



# Saint Cloud Area Planning Organization

1040 County Road 4, St. Cloud, MN 56303-0643

(320) 252-7568 • (320) 252-6557 (FAX) • Email: [admin@stcloudapo.org](mailto:admin@stcloudapo.org) • [www.stcloudapo.org](http://www.stcloudapo.org)

## APO Executive Board Meeting

**Thursday, April 12, 2018 - 5:00 p.m.**

**Great River Regional Library, 1300 W. St. Germain St., St. Cloud**

1. Approval of Agenda
2. Public Comment Period
3. Consideration of Consent Agenda Items (*Attachments A - E*)
  - a. Minutes of March 8, 2018 Meeting (*Attachment A*)
  - b. Bills List (*Attachment B*)
  - c. Travel Request for Executive Director to attend the TRB Tools of the Trade Conference in Kansas City, August 21- 24 (*Attachment C*)
  - d. Contract for Travel Demand Model Support (*Attachment D*)
  - e. Letter/Resolution of Support for Regional Safe Routes to School Planning (*Attachment E*)
4. Consideration of TIP Amendment (*Attachment F*): *Vicki Ikeogu, Associate Planner*
  - a. **Requested Action: Approval**
5. Consideration of Organizational Options (*Attachments G1 – G3*): *Brian Gibson, Executive Director*
  - a. **Requested Action: None, discussion only**
6. Other Business & Announcements
7. Adjournment

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**Saint Cloud Area Planning Organization**  
**EXECUTIVE BOARD COMMITTEE MINUTES**  
**March 8, 2018**

A regular meeting of the Saint Cloud Area Planning Organization's (APO) Executive Board Meeting was held on Thursday, March 8, 2018 in the Array Room of the Great River Regional Library in Saint Cloud. Chair Jeff Goerger presided with the following members present:

Mayor Dave Kleis	Saint Cloud
Council member John Libert	Saint Cloud
Council member Jeff Goerger	Saint Cloud
Mayor Rick Schultz	Saint Joseph
Council member Nick Sauer	Sauk Rapids
Mayor Rick Miller	Waite Park
Township Supervisor Jeff Westerlund	LeSauk Township
Commissioner Joe Perske	Stearns County
Commissioner A. Jake Bauerly	Benton County

Also Present:

Brian Gibson	Executive Director, APO
Stacy Morse	Congressman Emmer's Office
Vicki Ikeogu	APO
Joseph Mueller	APO
Dorothy Sweet	APO

**APPROVAL OF AGENDA:**

Mr. Gibson added two changes or corrections to the Agenda: Under Consent Agenda Items, the minutes are from the January 18, 2018 meeting and not in September, and the Accounting Services Contract should be removed from the Consent Agenda items and placed under the regular agenda. Mr. Perske requested the Beltway discussion be moved to earlier in the agenda.

**Mr. Westerlund motioned to approve the revised Agenda, and Mr. Bauerly seconded the motion. Motion carried.**

**PUBLIC COMMENT PERIOD:**

No public comments were made.

**CONSIDERATION OF CONSENT AGENDA ITEMS:**

Consent agenda items were:

- January 18, 2018 meeting minutes,
- Bills list

**Mayor Schultz motioned to approve the Consent Agenda Items and Mr. Sauer seconded the motion. Motion carried.**

**APPROVAL OF ACCOUNTING SERVICES CONTRACT:**

Mr. Gibson reported that five quotes for Accounting Services were received. Two quotes were very close. One of the two close quotes has a local branch. Mr. Goerger reviewed the background information for the process and for requesting bids at this time. Because the APO staff is satisfied with the service provided by the current Accountant and the value of keeping their service, it was suggested that we stay with our current (Your CFO, Inc.).

**Mayor Schultz motioned to approve a 5-year contract with Your CFO, Inc., and Mr. Sauer seconded the motion. Motion carried.**

## **CONSIDERATION OF REGIONAL TRANSPORTATION PRIORITIES**

### **BRIEFING BOOKLET:**

Mr. Gibson stated that the purpose of the transportation priorities booklet is to educate our Congressional members, both state and federal, about our transportation priorities. The booklet will be used when the APO Executive Director and Board members travel to Washington to meet with our Congressional members. The trip is still being coordinated and a final date should be chosen soon. Mr. Bauerly noted that the Paynesville to Richmond corridor is included in the booklet, even though it is not in the APO's planning area, but the APO recognizes the importance of improving safety and free-flow speeds. Similarly, Mr. Bauerly felt that the Foley to Milaca 169 corridor should also be included in the priorities booklet, even though Milaca is not in the APO's planning area. **Mayor Miller motioned to approve the Transportation Priorities booklet with the addition of the Foley to Milaca 169 corridor. Mayor Schultz seconded the motion. Motion carried.**

### **UPDATE ON STATUS OF REGIONAL BELTWAY:**

Mr. Gibson reported that during public input sessions for the Long Range Transportation Plan, several public comments were received about a beltway around St. Cloud. Mr. Gibson and Mr. Mueller researched past documentation for the beltway. Documentation regarding the beltway ranged from 2001 to 2008 and reference to the beltway was found in an Alignment Study, two Comprehensive Plans, two Scoping Documents, and a Transportation Plan. In the previous documentation, thirty alternatives were narrowed to three possible alignments. A map which showcased all the various existing and proposed routes extracted from documentation of 2001 through 2008 was included in the agenda packet and was reviewed. No final decisions were made during the timeframe of 2001 to 2008. Mr. Gibson also reviewed research from 2006 and 2007 done by a previous Executive Director. Questions pertaining to several issues were raised by the board members. Some of the issues raised and discussed included:

- Is there still support for this concept?
- Do we build new or use existing roads as part of the beltway?
- What about a river crossing at 33<sup>rd</sup>? Will it go out to Highway 10?

- Westwood Parkway
- How and why did this project go from #1 priority to no longer on the list?
- Are we doing a North/South or an East/West corridor?
- We need a 30-year vision for the APO Planning area so that the jurisdictions can plan accordingly
- Avoid beltway traffic downtown
- Waite Park has a considerable amount of farming land that could be located in a beltline but with no beltway plan in place, the land will probably be sold off
- St. Joseph has turned away federal funding in the past because of possible ringroad plans
- Avoid roundabouts in any beltway
- We should be incorporating flying and driverless cars into our future plans
- Should the APO oppose MnDOT's plan to install a low impact intersection near Rollie's as this could impact a beltway? It was acknowledged that our opposition would probably not stop MnDOT's plans.
- The importance of getting setbacks for buildings was noted

Suggestions made during this discussion included:

- Local City/County Councils should be made aware of the APO's conversations about a beltway
- Agreement that we should be looking forward and planning for 30 years out
- As we continue to develop the LRTP, the APO will deal with projects and forecasts, and then at that point we need to decide our next priority
- Stearns County, Waite Park and St. Cloud should be discussing this at their local meetings.
- Look at MnDOT's plans
- More information from past discussions needs to be located and reviewed.
- Should next year's UPWP program fund for a study of the beltway
- Continue discussion

## **PRESENTATION OF DRAFT METROPOLITAN TRANSPORTATION PLAN EXISTING CONDITIONS AND GOALS AND OBJECTIVES:**

Mr. Gibson summarized the Metropolitan Transportation Plan's (also known as Long Range Transportation Plan) Existing Conditions and Goals, Objectives, Strategies, and Performance Measures. The main topics covered included: Demographics & Socio-Economics, Roadways, Urban Public Transit, Bike & Pedestrian Network, Other Transportation Modes & Services, Area

Transportation Connections to the State and Nation, General Public Comments and Regional Goals, Objectives and Performance Measures. Mr. Gibson asked that he be contacted about any changes as this document will be taken to the Policy Board in May for final approval. Mr. Westerlund, Mr. Goerger and others complimented Mr. Gibson and the APO staff for creating this comprehensive document and for all their work that went into this document.

**OTHER BUSINESS & ANNOUNCEMENTS:**

Mr. Gibson announced that with Doug Diedrichsen's departure, Vicki Ikeogu has been promoted to the Associate Planner's position and that a search has begun to fill the Transportation Planner position.

