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STATE REGISTER

STATE OF MINNESOTA

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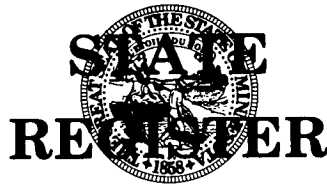
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VOLUME 9, NUMBER 49

June 3, 1985

Pages 2607-2626



Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 9			
50	Friday May 24	Monday June 3	Monday June 10
51	Monday June 3	Monday June 10	Monday June 17
52	Monday June 10	Monday June 17	Monday June 24
SCHEDULE FOR VOLUME 10			
1	Monday June 17	Monday June 24	Monday July 2

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
- Proposed amendments to rules already in existence in the Minnesota Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless an agency requests this.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before July 31, 1983 are published in the *Minnesota Rules 1983*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules 1983* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The *State Register* publishes partial and cumulative listings of rule in the MINNESOTA RULES AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
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The listings are arranged in the same order as the table of contents of the *Minnesota Rules 1983*.

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ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Pollution Control Agency

Adopted Rules Governing the Use, Reuse, Recycling, or Reclamation of Waste

The rules proposed and published at *State Register*, Volume 9, Number 37, pages 2000-2002, March 11, 1985 (9 S.R. 2000) are adopted as proposed.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Finance

Notice of Maximum Interest Rate for Municipal Obligations, June, 1985

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Gordon M. Donhowe, announced today that the maximum interest rate for municipal obligations in the month of June will be ten (10) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to eleven (11) percent per annum.

For further information contact:

Peter Sausen, Director
Debt Management
State of Minnesota
Department of Finance
(612) 296-8372

Department of Human Services

Notice of Hospital Cost Index

Pursuant to 12 MCAR § 2.05401, D. 1. (Temporary) hospitals participating in the Medical Assistance and General Assistance Medical Care programs are subjected to a Health Cost Index (HCI) that is used in the determination of prospective inpatient

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

OFFICIAL NOTICES

hospital rates. Each hospital whose fiscal year starts during a given calendar quarter shall be notified of the HCI to be used 30 days prior to the start of that quarter. It has been determined that the HCI is 4.2 percent according to an independent source, Data Resources, Inc. for Health Care Costs for hospital whose fiscal years begin during the calendar quarter beginning July 1, 1985. The index is subject to change based on the special session. Notice will be given should legislation affect the index.

Labor and Industry Prevailing Wage Division

Certified Prevailing Wage Rates for Highway and Heavy and Commercial Construction

On June 1, 1985 the commissioner certified prevailing wage rates for Highway and Heavy and Commercial construction in the following Minnesota counties: Anoka, Benton, Big Stone, Carver, Chippewa, Chisago, Dakota, Douglas, Grant, Hennepin, Isanti, Kanabec, Kandiyohi, McLeod, Meeker, Mille Lacs, Morrison, Pine, Pope, Ramsey, Scott, Sherburne, Stearns, Stevens, Swift, Todd, Traverse, Washington and Wright.

A copy of the determined wage rates for Minnesota counties may be obtained by contacting the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, phone (612) 297-3000. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. For all 87 counties the charge is \$25.00. A sales tax of 6% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Steve Keefe, Commissioner
Department of Labor & Industry

Minnesota State Agricultural Society Minnesota State Fair

Meeting Notice

The board of managers of the Minnesota State Agricultural Society, governing body of the Minnesota State Fair, will conduct a general business meeting at 10 a.m., Friday, June 14 at the Administration Building on the Fairgrounds, St. Paul. Preceding the general meeting will be a meeting of the board's space rental committee at 9 a.m.

Department of Transportation

Petition of St. Louis County for a Variance from State Aid Standards for Street Width

Notice is hereby given that the County Board of St. Louis County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on CSAH 9 (East Fourth Street) from TH 194 to Wallace Avenue.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a street width of 38 feet instead of the required 48 feet.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

May 20, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of Coon Rapids for a Variance from State Aid Standards for Bridge Width

Notice is hereby given that the City Council of Coon Rapids has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on MSAS 104 (Egret Boulevard) from Burlington Northern Railroad to Kumquat Street.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a bridge width of 30 feet instead of the required 32 feet over T.H. 10 and 47.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

May 21, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of Orono for a Variance from State Aid Standards for Design Speed—MSAS 101

