

MSPS President's

News and Views

Edward J. Otto — June 2006

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Hello to all



As I write this, the summer solstice has just passed and so I remind myself that now the days will be getting shorter. Since being elected president in February, I have been looking forward to summer thinking that the work load would “slow up” and now I realize that summer is half gone and I’m still waiting for it to “slow up.” My, how time does fly!

On June 2, 2006, the MSPS board of directors met for the first time at the offices of Ewald Consulting in St. Paul. At this initial meeting with our new executive director, we covered some of the procedural changes, such as the taking of meeting minutes and the treasurer’s reports, which are now being prepared by Ewald Consulting. I am certain that the society will benefit from this change in our procedures; we just need to work out the details. I will try to touch on some other points of interest that were discussed at the meeting.

Disclosures Found

Ted Kemna reported that, in the process of moving, the missing issues of Disclosure were found. He now has compiled three full sets of every issue of Disclosure and the Minnesota Surveyors Magazine. The plan is to get a set to the Historical Society, one to St. Cloud State University, and one to our MSPS office.

Ted has been busy sorting through our old records in his spare time. Thank you, Ted, for all of your hard work! In the possession of MSPS are many historical books on surveying. Ted’s goal is to catalog these books and possibly set up an MSPS library. Look for an article in the Minnesota Surveyor about donating books on surveying.

Report One

Ted is also working with committee members Roger Brand, Ron Olson and Ric Williams on the update of Report One. MSPS has sold all the printed copies that we have and it has been reported that there are some things that need correcting in the current version of the book.

Membership

Four technical members, one life member and four firm memberships were approved. Welcome to MSPS! For the list of individuals approved, see Eric Ewald’s report. The board would like to encourage any member of MSPS who knows someone in the surveying profession who is not a member, to become a member. The membership committee is working on a handout to show the benefits of MSPS membership which should help in that effort.

Past Presidents Meeting

Steve Jobe and the Past Presidents Committee met on June 1, 2006, at the offices of Ewald Consulting. Eight members were in attendance. They are working on details of the installation of the final point markers. These are brass discs to be set at the grave site of the past presidents of MSPS.

Committee members will contact survivors of our past presidents to see if the families are interested in honoring their loved ones in this way. They will also be contacting the local chapters for assistance in the installation process as they are close to the final resting location. Photos of the installation ceremony will be taken and an article will be written for the Minnesota Surveyor. There will also be a display at the next annual meeting. Their goal is to have all the markers installed before the end of the year. If you know of any of the survivors of a past president of MSPS, please forward their contact information to Steve Jobe or Ted Kemna.

NSPS

John Freemyer gave his report on the annual meeting, which covered most of the material that he reported on in his last article in the Minnesota Surveyor. This includes the public relations campaign, which contains the promotion of geo-caching, NAFTA agreement, and the NSPS endorsed insurance program. Speaking of the insurance program, NSPS has decided that the representative for Minnesota is Lisa Isom, NOT Carol Hyatt as I reported in my article in the April issue of the Minnesota Surveyor. Her contact information is as follows:

Lisa Isom
Assurance Risk Managers, Inc.
2851 South Parker Rd., Ste. 760
Aurora, CO 80014
1-888-454-9562 • E-mail: lisom@arm-i.com

You might have been contacted by her if you are a NSPS member, as I was.

Otto Associates is in the process of filling out the application forms at this point. I will let you know when I get comparative price quotes.

Legislative Report

Tom Poul and Nancy Haas presented a session-end legislative report. They reported on a number of issues of a general nature including stadiums, taxes and state bonding. It was a short session and a Capitol bonding year. In total, there were 3,139 bills introduced though just 114 were sent to the governor. All in all it was a good year for surveyors as the legislature basically left the profession alone.

Some laws enacted:

- CIC had some (technical only) changes.
- Real estate recording provisions.
- Municipal and county planning and zoning proposed preliminary plat approval provisions.
- Modifications to Itasca County Survey requirements.

Bills that were not enacted:

- Prevailing wage determination method modified.
- Uniform real property electronic recording act.
- Property tax payment required before recording deeds or other conveyances on certain types of property.
- State procurement modifications.

505/Metes and Bounds Committee Report

At the board meeting, there was broad discussion about working with the Minnesota Association of County Surveyors on a cooperative approach to this issue. Tom Poul suggested that if there were some agreement between the Bar Association and MSPS there could be a good opportunity at getting something passed next session.

