

**PROCEEDINGS OF THE
EXECUTIVE POLICY BOARD OF THE
GRAND FORKS/EAST GRAND FORKS
METROPOLITAN PLANNING ORGANIZATION
Wednesday, February 18th, 2009 – 12:00 Noon
Grand Forks County Commissioners Chambers**

CALL TO ORDER

Gary Malm, Chairman, called the February 18th, 2009, meeting of the MPO Executive Policy Board to order at 12:07 p.m.

CALL OF ROLL

On a Call of Roll the following members were present: Gary Malm, Punky Beauchamp, Warren Strandell, Art Bakken, Steve Adams, and Doug Christensen.

Guests present were: Dean Rau, GF Assistant City Engineer.

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

DETERMINATION OF A QUORUM

Chairman Malm declared a quorum was present.

APPROVAL OF THE JANUARY 21ST, 2009, MINUTES OF THE MPO EXECUTIVE POLICY BOARD

MOVED BY BAKKEN, SECONDED BY BEAUCHAMP, TO APPROVE THE JANUARY 21ST, 2008 MINUTES OF THE MPO EXECUTIVE POLICY BOARD, AS SUBMITTED.

Voting Aye: Strandell, Beauchamp, Adams, Bakken, and Malm.

Voting Nay: None.

MATTER OF STIMULUS PROJECT T.I.P. AMENDMENT

Haugen reported that included in the packet is a copy of the actual document staff is asking the board to consider approving, which shows the listing of projects. He stated that he did try to follow the same format used on our regular T.I.P. document to show these projects. He added that an environmental justice review was also done on the projects, and at the last Technical Advisory Committee meeting last Wednesday, a public hearing was held. He explained that the public hearing notice was published ten days in advance, and that it did convey to the public that they could submit written comments prior to the public hearing, but no comments were received.

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Haugen stated that since this document was mailed out, the bill that we have been contemplating has been passed and signed by the President, thus the purpose for the power point presentation he now would like to give, to be able to focus in on what we know at this time because there are still some things we don't know about yet. He added that because there are still some unknowns, there may be a possibility that another meeting may need to be held as early as next week, so he would ask that everyone try to keep some time open for that meeting.

Haugen referred to a power point presentation (a copy of which is included in the file and available upon request), and went over it briefly.

Presentation ensued.

Slide 1) Haugen reported that Highways and Bridges received \$27.5 Billion. He pointed out that the slide illustrates how those monies will be distributed to both Minnesota and North Dakota. He commented that the numbers shown in parentheses are the amounts the House and Senate showed in each of their bills, thus you can see that the House showed slightly less for Minnesota than was approved, and the Senate showed slightly more than was approved; while the House showed slightly more for North Dakota than was approved, and the Senate showed slightly less than was approved.

Haugen stated that the Conference Committee didn't use either the House or the Senate's versions, but instead created their own. He explained that the big difference was that they sub-allocated 30% of the funds to local projects to try to ensure statewide distribution. He added that the Senate and House versions actually had a much higher sub-allocation percent than the 30% the Conference Committee ultimately decided on.

Strandell asked who would distribute the 30% sub-allocation, will it be done by the Counties, MNDOT, or whom. Haugen responded that it will still be controlled by the State.

Haugen added that another stipulation in the Bill was that another 3% of the monies be set aside for enhancement projects.

Slides 2-3) Haugen commented that previously there was a debate as to when projects needed to be authorized or delivered, and now much of the money had to be programmed, and when. He stated that the next couple of slides discuss this issue.

Haugen said that for the projects coming from the 30% sub-allocation monies, you will have up to a full year to authorize those funds. He stated, however, that there will still be a requirement that every thirty days a report be submitted in order to keep the public informed of what is going on with the money.

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Haugen reported that on the State side there is still the 50/50 thing going on; with 50% of the funds having to be authorized in 120 days, and 50% having a full year to be authorized, but still needing to follow the 30-day reporting requirement.

Slide 4) Haugen commented that there is still a question as to what “authorization” really means. He stated that if you ask all 50 Senators and all 435 Congressmen what it means you will most likely get that many opinions.

Haugen stated that what is shown on the slide is what MNDOT has determined “authorization” means. He explained that MNDOT’s interpretation is that it is the time plans are advertised. He added that earlier, North Dakota had been saying that it was when a contract was actually signed, and bids were awarded. He stated that it appears that the legislation has modified that to use the term “authorization”, which allows us a little more time to prepare the projects within the 120 day timeframe, but for the 30% sub-allocation, the timeline is one year.

