

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

**Friday, February 23rd, 2007 – 12:00 Noon
East Grand Forks City Hall Council Chambers**

CALL TO ORDER

Chairman Steve Gander called the February 23rd, 2007, 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 Steve Gander, Punky Beauchamp, Art Bakken, Dick Grassel, Gary Malm, Steve Adams, and Don Dietrich (Proxy for Warren Strandell).

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

Guests present were: Rob Kweit and Dorette Kerian.

DETERMINATION OF A QUORUM

Chairman Gander declared a quorum was present.

APPROVAL OF THE JANUARY 12TH, 2007, MINUTES

MOVED BY MALM, SECONDED BY BEAUCHAMP, TO APPROVE THE JANUARY 12TH, 2007, MINUTES OF THE MPO EXECUTIVE POLICY BOARD, AS SUBMITTED.

Voting Aye: Bakken, Beauchamp, Grassel, Gander, Malm, Dietrich, and Adams.

Voting Nay: None.

MATTER OF PRESENTATION OF APPRECIATION LETTERS AND PLAQUES TO PAST BOARD MEMBERS

Chairman Gander presented letters of appreciation, and plaques to Rob Kweit and Dorette Kerian, past board members, and thanked them for their years of service to the MPO, the Cities of Grand Forks and East Grand Forks, and the surrounding area.

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MATTER OF 2007-2010 T.I.P. AMENDMENT

Haugen referred to the staff report, included in the packet, and explained that staff is requesting approval of an amendment to the 2007-2010 T.I.P., that includes two new projects, and an adjustment to the federal funding for another. He went over the projects briefly.

Haugen stated that a public hearing was held on this at the Technical Advisory Committee meeting on Wednesday, February 14th, at which time there were no comments submitted, nor was anyone present at the hearing for discussion. He said that the Technical Advisory Committee does recommend approval of the amendment.

A MOTION WAS MADE BY BEAUCHAMP, SECONDED BY GRASSEL, TO APPROVE THE FY 2007 T.I.P. AMENDMENT AS SUBMITTED.

Malm referred to the staff report, and stated that his concern is with advanced construction payback for 2008 and 2009, and asked that Mr. Haugen explain this further.

Haugen responded that high priority projects are earmarked, and are authorized to occur during the life of SAFETEA-LU, which is five-years. He explained that in the past when a project was earmarked they were actually allowed to spend the earmarked amount the year the project was constructed, but now they are only authorizing 1/5 of the appropriated SAFETEA-LU monies, so we are going to do the project in 2007, using monies from 2005, 2006, and 2007, and then payback those amounts in 2008 and 2009. He said that this is a very common practice, and is called advanced construction.

Haugen reported that staff received word from NDDOT that we are being awarded \$115,000 for transit project(s), although our request was for \$135,000. He added that it is also quite likely that on the Minnesota side, we may receive funding for our 2011 request to connect River Heights Park with the underpass bikepath of US#2. He explained that two other projects were submitted to the ATP, but that all three together do not use up the entire amount of funding available, therefore it appears we should receive funding for our project.

Haugen stated that in Grand Forks we still have funds available to construct an entrance feature on Gateway Drive, however the DOT is still trying to determine whether or not the project should be done. He added that in order for Grand Forks to use those funds should the decision be to do the entrance feature, they will need to come to this body to amend the T.I.P. to be able to use those monies.

Haugen reported that Grand Forks also submitted an application to construct a bikepath along South 20th Street. He stated that we are currently right on the bubble as to whether or not we will receive funding. He explained that four projects will receive funding for sure, but that we are number five so we aren't sure there will be sufficient funding left to do our project as well.

Voting Aye: Bakken, Beauchamp, Grassel, Gander, Malm, Dietrich, and Adams.

Voting Nay: None.

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**MATTER OF DRAFT REP FOR EAST GRAND FORKS CENTRAL AVENUE
CORRIDOR STUDY**

Ellis reported that the MPO is preparing to do a study of the Central Avenue Corridor. She explained that the purpose of the study is to determine how to improve the aesthetics, to deal with transportation issues, to do streetscaping, landscaping, etc..

Ellis referred to a copy of the RFP for the Central Avenue Improvement Study (a copy of which is included in the file, and available upon request), and went over it briefly.

