

**PROCEEDINGS OF THE
EXECUTIVE POLICY BOARD OF THE
GRAND FORKS/EAST GRAND FORKS
METROPOLITAN PLANNING ORGANIZATION
Wednesday, July 21st, 2010 – 12:00 Noon
Grand Forks County Commissioners Chambers**

CALL TO ORDER

Gary Malm, Chairman, called the July 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, Warren Strandell, Dick Grassel, Mike Powers, and Greg Leigh.

Absent were: Steve Adams and Doug Christensen.

Guest(s) present were: Dean Rau, Assistant Grand Forks City Engineer; Steve Jacobson, Norman County Commissioner; Randy Gust, EGF Emergency Management Director; Ed Nierode, Grand Forks County Director.

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 present.

APPROVAL OF THE JUNE 16TH, 2010, MINUTES OF THE MPO EXECUTIVE POLICY BOARD

MOVED BY GRASSEL, SECONDED BY STRANDELL, TO APPROVE THE JUNE 16TH, 2010, MINUTES OF THE MPO EXECUTIVE POLICY BOARD, AS SUBMITTED.

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

Voting Nay: None.

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**MATTER OF APPROVAL OF UPDATE TO THE MEMORANDUM OF
UNDERSTANDING COVERING METROPOLITAN PLANNING WITHIN THE
GRAND FORKS-EAST GRAND FORKS METROPOLITAN AREA**

Haugen reported that this is an update to an existing Memorandum of Understanding signed back in 1997. He said that there have been two updates to the ISTEA law the 1997 MOU was based

on, and one change to the Code of Federal Register regarding regulations that were promulgated after the reauthorization bills were enacted.

Haugen stated that since 2006, it has been formally identified by both the Federal Highway and Federal Transit that the MOU needed to be updated, and it was also identified as a necessary action item at both the recent Transit Operator's Tri-Annual review last year, and the MPO's recent annual review this past May. He added that the Federal Highway Administration, this time, set a deadline of August 12th of this year for completion of the update.

Haugen referred to the staff report, and pointed out that it indicates that staff has been working with the North Dakota and Minnesota Departments of Transportation staff on getting the MOU updated the past several months. He said, however, that one of the first activities that had to occur was to update the MOU between the Minnesota Department of Transportation and the North Dakota Department of Transportation listing North Dakota as the Lead Agency before we could then formally go through our MOU update, which is one reason for the delay in getting our MOU updated.

Haugen stated that we now have an MOU that all staff has agreed on, and that has been approved by both City Councils, locally acting as the transit operators; and both DOTs have indicated that they are willing to sign this MOU, therefore staff is requesting approval from the MPO Executive Policy Board as presented today.

***MOVED BY GRASSEL, SECONDED BY LEIGH TO APPROVE THE UPDATE TO THE
MEMORANDUM OF UNDERSTANDING COVERING METROPOLITAN PLANNING
WITHIN THE GRAND FORKS-EAST GRAND FORKS METROPOLITAN AREA.***

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

Voting Nay: None.

MATTER OF APPROVAL OF UPDATED NORTH DAKOTA URBAN ROADS MAP

Haugen reported that a couple of months ago we updated the Functional Classification Map for the North Dakota side, and we now have to update the Urban Roads Map to reflect those changes made to the functional class.

Haugen stated that the functional class serves one purpose, but also identifies roads that may be eligible for different federal programs. He explained that the Urban Roads Map is the North Dakota Department of Transportation's nomenclature for the different sub-categories of roads, and the funding sources available on the North Dakota side for those federal funds.

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Haugen referred to a power point presentation, and went over the changes identified on the map using red circles:

1. South 48th Street – This is a project that will begin this year and will be completed next year, therefore our map needs to reflect that this is no longer a proposed roadway, but is a completed Urban Roadway eligible for federal funds.
2. 20th Avenue North – This roadway was just functionally classified, and it now becomes eligible for federal funds through the Urban Roads Program.
3. Columbia Road Overpass Ramps and DeMers Avenue/4th Avenue Ramps – Current map shows these ramps without color, but we are proposing, and the Technical Advisory Committee has approved, reclassifying them as Regional Secondary Roadways.

Haugen reported that the Urban Roadway System is comprised of three sub-categories: 1) Regional Primary; 2) Regional Secondary; and 3) Local Urban Roads. He explained that the Regional Primary system includes U.S. Highway 2, which is a National Highway System route; the Regional Secondary system includes U.S. 81, Business 81, Business U.S. 2, and ND 297 (DeMers Avenue), so the ramps themselves would be attached to this system. He added that the Local Urban Roads include the remaining functionally classified roadways within the Grand Forks area.

