

Normal level cost and payments necessary to amortize the unfunded liability in the fund shall be determined by actuarial procedure as set forth in section 5.

Sec. 5. **ACTUARIAL SURVEY.** Prior to January next following the effective date of this act, the fire department relief association shall procure an actuarial survey and report prepared by an approved actuary meeting the requirements of Minnesota Statutes, Sections 69.71 to 69.76. Such survey shall comply with the provisions and requirements of said sections 69.71 to 69.76 except that normal level cost shall be expressed as a total amount and a per member amount, and the finding as to amortization of unfunded liability shall conform with this act. A similar actuarial survey shall be procured at least every four years thereafter.

*Copies of each actuarial survey and report shall be filed with the governing body of the city of Anoka and with any commission of the legislature as may be assigned the study of pension funds.*

Sec. 6. In the event the city of Anoka becomes a city of the second class the provisions of law relating to firemen's pensions and relief associations in cities of the second class shall not apply to firemen's pensions and the relief association in the city of Anoka.

Sec. 7. This act is effective upon approval by the governing body of the city of Anoka, and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 29, 1971.

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## CHAPTER 185—H.F.No.1398

[Not Coded]

*An act relating to the city of St. Cloud; authorizing the city to designate and improve and maintain one or more streets and alleys as a mall, and to issue bonds therefor.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **ST. CLOUD, CITY OF; PEDESTRIAN MALL.**  
Subdivision 1. The city of St. Cloud in Stearns, Sherburne and Benton counties may, by ordinance adopted by its council in accordance with the city charter and this section, designate one or more streets and alleys within its central business district as a mall for primarily pedestrian use. It may thereafter regulate, maintain and improve it for such use and by resolution levy special assessments and taxes and issue bonds for that purpose.

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Subd. 2. Such an ordinance shall be adopted only if the council determines as provided in this section, and recites in the ordinance, that: (a) limitation of the use of the designated street, alley, streets or alleys by vehicles will be in the interest of the city and of benefit to adjoining properties, and is essential to the effective use of such streets or alleys for other street or alley purposes; (b) the designation of such streets or alleys, together with the construction of related street and parking improvements, will revitalize the economy of the central business district; (c) if there is a housing and redevelopment authority in the city, the mall and the planning features of the mall have been approved by such authority; (d) reasonably convenient alternate routes exist for vehicles going through the central business district to other parts of the city and state, and the designated streets and alleys form no part of a state or county highway or, if one or more streets or alleys do form part of such a highway, such street, alley, streets or alleys will not be improved or regulated as part of the mall until such highway has been relocated in the manner provided by law; and (e) properties abutting on the streets and alleys designated can reasonably and adequately receive and deliver merchandise and materials from other streets and alleys, or by reason of provision to be made for limited use of the streets or alleys designated as a mall by carriers of merchandise and materials.

Subd. 3. Before the final adoption of any such ordinance the council shall also cause a preliminary plan to be prepared by the city engineer, showing the location of the mall and its general features.

Subd. 4. If the council determines that the recitals in the ordinance are correct and approves the preliminary plan, it may adopt, record, and publish the ordinance in accordance with the charter. After the effective date of the ordinance, the council shall have jurisdiction to regulate, maintain, and improve the street or streets designated as a mall, and to levy special assessments on properties benefited by creation of the mall, whether abutting thereon or not, in accordance with the provisions of Minnesota Statutes, Sections 429.061 to 429.081.

**Sec. 2. REGULATIONS FOR USE OF MALL.** Subdivision 1. Regulations for the use of the mall may be established and amended by ordinances or resolutions. All regulations shall conform to the provisions of this section.

Subd. 2. The owners or occupants of all properties abutting upon the mall which have access to no other street or alley for delivery or receipt of merchandise and materials shall be granted permits, under regulations established by the council, for the use of the mall during such hours and days, which need not be ordinary business hours or days, and in such manner and over such distance, as the council shall find to be reasonably adequate for such purpose and not to interfere with the use of the mall by pedestrians and by emergency and other vehicles for which use is permitted.

