

AMENDED ITEMS—JANUARY 6, 2014

REGULAR AGENDA:

**4a. Flood Diversion Board of Authority billing for December**

SUGGESTED MOTION:

Move to approve the expenses for the Flood Diversion Board of Authority in the amount of \$546,869.21, and to remit \$60,763.25 for Cass County's share of cash flow to cover Minnesota receivables for the month of December, 2013.

**4b. State Water Commission reimbursement request for diversion project**

SUGGESTED MOTION:

Move to authorize the chairman to sign the approval letter for the State Water Commission to distribute funds in the amount of \$41,490 to the FM Diversion Authority pursuant to terms and conditions of Senate Bill 2020.



January 2, 2014

## Auditor

Michael Montplaisir, CPA  
701-241-5601

## Treasurer

Charlotte Sandvik  
701-241-5611

## Director of Equalization

Frank Klein  
701-241-5616

Cass County Board of Commissioners  
Cass County Government  
211 9<sup>th</sup> Street South  
Fargo ND 58103

RE: December Diversion Billing

Dear Commissioners:

The December billing for the Flood Diversion Board of Authority is attached. The expenses are the county's share of engineering, legal, management contract, and accounting services.

Sincerely,

Michael Montplaisir, CPA  
Cass County Auditor

### SUGGESTED MOTION:

Move to approve the expenses for the Flood Diversion Board of Authority in the amount of \$546,869.21 and to remit \$60,763.25 for Cass County's share of cash flow to cover Minnesota receivables for the month of December, 2013.

MY DOCUMENTS\HEATHER\DIVERSION DOCUMENTS\COMMISSION LETTER FOR DIVERSION BILLING-DEC 2013.DOCX

Box 2806  
211 Ninth Street South  
Fargo, North Dakota 58103

Fax 701-241-5728

[www.casscountynd.gov](http://www.casscountynd.gov)

INVOICE



CITY OF FARGO, NORTH DAKOTA  
CITY AUDITORS OFFICE  
PO BOX 1607  
FARGO, ND 58107

(701) 241-1333

TO: Cass County Auditors Office  
Mike Montplaisir  
PO Box 2806  
FARGO, ND 58107

INVOICE NO: 228981  
DATE: 12/30/13

CUSTOMER NO: 899/17916

TYPE: DV - DIVERSION AUTHORITY

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	FM Diversion Authority December 2013 Billing	546,869.21	546,869.21

\*DUE UPON RECEIPT. LATE PAYMENT CHARGE OF 1.5%/MO  
WILL BE APPLIED 30 DAYS AFTER INVOICE DATE.

TOTAL DUE: \$546,869.21

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 12/30/13 DUE DATE:12/30/13  
CUSTOMER NO: 899/17916

NAME: Cass County Auditors Office  
TYPE: DV - DIVERSION AUTHORITY

REMIT AND MAKE CHECK PAYABLE TO:  
CITY OF FARGO, NORTH DAKOTA  
CITY AUDITORS OFFICE  
PO BOX 1607  
FARGO ND 58107

INVOICE NO: 228981  
TERMS: NET 0 DAYS

AMOUNT: \$546,869.21

**FM DIVERSION AUTHORITY  
LOCAL AGENCY BILLINGS (Cash Disbursement Basis)**

<b>BILLING PERIOD:</b>	Dec-13
<b>INVOICE DATE:</b>	12/30/2013
<b>TOTAL INVOICED AMOUNTS:</b>	\$ 1,215,164.90

**DETAILS OF COSTS BILLED:**

Revenues Received During Period	Amount
361.85-00 Lease/Rental Payments	\$ 1,429.59
370.10-00 Miscellaneous	-
<b>Total Received</b>	<b>\$ 1,429.59</b>
Expenses Disbursed During Period	Amount
33-05 Engineering Services	\$ 980,207.66
33-06 Quality Testing	747.60
33-20 Accounting Services	1,000.00
33-25 Legal Services	52,172.99
33-79 Construction Management Services	181,235.04
34-65 Right of Entry Requests	512.50
38-99 Other Services	378.10
62-51 Electricity	44.60
62-52 Propane	496.00
80-01 Advance to Oxbow for land purchase	(200.00)
<b>Total Disbursed</b>	<b>\$ 1,216,594.49</b>
<b>TOTAL TO BILL FOR PERIOD</b>	<b>\$ 1,215,164.90</b>