4. 27th Avenue North – This section of roadway was erroneously identified as an Urban Road, however it has not been functionally classified for several years as the bridge was closed in the early 2000s, so it has not been passable between Mill Road and North Washington, so we would like to remove it from federal eligibility.
5. South Belmont Road – This roadway has been functionally classified, and should have been identified as an Urban Roadway, therefore we would like to make that correction at this time.

Haugen stated that these are the changes we are asking this body to consider, and, again, they were reviewed and approved by the Technical Advisory Committee at their meeting last week.

Powers asked if the bridge at 27th Avenue North would be eliminated altogether. Leigh responded that it has already been removed. Haugen added that there is a dilapidated structure there, but it is not at all usable.

Malm asked, if we approve this will it affect the Bacon Road Closure project at all. Haugen responded that it could, and he will address this issue when we discuss the Railroad Crossing Study agenda item later. He explained that currently this roadway is not functionally classified it cannot be on the Urban Roads Map, and it can't be functionally classified because it is not a passable roadway. He stated that what this action will do will be to make it eligible for a

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different funding program. He referred to the map, and pointed out that the area within the solid gray line is called the Federal Urban Aid Boundary, so for projects such as a bridge replacement project within that boundary, the funds would come from the Urban Aids Program, but now that it is, and has been identified as being outside the Urban Aid Boundary it is eligible for the Off-System Bridge Program, which is a separate source than the Urban Roads Program. He explained that all bridges located within the Urban Aid Boundary get funds from the Urban Roads Program, and all bridges located outside the Urban Aid Boundary get funds from this separate funding program, so we are doing two things, the primary thing is to take a roadway that is currently not eligible for federal aid and correctly showing it on our maps, and then we are also clarifying that the bridge is eligible for Off-System Bridge funds.

Haugen commented, however, that if the result of the Railroad Crossing Study indicates that we need to replace the bridge at 27th Avenue North, we can obviously revisit this issue of functional classification and the urban road mapping at that time. Powers asked what the possibility might be that this could occur. Haugen responded that he doesn't know, as they are not yet done with the study.

MOVED BY LEIGH, SECONDED BY STRANDELL TO APPROVE THE CHANGES TO THE NORTH DAKOTA URBAN ROADS MAP FOR STREETS INSIDE THE FEDERAL URBAN AID BOUNDARY, AS SUBMITTED.

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

Voting Nay: None.

MATTER OF UPDATE ON GRANITOID NATIONAL REGISTER NOMINATION

Ellis reported that the State has processed an application to the Department of the Interior to de-list some of the granitoid. She referred to maps illustrating where the granitoid is currently located, and pointed out those areas that are being considered for de-listing, and those areas that will remain on the list.

Ellis gave a brief overview of the history of the granitoid process. She explained that a granitoid study was performed in the early 1990s, and at that time all of the granitoid, based on that study, albeit controversial, was placed on the National Register of Historic Places. Then in 1994 the State came in and did a detailed study of the granitoid pavement itself, and they kept those results on file. In 2008 we were asked to restudy the Minnesota/4th Avenue Corridor, including the granitoid pavement on that corridor, and as a result of that study the State decided to revisit the survey they had done in 1994 to determine if there was any granitoid that could be de-listed. Because of the survey done in 2009, they submitted an application to keep certain segments on the register, and de-list a number of other segments.

Ellis reported that when the new evaluation was done, those areas where 70% or more of the road surface is composed of granitoid pavement, and that pavement was recognizable as

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extending from curb to curb, were determined should remain on the list, and the remaining segments should be de-listed, thus 62% of the granitoid currently on the list will be de-listed, and 38% will remain on the National Register of Historic Places.

Ellis referred to a slide illustrating those areas where the granitoid will be maintained and those that will be delisted, and went over it briefly, pointing out that those areas that will remain on the list are shown using hatch marks, and those that will be de-listed are shown with solid lines.

