

**PROCEEDINGS OF THE
EXECUTIVE POLICY BOARD OF THE
GRAND FORKS/EAST GRAND FORKS
METROPOLITAN PLANNING ORGANIZATION
Thursday, March 20th, 2008 – 12:00 Noon
East Grand Forks City Hall Council Chambers**

CALL TO ORDER

Gary Malm, Secretary, called the March 20th, 2008, 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: Gary Malm, Warren Strandell, Art Bakken, Greg Leigh, Dick Grassel, and Steve Adams.

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

Guest(s) present were: Joe Martin, Brady, Martz and Associates, P.C.

DETERMINATION OF A QUORUM

Secretary Malm declared a quorum was present.

APPROVAL OF THE JANUARY 17TH, 2008, MINUTES OF THE MPO EXECUTIVE POLICY BOARD

MOVED BY GRASSEL, SECONDED BY ADAMS, TO APPROVE THE JANUARY 17TH, 2008 MINUTES OF THE MPO EXECUTIVE POLICY BOARD, AS SUBMITTED.

Voting Aye: Leigh, Malm, Strandell, Grassel, Bakken, and Adams.

Voting Nay: None.

MATTER OF THE 2007 MPO AUDIT REPORT

Joe Martin, Brady, Martz & Associates, P.C., was present for a brief overview on the 2007 MPO Audit findings.

Martin referred to the report, pages 1 and 2, and explained that they provide Brady, Martz's opinions on the financial statements included in the report. He commented that they indicate that they express an unqualified, or clean opinion, which means that the financial statements are

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presented fairly and in accordance with the auditing standards generally accepted in the United States of America. He stated that this year the audit was a little different than in the recent past because the MPO expended more than \$500,000 in federal funds. He explained that whenever this occurs a single audit is necessary, and they had to do some additional line testing on the federal programs to ensure that everything is in compliance with federal requirements, and no instances of non-compliance were found.

Martin referred to page 8 of the report, the Governmental Funds Balance Sheet/Statement of Net Assets, and went over it briefly. He explained that the first column shows what the MPO's total assets are if we don't include the capital assets or compensated absences, and those total assets are about \$191,000, and then after we subtract the liabilities, which are about \$25,000, we get a total balance of about \$165,000. He went on to explain that when we bring in the capital assets and compensated balances we get a net total asset of about \$127,000.

Martin referred to page 5 of the report, and explained that this page shows us a comparison between 2007 and 2006, and you can see that the total revenues for 2007 were about \$688,000 compared to \$536,000 for 2006; and the total expenses in 2007 were about \$651,000 compared to about \$519,000 in 2006; and the change in net assets was about \$37,000 in 2007 compared to about \$17,000 in 2006.

Martin referred to page 15 of the report, and explained that this page shows that the MPO originally budgeted \$676,000 in revenues and expenses, and amended it to \$776,000; but the actual revenues and expenditures were about \$688,000 in revenue and \$655,000 in expenditures, which leaves us with about \$33,000 left in revenues.

Martin referred to page 16 of the report, and explained that it is the schedule of federal awards, and is where we show that the MPO went over the \$500,000 threshold by about \$23,000, thus creating the need for the single audit, which requires that they issue some letters that follow. He stated that if they had found any instances of non-compliance, they would have had to report them in these letters, but because they did not find any, there wasn't a need to do so.

Martin referred to pages 22 and 23 of the report, and pointed out that, if you will recall, last year they had included a comment regarding the fact that their wasn't enough collateral pledged at the bank, and while that was fixed there was a brief period in 2007 before the additional collateral took effect, so they had to include that comment again this year. He said, however, that this will not be included in the future. He added that the other comment, on page 23, was made last year as well, and will most likely continue to be included, through no fault of the MPO, due to audit standards. He said that this is actually a common comment for many of their audit reports.

MOVED BY LEIGH, SECONDED BY STRANDELL, TO APPROVE THE EXECUTIVE SUMMARY OF THE MPO LONG RANGE TRANSPORTATION PLAN, AS SUBMITTED.

Voting Aye: Leigh, Malm, Strandell, Grassel, Bakken, and Adams.

Voting Nay: None.

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MATTER OF APPROVAL OF THE CENTRAL AVENUE CORRIDOR STUDY FINAL REPORT

Ellis reported that she would like to request that this item be tabled at this time.

MOVED BY GRASSEL, SECONDED BY LEIGH, TO TABLE THE CENTRAL AVENUE CORRIDOR STUDY FINAL REPORT.

Voting Aye: Leigh, Malm, Strandell, Grassel, Bakken, and Adams.

Voting Nay: None.

