

FLOOD DIVERSION BOARD OF AUTHORITY
Thursday, May 9, 2013
3:30 PM

Fargo City Commission Room
Fargo City Hall
200 3rd Street North

1. Call to order
2. Approve minutes from previous meeting Item 2. Action
3. Approve order of agenda Action
4. Summary of 2013 Flood Fight (Berndt/Walker/Zimmerman) Information
5. North Dakota legislative session update (Rocky Schneider) Item 5. Information
6. Program Management Consultant (PMC) update Information/action
 - a. Monthly report (Tom O'Hara)
 - b. Corps of Engineers monthly update (Brett Coleman)
 - c. Design agreement amendment update/timeline (Brett Coleman)
 - d. Status of Authority Work Directives and Task Orders (Bruce Spiller)
 - e. Approve new Authority Work Directives and Task Orders (Bruce Spiller) Item 6e.
7. Committee updates Information/action
 - a. Retention update from Red River Basin Commission (Lance Yohe)
 - b. Land Management Committee (Dennis Walaker)
 - Purchase agreement for hardship properties (Eric Dodds) Item 7b. (1)
 - Oxbow area levee alignment (Berndt) Item 7b. (2)
 - c. Public Outreach Committee (Rodger Olson)
 - Committee report
 - d. Finance Committee (Michael Montplaisir)
 - Committee report
 - FY13 Authority \$29 million budget update
 - Corps of Engineers supplemental funding (Tom O'Hara) Item 7d.
8. Voucher approval Item 8. Action
9. Other Business
10. Next Meeting – June 13, 2013
11. Adjournment

cc: Local Media

**FLOOD DIVERSION BOARD OF AUTHORITY
MARCH 14, 2013—3:30 PM**

Item 2.

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, March 14, 2013, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Ken Pawluk; West Fargo City Commissioner Mike Thorstad; Fargo Mayor Dennis Walaker; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Brad Wimmer; Cass County Joint Water Resource District Manager Rodger Olson; and Clay County Commissioner Kevin Campbell.

Moorhead City Council Member Nancy Otto and ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District, were absent.

Staff members and others present: Cass County Administrator Keith Berndt; Fargo City Administrator Pat Zavoral; Moorhead City Manager Mike Redlinger; Fargo City Director of Engineering Mark Bittner; Fargo City Engineer April Walker; Moorhead City Engineer Bob Zimmerman; Cass County Engineer Jason Benson; Tom O'Hara, Program Manager, CH2MHill; Brett Coleman, Project Manager, Corps of Engineers, and Terry Williams, Project Manager, Corps of Engineers, via conference call.

2. MINUTES APPROVED

MOTION, passed

Mr. Walaker moved and Mr. Mahoney seconded to approve minutes from the February 14, 2013, meeting as written. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to approve the order of the agenda as presented. Motion carried.

4. PROGRAM MANAGEMENT FIRM UPDATE

Program manager consultant monthly report

Tom O'Hara provided an update on activities over the last month including refinements to the Oxbow/Hickson/Bakke levee concept; implementation of a legislative outreach plan; letter of support from North Dakota and Minnesota congressional leaders for FY2014 project funding; meetings with Pleasant Township representatives to discuss the ring levee concept; work on in-town levees and upstream staging area ring levee analysis; and continued coordination with the Minnesota DNR on the scoping document for the Minnesota EIS.

Mr. O'Hara said the Chamber of Commerce Business Leader Task Force met for the first time on February 26th. Mr. Vanyo said the chamber is working with the Greater Fargo Moorhead Economic Development Corporation in support of the diversion project and permanent flood protection for the area. Mr. Vanyo introduced Tom Dawson, Task Force Chairman, to board members.

Corps of Engineers status update

Brett Coleman said Corps of Engineers staff continues to work on the National Environmental Policy Act (NEPA) process to address project modifications; a non-structural study update was presented to the project sponsors; and Corps staff met with the North Dakota Senate Appropriations Committee on March 8th. He also discussed the Maple River aqueduct and said a physical model is being built in a warehouse near the Twin Cities.

Mr. Olson asked for an updated project cost. Mr. O'Hara said the estimate continues to be around \$1.78 billion. He said design costs have decreased, but have been offset by an increase in land purchases. Mr. Berndt reminded board members that each year construction on the project is delayed, project costs increase annually by several hundred million dollars.

Task Orders and Authority Work Directives update

Mr. O'Hara reviewed the status of existing Task Orders and Authority Work Directives (AWD) with the board. He provided information regarding a Master Services Agreement with URS to transfer an existing City of Fargo contract to the Flood Diversion Board for cultural resources investigation of the project area. The agreement is subject to review by the legal team, and next month a new Task Order will be issued for consideration by the board.

Mr. O'Hara discussed AWD-00025 for Maple River aqueduct flow analysis in the amount of \$15,000; and AWD-00026 for cultural resources investigation of the diversion channel in the amount of \$25,000. Mr. Campbell questioned whether these costs are part of the \$29 million budget approved for 2013 by the board. Mr. O'Hara said the expenses are within this year's budget.

MOTION, passed

Mr. Olson moved and Mr. Wimmer seconded to approve the Master Services Agreement with URS, subject to final negotiation and review by legal staff. Motion carried.

MOTION, passed

Mr. Olson moved and Mr. Wimmer seconded to approve AWD-00025 with Houston Moore Group LLC in the amount of \$15,000 to initiate modeling of the Maple River aqueduct flow; and approve AWD-00026 with URS in the amount of \$25,000 to continue cultural resources investigation of the diversion channel. Discussion: Mr. Pawluk understands the costs are within the 2013 budget, but is concerned about pending legislation that may eliminate state funding for the project, and questioned whether the contracts may be terminated if this occurs. Mr. Berndt said each contract has a termination clause if work needs to be halted. Board members discussed the importance of contacting legislators to discuss the need for this project to provide long-term flood protection for the area. On roll call vote, the motion carried unanimously.

5. UPDATES FROM COMMITTEES**Retention efforts update from Red River Basin Commission**

Mark Brodshaug was present to provide an update from the Red River Basin Commission on the retention study. He discussed the Halstad Upstream Retention (HUR) project, and status of the tasks associated with the project. He said the goal is for modeling procedures to be determined by the end of the August.

Land Management Committee

Mr. Walaker said the Land Management Committee met earlier this afternoon, and discussed the following topics:

Hardship properties status

Four hardship applications from Oxbow have been approved since last year. Currently, two of the properties are being rented. Two appraisals have been completed on the third property; however, because of the significant difference between them, a third appraiser has been hired to conduct a technical review and advise the program management team. An appraisal on the fourth property approved last month is expected to be done in early April.

Oxbow/Hickson/Bakke area levee progress report

Mr. O'Hara said the Corps of Engineers is proceeding with the full Oxbow/Bakke/Hickson levee alignment for the Environmental Assessment (EA). The technical team developed alternative alignments excluding Bakke and/or Hickson from the protected area. He said one-on-one meetings will be held the first two weeks of April with Pleasant Township residents to discuss the different options. The board will be provided with updated information on alternatives and will be asked to provide a final recommendation to the Corps at the April meeting.

Public Outreach Committee

Mr. Olson said the Public Outreach Committee met on March 13th, and asked Eric Dodds from AE2S to provide an update.

Mr. Dodds discussed public outreach activities over the last month including formation of the Chamber of Commerce Business Leaders Task Force for Permanent Flood Protection; coordination with the Corps of Engineers to draft responses to false information regarding the project; assistance with scheduling one-on-one meetings with Hickson and Bakke residents; completed updates to the official website; and worked on the e-newsletter which will be distributed on March 18th. Mr. Dodds said the responses to false information will be posted on the website.

North Dakota legislative update

Rocky Schneider, serving as a diversion consultant, provided information on meetings held with elected officials and legislators regarding HB1020 that deals with State Water Commission funding for projects throughout the entire state. He said the bill includes amendments designed to prohibit the use of state funds toward the diversion project as well as other flood protection measures. A Senate Appropriations Committee hearing was held last week with testimony provided by proponents and opponents of the diversion. The bill was assigned to a three-member Senate subcommittee for further study.

There was discussion regarding an amendment that if passed would stop construction of the Oxbow/Hickson/Bakke levee. Construction on this ring dike is expected to last three years, and if halted, would severely affect the residents of Oxbow who would need to build an earthen levee on the eastern side of the golf course for protection during flood events.

Mr. Vanyo said many discussions have been held with federal officials over the last four years, and local officials have been told that the federal government is more inclined to support the project if local and state funding is in place.

Board members will continue to contact legislators to discuss the need for this project, and to request the removal of the amendments included in HB1020.

Finance Committee

Michael Montplaisir, Cass County Auditor, said the Finance Committee met on March 13th. He said the project continues to be paid with cash on hand, and approximately \$18.5 million has been spent with \$9 million in outstanding contracts. He said the committee is in the process of developing a report that will include how much has been spent toward the \$29 million budgeted for 2013.

Mr. Montplaisir said a request for an additional deposit of \$1,000 from Coldwell Banker was received for expenses associated with the rental properties in Oxbow.

6. **VOUCHERS, Approved**

MOTION, passed

Mr. Pawluk moved and Mr. Walaker seconded to approve the vouchers in the amount of \$16,212.28, including an additional \$1,000 for expenses associated with rental properties in Oxbow. On roll call vote, the motion carried unanimously.

7. **NEXT MEETING DATE**

The next meeting will be held on Thursday, April 25, 2013, at 3:30 PM.

8. **ADJOURNMENT**

MOTION, passed

On motion by Mr. Wimmer, seconded by Mr. Walaker, and all voting in favor, the meeting was adjourned at 4:40 PM.

13.8149.06000

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED HOUSE BILL NO. 1020**

Sixty-third
Legislative Assembly
of North Dakota

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the state water
2 commission; to provide exemptions; to provide legislative intent; to amend and reenact section
3 6-09.5-03 of the North Dakota Century Code and section 54-35-02.7 of the North Dakota
4 Century Code as amended by Senate Bill No. 2233, as approved by the sixty-third legislative
5 assembly, relating to the community water facility loan fund and the water-related topics
6 overview committee; to provide for legislative management reports; to provide for a loan from
7 the Bank of North Dakota; and to declare an emergency.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
10 as may be necessary, are appropriated from special funds derived from federal funds and other
11 income, to the state water commission for the purpose of defraying the expenses of the state
12 water commission, for the biennium beginning July 1, 2013, and ending June 30, 2015, as
13 follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
16 Administrative and support services	\$3,229,873	\$1,531,792	\$4,761,665
17 Accrued leave payments	0	325,774	325,774
18 Water and atmospheric resources	<u>498,413,774</u>	<u>324,194,592</u>	<u>822,608,366</u>
19 Total all funds	\$501,643,647	\$326,052,158	\$827,695,805
20 Less estimated income	<u>486,648,448</u>	<u>341,047,357</u>	<u>827,695,805</u>
21 Total general fund	\$14,995,199	(\$14,995,199)	\$0
22 Full-time equivalent positions	87.00	3.00	90.00

23 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
24 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time

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1 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and
2 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

3	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
4	Federal stimulus funds	\$7,271,773	\$0
5	Ray/Tioga, Burke/Divide/Williams, Wildrose and	500,000	0
6	Stanley water projects		
7	Excavator	0	243,200
8	Office space renovation	0	45,000
9	Total all funds	\$7,771,773	\$288,200
10	Total special funds	<u>7,771,773</u>	<u>288,200</u>
11	Total general fund	\$0	\$0

12 The 2013-15 one-time funding amounts are not part of the entity's base budget for the 2015-17
13 biennium. The state water commission shall report to the appropriations committees of the
14 sixty-fourth legislative assembly on the use of the one-time funding for the biennium beginning
15 July 1, 2013, and ending June 30, 2015.

16 **SECTION 3. SOVEREIGN LANDS ENFORCEMENT GRANT.** The administrative and
17 support services line item in section 1 of this Act includes \$135,000 from the resources trust
18 fund that the state water commission shall provide as a grant to the game and fish department
19 for law enforcement activities on sovereign lands in the state, for the biennium beginning July 1,
20 2013, and ending June 30, 2015.

21 **SECTION 4. ADDITIONAL INCOME - APPROPRIATION.** In addition to the amounts
22 included in the estimated income line item in section 1 of this Act, any additional amounts in the
23 resources trust fund and water development trust fund that become available are appropriated,
24 subject to budget section approval, to the state water commission for the purpose of defraying
25 the expenses of that agency, for the biennium beginning July 1, 2013, and ending June 30,
26 2015.

27 **SECTION 5. BANK OF NORTH DAKOTA LOAN - WESTERN AREA WATER SUPPLY**
28 **AUTHORITY.** The Bank of North Dakota shall provide a loan of \$40,000,000 to the western
29 area water supply authority for construction of the project. The terms and conditions of the loan
30 must be negotiated by the western area water supply authority and the Bank of North Dakota
31 and any previous loans may be added to and merged into this loan as agreed by the authority

1 and the Bank of North Dakota. The authority may repay the loan from income from specific
2 project features. If the authority is in default in the payment of the principal of or interest on the
3 obligation to the Bank of North Dakota for the loan, the authority is subject to the default
4 provisions under section 61-40-09.

5 **SECTION 6. GRANTS - WATER-RELATED PROJECTS - CARRYOVER AUTHORITY.**

6 Section 54-44.1-11 does not apply to funding for grants or water-related projects included in the
7 water and atmospheric resources line item in section 1 of this Act. However, this exclusion is
8 only in effect for two years after June 30, 2015. Any unexpended funds appropriated from the
9 resources trust fund after that period has expired must be transferred to the resources trust fund
10 and any unexpended funds appropriated from the water development trust fund after that period
11 has expired must be transferred to the water development trust fund.

12 **SECTION 7. FARGO FLOOD CONTROL PROJECT CONSTRUCTION - LIMITATION.**

13 Except for the construction of ring dikes and levees, construction relating to Fargo flood control
14 project components located south of the city of Fargo's extraterritorial zoning jurisdiction may
15 not begin until after July 1, 2014.

16 **SECTION 8. FARGO FLOOD CONTROL PROJECT FUNDING.** Funds designated by the
17 sixty-first legislative assembly, the sixty-second legislative assembly, and the sixty-third
18 legislative assembly for Fargo flood control are available only for levee and dike protection until
19 the Fargo flood control project receives federal authorization, a project partnership agreement is
20 executed, a federal appropriation is provided for project construction, and the budget for the
21 Fargo flood control project is approved by the state water commission.

22 **SECTION 9. FARGO FLOOD CONTROL PROJECT FUNDING AGREEMENT.** Prior to the
23 state water commission expending any state cost-sharing funds, the local Fargo flood control
24 sponsor and state water commission shall enter a cost-sharing agreement. The agreement
25 must provide for the exclusion of state cost-sharing for components of the project identified as
26 recreational by the United States Army Corps of Engineers. The agreement must also provide
27 for the exclusion of state cost-sharing relating to funds expected to be provided for the project
28 by nonfederal entities outside the state of North Dakota. An advance funding agreement
29 between the United States Army Corps of Engineers and the local Fargo flood control sponsor
30 must precede any state funding used to advance construction work considered to be a federal
31 responsibility.

1 **SECTION 10. LEGISLATIVE INTENT - FARGO FLOOD CONTROL PROJECT FUNDING.**

2 It is the intent of the sixty-third legislative assembly that the state provide one-half of the local
3 cost-share of constructing a federally authorized Fargo flood control project and that total Fargo
4 flood control project funding to be provided by the state not exceed \$450,000,000. It is further
5 the intent of the sixty-third legislative assembly that the \$275,000,000 yet to be designated by
6 the state for the Fargo flood control project be made available in equal installments over the
7 next four bienniums.

8 **SECTION 11. FARGO FLOOD CONTROL PROJECT FUNDING - EXEMPTION.** Of the
9 funds appropriated in the water and atmospheric resources line item in section 1 of this Act,
10 \$100,000,000 is for Fargo flood control projects, for the biennium beginning July 1, 2013, and
11 ending June 30, 2015. Any funds not spent by June 30, 2015, are not subject to section
12 54-44.1-11 and must be continued into the next or subsequent bienniums and may be
13 expended only for Fargo flood control projects, including levees and dikes. Except as otherwise
14 provided, these funds may be used only for land purchases and construction, including
15 right-of-way acquisition costs and may not be used for the purchase of dwellings. No more than
16 ten percent of these funds may be used for engineering, legal, planning, or other similar
17 purposes. The city of Fargo, Cass County, and the Cass County joint water resource district
18 must approve any expenditures made under this section. Costs incurred by nonstate entities for
19 dwellings or other real property which are not paid by state funds are eligible for application by
20 the nonstate entity for cost-sharing with the state.

21 **SECTION 12. LEGISLATIVE INTENT - RED RIVER VALLEY WATER SUPPLY.** Of the
22 funds appropriated in the water and atmospheric resources line item in section 1 of this Act,
23 \$11,000,000 is for the Red River valley water supply project, for the biennium beginning July 1,
24 2013, and ending June 30, 2015.

25 **SECTION 13. LEGISLATIVE INTENT - BOND PAYMENTS.** Of the funds appropriated in
26 section 1 of this Act, \$60,000,000 in the water and atmospheric resources line item is from the
27 resources trust fund for the purposes of paying off or defeasing outstanding bond issues. The
28 state water commission may expend funds for this purpose only if available funding from the
29 resources trust fund for water projects for the biennium beginning July 1, 2013, and ending
30 June 30, 2015, has exceeded \$287,000,000.

1 **SECTION 14. STATE WATER COMMISSION PRIORITY PROJECTS LIST - REPORTS TO**
2 **THE BUDGET SECTION.** The state water commission shall report to the budget section every
3 six months during the 2013-14 interim regarding any changes made to the state water
4 commission priority projects list presented to the sixty-third legislative assembly for the
5 biennium beginning July 1, 2013, and ending June-30, 2015.

6 **SECTION 15. FARGO FLOOD CONTROL - REPORTS TO THE BUDGET SECTION.**
7 During the 2013-14 interim, the Fargo-Moorhead area diversion authority board shall report to
8 the budget section biannually regarding an update on congressional authorization of the
9 diversion project and the status of the self-insured crop insurance pool; mitigation efforts,
10 alternatives, and costs; easements; and the project budget. The MNDak upstream coalition
11 shall report to the budget section biannually regarding an update on the impacts of the Fargo
12 flood control project and mitigation efforts, alternatives, and costs.

13 **SECTION 16. AMENDMENT.** Section 6-09.5-03 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **6-09.5-03. Transfer of funds - Revolving fund.**

16 A community water facility loan fund with an authorized ceiling of ~~ten~~twenty-five million
17 dollars is hereby established from the future undivided profits of the Bank of North Dakota or
18 other state funds. This is a revolving fund, and all moneys transferred into the fund, interest
19 upon fund moneys, and collections of interest and principal on fund loans must be used for the
20 purposes of this chapter.

21 **SECTION 17. AMENDMENT.** Section 54-35-02.7 of the North Dakota Century Code as
22 amended by Senate Bill No. 2233, as approved by the sixty-third legislative assembly, is
23 amended and reenacted as follows:

24 **54-35-02.7. Water-related topics overview committee - Duties.**

25 The legislative management, during each interim, shall appoint a water-related topics
26 overview committee in the same manner as the legislative management appoints other interim
27 committees. The committee must meet quarterly and is responsible for legislative overview of
28 water-related topics and related matters, the Garrison diversion project, and for any necessary
29 discussions with adjacent states on water-related topics. The committee shall work
30 collaboratively with the state water commission to develop policies to further define the state
31 role in major flood control projects ~~and the prioritization of water projects.~~ The committee shall

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1 prepare a schedule of priorities with respect to water projects. The state water commission and
2 state engineer shall assist the committee in developing the schedule of priorities, and the
3 committee may seek input from stakeholders within the state regarding water project priorities.
4 The committee also shall study policies regarding the development and financing of municipal
5 projects, including water treatment plants; pipelines, including pipeline expansion, public and
6 industrial use of water, cost analysis of future project development, and ongoing maintenance
7 cost of current and future projects; and technology, including the use of technology for
8 permitting and electronic metering. During the 2013-14 interim, the committee shall review
9 water supply routes and alternatives for the Red River valley water supply project. The
10 committee consists of thirteen members, and the legislative management shall designate the
11 chairman of the committee. The committee shall operate according to the statutes and
12 procedure governing the operation of other legislative management interim committees.

13 **SECTION 18. EMERGENCY.** The water and atmospheric resources line item in section 1 of
14 this Act and section 5 of this Act are declared to be an emergency measure.



Task Order and Authority Work Directive Summary

Date: May 09, 2013

Task Order Summary

	Increased Amount (\$)
HMG-Task Order No. 9, Amendment 5 - Hydrology and Hydraulic Modeling	100,000
URS-Task Order No. 1 – Cultural Resources Investigations	495,000
Total of Task Orders	\$ 595,000

AWD Summary

	Amount (\$)
AWD-00029 - Phasing Plan Interim Modeling – HMG	90,000
AWD-00030 - MN EIS Scoping Document Comment Support – HMG	15,000
AWD-00031 - In-Town Levee Utility Relocations - HMG	50,000
Total of AWD's	\$ 165,000

Other Contracts Summary

	Amount (\$)
City of Fargo – Stage Gage Installation Contract with USGS	46,920
Total of AWD's	\$ 46,920

TASK ORDER SUMMARY

HMG – Task Order No. 9 – Amendment 5 Hydrology and Hydraulic Modeling

**Increase - \$ 100,000
No Schedule Extension**

Description:

Additional funds are needed for On-Call services to continue modeling assistance for USACE.

Background:

USACE continues to request additional assistance from the Diversion Authority for hydrology and hydraulic modeling. The work is creditable as Work-in-Kind.

Recommendation:

PMC recommends adding funds to Task Order No. 9 for additional On-Call services in the amount of \$100,000.

URS – Task Order No. 1 Cultural Resources Investigations

New - \$ 495,000

Description:

Complete the cultural resources investigation of the Diversion Channel that was started in prior years. Perform investigations of additional locations identified due to project footprint changes and identification of excavated material piles (EMPs) and construction staging areas.

Background:

While much of the cultural resources investigations of the Diversion Channel have been completed, additional areas requiring investigations have been identified: changes in the channel alignment in the west and south, the addition of in-town levees and ring levees in the Staging area, and EMPs and construction staging areas. The work is creditable as Work-in-Kind.

Recommendation:

The PMC recommends that the Authority authorize \$495,000 for URS to complete cultural resources investigations for the Diversion Project.

AWD SUMMARY

AWD-00029 – Phasing Plan Interim Modeling – HMG

\$ 90,000

Description:

Perform 100-year and 500-year modeling evaluations of Phase 1 and Phase 2 project components, to quantify interim benefits and any interim measures needed until completion of Phase 3.

Background:

The original project execution plan assumed unconstrained funding, an approximate 8 year project schedule, and project design and construction starting on the downstream (north) end of the project and progressing sequentially upstream. Currently, it is anticipated that Federal funding will be constrained and, therefore, a phased plan was developed for the project to proceed with limited Federal funding and provide benefits as early as practical. This results in a three phased project. Phase 1 includes the Diversion Channel from the Outlet to downstream of the Maple River and associated bridges, in-town levees, and the Oxbow-Hickson-Bakke area levee. Phase 2 includes the Red River and Wild Rice River control structures, the Staging Area embankment, overflow embankment, tie-back levee, the Diversion Inlet structure, staging area land, and associated bridges and transportation improvements. Phase 3 includes the Diversion Channel from the Maple River to the Diversion Inlet structure, associated bridges, the Maple River Aqueduct, and the Sheyenne River Aqueduct. The work may not be creditable from the USACE.

Recommendation:

PMC recommends authorization of AWD-00029 for \$90,000.

AWD-00030 – MN EIS Scoping Document Comment Support – HMG

\$ 15,000

Description:

Assist the USACE with comments on the Minnesota Environmental Impact Statement (MN EIS): compiling existing information on upstream retention, updating the upstream retention white paper, and assisting the USACE with comment on the MN EIS retention alternatives.

Background:

The USACE will be submitting comments to the MN DNR during the upcoming public comment period for the MN EIS Scoping Document, currently scheduled for April 15-May 15, 2013. The USACE proposes submitting comments on the Combination of Measures without a Diversion (in-town levees with upstream storage and other mitigation) alternative, and would do this by expanding the retention portion of the FM Diversion – Flood Frequency and Retention White Paper in combination with levees to 42.5 feet. The USACE has requested that the Sponsors and staff from HMG participate in this effort. The work is creditable as Work-in-Kind.

Recommendation:

PMC recommends authorization of AWD-00030 for \$15,000.

AWD-00031 – In-Town Levee Utility Relocations – HMG

\$ 50,000

Description:

Planning, coordination, and design of utility relocations for the 2nd Street Floodwall.

Background:

HMG is also developing a preliminary (35%) design for the “in-town” levees/flood walls under Task Order No. 13. In order to maintain schedule, it is recommended that the design of the required utility relocations begin at this time. The AWD authorizes the designs to begin. The complete scope and fee for the utility relocation design will be included in an amendment to Task Order No. 10. This amendment is under development. The work is creditable as LERRDs.

Recommendation:

PMC recommends authorization of AWD-00031 for \$50,000.

OTHER CONTRACT SUMMARY

City of Fargo – Stage Gage Installation Contract with USGS

New - \$ 46,920

Description:

Reimbursement requested by the City of Fargo for cost to install stage gages.

Background:

Data collection of the maximum extents of 2013 spring flooding on rivers impacting the Fargo-Moorhead area is needed to document the extents of 2013 flooding and for calibration of existing models. The Local Sponsors, along with other government agencies, are collaborating in this data collection effort. Time was of the essence and the City of Fargo contacted with the USGS for the installation of 10 stage gages. The City of Fargo is requesting reimbursement for these costs. The work is creditable as Work-in-Kind.

Recommendation:

PMC recommends reimbursing the City of Fargo in the amount of \$46,920.

Task Order No. 9, Amendment 45

Item 6e.

In accordance with Paragraph 1.01 of the Agreement between Fargo-Moorhead Flood Diversion Authority ("Owner") and Houston-Moore Group, LLC (HMG) ("Engineer") for Professional Services – Task Order Edition, dated March 8, 2012 ("Agreement"), Owner and Engineer agree as follows:

The parties agree that in the event of a conflict between Task Order No. 9 and this Amendment, the terms and conditions in this Amendment shall prevail, provided however, nothing herein shall preclude ENGINEER from invoicing for work authorized under prior versions of this Task Order and performed prior to effective date of this Amendment, even to the extent such prior work was revised by this Amendment. All other terms and conditions shall remain the same and are hereby ratified and affirmed by the parties.

1. Specific Project Data

- A. Title: HYDROLOGY AND HYDRAULIC MODELING
- B. Description: Provide hydrology and hydrologic modeling services in order to advance design components of the Diversion Channel. Specific modeling subtasks include: modeling of Diversion inlets to determine design flows, modeling to evaluate hydraulic impacts of various Diversion Channel sizes, extending model geometry of the Rush and Lower Rush Rivers, providing technical assistance and support for the physical modeling of the Maple and Sheyenne River aqueduct structures, and on-call services as requested.

2. Services of Engineer

A. HMS DIVERSION INLET MODELING:

The objective of this subtask is to develop an HMS model for each Diversion Inlet subbasin using synthetic rainfall events, and to obtain parameters for an estimate of discharge-frequency using a methodology coordinated with the U.S. Army Corps of Engineers..

- I. Discharge frequency curve at Amenia.
- II. Adopted discharge frequencies at the inlet location after the initial HMS simulations.

