

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

**Friday, August 10th, 2007 – 12:00 Noon
East Grand Forks City Hall Council Chambers**

CALL TO ORDER

Steve Gander, Chairman, called the August 10th, 2007, meeting of the MPO Executive Policy Board to order at 12:08 p.m.

CALL OF ROLL

On a Call of Roll the following members were present: Chairman Gander, Gary Malm, Warren Strandell, Dick Grassel, Craig Buckalew (Proxy for Punky Beauchamp), Steve Adams, and Doug Christensen.

Staff present were: Earl Haugen, GF/EGF MPO Executive Director; Nancy Ellis, GF/EGF MPO Senior Planner; Lucas Rengstorf, GF/EGF MPO Intern; and Peggy McNelis, GF/EGF Executive Assistant.

DETERMINATION OF A QUORUM

Chairman Gander declared a quorum was present.

APPROVAL OF THE JULY 20th, 2007, MINUTES

MOVED BY MALM, SECONDED BY GRASSEL, TO APPROVE THE JULY 20th, 2007, MINUTES OF THE MPO EXECUTIVE POLICY BOARD, AS SUBMITTED.

Voting Aye: Strandell, Adams, Buckalew, Malm, Grassel, Christensen, and Gander.

Voting Nay: None.

MATTER OF APPROVAL OF THE FINAL 2008-2011 T.I.P. AND SELF-CERTIFICATION

Haugen reported that every year about this time we have to adopt a document that identifies transportation projects for the next four years. He referred to the staff report, included in the packets, and pointed out that there were two significant changes made to the draft document that was approved back in April, and both are North Dakota projects.

Haugen explained that the first change involves the Safe Route to School projects that the North Dakota Department of Transportation awarded the City of Grand Forks. He pointed out that a copy of a letter from the Governor to the Mayor announcing these awards was also included in

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the packets. He stated that the other change is the addition of a project that entails the reconstruction of the southbound lane of I-29 from 32nd Avenue to the Thompson Interchange. He commented that in the Draft T.I.P. they did include the reconstruction of the northbound lane to be done in 2009, and now need to add the reconstruction of the southbound lane in 2011.

Haugen stated that not only do we need to adopt a T.I.P. at this time, but we also self-certify as well. He explained that self-certification is our way of telling the feds that we are meeting all their rules and regulations, and are documenting how we are doing that. He referred to Page III of the document, and pointed out that it is the Resolution of Certification, and Appendix II in the document itself is the actual report explaining how we met the rules and regulations we are required to meet.

Haugen reported that on Wednesday the Technical Advisory Committee met, and public hearing was held. He stated that there wasn't anyone present at the public hearing, and no written comments were received by the noon deadline.

Haugen said that there is one additional comment that needs to be included in the T.I.P.. He explained that we were recently informed that the North Dakota Department of Transportation recently awarded their District Office some Transportation Enhancement monies to do some landscaping work along I-29, between 32nd Avenue South and DeMers Avenue. He stated that this project is scheduled to occur in 2009, at a total cost of \$180,000, with \$146,000 being federal funds and the remainder state funds.

Gander commented that he knows these Safe Routes to School projects are really good, and we are trying to meet a need, but are also trying to create a need, as we want folks to not just hop in their car and drive four blocks to school, but would instead like for them to use the safe paved surfaces we are creating.

Gander stated that, as we are basically obligating people to have these sidewalks on the easements adjacent to their properties, he would like to have a brief discussion on whether or not we are really committed to putting these sidewalk in the location that is easiest to maintain, easiest to keep open, the easiest to not put snow from the street on, and how flexible should we be, or should we try to build into this process the idea of making it as easy on the property owner as we can to maintain these sidewalks, and how flexible should we be, from a policy standpoint as to the placement of these sidewalks according to their preferences.

Ellis responded that Grand Forks has a sidewalk policy in place, and they just require sidewalks, but East Grand Forks does not have such a policy so it is really up to the City to determine what is aesthetically pleasing, what is common, what is safest, what allows the best accessibility for the handicapped, etc.. She stated that placing them right up to the curb is not necessarily the safest location, particularly for someone in a wheelchair. She added that there are new guidelines that she looked up just yesterday, and often times they recommend putting the sidewalks with a buffer strip so that we don't have problems with people using canes, walkers, and wheelchairs going off the curb on to the road. She said, then, that this is why they are recommending design guidelines, but because it isn't a policy, it is not to say that you can't put the sidewalk where the community feels it is best to place it.