**ADJOURNMENT:**

**Mayor Miller motioned to adjourn the meeting, and Mayor Kleis seconded the motion. Motion carried. Meeting was adjourned at 6:21 p.m.**

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John Libert  
Secretary, APO

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Date

## **ST. CLOUD AREA PLANNING ORGANIZATION**

### **Approved March 2018 Disbursements**

**March 2018**

Type	Date	Memo and Vendor Name	What Check is for	Amount Paid
Direct Dep.	2/9/18	Net Payroll (including insurance reimbursement)	03/08/2018 Payroll Paid	\$ 8,192.98
Electronic	2/9/18	Social Security, Medicare & Federal Tax	03/08/2018 Payroll Paid	\$ 3,235.56
Electronic	2/9/18	MN Department of Revenue-Withholding	03/08/2018 Payroll Paid	\$ 593.58
Electronic	2/9/18	PERA	03/08/2018 Payroll Paid	\$ 1,781.92
Electronic	2/9/18	Great West Annuity	03/08/2018 Payroll Paid	\$ 229.23
Electronic	2/9/18	Minnesota State Retirement System	03/08/2018 Payroll Paid	\$ 116.59
Electronic	2/9/18	Select Account (H.S.A.)	03/08/2018 Payroll Paid	\$ 250.64
		Net Payroll (including insurance reimbursement)	03/22/2018 Payroll Paid	
Direct Dep.	2/23/18			\$ 6,335.98
Electronic	2/23/18	Social Security, Medicare & Federal Tax	03/22/2018 Payroll Paid	\$ 2,951.56
Electronic	2/23/18	MN Department of Revenue-Withholding	03/22/2018 Payroll Paid	\$ 593.58
Electronic	2/23/18	PERA	03/22/2018 Payroll Paid	\$ 1,515.92
Electronic	2/23/18	Great West Annuity	03/22/2018 Payroll Paid	\$ 229.23
Electronic	2/23/18	Minnesota State Retirement System	03/22/2018 Payroll Paid	\$ 96.01
Electronic	2/23/18	Select Account (H.S.A.)	03/22/2018 Payroll Paid	\$ 204.49
<b>Amazon Market Place</b>				
Credit Card Charge	03/16/2018		6601 · Office Supplies	378.00
<b>BCBS of MN</b>				
Check	03/20/2018		6600.5 · Health/Dental/Life Insurance	3,574.81
<b>City of St. Cloud - Water/Sewer</b>				
Bill Pmt -Check	03/14/2018		2000 · Accounts Payable	35.90
<b>Cloudnet</b>				
Bill Pmt -Check	03/14/2018		2000 · Accounts Payable	25.00
<b>Delta Dental</b>				
Check	03/01/2018		6600.5 · Health/Dental/Life Insurance	278.65
<b>Liberty Savings Bank</b>				
Check	03/12/2018		VISA 2733	417.96
<b>Loffler Companies</b>				
Check	03/02/2018		6608 · Copy Machine	566.32
<b>MN PERA</b>				
Check	03/26/2018		-SPLIT-	1,498.99
<b>MSRS HSCP - State of MN</b>				
Check	03/23/2018		2410 · Accured Vested Sick Leave	96.59
<b>MSRS ROTH - State of MN</b>				
Check	03/23/2018		2010 · MSRS Withholding	229.23
<b>Office Max Contract, Inc.</b>				
Credit Card Charge	03/23/2018		6601 · Office Supplies	16.11
<b>Optimum Communications Corporation</b>				
Bill Pmt -Check	03/14/2018		2000 · Accounts Payable	35.65
<b>Principal Mutual Life Insurance</b>				

Bill Pmt -Check	03/14/2018	2000 · Accounts Payable	293.73
<b>SelectAccount</b>			
Check	03/01/2018	-SPLIT-	250.64
Check	03/01/2018	6600.6 · HSA Account	3,000.00
Check	03/09/2018	-SPLIT-	204.49
Check	03/23/2018	-SPLIT-	204.49
<b>Spectrum Business (Charter)</b>			
Bill Pmt -Check	03/01/2018	2000 · Accounts Payable	265.64
Bill Pmt -Check	03/29/2018	2000 · Accounts Payable	270.13
<b>Stearns Electric Association</b>			
Bill Pmt -Check	03/26/2018	2000 · Accounts Payable	186.17
<b>Target Store</b>			
Credit Card Charge	03/23/2018	4950 · Miscellaneous	4.81
<b>Times Media</b>			
Bill Pmt -Check	03/14/2018	2000 · Accounts Payable	577.93
<b>WACOSA</b>			
Bill Pmt -Check	03/14/2018	2000 · Accounts Payable	122.18
<b>West Central Sanitation, Inc</b>			
Bill Pmt -Check	03/14/2018	2000 · Accounts Payable	50.14
<b>Xcel Energy</b>			
Bill Pmt -Check	03/06/2018	2000 · Accounts Payable	237.78
<b>Your CFO Inc</b>			
Bill Pmt -Check	03/01/2018	2000 · Accounts Payable	1,450.00
			<b>\$ 40,598.61</b>

**LIBERTY BANK DEPOSITS**

	Deposit Date	Amount
NeoPost - return funds for meter rental - address error at Liberty Bank		55.50
MN DOT - CPG January 2018	03/05/18	37,694.48
Liberty Bank - Interest Earned	03/30/18	20.17
		<b>37,770.15</b>

**PROPOSED April and May 2018 DISBURSEMENTS**  
prepared 03/29/2018

Attachment B2  
Agenda Item #3 b.

