

**611th Policy Board Meeting
Fargo-Moorhead Metropolitan Council of Governments
Thursday, February 16, 2023 – 4:00 pm**

Members Present:

Duane	Breitling	Cass County Commission
Amanda	George	West Fargo City Commission
John	Gunkelman	Fargo Planning Commission
Chuck	Hendrickson	Moorhead City Council
Paul	Krabbenhoff	Clay County Commission (alt for Jenny Mongeau)
Steve	Lindaas	Moorhead City Council
Julie	Nash	Dilworth City Council
Brad	Olson	West Fargo City Commission
Arlette	Preston	Fargo City Commission
John	Strand	Fargo City Commission
Jeff	Trudeau	Horace City Council
Deb	White	Moorhead City Council

Members Absent:

Denise	Kolpack	Fargo City Commission
Jenny	Mongeau	Clay County Commission
Dave	Piepkorn	Fargo City Commission
Rocky	Schneider	Fargo Planning Commission
Maranda	Tasa	Fargo Planning Commission
Shiloh	Wahl	MnDOT – District 4 (ex-officio)
Bob	Walton	NDDOT – Fargo District (ex-officio)

Others Present:

Adam	Altenburg	Metro COG
Paul	Bervik	Metro COG
Tim	Burkhardt	Alliant Inc-
Jaron	Capps	Metro COG
Ari	Del Rosario	Metro COG
Brenda	Derrig	City of Fargo Engineering
Dan	Farnsworth	Metro COG
Cindy	Gray	Metro COG
Savanna	Leach	Metro COG
Michael	Maddox	Metro COG

- 1a. MEETING CALLED TO ORDER, WELCOME, AND INTRODUCTIONS, convened**
The meeting was called to order at 4:00 pm, on February 16, 2023 by Chair Hendrickson, noting a quorum was present. Introductions were made.
- 1b. Approve Order and Contents of Overall Agenda, approved**
Chair Hendrickson asked for approval for the overall agenda.

MOTION: Approve the contents of the Overall Agenda of the February 16, 2023 Policy Board Meeting.

Mr. Lindaas moved, seconded by Ms. Preston

MOTION, passed

Motion carried unanimously.

1c. Past Meeting Minutes, approved

Chair Hendrickson asked for approval of the Minutes of the January 19, 2023 Meeting.

MOTION: Approve the January 19, 2023 Policy Board Meeting Minutes.

Mr. Breittling moved, seconded by Mr. Olson

MOTION, passed

Motion carried unanimously.

1d. Monthly Bills, approved

Chair Hendrickson asked for approval of the February 2023 Bills as listed on Attachment 1d.

MOTION: Approve the February 2023 Bills List.

Mr. Olson moved, seconded by Ms. Preston

MOTION, passed

Motion carried unanimously.

2. CONSENT AGENDA

Chair Hendrickson asked for approval of Items a-c on the Consent Agenda.

- a. January Month End Report
- b. Metro COG Q4 / Annual Report
- c. Approval of Auditor Selection

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

Mr. Breittling moved, seconded by Mr. Lindaas

MOTION, passed

Motion carried unanimously.

3. REGULAR AGENDA

3a. Public Comment Opportunity

No public comments were made or received.

3b. Metropolitan Transportation Plan Amendment #3

Mr. Maddox presented an amendment to the MTP to address the application for STBG funding for three (3) projects. These projects were not anticipated when the MTP was completed in 2019 and are examples of changing conditions that must be addressed throughout the planning, programming, and project development process.

- 17th Avenue South from University Drive to 25th Street (Fargo) – Reconstruction of a one (1) mile segment of urban roadway. The project

will also include construction of a new shared use path. The estimated total project cost is \$17,200,000.

- 9th Street NW from Main Avenue to 8th Avenue NW (West Fargo) – The project will reconstruct the existing rural asphalt section into a commercial/industrial concrete urban section. The estimated total project cost is \$7,600,00.
- Center Street NW from Main Avenue to 12 Avenue NW (West Fargo) – The project will reconstruct the existing rural asphalt section into a commercial/industrial concrete urban section. The estimated total project cost is \$9,500,00.

