

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

**Wednesday, January 21st, 2009 – 12:00 Noon
Grand Forks County Commissioners Chambers**

CALL TO ORDER

Gary Malm, Chairman, called the January 21st, 2009, meeting of the MPO Executive Policy Board to order at 12:05 p.m.

CALL OF ROLL

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

Staff present were: Earl Haugen, GF/EGF MPO Executive Director; Nancy Ellis, GF/EGF MPO Planner, Senior; 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 DECEMBER 18TH, 2008, MINUTES OF THE MPO EXECUTIVE POLICY BOARD

MOVED BY BEAUCHAMP, SECONDED BY BAKKEN, TO APPROVE THE DECEMBER 18TH, 2008 MINUTES OF THE MPO EXECUTIVE POLICY BOARD, AS SUBMITTED.

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

Voting Nay: None.

SUSPEND AGENDA

Haugen requested that the agenda be suspended in order to hear from Becky Lee, Lodge Coordinator with Prairie Harvest Human Services Foundation. He explained that Ms. Lee is here today to give us a brief overview on the food service her organization provides in the Grand Forks County building.

Ms. Lee reported that she supervises the eatery in the Grand Forks County building, which employees about twelve clients from the community. She referred to a copy of their menu and explained that there are set menus for each day of the week, however they are willing to work with anyone that may want something listed on a different day's menu as well.

**PROCEEDINGS OF THE
GF/EGF MPO EXECUTIVE POLICY BOARD
Wednesday, January 21st, 2009**

Leigh asked about the possibility of getting salads if one desired. Lee responded that they do have salads on their menus more often in the summer, but if someone wanted one they would be willing to make one for them, just let them know ahead of time.

Haugen asked if the board would like to be called for their orders as has been done in the past, or is everyone comfortable with taking care of themselves. Consensus was that everyone would be comfortable with taking care of themselves.

**MATTER OF POSSIBLE NORTH DAKOTA STIMULUS PROJECT T.I.P.
AMENDMENT**

MATTER OF POSSIBLE MINNESOTA STIMULUS PROJECTS

Haugen reported that he would be giving a brief power point presentation on the stimulus package. He added that he did merge both North Dakota and Minnesota information into the one presentation, and that he is going to try to convey what information is available at this time, and what steps will be taken in the event a stimulus package is adopted.

Presentation ensued.

Haugen commented that the reason for the stimulus package is to try to infuse monies into the economy for jobs. He stated that the current date being looked at for possible adoption of the package is mid-February, and, because they want it done by mid-February, Pelosi has issued a warning that President's week recess would be cancelled should they fail to make that deadline.

Haugen reported that they have been receiving a lot of piecemeal information, some of which may be wrong, and some of which may be misinterpreted, about the package, but it is all we have at this time.

Haugen stated that they are basically using Bill, HR 7110, which Congressman Oberstar's Committee wrote back in September. He said that at that time they showed a modest amount of funding for infrastructure, but prior to the January Caucus meeting of the Democrats he had \$85 Billion Dollars in his program for Transit and other infrastructure; and after the caucus met that amount was reduced to \$66 Billion Dollars. He commented that the next few slides will illustrate how those funds will be distributed. He added that one thing that seems to be constant now is the 100% federal participation of these funds.

Haugen reported that currently highways and bridges will receive \$30 Billion and Transit \$9 Billion, with 90% of those transit dollars being earmarked for the urban properties. He commented that the \$30 Billion is not much less than what Oberstar had targeted, but the Transit funds is a significant decrease. He explained that most of the money taken from the \$85 Billion to get to the \$66 Billion was transferred into either tax cuts or job creation programs.

Haugen stated that how this will work is that 50% of the funds need to be awarded within 90-days of when Congress acts on the Stimulus Package; and the other 50% has up to a year to be

**PROCEEDINGS OF THE
GF/EGF MPO EXECUTIVE POLICY BOARD
Wednesday, January 21st, 2009**

awarded. He said that, in simple terms, that means that 50% of the work will be done this year and 50% next year, so it is a two-year job creation program that they are trying to fashion.

