

**624th Policy Board Meeting
Fargo-Moorhead Metropolitan Council of Governments
Thursday, February 15, 2024 – 4:00 pm**

Members Present:

Duane	Breitling	Cass County Commission
John	Gunkelman	Fargo Planning Commission
Chuck	Hendrickson	Moorhead City Council
Jenny	Mongeau	Clay County Commission
Julie	Nash	Dilworth City Council
Ryan	Nelson	Moorhead City Council
Brad	Olson	West Fargo City Commission
Dave	Piepkorn	Fargo City Commission
Arlette	Preston	Fargo City Commission
Rocky	Schneider	Fargo Planning Commission
John	Strand	Fargo City Commission
Jeff	Trudeau	Horace City Council
Deb	White	Moorhead City Council

Members Absent:

Amanda	George	West Fargo City Commission
Denise	Kolpack	Fargo City Commission
Thomas	Schmidt	Fargo Planning Commission
Aaron	Murra	NDDOT – Fargo District (ex-officio)
Shiloh	Wahl	MnDOT – District 4 (ex-officio)

Others Present:

Adam	Altenburg	Metro COG
Paul	Bervik	Metro COG
Jaron	Capps	Metro COG
Dan	Farnsworth	Metro COG
Ben	Griffith	Metro COG
Savanna	Leach	Metro COG
Chelsea	Levorsen	Metro COG
Michael	Maddox	Metro COG
Sebastian	McDougall	Moorhead City Council
Ayden	Schaffler	Metro COG
Kristen	Sperry	FHWA - ND

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

The meeting was called to order at 4:00 pm, on February 15, 2024 by Chair Breitling, noting a quorum was present. Introductions were made.

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

Chair Breitling asked for approval for the overall agenda.

MOTION: Approve the contents of the Overall Agenda of the February 15, 2024 Policy Board Meeting.

Ms. White moved, seconded by Ms. Nash

MOTION, passed

Motion carried unanimously.

1c. Past Meeting Minutes, approved

Chair Breitling asked for approval of the Minutes of the January 18, 2024 Meeting.

MOTION: Approve the January 18, 2024 Policy Board Meeting Minutes.

Mr. Olson moved, seconded by Mr. Piepkorn

MOTION, passed

Motion carried unanimously.

1d. Monthly Bills, approved

Chair Breitling asked for approval of the February 2024 Bills as listed on Attachment 1d.

MOTION: Approve the February 2024 Bills List.

Ms. Nash moved, seconded by Ms. White

MOTION, passed

Motion carried unanimously.

2. CONSENT AGENDA

Chair Breitling asked for approval of Items a-b on the Consent Agenda.

- a. January Month End Report
- b. Cass-Clay Food Commission Contract 2024

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

Mr. Strand moved, seconded by Mr. Gunkelman

MOTION, passed

Motion carried unanimously.

3. REGULAR AGENDA

3a. Public Comment Opportunity

No public comments were made or received.

3b. 2024-2027 Transportation Improvement Program (TIP) Amendment 4

Mr. Bervik presented amendment 4 to the 2024-2027 Transportation Improvement Program (TIP). A public notice was published in the Forum of Fargo-Moorhead on Wednesday, January 24, 2024. Public comments were accepted until 12:00 noon on Thursday; no written or verbal comments were received.

The proposed amendment to the 2024-2027 TIP is as follows:

1. **Modification of Project 4232020:** Fargo construction of a new shared use path along the Red River between 35th Avenue South and 40th Ave South (2024). Updating funding breakdown to match apportionment limits.
2. **Modification of Project 7232023:** Horace construction of a new shared use path along County Road 17 from 3rd Avenue North to 81st Avenue South (2024). Updating funding breakdown to match apportionment limits.

