

FLOOD DIVERSION BOARD OF AUTHORITY
Thursday, October 9, 2014
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. Management Information
 - a. PMC report
 - b. Corps of Engineers report
5. Administrative/Legal Information
 - a. Lawsuit update
 - b. Minnesota Governor/MDNR recent correspondence update Item 5b.
6. Technical Information/action
 - a. Contracts/Task Orders/Authority Work Directives Item 6a.
 - i. Construction contract for 2nd Street pump station Item 6a. (i)
 - ii. HMG Task Order 8 Amendment 7 Item 6a. (ii)
 - iii. HMG Task Order 13 Amendment 7 Item 6a. (iii)
 - iv. HMG Task Order 17 Amendment 0 Item 6a. (iv)
 - v. HMG AWD-0043 Item 6a. (v)
7. Public Outreach Information
 - a. Committee report
 - b. Business Leaders Task Force update
8. Land Management Information/action
 - a. Committee report
 - b. CCJWRD update
9. Finance Information/action
 - a. Committee report
 - b. Voucher approval Item 9b.
10. Other Business
11. Next Meeting – November 13, 2014
12. Adjournment

cc: Local Media

**FLOOD DIVERSION BOARD OF AUTHORITY
SEPTEMBER 12, 2014—3:30 PM**

Item 2.

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Friday, September 12, 2014, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Ken Pawluk; Cass County Commissioner Vern Bennett; West Fargo City Commissioner Mike Thorstad; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Melissa Sobolik; Fargo City Commissioner Mike Williams; Cass County Joint Water Resource District Manager Mark Brodshaug; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Nancy Otto. Also present was ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District.

Staff members and others present: Moorhead City Manager Michael Redlinger; Fargo City Director of Engineering Mark Bittner; Fargo City Engineer April Walker; Tom Dawson, Chairman, Chamber of Commerce Business Leader Task Force; Ty Smith, Construction Manager, CH2MHill; Brett Coleman, Project Manager, Corps of Engineers; and Terry Williams, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Campbell moved and Mr. Thorstad seconded to approve minutes from the August 14, 2014, regular meeting and August 28, 2014, special meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Pawluk moved and Mr. Campbell seconded to approve the order of the agenda. Motion carried.

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

CH2MHill Construction Manager Ty Smith provided an update on bidding activities. On September 9, sealed bids for the construction of the 4th Street pump station and gatewell and the 2nd Street floodwall, Work Package 42A.1/42A.3, were received and opened. Staff and legal representatives determined that no satisfactory bids were received to meet the minimum qualifications for the job. Mr. Smith recommended that the board reject the bids and re-advertise the work package with a new bid opening date of October 14th.

MOTION, passed

Ms. Sobolik moved and Mr. Pawluk seconded to reject the bids received and to re-advertise the work packages for the 4th Street pump station and gatewell and the 2nd Street floodwall, Work Package 42A.1/42A.3. On roll call vote, the motion carried unanimously.

Mr. Smith said the bid opening for the 2nd Street N pump station, Work Package 42A.2, will be moved from September 16th to September 30th. A special board meeting will be requested for October 2nd to approve the contract.

Mr. Smith also provided an update on activities over the last month including construction of the Oxbow/Hickson/Bakke (OHB) levee; demolition of a vacant property in preparation for future construction in Oxbow; and pre-load gatewell work.

Nancy Otto arrived for the remainder of the meeting.

Corps of Engineers report

Brett Coleman provided an update of activities by Corps of Engineers staff including Maple River aqueduct physical model work; continued coordination and information to the Minnesota DNR during their EIS process; participation in weekly OHB levee coordination meetings; and continued coordination on in-town levee design.

Mr. Coleman said it is sometimes beneficial to review parts of the diversion project for those who are newly involved. The diversion project is designed to provide benefits for a 100-year event, with an allowance for communities to use emergency measures to flood fight to a 500-year event. An operation plan coordinated with the Corps, non-federal sponsors, and environmental agencies is in the process of being developed. Once a project partnership agreement (PPA) is executed, the non-federal sponsors of the project will accept responsibility for its maintenance and operation.