Haugen reported that the funds will be distributed using existing formulas. He referred to a graphic and pointed out that illustrates the timetables that will be followed.

Haugen commented that of the \$30 Billion Highway/Bridges monies, \$199 Million will go to North Dakota; and \$488 Million will go to Minnesota. He stated that NDDOT has been very consistent in saying that Grand Forks will receive \$4.7, but Minnesota has not given an estimate on what East Grand Forks might get yet.

Haugen explained that because we are using existing formulas, the Transportation Enhancement Program needs to be part of this package, and that means that in North Dakota \$8 Million dollars needs to be spent on enhancement projects such as bike trails; and \$22 Million in Minnesota.

Haugen reported that the estimates shown for transit are earlier numbers and are not correct. He stated that they only know how much the State of Minnesota will get, but have no idea how much each City will receive. He added that it is a direct allocation for transit funds to both Grand Forks and East Grand Forks, so it isn't part of a statewide competition or statewide sub-allocation.

Haugen explained that all projects still need to be consistent with the MPO's transportation plans, and need to be included in our T.I.P.. He added that, unless otherwise stated in Law, they need to follow all the normal federal aid requirements as well.

Haugen stated that North Dakota and Minnesota have two different ideas on how to approach this. He said that North Dakota wants to get things done fast and early; and Minnesota wants to wait to see what is in the Bill before starting to give approvals. He added that, because the bill is not finalized, Minnesota is still unsure as to how they want to do this. He stated that they are currently saying that they don't want the MPOs to amend their T.I.P. until after the bill is signed and something is done in terms of selecting projects, however staff in East Grand Forks are going to be working on developing a list of projects for City Council approval.

Haugen commented that North Dakota still wants us to take action as soon as the bill is signed. He stated that they actually originally wanted us to take action at today's meeting, but we couldn't accomplish that so they now want us to take action in February, so at the February 11th Technical Advisory Committee meeting a public hearing will be held as both Grand Forks and East Grand Forks City Councils will have approved the projects they want us to consider, so at your February 18th meeting you will need to take action on those approved projects.

Haugen continued with the presentation. He explained that originally the expectation was that everything had to be awarded with the first 90- or 180-days of the bill, but now the bill language states that it is a two-year program so that in the first 90-days, 50% has to be awarded, but we have another year to figure out the projects and get them bid. He said that this new information

**PROCEEDINGS OF THE
GF/EGF MPO EXECUTIVE POLICY BOARD
Wednesday, January 21st, 2009**

may cause everyone to reconsider their project list, as that list was created on the assumption that everything had to be awarded in 90-days, so changes may occur to the list of projects.

Haugen commented that prior to last week, when we learned that enhancements were indeed a part of the program, staff was advising both Grand Forks and East Grand Forks to create a “just in case” list of projects for Safe Routes To School and for trails enhancement. He stated that Safe Routes to School have not officially been identified as a program in the stimulus package, but trails now are, and Grand Forks has now identified up to \$625,000 of enhancement activities, basically trails.

Haugen reported that the way he has suggested we might address the Stimulus Projects in the T.I.P. would be to add an additional section to the three sections we already have. He reminded everyone that the three existing sections are: 1) Grand Forks Projects; 2) East Grand Forks Projects; and 3) Illustrative Projects. He explained that the fourth section, the Stimulus Projects, would include a list of projects for North Dakota and a list of projects for East Grand Forks. He added that also in the Stimulus section we will identify that this is an unprecedented federal action or flow of additional funds for transportation, one that will give us 100% funding for transportation projects. He stated that because we don’t yet know how much funding we will be receiving we will be over-programming projects, and also some projects may not get done as well.

Haugen stated that they will be using the same format to list the Stimulus Projects as is used for the current T.I.P. projects lists. He explained that we need to do it this was due to the fact that every year we have to provide an Annual Obligated Project List, and we didn’t want to have to create two different documents to do that.

