

The Minnesota  
**State  
Register**

53

Rules and Official Notices Edition

**R E C E I V E D**

NOV 15 1996

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Published every Monday (Tuesday when Monday is a holiday) by the  
Department of Administration - Communications Media Division

**Monday 18 November 1996**  
**Volume 21, Number 21**  
**Pages 711-732**

# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

### Printing Schedule and Submission Deadlines

Vol. 21 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 21	Monday 18 November	Monday 4 November	Friday 8 November
# 22	Monday 25 November	Friday 8 November	Monday 18 November
# 23	Monday 2 December	Monday 18 November	Friday 22 November
# 24	Monday 9 December	Friday 22 November	Monday 2 December

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Publication Number: 326630. (ISSN 0146-7751)

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Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

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Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (612) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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Professional, Technical and Consulting contract awards are  
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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *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.

### Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

### Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

## Department of Natural Resources

### Bureau of Real Estate Management

#### Adopted Permanent Rules Governing Lakeshore Lease Rules

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1740-1746, December 26, 1995 (20 SR 1740), are adopted with the following modifications:

##### 6122.0100 SCOPE.

Parts 6122.0100 to 6122.0400 provide methods for appraising state lands adjacent to public waters that are leased under *Minnesota Statutes*, section 92.46, and procedures for a lessee to challenge the appraised value of the lands. ~~Since *Minnesota Statutes*, section 92.46, subdivision 1, paragraph (b), provides that the annual lease fee shall be five percent of the appraised value of the leased lands, a successful challenge to the appraised value of leased lands will affect the annual rent. Over 90 percent of the leases issued under *Minnesota Statutes*, section 92.46, are on lands granted to the state by the United States for public purposes, commonly known as "school trust lands," which must be managed in recognition of the requirements of Minnesota Constitution, article II, section 1, and article XI, section 8, and *Minnesota Statutes*, section 124.079.~~

##### 6122.0300 METHOD OF DETERMINING A LOT'S APPRAISED VALUE.

Subp. 2. **Appraiser and reviewer appraisers standards.** All appraisals and appraisal reviews of leased lots shall be conducted by appraisers licensed under *Minnesota Statutes*, chapter 82B, or successor statutes. An appraiser must have obtained at least a classification 2 appraisal license. A review appraiser must have obtained at least a classification 3 appraisal license. Appraisers and review appraisers shall follow the standards contained in the most current edition of the Uniform Standards when performing appraisals and appraisal reviews of leased lots.

Subp. 3. **Frequency of adjustments; phase-in of increased fees.** ~~The commissioner shall determine the appraised value for each leased lot as of January 1, 1991.~~ The lease fees shall be based on the appraised value of leased land as determined by the commissioner, and shall be adjusted by the commissioner at the fifth, tenth, and 15th anniversary of the lease if the appraised value has increased or decreased.

The lease fees established by parts 6122.0100 to 6122.0400 shall be effective for lease periods after the effective date of parts 6122.0100 to 6122.0400. Any increased fee shall be phased in by three equal annual increments as provided by *Minnesota Statutes*, section 92.46, subdivision 3.

Subp. 4. **Adjustment of appraised value of leased lots.** Without reappraisal, the commissioner may determine a subject lot's appraised value by adjusting the last appraised value of the subject lot for time. This adjustment shall be:

B. made in an amount equal to the percentage change in assessed market value between the dates of the last appraisal or adjustment and the current adjustment, based on the most recent Minnesota Department of Revenue annual assessment data available.

**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.

## Exempt Rules

### 6122.0400 APPEALS.

Subpart 1. **Right to appeal.** A lessee may appeal the appraised value of a leased lot when the lessee has good cause to believe the value is in error. Requests for appeal must be signed by all parties to the lease, other than the commissioner, and all parties having a property interest in the improvement on the lease, including contract vendors and vendees. Any appeal must follow the applicable steps stated in this part. A lessee must pay the annual lease fee while the appeal is being decided. If the appeal results in a lower lease fee than paid, the department shall issue a credit to the lessee's account in an amount not to exceed the current year's rent and the department shall issue a refund for any balances.

The lessee shall have 45 calendar days from the date of mailing of notification of a lease fee adjustment to appeal the valuation. Appeals of the decisions made under Steps 1 or 2 must be made within 45 days following mailing of notification of the decisions under Steps 1 or 2. Failure on the part of the lessee to notify the commissioner in writing of the intent to appeal each decision within the referenced time frames shall be deemed consent for the commissioner to proceed with that decision.

## Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* §§ 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

## Department of Public Safety

### Adopted Exempt Rules Relating to Drivers' Licenses

#### 7411.0100 DEFINITIONS.

[For text of subps 1 to 7, see M.R.]