MATTER OF APPROVAL OF THE LONG RANGE TRANSPORTATION PLAN EXECUTIVE SUMMARY

Haugen reported that, as noted in the staff report, this is staff's response to the December 27, 2007 letter from the NDDOT regarding a couple issues they wanted us to address to become fully compliant with SAFETEA-LU requirements.

Haugen referred to information in the packet, and went over it briefly, explaining each of the bullets listed in the staff report as follows:

- Bullet 1 - discusses the request that we insert land use maps into our Street and Highway Plan. He reported that these maps are included in the Executive Summary.
- Bullet 2 – discusses the request for expanded discussion on the potential environmental mitigation activities and areas to carry out these activities, which included a map which is now included on page 102 of the Environmental Coordination and Mitigation plan.
- Bullet 3 – deals with the cleanup of our 2004 Alternative Modes element. He explained that back in March of last year we adopted what we felt were the SAFETEA-LU compliant requirements for this particular part of our planning efforts, however at that time we only showed our financial tables to 2009 and they are requesting we go out an additional couple of years. He said that this was done, and those tables show up in this document.

Haugen added that they also requested that we “beef-up” our executive summary by incorporating language explaining what our public participation plan, our human service plan and our public transportation plans are about, and this 60-page document is the outcome of those requests.

Haugen stated that the last request was that we hold a public hearing on the Long Range Transportation Plan, which was done at last week's Technical Advisory Committee. He explained that they advertised 10-days prior to the meeting, and also included a notice on the MPO's website for 10-days as required, but no comments were received from the public. He stated that the DOTs are satisfied with the responses we have given to their requests, therefore staff would recommend the board approve the Long Range Transportation Plan, as submitted.

MOVED BY BAKKEN, SECONDED BY ADAMS, TO APPROVE A RESOLUTION ADOPTING THE 2035 LONG RANGE TRANSPORTATION PLAN, AS SUBMITTED.

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*Voting Aye: Leigh, Malm, Strandell, Grassel, Bakken, and Adams.
Voting Nay: None.*

**MATTER OF APPROVAL OF AMENDMENT #2 TO THE 2008 UNIFIED PLANNING
WORK PROGRAM**

Haugen referred to the nine-page document he included in the packets, as well as the staff report, and commented that he did identify what we are trying to accomplish with this amendment. He explained that we had two projects that carried over from 2007 into 2008, and we need to incorporate them into the 2008 Annual Unified Planning Work Program. He said that we also had a favorable bid result on a project that will be discussed later on on the agenda, the Regional ITS Architecture Plan update.

Haugen stated that since we had some funds budgeted that were not used, and because we saw a need, based on communication with the consultants submitting proposals on the other two projects, Minnesota/4th Avenue Corridor Study and the Downtown Plan Update Study, which we will be acting on today as well, to increase some of the costs of those projects.

Haugen referred to a slide, stating that it may better explain what caused the need for the amended document versus the original document, and went over it briefly. He explained that the two projects that carried over from 2007 are the Collector/Collector Intersection Strategy Study and the School Device Strategies Study. He stated that there are two projects that we are working with A.T.A.C. on, and when we originally budgeted for these two projects we did not know if A.T.A.C. would be able to engage in these studies so we had to budget for them in the event that they could not, but now that we are working with A.T.A.C. the costs have been reduced. He said that we originally budgeted \$40,000 budgeted for the Regional ITS Architecture Plan update, but the amended cost is \$8,000 to \$8,500, which is a considerable savings. He added that a similar scenario occurred with the Arterial Signalization Optimization project, so we took those left over funds and infused them into what is identified as the Minnesota/4th Avenue Corridor Study and the Land Use Plan.

Haugen reported that we also have A.T.A.C. doing as School Safety Study, for which they will be looking at three specific schools for not only traffic control but layout, parking, sidewalks, etc.. He stated that we had budgeted \$5,000 in 2007, and in 2008 we budgeted \$5,000, so we contracted A.T.A.C. to do this 2007, and now we are bringing the \$5,000 into 2008 as well.

Haugen stated that with the audit having been completed, while we anticipated some federal carryover monies, we did not anticipate that they would be as high as they are, so now we need to bring those additional monies into the 2008 budget as well.