Haugen commented that future determination as to what the term “shovel ready” means will also be needed.

Haugen reported that there are some important dates to remember:

- 1) February 17th the Stimulus Bill was signed by the President;
- 2) March 10th would be the date Congress has allowed the Federal Administration (21 days from the day of signature) to tell us exactly how much formula funds we are getting into each State, so they have up to 21 days to do the apportionment. He added that this is when the 120 day deadline kicks in, and the one year deadline kicks in;
- 3) July 15th would be the last day of the 120 day timeframe;
- 4) March 9, 2010 would be the last day of the one-year timeframe.

Christensen reported present.

Slide 5) Haugen pointed out that a copy of the revised Grand Forks Street list, included in the packet, was reviewed and approved by the Technical Advisory Committee, however, yesterday afternoon the City of Grand Forks made some more revisions. He referred to the slide, and explained that he did try to highlight the three changes that occurred. He said that, essentially what happened was that when they got into looking at concrete panel replacement on some of these projects, they found out that there is a rule that states that if over 10% of the concrete panels were being replaced an environmental process needed to be followed, so Project #3 dropped to #6, and lower ranked projects moved up to replace it. He explained that Project #3 was a Cherry Street project. He added that the projects circled have had changes made to their scope of work to be in compliance with the 10% concrete rule so they are now going to do some mill and overlay instead.

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Christensen asked if there was any chance we could use these stimulus funds to get the Minnesota/4th Avenue Corridor project done. He stated that he knows that it isn't "shovel ready", but what would we need to do get it ready. Haugen responded that if we were to do this project, only it would be able to be done as the costs would exceed what we would be getting in stimulus funds. He added that in order to get it "shovel ready", assuming that it is part of the 30% sub-allocation, we would have up to March of 2010 to get all of the NEPA/Environmental things done, and that would be a challenge.

Christensen asked what the plan is to get that street repaired before they close the bridge for reconstruction. Haugen responded that it would need to be included on the City's list of projects. He stated that because of the additional stimulus monies we will be receiving, we will be reordering some of the current T.I.P. projects that can now be funded with those stimulus monies, which would mean the funds already programmed for those projects would be freed up to be used on other projects, or next November, when the City Council is looking at a list of projects for T.I.P. consideration they could have it included and discussed as part of that list. He added that it will most likely be part of the City's Urban Road Program, unless the City tries to fund it with earmarks through their Congressmen, but the most likely way it will be funded is through the Urban Roads Program.

Christensen stated that this is really more of an east-side issue, and if it doesn't become someone else's urgency, and it certainly isn't his, he would think it should be up to the eastsiders whether they want it done or not, but with the closing of one bridge it would seem like it would actually be even more of a problem to East Grand Forks, so how are we going to bring this to the attention of others in order to get it done. Haugen responded that he would say that the neighborhood would need to get engaged to convince everyone that it is a Grand Forks issue as well as an East Grand Forks issue, and then they can work through the process Grand Forks has in place, which is essentially through the Engineering Department whereby the issue is taken to the Service Safety Committee, then to the Council of the Whole, then to the City Council, and finally to the MPO.

Christensen asked what we can do at the MPO level to get this project "shovel ready", and get it done before they close the bridge. Haugen responded that the easiest thing we can do is to communicate to the City of Grand Forks that this is something that we have a high desire to have done; and the other thing is, last month you were informed that North Dakota wants us to try to work through a new ranking process for all of these urban roads funds, and so as we go through the criteria of how we rank projects at our level, we could set the criteria to make a project like Minnesota/4th Avenue rise to the top of the priority list. Christensen

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asked if we have sense, here, that that should be done. Strandell stated that he would have to defer that to the East Grand Forks City Council members, who are not here today. Christensen asked, then if someone wants to take a message back to Minnesota that we would like to see this project done, and place it on next month's agenda in order to get the process started.

Haugen asked if Mr. Christensen was asking the City of East Grand Forks to request that the City of Grand Forks make this project a high priority. He stated that he was suggesting that the MPO write a letter saying that we have this study, which is ripe for being developed, and as you go through your next project consideration process, that you strongly consider funding the Minnesota/4th Avenue Corridor Project.