Scope:

- I. Model Diversion Inlet inflows for 1.3-, 1.5-, and 2-yr rain events. Inlets to be modeled are:
 - 1. Diversion Inlet
 - 2. Local Drain 1
 - 3. Drain 50
 - 4. Drain 21C
 - 5. Local Drain 2
 - 6. Local Drain 3
 - 7. Local Drain 4
 - 8. Drain 14 (new location)
 - 9. Original Drain 14
 - 10. Local Drain 5
 - 11. Maple River
 - 12. Lower Rush River
 - 13. Local Drain 6
 - 14. Rush River

15. Drain 30
16. Drain 29
17. Drain 13

- II. Calibrate model to match each subbasin's adopted discharge-frequency to obtain HMS hydrographs for each inlet to the Diversion.
- III. Obtain the following parameters: Clark's T_c , R , $R/(T_c+R)$, CN, slopes, and drainage area. Parameters to be used to estimate Diversion inlet discharge-frequency using the NRCS method for small subbasins, as per the ND Hydrology Guide.

Deliverables:

- I. HMS hydrographs at each inlet to the Diversion in a separate DSSVue file.
- II. List of parameters used or determined such as: precipitation, Clark's T_c , R , $R/(T_c+R)$, CN, slopes, and drainage area.
- III. Schematic showing drainage area for each inlet, with the Diversion alignment.
- IV. Brief report describing method, assumptions, parameters used, maps, and results.

B. UPDATES TO THE RUSH/LOWER RUSH:

The objective of this subtask is to produce working HEC-RAS models using updated HEC-HMS hydrology for local peak flows in the Rush and Lower Rush areas for use in project design.

Scope:

- I. Red River Peak Flood - Modified Rush River hydrographs from the existing conditions model will be input into the Phase 6 LPP model, which initially will be conducted for the 100-year flood event.
- II. Rush River and Red River Peak Flood - The updated hydrographs from the HEC-HMS models developed for existing conditions will be run for the Red River Peak 10 and 100-year flood events in the Phase 6 LPP model.
- III. RAS Mapper will be used to map the floodplain outside of the diversion channel for the peak tributary event on the Rush and Lower Rush Rivers.

Deliverables: Updated existing conditions and with-project HEC-RAS unsteady models.

C. EVALUATION OF CHANNEL SIZE:

The objective of this subtask is to evaluate various Diversion Channel width sizes to determine hydraulic impacts based on channel size.

Scope:

- I. Evaluate alternatives using the criteria below to assess the size of the Diversion Channel and conduct a Screening Analysis using the HEC-RAS steady state software with the objective of determining the most favorable alternatives:
 1. Bottom width of the main Diversion Channel.
 2. Channel bottom elevation of the Diversion Channel.
 3. Considerations of the water surface profile in the Diversion Channel with respect to existing ground elevations.
 4. Modification of the Hydraulic Structure at the Maple River.
 5. Other criteria can be applied at a later time if it is determined that optimizing the Diversion Channel is justified with this initial evaluation.

6. The 100 and 500-year events for the Red River peak flood event will be analyzed.
 7. Peak discharge values from the current Phase 6 unsteady model will be used, which is also being applied to the bridge analysis (MFR-001) currently being updated by the USACE.
- II. Conduct an Impact Analysis using the HEC-RAS unsteady state software for the most favorable alternatives identified in Task 1.
 1. The 100 and 500-year events for the Red River peak flood event will be analyzed using the latest Phase 6 unsteady flow model.
 2. River impacts will focus only on the Red River upstream, downstream, and throughout Fargo-Moorhead. Impacts will be compared to those determined in Phase 4 and Phase 5, which may require that the gate operations may be modified to obtain similar impacts.
 3. Additional impacts can be further evaluated at a later time if it is determined that optimizing the Diversion Channel is justified with this initial evaluation.
 - III. Develop a preliminary cost estimate for the most favorable alternative identified for optimizing the Diversion Channel.
 2. Quantify the cost savings based on unit-cost savings using the Feasibility Study unit prices, focusing primarily on costs associated with earth work and at the Maple River Hydraulic Structure.
 3. Additional cost detail can be further evaluated at a later time if it is determined that optimizing the Diversion Channel is justified with this initial evaluation.
 - IV. Prepare a Technical Memorandum (TM) summarizing whether the size of the Diversion Channel warrants additional and more detailed study.

Deliverables:

- I. Draft report.
- II. Final report.

D. EXTEND RAS GEOMETRY OF THE RUSH/LOWER RUSH

The objective of this subtask is to account for break-out flows between the Rush and Lower Rush Rivers by extending the RAS model geometry of the Rush and Lower Rush Rivers upstream to the beach ridge of Glacial Lake Agassiz.

Scope:

- I. Extend existing conditions Rush River HEC-RAS model approximately 10 miles upstream from Amenia and add model detail between the Rush and Lower Rush Rivers to incorporate breakout discharges.

Deliverables:

- I. Updated existing conditions and with-project HEC-RAS unsteady models.

E. PHYSICAL MODELING ASSISTANCE:

Provide ongoing assistance to the Diversion Authority during the transition for Feasibility Study to Preliminary Engineering and Design (PED) in support of the Maple and Sheyenne River aqueduct structures.

Scope:

- I. Participate in USACE design team meetings, Local Sponsor/Local Consultants Technical Team (LSLCTT) meetings, and workshops as requested.
- II. Provide technical assistance for physical modeling of hydraulic structures.
- III. Provide hydrology information, as requested, to USACE.
- IV. Provide additional assistance as requested.

Deliverables: Meeting minutes.

F. ON-CALL SERVICES:

Respond to requests for services from PMC for tasks not identified to date. Requests will be provided by PMC in writing. Work will not be performed by Engineer without authorization by PMC or Owner.

Deliverables: On-call service deliverables as requested.

- I. EXTREME RAINFALL EVENTS – Complete the work originally authorized in AWD-00016 and deliver the final report. The scope of work specified in AWD-00016 was:
 1. Develop a Technical Memorandum (TM) that determines whether or not a meander belt width of 200 feet is sufficient to allow establish a low-flow channel that is in dynamic equilibrium, and if so, provide sufficient information and criteria for others to design the four (4) low-flow channel reaches:
 - a. Diversion Outlet to Lower Rush
 - b. Lower Rush to Drain 14
 - c. Drain 14 to Drain 21C
 - d. Drain 21C to Diversion Inlet

The focus of this meander belt width analysis is on the reach Diversion Outlet to Lower Rush. Meander belt width for other reaches will be confirmed in subsequent analyses.

The Final Feasibility Report includes a grade control feature across the entire width of the main section of the diversion channel every 5,000 feet along the length of the diversion. The use of grade control to set some constraints on the low-flow channel migration rates within the meander belt width should be considered as part of this study. The distance between grade control features can be modified if warranted. Discuss, and if appropriate, recommend other methods to limit meander belt width.

The following data will be provided by the Diversion Authority at the commencement of the work effort:

- a. Soil test data to include Atterberg limits and gradations, boring log plates, boring location diagrams, and boring profile plates
- b. Sediment grain size distribution and sediment transport (both as bedload and in suspension) data that has been collected recently by the US Geological Survey and West Consultants, including low and high flow events, for streams near the proposed diversion, including the Rush, Lower Rush, Maple and Sheyenne rivers

- c. Current, and if available, also historical cross sections for streams near the proposed diversion, including the Rush, Lower Rush, Maple and Sheyenne rivers
- d. Required diversion profile information along the centerline of the diversion
- e. Typical cross-sections for the low-flow channel and main section of the diversion channel for the four reaches referred to above (i.e., 1) Mouth to Lower Rush, 2) Lower Rush to Drain 14, 3) Drain 14 to Drain 21C, and 4) Drain 21C to Diversion Inlet)
- f. Current, and if available, also historical general slope and sinuosity information for streams near the proposed diversion, including the Rush, Lower Rush, Maple and Sheyenne rivers
- g. Current, and if available, also historical digitized Information (GIS format) on planform alignments for streams near the proposed diversion, including the Rush, Lower Rush, Maple and Sheyenne rivers
- h. Stage (water depth)-discharge, flow velocity-discharge, discharge-duration and discharge-frequency information for the four reaches referred to above (i.e., 1) Mouth to Lower Rush, 2) Lower Rush to Drain 14, 3) Drain 14 to Drain 21C, and 4) Drain 21C to Diversion Inlet)
- i. Typical flood hydrographs for the four reaches referred to above (i.e., 1) Mouth to Lower Rush, 2) Lower Rush to Drain 14, 3) Drain 14 to Drain 21C, and 4) Drain 21C to Diversion Inlet)
- j. Compilation of frequency and duration of operation, typical cross sections, slopes, erosion protection measures, and sedimentation records for the two existing diversions on the Sheyenne River (Horace to West Fargo, and West Fargo)

Deliverables:

1. Prepare a first Draft Technical Memorandum to include:
 - Outline approach for meander belt width analysis
 - Brief literature review on constructed meandering channels
 - Preliminary summary of data available
 - Initial thoughts on feasibility of meander belt width concept
2. Prepare a second Draft Technical Memorandum to include:
 - Description of approach for meander belt width analysis
 - Processing of data for input in meander belt width analysis
 - Meander belt width analysis
 - Stabilization alternatives, including grade-control measures, non-structural measures (e.g., vegetation), widening of main diversion channel in certain reaches, among other considerations, to ensure low-flow channel migration occurs within prescribed meander belt width
 - Determination of need for rock toe protection along the entire length of the inner diversion toe to prevent erosion
 - Suggestions for future field investigations
 - Recommended design criteria for Final Design
3. Consult with Professor Gary Parker (University of Illinois at Urbana-Champaign) during development of the meander belt width analysis and recommendations.

4. Develop a brief, graphics-rich, PowerPoint presentation of the background and results. This presentation must be suitable for a non-technical audience.
5. Determine timing of tributary contributions to the low flow channel by reviewing and comparing the Phase 1 HEC-HMS model results for the Rush and Lower Rush Rivers, and Drains 14 and 21C for the 2-year and 5-year 24-hour rainfall events. Compare model results to low flow channel hydrology developed by USACE.
6. Prepare a Technical Memorandum presenting summarizing results.

II. EXTREME EVENT EVALUATIONS

1. Evaluate the following for extreme (103,000 cfs and Probable Maximum Flood (PMF)) events
 - a. Adequacy of aqueduct openings
 - b. Lowering the left EMB to reduce the amount of flow in the Diversion Channel
 - c. Head differential across raised road in the staging area
 - d. For VE-13 Option D, sloping the Diversion Channel from the Wild Rice River toward the Diversion Inlet

III. TRIBUTARY PEAK MODEL RUNS TO SUPPORT THE MAPLE RIVER AQUEDUCT PHYSICAL MODEL

Background: To provide 10-, 50-, 100-, and 500-year tributary peak hydrographs in the current version of the unsteady RAS model to obtain the best available tributary peak flow information for the Maple River physical modeling effort. These updated tributary peak model runs will aid in the effort of determining the flow combinations to be modeled during maple River physical modeling effort.

Scope: Perform model runs for the 10-, 50-, 100-, and 500-year tributary peak hydrographs to support the USACE's physical and numeric modeling of the Maple River Aqueduct Structure. Provide modeling results to USACE.

IV. ADDITIONAL ASSISTANCE FOR THE MAPLE RIVER AQUEDUCT PHYSICAL MODEL

Scope: Additional assistance includes participating in bi-weekly conference calls, providing additional technical information and support from Feasibility Study team to USACE's physical modeling team, and attending a four-day value-based design charrette.

V. Unsteady HEC-RAS Modeling of Existing PMF Inflows

Background: The existing Probable Maximum Flood (PMF) was developed almost 30 years ago (1984) and is based on simple hydrologic routing that likely does not account for the full effects of floodplain storage and cross-basin flow that occurs upstream of Fargo-Moorhead. USACE has updated the unsteady HEC-RAS model upstream of the unsteady HEC-RAS model currently being used for the FMMFRM project so that it has the extents and connections necessary to model the PMF event. The portion of the FMMFRM unsteady HEC-RAS model from Abercrombie, ND (the upstream extents of the unsteady HEC-RAS model being used for the FMMFRM study) through Fargo-Moorhead has been added to the upstream model to create the unsteady HEC-RAS model required for this PMF analysis. To avoid confusion, the unsteady HEC-RAS model being used for the PMF analysis will be referred to as the "Upstream" model,

while the unsteady HEC-RAS model generally being used for most of the FMMFRM study will be referred to as the "FMMFRM" model.

To get an idea of how much the PMF might change, the Corps and the Project Sponsor previously decided that it would be useful to investigate routing the existing PMF inflows using the Upstream model. The Corps has set up the Upstream model with the proper inflows.

Scope:

- a) Perform a technical review of the model
- b) Address the instability issues related to running the model with very large inflows
- c) Produce final model runs using the 1984 hydrology that provide the PMF at the Fargo gage.

Deliverables:

- a) Draft unsteady HEC-RAS models.
- b) Draft technical memorandum (hard copy and electronic).
- c) Final unsteady HEC-RAS input and output files for the PMF event.
- d) Final technical memorandum.

Phase 2 - Numerical Modeling Scope:

- a) **Set Up Unsteady HEC-RAS Model for New PMF Inflows**
USACE has developed a number of new inflow locations for the unsteady HEC-RAS model that are associated with HMS output hydrographs. These inflow locations have been provided separately in an HEC-RAS unsteady flow data file. Develop a draft unsteady HEC-RAS model with updated inflow locations. If requested, modify names of certain reaches and storage areas to be consistent with the final unsteady HEC-RAS model used for the PMF flow routing.

Deliverables:

- i. Draft unsteady HEC-RAS model with updated inflow locations.
- b) **Unsteady HEC-RAS Modeling of New PMF Inflows**
Using the updated unsteady HEC-RAS model with the updated inflow locations, model two sets of hydrographs representing two different runoff scenarios. USACE will provide the two sets of inflow hydrographs. Evaluate the inflow locations and the magnitude and shape of the hydrographs for reasonableness and model stability. Modify as required, in consultation with USACE, to allow the model to run successfully.

Once any model instabilities have been addressed and the model runs are complete, evaluate, in consultation with USACE, the hydrographs at the Fargo gage location to determine whether additional sets of hydrographs representing other runoff scenarios are required to determine the PMF at the Fargo gage location (to be performed under subtask c).

Deliverables:

- i. Preliminary unsteady HEC-RAS models.
- ii. Draft Technical Memorandum. Prepare a Technical Memorandum that summarizes the work effort and the resulting hydrograph at the Fargo gage location.

- c) Additional Unsteady HEC-RAS Modeling of New PMF Inflows (if authorized).
If additional sets of hydrographs need to be developed to determine the PMF at the Fargo gage location, as determined in subtask b, USACE will provide one to four additional sets of hydrographs to be modeled with HEC-RAS. Prepare update of draft Technical Memorandum prepared in subtask b.

Deliverables:

- i. Preliminary unsteady HEC-RAS.
- ii. Second draft Technical Memorandum.

- d) Final Technical Memorandum.
Upon review of the model results and draft Technical Memorandum by USACE, finalize the HEC-RAS models and prepare a Final Technical Memorandum, addressing comments provided by USACE.

Deliverables:

- i. Final unsteady HEC-RAS input and output files for the PMF event.
- ii. Final Technical Memorandum.

VI. Update HEC-RAS Model

- a) Update the HEC-RAS model geometry for the revised western alignment from the Maple River to the Sheyenne River and the proposed upstream staging area ring levees.
- b) Provide on-going hydrology and hydraulic modeling services as requested in order to keep HEC-RAS model consistent with project features.

VII. Connecting Channel and 20-year Existing Conditions

Scope:

- a) **Connecting Channel Geometry:** Update the HEC-RAS model geometry to incorporate the geometry of the connecting channel between the Wild Rice and Red Rivers. Complete the 10-yr, 20-yr, and 50-yr model runs to determine the proper model modifications and to determine the impacts of the updated geometry. If the modifications affect the 50-yr model results, complete the 100-yr, 500-yr, SPF, and PMF model runs to determine the impact of the updated geometry. If the modifications do not affect the 50-yr model results, the updated 100-yr, 500-yr, SPF, and PMF model runs will be made under a future authorization. Develop flooded outline polygons and depth grids for the 10-yr, 20-yr, 50-yr, 100-yr, 500-yr, SPF, and PMF events.
- b) **20-year Existing Conditions Modeling:** Develop 20-year Existing Conditions models and provide floodplain mapping for the Staging Area.

Deliverables:

- a) Preliminary unsteady HEC-RAS models.
- b) Final unsteady HEC-RAS input and output files.
- c) 20-year existing conditions model results.

G. BASIN-WIDE RETENTION SUPPORT

- I. Objective: Assist Owner in supporting retention projects by others in the region.

- II. Background: The Diversion Board has authorized up to \$25 million for Basin-wide Retention Projects that are compatible with, and provide benefits for, the Diversion Project. An initial study is underway by the Red River Basin Commission (RRBC).

This subtask is not creditable by USACE.

III. Scope:

- a. Assist Owner with developing a method of evaluating existing, planned, or potential regional retention projects' potential benefits to the Diversion Project. Scope to include up to two (2) site evaluations.
- b. Provide technical assistance to the RRBC in its study "Halstad Upstream Retention (HUR) Modeling – Phase 1".

IV. Deliverables

- a. As requested.

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 and in Exhibit B.

4. Times for Rendering Services

<u>Subtask</u>	<u>Start Time</u>	<u>Completion Time</u>
A. HMS Diversion Inlet Model	April 1, 2012	July 31, 2012
B. Updates to Rush/Lower Rush	March 8, 2012	May 31, 2012
C. Evaluation of channel size	March 8, 2012	May 31, 2012
D. Extend RAS geometry of Rush/Lower Rush	March 8, 2012	May 31, 2012
E. Physical Modeling Assistance	April 26, 2012	September 30, 2012
F. On-Call Services	June 14, 2012	September 30, 2013
F.I. Extreme Rainfall Events	September 13, 2012	November 30, 2012
F.II. Extreme Event Evaluations	September 13, 2012	November 30, 2012
F.III. Tributary Peak HEC-RAS Model Runs	September 14, 2012	December 31, 2012
F.IV. Additional Assistance for the Maple River Aqueduct Physical Model	September 14, 2012	September 30, 2013
F.V. Unsteady HEC-RAS Modeling of Existing PMF Inflows	November 8, 2012	January 31, 2013
F.V. Phase 2 Numerical Modeling	February 14, 2013	September 30, 2013
F.VI. Update HEC-RAS Model	December 13, 2012	January 31, 2013
F.VII. Connecting Channel and 20-year Existing Conditions	December 18, 2012	September 30, 2013
G. Basin-Wide Retention Support	December 13, 2012	September 30, 2013

5. Payments to Engineer

A. Owner shall pay Engineer for services rendered as follows:

- I. Compensation for services in accordance with the Standard Hourly Rates shown in Appendix 2 of Exhibit C of the Agreement.
- II. The total compensation for services identified under the Task Order is not-to-exceed \$437,341 as defined in the table below.
- III. Estimated budget for Subtask F. On-Call Services, and G. Basin-Wide Retention Support, is based on an allowance.
 1. Engineer will notify Owner when eighty percent (80%) of the budget on Subtask F. On-Call Services, and G. Basin-Wide Retention Support, is expended.
 2. Engineer will prepare and submit an amendment for additional compensation when ninety percent (90%) of budget on Subtask F. On-Call Services, and G. Basin-Wide Retention Support, is expended.
 3. Engineer will not perform work beyond one hundred percent (100%) of the budget for Subtask F. On-Call Services, and G. Basin-Wide Retention Support, without Owner's authorization by an amendment to this Task Order.

Subtask	Current Budget (\$)	Change (\$)	Revised Budget (\$)
A. HMS Diversion Inlet Modeling	22,121	0	22,121
B. Updates to Rush/Lower Rush	16,401	0	16,401
C. Evaluation of Channel Size	27,605	0	27,605
D. Extend RAS Geometry of Rush/Lower Rush	17,714	0	17,714
E. Physical Modeling Assistance	10,500	0	10,500
F. ON-CALL SERVICES (ALLOWANCE)	29,900	<u>100,000</u>	<u>129,900</u>
F.I. Extreme Rainfall Events	7,500	0	7,500
F.II. Extreme Event Evaluations	26,600	0	26,600
F.III Tributary Peak Model Runs to Support the Maple River Aqueduct Physical Model	20,000	0	20,000
F.IV Additional Assistance for the Maple River Aqueduct Physical Model	49,000	0	49,000
F.V Unsteady HEC-RAS Modeling of Existing PMF Inflows	50,000	0	50,000
F.V Phase 2 Numeric Modeling	60,000	0	60,000
F.VI Update HEC-RAS Model	36,000	0	36,000
F.VII Connecting Channel and 20-	9,000	0	9,000

Subtask	Current Budget (\$)	Change (\$)	Revised Budget (\$)
year Existing Conditions			
G. Basin-Wide Retention Support	55,000	0	55,000
TOTAL	437,341	<u>100,000</u>	<u>537,341</u>

B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

- 6. Consultants: None
- 7. Other Modifications to Agreement: None
- 8. Attachments: None
- 9. Documents Incorporated By Reference: None

10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is June 14, 2012.

ENGINEER:

Houston-Moore Group, LLC

OWNER:

Fargo-Moorhead Metro Diversion Authority

Signature Date
Jeffry J. Volk

Name

Signature Date
Darrell Vanyo

Name

President

Title

Chairman, Flood Diversion Board of Authority

Title

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

C. Gregg Thielman

Name

Keith Berndt

Name

Sr. Project Manager

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Task Order No. 1

Item 6e.

In accordance with Paragraph 1.01 of the Agreement between Fargo-Moorhead Flood Diversion Authority ("Owner") and URS Corporation ("Engineer") for Professional Services – Task Order Edition, dated March 14, 2013 ("Agreement"), Owner and Engineer agree as follows:

1. SPECIFIC PROJECT DATA

- A. Title: Phase 1 Cultural Resources Investigations
- B. Description: Complete the cultural resources investigation of the Diversion Channel that was started in prior years. Perform investigations of additional locations identified due to project footprint changes and identification of excavated material piles and construction staging areas.

2. SERVICES OF ENGINEER

- A. MANAGEMENT AND COORDINATION – Conduct Phase I cultural resources investigations in accordance with the following stipulations:
 - I. Engineer's key personnel shall meet the *Secretary of the Interiors Professional Qualification Standards* for Archaeology and Architectural History:
 - a. Principal investigator
 - b. Field and laboratory supervisor
 - c. Field crew chiefs
 - II. Obtain cultural resources permits from Minnesota and North Dakota, as appropriate.
 - III. Conduct a survey of project area by pedestrian examination, documenting prehistoric and historic archaeological sites, as well as standing structures.
 - IV. Establish and follow a health and safety program.
 - V. Conduct subsurface testing:
 - a. In areas where surface visibility is less than 30 percent or where the potential exists for buried cultural resources.
 - b. Include shovel testing, coring, soil borings, cutbank profiling, or other appropriate methods.
 - c. Use a subsurface testing interval of 15 m (50 ft).
 - d. Excavate shovel tests to at least 60 cm (2 ft) or the C horizon.
 - e. Conduct hand auger tests to at least 1 m (3 ft), spaced at 10 m (30 ft) intervals.
 - f. Conduct deep testing using a 2-inch-diameter or larger coring device or bucket auger at river crossings to 3 m (10 ft).
 - g. Screen excavated materials through ¼-inch mesh or smaller hardware cloth.
 - h. Restore excavated areas to original condition. Engineer is liable for any crop or property damage that they cause.
 - VI. Record survey and testing results using field notes, maps, subsurface-testing forms, and photos.
 - VII. Delineate boundaries of sites and subsurface tests with GPS [provide GPS data in UTM projection, NAD83 horizontal datum, and units in meters].
 - VIII. Prepare state site forms.

- IX. Provide recommendations for Phase II testing and evaluation measures, including time and cost estimates.
 - X. Evaluate buildings 50 years old or older for eligibility to the National Register of Historic Places.
 - XI. Cultural artifacts located during fieldwork belong to property owners. If property owners desire to donate the material(s) for curation, obtain a signed release form or donation agreement.
 - XII. Make curatorial arrangements with Minnesota Historical Society and State Historical Society of North Dakota, meeting requirements of 36 CFR Part 79.
 - XIII. Cease activity in the vicinity if human remains are found, associated and/or unassociated objects of cultural patrimony. Contact the appropriate authorities.
 - XIV. Provide a right-of-entry agent to facilitate notification of property owners and compliance with right-of-entry agreements. Attachment 7 provides detailed right-of-entry responsibilities.
- B. CONDUCT PHASE I CULTURAL RESOURCES INVESTIGATIONS IN THE FOLLOWING LOCATIONS:
- I. REACHES 1, 2, 4 AND 5: Approximately 90 acres remaining from the 2012 season. Attachment 1 and 1A have been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - II. IN-TOWN LEVEES: Approximately 20 acres in the area along 2nd Street between the BNSF Railroad on the north and NP Avenue on the south and also south of Main Avenue. Attachment 2 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - a. Conduct initial architectural survey investigation to determine number of buildings impacted and estimated level of effort to complete architectural survey and report writing. Review with Owner. Additional budget, if needed, will be allocated in writing from Subtask C: On-Call Services.
 - III. REACHES 4 AND 5: Proposed Excavated Material Piles (EMPs) and construction staging areas. Attachment 3 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - a. Reach 4: Approximately 71 acres of EMPs, temporary work areas, and construction staging areas.
 - b. Reach 5: Approximately 112 acres of EMPs, temporary work areas, construction staging areas, and temporary by-pass channels.
 - IV. WESTERN ALIGNMENT CHANGE: If directed in writing, conduct Phase I cultural resources investigations on approximately 1800 acres of portions of the Diversion alignment from the Maple River south to the Sheyenne River. Attachment 4 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - V. SOUTHERN ALIGNMENT CHANGE: If directed in writing, conduct Phase I cultural resources investigations on approximately 2000 acres of portions of the southern alignment. Attachment 5 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - VI. PROPOSED OXBOW-HICKSON-BAKKE LEVEE: If directed in writing, conduct Phase I cultural resources investigations on approximately 250 acres of the levee footprint and areas inside the levee that are developed as a result of levee construction, house relocation, and golf course hole relocation. Attachment 6 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.

C. ON-CALL SERVICES: when specifically authorized in writing by Owner or Owner's Project Management Consultant (PMC), provide cultural resource investigations as directed.

D. DELIVERABLES:

- I. Field notes—one copy
- II. Field report(s)—letter report
- III. Draft contract report
- IV. Final contract report

3. OWNER'S RESPONSIBILITIES

- A. Owner shall have those responsibilities set forth in Article 2 and in EXHIBIT B of the Agreement.
- B. Acquire Rights of Entry for properties to be investigated.

4. TIMES FOR RENDERING SERVICES

<u>Subtask</u>	<u>Start Time</u>	<u>Completion Time</u>
A.	May 9, 2013	September 30, 2014
B.I and B.II	May 9, 2013	September 30, 2013
B.III through B.VI, C.	May 9, 2013	September 30, 2014

5. PAYMENTS TO ENGINEER

- A. Owner shall pay Engineer for services rendered as follows:
 - I. Compensation for services identified under Subtasks A through C shall be on a Time and Material basis in accordance with the Standard Hourly Rates shown in Exhibit C of the Agreement.
 - II. The total compensation for services identified under the Task Order for Subtasks A through C is not-to-exceed \$495,000 as defined in the table below.
 - III. Estimated budget for Subtask C, On-Call Services, is based on an allowance.
 - 1. Engineer will notify Owner when eighty percent (80%) of the budget on Subtask C, On-Call Services, is expended.
 - 2. Engineer will prepare and submit an amendment for additional compensation when ninety percent (90%) of budget on Subtask C, On-Call Services, is expended.
 - 3. Engineer will not perform work beyond one hundred percent (100%) of the budget for Subtask C, On-Call Services, without Owner's authorization by an amendment to this Task Order.

Subtask	Assumed Distribution (\$)
A. MANAGEMENT and COORDINATION	20,000
B.I REACHES 1, 2, 4 and 5	15,000
B.II IN-TOWN LEVEES	25,000
B.III REACHES 4 and 5 EMPs	50,000
B.IV WESTERN ALIGNMENT CHANGE	105,000
B.V SOUTHERN ALIGNMENT CHANGE	140,000
B.VI PROPOSED OXBOW-HICKSON-BAKKE LEVEE	70,000
C. ON-CALL SERVICES (Allowance)	70,000
TOTAL	495,000

- B. The terms of payment are set forth in Article 4 of the Agreement and EXHIBIT C of the Agreement.

