

**PROCEEDINGS OF THE
EXECUTIVE POLICY BOARD OF THE
GRAND FORKS/EAST GRAND FORKS
METROPOLITAN PLANNING ORGANIZATION
Wednesday, August 19th, 2009 – 12:00 Noon
Grand Forks County Commissioners Chambers**

CALL TO ORDER

Gary Malm, Chairman, called the August 19th, 2009, meeting of the MPO Executive Policy Board to order at 12:00 p.m.

CALL OF ROLL

On a Call of Roll the following members were present: Gary Malm, Mike Powers (Proxy for Punky Beauchamp), Dick Grassel, Art Bakken, Steve Adams, Warren Strandell, and Greg Leigh.

Absent were: Doug Christensen.

Guest(s) present were: Jane Williams, GF City Traffic Engineer.

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

DETERMINATION OF A QUORUM

Chairman Malm declared a quorum was present.

APPROVAL OF THE JULY 22ND, 2009, MINUTES OF THE MPO EXECUTIVE POLICY BOARD

MOVED BY STRANDELL, SECONDED BY LEIGH, TO APPROVE THE JULY 22ND, 2009, MINUTES OF THE MPO EXECUTIVE POLICY BOARD, AS SUBMITTED.

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

Voting Nay: None.

MATTER OF MPO EMPLOYEES JOINING NDPERS

Haugen reported that, hopefully, this is the end result of a year-long process MPO staff embarked on in an attempt for it to continue mirroring the City of Grand Forks' benefit program.

Haugen explained that over a year ago the City of Grand Forks transitioned their employees to the NDPERS Retirement program, and, because the MPO has long held that they mirror the

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Grand Forks Personnel Policies, when that transition occurred it was assumed that MPO employees would transition as well, however, it was discovered that the MPO employees were not eligible to join NDPERS.

Haugen commented that as a result of this discovery staff was directed to find a way in which it can continue mirroring the City of Grand Forks' benefits. He reported that, as you are aware, during the last legislative session we had some legislation that was adopted by the Legislature, which became effective August 1st, and which defined that the MPO employees are a political entity, solely for the purpose of being able to become members of NDPERS. He stated that with that legislation in place we are now able to continue mirroring the City of Grand Forks' benefit package.

Haugen reported that the Finance Committee met (copies of those minutes were included in the packet and are available on the MPO Website), and, along with staff, are recommending that the MPO enter into an agreement with NDPERS for our retirement benefit. He explained that current employees do have the option of joining NDPERS now, keeping the current retirement system, or deferring joining NDPERS until a later date if they wish, however, all future employees will be required to join NDPERS as their retirement plan. He commented that the cost to the MPO to make this transition would be an incremental increase of about 1.26%, with the actual dollar amount being only about \$1,700.00. He explained that the major reason for the cost increase is due to NDPERS requiring a post-employment credit also be purchased for each employee as part of the package.

Haugen stated, again, that with the change in legislation making MPO employees eligible for NDPERS, and because the MPO By-Laws state that we are to mirror the City of Grand Forks' benefit package, the Finance Committee and Staff would request that the Executive Policy Board approve MPO staff join NDPERS for their retirement benefits.

Haugen commented that we also included a "just in case" clause concerning the possibility that the MPO, which has always enjoyed NDPERS' health insurance through the City of Grand Forks, may have to enter into its own health insurance policy with NDPERS as well, and this would give us the authority to do so without having to bring it to another meeting.

A MOTION WAS MADE BY DICK GRASSEL FOR THE GRAND FORKS-EAST GRAND FORKS METROPOLITAN PLANNING ORGANIZATION TO AFFIRM TO NORTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM THAT THE GRAND FORKS-EAST GRAND FORKS METROPOLITAN PLANNING ORGANIZATION IS FORMED PURSUANT TO N.D.C.C. § 54-52-02.1 AND IS NEITHER A NON-PROFIT CORPORATION NOR A FOR-PROFIT CORPORATION, TO JOIN THE NDPERS DEFINED BENEFIT RETIREMENT PLAN AND OFFER THE PLAN TO ALL ELIGIBLE EMPLOYEES OF THE GRAND FORKS-EAST GRAND FORKS METROPOLITAN PLANNING ORGANIZATION. THE MOTION WAS SECONDED BY GREG LEIGH. THE BOARD APPROVED JOINING THE NDPERS DEFINED BENEFIT HYBRID RETIREMENT PLAN EFFECTIVE SEPTEMBER 1, 2009.