MOVED BY CHRISTENSEN, SECONDED BY BEAUCHAMP, TO AUTHORIZE THE GF/EGF MPO EXECUTIVE DIRECTOR WRITE A LETTER TO THE CITY OF GRAND FORKS REQUESTING THAT THEY STRONGLY CONSIDER FUNDING THE MINNESOTA/4TH AVENUE CORRIDOR STUDY WHEN GOING THROUGH THEIR NEXT PROJECT CONSIDERATION PROCESS.

Beauchamp commented that when you consider that Minnesota/4th Avenue ties into the Point Bridge, all the studies done over the past twenty years show that the traffic origination back and forth is virtually 50/50 each way. Christensen stated that he drove the corridor again last Sunday, and it is beyond bad, so if it going to happen he thinks we need to do it now. Bakken added that he agrees, especially since we have the Historical Preservation people on board this time, however he doesn't think we can do this under the stimulus program because of the amount of concrete involved. Christensen stated that he would leave that to Mr. Bakken and Mr. Kruen, but he would like to get this moving. Bakken said that by using stimulus funds to do some of these other projects we will free up monies that could be used here instead, same difference.

Voting Aye: Strandell, Beauchamp, Adams, Bakken, Christensen, and Malm.

Voting Nay: None.

Slide 6) Haugen reported that on the Minnesota side the streets only know that the Mallory Bridge project and the Central Avenue Railroad Improvement project are the only projects that are going to be funded with stimulus funds. He said that it does not look promising for any of the local street projects.

Strandell asked if there was more urgency to do the Mallory Bridge before the Thompson Bridge. Haugen responded that the Thompson Bridge also shows up for funds on the Minnesota side, but because it isn't in our study area he didn't highlight, but when you look at the list that shows all of the northwest district, the Thompson Bridge is on that list at a cost of \$4.5 Million. He added that they are still trying to find out if it is shown on the North Dakota list as well.

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Haugen commented that on the North Dakota side they were hoping for somewhere between \$195 and \$200 Million for streets and bridges, but they are receiving \$170 Million, so they are getting about a 10% cut from the start, but then on the other side only 30% is going to be sub-allocated, when before they were thinking 40% to 45% would be sub-allocated. He stated that the Thompson Bridge project is considered a “County” project, a local project, so they are still trying to figure out how much money will be available to sub-allocate down for that project, as well as whether or not they will allow Grand Forks County to have more than, perhaps as others would say, their fair share of the county portion of that local project money. He added that he knows the County is trying to find out from the DOT how much, but they have not responded to that question yet.

Malm reported that the first number they heard the County was getting was \$100,000. Strandell commented that that amount wouldn’t get very far. Malm said, then, that they then went to the Legislature to lobby for more, and it appears they may get more than that.

Haugen commented that \$4.5 Million of Minnesota stimulus monies are committed to the Thompson Bridge. He said that if North Dakota doesn’t commit their half, that \$4.5 Million will probably be committed somewhere else in the state. Malm stated that at the County level they are talking to the bonding agents to see how much it would cost to do it now. He said that the State has said that they will pay their 80% in 2012, and they are setting the local share aside, so they are looking at how much they could bond for, on which they would just pay the interest until the funds are available in 2012, at which time they could pay it off.

Slide 7) Haugen reported that transit received \$6.9 Billion. He added that you may, however, see different amounts shown in other documents, however the difference between the \$6.9 Billion and whatever dollar amount you see is probably because it includes fixed guideways and other high speed rail type projects for which we won’t receive and funds in our area, therefore he will only focus on the \$6.9 Billion. He pointed out that Minnesota’s share is \$92 Million, and North Dakota’s share is \$11 Million. He explained that the way they will distribute these funds is 80% to Urban projects, 10% to Rural projects, and 10% to growth.

Haugen commented that it does show that 80% will go towards Urban projects, but when you go to North Dakota’s formula on how the FTA splits its funding, you will see that it is less than 50% going to the Urban properties in North Dakota, and the rest is going to the Rural properties. He stated that they have not yet confirmed how the funds will actually be split. He added that on the next agenda item we will be adding more capital monies to Grand Forks because these are funds that the Rural properties couldn’t spend so they are transferring them to the Urban properties, so he has some hope that the Urban dollar amount will raise up more than is currently shown.

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Slide 8) Haugen reported that on the transit side there is still the 50/50 proposition in place for transit funds, however the first 50% has 180 days to get authorization, not 120 as is the case for the street projects; and the remaining 50% has a year to get authorization, and they have the same 30-day reporting requirements streets has.

