

**600th Policy Board Meeting
Fargo-Moorhead Metropolitan Council of Governments
Thursday, April 21, 2022 – 4:00 pm
Zoom Web Conference**

Members Present:

Amanda	George	West Fargo City Commission
Matthew	Gilbertson	Moorhead City Council
John	Gunkelman	Fargo Planning Commission
Chuck	Hendrickson	Moorhead City Council
Brenton	Holper	City of Horace (alternate for Jeff Trudeau)
Steve	Lindaas	Moorhead City Council
Jenny	Mongeau	Clay County Commission
Julie	Nash	Dilworth City Council
Brad	Olson	West Fargo City Commission
Dave	Piepkorn	Fargo City Commission
Arlette	Preston	Fargo City Commission
Mary	Scherling	Cass County Commission
Rocky	Schneider	Fargo Planning Commission
Bob	Walton	NDDOT – Fargo District (Ex-officio member)

Members Absent:

Tony	Gehrig	Fargo City Commission
John	Strand	Fargo City Commission
Maranda	Tasa	Fargo Planning Commission
Jeff	Trudeau	Horace City Council (alternate present)

Others Present:

Adam	Altenburg	Metro COG
Jaron	Capps	Metro COG
Ari	Del Rosario	Metro COG
Dan	Farnsworth	Metro COG
Cindy	Gray	Metro COG
Savanna	Leach	Metro COG
Michael	Maddox	Metro COG
Mark	Williams	City of Fargo

1a. MEETING CALLED TO ORDER, WELCOME, AND INTRODUCTIONS, convened

The meeting was called to order at 4:00 pm, on April 21, 2022 by Chair Piepkorn, noting a quorum was present. Introductions were made.

1b. Approve Order and Contents of Overall Agenda, approved

Chair Piepkorn asked for approval for the overall agenda.

MOTION: Approve the contents of the Overall Agenda of the April 21, 2022 Policy Board Meeting.

Mr. Schneider moved, seconded by Ms. Mongeau

MOTION, passed

Motion carried unanimously.

1c. Past Meeting Minutes, approved

Chair Piepkorn asked for approval of the Minutes of the March 17, 2022 Meeting.

MOTION: Approve the March 17, 2022 Policy Board Meeting Minutes.

Mr. Schneider moved, seconded by Mr. Hendrickson

MOTION, passed

Motion carried unanimously.

1d. Monthly Bills, approved

Chair Piepkorn asked for approval of the April 2022 Bills as listed on Attachment 1d.

MOTION: Approve the April 2022 Bills List.

Mr. Olson moved, seconded by Mr. Lindaas

MOTION, passed

Motion carried unanimously.

2. CONSENT AGENDA

Chair Piepkorn asked for approval of Items a-d on the Consent Agenda.

a. March Month End Report

b. Metro COG First Quarter Report

MOTION: Approve Items a-b on the Consent Agenda.

Mr. Lindaas moved, seconded by Mr. Hendrickson

MOTION, passed

Motion carried unanimously.

3. REGULAR AGENDA

3a. Public Comment Opportunity

No public comments were made or received.

3b. 2022-2025 Transportation Improvement Program (TIP) Amendment #3

Mr. Maddox presented Amendment #3 to the 2022-2025 Transportation Improvement Program (TIP). A public notice was published in the Forum of Fargo-Moorhead on Wednesday, April 6, 2022, advertising the public hearing, how to request more information, and detailed public comment information such as where to send written comments regarding the proposed amendment. The public notice advertised that public comments will be accepted until 12:00 p.m. (noon) on Thursday, April 21, 2022. No written comments have been received.

The proposed amendment to the 2022-2025 TIP is as follows:

1. Addition of Project 4220027: Fargo Transit capital project for upgrades to the Metro Transit Garage (2022). 'Illustrative' designation was dropped. The total project cost is \$100,000 of which Federal (FTA) Section 5339 funds are \$80,000 (80%), and local funds are \$20,000 (20%). *This is a shared project with Moorhead Transit project #5220030, costs reflect Fargo's share which is 2/3 of the total project cost.