- 6. Consultants:
 - A. Land Services, Inc.

- 7. Other Modifications to Agreement: No additions or modifications

- 8. Attachments: None

- 9. Documents Incorporated By Reference: None

10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is May 9, 2013.

ENGINEER:
URS Corporation

Signature Date

Name

Title

**DESIGNATED REPRESENTATIVE FOR
TASK ORDER:**

Name

Title

Address

E-Mail Address

Phone

Fax

OWNER:
Fargo-Moorhead Metro Diversion Authority

Signature Date
Darrell Vanyo

Name
Board Chair

Title

**DESIGNATED REPRESENTATIVE FOR
TASK ORDER:**

Keith Berndt

Name
Cass County Administrator

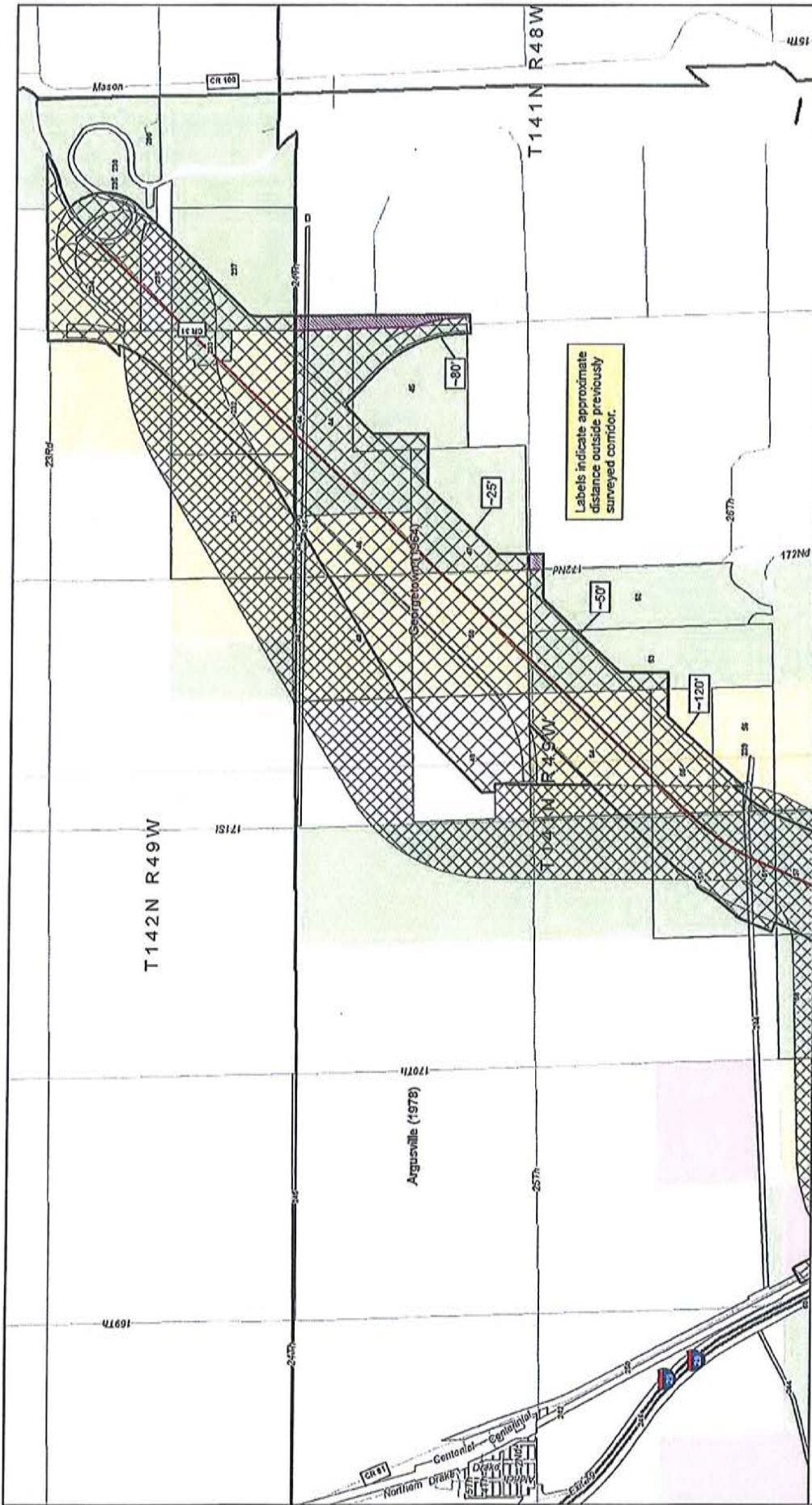
Title
211 9th Street South
PO Box 2806
Fargo, ND 58108-2806

Address
berndtk@casscountynd.gov

E-Mail Address
(701) 241-5720

Phone
(701) 297-6020

Fax



Field Map
2012 Diversion Alignment
Map 1

Fargo Moorhead Metro Flood Risk Management Project
 Cass County, ND and Clay County, MN

ATTACHMENT 1
 Sheet 1 of 4

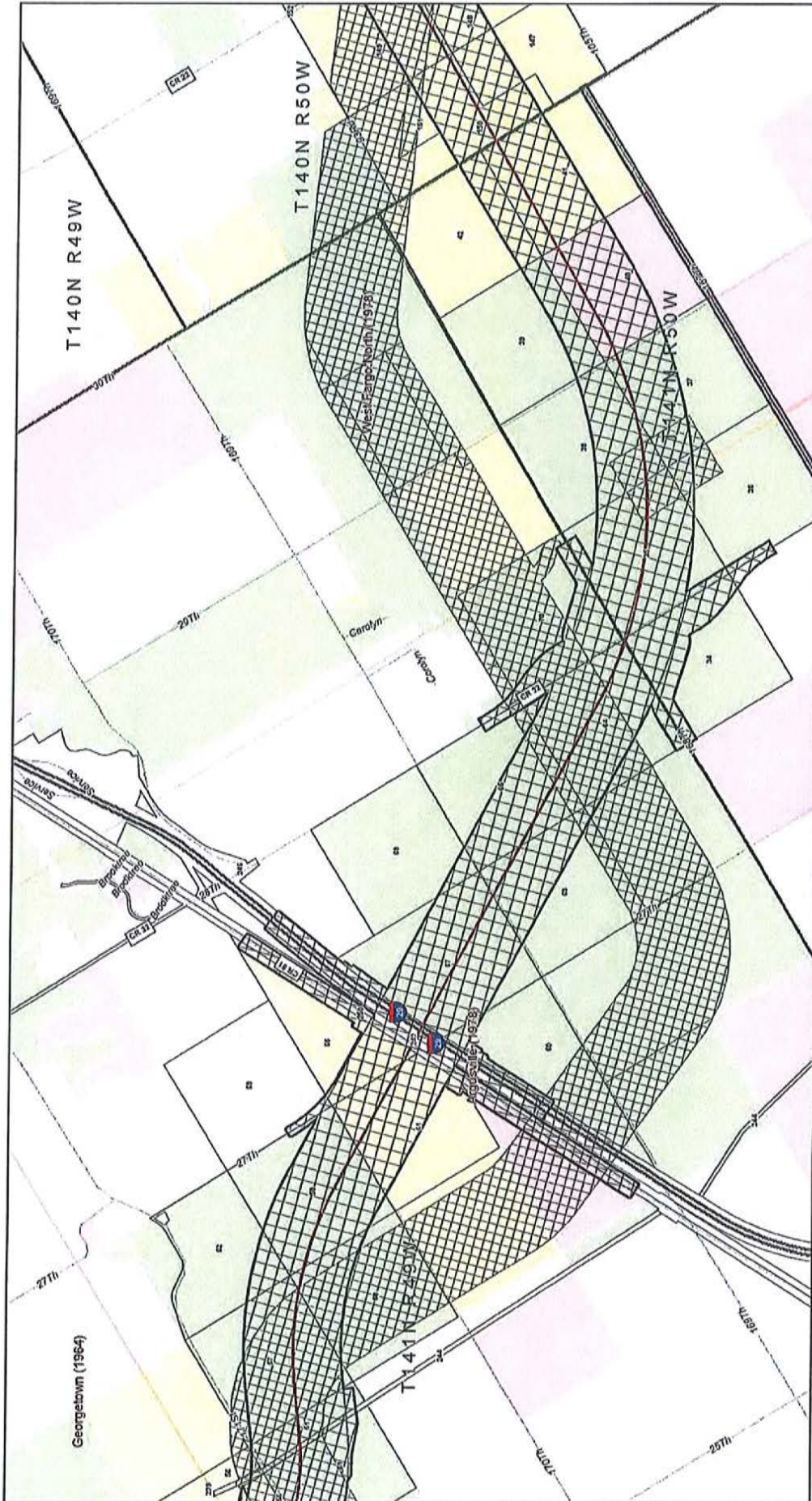
Scale: 1:24,000 (1" equals 2000 ft)
 Horizontal Projection: NAD83 UTM Zone 14N
 Basemap: USGS 7.5' Quadrangles
 November 15, 2012

Legend

- Centerline 2012
- Remaining Survey Area
- Surveyed Area
- 2012 Project Area Boundary
- Isolated Flood
- Site Boundary
- TR
- Quar Sheet Boundary
- RDE Status (May 11, 2012)
- Granted
- Count Granted
- Denied

City Clay ND
 City Clay MN

Labels indicate approximate distance outside previously surveyed corridor.

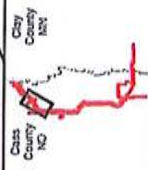


Field Map
2012 Diversion Alignment
Map 2
 Fargo Moorhead Metro Flood
 Risk Management Project
 Cass County, ND and Clay County, MN

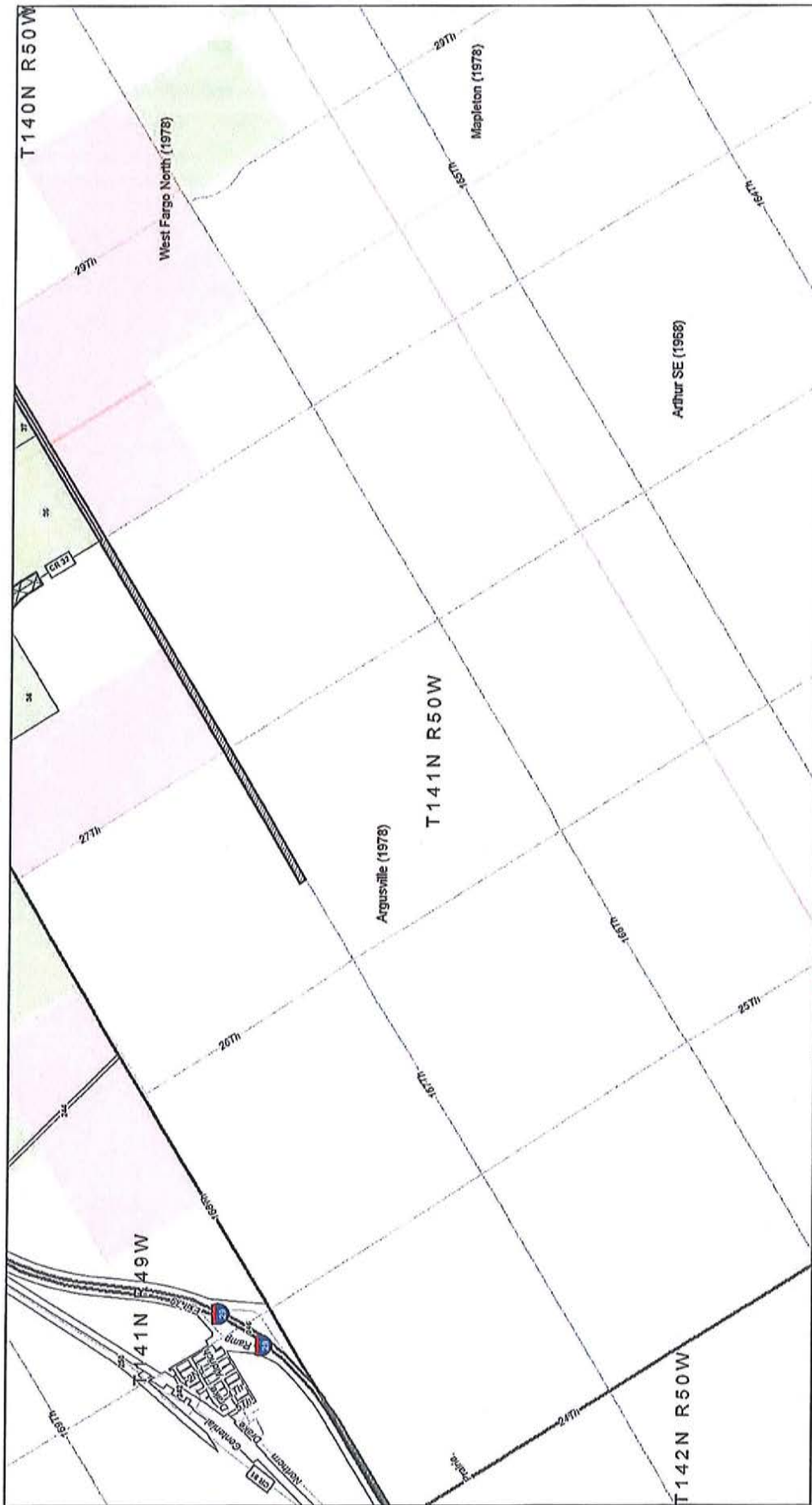
ATTACHMENT 1
 sheet 2 of 4



Scale: 1:24,000 (1" equals 2000 ft)
 Horizontal Projection: NAD83 UTM Zone 14N
 Base map: USGS 7.5' Quadrangles
 November 15, 2012



- Legend**
- Centrifuge 2012
 - Remaining Survey Area
 - Surveyed Area
 - 2012 Project Area Boundary
 - Isolated Find
 - Site Boundary
 - TR
 - Quadrant Sheet Boundary
 - ROE Status (May 11, 2012)
 - Granted
 - Count Granted
 - Denied

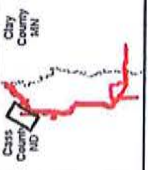


Field Map
2012 Diversion Alignment
Map 2b
 Fargo Moorhead Metro Flood
 Risk Management Project
 Cass County, ND and Clay County, MN

ATTACHMENT 1
 sheet 3 of 4



Scale: 1" = 20,000 Feet
 Horizontal Projection: NAD83 UTM Zone 14N
 Basemap: USGS 7.5' Quadrangles
 November 15, 2012

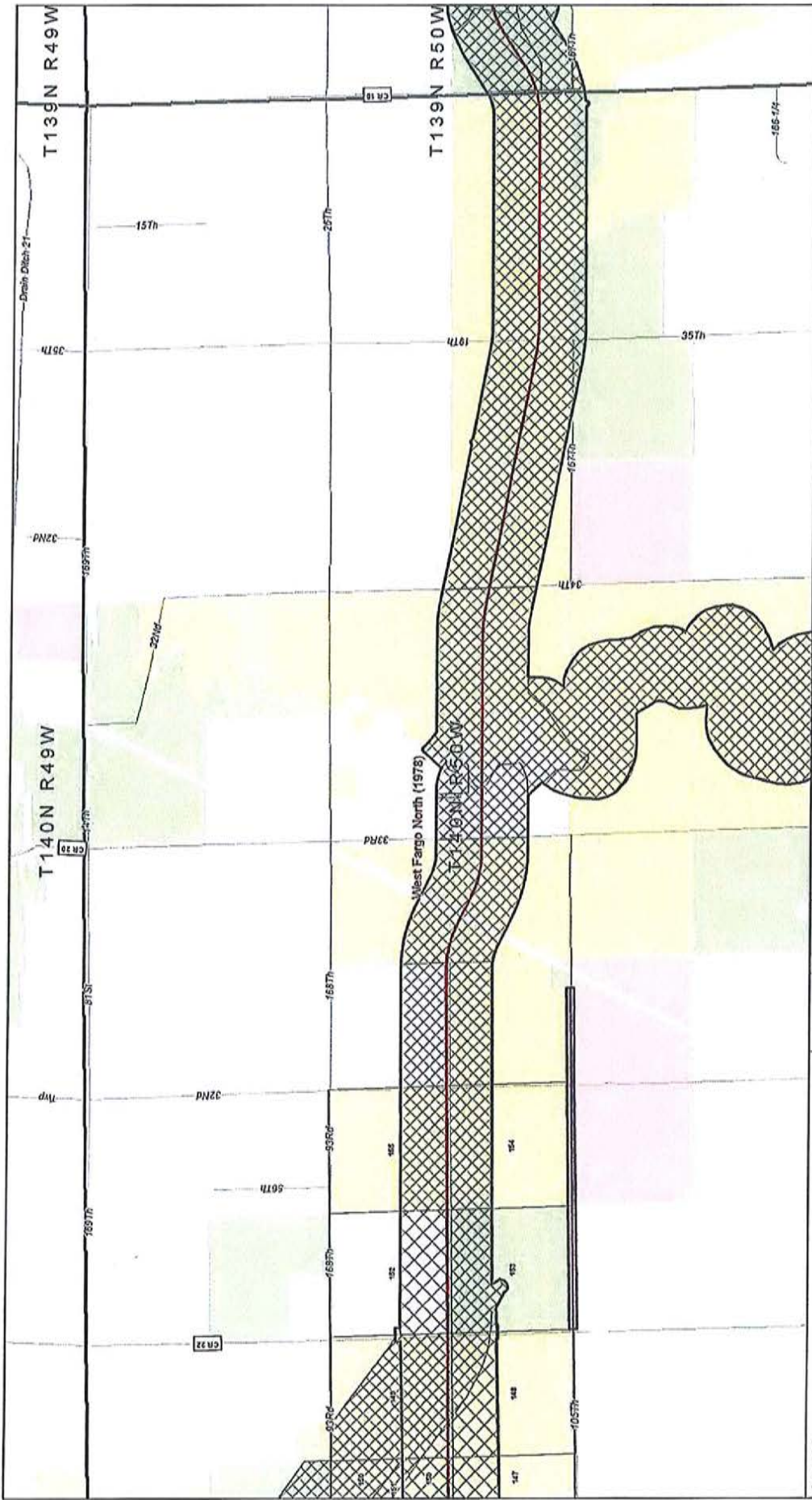


Legend

- Centrifuge 2012
- Remaining Survey Area
- Surveyed Area
- 2012 Project Area Boundary
- Isolated Find
- Site Boundary
- TR
- Quad Sheet Boundary

ROE Status (May 11, 2012)

- Granted
- Court Granted
- Denied



Field Map
2012 Diversion Alignment
Map 3
 Fargo Moorhead Metro Flood Risk Management Project
 Cass County, ND and Clay County, MN

ATTACHMENT 1
 sheet 4 of 4

Scale: 1:24,000 (1" equals 2000 ft)
 Horizontal Projection: NAD83 UTM Zone 14N
 Basemap: USGS 7.5' Quadrangles
 November 15, 2012

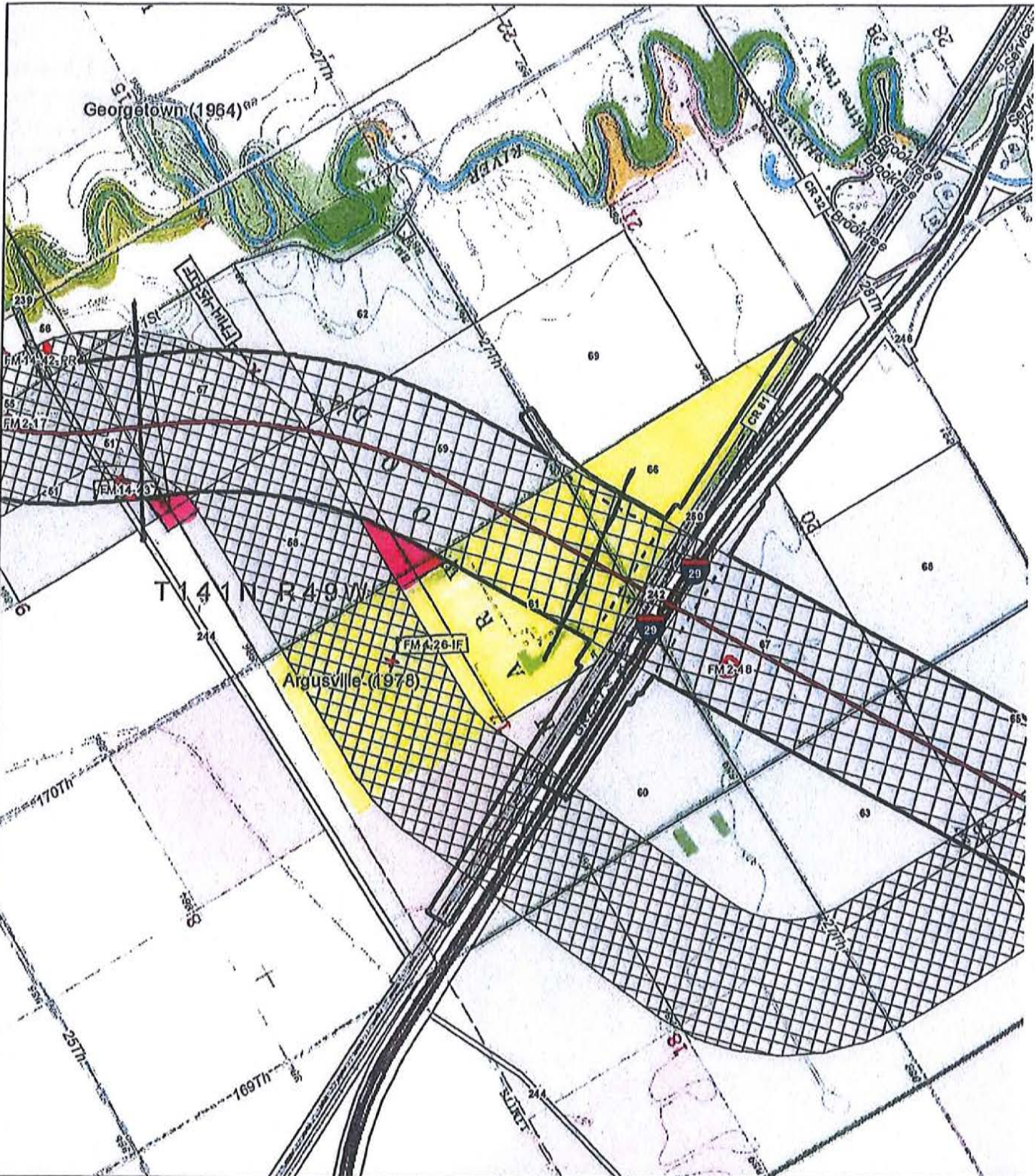
0 1,000 2,000 Feet

Clay County MN
 Cass County ND

ROE Status (May 11, 2012)
 Granted
 Court Granted
 Denied

Legend
 Centerline 2012
 Remaining Survey Area
 Surveyed Area
 2012 Project Area Boundary
 Isolated Find
 Site Boundary
 TR
 Quad Sheet Boundary

Reach 2
Stations 227+00 to 300+00 (7300ft)



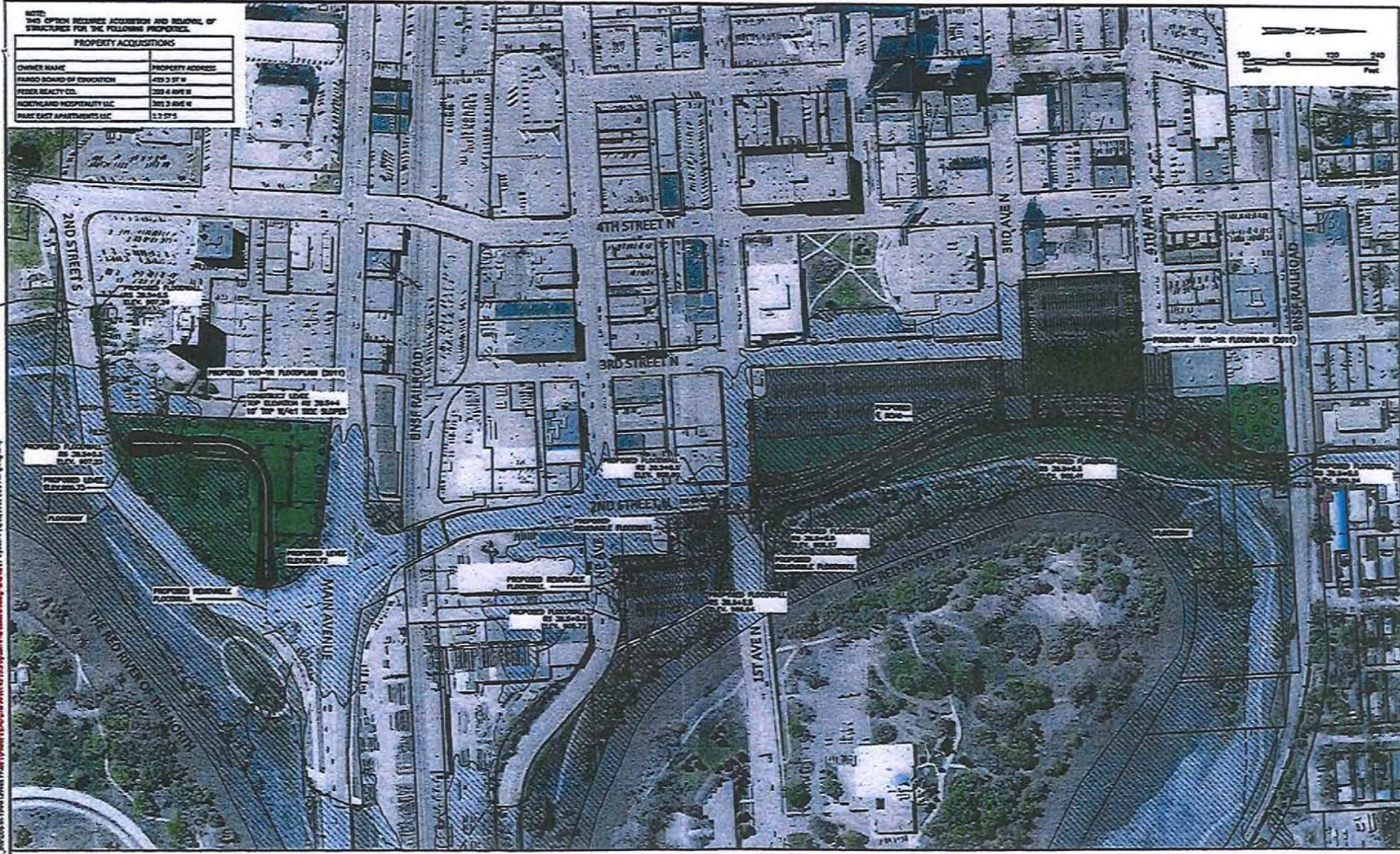
Legend			0 1,000 2,000 Fe Scale: 1:24,000 (1" equ.) Horizontal Projection: UTM Basemap: USGS 7.5' Quad October 11, 2012
<ul style="list-style-type: none"> Centerline 2012 Surveyed Area 2012 Project Area Boundary Diversion Limits (added Oct 2012) 	<ul style="list-style-type: none"> Isolated Find Site Boundary TR Quad Sheet Boundary 		

Excavated Material Piles need Phase I Survey

Attachment I.A.

NOTE:
THIS OPTION REQUIRES ACQUISITION AND REMOVAL OF
STRUCTURES FOR THE FOLLOWING PROPERTIES.

PROPERTY ACQUISITIONS	
OWNER NAME	PROPERTY ADDRESS
FARGO BOARD OF EDUCATION	423 3 ST W
PEREK REALTY CO.	303 4 AVE W
NORTHLAND REALTY LLC	303 3 AVE W
PARK EAST APARTMENTS LLC	1 3 ST S



Review

ATTACHMENT 2
 sheet 1

Date	By		

Houston
Engineering Inc.