3. **Modification of Project 1240005:** Casselton construction of a new shared use path along Governor's Drive from 8th Street South to 37th Street Southeast (2024). Updating funding breakdown and total project cost to match apportionment limits.
4. **Modification of Project 3240003:** West Fargo replacing lighting heads with LED lighting heads (2024). Updating funding breakdown and total project costs to match apportionment limits.
5. **Modification of Project 4210002:** Fargo reconstruction of 32nd Avenue from 22nd Street South to 15th Street South (2024). Updating funding breakdown to match apportionment limits.
6. **Modification of Project 2240048:** Clay County reconstruction of County Road 51 bridge (2026). Total project cost increase and update of local funding.
7. **Modification of Project 3220021:** West Fargo urbanization of 9th Street Northeast (2025). Updating project description, total project cost, and local revenue.
8. **Modification of Project 9162668:** NDDOT reconstruction of Main Avenue in Fargo from University Drive to 25th Street (2026). Updating total project cost and funding breakdown.
9. **Modification of Project 4232021:** Fargo construction of a shared use path along Red River Phase 2 (2025). Updating project description.
10. **New Project 5244063:** Moorhead construction of a resilience mitigation project (2024).
11. **New Project 2244064:** Clay County rehabilitation of CSAH 11 from CSAH 18 to CSAH 26 (2025).
12. **New Project 9244065:** NDDOT rehabilitation of I-29 Northbound from Christine to Wild Rice River (2027).
13. **New Project 9244066:** NDDOT rehabilitation of I-29 Southbound from Christine to Wild Rice River (2027).

MOTION: Approve 2024-2027 Transportation Improvement Program (TIP) Amendment 4

Mr. Olson moved, seconded by Ms. White.

MOTION, passed

Motion carried unanimously.

3c. Modified Funding Distribution for 2026 and 2027 funding of North Dakota Transportation Alternatives (TA) and North Dakota Carbon Reduction Program (CRP).

Mr. Bervik presented a modified Funding Distribution for 2026 and 2027 funding of North Dakota Transportation Alternatives (TA) and North Dakota Carbon Reduction Program (CRP).

At the January 18, 2024 meeting, the Policy Board designated funding levels for project received pursuant to Metro COG's Fall 2023 solicitation of projects for 2026 and 2027 North Dakota TA and North Dakota CRP funding sources.

The projects and amounts were modified as follows:

Project	26 NDTA	27 NDTA	26 NDCRP	27 NDCRP	Total Funding	Change in Funding	Percentage Change
South University Drive Path	\$850,000	\$564,000			\$1,414,000	(\$15,334) Reduction	(1.07%) Reduction
Water Reclamation Path		\$296,000			\$296,000		
County Road 17 Path			\$413,464		\$413,464		
76 th Avenue South Path				\$331,202	\$331,202		
River's Bend Bridge and Path				\$848,798	\$848,798	(\$6,202) Reduction	(0.73%) Reduction
45 th Street Adaptive Traffic Signal			\$746,536		\$746,536	+\$21,536 Increase	+2.97% Increase
Total:	\$850,000	\$860,000	\$1,160,000	\$1,180,000	\$4,050,000	\$0.00	

MOTION: Approval of the modified funding distribution and submit approved funding designation to NDDOT.

Mr. Strand moved, seconded by Mr. Gunkelman.

MOTION, passed

Motion carried unanimously.

3d. 2023-2024 UPWP Amendment #6

Mr. Griffith presented Amendment #6 to the 2023-2024 Unified Planning Work Program (UPWP). Metro COG staff was informed by NDDOT on February 1st that it's carryover Amendment #5, which was approved by TTC and Policy Board in December, will NOT be approved due to "lack of funding." NDDOT de-obligated all 2023 project funding on December 31 with no process in place to re-obligate those funds.

This means that in order for all ongoing 2023 projects to be funded to completion, Metro COG must use funding from programmed projects in 2024 which have not yet gotten underway. It is not Metro COG staff's intention to cancel any projects; rather, they will be programmed in 2025 as part of the 2025-2026 UPWP.

NDDOT informed Metro COG that the revised, programmed, formula amount for 2024 is \$2,396,826.35, which includes \$1,933,755.12 in CPG funds. Metro COG staff

has developed an updated budget for 2024 projects and overhead, based on this new amount.

What follows is a listing of the affected projects, showing current status and how they will be programmed for 2024 and into 2025.