Subp. 8. **Class C vehicle.** "Class C vehicle" means a vehicle that requires its operator to have a ~~class D driver's license~~ or a class C commercial driver's license with proper endorsement before it may be driven, under *Minnesota Statutes*, section 171.02, subdivision 2, but may also be operated by the holder of a class A or class B ~~commercial~~ driver's license with proper endorsement.

Subp. 8a. Class D vehicle. "Class D vehicle" means a vehicle that requires its operator to have a class D driver's license with proper endorsement before it may be driven, under Minnesota Statutes, section 171.02, subdivision 2, but may also be operated by the holder of a class A, class B, or class C commercial driver's license with proper endorsement. A motorcycle is not a class ~~C~~ D vehicle for purposes of parts 7411.0100 to 7411.0900.

[For text of subps 9 to 18, see M.R.]

Subp. 19. **Laboratory instruction.** "Laboratory instruction" means behind-the-wheel instruction for class A, class B, ~~and~~ class C, and class D vehicles and astride-the-motorcycle instruction for motorcycles.

[For text of subps 20 to 26, see M.R.]

#### 7411.0400 VEHICLE REQUIREMENTS.

[For text of subpart 1, see M.R.]

Subp. 1a. **Equipment required.** A class A, class B, class C, or class D vehicle used for driver education instruction must have an outside rearview mirror on each side of the vehicle, separate inside rearview or visor mirror for the instructor's use, and seat belts for each occupant of the vehicle as required by law. In addition:

- A. a class  $\in \underline{D}$  vehicle must have dual control brakes and, when applicable, a dual control clutch pedal; and
- B. a class A vehicle must have a parabolic mirror not less than five inches in diameter on each side of the vehicle.

[For text of subps 2 to 7, see M.R.]

**7411.0510 STUDENT AND COURSE REQUIREMENTS; CLASS A, B, C, and D VEHICLES.**

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Laboratory schedule requirements.** A program:

- A. may offer no more than two hours of laboratory instruction per day to a student in a class  $\in \underline{D}$  vehicle;
- B. shall provide a driver education student who is less than 18 years old with a minimum of six hours of laboratory instruction;
- C. and instructor, except for the education offered in class A, class B, or class C vehicles, shall not give a student more than 30 hours of laboratory instruction without the written authorization of the approving authority; and
- D. may substitute simulation and range driving for laboratory instruction if the following requirements are fulfilled:
  - (1) Four hours of simulation may be substituted for one hour of laboratory instruction.
  - (2) Two hours of range instruction may be substituted for one hour of laboratory instruction.
  - (3) Total on-street time may not be less than three hours.

[For text of subps 10 to 13, see M.R.]

## Pollution Control Agency

### Findings of Fact, Conclusions and Order In the Matter of the Petition by the Specified Area Around Rush Lake to be Known as Subdivision E for the Annexation to the Shorewood Park Sanitary District

A petition prepared by eleven of the residents in a specified area around Rush Lake requesting annexation to the Shorewood Park Sanitary District was submitted to the Minnesota Pollution Control Agency (MPCA). Additionally, a petition signed by the officers of the Shorewood Park Sanitary District, along with Resolution 95-01 supporting the annexation of the specified area, was also submitted to the MPCA.

The MPCA published notification of the intent to annex into Shorewood Park Sanitary District. The MPCA also notified all the property owners in the current Shorewood Park Sanitary District and the property owners in the specified area to be known as Subdivision E by mail of the notification published in the *State Register*.

The MPCA, after reviewing the petition, publishing the notice of intent to annex in the *State Register*, notifying all the property owners of the intent to annex, and receiving no written comments or request for hearing, being fully advised in this matter, hereby makes the following:

#### FINDINGS OF FACT

1. Rush Lake is a relatively large lake, west of Rush City, in the northwestern corner of Chisago County.
2. The area to be annexed, located in sections 13, 14, 23, and 24 of Nessel Township, abuts the current Shorewood Park Sanitary District on the north and east. The property to be annexed is specifically described in the attached legal description and map. [Attachment 2-can be viewed in the MPCA office at 520 Lafayette Rd. N., St. Paul, MN]
3. On August 16, 1995, a petition was filed with the MPCA requesting the annexation of a specified area to be known as Subdivision E to the Shorewood Park Sanitary District. The petition was signed by 11 of the property owners in the specified area. A copy of the resolution 95-01, adopted by the current Sanitary District, and a petition signed by the officers of the district supporting the annexation were also submitted with the petition for annexation.
4. The city of St. Paul is the closest city of the first class, and it is more than twenty-five (25) miles from the proposed annexation.
5. Thirty (30) individuals own property within the area proposed for annexation according to the Chisago County Auditor.
6. The petition for annexation was signed by eleven residents of the proposed area. Of these eleven people, the Chisago County Auditor verified seven were registered voters. The seven registered voters comprise twenty three percent (23%) of the voters residing in and owning land within the area proposed for annexation.
7. On September 16, 1995, a public hearing was held in the Rush City Municipal Building to consider the proposed annexation. Notification of the public hearing was published for two weeks in the *East Central Minnesota Post Review*, a newspaper published in the area, and posted at the official bulletin board located at the pump station in the area.
7. On April 22, 1996, the MPCA published the public notice in the *State Register* at 20 S.R. 2298 and mailed the notice to all the property owners in the specified area to be annexed and the property owners in the Shorewood Park Sanitary District. The public notice period lasted for 30 days and ended May 22, 1996.
8. By May 22, 1996, the end of the public notice period, the MPCA had received neither written comments nor written requests for a public hearing.
9. There is a need throughout the proposed area for adequate and efficient means of collecting, conveying, pumping, treating and disposing of domestic sewage. Currently, numerous buildings are connected to a failing septic tank and drainfield wastewater treatment system determined to be failing. Failing systems such as this can cause degradation to nearby waters of the state. Under the proposed annexation, several properties, including those on the failing community system in the annexed area, will be connected to a collection system that discharges to the district's wastewater treatment facility. The Shorewood Park Sanitary District has a two-cell stabilization pond system that is capable of meeting the current wastewater needs of both the district and the annexed area. The proposed annexation will also allow additional properties not initially connected to be hooked up as the need arises, provided capacity is available in the wastewater treatment system.

10. Annexation of the specified area to the district is administratively feasible and will further the public health, safety, and welfare. The current district has a five-member governing board which is elected from the area within the present sanitary district. The district has adopted sewer use ordinances and a sewer service charge system that will adequately and equitably fund the wastewater treatment operation throughout the district and the annexed area.

**CONCLUSIONS**

1. The Commissioner has subject matter jurisdiction over the petition and proposed establishment of the district pursuant to *Minnesota Statutes* § 115.18 to 115.37(1994).
2. The petitioners have complied with all the procedural requirements of *Minnesota Statutes* §§ 115.20 and 115.21 (1994), as well as other substantive and procedural requirements of law and rule. This matter is, therefore, properly before the Commissioner.
3. The conditions described in *Minnesota Statutes* § 115.21 for the annexation of an area to a sanitary district do exist within the area identified in the legal description. [Attachment 2-can be viewed in the MPCA office at 520 Lafayette Rd. N., St. Paul, MN]
4. Any of the foregoing findings of fact that might properly be termed conclusions and conclusions that might properly be termed findings are hereby adopted as such.

NOW THEREFORE, the Commissioner hereby makes the following:

**ORDER**

It is ORDERED that the specified area around Rush Lake, as identified in the legal description, be annexed to the Shorewood Park Sanitary District.

Dated: 27 September 1996

Peder A. Larson  
Acting Commissioner

# Official Notices

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Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

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## Department of Agriculture

### Agronomy & Plant Protection Services Division

#### Notice of Minnesota Agricultural Chemical Response Board Retreat

The Agricultural Chemical Response Board (ACRRA Board) will meet on Monday December 9, 1996 • 9:00 a.m. - 2:00 p.m. for a board retreat. The retreat will be held at the Office of the Minnesota State Lottery • 1060 Lone Oak Road • Eagan, Minnesota. The general public may attend the meeting, but discussions and comment will be limited to Board members and staff only. If you plan on attending you must RSVP the ACRRA staff by Thursday, December 5, 1996.

Please call the ACRRA Program, (612) 297-3490 should you require additional information.

## Department of Agriculture

### Rural Finance Authority Board

#### Request for Comments on Planned Amendments to Rules Governing the Ethanol Production Facility Loan Program, *Minnesota Rules Chapter 1654*

**Subject of the Rule.** The Rural Finance Authority Board requests comments on its planned rule governing the ethanol production facility loan program. The department is considering a rule that will define and provide for administration of the program. The rule will stipulate the information and documentation that must be included in an application and will specify what must be included in a comprehensive business plan that is part of the required application documentation.

**Persons Affected.** The rule would likely affect individuals and legal entities needing financial assistance for the purchase or construction of an ethanol production facility. The department does not contemplate appointing an advisory committee on the planned rule.

