

**PROCEEDINGS OF THE  
EXECUTIVE POLICY BOARD OF THE  
GRAND FORKS/EAST GRAND FORKS  
METROPOLITAN PLANNING ORGANIZATION**

**Friday, April 15, 2005 – 12:00 Noon  
Grand Forks City Hall Conference Room A102**

**CALL TO ORDER**

Chairman Doug Christensen called the April 15<sup>th</sup>, 2005, meeting of the MPO Executive Policy Board to order at 12:15 p.m.

**CALL OF ROLL**

On a Call of Roll the following members were present: Chairman Doug Christensen, Dick Grassel; Punky Beauchamp (Proxy for Gary Sanders); Warren Strandell, Gary Malm, and Rob Kweit.

Staff present were: Earl Haugen, GF/EGF MPO Executive Director; Ryan Brooks, GF/EGF MPO Senior Planner; and Lane Magnuson, GF/EGF MPO Senior Planner.

Guests present were: Joe Martin and Janelle Mulroy, Brady, Martz and Associates, P.C. and Dan Jonasson, GF City Traffic Engineer.

**DETERMINATION OF A QUORUM**

Chairman Christensen declared a quorum was present.

**SUSPEND AGENDA**

Haugen commented that he would like to request that the Executive Policy Board suspend the agenda in order to hold discussion on Agenda Item VII. Consensus was to suspend the agenda to act on Agenda Item VII first.

Haugen introduced Joe Martin and Janelle Mulroy of Brady, Martz and Associates, and explained that they are present today to give a brief overview on the findings of the MPO's 2004 Audit, which they completed recently. He added that one thing that was discovered after the audit process was completed was the fact that the Federal Government has raised its threshold on the amount of federal funds that can be spent, raising it to \$500,000, meaning that if an entity spends more than \$500,000 they are required to follow the Single Audit Act, and those that do not spend \$500,000 are not required to do so. He commented that the MPO had hired Brady, Martz and Associates with the assumption that we needed to follow the Single Audit Act, but have since found out that it is not a requirement, which is something that actually occurred back in 1997, when we did not meet the federal threshold either, but were still required to do the Single Audit Act by NDDOT. He stated that NDDOT is now taking a different stance on

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this, stating that we don't have to do an audit, however, because it was already done, we are now unable, once again, to ask for federal reimbursement of the costs of the audit, and will have to absorb them 100%. He then deferred to Janelle Mulroy for a brief overview on the findings of the 2004 Audit.

Mulroy referred to copies of the 2004 Audit Report, pointing out that it does look a little different than it did in the past. She explained that the reason for this is due to the fact that the MPO was required to adopt a new reporting format, which is called GASB 34. She then briefly went over the information contained in the report (a copy of which is included in the file and available upon request).

Mulroy referred to Page 8, explaining that it is the balance sheet, and statement of assets. She said that the first column is the general fund, and is reported in the same format as it was in the past, and shows total assets of \$97,000, and liabilities of \$22,000, with a fund balance of \$75,000. She commented, however, that in accordance with GASB 34 they needed to include the fixed assets, which is in the adjustment column, as well as depreciation of those assets, and any debt due the MPO, which amounted to a liability of \$42,000. She then pointed out that the last column, titled Statement of Net Assets, shows that the MPO has total assets of \$104,000, liabilities of \$64,000, thereby leaving a net asset of \$40,000.

Mulroy referred to Page 9, and explained that it is a statement of revenues, expenditures, and changes of fund balance. She pointed out that the first column, titled General Fund, is similar to how they reported it in the past, showing total revenues of \$402,000, expenditures of \$406,000, for a loss of \$3,500. She added, however, that they then needed to include two numbers, shown in the adjustment column, one for compensated absences, which resulted in a change in liability in the amount of \$4,400; and the other is for depreciation of fixed assets, in the amount of \$4,000, so the final column, titled Statement of Activities, shows that revenues were unchanged, but the expenditures increased by about \$8,500, with an overall loss of \$12,000.