Leigh asked what we can do to get them to de-list the granitoid on 4th Avenue going south, but keep the area from Chestnut to Cottonwood, north of 4th. He stated that it is a concern that the City of Grand Forks can't go in and repair a road that is in dire need of repair just to make it passable. Ellis responded that that section on 4th Avenue South isn't in real good shape, and it affects the corridor, but if you will remember when we did the study we came to an agreement with both the City, the Grand Forks Historical Commission, and the State Historical Society, that allows us to remove that section of granitoid provided we replace it with stamped concrete along that corridor, and we keep the remaining portions that are still on the list in as good a condition as possible. Leigh asked how we can get the requirement that we put in stamped concrete removed as well, as the cost to do that is too high. Ellis responded that she understands that the cost is higher, but that was their condition, and, although you could take that request to the State, she doesn't think they will be willing to agree to it, and you also need to remember that in addition to the granitoid being on the National Register of Historic Places, the neighborhood is as well, and the neighborhood itself addresses the issues of canopy trees, granitoid, the older homes, etc., so we aren't just dealing with the granitoid itself, but with the neighborhood as well.

Ellis commented that this is all based on the information the State has submitted, but the corridor still has the ability to receive federal funding as it is a functionally classified roadway, and there are opportunities to receive transportation enhancement and other dollars as well, and if we keep trying to butt heads with the State or the City, we will be in the same position we have been for the past sixteen years, so, even though we might like to see some additional concessions made, and it might be somewhat costly, we do have a solution that allows us to remove the granitoid from 4th Avenue.

Discussion ensued.

Haugen reported that currently in the Federal Register there is a notice, and you can comment on this application if you wish. He added that prior to it getting from the State to the National level, it was available for the City to submit comments, and we held meetings with City staff, but it was felt at that time that they would not provide any comments, but that we would look at any additional areas that should be included in the de-listing process, and we did identify some areas that did need to be included. He stated that there was also an opportunity to comment on this block of 4th Avenue we have been discussing, but the feeling was that we were getting 60% removed, and 4th Avenue itself would be governed under the current MOU the City has with the Historical Societies, so no comments were submitted.

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MATTER OF UPDATE ON RAILROAD CROSSING STUDY

Haugen reported that this is an update on where we are at with the Railroad Crossing Study. He reminded the board that there are three parts to the study:

1. Bacon Road Closure Study.

Haugen commented that the premise of this study was based on a stated requirement, or regulation that there has to be a site distance clearance of 250-feet on either side of the railroad crossing, which caused the Mill to lose their ability to be able to queue 16 rail cars for loading and unloading. He referred to a sheet he distributed, and pointed out that what they have been able to identify concerning this is that there is no FRA requirement, and that FRA has been pointing us to a Federal Highway guideline.

Haugen added that if you read that FHWA guideline two things jump out when discussing site clearance: 1) one is that the words “should” and “where practical” are used when discussing that there should be site clearances for railroad cars being queued up with a certain distance from the railroad crossing, and; 2) on the table on the back of the sheet the information shown is based on train speed, vehicle type, and what the distance should be. He pointed out that for the speeds for the trains that operate in the Bacon Road crossing, 250-feet exceeds the guideline, so they are still trying to pin down whether or not this 250-feet is a requirement that the Mill has to operate under.

Haugen stated that they have identified four alternatives:

- A. Close Bacon Road.
- B. Make it a private crossing.
- C. Construct an alternative crossing at 27th Avenue North – which would cost about \$2,000,000 to accomplish.
- D. Leave as is.

2. State Mill Spur Study

Haugen reported that the final report is available for review on the MPO website. He commented that since the last public input meetings were held a couple of the figures did require some revisions. He referred to Page 46, Figure 7, and pointed out that the business operating between 7th and the railroad track did require that its driveway be relocated due to the safety improvements that would be required to ultimately make this corridor eligible for quieting. He stated that one of the issues involved with relocating is that occasionally this business does get semi-trucks making deliveries to them, so this driveway becomes a little outside the norm for them. He said that the only other option would be to relocate the entire business, or have the deliveries made to a different site and transported to the business in a smaller vehicle.

Haugen referred to Page 48, Figure 9, the Gateway Drive Crossing, and explained that we have a couple of things going on here: 1) the traffic signals that are currently in place, and the railroad

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flashing lights are right on top of each other, so we are trying to get separation between those; and 2) there is a free-right turn here that doesn't have any of the necessary railroad crossing lights and gates, so we are planning on removing the island, relocating the traffic signal to allow us to be able to put in gates in addition to the lights, and put in a median to allow us to be able to install some of this equipment so we are doing some shifting of the drive lanes. He stated that what this figure is trying to do is to show the current turning lanes and how they are figured in with what is being proposed. He said that there is also some curbing that needs to be installed to close off what is currently an alley or driveway access as such an access cannot be located this close to the railroad crossing in order for it to ultimately be eligible for quieting. He added that they are still working with local staff and district staff to identify how this cross-section works with what is being proposed here.

