

CHAPTER 5

REVENUE, FINANCE, CONTRACTS AND PUBLIC WORKS

FIRE DEPARTMENT SINKING FUND

5.101. Fund Established. There shall be a fund in the city treasury known as the Long Prairie Fire Department Sinking Fund.

(Ord. 147, Sec. 1, 12/15/58)

5.102. Purpose of Fund. The money in the Long Prairie Fire Department Sinking Fund shall be used only for the purchase, acquisition, maintenance, storage and housing of fire fighting equipment.

(Ord. 147, Sec. 3, 12/15/58)

5.103. Council Control of Expenditures. No expenditures may be made from the fund except those authorized by a motion of the council.

(Ord. 147, Sec. 3, 12/15/58)

5.104. Source of Money. Money in the Long Prairie Fire Department Sinking Fund shall come from the following sources:

- (1) The proceeds of taxes levied for its support in the amount of 1 ½ mills per year with a minimum of \$1,200 per year;
- (2) Fund earnings;
- (3) All revenue from town-city fire contracts;
- (4) Other revenues as may from time to time be lawfully directed by The council to placed in the fund.
(ord. 147, Sec. 2, 12/15/58)

5.105. Use of Money in the Fund. When the money in the Long Prairie Fire Department Sinking Fund accumulates to a minimum of \$25,000, the council may submit to the voters at any regular or special election a proposal to use the money in the fund or a portion thereof for purposes other than those specified in Section 5.102.

- (1) A majority of the votes cast in the regular or special election on the proposal shall control the use of the money.
(Ord. 147, Sec. 4, 12/15/58)

GENERAL FUND SINKING FUND

5.110. Fund Established. There shall be a fund in the city treasury known as the General Fund Sinking Fund.

5.111. Purpose of Fund. The money in the General Fund Sinking Fund shall be used only for the

purchase, acquisition, maintenance of equipment or buildings.

5.112. Council Control of Expenditures. No expenditures may be made from the fund except those duly authorized by the council.

(Adopted by council 9/21/81)

5.113. Source of Money. Money in the General Fund Sinking Fund shall come from the following sources:

- (1) The proceeds of taxes levied for its support.
- (2) Fund earnings.
- (3) Other revenues as may from time to time be lawfully directed by the council to be placed in the fund.

5.114 Use of Money in the Fund. When the money in the General Fund Sinking Fund accumulates to a minimum of \$25,000, the council may submit to the voters at any regular or special election a proposal to use the money in the fund or a portion thereof for purposes other than those specified.

- (1) A majority of the votes cast in the regular or special election on the proposal shall control the use of the money.

(Adopted by the council 9/21/81)

AIRPORT SINKING FUND

5.120. Fund Established. There shall be a fund in the city treasury known as the Long Prairie Airport Sinking Fund.

5.121. Purpose of Fund. The money in the Long Prairie Airport Sinking Fund shall be used only for the purchase, acquisition and maintenance of the airport runways and buildings.

5.122. Council Control of Expenditures. No expenditures may be made from the fund except those duly authorized by the council.

5.123. Source of Money. Money in the Long Prairie Airport Sinking Fund shall come from the following sources:

- (1) The proceeds of taxes levied for its support.
- (2) Fund earnings.
- (3) Other revenues as may from time to time be lawfully directed by the council to be placed in the fund

5.124. Use of Money in the Fund. When the money in the Long Prairie Airport Sinking Fund accumulates to a minimum of \$25,000, the council may submit to the voters at any regular or special election a proposal to use the money in the fund or a portion thereof for purposes other than those

specified.

- (1) A majority of the votes cast in the regular or special election on the proposal shall control the use of the money.
(Adopted by council 9/21/81)

PUBLIC IMPROVEMENTS

5.201. Purpose. The provisions of sections 5.201 to 5.208 shall, in consort with the procedures specified by the appropriate Minnesota Statutes, regulate and control the making of public improvements. These provisions shall be applicable to all lands within the city whether platted or unplatted and shall be complimentary to the subdivision regulations of this code.
(No prior Ordinance)

5.202. Classification of Improvement. Public improvements shall be in either of two categories below and shall have a normal usable life expectancy as described below:

- (1) Surface Improvements:
 - a. Grading and base construction
 - b. Sidewalks
 - c. Low-type bituminous street pavement (cold mix)
 - d. Concrete curb, or curb and gutter
 - e. Bituminous street overlay (hot mix)
 - f. High-type residential, or collector, street pavement (hot mix)
 - g. High-type arterial street pavement: asphalt concrete or portland cement concrete
 - h. Alleys: portland cement concrete or hot mix bituminous
 - i. Ornamental street lighting: in commercial or industrial areas and in residential areas.
- (2) Subsurface Improvements:
 - a. Water mains
 - b. Sanitary sewers

