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

Wednesday, March 18th, 2020, - 12:00 Noon East Grand Forks City Hall Training Room

CALL TO ORDER

Clarence Vetter, Chairman, called the March 18th, 2020, meeting of the MPO Executive Policy Board to order at 12:02 p.m.

CALL OF ROLL

On a Call of Roll the following members were present: Clarence Vetter, Mike Powers (via conference call), Marc DeMers, Bob Rost, Warren Strandell (via conference call), Al Grasser (via conference call) and Ken Vein (via conference call).

Absent was: Jeannie Mock

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

DETERMINATION OF A QUORUM

Vetter declared a quorum was present.

MATTER OF APPROVAL OF THE FEBRUARY 19TH, 2020, MINUTES OF THE MPO EXECUTIVE POLICY BOARD

MOVED BY ROST, SECONDED BY DEMERS, TO APPROVE THE FEBRUARY 19TH, 2020, MINUTES OF THE MPO EXECUTIVE POLICY BOARD, AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

MATTER OF APPROVAL OF ADOPTION OF THE PUBLIC PARTICIPATION PLAN

Haugen reported that last December the Board gave preliminary approval of this document, which started the official 45-day comment period, and that ended on February 18th. He said that included in the staff packet was an Appendix A that the NDDOT asked us to put together to show our efforts to engage the public on this item.

Haugen stated that the only comment we received back was from MnDOT; most of which were editorial. He said that we did discuss a little bit last month about the comment MnDOT made

regarding the open records law; and after some back and forth the end result was that the document isn't trying to cite the law, it is just trying to give generalities, and North Dakota and Minnesota laws are just close enough that we were able to just drop the phrase "in North Dakota" in one of the sentences and that was copesetic for all.

Haugen said that with that change the Technical Advisory Committee and Staff are recommending adoption of the Public Participation Plan as presented.

MOVED BY DEMERS, SECONDED BY GRASSER, TO APPROVE THE ADOPTION OF THE PUBLIC PARTICIPATION PLAN, AS PRESENTED.

Voting Aye: Vetter, Powers, DeMers, Rost, Vein, and Grasser.

Voting Nay: None. Abstain: None.

Absent: Mock and Strandell.

MATTER OF APPROVAL OF FY2020 T.I.P. AMENDMENTS

Haugen reported that we have four projects that have some varying issues going on with them that need to be addressed in our T.I.P. document one way or another. He said that two of those projects were put out for bids and the bid amounts were significantly higher than the cost estimates included in the T.I.P.; the third project is one that had a substantial decrease in cost estimate; and the fourth project was originally set to be done in 2019 on the North Dakota side, but it is now going to occur in 2020.

Haugen stated that the reason these are in an amendment phase is because they substantially affected our fiscal constraint of our financial plan, and therefore we have to show that we are still capable of being financially constrained with the projects.

Haugen said that the first two projects, as he said, had an increase in bid costs; the first one was the North 5th Street or U.S. Bus 2 between DeMers Avenue and Gateway Drive, the second one was the ADA Curb Ramps along Washington Street, from Hammerling to 8th Avenue North. He stated that both those projects, even though the cost is substantial, and above our policy threshold, because North Dakota doesn't cap their State Highway Projects to a specific federal amount, it is hard to know how it impacts our financial plan but we do have to keep track of the cumulation of these changes, so for this T.I.P. amendment these two projects aren't having that drastic fiscal impact, but it might cause some projects in 2020 that haven't been bid yet to be delayed or it might cause some 2021 programmed projects to be delayed, so we don't know the outcome of that yet. He added that the scopes didn't change so the performance measures or performance targets aren't affected by these amendments.

Strandell joined the conference call.

Haugen stated that the third project, where there was a substantial decrease in cost, probably requires a little more discussion. He explained that this involves the safety improvements being

done on 32nd Avenue South. He added that this project was scheduled to be done in 2020, and the intent is still to bid it out and award the project in 2020 but to do the construction in 2021. Haugen said that the original cost estimate was done back in 2017, and now they have gone through more of the project development process, and the cost has decreased significantly.

