

Agenda Item A3, Attachment 1

**538 Policy Board Meeting
 Fargo-Moorhead Metropolitan Council of Governments
 Thursday, February 16th, 2017 – 4:00 pm
 Metro COG Conference Room**

Members Present:

Chris	Brungardt	West Fargo Planning (Alternate for Mark Wentz)
Brenda	Elmer	Moorhead City Council
Steve	Gehrtz	Moorhead City Council
Frank	Gross	Clay County Commission (Alternate for Jenny Mongeau)
John	Gunkelman	Fargo Planning Commission (Alternate for Rocky Schneider)
Arland	Rasmussen	Cass County Commission
Kevin	Spaulding	Dilworth City Council
Jan	Ulferts Stewart	Fargo Planning Commission

Members Absent:

Roger	Buscher	Moorhead Planning Commission
Tony	Gehrig	Fargo City Commission
Tony	Grindberg	Fargo City Commission
John Q.	Paulsen	Fargo Citizen Appointee
Dave	Piepkorn	Fargo City Commission
Mark	Simmons	West Fargo City Commission
John	Strand	Fargo City Commission

Others Present:

Adam	Altenburg	Metro COG
Dave	Burns	Metro COG
William	Christian	Metro COG
Dan	Farnsworth	Metro COG
Jeremy	Gorden	Fargo Planning Commission
Savanna	Leach	Metro COG
Michael	Maddox	Metro COG
Sharon	May	City of Horace
Russ	Sahr	Horace Planning Commission

A1. MEETING CALLED TO ORDER, WELCOME, AND INTRODUCTIONS, convened

The meeting was called to order at 4:00 pm, on February 16th, 2017 by Chair Elmer, noting a quorum was present. Introductions were made.

A2. Approve Order and Contents of Overall Agenda, approved

Chair Elmer asked for approval for the overall agenda.

***MOTION:* Approve the contents of the Overall Agenda of the 538th Policy Board Meeting.**

Ms. Ulferts Stewart moved, seconded by Mr. Gehrtz.

***MOTION*, passed. 8-0.**

Motion carried unanimously.

- A3. Approve Minutes of the January 19th, 2017 Policy Board Meeting, approved**
Chair Elmer asked for approval of the Minutes of the January 16th, 2017 Meeting.

MOTION: Approve the January 16th, 2017 Policy Board Meeting Minutes.
Mr. Rasmussen moved, seconded by Mr. Spaulding.
MOTION, passed. 8-0.
Motion carried unanimously.

- A3. Amend Agenda, approved**
Mr. Christian asked if Agenda Item C8 could be moved to the top of the Regular Agenda, as Jeremy Gorden from the City of Fargo is in attendance to present.

MOTION: Amend Agenda to move Item C8 to the top of the Regular Agenda.
Mr. Rasmussen moved, seconded by Mr. Spaulding.
MOTION, passed. 8-0.
Motion carried unanimously.

- A4. Approve February 2017 Bills, approved.**
Chair Elmer asked for approval of the February 2017 Bills as listed. Mr. Christian highlighted the ESRI annual subscription- the ARC GIS software, a larger invoice on the list. Vice Chair Rasmussen asked what the contingency is, should ESRI discontinue to offer this service. Mr. Christian stated that the company is the industry leader, used by Federal, State, and Local jurisdictions alike. If they go out of business, Metro COG along with a lot of government agencies will need to find another mapping software. Mr. Christian continued on to say that this payment is for the annual maintenance fee, not the purchase of new software. Mr. Burns explained that the annual maintenance fee covers updates and any software upgrades released by the company.

MOTION: Approve the February 2017 Bills List.
Ms. Ulferts Stewart moved, seconded by Mr. Gehrtz.
MOTION, passed. 8-0.
Motion carried unanimously.

B. CONSENT AGENDA

- B1. Chair Elmer asked for approval of Items 1-4 on the Consent Agenda.**

1. January 2017 Month End Report

MOTION: Approve as presented the January 2017 Month End Report.

2. 2016 4th Quarter Report

MOTION: Approve as presented the 2016 4th Quarter Report

3. 2016 Metro COG Annual Report

MOTION: Approve as presented the 2016 Metro COG Annual Report

4. Executive Director Annual Performance Evaluation

MOTION: Approve as presented the Executive Director's Annual Performance Evaluation

MOTION: Approve Items 1-4 on the Consent Agenda.

