

Minnesota Attorney General: Administrative Rules Proceedings

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Attorney General

Donald A. Mannas
Special Assistant
Attorney General

May 25, 1978

Michael D. Miller
Special Assistant
Attorney General

296-4692

Temporary Rules of the State Planning Agency Governing Athletic Court and Trails Grants

The above-captioned rules are hereby approved as to form and legality.

MBM:mb

Attorney General

Donald A. Kannas
Special Assistant
Attorney General

May 25, 1978

Michael B. Miller
Special Assistant
Attorney General

296-4692

Temporary Rules of the State Planning Agency Governing Athletic Court and Trails Grants

The above-captioned rules are hereby approved as to form and legality.

MBM:mb

STATE OF MINNESOTA

STATE PLANNING AGENCY
101 CAPITOL SQUARE BUILDING
550 CEDAR STREET
ST. PAUL, 55101

May 19, 1978

Mr. Michael Miller
Special Assistant Attorney General
Administration Building
St. Paul, Minnesota 55155

RE: Temporary Rules of the State Planning Agency Governing Athletic Court and Trails Grants to Become Effective May 19, 1978

Dear Mike:

Attached is a copy of the temporary rules for the above described matter as published in the State Register on August 1, 1977 and revised as per your comments of August 29, 1977.

By this letter, we wish to have said temporary rules reissued for an additional 90 days beginning on May 19, 1978.

If you have any questions concerning this matter, please feel free to contact us.

Very truly yours,

D A Kannas

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Donald A. Kannas
Special Assistant Attorney General
303 Capitol Square Building
550 Cedar St.
St. Paul, Minnesota 55101

/pkb

Enclosures

"AN EQUAL OPPORTUNITY EMPLOYER"

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

DATE: August 29, 1977

TO : Donald A. Kannas
Special Assistant
Attorney General

FROM : Michael B. Miller
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: Temporary Rules of the State Planning Agency Governing Athletic Court and Trails Grants to Become Effective August 29, 1977

The above-captioned rules are returned herewith and approved with the exception of Rule C.2.a., which should be revised to eliminate the possible incorporation by reference problem and identify "BOR".

MBM:mb

Enclosure

Mike's Comments

SEP 8 1977

State Planning Agency

Adopted Temporary Rules Administering Federal and State Outdoor Recreation Grants

The following temporary rules are adopted pursuant to Laws of 1977, ch. 421.

10 MCAR § 1.305 Athletic court grants program.

A. Distribution of grants. The Office of Local and Urban Affairs shall distribute state grants for the development of basketball, handball, tennis and volleyball courts in conformance with Laws of 1977, ch. 421, § 2, subd. 4 and the rules contained herein.

B. Application procedure.

1. Eligible applicants as defined by Laws of 1977, ch. 421 § 2, subd. 1 (c) may apply for state athletic court grants for the 1977 construction season not later than September 5, 1977, and for the 1978 construction season not later than September 16, 1977.

2. The contents of the application shall be consistent with the informational requirements of these rules and must describe the project, financial resources of the applicant, and existing facilities with sufficient specificity so that a determination of eligibility and ranking can be made pursuant to these rules.

3. Applications for projects outside of the jurisdiction of the Metropolitan Council shall be submitted to the Office of Local and Urban Affairs for review under these rules. Applications for projects within the jurisdiction of the Metropolitan Council shall be submitted to the Office of Local and Urban Affairs for review under these rules and the Metropolitan Council for their review.

C. Eligible projects. No project, the construction of which has already commenced or for which a construction contract has already been let, shall be eligible for a grant under this program. Maintenance and operational costs shall be the responsibility of the applicant. Projects and facilities eligible for a state grant shall include the following:

1. A special surface area of asphalt or concrete materials with adequate foundation suitable for the soil and climatic conditions. Prior to construction, such surface areas and foundations shall be approved by the applicant's engineer, as being suitable. Courts shall be outlined on the surface area and be of proper size to meet generally recognized athletic court dimensions.

2. Hoops, nets and supporting structures for athletic court games which shall be of a proper size to utilize the facility.

3. Walls and fences for the athletic court games which shall be of a proper size to utilize the facility.

4. Adequate lighting to extend the use of the court games into hours of darkness.

D. Evaluation of applications.

1. Applications from outside the jurisdiction of the Metropolitan Council shall be evaluated and ranked by the Office of Local and Urban Affairs by giving equal consideration to each of the following criteria:

a. Priority shall be given to eligible applicants that demonstrate the athletic courts will be developed jointly with one or more eligible applicant. Included shall be evidence of cooperative use of such facilities between schools, cities, and other local units.

b. Eligible project applications received by the Office of Local and Urban Affairs shall be ranked in order from highest to lowest in relation to those projects located in cities or towns which have the lowest number of similar public athletic courts to their population.

c. Eligible project applications received by the Office of Local and Urban Affairs shall be ranked in order from highest to lowest by the distance the project is located away from similar existing public athletic courts.

d. Priority shall be given to eligible applicants that can demonstrate that the courts will be readily accessible to the public by vehicular and pedestrian traffic, serve residential areas, and are available to the entire community.

2. Applications from within the jurisdiction of the Metropolitan Council shall be evaluated and ranked by the Office of Local and Urban Affairs under the criteria found in D.1. of these rules and by the Metropolitan Council pursuant to their criteria. The determination of which proposals shall receive funding shall be made by combining the two rankings on an equal basis.

E. Distribution of grants. Grants shall be distributed in order of ranking until athletic court funds are depleted. For those applicants recommended for a grant, the Office of Local and Urban Affairs will submit a project agreement to be executed between the applicant and the State of Minnesota. Upon completion of executed project agreement, the funds will be submitted to the applicant and it may proceed with the project.