Ellis commented that the Technical Advisory Committee met last week, and during that meeting a couple of issues were discussed. She referred to page 6 of the RFP, and stated that one issue discussed was whether or not to use location as a selection criteria. She pointed out that we are currently able to use location as a selection criteria, allowing anywhere from a 1% to a 5% weight, but that there really isn't a good description as to what "location" really means. She stated that she contacted consulting firms to see what they thought about using location as a criteria, and found that most do not feel it is necessary, as often times a primary consultant will hire someone from the area as a sub-consultant, so she is wondering if we might be better off moving the 1% to 5% to a different criteria such as a willingness to meet time and budget requirements instead.

Grassel asked if there were any local firms interested in bidding this project. Ellis responded that there wasn't a primary consultant interested, but that there may be a sub-consultant that might be interested.

Beauchamp commented that he wouldn't have any problem removing location as criteria, but why move it to budget as we must have some idea of what this project will cost, and when we hire consultants, it isn't based on cost, but on qualification instead, at which time we would then negotiate.

Gander asked if there would be any legal concern over using location as criteria, as someone might say that we are just favoring our local people. Ellis referred to the last sheet of information included in the packet, and pointed out that it indicates that location can be used as a criterion of 5, but no more than 10 percent. She added that it cannot be based on political boundaries, and should be used on a project-by-project base for projects where a need has been established.

Gander stated that his sense of this is that if all things were equal, if things came out dead even in every way, it would be his preference that the firm closest to here would be given a shot at doing the project. He explained that the reason he says this is that should a problem arise, the closer a firm is the easier it should be to get them to take care of that problem in a timely manner. Ellis added that her concern isn't that it is included, but that it's about having someone call and ask how we would base our choice. She said that she hasn't been able to get a direct answer on how we would base this. Gander responded that it wouldn't be hard, mathematically, to quantify some scale that would guide you in that 5%, such as if the farthest firm is located 1,000 miles

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away, and the closest one is 100 miles away, you could give a ratio of 90% differential to the one located closest.

Discussion ensued.

Gander commented that he did read this report, and was glad to see that Ms. Ellis covered a little about transportation issues, aesthetics, some vacancy issues, etc., however he didn't see anything specific about pedestrian issues, and he was wondering if that was implied. Ellis responded that it was, but she could include both motorized and non-motorized transportation if wanted.

Ellis referred to page 6 of the report, and pointed out that Technical Advisory Committee suggested that a tentative timeline be included for the consultant to follow, in which we would like to see a timeframe for information gathering, for some public hearing schedules, for the preliminary draft document, and for the final draft document. She distributed copies of a sample timeline for these issues, and went over it briefly. She then asked if this was something this body would like to see included. Consensus was that it should be included.

Gander stated that for clarification, and it probably is included in the document, but the scope of their recommendations will include aesthetics, some transportation issues, etc., but will it also include recommendations on zoning changes etc., because if it is they should be made aware of some of the changes we have implemented, and some of the recommendations we have made concerning zoning along this corridor. Ellis responded that that is included in their scope already.

Gander asked how the consulting firm is paid, are they paid upon completion of the project. Haugen responded that they are paid monthly, but that we withhold 10% of the invoice amount, which is then paid upon completion of the study. Gander asked, however, if there would be a cap on the amount paid, a not-to-exceed amount, so that once they reach the agreed to amount, if more work is required the contract is amended, or they work for nothing. Haugen responded that that would be correct.

Ellis reported that staff has decided to extend the study area. She referred to the map on page 12 of the document, and pointed out that the extension will take the study all the way to the dike line. She added that the map will be adjusted to reflect this change.

A MOTION WAS MADE BY BEAUCHAMP, SECONDED BY MALM, TO APPROVE THE CENTRAL AVENUE RFP SUBJECT TO THE FOLLOWING CHANGES: 1) REMOVE LOCATION AS A SELECTION CRITERIA AND ADD THE FIVE PERCENTAGE TO MEET THE TIME AND BUDGET REQUIREMENTS; 2) INCLUDE CHANGES TO THE MAP; 3) INCLUDE MOTORIZED AND NON-MOTORIZED TRAFFIC; AND 4) INCLUDE A TENTATIVE TIMELINE.

Voting Aye: Bakken, Beauchamp, Grassel, Gander, Malm, Dietrich, and Adams.

Voting Nay: None.

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MATTER OF STREET/HIGHWAY PLAN UPDATE

Haugen stated that because staff just received the final rules and regulations for SAFETEA-LU last Friday, he will be somewhat more brief on this item. He reported that the final rules and regulations will take effect one month from today, and we want to make sure that when we complete our fiscal planning and our alternative analyses we are meeting what is required by SAFETEA-LU.

Haugen referred to the memorandums that were included in the packet, and explained that they outline how we will approach fiscally constraining the plan, and also how we will conduct the alternative evaluation process.