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Gander reported that the reason this is at all relevant, at least from his standpoint, is because we have seen where we have gotten funding appropriated, have done some design review, determined where and how a sidewalk should be placed, and then because of local resistance it does not materialize, so it seems like no matter how well we seek funding, and justify the need for the funding, and we really want to make our city more pedestrian friendly, if we don't have the political will, or in this case a good policy that guides where they should be placed, it is all for not, therefore he would like to see some systematic approach that dictates where these paths should be located so we have something to fall back on when we get such local resistance.

Haugen commented that in the MPO's Long Range Transportation Plan we have a section that deals with pedestrians, and there are the AASHTO guidelines that we follow, and both Cities and States utilize those design guidelines. He stated that within those design guidelines the preference is to have separation between the curb and the pedestrian facility, however there is some flexibility within those design guidelines as well. He added that the Access Board has issued the proposed final rules on accessibility in right-of-way. He said that their proposed design guidelines will be in addition to the AASHTO guidelines, and accessibility will have fewer allowances for locating paths right next to the curb. He stated that this has been a very long process, as they have been working on it for close to ten years now, and are still a ways away from finalizing those rules.

Gander stated that the reason he brings this up is because a very prominent, and vocal citizen has requested that he, and two other councilmen come to his property, at which time he made a very strong case for placing the proposed sidewalk right up against the curb, so if we are going to prevail in putting it off the curb we need strong arguments as to why it should be off the curb, therefore he would ask that staff try to capsule the rationale, point-by-point, as to why it should be located off the curb, including those issues unique to this particular situation, such as the cost of moving the lightposts, etc..

Strandell commented that he would think it would be logical to have the sidewalk located at the outer edge of the right-of-way. Gander asked if he was referring to the outer edge toward the home or toward the street. Strandell responded that he was referring to the outer edge toward the home so that when you step off the sidewalk you are on private property.

Christensen stated that as far as he is concerned these guys are guidelines, and that is why we have City Councils, to deviate from guidelines, otherwise we don't need City Councils, we just need Bureaucrats.

Strandell asked, since we are on the subject of routes to school, what is the status of the 13th Street crossing over Hartsville Coulee. Haugen responded that the bids have been received, and came in about \$200,000 less than what was expected. He stated that, if you will recall, back in May we discussed, with the ATP and the District Office, whether or not they could take monies away from that project, and they took \$255,000 in safety dollars, and part of their discussion was that they feel that the high priority dollars we had should be more than sufficient, but now that the bids have been received, it appears there is about \$200,000 left to utilize for those high

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priority programmed dollars. He said that at some point the City Council and the MPO will have to address how we would like to spend those additional monies, at which time we will also need to amend the T.I.P. to reflect that decision. Strandell asked if the ATP would have the ability to reclaim any of those monies. Haugen responded they did not, explaining that the high priority dollars were designated by Congress specifically to this area, and this project, so the only place those funds can be spent, unless Congress approves something different, is on 13th. Strandell stated, then, that a bikepath could be constructed here as well. Haugen responded that that was why they made the strong suggestion to the ATP to not take away those initial monies, because of those things in the plan that were not being completed with the project as scoped, so a bikepath would be staff's first choice for the use of these additional monies now.

Gander reported that he did receive a request from one neighbor in that area, and it does make good sense, and maybe staff has already considered it, but with the Safe Route to School project running all the way up to 13th and connects to the elementary school, but if it could continue from 13th to the middle school that would be great. Ellis responded that they did look at doing that, but found that the County ditches are too steep to put a sidewalk in that area, which is why it wasn't continued to the middle school to begin with. She stated that they have looked at some other options, but safety is an issue that needs to be dealt with in that area.

MOVED BY MALM, SECONDED BY BUCKALEW, TO APPROVE THE FINAL 2008-2011 T.I.P., WITH NOTED CHANGES, AND SELF-CERTIFICATION.

Voting Aye: Strandell, Adams, Buckalew, Malm, Grassel, Christensen, and Gander.

Voting Nay: None.

MATTER OF DRAFT RFP FOR SCHOOL RELATED TRAFFIC CONTROL DEVICES

Haugen reported this project is included in the MPO's Annual Unified Work Program. He stated that this was requested by the City of Grand Forks and the School District, and involves our coming up with strategies, and to help identify what the appropriate type of control devices should be installed throughout the area. He said that currently there are many different types of controls throughout the area, and the most desired is a flashing crossing light, so the City has requested we look at this to determine what is appropriate, and where.