F. Accounting. The applicant shall maintain a separate accounting of the project costs and shall submit documentation as required by the Office of Local and Urban Affairs to verify the costs and compliance with the project agreement.

G. Project completion. Upon completion, the project shall be subject to the closing requirements as specified in 10 MCAR § 1.302 G.

H. Retention and use of project. Property developed with an athletic court grant shall be retained and used for public outdoor recreation on a non-discriminatory basis during its useful life. Any property so developed shall not be changed to a non-recreational use or another recreational use without prior approval of the Office of Local and Urban Affairs. In the event that this occurs, the applicant shall return that percentage of the state

grant equal to the percentage of the developed property changed to a non-recreational use.

I. Responsibilities of recipient. A recipient of an athletic court grant shall comply with all existing or subsequent state laws and regulations that apply to the project.

§ 1.306 A trail grants program.

A. Distribution of grants. The Office of Local and Urban Affairs shall distribute state grants for the development of hiking, biking, and cross-country skiing trails in conformance with Law of 1977, ch. 421, § 2, subd. 3 and the rules contained herein.

B. Application procedure.

1. Eligible applicants as defined by Laws of 1977, ch. 421, § 2, subd. 1(c) may apply for trail grants for the fiscal year 1978 not later than September 16, 1977.

2. The contents of the application shall be consistent with the informational requirements of these rules and must describe the project, financial resources of the applicant, relationship to future plans, and existing facilities with sufficient specificity so that a determination of eligibility and ranking can be made pursuant to these rules.

3. Applications for projects outside of the jurisdiction of the Metropolitan Council shall be submitted to OLUA for review and ranking under these rules. Applications for projects within the jurisdiction of the Metropolitan Council shall be submitted to OLUA for review and ranking under these rules, and to the Metropolitan Council for its review and ranking.

C. Eligible projects. No project, the construction of which has already commenced or for which a construction contract has already been let, shall be eligible for a grant under this program. Maintenance and operational costs shall be the responsibility of the applicant.

1. Projects and facilities eligible for a state grant shall include the following:

a. Clearing of vegetation, grading, and construction of a surface area and necessary drainage structures suitable for the type of trails proposed.

b. Shelters, signs, toilet facilities, and water systems suitable for the type of trails proposed.

2. Project qualifications. A project must satisfy all of the following qualifications to be eligible for a grant:

a. The proposed outdoor recreation activity has been identified as a need in the Minnesota State Comprehensive Outdoor Recreation Plan.

b. The proposed project has been identified as a need in the comprehensive land use planning program or a comprehensive recreation plan of the applicant, county or regional development commission.

c. The proposed project has been identified in the applicant's 5-year action program of recreational activities.

d. The applicant normally has responsibility to supply the types of outdoor recreation facilities and functions contained in the project, or a need can be demonstrated for the applicant to expand its involvement in supplying such recreational opportunities.

D. Evaluation of applications.

1. Applications from outside the jurisdiction of the Metropolitan Council shall be evaluated and ranked by OLUA. Applications for projects which meet the following criteria shall receive priority over similar projects that do not.

a. General criteria.

(1) The project meets generally recognized national design standards for recreational facilities.

(2) The project reflects quality site planning; recognizes and compliments existing land forms; provides for ease of maintenance and operation of the site and does not constitute major environmental intrusions which are detrimental to the intended use of the surrounding lands.

(3) The project complies with the recreational facility priority needs as designed in the applicant's recreation plan.

b. Trail development priorities. Applications shall also be evaluated and ranked by OLUA by giving equal consideration to each of the following criteria:

(1) Priority shall be given to trail projects located so as to minimize interference with incompatible activities and features.

(2) Priority shall be given to trail projects that provide access to areas of outstanding natural resources or man-made features.

(3) Priority shall be given to trail projects that continue or link into other trail systems or proposed trail systems.

(4) Eligible trail project applications received by OLUA shall be ranked from highest to lowest in relation to those projects located within applicant areas which have the fewest miles of similar trails in relation to their population.

(5) Priority shall be given to eligible applicants that can demonstrate that the proposed trails are readily accessible to the public by vehicular, pedestrian and bicycle traffic and are available to the entire community.

2. Applications from within the jurisdiction of the Metropolitan Council shall be evaluated and ranked by the Office of Local and Urban Affairs under the criteria found in D.1. of these rules and by the Metropolitan Council pursuant to their criteria. The determination of which proposals shall receive funding shall be made by combining the two rankings on an equal basis.

E. Distribution of grants. State grants shall be distributed in order of ranking until trail development funds are depleted. For those applicants who are recommended for a grant, OLUA will submit a project agreement to be executed between the applicant and the State of Minnesota. Upon completion of executed project agreement, the funds will be submitted to the applicant and it may proceed with the project.

F. Accounting. The applicant shall maintain a separate accounting of the project costs and shall submit documentation as required by OLUA to verify the costs and compliance with the project agreement.

G. Project completion. Upon completion, the project shall be subject to the closing requirements as specified in 10 MCAR § 1.302 G.

H. Retention and use of project. Property developed with a trail grant shall be retained and used for public outdoor recreation on a non-discriminatory basis during its useful life. Any property so developed shall not be changed to a non-recreational use or another recreational use without prior approval of OLUA. In the event that this occurs, the applicant shall return that percentage of the state grant equal to the percentage of the developed property changed to a non-recreational use.

I. Responsibilities of recipient. A recipient of a trail grant shall comply with all existing or subsequent state laws and regulations that apply to the project.