Haugen reported that they are very close to having a final report completed on this. He said that during the course of the study they were able to identify three crossings that are available to be closed, and have had very little public opposition to those closures. He explained that one of the possible closures involves an alley access between University Avenue and 4th Avenue, by the Red Pepper; and the other two are located at 6th Avenue and 7th Avenue. He stated that with those three closures we would have an automatic 30% reduction in train horn noise along this corridor, plus there is a program in which both BNSF and the DOT have set aside funds to help with the cost of closures so there would be very little local cost involved.

Haugen commented that they also identified some landscaping opportunities that the neighborhood would like to see done, and there are some funding sources included in the report that can be used to accomplish this as well.

Haugen stated that the main costs would be the installation of flashing lights and gates, which are the minimum equipment necessary to ultimately make crossings eligible for quieting.

3. Quiet Zone Study

Haugen reported that in addition to the crossings already discussed, there are ten additional crossings for which we have identified what would be necessary to make them eligible for quieting. He stated that the three crossings out by the Amtrak Station, we originally identified that they needed one piece of equipment added to them to make them meet the minimum for eligibility, however when we asked BNSF when, and how much it would take for them to install those pieces of equipment, they responded that beside that one piece of equipment they would also need to have all the equipment upgraded as well, at a very high cost per crossings. He said that they then asked the Federal Railroad Association to do a peer review of that decision, and a meeting was held in May with FRA, BNSF, and others, but we are still waiting for the outcome of that meeting. He stated that one thing they did learn was that instead of looking at the three crossings as one quiet zone, because they are technically on three different subdivisions of railroad track, they have to be looked at as three different quiet zones, and be applied for as such. He added that this would actually allow us to prioritize which of the three has the most train activity and focus our funds on the one that is creating the most noise. He pointed out that there is also one that by just installing the minimum requirements we would not need to add any

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additional features in order to make it eligible for quiet zone, but until we get the FRA report we are kind of in limbo as to what the costs might be.

Haugen stated that it is his understanding that City Staff will be giving a quiet zone report at the City's Service Safety Committee next Tuesday.

Information only.

OTHER BUSINESS

1. Matter Of Discussion Regarding Support Of Norman County Resolution

Strandell reported that the Polk County Board met earlier this morning, at which time they did pass a resolution opposing the Fargo-Moorhead Diversion Project as it is currently being proposed. He said that the resolution will also include a request to the Army Corps of Engineers to extend the comment period on that project. He then introduced Commissioner Steve Jacobson from Norman County to explain what prompted the passing of this resolution.

Jacobson explained that the United States Army Corps of Engineers (USACE) has determined that impacts are expected north of Halstad, Minnesota as a result of construction of the proposed Fargo-Moorhead Diversion Project. He added that they were just recently informed that this proposed project could impact Norman County by as much as 17-inches of additional flood water.

Jacobson stated that in order to protect the interest of the citizens of Norman County along the Red River, the Norman County Board has taken a position to oppose the Fargo-Moorhead Diversion. He explained that Norman County did not take a cavalier attitude on their opposition of the diversion, and the did discuss it at length and determined they had four options: 1) to let the diversion happen and absorb the impacts; 2) to support the diversion and just expect compensation for the impacts; 3) to support the diversion and ask if there could be some sort of mitigation brought into the project so there wouldn't be any impacts; and 4) to oppose the diversion.

Jacobson said that in order to protect the interests of Norman County, the Norman County Board decided that they had to oppose the diversion. He explained that they took that action in a resolution about a month ago, but since that time, specifically at the FM Metro flood meeting last week, the Corps of Engineers publicly announced that there would be impacts north of Halstad, and they also took that position that the time period for public comment on this issue will expire on August 9th, 2010.

Jacobson distributed copies of a resolution from the Norman County Board of Commissioners, and explained that because they don't know what the impacts will be north of Halstad, and won't know that until after the public comment period has expired, it is the position of the Norman County Board to introduce the following resolution at tomorrows Norman County Board meeting (a copy of the resolution is included in the file and available upon request).

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Jacobson reported that when you get north of Halstad, you are still in Norman County, and it is his feeling that if the people north of Halstad don't know what the impacts to them will be from the diversion, and they don't have a time period in which they can comment on it, he thinks that democracy is being sacrificed to keep the diversion on schedule in accordance with how the FM group wants to see it happen. He said that he would like to see boards and commissions take a position to ask for an extension of the comment period so that the impacts to the people north of Halstad can at least have some time to express their comments and concerns on those impacts. He added that if the comment time expires on August 9th, that won't be possible.