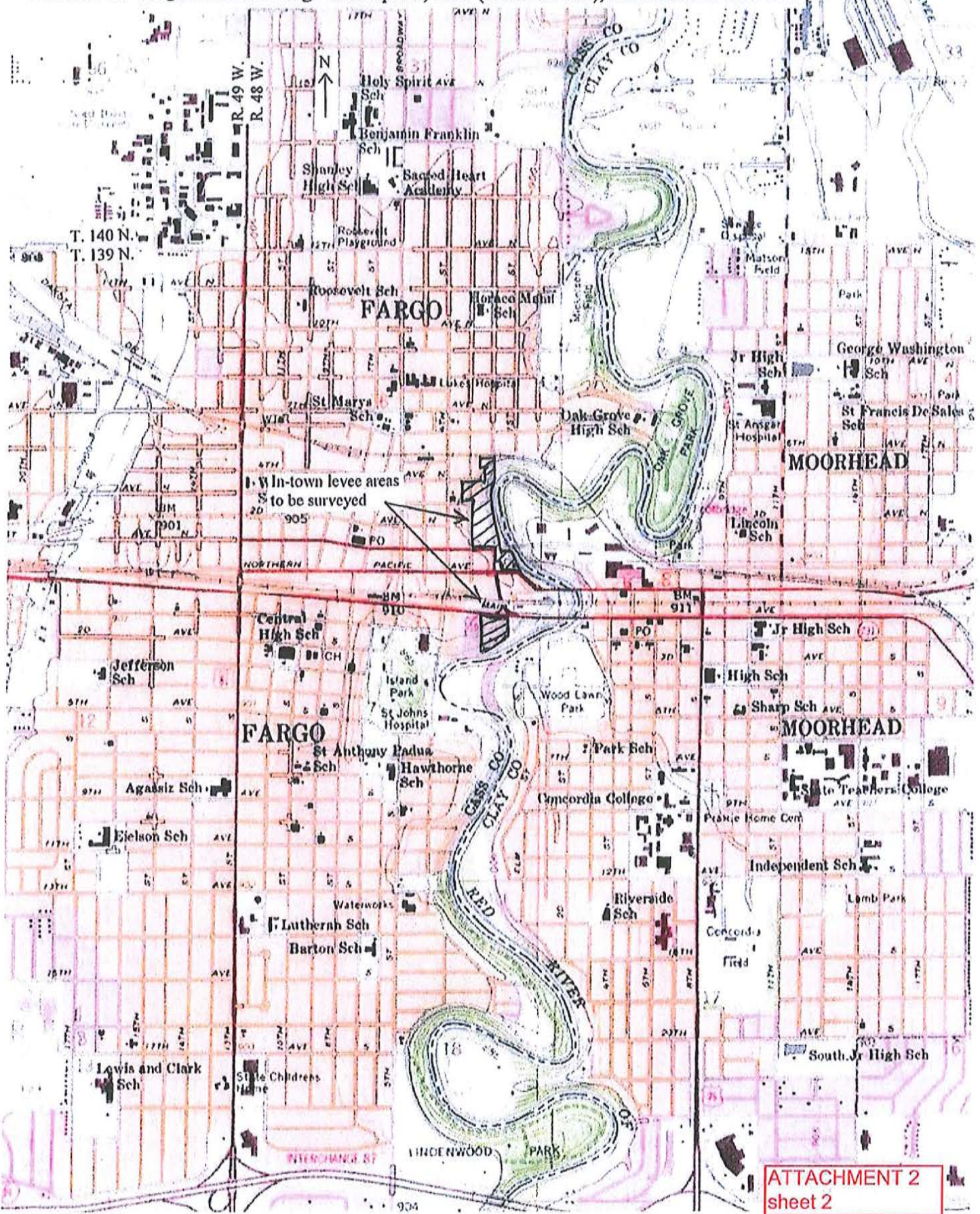
Fargo		Drawn by	JKW	Date	11-19-12
P:	701.237.5055	Checked by	RGE	Scale	AS SHOWN
F:	701.237.5101				

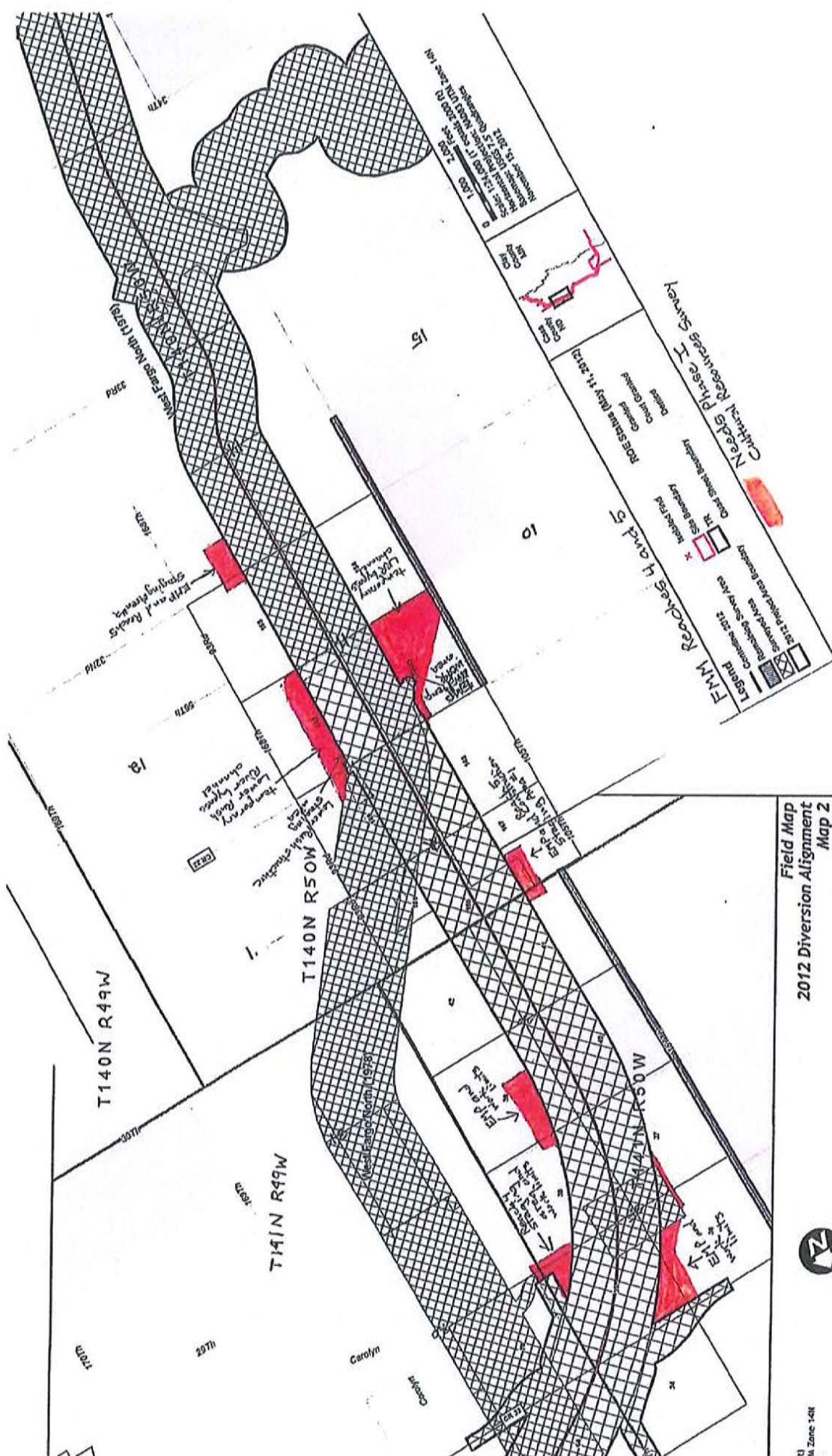
F-M METRO FLOOD RISK MANAGEMENT PROJECT
CITY OF FARGO
FARGO, NORTH DAKOTA

2ND STREET SITE PLAN
RS 39.5 WITH DIVERSION
OPTION 4
PROJECT NO. 7430-009 PHS

SHEET
1 of 1

In-town levee areas needing Phase I cultural resources survey, SE¼, Section 6, and NE¼NE¼, Section 7, Township 139 North, Range 48 West, City of Fargo, Cass County, North Dakota.
U.S.G.S. 7.5' Fargo North and Fargo South quads, 1959 (Revised 1993), 5 foot contour intervals.

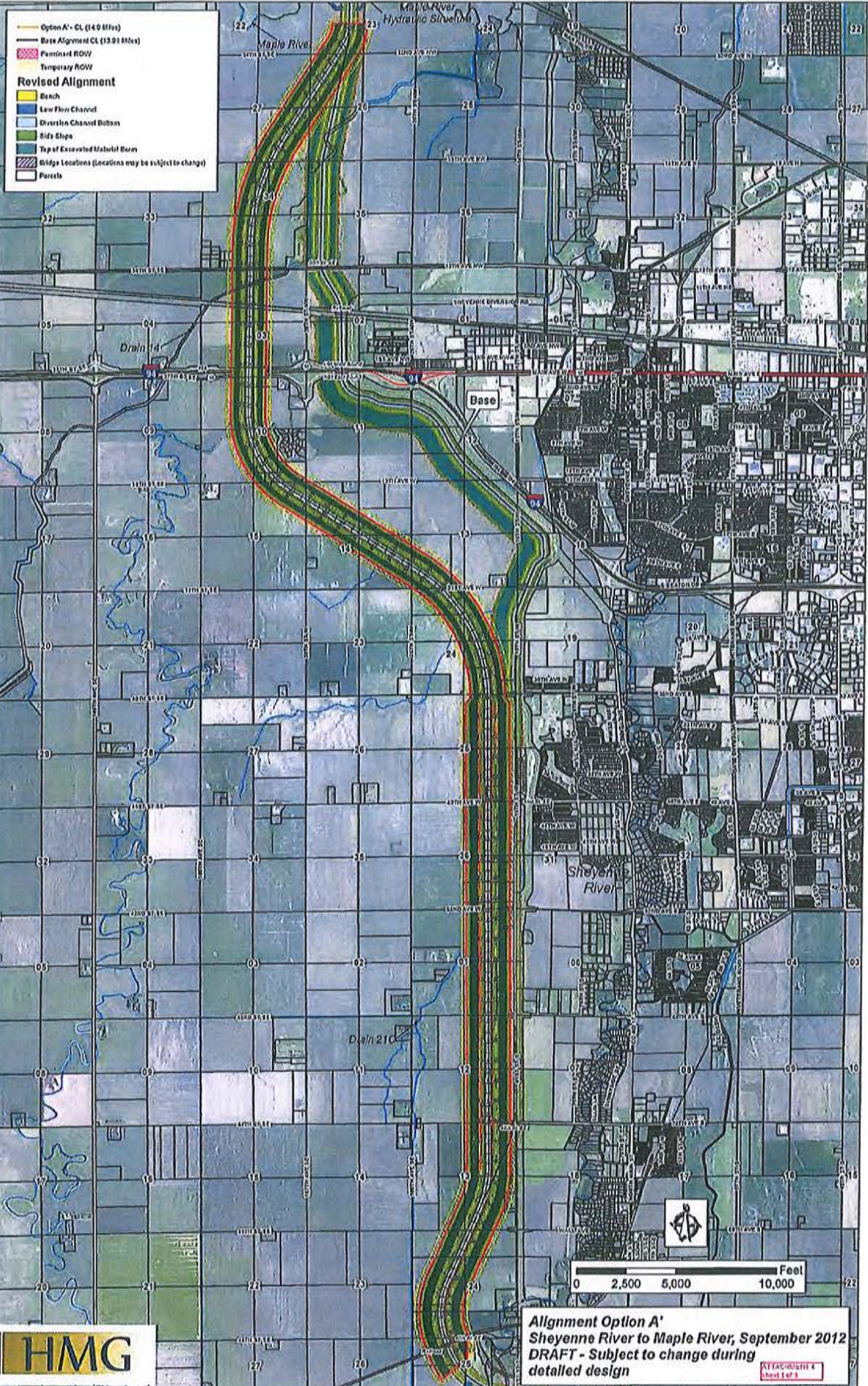




Field Map
 2012 Diversion Alignment
 Map 2
 Fargo Moorhead Metro Flood
 Risk Management Project
 Cass County, ND and Clay County, MN

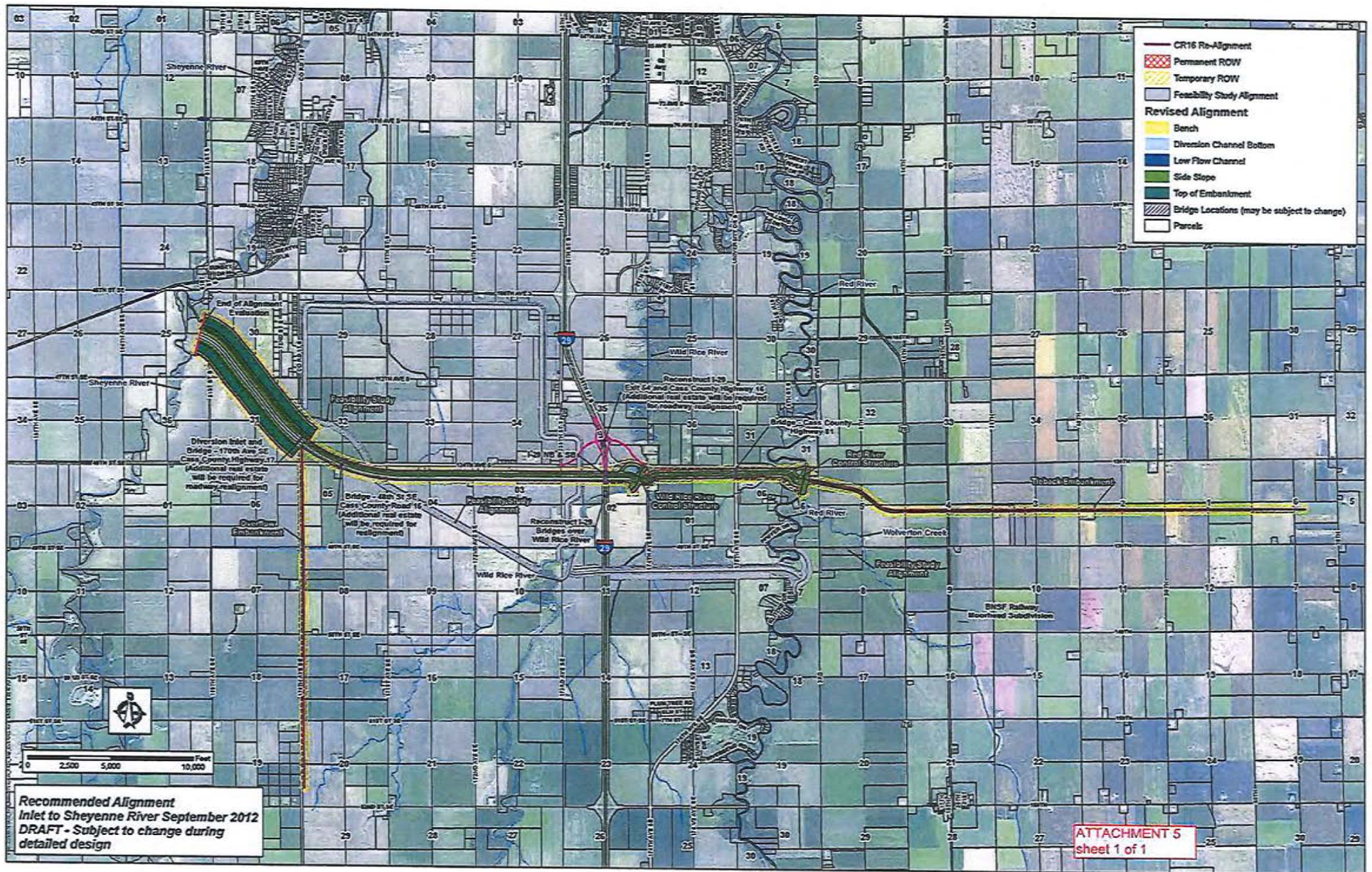
10
 DA Zone 14E
 5

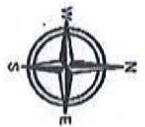
ATTACHMENT 3
 sheet 1 of 1



Alignment Option A'
 Sheyenne River to Maple River, September 2012
 DRAFT - Subject to change during
 detailed design

ATTACHMENT 4
 Sheet 1 of 1





100-YR WSE = + 922
 TOP OF LEVEE = + 926
 LEVEE LENGTH = 3.6 MILES

PRELIMINARY



FARGO - MOORHEAD AREA
 FLOOD RISK MANAGEMENT PROJECT
 LAND MANAGEMENT EVALUATION NO. 1

OXBOW, HICKSON, BAKKE LEVEE

ATTACHMENT 6
 sheet 1 of 1

C-101
 SHEET 1 OF 1

DATE	2/24/11
PROJECT NO.	1000000000
DRAWN BY	ML
CHECKED BY	ML
SCALE	AS SHOWN
PROJECT NAME	FARGO - MOORHEAD AREA FLOOD RISK MANAGEMENT PROJECT LAND MANAGEMENT EVALUATION NO. 1
SHEET NO.	C-101
TOTAL SHEETS	1
DATE PLOTTED	2/24/11

Task Order 1, Attachment 7

28 September 2011

Right of Entry (ROE) Responsibilities:

The Government and Project Sponsors will be responsible for securing any necessary rights of entry for the field investigations effort. Within 5 days of award of this Task Order and receipt of the most current ROE shapefile, the Contractor shall identify any additional areas for which it is necessary to acquire access. It can take up to 4 months to acquire Right of Entry (ROE) for parcels not already covered by an ROE. The Government and Sponsors will provide updated ROE information weekly.

The Government will provide the Contractor with parcel maps and copies of signed ROE forms from landowners to help facilitate access to private property. The Contractor will be required to carry the signed ROE forms with them when entering private property. The Contractor shall contact the Government point-of-contact at least 10 days before starting field work and shall be available for a kick-off meeting, to include Government and Sponsor staff, prior to starting work to discuss the pending work and ROE status. The Contractor shall contact the landowners by telephone, leaving a message if no answer, or in-person, leaving a flyer if no answer, at least 2 days before they intend to work on the property. The Contractor shall document the attempt to contact the landowner on a notation attached to the applicable ROE form, and note whether the attempt to contact was successful. The contractors should give the landowner an estimate of how long they intend to be on the property, and a description of what they will be doing.

If a landowner who has already signed a ROE, later denies permission for survey or testing, the Contractor must immediately notify the Government point-of-contact.

Some ROEs were obtained via court proceedings. These parcels may have specific notification processes and that process must be followed. The Contractor will be required to carry the court order with them when entering private property. If a landowner of a parcel obtained via court order denies permission for survey or testing, the Contractor must immediately notify the Government point-of-contact.

The Government will provide the contractor with a letter indicating that they are authorized to complete the field work. The Contractor shall ensure that all employees have proper identification and that one member of each field crew has a copy of the contractor's authorization letter to complete the work on behalf of the Government/Sponsor. Copies of the Contractor's authorization letter shall be made available to landowner's upon request.



Item 6e.

AUTHORITY WORK DIRECTIVE

AWD-00029 REV-0

Phasing Plan Interim Modeling

	WORK TYPE:	WIK
TO:	Houston-Moore Group, LLC	DATE INITIATED: 4/24/2013
PROJECT:	Systemwide General Studies	
OWNER:	Fargo-Moorhead Metro Diversion Authority	

The following additions, deletions, or revisions to the Work have been ordered and authorized:

OBJECTIVE:

Incorporate the Phase 1 and Phase 2 project features into the hydraulic model, evaluate project benefits, and determine interim measures needed for a phased project.

BACKGROUND:

The original project execution plan assumed unconstrained funding, an approximate 8 year project schedule, and project design and construction starting on the downstream (north) end of the project and progressing sequentially upstream. Currently, it is anticipated that Federal funding will be constrained and, therefore, a phased plan was developed for the project to proceed with limited Federal funding and provide benefits as early as practical. This results in a three phased project. Phase 1 includes the Diversion Channel from the Outlet to downstream of the Maple River and associated bridges, in-town levees, and the Oxbow-Hickson-Bakke area levee. Phase 2 includes the Red River and Wild Rice River control structures, the Staging Area embankment, overflow embankment, tie-back levee, the Diversion Inlet structure, staging area land, and associated bridges and transportation improvements. Phase 3 includes the Diversion Channel from the Maple River to the Diversion Inlet structure, associated bridges, the Maple River Aqueduct, and the Sheyenne River Aqueduct.

There may be a lag of several years between completion of Phases 1 and 2, and the completion of Phase 3, and, therefore, modeling and evaluation is needed to 1) determine project benefits and 2) the need for and extent of temporary measures between phases of the project.

SCOPE:

Perform 100-year and 500-year modeling evaluations of Phase 1 and Phase 2 project components, quantify interim benefits, and determine what interim measures are needed until completion of Phase 3.

DELIVERABLES:

1. Draft Technical Memorandum.
2. Final Technical Memorandum.

SCHEDULE:

Begin upon receipt of AWD. The above scope of work will be incorporated into Task Order No. 9 - Hydrology and Hydraulic Modeling, which will supersede this AWD.

HOW WORK IS PERFORMED:

This work will be performed on a time and material basis under Task Order No. 9 - Hydrology and Hydraulic Modeling.

COST:

Cost incurred under this AWD is not to exceed \$90,000.00. This limit will not be exceeded without further written approval. The above scope of work will be incorporated into future task orders, which will supersede this AWD. Costs associated with this AWD will be invoiced under Task Order No. 9 - Hydrology and Hydraulic Modeling.

REASON FOR CHANGE(S):

Requested by Local Sponsors.

ATTACHMENTS (List Supporting Documents):

None

It is understood that this Authority Work Directive will not change the Contract Price or Times, but is evidence that the parties expect a Contract Amendment to be subsequently issued reflecting the changes.

Recommended by: CH2M HILL
 Program Management Consultant

<u>Bruce Spiller</u> Name	<u>PMC Technical Services Manager</u> Title
_____ Signature	_____ Date

Ordered by: Fargo-Moorhead Metro Diversion Authority
 Owner

<u>Darrell Vanyo</u> Name	<u>Board Chair</u> Title
_____ Signature	_____ Date



Item 6e.

AUTHORITY WORK DIRECTIVE

AWD-00030 REV-0

MN EIS Scoping Document Comment Support

	WORK TYPE:	WIK
TO: <u>Houston-Moore Group, LLC</u>	DATE INITIATED:	<u>4/24/2013</u>
PROJECT: <u>Fargo-Moorhead Diversion Engineering Design</u>		
OWNER: <u>Fargo-Moorhead Metro Diversion Authority</u>		

The following additions, deletions, or revisions to the Work have been ordered and authorized:

OBJECTIVE:

Assist the USACE with comments on the Minnesota Environmental Impact Statement (MN EIS) Scoping Document.

BACKGROUND:

The USACE will be submitting comments to the MN DNR during the upcoming public comment period for the MN EIS Scoping Document, currently scheduled for April 15-May 15, 2013. The USACE proposes submitting comments on the Combination of Measures without a Diversion (in-town levees with upstream storage and other mitigation) alternative, and would do this by expanding the retention portion of the FM Diversion – Flood Frequency and Retention White Paper in combination with levees to 42.5 feet. The USACE has requested that the Sponsors and staff from HMG participate in this effort.

SCOPE:

Participate in meetings and perform requested work to expand upon the upstream retention portion of the FM Diversion – Flood Frequency and Retention White Paper in combination with levees to 42.5. Assist the USACE with comments on the MN EIS Combination of Measures without a Diversion alternative.

DELIVERABLES:

1. Revised upstream retention white paper.

SCHEDULE:

Begin upon receipt of AWD. Comments are due May 15, 2013. The above scope of work will be incorporated into Task Order No. 8 – Work-in-Kind, which will supersede this AWD.

HOW WORK IS PERFORMED:

This work will be performed on a time and material basis under Task Order No. 8 – Work-in-Kind.

COST:

Cost incurred under this AWD is not to exceed \$15,000.00. This limit will not be exceeded without further written approval. The above scope of work will be incorporated into future task orders, which will supersede this AWD. Costs associated with this AWD will be invoiced under Task Order No. 8 – Work-in-Kind.

REASON FOR CHANGE(S):

Requested by USACE.

ATTACHMENTS (List Supporting Documents):

None

It is understood that this Authority Work Directive will not change the Contract Price or Times, but is evidence that the parties expect a Contract Amendment to be subsequently issued reflecting the changes.

Recommended by: CH2M HILL
 Program Management Consultant

<u>Bruce Spiller</u> Name	<u>PMC Technical Services Manager</u> Title
_____ Signature	_____ Date

Ordered by: Fargo-Moorhead Metro Diversion Authority
 Owner

<u>Darrell Vanyo</u> Name	<u>Board Chair</u> Title
_____ Signature	_____ Date



AUTHORITY WORK DIRECTIVE

AWD-00031 REV-0

In-Town Levee Utility Relocations

	WORK TYPE:	LEERDS
TO:	Houston-Moore Group, LLC	DATE INITIATED: 4/24/2013
PROJECT:	Work Package 42 – Red River Levees	
OWNER:	Fargo-Moorhead Metro Diversion Authority	

The following additions, deletions, or revisions to the Work have been ordered and authorized:

OBJECTIVE:

Begin preliminary work on developing a 2nd Street/Downtown area utility relocation plan, schedule, and cost estimate.

BACKGROUND:

As part of Task Order No. 13, Houston-Moore Group (HMG) was contracted by the Diversion Authority to identify existing utilities impacted by the proposed In-Town Levees project along the 2nd Street/Downtown Fargo area corridor, to coordinate a meeting with the utility owners, and to document preliminary relocation requirements and issues. This work has been completed.

HMG is also developing a preliminary (35%) design for the “in-town” levees/flood walls under Task Order No. 13. In order to maintain schedule, it is recommended that the design of the required utility relocations begin at this time. The AWD authorizes the designs to begin. The complete scope and fee for the utility relocation design will be included in an amendment to Task Order No. 10. This amendment is under development.

SCOPE:

Begin the planning, coordination, and design of utility relocations for the 2nd Street/Downtown Fargo Floodwall project area. Begin development of a 2nd Street/Downtown area utility relocation plan, schedule and cost estimate.

DELIVERABLES:

1. Deliverables will be defined in future Task Order No. 10 amendment.

SCHEDULE:

Begin upon receipt of AWD. The above scope of work will be incorporated into Task Order No. 10 – Utilities Relocation Design, which will supersede this AWD.

HOW WORK IS PERFORMED:

This work will be performed on a time and material basis under Task Order No. 10 – Utilities Relocation Design.

COST:

Cost incurred under this AWD is not to exceed \$50,000.00. This limit will not be exceeded without further written approval. The above scope of work will be incorporated into future task orders, which will supersede this AWD. Costs associated with this AWD will be invoiced under Task Order No. 10 – Utilities Relocation Design.

REASON FOR CHANGE(S):

Required to maintain schedule.

ATTACHMENTS (List Supporting Documents):

None

It is understood that this Authority Work Directive will not change the Contract Price or Times, but is evidence that the parties expect a Contract Amendment to be subsequently issued reflecting the changes.

Recommended by: CH2M HILL
 Program Management Consultant

<u>Bruce Spiller</u> Name	<u>PMC Technical Services Manager</u> Title
_____ Signature	_____ Date

Ordered by: Fargo-Moorhead Metro Diversion Authority
 Owner

<u>Darrell Vanyo</u> Name	<u>Board Chair</u> Title
_____ Signature	_____ Date



United States Department of the Interior

U.S. GEOLOGICAL SURVEY

North Dakota Water Science Center
821 East Interstate Avenue
Bismarck, ND 58503-1199

April 10, 2013

April Walker, PE, City Engineer
City of Fargo
200 3rd Street N.
Fargo, ND 58102

Dear April,

The purpose of this letter is to provide the Joint Funding Agreement (JFA) for installing ten gages to measure the water elevation. The gages will collect the water elevation at ten locations as noted around the City of Fargo for the upcoming snowmelt flooding in the Spring of 2013. The gages will be installed on the designated tributaries prior to any flooding in April and will be removed by May 31, 2013.