Haugen commented that on the transit side it is a lot easier to get through the NEPA process than it is on the street side.

Slide 9) Haugen reported that the Grand Forks Tranist list was revised yesterday afternoon as well. He pointed out that the projects shown in red were removed as they were not eligible for funding.

Slide 10) Haugen commented that East Grand Forks transit has not received any final determination, however they have told us that they will not fund the mini-van request we had for demand response, and they will not fund our sidewalk connections for our transit either.

Slide 11) Haugen stated that we have been told that there are two project in East Grand Forks that will receive funding; sidewalks across U.S. 2 at the Gateway Drive intersection and a multi-purpose trail along the west side of 220 from Gateway to 23rd, however this is not official at this time. He added that North Dakota is still reviewing their projects.

Slide 12) Haugen reported that within the Bill, and it hasn't received much play yet, but there are some other funding opportunities that may help, particularly with our railroad grade crossing safety issues. He explained that most of the information is from the Minnesota side, but there are multiple federal programs that are getting stimulus money, and some of those will allow railroad projects to go forward. He said that, if you will recall, a while back we said that the Central Avenue Railroad Crossing Study is going to get funded, but they haven't determined yet if they are going to use their street monies, or if they are going to try to use some of the other federal programs to do so.

Haugen stated that we are asking you today to approve the North Dakota listings as revised for streets and transit from yesterday's action; approve the two street projects for Minnesota; and then because Minnesota has not let us know what their plans are for the rest of the program, they are asking us to consider holding another meeting later this month once they have the information available. He added that North Dakota will also have reacted to the different dollar amounts and may request some more revisions to their list as well.

MOVED BY BAKKEN, SECONDED BY ADAMS, TO APPROVE THE NORTH DAKOTA ECONOMIC RECOVERY AND REINVESTMENT T.I.P. AMENDMENT TO THE 2009-2012 T.I.P. AS SUBMITTED.

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*Voting Aye: Strandell, Beauchamp, Adams, Bakken, Christensen and Malm.
Voting Nay: None.*

MATTER OF PROPOSED AMENDMENTS TO THE 2009-2012 T.I.P.

Haugen reported that this amendment to our 2009-2012 T.I.P. is for projects that have been changed or modified outside of the Stimulus Program.

Haugen referred to copies of the project tables, as well as slides of the tables, and explained that the changes are highlighted in yellow. He pointed out that one of the changes, and he alluded to this earlier, involves North Dakota transferring some of their rural capital funds over to their urban properties, of which Grand Forks will receive roughly \$380,000 of new additional federal funds that they are going to use to purchase equipment such as an update to their farebox collection system, an automatic stop announcement, and implementing a vehicle locator system.

Haugen stated that the next amendment is the DeMers Skyway Bridge project, specifically changes made to the scope of work to include painting of the bridge, at an additional cost of about \$2 Million dollars.

Haugen referred to Grand Forks Project #12, and pointed out that the cost is not being changed, however the scope of work is. He explained that this is the U.S. Business #2 from Gateway Drive to the Sorlie Bridge project, which also involves parts of North 5th Street and DeMers Avenue. He stated that they were going to do a slurry seal, but have now decided to do micro-surfacing instead.

Beauchamp asked what micro-surfacing involves, as he has not heard that term before. Dean Rau, Grand Forks Assistant City Engineer, explained that micro-surfacing involves the use of about ¼ to ½ of an inch of seal to fill in any cracks and small holes on the surface of a roadway to give a better ride, while a slurry seal basically involves putting down a little oil only, so the micro-surfacing is a better option to get a better ride.

Haugen pointed out that they are also adding an additional project which involves the City of Grand Forks using some block grant monies to do some curb-ramp and sidewalk improvements in the Near North Neighborhood.

Haugen stated that the last change is an East Grand Forks project to use some left-over monies from the 13th Street S.E. project, which was an earmarked, or high-priority project during the last authorization. He explained that when that project was completed there were some remaining federal funds so East Grand Forks has gone through a process to identify that they want to use those funds to cul-de-sac a couple streets that connect to 13th Street S.E., thus the need to amend the T.I.P. to include this project to use up those remaining funds.

Haugen reported that the Technical Advisory Committee did hold a public hearing on this amendment at their meeting last Thursday, and do recommend approval.