**Mr. Gehrtz moved, seconded by Mr. Spaulding.
MOTION, passed. 8-0.
Motion carried unanimously.**

C. REGULAR AGENDA

C1. Update/Action on 2017 Aerial Photography/LiDAR Acquisition Project

Mr. Burns presented an update on the 2017 Aerial Photography/LiDAR Acquisition Project. The Diversion Authority (DA) requested an agreement to be signed before paying their portion of the project balance. This agreement is required by the DA before payment can be authorized. The agreement laid out is a very rough draft at this point. Jeremy Gorden from the City of Fargo Engineering Department explained that since the DA is large entity, any payments made must have an agreement in place, making this more of a formality. While this is still in draft form, time is of essence, and suggested that the board approve the concept of the agreement, while the Metro COG and other entities involved can work on the final product; without having to wait until March to seek approval. The DA and the Aerial Photography are both time sensitive, making this an issue to remedy immediately. Mr. Christian added that staff is requesting approval of the concept and to authorize the Chair to sign the agreement once Metro COG is satisfied with the language stated in the agreement. Mr. Christian stated that he would not normally bring items such as this to the Policy Board without it being fully vetted and reviewed by legal counsel. Metro COG has to protect itself in any agreement. The agreement was provided to staff late yesterday with urgency to get it signed. That is why we are asking to approve as a concept and permission to have the Chair sign when our concerns have been addressed. He would not recommend approval until Metro COG is totally satisfied with the final draft.

Chair Elmer asked if the comments noted on the draft were at all questionable, or should be discussed before moving for approval. Mr. Burns pointed out that there was a questionable clause the DA included that stated the DA could back out of the monetary agreement, after the contract has been executed, making Metro COG liable for any unpaid DA balances.

Mr. Gehrtz questioned why the board is expected to approve an important agreement when they have only had a few minutes to review it in draft form. Mr. Burns reiterated that the Metro COG is seeking approval on the concept of a finalized draft be approved and signed. Mr. Gehrtz asked who would be reviewing the drafts, represented by the COG. While the Metro COG does not have an attorney on retainer, Mr. Gorden asked Nancy Morris, the City of Fargo's assistant attorney, to review the draft. She did not find anything questionable or objectionable.

Vice Chair Rasmussen asked how the final billing would be paid, through Metro COG, or as separate entities. Mr. Burns explained that the original agreement was for the City of Fargo to collect all payments from the DA and jurisdictions, and pass it along to Metro COG. However, this idea was changed so that Metro COG is the project manager, and managing all payments. The City of Fargo and the DA had the agreement in place, but since this has changed, Metro COG and the DA will need a new agreement in place with revised project manager named.

Vice Chair Rasmussen was just questioning if the jurisdictions knew that these balances would be expected of them. Mr. Burns assured that all jurisdictions have been strongly involved in this project process, and budgets all approved before signing into contract with Merrick. Ms. Stewart asked who all has reviewed this draft agreement so far. Mr. Burns said that Nathan Boerboom

from the City of Fargo Engineering, Mr. Burns himself, Bill Christian from the Metro COG, and City of Fargo attorney, Nancy Morris. Ms. Ulferts Stewart questioned if the Metro COG had a policy in place for legal review. Mr. Christian answered that Metro COG does not have an attorney on retainer. Metro COG has in the past relied on legal support from member jurisdictions. Mr. Gorden assured that this agreement is commonplace, but that again, time is of essence.

Chair Elmer asked that perhaps the final draft of the agreement can be emailed out to board members for a final look before signing and entering into agreement. Mr. Burns stated that once all concerns are met, he will forward to the Policy Board the final document for a 5-day review period.

MOTION: Approve the concept of Agreement with Diversion Authority, pending board review of final draft, and Chair Elmer's signature on final agreement.

Ms. Ulferts Stewart moved, seconded by Vice Chair Rasmussen.

MOTION, passed

Motion carried unanimously.

C2. Public Comment Opportunity

Chair Elmer opened the Public Comment Opportunity. No Public Comments were made or received.