2. Addition of Project 4220029: Fargo Transit capital project for shop truck replacement (2022). 'Illustrative' designation was dropped. The total project cost is \$66,667 of which Federal (FTA) Section 5339 funds are \$53,333 (80%), and local funds are \$13,334 (20%). *This is a shared project with Moorhead Transit project #5220001, costs reflect Fargo's share which is 2/3 of the total project cost.
3. Addition of Project 4223001: Fargo Transit capital project for replacement of bus shelters (2022). The total project cost is \$50,000 of which Federal (FTA) Section 5339 funds are \$40,000 (80%), and local funds are \$10,000 (20%).
4. Modification of Project 4190003: Fargo reconstruction project on 32nd Ave S from 32nd St to 25th St (2022). The total project cost increased 54% from \$10,400,000 to \$16,000,000 of which the Federal Surface Transportation Block Grant Program-Urban (STBGP-U) funds increased 52% from \$4,700,000 to \$7,130,000, Federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) remained \$808,620, and local funds increased 65% from \$4,891,380 to \$8,061,380.
5. Modification of Project 9220034: NDDOT rehabilitation project on I-94 from Near W Fargo E (RP 342.414) to Horace Rd (RP 345.607) (2022). The total project cost increased 69% from \$681,000 to \$1,152,000 of which the Federal Interstate Maintenance (IM) funds increased 69% from \$612,900 to \$1,036,800 and state funds increased 69% from \$68,100 to \$115,200.
6. Modification of Project 9190028: NDDOT structure rehabilitation project on I-29 3 miles south of Harwood, year changed from 2023 to 2022. The total project cost remained \$281,000 of which the Federal Interstate Maintenance (IM) funding remained \$253,000, and the state funding remained \$28,000.
7. Modification of Project 9190029: NDDOT structure rehabilitation project on I-29 7 miles north of US 10 near Argusville City Limits, year changed from 2023 to 2022. The total project cost remained \$281,000 of which the Federal Interstate Maintenance (IM) funding remained \$253,000, and the state funding remained \$28,000.
8. Modification of Project 9190030: NDDOT structure rehabilitation project on I-29 2 miles north of Harwood interchange, year changed from 2023 to 2022. The total project cost remained \$281,000 of which the Federal Interstate Maintenance (IM) funding remained \$253,000, and the state funding remained \$28,000.

Chair Gray explained that funding for the Fargo reconstruction of 32nd Avenue changed when the bids came in high, and the project needed to be amended. Also, NDDOT had additional STBG funds they were able to add to the project, increasing the Federal participation. The project will be rebid. Ms. Scherling asked if all projects are being pushed back, and Mr. Maddox said they are not currently being pushed back, and had just discussed this with Fargo traffic engineer Jeremy Gorden.

Mr. Lindaas moved to open the public hearing, with a second from Mr. Gunkelman. No comments were received. Mr. Olson moved to close the hearing, with a second from Mr. Hendrickson.

MOTION: Approve Amendment #3 to the Metro COG 2022-2025 Transportation Improvement Program (TIP).

Mr. Schneider moved, seconded by Mr. Olson.

MOTION, passed

Motion carried unanimously.

3c. Consultant Selection for the Metropolitan Area Housing Needs Analysis

Ms. Gray presented HR&A as the highest-ranked consulting firm for the Metropolitan Area Housing Needs Analysis study. Seven firms proposed on the project, and two firms were interviewed.

Mr. Piepkorn asked who sat on the selection committee, and Ms. Gray said that they had planning staff from the local jurisdictions involved. Mr. Piepkorn asked about the timeline for this study. Ms. Gray said it was a very aggressive timeline, with approximately four to six months for data, and seven to ten months for the full study to wrap up. Mr. Schneider asked how the firms were ranked, and Ms. Gray said it was a qualifications-based ranking.

MOTION: Approve the selection of HR&A as the consultant for the Metropolitan Area Housing Needs Analysis and authorize the Executive Director to work with local partners in negotiating a final scope of work and entering into contract with HR&A.

Mr. Lindaas moved, seconded by Ms. Preston.

MOTION, passed

Motion carried unanimously.

3d. Transportation Management Area (TMA) Transition: Projects and Funding

Ms. Gray presented an update to Metro COG's transition to a Transportation Management Area (TMA) form of Metropolitan Planning Organization (MPO). She described funding information received on March 25, 2022 from NDDOT regarding the approximate amount of STBG, TAP, and Carbon Reduction funds. She also described a proposal put forth by NDDOT with respect to National Highway Performance Program (NHPP) funds, which consists of an annual amount that is approximately 1% of the NHPP funds received by the state of ND.