**Statutory Authority.** *Minnesota Statutes*, section 41B.044, subd. 1, authorizes the authority to adopt rules for an ethanol production facility loan program to provide capital for ethanol production facilities.

**Public Comment.** Interest persons or groups may submit comments or information on the planned rule in writing or orally until 4:30 p.m. on January 17, 1997. The department has prepared a draft of the planned rule. Written or oral comments, questions, requests to receive a draft proposed amendments, and requests for more information on the planned rule amendments should be addressed to: Wayne Marzolf, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107: Phone 612/296-1748, Fax 612/296-9388.

**Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.**

Dated: 4 November 1996

Jim Boerboom  
Executive Director

## **Department of Children, Families & Learning**

### **Notice of Application for Continued Funding From the Bureau of Justice Assistance**

The Office of Drug Policy and Violence Prevention is submitting an application for continued funding from the Bureau of Justice Assistance. The Edward Byrne Memorial State and Local Law Enforcement Assistance (Byrne) Program, authorized by the Anti-Drug Abuse Act of 1988, is administered by the Bureau of Justice Assistance (BJA) of the Office of Justice Program (OJP), U.S. Department of Justice. The program is designed to assist States and local units of government in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system. Special emphasis is placed on drug-related and violent crime, serious offenders, and multi-jurisdictional and multi-State efforts to support the National Drug Control Strategy. Those wishing to comment on the application may contact Mary Ellison at the Department of Children, Families and Learning, (612) 297-5755.

## **Minnesota Comprehensive Health Association**

### **Notice of Meeting of the Finance Committee Work Group on Annual Audit**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's Finance Committee Work Group on Annual Audit will be held on Friday, November 22, 1996, at 11:00 a.m. Please contact the MCHA office at (612) 593-9609 for meeting location.

For additional information, please call Lynn Gruber at (612) 593-9609.

## **Health Department**

### **Health Policy and Systems Compliance Division**

### **Request for Public Comment and Notice of Public Hearing to Solicit Comment on the Effect of HealthSpan Health System Corporation's Merger on Health Care COST, Quality, and Access in Minnesota**

Under *Minnesota Statutes* §62J.2920, subd. 2, the Commissioner of Health is required to solicit comment from the public regarding the impact of approved health care antitrust exceptions two years after the date of approval. In partial fulfillment of this statutory requirement, the Department of Health is holding a public hearing to solicit testimony concerning the impact of the merger between two hospital systems, LifeSpan, Inc. and Health One Corporation, creating the HealthSpan Health Systems Corporation, on the cost of health care, access to health care, and quality of care provided in Minnesota. The merger of the hospitals was approved on July 22, 1994, under *Minnesota Statutes* §62J. The order granting HealthSpan an antitrust exception covered the time period through 1996. The Commissioner of Health will issue a new order detailing the ongoing supervision of HealthSpan after the public hearing. Testimony and comments received at the public hearing or in written form will be used to assist the Commissioner in drawing up the new order.

Under *Minnesota Statutes* §62J.2911, the purpose of the antitrust exception process is "to create an opportunity for the state to review proposed arrangements and to substitute regulation for competition when an arrangement is likely to result in lower costs, or greater access or quality than would otherwise occur in the marketplace." In analyzing antitrust exception applications, the Commissioner of Health is required to focus on the impact of the proposed arrangement on the cost of health care to consumers, as well as access to, and quality of health care.

### **Background on HealthSpan Health Systems Corporation Antitrust Exception**

On September 28, 1993, HealthSpan Health Systems Corporation filed an application seeking an antitrust exception relating to the merger of two hospital systems, Health One Corporation and LifeSpan, Inc. pursuant to *Minnesota Statutes* §62J.2911.

On May 24, 1994, a hearing was held at which representatives from the HealthSpan hospital system answered questions from the Minnesota Department of Health related to the merger of the two hospital systems. Public testimony on the impact of the proposed merger was also taken.

On July 22, 1994, the Commissioner of Health issued an order ("Order") granting HealthSpan hospital system an antitrust exception under *Minnesota Statutes* §62J. Under the Order, HealthSpan was required to comply with certain limits on the growth of their

## Official Notices

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inpatient revenue per case-mix adjusted admission and to annually submit information related to quality of care and patient satisfaction. The Commissioner received annual filings from HealthSpan for 1994 and 1995, and in both years determined that HealthSpan was in compliance with all of the conditions of the Order.

To date, the HealthSpan application is the only application that the Minnesota Department of Health has received for an antitrust exception.