As preservation projects, they are strongly supported by the goals and objectives of the MTP. Public participation for MTP amendments requires one public input meeting and a 15-day public comment period. The public input meeting is scheduled for this meeting, and no comments have been received, and as far as staff is aware no one is on Zoom or in the room who wishes to speak to the matter. Chair Hendrickson asked if there is anyone who wishes to comment. The public comment period opened Wednesday February 8, 2023 and will end 12:00 noon Friday February 24, 2023. Commissioner Olson asked about comments that might come in between now and the end of the comment period. Mr. Maddox stated that any comments received will be provided to the Policy Board.

MOTION: Pending public comments, approval of the proposed Amendment #3 to the Metropolitan Transportation Plan (MTP). Ms. White moved, seconded by Mr. Gunkelman. MOTION, passed Motion carried unanimously.

3c. 2023-2026 Transportation Improvement Program (TIP) Amendment #4

Mr. Bervik presented Amendment #4 to the 2023-2026 Transportation Improvement Program (TIP). A public notice was published in The Forum of Fargo-Moorhead on Wednesday, February 1, 2023, which advertised the public meeting, detailed how to request more information, and provided information on how to make public comment regarding the proposed amendment. The public notice advertised those public comments will be accepted until 12:00 p.m. (noon) on Thursday, February 16, 2023.

The proposed amendment to the 2023-2026 TIP is as follows:

1. **Modification of Project 9220009:** Mill and overlay of ND 18N from Leonard to Casselton (2023). The project cost decreased by 48.6%. Federal and state funding adjusted accordingly.
2. **Modification of Project 9231006:** Chip seal coat on US-81 (19th Avenue North) from Dakota Drive to I-29 (2023) in Fargo, ND. The project cost decreased by 28.8%. Federal, state, and local funding adjusted accordingly.
3. **Modification of Project 9162668:** Reconstruction of Main Avenue in Fargo, ND from University Drive to 25th Street (2026) by NDDOT. The project year shifted from 2024.

Chair Hendrickson asked if anyone was present who wished to comment on the proposed amendment. Mr. Bervik stated that no public comments were received.

Mr. Bervik stated that recently Metro COG also made several administrative adjustments.

Mr. Bervik stated the Administrative Adjustments pertain to the projects in the 2023-2026 Transportation Improvement Program (TIP) as listed below. Based on the policies pertaining to amendment and administrative adjustments in Section 10 of the Metro COG 2023-2026 TIP, no formal MPO action is required for Administrative Adjustments.

1. **Modification of Project 8233026:** Improving interchange lighting on I-94 at exits 22, 24, 32, 38, 55, 67, 77(2024) by MNDOT. Change in project description.
2. **Modification of Project 5233024:** Purchase of an Advanced Traffic Management Software (ATMS) and a computer and screens to monitor the system for Moorhead, MN (2023) by City of Moorhead. Change in project description.
3. **Modification of Project 9233027:** Rehabilitating the bridge deck of the Cass County Legal Drain 14 crossing on 37th Street NE (2023) by NDDOT. Updating the Funding Source.
4. **Modification of Project 8210019:** Construction of 11th Street Grade Separation in Moorhead, MN (2023) by MNDOT. Updating State Funding Source.
5. **Modification of Project 8230004:** Preliminary Engineer for 11th Street Grade Separation in Moorhead, MN (2023) by MNDOT. Updating State Funding Source.
6. **Modification of Project 5200003:** Operating Assistance for Moorhead Transit (2023) by MNDOT. Updating State Funding Source.
7. **Modification of Project 5220032:** Paratransit Operating Assistance for Moorhead Transit (2023) by MNDOT. Updating State Funding Source.
8. **Modification of Project 8200011:** Mill and overlay of MN 9 from Barnesville to I-94 (2023) by MNDOT. Updating State Funding Source.
9. **Modification of Project 8230002:** Preliminary Engineer for 11th Street Grade Separation in Moorhead, MN (2023) by MNDOT. Updating State Funding Source.

MOTION: Approve Amendment 4 of the Metro COG 2023-2026 Transportation Improvement Program (TIP).

Mr. Lindaas moved, seconded by Mr. Breitling.

MOTION, passed

Motion carried unanimously.

3d. STBG Project Prioritization

Mr. Maddox presented the Surface Transportation Block Grant (STBG) Solicitation and Prioritization. He explained that in November, 2022, Metro COG began a solicitation for future projects to be funded with STBG funding in fiscal year (FY) 2026 and 2027. The application form was presented at the November TTC meeting and distributed to local jurisdictions following that meeting. Metro COG staff followed up by requesting meetings with each jurisdiction to discuss the application form and the process of project solicitation.