2023 Projects Proposed for \$812,274 in “Carryover” Funding in 2024:

- 2050 Metropolitan Transportation Plan Update (Year 2 of 3)
- West Perimeter Highway Corridor Study
- Moorhead I-94/20th Street Interchange Analysis (Year 1 of 2)
- Uni-10 Corridor Study (Year 3 of 3)
- Metro Railroad Needs Study
- Signalized Intersection Data Collection and Reporting (Year 2 of 3)
- Moorhead Intersection Traffic Data Collection (Year 2 of 3)
- Horace Downtown/Core Neighborhoods Plan

Ongoing 2023 Projects Currently ON-HOLD Until 2024 Funding is Authorized:

- West Perimeter Highway Corridor Study
- Moorhead I-94/20th Street Interchange Analysis
- Uni-10 Corridor Study

Projects Programmed for 2024 and proposed for 2024 Funding:

- NDSU-ATAC Annual Participation
- 2050 Metropolitan Transportation Plan Update (Year 2 of 3)
- 2050 Metropolitan Transportation Plan Update (Year 3 of 3)
- West Perimeter Highway Corridor Study
- Moorhead I-94/20th Street Interchange Analysis (Year 1 of 2)
- Moorhead I-94/20th Street Interchange Analysis (Year 2 of 2)
- Uni-10 Corridor Study (Year 3 of 3)
- Signalized Intersection Data Collection and Reporting (Year 2 of 3)
- Moorhead Intersection Traffic Data Collection (Year 2 of 3)
- Moorhead Intersection Traffic Data Collection (Year 3 of 3)
- Horace Downtown/Core Neighborhoods Plan (Year 1 of 2)
- Horace Downtown/Core Neighborhoods Plan (Complete Streets)
- Heartland Trail Alignment Analysis (Year 1 of 2)

Projects to be Programmed for 2025 Funding:

- Heartland Trail Alignment Analysis (Year 2 of 2)
- Horace Downtown/Core Neighborhoods Plan (Year 2 of 2)
- Metro Railroad Needs Study
- Vehicular Bridge Crossing Study at 76th Avenue S & 100th Avenue S
- 15th Avenue N Corridor Study in Dilworth
- 13th Avenue S (or 15th Street W) Overpass at I-94 & Sheyenne Diversion
- Signalized Intersection Data Collection and Reporting-Exp. (Year 3 of 3)

Metro COG staff have also updated the 2024 Overhead and Internal Operations Budget for 2024 to reflect cost increases, which include: software applications

(such as StreetLight Data, UrbanSDK and Remix), increased rent, replacement of traffic counting equipment, and more accurate costs of annual accounting services. Personnel costs for 2024, composed of loaded wages which include benefits, are approximately \$965,000 and requested Overhead Costs are estimated to be \$368,204 for a total amount of \$1,333,204.00.

There were many questions asking why NDDOT/FHWA are doing this without any plans in place for re-obligation. Ms. Sperry from ND FHWA stated that there is a history of large amounts of carryover amounts and issues opening grants while older grants are open. With the addition of the Minot MPO, FHWA and NDDOT agreed this was the best time to "fix" the issues along with the reallocation of CPG funding formula.

Ms. Nash said that because of the FHWA and NDDOT's lack of planning, the Minnesota jurisdictions are losing out on funding for crucial projects and timing of available funding. Ms. Mongeau agreed. Mr. Piepkorn and Mr. Strand suggested a meeting with the governor, legislators, and NDDOT to get this addressed sooner rather than later, so a precedent is not set with these actions.

MOTION: approval of Amendment #6 to Metro COG's 2023-2024 Unified Planning Work Program, revising and updating Overhead and Personnel costs, and detailing specific projects and funding amounts for 2024, and to schedule a meeting to address the funding issues.

Mr. Piepkorn moved, seconded by Mr. Strand

MOTION, passed

Motion carried unanimously.

3e. 2024 NDDOT/Metro COG Contract Amendment

Mr. Griffith presented the amended Metro COG 2024 UPWP contract with NDDOT. NDDOT and Metro COG executed the 2024 UPWP Contract in December of last year. When the contract was executed, it was assumed that Metro COG would eventually receive \$812,273.62 in carryover funds via UPWP Amendment #5 to complete six 2023 projects that were underway and two projects that were programmed to begin in early 2024.

The 2024 corrected project budget amounts should be: \$1,933,755.12 in CPG funding and a total Formula Amount of \$2,396,826.35. NDDOT's explanation for the different amounts in the attached contract is that their calculations include transposed numbers and did not account for the Complete Streets amount NOT requiring a local match, which affected the Formula Amount. The Contract amendment shows the CPG amount being 12¢ short for the CPG funding amount. Metro COG staff is working closely with NDDOT and FHWA staff to ensure the contract amendment amounts are absolutely correct prior to execution.

That exact dollar amount and local match is estimated to be \$1,933,755 in CPG funds, \$483,439 in local match, for a total of \$2,417,194.

