, except where the context specifically requires the use of one or the other exclusively.

101.03 Effective Date. This Charter shall take effect thirty (30) days from and after its adoption by the voters of the City of Glencoe, and any amendment thereto shall be according to the provisions of state statutes.

101.04 Ward Boundaries. The City of Glencoe shall be comprised of, and hereby is divided into, four wards which shall also be known as precincts, for purposes of all elections conducted within the City of Glencoe described as follows:

- a. The first ward or precinct shall be comprised of all of the territories in the City limits which lie north of Buffalo Creek, south of 13th Street and west of Hennepin Avenue, and also all of the territory within the City limits which lie south of Buffalo Creek and west of Pleasant Avenue.

- b. The second ward or precinct shall be comprised of all of the territories within the City limits which lie west of Hennepin Avenue and north of 13th Street.
- c. The third ward or precinct shall be comprised of all of the territories within the City limits which lie east of Hennepin Avenue and north of 13th Street.
- d. The fourth ward or precinct shall be comprised of all of the territories within the City limits which lie north of Buffalo Creek, east of Hennepin Avenue and south of 13th Street and also all of the territory within the City limits which lie south of Buffalo Creek and east of Pleasant Avenue.

102. OFFICERS AND ELECTIONS

102.01 Elective Officers. The elective officers of the City of Glencoe shall themselves be qualified voters of the City of Glencoe and shall be elected by the vote of the qualified voters of said City and shall consist of a Mayor, one Alderman, a resident of each ward and one Alderman at Large.

102.02 Appointive Officers - Except Commission Members. The appointive officers of said City, not including members of the Commissions hereinafter established, shall be qualified voters of said City and shall be appointed by the Mayor and confirmed by the majority vote of the Council and shall as permitted by Statute, consist of the following: A City Clerk, a City Treasurer, a City Attorney, a City Assessor, a Chief of Police, together with such appointive officers as the Council shall from time to time deem necessary for the proper function of the municipality. That such regular police officers as shall be required from time to time shall reside within five miles of the corporate limits of the City of Glencoe and shall be appointed by the Mayor and confirmed by the majority vote of the Council. In the event that a Civil Service Commission is created for any appointed office within the City of Glencoe, the appointment of such officers shall be made only from a list of such persons certified eligible by the Civil Service Commission.

102.03 Appointive Officers - Commission Members. Appointment of members to the Boards of the Commissions herein established shall be made by the majority of the Council as soon as practicable following the organizational meeting in each year for the vacancies then occurring.

102.04 City Elections. There shall be a city election for electing such officers of said city as are herein or otherwise by law made elective, which election shall be held on the first Tuesday after the first Monday in November of even years, as established by State Statute for state wide elections. All general laws of the State of Minnesota as now or hereafter existing and relating to the filing of candidates, the conduct of elections, and the canvass of such election, shall control so far as applicable under this Charter. There shall be no primary elections for the elective officers of the City of Glencoe, and a plurality of votes for elective officers shall constitute an election. The City Council shall be the Canvass Board of the election and qualification of its members, and shall appoint such election judges as provided by statute to supervise the polling.

102.05 Term of Office. The term of office of the Mayor and Council members shall be four years as established by Chapter 646 of laws of 1994. The Mayor and the Council members for the first and fourth wards shall be elected together in non-gubernatorial year election and the Council member at large and Council members from the second and third wards shall be elected in the gubernatorial year election. The term of office of appointive officers, except Commission members, shall not exceed four years, and terms of all such appointive officers shall expire with the term of the Mayor. The term of office of each officer elected hereunder shall commence at the organizational meeting of the council which is established at the first regular meeting of the City

Council after January 1st next following the election in which such officer was elected. All officers, both elective and appointive shall hold office until their successors are elected or appointed and qualified.

102.06 Vacancies. Whenever any vacancy shall occur in any elective office of said City, such vacancy shall be filled by appointment by the City Council, and such incumbent so appointed shall hold his office for the unexpired term, and until his successor is elected and qualified. Vacancies in appointive offices shall be filled in the same manner as the original appointment was made, and for the unexpired term.

102.07 Removal. Elective officers may be removed from office in the manner and for the causes provided by Statute and herein. Appointive officers, except commission members, and employees may be removed for cause upon the affirmative vote of the majority of the Council, subject only to any civil service rules or procedures which may be provided. Commission members may be removed only upon the four-fifths vote of the Council. Before any officer or commission member shall be removed, the charges against him shall be reduced to writing and filed with the Clerk and a copy furnished the accused if he can be found within the City. Such accused elective officer or commission member shall be given a reasonable opportunity to be heard in person, and by counsel, to answer such charges and to present his defense thereto. Continued failure or refusal of any elective or appointive officer or employee to make or file reports required by this Charter or the Statutes shall be adequate cause for removal of such officer or employee. Any officer or commission member so removed shall be removed only after written Findings of Fact are adopted by the Council upon the votes as above described, setting forth specific charges against such officer which the Council has determined to be true and the factual basis for which the Council has found to exist to support such charges.

102.08 Powers and Duties of Mayor. The Mayor shall be the chief executive of the city with all the powers and duties provided for that office by the Constitution and Statutes of the State of Minnesota and this Charter. He shall be a member of the Council and preside at its meetings, but he shall have no vote except to break a tie. He shall be head of the police department and fire department and shall be in command and control of the police force in case of riot or other emergency.

102.09 Veto Powers. All ordinances and resolutions shall be presented to the Mayor before they take effect. If he approves such ordinance or resolution he shall sign the same. Such ordinances and resolutions as he shall not approve he shall not sign but shall return to the City Council, by depositing the same with the City Clerk, with his objections in writing attached thereto, and which shall be presented to the City Council at their next regular meeting thereafter. Upon the return of any resolution or ordinance not approved by the Mayor the same may be reconsidered, and if after such reconsideration, the Council shall pass the same by a four-fifths vote of its members, it shall have the same effect as if approved by the Mayor. If any ordinance or resolution shall not be returned to the Clerk by the Mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall have the same

effect as if approved by him.

102.10 Vice President The Council shall annually, at the organization meeting, elect one alderman as Vice President of the Council, who shall act in the place of the Mayor during the Mayor's absence or inability to discharge his duties.

102.11 Duties of Appointive Officers. The City Administrator, City Attorney, and City Finance Director shall each have such powers and perform such duties and functions as shall be provided by the Laws of the State of Minnesota, this Charter, and the City Council; the City Administrator shall also have all powers and duties as provided by statute for City Clerks.

102.12 Deputies and Clerk pro tempore. Deputies may be appointed by the Mayor, with the consent of the Council, for the Clerk, Treasurer and Assessor. In addition the Council may appoint a Clerk pro tempore to act in the absence of the Clerk or Deputy Clerk.

102.13 Police Officers. The police officers shall have all the powers of police officers and of constables as provided by common law and the Statutes of this state. They shall keep such records and make such reports as may be required from time to time by the Mayor, the Council and the statutes of the State of Minnesota.

102.14 Incompatible Offices. No member of the Council or the Mayor, shall be appointed to, or shall hold, any paid municipal office or employment under the City; and until one year after expiration of the term as mayor or alderman, no former member shall be appointed to any appointive office or employment under the City which was created, or for which the compensation is increased, during such individual's term as mayor or alderman. This latter provision however shall not apply to an ex-mayor or ex-alderman serving upon any of the City's commissions.

102.15 Compensation of Officers. The City Council shall have the power to fix the compensation of all officers elected or appointed under this chapter, except for the Mayor, Council members, and Commission members . Such compensation shall be fixed by the Council and shall be so fixed within one month from the first organizational meeting of the City Council. The compensation so fixed may be varied from time to time by ordinance as the Council shall deem fit. The compensation for the Mayor or Alderman shall not be effective until following the next regular City election. (Compensation for Councilmembers - \$200.00 per month; compensation for Mayor - \$300.00 per month established by Ordinance No. 368 adopted September 18, 1989, effective January 1, 1990.)

102.16 Official Bonds. The City Council shall determine at the annual organizational meeting, or as soon thereafter as practically possible, the officers or employees of the City who should be covered by a corporate surety bond to insure and guarantee the proper performance of their respective duties and fidelity to the City. The amount of any particular bond and the provisions thereof shall be determined at such time, and may

vary for any particular officer or employee. The premium required to be paid for such bonds shall be paid out of the general fund or the commission fund concerned as the case may be.

103. CITY COUNCIL

103.01 General Powers. The legislative power and authority of the City of Glencoe shall be vested in the City Council as provided by this Charter and by the laws and Constitution of the State of Minnesota. The City Council shall have charge of the care, control and supervision of all public streets, alleys, buildings, and grounds of the City, the care and supervision of which are not by this Charter vested in any other board or officer of the city. The City Council, except as in this Charter otherwise provided, shall have the general management and control of the finances and all the property of the City, and shall have full power and authority to make, amend or repeal all such ordinances or resolutions as it shall deem expedient for the government and good order of the city, for the protection of the public and public health, comfort, and safety, for the suppression of vice and for the prevention of crime. It shall have power and authority to declare and impose penalties and punishments for the violation of ordinances and resolutions and to enforce the same against any person who may violate the same, and all such ordinances and resolutions, not inconsistent with laws and Constitution of this state or of the United States, of this Charter, are hereby declared to have full force and effect as the law of the City. In addition the Council shall have the specific powers as now provided by Minnesota Statutes Annotated Section 411.40, (now Minn. Stat. §412.221) and as the same may hereafter from time to time be amended, together with such other specific powers as are from time to time granted by the Constitution and laws of the State of Minnesota to City Councils of Cities of the class of the City of Glencoe. The City Council shall have the power and authority, to be exercised by the four-fifths vote of the Council, to establish a nursing home and home for the aged, the establishment and operation of which is hereby specifically declared to be a public purpose. In the event the Council so elects to establish such a home, it shall thereafter be constructed, acquired, operated and maintained by the Hospital Glencoe Area Health Center Commission.

103.02 Quorum and Meetings. A majority of the aldermen shall constitute a quorum, but less than a majority may adjourn a meeting and may compel the attendance of absent members. The Council shall determine the time for its regular meetings and shall also provide rules for its proceedings not inconsistent with this Charter or with the laws of the State of Minnesota. The Council shall also provide rules whereby special meetings of the Council may be called from time to time. Except where this Charter or the statutes specifically provide otherwise, any action required to be taken by the Council shall be taken by the majority of those present and acting, but in no case by less than the majority of the quorum.

103.03 Adoption of Ordinances, Resolutions and Orders. The style of all ordinances shall be: "The City Council of the City of Glencoe Ordains". No ordinance shall be adopted until after it has had three readings, except in the case of emergency ordinances described below. Ordinances may be introduced only at a regular meeting at which it shall have its first reading. Public notice of the pendency of any proposed ordinance or amendment shall be given by the Clerk by one weeks publication in the official newspaper prior to the second reading. Its second reading shall be held after such notice at a subsequent regular or adjourned meeting occurring not less than one week after its first reading. An ordinance shall not be amended after it receives its second reading, except by the unanimous consent of the Council. It shall receive its third reading and may be passed only at a regular meeting occurring not less than one week subsequent to the time of its second reading. No ordinance or resolution shall be amended after its introduction so as to change its original subject or purpose and only one such subject shall be contained in any one ordinance. No ordinance resolution, or proposed ordinance or proposed resolution shall be reconsidered except at the same or next regular meeting after its adoption or rejection, and not in such case unless there are then present at least as many members of the City Council as were present when such ordinance or resolution was originally adopted or rejected. The affirmative vote of at least the majority of all the members of the Council shall be required to enact any ordinance or resolution, except that the four-fifths affirmative vote of the Council shall be required for the adoption of any ordinance, resolution or order appropriating or involving the expenditure of more than \$15,000.00 (except ordinary bills in the usual course of business), or authorizing any proceedings for the condemnation of private property. The vote of the members of the Council upon any ordinance or resolution shall be by roll call and recorded in the minutes of the Clerk. Any member of the Council who being present when his name is called and failing then to vote, shall be counted as having voted in the negative.