Method Of Payment	To Whom Paid	What Check is for	Account	Amount Paid
Direct Dep.	Net Payroll (including insurance reimbursement)	04/05/2018 Payroll Paid	Payroll	\$ 6,789.52
Electronic	Social Security, Medicare & Federal Tax PAID	04/05/2018 Payroll Paid	Payroll	\$ 2,924.78
Electronic	MN Department of Revenue-Withholding PAID	04/05/2018 Payroll Paid	Payroll	\$ 566.91
Electronic	PERA	04/05/2018 Payroll Paid	Payroll	\$ 1,498.99
Electronic	Great West Annuity	04/05/2018 Payroll Paid	Payroll	\$ 229.23
Electronic	Minnesota State Retirement System	04/05/2018 Payroll Paid	Payroll	\$ 96.59
Electronic	Select Account (H.S.A.)	04/05/2018 Payroll Paid	Payroll	\$ 204.49
Direct Dep.	Net Payroll (including insurance reimbursement)	04/19/2018 Payroll Paid	Payroll	\$ 6,789.52
Electronic	Social Security, Medicare & Federal Tax PAID	04/19/2018 Payroll Paid	Payroll	\$ 2,924.78
Electronic	MN Department of Revenue-Withholding PAID	04/19/2018 Payroll Paid	Payroll	\$ 566.91
Electronic	PERA	04/19/2018 Payroll Paid	Payroll	\$ 1,498.99
Electronic	Great West Annuity	04/19/2018 Payroll Paid	Payroll	\$ 229.23
Electronic	Minnesota State Retirement System	04/19/2018 Payroll Paid	Payroll	\$ 96.59
Electronic	Select Account (H.S.A.)	04/19/2018 Payroll Paid	Payroll	\$ 204.49
Direct Dep.	Net Payroll (including insurance reimbursement)	05/03/2018 Payroll Paid	Payroll	\$ 6,789.52
Electronic	Social Security, Medicare & Federal Tax PAID	05/03/2018 Payroll Paid	Payroll	\$ 2,924.78
Electronic	MN Department of Revenue-Withholding PAID	05/03/2018 Payroll Paid	Payroll	\$ 566.91
Electronic	PERA	05/03/2018 Payroll Paid	Payroll	\$ 1,498.99
Electronic	Great West Annuity	05/03/2018 Payroll Paid	Payroll	\$ 229.23
Electronic	Minnesota State Retirement System	05/03/2018 Payroll Paid	Payroll	\$ 96.59
Electronic	Select Account (H.S.A.)	05/03/2018 Payroll Paid	Payroll	\$ 204.49
Direct Dep.	Net Payroll (including insurance reimbursement)	05/17/2018 Payroll Paid	Payroll	\$ 6,789.52
Electronic	Social Security, Medicare & Federal Tax PAID	05/17/2018 Payroll Paid	Payroll	\$ 2,924.78
Electronic	MN Department of Revenue-Withholding PAID	05/17/2018 Payroll Paid	Payroll	\$ 566.91
Electronic	PERA	05/17/2018 Payroll Paid	Payroll	\$ 1,498.99
Electronic	Great West Annuity	05/17/2018 Payroll Paid	Payroll	\$ 229.23
Electronic	Minnesota State Retirement System	05/17/2018 Payroll Paid	Payroll	\$ 96.59
Electronic	Select Account (H.S.A.)	05/17/2018 Payroll Paid	Payroll	\$ 204.49
Credit Card	Amazon Market Place	Assisted Hearing Devices for Meetings	Office Supplies	\$ 378.00
Electronic	BCBS of MN - April	Employee Health Insurance	Payroll	\$ 1,912.70
Electronic	BCBS of MN - May	Employee Health Insurance	Payroll	\$ 1,912.70
Check	City of St Cloud - Water/Sewer - estimate	Utilities - water / sewer	Utilities	\$ 50.00
Check	Cloudnet - April	Internet Service	Utilities	\$ 25.00
Check	Cloudnet - May	Internet Service	Utilities	\$ 25.00
Check	David Turch & Associates	Lobbyist Services	Lobbying	\$ 4,000.00
Check	Delta Dental - April	Employee dental insurance	Payroll	\$ 168.00
Check	Delta Dental - May	Employee dental insurance	Payroll	\$ 168.00
Check	Design Electrical Contractor Inc	Ballast repairs and replacement	Maintenance	\$ 134.13
Credit Card	Google Inc - April	G Suite Basic - Commitment	Utilities	\$ 25.00
Credit Card	Google Inc - May	G Suite Basic - Commitment	Utilities	\$ 25.00
Check	Impact Technology	1 - LSE	Software & IT	\$ 100.00
Electronic	Liberty Bank Credit Card	Payment on Credit Card Balance	Payment on Credit Card Balance	\$ 463.50
Check	Loffler Companies	Copier Payment	Copy Machine	\$ 3,405.41
Electronic	Marco NW 7128 - April	Copier Lease	Copy Machine	\$ 566.32
Electronic	Marco NW 7128 - May	Copier Lease	Copy Machine	\$ 566.32
Credit Card	Office Max	paper	Office Supplies	\$ 16.11
Check	Optimum Communications Corporation	Labor - Telecom Service - battery backup ports were bad	Software & IT	\$ 130.00
Check	Premium Water Inc - April	office drinking water	Utilities	\$ 35.65
Check	Premium Water Inc - May	office drinking water	Utilities	\$ 35.65
Check	Principal Financial - April	Employee disability insurance	Payroll	\$ 235.18
Check	Principal Financial - May	Employee disability insurance	Payroll	\$ 235.18
Check	SelectAccount	H.S.A. admin fees	Payroll	\$ 72.00
Check	SaintsCloudARO Executive Board Meeting	snow removal 2/2 2/25 2018	Maintenance	\$ 12,000.00

April 12, 2018

**PROPOSED April and May 2018 DISBURSEMENTS**  
prepared 03/29/2018

Attachment B2  
Agenda Item #3 b.

Method Of Payment	To Whom Paid	What Check is for	Account	Amount Paid
Check	Spectrum Business (Charter) - April estimate	Internet Service	Utilities	\$ 271.80
Check	Spectrum Business (Charter) - May estimate	Internet Service	Utilities	\$ 271.80
Electronic	Stearns Electric Association - April estimate	Utilities - electric	Utilities	\$ 250.00
Electronic	Stearns Electric Association - May estimate	Utilities - electric	Utilities	\$ 250.00
Credit Card	Target	Spoons	Office Supplies	\$ 4.81
Check	Times Media - estimate	Public Postings	Printing/Publishing	\$ 200.00
Check	WACOSA - April estimate	Office Cleaning Services	Maintenance	\$ 183.27
Check	WACOSA - May estimate	Office Cleaning Services	Maintenance	\$ 183.27
Check	West Central Sanitation Inc - April	Utility - garbage	Utilities	\$ 29.83
Check	West Central Sanitation Inc - May	Utility - garbage	Utilities	\$ 29.83
Electronic	Xcel Energy - April estimate	Utilities - gas	Utilities	\$ 237.78
Electronic	Xcel Energy - May estimate	Utilities - gas	Utilities	\$ 240.00
Check	Your CFO Inc	April 2018 accounting services	Accounting Services	\$ 1,450.00
Check	Your CFO Inc	May 2018 accounting services	Accounting Services	\$ 1,450.00
TOTAL				<u>\$ 69,219.28</u>



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**TO:** Saint Cloud APO Executive Board  
**FROM:** Brian Gibson, PTP, Executive Director  
**RE:** Travel Request to Attend TRB Tools of the Trade Conference  
**DATE:** March 22, 2018

The Transportation Research Board (TRB) *Tools of the Trade Conference* is targeted to small- and mid-sized urban areas and metropolitan planning organizations. It offers practical examples of what has been done or can be done to improve transportation planning and operations with a small staff and limited funds. This year the conference will be held in Kansas City, Missouri from August 21<sup>st</sup> through August 24<sup>th</sup>. I am requesting permission to attend. Note, as a member of TRB committee ADA 30, I will be expected to facilitate one or more sessions at the conference.

After we hire the new Transportation Planner, I will make a decision about the attendance of additional APO staff members.

**Cost Estimate**

Airfare	\$0
Ground Transportation	\$250
Lodging	\$599
Meals	\$256
Registration Fees	\$395
Other	\$0
<b>Total</b>	<b>\$1,500</b>

The APO budgets funds for travel and professional development every year. If approved the funds will be deducted from our current budget.

**Recommended Action:** Approve the Executive Director's attendance at the TRB *Tools of the Trade Conference* in Kansas City, Missouri for an amount not to exceed \$1,500.



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**TO:** Saint Cloud APO Executive Board  
**FROM:** Brian Gibson, PTP, Executive Director  
**RE:** Travel Demand Model Support Contract  
**DATE:** March 22, 2018

The Saint Cloud APO maintains a sophisticated travel-demand forecasting model that is used to forecast traffic on regional roadways assuming future population growth and economic development. In 2018, we need to re-calibrate the model to ensure that it is functioning properly before we use it to forecast 2045 traffic.

We issued a Request for Proposals and received only one proposal from SRF Consulting Group. However, SRF built our travel-demand model and is very familiar with its operation, so we are very confident that they can do the work.

Any funds that remain after the calibration effort will be used to support model operations by APO staff and modeling of future scenarios.

Funds were budgeted for this contract in the 2018 Unified Planning Work Program.

**Recommended Action:** Approve contract with SRF Consulting Group for no more than \$28,184.00



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**TO:** Saint Cloud APO Executive Board  
**FROM:** Brian Gibson, PTP, Executive Director  
**RE:** Safe Routes to School Letter of Commitment  
**DATE:** March 22, 2018

Prior to leaving the APO, Associate Planner Doug Diedrichsen was working with School District #742 to secure State funding for Safe Routes to School planning. Walking and bicycling to school was once the way most students arrived at school, but that has since changed dramatically. The Minnesota Safe Routes to School (SRTS) program aims to make it safer and easier for students to walk and bicycle to school.

District #742 submitted a grant application requesting funding for a district-wide SRTS plan. The State has agreed to provide funding not only for a district-wide plan, but also funding for a few more detailed site-specific plans for Lincoln, Talahi, Madison, and South Junior High (**maybe Discovery and/or the Technical High School**). They would like a commitment from the APO to provide assistance in the completion of site-specific SRTS plans for the remaining schools in the district. This commitment could be in the form of APO staff time to complete the work, funding for consultant assistance, or both. Ideally, the State would like the APO to demonstrate that we could complete the site-specific plans within the next two to three years. In reviewing the expected scope-of-work, I estimate that it would require about 150 to 200 hours of staff time to complete each site-specific SRTS plan. By completing the plans for multiple schools at the same time, some economies-of-scale can be achieved as some materials and processes developed for one school could largely be reused for other schools.