Mulroy reported that Pages 10 through 15 are the notes to the financial statements, and are similar to what they did in the past. She referred to Page 16, and pointed out that it shows the budget to actual comparisons for the General Fund, and shows that overall revenues collected were about \$90,000 less than was budgeted, and expenditures were about \$86,000 less than was budgeted, which comes out to the \$3,500 loss indicated earlier.

Mulroy commented that the last two pages is their report, which is done in accordance to Government Auditing Standards, and basically says that they did not have any findings for any compliance or internal control issues during the audit.

Christensen asked how the MPO can get rid of the loss shown, can they take it out of their Capital Fund. Mulroy responded that it could, that that is where it came from in the last issue.

***Moved by Beauchamp, seconded by Malm, to accept the Final Report on the FY2004 Audit.***

*Voting Aye: Beauchamp, Grassel, Kweit, Strandell, Christensen, and Malm.*

*Voting Nay: None.*

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Haugen reported that this is the last year of a three-year contract with Brady, Martz and Associates to do our audit, so the Finance Committee will need to meet soon to determine how we want to approach this from now on; with the non-requirement currently by the NDDOT that we have to do a Single Audit Act, or even do an Audit, they will need to make a recommendation to the full board on how we want to proceed from this point on. Christensen asked if the MPO needs to have an audit. Haugen responded that we do, so the real question will be how we want to procure the services, as we don't have to follow the federal process. Christensen asked if we would even need to put out bids for the audit service. Haugen responded that because we aren't required to do an audit, then we shouldn't have to follow the federal process. Christensen asked when we would need to let Brady, Martz and Associates know if we want them to continue doing our audit. Haugen responded that this would normally be done in June or July. Christensen asked, then, that a meeting be scheduled in the next month to determine how we should proceed.

**RESUME AGENDA**

**APPROVAL OF MINUTES**

***Moved by Kweit, seconded by Malm, to approve the March 25, 2005, minutes of the GF/EGF MPO Executive Policy Board, as submitted.***

*Voting Aye: Beauchamp, Grassel, Kweit, Strandell, Christensen, and Malm.*

*Voting Nay: None.*

**MATTER OF APPROVAL OF DRAFT 2006-2008 T.I.P.**

Haugen reported that a Draft T.I.P. needs to be approved, and submitted to the DOTs by April 15<sup>th</sup>. He pointed out that, included in the packets was a copy of the Draft 2006-2008 T.I.P., which was presented to the public ten days prior to the Technical Advisory Committee meeting held on Wednesday, April 13<sup>th</sup>, which served as the public hearing. He added that the T.I.P. contains transit operator's programmed projects, including both transit and street and highway projects, and that during the ten day period no one came to either office to look at the document, nor did they receive any written comments, nor were any comments received during the public hearing.

Haugen commented that the Technical Advisory Committee did have some minor changes to the Draft, and basically involved some minor corrections to the wording and descriptions for some of the projects, and did not substantially impact the document. He stated that the 2006-2008 Draft T.I.P. is really a mirror of the MPO's 2005-2007 Final T.I.P., with the only additions being those to the transit program in 2008, and the North Dakota Enhancement projects in 2006. He pointed out that Grand Forks Projects #10 and #11 are new projects, and are both T.E. projects. He added that Project #10 is for a shared-use trail on 55<sup>th</sup> Street, north from Gateway Drive to University Avenue, and has been recommended for funding by the Transportation Enhancement Task Force. He pointed out that the Gateway Drive Entrance Feature, which is a DOT District request, is still pending approval, but is shown in the Draft T.I.P. as a project.

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Haugen stated that the only other information received is that North Dakota, unofficially, because of where the reauthorization of TEA21 is at, assumes that there will be more money coming into the State, and they will be notifying the Urban Cities that they can plan on receiving more monies, however, because of how Grand Forks is programmed, it doesn't really mean that we will have access to more money, so when 2009 comes around there will be more money available to do projects.