Haugen commented that this is a standard RFP, although there is one additional requirement included in the RFP. He referred to page 5, and explained that each proposal must now provide a list of contact made with DBE/MBE certified businesses, as well as their responses and the percentage of work provided by them. He stated that part of our obligation is to report to the DOT what are consultants are doing regarding this, and we are fulfilling that by having them submit, within their proposal, what contacts they have, their usage of DBE/MBE businesses, etc., and this information will be included in all RFPs in the future.

Malm asked if the DOT tell who these disabled people are, which group we have to deal with, or how is that determined because they have run into trouble with this in other situations. Haugen responded that there is a state certified list of DBE/MBE businesses, so in order for someone to be included, they would have to be certified by the State.

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MOVED BY GRASSEL, SECONDED BY MALM, TO APPROVE THE DRAFT RFP FOR THE SCHOOL TRAFFIC CONTROL DEVICE STRATEGIEY STUDY IN GRAND FORKS.

Voting Aye: Strandell, Adams, Buckalew, Malm, Grassel, Christensen, and Gander.

Voting Nay: None.

SUSPEND AGENDA

Haugen stated that he would like to suspend the agenda in order to discuss Agenda Item 8, Bridge Closure Concept of Operations.

MATTER OF BRIDGE CLOSURE CONCEPT OF OPERATIONS

Haugen reported that they have been working with the Advanced Traffic Analysis Center (ATAC) to develop a plan of how to address traffic once we start closing bridges between the communities. He stated that it has been set forth as a plan that addresses both closures caused by flooding and closures caused by maintenance issues. He commented that they have been working with the technical people that would be implementing the closures.

Haugen said that the plan involves a detour plan, and proper signage for those detours, as well as changing the timing of the traffic signals to ensure we have adequate traffic flow during these events.

Haugen stated that we have come to an impasse in the process. He explained that MNDOT initially insisted that we have a document, called the Concept of Operations Plan, that summarizes the main things we are trying to accomplish within the entire document, and to have signatures from the various agencies involved to show that they are aware of the document, and agreeing that they will utilize it during the various closure scenarios.

Haugen referred to the last few pages of the packet, a copy of the Concept of Operations Plan that was developed, and explained that throughout the discussion of crafting this plan, some of the other agencies questioned the need for signatures, which, initially MNDOT agreed that signatures may not be necessary, but are now back to their first stance of insisting that there be signatures. He said, however that as they started to get signatures, some of those signing began to wonder if they really had the authority to sign something like this, so we are now looking at having to get approval from at least the Grand Forks City Council before Grand Forks personnel can sign. He added that there was also a concern raised that maybe the City Attorney should review the document as well to determine whether or not personnel should sign it.

Haugen summarized that staff is informing you that there is a completed document, which will not change, and ATAC has fulfilled their contractual agreement, therefore MPO staff will carry forward the issue of the Concept of Operations Plan, and it's signatures.

Christensen asked why staff doesn't just run this through the City Council. Haugen responded that he first needs to meet with Howard Swanson, Grand Forks City Attorney, to make sure that

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it is something he would advise the City Council to sign. He said that a meeting has been scheduled for Monday morning. Christensen asked what would happen if the City of Grand Forks wouldn't sign the Concept of Operations Plan. Haugen responded that nothing would happen, as you still have a document that everyone agrees is what needs to be done during closure events. Christensen said, then, that when we have a flood whoever is sitting around making decisions, will make what we hope is the right decision to close a bridge, and they won't need a book to tell them when to close a bridge. Haugen commented that from MNDOT's perspective, previously when two of their bridges were closed during a flood event, they felt that they were not communicated with sufficiently, nor when they were reopened. Christensen asked which bridges are MNDOT's. Haugen responded that the Sorlie and Kennedy Bridges are jointly owned by MNDOT and NDDOT. Christensen asked what, if Grand Forks were to decide to close their side of either of those bridges, would happen to East Grand Forks, would they not get MNDOT funding. Haugen responded that in order for North Dakota to properly close their side of the bridge the traffic coming from the other side needs to be alerted, and proper signage needs to be put in place, so this Concept of Operations Plan identifies that it is truly a joint effort on both sides of the river. He added that both Grand Forks and the DOT follow the Uniform Traffic Control Devices manual, which dictates that you have signage for detours on both sides of the river. Grassel commented that he thinks that has been done by both sides in the past. Christensen agreed, adding that this is just an agreement saying that we work together, which we have already been doing haven't we. Haugen responded that we have been talking about this since October, and this is what we have. He added that they thought they had it done, and that we wouldn't have to include the signature page, but here we are now back to needing to include it.