The City Council shall have the power to adopt emergency ordinances. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency as defined and declared in a preamble in the ordinances which shall be adopted by a vote of all five members of the council. Emergency ordinances shall not require the readings described hereinabove. Emergency ordinances shall take effect immediately upon its passage, but shall be published in the official newspaper as soon as practically possible after its passage. An emergency ordinance shall expire 12 weeks from the publication date of such emergency ordinance unless such ordinance shall have been readopted following all of the procedures required in the normal adoption of an ordinance as hereinabove described.

103.04 Publication of Ordinances. Every ordinance shall be published in full in the official newspaper of the City after its adoption and before it takes effect, and proof of such publication shall be made by the usual affidavit of the publisher of such newspaper, and which said affidavit shall thereafter be prima facie evidence of the legal passage of such ordinance or resolution. Immediately after publication all such ordinances shall be deposited with the City Clerk who shall record the same in a suitable book

kept for that purpose.

103.05 Licenses. The City Council shall grant all licenses required by law to be granted by the city authority. Any license issued by authority of the City Council may be revoked by the majority of the Council at any time for sufficient cause. Upon the conviction of any person holding a license, for the violation of the provisions of any ordinance or statute relating to the exercise of the right granted by such license, the City Council shall revoke such license in addition to the penalty provided by law or ordinance for such violation.

103.06 Streets and Highways. The City Council shall have the care, supervision and control of all public highways, bridges, streets, sidewalks, alleys and other public places and grounds within the City and may lay out, open, extend and vacate the same as provided herein and by statute.

103.07 Vacating Public Streets. The City Council shall have the power to vacate any street, alley, public grounds, public way or park thereof, in the mode, manner and proceeding as established by Minnesota Statutes Section 412.851 as may be amended from time to time.

103.08 Liability for Obstruction. All persons, firms or corporations who negligently obstruct or damage any public highway, bridge, street, sidewalk, alley or public ground or place within the city shall be liable for all damages proximately resulting therefrom. No action shall be maintained against the City for any damage resulting as above unless the person, firm or corporation whose negligence caused the injury is also joined as a party defendant. In case of judgment against the defendants in such an action, execution shall at first be issued only against the defendant causing the defect and City shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied. If the City shall pay such judgment it shall become the owner of the same and may enforce payment of the same from the other defendant, and it shall be entitled to execution therein against him and to take such other proceedings as may be provided by law to enforce the collection of judgments.

103.09 Authority for Local Improvements. The City Council shall have such authority to make local improvements and to finance and assess the cost of the same as now or hereinafter provided by Minnesota Statutes Chapter 429, as may be amended from time to time.

103.10 Eminent Domain. The City of Glencoe shall have the power of eminent domain which shall be exercised by the Council only and in the manner now or hereafter prescribed by statute.

103.11 Punishments. The City Council may provide penalties as provided for by State statute for misdemeanors and petty misdemeanors.

103.12 Publication of Council Proceedings. An accurate summary of all proceedings of the City

Council shall be published in the official newspaper of the City within two weeks after the date of the meeting in question.

103.13 Filing of Reports. All reports required by this charter to be filed with the Council or Mayor, shall be so made and filed within thirty (30) days following the close of the period required to be covered by said report.

104. FISCAL MATTERS

104.01 Fiscal Year. The fiscal year for all departments and commissions of the City of Glencoe shall commence on January first in each year.

104.02 Financial Control. The Council shall have full authority over the financial affairs of the city, except for the departments herein delegated to Commissions, and shall provide for the deposit and disposition of all funds, the collection of all revenues and other assets, the auditing and settling of accounts, and safe keeping and disbursement of public money, and in the exercise of the sound discretion shall make appropriations for the payment of all liabilities and expenses. The Council shall create and provide such municipal funds as shall be required or permitted by this Charter or by statute. The Council shall have the power and duty to require the Commissions herein established to make all required reports and to perform all fiscal conditions and obligations imposed by this Charter and Minnesota Statutes.

104.03 System of Taxation. Subject to the State Constitution, and except as forbidden by it or by Statute, the Council shall have full authority and power to provide by ordinance for a system of local taxation and to change the same from time to time. This authority includes the power by ordinance to assess, levy and collect taxes on all subjects or objects of taxation except as limited or prohibited by the State Constitution, by this Charter or by laws imposing restrictions upon the City irrespective of Charter provisions.

104.04 Board of Equalization. A Board of Tax Equalization shall be organized and shall have such powers and perform such duties as shall from time to time be provided by the laws of the State of Minnesota, this Charter and the City Council.

104.05 Time Warrants. The City Council may issue time warrants in anticipation of the collection of taxes where the fund on which the warrant is drawn is exhausted provided that the aggregate of such warrants drawn on any fund shall at no time exceed 10% of the taxes levied and uncollected for said fund.

104.06 Incurring Debt. The Council shall have authority to incur debt and to issue bonds, revenue certificates and similar evidences of indebtedness on behalf of the city for the purposes and in the manner as now or hereafter provided by statute and this Charter. In addition the Light and Power Commission shall have the power to issue revenue certificates as hereinafter set out.

104.07 Disbursements. The funds of the City shall be disbursed by order of the Council or the municipal commission in question and in the manner and subject to the limitations as otherwise provided by this Charter and the statutes. When any order for the payment of funds has been paid or received by the Treasurer, it shall not again be issued, but he shall immediately cancel the same, and file the same in his office, keeping the orders drawn upon each fund separate.

104.08 Mayor's Contingent Fund. Each year there shall be set apart from the general fund, cash in the sum of three hundred dollars for the Mayor's contingent expenses which shall be paid out by the Treasurer on the Mayor's warrant, and which he may expend for any purpose connected with the discharge of the duties of his office. The Mayor shall file proper vouchers for all such expenditures and if any part of said sum remains unexpended at the close of the fiscal year, it shall be returned to the general fund.

105. FRANCHISES

105.01 Franchise defined. The word "franchise" as used in this chapter shall be construed to mean any special privilege granted to any special person, co-partnership, or corporation, in, over, upon or under any of the highways or public places of the City, whether such privilege has heretofore been granted by it or by the State of Minnesota or shall hereafter be granted by the City or by the State of Minnesota.

105.02 Granting Franchises. All persons or firms desiring to make an especially burdensome use of the streets or public places, inconsistent with the public right in such places, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place any fixtures in such places. The Council may grant franchises by ordinance adopted by not less than a four-fifths vote of the council. Franchise rights shall always be subject to the superior right of the public to the use of the streets and public places. No franchise shall be granted for the construction of water or sewer systems in the City of Glencoe.

105.03 Hearing on Franchises. Prior to the granting of any franchise the Council shall hold a public hearing on the application for the franchise, notice of which hearing shall be given by one week published notice thereof in the official newspaper of the City.

105.04 Terms of Franchise. No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than twenty (20) years.

105.05 Power of Regulation. The City shall have the right and power to regulate and control the exercise by any grantee of any franchise however acquired, whether such franchise has been heretofore granted by the City or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota.

105.06 Regulation of Rates and Charges. All grantees exercising franchises in the City shall give courteous efficient and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield, above all operating expenses and depreciation, a fair return upon all money honestly and efficiently invested in the plant and equipment used by the company in the public service within the City. This shall not be construed as a guarantee of a return and in no case shall there be any return upon franchise value. Within those limits, the determination of the maximum price or rate to be charged by the company for service rendered to the City or to any person or persons within the City shall be made, if possible, by direct negotiations between the company and the Council at public hearings. In case of failure to reach an agreement by the above method, the council shall proceed forthwith to determine and establish a schedule of rates for such service. A schedule of rates so determined by the Council shall become effective within 60 days after its establishment and publication in the official newspaper, subject only to appeal to and revision by any court or board of competent jurisdiction. Schedules of rates fixed as herein provided shall be flexible as may be, and shall in no case fix a definite rate for a period of more than five years. The City and the company may, by mutual agreement, revise existing schedules of the rates at any time, proceeding in each case as provided by the original fixing of the rates.

105.07 Conditions. Every franchise which does not contain the provisions described in this section shall be absolutely void and incapable of ratification by estoppel or otherwise. Every franchise shall contain the following provisions:

- a. That the grantee shall be subject to and will perform on its part all the terms of this charter, as well as all other pertinent regulatory laws of the State of Minnesota.
- b. That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates and charges, but that such fares, rates and charges shall at all times be just, fair and reasonable for the services rendered, and shall in all cases be fixed and from time to time changed in the manner as provided by this Charter.
- c. That the Council shall have the right to require reasonable extensions of any public service from time to time and to make such rules and regulations as may be required to secure adequate, prompt and proper service and to provide sufficient accommodation for the public.
- d. That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive, upon any proceedings for the acquisition of the grantee's facilities within the City, of any return on account of the franchise or its value.
- e. That no sale or lease of such franchise shall be effective until the assignee or lessee shall have filed in the office of the City Clerk an instrument, duly executed, reciting the fact that such sale or lease is made subject to the terms of the franchise and wherein the assignee or lessee agrees to perform all the terms or conditions required hereunder and under this Charter. In the event that the Council shall in its sole discretion deem it necessary, it may require such assignee or lessee to file a bond or other additional undertaking, in form satisfactory to the Council, requiring the assignee or lessee to faith fully perform the terms and conditions of such franchise.
- f. That every grant in such franchise containing a permission for the erection of poles, masts or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks, or pipes, or conduits under the streets or public places, or the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the condition that the Council shall have the power to require such alterations therein, or relocation or rerouting thereof, as the Council may at any time deem necessary for the safety, health, or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts and other fixtures bearing wires and placing under ground all wiring for whatsoever purposes used.
- g. Every franchise and every extension or renewal of such franchise shall contain provision for its acceptance in writing by the grantee within thirty (30) days after its passage by the Council. No such franchise shall be binding upon the City until its acceptance by the grantee.
- h. Every franchise shall be subject to the condition that the violation by the holder thereof of any of the express conditions prescribed by this section shall be sufficient cause for the forfeiture of the franchise by a resolution of the City Council.

106. CONTRACTS

106.01 Purchases. All contracts for the purchase of commodities or services by the City shall be pursuant to the uniform municipal contracting law codified as Minnesota Statute Section 471.345 as may be amended from time to time.

106.02 Procedure for Public Letting. In all cases where a public letting of a contract is required the applicable state statutes shall be followed, and to the extent discretion is allowed in said statutes to the City, the Council and/or the Commission shall have the power to establish written plans and specifications; provide for such notice as may be deemed appropriate, but which shall be at least two weeks published notice in the official newspaper; open all bids in a public manner, but the Council or Commission shall have the power to open bids publicly at other than a Council or Commission meeting if circumstances dictate in the presence of such city officials as the council shall determine, but no acceptance of any bids shall be at other than official Council or Commission meeting; establish such bid or performance bonds as the Council or Commission shall in its discretion determine is proper, necessary and advisable, including the acceptance of corporate surety bonds, certified or cashier's checks, or other security or instrument the Council or Commission find proper.