Metro COG followed up with all local jurisdictions after the initial distribution of the solicitation materials to allow for an extension of the deadline. This was done at the request of the City of Fargo due to the desire to solidify cost estimates and bring the project proposals and applications to various committees, commissions, and the City Commission for review, recommendations, and approval. The deadline was changed from January 12, 2023 to January 24, 2023 to allow for the additional local review, and this was communicated to all jurisdictions via email on December 16, 2022.

The Transportation Technical Committee (TTC) considered all of the applications received:

North Dakota STBG Projects 2026 (\$4,318,064): – Metro COG received four (4) project applications for Surface Transportation Block Grant Program (STBG) funding in FY 2026 following Metro COG's solicitation of projects released in November 2022. Three (3) of the project applications are asking for additional funding for projects that are currently programmed in the TIP.

- **Currently Programmed with FY 2026 STBG: North Broadway Bridge Reconstruction (Fargo)**
- **9th Street NW from Main Avenue to 8th Avenue NW (West Fargo)**
- **Currently Programmed with FY 2024 STBG: 32nd Avenue South from University Drive to 22nd Street (Fargo – 2024 Advanced Construction Project (AC))**
- **Currently Programmed with FY 2026 STBG: Bicycle and Pedestrian bridge over the Red River at 40th Avenue S River (Fargo)**

North Dakota STBG Projects 2027 (\$10,484,210): – Metro COG received five (5) project applications for STBG funding for FY 2027 following Metro COG's solicitation of projects released in November 2022.

- **17th Avenue South from University Drive to 25th Street (Fargo)**
- **Currently Programmed with FY 2026 STBG: Bicycle and Pedestrian bridge over the Red River at 40th Avenue S River (Fargo)**
- **Center Street NW from Main Avenue to 12 Avenue NW (West Fargo)**
- **Sheyenne Street from 40th Avenue S to 52nd Avenue S (West Fargo)**
- **52nd Avenue S from Sheyenne Street to western city limits (West Fargo)**

Minnesota STBG Projects 2027 (\$1,071,608): – Metro COG received one (1) project for FY 2027 solicitation.

- **Currently Programmed with FY 2024 STBG: 11th Street Grade Separation (Moorhead – 2024 Advanced Construction Project (AC))**

Mr. Maddox explained that the TTC was asked to prioritize the projects that were submitted and to assign STBG funding to each of the projects within the limits of the funding that is projected to be available in each federal fiscal year. After much discussion, the TTC voted to recommend the specified funding amounts to each of the following projects as indicated in **Tables 4, 5, and 6** below:

Table 1: ND FY 2026 Funding Recommendations

	Jurisdiction	Project Name	Project Limits	STBG Funding
ND 2026	Fargo	32 nd Avenue	University Drive 22 nd Street	\$4,878,064
	Fargo	Broadway Bridge		\$5,400,000
	Fargo (Pending 2026)	17 th Avenue South	University Drive 25 th Street	\$6,324,210

Table 2: ND FY 2027 Funding Recommendations

	Jurisdiction	Project Name	Project Limits	STBG Funding
ND 2027	Fargo	40 th Avenue Ped Bridge		\$4,160,000
	West Fargo (Pending 2027)	9 th Street North West	Main Avenue 8 th Avenue North	\$6,100,000

Table 3: MN FY 2027 Funding Recommendations

	Jurisdiction	Project Name	Project Limits	STBG Funding
MN 2027	Moorhead	11 th Street Grade Separation		\$1,071,608

Mr. Maddox stated that those projects identified as “Pending” would be available for federal funding if other projects in the fiscal year were to drop off or be delayed. If no projects drop off or are delayed, the “Pending” projects would then be funded in the next fiscal year. This is done so that Metro COG can ensure that it expends its STBG suballocation within the specified time constraints in order to not lose that federal funding. Projects receiving federal funding go through a lengthy multi-year development process. If either that process or inaccurate cost estimates delay the construction of the project, alternative projects must be developed and ready to receive that federal funding.

Mr. Olson asked why the West Fargo 9th St NW was pushed back to FY2027, when it was applied for 2026, and the Fargo 17th Ave S was originally applied for FY2027. Ms. Gray said that this is how the TTC recommended the projects. Ultimately, the decision is up to the Policy Board.

