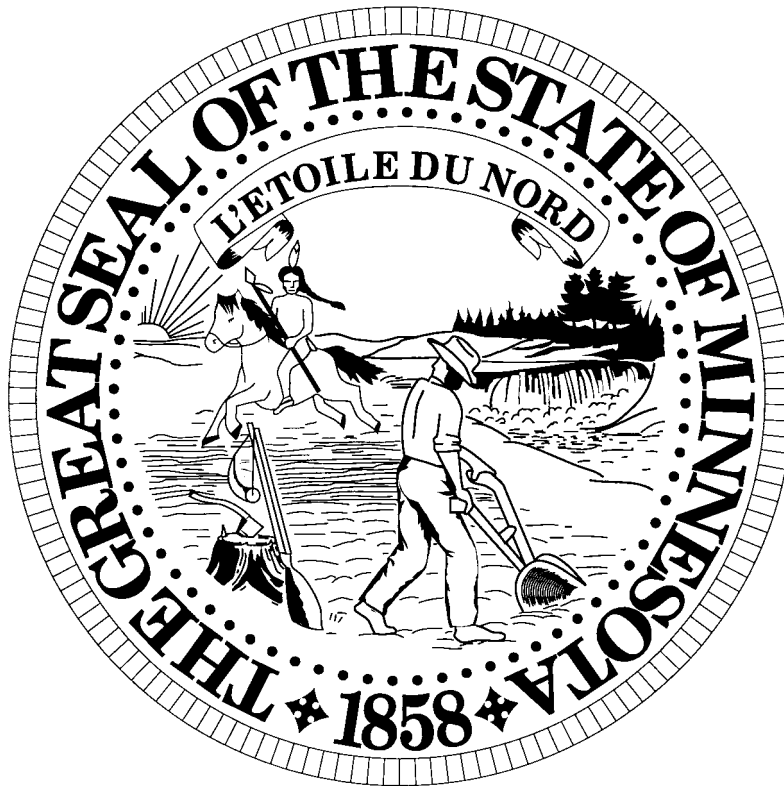


State of Minnesota

# State Register

Rules and Official Notices Edition



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# State Register

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- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
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#49	Monday 7 June	Noon Tuesday 1 June	Noon Wednesday 26 May
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Attorney General Mike Hatch (651) 297-4272

Secretary of State Mary Kiffmeyer (651) 296-2079

State Auditor Patricia Awada (651) 297-3670

Department of Administration

Commissioner Brian Lamb (651) 296-1424

Communications Media Division

Director Mary K. Mikes (651) 297-3979

*State Register*

Editor Robin Panlener (651) 297-7963

Asst. Editor John Mikes (651) 297-4616

Subscriptions Jessie Rahmeyer (651) 297-8774

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## Minnesota Rules: Amendments & Additions

Tuesday 1 June 2004, Volume 28, Issues #40-48 ..... 1510

## Exempt Rules

### Labor and Industry Department

Adopted Exempt Permanent Rules relating to Occupational Safety and Health; Adoption of Federal Standards by Reference; Standards for Construction ..... 1512

## Official Notices

### Agricultural Utilization Research Institute

Amended and Restated Bylaws ..... 1512

### Higher Education Facilities Authority

Notice of public hearing on revenue obligations ..... 1519

### Human Services Department

Updated Child Care Fund Sliding Fee Copayment Schedule ..... 1519

Notice of the Disproportionate Population Adjustment for State Regional Treatment Centers and Proposed Payment Rates for the State Regional Treatment Centers ..... 1522

### Joint Airport Zoning Board

Notice of Adoption of the Restated and Amended Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) Zoning Ordinance ..... 1523

### Natural Resources Department

Notice of Intent to Hold State Metallic Minerals Lease Sale; State Lands to be Offered for Metallic Minerals Exploration ..... 1524

### State Agricultural Society

Notice of Meeting of the Board of Managers ..... 1524

## State Contracts & Grants

### Administration Department

Communications Media Division: Subscribe to the *State Register* ..... 1525

Real Estate Management Division: Proposal request for leasing Mankato Crisis Diversion Center ..... 1525

### Colleges and Universities, Minnesota State (MnSCU)

Request for bids: Equipment and Supplies at Winona State University ..... 1525

Request for bids: Pavement Rehabilitation at Inver Hills Community College ..... 1526

Request for bids: Print and Fulfillment of "Go Places" Publications ..... 1526

Request for proposals for 3D Printer at St. Cloud Technical College ..... 1526

Request for proposals for Satellite Transponder Service ..... 1527

Request for proposals for Water Heater Replacement at Minneapolis Community and Technical College ..... 1527

## Human Services Department

Request for proposals form Managed Care Organizations for Minnesota Health Care Programs Recipients in Mower and Polk Counties ..... 1528

## Transportation Department

Potential availability of contracting opportunities for a variety of highway related technical activities ..... 1529

Professional/technical contract opportunities ..... 1529

## Non-State Contracts & Grants

### Housing Finance Agency, Greater Minnesota Housing Fund Metropolitan Council, Family Housing Fund, Department of Corrections

Consolidated Request for Proposals to Assist in the Development , Construction, Acquisition, Demolition or Rehabilitation of Affordable Homeownership, Home Improvement, or Rental Housing Activities For Low and Moderate Income Residents of Minnesota ..... 1530

### Metropolitan Council

Request for Proposals for Labor Negotiation Services ..... 1538

Request for Proposals for Police Information Management System Consultant ..... 1538

### Minnehaha Creek Watershed District

Request for Bids: Shoreline Stabilization Project in Minnetonka ..... 1539

## University of Minnesota

Bid Information Service (BIS) available for all potential vendors ..... 1539

Commodity, Service and Construction Contracts are published Tuesday and Friday in a bulletin, the *Solicitation Announcements*. Award results are available from the Materials Management Helpline (651) 296-2600. **Website:** [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us)

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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 1999 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.

## Volume 28, Issues #40-48

### Agriculture Department

1502.0002; .0003; .0005; .0006; .0007; .0008; .0009; .0010; .0011; .0012; .0015; .0017; .0018; .0022; .0023; 0025 (adopted) ..... 1360

1502.0002 s. 2 (repealed) ..... 1360

### Chiropractic Examiners Board

2500.3000 (adopted) ..... 1482

### Dentistry Board

3100.0100; .1700; .1750; .1850; .2000; .3600; .5100; .5200; .5300; .5400; .6300 (proposed) ..... 1387

### Education Department

3525.0210; .3600; .3700; .3750; .3900; 4010; .4110; .4300; .4420; .4700; 4770 (proposed) ..... 1292

### Health Department

4647.0100; .0200; .0300; .0400; 4667.0005; .0010; .0015; .0020; .0025; .0030; 4685.1010, s. 8; 4700.2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4000; 4735.0200; 4761.1230; 9000.0050; .0100; s. 2, 3, 7; .0110; .0120; .0130; .0140; .0150; .0160; .0190 (repealed) ..... 1249

4717.7000; 4761.2000; .2100; .2200; .2220; .2240; .2260; .2280; .2300; .2320; .2340; .2360; .2370; .2380; .2400; .2420; .2440; .2460; .2480; .2510; .2540; .2550; .2560; .2570; .2580; .2590; .2600; .2610; .2615; .2620; .2625; .2630; .2640; .2645; .2650; .2655; .2660; .2665; .2670; .2680; .2690; .2700 (proposed) ..... 1397

4731.0100; .0200; .0210; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0315; .0355; .0400; .0401; .0402; .0403; .0405; .0406; .0407; .0408; .0409; .0410; .0411; .0412; .0413; .0414; .0415; .0416; .0417; .0418; .0419; .0420; .0421; .0422; .0423; .0525; .0530; .0535; .0540; .0550; .0555; .0560; .0565; .0570; .0575; .0580; .0585; .0590; .0595; .0597; .0600; .0605; .0610; .0615; .0620; .0625; .0630; .0700; .0705; .0710; .0715; .0720; .0725; .0730; .0735; .0740; .0745; .0750; .0760; .0765; .0770; .0780; .0790; .0795; .0815; .0820; .0825; .0830; .0840; .1000; .1010; .1020; .1030; .1040; .1050; .1060; .1070; .1080; .1090; .2000; .2010; .2020; .2030; .2040; .2050; .2060; .2070; .2080; .2090; .2095; .2100; .2150; .2200; .2210; .2220; .2230; .2240; .2270; .2280; .2290; .2300; .2310; .2320; .2330; .2340; .2350; .2400; .2410; .2420; .2430; .2440; .2450; .2500; .2510; .2520; .2530; .2540; .2550; .2560; .2600; .2610; .2620; .2630; .2640; .2650; .2700; .2750; .2800; .2950;

.3000; .3005; .3010; .3015; .3020; .3025; .3030; .3035; .3040; .3045; .3050; .3055; .3060; .3065; .3070; .3075; .3080; .3090; .3105; .3110; .3115; .3120; .3130; .3135; .3140; .3145; .3150; .3155; .3160; .3165; .3170; .3175; .3200; .3210; .3215; .3220; .3225; .3230; .3235; .3240; .3245; .3300; .3305; .3315; .3320; .3325; .3330; .3345; .3365; .3380; .3390; .3395; .3400; .3405; .3410; .3415; .3420; .3500; .3520; .3530; .3540; .3550; .3560; .3570; .3580; .4000; .4010; .4020; .4030; .4040; .4050; .4060; .4070; .4080; .4090; .4100; .4110; .4120; .4130; .4140; .4150; .4160; .4170; .4180; .4190; .4200; .4210; .4220; .4240; .4250; .4260; .4270; .4290; .4310; .4330; .4350; .4360; .4400; .4401; .4402; .4403; .4404; .4405; .4407; .4408; .4409; .4410; .4411; .4412; .4413; .4414; .4415; .4420; .4421; .4422; .4423; .4424; .4425; .4426; .4427; .4428; .4429; .4432; .4433; .4434; .4435; .4436; .4440; .4441; .4442; .4443; .4444; .4445; .4450; .4451; .4452; .4453; .4454; .4455; .4456; .4457; .4458; .4459; .4460; .4461; .4463; .4464; .4465; .4466; .4467; .4468; .4469; .4470; .4471; .4472; .4473; .4474; .4475; .4476; .4477; .4478; .4479; .4500; .4501; .4502; .4503; .4504; .4505; .4506; .4507; .4508; .4509; .4510; .4511; .4512; .4513; .4514; .4515; .4516; .4517; .4518; .4519; .4520; .4521; .4522; .4523; .4524; .4525; .4526; .4527; .6000; .6010; .6020; .6030; .6040; .6050; .6060; .6070; .6080; .6090; .6100; .6110; .6120; .6130; .6140; .6150; .6160; .6170; .6180; .6190; .6200; .6210; .6220; .6230; .6240; .6250; .6260; .6270; .7000; .7010; .7020; .7030; .7040; .7050; .7060; .7070; .7080; .7090; .7100; .7110; .7120; .7130; .7140; .7150; .7160; .7170; .7200; .7210; .7220; .7230; .7240; .7250; .7260; .7270; .7280 (proposed) ..... 1452

4730.0100 s. 5a, 7b, 22, 22a, 24, 50, 52a, 58, 63, 73a, 106b, 106c, 115, 116, 119a, 121a, 129, 151, 152, 155, 169a, 181a, 187a, 188, 201a, 206, 213a; .1000; .2580; .2600; .2710; .2750; .2800; .3400; .3500; .3610 (proposed repealer) ..... 1452

4761.1000; .1010; .1020; .1040; .1050; .1060; .1070; .1080; .1090; .1100; .1110; .1120; .1130; .1140; .1150; .1160; .1170; .1180; .1190; .1200; .1210; .1220; .1230 (proposed repealer) ..... 1397