106.03 Emergency Procedure. In the event of any emergency and when delay will cause great damage to public property or the public interest, the Council or the Commission concerned may direct the making of necessary repairs or the performance of necessary work by day labor and secure machines and materials therefor in the open market without the necessity of call for bids.

106.04 Public Printing. The City Council shall, at its biennial organizational meeting direct the City Administrator to procure, in accordance with the provisions of this Charter, bids for the publication of ordinances, resolutions and the proceedings of the City Council and any other notices required to be published by the City. Such publication shall be in a legal newspaper published within the City limits. The City Council shall at the time of accepting any bid designate the newspaper to which the contract is awarded as the official newspaper of the city and all notices, and advertisements by this Charter required to be published, shall be published in said newspaper, unless in this Charter or by the statutes of the State of Minnesota specifically provided. In the case of the suspension of the publication of such newspaper, or the failure or the refusal by such publisher to make publications for the city, or if any time for any reason there shall be no official newspaper in which publication can be made, the City Council may designate some other newspaper as the official newspaper of the city until such time as a contract can be made. Immediately after the publication of any ordinance, notice, resolution or other matter which is required to be published the printer or publisher shall file with the City Administrator a copy of such publication

with his affidavit showing the length of time that it has been published. The publication of such pamphlets or bound proceedings of the City Council as may be required and any other printing required by the City or any department thereof, may be acquired either from a commercial printer or a newspaper other than the official newspaper of the city.

107. DEPARTMENTS OF THE CITY

107.01 Police Department. There shall be a police department of the City of Glencoe, under the control and supervision of the Mayor, and employing such police officers as the Council shall deem necessary and which shall have all the powers and duties as herein and by statute and common law provided. The Council shall provide such real and personal property for police use as the Council shall deem necessary.

107.02 Organization of Fire Department and Control of Property. There shall be a fire department in the City of Glencoe, under the control and supervision of the Mayor, the members being such persons as shall volunteer or be employed therefor. The Council shall provide such real and personal property for the use of the fire department as the Council shall deem necessary to enable the fire department to efficiently perform its duties.

107.03 Officers of Fire Department. The members of the fire department, subject to the approval of the Mayor and Council, shall elect a chief of the fire department for such term as the By-laws of the fire department shall provide. The chief may be removed by not less than a three-fifths vote of the Council for cause, provided that written charges against him shall have been filed with the City Clerk at least thirty (30) days and served on the accused at least twenty (20) days before hearing and vote thereon. The department members shall also elect an assistant chief who shall act as chief during the absence or incapacity of the Chief. They may elect and remove such other officers and employees as may be necessary for the efficient operation of the department.

107.04 Powers and Duties of Chief. The Chief of the fire department shall be the general Superintendent of the fire department and all real and personal property assigned to the department use. He shall direct and control the training of members of the department and all activities of members of the department and other individuals engaged in fighting fires. He shall make an annual report of the activities of the department to the Mayor and Council, together with such other reports as may be required by law.

107.05 By-Laws, Rules and Regulations of Fire Department. The majority of the members of the fire department are authorized and required to make all necessary By-Laws and rules and regulations not inconsistent with the laws of this state, the provisions of this Charter or the ordinances of the City, for the government and control of the fire department and for the prevention and extinguishment of fires. All such By-Laws, rules and regulations shall be in writing, signed by the Chief and shall be filed in the

office of the City Clerk and shall be binding upon all persons connected with said department.

107.06 Out of Town Calls. The Fire Chief shall have authority, under such provisions as the Council may enact, and further subject to the provisions of the laws of the State of Minnesota, to send fire apparatus of the department with a complete force of firemen, to the relief of any other community, or for the preservation of property endangered by fire outside the limits of the City.

107.07 Destruction of Buildings. Whenever any building of the City shall be a fire, it shall be lawful for and shall be the duty of the Mayor and the Chief of the Fire Department to order and direct the destruction and removal of and to destroy, pull down and remove such building or any other buildings in the vicinity or any part thereof that they deem hazardous or deem likely to communicate the fire. No action shall be maintained against any person or the City therefor, or on account thereof.

107.08 Additional City Departments -- Authority to Establish. The City Council shall by ordinance establish a public health department and a park department and may establish such other departments in addition to those specified herein as the Council shall deem necessary. Such departments shall consist of such officers and shall perform such duties as permitted by statute and provided by ordinance.

107.09 Appropriations and Expenditures of Funds. The City Council may appropriate money from the general fund or other funds and turn the same over to any of the departments established as above for the purposes of said department, and the departmental governing body may be given the power to expend such monies as it deems fit in performing its functions.

108. GLENCOE AREA HEALTH CENTER COMMISSION

108.01 Glencoe Area Health Center Commission. There shall be a Glencoe Area Health Center Commission (hereinafter referred to as GAHCC) for the City of Glencoe which shall have the control and management of the municipal hospital, nursing home and any home for the aged and such related properties, businesses and powers as hereinafter set forth in Section 8.06. It shall be the aim and purpose of the said GAHCC to furnish its facilities, care, and services to the residents of the City of Glencoe and those of the surrounding area, at reasonable rate, and to provide for the efficient management and delivery of health care.

108.02 Appointment, Qualification and By Whom Made. The GAHCC shall consist of five members, all of whom shall be qualified voters of the City of Glencoe, and who shall be appointed by the City Council for the terms and at the times as hereinafter set forth. Any member so appointed shall, at all times, comply with the by-laws of GAHCC, including but not limited to the policy established by the GAHCC regarding conflicts of interest. No more than one member shall be an active member

of the medical staff.

108.03 Glencoe Area Health Center Commission Appointment and Terms. The first GAHCC shall consist of five members of the Commission formerly known as the Hospital Commission. The appointment of Commission members shall be made in accordance with the expiration of their terms at such other time as the City may designate and appointment shall be made not to exceed two successive five year terms, in accordance with the appointment procedure adopted by the City and as set forth in this chapter.

108.04 Commissioners Oath and Qualifications. All commissioners shall qualify for their offices by taking and subscribing to the oath of office required by members of the Council and filing the same with the City Clerk. They shall hold office until their successors are appointed and qualified, and vacancies in office for any cause shall be filled for the balance of the term in which the vacancy occurs in the same manner in which the original appointment is made. Commissioners shall be compensated for their services in an amount as determined from time to time by the City Council.

108.05 Organization. The GAHCC shall provide for its own organization and rules of procedure. It shall annually select such officers as determined by its own organization, By Laws and rules of procedure. Each such officer shall perform the usual duties of such position and shall be under the direction of the GAHCC.

108.06 Powers of Glencoe Area Health Center Commission. The GAHCC shall have full, absolute and exclusive control of any hospital, nursing home, home for the aged, or related businesses and properties which are intended to promote and foster the operation of said hospital, nursing home, and home for the aged. The said Commission shall regulate the management, use and operation of said municipal hospital, nursing home and home for the aged and related businesses and properties and in addition thereto shall have the power to enter into such agreements as may be permitted to other governmental units under an exercise of joint powers within the meaning of Minnesota Statutes 571.95, as amended from time to time. The Commission shall fix rates for all services furnished to it and its facilities and for the rendering of all said services. The GAHCC shall have the power and authority to extend, add to, change and modify the municipal hospital, nursing home, or home for the aged, provided, however, that the Commission shall have no power to sell or encumber the hospital, nursing home, or home for the aged. Subject to the foregoing, GAHCC shall have the power and authority to enter into contracts, sue and be sued, purchase materials and supplies, fuel, employ personnel, establish compensation for personnel, and to do all things it deems necessary and advisable for the proper operation, promotion, expansion and fostering of any hospital, nursing home, or home for the aged and providing health care for the residents of the City of Glencoe and the surrounding area. GAHCC shall have the power and authority to create such entities and organizations it deems necessary and advisable to operate said health care services, business and properties as it deems appropriate.

108.07 Funds. GAHCC shall be authorized to receive all monies and pay all accounts by the use of its own officers and their nominees, including the employees of Glencoe Area Health Center. It shall be mandatory upon GAHCC to transfer funds from its earnings to the City to pay all interest and principal as required on any indebtedness connected with City borrowing on behalf of any facilities operated by GAHCC, including but not limited to any hospital, nursing home or home for the aged and related facilities and properties. Money so turned over to the City by GAHCC shall, in each case, during such time as the obligation is unpaid, be used solely for the purpose of retiring said indebtedness. All remaining funds shall be collected and all remaining accounts shall be paid by GAHCC. The City Council may, from time to time, direct GAHCC to deposit some or all of the remaining funds within the City, provided, however, that GAHCC shall retain monies for purposes of funding depreciation, both annually and on a cumulative basis. All checks issued by GAHCC shall be signed by the Treasurer of the City of Glencoe or in the absence of the Treasurer, such checks shall be signed by the City Clerk. GAHCC shall have the power or authority to issue bonds, but only on the concurring resolution of the City Council and in the name of the City of Glencoe.

108.08 Reports. GAHCC shall keep a record of all its financial operations and furnish, at least monthly, to the City Council, a summarized report showing receipts, disbursements and liabilities for such period of time. The said GAHCC shall also cause to be prepared a summarized audited annual statement which shall include a profit and loss statement, and a balance sheet, to be furnished to the City Council, and made available to the public. Such annual statement shall be prepared by a certified public accountant. The Commission shall operate on a fiscal year as designated by the City of Glencoe, or such other year as the commission determines from time to time.

(GAHCC is repealed and abolished by Ordinance No. 471 adopted June 7, 2001)

109. GLENCOE LIGHT AND POWER COMMISSION

109.01 Light and Power Commission. There shall be a Light and Power Commission of the City of Glencoe (hereinafter "GLPC") which shall continue to have control and management of the generation, acquisition and distribution of electric energy in the City of Glencoe. It shall be the aim and purpose of GLPC to furnish electric energy to the residents and business places of the City of Glencoe in as efficient a manner and at the most reasonable rates practicable with sound and efficient management.

109.02 Appointment, Qualification and By Whom Made. GLPC shall consist of five members, all of whom shall be qualified voters of the City of Glencoe, and who shall be appointed by the City Council for the terms and at the times as herein set forth.

109.03 Commissioners Oath and Qualifications. GLPC commissioners shall qualify for their offices by taking and subscribing to the oath of office required by members of the Council and by filing the same with the City Clerk. They shall hold office until their successors are appointed and qualified, and vacancies in office for any cause shall be filled for the balance of the term in which the vacancy occurs in the same manner in which the original appointment is made. No person hereafter appointed to GLPC shall serve more than two successive five year terms thereon.

109.04 Organization. GLPC shall provide for its own organization and rules of procedure and shall annually select a president, a vice president and a secretary from among its members, each of whom shall perform the usual duties of these positions under the direction of the commission in question. The City Treasurer shall be the treasurer for GLPC and all monies received by GLPC shall be paid over to that officer promptly. The Treasurer shall have the same responsibility for these monies as any other funds of the City and shall deposit them in separate funds to the credit of GLPC and keep a record of them, and pay them out only upon the verified orders or warrants signed by the secretary and president of GLPC.