### Public Hearing

The Department of Health has scheduled a public hearing from December 11, 1996, from 9:00 a.m. until 12:00 p.m. in the Capitol Room of the Capitol View Conference Center, 70 W. County Road B-2, Little Canada, MN 55117. Should additional time be needed for public comment, the hearing will be extended. A map showing the location of the Capitol View Conference Center are available on request from Mark Meath at the address listed below.

At the hearing, members of the public will have an opportunity to present information and offer their opinions. The Department of Health is specifically interested in the public's view on the impact of the HealthSpan antitrust exception on the cost of health care to consumers, quality of health care, and access to health care, and remarks from the public should focus on these areas.

MDH requests that those individuals wishing to testify at the hearing contact the Department of Health at least five days in advance of the hearing at the address, phone number, or e-mail address listed below. The Department of Health requests that members of the public who wish to testify provide written comments related to the topic of their testimony at least three days in advance. A sign-in sheet will also be used the day of the hearing for members of the public who wish to testify who had not previously contacted the Department.

Additional written comments from members of the public will be accepted for twenty (20) days following the publication of this notice. Comments from the Minnesota health care commission or regional coordinating boards will be accepted for thirty (30) days following this publication. To receive a packet of background information on the HealthSpan antitrust exception, contact Scott Leitz at the address listed below. Written comments, requests to testify, and any other questions about the hearing should be directed to:

Scott Leitz  
Minnesota Department of Health  
Health Policy and Systems Compliance Division  
121 E. 7th Place, Suite 400  
St. Paul, MN 55101  
Phone: 612-282-6324  
Fax: 612-282-5628  
E-mail: [scott.leitz@health.state.mn.us](mailto:scott.leitz@health.state.mn.us)

Individuals who have needs that require special accommodations may contact:

Mark Meath  
Minnesota Department of Health  
Health Policy and Systems Compliance Division  
121 E. 7th Place, Suite 400  
St. Paul, MN 55101  
Phone: 612-282-6351  
Fax: 612-282-5628  
E-mail: [mark.meath@health.state.mn.us](mailto:mark.meath@health.state.mn.us)

## **Minnesota Department of Health**

### **Health Policy and Systems Compliance Division**

#### **Notices Related to Essential Community Provider Designation**

**NOTICE IS HEREBY GIVEN** that applications for Essential Community Provider designation have been received from the applicants listed below. Pursuant to *Minnesota Statutes* section 62Q.19, subdivision 1, the public has 30 days from the date of this publication to submit written comments regarding these applications. Written comments should be submitted to: Tom Johnson, Minnesota Department of Health, Health Policy and Systems Compliance Division, 121 East Seventh Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975. Telephone inquiries may be directed to Mr. Johnson at (612) 282-6333.

**Southwestern Mental Health Center**

Two Round Wind Road, P.O. Box 686

Luverne, Minnesota 56157

**Date application was received: October 17, 1996**

**Cottonwood-Jackson Community Health Services**

503 Fourth Street

Jackson, Minnesota 56143

**Date application was received: October 18, 1996**

**Aitkin County Public Health**

204 First Street Northwest

Aitkin, Minnesota 56431

**Date application was received: October 23, 1996**

**MeritCare Clinic — Halstad**

244 Second Avenue West

Halstad, Minnesota 56581

**Date application was received: October 30, 1996**

**MeritCare Clinic — Hawley**

1413 Main Street

Hawley, Minnesota 56549

**Date application was received: October 30, 1996**

**MeritCare Clinic — Bagley**

123 Fourth Street Northwest

Bagley, Minnesota 56621

**Date application was received: October 30, 1996**

**MeritCare Clinic — Cass Lake**

219 Grant Utley Avenue

Cass Lake, Minnesota 56633

**Date application was received: October 30, 1996**

**Madison Lutheran Home/Lac Qui Parle Clinic of Madison**

900 Second Avenue

Madison, Minnesota 56256

**Date application was received: October 31, 1996**

The following application for designation as Essential Community Providers has been found to be in compliance with Minnesota statutes and rules and has been approved:

Pine City Area Clinic

Pine City, Minnesota

Dated: 7 November 1996

Anne M. Barry, Commissioner  
Minnesota Department of Health

## Department of Labor and Industry

### Labor Standards Division

#### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective November 18, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Coon Rapids High School Telephone Equipment Power-Coon Rapids.

**Hennepin:** Anthony Middle School Asbestos Abatement-Minneapolis; Northrop Elementary School Asbestos Abatement-Minneapolis; Edison High School Asbestos Abatement-Minneapolis; Lyndale Elementary School Asbestos Abatement-Minneapolis; Field Elementary School Asbestos Abatement-Minneapolis; Loring Elementary School Asbestos Abatement-Minneapolis.