FM Diversion Cost Allocation	A/R Type	A/R Code	Cust. ID #	Agency Cost Share	Billed Amounts
334-10-00 State Water Commission	DV	FMDV3	10427	Land Cost	(100.00)
337-80-20 City of Fargo				45%	546,869.21
337-80-25 City of Moorhead	DV	FMDV1	1969	10%	121,526.49
337-80-30 Cass County	DV	FMDV2	899	45%	546,869.21
<b>Total Partnership A/R Billing Totals</b>					<b>\$ 1,215,164.90</b>

**FM Diversion Authority  
Summary of Cash Disbursements  
Period December 2013**

Period/Year: 12/2013

Date: 12/30/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-0000-129.80-01	12/19/2013	245504	KENNELLY & OKEEFFE (ACQUISITIONS)	-200.00	TITLE OPINION-K-F FARM PA	V02404	OXBOW MOU - LAND ADVANCE
	12/19/2013	245504	KENNELLY & OKEEFFE (ACQUISITIONS)	-200.00	TITLE OPINION-BRAND LANDS	V02404	OXBOW MOU - LAND ADVANCE
	12/26/2013	245595	KENNELLY & OKEEFFE (ACQUISITIONS)	200.00	TITLE OPINION-K-F FARM PA	V02404	OXBOW MOU - LAND ADVANCE
<b>Total - City of Oxbow</b>				(200.00)			
790-7910-429.33-20	12/27/2013	JB12130020	CITY OF FARGO	1,000.00	FISCAL SERVICES	V00102	General & Admin. WIK
<b>Total WIK - General &amp; Admin - Accounting Services</b>				1,000.00			
790-7910-429.33-25	12/26/2013	245554	ERIK R JOHNSON & ASSOCIATES	3,590.36	METRO FLOOD PROJECT	V00102	General & Admin. WIK
<b>Total WIK - General &amp; Admin. - Legal Services</b>				3,590.36			
790-7915-429.33-05	12/11/2013	245277	RED RIVER BASIN COMMISSION	121,093.96	HUR PROJECT	V02101	STUDY UPPER RR RETENTION
	12/26/2013	245633	OXBOW, CITY OF	33,267.03	17522 OXBOW OHB LEVEE	V02402	OXBOW MOU-PRELIM ENGINRNG
	12/26/2013	245633	OXBOW, CITY OF	21,385.92	17523 OHB LEVEE PROJECT	V02403	OXBOW MOU-CONCEPT LAYOUTS
	12/26/2013	245633	OXBOW, CITY OF	27,772.25	OXBOW OHB LEVEE	V02401	OXBOW MOU-PROJ MGMT ADMIN
	12/11/2013	245170	HOUSTON-MOORE GROUP LLC	4,174.80	9/1-9/30/13	V01607	RECREATION/USE MASTER PLN
	12/11/2013	245170	HOUSTON-MOORE GROUP LLC	2,938.50	9/1-9/30/13	V01608	WORK-IN-KIND (WIK)
	12/11/2013	245170	HOUSTON-MOORE GROUP LLC	61,658.85	9/1-9/30/13	V01609	HYDROLOGY/HYDRAULIC MODEL
	12/11/2013	245170	HOUSTON-MOORE GROUP LLC	47,769.17	9/1-9/30/13	V01613	LEVEE DESIGN & SUPPORT
	12/11/2013	245170	HOUSTON-MOORE GROUP LLC	59,710.84	9/1-9/30/13	V01614	TRANS/DRAINAGE MASTER PLN
	12/26/2013	245581	HOUSTON-MOORE GROUP LLC	3,211.43	10/1-10/31/13	V01607	RECREATION/USE MASTER PLN
	12/26/2013	245581	HOUSTON-MOORE GROUP LLC	472.50	10/1-10/31/13	V01608	WORK-IN-KIND (WIK)
	12/26/2013	245581	HOUSTON-MOORE GROUP LLC	63,742.28	10/1-10/31/13	V01609	HYDROLOGY/HYDRAULIC MODEL
	12/26/2013	245581	HOUSTON-MOORE GROUP LLC	143,803.82	10/1-10/31/13	V01613	LEVEE DESIGN & SUPPORT
	12/26/2013	245581	HOUSTON-MOORE GROUP LLC	36,433.45	10/1-10/31/13	V01614	TRANS/DRAINAGE MASTER PLN
	12/26/2013	245581	HOUSTON-MOORE GROUP LLC	568.00	10/1-10/31/13	V01615	DRAFT OPERATIONS PLAN
	12/11/2013	245302	URS CORPORATION	62,830.67	ENDING 8/30/13	V01002	NW Alignment Survey-URS
<b>Total WIK - Project Design - Engineering Services</b>				690,833.47			
790-7920-429.33-05	12/11/2013	245170	HOUSTON-MOORE GROUP LLC	67,201.05	9/1-9/30/13	V01601	HMG - PROJECT MANAGEMENT
	12/26/2013	245581	HOUSTON-MOORE GROUP LLC	77,084.12	10/1-10/31/13	V01601	HMG - PROJECT MANAGEMENT
<b>Total WIK Construction Mgmt. - Engineering Services</b>				144,285.17			