109.05 Powers of GLPC. GLPC shall have full, absolute and exclusive control of, and power over, the City light and power plant and all parts, attachments and appurtenances thereto as well as all apparatus and material of every kind and description used and to be used in operating said light and power plant, or in the acquisition of or distributing of electric energy within the City of Glencoe. It shall regulate the distribution, use and sale of electric energy within and without the city limits and shall collect for such services rendered. It shall fix rates for all sales and services for public and private use and only after holding a public hearing on any proposed change of rates. Notice of such rate hearing shall be given by one weeks published notice in the official paper of the City. The City Council shall have the power to veto any proposed rate change by a four-fifths vote of the Council, which veto power must be exercised, if at all within thirty (30) days after the commission notifies the council of the adoption of a rate change. It may sell electric energy outside the City limits provided that such sale shall be limited to a reasonable surplus produced in the regular operation of the plant, unless the voters of the city at a special election called by the Council for that

purpose, shall approve a greater sale which would require the installation of additional generation equipment and the extension of distribution lines. The cost of such extended service or the installation of distribution system therefor shall in no case create any general obligation upon the City. The Commission shall have the power and authority to extend, add to, change or modify the electric distribution and generation system and to do any and all things that may be necessary and proper for the operation of the light and power plant, except as by this chapter otherwise restricted and qualified. GLPC shall have the power to enter into contracts and may sue and be sued, in its own name. GLPC shall buy all materials, supplies and fuel and employ such competent help as may be necessary to properly perform its function. GLPC shall pay its employees such compensation as the commission in each case deems proper. GLPC shall not have the power to sell, lease, rent, or in any way dispose of, or encumber, suffer or permit the light and power plant, or any part thereof to come under the control of any other person or corporation whatever, provided however that GLPC may pledge the net earnings of said light and power plant, after providing for the payment of all operating and maintenance charges and setting aside an amount annually sufficient to meet the interest and principal requirements of any previously created obligation of the plant, to secure the payment of any equipment purchased for said plant and system, subject to the adoption of a concurring resolution by the City of Glencoe. GLPC is vested with all powers to make and enforce such reasonable by-laws and regulations as may be necessary to carry into effect the objects and purposes of this chapter and to cause all such by-laws and regulations to be kept in a book for that purpose, which said record of regulations shall be open to the public for inspection at all reasonable times.

109.06 Funds. GLPC shall be authorized to receive all monies and pay all accounts by the use of its own officers and their nominees. It shall be mandatory upon GLPC to transfer funds from its earnings to the City to pay all interest and principal as required on any indebtedness connected with City borrowing on behalf of any facilities operated by GLPC. Money so turned over to the City by GLPC shall, in each case, during such time as the obligation is unpaid, be used solely for the purpose of retiring said indebtedness. All remaining funds shall be collected and all remaining accounts shall be paid by GLPC. All checks issued by GLPC shall be signed by the Treasurer of the City of Glencoe or in the absence of the Treasurer, such checks shall be signed by the City Clerk. GLPC shall have the power or authority to issue bonds, but only upon the concurring resolution of the City of Glencoe and in the joint name with the City of Glencoe.

109.07 Transfer of Funds. GLPC shall have authority and power to transfer monies from its separate fund to the general fund of said City from time to time, and it shall be mandatory upon GLPC to so transfer funds from its net earnings to said city to pay all interest and principal as required on obligations of said City incurred by the City in the construction, development or extension of said light and power plant. Money so turned over to said City by GLPC shall, during such time as a general obligation bonded indebtedness remains currently unpaid in connection with the construction or development of the facilities concerned, be used solely in each case for the purpose

of retiring such currently unpaid indebtedness.

109.08 Reports. GLPC shall keep a record of all its financial operations and furnish monthly to the City Council a summarized report showing receipts and disbursements and liabilities, if any, for such period of time. GLPC shall also cause a summarized audited annual statement, which shall include a profit and loss statement and a balance sheet, to be made available to the public. Such annual statements shall be prepared by a certified public accountant. The GLPC shall operate on a fiscal year as set and established by the City of Glencoe.

110. INITIATIVE AND REFERENDUM

110.01 General Voter Authority. The voters of the City shall have the right, in accordance with this charter, to propose ordinances and to require ordinances to be submitted to a vote by processes known respectively as the initiative and referendum.

110.02 Petitions. An initiative or referendum shall be initiated by a petition signed by registered voters of the City equal in number to 20 percent of those who voted for mayor in the last preceding City election. Each petition shall be sponsored by a committee of five voters whose names and addresses shall appear on the petition. A petition may consist of one or more papers, but each paper circulated separately shall contain at its head or attached to it the statement required by Section 3.03 of this Charter. Each signer shall sign his name and give his street address. Each separate page of the petition shall have appended to it a certificate, verified by oath, that each signature is the genuine signature of the person whose name it purports to be. The person making the certificate shall be a resident of the City. Any person whose name appears on a petition may withdraw his name by a statement in writing filed with the City Clerk before the Clerk advises the Council of the sufficiency of the petition.

110.03 Determination of Sufficiency. Immediately upon receipt of the petition, the City Clerk shall examine the petition as to its sufficiency and report to the Council within 20 days. Upon receiving the report, the Council shall determine by resolution the sufficiency of the petition.

110.04 Disposition of Insufficient Petition. If the Council determines that the petition is insufficient or irregular, the City Clerk shall deliver a copy of the petition, together with a written statement of its defects, to the sponsoring committee. The committee shall have 30 days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the Council finds that the petition is still insufficient or irregular, the City Clerk shall file the petition in his office and notify the sponsoring committee. The final finding that the petition is insufficient or irregular shall not prejudice the filing of a new petition for the same purpose nor shall it prevent the council from referring the ordinance to the voters at the next regular or special election at its option.

110.05 Initiative. Any ordinance, except an ordinance relating to the budget or capital program, the appropriation of money, the levy of taxes, or the salaries of City officers or employees, may be proposed by a petition which shall state at the head of each page or attached thereto the exact text of the proposed ordinance. If the Council passes the proposed ordinance with amendments and a majority of the sponsoring committee do not disapprove the amended form by a statement filed with the City Clerk within 10 days of its passage by the council, the ordinance need not be submitted to the voters. If the Council fails to enact the ordinance in an acceptable form within 60 days after the final determination of sufficiency of the petition, the ordinance shall be placed on the ballot at the next election occurring in the City. If no election is to occur within 120 days after the filing of the petition, the Council shall call a special election on the ordinance to be held within such period. If a majority of those voting on the ordinance vote in its favor, it shall become effective 30 days after adoption unless the ordinance specifies a later effective date.

110.06 Referendum. Any ordinance subject to the initiative may be subjected to referendum by a petition which shall state, at the head of each page or on an attached paper, a description of the ordinance. Any ordinance upon which a petition is filed, other than an emergency ordinance, shall be suspended in its operation as soon as the petition is found sufficient. If the ordinance is not thereafter entirely repealed, it shall be placed on the ballot at the next election or at a special election called for that purpose, as the Council determines. If a majority of the voters voting thereon favors the ordinance, it shall go into effect immediately or on the date specified in the ordinance; if a majority of the electors voting thereon votes against the ordinance, it shall be considered repealed upon certification of the election results. If a petition is filed against an emergency ordinance, the ordinance shall remain in effect but shall be repealed if a majority of the voters voting on the ordinance vote against it.

(**Source:** Ordinance No. 329 adopted September 16, 1985; Section 100-110 amended by Ordinance No. 389 adopted November 4, 1991; Sections 102.04, 102.05, 102.11 and 106.04 amended by Ordinance No. 471 adopted June 4, 2001; Section 108-Glencoe Area Health Center Commission repealed and abolished by Ordinance No. 471 adopted June 4, 2001)

115. LIBRARY

115.01 The City of Glencoe shall establish and maintain a public library and reading room for the use of its inhabitants, to be known as the Glencoe Public Library.

115.02 Library Board Appointment. Section 1:

“There is hereby created a Library Board to be known as the “Glencoe Library Board” which shall consist of five (5) legal voters of the City of Glencoe, except that one such member, at the option of the City Council, may be a legal voter, not residing in the City of Glencoe, but shall reside within at least ten miles of the City of Glencoe. Additionally, one of said Board members may be a member of the City Council or the Mayor. The City Council may remove a Library Board member at any time by 4/5th vote. All members of the Library Board shall serve upon such compensation as determined by the City Council. Said compensation may be amended from time to time by resolution by majority vote of the City Council. All appointments to said Board shall be made by an affirmative vote of the majority of the members of the City Council. At its regular meeting after the effective date of this ordinance, or at a Special Meeting for that purpose, the City Council shall appoint five (5) members to serve upon the said Library Board, for terms of variant tenures arranged so that the term of one (1) member shall expire on the first day of January of each year and at its first regular meeting in January of each year, the City Council shall appoint one (1) person to a term of five years to succeed that member whose term expires in such year. All members of said Board shall hold their office until their respective successors have been appointed and have qualified. All vacancies on said Library Board shall be filled in a like manner, without undue delay, by the City Council, but only for the unexpired term of the vacating member. All members appointed shall file their acceptance with the City Clerk within five (5) days after notice from the City Clerk of their appointment. No person hereafter appointed to said Board shall serve more than two successive terms thereon.

Section 2: This ordinance shall take force and be in effect from and after its passage and publication.

115.03 Organization, Meetings and Officers. As soon as possible after its appointment, the Library Board shall meet to organize and to elect a President, Vice-President and Secretary, and to adopt such rules and regulations as necessary to enable it to perform its duties and function in an efficient and orderly manner. Officers shall likewise be elected annually thereafter. All of said officers shall be chosen from among members of the Board. The President shall preside at all meetings of the Board, and shall sign, with the Secretary, all contracts, orders, or other documents to be executed by the Board. The Vice President shall perform the duties of the President in case of his absence or disability. The Secretary shall keep a complete record of the minutes of each meeting, and all of the proceedings of the Board, and shall cause a certified copy of such record to be filed in the office of the City Clerk within thirty (30) days after the meeting concerned. The Secretary shall also keep a full, true and complete record of all monies received and disbursed by said Board, according to all applicable provisions of law. The Board may prescribe such additional powers and duties for its officers as may be consistent with the provisions of this ordinance. Vacancies in any of the said offices shall be filled in the original manner and for the unexpired term of

the vacating officer.

115.04 Powers and Duties. The Library Board shall be an advisory board to the City of Glencoe regarding the administration, maintenance and control of the library, and any branches thereof that may be established in the City of Glencoe. The board shall recommend to the City the hiring of all necessary employees, the necessity for books, periodicals, supplies, magazines, and apparatus as is necessary for the preservation, maintenance and insurance of the library contents and buildings within the library system. The Library Board shall from time to time confer with the City Council on all matters of administrative character. At such times as the City of Glencoe participates in a Regional Library System (to the degree that any of these duties are transferred to the Regional Library System) the Library Board is relieved of the responsibility thereof, but shall remain as a liaison and advisory board to the City concerning all regional library matters, including advisability of continuation within the Regional Library System.

115.05 Financing. The City Council, shall under the appropriate such funds to the library board as it deems necessary for the operation thereof, and to set such budgets accordingly, and to receive from the library boards such recommendations as are necessary. The City Council is authorized to receive sponsorships, legacies and other income for the maintenance of the library and to be used as is appropriate and authorized by the City Council. All disbursements of library funds shall be by drafts signed by the City Treasurer, and pursuant to the authority of the City Council Funds specifically given to the City and designated for library purpose shall be used only for the maintenance, operation and similar matters within or for the library.