Notice is hereby given that the City Council of Orono has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a resurfacing project on MSAS 101 (Willow Drive) from Fox Street to the North City Limits.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9914 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a Design Speed of 30 instead of the required 40 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

May 23, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of Orono for a Variance from State Aid Standards for Design Speed—MSAS 102

Notice is hereby given that the City Council of Orono has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a resurfacing project on MSAS 102 (Old Crystal Bay Road) from CSAH 84 to CSAH 6.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9914 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a Design Speed of 30 instead of the required 40 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

OFFICIAL NOTICES

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

May 23, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation Technical Services Division

Addendum to Appointment and Scheduled Meeting of a State Aid Standards Variance Committee

Notice is hereby given that the Commissioner of Transportation has appointed a State Aid Standards Variance Committee who will conduct a meeting on Friday June 14, 1985, at 9:00 a.m. in Room 410A, State Transportation Building, John Ireland Boulevard, St. Paul, Minnesota.

This notice is given pursuant to Minnesota Statute § 471.705.

The purpose of the open meeting is to investigate and determine recommendation(s) for variances from minimum State Aid roadway standards as governed by Minnesota Rules for State Aid Operations § 8820.3400 Subp. 3 adopted pursuant to Minnesota Statutes Chapters 161 and 162.

These additional requests have been added to the agenda since the schedule of May 20, 1985.

1. Petition of the City of Orono for a variance from Standards for Design Speed on MSAS 101 (Willow Drive) from Fox Street to the North City Limits.
2. Petition of the City of Orono for a variance from Standards for Design Speed on MSAS 102 (Crystal Bay Road) from CSAH 84 to CSAH 6.

The City listed above is requested to follow the following time schedule when appearing before the Variance Committee:

12:20 p.m.—Orono

12:40 p.m.—Orono

May 23, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation Technical Services Division

Appointment and Scheduled Meeting of a State Aid Standards Variance Committee

Notice is hereby given that the Commissioner of Transportation has appointed a State Aid Standards Variance Committee who will conduct a meeting on Friday June 14, 1985, at 9:00 a.m. in Room 410A, State Transportation Building, John Ireland Boulevard, St. Paul, Minnesota.

This notice is given pursuant to Minnesota Statute § 471.705.

The purpose of the open meeting is to investigate and determine recommendation(s) for variances from minimum State Aid roadway standards as governed by Minnesota Rules for State Aid Operations § 8820.3400 Subp. 3 adopted pursuant to Minnesota Statutes Chapters 161 and 162.

The agenda will be limited to these questions:

1. Petition of the City of Brooklyn Center for a variance from Standards for street width on MSAS 110 (Xerxes Avenue) from Northway Drive to FAI 94.
2. Petition of Hennepin County for a variance from Standards for street width on CSAH 15 (Shoreline Boulevard) from Commerce Boulevard in Mound to Shadywood Road in Orono.
3. Petition of Hennepin County for a variance from Standards for design speed, inslopes and recovery area on CSAH 15 (Shoreline Boulevard) from CSAH 19 (Shadywood Road) to Hillside Drive.

4. Petition of the City of Moorhead for a variance from Standards for street width on MSAS 104 (4th St. South) from 7th Avenue to 12th Avenue.
5. Petition of the City of New Ulm for a variance from Standards for design speed on MSAS 101 (Center Street) at the Chicago and Northwestern Railroad tracks.
6. Petition of the City of Rochester for a variance from Standards for street width on MSAS 115 (6th Street Southwest) from 14th Avenue to 17th Avenue.
7. Petition of Rock County for a variance from Standards for street width on CSAH 25 from 4th Street to 150 feet West of 3rd Street in Beaver Creek.
8. Petition of St. Louis County for a variance from Standards for street width on CSAH 9 (East 4th Street) from TH 194 to Wallace Avenue in Duluth.
9. Petition of the City of St. Paul for a variance from Standards for street width on MSAS 132 (Edgecumbe Road) from St. Paul Avenue to Sunny Slope Road.
10. Petition of the City of Coon Rapids for a variance from Standards for Bridge Width on MSAS 104 (Egret Boulevard over TH 10) from the Burlington Northern Railroad to Kumquat Street.