Ms. Preston and Mr. Olson both voiced concerns over the Broadway Bridge ranking highest priority. Mr. Olson also suggested that the TTC provide scoring instead of a final-ranked list, as the Policy Board should be the final decision-maker.

Ms. White asked if there should be consideration for other projects that may not have funds ready, but could use the prioritization as a means to leverage funding, should a prioritized project fall through. Ms. Gray said that as long as there are other projects ready and submitted, the funding can always be reallocated. She stated that it will be very important for local jurisdictions to ensure their engineering departments have the resources they need to undergo project development in a timely manner in order to have projects ready and on

the shelf in the event that programmed projects fall behind or become infeasible.

Mr. Breitling asked if these priorities can be changed in the future. Ms. Gray said that these can be re-prioritized.

**MOTION: Approval of the 2026 and 2027 STBG funding priorities as recommended by the Transportation Technical Committee.
Mr. Gunkelman moved, seconded by Ms. White**

Ms. Preston made an amended motion, for FY2026 to prioritize 32nd Avenue and 17th Street projects, and listing the Broadway Bridge as the pending project.

**Amended MOTION: Approve Prioritization of FY2026 32nd Ave and 17th Ave S, with Broadway Bridge as pending, and approve FY2027 as recommended by the Transportation Technical Committee.
Ms. Preston moved, seconded by Ms. White**

Mr. Olson and Mr. Gunkelman asked if the board should be following the recommendation of the TTC, as that is their purpose. Discussion included technical policy versus political policy.

**Mr. Gunkelman moved to call the question, the board voting aye.
MOTION, failed. (4 – 8) (Hendrickson, Lindaas, Preston, and White voting aye, and the majority voting nay)**

**MOTION: Approval of the 2026 and 2027 STBG funding priorities as recommended by the Transportation Technical Committee.
Mr. Gunkelman moved, seconded by Ms. White
MOTION, passed (11-1) (the majority voting aye, and Preston voting nay)**

3e. EV Readiness Study RFP

Mr. Altenburg presented the Electric Vehicle Readiness Study Request for Proposals.

This study will provide local jurisdictions with a public understanding of EV feasibility and benefits, assist in identifying current and potential barriers to EV adoption, and inform cities, counties, and other planning partners on infrastructure-related best practices to meet the current and future EV needs of the metropolitan area.

This study will also tie into recent National Electric Vehicle Infrastructure (NEVI) plans developed and completed by NDDOT and MnDOT, including goals, strategies, and key takeaways identified in each plan.

This consultant planning project was included in Metro COG's approved Unified Planning Work Program (UPWP) for 2023 with a budget of \$150,000. Eighty percent of funding for this study is expected to come from the Carbon Reduction Program

(CRP), a federal formula program under the Bipartisan Infrastructure Law (BIL) and administered by the Federal Highway Administration (FHWA). The remaining \$30,000 would be a 20 percent local match. If necessary, Metro COG will add the project to the Transportation Improvement Program (TIP) once the RFP has been approved and before entering into a contract with a consultant.

Mr. Lindaas asked if the scoring criteria includes that of Disadvantaged Business Enterprises. Ms. Gray said that it has not been practiced recently, based on guidance provided by NDDOT, but if it is the will of the board, it can be implemented, and suggested that it be implemented for all RFPs going forward. Mr. Lindaas stated he would like to suggest a change to shift some of the percentage of project selection criteria shifted to inclusion of a DBE/MBE.

MOTION: Approve the Electric Vehicle Readiness Study RFP, amended as discussed.

Mr. Lindaas moved, seconded by Ms. White

MOTION, passed

Motion carried unanimously.

3f. Moorhead 20th Street & I-94 Interchange Analysis RFP

Mr. Farnsworth presented the Moorhead 20th Street & I-94 Interchange Analysis Request for Proposals. With the interchange of I-94 and 20th Street in Moorhead only being a partial interchange (ramps to and from the west only), further analysis of the feasibility of a full interchange and other improvements at this location has been a priority for the City of Moorhead for years.

The Moorhead I-94 & 20th Street Interchange Analysis will be a consultant led study and is in Metro COG's Unified Planning Work Program (UPWP) for the year 2023. The budget for this study is \$150,000 with 80% (\$120,000) coming from Metro COG's CPG funds, 10% (\$15,000) from the City of Moorhead, and 10% (\$15,000) from MnDOT.