(Source: Section 115.01 Ordinance No. 68 adopted July 1, 1924; Section 115.02 through 115.05 adopted by Ordinance No. 163 adopted March 3, 1958; Section 115.02 amended by Ordinance No. 366 adopted August 21, 1989 and Section 115.05 amended by Ordinance No. 372 adopted February 20, 1990; Section 115.03, 115.04, 115.05 amended by Ordinance No. 405 adopted May 17, 1993; Section 115.02 amended by Ordinance No. 561 adopted December 21, 2009).

120. RECREATION BOARD

120.01 Recreation Appointment Board. There is hereby created a Recreation Board to be known as "Glencoe Recreation Board", which shall consist of three (3) legal voters of the City of Glencoe. All members of such board shall serve without compensation with the exception of the Secretary/Treasurer, whose compensation shall be fixed by the City Council, in an amount not to exceed twenty five and no/100 (\$25.00) dollars per year. All appointments to said Board shall be made by an affirmative vote of the majority of the members of the City Council. At its next regular meeting after the effective date of this ordinance, or at a Special Meeting for that purpose, the City Council shall appoint three (3) members to serve upon the said Recreation Board, for terms of variant tenures arranged so that the term of one (1) member shall expire on the second Tuesday in June of each of the years, from and including 1946 to and including 1949, and at its first regular meeting in June of each year, the City Council shall appoint one (1) person to a term of three years to succeed that member whose term expires in such year. All members of said Board shall hold their office until their respective successors have been appointed and have qualified. All vacancies on said Recreation Board shall be filled in like manner, without undue delay, by the City Council, but only for the unexpired term of the vacating member. All members appointed shall file their acceptance with the City Clerk within five (5) days after notice from the City Clerk of their appointment.

120.02 Organization, Meetings and Officers. As soon as possible after its appointment, the Recreation Board shall meet to organize and to elect a President, Vice President and Secretary/Treasurer, and to adopt such rules and Regulations as necessary to enable it to perform its duties and function in an efficient and orderly manner. Officers shall likewise be elected annually thereafter. All of said officers shall be chosen from among the members of the Board. The President shall preside at all meetings of the Board, and shall sign, with the Secretary, all contracts, orders, or other documents to be executed by the Board. The Vice President shall perform the duties of the President in case of his absence or disability. The Secretary/Treasurer shall keep a complete record of the minutes of each meeting, and all of the proceedings of the Board, and shall cause a certified copy of such record signed by the Mayor of the City of Glencoe and countersigned by the Clerk of said City, all pursuant to an order of the Recreation Board, approved by a majority of its members and signed by its President and Secretary, or pursuant to an order of the majority of the members of the City Council. No disbursements shall be made from this fund except for the payment of costs, expenses and indebtedness incurred in the maintenance, operation and repair of said bowling alley, provided that the City Council may in its discretion transfer any accumulated surplus in such fund to any other city fund.

The Recreation Board shall keep an accurate account of all monies receive and disbursed from said fund, and of all outstanding credits and liabilities of said bowling alley. The fiscal year of said bowling alley fund shall commence on the 1st day of March of each year. As soon as practicable after the close of each fiscal year the Recreation Board shall file with the City Clerk a report containing a complete record of the bowling alley's earnings, expendi-

tures, assets, liabilities, property and a general summary of its business year. In addition the Recreation Board shall render a monthly operating statement to the City Council.

120.3 Limitation on Powers. The Recreation Board shall make no contracts or make any purchases of equipment, supplies or materials involving a cost of more than five hundred and no/100 (\$500.00) dollars, except upon bids received in response to an advertisement published in the official newspaper of the City of Glencoe, in conformity with all provisions of law. If a contract be let pursuant to such advertisement, it shall be let to the lowest responsible bidder, and only after such contract has been approved by a majority of the members of the City Council of the City of Glencoe.

120.4 Removal of Members of the Board. The City Council of the City of Glencoe, Minnesota, shall have the power to remove any member of said Recreation Board for cause. Such removal to be effective must be accomplished by a four-fifths majority vote of said City Council.

(Source: Ordinance No. 113 adopted October 1, 1945).

The Glencoe Recreation Board abolished by Ordinance No. 412 adopted January 17, 1995.

125. PARK BOARD

125.01 Section 1: Park Board Appointment

“There is hereby created a Park Board to be known as the “Glencoe Park Board”, which shall consist of six (6) members. These six (6) individuals shall either be legal voters of the City of Glencoe or one individual who is a business owner who owns property within the city limits of Glencoe and who resides within ten (10) miles of the City of Glencoe. One of said Board members may be a member of the City Council or the Mayor. The City Council may remove a Park Board member at any time by a 4/5th vote. All members of said Park Board shall serve upon such compensation as determined by the City Council. Said compensation may be amended from time to time by resolution by majority vote of the City Council. All appointments to said Board shall be made by an affirmative vote of the Majority of the members of the City Council. At its next regular meeting after the effective date of this ordinance, or at a Special Meeting for that purpose, the City Council shall appoint six (6) members to serve upon the said Park Board, for terms of variant tenures arranged so that the term of one (1) member shall expire on the first day of January of each year with the fifth year two member tenures shall expire and at its first regular meeting in January of each year, the City Council shall appoint one (1) or two (2) persons depending on the year to a term of five years to succeed that member whose term expires in such year. All members of said Board shall hold their office until their respective successors have been appointed and qualified. All vacancies on said Park Board shall be filled in like manner, without undue delay, by the City Council, but only for the unexpired term of the vacating member. All members appointed shall file their acceptance with the City Clerk within five (5) days after notice from the City Clerk of their appointment. No person hereafter appointed to said Board shall serve more than two successive terms thereon.”

Section 2: This ordinance shall take force and be in effect from and after its passage and publication.

125.02 Organizations, Meetings and Officers. As soon as possible after its appointment, the Park Board shall meet to organize and to elect a chairperson and Secretary, and to adopt such rules and regulations as necessary to enable it to perform its duties and function in an efficient and orderly manner. The chairperson and secretary shall be elected annually thereafter. The chairperson and secretary shall be chosen from among members of the Board. The chairperson shall preside at all meetings of the Board. In the chairperson’s absence, the secretary shall so preside and shall keep a complete record of the minutes of each meeting and all of the proceedings of the Board and shall provide a copy of such record to be filed in the office of City Administrator within 30 days after the meeting concerned. The Board may prescribe such additional powers and duties for its officers as may be consistent with the provisions of this ordinance. Vacancies in any of the said offices shall be filled in the original manner and for the unexpired term of the vacating officer.

125.03 Powers and Duties. The Park Board shall make recommendations regarding the administration, maintenance and control of the parks and the parks system in the City of Glencoe, Minnesota including the swimming pool and facilities thereto. The Board shall make recommendations for the purchase of all necessary equipment, apparatus and supplies for the care, preservation and maintenance of the buildings

used in connection with said park system. In additions to the powers and duties herein enumerated, said Park Board shall exercise such other necessary and proper powers which may expedite the management and control of said park system and which may be consistent with law and in conformity with the provisions of this ordinance. Nothing in this ordinance shall be construed to vest any power in said Board to construct any buildings, said powers to be reserved to the City Council. The Board shall from time to time confer with the City Council on matters of all administrative character.

125.04 Duties of the Park Board.

- a. To determine the park needs of the community and to enlist the cooperation of both public and private agencies in developing a park program consistent with those needs and to direct the execution and administration of such park program.
- b. To participate in the selection of the executive head of said park system. Such executive head shall be designated by the title of superintendent of parks. He or she shall be responsible to the city administrator and shall exercise said powers as shall be conferred or imposed on him or her by the City Council.
- c. To prepare and submit to the City Council a monthly report of the activities for the past month.
- d. To make recommendations to the City Council during the budgeting process with the cost estimates to be provided to the city administrator for inclusion in the City of Glencoe budget. Such recommendations shall be submitted no later than August 1 of each year.

(Source: Ordinance No. 164 adopted March 17, 1958, Ordinance No. 530 adopted January 16, 2007; Ordinance No. 534 adopted June 18, 2007; Section 125.01 amended by Ordinance No. 557 adopted December 21, 2009).

130. JOINT PLANNING AND INDUSTRIAL COMMISSION

130.01 A Planning and Industrial Commission is hereby established to be advisor to the City Council, which Planning and Industrial Commission shall have powers and duties as hereinafter set forth.

130.02 Composition. Section 1:

“Such Planning Commission shall consist of five members to be appointed by the City Council and may be removed by 4/5 vote of the Council; the City Engineer and the City Attorney shall be additional members ex officio; the Council may select one member of the Commission from among its own members.

The City Council shall appoint five members to serve upon said commission for terms of variant tenures arranged so that the term of one member shall expire on the first day of January of each year and at its first regular meeting in January of each year, the City Council shall appoint one member to a term of five years to succeed that member whose term expires in such year. No person hereafter appointed to the commission shall serve more than two successive terms thereon. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. The terms of ex officio members shall correspond to their respective official tenures. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of his duties, take an oath that he will faithfully discharge the duties of his office. All members of the Joint Planning and Industrial Commission shall serve upon such compensation as determined by the City Council. Said compensation may be amended from time to time by resolution by majority vote of the City Council.

Section 2: This ordinance shall take force and be in effect from and after its passage and publication.

130.03 Officers. Within 30 days after their appointment, the members of the Commission shall meet in regular session and organize by electing from their members a Chairman, Secretary, and Vice Chairman, and such other officers as it may deem necessary.

130.04 Duties of Officers.

- a. CHAIRMAN. It shall be the duty of the Chairman to preside over all meetings of the Commission; in his absence the Vice Chairman shall preside.
- b. SECRETARY. It shall be the duty of the Secretary to keep the record of all proceedings of the Commission, transmit his recommendations to the Council and other City governmental bodies and perform such other duties as directed by the Commission.

130.05 The Commission shall create a set of rules governing its own meetings and procedures. The rules may be amended from time to time but only upon notice to all members that the said proposed amendments shall be acted upon a specific hearing. A majority vote of the Commission shall be required for the approval of the proposed amendment.

130.06 Meetings.

- a. REGULAR MEETING. The Commission shall meet in regular session at least once a month at a time and place selected by the majority vote of its members.
- b. SPECIAL MEETINGS. The Chairman or any three members of the Commission shall have the authority to call a special meeting of the Commission. Written notice of the Special Meeting shall be given to all members at least 24 hours prior to the time of the meeting and listing the time and the place for the special meeting unless et at a regular or adjourned meeting; however, special meetings may be had if all the members waive the notice of the said special meeting.
- c. All the meetings of the Commission shall be open to the public.

130.07 Absence of Members. Absence at four consecutive regular meetings without formal consent of the Commission shall be deemed to constitute the resignation of the member; and the vacancy thus created shall be filled thereafter as provided in Section 2 herein.

130.08 Adoption of Program of Work. Upon the appointment and organization of the Commission, it shall proceed with the preparation and adoption of resolution of a program of work, outlining activities proposed to be undertaken in the exercise of its powers and the performance of its duties. Such program will include:

- a. An outline of data and information to be assembled as a basis for the City plan;
- b. An outline of subjects to be covered by the City plan;
- c. An outline of types of procedure necessary to make the City plan effective.

The Planning Commission may, by resolution, revise its program of work from time to time.

130.09 Preparation of City Plan. It shall be the function and duty of the Planning Commission to prepare and adopt a comprehensive City plan for the physical development of the City, including proposed public buildings, street arrangements and improvements, public utility service, 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 the Commission's program of work.