On June 16, 2006, the MSPS 505/Metes and Bounds Committee met at the offices of Schoell and Madson to discuss this issue. In attendance were John Freemyer, Denny Kron, Lynn Caswell, Jay Wittstock, Rick Morey, Henry Nelson, Nancy Haas and Jennifer Berquam from M&K.

They selected two members, John and Lynn, as the MSPS representatives to the joint task force, with Denny as an alternate. Denny was also selected to represent us at the ERRTF. Rick Morey was selected as chairman.

They discussed the purpose of the committee, deciding it would actively focus upon two areas: 1) Making changes to reflect current plat preparation methods and materials; and 2) Explore the concept of an "Administrative Subdivision," that is, an alternate method to metes and bounds in those situations where platting is not required. They also recognized that, in as much as the joint working group involves a variety of interests, we may have to react to changes suggested by others.

There was also some discussion of the MACS' response; the feeling being that MACS doesn't fully understand the nature of the working group (it was not created by MSPS, rather we were asked to participate), nor the fact that we are not simply trying to "repackage" CSM. I have written a letter to MACS clarifying these points; once more seeking MACS' involvement.

John Freemyer has been working on a draft of suggested revisions to 505, including the metes and bounds issue. He will send it to M&K, who will distribute it to the others on the committee for review and comment. The committee will then meet again on July 14, 2006, at 9 a.m. to review the comments.

Prevailing Wage Committee

On June 8, 2006, the committee met. Members in attendance were John Chaffee, Dan McAnich, Doug Rude, Rick Morey, Tom Poul, Nancy Haas, and Jennifer Berquam from M&K. Dan McAnich was elected chairman. As chairman, Dan will be setting up future meetings.

They had a briefing on the current prevailing wage issue and discussed the relative merits of pursuing a change through the rules versus the legislative process. Initially, they are going to pursue the rules route, with the caveat that if there is no movement they will look at legislative relief. There was discussion of seeking exemption versus creating classifications specific to surveys.

It was the general consensus of the group that setting up accurate classifications would be better. However, they are going to send a questionnaire to MSPS members on the options they can take to see what gets the most support. Dan will write a brief report and questionnaire on the subject at the next meeting of the committee. Jon Chaffee set up some draft classifications for discussion at the next meeting of the committee.

Hellmuth & Johnson Solicitation on April 14, 2006

Otto Associates received a letter from Helmuth and Johnson, Attorneys at Law, about registration and compliance with MN Statute 319B, and Isles Wellness, Inc. v. Progressive Northern Insurance Co. NW 2d 513 (Minn. 2005). This letter states that any organization providing professional services must file its Articles of Incorporation in conjunction with this act.

I felt this would affect any professional service company like Otto Associates, so I asked Tom Poul to look into this issue. As Tom explained in the enclosed memo, Otto Associates is incorporated under Business Corporations MS 302A (which regulates business corporations in Minnesota) not under MS 319B. Consequently, this filing that Helmuth and Johnson would like to do, is not necessary for Otto Associates, Inc. However, if your company is registered under MS 319B and you refer to your company as a "Minnesota Professional Firm," you might need to file. Messerli and Kramer can also provide assistance with this filing should you need to do so.

Look for a legislative update Friday, Aug. 18, 2006, at the MSPS Summer Meeting in Duluth in your meeting information.

Education Committee

Dennis Peterson reports:

- The Industry Advisory Committee meeting was postponed due to the funeral of Anna Wong.
- A Degree Advisory Subcommittee was formed to monitor curriculum and also technical school curriculum assigning liaisons to the articulated technical colleges.
- The committee will continue to monitor Technical College Instructors as to credentials/experience.
- St. Cloud Technical College has expanded its program from 24 to 48 students and will be hiring a third instructor this fall.
- SCSU continues to promote surveying education in general through initiatives at Wright Technical Center (Project "Lead the Way"), Century College initiative, and geo-caching. Other issues discussed included the search for a new professor at St. Cloud State University when professor Ken Wong retires and the St. Cloud State University ABET Accreditation process and report.
- Awards presentation of Scholarship Certificates of St. Cloud State University was held April 20, 2006, with Denny Peterson and Steve Jobe in attendance.
- John Dahl and Rich Antony of the St. Cloud Technical College have presented their Masters Thesis papers before the Faculty Committee.

Annual Meeting Committee

The annual meeting committee, which currently consists of Rick Blom, Dan Nickols, John Freemyer and Matt Hanson, has met and are working on speakers, entertainment, and the preliminary program for the next annual meeting.