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Subd. 3. Regulations may permit the mall to be used for any purpose or activity which will enhance the freedom of movement, safety, convenience, or enjoyment of pedestrians, including but not limited to seating, sidewalk cafes, displays of merchandise, exhibits, advertising, telephones, post office kiosks, transit, transit stops and shelters, newsstands, plantings, ornaments, protection from the elements, emergency vehicles, and police and fire equipment.

Subd. 4. The council may adopt a plan prepared by city officers or consultants employed for the purpose, providing for the location and distribution within the mall of furniture, sculpture, pedestrian traffic control devices, trees, flowers, lighting or heating facilities, and any other equipment or properties placed or installed in the mall, whether owned by the city or others, and may license and regulate the operation and maintenance thereof. Such equipment or properties, if owned by the city, may be leased to private parties.

Subd. 5. Any furniture, structure, facility, or use located or permitted pursuant to such a plan shall not, by reason of such location or use, be deemed a nuisance or unlawful obstruction or condition, and neither the city nor any user acting under permit shall be liable for any injury to person or property unless such furniture, structure, facility, or use shall be negligently constructed, maintained, or operated.

### Sec. 3. **COST OF MAINTENANCE; ASSESSMENT OF COST.**

A mall established pursuant to this act may continue to be maintained and the cost of such maintenance paid by all means permitted for other streets under the city charter and state law. The council may also annually cause an estimate to be made of the probable cost of such maintenance during the following fiscal year, in excess of the cost of maintenance of streets of similar length, width, and location not used as a mall, and may consider, amend, and adopt such estimate after such notice and hearing as it deems necessary or expedient, and may assess such excess cost upon the properties determined to be benefited by such mall maintenance in the manner provided in Minnesota Statutes, Section 429.101.

Sec. 4. **IMPROVEMENT OF MALL.** The mall may be improved, after its adaptation from regular street use, and the cost of such improvements may be assessed upon benefited property and otherwise paid, and bonds may be issued for this purpose, in the same manner as provided herein for the original improvement of the mall. In addition it may be improved and the city may similarly pay the cost of improving it in any manner designed and to be used primarily for the free movement, safety, convenience, and enjoyment of pedestrians, whether or not part of the mall is set aside for emergency or other permitted vehicles. A mall improvement may provide for and include space for seating, cafe tables, shelters, trees, flower plantings, sculptures, newsstands, telephone booths, traffic signs, kiosks, fire hydrants, street lighting, ornamental lights, trash

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receptacles, display cases, marquees, awnings, canopies, overhead or underground radiant heating devices, walls, barriers, and all such other fixtures, equipment, facilities, and appurtenances as will in the council's judgment enhance the free movement, safety, convenience, and enjoyment of pedestrians and benefit the adjoining properties and the central business district and the city. Sidewalks may be constructed of concrete, bricks, asphalt tiles, blocks, granite sets, or such other materials or combinations of materials as the council may approve. The council may in its discretion narrow any roadway to be kept and maintained in the mall, may cause any street vaults to be reconstructed or removed, may construct crosswalks at any point within or at the ends of blocks, and may cause any roadway to curve and meander within the limits of the street, if deemed desirable to enhance the usefulness or appearance of the mall, regardless of any nonuniformity of street widths or any curve or absence of curve in the center line of the street.

**Sec. 5. RETENTION BY CITY OF POWERS AND RIGHTS.**

Notwithstanding the establishment of a mall or the improvement of any street or any portion of a street as a part of such mall, or any limitation of the use thereof by private vehicles, the city and the city council shall retain at all times their police powers and other powers and rights pertaining to such street, and no such action shall be interpreted as a vacation, in whole or in part, of any portion of a city street. It is the intent of this act that the establishment of a mall is a matter of regulation only. Nothing herein shall prevent the city and its council, at any time, from abandoning the maintenance and regulation of a mall, or from reducing its extent, or from changing or repealing any limitations upon its use, or any plan, rules, or regulations governing such use. A street may be eliminated from the mall by amendment of the ordinance referred to in section 1. A street or portion thereof may be added to the mall by adoption of an ordinance upon hearing as required in section 1.

**Sec. 6.** This act takes effect when approved by the governing body of the city of St. Cloud, and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 29, 1971.

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**CHAPTER 186—H.F.No.116**

*An act relating to the juvenile court; change or termination of guardianship; amending Minnesota Statutes 1969, Section 260.245.*

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