Each year, the APO budgets staff time for Bicycle-Pedestrian planning assistance, including SRTS planning. Additionally, the Technical Advisory Committee has formed a Bicycle-Pedestrian Advisory Committee (BPAC) to explore, investigate, and provide recommendations on bicycle-pedestrian issues. BPAC members are motivated individuals from the community that have an interest in bicycle-pedestrian issues. Some of them may be willing to assist APO staff in completing this work. In addition to that, I have recently been speaking with Luiz Estevez at Saint Cloud State University about the possibility of the APO working with his department and students to help them gain some real-world planning experience and, in exchange, the APO would receive some low-cost labor to help us complete our projects. I believe these SRTS plans would be perfect opportunities to involve SCSU students in reviewing school sites

and collecting and analyzing data regarding the bicycle-pedestrian environment. Based on all of this, I feel confident that the APO could complete the site-specific SRTS plans for the remaining District 742 schools within the two-to-three-year timeframe.

**Recommended Action:** Approve the Chair's signature on the attached Letter of Commitment to support the Safe Routes to School grant initiative.



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**TO:** Dave Cowan, MnDOT Safe Routes to School Coordinator  
**FROM:** Saint Cloud Area Planning Organization Executive Board  
**RE:** Safe Routes to School Commitment  
**DATE:** March 23, 2018

It is our understanding that the State of Minnesota will be awarding funding to School District 742 for the purpose of completing a district-wide Safe Routes To School (SRTS) plan, as well as completing four or five site-specific SRTS plans for individual schools. It is our further understanding that the State is seeking assurances from the Saint Cloud APO that we will complete or help complete site-specific SRTS plans for the eight or nine schools not covered by the grant.

Each year, we budget about 500 hours of staff time for both general bicycle-pedestrian planning efforts, as well as SRTS planning efforts. Saint Cloud APO Executive Director Brian Gibson has reviewed the proposed scope-of-work for the site-specific SRTS plans and feels confident APO staff could complete a site-specific SRTS plan in 150-200 hours. This would allow APO staff to complete the site-specific SRTS plans for two or three remaining schools per year, and we could complete all remaining site-specific plans within three years.

However, we are also exploring the possibility of supplementing APO staff time with planning program students from Saint Cloud State University who would work under the direction of APO staff. If successful, we believe this effort would allow us to complete four to five site-specific plans per year.

Based on this analysis, we are confident that the APO can complete the site-specific SRTS plans for the schools not covered by the grant within two or three years, and we hereby commit to doing so. The safe conveyance of school children to and from their schools is of primary importance to the member jurisdictions of the APO, and we look forward to improving the bicycle-pedestrian environment for them to make the journey.

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Jeff Goerger, APO Board Chair



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**TO:** Saint Cloud APO Executive Board  
**FROM:** Joseph Mueller, Senior Planner  
**RE:** TIP Amendments  
**DATE:** March 22, 2018

The Saint Cloud APO has received several TIP Amendment requests from the City of St. Cloud, Wacosa, and Stearns County.

The cost for 33rd Street South expansion in Saint Cloud (SP 162-151-003) from a two-lane undivided roadway to a four-lane divided roadway with sidewalk and trail amenities has increased from \$3,584,770 to \$6,647,561 warranting an amendment to the FY 2018-2021 TIP. Funding for this project cost increase is being covered by local dollars with no change in federal funding. Federal fiscal constraint will be maintained.

WACOSA has received federal funding assistance under the Section 5310 program for a vehicle replacement. This project, totaling \$81,000 – a split between the federal share of \$64,800 and \$16,200 of local dollars – was not previously programmed into the FY 2018-2021 TIP, warranting an amendment.

Stearns County and St. Louis County (Duluth region) have agreed to a funding transfer. A total of \$2,133,922 of Federal Aid funds are being transferred from St. Louis County to Stearns County in fiscal years 2019 through 2021. In exchange, Stearns County will be transferring State Aid funds to St. Louis County that equal the federal funds during those same fiscal years. As there are sufficient local funds and federal funds, the fiscal constraint is maintained.

The funding source change for the CSAH 75 resurfacing project from Old Collegeville Road to CSAH 81 (073-675-037N) has warranted an amendment to the FY 2018-2021 TIP. Stearns County will complete the project in 2018 and then receive AC Paypack in 2019, 2020 and 2021.

The public input period for this last change will end on April 13<sup>th</sup>. To date, no public comments on any of the proposed changes has been received. The Technical Advisory Committee has recommended approval of all proposed changes.

**Requested Action:**

- Approval of all TIP Amendments, pending no public comments on the Stearns Co./St. Louis Co. fiscal source swap TIP Amendment tomorrow, the final day of public comment.



*Saint Cloud*  
**Area Planning Organization**

1040 County Road 4, St. Cloud, MN 56303-0643

(320) 252-7568 • (320) 252-6557 (FAX) • E-mail: [admin@stcloudapo.org](mailto:admin@stcloudapo.org) • [www.stcloudapo.org](http://www.stcloudapo.org)

**TO:** Saint Cloud APO Executive Board  
**FROM:** Brian Gibson, PTP, Executive Director  
**RE:** Organizational Options  
**DATE:** March 22, 2018

Pursuant to the direction of the Policy Board, I have prepared the attachments showing potential changes to our Joint Powers Agreement and the Policy Board By-Laws.

There are multiple ways that the APO could reorganize itself with dozens of options for each – what I have prepared is just one possible way to get the detailed discussion started. But, what is attached is a completely viable option which I have seen work at other MPOs of a similar size. I hope you have time to review the documents prior to the meeting and come with any questions or opinions you have about the possibilities.

My intention is to hammer out a consensus with the Executive Board members and then present that consensus at the October Policy Board meeting for final approval.

**Recommended Action:** None, discussion only

## **JOINT POWERS AGREEMENT BETWEEN GOVERNMENTAL UNITS IN THE ST. CLOUD URBAN AND URBANIZING AREA**

### **ARTICLE I- ESTABLISHMENT**

Pursuant to the authority contained in Section 471.59 of Minnesota Statutes, be it resolved that the undersigned ~~g~~Governmental ~~U~~Units in the St. Cloud urban and urbanizing area do hereby establish a joint body entitled the St. Cloud Area Planning Organization.

### **ARTICLE II- PURPOSE**

The general purpose for this joint body is to fulfill the requirements of 23 United States Code ("U.S.C.") Section 134, 23 Code of Federal Regulations ("CFR") Part 450, Subpart C, and 49 U.S.C. Section 5303 regarding the statutory and policy requirements of a Metropolitan Planning Organization ("MPO") in carrying out a continuing, cooperative, and comprehensive multimodal transportation planning process and other related tasks regarding surface transportation planning and programming. In addition, the joint body may also coordinate planning on select issues transcending jurisdictional boundaries, as determined by its Policy Board. The joint body shall achieve its purpose in a manner that is cooperative, fair, and mutually beneficial manner to its members. Constructive dialogue on issues will be facilitated through constant, cooperative intergovernmental communication.

### **ARTICLE III- DEFINITION OF TERMS**

**SECTION 1.** Governmental Unit: A ~~g~~Governmental ~~U~~Units means the State of Minnesota, a County, City, or Township, federally recognized Indian Tribe, or other political subdivision of the United States.

**SECTION 2.** Agency Unit: An Agency Unit is an agency, department, organization, council, commission, business, or other body that is not a Governmental Unit. An Agency Unit may be a department, agency, or other agent of a Governmental Unit, such as a city transit commission, a pollution control agency, a public safety commission, a department of public health, etc.

**SECTION 23.** Party: Party means a ~~g~~Governmental ~~U~~nit, which approvesenters into this agreement.

**SECTION 34.** APO: APO means the organization created pursuant to this agreement, which will be formally known as the "St. Cloud Area Planning Organization."

## **ARTICLE IV-** **ORGANIZATION**

**SECTION 1.** Governmental Unit Membership: The ~~Governmental Unit~~ membership of the ~~APO St. Cloud Area Planning Organization~~ shall consist of ~~p~~Parties to this agreement, but shall at a minimum include the Cities of Saint Cloud, Saint Joseph, Sartell, Sauk Rapids, and Waite Park plus the Counties of Benton, Sherburne, and Stearns.