Haugen commented that in working with the NDDOT, the headquarters left it to the district to kind of inform us as to what the cost estimate should be in our T.I.P. document, so with agreement with District, we put out to the public with the other T.I.P. amendments that the projects cost was going to be less. He said that when we came to our Technical Advisory Committee meeting, the City of Grand Forks staff came and suggested that we shouldn't change the cost estimate in the T.I.P., even though the cost estimate is quite a bit lower now, just in case when bids come out again on the project and they are higher than the estimate that we don't have to do another potential T.I.P. amendment.

Haugen said that because of how life has changed in the last few days, there had been talk of, the NDDOT District staff was not at the meeting, so there was talk of trying to have communication with the District staff to figure out how they felt about the Technical Advisory Committee's motion, but that didn't happen and so right now we basically have somewhat of a difference where the Technical Advisory Committee unanimously voted to not change the cost estimate on this project where previously we were recommending the changes to the new cost amount. He added that there are a couple of other minor amendments that we have to make on this project so we still have to do some amendments to the project, the question is what cost to use.

Haugen reported that the fourth project is the project that was supposed to be done in 2019, but is now moving in to 2020. He said that this project doesn't have any other changes into it except for just delaying the timing of it.

Grasser asked if he could just give some background on the 32nd Avenue Project; you know our original estimate, maybe ended up having to be done by city staff on behalf the DOT, but it was done years in advance, and you know some of these estimates don't take into account if we are going to use consultants or not, but this particular project he knows that even within a few weeks here they had some meetings and they were still varying their cost estimates by over a million dollars, depending upon some of the decisions that were still going on. He added that they didn't have a chance to really work out that issue too much with the DOT before the Technical Advisory Committee meeting, and acknowledges that they asked the Technical Advisory Committee, it's been difficult, but their concern was that the recent bid lettings that they have had were all coming in at or above that 30% range, so he thinks that what they were questioning was if we were to drop their estimate for our T.I.P. amendment all the way down to that lower amount, then what if the bids are much higher. He said that that is really kind of the crux of the questions that are going on. He added that he thinks they have had some conversations that the State is pretty well committed to this project, even should the bids come in at an unusual level, and so he thinks that, from his perspective, that dollars that we first had in the amendment are what the State wants to go with at this point in time, and as long as they are committed to the project he thinks they are all right and he isn't too worried about what the actual dollars are

because on the Regional Project the State has to come up 95% so it isn't going to make a lot of difference to city one way or the other.

Haugen said that he thinks the question that is before the Board on the amendment is, as stated in the staff report, there are two recommended action; one would be straightforward amendments as presented and the other would be the Technical Advisory Committee's recommended amendment, and the only difference between the two is the cost estimate for the 32nd Avenue Safety Project.

Haugen reported that they did hold a public hearing on this and did not receive any comments last week.

DeMers commented that he would like clarification on what the downside would be if we approve the Technical Advisory Committee's recommendation. Haugen responded that it ties up the safety dollars that might be going to other safety projects until the bids are awarded, but they have to be banked into this project, so a couple of million dollars would be tied up waiting for the bid. DeMers asked if there are things that we would plug in for those amounts currently. Haugen responded that these are safety dollars and they are a statewide competitive award, so we, as an MPO, really don't have; we have projects in future years that are safety projects that could perhaps move forward, but that would be something that would need an entirely different discussion with the NDDOT about. DeMers asked if they are competitive, is there a negative; does it look less competitive if you have this extra amount in here. Haugen responded that this project wouldn't compete anymore, so as Mr. Grasser said, this project is committed to the State, it is an atypical amount of safety dollars they are putting on 32nd Avenue, most aren't near this amount of dollars in any one year to any one project, so he thinks that is also indicative of the State commitment to this. He added that, just trying to answer your question, if we didn't do the T.I.P. amendment with the dollar amount, that still ties up the full federal dollars into this project until the bid is known, and then there might be other projects that could be done this year using the dollars we'd free up if we made the cost estimate change.

Grasser asked if Mr. Haugen knew if the timing makes a big difference to the State; if we were able to do a little more clarification and then take it back through another round at the Technical Advisory Committee and then back to the Executive Policy Board next month, because they could do it more thoughtfully process wise then what we are able to do right now, if we wait a month would that be a big deal. Haugen responded that for the 32nd Avenue project we could wait, but we need to approve the other amendments. Grasser stated that they don't have any problems with any of the other amendments.