### Labor and Industry Department

5205.0010; 5207.0300; .0301 (adopted exempt) ..... 1512

5207.0010; .0020; .0250 s.5 (repealed) ..... 1512

5221.4030 (adopted exempt) ..... 1209

### Natural Resources Department

6216.0250; .0350 (proposed emergency) ..... 1454

# --- --- **Minnesota Rules: Amendments and Additions**

<b>6216.0350 (adopted expedited emergency)</b> .....	1483
<b>6232.2800; .2900; .3055 (adopted expedited emergency)</b> .....	1213
<b>6232.3855; .4300; .4400; .4500; .4600 (adopted expedited emergency)</b> .....	1484
<b>6262.0550, 6264.0400 (adopted expedited emergency)</b> .....	1361
<b>6262.0550; 6264.0400 s.4 (repealed expedited emergency)</b> .....	1361
<b>Pollution Control Agency</b>	
<b>7001.0650; .0730; 7002.0075; 7005.0100; 7007.0200; .0300; .0950; .1110; .1130; .1300; 7008.4000; .4110; 7011.0913; .1260; .1265; .7030; .7040; .7060; .7080; .7090; .7100; .7120; .7140; .7160; .7180; .7200; .7235; .7240; .7260; .7280; .7290; .7300; .7320; .7340; .7360; .7370; .7380; .7385; .7390; .7400; .7410; .7420; .7460; .7480; .7485; .7520; .7560; .7580; .7600; .7610; .7620; .7640; .7650; .7660; .7665; .7670; .7675; .76.80; .7700; .7720; .7730; .7740; .7760; .7770; .7780; .7800; .7820; .7840; .7860; .7880; .7900; .7905; .7910; .7920; .7930; .7935; .7940; .7960; .7980; .8000; 7017.0200; .2018; 7019.3000; 7045.0120 (adopted)</b> .....	1482
<b>7007.4010 s. 11a, 20; 7011.7220; .7440 (repealed)</b> .....	1482
<b>7000.0050; .0075; .0100; .0200; .0300; .0400; .0500; .0550; .0650; .0750; .0755; .0800; .0850; .1200; .1300; .1750; .1800; .1900; .2000; .2100; .5000; .7000; .9000; .9100 (proposed)</b> .....	1249
<b>7000.1300 s.5 (repealed)</b> .....	1249
<b>Public Safety Department</b>	
<b>7502.0420 (proposed)</b> .....	1359
<b>Minnesota Racing Commission</b>	
<b>7870.0450; .0490; 7873.0185; .0193; .0194; .0199; 7875.0100; 7876.0120; 7877.0130; .0165; .0170; 7878.0150; 7883.0100; 7890.0100; .0130; 7895.0250; .0275; .0300; 7897.0100; .0110; .0130 (adopted)</b> .....	1482
<b>Revenue Department</b>	
<b>8106.0100; .0300; .0400; .0600; .0700; .0800 (adopted exempt)</b> ....	1297
<b>8106.0100 s.9; .0300 s.2 (repealed exempt)</b> .....	1297
<b>8130.8700 (proposed)</b> .....	1289
<b>Water and Soil Resources Board</b>	
<b>8415.0100; .0110; .0120 (adopted exempt)</b> .....	1251
<b>Veterans Homes Board</b>	
<b>9050.0040; .0200; .0600; .0650; .0720; .0750; .0800; .0900; .1070 (adopted)</b> .....	1254

## 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 only be used 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 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 from the date of publication of the rule in the *State Register*. Rules adopted, amended or repealed under clause (3) or (4) are effective upon publication in the *State Register*.

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 Labor and Industry

### Adopted Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference; Standards for Construction

The rules proposed and published at *State Register*, Volume 28, Number 38, pages 1147-1148, March 22, 2004 (28 SR 1147), are adopted as proposed.

## Official Notices

Pursuant to *Minnesota Statutes* § § 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking 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.

## Agricultural Utilization Research Institute

### Amended and Restated Bylaws

#### Article I

##### Name

Section 1.1 Name. The name of the corporation shall be Agricultural Utilization Research Institute, Inc., a nonprofit Minnesota Corporation.

Section 1.2 Abbreviations. Whenever it is desirable to abbreviate the name of the Agricultural Utilization Research Institute, Inc. the initials "AURI" shall be considered in every way the equivalent of the legal name of Agricultural Utilization Research Institute, Inc.

#### Article II

##### Purpose

Section 2.1 Purpose Defined. The purpose of the Corporation shall be as provided in Article Two of the Articles of Incorporation for the Corporation, as such may be amended or restated from time to time.

#### Article III

##### Offices

Section 3.1 Registered Office. The registered office of the Corporation shall be located in the city of Crookston, Minnesota. The registered office shall be at Owen Hall Annex, 2900 University Avenue, Crookston, Minnesota. The Board of Directors may, from time to time, change the location of the registered office. On or before the day that such change is to become effective, a certi-

cate of such change and of the location of the new registered office shall be filed with the Secretary of State of the State of Minnesota.

### Article IV

#### Board of Directors and Committees

Section 4.1 Number, Composition, & Term for the Board of Directors.

- (a) Number and Composition of Directors. The number and composition of the Board of Directors of the Corporation shall be as set forth in the Articles of Incorporation for the Corporation, as such may be amended and restated from time to time.
- (b) Terms of Directors. The length of each Directors term and the number of terms each Director may serve shall be as set forth in the Articles of Incorporation for the Corporation, as such may be amended and restated from time to time. All Directors shall serve until their successors are elected or appointed.
- (c) Alternates. Directors representing a statewide farm organization, agribusiness, and commodity promotion councils may designate an alternate from the same organization to represent him/her at meetings of the Board of Directors in the event that the Director is unable to attend. Such alternates may be designated as permanent alternates by due notice provided in writing to the Secretary-Treasurer or as temporary alternates with notice provided to the Secretary-Treasurer at least 24 hours in advance of the meeting. Alternates designated as permanent shall receive the regular notification and materials for Board of Directors meetings. Alternates having proper credentials at the beginning of a meeting, as determined by the Secretary-Treasurer, may be seated and entitled to full participation at that meeting, including voting on such matters as may come before the Directors at that meeting.

Section 4.2 Nomination and Election of Directors. The Chair shall appoint a Nominating Committee, which will recommend at least one name for each seat on the Board of Directors, other than the statewide farm organizations' designees and those seats to be held by the chairs of the senate and the house of representatives standing committees with jurisdiction over agriculture finance, that is or will become vacant, or is filled by a temporary replacement, for election to the Board of Directors at the Annual Meeting. The Nominating Committee shall be appointed at least 60 days prior to the Annual Meeting and shall present a slate of names for election as Directors at the Annual Meeting. The election of Directors to the Board of Directors shall be as set forth in the Articles of Incorporation for the Corporation, as such may be amended and restated from time to time.

Section 4.3 Vacancies. If the office of any Director or Directors becomes vacant by reason of death, resignation, retirement, disqualification, removal from office, or otherwise, then a successor shall be appointed as follows:

- (a) For the chairs of the senate and the house of representative standing committees with jurisdiction over agriculture finance, the successor shall be whomever succeeds such individual as the chair of the respective committee, or their designees;
- (b) For the remainder of the Directors, the successor shall be whomever is appointed as a replacement by the entity that the deceased, resigned, retired, disqualified, or removed Director represented.

The Board of Directors may appoint a temporary replacement to fill a vacancy in an unexpired term until a permanent successor can be selected.

Section 4.4 Removal. Any Director, other than the chairs of the senate and the house of representatives standing committees with jurisdiction over agriculture finance, or the chair's designee, may be removed from the Board of Directors upon receipt of written notice of the proposed removal at least seven calendar days prior to the Board of Directors meeting at which the removal action will be considered and upon a majority of the Board of Directors voting in favor of the removal.

Section 4.5 Chair, Vice-Chair & Officers. The Board of Directors shall at its Annual Meeting elect from its membership a Chair, Vice-Chair, Secretary-Treasurer, and any other Officers necessary for the performance of its duties and to operate and manage the Corporation. The Chair shall, if present, preside at all meetings of the Board of Directors. In the absence of the Chair, the Vice-Chair shall preside. The Chair and Vice-Chair shall continue in said office only so long as they are Directors. In the event of a vacancy in either the position of Chair or Vice-Chair, the Board of Directors shall appoint a replacement from the remaining Directors to fill the unexpired term.

Section 4.6 Voting Rights. Each Director shall have full and equal voting rights and shall exercise one vote. The acts and resolutions of the Board of Directors shall be enacted by affirmative vote of a majority of a quorum of the Directors present at any meeting of the Board of Directors, unless otherwise specified by statute, the Articles of Incorporation or Bylaws for the Corporation, as such may be amended or restated from time to time.

Section 4.7 Management of Corporate Affairs. The business of the Corporation shall be managed by its Board of Directors, which may exercise all powers of the Corporation and do all such lawful acts and things as are not precluded by statute or by the Articles of Incorporation or Bylaws of the Corporation, as such may be amended and restated from time to time.

Section 4.8 Committees. The Board of Directors may establish any of the committees listed in this Section. Directors and the

# Official Notices

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Executive Director may participate in any meeting of any of such committees, but may not vote unless they are a member of such committee. All meetings of the committees must be held in the same manner and in accordance with the same requirements as are imposed on meetings of the Board of Directors.

- (a) Executive Committee. An Executive Committee consisting of the Chair, Vice Chair, the Secretary-Treasurer and one other member of the Board of Directors appointed by the Board of Directors. The Chair shall be the chairperson of the Executive Committee. All the members must be present for the Executive Committee to take any action. The Executive Committee may adopt rules of procedure. Meetings of the Executive Committee will be held as provided in its rules, upon Board of Directors resolution calling for a meeting, or upon the request of any member of the Executive Committee.

During the intervals between the meetings of the Board of Directors, the Executive Committee will possess and may exercise all the powers of the Board of Directors to direct the business and affairs of the Corporation subject to the following limitations:

- (1) The Executive Committee may not exercise any powers or take any action reserved by resolution of the Board of Directors for action solely by the Board of Directors;
- (2) The Executive Committee may not authorize the spending of funds or the incurring of any obligations which exceeds any expenditure limitations established by resolution of the Board of Directors unless the Executive Committee determines that an emergency exists requiring its immediate action;
- (3) The Executive Committee may not amend the Articles of Incorporation or Bylaws of the Corporation, or any amendments or restatements thereof;
- (4) The Executive Committee may not approve an agreement of merger or consolidation, the dissolution of the Corporation or the sale, lease, or exchange of all or substantially all of the Corporation's property; and
- (5) The Executive Committee may not take any action affecting the position or authority of the Officers appointed by the Board of Directors.

All actions by the Executive Committee shall be reported to the Board of Directors at its meeting that next occurs after such action, and shall be subject to revision and alteration by the Board of Directors, provided no vested rights of third parties shall be affected by such revision or alteration.

- (b) Committee on Finance and Audit. A standing Finance and Audit Committee, which shall report at least annually to the Board of Directors on the financial affairs of the Corporation. The Chair shall appoint a chairperson for the Finance and Audit Committee from its members.
- (c) Other Committees. Any other committee that the Board of Directors deems appropriate and necessary. Each such committee shall consist of at least one Director and such other members as the Board of Directors shall establish and appoint. Any such committee shall perform the function assigned it in the resolution establishing said committee, but no such committee shall be granted any power or authority exceeding that to be granted to the Executive Committee in Section 4.8 (a). The Chair shall appoint the chairpersons for each committee from its members.

Section 4.9 Committee Conduct. The activity of all committees of this Corporation shall be conducted in such manner as will advance the best interests of the Corporation. The rules of procedure and all other regulations of each committee shall be consistent with the Articles of Incorporation and Bylaws of the Corporation, as such may be amended or restated from time to time, and policies of the Corporation. Except as otherwise provided in the Articles of Incorporation and Bylaws of the Corporation, as such may be amended or restated from time to time, committee members need not be members of the Board of Directors.

Section 4.10 Compensation of Directors. Directors may receive per diem compensation for their official duties as Directors, including service upon committees created by the Board of Directors, and may be reimbursed for expenses they incur as a result of attending Board of Directors or committee meetings. Such compensation and expense reimbursement shall be provided in accordance with policies adopted by resolution of the Board of Directors, provided, however, such compensation shall not be contrary to any limitations or requirements imposed by statute. Membership on the Board of Directors or any committee of the Corporation shall not preclude such Directors from serving the Corporation in any other capacity and receiving fair compensation therefore.

Section 4.11 Proxies. A Director or alternate shall not appoint a proxy for himself/herself or vote by proxy.

## Article V

### Board Meetings

Section 5.1 Annual Meeting. The Board of Directors shall hold an Annual Meeting in January of each year. At the annual meeting the Board of Directors shall (i) hold an election for those seats on the Board of Directors that are vacant or will become vacant at the end of the annual meeting, or are filled by temporary replacements, (ii) elect a Chair, Vice-Chair and Secretary-Treasury who must be Directors, (iii) appoint members of the Advisory Board if the Board of Directors has created such a board, (iv) review the accomplishments of the Corporation that occurred since the last Annual Meeting, and (v) transact such other business as may come



before the Board of Directors at such meeting.

Section 5.2 Regular Meetings. The Board of Directors shall, by resolution, hold at least one additional meeting, other than the Annual Meeting, each year and may establish regular periodic meetings at such time and place as provided for in the resolution at which meetings any business of the Corporation may be conducted. No notice of regular meetings need be given other than as provided in the resolution establishing said meetings provided that the Secretary-Treasurer shall provide notice to each Director of said regular meeting at least ten (10) days prior thereto.

Section 5.3 Special Meetings. Special meetings of the Board of Directors may be called at the request of three (3) Directors or the Chair on notice of not less than five (5) business days directed to each Director. Business transacted at any special meeting of the Board of Directors shall be limited to the purposes stated in the notice.

Section 5.4 Place of Meetings. The Board of Directors may hold its meetings at such places within the state of Minnesota as the majority of the Board of Directors may from time to time determine.