**SECTION 2.** New Governmental Unit Membership: Any Governmental Unit not a Party to this agreement that is within the planning area of the APO, as defined in Article VI, may become a Party upon entering into this Joint Powers Agreement. Any Governmental Unit that is outside the planning area of the APO as defined in Article VI, may become a Party to this agreement upon a majority vote of the total Policy Board voting representatives present at a duly called meeting noticed for such purpose, and upon entering into this Joint Powers Agreement.

**SECTION 3.** Agency Unit Membership: The APO Policy Board may, by majority vote of the total Policy Board voting representatives present at a duly called meeting noticed for such purpose, approve either the voting or non-voting membership of one or more Agency Units to assist the Policy Board in the achievement of its powers and duties as specified in Article V.

**SECTION 24.** RepresentativesPolicy Board Representatives: Each governmental unit, with the exception of the City of St. Cloud shall appoint three representatives to the APO, two of which must be elected officials. The City of St. Cloud shall appoint eleven representatives to the APO, seven of which must be elected officials. Non-elected representatives shall not be staff persons from any governmental unit, which is a party to the agreement. The Policy Board is the decision-making body of the APO. The Policy Board shall be composed of the following voting representatives:

- (a) Three representatives of the City of Saint Cloud who shall be elected officials of that City; and

- (b) One representative of the City of Saint Joseph who shall be an elected official of that City; and
- (c) One representative of the City of Sartell who shall be an elected official of that City; and
- (d) One representative of the City of Sauk Rapids who shall be an elected official of that City; and
- (e) One representative of the City of Waite Park who shall be an elected official of that City; and
- (f) One representative of Benton County who shall be an elected official of that County; and
- (g) One representative of Sherburne County who shall be an elected official of that County; and
- (h) One representative of Stearns County who shall be an elected official of that County; and
- (i) One representative of any other Party who shall be an elected official of that Governmental Unit; and
- (j) One representative of the St. Cloud Metropolitan Transit Commission or successor agency who shall be a member of the Commission's governing body or the Commission's Chief Executive Officer; and
- (k) One representative of each Agency Unit that is a voting member of the APO, if any.

**SECTION 5.** Non-Voting Representatives: Any Agency Unit that is a non-voting member of the APO may send one official representative to each meeting of the Policy Board. Non-voting representatives serve only as advisors to the Policy Board, may not cast votes, and their presence or absence shall not count toward the determination of quorum.

**SECTION 6.** Appointment of Policy Board Representatives: Representatives to the Policy Board shall be appointed by each member. The appointment of representatives shall be made in writing or by email to the APO Executive Director at least 24 hours prior to the next meeting of the Policy Board.

**SECTION 3.** Non-Party Representatives: An elected or citizen commissioner representative of the St. Cloud Metropolitan Transit Commission and one area-wide organized citizen group, officially recognized by the APO, shall be afforded one voting representative each on the APO.

**SECTION 4Z.** Representation on Taxation or Other Special Assessment Issues: In the event that the Policy BoardAPO proposes

action on taxation or other special assessment issues affecting Parties to the agreement other than Counties, Party representation on the Policy Board~~APO~~ shall be changed to a population basis. For these issues, Party representation on the Policy Board~~APO~~ shall be based on the **Party's percentage of total current assessable population within the planning area**~~jurisdiction~~ of the APO, as defined in Article VI. The **Party's percentage shall be considered representative votes available** to the Party. Fractions of representative votes so determined shall be rounded to the nearest whole representative vote. The following conditions apply:

- The intent of this section is to establish a definitive procedure, based on a one-person-one-vote principle, when the APO is proposing action on taxation or special assessments levied only on the tax base of Cities and Townships within the planning area~~jurisdiction~~ of the APO.
- Counties are considered unaffected by these issues, accordingly, they will not be afforded representative votes.
- Since these issues are metropolitan in scope, Governmental Units not a Party to this agreement, that are within the planning area~~jurisdiction~~ of the APO, shall be afforded representative votes based on their population.
- Since Non-Party Members are not identified by population and do not represent any Governmental Unit, they shall not be afforded representative votes on these issues.
- A Governmental Unit has the discretion to suballocate their resulting representative votes in any manner they desire.
- Each Governmental Unit shall cast their representative votes in resolution form at a duly called Policy Board~~APO~~ meeting noticed for such purpose.
- An eighty percent (80%) affirmative vote shall be required for these issues.

This population-based representation shall only apply to taxation or other special assessment issues. Following deliberation on these issues APO representation shall revert back to that defined in Article IV, Section 24.

○

**SECTION 8.** Advisory Committees: The Policy Board may, by majority vote of the total Policy Board voting representatives present at a duly called meeting noticed for such purpose, approve the formation of one or more advisory committees to assist the Policy Board in the achievement of its purpose and the completion of its duties, as defined in Article V.

**SECTION 59.** Procedures: ~~The APO shall adopt by laws to govern its procedures. Terms of representatives, officers, and meetings shall be set forth in the by laws. These by laws shall be effective upon approval by a sixty-six (66%) percent vote of the representatives present at a duly called meeting noticed for such purpose. Operating procedures of the Policy Board shall be governed by bylaws approved by sixty-six percent (66%) of its total voting representatives present at a duly called meeting noticed for such purpose.~~

## **ARTICLE V. POWERS AND DUTIES OF THE APO**

-The powers and duties of the APO shall include, but will not necessarily be limited to, ~~be~~ the following:

1. To fulfill the Federal requirements of an MPO as set forth in Federal statutes and regulations 23 U.S.C. 134 and 135, 49 U.S.C. 53, 23 CFR Part 450, 49 CFR 5303 and 5304 and 2 CFR 200; and
2. To coordinate long-range planning on select issues transcending jurisdictional boundaries; and
3. To develop and recommend policies, ordinances, regulations, and other actions which will promote orderly development consistent with APO planning; and
4. To develop and keep current a Metropolitan Transportation Plan for the St. Cloud urban and urbanizing area; and
5. To conduct such public hearings as may be required for the drafting, adoption and maintenance of the Metropolitan Transportation Plan; and
6. To keep ~~e~~Governmental ~~U~~Units and the general public informed and advised on all matters relative to transportation planning, programming and funding; and

7. To develop and keep current a multi-year Transportation Improvement Program for the Parties, consistent with Federal and State programs, policies and requirements; and
8. To apply for and receive State and Federal funds and/or grants or gifts to accomplish APO planning and planning related activities; and
9. To provide technical assistance to member gGovernmental uUnits for the development of local plans consistent with APO plans; and
10. To perform other duties which may be lawfully assigned and which may be germane to APO planning activities; and
11. To employ personnel, retain consultants, acquire and maintain property located at 1040 County Road 4, within the City of St. Cloud, and to incur indebtedness needed for acquisition of said property, request and receive financial support from member governmental units, hold and disburse funds, and to make contracts as necessary to accomplish planning and planning related activities; and
12. To strictly account for all funds and to report annually on all receipts and disbursements; and
13. To assist member governmental units in obtaining grants for projects related to APO planning activities.

In addition, the APO may take on additional responsibilities. As a regional planning and programming body, the APO has in place a regional cooperative decision-making process that may serve well for other regional issues. The APO will define within their bylaws a process for taking on additional responsibilities.

## **ARTICLE VI-** **JURISDICTIONPLANNING AREA**

The Jurisdictionplanning area of the APO shall be that geographic area which is deemed necessary by APO representatives to carry out the powers and duties as herein provided. -This area shall not necessarily be limited to the jurisdictional boundaries of Parties to this agreement. The planning area may be adjusted at any time by a majority vote of the total Policy Board voting representatives present at a duly called meeting noticed for such purpose, but shall, at a minimum, be reviewed and approved by the Policy Board following the re-designation of urban areas by the U.S. Census Bureau after each decennial census.

## **ARTICLE VII** **STAFF**

**SECTION 1.** Executive Director: The APO shall have an Executive Director who shall be responsible for the facilitation, conduct, and administration of the Powers and Duties of the APO as defined in Article V. The Executive Director shall be appointed or terminated upon an affirmative vote of the majority of the voting representatives present at a duly called meeting noticed for such purpose.