MOVED BY GRASSER, SECONDED BY VEIN, TO APPROVE THE FY2020 T.I.P. AMENDMENTS SUBJECT TO HOLDING THE 32ND AVENUE SAFETY PROJECT AMENDMENT FOR FURTHER CLARIFICATION, AND TO BRING IT BACK TO THE TECHNICAL ADVISORY COMMITTEE AND EXECUTIVE POLICY BOARD AS SOON POSSIBLE.

Voting Aye: Vetter, Powers, DeMers, Rost, Vein, Grasser, and Strandell.

Voting Nay: None. Abstain: None. Absent: Mock.

MATTER OF APPROVAL OF AMENDMENT #2 TO THE FY2020 WORK PROGRAM

Haugen reported that the good news is we have some additional funding that is now available in our 2020 Work Program to put toward other items. He said, however, that the flip side of that is that these dollars became available because of an audit result from our 2019 billings that we charged against the grant. He explained that essentially our salary and benefits were charged at a higher rate than they should have been and we are correcting that mostly in our 2019 closeout.

Haugen stated that with this amendment there is a little component that is highlighted in yellow to identify that there are still some dollars left in 2019 to credit back to the NDDOT, but there are also some dollars from 2019 to make that payment.

Haugen said that we alerted you to this finding via email a while back; and when we first heard about we did converse with the Chairman as to how to proceed and the direction we received was to not wait for the audit to actually be presented to you but to move forward with the work program amendments, and also that there was a project that the funds should be put in towards; so the actual amendment is to add under Program Administration a 100.5 Category, which basically identifies that there is still some credit that we have to pay back. He said that that is all that is being done with that, there isn't really any activity being done beyond our January Billing Invoice.

Haugen commented that the other two items were to add some funds back into our A.T.A.C. Traffic Counting Program. He stated that there are a couple of signals that will come on-line and with these funds we can do them, and there are also some little maintenance issues that happen with the counting program from time to time that currently A.T.A.C. is doing out of their pocket, and this will allow for us to pay them back a bit for those activities.

Haugen stated that the majority of the funds will go towards the consultant costs on the Future Bridge Traffic Study that we are programmed to do. He said that there was roughly \$67,000, with the bulk of that, \$42,000, was put into the consultant costs for the bridge study, and the remaining \$25,000 was put into A.T.A.C.; however because this is a salary based impact, all of the line items had to be adjusted because the salaries changed, so the actual T.I.P. amendment also shows in yellow all of those changes to each line item. He pointed out that each line item highlighted in green are the ones that we added or increased the funds for.

Haugen said that the bottom line is that our 2020 revenue didn't increase, and our 2020 expenditures won't increase, we just had too much assigned to salaries and benefits that freed up that \$67,000 and allowed us to put some toward our counting program to keep it going and operational; but the bulk of it will go into the consultant costs for the Future Bridge Crossing.

Haugen commented that when we originally did the 2020 Work Program, at that time we were just contemplating one bridge location being in the hydraulic study at one height, it is now three locations with three heights, and depending on the findings of the hydraulic study there might be more work involved in that transportation study than previously scoped, which is why we are adding it there. He added that we will know before we release the RFP how much of this is really necessary based on the results of the hydraulic study.

Haugen stated that both the Technical Advisory Committee and MPO Staff are recommending approval of this work program amendment.

MOVED BY ROST, SECONDED BY DEMERS, TO APPROVE AMENDMENT #2 TO THE FY2020 WORK PROGRAM, AS PRESENTED.

Voting Aye: Vetter, Powers, DeMers, Rost, Vein, Grasser, and Strandell.

Voting Nay: None. Abstain: None. Absent: Mock.

MATTER OF UPDATE ON DOWNTOWN TRANSPORTATION STUDY

Haugen reported that included in the packet was a power point presentation that was given about the future traffic conditions. He said that to sum it up we do have some issues currently as both communities continue to grow, and those issues don't go away, they just continue to get worse, and that is what the future condition is telling us.