Group 1 stations:

The U.S. Geological Survey (USGS) North Dakota Water Science Center (NDWSC) will install and operate 6 continuous recording water level (stage) gages at the locations listed below, for the upcoming snowmelt flooding in the Spring of 2013.

1. Wolverton Creek near Comstock (Hwy 75)
2. Whiskey Creek at Hwy 75 near Kent
3. Drain 14 near Mapleton (CR 15)
4. Oakport Coulee at 70th Ave (Clay Co 93)
5. Unnamed Drain on I-94 south of Harwood
6. Unnamed Drain on I-94 south of Argusville

The stage gages will be installed prior to any spring snowmelt flows and operated through the break-up period. The gages will be removed no later than May 31, after the flood waters have receded and the gages are accessible. The stage data once retrieved will be quality assured and downloaded to the USGS NDWSC data base.

At locations number 3, 4, 5, and 6, three to five discharge measurements will be made to define and develop a stage-discharge rating. The discharge measurements at locations 1 and 2 will be funded by another agency and are not included in the total shown below. The stage-discharge

rating will be used along with the stage record to compute a continuous discharge record for each of the 6 stations. All discharge and stage data will be computed and quality assured by July 31.

Cost for the work described above: \$36,200

Group 2 stations:

The USGS NDWSC will install 4 continuous recording stage gages to measure the water elevation at the sites listed below.

1. Red River at Georgetown (Cass CR 34/Clay CR 36)
2. Rush River east of Prosper
3. South Branch Rush River south of Prosper
4. Maple River on I-94 near Mapleton

The stage gages will be installed prior to any spring snowmelt flows and operated through the break-up period. The gages will be removed no later than May 1, after the flood waters have receded and the gages are accessible. All stage data will be computed and quality assured by July 31.

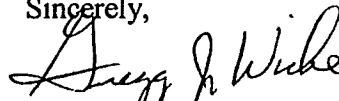
Cost for work described above: \$10,720

Total cost for the project outlined above will be \$46,920. There are no USGS matching funds available from the Cooperative Water Program.

I have enclosed 2 signed copies of the fiscal year 2013 JFA. Please sign and return one copy for our files. We will bill you following completion of the work.

Work performed with funds under this agreement will be conducted on a fixed-price basis and data collected will be available for publication by the USGS. If you have any questions please do not hesitate to call me or Steve Robinson at the number given above.

Sincerely,



Gregg J. Wiche
Director

Enclosures

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
for
Water Resources Investigations

Customer #:	600000214
Agreement #:	13EMNS0000214YB
Project #:	NS00A9R
TIN #:	45-6002069
Fixed Price:	Yes

THIS AGREEMENT is entered into as of the 10th day of April 2013, by the U.S. Geological Survey, United States Department of the Interior, party of the first part, and the City of Fargo, party of the second part.

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation the installation and maintenance of 10 gages to measure water elevation through the City of Fargo, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program:
 - (a) \$0 by the party of the first part during the period April 10, 2013 to September 30, 2013
 - (b) \$46,920* by the party of the second part during the period April 10, 2013 to September 30, 2013

*\$46,920 in unmatched funds

 - (c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
 - (d) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered annually. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

U.S. Geological Survey
United States
Department of the Interior

City of Fargo

By: Gregg J. Wiche 4/10/13
Gregg J. Wiche, Director Date

By: _____ Date

By: _____ Date

By: _____ Date

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
for
Water Resources Investigations

Customer #:	6000000214
Agreement #:	13EMNS0000214YB
Project #:	NS00A9R
TIN #:	45-6002069
Fixed Price:	Yes

THIS AGREEMENT is entered into as of the 10th day of April 2013, by the U.S. Geological Survey, United States Department of the Interior, party of the first part, and the City of Fargo, party of the second part.

- The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation the installation and maintenance of 10 gages to measure water elevation through the City of Fargo, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
- The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program:

- (a) \$0 by the party of the first part during the period
April 10, 2013 to September 30, 2013
- (b) \$46,920* by the party of the second part during the period
April 10, 2013 to September 30, 2013

*\$46,920 in unmatched funds

- Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
 - The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
- The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
 - The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
 - The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
 - During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
 - The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
 - The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
 - USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered annually. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

U.S. Geological Survey
United States
Department of the Interior

City of Fargo

By: Gregg J. Wiche Date: 4/10/13
Gregg J. Wiche, Director

By: _____ Date

By: _____ Date

By: _____ Date

USGS Information

Agreement: 13EMNS0000214YB

Project Contact: Steve Robinson

Title: Data Chief

Email: smrobins@usgs.gov

Telephone: 701-250-7404

Fax Number: 701-250-7492

Organization Name: U.S. Geological Survey

Mailing Address: 821 E. Interstate Avenue

City, State, Zip: Bismarck, ND 58503

Duns Number: 92-983-6096

TIN/ALC 53-0196958

Administrative Contact: Doug VerDouw

Title: Administrative Officer

Email: dverdouw@usgs.gov

Telephone: 701-250-7403

Fax Number: 701-250-7492

Administrative Address: U.S. Geological Survey

Mailing Address: 821 E. Interstate Avenue

City, State, Zip: Bismarck, ND 58503

USGS legal authority to enter into the
agreement.

43 USC 50

Customer Information

Agreement: 13EMNS0000214YB

Project Contact: April Walker

Title: City Engineer

Email: awalker@cityoffargo.com

Telephone: 701-241-1554

Fax Number: 701-241-8101

Organization Name: City of Fargo

Mailing Address: 200 3rd St. N

City, State, Zip: Fargo, ND 58102

Duns Number: 070265871

TIN/ALC 45-6002069

Administrative Contact: April Walker

Title: City Engineer

Email: awalker@cityoffargo.com

Telephone: 701-241-1554

Fax Number: 701-241-8101

Administrative Address: City of Fargo

Mailing Address: 200 3rd St. N

City, State, Zip: Fargo, ND 58102

Legal authority to enter into the
agreement.

Home Rule Charter - Article 3



Purchase Offer for Hardship Property

DECISION PAPER NO.: **DP-00027**

Date: 04/25/2013

RECOMMENDATION FOR BOARD ACTION:

Motion is made that the Diversion Authority Board approve agreement to purchase residential property determined to be in compliance with the conditions of the Hardship Policy adopted by the Hardship Review Committee. The contract is for purchase of not less than \$350,000, based on the "completed" appraisal, plus \$6,000 to compensate for relocation expenses, for a total not less than \$356,000.

This contract amount may be increased based on the results of a third "pending" appraisal of the property. The pending appraisal, to be conducted by an appraiser acceptable to the USACE and contracted by Houston-Moore Group, will be used to determine any additional payment to purchase the property as follows: If the pending appraisal results in a value above the accepted appraisal amount of \$350,000, Seller agrees to accept the amount resulting from an average of the accepted and pending appraisals; if the pending appraisal results in a value at or below the accepted appraisal amount of \$350,000, Seller agrees to accept the amount of the accepted appraisal.

Following approval of the Finance Committee and the Land Management Committee the motion will be forwarded to the Diversion Board of Authority for approval.

SUMMARY OF DECISION TOPIC:

The Diversion Authority has earlier recognized that while it is difficult to quantify the impacts resulting from the impending project on property values, or discern between project-related impacts in general economic conditions or other market forces, the Diversion Authority established a policy that allowed property owners with a serious health condition to have their homes determined eligible for early buyout by the Diversion Authority.

The policy was put in effect prior to the Project Partnership Agreement (PPA) between the U.S. Army Corps of Engineers and the non-federal sponsors of the Project.

The first appraisal of the property was for \$350,000. Owners disputed value and requested second appraisal, which the Authority agreed to pay for. Second appraisal of property was \$535,000, but the appraiser is not accepted by the USACE. An independent technical review concluded the second appraisal did not follow USACE Yellow Book Standards, and was not recommended to be accepted. Owners have agreed to the contingent value described in Recommendation, above.

EVALUATION OF KEY FACTORS FOR DECISION MAKING:

1. The Hardship Review Committee of the Early Acquisition Sub-Committee of the Land Management Committee of the Diversion Authority has reviewed applications for early buyout in accordance with the hardship policy adopted by the Diversion Authority. The criteria included in the Pre-PPA Hardship Policy are that the property must be located within the planned buyout area associated with the Project, the property owner must have a serious health condition certified by a medical professional, and the health condition makes it difficult for the property owner to continue residing at the residence.
2. Two appraisals of this property have been conducted after authorization by the Diversion Authority. The first appraisal was performed by a local appraiser accepted by the USACE. The third appraisal will be performed by a local appraiser accepted by the USACE.
3. A Purchase Agreement for the property was developed by the Diversion Authority staff, legal counsel, and the Program Management Consultant. The purchase offer was presented to the property owner based on the appraised value, and recognizing the pending appraisal. Relocation benefits in accordance with applicable public law and regulations was established in the amount of \$6,000 per property.

4. The owner has agreed to the sale for the total compensation of \$356,000 – including the contingency for a higher value noted in Recommendation, above – and at these terms.
5. The purchase agreements indicate that the 'Diversion Board of Authority' will take title of the properties.
6. The closing date for the properties will be established with the seller once the purchase order is approved, and the Diversion Authority will take possession on the date of closing.
7. The property will be managed by the property management firm, Coldwell Banker First Realty, which was selected by the Diversion Authority in October 2012.
8. To date, nine applications have been evaluated for early buyout, four of which were determined by the Hardship Review Committee to meet the criteria of the Hardship Policy. All four properties are located within the City of Oxbow.

Submitted by:



Thomas O'Hara
CH2M HILL
Program Manager
 Fargo-Moorhead Area Diversion Project

04/25/13
Date

Brian C. Berg, Clay County Administrator
Concur: 04/25/13 Non-Concur: _____

Michael J. Redlinger, Moorhead City Manager
Concur: 04/25/13 Non-Concur: _____

Keith Berndt, Cass County Administrator
Concur: 04/25/13 Non-Concur: _____

April Walker, Fargo City Engineer
Concur: 04/25/13 Non-Concur: _____

Mark Bittner, Fargo Director of Engineering
Concur: 04/25/13 Non-Concur: _____

Pat Zavoral, Fargo City Administrator
Concur: 04/25/13 Non-Concur: _____

David Overbo, Clay County Engineer
Concur: 04/25/13 Non-Concur: _____

Robert Zimmerman, Moorhead City Engineer
Concur: 04/25/13 Non-Concur: _____



Oxbow-Hickson-Bakke Levee Alignment

DECISION PAPER NO.: DP-00023

Date: 5/9/2013

RECOMMENDATION FOR BOARD ACTION:

Motion is made that the Board of Authority selects the full Oxbow/Hickson/Bakke alignment as its recommended alignment for the Oxbow Area Levee. This recommendation will be forwarded to the Corps of Engineers for inclusion in the upcoming Environmental Assessment (EA) documentation.

SUMMARY OF DECISION TOPIC:

- 1. At the request of Oxbow after the September 13, 2012 public meeting on the Southern Alignment, the Corps agreed to relook the feasibility of constructing a ring levee around the communities of Oxbow, Hickson and Bakke.
2. A design concept was developed and Corps led meetings with the communities were held on January 8, 2013.
3. After these community meetings, residents of Bakke sent the Corps 47 surveys saying they were opposed to the project and therefore were not interested in the ring Dike. On January 10, 2013, Pleasant township also passed a resolution opposing both the project and the levee.
4. The city of Oxbow passed a resolution on February 6, 2013 supporting the ring levee concept.
5. The February Diversion Authority Board directed that alternatives alignments excluding Bakke and/or Hickson be developed and analyzed, and that additional outreach efforts be made towards the residents of Bakke and Hickson.
6. The map and table in Attachment 1&2 show the alternative alignments and analysis of those alternatives.
7. Additional property owner meeting were conducted at the Hickson Community Center on April 10-11. All Bakke and Hickson residents were invited and 21 initially signed up for meetings. 8 actually showed up for their scheduled meeting, and 6 out of the 8 submitted survey forms. Out of the 6 who submitted surveys, 5 selected the buyout option and 1 selected the ring levee. An additional 49 rural property owners also attended these small group, individual property owner meetings.

EVALUATION OF KEY FACTORS FOR DECISION MAKING:

ADVANTAGES:

- 1. Properties protected. The full ring levee alignment will provide 500 year protection to 196 properties, while the Oxbow/Hickson alignment protects 139 and the Oxbow only alignment protects 106.
2. Protection of key buildings/business. The full alignment will protect the church, community center and businesses in Hickson and Oxbow.
3. Tax base. The full alignment will maintain the tax base for the Kindred School District. The Oxbow/Hickson alignment would reduce the tax base by \$21M and the Oxbow only alignment by \$26M
4. Property owner uncertainty. Construction of the full alignment would provide certainty to all protected property owners starting in 2014, while lesser alignments would leave them in limbo until 2018 at the earliest.
5. Cost. The full alignment is \$20M cheaper than the Oxbow/Hickson alignment and \$25M cheaper than the Oxbow only alignment.

DISADVANTAGES:

- 1. Bakke/Hickson resident support. Bakke/Hickson residents have not voice support for the full ring levee alignment. Pleasant Township has also voiced its opposition to the full ring levee alignment.

Attachment 1: Oxbow, Hickson, Bakke Project map

Attachment 2: Upstream Staging Levees in O/H/B Options table

Submitted by:



Thomas E. O'Hara
CH2M HILL
Program Manager
Fargo-Moorhead Area Diversion Project

05/03/2013

Date

Brian C. Berg, Clay County Administrator

Concur: X 05/02/2013 Non-Concur: _____

Michael J. Redlinger, Moorhead City Manager

Concur: X 05/02/2013 Non-Concur: _____

Keith Berndt, Cass County Administrator

Concur: X 5/02/2013 Non-Concur: _____

April Walker, Fargo City Engineer

Concur: _____ Non-Concur: _____

Mark Bittner, Fargo Director of Engineering

Concur: _____ Non-Concur: _____

Pat Zavoral, Fargo City Administrator

Concur: _____ Non-Concur: _____

David Overbo, Clay County Engineer

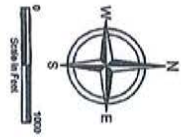
Concur: Not Available Non-Concur: _____

Robert Zimmerman, Moorhead City Engineer

Concur: X 05/02/2013 Non-Concur: _____



Attachment 1: Oxbow/Hickson, Bakke Project map



100-YR WSE = + 922
 TOP OF LEVEL = + 926

PRELIMINARY



Oxbow, Hickson, Bakke Project Map	
Flood Risk Management Evaluation	
Land Management Evaluation	
Proposed Oxbow, Bakke, and Hickson Levee Options	
DATE:	02/14/13
DESIGNED BY:	WJL/MLV
DRAWN BY:	WJL/MLV
CHECKED BY:	WJL/MLV
PROJECT NO.:	10473
CLIENT:	WJL/MLV
PROJECT:	OXBOW, HICKSON, BAKKE
SCALE:	AS SHOWN
PROJECT:	OXBOW, HICKSON, BAKKE
DATE:	02/14/13
DESIGNED BY:	WJL/MLV
DRAWN BY:	WJL/MLV
CHECKED BY:	WJL/MLV
PROJECT NO.:	10473
CLIENT:	WJL/MLV
PROJECT:	OXBOW, HICKSON, BAKKE
SCALE:	AS SHOWN

Upstream Staging Levees on O/H/B Area Options

Options	Technically Feasible	Properties Protected	Cost					Community Preference (O/H/B)	Corps Support?	Other
			Total	Buyout (Staging)	Buyout (Alignment)	Design	Constr.			
100% Buyout	Yes	0	\$74M (all 2018+)	74M	0	\$0	\$0	O: No B: Yes H: TBD	Yes	-Property owner uncertainty till 2018+ - Church and local business removed.
Full O/H/B levee	Yes	196	\$65M (all 2013/15)	\$ 0	\$24M	\$5M	\$36M	O: Yes B: No H: TBD	#	+ 500yr protection for all + Maintains tax base + Property owner certainty sooner
O/H only levee	Yes	139	\$85M (\$64M-2013/15; 21M – 2018+)	\$21M	\$24M	\$5M	\$35M	O: Yes B: Yes H: TBD	#	+ Protects church and Comm. Center - Would reduce tax base for Kindred School District - Bakke in limbo till 2018+
Oxbow only levee	Yes	106	\$90M (64M-2013/15; 26M – 2018+)	\$26M	\$24M	\$5M	\$35M	O: Yes B: Yes H: TBD	#	Same as above except: -doesn't protect church and Comm. Center - Hickson also in limbo till 2018+

* Cost estimates for O/H only and Oxbow only alternatives are very preliminary and are provided for comparison only. Actual costs would need to be revised with additional analysis.

** Total Cost includes a 25% contingency

*** Oxbow Properties Protected includes 42 houses + 5 buildable lots being relocated as a result of the alignment.

Corps support is subject to the results of the Federal Environmental Assessment scheduled to be complete in July 2013.



FARGO-MOORHEAD AREA DIVERSION PROJECT

USACE Supplemental Funding

DECISION PAPER NO.: DP-00024

Date: 5/9/2013

RECOMMENDATION FOR BOARD ACTION:

Motion is made that the Diversion Authority Board approves providing \$350,000 in funding to the St. Paul District, US Army Corps of Engineers to fund the technical reviews required to complete the In-Town Levees and the Oxbow/Hickson/Bakke levee designs.

SUMMARY OF DECISION TOPIC:

- 1. The technical reviews for the expanded In-Town Levees and the Oxbow/Hickson/Bakke levee designs were not part of the St Paul District's Fiscal Year 2013 workplan and therefore were not funded for 2013.
2. These design reviews are required to keep these components of the project within the federal program.
3. Starting these reviews in FY2013 is needed to ensure that these designs are completed in a timely manner and in time to allow for issuance of contract solicitations in Fall 2013 and to begin construction in Spring 2014.
4. \$350,000 is the Corps' estimate of costs required to complete all of the reviews for this project. This funding will be used in FY13 and FY14. \$350,000 was budgeted for these reviews within the Diversion Authority's \$29M FY13 operating budget and this action will not require additional revenue to fund. This amount will also be credited against the local sponsors' cash contribution total for the project.
5. This action has been reviewed and recommended for approval by the Diversion Authority's technical team.

Submitted by:

Handwritten signature of Thomas E. O'Hara

Thomas E. O'Hara
CH2M HILL
Program Manager
Fargo-Moorhead Area Diversion Project

05/03/2013

Date

Brian C. Berg, Clay County Administrator
Concur: X 05/02/2013 Non-Concur:

Michael J. Redlinger, Moorhead City Manager
Concur: X 05/02/2013 Non-Concur:

Keith Berndt, Cass County Administrator
Concur: X 05/03/2013 Non-Concur:

April Walker, Fargo City Engineer
Concur: X 5/03/2013 Non-Concur:

Mark Bittner, Fargo Director of Engineering
Concur: X 05/02/2013 Non-Concur:

Pat Zavoral, Fargo City Administrator
Concur: X 5/02/2013 Non-Concur:

David Overbo, Clay County Engineer
Concur: Not Available Non-Concur:

Robert Zimmerman, Moorhead City Engineer
Concur: X 05/02/2013 Non-Concur:



Cass County
Joint Water
Resource
District

March 22, 2013

Mark Brodshaug
Chairman
Fargo, North Dakota

Rodger Olson
Manager
Leonard, North Dakota

Dan Jacobson
Manager
West Fargo, North Dakota

Michael Buringrud
Manager
Gardner, North Dakota

Raymond Wolfer
Manager
Argusville, North Dakota

Diversion Authority
P.O. Box 2806
Fargo, ND 58108-2806

Greetings:

RE: Fargo-Moorhead Area Diversion
Access and Diversion Project Assessment Committee (DPAC)

Enclosed please find copies of bills totaling \$52,735.94 regarding the above referenced project. Of that amount, \$20,916 is related to work on access issues and \$31,819.94 is for DPAC work. At this time, we respectfully request 100% reimbursement as per the Joint Powers Agreement between the City of Fargo, Cass County and Cass County Joint Water Resource District dated June 7, 2010.

If you have any questions, please feel free to contact us. Thank you.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

A handwritten signature in blue ink that reads "Carol Harbeke Lewis".

Carol Harbeke Lewis
Secretary-Treasurer

Carol Harbeke Lewis
Secretary-Treasurer

Enclosures

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrld@co.cass.nd.us
casscountygov.com

OHNSTAD TWICHELL, P.C.
 901 13TH AVENUE EAST
 PO BOX 458
 WEST FARGO ND 58078-0458
 WK 701-282-3249 FAX 701-282-0825
 Federal I.D. #45-0310621

January 22, 2013

CASS COUNTY JOINT WATER RESOURCE DISTRICT
 ATTN CAROL HARBEKE LEWIS
 1201 W MAIN AVE
 WEST FARGO, ND 58078-1301

Invoice# 118548 SMF
 Our file# 100007 00007
 Billing through 01/17/2013

FM DIVERSION - RIGHT OF ENTRY

Balance forward as of invoice dated	12/10/12	\$16,273.37
Last payment received	12/18/2012	\$16,273.37
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

11/30/2012	CMM	Telephone conference with Brad regarding two additional parcels we need access to; prepare access agreement for the two parcels.	0.60 hrs	160.00 /hr		96.00
12/10/2012	CMM	Review updated spreadsheet; send e-mail to Kyle Volk at Moore regarding updated spreadsheet; review e-mails from Brad about borings in town.	0.40 hrs	160.00 /hr		64.00
12/10/2012	LDA	Review legal descriptions and update spreadsheet.	1.10 hrs	160.00 /hr		176.00
12/11/2012	CMM	Review spreadsheet revised by attorney Lukas D. Andrud; send revised spreadsheet to Moore; correspond with Lyndon regarding ROE agreements for in-town properties, and the cover letter to go with the agreements.	1.20 hrs	160.00 /hr		192.00
12/11/2012	LDA	Review deeds and update spreadsheet.	1.50 hrs	160.00 /hr		240.00
12/12/2012	CMM	Draft documents required for quick take of an easement for placement of subsurface monitoring equipment, including resolutions, a letter to extend an offer to purchase, and a statement of compensation; draft memorandum of law for ongoing ROE action; draft affidavit in support of application for ROE; correspond with Moore to obtain a map to be attached to the affidavit; file and serve the memorandum of law and affidavit in support of the ROE action; provide ROE agreements to Pam to be sent to landowners.	4.20 hrs	160.00 /hr		672.00
12/12/2012	SNW	Review email correspondence from Kyle Volk, attorney Chris McShane.	0.30 hrs	160.00 /hr		48.00
12/13/2012	SNW	Attend Land Management meeting.	1.80 hrs	160.00 /hr		288.00
12/14/2012	JDR	Interoffice conference with attorney Chris McShane; locate interested parties.	0.30 hrs	80.00 /hr		24.00
12/14/2012	CMM	Attend Joint Board meeting to discuss Easement for Placement of Subsurface monitoring equipment for Mathys property; instruct staff to confirm the addresses of				

PAID
 JAN 25 2013
 CASH
 CML

PURSUANT TO SECTION 13-01-14, NDCC, A LATE PAYMENT CHARGE OF 1% PER MONTH IS ASSESSED UPON ACCOUNTS NOT PAID 30 DAYS FROM BILLING DATE. THANK YOU.

		the landowners; draft and send letter to the three owners of the property we are seeking an easement for.			
			1.40 hrs	160.00 /hr	224.00
12/17/2012	CMM	Telephone call from Edward Olson about upcoming hearing regarding ROE; review what Edward's property will be used for.			
			0.50 hrs	160.00 /hr	80.00
12/18/2012	CMM	Attend and participate in bi-weekly telephone conference with the Corps.			
			0.80 hrs	160.00 /hr	128.00
12/18/2012	SNW	Review email correspondence and attend bi-weeking ROE conference call/meeting at Moore Engineering.			
			0.90 hrs	160.00 /hr	144.00
12/19/2012	CMM	Prepare for hearing; outline argument, and print proposed orders; correspond with Lyndon about attending the hearing; travel to and from Cass County District Court; participate in hearing on ROE; obtained signed copy of the Order from the clerk's office; forward signed Order to Moore and the Corps.			
			1.50 hrs	160.00 /hr	240.00
12/20/2012	CMM	Telephone call from Brad regarding access for those parcels we received Court approval for; review access agreement from one of the apartment buildings, and notify Lee and attorney Sean M. Fredricks of the insertion of a clause calling for payment for any damage done to the apartment building's parking lot.			
			0.80 hrs	160.00 /hr	128.00
12/21/2012	CMM	Telephone conference with Paul Mathys about the easement for subsurface monitoring equipment.			
			0.50 hrs	160.00 /hr	80.00
12/28/2012	CMM	Conference with Paul Mathys to collect his easement; draft 1099 forms for Paul and his sisters; correspond with Nina about new, desperate, checks for the three owners; coordinate with attorney Lukas D. Andrud to have the checks exchanged for the easements on Monday.			
			1.40 hrs	160.00 /hr	224.00
12/31/2012	ARR	Scan and save documents into Object ID folders.			
			7.00 hrs	75.00 /hr	525.00
01/07/2013	LSH	Final review of records of the office of the Cass County Recorder's Office; obtain remaining deeds of landowners.			
			1.00 hrs	80.00 /hr	80.00
01/09/2013	CMM	Review Mathys easement; telephone conference with Paul Mathys about the easement; get payment out to the landowners and the original easement to Mark for execution; review easement from Lyndon regarding ROE for new parcels downtown; telephone call with Mark Doll regarding ROE for his property.			
			0.90 hrs	160.00 /hr	144.00
01/10/2013	CMM	Prepare for CCJT meeting regarding ROE by reviewing outstanding ROE parcels, the new request for ROE, and the amount of excavations sites dug in the process of conducting Phase II cultural resources; attend and participate in CCJT meeting; work with staff to get ROE agreements and cover letters to landowners for downtown levee investigation; correspond with Lee and Lyndon regarding ROE for the railroad and who to contact at the City of Fargo to get an Access Agreement signed.			
			2.10 hrs	160.00 /hr	336.00
01/10/2013	SNW	Attend Cass County Joint meeting; attend Diversion Authority meeting.			
			3.30 hrs	160.00 /hr	528.00
01/11/2013	CMM	Work with Pam to get the Access Agreements and cover letters to her for downtown levees in a format she could open and use; correspond with Lyndon and Pam regarding who will receive the access agreements and who should answer questions about them.			
			1.80 hrs	160.00 /hr	288.00
01/11/2013	LDA	Review and redraft spreadsheets.			
			1.20 hrs	160.00 /hr	192.00
01/14/2013	SMF	Office conference with attorney Chris McShane regarding right of entry on railroad property; research STB decisions regarding ability to condemn easements from railroads.			
			2.00 hrs	160.00 /hr	320.00
01/14/2013	CMM	Review Access agreements that went out on Friday, and receive e-mails from Pam about those agreements; interoffice conference with attorney Sean M. Fredricks			

100007

CASS CO JT WRD -

Invoice# 118548

Page 3

		regarding ROE for railroad property.			
		0.40 hrs	160.00 /hr		64.00
01/15/2013	CMM	Correspond with Lyndon prior to telephone conference to discuss the need for ROE across the railroad property; review e-mails from Houston Engineering regarding ROE for railroad properties; attend and participate in bi-weekly telephone conference regarding ROE; telephone call to Jerry from Houston Engineering regarding in-town levees (leave message).			
		1.60 hrs	160.00 /hr		256.00
01/15/2013	SNW	Review email correspondence and attachments; attend bi-weekly meeting at Moore Engineering.			
		1.00 hrs	160.00 /hr		160.00
01/16/2013	JDR	Telephone conference with attorney Sean M. Fredricks; draft email to attorney Sean M. Fredricks regarding charter.			
		0.20 hrs	80.00 /hr		16.00
		Total fees for this matter			<u>\$5,957.00</u>