**SECTION 2.** Additional Staff: The APO may employ such personnel, as it deems necessary to exercise its powers, duties and functions. The Policy Board subject to the laws of the State of Minnesota shall determine and approve the creation or elimination of job positions and the pay ranges of such personnel. The Executive Director shall be responsible for the management of said staff. The Executive Director may delegate specific duties to staff members as necessary.

**SECTION 3.** Use of Party Resources: Nothing herein shall be deemed to prohibit the APO from using, through contractual agreement, the staff resources of Parties to this agreement or other Agency Units to assist the APO in its functions.

## **ARTICLE VII~~I~~- FINANCIAL MATTERS**

**SECTION 1.** Assessments: Parties to this agreement shall be required to provide financial support for the operations of the APO, in the form of assessments, on a per capita basis. Assessments shall be adopted annually by the APO no later than August for the following calendar year work program. Said assessments shall be payable as hereinafter provided:

- A. Assessments shall be invoiced by the APO in two equal installments due and payable on January 15<sup>th</sup> and July 15<sup>th</sup> of each year.
- B. In the event assessments are unpaid by any Party for a period of sixty (60) days beyond their due date, then, and in such event, the Policy BoardAPO representatives from such Party shall have no right to vote in the business of the APO.
- C. In the event a sum greater than the annual assessment is required to carry out the business of the APO the Policy BoardAPO representatives may by a five-sixths (5/6) vote increase assessments to all Parties in proportions deemed to be fair and equitable for the sums required, **provided that no Party's** assessment increases to a greater proportion than forty percent (40%) of the original assessment as herein provided without the **Party's consent being first obtained.**
  - a. Said assessment shall be due and payable within ninety (90) days following an affirmative vote therefore.
  - b. In the event assessments are unpaid by any Party within sixty (60) days, then, and in such event, the APO representatives from such Party shall have no right to vote in the business of the APO.

**SECTION 2.** Taxation: Parties to this agreement may, through Policy BoardAPO representation, as defined in Article IV, Section 47, for business deemed necessary and appropriate for the APO to carry out, petition for special legislation to levy a tax on the tax base of all City and Township Governmental Units, as defined in Article III, Section 1, within the planning area jurisdiction of the APO.

**SECTION 3.** Liability: Liability of the Parties for the debts and obligations of the APO incurred as a result of the proper exercise of said powers as herein granted shall be apportioned to the Parties in the same ratio as their respective financial assessments to the APO unless otherwise mutually agreed upon by the Parties.

## **ARTICLE VIII-** **DURATION OF AGREEMENT**

**SECTION 1.** Dissolution: This Agreement shall have no specific time limit. The APO may be dissolved and this Agreement terminated by the joint action of five-sixth (5/6) of the Parties hereto. Upon termination, all available APO funds and assets shall be disbursed to the Parties in proportion to contribution made by them to the APO.

**SECTION 2.** Withdrawal: Any Party or Member may withdraw from the APO upon six (6) months written notice to the APO of its intention to do so. Withdrawal shall not entitle the withdrawing Party or Member to reimbursement of any funds made by it to the APO during the time it was a Party or Member. However, the withdrawal of any Party to this agreement that results in less than seventy-five percent (75%) of the urban area population being represented on the Policy Board may only be done so under the terms stipulated in Section 1 of this Article.

**SECTION 3.** New Parties: Any Governmental Unit not a Party to this agreement that is within the jurisdiction of the APO, is defined in Article VI, may become a Party upon entering into this Joint Powers Agreement. Any Governmental Unit that is outside the jurisdiction of the APO as defined in Article VI, may become a Party to this agreement upon a majority vote of the total APO representatives present at a duly called meeting noticed for such purpose, and upon entering into this Joint Powers Agreement.

## **ARTICLE IX-** **AMENDMENTS**

**SECTION 1.** Amendments: The Joint Powers Agreement may be amended only upon a sixty-six (66%) percent vote of the total voting representatives present at a duly called meeting noticed for such purpose.

**SECTION 2.** Recording Amendments: All amendments shall be recorded by date with clearly identified changes and permanently appended to this agreement in an appendix.

| **ARTICLE XI.**  
**SEVERABILITY**

If any portion of this Agreement is found to be void, unenforceable or unconstitutional, or any combination of these, by a court of competent jurisdiction the remaining portions of this Agreement shall remain in effect.

**IN WITNESS WHEREOF**, the Parties hereto have duly executed this Agreement by their proper officer or representative.

## **BY-LAWS** **OF** **ST. CLOUD AREA PLANNING ORGANIZATION**

### **ARTICLE I:** **MISSION STATEMENT**

~~The St. Cloud Area Planning Organization (APO) is a voluntary association of townships, cities and counties in the St. Cloud Area. We, as an advisory body, are committed to coordinated long-range planning, in a fair and mutually beneficial manner, on selected issues transcending jurisdictional boundaries, for the betterment of the entire St. Cloud Area. We provide technical assistance to members, and facilitate problem solving through constant, cooperative, intergovernmental communication.~~ The Saint Cloud Area Planning Organization (APO) is an association of townships, cities, and counties committed to coordinated planning – in a fair and mutually beneficial manner – on select issues transcending jurisdictional boundaries for the betterment of the entire Saint Cloud Metropolitan Planning Area. This mission is accomplished through professional planning initiatives and technical assistance, the provision of objective information, and building collaborative partnerships that foster consensus.

### **ARTICLE II** **DEFINITIONS**

**SECTION 1.** Governmental Unit: A Governmental Unit means the State of Minnesota, a County, City, Township, federally recognized Indian Tribe, or other political subdivision of the United States.

**SECTION 2.** Agency Unit: An Agency Unit is an agency, department, organization, council, commission, business, or other body that is not a Governmental Unit. An Agency Unit may be a department, commission, or other agent of a Governmental Unit, such as a city transit commission, a pollution control agency, a public safety commission, a department of public health, etc.

**SECTION 3.** Party: Party means a Governmental Unit which has approved the Joint Powers Agreement and is a member of the APO.

**SECTION 4.** APO: APO means the organization created pursuant to this agreement, which will be formally known as the "St. Cloud Area Planning Organization."

**SECTION 5.** Primary Voting Representative: The Primary Voting Representative of a Party or Agency Unit member of the APO is the person who serves as the principal representative of the member on the Policy Board.

**SECTION 6.** Alternate Voting Representative: The Alternate Voting Representative of a Party or Agency Unit member of the APO is the person who serves as the representative of the member on the Policy Board only in the absence of the Primary Voting Representative.

## **ARTICLE II** **POWERS AND DUTIES**

The APO is the recognized Metropolitan Planning Organization ("MPO") and decision-making body for the continuing, cooperative, and comprehensive multi-modal transportation planning process for the Saint Cloud urban area. As such, it is responsible for carrying out the provisions and responsibilities defined in applicable Federal law and regulations. The powers and duties of the APO are more specifically defined in Article V of the Joint Powers Agreement.

In addition, the APO may take on responsibilities over and above those specifically defined in the Joint Powers Agreement. As a regional planning and programming body, the APO has in place a cooperative, decision-making process that may serve well for other regional issues.

- For items requiring only discussion by the Board, the Board Chair shall approve the inclusion of the item on the Board agenda, or the Board agenda may be amended to include the item per Robert's Rules of Order.
- Items requiring staff time but which are not activities eligible for reimbursement by the APO's Consolidated Planning Grant shall be included in or shall be amended into the APO's Unified Planning Work Program, and an eligible source of funding to pay all costs for the budgeted staff time shall be identified.

## **ARTICLE III-** **MEMBERSHIP AND DUES**

**SECTION 1.** Membership: Membership in this Organization shall be as outlined in the Joint Powers Agreement under Article IVH – Organization.

**SECTION 2.** Appointment of Primary Voting Representatives: Primary Voting Representatives shall be appointed by the voting member units to serve for a one year term. Primary Voting Representatives shall serve until replaced or until the member unit withdraws their APO membership. Primary Voting Representatives may be changed at any time by the member unit, but the appointment of a Primary Voting Representative must be made in writing or by email to the Executive Director at least 24 hours prior to the next scheduled meeting of the APO Policy Board. Failure to provide sufficient notice may result in the member's Primary Voting Representative not being recognized as the duly appointed representative for that member. They are to be certified to the Executive Director on or before the annual meeting held in May. At all times APO representatives from a given member shall be 60 percent elected officials of that member.