The cities and counties listed above are requested to follow the following time schedule when appearing before the Variance Committee:

9:00 a.m.—Brooklyn Center
9:20 a.m.—Hennepin County
9:40 a.m.—Hennepin County
10:00 a.m.—Moorhead
10:20 a.m.—New Ulm
10:40 a.m.—Rochester
11:00 a.m.—Rock County
11:20 a.m.—St. Louis County
11:40 a.m.—St. Paul
12:00 noon—Coon Rapids

May 21, 1985

Richard P. Braun
Commissioner of Transportation

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Printing and Mailing Services Division

Request for Proposals for Graphic Arts Design

The Minnesota Department of Administration, Printing and Mailing Services Division, is accepting bid proposals for Graphic Arts Design work. Those persons interested in receiving a detailed copy of the request for proposal may write to the address below or contact Robert Collins at 612-296-3277.

Minnesota Department of Administration
Printing and Mailing Services Division
117 University Avenue
St. Paul, Minnesota 55155

About \$20,000 has been budgeted for this project. Proposals are due by 4:30 p.m., June 18, 1985.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
07500-33856	Hand-Held Portable Radios	Public Safety	St. Paul	Contact buyer
22200-09489	Maintenance Contract of Pillar Equipment	Economic Security	St. Paul	Contact buyer
43000-05998, 06000-06001	Purchase of CDC 810-135 System Including Hardware, Software, Training	Iron Range Resources & Rehabilitation Board	Chisholm	Contact buyer
21-604-32942	Furnish & Install Van Lift	Economic Security— Vocational Rehabilitation	Fergus Falls	Contact buyer
29-000-40044	Herbicide Spreader	Natural Resources— Forestry	Willow River	Contact buyer
29-003-08664	Telephone System	Natural Resources— Forestry	Cambridge	Contact buyer
78-000-15102	Move of Office Furniture & Equipment	Corrections	St. Paul	Contact buyer
78-830-07494	Furnish & Install Head On Deaerator	MN Correctional Facility	St. Cloud	Contact buyer
26-073-17218 Rebid	Printers with Cables	St. Cloud State University	St. Cloud	Contact buyer
29000-37887	Grass Drill	Natural Resources	St. Paul	Contact buyer
79000-46864 Contract	Surveying Instruments and Equipment Industrial Reproduction Graphic Products	Transportation Various	St. Paul Various	Contact buyer \$36,000-40,000

<u>Requisition #</u>	<u>Item</u>	<u>Ordering Division</u>	<u>Delivery Point</u>	<u>Estimated Dollar Amount</u>
21200-09451	Purchase of Microcomputer Based Local Area Network System	Economic Security	Various	Contact buyer
27148-45974	Electro-Pneumatic Teaching System	Rochester Community College	Rochester	Contact buyer
Contract	Straighten Light Poles & Install New Bases	Transportation	Various	\$15,000-25,000.00
21200-09191	Contract for Cleaning Services	Economic Security	Forest Lake	Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Agriculture

Request for Proposals for Trade Show Manager

The Minnesota Trade Office is seeking proposals from agencies interested in competing for a contract to provide services to manage WorldMed '86, International Health Care Congress, to be held May 4 through May 10, 1986 at the St. Paul, Minnesota Civic Center. Contractor will be responsible for the management of the Civic Center facility during set up, take down and the on-site coordination of the trade show and conference, as well as selling exhibit space and hiring all support service personnel.

Contract period is July 15, 1985 through May 31, 1986.

Applicants may call or write Sally Kettle at (612) 296-1690, to obtain a Request for Proposal form.

Minnesota Trade Office
90 West Plato Boulevard
St. Paul, Minnesota 55107

Contractor must submit proposals to be received by 4:30 p.m. on June 28, 1985. Late arriving offers will not be considered. Salary to be determined by either 20% of the net or 8% of the gross, whichever is least.

Department of Energy and Economic Development

Request for Proposals for Business Retention and Expansion Program

The Minnesota Department of Energy and Economic Development (DEED) is requesting proposals from qualified individuals or firms interested in assisting the department in developing and producing promotional and training materials for a statewide Business Retention and Expansion Program.

Proposals are being requested to complete the following tasks:

- to develop and produce a brochure that will promote and explain the Business Retention Program.
- to develop a slide presentation to be used in conjunction with the brochure for promotion of the program.
- to write and produce a videotape to be used in training program coordinators in methods of setting up the program.
- to write and produce a videotape that will aid in the training of staff of Business Retention surveyors.
- to write and produce a training manual that can be used as a guide for the Business Retention program.