Christensen asked, because this is a draft, we can always make changes to it in the future, correct. Haugen responded that this is correct, that the Final T.I.P. is submitted in July/August, and that one is also subject to change if required. He added that the State of North Dakota did finalize their 2005-2007 T.I.P. and S.T.I.P., but the State of Minnesota did not. He commented that we should have new T.I.P.s and S.T.I.P.s by August, and that we should also know what the reauthorization will be as well, which may require us to do some amendments to our T.I.P. and S.T.I.P. documents to reflect this.

Strandell asked where the Federal Transportation Bill is at now. Haugen responded that the House passed it, and the Senate is now trying to get it through various committees to get it to the Senate Floor, and the Majority Leader is trying to ensure that by the time it gets to the floor, there are no attempts to increase the dollar amount, however he hasn't received assurance on that at this time, so it is not scheduled for action at this time. He added that the current extension expires at the end of May, so there is a good likelihood that it may need to be extended again, most likely extending it a month at a time to keep the fire lit under the Senate's feet. He stated that if the Senate passes it at the same dollar amount that the House did the President has said he will sign it, however there are still a lot of differences between the two draft bills that need to be resolved. He said that the East Grand Forks high priority project is included in the House version, and will remain there until we hear out of conference what happens. Strandell commented, then, that construction won't be happening this year. Grassel responded that it probably won't occur until 2007. He added that the Point Bridge Painting project is also included, for which costs seem to escalate all the time, and if that continues to happen he doesn't know how they will be able to afford to do it.

Haugen referred to Page V-2, Grand Forks Project #5; and Page V-6, East Grand Forks Project #4, Painting of Point Bridge, and explained that the costs shown are still reflective of the Engineer's original estimate. He added, however, that a public meeting was held a month or so ago, in Grand Forks, and that a consultant is doing a project concept report for this project. He pointed out that the 2.1 million shown includes not only painting and structure repairs, but also fixing the slip plain on the Minnesota side, which is a fairly pricey project. He said that this project reflects what the Final 2005-2007 T.I.P. showed, and went over the funding breakdown briefly.

Jonasson reported that the project concept report for the Point Bridge project is still out for public comment, and that they are looking at submitting a draft around the first week of May, for comments from both Cities and DOTs. He stated that there are four different alternatives shown in the report. He then went over the four alternatives briefly.

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Jonasson stated that the third alternative would be to replace the bridge, utilizing the existing piers, and replacing it in the same location. Christensen asked what the cost of replacing it would be. Jonasson responded that the estimate for replacing it is about \$9,000,000, utilizing the existing piers, and \$12,000,000 if you change the alignment, and require new piers.

Christensen asked if we should be looking at shifting gears, possibly starting to look at getting a straight bridge built here, and forgetting about Merrifield for a while as the costs continue to increase there as well. Grassel pointed out that the Merrifield Bridge would include monies from the Counties, and they won't be helping pay for the Point Bridge Replacement, so we need to take that into consideration as well. He added that the problem East Grand Forks has with the Point Bridge is that it is not located on a State Aid roadway, which means they can't get any State Aid monies to help cover their costs, therefore they have to rely totally on local share monies.

Malm asked what is happening with the Thompson Bridge. Haugen responded that they are still trying to suggest that the Thompson Bridge, and he doesn't know where the final report on this is at, but they asked the County engineers to look at what it would cost to preserve the Thompson Bridge as it is, maybe making it a little more stable, and then invest the replacement monies in the Merrifield Bridge. He stated that the draft report on the Thompson Bridge gave a replacement cost estimate of somewhere around \$5.6 million, and didn't include any approach work or other issues that need to be addressed as well.

Haugen reported that in terms of the Point Bridge, they are about \$300,000 short, based on this current \$2.1 million dollar estimate, and although the first alternative, to repaint the bridge, costs less, he isn't sure how much that \$300,000 deficit is impacted, whether or not there would still be a deficit or not. He pointed out that for \$300,000 they could get a structure that, even though it is curved and narrow, would last another 20 to 30 plus years.