Haugen said that some other information is that we have now created a dedicated website to just this study, and we encourage you to check it out and get involved. He stated that there is an interactive map on the site where you can identify spots in out study are where you have issues with the transportation, tell us what they are and they will be documented in the study. He added that there is also another survey that helps further identify some of your priorities and preferences for the Downtown Transportation. He said that, again, this is online and we encourage you to take the opportunity to do these things as well as to share the website with others.

Haugen commented that they did have a pop-up meeting last Thursday at the River Cinema. He said that about 25 to 30 people participated in that event, and we did offer free popcorn to those attending and 17 coupons were redeemed, so we did capture some of the public engagement through that activity and we have been trying to work through the Grand Forks Downtown Development Association and East Grand Forks Economic to spread the word about this project.

MATTER OF UPDATE ON TIMELINE OF LAND USE PLANS

Haugen reported that this was prepared prior to the most recent couple of weeks of ever changing conditions, but they have been working with both City Staffs and were asked by others, our State and Federal Partners in particular, what the actual timeline is for these projects in our work

program, so in working with City Staff we laid out the timelines included in the packet. He said that both Cities have agreed that we will stagger the RFP process so that we aren't looking through proposals for both Cities at the same time, and since Grand Forks has a longer and more involved update we will be doing theirs first, so you will see that when we laid this out a couple of weeks ago that we would be seeking from the Board the actual release of the RFP for Grand Forks during our May meeting, which allows time between May and the end of June for submittals, then in July make a selection and negotiate and hire a consultant for Grand Forks, and then do that same process just one month later for East Grand Forks.

Haugen commented that these timetables might now all shift at least one month, based on what is occurring with things, but we will keep you posted on that if it happens.

PUBLIC COMMENT

There was no one present for comments.

OTHER BUSINESS

a. 2020 Annual Work Program Project Update

Haugen reported that this is just identifying on all the major work activities where we stand with them.

b. Approval Of Bill/Check List For 2/15/20 TO 3/13/20 Period

MOVED BY DEMERS, SECONDED BY ROST, TO APPROVE THE BILL/CHECK LIST FOR THE 2/15/20 TO 3/13/20 PERIOD.

MOTION CARRIED UNANIMOUSLY.

c. Office Hours

Vetter asked if there should be discussion on MPO office hours in light of COVID-19. Haugen responded that hopefully everyone is aware that essentially both City's City Halls are both locked down. He stated that the Grand Forks staff, those that could work from home were encouraged to be at home and working; that hasn't happened here yet on the East Grand Forks City Hall situation, but at noon today East Grand Forks did lock the doors to the public, so only people that are known to have appointments can come into East Grand Forks City Hall, which is how Grand Forks City Hall is operating as well.

Haugen said that given this information the MPO has three full-time employees and an intern that comes three days a week, and communication among staff has been that there is work that we all could be doing from home, but we are also aware that if there is a need to have the office staffed we could make arrangements to have that done as well. He stated that in general the MPO tries to follow the Grand Forks personnel policies, and so we would like to know where the

Board would like to land on that. Vetter stated that for him personally, with the City Halls being closed to the public and everyone has their own office, if you don't feel comfortable coming here and you can work from home he doesn't have a problem with that.

DeMers commented that he feels similarly; that it kind of comes down to personal sense of security, but he thinks this is probably the safest place right now, but obviously there are a lot of other factors included like child care and all those other things that have to happen. He said that his ongoing question to the shift of working at home is that, while we are doing it for a good reason, we still have to be prudent in how you administer it and he wonders how supervision ends up happening so that we make sure that people are working from home, and he doesn't want it to seem like he thinks staff would be taking advantage of something, but he just knows that the realities of working from home, especially if you are doing it because you have children to watch, you aren't necessarily always working from home, so he is just wondering if we have any thoughts or ideas of how to manage that, although we hope this is short term, and he says short term meaning two months maybe, but it isn't a permanent situation and just thinking that we should have some sort of policy or at least a thought process about how we supervise people and making sure that work does get done.