EXPENSES

12/11/2012	North Dakota Recorders Information Network fee	\$7.00
12/12/2012	Receipt #531276 - copies from the Cass County Recorder on 12/12/2012	\$2.00
01/07/2013	Receipt #532547 - copies from the Cass County Recorder on 1/4/2013	\$10.00
01/15/2013	Recording Fee paid to the Cass County Recorder	\$34.00
	Total expenses for this matter	<u>\$53.00</u>

BILLING SUMMARY

Total fees	\$5,957.00
Total expenses	\$53.00
Total of new charges for this invoice	<u>\$6,010.00</u>
Total balance now due	<u>\$6,010.00</u>

Erik R. Johnson & Associates, Ltd
Attorneys at Law
 505 Broadway - Suite 206
 Fargo, ND 58102
 (701) 280-1901

Cass County Joint Water Resource District
 1201 Main Avenue West
 West Fargo, ND 58078

Invoice

Date	12/31/2012
------	------------

Description	Amount
Right of Way Entry -- Metro Flood Project: Nancy J. Morris legal services -- Nov 26th through Dec 31, 2012 (detail itemization attached) 8.50 hrs	1,275.00
PAID JAN 25 2013 CH 10669 	
<i>Thank you for your business.</i>	Total \$1,275.00

December 31, 2012

Client: Cass County Joint Water District
Matter: Metro Flood

Atty	DATE	DESCRIPTION	TIME
N	11/26/2012	Review file for service; call w/ Chris McShane; correspondence re: service	0.6
N	11/29/2012	Phone call w/ Ken Knudsen re: access agreement	0.2
N	11/30/2012	Correspond w/ Chris McShane re: memorandum & exhibits; prepare pleadings; correspond w/ Lee Beauvais about Affidavit	1.6
N	12/3/2012	Finalize pleadings and exhibits; prepare for service	0.8
N	12/4/2012	Correspondence with L. Beauvais re: affidavit and hearing	0.1
N	12/5/2012	Finalize Pleadings and serve	0.5
N	12/10/2012	Efile pleadings; correspondence re: access agreement and hearing	1.8
N	12/14/2012	Prepare for & attend hearing	1.8
N	12/14/2012	E-file access agreements	0.5
N	12/20/2012	Correspondence re: access agreement & order; file access agreement	0.6
Total Time			8.50
Hourly Rate \$			150.00
Total Fees - NJM			[REDACTED]

Payments for Phase II Testing – Fall of 2012

Landowner	Parcel number	Legal description	test units	payment for test units
Helen Nygren, as trustee of the Charles Larson Trust	44-0000-0029-0000	That part of the Southwest Quarter (SW¼) of Section 10, Township 141 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows: The north 1,170 feet of the south 1,990 feet of the east 1,550 feet of the west 1,840 feet of the Southwest Quarter (SW¼) of said Section 10.	5	\$2,500
Helen Nygren, as trustee of the Charles Larson Trust	44-0000-0030-0010	That part of the Southwest Quarter (SW¼) of Section 10, Township 141 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows: The north 1,170 feet of the south 1,990 feet of the east 1,550 feet of the west 1,840 feet of the Southwest Quarter (SW¼) of said Section 10.	2	\$1,000
Clarence & Doris Krogh James Krogh	27-0000-0165-1000	That part of the Southeast Quarter (SE¼) of Section 36, Township 141 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows: The north 300 feet of the east 400 feet of the west 600 feet of the Southeast Quarter (SE¼) of said Section 36.	2	\$1,000
Heiden Family, LLLP	59-0000-1090-3000	That part of the Northeast Quarter (NE¼) of Section 22, Township 140 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows: The north 1,580 feet of the south 2,220 feet of the east 1,400 feet of the Northeast Quarter (NE¼) of said Section 22 except everything lying southerly and easterly of the centerline of the Maple River.	9	\$4,500

JAN 25 2013
 CC# 10087, 10088, 10089
 Ck

Heiden Family, LLLP	59-0000-1090-5000	That part of the Northeast Quarter (NE¼) of Section 22, Township 140 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows: The north 1,580 feet of the south 2,220 feet of the east 1,400 feet of the Northeast Quarter (NE¼) of said Section 22 except everything lying southerly and easterly of the centerline of the Maple River.	1	\$500
Heiden Family, LLLP	59-0000-1090-6000	That part of the Northeast Quarter (NE¼) of Section 22, Township 140 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows: The north 1,580 feet of the south 2,220 feet of the east 1,400 feet of the Northeast Quarter (NE¼) of said Section 22 except everything lying southerly and easterly of the centerline of the Maple River.	1	\$500
		Total	20	\$10,000



Ohnstad Twichell
Attorneys
Your law firm

Including the former Burgum Law Firm

Manfred R. Ohnstad 1914 - 1987
Bradley J. Burgum 1952 - 2010

February 15, 2013

Lukas D. Andrud*
Duane R. Breiting,* Retired
Asa K. Burck
Andrew D. Cook*
Susan L. Ellison*
Sean M. Fredricks*
Robert G. Hoy*
John A. Juelson
Ross V. Keller*
Delvin J. Losing*
Marshall W. McCullough
Christopher M. McShane*
Michael D. Nelson*
Brian D. Neugebauer*
Sarah M. Nyhus-Wear*
Robert E. Rosenvold*
Lindsey J. Scheel*
John T. Shockley*
Sara K. Sorenson*
Michel W. Stefanowicz
Daniel R. Twichell, Retired
David L. Wanner

Peggy J. Buchholz, PLS
Office Administrator

Nina Stone
Cass County Joint Water Resource District
1201 West Main Avenue
West Fargo, ND 58078-1301

Re: Payment to Clarence Krogh, Doris Krogh, and James Krogh

Dear Ms. Stone:

The Kroghs were not willing to voluntarily sign an Easement in this matter. As a result, we were forced to condemn a Temporary Easement for Exploration. To do so, we were forced to deposit the initial funds with the Clerk of District Court. Now that we know the final number of test units completed on the Krogh property, we need to pay the Kroghs \$1,000 as part of the value of the Easement.

I have a check payable to Clarence Krogh, Doris Krogh, and James Krogh, but they still are unwilling to work with us on this matter. Therefore, I am returning the \$1,000 check identified as check number 10688 payable to Clarence Krogh, Doris, Krogh, and James Krogh. Please reissue this check payable to the "Cass County Clerk of District Court" in the amount of \$1,000.

I understand that Mark is out of the area for a short time. Having this check signed is not a rush. Please notify me when the check is ready and I will have somebody pick it up.

Sincerely yours,

OHNSTAD TWICHELL, P.C.

Christopher M. McShane

CMM:arr
Enc.

PAID

FEB 28 2013
CL 10725
GH

OHNSTAD TWICHELL, P.C.
 901 13TH AVENUE EAST
 PO BOX 458
 WEST FARGO ND 58078-0458
 WK 701-282-3249 FAX 701-282-0825
 Federal I.D. #45-0310621

February 26, 2013

CASS COUNTY JOINT WATER RESOURCE DISTRICT
 ATTN: CAROL HARBEKE LEWIS
 1201 W MAIN AVE
 WEST FARGO, ND 58078-1301

Invoice# 119201 SMF
 Our file# 100007 00007
 Billing through 02/25/2013

FM DIVERSION - RIGHT OF ENTRY

Balance forward as of invoice dated	01/22/13	\$6,010.00
Last payment received	01/28/2013	\$6,010.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		\$0.00

PROFESSIONAL SERVICES

01/15/2013	SMF	Research Corps eminent domain process, including appraisal requirements.	640.00
		4.00 hrs 160.00 /hr	
01/18/2013	CMM	Review Access agreement we received from Fargo Park district.	32.00
		0.20 hrs 160.00 /hr	
01/23/2013	CMM	Review Notoary provision of easement to determine deficiency; provide a phone number for Paul Mathys to correct the notary provision on the easement.	96.00
		0.60 hrs 160.00 /hr	
01/25/2013	CMM	Review easements and tax records to determine where the Phase II test units were conducted; complete table showing how much each landowner needs to be paid for the Phase II cultural resources testing completed in the fall of 2012; send listing of required payments to Pam for consideration at the Joint Board meeting; telephone conference with Lyndon regarding ROE acquisition from BNSF.	208.00
		1.30 hrs 160.00 /hr	
01/25/2013	SNW	Attend CCJT regular meeting.	288.00
		1.80 hrs 160.00 /hr	
01/29/2013	CMM	Track when letters were sent to Ideal Ag Corp, Heiden LLLP, and Doll.	112.00
		0.70 hrs 160.00 /hr	
01/29/2013	CMM	Discuss in-town levee ROE and railroad issues; participate in bi-weekly telephone conference.	112.00
		0.70 hrs 160.00 /hr	
01/29/2013	SNW	Review materials; attend bi-weekly meeting/teleconference at Moore Engineering.	64.00
		0.40 hrs 160.00 /hr	
01/31/2013	CMM	Review e-mail from Lee and respond regarding timing for the court process for gaining ROE for properties we already have Court orders for.	48.00
		0.30 hrs 160.00 /hr	
02/04/2013	JDR	Locate contact information for landowners of subject properties.	24.00
		0.30 hrs 80.00 /hr	
02/04/2013	CMM	Review access agreements that went out from November through January, and determine which ones have not been returned; correspond with Lee and Lyndon regarding additional access needed for design around Cass 10 and Cass 20.	

PAID
 FEB 28 2013
 CL# 10722
GM

PURSUANT TO SECTION 13-01-14, NDCC, A LATE PAYMENT CHARGE OF 1% PER MONTH IS ASSESSED UPON ACCOUNTS NOT PAID 30 DAYS FROM BILLING DATE. THANK YOU.

		0.50 hrs	160.00 /hr	80.00
02/05/2013	CMM	Correspond with Lyndon and Houston Engineering people regarding right to enter railroad property; review railroad right of entry application; review the downtown levee parcels to determine which ones we need ROE for still; confirm with Lyndon which ones we still need ROE for; send list of landowners to Pam to begin calling before we start Court action for ROE; review Access Agreement signed by someone who is not the landowner listed for tax purposes; review title for the property to determine if the person who signed is a stranger to title.		
		1.40 hrs	160.00 /hr	224.00
02/06/2013	CMM	Receive telephone call from Kevin Heiden regarding ROE; instruct staff to send out payments for cultural resources Phase II testing.		
		0.50 hrs	160.00 /hr	80.00
02/08/2013	CMM	Receive e-mail from Lee regarding Houston making contact with landowners downtown; send e-mail to Pam regarding contact with landowners.		
		0.30 hrs	160.00 /hr	48.00
02/12/2013	JDR	Obtain contact information for landowners of subject properties.		
		0.20 hrs	80.00 /hr	16.00
02/13/2013	CMM	Review e-mail from Pam regarding Ideal Ag ROE; review and respond to e-mails from Jerry Bents regarding ROE for the remaining properties downtown; work with attorney Sarah M. Nyhus-Wear to have resolutions of necessity ready for the board at Thursday's meeting.		
		0.90 hrs	160.00 /hr	144.00
02/13/2013	SNW	Interoffice conference with attorney Chris McShane; draft Resolutions of Necessity for parcels needed in town and outside of town.		
		1.40 hrs	160.00 /hr	224.00
02/14/2013	SMF	Attend land management meeting.		
		1.50 hrs	160.00 /hr	240.00
02/14/2013	CMM	Prepare and proofread a resolution of necessity to present to the board for access to properties near the outlet; attend and participate in regular meeting of the board regarding ROE and other diversion issues; research issues about depositing funds for Krogh easement test unit payments into the Court.		
		2.90 hrs	160.00 /hr	464.00
02/14/2013	SNW	Interoffice conference with attorney Chris McShane regarding meeting; attend regular Diversion Authority meeting.		
		2.30 hrs	160.00 /hr	368.00
02/19/2013	CMM	Review application for ROE for properties owned by Heiden and Ideal Ag Corp.		
		0.60 hrs	160.00 /hr	96.00
Total fees for this matter				<u><u>\$3,608.00</u></u>

EXPENSES

02/05/2013	North Dakota Recorders Information Network fee	\$7.00
02/13/2013	North Dakota Recorders Information Network fee	\$16.00
Total expenses for this matter		<u><u>\$23.00</u></u>

BILLING SUMMARY

Total fees	\$3,608.00
Total expenses	\$23.00
Total of new charges for this invoice	<u><u>\$3,631.00</u></u>
Total balance now due	<u><u>\$3,631.00</u></u>

OHNSTAD TWICHELL, P.C.
 901 13TH AVENUE EAST
 PO BOX 458
 WEST FARGO ND 58078-0458
 WK 701-282-3249 FAX 701-282-0825
 Federal I.D. #45-0310621

January 22, 2013

CASS CO JOINT WATER RESOURCE DISTRICT
 ATTN: CAROL HARBEKE LEWIS
 1201 W MAIN AVE
 WEST FARGO, ND 58078-1301

Invoice# 118561 SMF
 Our file# 120007 00006
 Billing through 01/17/2013

**DIVERSION PROJECT,
 ASSESSMENT DISTRICT**

Balance forward as of invoice dated	12/10/12	\$5,360.00
Last payment received	12/18/2012	\$5,360.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		\$0.00

PROFESSIONAL SERVICES

12/11/2012	SMF	Review talking points and proposed action paper from Eric.	
		2.00 hrs 160.00 /hr	320.00
12/12/2012	SMF	Review talking points and other items from Eric Dodds; review our proposal for DPAC; attend Finance Committee meeting; prepare draft revisions to First Amendment to JPA; correspond with Erik Johnson and Birch Burdick.	
		5.30 hrs 160.00 /hr	848.00
12/17/2012	SMF	Review Eric Dodds' draft talking points; compare to Mark's outline of obligations.	
		1.00 hrs 160.00 /hr	160.00
12/28/2012	SMF	Correspond with the County and the City regarding JPA; review Eric Dodds' draft charter; prepare draft revisions to charter; correspond with Eric, Shawn Gaddie, and Mark.	
		3.50 hrs 160.00 /hr	560.00
01/02/2013	SMF	Telephone conference with Erik Johnson; prepare draft revisions to JPA amendment; correspond with Erik, Birch, and others; correspond with Keith Berndt.	
		2.00 hrs 160.00 /hr	320.00
01/07/2013	SMF	Correspond with Keith Berndt; prepare revised First Amendment; review assessment legislation and compare to 50 year bond effort; interoffice conference with attorney Sarah M. Nyhus-Wear regarding assessment capabilities and ability to assess unequal amounts of principal.	
		1.80 hrs 160.00 /hr	288.00
01/07/2013	SNW	Interoffice conference with attorney Sean M. Fredricks regarding special assessments; interoffice conference with attorney John Shockley regarding special assessments; research statutes regarding special assessments and method of payment.	
		1.60 hrs 160.00 /hr	256.00
01/10/2013	SMF	Correspond with Erik and Birch regarding First Amendment to JPA.	
		0.30 hrs 160.00 /hr	48.00
01/11/2013	SMF	Research assessment methodologies regarding annual payments; review Maple River Dam assessment list.	
		2.00 hrs 160.00 /hr	320.00
01/16/2013	SMF	Telephone conferences with Eric and Jacob regarding debt limits and regarding	

PAID
 JAN 25 2013
 CC#10668
 GK

PURSUANT TO SECTION 13-01-14, NDCC, A LATE PAYMENT CHARGE OF 1% PER MONTH IS ASSESSED UPON ACCOUNTS NOT PAID 30 DAYS FROM BILLING DATE. THANK YOU.

120007

CASS CO JT WRD

Invoice# 118561

Page 2

indirect benefits; review previous memo regarding indirect benefits.

2.00 hrs

160.00 /hr

320.00

Total fees for this matter

\$3,440.00

BILLING SUMMARY

Total fees

\$3,440.00

Total of new charges for this invoice

\$3,440.00

Total balance now due

\$3,440.00



Mr. Mark Brodshaug
 Cass County Joint Water Resources District
 1201 Main Ave W
 West Fargo, ND 58078-1301

December 31, 2012
 Project No: P11473-2012-00
 Invoice No: 33176

Project Manager Eric Dodds *EED*
 Project P11473-2012-00 FM Area Diversion Assessment District

Professional Services for the period: December 01, 2012 to December 31, 2012

Phase 120 Financial Services
 Professional Services

	Hours	Rate	Amount	
Dodds, Eric	15.00	178.00	2,670.00	
Gaddie, Shawn	5.00	160.00	800.00	
Luhmann, Jenny	.25	90.00	22.50	
Strombeck, Jacob	12.25	104.00	1,274.00	
Totals	32.50		4,766.50	
Professional Services Total				4,766.50

Expenses

Transportation 12/31/2012	15.0 Miles @ 0.65	9.75	
Expenses Totals		9.75	9.75

Contract Maximum

	Current Billing Against Maximum	Previous Billings Against Maximum	Total Billings To Date
Total Billings	4,776.25	0.00	4,776.25
Total			50,000.00
Remaining			45,223.75

Total this Phase \$4,776.25

Project Invoice Total \$4,776.25

PAID

JAN 25 2013

CA10670

GH



Mr. Mark Brodshaug
 Cass County Joint Water Resources District
 1201 Main Ave W
 West Fargo, ND 58078-1301

January 31, 2013
 Project No: P11473-2012-00
 Invoice No: 33311

Project Manager Eric Dodds *EED*
 Project P11473-2012-00 FM Area Diversion Assessment District
Professional Services for the period: January 01, 2013 to January 31, 2013

Phase	120	Financial Services			
Professional Services					
			Hours	Rate	Amount
			Dodds, Eric	14.00	188.00
			Gaddie, Shawn	12.00	188.00
			Kleven, Miranda	2.50	128.00
			Luhmann, Jenny	1.00	92.00
			Strombeck, Jacob	20.75	108.00
			Totals	50.25	7,541.00
			Professional Services Total		7,541.00
Reimbursables					
					11.50
			Meals		213.81
			Transportation		225.31
			Reimbursables Totals		225.31
Expenses					
					97.92
			Color Laser Printouts/Copies	144.0 Pages @ 0.68	9.10
			1/31/2013		107.02
			Transportation	14.0 Miles @ 0.65	9.10
			1/31/2013		107.02
			Expenses Totals		107.02
Contract Maximum					
			Current Billing	Previous Billings	Total Billings To
			Against Maximum	Against Maximum	Date
			7,873.33	4,776.25	12,649.58
			Total Billings		50,000.00
			Total		37,350.42
			Remaining		
			Total this Phase		\$7,873.33
			Project Invoice Total		\$7,873.33

PAID
 FEB 14 2013
 CL# 10690
Calh



Shaping the Region for 50 Years.
 925 10th Avenue East • West Fargo, ND 58078
 T: 701.282.4692 F: 701.282.4530

Cass Co Joint Water Resource District
 Attn: Carol Lewis
 1201 West Main Ave
 West Fargo, ND 58078-1301

Invoice number 4843
 Date 01/29/2013
 Project 15043 FM Metro Feasibility-Diversion

Professional Services

Phase 008

Diversion Project Assessment Calculation

Labor

	Hours	Rate	Billed Amount
Principal Engineer	3.50	155.00	542.50
		Invoice total	542.50

DUE UPON RECEIPT

PLEASE REMIT PAYMENT - ATTENTION ACCOUNTING

PAID
 FEB 14 2013
 CL# 10691
CLL

OHNSTAD TWICHELL, P.C.
 901 13TH AVENUE EAST
 PO BOX 458
 WEST FARGO ND 58078-0458
 WK 701-282-3249 FAX 701-282-0825
 Federal I.D. #45-0310621

February 26, 2013

CASS CO JOINT WATER RESOURCE DISTRICT
 ATTN: CAROL HARBEKE LEWIS
 1201 W MAIN AVE
 WEST FARGO, ND 58078-1301

Invoice# 119204 SMF
 Our file# 120007 00006
 Billing through 02/25/2013

**DIVERSION PROJECT,
 ASSESSMENT DISTRICT**

Balance forward as of invoice dated	01/22/13	\$3,440.00
Last payment received	01/28/2013	\$3,440.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

01/15/2013	SMF	Research indirect benefits, and the Board's discretion regarding same; prepare revised timeline for DPAC.	720.00
		4.50 hrs 160.00 /hr	
01/18/2013	SMF	Meeting at Fargo City Hall regarding DPAC.	240.00
		1.50 hrs 160.00 /hr	
01/21/2013	SMF	Review charter; review outline of duties; prepare for and attend DPAC staff meeting; prepare draft revisions to Charter; correspond with Eric.	880.00
		5.50 hrs 160.00 /hr	
01/22/2013	SMF	Review updated charter from Eric.	128.00
		0.80 hrs 160.00 /hr	
01/23/2013	SMF	Review AE2S Agreement; review final draft of Charter for DPAC.	240.00
		1.50 hrs 160.00 /hr	
01/25/2013	SMF	Prepare for and attend DPAC meeting; review statutes regarding phased voting options.	640.00
		4.00 hrs 160.00 /hr	
02/01/2013	SMF	Research ability to assess in phases, and ability to assess smaller projects for benefits from the future, larger project.	800.00
		5.00 hrs 160.00 /hr	
02/04/2013	SMF	Research assessment capabilities, including ability to assess for future benefits.	320.00
		2.00 hrs 160.00 /hr	
02/05/2013	SMF	Review letter from Erik Johnson; prepare letter to Carol regarding original and fully-executed First Amendment to Joint Powers Agreement; research assessments against parcel for multiple assessment districts; prepare revisions and additions to memo to DPAC.	640.00
		4.00 hrs 160.00 /hr	
02/11/2013	SMF	Review and revise draft memo regarding future assessments; review city assessment statutes; correspond with Eric Dodds.	224.00
		1.40 hrs 160.00 /hr	
02/11/2013	SMF	Prepare draft revisions to assessment district language; correspond with Mike Dwyer.	

PAID

FEB 28 2013
 OK #10728
 GR

PURSUANT TO SECTION 13-01-14, NDCC, A LATE PAYMENT CHARGE OF 1% PER MONTH IS ASSESSED UPON ACCOUNTS NOT PAID 30 DAYS FROM BILLING DATE. THANK YOU.

120007 CASS CO JT WRD

Invoice# 119204

Page 2

		3.50 hrs	160.00 /hr	560.00
02/20/2013	SMF	Prepare for and attend DPAC meeting.		
		2.50 hrs	160.00 /hr	400.00
		Total fees for this matter		<u><u>\$5,792.00</u></u>

EXPENSES

02/01/2013		Westlaw research		\$21.23
02/06/2013		Postage		\$5.76
02/25/2013		Photocopies		\$19.20
		Total expenses for this matter		<u><u>\$46.19</u></u>

BILLING SUMMARY

Total fees	\$5,792.00
Total expenses	\$46.19
Total of new charges for this invoice	<u>\$5,838.19</u>
Total balance now due	<u><u>\$5,838.19</u></u>



Shaping the Region for 50 Years.
 925 10th Avenue East • West Fargo, ND 58078
 T: 701.282.4692 F: 701.282.4530

Cass Co Joint Water Resource District
 Attn: Carol Lewis
 1201 West Main Ave
 West Fargo, ND 58078-1301

Invoice number 5015
 Date 02/27/2013
 Project 15043 FM Metro Feasibility-Diversion

Professional Services

Phase 008

Diversion Project Assessment Committee

Labor

	Hours	Rate	Billed Amount
Principal Engineer	2.00	155.00	310.00
		Invoice total	<u>310.00</u>

DUE UPON RECEIPT

PLEASE REMIT PAYMENT - ATTENTION ACCOUNTING

PAID
 MAR 14 2013
 10731
 GA



Think Big. Go Beyond.

Mr. Mark Brodshaug
 Cass County Joint Water Resources District
 1201 Main Ave W
 West Fargo, ND 58078-1301

February 28, 2013
 Project No: P11473-2012-00
 Invoice No: 33594

Project Manager Eric Dodds *ED*
 Project P11473-2012-00 FM Area Diversion Assessment District

Professional Services for the period: February 01, 2013 to February 28, 2013

Phase 120 Financial Services
 Professional Services

	Hours	Rate	Amount	
Dodds, Eric	11.25	188.00	2,115.00	
Gaddie, Shawn	17.50	188.00	3,290.00	
Knudson, Kristi	.25	72.00	18.00	
Schneider, Rocky	2.25	132.00	297.00	
Strombeck, Jacob	29.00	108.00	3,132.00	
Totals	60.25		8,852.00	
Professional Services Total				8,852.00

Reimbursables				
Transportation			103.04	
Reimbursables Totals			103.04	103.04

Expenses				
Color Laser Printouts/Copies				
2/28/2013	96.0 Pages @	0.68	65.28	
Laser Printouts				
2/28/2013	48.0 Pages @	0.20	9.60	
Transportation				
2/28/2013	15.0 Miles @	0.65	9.75	
Expenses Totals			84.63	84.63

Contract Maximum	Current Billing Against Maximum	Previous Billings Against Maximum	Total Billings To Date	
Total Billings	9,039.67	12,649.58	21,689.25	
Total			50,000.00	
Remaining			28,310.75	
			Total this Phase	\$9,039.67
			Project Invoice Total	\$9,039.67

PAID
 MAR 14 2013
 CASH 10732
CSA

Erik R. Johnson & Associates, Ltd.

Attorney at Law

505 Broadway - Suite 206

Fargo, ND 58102

(701) 280-1901

Statement

Date

3/25/2013

City of Fargo -- Auditor's Office

Attn: Kent Costin

200 North 3rd Street

Fargo, ND 58102

Amount Due

\$2,366.41

Date	Transaction	Amount	Balance
03/25/2013	Metro Flood Project- INV #2012-53 G. Due 03/25/2013. Orig. Amount \$2,366.41.	2,366.41	2,366.41

Pursuant to NDCC Sec.13-01-04, a late payment charge of 1.5% per month is assessed upon accounts not paid 30 days from billing date. You may at any time pay the total unpaid balance

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
2,366.41	0.00	0.00	0.00	0.00	\$2,366.41

We appreciate your business.

Erik R. Johnson & Associates, Ltd
Attorneys at Law
Erik R. Johnson - Nancy J. Morris - Jason T. Loos
505 Broadway - Suite 206
Fargo, ND 58102
(701) 280-1901

City of Fargo -- Auditor's Office
 Attn: Kent Costin
 200 North 3rd Street
 Fargo, ND 58102

Invoice

Date	3/25/2013
------	-----------

Description	Qty	Rate	Amount
Metro Flood Project legal services: Erik Johnson: Legal services Feb 26 thru Mar 25, 2013 -- itemization enclosed	8.3	191.25	1,587.38
Nancy J. Morris: Legal services Feb 26 thru Mar 25, 2013 -- itemization enclosed	4.7	165.75	779.03
TOTAL:			\$2,366.41

We appreciate your business.

