

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

**Wednesday, April 21st, 2010 – 12:00 Noon
Grand Forks County Commissioners Chambers**

CALL TO ORDER

Gary Malm, Chairman, called the April 21st, 2010, 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, Steve Adams, Warren Strandell, Art Bakken, Dick Grassel, Mike Powers, and Doug Christensen.

Absent were: Greg Leigh.

Guest(s) present were: Janelle Mulroy, Brady Martz; and Dean Rau, Assistant Grand Forks City Engineer.

Staff present were: Earl Haugen, GF/EGF MPO Executive Director; Nancy Ellis, GF/EGF MPO Planner, Senior; Teri Kouba, GF/EGF MPO Planner; Matt Leal, GF/EGF MPO Intern; Aaron Nelson, GF/EGF MPO Intern; and Peggy McNelis, GF/EGF Office Manager.

DETERMINATION OF A QUORUM

Chairman Malm declared a quorum was now present.

APPROVAL OF THE MARCH 17TH, 2010, MINUTES OF THE MPO EXECUTIVE POLICY BOARD

MOVED BY BAKKEN, SECONDED BY ADAMS TO APPROVE THE MARCH 17TH, 2010 MINUTES OF THE MPO EXECUTIVE POLICY BOARD, AS SUBMITTED.

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

Voting Nay: None.

MATTER OF 2009 MPO AUDIT

Haugen reported that a copy of the full audit report and letter from Brady Martz were included in the packets. He explained that the only thing he would add is the fact that we did not spend above the magical threshold of funds, therefore our Audit did not have to comply with certain

**PROCEEDINGS OF THE
GF/EGF MPO EXECUTIVE POLICY BOARD
Wednesday, April 21st, 2010**

federal regulations, however that also means that we are not able to use our consolidated planning grant to pay for the cost of the audit. He then introduced Janelle Mulroy, who was present to go over the 2009 Audit findings, as presented.

Mulroy referred to the audit report and went over it briefly as follows:

Pages 1 and 2 - Independent Auditor's Report: Mulroy explained that this letter indicates that they conducted the audit in accordance with generally accepted auditing standards and government auditing standards. She commented that, as Mr. Haugen alluded to, this year is different in that they did not have to conduct a single audit, which is an audit that is conducted in accordance with Management and Budget A133 regulations, a requirement whenever you spend \$500,000 or more in federal funds during the year, and the MPO did not do that this year. She added that Page 1 also indicates that they have issued an unqualified, or clean opinion, which is the best opinion they can offer, so it was a very clean audit once again.

Pages 3 through 7 – Management's Discussion And Analysis: Mulroy reported that this just gives some financial highlights, and some narrative on various issues that management would like to talk about within the financial statements. She added that in her opinion the most useful portion of this report is found on Pages 4 and 5, the balance sheet and income statement, which are presented in a comparative format so you can compare 2008 numbers with 2009 numbers, which we do not do in the financial statements themselves.

Page 8 – Balance Sheet/Statement Of Net Assets: Mulroy commented that the MPO operates with just one fund, or general ledger, and they are required under Government Auditing Standards, or GASBY, to present the financial statements in two different formats. She pointed out that the first column presents the financial statements in a format that you have seen for years, but it excludes all accrual items such as property and equipment, and in the MPO's case, compensated absences or retirement costs. She stated that those items are adjusted in the middle column, and are used to get to what they call a "full accrual" which is shown in the Statement of Net Assets column.

Page 9 – Statement Of Governmental Fund Revenues, Expenditures, And Changes In Fund Balances/State Of Activities: Mulroy reported that, again we have the three columns for the same reasons as on Page 8. She referred to the Statement of Activities column, and pointed out that of the total revenues of \$626,005, 77%, or \$480,665 of which are from federal monies. She stated that the \$480,665 is just below the threshold of \$500,000, which would have required a single audit be performed.

Pages 10-15 – Notes To Financial Statements: Mulroy stated that a lot of these are standard disclosures, which she is sure everyone has seen in the past. She referred to Page 13, and pointed out that there are a couple of notes, Notes 2 and 3, which detail out capital assets and compensated absences from the beginning of the year to the end.

**PROCEEDINGS OF THE
GF/EGF MPO EXECUTIVE POLICY BOARD
Wednesday, April 21st, 2010**

Page 16 – Budget And Actual: Mulroy reported that total revenues were in excess of what was budgeted by \$36,028, and expenditures were in excess of what was budgeted by \$12,812, so overall income for the year was \$23,216 higher than what was budgeted.