Gander asked who URS was. Haugen responded that they are the consulting firm that the MPO hired to conduct the update. Gander stated, then, that although URS has already done a considerable amount of work this update, now that the rules are being redefined and clarified, they may have to do some more, correct. Haugen responded that that is true, however when the scope of work was developed we knew that SAFETEA-LU was being adopted, and that the rules and regulations might change, so this wasn't a surprise, and was built into the scope of work. Gander asked if this means that we will give URS some time to digest these changes, or clarifications, and the MPO will do the same, and then you will connect with each other at that time. Haugen responded that we have to digest this internally, then will need to hear Bismarck's and St. Paul's interpretations, and then, with URS being a national firm, through them we will also hear interpretations from across the nation.

Information only.

SUSPEND AGENDA FOR INTRODUCTIONS

Beauchamp asked if the agenda could be suspended in order that introductions of new and visiting members be done.

Gander welcomed Steve Adams, who is replacing Rob Kweit on the board, and asked him to give a brief introduction of himself.

Gander welcomed Don Dietrich, who is filling in for Warren Strandell, and asked him to give a brief introduction of himself.

Gander welcomed Nichole Tiggs, a new intern for the GF/EGF MPO, and asked her to give a brief introduction of herself.

MATTER OF DISCUSSION ON MARCH MEETING DATE

Haugen reported that our tentative meeting schedule shows Friday, March 16th, as our next meeting date, however he knows that some people will have conflicts with that date, and he will be out of town that day as well, so he would like request that the meeting be moved up to Thursday, March 15th, if possible.

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Bakken commented that he is in town the weeks of the Grand Forks City Council meetings, therefore will not be able to attend most of the meetings that are held following the Technical Advisory Committee meeting. Haugen stated that he will canvas the Technical Advisory Committee members to see if it might be possible to change their meeting date from the second Wednesday of each month to the first Wednesday of each month.

After some discussion, it was determined that Peggy would contact those members not in attendance, and if Thursday, March 15th, works for them reschedule the meeting for that date.

OTHER BUSINESS

1. Update On Location Of UND's Coelsat Research Lab

Haugen reminded the board that at their last meeting Mr. Malm asked about the site plan for the proposed UND research facility. He distributed copies of that site plan, and went over it, explaining how it does not impact the reserved area for an underpass.

Discussion on the proposed underpass concept ensued.

2. Transportation Funding Issues

Haugen commented that most of you probably know of Minnesota's legislative struggle for transportation funding. He said that a less known fact is that North Dakota is in a similar situation, and that the national gas tax is also struggling to keep pace with the appropriations that have been approved.

Grassel added that Obestar is chairing the transportation committee on the house side, and he is pushing Minnesota to increase their gas tax as he feels they are not receiving enough federal funds. He reminded everyone of the amendment that was approved last session, which contained language that many people were not happy with in that it stated that "not less than 40% of the funding would go for transportation issues" and "not more than 60% for transit", and we are worried that highways will take a beating because the majority of the funding will go to Minneapolis/St. Paul transit.

Gander commented that Minnesota Democrats are happy to raise the gas tax, but the Governor has said that he will veto any attempt to do so, to which the Democrats have responded they will override that veto, so this is something we will have to watch play out.

Haugen summarized by saying that this is publicly playing out in Minnesota right now, it may play out in North Dakota yet this year, and it may play out nationally in 2008.

3. Update on Merrifield Interchange

Malm asked if any correspondence had been received from Grand Forks County regarding Merrifield Road, and what kind of study might be done because of the Merrifield Interchange.

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Haugen responded that he did receive a letter that suggested that as part of the Street and Highway Plan Update we evaluate the interchange, do a traffic update, and update the feasibility report that was done in 2002.

Bakken asked what the status is on the donation of land now that AGSCO has changed ownership. Malm stated that that is part of this issue, that they were willing to donate the land for the interchange, which we could use as local match, but the longer we put this off, the better the chance it won't occur.

3. Minnesota/4th Corridor

Grassel asked where things are regarding the Minnesota/4th Corridor issue. Haugen responded that it is in the MPO's Annual Unified Work Program for next year.

ADJOURNMENT

MOVED BY BEAUCHAMP, SECONDED BY MALM, TO ADJOURN THE FEBRUARY 23RD, 2007, MEETING OF THE MPO EXECUTIVE POLICY BOARD AT 1:16 P.M..

Voting Aye: Bakken, Beauchamp, Grassel, Gander, Malm, Dietrich, and Adams.

Voting Nay: None.

Respectfully submitted by,

Peggy McNelis
Executive Assistant