Haugen reported, however, that we did receive correspondence from MNDOT concerning their PL appropriated funds. He explained that typically MNDOT appropriates 100% of those funds; but, as part of Congress' budgeting process they also issue a rescission resulting in an across the board percentage of those funds recinded. He stated, however, that in the past we have been held harmless and haven't had any of our funds taken away, but this year in their budget decision, Congress said that this rescission has to be balanced evenly across the board rather than allowing

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the DOT to pick and chose which programs will lose funds. He explained this change will impact us by about \$4,800 less than we budgeted. He added, however, that on the North Dakota side we are still not sure what the final appropriation will be, and when doing our work program he erred on the lower side, therefore the difference between his estimates and the final appropriation amounts should be enough to off-set the \$4,800 deduction, therefore the overall budget may not have to be decreased at all. He said that in the event there isn't enough to offset the \$4,800 deduction, another amendment maybe necessary at that time.

MOVED BY GRASSEL, SECONDED BY BAKKEN, TO APPROVE AMENDMENT #2 TO THE 2008 UNIFIED PLANNING WORK PROGRAM

Voting Aye: Leigh, Malm, Strandell, Grassel, Bakken, and Adams.

Voting Nay: None.

MATTER OF APPROVAL OF THE ANNUAL LISTING OF FY 2007 OBLIGATED PROJECTS

Haugen reported that this is a document that is now required by SAFETEA-LU. He stated that what it attempts to do is, with the increase in public participation required by SAFETEA-LU plus visualization techniques being encouraged, they have required us to take our T.I.P. document, and what we thought the costs of projects would be and show them what the actual cost of those projects were, what the actual federal participation of the projects were.

Haugen stated that in a theoretical world we would know by now what the final costs were for these projects in 2007, but in the real world there are still a lot of projects that aren't final yet so these are not the final numbers, however we need to submit this document now and these are the numbers we have at this time.

Haugen referred to the tables and went over the changes.

Leigh asked if when these projects are bid out are the engineering fees included as well. Haugen responded that if we know that information we included it as part of the cost, but if we don't know that information only the constructions costs are shown. Leigh asked which funds cover those additional engineering costs once they are known. Haugen responded that they would be paid with local or state match. He added that in Minnesota they don't allow pre-engineering or construction engineering costs to be funded with federal monies.

Grassel asked what would be done with the monies left over on the 13th Street Extension project in East Grand Forks. Haugen responded that they asked if they would be able to use those left over funds to extend the sidewalk, or bikepath down to the Middle School along Bygland Road, but were told they couldn't. He added that there was also some discussion held about using it to improve some of the roadway connected to 13th, but they haven't had a final answer on that. He stated that the high priority funds are specified to be used in East Grand Forks and somehow connected to 13th Street S.E., so they can't be used on another project in either East Grand Forks or in the District or State of Minnesota.

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Leigh asked how the construction of a bikepath out to the Middle School from 13th Street S.E. can be put on the priority list. Haugen responded that annually the MPO requests the City Council submit applications for Transportation Enhancement funds; and every fourth year the City of East Grand Forks receives City Sub-Target funds, with the most current project receiving those funds is the 2010 project on 5th Avenue N.W.; and then throughout the year there are some programs such as the Highway Safety Improvement Program, Safe Route To School Program, etc., for which applications can be submitted as well. He stated that they then meet with staff from Minnesota to determine which projects should be submitted. He added that state aid monies could also be used to build it as well.

Haugen stated that they are still working with Cities Area Transit to get their final numbers so nothing is shown for them at this time.

Haugen reported that one Grand Forks project shows a significantly higher federal amount than was anticipated and another shows a significantly lower federal amount than was anticipated. He stated that the first project was a NDDOT led project to make some improvements to the Gateway and DeMers interchanges. He said that the reason he brings this up is because there should have been more communication between the DOT and the MPO about this significant increase in funds coming into our region, and there should have been a T.I.P. amendment, so we are trying to ensure that this doesn't happen again. He pointed out that the 40th Avenue project in Grand Forks was originally estimated to cost \$1,000,000, and in April NDDOT asked us to amend our document to include an additional \$400,000 in federal funds, yet only \$830,000 in federal funds were obligated, again, showing a need for better communication.

Haugen stated that staff is requesting the board approve the Draft Annual Listing of T.I.P. FY2007 Obligated Projects with the understanding that there will be a need for some additional corrections and additions, such as inclusion of Cities Area Transit information. He added that in the past this was a stand-alone document, but will now be incorporated into as an appendix in our Final T.I.P. document in July or August.

MOVED BY BAKKEN, SECONDED BY LEIGH, TO APPROVE THE DRAFT ANNUAL LISTING OF T.I.P. FY2007 OBLIGATED PROJECTS.