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

MATTER OF 2009-2012 T.I.P. AMENDMENT

Haugen reported that the reason for this amendment is because the Cities Area Transit received \$1,000,000 from the FTA 5309 program. He explained that this money is normally awarded 10 or more months ago, however due to current Congressional issues it was only awarded back in April, and then some additional issues arose within the State of North Dakota as to who should get the funds, and how much they should get, so we were just recently notified of Grand Forks' share.

Haugen stated that the Cities Area Transit has worked through their committees and council structures, and have identified how they want to spend these monies; essentially by purchasing a fixed-route coach and doing some work around their facility including replacing a fuel tank and doing some interior street work.

Haugen commented that public hearing was held at last Wednesday's Technical Advisory Committee meeting, and there was no one present for discussion, nor were any written comments submitted by noon that day either, therefore the Technical Advisory Committee and staff recommend approval of this T.I.P. amendment.

MOVED BY LEIGH, SECONDED BY BAKKEN, TO APPROVE AMENDING THE FY 2009-2012 T.I.P. TO INCLUDE A 2009 TRANSIT PROJECT FOR THE PURCHASE OF ONE CLASS 700 REPLACEMENT COACH HYBRED, RECONSTRUCTION OF THE ROADWAY AROUND THE BUS BARN, AND REPLACEMENT OF THE FUEL TANK AT THE BUS BARN, AT A COST OF \$1,250,000.

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

MATTER OF SELF-CERTIFICATION

Haugen reported that the Federal Regulations allow smaller entities such as the Grand Forks-East Grand Forks MPO to self-certify. He stated that with that self-certification we document how we are meeting all of the different regulations and requirements set upon us. He referred to the packets, and pointed out that our response to all of these regulations and requirements was included for review.

Haugen stated that this self-certification is done on an annual basis. He referred to Page 41, and explained that even though MNDOT is a party, they have their own form that we need to complete at a later date, therefore, the form we are approving today will only be signed by the Executive Policy Board and the State of North Dakota. He added that NDDOT is the lead agency, so it isn't unusual for MNDOT not to be included on the form being adopted today.

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Haugen said that both the Technical Advisory Committee and staff are recommending that the Executive Policy Board approve the Self-Certification Resolution as submitted.

MOVED BY LEIGH, SECONDED BY ADAMS, TO APPROVE THE 2009 SELF-CERTIFICATION RESOLUTION.

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

Voting Nay: None.

Haugen noted that every three years we do have a more thorough review when Federal Highway personnel come and spend about two days with us. He stated that this was last done three years ago, therefore we should be going through it again either this year or next year.

MATTER OF JARC/NEW FREEDOM APPLICATIONS

Kouba reported that back in July we solicited for applications for North Dakota JARC and New Freedom funds. She stated that we only received one application, which came from the Cities Area Transit for the purchase of vehicles and to fund Route 12/13. She said that both the Technical Advisory Committee, and staff recommend approval of these applications.

MOVED BY GRASSEL, SECONDED BY BAKKEN, TO APPROVE THE NORTH DAKOTA JARC/NEW FREEDOM APPLICATION AS SUBMITTED.

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

Voting Nay: None.

MATTER OF FINAL 2010-2013 T.I.P.

Haugen reported that the final draft of the 2010-2013 T.I.P. was included in the packets. He explained that every year about this time we adopt a new T.I.P. to show a new four year program of projects.

Haugen referred to the T.I.P. document, and went over the appendices briefly. He pointed out that Appendix I addresses the Grand Forks-East Grand Forks MPO Area Annual Listing Of Obligation of FY2008 Funds. He explained that we are required to show what we programmed in 2008 as our projects, how much we thought those projects would cost to do, how much federal funds would be obligated towards that project, and how much the project actually cost to do.

Haugen commented that Appendix II addresses the Grand Forks-East Grand Forks MPO Area Project Progress Of FY2009, their status at this time. He added that next year, when we adopt the 2011-2014 T.I.P., this list of 2009 projects will look like the list of 2008 projects do this year, showing what we were estimating the cost of each project to be, and what the actual federal obligation was. He pointed out that progress is going quite well at this time.