Section 5.5 Notice of Meetings. The Chair or the Executive Director, as directed by the Board of Directors, shall call the meetings of the Board of Directors by way of notice to each Director not more than thirty (30) days or less than five (5) days prior to such meeting, stating the time and place of the meeting. Notice of all meetings of the Board of Directors must also comply with all requirements contained in Chapter 13D of *Minnesota Statutes* Section for public meetings and all amendments, substitutions or replacements thereof for as long as such requirements exist, unless the Board of Directors is specifically exempted from such requirements by a specific statutory provision. If allowed by Chapter 13D of the *Minnesota Statutes*, no notice of the Annual Meeting or other regular meetings need be given other than as provided in the resolution that originally establishes said meetings provided that the Secretary-Treasurer shall provide notice to each Director of said meetings at least ten (10) days prior thereto.

Section 5.6 Quorum. At all meetings of the Board of Directors, there shall be a quorum for the transaction of business if there are at least one - half (1/2) of all Directors present. The act of a majority of the Directors present and voting shall be the act of the Board of Directors, except as may be otherwise specifically provided by statute or the Articles of Incorporation and Bylaws of the Corporation, as such may be amended or restated from time to time. Duly seated alternates shall be counted among the number needed to reach a quorum. If a quorum shall not be present at any meeting of the Board of Directors, the Directors present thereat may adjourn the meeting from time to time, without notice other than announcement at the meeting until a quorum is present. If a quorum is otherwise present, a Director's written vote on an issue shall have the same effect as if the Director had voted in person.

Section 5.7 Attendance at Meetings. Unless otherwise restricted by statute or the Articles of Incorporation and Bylaws of the Corporation, as such may be amended or restated from time to time, members of the Board of Directors, or any committee designated by the Board of Directors, may participate in a meeting of the Board of Directors, or any committee, by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and such participation in a meeting shall constitute presence in person at the meeting.

Section 5.8 Minutes. The Board of Directors and each committee created by the Board of Directors shall keep regular minutes of its meetings and each committee shall report the same to the Board of Directors when required.

Section 5.9 Compliance with Open Meeting Requirements. All meetings of the Board of Directors must be held in compliance with the Open Meeting requirements contained in Chapter 13D of the *Minnesota Statutes* and all amendments, substitutions or replacements thereof for as long as such requirements exist, unless the Board of Directors is specifically exempted from such requirements by a specific statutory provision.

## Article VI

### Officers

Section 6.1 Election, Qualifications. The Officers of the Corporation shall consist of a Chair, Vice-Chair, and Secretary-Treasurer, and other such Officers as the Board of Directors and Executive Director shall determine from time to time. The Officers of the Corporation shall be elected by the Board of Directors at the Annual Meeting. All of the Officers of the Corporation must be Directors. A vacancy in any office of an Officer occurring by reason of death, disqualification, resignation or removal shall be filled for the unexpired portion of the term by election or appointment of a successor by the affirmative vote of a majority of a quorum of the remaining Directors present at any meeting of the Board of Directors.

Section 6.2 Compensation. The salary, if any, of the Officers shall be fixed by the Board of Directors, but in no event may such salary exceed any limitations contained in any statute.

Section 6.3 Term, Removal and Vacancy. The Officers of the Corporation shall hold office for one (1) year terms or until their successors are elected and qualified. Any Officer elected or appointed by the Board of Directors may be removed at any time by the affirmative vote of a majority of the Board of Directors. Any vacancy occurring in any office shall be filled by the Board of Directors.

Section 6.4 Chair. The Chair shall preside at meetings of the Board of Directors.

Section 6.5 Vice Chair. In absence of the Chair, the Vice-Chair shall preside at meetings of the Board of Directors.

# Official Notices

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Section 6.6 Secretary-Treasurer. The Secretary-Treasurer shall be responsible for maintaining the records and funds of the Corporation. Any duty of the Secretary-Treasurer may be delegated to the Executive Director.

The Secretary-Treasurer's primary duties shall include:

- (a) Attending all meetings of the Board of Directors and recording all proceedings;
- (b) Exercising the care and custody of the Corporation's funds and securities, keeping full and accurate accounts of receipts and disbursements in books belonging to the Corporation and depositing all monies and other valuable effects in the name and to the credit of the Corporation in such depositories as may be designated by the Board of Directors.
- (c) Rendering to the Board of Directors at its Annual Meeting or when the Board of Directors so require an account of all transactions and of the financial condition of the Corporation. If required by the Board of Directors, the Secretary-Treasurer and staff assistant shall give the Corporation a bond in such sum and with such surety or sureties as shall be satisfactory to the Board of Directors for the faithful performance of duties of his/her office and for the restoration to the Corporation, in case of his/her death, resignation, retirement, or removal from office, of all books, papers, vouchers, money, and other property of whatever kind in his/her possession under his/her control belonging to the Corporation.

Section 6.7 Executive Director. The Executive Director shall be the chief executive and operating officer of the Corporation and shall be hired by the Board of Directors as an at will employee, subject to discharge by the Board of Directors. Subject to the provisions of these Amended and Restated Bylaws and the direction of the Board of Directors, the Executive Director shall have ultimate authority for decisions relating to the general management and control of the business and affairs of the Corporation. The Executive Director shall see that all orders and resolutions of the Board of Directors are carried into effect.

In addition, the Executive Director shall be responsible for:

- (a) Directing and administering the affairs of the Corporation in accordance with the policies of the Board of Directors;
- (b) Setting compensation, hiring and discharging of all employees within the limits and policies established by the Board of Directors;
- (c) Having responsibility to prepare, submit and maintain the records of the Corporation, and for submitting information and reports to the Board of Directors as required thereby;
- (d) Initiating, managing and promoting programs which serve and advance the purposes of the Corporation;
- (e) Coordinating, assisting, and monitoring all committees established by the Board of Directors and their programs;
- (f) Directing all the Corporation administrative functions;
- (g) Submitting budgets as required by the Board of Directors, together with supporting documentation;
- (h) Creating and updating, when necessary, employee job descriptions and requiring individual annual interviews with each employee;
- (i) Subject to such limitations as the Board of Directors may provide, executing contracts of the Corporation, except where required by law to be otherwise signed or executed;
- (j) Preparing and filing such reports of the Corporation as may be required by applicable law, including returns and reports required in the Internal Revenue Code, applicable state tax law and applicable state laws regulating charitable organizations and their solicitation of contributions;
- (k) Performing such other duties as may be assigned by the Board of Directors pertaining to the function of the Corporation; and
- (l) Reporting, from time to time, to the Board of Directors on matters within his or her knowledge that may be of interest to the Board of Directors.

Section 6.8 Execution of Instruments. All deeds, bonds, mortgages, notes, contracts, and other instruments requiring execution by the Corporation shall be executed on behalf of the Corporation by the Chair, except where the execution and attestation thereof shall be delegated to the Executive Director or some other named individual. All expenditures of \$25,000 or more must be approved by the Board of Directors in accordance with state statutes. When authorized by the Board of Directors or the Executive Director, the signature of any Officer or agent of the Corporation may be a facsimile.

Section 6.9 Management and Administrative Employees. The Corporation may have such other management and administrative employees as from time to time determined necessary by the Executive Director. All the Corporation employees shall be appointed in a manner, have duties and responsibilities, be compensated as, and hold their positions for the time determined and prescribed by the Executive Director.

Section 6.10 Compensation. The Executive Director shall be paid such reasonable compensation for his/her services rendered to the Corporation in those capacities and be reimbursed for reasonable out-of-pocket expenses, as the Board of Directors from time to time determines to be directly in furtherance of the purposes of, and in the best interest of, provided, however, in no event may such compensation or remuneration exceed any amount that may be imposed by statute.

Section 6.11 Bond. The Board of Directors shall from time to time determine which, if any, of the Officers, agents, or employees

of the Corporation shall be bonded and the amount of each bond.

## **Article VII**

### **Advisory Board**

Section 7.1 Creation of an Advisory Board. The Board of Directors may establish an advisory board to be known as the Advisory Board, the purpose of which is to represent and provide the Corporation with assistance and advice regarding the various segments of Minnesota's agricultural industry. The provisions in this Article Seven shall only apply if the Board of Directors establishes an Advisory Board.

Section 7.2 Members of Advisory Board. The Advisory Board is to be constituted in accordance with *Minnesota Statutes* § 1160.09, Subd. 5, as such may subsequently be amended or replaced from time to time, and if such statute is repealed and not replaced, then the Board of Directors may establish the manner in which the Advisory Board will be constituted that will encompass broad representation from the producers, processors, suppliers and organizations that comprise the agricultural industry of the state.

Section 7.3 Terms. The members of the Advisory Board shall be appointed or elected by the Board of Directors at the Annual Meeting and shall serve terms of one year. Members of the Advisory Committee may be re-elected or reappointed to successive terms. In the event of a vacancy in an unexpired term, a replacement member may be appointed by the Board of Directors to fill the remainder of that term.

Section 7.4 Purpose. The purpose of the Advisory Board is to assess the utilization needs and opportunities for the various segments of the agricultural industry in the state, and to annually develop a utilization program to address those needs and opportunities and provide a list of priorities and suggested research and marketing studies that should be performed by the Corporation. The Advisory Board also provides policy guidance, direction and support in the implementation of the utilization program and in the overall development of the Institute.

Section 7.5 Advisory Board Meetings. The Advisory Board will hold at least two regular meetings, one in the spring and one in the fall. One of these meetings will focus on the development of a Strategic Plan for the Corporation and the other on gathering input from the various segments of Minnesota's agricultural industry on utilization needs and opportunities. Special meetings of the Advisory Board may be called at any time by the Chair.

Section 7.6 Task Forces. The Advisory Board may create Task Forces for the purpose of conducting detailed assessments and development of major utilization opportunities, promising new technologies, key development matters, or cooperative efforts with public, private and non-profit groups. Task Forces shall be chaired by a member of the Advisory Board and must have no less than three (3) members of the Advisory Board on each such group. Other members of Task Forces may be drawn from producer groups, business and industry, research, academia, government and other sectors based upon their expertise, experience or interest in the subjects to be addressed. Task Forces shall be responsible to the Advisory Board and shall provide regular action reports at Advisory Board meetings or more frequently if necessary. Task Forces are intended to be temporary structures and therefore shall automatically terminate at the next meeting of the Advisory Board unless specifically extended by action of the Advisory Board.

Section 7.7 Advisory Board Meetings. Members of the Advisory Board, who are not otherwise members of the Board of Directors, shall be given notice of all meetings of the Board of Directors. Advisory Board members may attend any Board of Directors meeting and may provide input on Board of Directors decisions, but may not vote unless he/she is a Director.

Section 7.8 Compensation of Advisory Board Members. Members of the Advisory Board may not receive compensation, but may be reimbursed for expenses they incur as a result of attending Advisory Board meetings. Such expense reimbursement shall be provided in accordance with policies adopted by resolution of the Board of Directors, but shall not exceed any limitations imposed by statute. Membership on the Advisory Board shall not preclude such members from providing goods or services to the Corporation in any other capacity and receiving compensation therefore.

## **Article VIII**

### **Cessation of Operations and Distribution of Assets**

Section 8.1 Right to Cease Operations and Distribute Assets. The Board of Directors, by three-fourths (3/4) vote of the entire Board of Directors, may choose at any time to cause the Corporation to cease operations and voluntarily dissolve if such cessation of operation and dissolution is allowed by statute. If any such cessation and distribution is called for, the Board of Directors shall also establish a date for commencement of the distribution procedure.

Section 8.2 Cessation and Distribution. When cessation of operations and distribution of assets has been approved, the Board of Directors shall cause the Corporation to discontinue the regular business activities and operations as soon as practical, and shall liquidate and distribute all of the Corporation's remaining assets to such units or instrumentalities of government or organizations organized and operated exclusively for one or more of the purposes defined in Section 501(c)(3) of the Internal Revenue Code, as amended, as the Board of Directors shall determine.

# Official Notices

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## Article IX

### Indemnity

Section 9.1 Indemnity. Each Director, Officer, and employee, past or present, of the Corporation and each person who serves or may have served at the request of the Corporation, as a Director, Officer, or director, officer, or agent of another corporation, partnership, joint venture, trust or other enterprise, and their respective heirs, administrators and executors, shall be indemnified by the Corporation in accordance with, and to the fullest extent permitted by, the provisions of the Minnesota Nonprofit Corporation Act as it may from time to time be amended.

Section 9.2 Insurance. The Corporation may purchase and maintain insurance on behalf of any person who is or was a Director or Officer (and may purchase and maintain insurance on behalf of any person who is or was an employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, or agent of another corporation, partnership, joint venture, trust or other enterprise) against any liability asserted against any such person and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not the Corporation would have the power to indemnify such person against such liability under the provisions of the Minnesota Nonprofit Corporation Act or of these Amended and Restated Bylaws, as they may from time to time be amended.