**FM Diversion Authority  
Summary of Cash Disbursements  
Period December 2013**

Period/Year: 12/2013

Date: 12/30/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7920-429.33-79	12/26/2013	245533	CH2M HILL ENGINEERS INC	1,235.04	DEC 2013	V00203	CH2M HILL - 10/1-6/30/13
	12/26/2013	245533	CH2M HILL ENGINEERS INC	180,000.00	DEC 2013	V00204	CH2M Hill-9.1.13-2.28.14
<b>Total WIK Construction Mgmt. - Project Management</b>				<b>181,235.04</b>			
790-7930-429.33-05	12/11/2013	245170	HOUSTON-MOORE GROUP LLC	743.00	9/1-30/13	V01604	CR-32 & CR-22 BRIDGE DSGN
	12/11/2013	245170	HOUSTON-MOORE GROUP LLC	29,583.05	9/1-9/30/13	V01604	CR-32 & CR-22 BRIDGE DSGN
	12/11/2013	245170	HOUSTON-MOORE GROUP LLC	28,523.52	9/1-9/30/13	V01606	LAND MANAGEMENT SERVICES
	12/11/2013	245170	HOUSTON-MOORE GROUP LLC	1,518.00	9/1-9/30/13	V01610	UTILITIES DESIGN
	12/11/2013	245170	HOUSTON-MOORE GROUP LLC	10,224.62	9/1-9/30/13	V01611	REACH 6 & CR20 BRIDGE
	12/26/2013	245581	HOUSTON-MOORE GROUP LLC	7,181.98	10/1-10/31/13	V01602	CR-31 BRIDGE DESIGN
	12/26/2013	245581	HOUSTON-MOORE GROUP LLC	25,840.00	10/1-10/13/13	V01604	CR-32 & CR-22 BRIDGE DSGN
	12/26/2013	245581	HOUSTON-MOORE GROUP LLC	29,117.67	10/1-10/31/13	V01606	LAND MANAGEMENT SERVICES
	12/26/2013	245581	HOUSTON-MOORE GROUP LLC	6,541.50	10/1-10/31/13	V01610	UTILITIES DESIGN
	12/26/2013	245581	HOUSTON-MOORE GROUP LLC	5,815.68	10/1-10/31/13	V01611	REACH 6 & CR20 BRIDGE
	<b>Total LERRDS - North Dakota - Engineering Services</b>				<b>145,089.02</b>		
790-7930-429.33-25	12/26/2013	245545	DORSEY & WHITNEY LLP	45,518.80	THRU 10/31/13	V00101	Dorsey Whitney Legal
	12/26/2013	245554	ERIK R JOHNSON & ASSOCIATES	3,063.83	METRO FLOOD PROJECT	V00103	General & Admin. LERRDS
<b>Total LERRDS - North Dakota - Legal Services</b>				<b>48,582.63</b>			
790-7931-429.33-06	12/26/2013	245687	TRIO ENVIRONMENTAL CONSULTING INC	747.60	TRAVEL/SURVEYS/REPORTING	V02302	MN LAND PURCHASE-HARDSHIP
<b>Total LERRDS - Minnesota - Quality Testing</b>				<b>747.60</b>			
790-7931-429.34-65	12/4/2013	351	P CARD BMO	102.50	OHNSTAD TWICHELL PC	V01301	City of Moorhead ROE
	12/4/2013	245040	OHNSTAD TWICHELL PC	410.00	RIGHT OF ENTRY/LAND ACQUI	V01301	City of Moorhead ROE
<b>Total LERRDS - Minnesota - Right of Entry Requests</b>				<b>512.50</b>			
790-7931-429.38-99	12/11/2013	245122	CURTS LOCK & KEY SERVICE INC	138.10	SERVICE CALL	V02302	MN LAND PURCHASE-HARDSHIP
	12/11/2013	245132	DONS PLUMBING	240.00	DRAIN/WINTERIZE HOUSE	V02302	MN LAND PURCHASE-HARDSHIP
<b>Total LERRDS - Minnesota - Other Services</b>				<b>378.10</b>			