***Voting Aye: Leigh, Malm, Strandell, Grassel, Bakken, and Adams.
Voting Nay: None.***

MATTER OF APPROVAL OF A.T.A.C. PROPOSAL TO UPDATE THE REGIONAL ITS ARCHITECTURE PLAN

Haugen explained that this is the Regional ITS Architecture Plan, which was developed for intelligent transportation systems such as the Opticon signal pre-emption, the dedicated left turn arrow at 42nd and DeMers for event traffic, and others like those. He said that in order for these systems to work well there is an architecture, or software language that is used to ensure they are all inter-operable.

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Haugen stated that back in 2005 we adopted the Regional ITS Architecture Plan, and now FHWA is requesting we update it. He said that staff has been working with A.T.A.C., along with the other two North Dakota MPOs and the NDDOT, to ensure our architecture is coordinated with the other architecture in North Dakota.

MOVED BY BAKKEN, SECONDED BY GRASSEL, TO APPROVE THE A.T.A.C. PROPOSAL TO UPDATE THE REGIONAL ARCHITECTURE PLAN, AS SUBMITTED.

Voting Aye: Leigh, Malm, Strandell, Grassel, Bakken, and Adams.

Voting Nay: None.

MATTER OF APPROVAL OF THE PROPOSAL FROM KLJ ENGINEERING (KADRMAS, LEE AND JACKSON ENGINEERING) AND TO ENTER INTO A CONTRACT TO PERFORM THE MINNESOTA/4TH AVENUE CORRIDOR STUDY UPDATE FOR AN AMOUNT NOT TO EXCEED \$50,000.

Ellis reported that RFPs were sent out in February, and only one proposal was received from Kadrmas, Lee and Jackson (KLJ). She said that the selection committee met and interviewed KLJ and felt that their proposal was quite good.

Ellis distributed copies of KLJ's work plan (a copy of which is included in the file and available upon request), and went over it briefly.

Ellis stated that staff is recommending approval of KLJ's proposal, and to enter into a contract with them to perform the Minnesota/4th Avenue Corridor Study Update for an amount not to exceed \$50,000.

Leigh asked, going back to the Highway 220 Plan and considering all the time spent doing that study, and then having so much resistance from the business owners, how can we prevent the same kind of thing from happening with this study. Ellis responded it is hard to get people interested in attending public meetings, but they are going to try very hard to hold the meetings on-site, or as close to on-site as possible. She said that in 1994 they went door-to-door, they did surveys, they did mailings, they did newsletters, they involved the media as much as possible, and that is something they will be looking at as well, so hopefully the public will be as well informed about the study findings as possible so that this type of issue doesn't happen with this study.

Grassel pointed out that one of the main issues in 1994 was the Phoenix School, which now buses in most of its students and is completely fenced for student safety, so that may not be as much of an issue as it was then. Ellis added that A.T.A.C. is going to be doing a separate School Safety study that includes Phoenix, and the MPO is also doing a study on school safety devices, and the findings from both of those studies will be implemented into this study as well.

Grassel commented that another issue, particularly from East Grand Forks residents, is that the Minnesota/4th Avenue Corridor is so rough and narrow that they don't like using it, which was

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one of the main reasons for wanting an additional southend bridge crossing, so improving that corridor may help alleviate some of discussion for an additional bridge.

Ellis stated that in addition to approving the proposal and entering into a contract with KLJ, a representative from the MPO Board is needed on the Steering Committee. Malm, as acting chair, appointed Punky Beauchamp to the Steering Committee.

MOVED BY LEIGH, SECONDED BY ADAMS, TO APPROVE THE PROPOSAL FROM KLJ ENGINEERING (KADRMAS, LEE AND JACKSON ENGINEERING) AND TO ENTER INTO A CONTRACT TO PERFORM THE MINNESOTA/4TH AVENUE CORRIDOR STUDY UPDATE FOR AN AMOUNT NOT TO EXCEED \$50,000.

Voting Aye: Leigh, Malm, Strandell, Grassel, Bakken, and Adams.

Voting Nay: None.

MATTER OF APPROVAL OF THE PROPOSAL FROM SEH, INC., AND TO ENTER INTO A CONTRACT TO PERFORM THE DOWNTOWN PLAN STUDY UPDATE FOR AN AMOUNT NOT TO EXCEED \$150,000

Haugen reported that the selection committee for this study was identified in the RFP, and they did receive three proposals, which were identified in the staff report as:

SEH, which was teamed with Camiros, Maxfield, and EAPC

SRF, which was teamed with CPS and McCombs

MMM Group

Haugen stated that the committee met and interviewed all three of these firms last Friday, and are recommending the firm, SEH be placed under contract to assist us in updating our Downtown Plan Study Update.