## Article X

### Notices

Section 10.1 Notices. Unless otherwise provided by statute or by the Articles of Incorporation and Bylaws of the Corporation, as such may be amended or restated from time to time, whenever notice is required to be given to a Director or any other individual or entity it shall not be construed to mean or require personal notice, and such notice may be given by way of (i) mail, (ii) telegram, (iii) telex, (iv) fax, (v) electronic mail, or (vi) other commonly used electronic means, and such notice shall be addressed to such Director or other individual or entity at its street address, telex or fax number, electronic mail address, or other electronic address as has been supplied thereby in writing to the Corporation.

Section 10.2 Waiver. A written waiver of any notice requirement, signed by the person or persons entitled to said notice, whether provided before or after the occurrence of the event for which notice is required, shall be deemed equivalent to and the same effect as if the required notice had been properly and promptly supplied.

## Article XI

### General Provisions

Section 11.1 Fiscal Year. The fiscal year of the Corporation shall be October 1 to September 30 of the succeeding year.

Section 11.2 Seal. The Corporation shall not have a corporate seal.

Section 11.3 Securities Owned by the Corporation. Voting securities in any other corporation held by the Corporation shall be voted by the Executive Director, unless the Board of Directors specifically confers authority upon some other person to vote with respect thereto, which may be general or confirmed to specific instances. Any person authorized to vote securities shall have the power to appoint proxies, with general power of substitution.

Section 11.4 Annual Audited Financial Statements. The Board of Directors shall engage a firm of independent certified public accountants and for each fiscal year of the Corporation shall cause such firm to prepare audited financial statements in accordance with generally accepted accounting principals which fairly present the financial condition and the results of operations of the Corporation. A copy of these financial statements shall be provided to each Director.

Section 11.5 Annual Report. The Officers of the Corporation shall annually prepare a report summarizing the activities of the Corporation conducted in the course of its prior fiscal year and distribute the same to each Director.

Section 11.6 Contracts. The Board of Directors may authorize any Officer or agent of the Corporation to enter into any contract or execute and deliver any instrument in the name and on behalf of the Corporation, and any such authority may be general or confined to specific instances.

Section 11.7 Loans and Pledges. No loans shall be contracted nor pledges or guarantees given on behalf of the Corporation unless specifically authorized by the Board of Directors.

Section 11.8 Authorized Signatures. All checks, drafts, or other orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the Corporation shall be signed by such person or persons and in such manner as shall be from time to time determined by the Board of Directors or these Amended and Restated Bylaws, as such may be amended or restated from time to time.

Section 11.9 Deposits. All funds of the Corporation shall be deposited to the credit of the Corporation in such banks, trust companies, or other depositories as the Executive Director or the Board of Directors may designate and shall be disbursed under such general rules and regulations as the Board of Directors shall from time to time determine.

Section 11.10 Books and Records. The Board of Directors shall cause to be kept:

- (a) Records of all proceedings of the Board of Directors and all committees established by the Board of Directors;
- (b) All of the records and books of account as shall be necessary and appropriate to the conduct of the business of the Corporation.

Section 11.11 Documents Kept at Registered Office. The Board of Directors shall cause to be kept at the registered office of the Corporation originals or copies of:

- (a) Records of the proceedings of all committees established by the Board of Directors;
- (b) Records of all votes and actions of the Board of Directors;
- (c) All financial statements of the Corporation; and
- (d) The Articles of Incorporation and Bylaws of the Corporation, as such may be amended or restated from time to time.

### Article XII

#### Amendments or Restatement of Articles and Bylaws

Section 12.1 Right to Amend. The Articles of Incorporation and Bylaws of the Corporation, as such may be amended or restated from time to time, may only be altered or amended by a majority vote of the entire Board of Directors at any meeting for which notice of such alteration or amendment was contained in the notice for such meeting.

**The Foregoing Amended and Restated Bylaws** were adopted by the Board of Directors of the Agricultural Utilization and Research Institute, Inc. by way of a resolution that was unanimously agreed to by the Directors thereof at a meeting of such Board of Directors that was held on the 11th day of May, 2004.

## Higher Education Facilities Authority

### Notice of Public Hearing on Revenue Obligations

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of the University of St. Thomas (the "University"), as owner and operator of University of St. Thomas, at the Authority's office at Suite 450, 380 Jackson Street, St. Paul, Minnesota on June 16, 2004 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original principal amount of up to approximately \$55,000,000 to finance a project generally described as: (a) the construction, equipping and furnishing of Selby Residence Hall, a seven-story student residential hall and related parking facility on the University's St. Paul, Minnesota campus; and (b) the construction, equipping and furnishing of Schulze Hall, a four-story education building to be used by the College of Business on the University's downtown Minneapolis, Minnesota campus. The street address of the St. Paul campus is 2115 Summit Avenue, Saint Paul, Minnesota. The street address of the Minneapolis campus is 1000 LaSalle Avenue, Minneapolis, Minnesota.

At said time and place the Authority shall give all parties who appear or who have submitted written comments and opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: June 1, 2004

## Department of Human Services

### Updated Child Care Fund Sliding Fee Copayment Schedule

Pursuant to *Minnesota Statutes* section 119B, and *Minnesota Rules*, part 3400.0100, Subp. 5 (Publication of state median income and fee schedule in *State Register*), the Department of Human Services hereby gives notice of the updated Sliding Fee Monthly Copayment Schedule. This schedule is based on the FFY 2004 federal poverty guidelines as published in the February 13, 2004 *Federal Register*. The schedule published is for family sizes of two through six and is effective July 1, 2004 until further notice. Please contact the Child Care Assistance Program for the schedule for larger families or for the biweekly copayment schedule for all family sizes. This revised fee schedule replaces the schedule published June 27, 2003.

Any questions about the updated schedule should be directed to:

Child Care Assistance Program  
Department of Human Services  
Children and Family Services  
444 Lafayette Road North  
St. Paul, MN 55155-3834  
(651) 296-4476

# Official Notices

## Child Care Assistance Program SFY 2005 Monthly Copayment Schedule

### Two Person Household

Federal Poverty Guidelines      \$12,490  
175% of FPG (Entrance Limit)      \$21,858

<u>Gross Income Range</u>	<u>Monthly Copayment</u>
\$0	\$ -
\$9,368	\$ 10
\$12,490	42
\$13,115	44
\$13,739	46
\$14,364	48
\$14,988	56
\$15,613	63
\$17,486	71
\$18,111	74
\$18,735	76
\$19,360	94
\$19,984	97
\$20,609	116
\$21,233	127
\$21,858	139
\$22,482	160
\$23,107	173
\$23,731	187
\$24,356	209
\$24,980	268
\$26,229	377
\$28,103	411
\$28,727	471
\$29,352	494
\$29,976	544
\$30,601	572
\$31,225	INELIGIBLE

### Three Person Household

Federal Poverty Guidelines      \$15,670  
175% of FPG (Entrance Limit)      \$27,423

<u>Gross Income Range</u>	<u>Monthly Copayment</u>
\$0	\$ -
\$11,753	\$ 10
\$15,670	53
\$16,454	55
\$17,237	58
\$18,021	60
\$18,804	70
\$19,588	78
\$21,938	90
\$22,722	93
\$23,505	96
\$24,289	118
\$25,072	122
\$25,856	146
\$26,639	160
\$27,423	175
\$28,206	201
\$28,990	217
\$29,773	234
\$30,557	263
\$31,340	336
\$32,907	473
\$35,258	515
\$36,041	591
\$36,825	620
\$37,608	683
\$38,392	718
\$39,175	INELIGIBLE

**Child Care Assistance Program  
SFY 2005  
Monthly Copayment Schedule**

**Four Person Household**

Federal Poverty Guidelines      \$18,850  
175% of FPG (Entrance Limit)      \$32,988

<b><u>Gross Income Range</u></b>		<b><u>Monthly Copayment</u></b>
\$0	\$14,137	\$ -
\$14,138	\$18,849	\$ 10
\$18,850	19,792	63
\$19,793	20,734	67
\$20,735	21,677	70
\$21,678	22,619	73
\$22,620	23,562	84
\$23,563	26,389	94
\$26,390	27,332	108
\$27,333	28,274	111
\$28,275	29,217	115
\$29,218	30,159	142
\$30,160	31,102	146
\$31,103	32,044	175
\$32,045	32,987	192
\$32,988	33,929	210
\$33,930	34,872	241
\$34,873	35,814	261
\$35,815	36,757	281
\$36,758	37,699	316
\$37,700	39,584	404
\$39,585	42,412	569
\$42,413	43,354	620
\$43,355	44,297	711
\$44,298	45,239	746
\$45,240	46,182	822
\$46,183	47,124	864
\$47,125		INELIGIBLE

**Five Person Household**

Federal Poverty Guidelines      \$22,030  
175% of FPG (Entrance Limit)      \$38,553

<b><u>Gross Income Range</u></b>		<b><u>Monthly Copayment</u></b>
\$0	\$16,522	\$ -
\$16,523	\$22,029	\$ 10
\$22,030	23,131	74
\$23,132	24,232	78
\$24,233	25,334	81
\$25,335	26,435	85
\$26,436	27,537	98
\$27,538	30,841	110
\$30,842	31,943	126
\$31,944	33,044	130
\$33,045	34,146	135
\$34,147	35,247	166
\$35,248	36,349	171
\$36,350	37,450	205
\$37,451	38,552	225
\$38,553	39,653	246
\$39,654	40,755	282
\$40,756	41,856	305
\$41,857	42,958	329
\$42,959	44,059	369
\$44,060	46,262	472
\$46,263	49,567	665
\$49,568	50,668	724
\$50,669	51,770	830
\$51,771	52,871	871
\$52,872	53,973	960
\$53,974	55,074	1,010
\$55,075		INELIGIBLE

# Official Notices

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Child Care Assistance Program  
SFY 2005  
Monthly Copayment Schedule

Six Person Household

Federal Poverty Guidelines \$25,210  
175% of FPG (Entrance Limit) \$44,118

<u>Gross</u> <u>Income Range</u>		<u>Monthly</u> <u>Copayment</u>
\$0	\$18,907	\$ -
\$18,908	\$25,209	\$ 10
\$25,210	26,470	85
\$26,471	27,730	89
\$27,731	28,991	93
\$28,992	30,251	97
\$30,252	31,512	113
\$31,513	35,293	126
\$35,294	36,554	144
\$36,555	37,814	149
\$37,815	39,075	154
\$39,076	40,335	190
\$40,336	41,596	196
\$41,597	42,856	234
\$42,857	44,117	257
\$44,118	45,377	281
\$45,378	46,638	323
\$46,639	47,898	349
\$47,899	49,159	376
\$49,160	50,419	423
\$50,420	52,940	540
\$52,941	56,722	761
\$56,723	57,982	829
\$57,983	59,243	950
\$59,244	60,503	997
\$60,504	61,764	1,099
\$61,765	63,024	1,155
\$63,025		INELIGIBLE

## Department of Human Services

### Notice of the Disproportionate Population Adjustment for State Regional Treatment Centers and Proposed Payment Rates for the State Regional Treatment Centers

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA) Program, and to the public, of proposed changes concerning the disproportionate population adjustment (DPA) and the payment rates for Regional Treatment Centers under the MA Program. This notice is published pursuant to 42 *United State Code* § 1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish proposed payment rates for institutional providers, the methodologies underlying the establishment of such rates, and the justification of such rates.

In conjunction with the current state fiscal year's budget for Regional Treatment Centers, as appropriated by the Legislature, payment rates are determined in accordance with *Minnesota Statutes*, §246.50, subdivision 5.

Effective for admissions occurring during State Fiscal Year 2005 (July 1, 2004 through June 30, 2005), the inpatient payment rate of each Regional Treatment Center will be adjusted by the indicated percentage:



**DPA Adjustment****Facility      SFY 2005**

Anoka	19.74%
Brainerd	19.79%
Eveleth	23.03%
Fergus Falls	17.24%
St. Peter	16.90%
Willmar	16.38%

Due to legislative action, the following proposed MA payments are subject to change. Final rates for State Fiscal Year 2005 will be published prior to July 1, 2004.