Haugen stated that as staff we have discussed this issue and everyone has prepared sort of a mini-work plan as to, based on not having perhaps access to every file everywhere, that these are the things that they would focus on at this time and get those accomplished. He added that the one person that can't really have everything at home would be Peggy just because of the payroll and other items that we wouldn't want to have out of the secured area and at home, so we have the work programs that have been developed to identify the specific things that each staff person would be working on during this hopefully short period of time, and we did talk about arranging a conference call, or if Peggy has to come in one day we all could come in that day to discuss MPO life.

DeMers asked if we have the technical capacity, the hardware, the software, the internet connections and such ready to go at this time. McNelis responded that there are things like minutes, creating files, reports, etc., that she can do from home but most accounting things would have to be done at the office. Haugen added that Teri and himself have been going between the two City Halls on a regular basis already so they are both kind of self-contained in their laptops for the most part anyway. McNelis said that she has no problem coming in to the office, especially if there isn't anyone else there. DeMers stated that he doesn't mean this in a way that is judgmental of anybody, he just thinks that as we think about this, even more globally, we probably are going to be talking about this for other things as well, because he thinks that we have to think about this as, yes you can work from home but if you don't have; he thinks that even here at work, we have a duty to ensure that our employees have a workspace that works for them ergonomically and all those types of things; say we sit at the kitchen table with a laptop for seven or eight hours a day, which of course would be better than the alternative of getting this virus, but he also doesn't want to end up with people with chronic work type injuries because they are sitting at a bad spot typing on a laptop for eight hours, so those are the types of things that we will need to think about, but, again, we hope this is a short-term issue but it is something that we should try to think about and he just doesn't know if that is something that we have

flexibility in the budget to take care of should they come up. McNelis responded that as far as budget is concerned Earl and Teri are exempt employees so whether they work or not they get paid a salary. She said that the intern and herself are the only ones that if we don't work we wouldn't get paid. DeMers stated that we want to make sure that people get paid.

Haugen commented that he thinks it is self-taking care of for travel and other things as everyone else is cancelling things like that so there isn't any need for any of us to be traveling anywhere as everything is cancelled that we would be traveling to; and it is just a matter of how some of these other meetings, such as the Land Use Plan that is scheduled to be discussed at the next Planning and Zoning meeting in Grand Forks, and he doesn't think anyone has a clue as to exactly how that meeting is going to accomplished right now, so if we have to be there in person we have to be there in person, and if it is virtual we can participate virtually.

d. <u>April Technical Advisory Committee And MPO Executive Policy Board Meeting</u> <u>Date Changes</u>

Haugen said that one other thing would be that we floated the idea of delaying our April Technical Advisory Committee and MPO Executive Policy Board meetings by one week. He explained that just by a quirk of the calendar they are the very first available second Wednesday and third Wednesday, the 8th and 15th, so they are very early to begin with so if we can delay them to the 15th and 22nd that might be prudent and would allow issues like the 32nd Avenue Safety project to shake out, so if that is okay with the Board we will announce that schedule change, subject to further changes if necessary. Consensus was to move the Technical Advisory Committee meeting to April 15th and the MPO Executive Policy Board meeting to April 22nd.

e. <u>Possible Stimulus Packages</u>

Haugen reported that there seems to be a lot of growing momentum for a stimulus type package coming out of Congress. He said that the first couple ones probably will just be addressing economic recovery type things, but there is also talk about an infrastructure one so we will try to keep you up-to-date on how that might be shaking out and formulating, and how it really might either be shovel ready projects or just infusion of cash that isn't tied to project type things, but just so you are aware that there might be some economic stimulus infrastructure legislation coming through Congress.

ADJOURNMENT

MOVED BY ROST, SECONDED BY DEMERS, TO ADJOURN THE MARCH 18TH, 2020, MEETING OF THE MPO EXECUTIVE POLICY BOARD AT 12:41 P.M.

MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted, Peggy McNelis, Office Manager

Grand Forks East Grand Forks MPO Transaction List by Vendor February 15 through March 13, 2020

Туре	Date	Num	Memo	Account	Clr	Split	Amount
AFLAC.							
Liability Check Alerus Financial	02/21/2020	AFLAC	501	104 · Checking	Χ	-SPLIT-	-484.90
Liability Check Liability Check	02/21/2020 03/06/2020	EFTPS EFTPS	45-0388273 45-0388273	104 · Checking 104 · Checking	Χ	-SPLIT- -SPLIT-	-2,534.00 -2,572.42
CitiBusiness Card							
Bill	02/27/2020	Acct	Charges For	206 · Accounts Pay		-SPLIT-	-593.13
Bill Pmt -Check City of East Grand Fork	02/27/2020	6888	Charges For	104 · Checking		206 · Accounts	-593.13
Bill	02/28/2020	Inv. #	VOID: 2020 L	206 · Accounts Pay	Х	517 · Overhead	0.00
Bill Pmt -Check	02/28/2020	6891	2020 Lease A	104 · Checking	^	206 · Accounts	-2.922.40
Bill	03/05/2020	Inv. #	2020 2nd Qu	206 · Accounts Pay		517 · Overhead	-2,490.30
Bill Pmt -Check	03/05/2020	6892	2020 2nd Qu	104 · Checking		206 · Accounts	-2,490.30
City of Grand Forks							
Bill	02/28/2020	Inv. #	2019 Lease A	206 · Accounts Pay		517 · Overhead	-2,882.44
Bill Pmt -Check Bill	02/28/2020 03/05/2020	6890 Inv. #	2019 Lease A 2020 Lease A	104 · Checking 206 · Accounts Pay		206 · Accounts 517 · Overhead	-2,882.44 -2,922.40
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Bill	03/09/2020	Inv. #	Copy Paper	206 · Accounts Pay		517 · Overhead	-186.80
Bill Pmt -Check	03/09/2020	6896	Copy Paper	104 · Checking		206 · Accounts	-186.80
Earl Haugen	00/05/0000						44= 00
Bill Doot Charle	03/05/2020	6904	Travel Reimb	206 · Accounts Pay		530 · Educatio	-117.00
Bill Pmt -Check East Grand Forks Water	03/05/2020	6894	Travel Reimb	104 · Checking		206 · Accounts	-117.00
Bill Pmt -Check	03/06/2020		QuickBooks g	104 · Checking		206 · Accounts	0.00
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Liability Check	02/21/2020	PEHP		104 · Checking	Х	216 · Post-Hea	-123.75
Madison Nat'l Life				3			
Liability Check	02/27/2020	6889		104 · Checking		215 · Disability	-66.55
Mike's							
Bill Brook Charak	02/19/2020	0050	MPO Lunche	206 · Accounts Pay	V	711 · Miscellan	-95.00
Bill Pmt -Check Minnesota Department	02/19/2020	6850	MPO Lunche	104 · Checking	Х	206 · Accounts	-95.00
Liability Check	02/21/2020	MNDOR	1403100	104 · Checking	X	210 · Payroll Li	-281.00
Liability Check	03/06/2020	MNDOR	1403100	104 · Checking	,,	210 · Payroll Li	-190.00
Minnesota Life Insuranc	ce Company			· ·		•	
Liability Check	02/21/2020	6887		104 · Checking	Х	-SPLIT-	-111.71
Nationwide Retirement		A DATE	0.440	404 01 11		ODLIT	100.07
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Peggy McNelis				ŭ			·
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4:02 PM 03/12/20

Grand Forks East Grand Forks MPO Transaction List by Vendor February 15 through March 13, 2020

Туре	Date	Num	Memo	Account	Clr	Split	Amount
SRF Consulting Group	p, Inc.						
Bill	02/19/2020	Inv. #	For Work Don	206 · Accounts Pay		565 · Special	-52.36
Bill	02/19/2020	Inv. #	For Retainag	206 · Accounts Pay		220 Retainag	-3,520.47
Bill Pmt -Check	02/19/2020	6886	•	104 · Checking	X	206 · Accounts	-3,572.83
Bill Pmt -Check	03/06/2020		QuickBooks g	104 · Checking		206 · Accounts	0.00
Standard Insurance C	ompany		•	_			
Liability Check	02/21/2020	6849		104 · Checking		217 · Dental P	-118.88
The Exponent				_			
Bill	03/11/2020	Inv. #	Public Notice	206 · Accounts Pay		550 · Corridor	-140.00
Bill Pmt -Check	03/11/2020	6898	Public Notice	104 · Checking		206 · Accounts	-140.00