

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

**Friday, April 20th, 2007 – 12:00 Noon
East Grand Forks City Hall Council Chambers**

CALL TO ORDER

Chairman Steve Gander called the April 20th, 2007, meeting of the MPO Executive Policy Board to order at 12:10 p.m.

CALL OF ROLL

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

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

Guests present were: Charles Durrenberger, GF City Planning.

DETERMINATION OF A QUORUM

Chairman Gander declared a quorum was present.

APPROVAL OF THE MARCH 15TH, 2007, MINUTES

MOVED BY MALM, SECONDED BY GRASSEL, TO APPROVE THE MARCH 15TH, 2007, MINUTES OF THE MPO EXECUTIVE POLICY BOARD, AS SUBMITTED.

Voting Aye: Malm, Diedrich, Beauchamp, Adams, Grassel, Christensen, and Gander.

Voting Nay: None.

MATTER OF APPROVAL OF AMENDMENTS TO THE 2007 ANNUAL ELEMENT OF THE T.I.P.

Haugen referred to the staff report, included in the packets, and reported that there are five projects that we need to amend into our 2007-2010 T.I.P., which, for the most part are bringing additional funds to our metro area, although the underpass project in East Grand Forks does not.

Haugen stated that the first three projects in North Dakota are related to the transit system, and are funded with funds from the Federal Transit Programs, which we are utilizing to try to service the industrial park, and to expand the existing service. He said that they also have to bring a

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2006 project into 2007, and that project involves the construction of a welcome sign near the intersection of Gateway Drive and North 55th Street. He added that the last project is the 40th Avenue South project, and involves the addition of \$400,000 in federal funds to the already programmed \$1,000,000.00.

Haugen reported that on the Minnesota side the scope of the 4th Street N.W. Bike/Ped project changed from an underpass to an at-grade crossing improvement with an embedded light system. He stated that the ATP did place a funding cap of \$50,000.00 for this project, but that there is still an unresolved problem with the cost estimate for the project. He explained that when they went through the ATP approval process they had been told that the cost of the project would be \$78,630.00, but later were told it would be about \$92,000.00. He said that MNDOT has already done an amendment to their S.T.I.P. using the \$78,630.00 figure, and because of the \$50,000.00 cap, has asked us to use the \$78,630.00 figure in our amendment as well.

Haugen stated that the last item for the T.I.P. amendment is to include the Safe Routes to School project we were recently awarded. He explained that the project involves the construction of a sidewalk along the easterly side of Bygland Road from 6th Street S.E. to 13th Street S.E., at a total cost of \$194,688.00, and \$175,000.00 of that being Safe Routes to School funds.

Haugen reported that a public hearing on these amendments was held at the Technical Advisory Committee meeting on Wednesday, April 11th, however, no comments were received.

Grassel asked if East Grand Forks lost money on the 13th Street Sidewalk project. Haugen responded that they may have. He referred to copies of e-mails concerning this issue, which he distributed earlier, and explained that the City of East Grand Forks was awarded monies from two programs to do the 13th Street Project. He stated that they were awarded funds from the Highway Safety Improvement Program, in the amount of \$255,000, and earmarked funds from the High Priority Program that Collin Peterson helped get, in the amount of about \$800,000. He explained that the \$255,000 is available only one year, in 2007, and the \$800,000 is spread out over five years, so when we talk about our T.I.P. document we will show those funds in 2008 and 2009.

Haugen commented that what has occurred with the 13th Street project is that the most recent cost estimate did not show us utilizing all of the funds made available to us, therefore MNDOT wants to take \$255,000 away from that project and spend it on a different project. He said that the concern is that if they do take those monies away, it could put East Grand Forks in danger of having to locally fund more of the costs of the project, which may be as little as \$35,000, or as much as \$255,000, but we won't know until the project is bid and/or until Congress appropriates the 2008/2009 monies. He added that the other issue is that MNDOT is taking a stance that the MPO does not need to be involved, which is why he brought this up at this time.

Haugen explained that, as we all know, there is a T.I.P. document that the MPO has to adopt and approve prior to the States approving their S.T.I.P. documents, which indicate what is going to

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happen within our metro area, and that hasn't occurred yet. He added that this is what he is pointing out to them, that you, as the MPO Executive Policy Board are being asked to take action on the T.I.P. amendments for this project, and therefore MNDOT should not be taking any action at this time.

Beauchamp asked if these are the monies that Collin Peterson got for them. Haugen responded that the \$255,000 is actually HSIP funds, and the monies Collin Peterson got are HPP funds. Grassel asked if the \$255,000 was the maximum they would lose, and would never get back. Haugen responded that would be correct. Grassel stated that it is his understanding that this may have occurred because some forms were not filed in time, or we didn't have the bid. Haugen responded that we don't have the bid. He added that this is sort of the same issue that came up with the underpass, and that is that the plans were delivered when these issues came up our deadline caused these funds to be at risk. He stated that the deadline for submittal of the plans was April 15th. Grassel asked if the plans were filed by April 15th. Haugen responded that there were documents filed, but one thing that came up was the fact that the request for a signal in this project was denied, which, once the cost of that was removed from the total project cost, the project no longer required all the monies funded, which is why they are looking at moving some of the leftover funds elsewhere.