130.10 Procedure for Adoption of Plan. Before adopting the City plan or any section of it or any substantial amendment thereof, the Commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by publication in a newspaper of general circulation at least ten days before the day of the hearing. The adoption of the City plan or of any section or amendment thereof shall be by resolution of the Commission, approved by the affirmative votes of not less than four-fifths of its total members. The Commission may from time to time amend or

add to the city plan or section thereof as herein provided for the adoption of the original plan whenever changed conditions or further studies by the Commission indicate that such amendment or addition is necessary.

An attested copy of the plan or of any section, amendment, or addition to the City plan adopted by the Planning Commission shall be certified to the City Council.

130.11 Means of Executing Plan. Upon the adoption of the City plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the City Council 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 the funds thereof relating to the subjects of such 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.

130.12 Zoning Plan. The planning commission upon instructions by the City Council shall prepare a proposed zoning plan for the City. Before recommending such plan to the City Council, the Planning Commission shall hold at least one public hearing thereon after a notice similar to that required by Section 6. 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.

130.13 Official Map of Street Extensions. The Planning Commission, with the assistance of the City Engineer, may and upon instruction by the City 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.

After such map has been prepared and a hearing on it has been held as provided in Section 8, it shall be submitted to the Council, which shall thereupon consider such map 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 at least ten days after a notice thereof has been published in a newspaper published in the City. 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, 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.

130.14 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 City Council before being filed and no plat of land shall be filed unless and until the same shall first have been approved by the City Council.

Any person who violates this provision or who sells land or offers land for sale or contracts for the sale of land by reference to or other use of any plat before such plat has been approved by the Planning Commission and the City Council in accordance with the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than ninety days. Before acting on such plat the City Council shall submit the same to the Planning Commission for its recommendation. The Planning Commission shall prepare and recommend to the City Council for adoption regulations governing the platting of land.

The Planning Commission, within forty days after any such plat has been referred to it by the City Council shall act on the same and shall make its recommendations with respect thereto. Such recommendations may consist of: (a) recommendation that the City Council approve such plat; or (b) recommendation that the City Council disapprove such plat, in which case such recommendation shall include a statement of the specific reasons for such recommendation, or (c) recommendation that the City Council approve such plat after specified changes or revisions are made therein, which recommendations may include the condition that a revised plat, containing such changes or revisions, be submitted to the Planning Commission, in which case such revised plat shall be so submitted to the Planning Commission for its further consideration and recommendations before action thereon by the City Council.

130.15 Procedure for Changes. No change shall be made in the zoning plan, future street and public lands plan, or regulations governing the platting of land after such plans or regulations have been adopted by the City 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; and no ordinance or resolution establishing any of such plans or specifications shall be adopted by the City 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 forty days or such longer period as may be designated by the Council after such reference shall be deemed to be approval of the proposed change.

130.16 List of Recommended Public Works. Each officer, department, board or commission of or in the City whose functions include recommending, preparing plans for, 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, invitation, 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 commission to the Council and to such other officers, departments, boards or public bodies as have jurisdiction over the recommending, planning or construction of such public works. A copy of such recommended program of public works shall be included in the annual report of the Planning Commission.

130.17 Powers and Duties. The Commission shall also have the following powers and duties:

- a. To confer with and advise the council and Planning Commission on all matters concerning the industrial and commercial development of the City.
- b. To publicize with the consent of the Council, the industrial and commercial advantages and opportunities of the City within the means provided by any appropriations made therefore by the Council.
- c. To collect data and information as to the type of industries and commerce best suited to the City.
- d. To periodically survey the over-all conditions of the City from the standpoint of determining whether the City has a community climate for industry and to determine the general receptiveness of the City to particular types of industry.
- e. To publicize information as to the general advantages of industrial and commercial development in a community.
- f. To cooperate with all industries and business in the village in the solution of any community problems which they may have, and to encourage the expansion, development and management of such industries and businesses so as to promote the general welfare of the City.
- g. To cooperate with all community groups and civic organizations within the City and to furnish them such aid and advice as deemed appropriate.
- h. To aid the Council and Planning Commission in the proper zoning and orderly development of areas suitable for industrial and commercial development.
- i. To develop, compile, coordinate and publicize with available funds information such as, but not limited to the following:
 1. Types of business.
 2. Number of employees.
 3. Existing industrial and commercial concerns within the City, their addresses, and whether each serves local, regional or national markets.

4. Available industrial and commercial sites including number of acres, approximate price, existing zoning and proximity to trackage and highways.
 5. Available buildings for industrial and commercial operations including type of building, number of square feet, existing zoning and proximity to trackage and highways. (Minn. State Dept. Form)
 6. Transportation facilities, including railroads, motor carriers, water transportation, air transportation and highway facilities.
 7. Electric power available.
 8. Fuels available for industrial and commercial use.
 9. Sewage disposal facilities.
 10. Water supply facilities.
 11. Community facilities such as fire, police, and educational.
 12. Recreational facilities.
 13. Going wage rates in the city for trades, skilled, semiskilled and white collar workers.
 14. Availability of labor.
 15. General community attitude toward industrial and commercial expansion, development and attraction.
 16. Experience and program of surrounding suburban communities in regards to industrial and commercial expansion, development and attraction.
- j. To recommend to the Council and Planning Commission policies and particular actions in regards to industrial and commercial expansion, development and attraction.
 - k. To cooperate with and use the facilities of the Minnesota Department of Business Development.
 - l. To investigate potential industry.

130.18 Advisory Capacity. Except as may otherwise be provided by ordinance, the ordinance, the powers and duties of the Commission are of an advisory nature only, and the commission shall not have any powers or duties which conflict with or superseded the powers and duties of other city commissions and boards.

130.19 City Officials to Cooperate. All City Officials, department heads, employees and appointees shall cooperate with the commission and render all reasonable assistance.

130.20 Annual Report. The Commission shall render annually a full report of its work to the Council.

(Source: Sections 130 through 130.07 see Ordinance No. 241 adopted June 4, 1973; Section 130.08 through 131.16 see Ordinance No. 187 adopted November 6, 1961; and Sections 130.17 through 130.20 see Ordinance No. 200 adopted May 2, 1966; Section 130.02 amended by Ordinance No. 560 adopted December 21, 2009.)

135. AIRPORT COMMISSION

135.01 Section 1: Airport Commission Appointment

“There is hereby created an Airport Commission to be known as the “Glencoe Airport Commission” which shall consist of five legal voters of the City of Glencoe, except that one of such persons may reside without the limits of the City of Glencoe, but shall be within the general service area of the Glencoe Airport defined as territorial limits of McLeod, Carver and Sibley counties. One of said Board members may be a member of the City Council or the Mayor. The City Council may remove an Airport Commission member at any time by a 4/5th vote. Each member shall be appointed for a five-year term by the affirmative vote of the majority of the members of the City Council. No person hereinafter appointed to the Commission shall serve more than two consecutive terms thereon. All members of this Commission shall serve upon such compensation as determined by the City Council. Said compensation may be amended from time to time by resolution by majority vote of the City Council. The existing Airport Commission members (three) shall continue in their positions until the 1st day of January in the year in which their term would expire. One of the new members appointed shall serve until January 1, 1994, and the second member shall serve until the expiry of term on January 1, 1995. All members shall serve however, until their respective successor has been appointed and qualified. All vacancies on the Airport Commission shall be filled in a like manner without undue delay by the City Council, but only for the unexpired term of the vacating member. All members appointed shall file their acceptance with the City Clerk/Administrator within five (5) days after the notice from the City Clerk/Administrator of their appointment.

Section 2: This ordinance shall take force and be in effect from and after its passage and publication.

135.02 Organization, Meetings and Officers. As soon as possible after the 1st of each year, the Airport Commission shall hold an organizational meeting and elect from its members a president, a vice president and a secretary, and also to adopt such rules and regulations as may be necessary to enable to perform its duties and functions in an orderly and efficient manner. The president shall preside at all meetings of the Commission. The vice president shall perform the duties of the president in case of his absence or disability. The secretary shall keep a complete record of the minutes of each meeting and in all of the proceedings of the Commission and shall cause an exact copy of the record of each meeting to be filed with the City Clerk/Administrator within thirty (30) days after each meeting. The City Treasurer shall be responsible to keep a full, true and complete record of all monies concerning the airport fund, including all receipts and disbursements according to applicable provisions of law. The City Treasurer and the City Administrator shall be responsible to provide to the Commission periodic reports and information indicating the receipts, disbursements and funds on hand of the Commission. The Commission may designate specific powers and duties to its officers as may be consistent with the provisions of this ordinance. Any member who fails to attend three consecutive regularly scheduled meetings of the Airport Commission without justifiable cause shall be considered to have vacated their office. It shall be the duty of the secretary

of the commission to promptly report the existence of any vacancy so created to the City Council for the purpose of appointing new member(s) to complete the term office for the vacated position.

135.03 Powers and Duties of the Commission.

- a. The Commission shall be in charge of managing and supervising all of the City of Glencoe Airport operations and in the furtherance thereof shall be a recommending body to the City Council concerning all improvements, enlargements, maintenance, equipment and regulations of the Glencoe Municipal Airport. The Commission shall be in charge with the responsibility of carrying out the approved recommendations and directions of the City Council.
- b. The purchase of real property, expansion of the airport and appurtenant structures upon the airport, and all purchases of personal property are reserved to the City Council, including any condemnation proceedings. The Commission shall manage, supervise and oversee the real property and aviation facilities and the personal property entrusted to it by the City Council, but shall not sell, lease or otherwise dispose of any property to which it is given supervisory power without the express direction of the City Council, except that the Commission may lease hangar space and grant other similar concessions at the airport that are or incidental thereto and consistent with this ordinance and state law.

135.04 Budget.

- a. The Commission shall at each year at the appropriate time prepare a budget for financing the airport for the ensuing year which shall be furnished to the City Council. The final decision as to the request for appropriations shall be reported to the Commission which shall adjust its budget if necessary, so that the budget at all times shall be balanced. Money not expended shall be credited to the surplus of the airport fund, except that no expenditure should be made until the same have been reviewed by the Airport Commission which shall give its recommendation to the City Council concerning the expenditure of such monies.
- b. The City Council shall control the expenditures of all monies collected for or placed to the credit of the Airport Fund. All monies received shall be paid in to the City Treasury, credited to the Airport Fund and kept separately from other monies of the City.
- c. The Commission shall have no power to levy taxes or borrow money and it shall not approve any claim or incur any obligations for expenditure thereof unless the same have been appropriated to the Commission by the City Council and approved for that purpose.

135.05 Reports. The City Clerk/Administrator as soon as possible after the end of each fiscal year shall prepare and present to the City Council a report of the activities of the Airport Commission and its finances. The City Clerk/Administrator shall also prepare and

present Federal and State Officials with such reports as may be required by Law, Regulation or Contract. In all cases, however, such reports shall be presented to the Airport Commission who shall have the power to make recommendations as the Commission deems appropriate to the City Council with respect to acceptance, filing and submission of such report to other government agencies for adoption by the City as a final report. In addition, the City Clerk/Administrator shall render a monthly operating statement to the City Council.

(Source: Ordinance No. 232 adopted July 19, 1971, Section 135.01 amended by Ordinance No. 314 adopted June 4, 1984. The entire ordinance amended by Ordinance No. 371 adopted January 16, 1990 and Ordinance No. 376, adopted May 10, 1990 amending Section 135.01. Sections 135.01 and 135.02 amended by Ordinance No. 409 adopted June 21, 1993; Section 135.01 amended by Ordinance No. 558 adopted December 21, 2009.)