Mr. Lindaas noted that Moorhead's engineering staff has recommended the approval of this study.

MOTION: Approve the Moorhead 20th Street & I-94 Interchange Analysis RFP

Mr. Lindaas moved, seconded by Mr. Olson

MOTION, passed

Motion carried unanimously.

***Mr. Strand left the meeting at 5:41pm**

3g. Performance Measures 2023

Mr. Del Rosario presented the 2023 Performance Measures (PM 1, 2, & 3) pertaining to Safety, Bridge & Pavement Conditions, and Interstate Freight Movement Targets.

PM1

As a part of the Fixing America's Surface Transportation (FAST) Act, which was signed into law on December 4, 2015, State DOTs and MPOs are required to establish quantifiable targets for performance measures. There are three performance measures.

Performance Measure 1 (PM1) is meant to establish performance targets related to safety. This falls under §490 Subpart B. As such, each state must annually establish and report performance targets for the Highway Safety Improvement Program (HISP) for the following five (5) safety performance measures:

1. Number of Fatalities
2. Rate of Fatalities
3. Number of Serious Injuries
4. Rate of Serious Injuries
5. Number of Non-motorized Fatalities and Non-motorized Serious Injuries

As an MPO, Metro COG is required by FHWA to either

1. Agree to program projects in each state's portion of the Metropolitan Planning Area (MPA) to support the performance targets established by the respective state and/or
2. Establish MPO specific safety performance targets for all or some of the above five measures.

These are reviewed and revised annually. 2023 is the fifth year we are reviewing and adopting PM1 targets for the MPA.

PM2

This law continues the performance measure methodology established in MAP-21 with further clarification and the establishment of performance measure targets. These revisions include the establishment of quantifiable targets for each performance measure identified in §490 Subpart C to assess NHS pavement condition and §490 Subpart C to assess NHS bridge condition.

As part of the target establishment, Metro COG must (1) report their established targets to the respective State DOTs (i.e., resolutions) and (2) report the baseline condition/performance and progress toward the achievement of the targets in the system performance report in the LRTP.

PM3

This law continues the performance measure methodology established in MAP-21 with further clarification and the establishment of performance measure targets. These revisions include the establishment of quantifiable targets for each performance measure identified in §490 Subpart E to assess performance on the NHS and §490 Subpart F to assess freight movement on the Interstate.

As part of the target establishment, Metro COG must (1) report their established targets to the respective State DOTs (i.e., resolutions) and (2) report the baseline condition / performance and progress toward the achievement of the targets in the system performance report in the LRTP.

MOTION: Adopt the NDDOT and MnDOT Targets Performance Measures 1, 2, and 3.

Mr. Olson moved, seconded by Mr. Krabbenhoff

MOTION, passed

Motion carried unanimously.

3h. Safe Streets and Roads for All (SS4A) Action Plan Grant Update

Mr. Altenburg presented an update to the Safe Streets and Roads for All (SS4A) Action Plan Grant. On January 31, Metro COG was notified that it had been selected to receive a Safe Streets and Roads for All (SS4A) grant award to develop a regional comprehensive safety action plan. This grant application was submitted in September 2022 as a joint application between Metro COG and each of the seven major jurisdictions (Fargo, Moorhead, West Fargo, Dilworth, Horace, Cass County, and Clay County). The selection award is for \$200,000 in federal funding, which requires a 20 percent (\$50,000) local match for a total project budget of \$250,000.

In the next few weeks, the Federal Highway Administration (FHWA) will establish and execute an SS4A grant agreement with Metro COG. This agreement is required prior to the disbursement of award funds. Metro COG will also receive additional information about next steps, including an invitation to an upcoming FHWA-sponsored webinar for grant recipients regarding the process leading to an executed grant agreement.

At the same time, Metro COG will work to refine an RFP and scope of work for the comprehensive safety action plan that will expand upon the project narrative tasks submitted with the grant application. Metro COG will also work to develop a UPWP amendment to add the comprehensive safety action plan to its 2023-2024 UPWP.

4. Additional Business

No additional business.

5. Adjourn

The 611th Meeting of the FM Metro COG Policy Board held Thursday, February 16, 2023 was adjourned at 5:54 pm.

THE NEXT FM METRO COG POLICY BOARD MEETING WILL BE HELD March 16, 2023, 4:00 P.M.

Respectfully Submitted,
Savanna Leach
Executive Assistant