<b>Facility</b>	<b>Adult Mental Illness</b>	<b>Mental Retardation</b>	<b>Psychopathic Personality</b>	<b>Nursing Facility</b>
Anoka	\$454			
Anoka Transition Services	\$247			
Bloomington Community Unit	\$135			
Como Community Unit	\$152			
Brainerd	\$539			\$553
Fergus Falls	\$815			
Eveleth	\$382			
MSH <sup>1</sup>	\$453			
MSH Transition Services	\$177			
Southern Region <sup>2</sup>	\$661			
Minnesota Extended Treatment Options		\$986		
Minnesota Sex Offender Program <sup>3</sup>			\$268	
Ah-Gwah-Ching				\$335

<sup>1</sup> Minnesota Security Hospital on the St. Peter facility campus

<sup>2</sup> Wilmar facility and the 50-bed satellite program on the St. Peter facility campus

<sup>3</sup> Moose Lake facility and the 50-bed satellite program on the St. Peter facility campus

Questions and comments may be directed to:

Lynn Glancey  
Department of Human Services  
State Operated Services Division  
444 Lafayette Road North  
St. Paul, MN 55155-3826  
**Phone:** (651) 582-1875  
**Email:** Lynn.Glancey@state.mn.us

## **Joint Airport Zoning Board**

### **Notice of Adoption of the Restated and Amended Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) Zoning Ordinance**

Please take notice that on the 29 of April 2004, at a meeting of the Wold-Chamberlain Field Joint Airport Zoning Board, the Joint Airport Zoning Board adopted the restated and amended Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) zoning ordinance:

An ordinance restating and amending the 1984 zoning ordinance to incorporate zoning for the new runway 17-35 and the extension of the 22-end (Minneapolis/St. Paul) of runway 4-22; to reflect the redesignation of runways 11l-29r and 11r-29l; to make the land use safety zones for runway 4-22 begin at the ends of the primary

# Official Notices

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zones; to change the respective lengths of safety zones a and b; to alter the land use zoning in safety zones a and b; to revise the permit requirements; to add multiple zoning plates; to make technical corrections; and to update other provisions of the MSP zoning ordinance.

Copies of the restated and amended Minneapolis-St. Paul International Airport zoning ordinance as adopted can be obtained by contacting Jenn Unruh at:

Jenn Unruh  
Joint Airport Zoning Board Secretary  
6040 28 Avenue South  
Minneapolis, MN 55450  
(612) 726-8189

## Department of Natural Resources

### Notice of Intent to Hold State Metallic Minerals Lease Sale: State Lands to be Offered for Metallic Minerals Exploration

The Minnesota Department of Natural Resources announces that plans are being developed to hold the state's twenty-seventh sale of metallic minerals exploration and mining leases. The sale is tentatively scheduled for September 2004. The lease sale plans are being announced at this time in order to give mining companies, public interest groups and all other interested parties additional time to review the areas under consideration.

The purpose of Minnesota's metallic minerals rules (*Minnesota Rules*, parts 6125.0100 - .0700) is to promote and regulate the exploration for, mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under these rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of rentals that increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and the addressing of environmental considerations. In addition, the state lessee must comply with all applicable regulatory laws.

The areas under consideration for the lease sale cover portions of Itasca, Kanabec, Lake, Mille Lacs and Saint Louis Counties. Some of the lands being considered have been offered in previous metallic minerals lease sales, but based upon the interest shown by industry, new geologic data, and exploration techniques developed during the past few years, it is felt that within these lands there is significant potential for the discovery of mineral resources. Certain new lands of interest are also being considered for the lease sale.

The exact time and place of the lease sale will be announced by legal notice at least thirty (30) days prior to the sale. Mining unit books, listing the state lands to be offered at the lease sale, will be available for inspection or purchase at that time.

A map showing the general areas under consideration may be obtained from the Division of Lands and Minerals, Box 45, 500 Lafayette Road, Saint Paul, MN 55155-4045, **telephone** (651) 296-4807.

Gene Merriam  
Commissioner of Natural Resources

## State Agriculture Society

### Notice of Meeting of the Board of Managers

The Board of Managers of the Minnesota State Agricultural Society will meet at 9 a.m. Thursday, June 3 at the Libby Conference Center on the State Fairgrounds. The Society is the governing body of the Minnesota State Fair. The session opens with a meeting of the board's sales committee, followed immediately by a general business meeting of the board. Agendas are available upon request; please phone the Minnesota State Fair at (651) 288-4400.

Minnesota State Fair 2004 will run Aug. 26 through Labor Day, Sept. 6.

## State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) website. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD website at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

## Administration Department

### Communications Media Division

#### Subscribe to the *State Register*

Printed (hard) copies to the *State Register* will NO LONGER be available after Vol. 28, #52. Only subscriptions via E-mail will be available, beginning with Volume 29, #1 - July 6, 2004.

With an E-mail subscription, you will receive THREE EXTRAS free-of-charge:

#1 - LINKS - instant contact, saves you time and effort.

#2 - INDEX - fast and easy finding articles you need.

#3 - CONTRACTS & GRANTS - current list of contracts, grants, loans, and non-state public contracts open for bid.

Have the *State Register* E-MAILED to you the Friday afternoon it is published. Subscribe today. Cost is \$180 for an entire year, SAVE \$80 from the cover price. Contact: Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155; **Telephone:** (651) 297-8774; **FAX:** (651) 297-8260; **E-mail:** [jessie.rahmeyer@state.mn.us](mailto:jessie.rahmeyer@state.mn.us).

## Department of Administration

### Real Estate Management Division

#### Proposal Request for Leasing - Mankato Crisis Diversion Center

The State of Minnesota, Department of Administration, on behalf of the Department of Human Services, requests proposals for lease of an existing or newly constructed ten-bed congregate living facility to provide a sub-acute mental health crisis stabilization center in Mankato, Minnesota or surrounding area.

To request the specifications/requirements necessary to prepare a proposal contact:

Department of Administration  
Real Estate Management Division  
309 Administration Building  
50 Sherburne Avenue  
St. Paul, Minnesota 55155  
**Telephone:** (651) 296-6674

Proposals must be submitted by 2:30 p.m. (CST) on Friday, June 30, 2004.

## Colleges & Universities, Minnesota State (MnSCU)

### Winona State University

#### Request For Sealed Bids for Equipment and Supplies

**NOTICE IS HEREBY GIVEN** that Winona State University will receive sealed bids for miscellaneous equipment and supplies for their Biology and Chemistry Departments. Bid specifications will be available June 1, 2004 from Winona State University Purchasing Department, P.O. Box 5838, 205 Somsen Hall, Winona, MN 55987 by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt at P.O. Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona MN 55987 by 3:00 p.m., June 16, 2004.

Winona State University reserves the right to reject any or all bids and to waive any irregularities or informalities received.

# State Contracts

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## Colleges & Universities, Minnesota State (MnSCU)

### Inver Hill Community College

#### Sealed Bids for Pavement Rehabilitation

Inver Hills Community College will seek sealed bids for pavement rehabilitation until 9:00 a.m., Thursday, June 17, 2004, at which time the bids will be opened and publicly read aloud.

The 2004 Pavement Rehabilitation Project will include pavement repairs, crack sealing and aggregate seal coating.

A pre-bid meeting will be held at 9:00 a.m., Thursday, June 10, 2004, in Room HH202 Heritage Hall, Inver Hills Community College. The engineer and owner representatives will review the bidding procedures, bidding documents and other conditions with interested bidders and answer questions.

Bid forms, contract documents, drawings and specifications as prepared by the Project Engineer, Larson Engineering of Minnesota, are on file at the offices of the:

- 1.) Larson Engineering of Minnesota
- 2.) The Builders Exchanges of St. Paul and Minneapolis

Complete sets only of bid forms and Drawings and Specifications for use by Bidders in submitting a bid may be obtained at the following address:

Larson Engineering of Minnesota  
3524 Labore Rd  
White Bear Lake, MN 55110  
(651) 481-9120

A deposit of \$50 is required for each set.

Each bid which totals over \$15,000.00 must be accompanied by a bid bond or other security described here as a proposal guarantee that the bidder will enter into a contract if its bid is accepted. This security may be either a certified check, payable to Minnesota State Colleges and Universities, in the sum of not less than five percent (5%) of the total base bid or a corporate surety bond for the same amount by a surety company authorized to do business in the State of Minnesota.

Bids will be received by:

Patrick Buhl, Director of Facilities Planning and Management  
Inver Hills Community College  
Heritage Hall Room 102  
Inver Grove Heights, MN 55076

## Colleges and Universities, Minnesota State (MnSCU)

### Request for Bid: PRINT and FULFILLMENT of Go Places Publications

The Office of the Chancellor is requesting bids from qualified vendors for the printing and fulfillment of Go Places publications (100,000 booklets, 3,000 posters and 105,000 reply cards).

Specifications are available by contacting Chris McGing, Minnesota State Colleges and Universities, 500 Wells Fargo Place, 30 East 7th Street, St. Paul, Minnesota 55101, (651) 297-2720 phone, or **email** [christine.mcging@so.mnscu.edu](mailto:christine.mcging@so.mnscu.edu). Sealed bids must be received by Thursday, June 10, 2004, 2:00 pm.

This request does not obligate Minnesota State Colleges and Universities to complete the proposed project, and the system reserves the right to cancel this solicitation if it is considered to be in its best interest.

The Minnesota State Colleges and Universities System is an Equal Opportunity employer and educator.

## Colleges & Universities, Minnesota State (MnSCU)

### St Cloud Technical College

#### Request for Proposal (RFP) for a 3D Printer for the Mechanical Drafting and Design Program

**NOTICE IS HEREBY GIVEN** that offers will be received by the Director of Purchasing, St. Cloud Technical College, until 2:00 P.M. on June 16, 2004 for the purpose of purchase and installation of a 3D Printer for the Mechanical Drafting and Design Program, according to the specifications on file at:

St. Cloud Technical College  
Business Office  
1540 Northway Drive  
St. Cloud, Minnesota 56303  
Attention: Jeff John  
Director of Purchasing  
Phone: 320-308-5512  
**Fax:** (320) 308-5027  
**Email:** [jjohn@sctc.edu](mailto:jjohn@sctc.edu)

Specifications and Request for Proposal forms may be obtained from Jeff John the Director of Purchasing at the address shown above. The request for proposal may also be downloaded off of the St Cloud Technical College's **web site** by visiting [www.sctc.edu/rfp](http://www.sctc.edu/rfp) beginning June 1, 2004 until June 16, 2004.

Offers are to be submitted in a sealed envelope addressed to the Director of Purchasing at the above address and clearly marked :

### **RFP for 3D Printer**

All applicants must provide one original and (2) copies of the proposal. Each copy of the proposal must be signed, in ink, by an authorized member of the company. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

**The final date for submitting a proposal is June 16, 2004 by 2:00 P.M. Central Daylight Time. Late proposals will not be considered. Faxed or e-mailed proposals will not be considered.**

St. Cloud Technical College reserves the right to reject any and all offers and to waive any informalities contained in such offers. This request does not obligate the St Cloud Technical College to complete this project. The St Cloud Technical College reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## **Colleges & Universities, Minnesota State (MnSCU)**

### **Request for Proposals for Satellite Transponder Service**

**NOTICE IS HEREBY GIVEN** that a request for proposals is being solicited for satellite transponder service for the Minnesota Satellite & Technology (MnSAT) digital network.

Proposals are due on June 17, 2004, no later than 1:00 p.m. CDT.

For further information, or to request a copy of the Request for Proposals document, please contact via e-mail Dr. Penelope L. Dickhudt at: [penny.dickhudt@so.mnscu.edu](mailto:penny.dickhudt@so.mnscu.edu). This is the only person designated to answer questions regarding this request. All requests and/or questions shall be submitted to the given e-mail address.

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

Minnesota State Colleges & Universities is an equal opportunity employer and educator.

## **Colleges & Universities, Minnesota State (MnSCU)**

### **Minneapolis Community and Technical College**

### **Request for Proposals for the Water Heater Replacement at Minneapolis Community and Technical College**

#### **Project scope:**

Remove and replace existing water heaters in C-Building and Helland Center.

#### **Pre-proposal conference:**

There will be a pre-proposal conference on Thursday June 3, 2004 at 10:00 a.m. for interested parties in Room T-11, T-Building at Minneapolis Community & Technical College. Bidding Documents will be available for viewing only. Additional copies will not be available at this meeting.

#### **Sealed proposals** to be submitted to:

Mary Prozeller  
Minneapolis Community & Tech. College  
1501 Hennepin Avenue, Suite T-11  
Minneapolis, MN 55403

# State Contracts

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(612) 659-6808

## **Due Date & Time:**

Public opening will take place Thursday June 10, 2004 at 2:00 p.m. in Room T-11. Proposals must be received prior to opening. Proposal guarantee (proposal bond) payable to Minnesota State Colleges and Universities in the amount of 5% of the Proposal must accompany each proposal submitted which totals over \$15,000.00.

To receive copies of the bid documents and specifications contact:

Nelson-Rudie & Associates, Inc.  
2575 University Avenue West  
Suite 135  
St. Paul, MN 55114  
(651) 644-2400.

A deposit of \$50 is required for each set of Bid Documents requested. Requests for Bid Documents (complete sets only) to be mailed must include a separate \$25 payment (per set) payable to Nelson-Rudie & Associates, Inc. for shipping and handling in addition to the \$50 deposit. Documents will be sent to street addresses only (no P.O. boxes). Submit deposits and payments prior to June 3, 2004.

