

**PROCEEDINGS OF THE
EXECUTIVE POLICY BOARD OF THE
GRAND FORKS/EAST GRAND FORKS
METROPOLITAN PLANNING ORGANIZATION
Friday, March 10, 2006 – 12:00 Noon
Grand Forks City Hall Conference Room A102**

CALL TO ORDER

Chairman Doug Christensen called the March 10th, 2006, meeting of the MPO Executive Policy Board to order at 12:10p.m..

CALL OF ROLL

On a Call of Roll the following members were present: Chairman Doug Christensen, Warren Strandell, Dorette Kerian, Gary Malm, and Punky Beauchamp.

Staff present were: Earl Haugen, GF/EGF MPO Executive Director; Ryan Brooks, GF/EGF MPO Senior Planner; Julie Romig, GF/EGF MPO Senior Planner; and Peggy McNelis, GF/EGF MPO Executive Assistant.

Guests present were: Les Noehre, NDDOT-Grand Forks; Brad Gengler, Interim Grand Forks City Planner; and Wayne Lembke, Grand Forks City Engineer.

DETERMINATION OF A QUORUM

Chairman Christensen declared a quorum was present.

APPROVAL OF THE FEBRUARY 15TH, 2006, MINUTES

MOVED BY STRANDELL, SECONDED BY BEAUCHAMP, TO APPROVE THE FEBRUARY 15TH, 2006, MINUTES OF THE MPO EXECUTIVE POLICY BOARD, AS SUBMITTED.

Voting Aye: Strandell, Beauchamp, Malm, Kerian, and Christensen.

Voting Nay: None.

MATTER OF AMENDMENT TO THE FY2006 T.I.P. ANNUAL ELEMENT

Haugen reported that, as he mentioned at last month's meeting, you need to act on an amendment to the FY2006 T.I.P. today. He explained that this amendment involves the reconstruction of the intersection of 24th Avenue South and Columbia Road in Grand Forks.

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Haugen referred to the information concerning this item that was included in the packets, and reported that the Technical Advisory Committee, at their meeting on Wednesday, held a public hearing on this amendment, however no one from the public was present for discussion.

Haugen reported that the reason for the amendment is due to an increase in the cost of the project, as well as to a change in the funding source for the project. He referred to the staff report, and explained that a month ago we had anticipated using 100% Urban Roads monies to fund this project, at an estimated cost of \$1.18 million, however we have since discovered that the estimated cost has increased to \$2.19 million. He added that NDDOT also indicated a new funding source was available for the project, Safety Funds, therefore we need to change the funding source to include Safety Funds, at a cost of \$1,490,000, and to decrease the Urban Roads funding amount from \$952,100 to \$428,000. He pointed out that originally it looked like the funding of this project would have to be bridged over a two year timeframe, but with this new funding source it will now be funded entirely in 2006.

Haugen commented that the Technical Advisory Committee did recommend approval of this amendment, and, as indicated in the Grand Forks City Staff Report, included in the packets, the Grand Forks City Council also approved it at their last meeting as well.

MOVED BY KERIAN, SECONDED BY MALM, TO APPROVE THE FY2006 T.I.P. AMENDMENT AS SUBMITTED.

Voting Aye: Strandell, Beauchamp, Malm, Kerian, and Christensen.

Voting Nay: None.

Haugen distributed copies of FY2007 Transportation Enhancement project list, and explained that only the first six projects will be funded. He pointed out that none of the three projects the City of Grand Forks submitted were ranked high enough to be funded, and the 17th Avenue South shared bikepath was the highest ranked of the three, at number eight.

Haugen reported that the draft 2007-2010 T.I.P. document will be on the agenda in April for approval.

MATTER OF DRAFT RFP FOR GRAND FORKS DOWNTOWN PARKING STUDY

Brooks reported that the Executive Policy board did direct staff to put together an RFP for a Grand Forks Downtown Parking Study at their last meeting, and this is the result of that request. He added that MPO staff did work with Urban Development, who did review the RFP to make sure it was exactly what they were looking for as well.

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Brooks explained that the reason for the study is because it has been nearly ten years since the flood of 1997. He commented that a parking study was done in 1998, but there have been many changes since that time. He stated that, currently, Grand Forks is experiencing significant growth in the residential development in the downtown, however commercial development is still somewhat behind, but with the residential growth there is a concern with parking, thus the need for this study.