Mr. Pawluk asked about other flood protection options. Mr. Coleman said through the federal EIS process many alternatives were explored, but only one feasible plan presented itself: the FM Diversion Project. Ms. Williams added that the plan has been authorized by Congress for construction, which further supports the single plan.

Mr. Pawluk asked why the project cannot be built with levees. Ms. Williams said using levees alone for flood protection does not meet the purpose and need for protection to a 100-year certification level. Once the capacity of a levee system is reached there is no further protection available.

Dr. Mahoney said the plan the Corps has chosen is the best alternative for long-term flood protection. Ms. Williams said the Minnesota DNR is looking at a northern alternative plan, which would move the diversion one mile north. A similar plan was ruled out by the Corps as it would impact more residential structures and be more expensive.

5. ADMINISTRATIVE/LEGAL UPDATE

Attorney Nancy Morris provided the legal update. Ms. Morris said there is no news to report in regards to the lawsuits. At the request of the Diversion Board of Authority, a scheduling conference was scheduled for September 25th between the involved parties.

6. TECHNICAL UPDATE

Task Orders / Authority Work Directives (AWD)

Mr. Smith reviewed one Task Order in the amount of \$50,000 with Terracon Consultants, Inc. for material testing services associated with the in-town levees; and one Authority Work Directive in the amount of \$20,000 with Houston Moore Group (HMG) for additional design detail for the Mickelson field levee extension to consider the properties to be

acquired.

MOTION, passed

Ms. Otto moved and Ms. Sobolik seconded to approve Task Order No. 1 with Terracon Consultants and AWD-00042 with HMG for a total of \$70,000. On roll call vote, the motion carried unanimously.

7. PUBLIC OUTREACH UPDATE

Committee report

Mr. Brodshaug provided a written report on the activities of the Public Outreach Committee. There have been several presentations given to various groups and the public. Mr. Brodshaug said any groups or entities interested in presentations should make a request to the outreach team.

Dr. Mahoney praised Mr. Campbell and Ms. Otto on their representation of the Diversion Board in a meeting with Minnesota Governor Mark Dayton. The information they provided was factual and they gave a voice to residents on the Minnesota side of the diversion project.

Business Leaders Task Force update

Mr. Dawson said there is no update for the Task Force at this time. They would like to have another meeting in the next month.

8. LAND MANAGEMENT UPDATE

Committee report

There was no update for the Land Management Committee.

RFQ's for Ag Risk Economic Evaluation Proposal

AE2S Program Management Consultant Eric Dodds presented a letter regarding a Request to Proceed with Agreement for Ag Risk Evaluation for Temporary Water Retention Easement Values and Crop Insurance. A Request for Qualifications (RFQ) proposal was published for the study, which will aim to assist the Diversion Board of Authority to determine the impact on flowage easements through providing a supplemental crop insurance product on lands in the staging area. Four responses were received by the review committee. The recommendation is to enter into an agreement with the Agribusiness and Applied Economics Department of North Dakota State University (NDSU) to conduct this study at a cost not to exceed \$70,000.

MOTION, passed

Ms. Otto moved and Mr. Pawluk seconded to authorize the committee chairman to sign an agreement, not to exceed \$70,000, with the Agribusiness and Applied Economics Department of North Dakota State University to conduct the Ag Risk Evaluation for Temporary Water Retention Easement Values and Crop Insurance. On roll call vote, the motion carried unanimously.

CCJWRD update

Mr. Brodshaug provided a Land Management Summary handout that included information on completed acquisitions, budget figures, and completed negotiations. Highlighted areas show changes from the previous update.

Initial negotiation meetings will begin this week with seven homeowners in Oxbow for properties that are required for work in 2015.

A quick-take process has begun on one agricultural parcel near Oxbow as the negotiation process was stalled and the parcel is needed this fall.

9. FINANCE UPDATE

Budget for FY2015

Cass County Auditor Michael Montplaisir said the Finance Committee reviewed the FY2015 budget during their meeting on September 10th. The main use of funds over the next year will be for work in Oxbow and on the in-town levees. The main sources of funds will be the sales tax in Cass County and the City of Fargo, appropriations through the state, and loan advances.