## **Department of Human Services**

### **Notice of Request for Proposals from Managed Care Organizations (MCOs) for Minnesota Health Care Programs Recipients in Mower and Polk Counties**

The Minnesota Department of Human Services (DHS) is seeking proposals from MCOs to provide health care services to persons in Mower and Polk Counties who are covered by Medical Assistance (MA), General Assistance Medical Care (GAMC), or MinnesotaCare. The covered populations include all persons enrolled in Medical Assistance, GAMC and MinnesotaCare. The education/enrollment process will occur in November 2004. The estimated number of eligible enrollees is:

	<b>Mower County:</b>	<b>Polk County:</b>
MA:	4501	3842
GAMC:	321	207
MinnesotaCare:	<u>1074</u>	<u>1527</u>
Total:	5896	5576

It is estimated that 30% of all MA/GAMC eligible clients are excluded populations who would not enroll in managed care.

MCOs qualified to respond to this RFP must be able to provide all MA/GAMC/MinnesotaCare covered services, and must be able to accept financial risk. Capitation rates have been set by DHS in consultation with an independent actuary. Contracts will be awarded based on: (1) network capacity, and geographic accessibility of service delivery sites; (2) ability to comply with service delivery standards appropriate to the demographic characteristics of the population to be enrolled; (3) financial and risk capability; and (4) ability to meet quality assurance, complaint, appeal, and reporting requirements. The Commissioner reserves the right to reject any proposal.

Proposal requirements for prospective respondents currently contracting with DHS for Minnesota Health Care Programs enrollment in our counties include network information applicable to Mower and Blue Earth Counties, and assurances and exhibits addressing specific county issues and concerns. Prospective respondents who have no current contracts with DHS for Minnesota health Care Programs are required to submit additional information pertaining to network capabilities, administration and reporting capabilities.

Request for Proposals will be available June 1, 2004. Interested parties may access the RFP from the Department of Human Services **website:** [http://www.dhs.state.mn.us/RFP\\_Grants/default.htm](http://www.dhs.state.mn.us/RFP_Grants/default.htm) or receive a copy of the Request for Proposal by contacting:

Pam Olson, Development Manager  
Purchasing and Service Delivery Division  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota, 55155-3854  
**Telephone:** (651) 282-6129  
**Fax:** (651) 297-3230  
**Email:** [Pam.R.Olson@state.mn.us](mailto:Pam.R.Olson@state.mn.us)

Prospective respondents with questions regarding this RFP may call, write or email: Pam Olson at the above address. Ms. Olson

is the only person at the Department of Human Services who is authorized to answer questions regarding this document. All responses to this RFP are due to the Department of Human Services by 4:00 p.m. on July 9, 2004.

### Department of Transportation

#### Engineering Services Division

#### Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of a particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's **web site** at <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento  
Pre-Qualification Administrator  
Minnesota Department of Transportation  
Consultant Services  
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680  
St. Paul, MN 55155

**Note: DUE DATE:**

**APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.**

### Department of Transportation

#### Engineering Services Division

#### Notice Concerning Professional/Technical Contract Opportunities

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult).

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

## Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State 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 editor for further details.

## Housing Finance Agency (MHFA), Greater Minnesota Housing Fund, Metropolitan Council, Family Housing Fund, Department of Corrections Funds Available Through a Consolidated Request for Proposals (RFP) to Assist in the Development, Construction, Acquisition, Demolition, or Rehabilitation of Affordable Homeownership, Home Improvement, or Rental Housing Activities for Low and Moderate-Income Residents of Minnesota.

Limited amounts of funding are available for the following Multifamily activities:

- operating subsidies for new or existing MHFA financed housing developments, and
- tenant-based, sponsor-based and project-based rental assistance programs under the Housing Trust Fund Rental Assistance Program.

The Consolidated RFP represents an effort to coordinate the resources available within the agency, and to address communities' comprehensive housing efforts.

Eligible applicants are invited to submit proposal(s) for the Single Family RFP, the Multifamily RFP and the Housing Tax Credit Program. Separate Single Family and Multifamily proposals are required; refer to the Important Dates section at the end of this RFP for application deadlines. Comprehensive housing proposals that consist of both single family and multifamily units within the same geographical area, are required to complete both a single family and multifamily application.

### Future RFPs:

The Multifamily Division is changing to one RFP Round per year for deferred loan funding starting with this RFP announcement. The next Multifamily RFP for deferred loans will be issued in Spring 2005 with selections being made in Fall 2005. The Housing Tax Credit program and Single Family Division will continue to have two funding rounds per year. Final dates for the 2005 RFPs have not been determined.

### Amount of Funds Available:

Fund availability is listed individually under the Single Family, Multifamily and Housing Tax Credit sections below.

### Eligible Locations:

MHFA funds are generally available statewide; while respective RFP partners' funds are available only in the Twin Cities Metropolitan area or Greater Minnesota depending upon the specific funding partner.

### Eligible Applicants:

In general, eligible applicants for the majority of resources include Minnesota Cities, limited dividend entities, for profit organizations, nonprofit organizations, private developers, natural persons, Indian tribes or tribal housing corporations, public housing agencies, joint powers board established by two or more cities, and cooperative housing corporations.

In addition to the above, eligible applicants for multifamily and tax credit proposals also include corporations and partnerships.

*Habitat for Humanity organizations are **not eligible** to apply for funding from the Community Revitalization Fund (CRV) as the primary applicant under the "traditional Habitat model", but are eligible to be secondary partners with those applicants previously mentioned.*

## NEW MULTIFAMILY INITIATIVE AND PROGRAMS

### Initiative to End Long-Term Homelessness:

In the state of Minnesota, on any given night, there are an estimated 20,000 homeless and precariously housed individuals, youth, and families with children. Approximately 2,800 adults and unaccompanied youth, and nearly 500 children are persons experiencing long-term homelessness over the course of a full year.

Studies examining the costs of long-term homelessness have found that individuals who are repeatedly homeless for a year or more are known to have severe mental illness, disabling behavioral and physical health conditions, and are extensive users of other acute



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## Non-State Contracts & Grants

care service systems. Homelessness harms children's physical health, interferes with children's development and prevents children from performing well in school. Nearly one in ten homeless children become homeless as adults.

In 2003, the Minnesota Legislature, at the request of Governor Tim Pawlenty, directed the state Commissioners of Human Services, Corrections, and the Housing Finance Agency to convene a broadly representative working group to address the issue of long-term homelessness in Minnesota. The Working Group's report and recommendations were submitted to the 2004 Legislature on March 2004. The complete report, titled "Ending Long-Term Homelessness in Minnesota" can be found on the MHFA website on the Long-Term Homelessness web page.

The Working Group recommended that the state establish the goal of ending long-term homelessness in Minnesota through a business plan based on these strategies:

- 1) provide housing and support services for 4,000 additional households by 2010;
- 2) develop cost effective reforms for providing housing and support services through controlling development costs, maximizing the use of the private rental market to avoid the costs of new construction, focusing support services on programs that relate directly to helping the participant stay successfully housed, and requiring tenants to pay a portion of their rent from available sources using financial incentives to minimize the amount of state support necessary;
- 3) establish a \$540 million financing plan for the capital, rent assistance, operating subsidies, and services that are needed to implement the plan.

With this Consolidated RFP there are numerous changes in funding priorities and new funding sources that have been established to support development of housing for persons experiencing long-term homelessness. The Ending Long-term Homelessness Initiative Fund (ELHIF) along with the federal Permanent Housing for Chronically Homeless (HOME) program are two new resources available to developers and sponsors of housing for persons experiencing long-term homelessness. The ELHIF, along with the Housing Trust Fund Capital, Housing Trust Fund Operating Subsidy, and Housing Trust Fund Rental Assistance can be used for rental assistance programs, capital, and operating subsidies. The agency will give priority in selection to proposals for permanent supportive housing serving families with children experiencing long-term homelessness, and to proposals with a commitment of project-based rental assistance or operating subsidy from other sources. For capital projects, a priority will be given for acquisition and rehabilitation of newly assisted units.

Definitions of common supportive housing terms, along with the state program definitions of long-term homelessness and references to supportive housing resources are available on the MHFA website in the Reference Materials section of the Apply for Multifamily Housing Resources web page.

### **Ending Long-term Homelessness Initiative Fund (ELHIF):**

This program will provide funding for the development, construction, acquisition, preservation and rehabilitation of low-income housing that serves households experiencing long-term homelessness. Funds are also available for operating subsidy and rental assistance that will assist developments and programs that serve households experiencing long-term homelessness. This program will be administered using the Housing Trust Fund Program Guidelines, selection standards and funding priorities for Capital, Operating Subsidy and Rental Assistance and therefore will carry the same interest rate and terms.

### **Permanent Housing for Chronically Homeless (HOME) Program:**

This program will provide funding for permanent rental housing for persons meeting the HUD definition for chronically homeless at the time they occupy the unit. This program is funded out of National de-obligated HUD CHDO set-aside funds under the HOME Investment Partnerships Program.

**Owner/Sponsor Requirements:** The project must be owned, sponsored, or developed by an MHFA-approved Community Housing Development Organization (CHDO). CHDOs are expected to establish partnerships with organizations that have experience in serving the chronically homeless in order to ensure that appropriate supportive services are available to tenants on an ongoing basis.

**Eligible Uses of Funds:** Acquisition, rehabilitation and new construction of permanent rental housing for individuals experiencing chronic homelessness (under this competition for HOME funds, homeownership and rental assistance funding are considered ineligible activities).

**Occupancy Requirements:** Chronically homeless individuals as defined by HUD: "Unaccompanied homeless individuals with disabling conditions who have either been continuously homeless for a year or more or have had at least four episodes of homelessness in the past three years."

**Interest Rate and Term:** 0-1% interest rate, loans or grants, 30 year term. Loans will be forgiven if the units meet the rent and income restrictions of the HOME program from five to twenty years depending on the per unit costs and use of funds, and provide permanent housing for the chronically homeless.

## **ECONOMIC DEVELOPMENT AND HOUSING CHALLENGE FUND PROGRAM RULE WAIVER AND TEMPORARY PRIORITY**

# Non-State Contracts & Grants

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## **Rule Waiver - Economic Vitality and Housing Initiatives (EVHI):**

The MHFA obtained a waiver at its November 20, 2003 Board meeting to eliminate the requirement to utilize EVHI guidelines as thresholds when reviewing proposals and making funding recommendations. The MHFA is in the process of revising the rules for the Economic Development and Housing Challenge Program in regard to this. The expected completion date for the rule change is Summer/Fall 2004.

## **Temporary Priority - JOBZ Zones:**

The 2003 Minnesota Legislature established JOBZ zones under the Department of Employment and Economic Development (DEED) to stimulate economic development activity in distressed areas of the state with emphasis on Greater Minnesota. At its November 20, 2003 Board meeting, the MHFA established a temporary funding priority under the Economic Development and Housing Challenge Program for the next year for housing proposals located within JOBZ zones with an increase in housing demand associated with the JOBZ program.

## **SINGLE FAMILY RFP**

### **Limited Fund Program Information**

The Limited Fund programs are highly competitive. The funding partners anticipate having approximately \$5 million available this round depending on fund availability. Limited Fund proposals will be presented to a Selection Committee for evaluation, scoring and funding consideration. The Selection Committee is comprised of MHFA staff, representatives from the various funding partners and staff from the Minnesota Department of Employment and Economic Development (DEED).

### **I. Programs Available:**

- Greater Minnesota Housing Fund (GMHF): 1) New Construction - Under its Building Better Neighborhoods (BBN) Program, GMHF provides gap financing (interest free, deferred loans) for homebuyers and/or below-market (2% interest, three-year term) interim financing for the developer that are available for land acquisition, infrastructure or construction. In addition, limited GMHF funds for other single-family new construction projects not meeting BBN guidelines may be awarded. For both programs, additional funds are available to support projects with employer assistance. 2) Housing Rehabilitation - GMHF also provides zero- or low-interest, deferred loans on a limited basis to non-profit and for-profit organizations and local government agencies to facilitate the rehabilitation of affordable (not exceeding 80% statewide median income, preference given to 50% SMI) owner-occupied housing. GMHF's funding priorities include substantial rehab of aging, owner-occupied single-family housing, in conjunction with a larger community revitalization effort. Local leverage is required. GMHF's maximum assistance per unit is \$15,000.
- Community Revitalization Fund (CRV). The Family Housing Fund, Metropolitan Council, GMHF and MHFA provide funds for this program. The CRV is the umbrella name for a variety of limited funding resources that are provided under one fund. Funding resources include the Economic Development and Housing Challenge Program (Challenge Program) and internal interim construction financing programs. Funds are provided in the form of a construction loan or deferred loan, repayable to the funder. Under certain circumstances and justification a grant may be provided. Generally, if an activity may be addressed through a loan rather than a grant, a loan will be provided. If a CRV proposal submitted includes a multifamily component, you must also submit a Multifamily RFP proposal. To obtain Multifamily application materials, refer to the Application Process section of this notice.
- Minnesota Urban and Rural Homesteading Program (MURL). The MHFA provides grant funds to eligible organizations to acquire, rehabilitate, and then sell the houses to first time homebuyers who are "at-risk" on a zero percent contract for deed. Applications received from Community Housing Development Organization's (CHDO) certified by the Minnesota Housing Finance Agency will receive priority in selections.
- Local Housing Incentive Account (LHIA). The Metropolitan Council provides funds for this program. Funds from this account are awarded as grants that must be matched on a dollar-for-dollar basis by the municipality receiving the funds. These grant funds may be used for costs associated with projects that help municipalities meet their negotiated housing goals, including, but not limited to acquisition, rehabilitation and construction of permanent affordable and life-cycle housing.
- Inclusionary Housing Account (IHA). The Metropolitan Council will have a small amount of funding available to assist new housing developments (new construction or reuse of non-residential buildings) that will include units with a variety of prices and designs, which serve families with a range of incomes and housing needs, and which will have identifiable development cost reduction as the result of reduced or waived local regulation or fees.