Powers asked if this was the same position Polk County took. Strandell responded that Polk County passed a resolution opposing the diversion project, and also asked for an extended comment period as well. Leigh asked what the diversion would do to East Grand Forks. Malm responded that they haven't even said what the impacts will be north of Halstad yet. Leigh said that he understands that, but he would think they would inform the entire Red River Valley of what the impacts might be. Jacobson responded that he thinks that what is happening is that the Corps of Engineers is being put under a great deal of pressure to keep this project on schedule because of the funding cycle, and because of the amount of engineering that is involved in determining what the impacts will be up and down the Red River Valley. Jacobson reported that at the July 15th Metro meeting, the Corps of Engineers determined that there will be impacts north of Halstad, but they don't know the extent of those impacts at this time. Leigh asked what the 17-inches will do at Halstad. Jacobson responded that it will impact roads, bridges, farms, and dikes around the city. He said that this is why the Norman County Board to a position to object to the diversion project as it is now proposed.

Jacobson commented that at the July 15th meeting of the Metro Board, when the Corps of Engineers announced that there would be impacts north of Halstad, the Corps of Engineers representative also stated that there has been a request to extend the public comment period, but the FM Board unanimously voted not to extend that public comment period because it throws the timeline of the diversion project off. He stated that he was at the meeting, and raised his hand in objection, but was not allowed to speak.

Grassel asked Chief Gust what the impacts might be to the City of East Grand Forks. Gust responded that obviously one of the impacts will be that the City of East Grand Forks will have to at least install part of our flood system, even on those years when we might not have a lot of snow as our flood elevations have been increasing due to more water flowing through the area no matter how much precipitation we seem to get, so an additional 17-inches will certainly impact us. He said that, while we can handle the additional water, the problem is that it will extend our flood fight timeframe out considerably. He added that they have also built a small levee south of East Grand Forks near the Thompson Bridge on the Hartsville Coulee, and he would think that the additional water will certainly affect some of those residents along the coulee, and although that coulee is actually diverted south of East Grand Forks, and basically empties into the Red Lake River, we will still have to deal with all that water since it will still raise the Red Lake River, and where the Red Lake River meets the Red River is where we have the majority of our

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flooding issues, and all of this will increase the amount of cost and work involved with the flood fight. Powers asked if the Corps of Engineers ever talked to Chief Gust about this at all. Gust responded that no one has ever talked to him about it. He said that they have never been included in any of the conversations concerning the Fargo-Moorhead project, and, in-fact, when Mr. Strandell told him that Mr. Jacobson was coming to talk about the issue, he went to Crookston to hear what he had to say to the Polk County Commission.

Discussion ensued.

Grassel asked if Mr. Jacobson would be able to attend the East Grand Forks City Council work session on Tuesday, July 27th at 5:00 p.m.. Jacobson responded that he would. Malm asked if Mr. Jacobson would be able to attend the Grand Forks County Commission meeting on Tuesday, August 3rd at 4:00 p.m.. Jacobson responded that he would.

MOVED BY POWERS, SECONDED BY STRANDELL, TO APPROVE A RESOLUTION REQUESTING THAT THE UNITED STATES ARMY CORPS OF ENGINEERS EXTENDS THE TIME FRAME FOR PUBLIC COMMENT IN REGARD TO THE PROPOSED FARGO-MOORHEAD DIVERSION, AND THAT A SIMILAR REQUEST BE MADE OF THE EAST GRAND FORKS CITY COUNCIL AND THE GRAND FORKS CITY COUNCIL TO DO THE SAME. IN ADDITION, THE MPO EXECUTIVE POLICY BOARD DIRECTS MPO STAFF TO FORWARD A SIMILAR REQUEST TO THE PROPER MINNESOTA AND NORTH DAKOTA GOVERNMENT ENTITIES, AS WELL.

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

Voting Nay: None.

2. Matter Of Approval To Receive Additional CPG Funds

MOVED BY GRASSEL, SECONDED BY LEIGH, TO APPROVE THE MPO RECEIVE AN ADDITIONAL \$300,000.00 IN CPG FUNDS.

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

Voting Nay: None.

ADJOURNMENT

MOVED BY LEIGH, SECONDED BY POWERS, TO ADJOURN THE JULY 21ST, 2010, MEETING OF THE MPO EXECUTIVE POLICY BOARD AT 1:12 P.M.

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

Voting Nay: None.

Respectfully submitted by,

Peggy McNelis,
Office Manager