Over the past few months, Metro COG has asked how the TMA designation would affect NDDOT's use of NHPP funds on the NHS in our urbanized area, Metro COG was told that NDDOT may choose not to use NHPP funds on our non-interstate NHS roadways. This left some ambiguity as far as how reconstruction and rehabilitation of those roadways would be paid for, due to the limitations of the STBG-U sub-allocation. As a result, NDDOT has proposed an approach where approximately 1% of the State's NHPP funding would be designated to the UZA and allowed to be used as if it were STBG-U funds, providing greater flexibility. The 1% is stated to be based on the percentage of the NHS in the UZA. Ms. Gray stated she has concerns about this, because the TIP contains two NDDOT

projects scheduled for 2023 and 2024 that, combined, program over \$12M in NHPP funds. Under this proposal, it appears, these funds would now need to be STBG or local.

The 2026 solicitation and prioritization was conducted in the usual manner (ignoring Metro COG's likely TMA designation) last fall, and the NDDOT is now asking Metro COG to perform its own prioritization with the TMA transition slated for October, 2023.

NDDOT has requested that Metro COG verify that the identified 2022-2025 projects are still the priority of the MPO. The answer to this question involves reviewing the project costs and comparing them to the dollars available, and determining:

- a) the anticipated ability to complete project development and bidding in time to meet the year designated in the TIP, and
- b) the availability of local funding for costs not covered by federal or other funding sources.

It is possible that the authorization amount is somewhat higher or lower than the estimate using 90 percent obligation authority. It is important that we are able to absorb whatever variation results from somewhat different authorization levels.

2022 – Not a TMA; no changes

2023 – Based on estimates, a funding surplus of approximately \$980,000 will be available. The City of Fargo and NDDOT believe that the cost of the Main Avenue project will increase and absorb this amount. The Main Avenue project raises the question about the use of NHPP funds on the project, as programmed, because if it remains as is, our local jurisdictions should be working on another project or two that will use approximately \$8M in the STBG direct sub-allocation.

2024 – Based on project estimates, the amount of funding anticipated would not be sufficient to cover project cost estimates. Higher project costs than estimated could result in one of these projects needing to slide, potentially leaving an opening for a different project. Cost estimates for the Main Avenue Slide Repair and the 32nd Avenue S project are likely to increase, and very little is known about the NDDOT project on Main Avenue at the Sheyenne River, which only recently got underway and is in the process of collecting geotechnical data. Here again, the Main Ave project in West Fargo is programmed to use approximately \$4M in NHPP funds.

2025 –based on current estimates a funding surplus of \$2.6 million, potentially opening up an opportunity for funds to be used on a different project. This could open up opportunities for a 2024 project to use

advanced construction if costs are higher than expected. Projects for 2025 were also selected by NDDOT during last year's solicitation.

2026 – Metro COG will need to initiate the selection process for 2026, based on recent input from NDDOT. We have already prioritized projects, based on a combination of technical review and a comparison of project groupings with the anticipated amount of Federal funding. However, since we are now taking on the selection of projects, we believe we need to revisit this. Metro COG would need to program another \$3.3M.

Mr. Piepkorn and Mr. Schneider raised concerns on the NDDOT not wanting to utilize the NHPP funding. Ms. Scherling asked if the information presented today could be presented to the ND member jurisdiction commissions before it is signed and returned to the NDDOT.

**MOTION: Direct Ms. Gray to work with Chair Piepkorn and the local jurisdiction commissions/councils to draft a letter to work with NDDOT to present an updated MOU that reflects Metro COG's needs to transition to a TMA.
Mr. Schneider moved, seconded by Mr. Gunkelman
MOTION, passed
Motion carried unanimously.**

***Chair Piepkorn left the meeting at 4:58p.m., with Vice Chair Hendrickson taking over the meeting.**

For Transportation Alternatives (TA) funding, the Bicycle and Pedestrian Committee has already discussed the 2023-2024 projects in the TIP as compared to the TMA funding estimates. A competitive selection process for unprogrammed 2023 and 2024 needs to be carried out before the draft TIP is completed to identify additional projects, since our anticipated funding exceeds the anticipated use of Federal funds for TA projects selected through the NDDOT solicitation process. After that, a competitive selection process will need to be carried out for 2025 and 2026.

Chair Gray touched on the Carbon Reduction Program as a source of funding. Projects such as bicycle and pedestrian facilities, public transportation projects, HOV lanes, park and ride, EV charging stations, ITS, alternative fuel vehicles, and projects related to develop carbon-reducing strategies, including planning studies that plan for carbon reduction strategies.