Brooks stated that they will be having the consultant take a look at many facets of parking in the downtown. He added that they will do a utilization study; review some of the plans we have in place now; look at where the parking is needed, both long and short-term; will do some condition analysis; will look at the fees and rates, and assessments that are coming due on some of the parking structures downtown, and will look at the operation and management of City owned parking facilities in the downtown.

Brooks distributed a copy of a map, which, he explained he did not receive in time to include it in the packets, but which does show most of the study area, although there may be some impacts outside of those boundaries as well.

Christensen asked how much money was set aside for this study. Brooks responded that they allocated \$35,000 in the work program.

Brooks reported that they are discussing using a study steering committee for this, which would be made up of representatives from the MPO, Urban Development, City Planning, City Engineering, DLG and downtown business owners, who can provide input to the consultant. He added that some of the members of the steering committee may also be on the selection committee as well.

Christensen asked what the study steering committee would actually do. Brooks responded that there will be a selection committee, who will review the proposals we receive; and there will be a study steering committee who will be used to provide input throughout the study process. Christensen asked who would be on the selection committee. Brooks responded that that committee would consist of an MPO representative, a representative from Urban Development, a representative from the City Council, a representative of the Downtown Leadership Group, a representative of the Downtown Study Group, and two representatives of the downtown businesses, and he would welcome any recommendations on who might serve on that committee. Christensen asked why a representative from the DLG would be on this committee. Brooks responded that they are an established group that provides representation for the downtown business. Christensen asked why we need seven people on this committee, and how many applications are anticipated. Brooks responded that it is difficult to say, but, if we get more than five the selection committee would narrow the field down to three or four, as we don't like to interview more than that, and then we would choose the best firm from those final applicants using the selection criteria we put in the RFP.

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Christensen asked, again, why we need seven people on the committee. Brooks responded that if you want to reduce the amount of people on the committee, the best place to do so would be to eliminate the two downtown business owners as they would be represented by the Downtown Leadership Group and the Downtown Study Group. Christensen asked what the Downtown Study Group was. Brooks responded that he wasn't sure, that he received the suggestion to include them from Urban Development. Christensen stated that it was his understanding that that group was no longer in existence. Brooks responded that he thinks they are still in existence, as they were recommended by Urban Development to be on the committee. Christensen stated that he would rather they use only five members on the committee, a representative from the MPO, Urban Development, City Council, Downtown Leadership Group, and the Downtown Study Group.

Christensen asked what the Study Steering Committee makeup was going to be. Brooks responded that anyone is welcome to attend these meetings, but the Study Steering Committee would actually consist of a representative from the MPO, Urban Development, City Planning, City Engineering, Downtown Leadership Group, and Downtown business owners. He stated that this committee could consist of as many members as we want, we can go with three or four, or more if we want, and, in-fact larger would be good. Christensen said that what he really wants to do with this is, and the MPO can have their spot, but he really wants the downtown business owners involved, more so than someone from the Downtown Leadership Group or the Downtown Study Group, specifically those businesses along North 3rd Street, they should all be invited to these meetings so that they can't come back later and say they weren't notified, and weren't able to be involved.

Christensen asked when they planned to start meeting on this. Brooks responded that he hopes to have the first meeting sometime in May or early June. Christensen asked if the consultant would be on board by then. Brooks responded that they hoped to have the consultant on board the first week of May. He added that they need the consultant on by then as the utilization portion of the study needs to be done while the high school is in session.

Kerian said that one of the other things you are talking about in this parking study is who benefits, and she would like to know if that is going to happen, and when. Brooks responded that that is the assessment portion of the study, and it will help determine who is benefiting.

Malm referred to the map, and stated that he hopes it isn't going to be included in the RFP as it is outdated, and several of the streets no longer exist. Brooks responded that they will probably overlay a map, or use an aerial photo of the study area instead.

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**MOVED BY KERIAN, SECONDED BY BEAUCHAMP, TO APPROVE THE
DRAFT RFP FOR THE GRAND FORKS DOWNTOWN PARKING STUDY
SUBJECT TO THE FOLLOWING CHANGES:**

- 1. REMOVE THE TWO REPRESENTATIVES OF THE
DOWNTOWN BUSINESSES FROM THE SELECTION
COMMITTEE LIST**
- 2. ADD A CITY COUNCIL REPRESENTATIVE TO THE STUDY
STEERING COMMITTEE LIST**
- 3. NOTIFY THE DOWNTOWN BUSINESS OWNERS ON NORTH
3RD AND NORTH 4TH STREETS OF MEETINGS**

Voting Aye: Strandell, Beauchamp, Malm, Kerian, and Christensen.