Mr. Pawluk said he heard a news report that North Dakota will have to pay \$600 million; Cass County residents will have to pay another \$600 million; and the local share of the diversion project will be funded with property taxes. Mr. Montplaisir said the diversion financing plan has always been for a \$1.8 billion project. The federal government will contribute about \$800 million, Minnesota will contribute \$100 million, and the remaining \$900 million will be split between local North Dakota sponsors and the state. The only property tax component of the funding would come from a potential special assessment district that would essentially act as a co-sign for bonds. The financing plan will ultimately depend on how much federal appropriations are received and the final cost of the project.

Mr. Montplaisir said diversion financing information can be found within diversion financing documents on the diversion website.

MOTION, passed

Mr. Pawluk moved and Mr. Bennett seconded to approve the FY2015 budget as presented. On roll call vote, the motion carried unanimously.

Voucher approval

The bills for the month are for legal services with Erik Johnson & Associates and the cost share for digital map updates with the City of Fargo.

MOTION, passed

Ms. Otto moved and Mr. Thorstad seconded to approve the vouchers for August 2014. On roll call vote, the motion carried unanimously.

10. NEXT MEETING DATE

The next meeting will be held on Thursday, October 9, 2014, at 3:30 PM.

11. ADJOURNMENT

MOTION, passed

On motion by Ms. Sobolik, seconded by Mr. Bennett, and all voting in favor, the meeting was adjourned at 4:04 PM.

History of the makeup of the FM Diversion Board of Authority

Following the record 2009 flood in the FM area local officials on both sides of the Red River realized a need to work together on a more robust flood risk management effort. The Moorhead City Council, Fargo City, Clay County, and Cass County Commissions, unanimously agreed to form two groups:

1. **A Metro Flood Management Committee** – This committee consisted of the entire elected boards from both Cities and Counties as well as a representative from the Watershed/District of both states. (15 Minnesota members and 11 North Dakota members)
2. **A Metropolitan Flood Management Work Group** - This committee consisted of 6 Minnesota representatives and 5 North Dakota Representatives. (3 Moorhead City Council members, 2 Clay County Commissioners, a Buffalo Red Watershed member, 2 Fargo City Commissioners, 2 Cass County Commissioners, and a Cass Joint Water Resource District member)

In August of 2009, the first meeting of the Metropolitan Flood Management Work Group was held and Co-Chairs were elected from Minnesota and North Dakota. The group met regularly during 2009, 2010, and 2011.

On April 1 of 2011 the Metropolitan Flood Management Work group unanimously endorsed the North Dakota Diversion Plan with upstream staging.

On April 4th and 5th of 2011 the individual member entities each approved resolutions supporting the locally preferred North Dakota Diversion with upstream staging.

On May 12, 2011 the Metropolitan Flood Management Work group unanimously approved the formation of a Joint Powers Authority Board with 7 North Dakota and 2 Minnesota members. This was decided by the members based on a number of factors including but not necessarily limited to the fact that the vast majority of the construction would take place on the North Dakota Side and a 90/10 North Dakota/Minnesota funding split was being contemplated.

During June and July 2011 all six member entities approved the Limited Joint Powers agreement forming the Diversion Board of Authority with its current makeup.

**FLOOD DIVERSION BOARD OF AUTHORITY
AUGUST 11, 2011—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held at 3:30 PM on August 11, 2011, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Scott Wagner; West Fargo City Commissioner Mike Thorstad; Cass County Joint Water Resource District Manager Rodger Olson; Fargo Mayor Dennis Walaker; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Brad Wimmer; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Nancy Otto.

Board of Authority alternate and ex-officio members present: Moorhead City Council Member Brenda Elmer, alternate member; Clay County Commissioner Grant Weyland, alternate member; and Gerald Van Amburg, Buffalo-Red River Watershed District, ex-officio member.

Staff members and others present: Cass County Administrator Keith Berndt; Fargo City Administrator Pat Zavoral; Fargo City Engineer Mark Bittner; Fargo City Senior Engineer April Walker; Moorhead City Manager Mike Redlinger; Moorhead City Engineer Bob Zimmerman; U.S. Army Corps of Engineers Project Manager Aaron Snyder; and U.S. Army Corps of Engineer Terry Williams.