140. CEMETERY COMMISSION

140.01 A Cemetery Commission (hereinafter "Commission") is hereby established to be advisor to the City Council, which Commission shall have powers and duties as hereinafter set forth.

140.02 Section 1:

“Such Commission shall consist of five members to be appointed by the City Council and the membership thereof may be removed at any time by a 4/5 vote of the Council. One of said Board members may be a member of the City Council or the Mayor. Of the members of the Commission first appointed, one shall be appointed to a term ending January 1, 1988; one for a term ending January 1, 1989; one for a term ending January 1, 1990; one for a term ending January 1, 1991; and one for a term ending January 1, 1992. As the terms of said members expire on January 1st of each year, an appointment shall be made to fill the vacancy thus created for a term of five years. No person hereinafter appointed to the Commission shall serve more than two consecutive terms thereon. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. Vacancies during the term of any Commission member shall be filled by the Council for the unexpired portion of the term. Every appointed member shall, before entering upon the chart of the duties as a Commission member, take an oath to faithfully discharge the duties of the office. All members of the Cemetery Commission shall serve, upon such compensation as determined by the City Council. Said compensation may be amended from time to time by resolution by majority vote of the City Council.

Section 2: This ordinance shall take force and be in effect from and after its passage and publication.

140.03 The Commission shall within thirty (30) days after the establishment meet in a regular session and organize by electing from their members a Chairman, Secretary, Vice Chairman and such other officers as they deem necessary.

140.04 The Commission Officers shall have the following duties: It shall be the duty of the Chairman to preside over all the meetings of the Commission and in his absence the Vice Chairman shall preside. The Secretary shall keep a record of all the proceedings of the Commission transmit its recommendations to the Council and perform such other duties as directed by the Commission.

140.05 The Commission shall create a set of rules governing its own meetings and procedures. The Commission shall also create a set of rules governing the operation, use and maintenance of the municipal cemetery. Such rules of operation, use and maintenance shall however, be approved by the City Council when originally adopted and as they may be amended from time to time. All rules as adopted by the Commission and amended from time to time shall be done so only upon notice to all of the members of the proposed amendments to take place at a specific meeting. A majority vote of the Commission shall be required for the approval of any proposed amendment to its rules.

140.06 The Commission shall determine the necessity for its regular session meetings and establish a time and a place for such meetings which the Commission may change from time to

time. At a minimum however, the Commission shall meet quarterly. The Chairman of the Commission or any three members of the Commission shall have the authority to call a special meeting of the Commission. Written notice of the special meeting shall be given to all the members at least 24 hours prior to the time of such a meeting setting forth the time and place of the meeting unless such special meeting is set at a regular or adjourned meeting. Special meetings may be had without such notice if all of the members waive the right to notice of such a special meeting. All meetings of the Commission shall be open to the public.

140.07 Commission members may be removed from office for dereliction of duty, misconduct or chronic absence. Chronic absence is defined as failing to attend three consecutive meetings of the Commission.

140.08 The Mayor and the Clerk are authorized to accept a deed of transfer from the Glencoe Cemetery Association of all of the unsold lands of the Glencoe Cemetery Association whether the same be platter or not. The Mayor and Clerk are also authorized to receive all of the funds of said cemetery association and to accept the responsibility on behalf of the City for perpetual care and maintenance of said cemetery.

140.09 All of the funds thus received from the Glencoe Cemetery Association, and all funds thereafter received account of the sale of cemetery lots or other income arising from or related to the operation of the cemetery association shall be kept in a separate fund and not commingled with any of the other funds of the City.

140.10 The City Council shall have the power to employ such employee or independent contractors, together with such advisors as the council may determine for the efficient operation of the Glencoe Municipal Cemetery established hereby, and to do all other things incident thereto which are necessary to operate said cemetery in a reasonable manner. Except as adopted by a special resolution of the City Council, no funds of the City of Glencoe, except those funds in the cemetery fund, shall be used to pay the cost of the operation of said municipal cemetery.

(Source: Ordinance No. 341 adopted June 2, 1986; Section 140.02 amended by Ordinance No. 559 adopted December 21, 2009.)

145. LIQUOR STORE

145.01 Dispensary Established. A municipal liquor dispensary is hereby established to be operated within this municipality for the sale of liquor potable as a beverage and containing more than 3.2% of alcohol by weight, in a sealed or closed receptacle or retainer for removal from the premises only. No person shall sell, barter or otherwise dispose of intoxicating liquor, nor shall a sale be made by any one outside of said dispensary or not employed in and by said dispensary without a bona fide license. It shall be unlawful for any person or persons to mix or prepare liquor for consumption in any public place or place of business or to consume liquor in such places (except other licensed premises. See Code Section 615 et. sub.). No liquor shall be sold or consumed on a public highway or in an automobile.

145.02 Liquor Liability Insurance. That at all times during operation, the Glencoe Municipal Liquor Dispensary shall be subject to, and covered by, liquor liability insurance in a minimum sum of \$500,000 per claim, obtained from a bona fide and reputable insurance company authorized to do business in the State of Minnesota, together with such other provisions, conditions and deductibles as the city council in its sole discretion determines is appropriate.

145.03 Location and Operation. The said dispensary shall be at such place as the Council shall determine by motion and may be either leased or owned by the municipality. It shall be in charge of a person known as the Operator, who shall also be selected by the City Council and who shall be paid such compensation as the council shall determine. Said Operator shall have full charge of the operation of such dispensary, and shall have authority to purchase supplies as are necessary and employ such additional help as he may need at a rate of compensation to be approved by the Council and under rules to be determined by the Council. All employees including the operator shall hold their positions at the pleasure of the Council. No minor person shall be employed in the municipal dispensary.

145.04 Dispensary Fund Created. A liquor dispensary fund is hereby created into which all revenues received from the operation of the dispensary shall be paid, and from which all operating expenses shall be paid, provided that the initial costs of rent, fixtures and stock may be paid for out of the general fund of the municipality, but such amounts shall be reimbursed to the said general fund out of the first monies coming into the liquor dispensary fund not needed for carrying on the said business. Any surplus accumulating in this fund may be transferred to the general fund by resolution of the Council and expended for any municipal purpose.

145.05 Hours of Operation. The municipal dispensary shall at all times observe the State of Minnesota's statutory hours of operation.

145.06 Consumption. No pool or billiard table shall be kept in the dispensary or any rooms connecting therewith; not shall any one on such premises keep, possess or operate on such premises or in any rooms adjoining or connected therewith any slot machine, dice

or any other gambling device or permit the same to be so kept or used. No gambling shall be permitted on such premises, nor shall any person of a known immoral character or any disorderly person be permitted on such premises.

No other business than the sale of liquors shall be carried on by the dispensary or by any person employed therein during the time so employed.

No liquor shall be sold either for consumption upon the premises or for removal therefrom to any person who is in an intoxicated condition.

No liquor shall be sold to a minor.

The premises occupied by the dispensary shall be duly inspected by the Health Officer of the City at least once a month and as many other times as he deems necessary to see that said premises are in a sanitary condition.

145.07 Enforcement and Penalty. It shall be the duty of all police officers and constables of the City to enforce the provisions of this ordinance and to search premises and seize evidence of law violation and preserve the same as evidence against any person alleged to be violating this ordinance, and to prepare the necessary processes and papers therefore.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100.00), or in default of such payment shall be imprisoned in the county jail for not to exceed ninety (90) days, plus the cost of prosecution in any case. (See Uniform Misdemeanor Violation Penalties in General Regulation Section of Code.)

(Source: Ordinance No. 86 adopted January 23, 1934, Section 145.01 amended by Ordinances No. 249 adopted May 20, 1974 and Ordinance No. 239 adopted May 5, 1986; Section 145.02 added by Ordinance No. 340 adopted April 21, 1986.)

150. OFFICERS' COMPENSATION

150.01 That as provided for in Section 215 of the Charter of the City of Glencoe, the compensation for the city council members as of the effective date of this ordinance is established as follows:

Compensation for council members - \$350.00 per month

150.02 This section shall be in effect from and after January 1, 2003 following its passage and publication, provided there is intervening from the passage and publication a regular municipal election.

150.03 Glencoe Municipal Code relating to compensation for the Glencoe Area Health Center Commission members is repealed.

155. CRIMINAL HISTORY CHECK OF CITY EMPLOYEES

155.01 It shall be the duty of the City Administrator to cause a criminal history background check to be undertaken for each person prior to being hired as a City of Glencoe employee.

The City Council shall consider each person's criminal history background check together with and all other qualifications prior to hiring the person as a City of Glencoe employee.

(**Source:** Sections 150.01 and 150.02 adopted by Ordinance No. 350 adopted October 18, 1987; amended by Ordinance No. 387 dated September 3, 1991. Section 150.03 adopted by Ordinance 338 adopted March 3, 1986. Section 150.01 amended by Ordinance No. 411 adopted October 3, 1994; Sections 150.01, 150.02 and 150.03 amended by Ordinance No. 487 adopted October 21, 2002; Section 155 adopted by Ordinance No. 516 on August 1, 2005.)

160. FUND ESTABLISHMENT

161. CAPITAL FUND

161.01 There is hereby created a Capital Improvement Fund, to be held and administered by the City Council separate and apart from all other funds of the City for the purpose of financing local capital improvement.

161.02 This fund shall be a permanent fund of the City. The monies necessary for the creation of maintenance of said fund may be provided as follows:

- a. Appropriations to create and maintain the fund from such monies in the General Fund as the City Council shall deem advisable, said appropriations, if any, to be made by resolution of the City Council.
- b. Collection of special assessments with interest levied upon benefitted property, in the mode and manner provided by Minnesota Statutes Chapter 429 or any replacement statute therefore.
- c. The proceeds of bonds or other means of financing sold by the City in anticipation of assessment collections.
- d. Benefitted assessments against City property.
- e. The remaining fund balances in any bond funds following the payment of all obligations to the City for bonds sold for which such fund was established.

161.03 The monies in said fund shall be used as directed by the Council, solely for the purpose of financing all or part of the cost of any local capital improvement or capital expenditure. All monies so advanced from said funds may be repaid by special assessments to be levied against benefitted property, if in the opinion of the Council such assessments are appropriate and authorized by statute, and also subject to collection of interest to be determined by Council at the time of making the assessment.

161.04 When and as there shall be monies in said funds not needed for local improvements or capital expenditures, such money may be invested under the direction of the Council and any securities authorized for the investment of municipal sinking funds under the provisions of the applicable state statute.

(Source: Ordinance No. 378, adopted July 12, 1990.)

162. GENERAL FUND AND SINKING FUND

162.01 There are hereby created the following funds to be maintained by the City Treasurer for the collection and disbursements of the funds received by the City.

162.02 There is hereby created a fund known as the "General fund" into which fund shall be paid the taxes and revenues necessary to provide for the current expenses of the city government and for the acquiring, improving and maintaining of public grounds and the construction of buildings, and improvements of public character, said tax to be levied according to the provisions of the charter of the City of Glencoe. The General Fund shall maintain a permanent fiscal year end fund balance of \$1,500,000.00 or 50% of the annual expenditures of the general fund for the most recent fiscal year, whichever may be less. The City Council shall have the authority to modify the minimum fund balances provided herein, but only by ordinance. The City Council shall have the authority to designate by resolution for special purposes, causes and projects that portion of the general fund balance that exceeds the minimum described herein.