It is estimated that the cost of this project need not approach but shall not exceed \$30,000. Proposals should be received by MN DEED no later than 4:30 p.m. June 28, 1985.

The formal request for proposal may be requested and inquiries should be directed to:

Don Seeberger
Development Resources Division
MN Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Mn. 55101
(612) 296-6850

This notice does not obligate the State to complete the project. The State reserves the right to cancel this solicitation if it is considered to be in the best interest of the State.

STATE CONTRACTS

Department of Human Services Willmar State Hospital

Request for Proposals for Physician Services

Notice is hereby given that the Willmar State Hospital, Mental Health Division, Department of Human Services, is seeking the following services for the period July 1, 1985, through June 30, 1986 with option to renew for one year period ending June 30, 1987. These services are to be performed as requested by the Administration of the Willmar State Hospital:

1. Services of Physicians to provide medical and surgical consultations, as needed to Patients/Residents of Willmar State Hospital at Willmar State Hospital. Estimated amount of the contract will not exceed \$14,000.00, first year, with option to renew for one year. **RESPONSES FOR THE ABOVE SERVICES MUST BE RECEIVED BY June 24, 1985.** Direct Inquiries to:

Lester E. Johnson, Chief Executive Officer
Willmar State Hospital
Box 1128
Willmar, MN 56201
(612) 231-5100, Ext. 205

Department of Labor and Industry

Request for Proposals for Production and Distribution of Public Service Announcement

The Minnesota Department of Labor and Industry is seeking proposals for the production and distribution of one 30-second Public Service Announcement to air on television and radio stations. This announcement will communicate to the public the new, nonadversarial focus of the Minnesota Workers' Compensation Law. This request for proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it considered to be in its best interest.

This project will have two phases. Phase I will be the production of a 30-second video and audio Public Service Announcement. Phase II will be the distribution of this announcement to television and radio stations around the state.

Phase I will consist of concept development, script writing, video taping, sound recording and mixing, and editing of a 3/4-inch audio tape master and duplicates and of a 1/4-inch audio tape master and duplicates. Phase II will consist of contacting radio and television stations, arranging for free air time, delivering tapes to the stations, and managing the duplication and return to the Department of tapes.

The estimated cost of Phase I should not exceed \$2,500. The estimated cost of Phase II should not exceed \$2,000.

The anticipated completion date for Phase I of this project is Oct. 7, 1985.

Final date for submission of proposals is June 21, 1985. Late proposals will not be accepted. Submit proposals to:

Marilynn J. Taylor, Director
Research and Education Division
Minnesota Department of Labor and Industry
444 Lafayette Road
St. Paul, MN 55101

Department of Transportation Division of Technical Services

Notice of Potential Availability of Contracts for a Variety of Highway-Related Technical Activities

The Minnesota Department of Transportation (Mn/DOT) is carrying out an expanded highway program. To assist it with the implementation of this program, Mn/DOT may require the services of qualified consultants for work which may include but not be limited to:

Category A: Preliminary Design (Environmental Studies, Project Development Reporting and Geometric Layouts).

Category B: Detail Design and Plan Preparation

1. Highway
2. Lighting
3. Signing
4. Traffic Signals
5. Landscaping
6. Hydraulics

Category C: Field Surveys (Control, Design)**Category D: Geotechnic Investigation**

1. Soils Survey/Borings
2. Soils Analysis/Recommendations
3. Foundation Survey/Borings
4. Foundation Analysis/Recommendations

Category E: Special Services

1. Land Use Study (Planning)
2. Chemical Disposal or Recycle
3. Endangered Species
4. Building Condition Survey
5. Traffic Forecasting and Analysis
6. Water
7. Air
8. Noise
9. Hydrologic
10. Vibration (Blasting, Pile Driving)
11. Expert Witness (Litigation-Testimony)
12. Audit Evaluation (Federal Procurement Regulations)
13. Pavement Management

Category F: Construction

1. Management
2. Inspection
3. Staking

Those consultants who wish to be considered for any of the potential projects, please furnish the following information:

1. Federal Forms 254 and your brochure if you have one.
2. Indicate the category of activity in which you are qualified and wish to be considered (Example: B-1-5-6, C).
3. Indicate in which fields your key personnel are registered (Engineer, Architect, etc.).
4. Indicate whether or not you are an Equal Opportunity firm and have an Affirmative Action Plan.
5. Indicate if your firm is certified with the State of Minnesota as a Socially, Economically, Disadvantaged (SED) firm (Minn. Stat. 16B.19 1984)
6. Indicate if your firm qualifies as a Small Business Enterprise within the definition contained in Minn. Stat. 645.445 (1984)

It is expected that a qualified reference list will be developed from the responses that will remain in effect until June 30, 1986.