### **II. Types of Funds Available:**

The type, terms and conditions of assistance provided will vary depending upon the needs outlined in each application and the availability of funding resources.

The contributing partners strongly encourage communities to leverage funds with the resources available through this RFP to

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## Non-State Contracts & Grants

address the local housing need(s) identified in their comprehensive housing plan.

### III. Funding Partners Program Income Limits/Guidelines:

Please refer to each of the program concepts for specific income limits/guidelines.

- Greater Minnesota Housing Fund only serves households with incomes that do not exceed 80% of the statewide median income adjusted by household size.
- Family Housing Fund only serves households with incomes that do not exceed 80% of the Twin Cities metropolitan area median income with priority given to households with incomes at or below 50% - 60% of area median income.
- Metropolitan Council's LHIA serves households with incomes that do not exceed 80% of the Twin Cities metropolitan area median income with preference for proposals with a significant component serving households at 60% or below. Rehabilitation and redevelopment programs in areas of low valued, blighted or substandard properties where the local government is engaged in a redevelopment and neighborhood improvement effort to which they have community matching funding, may serve households up to 115% of area median income.
- The Minnesota Department of Corrections - Institution Community Work Crew Affordable House Building Program serves households with incomes at or below 80% of greater of state or area median income. In certain areas households with incomes of up to 115% of state median may also be served. Homes must be priced so as not to compete with the private residential construction industry.
- Minnesota Housing Finance Agency only serves households with incomes that are at or below 115% of the greater of state or area median income.

### Ongoing Program Information

Your agency may apply for any of these programs at any time during the year. Please contact the Program Manager listed below to obtain a program application. Ongoing applications are not included in this RFP.

- Community Activity Set Aside Program (CASA)

The Community Activity Set Aside Program supports partnerships between lenders, local governments, and nonprofit housing organizations by providing access to pools of MHFA mortgage revenue bond funds and second mortgage funds. CASA assists those partnerships in meeting the homeownership objectives and housing credit needs of their communities by providing first time homebuyer loans with a subsidized interest rate and deferred, interest free Homeownership Assistance Fund (HAF) loans of up to \$14,440 per household. Specifically, the program supports initiatives that target funds toward underserved populations, increasing the stock of affordable housing or addressing a community specific housing credit need. Partnerships apply for CASA funds. Partnerships consist of a MHFA contract lender or lender consortia and a community partner. The application materials are on the MHFA website at [www.mhfa.state.mn.us](http://www.mhfa.state.mn.us).

Program Contact:	Barb Collins (651) 297-3122	<i>barb.collins@state.mn.us</i>
	Edward Niewinski (651) 297-3130	<i>ed.niewinski@state.mn.us</i>
	<b>Toll Free</b> (800) 710-8871	<b>Fax</b> (651) 296-8292

- Community Fix-up Fund (CFUF)

Encourages partnership efforts between local lenders, nonprofit organizations, local governments, and community organizations by providing funds to assist a designated community in addressing its specific home improvement needs or objectives. Applications must be submitted by participating MHFA Fix-up Fund lenders (or participating lender consortia), in partnership with a nonprofit organization delivering housing programs, or a city.

Program Contact:	Susan Ude (651) 297-3656	<i>susan.ude@state.mn.us</i>
	Kathy Aanerud (651) 297-3121	<i>kathy.aanerud@state.mn.us</i>
	Donna Dimatteo (651) 297-3132	<i>donna.dimatteo@state.mn.us</i>
	<b>Toll free</b> (800) 710-8871	<b>Fax</b> (651) 296-8292

- Entry Cost Homeownership Opportunity Program (ECHO)

Supports community lending initiatives developed by private and public sector mortgage lenders in partnership with community representatives. The program provides funds to low and moderate-income borrowers for down payment and closing cost assistance and can address minor property repairs. Partnerships may apply for this program on a pipeline or ongoing basis.

Program Contact:	Edward Niewinski (651) 297-3130	<i>ed.niewinski@state.mn.us</i>
	Barb Collins (651) 297-3122	<i>barb.collins@state.mn.us</i>
	<b>Toll free</b> (800) 710-8871	<b>Fax</b> (651) 296-8292

- Institution Community Work Crew (ICWC) Affordable House Building Program

The Minnesota Department of Corrections (MNDoc) may provide assistance through the Institution Community Work

# Non-State Contracts & Grants

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Crew (ICWC) Affordable House Building Program. ICWC Affordable House Building Program can provide interest-free interim construction financing, but only to non-profit entities. A letter from the MNDOC must be attached to your proposal indicating if an ICWC program is or will be available in the area you have identified. Contact the Program Manager for future availability of funds.

Program Contact: Ron Solheid at MNDOC (651) 603-0010,  
*rsolheid@co.doc.state.mn.us* Fax (651) 642-0457

- Urban Indian Housing Program - Special (UIHP)

Supports innovative methods of providing affordable housing for urban American Indians, (in the 7 county metro area and cities of Duluth and Bemidji) including, but not limited to, the construction, purchase or rehabilitation of residential and rental housing.

Programs Contact: Edward Niewinski (651) 297-3130 *ed.niewinski@state.mn.us*

Program Liaison: Rick Smith (651) 297-4060 *rick.smith@state.mn.us*

Toll Free: (800) 710-8871 Fax: (651) 296-8292

## MULTIFAMILY RFP

### Funding Availability

Estimated total MHFA and funding partner deferred loan funding is \$24,540,700, subject to available funding. Specific deferred loan programs and estimated dollar amounts are listed below. The MHFA also has up to \$20 million available for first mortgage financing under the Low and Moderate Income Rental Program (LMIR) through tax-exempt and taxable bonds.

MHFA Deferred Loan Programs and Estimated Funding Available:

- Economic Development and Housing Challenge Program (EDHC): \$5 million
- Housing Opportunities for Persons with HIV/AIDS (HOPWA): \$949,000 (\$110,000 - greater MN; \$839,000 - 13 county metro area including Pierce and St. Croix counties, Wisconsin.)
- Housing Trust Fund: 70% of funds targeted to proposals serving households experiencing long-term homelessness.  
Capital (HTF): approximately \$2,475,000  
Operating Subsidy (HTF/OS): up to \$971,360  
Rental Assistance (HTF/RA): up to \$514,240 for tenant-based, sponsor-based and project-based rental assistance proposals.
- Preservation ARIF (PARIF): \$5 million
- Permanent Housing for the Chronically Homeless (federal HOME): \$500,000
- Ending Long-term Homelessness Initiative Fund (ELHIF): up to \$5 million for capital, operating subsidy and rental assistance for proposals targeting long-term homelessness.

Funding Partner Programs and Estimated Funding Available:

- Family Housing Fund (FHF): estimate \$2 million
- Metropolitan Council - Local Housing Incentive Account (LHIA): up to \$761,100
- Metropolitan Council - Inclusionary Housing Account (IHA): up to \$120,000
- Greater Minnesota Housing Fund (GMHF): estimate \$1.25 million

### Types of Multifamily Funding Available

The Multifamily RFP funding sources listed above may be provided in several forms. More detailed program information, including financing terms and specific program requirements, is provided in the Selection Guide.

Deferred loan funds are generally in the form of a zero percent (0%), 30 year deferred or subordinate loan or grant. Actual interest rate, term and type of loan or grant will vary depending upon recommended funding source(s) and will be discussed in detail with sponsors upon selection for funding. The Agency may allow non-recourse debt to single-asset entities.

For developments using the Federal Housing Tax Credit Program, loans may be structured with an interest rate to be eligible for inclusion in qualified basis. More information on the Housing Tax Credit Program follows this section.

Long term fixed rate mortgages for acquisition, refinance, or new construction of multifamily housing for developments that generate adequate income to service debt are also available. These mortgages are offered through the Low and Moderate Income Rental Program (LMIR). Separate application materials are not required for the first mortgage programs. Source of funding available is Agency reserves, taxable, or tax-exempt bonds. First mortgage programs may be used in conjunction with housing tax credits for new construction or acquisition/rehabilitation.

Operating subsidies are available for new or existing MHFA financed housing developments and are available in two forms, rev-

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## Non-State Contracts & Grants

venue shortfall and unique costs. The operating subsidy is awarded in the form of a grant and may be provided for up to 10 years.

Rental Assistance funding for tenant-based, sponsor-based, and project-based rental assistance programs is available through the MHFA's Housing Trust Fund Rental Assistance Program and the Ending Long-term Homelessness Initiative Fund. The rent subsidy is awarded in the form of a grant and can be provided to a tenant for the term of the grant and for no more than five consecutive years.

### Eligible Projects and Activities

In general, the funding sources available for capital needs can be used for a variety of activities and housing types. Eligible activities include new construction, acquisition of land or existing structures, rehabilitation of housing, refinancing of existing loans, preservation of federally assisted housing, conversion to housing from another use, demolition, construction financing, permanent financing. Operating subsidy is an eligible activity, however as previously indicated, funding is limited. Eligible housing types include emergency shelters, transitional housing, permanent supportive housing, service-enriched housing, and permanent housing.

MHFA has preferences for developments which promote economic integration; new construction of workforce housing in areas of job and population growth; and acquisition/rehabilitation of housing in which all or a portion of units will be targeted to households experiencing long-term homelessness.

Eligible projects must contain a minimum of four units. Scattered site developments, must be located in the same city or county and also contain a minimum of four units.

Developments with age restrictions of 55 and older are ineligible under most funding sources.

Nursing homes, board and care facilities, and supervised living facilities licensed by the Minnesota or a delegated local Department of Health are not eligible for funding, nor are properties where residents require a 24-hour plan for supervision and/or medical/health care.

### Income and Rent Limits

The overall goal of the Multifamily RFP process is to serve lower income households. Priority will generally be given to those developments serving the lowest income households.

The relationship between proposed rent levels and Fair Market Rents is an important factor because it is crucial that Section 8 voucher holders be able to rent units in MHFA-financed developments.

The following are income and rent limits for the various multifamily resources available this RFP round:

Economic Development and Housing Challenge Program (EDHC): Income limit - 80% of the greater of state or area median income. Affordability based on wage levels. Rents and incomes may be further restricted based on other sources of funding.

Housing Opportunities for Persons with Aids (HOPWA): Income limit - 80% of area median income adjusted for family size. Rents affordable at 30% of family monthly adjusted income.

Preservation Affordable Rental Investment Fund (PARIF): Income limits are subject to federal guidelines per the program being preserved. Rents are based on restrictions per the federal subsidy being preserved.

Housing Trust Fund (HTF): Income limit - 60% of Twin Cities area median income with a priority for proposals targeting 30% of Twin Cities area median income. Rents affordable at 60% of Twin Cities area median income with a priority for proposals affordable at 30% of Twin Cities area median income.

Ending Long-term Homelessness Initiative Fund: Income Limit - 60% of Twin Cities area median income with a priority for proposals targeting 30% of Twin Cities area median income. Rents affordable at 60% of Twin Cities area median income with a priority for proposals affordable at 30% of Twin Cities area median income.

Permanent Housing for the Chronically Homeless (federal HOME):

Income Limits:

- 1-4 units: 60% area median income
- 5+ units: At least 20% of households at or below 50% area median income; up to 70% of households at 60% area median income; and up to 10% at 80% area median income.
- SRO Units: 60% or less of area median income, except that in SRO developments with five or more units, at least 20% of the units must be occupied by tenants with incomes below 50% of area median income.

Rents:

- 1-4 units: lower of FMR or 65% limit
- 5+ units: At least 20% of units with rents at 50% limit; up to 80% of units with rents at the lower of FMR or 65%
- SRO units: 75% or less of FMR for a zero bedroom unit if the HOME-assisted SRO unit has neither food preparation nor sanitary facilities, or only one.

If federal HOME funds are used in conjunction with Housing Tax Credits, other restrictions may apply.