Pages 17 and 18 – Standard Independent Auditor’s Report On Internal Control: Mulroy referred to Page 17, the last sentence, and explained that it refers to Item 2009-1, which is found on Page 19 of the report. She explained that, as you have seen the last couple of years, this is the result of a new auditing standard that came into effect a few years ago, that says that whenever they, as auditors, help with the financial statements, or proposed journal entries, they are required to disclose that as a significant deficiency within the report. She stated that, again, this is nothing that has changed within the day-to-day operations of the entity, it is simply the result of an auditing standard, and the fact that they helped draft the financial statements, and proposed a couple of journal entries to bring the financial statements up to a full accrual basis.

Christensen reported present.

MOVED BY BAKKEN, SECONDED BY ADAMS TO RECEIVE AND FILE THE 2009 MPO AUDIT AS SUBMITTED.

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

MATTER OF DRAFT 2011-2014 T.I.P. – MINNESOTA SIDE

Haugen reported that traditionally April is when the MPO approves the draft T.I.P. document for both Minnesota and North Dakota, however, we are only doing so for Minnesota at this time as North Dakota was not able to finalize their draft document in time, although we should have it for our May meeting.

Haugen commented that information included in the packets involves projects that are covering only the Minnesota side of the MPO area. He stated that, for the most part, on the Minnesota side our process involves adding a fourth year to the T.I.P. document as there aren’t many other project changes that take place from year to year once they are programmed into the T.I.P./S.T.I.P..

Haugen referred to Pages 22 and 23, and explained that the 2014 projects listed are projects that this body approved earlier as being in compliance with the MPO’s Long Range Transportation Plan. He stated that in addition to approving that they are in compliance, you also set their priority ranking at that time as well.

Haugen reported that there is an illustrative project on the Minnesota side. He referred to Page 26, and pointed out that the project consists of a request that the City of East Grand Forks submitted to their Congressional Delegation for assistance in constructing an access road from the north to the beet plant, to be appropriated with FY 2011 funds. He said that if and when it is

**PROCEEDINGS OF THE
GF/EGF MPO EXECUTIVE POLICY BOARD
Wednesday, April 21st, 2010**

earmarked for funds, the MPO will then go back and remove it from the illustrative list, and amend the T.I.P. to show it as being a programmed project for 2011.

Haugen commented that a public hearing was held at last weeks Technical Advisory Committee meeting, and no one attended for discussion, nor did anyone submit any comments prior to noon that day either. He stated that both staff and the Technical Advisory Committee are recommending approval of the Draft 2011-2014 T.I.P. for the Minnesota side.

MOVED BY BAKKEN, SECONDED BY STRANDELL TO APPROVE THE MINNESOTA DRAFT 2011-2014 T.I.P., AS SUBMITTED.

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

Voting Nay: None.

MATTER OF RAILROAD CROSSING STUDY UPDATE

Haugen referred to the staff report on Page 33 of the packet, and reminded the board that there are three components to the study; the Bacon Road Closure Study, the State Mill Spur Study, and the Quiet Zone Study.

Haugen reported that as far as the Quiet Zone portion of the study goes, they are trying to set up a meeting with Federal Railroad, BNSF, and staff to do an on-site review of the three crossings near the Amtrak Station in Mid-May to determine what updates are actually necessary to make them eligible for quiet zone status. He explained that BNSF has expressed a desire for more equipment upgrades than we feel is necessary, so we have asked Federal Railroad to help us with a peer analysis to determine what is really necessary. He stated that he hopes that the results of that meeting will be available by the end of May.

Haugen commented that work is occurring on the downtown crossings, and once completed those three crossings will meet the eligibility requirements for quiet zone status.

Haugen reminded the board of the discussion held on the Bacon Road Closure portion of the study at their last meeting, specifically about the possibility of the State Mill using a Unit Train, and if that were to occur, how long each crossing would be closed when the train was running. He referred to Pages 44 and 45 of the packet, and pointed out that it includes the results of an analysis conducted to determine the closure times of each crossing.

Haugen explained that the whole issue of a possible need to close Bacon Road came about due to the State Mill looking at the possibility of having more of their grain shipped in, and one way of doing that would be to use a Unit Train. He stated, however, that when BNSF staff was here to meet with mill staff about this, they found that it would be a challenge to find enough railroad track length to accommodate a Unit Train at the site. He said we have not yet heard if they were able to accomplish squeezing in enough track to allow for a Unit Train, but if they are able to do so, SRF conducted analysis to determine how long each crossing would be closed when a Unit

**PROCEEDINGS OF THE
GF/EGF MPO EXECUTIVE POLICY BOARD
Wednesday, April 21st, 2010**

Train comes through, and those findings are shown on Pages 44 and 45. He went over the information briefly.