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***MOVED BY BAKKEN, SECONDED BY BEAUCHAMP, TO APPROVE THE FY 2009-2012
T.I.P. AMENDMENT AS SUBMITTED.***

Voting Aye: Strandell, Beauchamp, Adams, Bakken, Christensen and Malm.

Voting Nay: None.

**MATTER OF DISCUSSION ON FLOOD FORECAST AND BRIDGE CLOSURE
TRAFFIC MANAGEMENT PLAN**

Haugen stated that as part of the Traffic Management Plan that the MPO did for bridge closures, we agreed to keep the Technical Advisory Committee and MPO Executive Policy Board of what the flood forecasts are and how they might impact bridge closures.

Haugen referred to the packet, and explained that the reason we have been requested to do this each year it to ensure that the contact list, included in the packet, is kept up-to-date in the event we would have to close bridges. He added that he also included the action sheets that show at which elevations we start preparing for closure of one or more of the bridges.

Haugen commented that one other bit of information included in the packets is the most current flood forecast, which, as you may have heard through the media, indicates that there is a good possibility we may have to close one or two of our bridges during this spring flooding event.

MATTER OF STATUS ON HOUSE BILL 1340

Haugen reported that he included a copy of the amended Draft Bill. He explained that the Bill was severely amended through the committee process, and it now simply states that the MPO is a political subdivision for the purpose of NDPERS. He stated that the Bill passed through the political sub-committee unanimously, and through the House with a vote of 90-1.

OTHER BUSINESS

1. **MNDOT Meeting In Bemidji**

Haugen reported that MPO staff would be attending a meeting in Bemidji tomorrow. He explained that the first half of the day would involve a presentation by MNDOT on their proposed 20-Year Transportation Plan; and the second half will be to meet as an A.T.P. to go over the T.I.P. changes and amendments.

Haugen stated that he did want to bring up one point of information concerning the bridges, and that is that while reviewing the material this morning, he noticed that MNDOT is now listing the

Kennedy Bridge as having work done in 2019 instead of 2016 as was agreed on by the two states previously. He said that he called North Dakota personnel and asked if they were aware of the date change, and they said they were not aware of it, so that is something he will bring up at tomorrow's meeting as well.

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Haugen commented that there are other issues concerning bridges as well, including the fact that Minnesota has committed the necessary funds to reconstruct the Thompson Bridge, while North Dakota has not, or cannot. He stated that it seems like just when we think we know information about our bridges, things are completely changed on us, and we have to do a lot of follow up and back-tracking, so he hopes to be able to talk to MNDOT tomorrow to try to get them back on the schedule they agreed to last fall on the Sorlie and Kennedy bridges.

2. Quiet Zones

Malm commented that he noticed that the North Dakota Legislature approve some funding for Quiet Zones. Haugen explained that only one Chamber passed that Bill. He added that what is expected to occur is that the Railroads will be required to pay a tax on their fuel, and those revenues, up to \$6,000,000, will be placed into the Railroad Crossing Safety Improvement Program. He stated that the intent of the Bill, as was discussed by its proponents, was to implement Quiet Zones, but what was done to the Bill in order to get it passed was to place some caps on how much a City can receive. He said that he believes that each project is capped at no more than \$100,000, and each City is capped at no more than \$400,000 to \$500,000. He stated that he isn't sure if this is over a one year period, or if it is a multi-year period, but \$100,000, for the most part won't fund much of the improvements necessary to implement a Quiet Zone, in fact, about the only thing it will fund at that amount is the way-side horn. He added that the first thing you would need to have in place in order to begin implementing a Quiet Zone is the flashing lights and gates, which are about \$250,000, and then many of our crossing would require medians, quad-gates, etc., so \$100,000 doesn't get you much.

Haugen commented that besides Quiet Zones, these monies will fund the basics such as flashing gates and lights that aren't really just for Quiet Zones. He added that if the Bill passes the next Chamber, then the NDDOT will have to establish the program, set up the criteria, and do the solicitation. He said that this does take funds away from what the Cities and Counties receive from road taxes.

ADJOURNMENT

MOVED BY STRANDELL, SECONDED BY BAKKEN, TO ADJOURN THE FEBRUARY 18TH, 2009, MEETING OF THE MPO EXECUTIVE POLICY BOARD AT 12:46 P.M.

***Voting Aye: Leigh, Strandell, Beauchamp, Bakken, Christensen, and Malm.
Voting Nay: None.***

Respectfully submitted by,

Peggy McNelis,
Executive Assistant