Christensen asked if there was going to be any funding for the Thompson Bridge. Haugen responded that he wasn’t aware of any. He said that he doesn’t know what the North Dakota share is for that project. Malm reported that he is actually leaving this afternoon for Bismarck to talk to the State Legislature, and hopefully with the Governor, about this very issue. Christensen said that he hopes they get 100% of the funding needed for that bridge. Malm agreed that that would be the greatest thing in the world, but in any event they are still working on trying to get the funds necessary for that project. Haugen said that they really need to stress that this project is ready to be bid.

Information only.

MATTER OF NDDOT PROJECT SOLICITATION

Haugen reported that we now need to begin the project selection for our 2011-2014 T.I.P. He stated that it is his understanding the other two MPOs were not prioritizing their projects, so NDDOT is going to work with all three MPOs over the next several months to fashion a project selection process so that when we do program projects in our T.I.P. they are following SAFETEA-LU requirements.

**PROCEEDINGS OF THE
GF/EGF MPO EXECUTIVE POLICY BOARD
Wednesday, January 21st, 2009**

Haugen referred to the second page of the letter from Paul Benning, NDDOT, and pointed out that it does include a timetable that indicates that if everything goes well in fashioning the projects selection process, staff will bring those projects that are selected to the Technical Advisory Committee, and to this board for approval in July. He added that in the full paragraph above the timetable it does state that this process is only a tool to assist in project selection, and that elected officials on the MPO still have the final decision as to which projects they want included in the T.I.P..

Information only.

MATTER OF ND BILL #1340 – MAKING MPO NDDPERS ELIGIBLE

Haugen stated that, as you will recall, when the City of Grand Forks moved their pension to NDPERS the MPO staff were not eligible to do the same because we are not a political subdivision of the State. He commented that between then and now, he talked to the other MPOs and found that Fargo/Moorhead is in a similar situation, and were also trying to get into NDPERS, so working with Legislative Council, and Representative Glasheim, we were able to get a Bill introduced that will meet the criteria of being a political subdivision.

Haugen referred to the bill, which was included in the packets, and explained that it takes what we are required to do in federal law and put it in State statute, and by doing so allows the NDPERS program to determine that we are a political subdivision and ultimately to allow us to join NDPERS' retirement plan.

Haugen said that the bill has been assigned to the political subdivisions of the House, and he believes that Friday, January 29th, may be the date the hearing occurs.

Haugen commented that Bismarck/Mandan, just to let you know, are able to participate in the City of Bismarck's pension program so are not really interested in aggressively pursuing this, but Fargo/Moorhead and ourselves are trying to get this adopted for our employees.

Christensen asked what needs to be done to get the MPO into NDPERS without doing this law. Haugen responded that the only way we would become eligible without getting this bill adopted would be for us to become city or county employees on the North Dakota side. Christensen asked what was wrong with doing that. Haugen responded that there is some friction to having the MPO employees be under one local unit of government rather than as a stand-alone entity as there could be pressure to take one side over another. He added that we also need to keep in mind that our partner MPO to the south is also interested in getting into NDPERS, and if this bill is not enacted then they will not be able to improve their retirement situation either.

Christensen stated that he is not in favor of the bill, of having another quasi municipal entity, and doesn't understand why we can't have MPO employees become employees of the City. He asked if any of the members have a problem with that, anyone from East Grand Forks have a problem with that. Beauchamp responded that they may have a problem with that, but would

**PROCEEDINGS OF THE
GF/EGF MPO EXECUTIVE POLICY BOARD
Wednesday, January 21st, 2009**

need to know more about it first. He asked if they would become employees of Grand Forks or East Grand Forks. Christensen responded that it doesn't matter, and the issue is do we need all this government, they don't have this in Minnesota. Haugen commented that the PERRA system in Minnesota is more open to joint boards, so all the other MPOs in Minnesota, because Minnesota's retirement system is more open for enrollment, they are members of PERRA. He said that NDPERS is very closed as to who they will allow in, so if we were to become a joint powers board they wouldn't allow us to join. Christensen said, then, that you just change the law, you just have one line: "add the MPO joint power board". Haugen responded that the problem with that would be that it may open it up for other statewide entities like the MPO to want to join so they thought that because the MPO has been in existence for more than twenty years, and we are only putting into law what we are already required to do, it just made the two MPOs more eligible for the NDPERS option, and this was the only way to make both MPOs eligible for NDPERS was to get it as a statute amendment.