STATE CONTRACTS

This is not a request for proposal. All expressions of interest in being considered shall be delivered to the address indicated below not later than 4:00 p.m., June 21, 1985.

B. E. McCarthy, Director
Office of Consultant Engineering Services
Transportation Building, Room 612B
St. Paul, Minnesota 55155
Telephone: (612) 296-3051

SUPREME COURT

Decisions Filed Friday, May 24, 1985

Compiled by Wayne O Tschimperle, Clerk

C6-84-447 Tim A. Tyler v. Commissioner of Public Safety, Petitioner, Washington County.

State trooper investigating possibly fatal head-on collision was justified in ordering blood removed from apparently intoxicated driver; although results of chemical analysis of driver's blood were admissible in any subsequent criminal proceeding, they could not serve as the basis of a revocation of the driver's license pursuant to the implied consent law.

Affirmed. Amdahl, C.J.

Concurring specially, Yetka, J.

Order Filed May 17, 1985

C7-85-838 In the Matter of the Application for the Discipline of Joel T. Mitchell, an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly reprimanded. Amdahl, C.J.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota Tax Court County of Hennepin, Fourth Judicial District

Minneapolis Branch of American Association of University Women, a Minnesota Non-Profit Corporation, Petitioner, v. State of Minnesota and County of Hennepin, Respondents, File No. TC-3914

Findings of Fact, Conclusions of Law and Order for Judgment Dated May 20, 1985

The above-entitled matter came on for hearing before the Minnesota Tax Court on February 28 and March 1, 1985, at the Hennepin County Government Center in Minneapolis, Minnesota, the Honorable Earl B. Gustafson, Chief Judge, presiding. Counsel submitted post-trial briefs.

John M. Koneck of Fredrikson and Byron, P.A., appeared for petitioner.

Joyce Y. Miyamoto, Assistant Hennepin County Attorney, appeared for respondents.

Syllabus

The Minneapolis Branch of the AAUW is not an "institution of purely public charity" and thus its clubhouse is not exempt from property taxes under Minn. Stat. § 272.02, subd. 1 (6).

* * * * *

The Court, having heard and considered the evidence adduced at trial and upon all of the files and records herein, now makes the following:

Findings of Fact

1. Petitioner is the owner of property at 2115 Stevens Avenue South in the City of Minneapolis, with Property Identification Number 34-029-24 12 0029.
2. The subject property is land improved with an older three-story mansion used by petitioner as its clubhouse.
3. Petitioner seeks a determination by this Court that it is an institution of purely public charity and that the subject property is exempt from taxation under Minn. Stat. § 272.02, subd. 1 (6).
4. The Court has jurisdiction over the subject matter in controversy and the parties hereto.
5. Membership in petitioner is limited to women holding a four-year college degree from an institution of higher education accredited by the American Council on Education.
6. Members are offered continuing learning opportunities through educational programs and participation in the petitioner's committees and offices.
7. Members pay annual dues and are entitled to participation in all activities.
8. The general public is invited to attend all educational programs without charge.
9. The majority of the educational programs and organizational meetings and activities take place in the clubhouse.
10. The dining facilities, meeting rooms, auditorium and food service is frequently rented to outside organizations and individuals.
11. Income generated from dining room charges, food service and house rentals represent over fifty percent (50%) of petitioner's annual income.
12. Income received from donations and fund raisers represent approximately one percent (1%) of petitioner's annual income.
13. The attached Memorandum is made a part of these Findings of Fact.

Conclusions of Law

1. Petitioner does not come within the definition of an institution of purely public charity under Minn. Stat. § 272.02, subd. 1 (6).
2. The subject property is not exempt from property taxes.
3. Petitioner's request for tax exemption is denied.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

May 20, 1985

By the Court,
Earl B. Gustafson, Chief Judge
Minnesota Tax Court

ORDER FORM

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