March 25, 2013

Client: City of Fargo

Job: Metro Flood

Atty	DATE	DESCRIPTION	TIME
E	2/26/2013	Review Amendmnt to Design Agreement and email with O'Hara	0.4
E	2/27/2013	Attend conference call re: amendment to design agreement; conference with Pat Zavoral re: same	0.8
E	3/1/2013	Conference call with O'Hara, Waters, Shockley and Corps representatives re: amendment to design agreement; followup communication; conference call with O'Hara, Waters and Shockley in followup; conference with Pat Zavoral, Mark Bittner and April Walker	2.4
E	3/4/2013	Telephone conference with John Glatemaier re: US Corps contract	0.1
E	3/11/2013	Telephone conference with Molly Hunt and received email re: changes in Corps policy	0.2
E	3/14/2013	Attend Board of Authority meeting; conference with Birch re: legislation	2.3
E	3/21/2013	Conference with O'Hara and John Shockley	0.6
E	3/22/2013	Administrative Advisory Board meeting attendance	1.5
Total Time			8.30
Hourly Rate			191.25
Total Fees - ERJ			1587.38
N	3/7/2013	Phone call w/ Gary Stewart re: research USACE docs	0.6
N	3/12/2013	Correspondence re: title opinions with E. Dodds; agenda, etc.	0.3
N	3/13/2013	Review AG Opinion re: open meeting	0.2
N	3/22/2013	Administrative staff meeting	1.6
N	3/22/2013	Correspondence re: lease terms and management contract; review lease; correspondence with D. Draper	0.8
N	3/25/2013	Phone call w/ Dirk Draper re: addendum to Lease	0.8
N	3/25/2013	Office conference w/ Erik re: title services; correspond w/ Eric Dodds	0.4
Total Time			4.70
Hourly Rate			165.75
Total Fees - NJM			779.03



Office of the City Attorney

City Attorney
Erik R. Johnson

City Prosecutors
Jodi A. Bass
Scott O. Diamond

Assistant City Attorneys
Nancy J. Morris
Jason T. Loos

April 8, 2013

Kent Costin
Finance Director
City of Fargo
200 North Third Street
Fargo, ND 58102

Re: Red River Diversion Project

Dear Kent:

I am enclosing a Summary Invoice dated March 26, 2013 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through February 28, 2013 on the Red River Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to Dorsey Whitney.

Sincerely,

A handwritten signature in black ink, appearing to be "ERJ", written over a circular flourish.

Erik R. Johnson

ERJ/jmf
Enclosure
cc: Pat Zavoral





MINNEAPOLIS OFFICE
612-340-2600

(Tax Identification No. 41-0223337)

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

Fargo-Moorhead Flood Diversion Bd of Authority
c/o Erik R. Johnson & Associates, Ltd.
Attn: Erik Johnson
505 Broadway, Suite 206
Fargo, ND 58102

March 26, 2013
Invoice No. 1863139

Client-Matter No.: 491379-00001
Red River Diversion Project

For Legal Services Rendered Through February 28, 2013

INVOICE TOTAL

Total For Current Legal Fees \$1,551.50
Total For Current Invoice \$1,551.50

Summary of Account	
*Prior Balance Due	\$10,442.50
Total Amount Due	\$11,994.00

paid 3/27/2013

*If payment has been submitted for prior balance due, please disregard.

*790-7910-489-33-75
PJ = V00102*

For your convenience, please remit payment to the address below or we offer the option of remitting payment electronically by wire transfer. If you have any questions regarding this information, please contact the lawyer you are working with on this project or Dorsey's Accounts Receivable Department at 1-800-861-0760. Thank you.

Mailing Instructions:
Dorsey & Whitney LLP
P.O. Box 1680
Minneapolis, MN 55480-1680

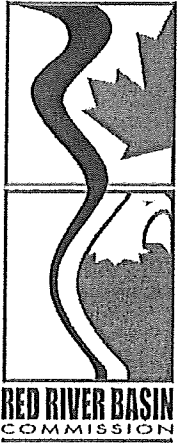
Wire Instructions:
U.S. Bank National Association
800 Nicollet Mall
Minneapolis, MN 55402

ABA Routing Number: 09100022
Account Number: 1602-3010-8500
Swift Code: USBKUS44IMT

Please make reference to the invoice number

Service charges are based on rates established by Dorsey & Whitney. A schedule of those rates has been provided and is available upon request. Disbursements and service charges, which either have not been received or processed, will appear on a later statement.

ALL INVOICES ARE DUE 30 DAYS FROM DATE OF INVOICE UNLESS OTHERWISE EXPRESSLY AGREED BY DORSEY & WHITNEY



Red River Basin Commission

119 5th St. South,
PO Box 66
Moorhead, MN 56561-0066
Phone: 218-291-0422
Fax: 218-291-0438
redriverbasincommission.org

Invoice

Red River Diversion Authority
Attn: Kent Costin
200 3rd St. N.
Fargo, ND 58102

Invoice # 1: HUR Project
Invoice Date: April 10, 2013

Description	Amount
HMS – Sub-Watershed -- Snow Melt Progression	\$52,775
	\$52,775

A Red River Basin where residents, organizations and governments work together to achieve basin-wide commitment to comprehensive integrated watershed stewardship and management.

Stoick, Cindy

From: Kent Costin <KCostin@cityoffargo.com>
Sent: Friday, April 12, 2013 8:37 AM
To: Berndt, Keith; Montplaisir, Michael
Cc: Stoick, Cindy
Subject: RE: RRBC Invoice#1 Halsted Upstream Retention Project

Thanks we will process payment under that assumption.

Kent

From: Berndt, Keith [<mailto:BerndtK@casscountynd.gov>]
Sent: Friday, April 12, 2013 8:35 AM
To: Montplaisir, Michael; Kent Costin
Cc: Stoick, Cindy
Subject: RE: RRBC Invoice#1 Halsted Upstream Retention Project

I agree

From: Montplaisir, Michael
Sent: Friday, April 12, 2013 8:25 AM
To: {Flood Diversion}-Costin, Kent
Cc: Stoick, Cindy; Berndt, Keith
Subject: RE: RRBC Invoice#1 Halsted Upstream Retention Project

I think they have authorized it in the \$500,000 approval.

From: Kent Costin [<mailto:KCostin@cityoffargo.com>]
Sent: Friday, April 12, 2013 8:17 AM
To: Montplaisir, Michael
Cc: Stoick, Cindy
Subject: FW: RRBC Invoice#1 Halsted Upstream Retention Project

Mike,

My recollection is that the FMDA has approved projects up to \$500,000 for the basin Commission. Can you confirm if this specific project / invoice should be submitted in the paid bills approval process, or do you think that they have authorized this at the project level?

Please let me know if you think we should pay this now as a previously approved contract or submit in the request for bills approval process. I would support either way but did not want to get tagged with paying for something that was not really approved.

Thanks,

Kent

From: Jeff Lewis [<mailto:jeff@redriverbasincommission.org>]
Sent: Thursday, April 11, 2013 2:34 PM
To: Kent Costin

Cc: jacque@redriverbasincommission.org; lance@redriverbasincommission.org
Subject: RRBC Invoice#1 Halsted Upstream Retention Project

Kent, attached is the first invoice from the RRBC for the work we are coordinating on the Halsted Upstream Retention Project. This first invoice is for the development of the snow melt progression work that was completed by Houston Engineering. Houston Engineering has already been paid for this work. Please let me know if you would like a copy of the actual workplan specifically covering this work. If you have any questions please let me or Lance know.

Jeff Lewis
Assistant Executive Director
Red River Basin Commission
119 5th Street South
Moorhead, MN. 56561
Office Phone: 218-291-0422
Cell Phone: 763-226-4016
Email: jeff@redriverbasincommission.org



2200 IDS Center
80 South 8th Street
Minneapolis MN 55402-2157
tel 612.977.8400
fax 612.977.8650

April 15, 2013

Catherine J. Courtney
(612) 977-8765
ccourtney@briggs.com

City of Fargo
Attn: Kent Costin
City Auditor's Office
200 North 3rd Street
Fargo, ND 58102

Re: Statement for Services

Dear Mr. Costin:

Please find enclosed the following statement for services rendered to the City of Fargo for time and disbursements incurred and recorded on our system through December, 2012:

<u>Matter Number</u>	<u>Matter Name</u>	<u>Invoice Amount</u>
54	Metro Flood Control Project	\$ 1,616.36
	Total	<u>\$ 1,616.36</u>

This invoice reflects the final time on this file prior to Paul Tietz's retirement.

We understand that the City has decided to continue using Paul Tietz, rather than Briggs and Morgan, as its bond counsel. Therefore, upon payment of the outstanding invoices on this file, we will close the file.

However, as I've mentioned previously, please let me know if Briggs and Morgan can be of service to the City in the future. Briggs and Morgan has enjoyed its relationship with the City and we would welcome the opportunity to be of assistance again in the future.

Very truly yours,

Catherine J. Courtney

CJC/CJC
Enclosure

FM Diversion Authority
Fiscal Accountability Report Design Phase (Fund 790)
As of 3/31/2013

	2011	2012	2013	Cumulative Totals
Revenues				
City of Fargo	443,138	7,652,681	251,084	8,346,903
Cass County	443,138	7,652,681	251,084	8,346,903
City of Moorhead / Clay County	98,475	1,700,595	55,796	1,854,866
State Water Commission (10% Cap)	-	-	-	-
Total Revenues	984,750	17,005,957	557,965	18,548,672
Expenditures				
7905 Army Corp Payments	-	-	-	-
7910 WIK - Administration	107,301	331,321	28,506	467,128
7915 WIK - Project Design	149,632	5,366,147	11,152	5,526,931
7920 WIK - Project Management	679,037	7,223,650	487,831	8,390,518
7925 WIK - Recreation	-	163,223	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	28,591	3,920,874
7931 LERRDS - Minnesota	-	27,996	1,886	29,882
7940 WIK Mitigation - North Dakota	-	-	-	-
7941 WIK Mitigation - Minnesota	-	-	-	-
7950 Construction - North Dakota	-	-	-	-
7951 Construction - Minnesota	-	-	-	-
7955 Construction Management	-	-	-	-
7990 Project Financing	-	50,000	-	50,000
7995 Project Eligible - Off Formula Costs	-	-	-	-
7999 Non Federal Participating Costs	116	-	-	116
Total Expenditures	984,750	17,005,957	557,965	18,548,672

**FM Diversion Authority
Outstanding Contracts
As of March 31, 2013**

Date: 3/28/2013

Project	Account Number	PO No.	Vendor	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V00101	790-7910-429.33-25	F12217	9367	12/31/2011	DORSEY & WHITNEY LLP	52,102.12	52,102.12	-
V00101	790-7910-429.33-25	146629	9367	1/18/2012	DORSEY & WHITNEY LLP	52,679.63	52,679.63	-
V00101	790-7910-429.33-25	F12289	9367	2/21/2012	DORSEY & WHITNEY LLP	58,693.38	58,693.38	-
V00101	790-7910-429.33-25	F12293	9367	2/21/2012	DORSEY & WHITNEY LLP	1,600.00	1,600.00	-
V00101	790-7910-429.33-25	156087	9367	10/15/2012	DORSEY & WHITNEY LLP	86,960.88	86,960.88	-
V00101	790-7910-429.33-25	157021	9367	11/9/2012	DORSEY & WHITNEY LLP	27,111.94	27,111.94	-
V00101	790-7910-429.33-25	157608	9367	11/29/2012	DORSEY & WHITNEY LLP	9,138.50	9,138.50	-
V00101	790-7910-429.33-25	159215	9367	1/14/2013	DORSEY & WHITNEY LLP	15,177.50	15,177.50	-
V00101	790-7910-429.33-25	160364	9367	2/20/2013	DORSEY & WHITNEY LLP	20,559.60	20,559.60	-
V00101	790-7910-429.33-25	161130	9367	3/18/2013	DORSEY & WHITNEY LLP	10,442.50	10,442.50	-
V00102	790-7910-429.38-99	F11738	20660	11/15/2011	GALLAGHER BENEFIT SERVICES INC	250.00	250.00	-
V00102	790-7910-429.31-10	F11749	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	494.24	494.24	-
V00102	790-7910-429.31-10	F11750	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	345.97	345.97	-
V00102	790-7910-429.31-10	F11751	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	296.56	296.56	-
V00102	790-7910-429.31-10	F11752	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	17.05	17.05	-
V00102	790-7999-729.68-30	PCARD	18009	12/20/2011	GOOGLE LOVEINTHEOVEN	116.00	116.00	-
V00102	790-7910-429.31-10	F12082	647	12/31/2011	FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-
V00102	790-7910-429.38-69	F12079	8645	12/31/2011	SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-
V00102	790-7910-429.53-60	F12218	13981	12/31/2011	NORTH DAKOTA TELEPHONE CO	81.20	81.20	-
V00102	790-7910-429.33-20	AJ	COF	2/1/2012	CITY OF FARGO	1,300.00	1,300.00	-
V00102	790-7910-429.55-10	F12256	20829	2/14/2012	BROKERAGE PRINTING	153.85	153.85	-
V00102	790-7910-429.55-10	F12256	20829	2/14/2012	BROKERAGE PRINTING	202.10	202.10	-
V00102	790-7910-429.52-30	F12595	1772	4/16/2012	WARNER & CO	4,975.00	4,975.00	-
V00102	790-7910-429.33-20	AJ	COF	5/25/2012	CITY OF FARGO	1,850.00	1,850.00	-
V00102	790-7910-429.33-25	151789	16872	6/15/2012	ERIK R JOHNSON & ASSOCIATES	673.20	673.20	-
V00102	790-7910-429.33-25	151876	16872	6/19/2012	ERIK R JOHNSON & ASSOCIATES	1,309.00	1,309.00	-
V00102	790-7910-429.33-20	AJ	COF	6/25/2012	CITY OF FARGO	340.00	340.00	-
V00102	790-7910-429.33-25	152528	1286	7/10/2012	OHNSTAD TWICHELL PC	1,903.50	1,903.50	-
V00102	790-7910-429.34-55	152692	20174	7/16/2012	PFM ASSET MANAGEMENT LLC	140,000.00	50,000.00	90,000.00
V00102	790-7910-429.33-20	AJ	COF	7/27/2012	CITY OF FARGO	240.00	240.00	-
V00102	790-7910-429.33-25	153237	1286	7/31/2012	OHNSTAD TWICHELL PC	728.50	728.50	-

**FM Diversion Authority
Outstanding Contracts
As of March 31, 2013**

Date: 3/28/2013

Project	Account Number	PO No.	Vendor	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V00102	790-7910-429.38-99	153670	13981	8/9/2012	NORTH DAKOTA TELEPHONE CO	71.60	71.60	-
V00102	790-7910-429.38-99	154211	13981	8/23/2012	NORTH DAKOTA TELEPHONE CO	90.60	90.60	-
V00102	790-7910-429.33-20	AJ	COF	8/30/2012	CITY OF FARGO	280.00	280.00	-
V00102	790-7910-429.33-20	AJ	COF	9/26/2012	CITY OF FARGO	320.00	320.00	-
V00102	790-7910-429.38-99	155381	13981	9/27/2012	NORTH DAKOTA TELEPHONE CO	87.40	87.40	-
V00102	790-7910-429.33-20	AJ	COF	10/30/2012	CITY OF FARGO	410.00	410.00	-
V00102	790-7910-429.33-20	AJ	COF	11/28/2012	CITY OF FARGO	220.00	220.00	-
V00102	790-7910-429.33-25	157670	16872	11/30/2012	ERIK R JOHNSON & ASSOCIATES	16,826.60	16,826.60	-
V00102	790-7910-429.38-99	158387	13981	12/20/2012	NORTH DAKOTA TELEPHONE CO	76.20	76.20	-
V00102	790-7910-429.33-20	AJ	COF	12/27/2012	CITY OF FARGO	260.00	260.00	-
V00102	790-7910-429.33-25	159214	16872	1/14/2013	ERIK R JOHNSON & ASSOCIATES	26,922.05	26,922.05	-
V00102	790-7910-429.33-20	AJ	COF	1/29/2013	CITY OF FARGO	160.00	160.00	-
V00102	790-7910-429.33-20	AJ	COF	1/29/2013	CITY OF FARGO	180.00	180.00	-
V00102	790-7910-429.38-99	159926	12961	2/5/2013	FEDERAL EXPRESS CORPORATION	71.89	71.89	-
V00102	790-7910-429.33-25	160367	16872	2/20/2013	ERIK R JOHNSON & ASSOCIATES	7,606.58	7,606.58	-
V00102	790-7910-429.52-30	160461	1772	2/25/2013	WARNER & CO	4,975.00	4,975.00	-
V00102	790-7910-429.33-20	AJ	COF	2/27/2013	CITY OF FARGO	260.00	260.00	-
V00102	790-7910-429.33-25	161131	16872	3/18/2013	ERIK R JOHNSON & ASSOCIATES	4,769.78	4,769.78	-
V00102	790-7910-429.33-20	AJ	COF	3/27/2013	CITY OF FARGO	200.00	200.00	-
V00201	790-7920-429.33-79	144170	20663	11/18/2011	CH2M HILL ENGINEERS INC	1,908,938.41	1,908,938.41	-
V00202	790-7920-429.33-79	148611	20663	3/15/2012	CH2M HILL ENGINEERS INC	3,500,000.00	3,422,306.58	77,693.42
V00203	790-7920-429.33-79	154940	20663	9/17/2012	CH2M HILL ENGINEERS INC	5,000,000.00	2,218,316.83	2,781,683.17
V00301	790-7910-429.38-69	143936	11604	11/16/2011	ADVANCED ENGINEERING INC	50,000.00	50,000.00	-
V00401	790-7920-429.33-06	143937	165	11/16/2011	BRAUN INTERTEC CORP	54,060.00	43,620.00	10,440.00
V00501	790-7915-429.33-06	143938	165	11/16/2011	BRAUN INTERTEC CORP	36,150.00	34,009.00	2,141.00
V00601	790-7915-429.33-06	144975	20729	12/13/2011	IN SITU ENGINEERING	54,800.00	47,973.00	6,827.00
V00701	790-7915-429.33-05	144866	20723	12/9/2011	MINNESOTA DNR	346,100.00	346,100.00	-
V00801	790-7915-429.33-05	146973	801	1/27/2012	HOUSTON ENGINEERING INC	92,424.03	92,424.03	-
V00802	790-7915-429.33-05	146974	801	1/27/2012	HOUSTON ENGINEERING INC	70,742.30	70,742.30	-
V00803	790-7915-429.33-05	146975	801	1/27/2012	HOUSTON ENGINEERING INC	47,124.46	47,124.46	-
V00804	790-7925-429.33-05	148054	801	2/29/2012	HOUSTON ENGINEERING INC	163,222.91	163,222.91	-

**FM Diversion Authority
Outstanding Contracts
As of March 31, 2013**

Date: 3/28/2013

Project	Account Number	PO No.	Vendor	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V00805	790-7915-429.33-05	148058	801	2/29/2012	HOUSTON ENGINEERING INC	94,786.00	94,786.00	-
V00806	790-7915-429.33-05	148078	801	2/29/2012	HOUSTON ENGINEERING INC	108,369.87	108,369.87	-
V00901	790-7915-429.33-05	146976	1118	1/27/2012	MOORE ENGINEERING INC	92,291.55	92,291.55	-
V00902	790-7915-429.33-05	146977	1118	1/27/2012	MOORE ENGINEERING INC	135,231.99	135,231.99	-
V00903	790-7915-429.33-05	146978	1118	1/27/2012	MOORE ENGINEERING INC	142,924.27	142,924.27	-
V00904	790-7930-429.33-05	148055	1118	2/29/2012	MOORE ENGINEERING INC	78,760.62	78,760.62	-
V00905	790-7930-429.33-05	148056	1118	2/29/2012	MOORE ENGINEERING INC	32,727.08	32,727.08	-
V00906	790-7915-429.33-05	148057	1118	2/29/2012	MOORE ENGINEERING INC	8,326.50	8,326.50	-
V00907	790-7915-429.33-05	148077	1118	2/29/2012	MOORE ENGINEERING INC	164,867.66	164,867.66	-
V01002	790-7915-429.33-05	148086	17791	2/29/2012	URS CORPORATION	480,488.42	396,960.81	83,527.61
V01201	790-7930-429.33-25	F12069	19734	12/31/2011	CASS COUNTY JOINT WATER RESOUR	16,708.86	16,708.86	-
V01201	790-7930-429.34-65	F12069	19734	12/31/2011	CASS COUNTY JOINT WATER RESOUR	22,452.50	22,452.50	-
V01201	790-7930-429.33-25	149405	19734	4/10/2012	CASS COUNTY JOINT WATER RESOUR	20,652.04	20,652.04	-
V01201	790-7930-429.34-65	149405	19734	4/10/2012	CASS COUNTY JOINT WATER RESOUR	62,467.05	62,467.05	-
V01201	790-7930-429.33-05	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	48,138.28	48,138.28	-
V01201	790-7930-429.33-25	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	23,113.23	23,113.23	-
V01201	790-7930-429.34-65	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	8,250.00	8,250.00	-
V01201	790-7930-429.33-25	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	55,312.46	55,312.46	-
V01201	790-7930-429.34-65	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	26,500.00	26,500.00	-
V01201	790-7930-429.71-31	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	13,500.00	13,500.00	-
V01201	790-7930-429.61-50	160369	19734	2/20/2013	CASS COUNTY JOINT WATER RESOUR	24,990.57	24,990.57	-
V01301	790-7915-429.33-05	147745	1118	2/17/2012	MOORE ENGINEERING INC	5,558.50	5,558.50	-
V01301	790-7931-429.33-25	F12593	1286	4/16/2012	OHNSTAD TWICHELL PC	1,408.00	1,408.00	-
V01301	790-7931-429.33-05	149869	1118	4/23/2012	MOORE ENGINEERING INC	1,780.00	1,780.00	-
V01301	790-7931-429.33-25	150230	1286	5/3/2012	OHNSTAD TWICHELL PC	2,029.50	2,029.50	-
V01301	790-7931-429.33-25	150961	1286	5/23/2012	OHNSTAD TWICHELL PC	220.50	220.50	-
V01301	790-7931-429.33-25	151790	1122	6/15/2012	MOORHEAD, CITY OF	15,062.90	15,062.90	-
V01301	790-7931-429.33-25	152058	1286	6/27/2012	OHNSTAD TWICHELL PC	410.00	410.00	-
V01301	790-7931-429.33-25	154504	1286	9/4/2012	OHNSTAD TWICHELL PC	1,373.50	1,373.50	-
V01301	790-7931-429.33-25	154505	1286	9/4/2012	OHNSTAD TWICHELL PC	676.50	676.50	-
V01301	790-7931-429.33-25	156088	1286	10/15/2012	OHNSTAD TWICHELL PC	1,102.50	1,102.50	-

**FM Diversion Authority
Outstanding Contracts
As of March 31, 2013**

Date: 3/28/2013

Project	Account Number	PO No.	Vendor	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V01301	790-7931-429.34-65	157054	1286	11/9/2012	OHNSTAD TWICHELL PC	2,685.00	2,685.00	-
V01301	790-7931-429.34-65	159216	1286	1/14/2013	OHNSTAD TWICHELL PC	1,247.16	1,247.16	-
V01301	790-7931-429.34-65	160365	1286	2/20/2013	OHNSTAD TWICHELL PC	1,148.00	1,148.00	-
V01301	790-7931-429.34-65	160797	1286	3/7/2013	OHNSTAD TWICHELL PC	738.00	738.00	-
V01501	790-7915-429.74-10	150960	19581	5/23/2012	GEOKON INC	33,815.36	33,815.36	-
V01601	790-7920-429.33-05	151232	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	2,072,675.00	835,605.94	1,237,069.06
V01602	790-7930-429.33-05	151233	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	871,000.00	648,201.15	222,798.85
V01603	790-7915-429.33-05	151234	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	2,333,300.00	2,163,121.50	170,178.50
V01604	790-7930-429.33-05	151235	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	1,421,000.00	1,213,149.96	207,850.04
V01605	790-7915-429.33-05	151236	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	905,000.00	843,380.45	61,619.55
V01606	790-7930-429.33-05	151237	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	538,103.00	303,635.07	234,467.93
V01607	790-7915-429.33-05	152022	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	240,000.00	104,468.24	135,531.76
V01608	790-7915-429.33-05	152023	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	727,330.00	460,829.94	266,500.06
V01609	790-7915-429.33-05	152024	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	437,341.00	147,325.13	290,015.87
V01610	790-7930-429.33-05	152025	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	288,000.00	34,404.40	253,595.60
V01611	790-7930-429.33-05	155529	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	771,000.00	-	771,000.00
V01612	790-7930-429.33-05	155530	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	665,000.00	-	665,000.00
V01613	790-7915-429.33-05	157599	21007	11/29/2012	HOUSTON-MOORE GROUP LLC	575,000.00	83,840.58	491,159.42
V01614	790-7915-429.33-05	160644	21007	3/1/2013	HOUSTON-MOORE GROUP LLC	605,000.00	-	605,000.00
V01701	790-7930-429.71-30	155627	7198	10/3/2012	NORTHERN TITLE CO	484,016.00	484,016.00	-
V01701	790-7930-429.80-17	159217	201	1/14/2013	CASS COUNTY TREASURER	84,832.36	84,832.36	-
V01702	790-7930-429.71-30	157394	20529	11/21/2012	KENNELLY & OKEEFFE	216,401.85	216,401.85	-
V01702	790-7930-429.71-30	157470	20529	11/26/2012	KENNELLY & OKEEFFE	342,601.87	342,601.87	-
V01702	790-7930-429.71-30	F13677	11046	11/26/2012	RED RIVER TITLE SERVICES INC	250.00	250.00	-
V01702	790-7930-429.71-30	F13678	11046	11/26/2012	RED RIVER TITLE SERVICES INC	170.00	170.00	-
V01702	790-7930-429.71-30	158252	21423	12/18/2012	HUBER, STEVE	1,056.43	1,056.43	-
V01702	790-7930-429.80-17	159217	201	1/14/2013	CASS COUNTY TREASURER	6,825.95	6,825.95	-
V01801	790-7930-429.33-05	155531	1714	10/2/2012	ULTEIG ENGINEERS INC	100,000.00	-	100,000.00
V01901	790-7930-429.33-05	155469	21258	10/1/2012	PROSOURCE TECHNOLOGIES, INC	100,000.00	-	100,000.00
V02001	790-7930-429.33-91	157598	10078	11/29/2012	COLDWELL BANKER	4,346.77	4,346.77	-
V02001	790-7930-429.33-91	158046	10078	12/12/2012	COLDWELL BANKER	8,000.00	8,000.00	-

**FM Diversion Authority
Outstanding Contracts
As of March 31, 2013**

Date: 3/28/2013

Project	Account Number	PO No.	Vendor	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V02001	790-7930-429.33-91	160366	10078	2/20/2013	COLDWELL BANKER	2,600.00	2,600.00	-
V02001	790-7930-429.33-91	161153	10078	3/18/2013	COLDWELL BANKER	1,000.00	1,000.00	-
V02101	790-7930-429.33-05	157607	12775	11/29/2012	RED RIVER BASIN COMMISSION	500,000.00	-	500,000.00
						27,912,770.83	18,548,671.99	9,364,098.84

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

Date: 3/28/2013

Period/Year: 03/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-20	3/27/2013	JB03130018	CITY OF FARGO	200.00	FISCAL SERVICES	V00102	General & Admin. WIK
Total Accounting Services				200.00			
790-7910-429.33-25	3/27/2013	238018	DORSEY & WHITNEY LLP	10,442.50	LEGAL SVCS THRU 1/31/13	V00101	Dorsey Whitney Legal WIK
	3/27/2013	238023	ERIK R JOHNSON & ASSOCIATES	4,769.78	FEB 2013 LEAGAL SERVICES	V00102	General & Admin. WIK
Total Legal Services				15,212.28			
790-7930-429.33-91	3/27/2013	238007	COLDWELL BANKER	1,000.00	PROP MGMT EXPENSES	V02001	PROPERTY MANAGEMENT
Total Property Management				1,000.00			
790-7931-429.34-65	3/13/2013	237683	OHNSTAD TWICHELL PC	738.00	RIGHT OF ENTRY	V01301	City of Moorhead ROE
Total Right of Entry Requests				738.00			
Total Disbursed for Period				\$17,150.28			

FM Diversion Authority
Summary of Cash Disbursements
Period 15, 2012 - Additional 2012 Expense

Date: 3/28/2013

Period/Year: 15/2012

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7990-429.34-55	3/6/2013	237400	PFM ASSET MANAGEMENT LLC	50,000.00	FINANCIAL ADVISORY SERVIC	V00102	General & Admin. WIK
Total Financial Advisor				50,000.00			
Total Disbursed for Period \$50,000.00							

FM Diversion Authority
 Fiscal Accountability Report Design Phase (Fund 790)
 As of 4/30/2013