2. ELECT CHAIR AND VICE CHAIR

MOTION, passed

Mr. Olson moved and Mr. Wagner seconded to nominate Darrell Vanyo as Chair of the Flood Diversion Board of Authority. Motion carried.

MOTION, passed

Ms. Otto moved and Mr. Wagner seconded to nominate Tim Mahoney as Vice Chair of the Flood Diversion Board of Authority. Motion carried.

3. BOARD OF AUTHORITY BY-LAWS, To be drafted by attorneys

The committee discussed the development of the by-laws for the Board of Authority. Mr. Snyder said this will allow a clear path for decision making by the project manager.

MOTION, passed

Mr. Campbell moved and Ms. Otto seconded to have the team of attorneys draft by-laws for consideration by the Board of Authority. Motion carried.

Mr. Mahoney suggested if staff have any items to be included in the by-laws, to let the attorneys know.

4. JOB DESCRIPTION FOR PROJECT MANAGER

Mr. Zavoral distributed a draft job description as a guideline to use for the project manager position. A suggestion was made to form a subcommittee to draft a job description and a notice for the job vacancy.

Metro Flood Study Work Group Meeting
July 21, 2011
3:30 p.m.
Fargo City Commission Room

A meeting of the Metro Flood Study Work Group was held at 3:30 p.m. on July 21, 2011 in the Fargo City Commission Room.

Work Group Members present: Fargo City Commissioner Tim Mahoney, Moorhead Council Members Dan Hunt, Nancy Otto and Diane Wray-Williams, Cass County Commissioner Scott Wagner, Clay County Commissioners Kevin Campbell and Grant Weyland, Cass County Water Resource District Manager Tom Fischer, Buffalo-Red River Watershed District Manager Gerald VanAmburg.

Work Group Members absent: Fargo City Commissioner Brad Wimmer, Cass County Commissioner Darrell Vanyo,

Staff Members present: Fargo City Engineer Mark Bittner, Fargo Senior Engineer April Walker, Moorhead City Manager Mike Redlinger, Moorhead City Engineer Bob Zimmerman, Cass County Administrator Keith Berndt, Clay County Administrator Brian Berg.

Others present: U.S. Army Corps of Engineers Project Manager Brett Coleman, U.S. Army Corps of Engineers Project Manager Terry Williams, U.S. Army Corps of Engineers Project Manager Aaron Snyder, Fargo City Attorney Erik Johnson, West Fargo Mayor Rich Mattern, Red River Basin Commission Executive Director Lance Yohe, Oxbow Mayor Jim Nyhof.

Approval of the June 23, 2011 Minutes

Scott Wagner moved the minutes from the June 23, 2011 Metro Flood Study Work Group meeting be approved. Nancy Otto seconded the motion. All Members present voted aye, and the motion was declared carried.

Status Report

Brett Coleman said the feasibility study is on schedule and will be sent Fed-Ex to division at the Corps headquarters tomorrow. The next big step with the study is on September 23rd when the Civil Works Review Board will meet in Washington, DC. He said there will be another review process with an end date of November 6th and then will begin the process of getting the project through to the Chief's Report. The Corps is sending out more rights of entries, he said, and the Corps will gather that information as they proceed. The pile-load test has also been awarded, he said, and the Corps will work with the contractor to get that established and set in process. August 3rd, he said, is the tentative date to sign the Design Agreement and the Corps is in the process of going through that review. He said there is one item missing, which is the in-kind request; however, the Corps expects to receive that either today or tomorrow and that will then be forwarded to headquarters for the review process.

Limited Joint Powers Agreement

Erik Johnson said the JPA has been approved by the six member entities and he is in the process of collecting the signatures so that it is fully executed. Members and alternate members have also been assigned for the Diversion Authority, he said.

Design Agreement

Aaron Snyder said as this project moves forward there will be a lot of flexibility and the Corps can entertain requests for work-in-kind. He said the best way to proceed at this point is to move forward with the tasks that need to be done and determine who is going to be in the best position to carry out that work whether it is done locally or with the Corps. The Corps, he said, wants to make sure that the project is implemented in the most efficient way possible with the end result being a great project.

In response to a question from Nancy Otto regarding the dissolution of the Work Group, Kevin Campbell said there will probably be things outside of the JPA scope that this Group will still need to take back to the separate entities for approval.