If you would like to make a presentation or if you have a topic of interest that you would like covered at the annual meeting, please contact Rick Blom at 763-441-2072. Many times people have come forward in November and even December with items for the annual meeting. We feel that this is too late. Our goal is to have a complete program with commitments from speakers by the September fall planning, board of directors Meeting.

As I have mentioned in earlier newsletters, this is Rick Blom's last year as chairman of the annual meeting committee. Please, please if you could handle this task, contact me or Rick as soon as you can. Ideally, it would be nice if this year was a year of transition with Rick still being the chairman.

We are currently under contract at the St. Cloud Civic Center until 2010. However, Chapter 6 made a request to look into moving the annual conference back to the Twin Cities area. The board of directors directed Ewald Consulting to research the possibilities and report to us.

CIC Manual Updates

Warren P. Smith, Michael Fiebigler, and the committee have been busy updating the CIC Manual which the board approved. Since MACS has already also approved the manual, the board directed the Web committee to put the updated manual on the Web. The executive director will print a limited number of paper copies to be sent out upon request. John Freemyer reports that the plat manual update is still in progress.

Nominating Committee

Steve Jobe has been working on a new slate of officers for 2007. Is it your time to give back to your profession? I know that I have been rewarded many times over for my time spent on the board. If you could spare the time to serve the society as an officer or board member, please contact Steve Jobe, me or another board member.

Minnesota Surveyor

Hopefully, by now, you have all received the first issue of the Minnesota Surveyor magazine that Ewald Consulting prepared. We thought it was appropriate to have our new staff on the front cover so as to "put a face with the name." The board discussed and approved Dave Zenk's idea that each issue should have a theme. The last issue was supposed to be the education issue. However, there was limited material submitted with an educational theme. Consequently it became more of an introduction to our new executive director. It was decided that the August issue of the Minnesota Surveyor will be the education issue. If you have material or an article that is of an educational nature, please submit it. Hopefully our members who are teachers will have a bit more time now that it is summer vacation, to write an article or give an update of their program.

I really hope we get more participation for the next issue. The deadline for articles submitted is Aug. 1, 2006.

Historical Committee

The goal is for MSPS to have a traveling display that could move every

year from one location to another. Rod Gunderson for Chapter Four is looking into the possibility of a display at the railroad museum in downtown Duluth. Mike Landecker mentioned there is potential for a display at the Cass County Historical Society. If you know of a potential location where a display of historical survey instruments would gain some public interest, please contact Randy Morton, Rod Gunderson or myself.

This was only a partial synopsis of our board of directors meeting. As you can see, we covered many topics. If you have any questions or concerns, please contact Eric Ewald, the board of directors, or me.

Chapter Two Meeting Update

On June 15, 2006, I had the pleasure of attending the annual fishing/chapter meeting at Four Seasons Resort on the southwest shore of Lake Winni near Bena, Minn. I believe that there were 13 fishermen in attendance. I am happy to report that we caught enough fish to have a nice fish fry and we did not have to rely on Spam for dinner.

At the business meeting, I updated the Chapter on board activities, and we had a discussion about the 2007 summer meeting that Chapter Two is hosting. It was decided the meeting will be held Aug. 16 and 17, 2007, at Thumper Pond Golf Course and Comfort Inn Suites in Ottertail, Minn. Mark your calendar and look for more information as it becomes available.

Dues

Your 2006 dues were due Jan. 1, 2006. Our policy grants a grace period until June 30, 2006 before you are dropped from membership. If you have not paid your dues, please do so immediately to avoid termination. If your status has changed, such as retirement, please apply for life membership. Traditionally, the administrative office has waited until after June 30 to publish an updated roster. This was mainly due to scheduling the work load for the administrative office. This July we will again publish an updated roster. You have probably received the notice to verify your current contact information. Please take the time to update your contact information with Ewald Consulting. Our future goal is to reduce the expenses of MSPS by putting the roster online. The plans are as follows: Dues would still be due Jan. 1, and the grace period would still extend to June 30. However, the roster would be published right after the annual meeting and the new board of directors has been elected and new committee chairs and liaisons have been selected. We will still print and mail out a limited number of rosters to those who do not have Internet access. I think this will be a big improvement and will save us money in the long run.

On a final note, the summer meeting is Aug. 17 and 18, 2006, in Duluth, Minn. I know that Chapter Four has been busy preparing for a good meeting of fun, business, and educational activities. I hope to see you there.

Until next time, goodbye for now.

Edward J. Otto, P.L.S.
MSPS President

From Executive Director Eric Ewald

MSPS Summer Conference Just Around the Corner!