Christensen stated that what he is curious about is that we are supposed to be the governing board, they all work for us, who knew about this, that this was being done by our staff. Beauchamp commented that he thinks that Mr. Christensen brought this up before, this situation with the MPO retirement. Leigh agreed, adding that it was brought up last summer, that staff was to look into this. Bakken asked if staff was given direction on which way to do it. Malm responded that that is what we did, and this is one way to look at.

Christensen asked if MPO staff were made city employees would they be able to get into the NDDPERS Defined Benefit Program. Haugen responded that they would. Christensen stated, then, that if MPO staff were city employees this bill would not be necessary. Haugen agreed that the GF/EGF MPO wouldn't need the bill passed, but Fargo/Moorhead still would. Christensen stated that they have their own issues, and they could be made city employees as well.

Christensen asked if anyone from East Grand Forks has a problem with MPO staff becoming City of Grand Forks employees. Leigh responded that he wouldn't have a problem as long as staff could get the benefits. Beauchamp added that he is only interested in the employees being able to get the best retirement program possible. He said that he would take this into consideration, but isn't going to make that decision right now without all the information.

Christensen stated that MPO employees want the best retirement plan possible, and they want the benefits they are giving the City of Grand Forks employees because they believe it is the best retirement plan, or they wouldn't have done this. He added that they haven't asked to be under the City of East Grand Forks' or Polk County's retirement plans. Haugen commented that they did have conversations with those entities, but the direction he received was that, whatever the employees wanted, to go for it, and they talked with East Grand Forks, with Minnesota PERRA, with the county, with the City of Grand Forks, and it seemed like this was the way to go.

Haugen stated that Fargo/Moorhead is excited about this, NDDOT is not against the bill because it spells out what we are already required to do, and what we have been doing for the last 20 years, so there wasn't anything new included that would give the MPO any more power, but does allow NDPERS to acknowledge that we are a political subdivision, and thus eligible for their program.

**PROCEEDINGS OF THE
GF/EGF MPO EXECUTIVE POLICY BOARD
Wednesday, January 21st, 2009**

Information only.

MATTER OF APPROVAL OF TRANSPORTATION PLANNING AGREEMENTS

Haugen reported that these are the agreements the MPO needs to sign with our respective DOTs. He stated that on the North Dakota side it is the agreement that allows us access to federal funds; and on the Minnesota side they provide us with roughly \$12,000 to be used as match to the federal funds. He added that these are standard agreements that, on the North Dakota side are signed every other year; and on the Minnesota side are signed annually, so he is asking approval from the board authorizing the appropriate signatures be signed on each agreement.

MOVED BY LEIGH, SECONDED BY BAKKEN, TO APPROVE AUTHORIZING THE CHAIRMAN AND THE EXECUTIVE DIRECTOR TO EXECUTE THE TRANSPORTATION PLANNING GRANT AGREEMENTS WITH NDDOT, FOR FISCAL YEARS 2009 AND 2010; AND WITH MNDOT FOR FISCAL YEAR 2009.

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

Voting Nay: None.

OTHER BUSINESS

1. Meeting Schedule

Haugen referred to a copy of the 2009 meeting schedule, included in the packet, and pointed out that they will generally occur the third Wednesday of each month with the exception of the April and December meetings

ADJOURNMENT

MOVED BY LEIGH, SECONDED BY BEAUCHAMP, TO ADJOURN THE JANUARY 21ST, 2009, MEETING OF THE MPO EXECUTIVE POLICY BOARD AT 12:50 P.M.

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

Voting Nay: None.

Respectfully submitted by,

Peggy McNelis,
Executive Assistant