

**CITY OF GLENCOE**  
**HOME RULE CHARTER**

Revised as of June 18, 2012

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# CITY OF GLENCOE HOME RULE CHARTER

## CHAPTER I

### Name and General Provisions

Section 1.01 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of this Charter and not in conflict with the provisions hereof, shall continue in full force and effect hereafter until repealed. All provisions of the former Charter of the City of Glencoe are hereby repealed.

Section 1.02 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.

Section 1.03 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 Statute.

Section 1.04 Ward Boundaries. The City of Glencoe shall be divided into four wards, which shall also be known as precincts, for purposes of all elections conducted within the City of Glencoe. Said wards, which were previously defined in this Section, may be changed by ordinance adopted by a majority of all members of the council beginning after the completion of the 2020 federal census as follows:

a. Within 30 days of the date on which certified copies of the latest federal census are filed with the Secretary of State in accordance with Minnesota Statutes, Section 600.18, as the same may be amended from time to time, the City Clerk shall make an examination of the population of each ward within the City and if the population variance between the City of Glencoe's most populous and least populous wards exceeds ten percent, the City Clerk shall notify the Council thereof. Within 60 days after receiving such notification from the City Clerk, or before such earlier date as may be required by the State of Minnesota, it shall be the mandatory duty of the City Council to redistrict the City of Glencoe by ordinance. Each ward shall be composed of compact, contiguous territory and shall be as nearly equal in population as practicable.

b. Whenever possible, ward boundaries shall follow the centerline of streets, avenues, alleys and boulevards. Ward lines shall not divide then existing residences or platted blocks. If, in any such redistricting, the residence of any ward councilman/woman is placed outside of the enumerated ward from which he/she was elected, the office shall not be deemed vacant on that account; and he/she shall continue to serve out the term for which he/she was elected.

## CHAPTER II

### Officers and Elections

Section 2.01 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, to be elected from the City of Glencoe at large, four Ward Council members to be comprised of one Council member from each ward, and one Council member at large.

Section 2.02 Appointive Officers - Except Commission Members. The appointive officers of said City, not including members of the Commissions hereinafter established, 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 Administrator, a Finance Director, a City Attorney and a Chief of Police. Together with such employees as the Council shall from time to time deem necessary for the proper function of the municipality. Regular police officers as shall be required from time to time 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. The Council shall have the power to contract for professional services as they deem necessary including accountants, engineers, attorneys, assessors, consultants or other professionals.

Section 2.03 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.

Section 2.04 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.

Section 2.05 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 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 1<sup>st</sup> next following the election in which such officer was elected. All elected officers shall hold office until their successors are elected or appointed and qualified.

Section 2.06 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 the Council member's office for the unexpired term, and until the Council member's 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.

Section 2.07 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, 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. Employees may be discharged according to the policy procedures established by the City Council and amended from time to time. 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 the officer or commission member shall be reduced to writing and filed with the City Administrator and a copy furnished the accused if the accused can be found within the City. Any accused officer or commission members shall be given a reasonable opportunity to be heard in person, and by counsel, to answer such charges and to present the accused's defense thereto. Continued failure or refusal of any elective or appointive officer to make or file reports

required by this Charter or the Statutes shall be adequate cause for removal of such officer. Any officer or commission members 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.

Section 2.08 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. The Mayor shall be a member of the Council and preside at its meetings, but the Mayor shall have no vote except to break a tie. The Mayor shall have the power to exercise authority over the police department and fire department and have the power to delegate authority, commit funding and coordinate efforts of the police force in case of riot or other emergency.

Section 2.09 Veto Powers. All ordinances and resolutions shall be presented to the Mayor before they take effect. If the Mayor approves such ordinance or resolution the Mayor shall sign the same. Such ordinances and resolutions as the Mayor shall not approve the Mayor shall not sign but shall return to the City Council, by depositing the same with the City Administrator, with the Mayor's 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 City Administrator by the Mayor within five days (Sundays excepted) after it shall have been presented to the Mayor, the same shall have the same effect as if approved by the Mayor.