Beauchamp asked where the City is going to find the \$255,000 they are losing, in the event it is needed at a later time. Haugen responded that that is the issue, as the only source of funds we have is what congress appropriates. Gander commented, however, that what is being said here is that we don't project a short-fall, it would only be any cost overruns that we would be short of funds for. Haugen said that would be correct. He added that they could, though, expand on some of the items within the project scope to increase the cost of the project in order to retain the \$255,000.

Discussion on various items that could be enhanced ensued.

Haugen commented that what he is pointing out is that MNDOT says that the ATP can take away money if they wish, and place it elsewhere. Beauchamp asked what would happen if the MPO refused to give up any funds. Haugen responded that the issue would then need to go through mediation. Haugen stated that, based on the current scope of the project, which we could increase the cost of, we would probably see a short-fall of about \$30,000. Gander asked, when the project was fully funded, would the City not have had a \$30,000 shortfall, or was that something we had budgeted already. Haugen responded that we had budgeted more local dollars because the larger the project, the more local dollars are needed, so they are already budgeted. Gander stated then, that our total cost will drop, but the percentage of project being paid for goes up a bit. Haugen responded that that would be correct.

Gander said that the way this was outlined to him was that we basically have two parts to this, and that is to really assert the role of the MPO in this budgeting process so that no action can be taken to divert these dollars without authorization from the MPO; and it is felt that the job of

East Grand Forks is to push the ATP to add the additional elements to the project in order to utilize a little more of the federal dollars available. He added, then, that the question of the MPO

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is what kind of battle they want to wage to make sure they are part of that process so that they can't divert any funds without the cooperation of the MPO. He stated that he feels this is definitely something we should undertake because we can't have funds being moved around within these projects without our knowledge and approval because we have to budget the work, set the scope of work, and setting the timelines, so we need to be there when any changes are made and not be made aware of them through e-mail. Beauchamp agreed. Haugen stated that this case is a little more frustrating than some in that MNDOT is fully aware that we are going through an amendment process right now because of the underpass issue, so they had plenty of time to make us aware of this proposed change.

Consensus was that the MPO should be involved in any decisions such as this.

***MOVED BY ADAMS, SECONDED BY MALM, TO APPROVE AMENDMENTS TO THE
FY 2007 T.I.P., AS SUBMITTED.***

***Voting Aye: Malm, Diedrich, Beauchamp, Adams, Grassel, Christensen, and Gander.
Voting Nay: None.***

MATTER OF APPROVAL OF THE DRAFT 2008-2011 T.I.P.

Haugen referred to information in the packet, and went over it briefly. He pointed out that in addition to the project tables, an additional table listing the Grand Forks Regional and Urban Road Programs projects was also included.

Haugen referred to the Regional and Urban Road Program table, and explained that on the Minnesota side we have known what our project requests have been for some time, but on the North Dakota side we submitted the projects that are listed on the table, and this highlights what was and wasn't funded.

Haugen stated that the first three projects listed are HSIP projects for FY2008, and are still pending. He pointed out that they also had a request for right-of-way purchase in 2008, and those requests were not awarded funding.

Haugen commented that the FY2009 projects listed were already programmed, and continue to be programmed as requested. He pointed out that the FY2010, South 48th Street project, was originally estimated at just under 8,000,000.00, but is now shown in the T.I.P. at \$8,750,000.00. He went on to explain that that the FY2010 request, Columbia Road project, was not funded; the FY2011 request, Gateway Drive (I-29 to Columbia) was approved, but is actually being funded with 2010 funds to be done in 2011; the FY2011 request, US#2, Columbia/Gateway Improvements project, was approved, but the cost increased to \$1,020,000.00; and the FY2011 request, 55th Avenue South project, was not funded.

Haugen stated that the only other thing he would like to highlight are changes to how transit shows up in the T.I.P. document from previous years. He referred to Grand Forks Project #1, and explained that for transit there are operational costs and capital costs. He stated that in the

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past we had a very high dollar amount for capital costs, specifically for preventive maintenance, but in the future the transit department does not want to show this as preventative maintenance costs, but instead want to show a capital cost of roughly \$12,000.00, and this is because they have to spend 1% of their federal funds on security and safety, thus the change.

Haugen reported that a public hearing was held on this item at last Wednesday's Technical Advisory Committee meeting, and no comments were received.

MOVED BY MALM, SECONDED BY GRASSEL, TO APPROVE THE DRAFT 2008-2011 T.I.P., AS SUBMITTED.