Haugen pointed out that he included copies of summaries of neighborhood meetings, and the public information meeting held on the State Mill Spur in the packet as well. He stated that the only real comment they received concerned the 4th Avenue crossing, and the alley crossing between University Avenue and 4th. He explained that there is a construction firm located there that bridges both sides of the railroad track, and their reaction to our suggestion that we close the 4th Avenue crossing and keep the alley crossing open was that they would actually prefer both remain open, but if one has to be closed that it be the alley crossing instead. He said that plans are being prepared to show how that scenario would work instead.

Haugen stated that there would still be three of the nine public crossings closed on the spur, and the remaining crossings would receive crossing gates and arms, as well as other necessary updates to make them safer.

Bakken referred to Pages 44 and 45, and asked which crossing would be closed for 27 minutes under the third analysis. Haugen responded that the 27 minutes actually refers to how long the Unit Train would be in the neighborhood, not at any individual crossing. Bakken asked which figure represents how long the Gateway crossing would be closed. Haugen responded that the numbers shown on Page 44 are for each individual crossing, therefore, if the train was moving at 5 mph the Gateway crossing would be closed for 16.57 minutes, and at 10 mph for 8.67 minutes, as would all the other crossings along the spur as well. Christensen asked how many times a day this would occur. Haugen responded that a Unit Train would arrive once a week.

Christensen asked when these findings would be presented to the City Council. Haugen responded that they are just waiting to hear whether or not we can accommodate a Unit Train, once that has been determined the final study report will be submitted to the City Council. Christensen asked if the City would have the ability to say whether or not they will allow a Unit Train to pass through. Haugen responded that the answer to that would be both yes and no. He explained that in order for a Unit Train to be accommodated on the State Mill site, Bacon Road would most likely need to be closed, hence the reason for the request to close it, however, if the City were to deny the State Mill's request to vacate/close Bacon Road, then the chance of a Unit Train being able to arrive on site would be almost non-existent.

Bakken asked about the option of just closing Bacon Road when the train is coming. Haugen responded that that option was discussed, but the State Mill and BNSF both felt that it really wouldn't be a viable option for them. He explained that when the Unit Train is on site, loading and unloading product, Bacon Road becomes important as they shift rail cars, so they feel that Bacon Road needs to be closed totally in order for them to be able to move cars back and forth. He added that there is also a Federal Railroad requirement that states that a public crossing needs to have 250-feet of site clearance on either side of the right-of-way, thus no cars can be stored there, and that is what really hurts the mill operations at Bacon Road, as they lose roughly 500-

**PROCEEDINGS OF THE
GF/EGF MPO EXECUTIVE POLICY BOARD
Wednesday, April 21st, 2010**

feet of track at that location, and there are four sets of track on the south side, and three sets of track on the north side of Bacon Road, so you add that up and you see that they lose a lot of rail car storage for a maneuvering area.

Bakken asked how many stakeholders are on that road. Haugen responded that there are six property owners that have access onto Bacon Road. Bakken asked where they would access if Bacon Road were closed. Haugen responded that they would only be closing the crossing, so they would still have access on Bacon Road to Washington Street. Grassel asked how far north they would go. Haugen responded that the initial thought was that they would go along Mill Road to the metal recycling facility, but that still would not give them 8,000 linear feet of track area, but once you get past the recycling facility you then have to deal with the English Coulee, and they ruled out building a crossing at that location.

Information only.

OTHER BUSINESS

1. Status On Minnesota/4th Avenue Corridor

Grassel asked what the status is on the Minnesota/4th Avenue Corridor. Christensen responded that it hasn't seem to have gotten the attention of the City of Grand Forks, so not much has been done with it to date. He asked when the Sorlie Bridge was going to be closed for repairs. Grassel responded that the projected time frame is 2018. Haugen added that if everything stays on track with the project, it is scheduled to take place in 2018. Christensen asked if Mr. Haugen hadn't written a letter to Mayor Brown concerning the issue of Minnesota/4th. Haugen responded he had. Christensen asked that a copy of that letter be provided to him.

ADJOURNMENT

***MOVED BY BAKKEN, SECONDED BY ADAMS, TO ADJOURN THE APRIL 21ST, 2010,
MEETING OF THE MPO EXECUTIVE POLICY BOARD AT 12:22 P.M.***

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

Voting Nay: None.

Respectfully submitted by,

Peggy McNelis,
Office Manager