Section 2.10 Vice President. The Council shall annually, at the organization meeting, elect one council member as Vice President of the Council, who shall act in the place of the Mayor during the Mayor's absence or inability to discharge the Mayor's duties.

Section 2.11 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.

Section 2.12 Deputies. Deputies may be appointed by the Mayor, with the consent of the Council, for the City Administrator and Finance Director. In addition the Council may appoint a chain of command to act in the absence of the City Administrator or deputy.

Section 2.13 Police Officers. The police officers shall have all the powers of police officers 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.

Section 2.14 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 Council member, 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 Council member. This latter provision however shall not apply to an ex-mayor or ex-alderman serving upon any of the City's commissions.

Section 2.15 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 it. The compensation for the Mayor or Council member shall not be effective until following the next regular city election.

Section 2.16 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.

### CHAPTER III.

#### CITY COUNCIL

Section 3.01 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, 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 Glencoe Area Health Center Commission.

Section 3.02 Quorum and Meetings. A majority of the Council members 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, except that a two to one vote shall be sufficient in the cases where a bare quorum is present for the passage of procedural motions such as tabling, adjournment, etc. No commission, department or board of the City of Glencoe shall conduct any regular meeting, or any part thereof, on the date and time the City Council establishes as the regular meeting nights of the Glencoe City Council.

Section 3.03 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 City Administrator 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 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. 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 City Administrator. 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.

Section 3.04 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. The publication requirement shall also be satisfied where, in the case of lengthy ordinances, the City Council determines that publication of the title and a summary of the ordinance would clearly inform the public of the intent and effect of the ordinance. If it is determined that the ordinance shall be published in summary form, the summary shall adequately reflect the subject matter of the ordinance and shall further state that the complete text of the ordinance is on file at the office of the City Administrator, and may be viewed at no cost. In such cases of summary publication, the state statutes regarding the publication of ordinance summaries will be followed. Immediately after publication all such ordinances shall be deposited with the City Administrator who shall record the same in a suitable book kept for that purpose.

Section 3.05 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.

Section 3.06 Streets and Highways. The City Council shall have the care, supervision and control of all public highways, bridges, streets, 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.

Section 3.07 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.

Section 3.08 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. 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 the other defendant(s) and to take such other proceedings as may be provided by law to enforce the collection of judgments.

Section 3.09 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.

Section 3.10 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. Proceedings authorizing the condemnation of private property shall require a 4/5ths affirmative vote of the City Council.

Section 3.11 Punishments. The City Council may provide penalties as provided for by State Statute for misdemeanors and petty misdemeanors.

Section 3.12 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.

Section 3.13 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.

## CHAPTER IV.

### Fiscal Matters

Section 4.01 Fiscal Year. The fiscal year for all departments and commissions of the City of Glencoe shall commence on January first each year, except that the Glencoe Area Health Center Commission may designate a fiscal year commencing at a date other than January 1st of each year.

Section 4.02 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 safekeeping 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.

Section 4.03 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.

Section 4.04 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.

Section 4.05 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.

Section 4.06 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.

Section 4.07 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 Finance Director, it shall not again be issued, but the Finance Director shall immediately cancel the same, and file the same in the Finance Director's office, keeping the orders drawn upon each fund separate.

Section 4.08 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 Finance Director on the Mayor's warrant, and which the Mayor 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.

Section 4.09 Assessments for Services. The City Council may provide by ordinance that the cost of sprinkling, snow or rubbish removal, or of any other service to streets, sidewalks, or other public property, or the cost of any service to other property undertaken by the City of Glencoe or any of its Boards or Commissions, may be either assessed against the property benefited and collected in like manner as are special assessments or certified to the property taxes of the property benefited and collected in like manner as are property taxes.

## CHAPTER V.

### Franchises

Section 5.01 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 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.

Section 5.02 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.

Section 5.03 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.

Section 5.04 Terms of Franchise. No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than twenty (20) years.

Section 5.05 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.

Section 5.06 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.

Section 5.07 Condition. 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 Administrator 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.