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Haugen referred to Page 97, and explained that as part of the T.I.P. preparation we have to do what is called an “Environmental Justice Review”. He said that this is done to show that we are not negatively impacting any protected population areas within the Grand Forks and East Grand Forks areas. He stated that we have identified that there is one neighborhood area that has a high concentration of low-income, and/or minority residents, located in the UND housing area UND, however our Environmental Justice Review indicates that we are not negatively impacting any protected populations.

Haugen referred to the Illustrative Project listing, and explained that these are projects that have been identified as either having special earmark requests to finance them, or there are some issues with their financing that won’t allow them to be programmed. He said that these projects would have to be amended into the regular T.I.P. project lists should funding become available.

Haugen briefly went over the illustrative projects for both Grand Forks and East Grand Forks. He pointed out that all of the Grand Forks Projects, with the exception of Project 1 are already programmed in the T.I.P. or S.T.I.P., and if they get a congressional earmark they will free up some dollars for some other project to occur. He stated that the first project is a rather large earmark request from NDDOT, a complete reconstruction of our Interstate system, at a cost of about \$180,000,000. He pointed out that Project 4 is a project that has not been submitted for any earmark request, and shows that NDDOT would like to complete DeMers Avenue. He explained that through the heart of the downtown a new micro-surface has been put in place, and with the activity occurring on the overpass bridge itself, this project would take from 5th Street to South Washington, with the exception of the bridge itself, and repair the roadway. He said, however, that this can only occur if NDDOT gets some of the high priority projects funded, or if congress really amps up the federal program North Dakota receives.

Haugen commented that there is only one illustrative project in East Grand Forks. He stated that Congressman Peterson has submitted it, and it involves the construction of a full intersection at 5th Avenue N.W. and Gateway Drive.

Haugen reported that there is roughly \$68,000,000 being programmed on the Grand Forks side in this four-year period, and \$23,000,000 on the East Grand Forks side.

Haugen stated that a public hearing was held last Wednesday, with no one coming forward for comments, nor were any written comments received prior to the public hearing, therefore the Technical Advisory Committee and staff are recommending approval of the 2010-2013 T.I.P. as submitted.

MOVED BY GRASSEL, SECONDED BY POWERS, TO APPROVE THE FINAL 2010-2013 T.I.P., AS SUBMITTED.

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

Voting Nay: None.

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OTHER BUSINESS

1. Granitoid Update

Ellis distributed copies of a letter from Merlan Paaverud, Jr., State Historic Preservation Officer; and a map illustrating the proposed granitoid de-listing areas.

Haugen reminded the board that when Ms. Ellis was leading the Minnesota/4th Avenue Corridor Study, it was mentioned that a separate survey of the granitoid would be taking place, the information distributed is a result of that survey. He explained that the consultant was in town in April to survey the condition of the granitoid. He stated that he did submit a nomination to update the National Register, and is suggesting that a number of blocks be de-listed from the register to only focus on the prime areas of granitoid. He said that a North Dakota State Historical Society meeting has been scheduled for August 28th to hear all nominations.

Grassel asked how the Grand Forks City Council feels about all of this. Bakken responded that they would like to see Minnesota/4th done, but he doesn't know if the necessary funding is available to do so. Grassel commented that he knows that a number of years ago the State was going to fund the reconstruction of Minnesota/4th, as they wanted to widen the corridor, but the neighborhood opposed it and nothing was done at that time, but it is in terrible shape, and something needs to be done.

Haugen gave a brief overview on what may happen at the meeting on August 28th. He stated that when the granitoid was first nominated to be placed on the register both the City Council and the local historic preservation committee opposed having all of the granitoid included in the nomination, however the State and National Historic Preservation Societies did include all of it on the register, so the outcome is still anyone's guess. He commented that the consultant has made his recommendation, some of which has been questioned by the local historic commission, specifically why some areas weren't included in the nomination, so we really can't guess as to what the outcome will be. Bakken asked who was going to be attending on behalf of those that want it de-listed. Haugen responded that he isn't sure, but a meeting is scheduled tomorrow morning with staff and others to discuss the survey findings. Williams commented that Stacey Hanson, NDDOT, did indicate that she was interested in attending.

ADJOURNMENT

MOVED BY GRASSEL, SECONDED BY ADAMS, TO ADJOURN THE AUGUST 19TH, 2009, MEETING OF THE MPO EXECUTIVE POLICY BOARD AT 12:25 P.M.

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

Voting Nay: None.

Gary Malm, Chairman