1. Authorize the Executive Director to affirm to NDDOT that the projects identified in the TIP for 2023, 2024, and 2025 will continue to be the priorities of the Cities of Fargo, Horace and West Fargo, but acknowledge that questions remain regarding NHPP and State funding on projects currently in the TIP, as well as ongoing application of NHPP funding within the UZA in the future.

2. Authorize Metro COG to carry out competitive solicitations for additional projects to be implemented using anticipated funding:

- a) 2026 urban roads projects,
- b) unprogrammed TA funds for 2023-2025, and
- c) unprogrammed Carbon Reduction funds for 2023-2026.

3. Solicitation of projects should prioritize regional projects that emphasize the Carbon Reduction program.

Mr. Schneider moved, seconded by Mr. Lindaas
MOTION, passed
Motion carried unanimously.

***Mr. Holper, Ms. Mongeau, and Ms. Preston left the meeting**

3e. Short- and Long-Term Disability Benefit

Ms. Gray presented the addition of Short- and Long-Term Disability to the Metro COG's benefits offering. Based on policy information provided by our insurance representative, Metro COG can switch from our current provider of Life and AD&D Insurance, for a significantly lower monthly premium. The savings from making this switch will more than cover the premiums for Mutual of Omaha Long Term Disability (LTD).

Short term disability (STD) is far more commonly needed by employees than LTD. Since the options above are only for LTD, which would be go into effect either 13 or 26 weeks after the initiation of a disability, two options were provided for STD.

The 13-week plan is more affordable than the 26-week plan. At least two employees would be required to participate in order for the company to provide the insurance. Rates and information have been reviewed with Metro COG staff, and Metro COG also met with a colleague of our insurance representative whose expertise is in STD and LTD insurance.

Ms. Gray stated the member jurisdictions approach to disability insurance is described in the memo, and added that this was discussed with the Executive Committee at length during a few meetings before they felt comfortable moving forward with a recommendation for approval.

MOTION: Approve switching from Unum to Mutual of Omaha for Life and Accidental Death & Dismemberment insurance and adding long-term disability (Option 1) as a Metro COG staff benefit, and initiating short-term disability as an optional benefit for which the premium would be paid by staff who choose to participate.

Mr. Lindaas moved, seconded by Mr. Olson
MOTION, passed (1-0-1) Mr. Gilbertson absent during the vote.
Motion carried unanimously.

3f. 2021 Traffic Count Maps

Mr. Farnsworth presented the 2021 Traffic Count Maps. He did note that the MnDOT counts have not yet been finalized, but should be soon.

3g. Future Planning Study Project List and Priorities

Ms. Gray asked the committee to revisit the project needs list that was discussed at a prior meeting. This discussion was not brought to the Policy Board last month as more discussion within the TTC and with individual jurisdictions was needed. Ms. Gray said that this project list will serve as a reference and resource in the development of the 2023 budget and the draft 2023-2024 UPWP.

The projects not currently programmed, but on the list for future consideration are the 2050 MTP, Electric Readiness Study, 20th Street S/I-94 Moorhead, CSAH 52 Bike/Ped path over I-94, Clay County Heartland Trail Alignment Analysis, Traffic Calming Toolkit and Applicability, 15th Avenue N Corridor Study in Moorhead and Dilworth, Dilworth Comp Plan, Vehicular Bridge Crossing Feasibility Study, Microsimulation or Sub-Area Model of the Fargo/Moorhead downtown areas, Sunday Transit service feasibility and implementation study, 15th street/I-94 Sheyenne Diversion Overpass Study in Cass County, One-Way Pair Alternatives Study in Moorhead, East Dilworth/Moorhead N/S Arterial Corridor Study, TDM Review Study, Moorhead 1st Ave N Corridor Study, and three Placeholder studies for future reference are Regional Pavement Management Study, Access to Downtown from Interstate Highways, and Expanded Study of Diversion Recreation Plan Features.

Ms. Gray asked the board to consider the projects and to reach out with any priorities their jurisdictions might have.

Commissioner Scherling asked about further study of recreational components along the Red River Diversion, and it was discussed that these projects would need some kind of non-federal funding source, due to the requirement that they be reconstructed by the P3 contractor.

4. Additional Business

No additional business.

5. Adjourn

The 600th Meeting of the FM Metro COG Policy Board held Thursday, April 21, 2022 was adjourned at 5:40 pm.

THE NEXT FM METRO COG POLICY BOARD MEETING WILL BE HELD May 19, 2022, 4:00 P.M.

Respectfully Submitted,

Savanna Leach
Executive Assistant