Voting Nay: None.

MATTER OF DRAFT FRP FOR AERIAL PHOTOS

Romig reported that the MPO would like to update their aerial photography, which was last done in 2003, and would include the areas within the current city limits of East Grand Forks, Grand Forks, and portions of their study area.

Romig distributed copies of revisions, shown in bold letters, that were made to the Draft RFP, per the Technical Advisory Committee's recommendation, and went over it briefly.

Romig stated that staff's hope is that the timeline, shown on page six of the RFP, can be followed as closely as possible. She pointed out that they intend to advertise for consultant proposals on March 10th; that proposals will be due by April 3rd; that selection of a firm can be done by April 4th, and that firm be notified by April 7th; that the flights can occur between April 10th and May 9th; and the final product can be delivered by September 1st.

Beauchamp asked if, when this is all completed, will everyone be able to be access them. Romig responded that they aren't available to everyone at this time. Beauchamp asked who would have access. Haugen responded that City Staff would have access, and they, then, would have to work with it to see if they can allow access on the City's website. He stated that the County has it on their website, but he isn't sure if the City is at that point yet. Romig responded that they aren't, but added that these aerial photos would be used to get the City's GIS system up-to-date, so at some time in the future we anticipate that the City will have the same type of system as the County.

Discussion on availability concerns, and suggestions ensued.

Haugen stated that staff would try to get this available on the MPO's website, and then will work with both cities to get it on their's as well. Christensen commented that the

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problem he has is that there are too many websites, the City of Grand Forks has a website, the County of Grand Forks has a website, the City of East Grand Forks has a website, the MPO has a website, and it gets too confusing, so what we need to do is create some kind of link between all of these websites so people can find what they are looking for without having to search all over. He asked, then, as we get money in the future, can we get this done. Romig stated that she feels this can be coordinated by both cities, and added that she knows that Adam Jonasson has done a lot already for Grand Forks, and will continue to do so. Christensen asked that Ms. Romig continue to work with Grand Forks Staff to get this done.

**MOVED BY BEAUCHAMP, SECONDED BY KERIAN, TO APPROVE THE
REQUEST FOR PROPOSAL (RFP) FOR THE SOLICITATION OF 2006
AERIAL PHOTOGRAPHY FOR THE ENTIRE MPO STUDY AREA.**

Voting Aye: Strandell, Beauchamp, Malm, Kerian, and Christensen.

Voting Nay: None.

**MATTER OF DRAFT RFP FOR GRAND FORKS LAND DEVELOPMENT
CODE UPDATE**

Haugen reported that this is an RFP for the update of the Grand Forks Land Development Code, Chapter 18 of the City Code. He explained that they hope to have a new Land Use Plan for the City of Grand Forks by mid-April, and this RFP would then take the City Code, re-write it, and implement it into the Land Use plan.

Haugen stated that the selection committee consists of himself, as a representative for the MPO; the Grand Forks City Planner; and three Planning Commission members. He said that they hope to have a consultant aboard by mid-April, so that when the Land Use Plan is adopted on April 17th, they are already on-board and working on redrafting Chapter 18 of the code.

Christensen what the story was on the moratorium. Haugen responded that the moratorium would apply to new subdivision plats. He explained that one of the big components of the 2035 Land Use Plan is the creation of Tier boundaries. He stated that Tier 2 and Tier 3 are completely different concepts for how land can develop when the current zoning ordinance controls that land development, and the moratorium would hold off on future land subdivisions until we have a better idea of how we are going to draft the zoning districts. He added that the moratorium would not affect the building activity that is already in effect, but would stop, temporarily, any future development until we have the City Code re-written to illustrate how we want to control that development.

Christensen asked if what he was hearing was that if there is a moratorium, no future plats will be approved. Haugen responded that that would, in-fact, be the case within the Tier 2 and Tier 3 boundaries. Christensen asked if the Tier 2 and Tier 3 boundaries

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included the area from the current city limits to the four-mile boundary. Haugen responded that the Tier 1 boundary is the area that is already serviced by City water and sewer services. He explained that Tier 1 plats would be contiguous to the city, and would likely be annexed into the city, so we would still have city growth occurring with new subdivisions that are city served in that area. He went on to explain that the Tier 2 boundary would be located within a different distance from the city limits, roughly a mile to the southern and western portion of the area. He said that discussion has been that we would allow urban sized lots, thus getting away from the two and a half acre lots, down to city sized urban lots, but not necessarily providing city services. He then stated that in the Tier 3 boundary they are trying to keep everything agricultural, and are trying to keep the parcels at 40 acres or larger. Christensen stated that this is what is in the Land Use Plan. Haugen responded that that is correct. He explained that how we implement that in the zoning districts, to get out to the four-miles we are putting everything into the A-2 zone, which will allow two and a half acre lots, so by placing a moratorium out there, we will be able to hold off on allowing those two and a half acre lots until we get the new zoning code in place.