No MOTION

C3. Request for Proposals for Moorhead ADA Transition Plan

Mr. Christian presented on the Moorhead Americans with Disabilities Act (ADA) Transition Plan. The City of Moorhead is in need of updating their ADA Plan. This would include updates such as curb cuts, signals, transit stops, ROW hazard eliminations, etc. This is still in draft form, as the UPWP amendment 1 has not been approved yet. No dates have been identified in the RFP to reflect that. Federal Highway has reviewed the scope of the RFP, and are satisfied of the connection with the Metro COG planning efforts. The project budget is \$150,000, with \$100,000 CPG, and \$50,000 from the City of Moorhead.

Chair Elmer presented the history of this plan development, and the city council questioned that if this is a Federal requirement, are other jurisdictions following suit? Mr. Christian explained that since the late 1990s, each government entity would need to make a list of improvements to be done over a period of time. Minnesota seems to be the driving force behind the push for Moorhead's updated improvements. Ms. Ulferts Stewart recalled that the City of Fargo has already made and completed these improvements.

Mr. Gehrtz asked about requirements for residential areas, how some cul-de-sacs have sidewalks, where others do not. Mr. Christian responded that these requirements are only for those areas that are directly involved with public ROW areas, such as curb cuts into streets, walkways, etc. to be more transportation accessible.

Chair Elmer also stated that the Moorhead City Council has not yet seen, nor discussed this RFP. After discussion amongst the board, it was decided to table this RFP until March to allow the Moorhead City Council to review and discussed it.

MOTION: Table until the Moorhead City Council approves.

Ms. Ulferts Stewart moved, seconded by Mr. Gehrtz.

MOTION, passed. 8-0.

Motion carried unanimously.

C4. Request for Proposals for Metro Area Transit Relocation Plan

Mr. Maddox presented the MAT Relocation Plan RFP. During the update of the TDP, West Acres approached MATBUS and asked them to consider the idea of moving the West Acres Transit Hub away from the mall. This brought up other issues and discussions, and a need for a wider analysis of the transit system as a whole. One complication is that there was Federal investment into the West Acres Transit Hub update. The RFP does include analysis of updating future hubs and transit routes; such as West Fargo.

During the TTC Meeting, Julie Bommelman and Lori Van Beek requested that the RFP be discussed during the next MAT Coordinating Board meeting. The meeting was pushed back, and a meeting did not happen. Ms. Van Beek's concerns were that Moorhead Transit did not budget for this study. Mr. Maddox has written the RFP as a "kitchen sink" that would be an all-encompassing study that ties various parts of transit needs- Moorhead Marriott being a current hub, M-State becoming a hub, etc. Should the study carryover into 2018, Moorhead may be able to participate, as they can include it into the budget.

The RFP will be discussed at the next MAT Coordinating Board meeting on March 1st, after which, will be presented to Moorhead's planning and city councils.

Ms. Ulferts Stewart voiced concerns about this being the third agenda item that is not yet finished, seeking blind approval from the committee. Mr. Maddox explained that he worked closely with the Transit groups while formulating this RFP, he did add the further scope of extended study for future hubs as an afterthought, which is where the concern from Ms. Van Beek stems. The RFP does have their support, but does need some tweaking. Ms. Ulferts Stewart asked how a commercial entity (West Acres) coerced this, where Mr. Maddox explained that the MAT Hub at West Acres is under lease agreement with the mall management, and they have expressed interest in not renewing with the MAT, or at the least, moving the hub from the mall itself, but still on West Acres property.

MOTION: Approve the proposed MATBUS Transit Hub Analysis and Development Strategy RFP, pending concurrence by NDDOT and FHWA.

Ms. Ulferts Stewart moved, seconded by Mr. Spaulding.

MOTION, passed. 8-0.

Motion carried unanimously.

C5. Request for Proposals for Fargo/West Fargo Parking Requirements Study

Mr. Maddox presented the Fargo/West Fargo Parking Requirements Study RFP. Included will be areas of redevelopment, commercial and retail developments. Clarification is necessary that this will not be a parking code development. The study will be focusing on parking needs, options, minimums and maximums, or a null option of the city leaving it up to free market development. The study will be focusing on parking needs, options, minimums and maximums, or a null option of the city leaving it up to free market development. This can be used for future developing, but not coding. There was discussion at the TTC that the parking study may be over-budgeted, but

since the City of Fargo is involved with this study, administrative management can be utilized to move funds from another City of Fargo project (17th Ave South Corridor Study) to compensate.