**Pope:** Pope County Courthouse Lighting Retrofit-Glenwood.

**Ramsey:** Transportation Building Phase III-3rd & 4th Floor-St Paul; Remodel Suite 210-Coffey Hall-St Paul; Transportation Building Phase IV-South Wing Mechanical-St Paul; Reroofing St Paul Technical College-St Paul.

**Wadena:** Wadena High School & Elementary Lighting Retrofit ISD 2155-Wadena.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

## Minnesota State Law Library

### Joint Notice of County Law Library Filing Fees

Pursuant to *Minnesota Statutes* 134A.10, the law library fee on civil/family/probate filings and law library assessment on criminal/petty misdemeanor cases has increased from \$7.50 to \$10 in Kittson and Roseau counties. These fees and assessments are currently in effect.

## Board of Nursing

### Notice of Meetings of the Minnesota Board of Nursing

**NOTICE IS HEREBY GIVEN** that the 1997 meetings of the Minnesota Board of Nursing will be held at 9:00 a.m., at 2829 University Avenue SE, Suite 500, Minneapolis, Minnesota on the following dates:

February 6-7, 1997  
April 3-4, 1997  
June 12-13, 1997  
August 7-8, 1997  
October 9-10, 1997  
December 4-5, 1997

The first day of each meeting pertains to review of disciplinary cases and is closed to the public.

For additional information please call 612-617-2297.

## Teachers Retirement Association

### Notice of Regular Meeting of the Board of Trustees

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, December 6, 1996, at 9:30 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

## Department Of Transportation

### Petition of the City of Willmar for a Variance from State Aid Requirements for TURNBACK ELIGIBILITY

**NOTICE IS HEREBY GIVEN** that the Willmar City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project on former Trunk Highway No. 71, south of 19th Avenue in the City of Willmar.

The request is for a variance from Minnesota Rules for State Aid Operations 8820.2900, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow an extension of the required approval date of within ten years of turnback reversion to March 31, 1997 for the proposed reconstruction of former Trunk Highway No. 71 lying south of 19th Avenue in the City of Willmar.

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.

Dated: 8 October 1996

Patrick B. Murphy  
Division Director  
State Aid for Local Transportation

## Minnesota Public Utilities Commission

### Notice of Intention to Formally Close Certain Listed Cases

The Minnesota Public Utilities Commission intends to formally close the cases with the docket numbers listed below at its agenda meeting on December 19, 1996. Any person wishing to comment on this proposed action should submit written comments to the Executive Secretary of the Commission by 4:30 p.m. on December 16, 1996. Comments should be sent to:

Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, #350  
St. Paul, Minnesota 55101-2147

#### Gas:

G-002/M-94-1020  
G-001/M-93-1246  
G-002/M-92-524  
G-012/M-92-7  
G-008/AL-91-907  
G-001/M-91-801

Interstate Power  
Interstate Power  
NSP Gas  
Western Gas  
Minnegasco  
Interstate Power

DSM  
Updated Gas Tariff sheets  
DSM  
True up  
Affiliated Interest  
CIP tracker report

## Official Notices

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### Electric:

E-017/MR-92-265  
E-001/M-91-459

Otter Tail  
Interstate Power

Large General Service time-of-use rate schedule  
DSM incentive filing

### Telecommunications:

P-421/M-85-758  
P-430/M-86-3  
P-430,421/CP-86-5  
P-405,421/CP-86-55  
P-405/M-96-237  
P-520,421/CP-86-537  
P-999/CI-89-477

NWB  
United  
United, NWB  
Central & NWB  
Central  
Eckles & NWB  
All Tel. & Resellers

Remove the exemptions for calls  
Directory Assistance  
EAS - Waconia  
EAS - Belle Plain  
Revisions to directory assistance  
EAS - New Prague  
OAG petitioned the PUC to institute a summary investigation into the problem related to unrestricted access to info services through interexchange companies  
OAG comment re: NWB's notice of service  
Telephone directories  
Open Network Architecture  
Introduction of two new ONA services  
EAS - Cologne  
Traffic data reporting service price  
Provision of Tel. Directories  
Establishment of Telecommunication  
Customer ringing available for (ONA)  
Price list for ONA service  
Intrastate Access & General  
Complaint against USW re  
Telecommunications Service  
Seven new ONA  
Complaint by Daniel Burelson  
Call Tracing  
Deposit provisions are not in compliance  
Infodial (Market Link) petition for N11Dialing  
Reseller Disconnection  
CustomLink MN 11 Term Plan  
Application for Residential Land  
Reseller  
Variance-mechanized credit system  
DPS Complaint against Association of  
Long Dist.  
Resell Long Distance Telecommunications  
Services Partnership  
Add Calling Name Delivery as an add  
CLASS feature