**SECTION 3.** Alternate Voting Representatives: Members may also appoint Alternate Voting Representatives who shall be recognized as the member's representative only if the member's Primary Voting Representative is absent from a meeting. If a member's Primary Voting Representative and Alternate Voting Representative both attend the same meeting at the same time, only the Primary Voting Representative's vote shall count and the presence of the Alternate Voting Representative shall not be considered for purposes of determining quorum. Alternate Voting Representatives may be changed at any time by the member unit, but the appointment of an Alternate Voting Representative must be made in writing or by email to the Executive Director at least 24 hours prior to the next scheduled meeting of the APO Policy Board. Failure to provide sufficient notice may result in the member's Alternate Voting Representative not being recognized as the duly appointed representative for that member.

**SECTION 3.** Non-Member Representatives: Representation on the APO will be afforded to the following non-members:

Citizens Group: The APO shall afford an opportunity for voting representation on the APO to one area-wide organized citizens group. The APO shall have the authority to recognize this Citizens Group and approve their operating procedures relative to APO involvement. The Citizens Group shall designate one representative to represent their group on the APO.  
St. Cloud Metropolitan Transit Commission: The APO shall afford voting representation on the APO to the St. Cloud Metropolitan Transit Commission. The St. Cloud Metropolitan Transit Commission shall designate one elected citizen Commissioner to serve on the APO.

**SECTION 4.** Dues for Government Units: Operating funds will be obtained by assessing member units of government on a per capita basis. The most

recent population figures published by the U.S. Census Bureau or subsequent updates in "Minnesota Population and Household Estimates" published by the Office of State Demographer will be used for government unit assessments. Individual County assessments will be based on the urbanized area township population in that County, regardless of the townships membership status in the APO, and those townships in that County that are signatories of the Joint Powers Agreement but not part of the urbanized area. ~~To cover necessary administrative costs and incidental technical assistance the minimum assessment fee shall be \$2,000 for new membership in the APO as of September 29, 1994.~~

**SECTION 5.** Dues for Agency Unit Voting Members: Agency Unit voting members of the APO shall annually be assessed a flat fee of \$3,500 per member.

**SECTION 6.** Dues for Agency Unit Non-Voting Members: Non-voting Agency Unit members shall not pay any dues for fees.

**SECTION 57.** Attendance: ~~Appointed representatives shall be required to attend at least fifty percent of all regular meetings duly called by the APO during their term of appointment. There are no attendance requirements for individual representatives. However, Attendance records of each Primary Voting Representative and their Alternate Voting Representative will be kept and annually reported to member units to help ensure that each member unit is being represented to the extent that they so desire. Should a representative fail to attend at least fifty percent of all regular meetings or if a representative misses three consecutive meetings without prior notification, that representative will be considered to have resigned, subject to re-appointment. Prior to final action on this implied resignation, the APO Executive Director will notify the principal elected official of the affected member unit, in writing, and request a written statement concerning the status of this representative. One month will be allowed for the written reply. The APO's Executive Board will have final authority in this matter.~~

## **ARTICLE III-** **OFFICERS**

**SECTION 1.** Officers: The officers of APO shall be a Chair, a Vice-Chair, and the immediate Past-Chair a Secretary and a Treasurer. In the event the immediate Past-Chair is unable to serve, the Policy Board may elect any previous Chair to serve in that capacity. If no previous Chair is available or willing to serve as Past-Chair, the Policy Board may elect any other Policy Board representative to serve in that capacity. The officers, who shall be elected by the General Membership Policy Board, shall take office upon their election at the Annual Meeting held in May.

**SECTION 2.** Terms: The officers shall serve for a one-year term. No officer shall serve more than two consecutive terms in any one office.

## **ARTICLE IV-** **OFFICER'S DUTIES**

**SECTION 1.** Chair: It shall be the duty of the Chair to preside at all meetings of the APO. The Chair shall have general responsibility for the affairs of the APO including signatory authority on all contracts, documents and other official instruments of the APO.

**SECTION 2.** Vice-Chair: The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair. In case of the resignation or death of the Chair, the Vice-Chair shall perform such duties as are imposed on the Chair until such time as the APO shall select a new Chair. The Vice-Chair shall have signatory authority on all contracts, documents and other official instruments of the APO.

**SECTION 3.** Past-Chair: The Past-Chair provides some continuity of direction and historical perspective to the Policy Board and provides advice and leadership to the Chair and Vice-Chair. The immediate Past-Chair supports the Chair and the Vice-Chair on an as-needed basis. Secretary: The Secretary shall have general responsibility for keeping the records of the APO. At all meetings of the APO, the Secretary shall record a roll of members, minutes of proceedings, a record of votes, and shall keep a record of proceedings of the APO in a journal for such purpose. The Secretary shall have signatory authority on all contracts, documents and other official instruments of the APO.

**SECTION 4.** Treasurer: The Treasurer shall have general responsibility for the finances of the APO. The Treasurer shall prepare monthly reports and an annual audit of financial accounts for Executive Board approval. The

Treasurer shall have signatory authority on all contracts, documents and other official instruments of the APO.

**SECTION 54.** Vacancies: Should the office of Chair, Vice-Chair, Past-Chair~~Secretary or Treasurer~~ become vacant, the Policy Board~~APO~~ shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of said office.

**SECTION 6.** Executive Director: The Executive Director of the APO shall be responsible for the general supervision, management and administration of the business and affairs of the Organization. He/She shall have the care and custody of all funds of the APO and shall deposit the same in the name of the Organization in such bank or banks as the Organization may select. He/She shall have signatory authority for the disbursement of all monies under the direction of the Organization. Except as otherwise authorized by the Organization, an Officer of the Organization shall countersign all such disbursements. He/She shall also have signatory authority on all contracts, documents and other official instruments of the APO. He/She shall keep all official records and financial accounts of the Organization. The Executive Director shall be appointed upon an affirmative vote of the majority of the member units.

**SECTION 7.** Additional Personnel: The APO may from time to time employ such personnel, as it deems necessary to exercise its powers, duties and functions. The Executive Board subject to the laws of the State of Minnesota shall determine the selection and compensation of such personnel.

## **ARTICLE VI-** **EXECUTIVE BOARD COMMITTEE**

**SECTION 1.** Representatives: -The Officers of APO ~~and the principal elected official of each member unit~~ shall constitute the Executive ~~Board~~Committee. ~~If the principal elected official of a member unit is not one of the unit's representatives to the APO or chooses not to serve on the Executive Board, then that member unit shall designate in writing an alternate representative to the Executive Board. The alternate must be an elected official of the member unit. For the City of St. Cloud the President of the Council and one other Council member shall also serve on the Executive Board. If the Council President chooses not to serve on the Executive Board, then another member of the Council shall be designated to serve in this capacity.~~

**SECTION 2.** Chair: The Executive Board will be chaired by the Chair of the APO or the Vice-Chair, Secretary, Treasurer in the absence of incapacity of the Chair.

**SECTION 32.** Scope of AuthorityPurpose and Role: -Except as otherwise expressly provided herein, the Executive BoardCommittee shall have the following purpose and roleauthority:

- A. Preparation of the agenda for regular APO meetingsServing as an informal advisor to the Executive Director for discussion or further development of matters relevant to the APO.
- B. Receive and disburse monies within the approved budget.
- C. Providing the Executive Director with guidance regarding sensitive or private personnel matters consistent with the APO's Personnel Policy.
- D. Preparation of annual budget and work program.
- E. Nominating a slate of officers for the annual meeting.
- F. Provide direction to the Executive Director. Completing the Executive Director's annual performance review.
- G. Speaking publicly for the APO.
- H. Developing and Recommending action and policy to the full Policy Board

The Executive Committee shall not vote or take formal action on any items. Their role is as a working group and advisor only.

**SECTION 43.** Meetings: -The Executive BoardCommittee shall meet on an ad hoc basismonthly as specified in Article VI. Any member of the Executive Committee or the Executive Director may request a meeting of the Executive Committee. The Policy Board may refer items to the Executive Committee for further development, investigation, or recommendation before reporting back to the full Policy Board for formal action.