Beauchamp asked who is making the determination, because they want to stabilize the eastern end of the bridge, that this is a new project. Jonasson responded that the determination was made based on federal requirements for modification, or additions to a bridge. Beauchamp commented that he knows it is probably difficult to talk to federal personnel, but when you have the issues we have, whereby the ground is sinking, you'd think they would be more accommodating. Christensen asked how we staff someone to start talking to the feds to deal with this problem. Haugen responded that the City of Grand Forks has hired Interstate Engineering to assist them with just this type of issue. Christensen asked when a report would be received from Interstate Engineering telling us that we can do this rather than we can't, so we can do it. Jonasson responded that there will be another public hearing. Christensen commented that, aside from the hearings, because nobody will show up anyway, we need to get around the restrictions and get a waiver, and we need to present this in such a fashion that the restriction doesn't apply. Jonasson responded that if that is the general consensus from both Cities, he would ask that they do this. Grassel asked if, at the public hearing, can we, as public officials, attend and state our opinions on this. Jonasson responded that that would be the perfect time to do it. Haugen added that, because the public comment period is still open, this body, if it desires to do so, could direct staff to write a letter asking that an alternative be explored that would allow exemptions from doing all the widening up to standard.

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*Moved by Malm, seconded by Grassel, to require staff draft a letter requesting that an alternative be added to the PCR that includes repainting the bridge, fixing the slide problem on the east bank, and does not include bringing railings, sidewalks, etc., into compliance, and that exceptions be sought, if required.*

*Voting Aye: Beauchamp, Grassel, Kweit, Strandell, Christensen, and Malm.*

*Voting Nay: None.*

Christensen asked how this report will help us get our arms around our public transportation issues so that we can get them incorporated, as has been discussed, is it being put together so that we will have no impediments so we can move forward and get a more unified public transportation system. Haugen responded that, if he understands the question correctly, the RFP has been drafted to consolidate the demand response systems. He stated that they met yesterday, and have a few more revisions that will be coming before Council for approval, and that a report will also be forthcoming from Todd Feland, Public Works Director, as well. He said that all of the issues involved with the consolidation process have been resolved, and the RFP is almost ready to be presented to the potential contractors, and this document will allow us to move towards consolidation.

*Moved by Kweit, seconded by Grassel, to approve the Draft FY2006-2008 T.I.P..*

*Voting Aye: Beauchamp, Grassel, Kweit, Strandell, Christensen, and Malm.*

*Voting Nay: None.*

**MATTER OF APPROVAL OF I.T.S. REGIONAL ARCHITECTURE**

Haugen reported that it is a federal requirement that by 2005 the MPO approve an I.T.S. Regional Architecture for our metropolitan area. He explained that in 2003 the three MPOs in North Dakota joined forces to hire one entity to do an I.T.S. Regional Architecture Plan for all three, and the State of North Dakota, and ATAC was the firm hired to do so. He stated that it has taken ATAC until now to produce a final report, working with the Technical Advisory Committee and the State DOTs.

Haugen referred to a copy of the Executive Summary of the Regional Architecture, included in the packets, and explained that it is really a technical report, with little policy, but it is a requirement that we have this done by April 2005. He added that the Technical Advisory Committee did approve the plan at their Wednesday meeting, and, along with Staff, recommend the Executive Policy Board approve it as well.

*Moved by Kweit, seconded by Malm, to approve the Final I.T.S. Regional Architecture Plan.*

*Voting Aye: Beauchamp, Grassel, Kweit, Strandell, Christensen, and Malm.*

*Voting Nay: None.*

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**OTHER BUSINESS**

1. Matter Of Update On Corridor Study

Christensen asked for an update on the corridor study.