Christensen referred to the South 48th Street project, right-of-way acquisition, and asked what the next step is to get the funds to build this street. Haugen responded that the construction of South 48th Street is scheduled to occur in 2010, and is shown in the T.I.P. table as Grand Forks Project #10. He pointed out that the cost went from just under \$8,000,000.00 to \$8,750,000.00, with federal funds in the amount of \$7,000,000.00. He commented that it is his understanding that the City of Grand Forks would like to pursue construction on this project as early as next year, therefore they will have to advance construct the project, meaning they will pay for it now and pay it back when federal funds are available. He added that there is also still an issue concerning the purchase of right-of-way for this project as well.

***Voting Aye: Malm, Diedrich, Beauchamp, Adams, Grassel, Christensen, and Gander.
Voting Nay: None.***

Haugen stated that before we go on to the next agenda item, he would refer you to East Grand Forks Project #21, where you will see that MNDOT is programming State funds for work on Central Avenue, or 220 North. He pointed out that their termini actually states north of 23rd Street to the Marshall County Border, and the next agenda item may assist them in understanding why the scope of work needs to be expanded. Gander stated, then, that what Mr. Haugen is suggesting is that MNDOT's project is scheduled to include the area just north of 23rd Street N.W. to the Marshall County Border, but that it might be beneficial to expand that scope of work further into our community. Haugen responded that that would be correct.

**MATTER OF APPROVAL OF AN AMENDMENT TO THE BUDGET FOR THE
CENTRAL AVENUE IMPROVEMENT STUDY**

Ellis reported that staff is requesting an amendment to the budget for the RFP for the Central Avenue Improvement Study, which runs from 9th Avenue to one mile past 23rd Street, and will look at traffic operations, pedestrian issues, lighting, landscaping, etc.. She explained that the RFP was sent out, and she did receive some phone calls indicating some interest, but their concern was that the \$35,000.00 budgeted was not sufficient to do a thorough study, so no

proposals were submitted. She stated that she then contacted those firms that showed some interest to try to determine what kind of budget they felt was necessary to do a thorough study, and they indicated that if the budget were doubled, somewhere in the \$70,000.00 range, they

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would be interested in submitting a proposal, therefore, staff is now requesting the budget be increased from \$35,000.00 to \$70,000.00.

Gander asked if this would then be resubmitted to everyone it originally was submitted to. Ellis responded it would.

MOVED BY BEAUCHAMP, SECONDED BY GRASSEL, TO APPROVE AN AMENDMENT TO THE BUDGET FOR THE CENTRAL AVENUE IMPROVEMENT STUDY TO INCREASE IT FROM \$35,000.00 TO \$70,000.00.

***Voting Aye: Malm, Diedrich, Beauchamp, Adams, Grassel, Christensen, and Gander.
Voting Nay: None.***

MATTER OF APPROVAL AND PRIORITIZATION OF THE SAFE ROUTES TO SCHOOL (SRTS) APPLICATIONS

Ellis reported that North Dakota had put out a solicitation for Safe Routes to School project applications. She stated that she met with a number of different groups; the City, Safe Kids, the School District, etc., and they prepared five applications for submittal.

Ellis referred to the staff report, pointing out that the five projects are listed in order of prioritization preference, which was based on studies done, requests from the School Districts concerning the projects they felt were most important, and a general feel from Safe Kids.

Ellis stated that the applications were due on April 10th, therefore we had to submit them prior to approval from this board, however we do still need that approval. She then then briefly went over the projects submitted.

Gander commented that he did read a little of the background, and knows that it has been discussed before, but he just wanted to say that he really likes the idea of trying to take out those impediments for children that live three or four blocks from a school in order for them to safely be able to walk or bike to that school.

MOVED BY BEAUCHAMP, SECONDED BY MALM, TO APPROVE AND PRIORITIZE THE SAFE ROUTES TO SCHOOL (SRTS) APPLICATIONS AS SUGGESTED BY STAFF.

***Voting Aye: Malm, Diedrich, Beauchamp, Adams, Grassel, Christensen, and Gander.
Voting Nay: None.***

OTHER BUSINESS

1. Meeting With Federal Highway and Federal Transit

Haugen reported that staff will be meeting with personnel from Federal Highway and Federal Transit at the Western Plains MPO Conference in Rapid City, South Dakota next week.

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ADJOURNMENT

***MOVED BY CHRISTENSEN, SECONDED BY MALM, TO ADJOURN THE APRIL 20TH,
2007, MEETING OF THE MPO EXECUTIVE POLICY BOARD AT 12:50 P.M..***

***Voting Aye: Malm, Diedrich, Beauchamp, Adams, Grassel, Christensen, and Gander.
Voting Nay: None.***

Respectfully submitted by,

Peggy McNelis
Executive Assistant