162.03 There is also created the "Sinking fund". This fund is created for the purpose of accumulating money to pay the principal and interest of the bonded indebtedness of the City; for the maintenance of this fund, there shall be levied annual taxes in an amount permissible under the present character of the City of Glencoe. The Treasurer shall keep a separate account with the City depositories of all moneys belonging to the sinking fund, and no money shall be paid out of said sinking fund except for the payment of principal and interest of the bonded indebtedness of the City.

(Source: See Ordinance No. 165 adopted April 7, 1958, as amended by Ordinance No. 378 adopted July 12, 1990; Section 162.02 amended by Ordinance No. 472 adopted June 4, 2001.)

164 COST RECOVERY

164.01 The City Clerk is instructed to maintain separate records identifying and setting forth the unrecovered costs of public improvement, including but not limited to improvements made under the provisions of Minnesota Statutes Chapter 429, which improvements are or in the future could be a benefit to such lands, whether or not such lands are within the City of Glencoe.

164.02 At any time any lands so benefitted and not within the City of Glencoe are proposed to be annexed to the City of Glencoe, the City Clerks hall bring to the attention of the City Council any costs, including the basis therefore, which have been determined as possible benefit to said lands proposed to be annexed. The City Council shall then make determination as to the appropriate amount of said costs constitute a benefit to the premises proposed to be annexed and with respect to said costs shall recover the same in one of the following methods:

- a. The Council shall require the recovery of said costs from the persons owning the land proposed to be annexed as a condition of annexation. As a part thereof the Council may agree with the property owner that said costs be assessed over a number of years, including payment of interest thereon, and collected together with taxes in the same manner as the collection of a special assessment provided for under Minnesota Statutes Chapter 429, or
- b. The Council may, upon annexation, give appropriate notices as provided for the Minnesota Statutes Chapter 429 and to conduct hearings thereon for the determination of the appropriate benefits tot he lands to be annexed and assessed said costs in accordance with the provisions of said statute, including the establishment of interest rates thereon, establishment of a time for payment and certification of an assessment roll to the County Auditor for collection with taxes.
- c. It shall be incumbent upon the City Council from time to time to review unassessed or otherwise uncollected costs for various improvement projects within the City and if it be determined that any lands which have not theretofore been assessed for such costs are or are about to receive a benefit from such improvements, the Council shall consider the imposition of special assessments upon the lands so benefitted in the mode and manner provided for under Minnesota Statutes Chapter 429.

164.03 This ordinance is not intended to repeal, revoke or amend any other ordinance or statute with respect to the collection of any costs, fees or charges due tot he City of Glencoe and shall be considered as a non-exclusive alternative to the collection and imposition of said charges.

(Source: Ordinance No. 365 adopted August 7, 1989.)

165. OCCUPANCY INSPECTOR

- 165.01 There is hereby established the position of occupancy inspector within the City of Glencoe. The occupancy inspector shall be responsible for independent decision and shall report directly to the City Council. The Occupancy Inspector shall be in charge of the investigation of all structures which could be temporarily or permanently occupied, including casual occupation, to insure compliance of and implementation of various City structures, rehabilitation improvement program as well as all City ordinances and state statutes. The occupancy inspector shall also have the responsibility for the enforcement of necessary codes, ordinances and statutes to prevent unsafe condition in any occupied structures within the City of Glencoe and to increase the number of decent, safe and sanitary housing and other structural units within the City. The City Council shall prepare a job description of the occupancy inspector which may be amended from time to time as the need requires.
- 165.02 Compensation for the occupancy inspector shall be established by a majority vote of the City Council from time to time. Such compensation shall be in accordance with the applicable comparable worth statutes and laws and subject to review in the same manner as other compensations and salary of any City employee.
- 165.03 The occupancy inspector shall serve at the will of Council and may be discharged by the Council at any time with or without cause, provided however, the City Council shall not engage in any prohibitive or discriminatory practice in hiring or employment of the Occupancy Inspector.

(Source: Ordinance No. 351 adopted December 7, 1987.)

170.01 Establishment of the Position of City Administrator. The position of the City Administrator as established by Section 2.11 of the City of Glencoe Charter, shall be subject to charter provisions and this ordinance.

170.02 Duties and Title. The duties of the City Administrator shall include those duties as described by the City Charter for the position of City Administrator and those duties described herein. The duties of the City Administrator shall also include all duties prescribed by law as the duties of a city clerk.

170.03 Other Duties, Responsibilities and Powers.

Subdivision A. Chief Administrative Officer. The City Administrator shall be the chief administrative officer of the City and shall be responsible to the City Council for the proper administration of duties set forth in this resolution and all affairs of the City.

Subdivision B. Supervision of City Departments. The Mayor per the Charter is the head of the police and fire departments. The Council per the Charter is the head of all other city operations. The City Administrator, subject to council and mayoral direction, shall supervise the day to day administration of all departments and offices of the City, including but not limited to water treatment, waste water treatment, roads and bridges, parks and recreation, police, fire, library, airport, liquor store and financial administration; and they may delegate duties and responsibilities to the city department supervisors.

Subdivision C. Administration. The City Administrator shall develop and administer, subject to council approval and direction, all administrative rules, regulations and procedures necessary to insure the proper functioning of all departments and offices of the City consistent with Federal and State laws, City Ordinances, and City Personnel Policies, including but not limited to department practices or procedures, and performance of department responsibilities.

Subdivision D. Personnel Matters. The City Administrator shall be the personnel officer of the city with the following duties: implementation of all adopted personnel policies, periodic evaluation of all city employees, and the negotiation of the terms and conditions of employee compensation for presentation to the City Council.

Subdivision E. Personnel Rules and Regulations. The City Administrator shall develop and administer, subject to council approval and direction, all administrative rules, regulations, and procedures necessary for effective personnel management consistent with federal and State laws and City Ordinances, including but not limited to: scheduling of work, including overtime; payroll practices, including the determination of work periods and payroll check issuance: hiring, discipline, and termination practices; grievance resolution; and compensation negotiations.

Subdivision F. Personnel Hiring, Discipline, Discharge. The City Administrator or respective department heads as delegated by the City Administrator, shall interview and screen prospective employees as permitted by law and shall have recommendations to the Council before the Council makes any appointments. The City Administrator shall have the power, as provided in

the City Personnel policy, to discipline and discharge any City Employee with City Council approval.

Subdivision G. Meetings. The City Administrator shall attend and participate in all meetings of the City Council. The City Administrator shall be responsible for the preparation of the City Council agenda and recommend to the City Council such measures as deemed necessary for the welfare of the citizens and the efficient administration of the City. The City Administrator will attend and keep minutes for the Planning and Industrial Commission meetings. The City Administrator shall be responsible for the preparation of the agenda of the Planning and Industrial Commission meetings.

Subdivision H. Budget. The City Administrator shall prepare the annual fiscal budget and capital improvement plan for the City Council. The City Administrator shall maintain financial guidelines for the municipality within the scope of his responsibilities, submit reports to the City Council on the financial condition of the municipal accounts and make sure the annual financial statement is prepared in accordance with Minnesota Statutes.

Subdivision I. Purchasing. The City Administrator shall act as purchasing agent for the City and be responsible in making all purchases in accordance with the approved municipal budget, and subject to such approval of the City Council as may be required. The City Administrator shall have the authority to sign purchase orders for routine services, equipment and supplies for which the cost does not exceed one thousand and no/100 dollars (\$1,000.00). All claims resulting from orders placed by the City Administrator shall be audited for payment by the City Council. The City Administrator shall negotiate contracts for any kind of merchandise, materials, equipment or construction work for presentation to the City Council.

Subdivision J. Programs. The City Administrator shall coordinate municipal programs and activities as directed by the City Council. The City Administrator shall monitor all consultant and contractor work performed for the City; and shall coordinate the activities of the City Attorney.

Subdivision K. Public Relations. The City Administrator shall represent the City at all official functions as directed by the City Council and maintain good public relations with the citizens of the community.

Subdivision L. Knowledge. The City Administrator shall keep informed regarding Federal, State and County Programs which affect the Municipality. The City Administrator shall consult with officials of both public and private agencies as may be required.

Subdivision M. Economic Development. The City Administrator will work with the Economic Development Committee, the Economic Development Authority, and the Chamber of Commerce in pursuing economic development leads. The City Administrator will act as chief negotiator when said leads have resulted in interested development. The City Administrator with the help of the above mentioned parties will develop economic development proposals that meet guidelines established by the City Council. The City Administrator will present said proposals to the City Council for their review and approval.

Subdivision N. Other. The City Administrator shall perform such other duties as the City

Council may from time-to-time prescribe.

170.04 Qualifications. The City Administrator shall have considerable knowledge of municipal government operation, proper procedures, public relations, personnel management, finance and budgeting, purchasing, all administrative requirements for proper municipal operation. He shall have knowledge of, or ability to acquire, full knowledge of all laws affecting the municipality. He shall have the ability to encourage harmonious relations with municipal employees and the general public. He shall have the ability to coordinate development, to collect and analyze material for reporting, and to initiate and implement standards of procedure, operation, and organization. He will preferably have a degree in public administration or equivalent and at least two years of work experience.

170.05 Term of Office. Provided that the City Administrator is also the City Clerk, the City Administrator's term of office shall be coincident with the City Clerk's term of office. Provided that the City Administrator does not hold the office of City Clerk, the City Administrator shall be appointed for an indefinite term; but may contract with the City Council for renewal of his appointment and compensation.

170.06 Discharge, Appeal. The City Administrator may be removed from office according to the provisions of the City Charter, Section 2.07 concerning the removal of appointed officers. If the City Administrator also holds the office of the City Clerk, the removal from one office pursuant to such charter provision shall be deemed a removal from both offices.

(Source: Ordinance No. 379 adopted November 19, 1990; Sections 170.01, 170.02 and 170.03B amended by Ordinance No. 390 adopted November 18, 1991)

175. FIRE MARSHALL.

175.01 There is hereby established the position of Fire Marshall within the City of Glencoe. The Fire Marshall shall report directly to the City Council through the City Administrator. The Fire Marshall shall be a person competent to administer the duties as determined by the City Council from time to time and may be the Chief of the Glencoe Fire Department, but is not required to hold both offices.

175.02 The duties of the Fire Marshall are established as follows:

- A. To investigate the origin and nature of fires occurring within the City of Glencoe.
- B. Perform such duties as are required by state law or as may be assigned from time to time by the Minnesota State Fire Marshall.
- C. Perform such duties relating to fire prevention and fire safety within the City of Glencoe as may be assigned from time to time by the City Council.
- D. To assist with the enforcement of the building codes within the City of Glencoe from time to time at the request of the Building Inspector.
- E. To insist in the inspection and enforcement of the Glencoe Occupancy Code from time to time at the request of the City Council, the City Administrator or the Occupancy Inspector.

175.03 Compensation for the Fire Marshall shall be established by majority vote from the City Council from time to time. Such compensation shall be accordance with the applicable comparable worth statutes and laws subject to review in the same manner as compensation and/or salaries of any city employee.

175.04 The Fire Marshall shall serve at the will of the Council and may be discharged by the Council at any time with or without cause, provided however, the City Council shall not engage in any prohibitive or discriminatory practices in the hiring or employment of the Fire Marshall.

175.05 The Fire Marshall shall give such reports and documentation of his activities, duties and undertakings on a periodic basis, and shall promptly reply to any special request of the City Administrator or the City Council to provide reports.

(Source: Ordinance No. 503 adopted March 15, 2004)