Haugen responded that the Corridor Study, as you will recall, was wrapped up with the Land Use Plan that the MPO is doing for the City of Grand Forks. He distributed copies of a draft report that the consultant is now working from, and explained that the MPO did hire a consultant, SRF, to assist the MPO with the Land Use Plan update, and these documents were drawn up with the assistance of the City's Land Use Subcommittee, who is guiding the effort.

Haugen referred to a picture of the full four-mile area beyond City limits, that we are looking at, and explained that it shows the different tiers; Tier 1, Tier 2, and Tier 3, with Tier 1 being those areas that the City is trying to direct growth to, where the City currently has infrastructure in place and waiting for people to tap into. He added that they have costs that are waiting for people to help with. He stated that Tier 2 is what the City is trying to reserve for future City growth, and the concept of the Land Use Subcommittee is that when we allow people into Tier 2, they will be required to build to urban standards as this will ultimately become an urban area. He went on to explain that Tier 3 is the area that, even though it is within four miles of City limits, there are no projections in the draft as to whether or not it will become an urban area in the future.

Haugen referred to the sheet that deals specifically with 32<sup>nd</sup> Avenue South, and explained that one of the things they have asked the consultant to do is to help in pilot areas in the different tiers, and, if you look at the drawing, you will find three pilot areas; one on Belmont Road, south of 47<sup>th</sup>; one at 32<sup>nd</sup> Avenue, between 69<sup>th</sup> and 86<sup>th</sup>; and the third at the Gateway Drive corridor, by the Airport and 55<sup>th</sup>. He stated that in terms of the 32<sup>nd</sup> Avenue site, the Land Use Subcommittee has drafted up what they think could be residential, commercial, or industrial landuses at that corridor, and are now asking the consultant to take a look at the area and help us develop different concepts. He added that the first thing they will need to look at is whether or not we have our Tier boundaries in the right spots, then they need to determine whether or not the draft landuses shown make sense, and lastly, within the pilot area they will need to look at different ways the area can be laid out, either using the land uses as drafted now, or suggesting to the Subcommittee alternative uses. He said that they would be working with the property owners and the City as to how different layouts would work there, how different land uses react with each other, and come up with a plan and agreement on how to lay things out out there. He pointed out that Mr. Knipe had a proposed development in this area last year, which is shown on the drawing, specifically how it relates to existing platted lots.

Haugen commented that the consultant will be working with us to try to determine how things might work in unison better, along with how, if we still intend for this area to be come an urban area, how we get urban services to it, and how they design it so that it is easily attachable to urban services.

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Haugen reported that they are just starting the process, and through the summer will be working on these pilot sites, as well as looking at the overall draft land uses and the tier areas.

Haugen commented that the Planning Commission, in November, tabled Mr. Knipe's request until after this study is completed. Beauchamp said that, basically, Mr. Knipe wants a residential development located next to an industrial development, and somehow the City has to make it work. Haugen responded that that is correct, but there are other questions to answer as well. He commented that in the Tier 2 area, Mr. Knipe is developing a large rural lot proposal, and we need to determine if that is how we want things laid out, or do we want a denser development, still residential, but ultimately the intent, in Tier 2, is that it would become an urban area, and part of the City, so do we want to make sure that it will not be an impediment to having City services to it, and that it can be laid out correctly now so that when City services are brought there, it is laid out to urban standards. He stated that this is what the consultant will help us work out, what type of industrial uses will be allowed, if, in-fact we still want to even consider industrial there, and how they will fit with residential uses across the roadway.

Kweit commented that Mr. Christensen, at the City Council meeting, raised the question as to whether or not we might want a light industrial zone, and that is something that the Land Use Subcommittee is looking into. Beauchamp stated that this is why we do studies, right. Christensen responded that it is why we do studies, and the other thing is, of course, is that you have people that don't care about the studies, they just care about themselves, and parish the thought that any of us would ever have any self-interest, but sitting on that council for the last four years, and hearing all the pontification, latitudes, and fancy words about how we could have ever let Highway 2 become what it is today, well, that is why we are doing this, and if anybody knows, Dr. Kweit, all the people that complain about it don't have anything next to me, so to allow something like this, fifteen years from now, when someone else is sitting up here, you are going to get the NIMBY up here when you build these houses now, that is why he has taken the position he has, and he thinks the Land Use Subcommittee is following that subdivision as well.