When any existing improvement is ordered to be renewed or replaced, the assessments to be levied therefore will be the proportionate share of the costs based on the ratio of age of the improvement to the adjudged usable life.
(No prior Ordinance)

5.203. Initiation of Public Improvements: Public improvements may be initiated by a petition signed by the owners of at least 35% of the property fronting the proposed improvement. Petitions will be received for consideration by the council until the last day of January of each year. All petitions received prior to the last day of January will be acted upon expeditiously to enable construction of the improvement during the ensuing construction season. Petitions for public improvements submitted after that date will be received and acted upon for construction during the ensuing construction season only by special consent of

the council, or will be received and considered for the following year. Public improvements may also be initiated by the council when, in its judgment, such action is required.

(No prior ordinance)

5.204. Resolution for Improvement: Action authorizing the making of any public improvement shall be by resolution of the council subject to the following:

- (1) The council shall authorize the city administrator/clerk to prepare a preliminary report which shall contain:
 - a. Information on the feasibility of the proposed improvement;
 - b. The estimated cost of the proposed improvement;
 - c. The proposed method of financing of the improvement.
- (2) The council shall, upon receipt of the preliminary report, set the time and place for a hearing on the preliminary report.
- (3) The council shall hold a hearing, notice of which has been published and mailed as required by law, on the preliminary report and may order by four-fifths majority vote the improvement to be made and direct the preparation of plans and specifications. In the event that the improvement is to be made by special assessment, notice shall be given to all affected property owners in the manner prescribed by law.
- (4) The council shall approve the plans and specifications, determine the method for completion of the project, and authorize the City Administrator/Clerk to call for bids.
- (5) In the event that the improvement is financed by special assessment, the council shall, upon completion of the project, hold a hearing upon the proposed assessment, notice of which has been published and mailed to all affected property owners as required by law.
 - a. At that hearing, the council shall act upon all objection to the proposed assessment roll which shall have been available for public inspection.
 - b. The council shall, by resolution, fix the time period over which the assessment may be extended, set an annual rate of interest for the assessment and adopt the assessment roll as submitted or amended.
 - c. The council shall direct the City Administrator/Clerk to certify the assessment roll adopted under this section to the county auditor who shall levy those costs as a special assessment against the property.
(No prior Ord.)

5.205 Assessment Policies Applicable to all Types of Improvements. Where an improvement is constructed which is of special benefit to properties within a definable area, it is the intent of the council that special assessments be levied against the benefitted properties within that area to the extent that the costs of such project can be deemed to benefit the properties. The following general principles shall be used as a basis of the city's assessment policy:

- (1) The "project cost" of an improvement shall be deemed to include the costs of all necessary construction work required to accomplish the improvement, plus engineering, legal, administrative, financing, and other contingent costs.
- (2) Where a current improvement is installed as an extension of an existing improvement in which the city, through the use of sources other than special assessments, has participated in the costs of such existing system, and where the area served by such current improvement can be shown to benefit directly from the city's prior expenditures, the special assessments levied against the properties served by the newly-extended improvement shall include a "system charge" equal to that portion of the city's prior expenditures which, in the opinion of the council, are chargeable to the area served by the current extension. Whenever the city intends to include a "system charge" as a part of the assessable cost for an improvement, the notices of public hearing sent to the property owners prior to the making of the improvement shall specify the total amount of such "system charge" to be made against the proposed improvement.
- (3) Where an improvement is designed for service of an area beyond that of direct benefit, increased project costs due to such provisions for future service extensions shall be refunded by the city as a "system cost".
- (4) Where the project cost of an improvement is not entirely attributable to the need for service to the area served by said improvement, or where unusual conditions beyond the control of the owners of the property in the area served by the improvement would result in an inequitable distribution of special assessments, the city, through the use of other funds, may pay a "city cost" which, in the opinion of the council, represents the excess cost not directly attributable to the area served.
- (5) If financial assistance is received from the federal government, from the State of Minnesota, or from any other source to defray a portion of the costs of a given improvement, such aid will be used first to reduce the "city cost" of the improvement. If the financial assistance received is greater than the normal "city cost", the remainder of the aid will be used to reduce the special assessments against the benefitting properties, such reductions to be applied on a pro-rate basis.
- (6) The "assessable cost" of an improvement shall be defined as being those costs which, in the opinion of the council, are attributable to the need for service in the area served by the improvement. Said "assessable cost" shall be equal to the "project cost" of the current project as defined above, plus the "system charge" as defined above, minus the "city cost" as defined above, minus other financial assistance credited as described in section 5.205(5).
- (7) City-owned properties, including municipal building sites, parks, and playgrounds, but not including public streets and alleys, shall be regarded as being assessable on the same basis as if such property was privately owned.