**SECTION 5.** Minutes: The Secretary of the APO shall record a roll of members, minutes of proceedings, a record of votes, and shall keep a permanent file for such purposes. Minutes of the Executive Board shall be approved, as a separate order of business, by a majority vote of the Executive Board members present, at the next regular meeting of the APO.

## **ARTICLE VII-** **MEETINGS**

**SECTION 1.** Meetings: -Pursuant to Minnesota Statutes Chapter 13D, All meetings of the Policy BoardAPO shall be open to the public.

**SECTION 2.** Regular Meetings: -Regular meetings of the Policy BoardAPO will normally be held on the fourthsecond Thursday of each month

~~include the May Annual Meeting and two (2) additional meetings to be held in February and October. The Executive Board shall only schedule additional Regular membership meetings beyond those stated to address required business. In the event such date shall fall on a legal holiday, the Executive Board shall reschedule said meeting.~~ The Executive Board shall determine meeting location. Pursuant to the Americans with Disabilities Act and the policies of the Stakeholder Engagement Plan, meeting locations shall be accessible to all people of all abilities. -Meetings will begin at 7:00 p.m.

**SECTION 3.** Executive Board Meetings: Executive Board meetings of the APO shall be held on the second Thursday of every month. In the event such date shall fall on a legal holiday, the Executive Director shall reschedule said meeting. Meeting cancellations can occur by a majority vote of Executive Board members, as deemed appropriate. The Chair will determine meeting location. Meetings will begin at 5:00 p.m.

**SECTION 43.** Annual Meeting: The annual meeting of the APO shall be convened in May ~~with a separate agenda immediately following the business of the regular meeting.~~ -Election of officers ~~and certification of representatives from member units~~ shall take place as specified in Article HIV and Article ~~HIV~~.

**SECTION 54.** Special Meetings: The Chair or Acting Chair of the Policy Board~~APO~~ may, when he/she deems it necessary, ~~orally~~ call a special meeting of the Policy Board~~APO~~. At least one representative from each unit must be contacted personally ~~five~~seven (57) days in advance of the meeting for such special meeting to be valid. Member units of the APO may also call special meetings. -A written petition signed by one-third (1/3) of the member units and presented to the Chair and/or Executive Director seven business days prior to the requested date for a special meeting shall constitute a call for such meeting. -The call for any special meeting shall designate the date, time, place, the business to be transacted and who called the meeting. At such special meeting, no business shall be considered other than as designated in the call. -The agenda for said meeting may be delivered or mailed to each representative of the APO at least ~~two~~five days prior to the date of such special meeting.

**SECTION 65.** Notices: Notices of regular ~~and Policy~~ Executive-Board meetings ~~of the APO~~ shall be mailed at least ~~fifteen~~ (510) days prior to the meeting date.

**SECTION 76.** Rules of Order: Roberts Rules of Order (Revised) shall govern all proceedings, and meetings of the Policy Board~~APO~~, insofar as they do not conflict with or are inconsistent with the provisions of these By-Laws.

**SECTION 87.** Agendas: ~~I~~the Executive Director Board shall draft all regular Meeting and Annual Meeting agendas. -The Chair and/or Executive Director shall review and approve draft agendas, including whatever changes the Chair believes are appropriate for the Executive Board eight days in advance of the Executive Board Meeting. ~~Other agenda items may be included at this meeting when the agenda is approved by a majority vote of the members present~~Agendas may be amended at the meeting pursuant to Robert's Rules for amending agendas. Special Meeting agendas are restricted to the business designated in the call.

**SECTION 98.** Quorum: -A majority of APO Policy Board voting representatives, ~~representing at least sixty percent (60%) of the member units~~, shall constitute a quorum for the purpose of conducting business ~~for Regular meetings and Executive Board meetings~~.

**SECTION 109.** Voting: -Voting privileges will be afforded ~~to~~ to the representatives of dues paying member units ~~and board authorized non-member representatives, which may be Governmental Units or Agency Units.~~

## **ARTICLE VII** **COMMITTEES**

**SECTION 1.** Technical Advisory Committee: The APO Policy Board shall establish a Technical Advisory Committee for the purpose of research, analysis and reporting on all issues of a technical nature. By-laws governing all proceedings of this committee shall be approved by the APO Policy Board.

**SECTION 2.** Other Permanent Advisory Committees: The Policy Board may, by a majority vote of voting representatives present at a duly called meeting noticed for such purpose, approve the formation or dissolution of other permanent advisory committees. Pursuant to Article X, such votes shall be to amend these By-Laws to include or remove the advisory committee.

**SECTION 2.** Special Temporary Committees: From time to time temporary working groups or special advisory committees may be appointed by the Policy Board APO for a specific task or function by majority vote of voting representatives present at a duly called meeting noticed for such purpose.

## **ARTICLE IX** **STAFF**

**SECTION 6.** Executive Director: The Executive Director of the APO shall be responsible for:

1. ~~The general supervision, management and administration of staff; and~~
2. ~~The general supervision, management, and administration of the business and affairs of the APO; and Organization.~~
3. ~~He/She shall have ~~The care and custody of all funds of the APO and shall deposit the same in the name of the APO~~ Organization is such bank or banks as the Policy Board Organization may select-~~
  - a. ~~He/She shall have signatory authority for the disbursement of all monies under the direction of the Policy Board Organization.~~
  - b. In general, the Policy Board shall approve the work items – including all contracts – of the APO when approving the Unified Planning Work Program (UPWP), which shall include a proposed budget for each work item. In doing so, the Policy Board shall be granting authority to the Executive Director for the disbursement of monies for those work items.
  - c. The Executive Director shall request an amendment to the UPWP if:
    - i. Any change results in adding federal funds to the existing approved UPWP, or
    - ii. Adding a new work item not previously listed in the UPWP, or
    - iii. Expenditures are anticipated to exceed the total UPWP budget by more than ten-percent (10%), or
    - iv. A reduction in work or deletion of a work item will exceed 10% of the total funds identified in the UPWP budget, or
    - v. A significant change in the scope-of-work for a work item, or
    - vi. Contracting out or otherwise obtaining the services of a third party to perform activities previously identified as a task to be completed by APO staff.
  - d. ~~Except as otherwise authorized by the Organization, an Officer of the Organization shall countersign all such disbursements. He/She shall also have He/She shall have signatory authority on all contracts, documents and other official instruments of the APO approved by the Policy Board.~~
  - e. ~~He/She shall keep all official records and financial accounts of the APO Organization.~~

–The Executive Director shall be appointed or terminated upon an affirmative vote of the majority of the voting representatives present at a duly called meeting noticed for such purpose~~member units.~~

**SECTION 7.** Additional Personnel: ~~The APO may employ such personnel, as it deems necessary to exercise its powers, duties and functions. The Policy Board subject to the laws of the State of Minnesota shall determine and approve the creation or elimination of job positions and the pay ranges of such personnel. The Executive Director shall be responsible for the management of said staff. The Executive Director may delegate specific duties to staff members as necessary. The APO may from time to time employ such personnel, as it deems necessary to exercise its powers, duties and functions. The Executive Board subject to the laws of the State of Minnesota shall determine the selection and compensation of such personnel.~~

## **ARTICLE VIII AMENDMENT OF BY-LAWS**

**SECTION 1.** Amendments: The By-Laws of the Organization may be amended only upon a sixty-six percent (66%) vote of the total representatives present at a duly called meeting noticed for such purpose.

**SECTION 2.** Recording of Amendments: All amendments shall be recorded by date with clearly identified changes and permanently appended to these By-Laws in an appendix.

## **ARTICLE IX NON-DISCRIMINATION**

**SECTION 1.** Non-Discrimination: ~~The APO shall not discriminate based upon race, color, sex, age, national origin, disability, creed, religion, status with regard to public assistance, or marital status. The APO is an equal opportunity employer and shall not unlawfully discriminate against employees or applicants for employment on the basis of an individual's race, color, religion, gender, sexual orientation, national origin, age, disability, genetics, marital status, veteran status or any other status protected by applicable law.~~

\_\_\_\_ The undersigned, as Secretary of the Organization, hereby certifies that the foregoing By-Laws were adopted as the complete By-Laws of the APO at a regular meeting on July 27, 2000.

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~~DeWayne Mareck, Secretary~~

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