

MINNESOTA STATUTES 1977 SUPPLEMENT

LAND FOR STREETS AND PARKS; ELWELL LAW 430.07

CHAPTER 429. LOCAL IMPROVEMENTS, SPECIAL ASSESSMENTS

Sec.
429.041 Council procedure.

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[For text of subds 1 to 5, see M.S.1976]

Subd. 6. **Percentage payment on engineer's estimate.** In case the contractor properly performs the work, the council shall, from month to month before completion of the work, pay him not to exceed 90 percent of the amount already earned under the contract, upon the estimate of the engineer or other competent person selected by the council, and the contract shall so provide, and shall further agree that when the work is 90 percent or more completed upon the recommendation of the engineer such portions of the retained price shall be released as the governing body of the municipality determines are not required to be retained to protect the municipality's interest in satisfactory completion of the contract. Failure to pay any amount due and payable under the terms of the contract within 30 days of a monthly estimate or 90 days after the final estimate of the amount earned shall obligate the municipality to pay to the contractor simple interest on the past due amount at an annual rate equal to the monthly index of long term United States bond yields for the month prior to the month in which this obligation is incurred plus an additional one percent per annum. Interest shall not be imposed with respect to any amount which a municipality may legally withhold as a result of breach of contract or other contractual claim.

[For text of subd 7, see M.S.1976]

[1977 c 278 s 1]

CHAPTER 430. LAND FOR STREETS AND PARKS; ELWELL LAW

Sec.
430.07 Method of improvements; assessments.

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Subdivision 1. The city council and park commissioners may, by concurrent resolution, or by separate resolution when acting separately, specify the method of improving any such street, pedestrian mall, park or parkway, including grading, drainage, planting, street lighting, paving, curb, gutter, and sidewalk, as well as sewer and water mains where necessary, and in the case of parks, the necessary structures and apparatus for playgrounds and general park uses.

Subd. 2. A pedestrian mall improvement shall mean and include any improvement designed and to be used primarily for the movement, safety, convenience and enjoyment of pedestrians, whether or not a part of a street is set apart for roadway for emergency vehicles, transit vehicles and private vehicles or any of them, and a pedestrian 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 signs, ornamental lights, trash receptacles, display cases, marquees, awnings, canopies, overhead radiant heating fixtures, underground radiant heating pipes and devices, walls, bollards and chains and all such other fixtures, equipment, facilities and appurtenances which in the judgment of the council will enhance the movement, safety, convenience and enjoyment of pedestrians and benefit the city and adjoining properties; sidewalks on pedestrian malls may be constructed of concrete, bricks, asphalt tiles, blocks, granite sets or such other materials and such combinations of materials as the council shall approve.

Subd. 3. The council may in its discretion narrow any roadway to be kept and maintained in connection with any pedestrian mall, may cause any street vaults to be reconstructed or removed, may construct crosswalks at any point within a block as well as at the ends of blocks, and may cause the roadway to