P-421,430,407,405/C-89-797  
P-421/EM-89-1105  
P-999/CI-90-373  
P-421/EM-90-400  
P-430,421,407,405,426/CP-90-441  
P-421/EM-90-498  
P-999/CI-90-590  
P-421/EM-90-591  
P-421/EM-90-665  
P-421/EM-90-724  
P-430/M-90-905  
P-421/C-90-1169  
P-410/M-91-79  
P-421/EM-91-164  
P-1381/C-91-639  
P-999/R-92-363  
P-501/DI-92-463  
P-518/DI-92-465  
P-529/DI-92-466  
P-555/DI-92-473  
P-999/C-92-1088  
P-999/CI-92-1382  
P-465/EM-92-1459  
P-421/EM-93-132  
P-3123/NA-93-198  
P-421/EM-93-558  
P-3134/C-94-151

NWB, United, Contel & Central  
USW  
Telephone  
NWB  
United & Metro  
NWB  
Tel. Companies  
NWB  
NWB  
NWB  
United  
USW  
GTE North  
USW  
FNF Sales  
Telephone  
Arrowhead  
Eagle Valley  
Granada  
Pine Island  
Telephone  
All Tel.  
US Link  
USW  
Continental Tel. Corp  
USW  
Assoc. Of Long Dist.

P-5034/NA-94-393

NOSVA Limited

P-413/M-94-996

Lakedale

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# State Grants and Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Corrections

### Notice of Availability for Funds to Establish Battered Women Community Advocacy Programs

The Minnesota Department of Corrections, Victims Services Unit, announces the availability of state and federal grant funds to establish community advocacy programs for battered women and their children. Funds are available to establish services for the following geographic areas and/or populations: 1) unserved counties; 2) unserved American Indian reservations; 3) unserved or underserved populations; and 4) women in the Minneapolis/St. Paul metropolitan who are survivors of prostitution. A total of five grants of \$19,000 each are available for the five-month period from February 1, 1997, through June 30, 1997. Of the five grants available, a minimum of one grant is designated for services on an unserved American Indian reservation, a minimum of one grant is designated for services to unserved or underserved populations, and a minimum of one grant is designated for services to women in the Minneapolis/St. Paul metropolitan area who are survivors of prostitution.

Nonprofit organizations, Indian tribal organizations and local units of government are eligible to apply for funds. The successful applicant may be eligible to apply for continued funding of \$35,000 in FY98.

Applications are due on January 3, 1997. To receive a request for proposals that provides complete information and describes how to apply, contact: Minnesota Department of Corrections, Victim Services Unit, 1450 Energy Park Drive, Suite 200, St. Paul, Minnesota 55108-5219 or call (612) 642-0251, (800) 657-3679 outside the Twin Cities metropolitan area, or TTY at 612/643-3589.

## Board of Water and Soil Resources

### Announcement of Application Period for 1997 Natural Resources Block Grants

The Board of Water and Soil Resources (BWSR) is accepting applications from counties for the 1997 Natural Resources Block Grants. The Natural Resources Block Grants includes the following base grant components:

- Local implementation of comprehensive water plans;
- Local administration of the Wetland Conservation Act;
- Local administration of DNR approved shoreland management programs; and
- County administration of the MPCA feedlot permit program.

The BWSR has \$5,740,000 available for these grants. To be considered, applications must be received in the BWSR central office in St. Paul by 4:30 p.m. on January 14, 1997.

County Auditors have been notified of this application period. Any other local unit of government that wishes to be notified or obtain an application packet, must contact the BWSR by writing to the executive director at the following address:

Ronald Harnack, Executive Director  
Minnesota Board of Water and Soil Resources  
One West Street, Suite 200  
St. Paul, MN 55107

# Professional, Technical & Consulting Contracts

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, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

## Department of Human Services

### Ah-Gwah-Ching Center

#### Notice of Request for Proposals for Inventory Consultant Services

Ah-Gwah-Ching Center, a state operated nursing home located 3.5 miles south of Walker, Minnesota, is seeking services from an inventory management consultant to provide assistance in the following areas:

1. Efficient inventory locations and consolidation
2. Organization of inventory, shelving, etc. for maximum space utilization
3. Effective dietary storage
4. Delivery days, times, and location of inventory drop
5. Inventory tracking system
6. Manpower, schedule, hours, etc.

Estimated budget for this project is \$5,000.00 which will include all expenses.

Proposals must be received by 4:30 p.m. on Monday, December 9, 1996.