	2011	2012	2013	Cumulative Totals
Revenues				
City of Fargo	443,138	7,652,681	670,015	8,765,834
Cass County	443,138	7,652,681	670,015	8,765,834
City of Moorhead / Clay County	98,475	1,700,595	148,892	1,947,962
State Water Commission (10% Cap)	-	-	-	-
Total Revenues	984,750	17,005,957	1,488,923	19,479,630
Expenditures				
7905 Army Corp Payments	-	-	-	-
7910 WIK - Administration	107,301	331,321	29,015	467,637
7915 WIK - Project Design	149,632	5,366,147	221,315	5,737,095
7920 WIK - Project Management	679,037	7,223,650	1,007,062	8,909,749
7925 WIK - Recreation	-	163,223	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	229,174	4,121,458
7931 LERRDS - Minnesota	-	27,996	2,358	30,353
7940 WIK Mitigation - North Dakota	-	-	-	-
7941 WIK Mitigation - Minnesota	-	-	-	-
7950 Construction - North Dakota	-	-	-	-
7951 Construction - Minnesota	-	-	-	-
7955 Construction Management	-	-	-	-
7990 Project Financing	-	50,000	-	50,000
7995 Project Eligible - Off Formula Costs	-	-	-	-
7999 Non Federal Participating Costs	116	-	-	116
Total Expenditures	984,750	17,005,957	1,488,923	19,479,630

FM Diversion Authority
Operating Statement - April, FY 2013

	Current Month	Current F-Y-T-D 10/1-9/30/13	Annual FY Budget 10/1/12-9/30/13	% Expended	Comments
Revenues:					
City of Fargo	\$ 418,931	\$ 4,588,610	\$ 16,470,000		
Cass County	418,931	4,588,610	16,470,000		
City of Moorhead	93,096	1,019,691	3,660,000		
State of North Dakota	-	-	-		
State of Minnesota	-	-	-		
Miscellaneous	-	-	-		
Total Revenues	\$ 930,959	\$ 10,196,911	\$ 36,600,000		
Expenditures:					
7910 WIK - General & Administrative					
33-20 Accounting Services	\$ 460	\$ 2,150	\$ 10,000		
33-25 Legal Services	-	258,749	500,000		
38-99 Other Services	49	285	5,000		
52-30 General Liability Insurance	-	4,975	5,000		
Total WIK - General & Administrative	509	266,158	525,000	51%	
7915 WIK - Project Design					
33-05 Engineering Services	210,164	2,982,249	20,000,000		
Total WIK - Project Design	210,164	2,982,249	20,000,000	15%	
7920 WIK - Construction Management					
33-05 Engineering Services	67,329	481,461	-		
33-06 Quality Testing	-	5,350	-		
33-79 Project Management	451,903	3,282,687	7,600,000		
Total WIK - Construction Management	519,231	3,769,498	7,600,000	50%	
7925 WIK - Recreation					
33-05 Engineering Services	-	263	-		
Total WIK - Recreation	-	263	-	100%	
7930 LERRDS - North Dakota					
33-05 Engineering Services	200,583	1,839,217	5,000,000		
33-25 Legal Services	-	79,513	130,000		
33-91 Property Management	-	15,947	50,000		
34-65 Right of Entry Requests	-	35,290	65,000		
61-50 General Supplies / Postage	-	230	-		
71-30 Land & Building Purchases	-	1,044,496	3,000,000		
71-31 Land Easements	-	15,000	-		
80-17 Property Taxes / Special Assessments	-	91,658	100,000		
Total LERRDS - North Dakota	200,583	3,121,351	8,345,000	37%	
7931 LERRDS - Minnesota					
33-25 Legal Services	-	(21,181)	-		
34-65 Right of Entry Requests	472	28,573	10,000		
Total LERRDS - Minnesota	472	7,392	10,000	74%	
7990 Project Financing					
34-55 Financial Advisor	-	50,000	120,000	42%	
Total Project Financing	-	50,000	120,000	42%	
Total Expenditures	\$ 930,959	\$ 10,196,911	\$ 36,600,000	28%	

**FM Diversion Authority
Outstanding Contracts
As of April 30, 2013**

Date: 4/30/2013

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V00101	790-7910-429.33-25	F12217	9367	12/31/2011	DORSEY & WHITNEY LLP	52,102.12	52,102.12	-
V00101	790-7910-429.33-25	146629	9367	1/18/2012	DORSEY & WHITNEY LLP	52,679.63	52,679.63	-
V00101	790-7910-429.33-25	F12289	9367	2/21/2012	DORSEY & WHITNEY LLP	58,693.38	58,693.38	-
V00101	790-7910-429.33-25	F12293	9367	2/21/2012	DORSEY & WHITNEY LLP	1,600.00	1,600.00	-
V00101	790-7910-429.33-25	156087	9367	10/15/2012	DORSEY & WHITNEY LLP	86,960.88	86,960.88	-
V00101	790-7910-429.33-25	157021	9367	11/9/2012	DORSEY & WHITNEY LLP	27,111.94	27,111.94	-
V00101	790-7910-429.33-25	157608	9367	11/29/2012	DORSEY & WHITNEY LLP	9,138.50	9,138.50	-
V00101	790-7910-429.33-25	159215	9367	1/14/2013	DORSEY & WHITNEY LLP	15,177.50	15,177.50	-
V00101	790-7910-429.33-25	160364	9367	2/20/2013	DORSEY & WHITNEY LLP	20,559.60	20,559.60	-
V00101	790-7910-429.33-25	161130	9367	3/18/2013	DORSEY & WHITNEY LLP	10,442.50	10,442.50	-
V00102	790-7910-429.38-99	F11738	20660	11/15/2011	GALLAGHER BENEFIT SERVICES INC	250.00	250.00	-
V00102	790-7910-429.31-10	F11749	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	494.24	494.24	-
V00102	790-7910-429.31-10	F11750	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	345.97	345.97	-
V00102	790-7910-429.31-10	F11751	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	296.56	296.56	-
V00102	790-7910-429.31-10	F11752	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	17.05	17.05	-
V00102	790-7999-729.68-30	PCARD	18009	12/20/2011	GOOGLE LOVEINTHEOVEN	116.00	116.00	-
V00102	790-7910-429.31-10	F12082	647	12/31/2011	FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-
V00102	790-7910-429.38-69	F12079	8645	12/31/2011	SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-
V00102	790-7910-429.53-60	F12218	13981	12/31/2011	NORTH DAKOTA TELEPHONE CO	81.20	81.20	-
V00102	790-7910-429.33-20	AJ	COF	2/1/2012	CITY OF FARGO	1,300.00	1,300.00	-
V00102	790-7910-429.55-10	F12256	20829	2/14/2012	BROKERAGE PRINTING	153.85	153.85	-
V00102	790-7910-429.55-10	F12256	20829	2/14/2012	BROKERAGE PRINTING	202.10	202.10	-
V00102	790-7910-429.52-30	F12595	1772	4/16/2012	WARNER & CO	4,975.00	4,975.00	-
V00102	790-7910-429.33-20	AJ	COF	5/25/2012	CITY OF FARGO	1,850.00	1,850.00	-
V00102	790-7910-429.33-25	151789	16872	6/15/2012	ERIK R JOHNSON & ASSOCIATES	673.20	673.20	-
V00102	790-7910-429.33-25	151876	16872	6/19/2012	ERIK R JOHNSON & ASSOCIATES	1,309.00	1,309.00	-
V00102	790-7910-429.33-20	AJ	COF	6/25/2012	CITY OF FARGO	340.00	340.00	-
V00102	790-7910-429.33-25	152528	1286	7/10/2012	OHNSTAD TWICHELL PC	1,903.50	1,903.50	-
V00102	790-7910-429.33-20	AJ	COF	7/27/2012	CITY OF FARGO	240.00	240.00	-

**FM Diversion Authority
Outstanding Contracts
As of April 30, 2013**

Date: 4/30/2013

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V00102	790-7910-429.33-25	153237	1286	7/31/2012	OHNSTAD TWICHELL PC	728.50	728.50	-
V00102	790-7910-429.38-99	153670	13981	8/9/2012	NORTH DAKOTA TELEPHONE CO	71.60	71.60	-
V00102	790-7910-429.38-99	154211	13981	8/23/2012	NORTH DAKOTA TELEPHONE CO	90.60	90.60	-
V00102	790-7910-429.33-20	AJ	COF	8/30/2012	CITY OF FARGO	280.00	280.00	-
V00102	790-7910-429.33-20	AJ	COF	9/26/2012	CITY OF FARGO	320.00	320.00	-
V00102	790-7910-429.38-99	155381	13981	9/27/2012	NORTH DAKOTA TELEPHONE CO	87.40	87.40	-
V00102	790-7910-429.33-20	AJ	COF	10/30/2012	CITY OF FARGO	410.00	410.00	-
V00102	790-7910-429.33-20	AJ	COF	11/28/2012	CITY OF FARGO	220.00	220.00	-
V00102	790-7910-429.33-25	157670	16872	11/30/2012	ERIK R JOHNSON & ASSOCIATES	16,826.60	16,826.60	-
V00102	790-7910-429.38-99	158387	13981	12/20/2012	NORTH DAKOTA TELEPHONE CO	76.20	76.20	-
V00102	790-7910-429.33-20	AJ	COF	12/27/2012	CITY OF FARGO	260.00	260.00	-
V00102	790-7910-429.33-25	159214	16872	1/14/2013	ERIK R JOHNSON & ASSOCIATES	26,922.05	26,922.05	-
V00102	790-7910-429.33-20	AJ	COF	1/29/2013	CITY OF FARGO	160.00	160.00	-
V00102	790-7910-429.33-20	AJ	COF	1/29/2013	CITY OF FARGO	180.00	180.00	-
V00102	790-7910-429.38-99	159926	12961	2/5/2013	FEDERAL EXPRESS CORPORATION	71.89	71.89	-
V00102	790-7910-429.33-25	160367	16872	2/20/2013	ERIK R JOHNSON & ASSOCIATES	7,606.58	7,606.58	-
V00102	790-7910-429.52-30	160461	1772	2/25/2013	WARNER & CO	4,975.00	4,975.00	-
V00102	790-7910-429.33-20	AJ	COF	2/27/2013	CITY OF FARGO	260.00	260.00	-
V00102	790-7910-429.33-25	161131	16872	3/18/2013	ERIK R JOHNSON & ASSOCIATES	4,769.78	4,769.78	-
V00102	790-7910-429.33-20	AJ	COF	3/27/2013	CITY OF FARGO	200.00	200.00	-
V00102	790-7910-429.33-25	161699	16872	4/8/2013	ERIK R JOHNSON & ASSOCIATES	2,366.41	-	2,366.41
V00102	790-7910-429.38-99	161972	13981	4/17/2013	NORTH DAKOTA TELEPHONE CO	49.20	49.20	-
V00102	790-7910-429.33-25	162044	14216	4/19/2013	BRIGGS & MORGAN PA	1,616.36	-	1,616.36
V00102	790-7910-429.34-55	162074	21621	4/22/2013	PFM PUBLIC FINANCIAL MANAGEMEN	140,000.00	50,000.00	90,000.00
V00102	790-7910-429.33-20	AJ	COF	4/26/2013	CITY OF FARGO	460.00	460.00	-
V00201	790-7920-429.33-79	144170	20663	11/18/2011	CH2M HILL ENGINEERS INC	1,908,938.41	1,908,938.41	-
V00202	790-7920-429.33-79	148611	20663	3/15/2012	CH2M HILL ENGINEERS INC	3,500,000.00	3,422,306.58	77,693.42
V00203	790-7920-429.33-79	154940	20663	9/17/2012	CH2M HILL ENGINEERS INC	5,000,000.00	2,670,219.72	2,329,780.28
V00301	790-7910-429.38-69	143936	11604	11/16/2011	ADVANCED ENGINEERING INC	50,000.00	50,000.00	-

**FM Diversion Authority
Outstanding Contracts
As of April 30, 2013**

Date: 4/30/2013

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V00401	790-7920-429.33-06	143937	165	11/16/2011	BRAUN INTERTEC CORP	54,060.00	43,620.00	10,440.00
V00501	790-7915-429.33-06	143938	165	11/16/2011	BRAUN INTERTEC CORP	36,150.00	34,009.00	2,141.00
V00601	790-7915-429.33-06	144975	20729	12/13/2011	IN SITU ENGINEERING	54,800.00	47,973.00	6,827.00
V00701	790-7915-429.33-05	144866	20723	12/9/2011	MINNESOTA DNR	346,100.00	346,100.00	-
V00801	790-7915-429.33-05	146973	801	1/27/2012	HOUSTON ENGINEERING INC	92,424.03	92,424.03	-
V00802	790-7915-429.33-05	146974	801	1/27/2012	HOUSTON ENGINEERING INC	70,742.30	70,742.30	-
V00803	790-7915-429.33-05	146975	801	1/27/2012	HOUSTON ENGINEERING INC	47,124.46	47,124.46	-
V00804	790-7925-429.33-05	148054	801	2/29/2012	HOUSTON ENGINEERING INC	163,222.91	163,222.91	-
V00805	790-7915-429.33-05	148058	801	2/29/2012	HOUSTON ENGINEERING INC	94,786.00	94,786.00	-
V00806	790-7915-429.33-05	148078	801	2/29/2012	HOUSTON ENGINEERING INC	108,369.87	108,369.87	-
V00901	790-7915-429.33-05	146976	1118	1/27/2012	MOORE ENGINEERING INC	92,291.55	92,291.55	-
V00902	790-7915-429.33-05	146977	1118	1/27/2012	MOORE ENGINEERING INC	135,231.99	135,231.99	-
V00903	790-7915-429.33-05	146978	1118	1/27/2012	MOORE ENGINEERING INC	142,924.27	142,924.27	-
V00904	790-7930-429.33-05	148055	1118	2/29/2012	MOORE ENGINEERING INC	78,760.62	78,760.62	-
V00905	790-7930-429.33-05	148056	1118	2/29/2012	MOORE ENGINEERING INC	32,727.08	32,727.08	-
V00906	790-7915-429.33-05	148057	1118	2/29/2012	MOORE ENGINEERING INC	8,326.50	8,326.50	-
V00907	790-7915-429.33-05	148077	1118	2/29/2012	MOORE ENGINEERING INC	164,867.66	164,867.66	-
V01002	790-7915-429.33-05	148086	17791	2/29/2012	URS CORPORATION	480,488.42	403,927.45	76,560.97
V01201	790-7930-429.33-25	F12069	19734	12/31/2011	CASS COUNTY JOINT WATER RESOUR	16,708.86	16,708.86	-
V01201	790-7930-429.34-65	F12069	19734	12/31/2011	CASS COUNTY JOINT WATER RESOUR	22,452.50	22,452.50	-
V01201	790-7930-429-33-25	149405	19734	4/10/2012	CASS COUNTY JOINT WATER RESOUR	20,652.04	\$20,652.04	-
V01201	790-7930-429-34-65	149405	19734	4/10/2012	CASS COUNTY JOINT WATER RESOUR	62,467.05	\$62,467.05	-
V01201	790-7930-429-33-05	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	48,138.28	\$48,138.28	-
V01201	790-7930-429-33-25	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	23,113.23	\$23,113.23	-
V01201	790-7930-429-34-65	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	8,250.00	\$8,250.00	-
V01201	790-7930-429-33-25	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	55,312.46	\$55,312.46	-
V01201	790-7930-429-34-65	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	26,500.00	\$26,500.00	-
V01201	790-7930-429-71-31	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	13,500.00	\$13,500.00	-
V01201	790-7930-429.61-50	160369	19734	2/20/2013	CASS COUNTY JOINT WATER RESOUR	24,990.57	24,990.57	-

**FM Diversion Authority
Outstanding Contracts
As of April 30, 2013**

Date: 4/30/2013

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V01201	790-7930-429.71-31	161700	19734	4/8/2013	CASS COUNTY JOINT WATER RESOUR	52,735.94	-	52,735.94
V01301	790-7915-429.33-05	147745	1118	2/17/2012	MOORE ENGINEERING INC	5,558.50	5,558.50	-
V01301	790-7931-429.33-25	F12593	1286	4/16/2012	OHNSTAD TWICHELL PC	1,408.00	1,408.00	-
V01301	790-7931-429.33-05	149869	1118	4/23/2012	MOORE ENGINEERING INC	1,780.00	1,780.00	-
V01301	790-7931-429.33-25	150230	1286	5/3/2012	OHNSTAD TWICHELL PC	2,029.50	2,029.50	-
V01301	790-7931-429.33-25	150961	1286	5/23/2012	OHNSTAD TWICHELL PC	220.50	220.50	-
V01301	790-7931-429.33-25	151790	1122	6/15/2012	MOORHEAD, CITY OF	15,062.90	15,062.90	-
V01301	790-7931-429.33-25	152058	1286	6/27/2012	OHNSTAD TWICHELL PC	410.00	410.00	-
V01301	790-7931-429.33-25	154504	1286	9/4/2012	OHNSTAD TWICHELL PC	1,373.50	1,373.50	-
V01301	790-7931-429.33-25	154505	1286	9/4/2012	OHNSTAD TWICHELL PC	676.50	676.50	-
V01301	790-7931-429.33-25	156088	1286	10/15/2012	OHNSTAD TWICHELL PC	1,102.50	1,102.50	-
V01301	790-7931-429.34-65	157054	1286	11/9/2012	OHNSTAD TWICHELL PC	2,685.00	2,685.00	-
V01301	790-7931-429.34-65	159216	1286	1/14/2013	OHNSTAD TWICHELL PC	1,247.16	1,247.16	-
V01301	790-7931-429.34-65	160365	1286	2/20/2013	OHNSTAD TWICHELL PC	1,148.00	1,148.00	-
V01301	790-7931-429.34-65	160797	1286	3/7/2013	OHNSTAD TWICHELL PC	738.00	738.00	-
V01301	790-7931-429.34-65	161824	1286	4/11/2013	OHNSTAD TWICHELL PC	471.50	471.50	-
V01501	790-7915-429.74-10	150960	19581	5/23/2012	GEEKON INC	33,815.36	33,815.36	-
V01601	790-7920-429.33-05	151232	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	2,072,675.00	902,934.48	1,169,740.52
V01602	790-7930-429.33-05	151233	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	871,000.00	679,452.57	191,547.43
V01603	790-7915-429.33-05	151234	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	2,333,300.00	2,208,352.30	124,947.70
V01604	790-7930-429.33-05	151235	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	1,421,000.00	1,308,827.62	112,172.38
V01605	790-7915-429.33-05	151236	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	905,000.00	843,380.45	61,619.55
V01606	790-7930-429.33-05	151237	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	538,103.00	322,006.10	216,096.90
V01607	790-7915-429.33-05	152022	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	240,000.00	112,099.12	127,900.88
V01608	790-7915-429.33-05	152023	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	727,330.00	470,929.27	256,400.73
V01609	790-7915-429.33-05	152024	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	437,341.00	209,043.65	228,297.35
V01610	790-7930-429.33-05	152025	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	288,000.00	36,912.40	251,087.60
V01611	790-7930-429.33-05	155529	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	771,000.00	-	771,000.00
V01612	790-7930-429.33-05	155530	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	665,000.00	-	665,000.00

**FM Diversion Authority
Outstanding Contracts
As of April 30, 2013**

Date: 4/30/2013

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V01613	790-7915-429.33-05	157599	21007	11/29/2012	HOUSTON-MOORE GROUP LLC	575,000.00	162,357.93	412,642.07
V01614	790-7915-429.33-05	160644	21007	3/1/2013	HOUSTON-MOORE GROUP LLC	605,000.00	-	605,000.00
V01701	790-7930-429.71-30	155627	7198	10/3/2012	NORTHERN TITLE CO	484,016.00	484,016.00	-
V01701	790-7930-429.80-17	159217	201	1/14/2013	CASS COUNTY TREASURER	84,832.36	84,832.36	-
V01702	790-7930-429.71-30	157394	20529	11/21/2012	KENNELLY & OKEEFFE	216,401.85	216,401.85	-
V01702	790-7930-429.71-30	157470	20529	11/26/2012	KENNELLY & OKEEFFE	342,601.87	342,601.87	-
V01702	790-7930-429.71-30	F13677	11046	11/26/2012	RED RIVER TITLE SERVICES INC	250.00	250.00	-
V01702	790-7930-429.71-30	F13678	11046	11/26/2012	RED RIVER TITLE SERVICES INC	170.00	170.00	-
V01702	790-7930-429.71-30	158252	21423	12/18/2012	HUBER, STEVE	1,056.43	1,056.43	-
V01702	790-7930-429.80-17	159217	201	1/14/2013	CASS COUNTY TREASURER	6,825.95	6,825.95	-
V01801	790-7930-429.33-05	155531	1714	10/2/2012	ULTEIG ENGINEERS INC	100,000.00	-	100,000.00
V01901	790-7930-429.33-05	155469	21258	10/1/2012	PROSOURCE TECHNOLOGIES, INC	100,000.00	-	100,000.00
V02001	790-7930-429.33-91	157598	10078	11/29/2012	COLDWELL BANKER	4,346.77	4,346.77	-
V02001	790-7930-429.33-91	158046	10078	12/12/2012	COLDWELL BANKER	8,000.00	8,000.00	-
V02001	790-7930-429.33-91	160366	10078	2/20/2013	COLDWELL BANKER	2,600.00	2,600.00	-
V02001	790-7930-429.33-91	161153	10078	3/18/2013	COLDWELL BANKER	1,000.00	1,000.00	-
V02101	790-7930-429.33-05	157607	12775	11/29/2012	RED RIVER BASIN COMMISSION	500,000.00	52,775.00	447,225.00
						27,970,470.24	19,479,630.75	8,490,839.49

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

Date: 4/30/2013

Period/Year: 04/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-20	4/26/2013	JB04130015	CITY OF FARGO	460.00	FISCAL SERVICES	V00102	General & Admin, WIK
Total Accounting Services \$				460.00			
790-7910-429.38-99	4/17/2013	238811	NORTH DAKOTA TELEPHONE CO	49.20	SETUP FEE 1/18/13	V00102	General & Admin, WIK
Total Other Services \$				49.20			
790-7915-429.33-05	4/10/2013	238478	HOUSTON-MOORE GROUP LLC	45,230.80	1/1-1/31/13	V01603	CR-81 & I29 BRIDGE DESIGN
	4/10/2013	238478	HOUSTON-MOORE GROUP LLC	7,630.88	1/1-1/31/13	V01607	RECREATION/USE MASTER PLN
	4/10/2013	238478	HOUSTON-MOORE GROUP LLC	10,099.33	1/1-1/31/13	V01608	WORK-IN-KIND (WIK)
	4/10/2013	238478	HOUSTON-MOORE GROUP LLC	61,718.52	1/1-1/31/13	V01609	HYDROLOGY/HYDRAULIC MODEL
	4/10/2013	238478	HOUSTON-MOORE GROUP LLC	78,517.35	1/1-1/31/13	V01613	LEVEE DESIGN & SUPPORT
	4/29/2013	239097	URS CORPORATION	4,875.14	THRU 2/28/13	V01002	NW Alignment Survey-URS
	4/29/2013	239097	URS CORPORATION	2,091.50	THRU 3/8/13	V01002	NW Alignment Survey-URS
Total Engineering Services \$				210,163.52			
790-7920-429.33-05	4/10/2013	238478	HOUSTON-MOORE GROUP LLC	67,328.54	1/1-1/31/13	V01601	HMG - PROJECT MANAGEMENT
Total Engineering Services \$				67,328.54			
790-7920-429.33-79	4/10/2013	238403	CH2M HILL ENGINEERS INC	451,902.89	THRU 2/22/13	V00203	CH2M HILL - 10/1-6/30/13
Total Project Management \$				451,902.89			
790-7930-429.33-05	4/17/2013	238824	RED RIVER BASIN COMMISSION	52,775.00	SUB-WATERSHED	V02101	STUDY UPPER RR RETENTION
	4/10/2013	238478	HOUSTON-MOORE GROUP LLC	31,251.42	1/1-1/31/13	V01602	CR-31 BRIDGE DESIGN
	4/10/2013	238478	HOUSTON-MOORE GROUP LLC	29,168.46	1/1-1/31/13	V01604	CR-32 & CR-22 BRIDGE DSGN
	4/10/2013	238478	HOUSTON-MOORE GROUP LLC	66,509.20	1/1-1/31/13	V01604	CR-32 & CR-22 BRIDGE DSGN

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

Date: 4/30/2013

Period/Year: 04/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
	4/10/2013	238478	HOUSTON-MOORE GROUP LLC	18,371.03	1/1-1/31/13	V01606	LAND MANAGEMENT SERVICES
	4/10/2013	238478	HOUSTON-MOORE GROUP LLC	2,508.00	1/1-1/31/13	V01610	UTILITIES DESIGN
Total Engineering Services				\$ 200,583.11			
790-7931-429,34-65	4/17/2013	238813	OHNSTAD TWICHELL PC	471.50	RIGHT OF ENTRY/LAND ACQUI	V01301	City of Moorhead ROE
Total Right of Entry Requests				\$ 471.50			
Total Disbursed for Period				\$ 930,958.76			

Erik R. Johnson & Associates, Ltd
Attorneys at Law
Erik R. Johnson - Nancy J. Morris - Jason T. Loos
505 Broadway - Suite 206
Fargo, ND 58102
(701) 280-1901

City of Fargo -- Auditor's Office
 Attn: Kent Costin
 200 North 3rd Street
 Fargo, ND 58102

Invoice

Date	4/25/2013
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Description	Qty	Rate	Amount
Metro Flood Project:	9.9	191.25	1,893.38
Erik Johnson: Legal services Mar 26 thru April 25, 2013 -- itemization enclosed			
Nancy J Morris: Legal services Mar 26 thru April 25, 2013 -- itemization enclosed	8	165.75	1,326.00
<i>We appreciate your business.</i>		TOTAL:	\$3,219.38

April 25, 2013

Client: City of Fargo
Job: Metro Flood

Atty	DATE	DESCRIPTION	TIME
E	3/26/2013	Telephone conference with Bob Cattnach and emails with Molly Hunt	0.5
E	3/26/2013	Conference with Pat Zavoral re: appropriations bill	0.8
E	3/28/2013	Call with Molly Hunt and Cattnach and followup communication; conference with O'hara and Cattnach in followup	1.5
E	3/29/2013	Conference call with Corps re: design agreement and followup emails	1.1
E	4/1/2013	Confer with Mayor Nyhof and Pat Zavoral re: Oxbow matters	0.8
E	4/5/2013	Attend administrative advisory meeting	1.5
E	4/10/2013	Telephone conference with Cattnach re: dam vs. levee issue	0.4
E	4/18/2013	Draft Purchase Agreement for Oxbow; send to Nyhoff	1.5
E	4/19/2013	Conference with Nancy and Eric Dodds re: Scilley property purchase; telephone conference with Tom O'Hara re: Design Agreement	0.7
E	4/22/2013	Telephone conference with John Paczkowski of SWC and email Cattnach	0.4
E	4/23/2013	Send out Design Agreement amendment to Corps; email SWC - Paczkowski	0.2
E	4/24/2013	Review of purchase agreement	0.5
Total Time			9.90
Hourly Rate - ERJ \$			191.25
Total Fees - ERJ \$			1893.38
N	3/26/2013	Review correspondence re: addendum; revise for all mature acts	0.4
N	4/5/2013	Staff meeting	1.5
N	4/8/2013	Phone call w/ Dirk D. re: Purchase Agmt	0.4
N	4/11/2013	Telephone conference with D. Draper re: terms; correspondence with	1.8
N	4/12/2013	Contract discussion; review correspondence	0.5
N	4/19/2013	Sculley - revise purchase agreement; conference call re: terms;	1.5
N	4/24/2013	Hardship buyout; draft, revise correspondence - Kuntz	0.5
N	4/25/2013	Revise purchase agreement re: hardship; office conference with Erik	0.5
N	4/25/2013	Revise purchase agreement	0.9
Total Time			8.00
Hourly Rate			165.75
Total Fees - NJM			1326.00