The MSPS Summer Conference hosted by Chapter 4 will be held Aug. 17 and 18 in Duluth. You should have received registration and program information by now and we hope that you are able to attend. Please call me direct if you have not seen these materials and/or need them resent to you. My direct number is (651) 290-6266. We noted this in an e-mail blast, but just as a reminder ... we suggest that you call the Hawthorn Suites in Duluth direct to make reservations rather than call the national reservations line. They are very friendly and familiar with our group and room block. Their number is (218) 727-4663. Please also note that the room block is being held until July 16, which will be just short days after you receive this newsletter. So if you have not made your reservations, make them A.S.A.P.

MSPS welcomes the following new members approved at the June board of directors meeting:

Name	Membership Class
Aaron Starke	Technical
Kevin Griebel	Technical
David Gorg	Technical
Sean Duff	Technical
Francis Kvidera	Life Member



Firm Member Applications

EDS, Inc — Wayzata
BDM Consulting Engineer and Surveyors — Faribault
BDM Consulting Engineer and Surveyors — Elk River
BDM Consulting Engineer and Surveyors — Lexington

Reminder — New MSPS Contact Information

We have written about it in the Surveyor, e-mails, and on the Web site, but with changes of address it bears repeating! If you have not done so already, please note the following new contact information for MSPS. I have had the pleasure of talking with many members over the past two months. Thank you all for your kind words, our entire staff looks forward to continued work with the society.

Minnesota Society of Professional Surveyors
1000 Westgate Dr., Ste. 252
Saint Paul, MN 55114-1067
Ph.: 651- 203-7256 (MSPS main number)
Ph.: 651-290-6266 (Eric's direct number)
Fax: 651-290-2266
E-mail: mmps@mnsurveyor.com

Eric P. Ewald, CAE
Executive Director

Memo

To: Thomas Poul

Date: May 23, 2006

Re: Otto Associates, Engineers & Land Surveyors, Inc.

Otto Associates received an advertisement from Hellmuth & Johnson about registration and compliance with MN STAT 319B, and Isles Wellness, Inc. v. Progressive Northern Insurance Co., 703 N.W. 2d 513 (Minn. 2005). This memo outlines pertinent statutes and regulations Otto Associates must comply with, and specifically that they may choose to file paperwork with the Secretary of State under the Professional Firms Act, but they are not required to do so.

Otto Associates appears to be a business incorporated under MN STAT 302A which regulates business corporations in the State of Minnesota. As an incorporated business in Minnesota, offering professional services to the public, Otto Associates must be registered with the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. The Board requires compliance with MN STAT 326.02-326.15, which outlines the practice of professional engineering and land surveying, requirements for licensure and certification, and continuing education. It also has promulgated rules, specifically Minnesota Rules, Chapters 1800 and 1805 governing licensing and professional conduct that Otto Associates must comply with.

MN STAT 319B is known as the Professional Firms Act. If a business registers under this act it can refer to itself as a Minnesota Professional Firm. In order to comply with this statute a Minnesota Firm must elect to invoke the act. MN STAT 319B.03, Subd. 2, Election to invoke this act, states:

To elect to become a Minnesota professional firm and be authorized to furnish professional services according to sections 319B.01 to 319B.12 (See the entire statute attached), a Minnesota firm must in its organizational document:

- (1) state that the Minnesota firm elects to operate under those sections;
- (2) acknowledge that the Minnesota firm is subject to those sections; and
- (3) specify from the list stated in section 319B.02, subdivision 19, the category or categories of professional services the Minnesota firms authorized to provide.

The statement, acknowledgement, and specifications may be made when a Minnesota firm initially files the organizational document or may be added at a later time by updating that document.

The two aspects of electing to register under this act that a business should review very carefully are the Ownership Interests requirements found in 319B.07 and the Governance requirements found in 319B.09. While Otto Associates should read the entire chapter to gauge its compliance or potential compliance under this Act, these sections are particularly specific about who can own the business and how the business is governed.

In conclusion, the basic benefit to electing to invoke the act rests mainly with the title a business can utilize, which is, "Minnesota Professional Firm."

Should Otto Associates choose to invoke the act, the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design does offer to register firms in accordance with MN STAT 319B. They require a cover letter with a firm's contact information, a copy of the firm's Articles of Incorporation (for Minnesota firms), and a \$100 filing fee. Messerli and Kramer, P.A. is also available to assist Otto Associates file the necessary paperwork and assist in complying with the requirements of the statute.

Encl. MN STAT 319B