For more information contact:

Laurie Pieper, Director of Fiscal Services  
Ah-Gwah-Ching Center  
Ah-Gwah-Ching, MN 56430  
218/547-8449

## Iron Range Resources and Rehabilitation Board

### Request for Proposals for a Preservation Management Plan

The Iron Range Resources and Rehabilitation Board (IRRRB), a state agency responsible for diversifying the economy of north-eastern Minnesota, is requesting proposals from individuals and full service agencies to prepare a Preservation Management Plan for the Taconite Tax Relief Area (TTRA).

#### GOAL

The primary goal of this project is to produce a Preservation Management Plan to be used as a guide or blueprint for regional and local planning. This guide will be used to assist in establishing successful heritage tourism programs within the subregions of the TTRA.

This request for proposal does not obligate the state to complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Agencies/individuals requesting a complete Request for Proposal, or with questions about this request for proposal should contact:

**Jodi Phelps**  
**Communications and Regional Tourism Director**  
**Iron Range Resources and Rehabilitation Board**  
**Highway 53 South**  
**P.O. Box 441**  
**Eveleth, MN 55734**  
**(218) 749-7721; FAX: (218) 749-9665**

By November 20, 1996

In Compliance with *Minnesota Statutes* 16b.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state along with other responses to this Request for Proposal.

Proposals are due at 4:00 p.m. - December 13, 1996.

# Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## University of Minnesota

### Facilities Management Department

#### Announcement of a New Service Contract System for Owner's Representative Services at the University of Minnesota

The University of Minnesota Facilities Management Department is establishing a Services Contract System for accessing Owner's Representative services for remodeling and new construction projects. The dollar scope for these projects will be from \$100,000 to in excess of \$50,000,000. A packet of information is available to all interested parties that have a core competence in providing Owner's Representative services by calling (612) 624-5765 to provide their name, firm name, address and phone number. The deadline for responding to the information provided by mail in response to your telephone call is *December 13, 1996*.

## University of Minnesota

#### Request for Proposal for Design/Build Team for an Existing Building for Student Housing on the Minneapolis, East Bank Campus

The University of Minnesota Facilities Management department is seeking qualified design/build firms or design/build teams for the design and construction of an existing building for student housing on the Minneapolis, East Bank Campus. The building is the Mineral Resources Research Center (MRRC) 56 East River Road.

Representatives of the University of Minnesota will make the selection following a two phase selection process. Phase I will be a qualification selection which will be based on: experience; design qualifications; a fee proposal assuming a construction cost of \$5,000,000; ability to meet the University's objectives under the Targeted Business, Urban Community Economic Development, and Small Business Programs; and ability to achieve the schedule. Phase II will require submittal of a design concept.

In general, the project involves identifying design alternatives and a design and construction total cost to provide an appropriate number of efficiency, 2, 3 and 4 bedroom multiple housing units compatible with the program, design and cost objectives of the University. The goal is to offer a variety of unit types which have no more than a single occupant to any bedroom, and maximize the cash flow to the University to cover the amortization of all project costs.

A project budget for "soft costs", which exclude design and construction, will be provided by Northco, the University's Owner Representative, who will then determine the financial feasibility of the project.

A discovery interview for interested teams has been scheduled at the University of Minnesota Donhowe Building (old Shops Building), 319 15th Avenue S.E./Suite 317/318, Minneapolis, MN 55455, for 10:00 a.m. local time, on Monday, November 25, 1996. All firms intending to submit a response to the RFP should attend this meeting. Representatives of the University of Minnesota will be available to answer questions. The RFP Package will be available from the University's Owner Representative, NORTHCO Corporation, 4900 Viking Drive, Edina, MN 55435-5314 on or after November 18, 1996. Contact Ms. Deonna Anderson (612) 820-1655.

Interested firms must provide design/build services on an "open book, full cost disclosure basis". The University's schedule is for completion by September 15, 1997 for occupancy. Deadline for submittal of your proposal for selection consideration is 5:00 p.m., local time, December 9, 1996 in the offices of NORTHCO Corporation.

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to State Agency Services  
1996-99**

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- discover state parks, trails, canoe routes and campgrounds, hunting, fishing, boating, snowmobiling, RV touring

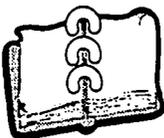
The Guidebook directs you to videos, publications, audio tapes, maps, guides, reports, grants, scholarships, low-interest loans, housing and family assistance, business and community development programs, museums, historical sites, libraries, health care activities, animal care, agricultural services, arts information, schools and education programs, travel and tourism services, plus:

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