Discussion included the importance of a walkability study, and off-street parking factoring. Mr. Maddox addressed these, while reminding that funding would be difficult for the off-street parking segment.

MOTION: Approve the Fargo/West Fargo Parking Requirements Study RFP, pending concurrence by NDDOT and FHWA.

Mr. Brungardt moved, seconded by Mr. Gunkelman.

MOTION, passed. 8-0.

Motion carried unanimously.

C6. Request for Proposals for 17th Avenue South Corridor Study

Mr. Farnsworth presented a revised draft of the 17th Avenue South Corridor Study Request for Proposals. Mr. Farnsworth worked with the City of Fargo to improve the RFP per request of last month's meeting.

MOTION: Approve the 17th Avenue South Corridor Study RFP

Ms. Ulferts Stewart moved, seconded by Mr. Spaulding.

MOTION, passed. 8-0.

Motion carried unanimously.

C7. 2016 F-M Metropolitan Bicycle and Pedestrian Plan

Mr. Farnsworth presented the final draft of the 2016 Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan. The plan has been finalized, and is now going through the approval process. The Plan has been or will be submitted to all of the jurisdictions for approval and resolutions. The City of Moorhead is the last jurisdiction to approve the final draft, as the plan was pushed from the last council meeting. Mr. Farnsworth briefly touched on the appendixes and public comments.

Chair Elmer asked how the jurisdictions move forward with the final resolution in place? Mr. Farnsworth answered that it is up to the jurisdictions to take the plan into action, and encourages the city councils, commissions, planning, etc. to follow through.

Mr. Brungardt asked about the NDDOT's funding for Alternative Transportation Grants. He asked how we can make a shift from a competitive process to a more grant-friendly process. Mr. Farnsworth said he has not heard any updates or discussion on this, and as it stands, we go through a prioritization process with the TTC and Policy Board to send to NDDOT. Mr. Brungardt expressed disinterest in this process, and would like a process similar to urban funding, as a set amount determined by size or need of the areas.

MOTION: Approve the 2016 Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan and associated resolution of support.

Mr. Spaulding moved, seconded by Mr. Gehrtz.

MOTION, passed. 8-0.

Motion carried unanimously.

C8. Plotter Purchase/Maintenance Agreement

Ms. Leach presented the final plotter to be purchased. Ms. Leach researched and received quotes from five different local companies. The final model chosen is the HP DesignJet T830 Multifunction Printer, which scans, copies, and prints, from Mathison's in Fargo. Staff would like to enter into a maintenance agreement with Mathison's, which would be similar to the agreement on the office printer. The Maintenance Agreement is a monthly fee based on what we print, this covers regular maintenance and repairs, and includes parts, supplies, labor, etc.

MOTION: Approve the purchase of the HP Designjet T830 Plotter and Authorize staff to enter into the Maintenance Agreement with Mathison's.

Mr. Rasmussen moved, seconded by Mr. Gunkelman.

MOTION, passed. 8-0.

Motion carried unanimously.

A. Additional Business

Mr. Christian explained the laydown sheets for Title VI reporting requirements. This is an anonymous survey of board members, required by the Title VI. Voting board members can leave the sheets in the provided manila envelope to maintain anonymity.

There was also a reminder about Staff Sensitivity training on Friday, February 24th. Policy board members may attend if interested.

The Clay County Solid Waste Committee reached out to the Metro COG, asking for a representative be a part of the discussion about the use and possible discontinuance of plastic bags. Per Metro COG bylaws, such a member would have to be approved by the Policy Board to participate. Mr. Christian explained that this is very preliminary, and was just reaching out for interest. Chair Elmer asked that we get more information before coming to a decision on this. Mr. Christian stated he would update the committee again on this issue in March.

B. Adjourn

The 538th Meeting of the FM Metro COG Policy Board held Thursday, February 16th, 2017 was adjourned at 5:20 pm.

C. THE NEXT FM METRO COG POLICY BOARD MEETING WILL BE HELD THURSDAY, MARCH 16th, 2017, 4:00 P.M. AT THE FM METRO COG CONFERENCE ROOM, ONE NORTH 2ND STREET, CASE PLAZA SUITE 232, FARGO, ND.

Respectfully Submitted,

Savanna Leach
Executive Secretary