**FM Diversion Authority  
 Summary of Cash Disbursements  
 Period December 2013**

Period/Year: 12/2013

Date: 12/30/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7931-429.62-51	12/26/2013	245652	RED RIVER VALLEY COOPERATIVE ASSOC	44.60	11/10-12/10/13 FACILITY	V02302	MN LAND PURCHASE-HARDSHIP
Total LERRDS - Minnesota - Electricity				44.60			
790-7931-429.62-52	12/11/2013	245143	FERRELLGAS	496.00	ACCT #99804607 PROPANE	V02302	MN LAND PURCHASE-HARDSHIP
Total LERRDS - Minnesota - Propane				496.00			
Total Disbursed for Period				<b>\$1,216,594.49</b>			



## Finance Office

P.O. Box 2083  
200 3rd Street North  
Fargo, North Dakota 58107-2083  
Phone: 701-241-1333  
Fax: 701-241-1526

December 31, 2013

Dave Laschkewitsch  
North Dakota State Water Commission  
900 East Boulevard Avenue, Dept 770  
Bismarck, ND 58505-0850

Dear Dave,

The FM Diversion Authority is submitting eligible costs for reimbursement request # 3 pursuant to the terms and conditions of Senate Bill 2020. These costs are for the acquisition of land associated with the Oxbow/Hickson/Bakke ring levee project. Cost summaries and detailed disbursement records are included within this submission. This submission represents costs incurred from December 16, 2013 through December 31, 2013.

The total amount of the claim for reimbursement is \$41,490.

We certify that \$85,488 has been expended on the acquisition of homes and that these costs are eligible for the local matching share requirements of SB 2020. Records relating to these costs are on file with the City of Fargo in the Office of the City Auditor.

The City of Fargo, Cass County Commission, and the Cass County Joint Water Resource Board have approved our request for funds as required in SB 2020. Copies of their approval letters are included.

If you have any questions relating to our request, please contact me directly.

Sincerely,

A handwritten signature in black ink that reads "Kent Costin".

Kent Costin  
Director of Finance, City of Fargo  
Fargo-Moorhead (FM) Area Diversion Project

Required Local Approvals:

\_\_\_\_\_  
City of Fargo

\_\_\_\_\_  
Cass County Commission

\_\_\_\_\_  
Cass County Joint Water Resource Dist.



FM Diversion Authority  
 State Water Commission Funds Reimbursement Worksheet  
 Fargo Flood Control Project Costs

Time Period for This Request: December 16, 2013 - December 31, 2013

Drawdown Request No: 3	
<b>Requested Amount:</b>	<b>\$ 41,490</b>
Total Funds Expended This Period:	\$ 82,980
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	\$ 41,490
<b>Total Funds Requested:</b>	<b>\$ 41,490</b>

<b>STATE AID SUMMARY:</b>	
Summary of State Funds Appropriated	
Appropriations from 2009 Legislative Session	\$ 45,000,000
Appropriations from 2011 Legislative Session	30,000,000
Appropriations from 2013 Legislative Session	100,000,000
Total State Funds Appropriated	\$ 175,000,000
Less: Payment #1 through #23 - City of Fargo	(42,538,766)
Less: Payment #1 - Cass County	(136,039)
Less: Payment #1 - FM Diversion Authority	(18,600)
Less: Payment #2 - FM Diversion Authority	(3,722,125)
Less: Payment #3 - FM Diversion Authority	(41,490)
Total Funds Reimbursed	\$ (46,457,020)
<b>Total State Fund Balances Remaining</b>	<b>\$ 128,542,980</b>