# Non-State Contracts & Grants

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Low and Moderate Income Rental Program (LMIR): Income limits - 40% of units must be occupied by individuals/families whose income is 60% or less of area median income; or 20% of the units must be occupied by individuals/families whose income is 50% or less than area median income. 25% of the units may have unrestricted incomes. The balance of units must be occupied by tenants with incomes equal to or less than 100% area median income. Rent limits - 40% of the units affordable to persons at 60% of income; or 20% of units affordable to persons at 50% of income; and the balance of units with rents at MHFA determined "market".

Housing Tax Credit Program (HTC): Income limit at 50% area median income or 60% area median income. Maximum rent limit at 60% area median. There is a priority for units affordable at 50% and 30% area median income.

Family Housing Fund (FHF): Income limit - 60% of area median income. Rents affordable up to 60% of area median income.

Greater Minnesota Housing Fund (GMHF): Gross household income, 80% of statewide median income, adjusted by family size. For supportive housing, priority is given to projects serving households at 60% or less of statewide median income. For preservation or rehabilitation projects, priority is given to projects serving households at or below 50% of statewide median income. Rents shall be affordable to the targeted population.

Local Housing Incentives Account, Metropolitan Council (LHIA): 50% of funds dedicated to creating/preserving units with incomes and rents at 30% of median income. Remaining funds targeted towards incomes and rents at or below 50% of median income. Funds may be reallocated to projects at 50% of median income, if there is insufficient supply of projects at 30% of median income.

Inclusionary Housing Account, Metropolitan Council (IHA): Proposals must include units affordable to households with incomes at or below 80% of area median income. Economic integration is encouraged, particularly with regard to how proposals address the housing needs of households with incomes at 30 and 60 percent of area median income. Priority will be given to proposals that emphasize economic integration and where at least 10 percent of the rental units in a housing development are affordable to households with incomes at or below 30% of area median income.

## HOUSING TAX CREDIT PROGRAM

The Minnesota Housing Finance Agency (MHFA) is pleased to announce that it is accepting 2005 Round 1 competition applications for reservation and allocation of Housing Tax Credits, authorized by the Federal Tax Reform Act of 1986, as revised.

Housing Tax Credits offer a ten-year reduction in tax liability to owners and investors in eligible low-income rental housing developments involving new construction, rehabilitation or existing rental housing with rehabilitation. General information on tax credit availability is posted on MHFA's internet **web site** /[www.mhfa.state.mn.us/multifamily/multifamily\\_tax.htm](http://www.mhfa.state.mn.us/multifamily/multifamily_tax.htm).

Total estimated 2005 tax credits available for the State of Minnesota is approximately \$9.1 million. MHFA has estimated the housing credit ceiling for Minnesota for calendar year 2005 based upon the amounts of the housing credit ceiling for calendar year 2004. The actual housing credit ceiling for the year 2005 will not be known by MHFA until some time in February or March of 2005. In early 2005 the IRS will make a final determination of Minnesota's population component used in determining Minnesota's final year 2005 housing credit ceiling. The IRS will publish this population component some time in February or March of 2005.

As in past competition years, 2005 Round 1 will be the primary tax credit selection / allocation round. It is anticipated that most of the 2005 tax credits will be forward selected during this round for the 2005 tax credit year. Any credits remaining following the conclusion of the 2005 Round 1 will be made available for 2005 Round 2.

The Minnesota Housing Finance Agency's 2005 Housing Tax Credit Program, Qualified Allocation Plan and related manual contents have been revised in several key respects as listed below. Additional detail regarding these changes can be found on MHFA's internet web site.

### 2005 Program Changes:

Revision to the Tie Breaker criteria to include a preference for readiness to proceed and financial feasibility, Define and provide a preference criteria for Households Experiencing Long-Term Homelessness, Developed alternative compliance monitoring procedures for years 16-30, Establish initial eligibility certification and long term compliance monitoring procedures for homeless individuals and households, Refine Round 2 preference for projects with previously received tax credits, Revise Tax Credit Design Standards, General administrative revisions and clarifications, General grammatical corrections.

### 2005 Scoring Criteria Changes:

Establish preference criteria and additional points for housing for Households Experiencing Long-Term Homelessness, Suspend additional 100 points and tax credit holdback preferences for Preservation of Federally Assisted Units and Preservation of Existing Tax Credit Developments, Establish incentive to provide high speed internet access in units.

### Credit Formula

The Minnesota Legislature designated the MHFA as the primary apportionment agency for housing tax credits for the state and also authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the *Minnesota Statutes* Section 462A.222, Subd. 1(a)(2).

### Local Administration of Tax Credit

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## Non-State Contracts & Grants

The following eligible cities and counties have the authority to administer the tax credits locally:

**(S) Suballocator**

(S) St. Paul (651) 266-6581  
(S) Dakota County (651) 675-4478  
(S) Minneapolis (612) 673-5263

**(JPS) Joint Powers Suballocator**

(JPS) Duluth (218) 723-3357  
(JPS) St. Cloud (320) 252-0880  
(JPS) Rochester (507) 285-8224  
(JPS) Washington Cty. (651) 458-6556

Applicants with eligible buildings located within the jurisdiction of the above Suballocators (S) must apply to the local administrators (suballocators) for allocation of the housing tax credit. Applicants with eligible buildings located within the jurisdiction of the above Joint Powers Suballocators (JPS) must apply to both the local administrators (joint powers suballocators) and to the MHFA. Nonprofit applicants may apply both to the MHFA and the suballocator for an allocation. Typically, the MHFA will not make an allocation for projects located within the jurisdiction of the cities or counties that have elected to administer the credits until the amounts reserved have been allocated or returned to the MHFA for allocation.

For 2005, a suballocator was again able to elect to enter into a one year joint powers program with the MHFA (via Joint Powers Agreement) in which the participating suballocator (referenced as Joint Powers Suballocator above) could prioritize the developments within their jurisdiction and then turn the application over to the MHFA to perform certain allocation and compliance functions. If applicable to your proposal, contact the suballocator for your location to determine if they have elected to participate in this joint powers program.

### MHFA Administration Tax Credits

In all tax credit rounds, applicants with eligible buildings in the balance of the state, not within the jurisdiction of a suballocator, may apply to the MHFA for an allocation of housing tax credits.

Each year, 10 percent of the state ceiling is set aside by MHFA for qualified 501(c)(3) and 501(c)(4) nonprofits as required by Section 42 of the *Internal Revenue Code of 1986*. Qualified nonprofits can apply to MHFA for these credits, regardless of the geographic location of the proposed low income housing development, as specified in the allocation plan.

### APPLICATION PROCESS

Access application materials as follows:

- Single Family: The Single Family application is available on the MHFA **website** at [www.mhfa.state.mn.us/rfp\\_sf.htm](http://www.mhfa.state.mn.us/rfp_sf.htm) in a pdf format. If you are unable to access our website call (651) 297-3118, or Toll Free: 1-800-710-8871 to obtain a hard copy.
- Multifamily RFP and Housing Tax Credits (2005 Round 1): The Multifamily RFP and Housing Tax Credit application materials are available on the MHFA **website** at [www.mhfa.state.mn.us/multifamily/multifamily\\_forms.htm](http://www.mhfa.state.mn.us/multifamily/multifamily_forms.htm). Please refer to the website for more detailed Application Instructions. If you are unable to access the web or need assistance locating or identifying the appropriate materials, contact the Multifamily Division at (651) 297-3294 or Toll Free: 1-800-657-3701.

### RFP Training and Technical Assistance Sessions:

- Single Family: Please check the MHFA **website** at [www.mhfa.state.mn.us/rfp.htm](http://www.mhfa.state.mn.us/rfp.htm) for Single Family technical assistance dates, times and locations, and registration information. Technical assistance is planned for early-mid June, 2004.
- Multifamily and Housing Tax Credit: Multifamily Division staff is available for technical assistance on an on-going basis. Additionally, a Multifamily RFP and Housing Tax Credit workshop has been scheduled for June 10, 2004. Please check the MHFA **website** at <http://www.mhfa.state.mn.us/rfp.htm> for registration and additional information.

### Important Dates:

Proposal(s) Due: (Faxed, emailed, incomplete, or late applications will not be accepted.)

- Single Family: The original application and all attachments plus two (2) copies of the application and all attachments must be received by the MHFA by 5:00 p.m. on or before Thursday, July 15, 2004.
- Multifamily and Housing Tax Credit (2004 Round 2): The following application materials must be received by the MHFA by 5:00 p.m. on or before Thursday, July 22, 2004:
  - The Multifamily Application Form electronically submitted,
  - The Multifamily Application Form with original signature plus 3 copies, and
  - All required attachments (narratives, forms and submittals) plus three (3) copies of all attachments.

**NOTE:** *Applications determined to be incomplete will be returned to the applicant.*

### MHFA Board Approval:

Single Family RFP funding recommendations will be made at the September 23, 2004 MHFA Board meeting.

# Non-State Contracts & Grants

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Multifamily RFP and Housing Tax Credit funding recommendations will be made at the October 28, 2004 MHFA Board meeting.

## **Fund Notification:**

- Notification of Single Family approved selected proposals will be posted on the MHFA website ([www.mhfa.state.mn.us](http://www.mhfa.state.mn.us)) after the Board meeting noted above and Loan/Grant Agreements will be mailed within 20 working days of the approval.
- Notification of Multifamily Programs and Housing Tax Credit funding awards will be posted on the MHFA website after the Board meeting noted above ([www.mhfa.state.mn.us/multifamily/multifamily\\_home.htm](http://www.mhfa.state.mn.us/multifamily/multifamily_home.htm)). Selection letters will be mailed within 20 days of the approval.

This request for proposals is subject to all applicable federal, state, and municipal laws, rules, and regulations. MHFA reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of proposals.

It is the policy of the Minnesota Housing Finance Agency (MHFA) to further fair housing opportunity in all Agency programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, sexual orientation, marital status, status with regard to receipt of public assistance, disability, or family status.

## Metropolitan Council

### **Request for Proposals (RFP) for Labor Negotiation Services**

#### **Contract Number 04P057**

The Metropolitan Council is requesting proposals for the services of one or more firms to assist the Council with the negotiation of labor agreements with three unions, including American Federation of State, County and Municipal Employees (AFSCME) Local 668, the United Association of Pipefitters Local 455, and the Amalgamated Transit Union (ATU) Local 1005. Services are expected to include planning for negotiations, leading the negotiation effort, and other related consulting services. Services may include the representation of the Council in interest arbitration.

The anticipated solicitation schedule is shown below.

***Issue Request for Proposals***

**June 1, 2004**

***Receive Proposals***

**2:00 p.m. on Wednesday, June 23, 2004**

***Award of Contract***

**July 2004**

All firms interested in receiving an RFP package are invited to submit an e-mail or written request to:

Steve Kaukola  
Contracts and Procurement Unit  
Metropolitan Council Environmental Services  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1064  
**Fax:** (651) 602-1083  
**E-mail:** [steven.kaukola@metc.state.mn.us](mailto:steven.kaukola@metc.state.mn.us)

Note: The RFP is **not** available in electronic form.

## Metropolitan Council

### **Request for Proposals (RFP) for Police Information Management System Consultant, RFP Number 04P045**

The Metropolitan Council is soliciting proposals for a Consultant to assist in the selection of a Police Information Management System.

A tentative schedule is as follows:

***Issue Request for Proposals***

**June 7, 2004**

***Receive Proposals***

**July 12, 2004**

***Period of Performance***

**August 2004 - Dec, 2005**



## Non-State Contracts & Grants

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All firms interested in submitting a proposal for this work are invited to request an RFP document from:

Harriet Simmons, Sr. Administrative Assistant  
Metropolitan Council  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**Phone:** (651) 602-1086  
**Fax:** (651) 602-1138  
**e-mail:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

### Minnehaha Creek Watershed District

#### Request for bids for the Minnehaha Creek Headwaters Shoreline Stabilization Project

The Minnehaha Creek Watershed District (MCWD) Board of Managers is currently accepting bids for the Minnehaha Creek Headwaters Shoreline Stabilization project located in the City of Minnetonka, Minnesota. The project involves shoreline bioengineering treatments for protection against erosion, reestablishment of natural littoral habitat and function, and creation of a vegetative buffer for the lake. Location of shoreline restorations/stabilizations will be at the Gray's Bay Public Access and Launch, Minnehaha Creek Headwaters site. Bids will be accepted until 12:00 p.m. on June 21, 2004. Bid opening will commence immediately thereafter at the MCWD offices located at 18202 Minnetonka Boulevard, Deephaven, MN 55391. Interested parties should request bid specifications from MCWD and submit bids to the MCWD offices by the required deadline. Bid submittals must be labeled "**MCWDHEADWATERS BID PACKAGE**" legibly in large, noticeable print on the outside of the submittal package.

Unlabeled submittals will not be accepted.

If you have any questions, please contact the MCWD District Office at (952) 471-0590.

### University of Minnesota

#### Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at [bidinfo.umn.edu](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.



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