Christensen asked if they have to allow two and a half acre lots. He added that the two and a half acre subdivision was required because of septic systems, but now we have little garbage heaters, and such, and they were just told recently that each home in the Adams Subdivision could have had it's own lift station, and could have hooked up when we ran the sewer lines out there, so along the lines of what Mr. Haugen said, if we decide to allow residential out in the country, and we extend our jurisdiction to four miles instead of two, can we then just have regular 100-foot lots. Kweit responded that, theoretically, he would think that would be possible. Malm added that the argument against that, Mr. Christensen, was years ago you didn't want to let people go out there and set up a new subdivision over which the City would have no control. Christensen added that you would also not be able to collect taxes as well, which is what is happening in Bismarck right now.

Christensen asked if we should be thinking about this as part of the study, what would be the effect if we allow residential within our four mile jurisdiction, but not within our City limits, and should we require that we meet the Planning and Zoning's platting requirements. Kweit responded that this is something the consultant should be looking at as their concern is that as this area becomes part of the City, what is it going to be like, and will it fit in with the City, so

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certainly what Mr. Christensen is suggesting should be looked at. He added, however, that he also feels that Mr. Malm's consideration is important as well, in terms of getting a critical mass out there that would create a "West Grand Forks". Christensen agreed, but added that he feels this is something that should be studied. Malm stated that this is part of what the consultant will be studying.

Magnuson commented that one of the things that they are looking at right now, obviously they take soils into consideration for the septic system, as far as rural development is what they call "scattered response" for services, ambulance, fire, etc.. He added that one of the things consultants look at is focusing, if there is going to be rural development, focus in on one area where there is already infrastructure available so that we have concentrated response. He said that another concern they are looking at, regarding the two and a half acre lots is, when the City gets there, and runs infrastructure through there, the property owners will buy it per lineal foot, so when it comes to the City it may cost tens of thousands of dollars, so we need to remember to look at is, if we let the developers put their developments up now, but what are the implications for the people he sells it to when the City gets there.

Christensen stated that this is why he is saying what he is saying, because we don't want those properties, so rather than two and a half acre lots, we would have 100-foot or so lots instead. He added that we can do these things, and say that this is the size of lots the Planning and Zoning Commission will allow, this is what we will allow in our four mile jurisdiction.

Haugen commented that, just to add to this, again, we have the three Tier approach, with Tier 1 already being served by City services, so it should automatically be designed to City standards; Tier 2 is an area in which we are trying not to have development occur in, but if it does, we want it to be designed to accept City services so that when the City does grow out to it, it is easily taken in to the City; and Tier 3 is an area in which the City doesn't feel it will ever grow out to, so there will be a different set of criteria to follow, an area in which the City may choose to extend into or not.

Strandell stated that he doesn't see any indication as to where the dike line is located here, and that has got to be a major factor. Haugen responded that it pretty much includes Tier 1, and was another factor in the decision of where Tier 1's boundaries would be, and what would be protected. Strandell asked if they were going to allow sewer and water to be punched through the dike system, under it, over it, or whatever method is chosen, as that, too, would be an issue as well. Haugen responded that that is why the one pilot area is located on Belmont, to help us figure this out as some is dry, and some is wet.

Grassel commented that they are struggling with this same issue in East Grand Forks. He added that they have tried to discourage those that are interested in doing a development such as this, but it keeps coming back, so they will be struggling with it again as well.

Christensen stated that we may want to have certain requirements for areas within the two mile area, and different requirements for areas within the four mile area. He added that this gives us an opportunity to set some parameters for future platting so we don't have these little pocket developments anymore.

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Malm commented that he doesn't think the City wants to go out four miles because you are going to find lots of little pocket developments out there that are going to create a lot of problems for them.