<b>LOCAL MATCHING FUNDS SUMMARY:</b>	
Matching Funds Expended To Date - City of Fargo	\$ 38,332,486
Matching Funds Expended To Date - Cass County	291,500
Matching Funds Expended To Date - FM Diversion Authority	85,488
Total Matching Funds Expended To Date	\$ 38,709,474
Less: Match Used on Payment #1 through #23 - City of Fargo	(32,061,083)
Less: Match used on Payment #1 - Cass County	(136,039)
Less: Match Used on Payment #1 - FM Diversion Authority	(18,600)
<b>Balance of Local Matching Funds Available</b>	<b>\$ 6,493,752</b>

**FM Diversion Authority**  
**Summary of Cash Disbursements**  
**Advance to City of Oxbow for Land Purchases**

Period/Year: 12/2013

Date: 12/18/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-0000-129.80-01	12/16/2013	WIRE	COMMERCIAL TITLE LLC	\$ 3,869,270.00	ADVANCE-BRANDT LAND PURCH	V02404	OXBOW MOU - LAND ADVANCE
	12/17/2013	245344	COMMERCIAL TITLE LLC	271.00	BRANDT LLLP-PURCHASE BY C	V02404	OXBOW MOU - LAND ADVANCE
	12/19/2013	245502	CASS COUNTY RECORDER	68.00	RECORDING FEES-KF FARM PA	V02404	OXBOW MOU - LAND ADVANCE
	12/19/2013	245505	TITLE COMPANY	3,641,500.00	LAND PRCH-QUALIFIED INTER	V02404	OXBOW MOU - LAND ADVANCE
	12/19/2013	245503	INNOVATIVE ABSTRACT & TITLE CO	15,921.53	LAND PURCHASE-KF FARM PAR	V02404	OXBOW MOU - LAND ADVANCE
	12/19/2013	245504	KENNELLY & OKEEFFE (ACQUISITIONS)	200.00	TITLE OPINION-K-F FARM PA	V02404	OXBOW MOU - LAND ADVANCE
	12/19/2013	245504	KENNELLY & OKEEFFE (ACQUISITIONS)	200.00	TITLE OPINION-BRAND LANDS	V02404	OXBOW MOU - LAND ADVANCE
	12/19/2013	245504	KENNELLY & OKEEFFE (ACQUISITIONS)	-200.00	TITLE OPINION-K-F FARM PA	V02404	OXBOW MOU - LAND ADVANCE
	12/19/2013	245504	KENNELLY & OKEEFFE (ACQUISITIONS)	-200.00	TITLE OPINION-BRAND LANDS	V02404	OXBOW MOU - LAND ADVANCE
	12/26/2013	245595	KENNELLY & OKEEFFE (ACQUISITIONS)	200.00	TITLE OPINION-K-F FARM PA	V02404	OXBOW MOU - LAND ADVANCE

**Total Disbursed for Period** **\$7,527,230.53**

**SWC Cost Share** **50%**

**Amount to be Reimbursed** **\$ 3,763,615.27**

**FM Diversion Request #2** **(3,722,125.00)**

**Amount Remaining to be Requested** **\$ 41,490.27**

**State Water Commission Funds**  
**Summary of Costs In Support of Local Match Requirements**  
**FM Diversion Authority**  
**As of 12/31/2013**

Indicates property purchased in this reporting period

PROPERTY OWNERS	PROPERTY ADDRESS	PURCHASE AMOUNT	DATE CLOSED	Eligible Land Cost Included in Closing
<b>CLOSED - 2013</b>				
1 Federal Home Loan Mortgage Corporation	333 Schnell Dr, Oxbow ND	\$ 104,088	9/20/2013	\$ 18,600
1 2013 Totals		\$ 104,088		\$ 18,600
Total Number of Homes Acquired for Permanent Flood Control Projects			1	
<b>Totals Homes Acquired and Land Cost Included in Acquisitions</b>		\$ 104,088		\$ 18,600
Total Spent in Support of Local Match Requirements		\$ 104,088		
Less: Expenses included that qualify for State Funding		(18,600)		
<b>Net Local Match Funds Eligible</b>		\$ 85,488		