- (8) The term "lot" as used in this provision statement shall be defined as follows:
- a. A single platted lot, or a fraction of a single platted lot, individually owned and used.
 - b. A combination of more than one platted lot which can be shown to provide only one buildable site in accordance with the provisions of the city's zoning ordinance.
 - c. Any unplatted parcel of property.
(No prior Ord.)

5.206. Assessment Formula for Surface Improvements. The assessments to be levied against properties within the benefitted areas shall be distributed to those properties on the basis of the following provisions:

- (1) The "assessment rate" to be applied against each individual property shall be equal to the "assessable cost" of the project divided by the total number of assessable units benefitted by the improvement.
- (2) The assessable unit to be used for all surface improvements, unless otherwise specified by the council, shall be the "frontage" of the property. For surface improvements, such "frontage" shall be determined as follows:
 - a. For rectangular interior lots: The "frontage" shall be equal to the dimension of the side of the lot abutting the improvement.
 - b. For rectangular corner lots: the "frontage" shall be equal to the dimension of the smaller of the two sides of the lot abutting the improvement plus one-half of the dimension of the larger of said two sides. Provided, however, that where the "long side" of the corner lot exceeds 150 feet, the entire excess over 150 feet shall be regarded as frontage. Provided, further, that for ornamental street lighting in a residential area, and for all street resurfacing improvement, the "frontage" of a rectangular corner lot shall be equal to only the dimension of the smaller of the two sides of the lot.
 - c. For irregularly shaped interior lots: the "frontage" shall be equal to the average width of the lot.
 - d. For irregularly shaped corner lots: the "frontage" shall be equal to the average width of the lot, plus one-half of the average length of the lot. Provided, however, that where the average length of the lot exceeds 150 feet, the entire excess over 150 feet shall be regarded as frontage. Provided, further, that for ornamental street lighting in residential areas and for all street resurfacing improvements, the "frontage" of an irregularly shaped corner lot shall be equal only to the average width of the lot.
 - e. For interior lots less than 150 feet in depth which abut two parallel streets, the "frontage" for a given type of surface improvement shall be calculated

on only one side of the lot.

- f. For end lots less than 150 feet in depth which abut three street, the "frontage" for a given type of surface improvement shall be calculated on the same basis as if such lot was a corner lot abutting the improvement on two sides only.
(No prior Ord.)

5.207 Assessment Formula for Subsurface Improvements. The assessments to be levied against properties within an area benefitted by subsurface improvements shall be distributed to those properties on the basis of the following provisions:

- (1) The "assessment rate" to be applied against all properties and against each individual property shall be equal to the "assessable cost" of the project by the total number of assessable units benefitted by the improvement.
- (2) The assessable unit to be used for all subsurface improvements, unless otherwise specified by the council, shall be the "frontage" of the property. For subsurface improvements, such "frontage" shall be determined as follows:
 - a. For rectangular interior lots: the "frontage" shall be equal to the dimension of the side of the lot abutting the improvement.
 - b. For rectangular corner lots: the "frontage" shall be equal to the dimension of the smaller of the two sides of the lot abutting the streets, whether the improvement is made on the street abutting the short side of the lot, on the street abutting the long side of the lot, or on both streets.
 - c. For irregularly shaped interior or corner lots, the "frontage" shall be equal to the average width of the lot.
 - d. For interior lots less than 150 feet in depth which abut two parallel streets and for end lots less than 150 feet in depth which abut three streets, the "frontage" for a given type of subsurface improvement shall be calculated on the same basis as if such lot abutted only one street. For interior lots greater than 150 feet in depth which abut two parallel streets and for end lots greater than 150 feet in depth which abut three streets, the "frontage" shall equal to the total "frontage" on both of the two parallel streets plus the entire depth in excess of 300 feet; provided, however, that where the application of the restrictive covenants filed with the plat for subdivision limit the use of such lot to only one residence, the "frontage" shall be calculated on the same basis as if such lot abutted only one street.
 - e. Storm sewer benefits shall be computed on an equivalent basis using an area-to-frontage ratio representative of the area-to-frontage ratio prevalent among the lots in the area served.
- (3) The following general provisions shall be used in distributing the costs of

subsurface improvements:

- a. On water main or sanitary sewer construction within a subdivision, if the size of mains installed is larger than the size of mains required to provide complete water service (including fire-fighting) potential as recommended by nationally recognized standards) or sewer service to the subdivision, the costs of over sizing such mains shall be regarded as "city costs".
- b. On water main or sanitary sewer construction where no point of connection to existing mains is available within, or at the outside boundary of the subdivision, the city will levy normal assessments to all intervening properties benefitted by the required extensions and deduct the total of such assessments collected from the total project costs. Where such extension beyond the subdivision boundary is installed and oversized to provide future service to the areas other than the subdivision, the costs for such extension shall be equitably distributed between the areas to be served.
- c. The costs for over sizing a water main or sanitary sewer main beyond that required to provide complete service to the directly benefitted area shall be regarded as "system cost".
- d. Where extension of a water main or sanitary sewer main from a point of connection beyond the area served as required, the cost for such extension shall be equitably distributed between the areas directly benefitted by the current project and those which will derive future benefits therefrom.
(No prior Ordinance)

5.208. Adjustments by Council. In the event the literal application of these provisions would result in an inequitable distribution of a special assessment, the council reserves the right to, after holding a hearing giving the affected individuals an opportunity to be heard, adjust the provisions to achieve a more equitable distribution without a formal amendment of sections 5.201 to 5.208.
(No prior ordinance)

CURRENT SERVICES

5.301. Definition. For the purposes of sections 5.301 to 5.306, the term "current services" shall include the following:

- (1) Water system service and use;
- (2) Sanitary sewer system service and use.
(No prior Ordinance)

5.302. Deposit of Revenues. Revenues from current services shall be deposited according to the following schedule.

- (1) Water system service and use revenue-water fund;
- (2) Sanitary sewer system service and use revenue-sewer fund.
(No prior ordinance)

5.303. Statements to Consumers. A statement shall be mailed to each consumer in whose name an account has been established showing the amount due the city for current services for the respective billing period. Fees and the billing period for each current service shall be those as established elsewhere in this code.

(No prior ordinance)

5.303A Application for Services: Responsibility of Applicant, Responsibility of Owner of Property. Application for current services shall be made on forms prescribed by the City of Long Prairie. Every person applying for current services, and every owner of property for which such an application is made, shall be deemed by such application to consent to all ordinances, rules, and regulations of the city relating to the municipal water and sanitary sewer service system. The owner of private property shall be liable for water system service or sanitary sewer system services supplied to his property whether he is occupying the property or not, and any charges unpaid for such services shall be a lien upon the property. (Section 5.303A approved by Ordinance No. 78-11-6).

5.304. Amounts Due Payable Immediately. The amount shall be payable immediately to the city treasurer from the date of the statement.

(No prior ordinance)

5.305. Delinquent Accounts. Accounts not paid in full at the past due date specified on the statement shall be considered delinquent.

(No prior ordinance)

5.306. Penalty for Delinquent Accounts. Any consumer having a delinquent account shall pay, in addition to the amounts due, a penalty as specified by council resolution. The current services on a consumer having a delinquent account may be discontinued as outlined below:

- (1) Water service shall not be shut off until notice and an opportunity for a hearing have been first given to the occupant of the premises involved. The notice shall be served and shall state that if payment is not made before the date stated in the notice but not less than ten days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the owner or occupant may, before such date, demand a hearing on the matter, in which case the service will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the city council at least one week after the date on which the request is made.
- (2) If, in the opinion of the council, the consumer shall fail to show sufficient cause for non-payment of the delinquent account, the council shall authorize discontinuation of the services for which payment has not been received.
- (3) Any current service which shall be discontinued shall not be resumed for that

consumer until all amounts due, penalties and a \$35.00 fee for resuming the service have been paid to the City Treasurer.

(Adopted by Ordinance No. 93-1-19-1)

- (4) Delinquent accounts shall be certified to the City Administrator/Clerk who shall prepare an assessment role each year providing for the assessment of the delinquent amounts against the respective properties served. The assessment role shall be delivered to the City Council for adoption on or before October 1st of each year. Upon such adoption the City Administrator/Clerk shall certify the assessment role to the County Auditor for collection along with taxes.
- (5) For each delinquent account certified, an additional \$50.00 administrative preparation fee shall be charged, which fee shall be added to the delinquent indebtedness to be collected by tax certification as provided hereby.
(Adopted by Ordinance No. 93-1-19-1)