Discussion ensued.

Haugen stated that we now have a consultant on board, and the Land Use Subcommittee has given them something to react to, which will be one of their first requests, and we now have a request to Grand Forks for five names of different people in order to get a feel of the market, and how things are going. He said that they will be meeting with landowners in these pilot areas, so over the summer they will start laying out the concepts that will react to the drafts to see if they make sense. Christensen asked which five names were given for Grand Forks. Haugen responded that he asked all of the City Council and Planning Commission members, and department heads to supply names from which to choose. Christensen asked if the request could be sent to everyone again, as a reminder.

Christensen commented that he really wants to make sure that the Land Use Subcommittee, and the Consultants have constant communication throughout this entire process. Malm said that he will promise that as long as he is on the County Board, once they get the plan, they will start implementing it into the County to match up with the City because they don't want the same problems they had several years ago, with homes not having access at all. Christensen asked if there would be a possibility that the City and County could coordinate the planning requirements for lot size. Malm responded they could do that. Kweit added that they are also in the process of hiring a County Planner as well. Christensen asked if there would be a possibility of sharing a planner between the two entities. Malm responded that he would think that they could share some services, however, they have some unusual problems that the City doesn't have to deal with, and probably doesn't want to deal with, such as feed lots, GPS towers, etc..

Haugen stated that one question is whether or not the City wants to extend the four miles everywhere, or do they just want to finger out on certain corridors, or just on Highway 2. He said that part of that discussion, if we go the full four miles, how does that relate to the Inspections Department, and will they need to go into the four mile area for inspections, or can that be massaged so that they only go out to areas we are concerned about. He added that as part of that, with County representation on the Subcommittee, is how this meshes with the County's jurisdiction, because whatever line we create will be where the City's influence ends, and the County's begins.

Christensen commented that he figures that if the City goes four miles out, he won't worry about feed lots, because there won't be any feed lots with four miles of this town. Haugen added that the City would have the ability to say no to agricultural uses. Malm stated, however, that you already have the person out there in an agricultural zone who is going to hire a lawyer to say that the City is denying him the right to use his land. Christensen responded that he doesn't care about things like that because it just means that some lawyer makes some money, and someone wins and someone loses, but in the meantime he controls it until someone says he can't control it. Malm said that what he is trying to say is that the land within the four mile area is mostly agricultural land, and what you are going to see is ground swell, so if the County and City can

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work together on this, we will have a better chance of destroying that ground swell if we can figure out a proper Land Use Plan, and don't make things difficult. He suggested that maybe the City will want to draw their line in a different place. He added that people like Mr. Bateman will want to exist out there until he leaves this earth. Christensen responded that he can certainly do that, that just because you overlay your zoning requirements, with all due respect that issue was decided long ago, and no lawyer will win that fight. He added that you have the grandfather clause, which will allow a property owner to continue doing whatever they are doing with their property until such time as the City were to put zoning restrictions on it. Malm stated, though, that agricultural zoning covers a very wide area of uses, and even if the property owner hasn't used it for a specific use, does that mean that the City can now tell me what I can and can't do with it. Christensen responded that it wouldn't come to that.

Christensen asked if the City were to extend their jurisdiction out four-miles, would their zoning rules then apply. Malm responded they would, but added that if the City were to do that, they better redefine their agricultural uses before you do that. Kweit commented that what he is hearing from Mr. Malm is that the County might be more effective in dealing with some of these rural folks without going to court, and such, than the City because they would then feel like Big Brother was looking over their shoulder.

**ADJOURNMENT**

***Moved by Kweit, seconded by Malm, to adjourn the April 15<sup>th</sup>, 2005, meeting of the MPO Executive Policy Board.***

*Voting Aye: Beauchamp, Grassel, Kweit, Strandell, Christensen, and Malm.*

*Voting Nay: None.*

Respectfully submitted by,

Peggy McNelis  
Executive Assistant