Christensen asked if Mr. Haugen could represent to the Executive Board, in writing, that this is a non-binding agreement that the parties will agree to use as a vehicle to make their decisions. Haugen responded that he would do that.

MOVED BY CHRISTENSEN, SECONDED BY ADAMS, THAT THE MPO EXECUTIVE POLICY BOARD APPROVE THE DRAFT CONCEPT OF OPERATIONS FOR THE BRIDGE CLOSURE TRAFFIC MANAGEMENT PLAN AS A NON-BINDING DOCUMENT TO BE USED DURING FLOODING AND MAINTENANCE EVENTS, AND THAT A LETTER TO THAT EFFECT BE DRAFTED BY MPO STAFF.

***Voting Aye: Strandell, Adams, Buckalew, Malm, Grassel, Christensen, and Gander.
Voting Nay: None.***

Strandell asked if this would be the proper time to give an update on the Thompson Bridge. He reported that a meeting was held on Wednesday with Richard Onstad, Grand Forks County, Richard Sanders and Darrin Carlson, Polk County, and two representatives from Wiseth Smith and Nolting's Alexandria office. He stated that in summary they agreed to begin doing the survey work, and other preliminary work so that a plan is in place if and when additional federal monies become available. He added that they also agreed that Minnesota personnel will take the lead on this project, which is currently set to occur in 2012, at a cost of about \$8,000,000 to

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\$12,000,000, with local share being about \$1,000,000, which may be an issue, but both counties are committed to getting it done.

RESUME AGENDA

MATTER OF PRESENTATION ON STREET AND HIGHWAY PLAN UPDATE

Haugen reported that at the last meeting we talked about right-of-way along Columbia Road, and requested clarification on the 20-foot wide berm versus the 10-foot wide berm, which he will explain today.

Haugen referred to a slide that illustrates three different right-of-way designs; 1) 20-foot wide boulevard design, 2) 10-foot wide boulevard design, which is now being described as the minimal design width, and 3) 20-foot plus, or preferred design. He commented that the difference in impacts to the neighboring properties aren't all that much between the three designs.

Haugen referred to a slide of the preferred design, and commented that the seven-lane expansion of Columbia Road probably isn't necessary in the life of this plan update, but they had this issue, so they are cleaning it up. He stated, however, that if they were to go forward with the seven-laning option, this "preferred" design would be staff's preference.

Haugen referred to the Traffic Forecast Map, and explained that this is what they are calling their Base plus Confirmed forecast. He stated that previously they had been showing the 2035 forecast, and how individual projects interplayed with that, and this now shows the confirmed projects as well. He said that as they started this update they identified that they weren't going to revisit a lot of issues in the current plan, that they were just going to confirm those projects they felt were still viable, so in this confirmed network they include these major improvements: 1) Merrifield Interchange; 2) Merrifield River Crossing; 3) 17th Avenue Overpass; and 4) 32nd Avenue Bridge; and reflects how these improvements affect the 2035 forecasts. He pointed out that it does show that with these improvements there are changes to the corridors, and, as you can see there is a significant reduction in traffic on the Point Bridge and Columbia Road, and an increase in traffic on 42nd Street and 17th Avenue.

Haugen stated that, as we discussed previously, we still have this issue at DeMers/Washington. He referred to the packet, and pointed out that there is an updated memorandum that lays out all of the alternatives available, but they still haven't received an answer from the North Dakota Department of Transportation as to how to address this intersection.

Haugen referred to the memorandum, and went over the alternatives briefly. He stated that if we have to get this intersection to a level-of-service "C", which is the level-of-service the DOT is requesting we achieve in our transportation plan, Alternative 2E, the Single Point Urban Interchange, would be the most likely to achieve that goal, but if we can get them to agree to a level-of-service "D", Alternative 2H, adding a third through lane to eastbound and westbound

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approaches and dual northbound and southbound left-turn lanes, would be the preferred alternative. He added that the third alternative would be to do nothing, and leave it at its current forecasted level-of-service “F” in 2035. He added that we need to remember, though, that other projects, when implemented, will improve this intersection’s level-of-service. He explained that a 32nd Avenue Bridge, for example, would improve this intersection’s level-of-service; but by 2035, even with other improvements the traffic will grow to the point where the level-of-service is back to “F”.

Haugen stated that the estimated cost of the Single Point Urban Interchange, Alternative 2E is \$18,000,000 to \$20,000,000; and Alternative 2H is \$8,000,000, but this number does need to be updated by the consultant.