Christensen commented that his concern is with the area between the two-mile and the four-mile boundaries, and what will be able to be done within that area. Haugen responded that all of the lots of record, that have building currently taking place on them, as long as they meet the A-2 Zoning requirements, will be allowed to continue, but what the moratorium will do, not just within the two to four mile area, but in parts of the zero to two mile area as well, will not allow any newly created rural subdivisions until we know how we want them to look based on the 2035 Land Use Plan context. Kerian asked if the moratorium would be in place for six-months. Haugen responded it would. Malm commented that the county is doing exactly the same thing, but only until June, and they are also writing their own zoning regulations, and included the area around the airport, which goes beyond the four-mile area. He stated, again that the moratorium will only be in place until June, at which time it could be extended if needed. He added that once the moratorium is in place for both the county and the city, the city and county planning offices will get together to try to work out all the problems involved with this, so we are both on the same page when it comes to development in the four mile area.

Christensen stated that the City of Grand Forks will extend their jurisdiction to the four-mile boundary. He added that the City of Grand Forks currently has jurisdiction over new plats within the zero to two-mile area, and there are rules in place, and now we are going to place a moratorium on the two to four-mile area, why couldn't they just say they don't care about our moratorium, that they want their plat approved. Haugen responded that they would then be creating a two and a half acre lot development, which is allowed under the current rules. Christensen said that all that could change, that they are going to change that ordinance. Haugen agreed, adding that that is why they are suggesting a moratorium, to give you time to change the law, and so you aren't forced to approve two and a half acre lots in the two-mile area.

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Christensen commented that they have zero rules as to what they would permit in the two to four-mile area. Haugen stated that as you extend your jurisdiction, you would place it in the A-2 zone, which would give you the rules that have already been established. Haugen stated that it works because you address all those rural non-farm residences, plus it also addresses all those vacant lots that have been approved by allowing them to have their building take place without the confusion of non-conformance issued on them, so they can just go to the building inspection department, and meet the A-2 requirements.

Christensen stated that, from two to four-miles, he doesn't have any subdivision plats right now, but the county may. Haugen said that there are currently 100 to 102 vacant lots at this time, plus there is probably another 150 that have been vacant for who knows how long, that are still available for people to build on if they want. He added that in the A-2 zone, those places that are lots of record, that are vacant, can be built on.

Christensen asked, again, who will be on the selection committee for the RFP. Haugen responded it would consist of himself, as an MPO representative; the Planning Director; and three Planning Commissioners. Christensen asked if now would be the time to change that make-up. Haugen responded it would. Christensen stated that he would like the committee to consist of someone from the MPO, the Planning Director, the Chair of the Planning Commission, a representative of the County of Grand Forks; and a representative from the City Council. He stated that he is concerned that in going forward with this, if the MPO is involved, that there also be people involved who are in the fray. He added that if the Planning and Zoning folks do this, and don't like it, we can overrule them. Kerian asked if there would be an advisory committee. Haugen responded that the advisory committee would be the Land Use Subcommittee. Christensen stated, then, that we should keep the original committee makeup, hire a consultant, and we'll deal with the advisory issue later, because that is a city issue.

Kerian commented that she has seen a copy of Fargo's plan, which has charts, and she would hope that we make ours more user friendly by including charts and tables.

**MOVED BY KERIAN, SECONDED BY MALM, TO APPROVE THE REQUEST
FOR PROPOSAL FOR THE UPDATE TO THE LAND DEVELOPMENT CODE
FOR THE CITY OF GRAND FORKS.**

Voting Aye: Strandell, Beauchamp, Malm, Kerian, and Christensen.

Voting Nay: None.

OTHER BUSINESS

None.

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ADJOURNMENT

**MOVED BY MALM, SECONDED BY STRANDELL, TO ADJOURN THE
MARCH 10TH, 2006, MEETING OF THE MPO EXECUTIVE POLICY BOARD
AT 12:55 P.M.**

Voting Aye: Strandell, Beauchamp, Malm, Kerian, and Christensen.

Voting Nay: None.

Respectfully submitted by,

Peggy McNelis
Executive Assistant