MOTION: Approval of the 2024 NDDOT/Metro COG UPWP Contract Amendment, when corrected amounts have been included, and authorization of the Policy Board Chair and Executive Director to execute said agreement.

Ms. White moved, seconded by Ms. Nash

MOTION, passed

Motion carried unanimously.

3f. Performance Measure 1 (PM1) – 2024 Safety Target Adoption – North Dakota

Mr. Capps presented Metro COG's Performance Measure 1 (PM1) recommended adoption for North Dakota. Performance Measure 1 (PM1) establishes targets related to safety. Each state must annually establish and report targets for the Highway Safety Improvement Program (HSIP). PM1 consists of five (5) safety performance measures (SEE TABLE 1 for 2024 NDDOT State Safety Performance Targets):

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 - or
2. Establish MPO-specific safety performance targets for all or some of the above five measures.

TTC has recommended the Policy Board support of NDDOT's Safety Performance Measures for the MPA. Based on the crash data available, Metro COG staff requests that the Policy Board support NDDOT's Safety Performance Measures for the MPA. Once approved by the Policy Board, the resolutions will be signed and distributed to the applicable jurisdictions and programming will occur in accordance.

MOTION: Support of the NDDOT's 2024 Safety Performance Measures.

Mr. Olson moved, seconded by Mr. Gunkelman

MOTION, passed

Motion carried unanimously.

3g. Performance Measure 1 (PM1) – 2024 Safety Target Adoption – Minnesota

Mr. Capps presented Metro COG's Performance Measure 1 (PM1) recommended adoption for Minnesota. The same process was followed for Minnesota.

TTC has recommended the Policy Board support of MnDOT's Safety Performance Measures for the MPA. Based on the crash data available, Metro COG staff requests that the Policy Board support MnDOT's Safety Performance Measures for the MPA. Once approved by the Policy Board, the resolutions will be signed and distributed to the applicable jurisdictions and programming will occur in accordance.

**MOTION: Support of the MnDOT's 2024 Safety Performance Measures.
Ms. White moved, seconded by Ms. Nash
MOTION, passed
Motion carried unanimously.**

3h. Horace Downtown Neighborhood Plan – Consultant Selection

Mr. Maddox presented the recommendation of SRF with subconsultant Tallgrass Landscape Architects for the Horace Downtown Neighborhood Plan. Metro COG released an RFP for consultant services for completion of the Horace Downtown Neighborhood Plan on January 4, 2024. Metro COG set a budget of \$196,473 for the completion of the Plan. Proposals were due to Metro COG on Friday, January 26, 2024. Staff received five (5) proposals from consultants. One consulting firm asked for their proposal to be withdrawn from consideration before interviews were conducted.

1. SRF Consulting
2. Bolton & Menk
3. TC2
4. Stantec
5. Interstate Engineering – withdrew proposal

The selection committee conducted interviews with the four remaining consulting firms on Wednesday, February 7th. After the interviews were completed, the selection committee scored and ranked the consulting firms. SRF Consulting Group, with subconsultant Tallgrass Landscape Architects, was chosen by the selection committee as the preferred consulting firm to complete the Horace Downtown Core Neighborhood Plan. SRF's cost proposal came in at \$195,949, which is within the total budgeted amount (\$196,473).

**MOTION: Approval of SRF Consulting Group, with subconsultant Tallgrass Landscape Architects, as the top ranked firm to complete the Horace Core Neighborhood Plan, and provide authorization for Metro COG's Executive Director to enter into a contract for services.
Ms. White moved, seconded by Mr. Olson
MOTION, passed
Motion carried unanimously.**

4. Additional Business

Mr. Griffith said that Metro COG is working on the 2025-2026 UPWP and will be presenting the draft budget in the coming months.

5. **Adjourn**

**MOTION: Adjourn the 624th Meeting of the FM Metro COG Policy Board
Mr. Olson moved, seconded by Mr. Gunkelman
MOTION, passed.
Motion carried unanimously.**

The 624th Meeting of the FM Metro COG Policy Board held Thursday, February 15, 2024 was adjourned at 5:38 pm.

**THE NEXT FM METRO COG POLICY BOARD MEETING WILL BE HELD March 21, 2024,
4:00 P.M.**

Respectfully Submitted,

Savanna Leach
Executive Assistant