Haugen distributed copies of a synopsis of SEH's proposal. He stated that there were two things that kind of rose to the top with this firm, the first is, based on the materials presented during the process, they had a much broader range of experience with specific downtown planning activities; and the other is that in conjunction with that vast experience they come to our community having some fairly recent history with both of our downtown areas, specifically SEH was involved with the invisible flood wall in East Grand Forks and Cameros was involved with the flood recovery of the Grand Forks downtown area. He added that just two years ago they completed the Fargo/Moorhead Downtown Plan as well, so they are not only familiar with working as a team but are also familiar with an environment that we present having two states and two federal regions involved in our Downtown Plan, so with that the selection committee is recommending that we enter into a contract with SEH.

Leigh asked for a definition of the downtown areas. Haugen responded that they have included the campgrounds, so from the Kennedy Bridge to Central Avenue, and Central Avenue for the eastern boundary including Sacred Heart and DeMers Avenue Corridor up to Gateway Drive is the East Grand Forks downtown area; and one block north of University Avenue to the railroad track, following the overpass to 8th Street, cross over the railroad to the southside, and from

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where Cherry merges over to Bruce Avenue is the southern boundary for Grand Forks' downtown area.

Grassel asked what the study will entail, will parking be a part of it. Haugen responded that parking would be part of the study. He referred to a slide of the organizational chart for the study team, and went over it briefly.

Haugen commented that on the Grand Forks side we did a parking study, which was completed last year, and the recommendations made in that study are now being carried out by the Urban Development Department, who is now going to present to the City Council a full implementation plan of those recommendations. He stated that we are all aware that a trial period of diagonal parking on 3rd Street was implemented, and that is going to be proposed be expanded in the downtown area of Grand Forks, as are some modifications and security measures to the parking ramps, so most of the parking issues have already been addressed in Grand Forks. He commented that we are currently allowing one hour parking on DeMers in East Grand Forks for the next six months to determine if that helps with the parking issues there. He added that we are going to ask the consultants to observe that, and with their experience with downtown parking issues to assist East Grand Forks in looking at how to best manage and enforce their parking issues.

Haugen stated that they will also be looking at land uses and urban design issues in the downtown areas as well. He explained that Grand Forks has a Downtown Design Review Board that has some design requirements for development in the downtown area and they asked that we look at those designs and determine if they need to be modified or updated. He said that they are also going to looking at organization in the downtown, which involves developing an organization that encompasses the downtown, which is something that we lack at this time.

Haugen commented that as part of the land use, just to highlight another strength of this group, Maxfield Research has a very extensive background in downtown marketing, so she will help us identify our potential markets to help fill our downtowns up.

MOVED BY LEIGH, SECONDED BY ADAMS, TO APPROVE THE PROPOSAL FROM SHE, INC. AND TO ENTER INTO A CONTRACT TO PERFORM THE DOWNTOWN PLAN STUDY UPDATE FOR AN AMOUNT NOT TO EXCEED THE BUDGETED AMOUNT.

Voting Aye: Leigh, Malm, Strandell, Grassel, Bakken, and Adams.

Voting Nay: None.

MATTER OF APPROVAL AUTHORIZING THE CHAIRMAN AND THE EXECUTIVE DIRECTOR TO EXECUTE THE ANNUAL MNDOT GRANT AGREEMENT FOR FISCAL YEAR 2008.

MOVED BY LEIGH, SECONDED BY BAKKEN, TO APPROVE AUTHORIZING THE CHAIRMAN AND THE EXECUTIVE DIRECTOR TO EXECUTE THE ANNUAL MNDOT GRANT AGREEMENT FOR FISCAL YEAR 2008.

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*Voting Aye: Leigh, Malm, Strandell, Grassel, Bakken, and Adams.
Voting Nay: None.*

OTHER BUSINESS

1. T.I.P.

Haugen reported that next month we would typically be looking at a draft T.I.P. document, but he isn't sure we will have one available. He explained that NDDOT is still struggling how to program projects in North Dakota. He added that we do know what our T.I.P. is going to be on the Minnesota side, but on the North Dakota side the DOT has not formally informed us how they are programming funds, so we may not have a T.I.P. document in time for the regular April meeting. Malm asked if we would have a meeting at all then. Haugen responded that we may need to reschedule the meeting for a later date.

ADJOURNMENT

***MOVED BY STRANDELL, SECONDED BY GRASSEL, TO ADJOURN THE MARCH 20TH,
2008, MEETING OF THE MPO EXECUTIVE POLICY BOARD AT 1:13 P.M.***

*Voting Aye: Leigh, Malm, Strandell, Grassel, Bakken, and Adams.
Voting Nay: None.*

Respectfully submitted by,

Peggy McNelis,
Executive Assistant