Christensen asked, if we were to do the Single Point alternative, what would the local match be. Haugen responded that it typically would be 10% of the total cost of the project, or about \$1.8 million.

Haugen commented that the next memorandum deals with issues on the Minnesota side as we connect the two proposed bridges. He referred to the memorandum, and went over the alternatives briefly.

Haugen stated that the last memorandum discusses the issue of how much money we can expect to have, and how we need to adjust future cost estimates to reflect those figures. He said that at the Technical Advisory Committee meeting a lot of discussion was held on this issue, and since that time even more discussion took place with Federal Highway Administration and the North Dakota Department of Transportation regarding revenue.

Haugen commented that on the cost side of things, the memorandum discusses how we should be addressing the “year of expenditure” cost estimates as we can’t just maintain a current cost estimate. He stated that it is difficult for us to state when we are going to do a project specifically, so instead we are approaching it by using three different time frames; short term, mid-term, and long-term. He said that the short-term projects would be those that are 0 to 5 years out; the mid-term projects would be those that are 6 to 15 years out; and long-term projects would be those that are 16 to 28 years out.

Haugen stated that the escalation values that will be applied to each project, in each of the periods would be as follows: Short-term projects would be inflated 10% over the 2007 base year; mid-term projects would be inflated 51% over the 2007 base year; and long-term projects would be inflated 137% over the 2007 base year.

Haugen reported that the year of revenue issue is a bit touchier, with less agreement on how to approach it. He referred to the table on page 5 of the memorandum, and went over it briefly, explaining that they did receive approval from the Minnesota Department of Transportation to use a 1% inflation rate, but that the North Dakota Department of Transportation has stated that we can’t use the 5.4% inflation rate shown.

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Haugen stated that the 5.4% inflation rate is what North Dakota used in their Draft S.T.I.P.. He added that also in that document, for the Urban Roads Program, which is where the bulk of the money for road improvements in Grand Forks comes from, they are projecting an even healthier increase in future funding, but, again for the four year period it averages out to 5.4%, so that is why they used that figure, and they are now being told they can't use it as it is unrealistic.

Haugen explained that one reason they are saying that that is an unrealistic rate is because of the Federal Highway Trust Fund, and the possibility there may be deficit spending if nothing is done nationwide to create more monies for it. He added that another reason is that SAFETEA-LU will expire in 2009, and they have no idea what congress will do beyond 2009 for federal revenue at all. He stated that the last issue they bring up is the increased use of alternative fuel as most of the revenue for the trust fund comes from the unleaded gas tax. He said that because of these reasons, they are saying that the 5.4% rate is unrealistic and unreasonable, and they won't approve it as a fiscally constrained financial plan. He stated that, instead, they are recommending that at best, if we want to stretch things we could use a 2% annual growth rate, therefore the tables he distributed will need to be adjusted to reflect a 2% inflation rate for North Dakota, and 1% for Minnesota, but because most of our costs are on the North Dakota side we are trying to argue for a better revenue inflation rate.

Haugen commented that the problem this is going to create for us is that we are going to have a 4% annual cost increase, and we are down to, at most a 2% annual revenue increase, so when we get into our financial plan, which projects we are going to place in the fiscally constrained plan will make a world of difference as those higher cost projects will most likely become illustrative project, but still need to be in the plan in order to receive federal funding.

Haugen stated that they now feel they have enough information to be able to present a couple lists of projects, one that address our immediate transportation needs, and one that lists projects that we would like to do if we can find additional revenue to do so.

Malm commented that the name of this organization is the Metropolitan "Planning" Organization, and while we use these huge cost estimates, he would like to suggest that the City of Grand Forks begin looking at vacant buildings on Washington and DeMers, and purchase them now, and hold them in the City 's Name, so that when we need to remove them we own them and we won't have to pay higher prices for them at that time. Haugen stated that staff has discussed that very issue with the North Dakota Department of Transportation, suggesting that they should consider purchasing those properties.

OTHER BUSINESS

None.

ADJOURNMENT

MOVED BY STRANDELL, SECONDED BY MALM, TO ADJOURN THE AUGUST 10TH, 2007, MEETING OF THE MPO EXECUTIVE POLICY BOARD AT 1:10 P.M.

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Voting Aye: Strandell, Adams, Buckalew, Malm, Grassel, Christensen, and Gander.

Voting Nay: None.

Respectfully submitted by,

Peggy McNelis, Executive Assistant