## CHAPTER VI.

### Contracts

Section 6.01 Purchases. All contracts for the purchase of commodities or services by the City shall comply with the uniform municipal contracting law codified as Minnesota Statute Section 471.345, when applicable, as may be amended from time to time. All contracts shall be made or let in conformance with applicable state law and City ordinances.

Section 6.02 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 of instrument the council or commission find proper.

Section 6.03 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.

Section 6.04 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.

## CHAPTER VII.

### Departments of the City

Section 7.01 Police Department. There shall be a police department of the City of Glencoe, over which the Mayor shall have the power to exercise authority, 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.

Section 7.02 Organization of Fire Department and Control of Property. There shall be a fire department in the City of Glencoe, over which the Mayor shall have the power to exercise authority, 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.

Section 7.03 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 Administrator 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.

Section 7.04 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. The Fire Chief 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. The Fire Chief 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.

Section 7.05 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 Administrator and shall be binding upon all persons connected with said department.

Section 7.06 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 fire personnel, to the relief of any other community, or for the preservation of property endangered by fire outside the limits of the city.

Section 7.07 Destruction of Buildings. Whenever any building of the city shall be afire, 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.

Section 7.08 Additional City Departments - Authority to Establish. The City Council shall by ordinance establish such departments 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.

Section 7.09 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 subject to the approval by the City Council, the departmental governing body may be given the power to expend such monies as the City Council deems its functions.

## CHAPTER VIII.

### Glencoe Area Health Center Commission

*ORDINANCE NO. 471 APPROVED BY CITY COUNCIL JUNE 4, 2001  
REPEALED AND ABOLISHED CHAPTER VIII  
GLENCOE AREA HEALTH CENTER COMMISSION*

## CHAPTER IX.

### Glencoe Light and Power Commission

Section 9.01 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 and in its service territory lying outside the corporate limits of the City. It shall be the aim and purpose of GLPC to furnish electric energy to the residents and business places of the City of Glencoe and in its service territory lying outside the corporate limits of the City in as efficient a manner and at the most reasonable rates practicable with sound and efficient management.

Section 9.02 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.

Section 9.03 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 Administrator. 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.

Section 9.04 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. GLPC shall promptly deposit all monies which it receives into designated accounts with qualified financial institutions selected by the GLPC. GLPC shall report the deposits so made on a regular basis to the City Treasurer. Disbursements from these designated accounts shall be made only upon the verified orders or warrants signed by the Secretary and President or other designated officers/employees of GLPC.

Section 9.05 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 all 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.

Section 9.06 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. The City Council may, from time to time, direct GLPC to deposit some or all of the remaining funds within the City, provided, however, that GLPC shall retain monies for purposes of funding depreciation, both annually and on a communitive basis. All checks issued by GLPC shall be signed the Secretary and President or other designated officers/employees of GLPC. 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.

Section 9.07 Transfer of Funds. GLPC shall at the direction of the City Council 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.

Section 9.08 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.

## CHAPTER X.

### Initiative and Referendum

Section 10.01 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.

Section 10.02 Petitions. An initiative or referendum shall be initiated by a petition signed by registered voters of the city equal in number of 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 Administrator before the Administrator advises the Council of the sufficiency of the petition.

Section 10.03 Determination of Sufficiency. Immediately upon receipt of the petition, the City Administrator 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.

Section 10.04 Disposition of Insufficient Petition. If the Council determines that the petition is insufficient or irregular, the City Administrator 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 Administrator shall file the petition in the City Administrator's 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.

Section 10.05 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 Administrator 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.

Section 10.06 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; Ordinance No. 574 adopted March 19, 2012 amended Section 1.04 amending ward boundaries based on the 2010 census; Ordinance No. 575 adopted June 18, 2012 amended sections 1.04, 2.01, 2.02, 2.05, 3.04, 4.09, 6.01, 9.01, 9.04, and 9.06; Ordinance No. 579 adopted November 19, 2012 repealed City Code Sections 100-110 and re-codified the City of Glencoe Charter as amended by Ordinance No. 575 in a new Part I of the City of Glencoe Code and was renumbered accordingly.)