In response to a question from Gerry VanAmburg on what the impact would be to the design if 200,000 acre feet of storage were developed in the basin, Mr. Snyder said it would not change the design all that much from what is currently planned. He said what it would do is change the frequency of operations and there will still be significant impacts to the south.

Next Meeting Date

The Committee agreed to meet sometime after the Diversion Authority has met.

The meeting was adjourned at 4:04 p.m.



211 9th Street South, P.O. Box 2806, Fargo, ND 58108-2806
Phone 701-241-5600 Fax 701-241-5728

September 8, 2014

The Honorable Mark Dayton
Governor Mark Dayton
116 Veterans Service Building
20 West 12th St.
St. Paul, MN 55155

Dear Governor Dayton,

Thank you for visiting our community, and for the opportunity to discuss the Fargo-Moorhead Flood Control Project. Your presence here, and the sometimes spirited debate that ensued, provided a constructive step in the process of resolving some of the issues that have created concerns. While reasonable minds can agree to disagree about some of the issues, we were heartened to hear your statement on Point of View that it is "nearly unanimous that some form of long term diversion project is needed." We can probably also agree that no matter what the final design of that permanent protection may turn out to be, some people are likely going to be unhappy, and as much as I wish I could promise we can make everyone happy, I suspect we never will be able to do that.

But we also heard, loud and clear, your concern that we had not adequately respected Minnesota's process. I explained at our meeting that this was certainly not our intention. I am also reaching out to you to see if we can improve on that, starting with a number of commitments that I am prepared to advocate that the Diversion Authority adopt. We hope that you will agree that these commitments demonstrate our good faith. While we are optimistic that Congress sees the enormous value of what is literally a once-in-a-lifetime opportunity to obtain permanent flood protection, we hope you agree that any continued disagreement at the local level sends the wrong signal.

Limiting Work on the OHB levees to 100 year protection until the EIS is complete. The Diversion Authority, in consultation with Oxbow, would agree to limit levee construction to those features that provide 100 year protection from natural floods until the Minnesota EIS is finished. Although there does not appear to be any engineering dispute that full construction of the OHB levee would not have any impact on Minnesota, this would allow continued progress on an existing need, while addressing the concerns about levee work getting ahead of Minnesota's processes.

The Honorable Mark Dayton
September 8, 2014
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Delaying Construction of the Diversion Channel until the EIS is complete. The Diversion Authority would agree to not commence actual construction of any portion of the channel assigned to it for work-in-kind contribution until the MDNR finishes its review, with the understanding that the MDNR will agree to use its best efforts to have a final EIS completed by July 1, 2015. We think it is fair to note that even that date is over 7 months after the MDNR is legally obligated to have completed its review.

Adding Broader Geographic Representation to the Diversion Authority Board. The Diversion Authority would agree to add representation from a broader geographic area, including upstream Minnesota interests. Minnesota actually has greater representation on the current Diversion Authority Board than would be expected based on funding contributions, but I am prepared to propose adjustments that would provide a seat at the table for areas not currently represented. This would be with the understanding that any additional member(s) would recuse themselves from closed session discussions of any litigation in which they have an interest, such as the pending litigation commenced by the Richland/Wilkin JPA. Should any relevant litigation end, this condition would also end.

In addition to Board representation, I will advocate that the Board make additional visits to outlying affected areas. There was extensive outreach during the federal environmental review and design process, and I will advocate additional measures through completion of the Minnesota process.

Expediting the Resolution of the Pending Litigation. The Diversion Authority agrees to use its best efforts to seek a prompt resolution of the litigation commenced against it by the JPA, starting with a letter to the court requesting an immediate status conference to discuss how best to do that.

I am making these commitments with the clear understanding that we have not been given assurance that you will not pursue your ongoing efforts to block funding for the project, but I will ask you to consider that step. As I noted earlier, we might not be able to agree on everything even after we take all of the steps I have outlined above, but I hope we can agree that we are all better served if we can obtain permanent flood control for our communities as soon as possible.

Sincerely,



Darrell Vanyo
Fargo-Moorhead Diversion Authority Chairman

The Honorable Mark Dayton

September 8, 2014

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cc: Assistant Secretary Jo-Ellen Darcy
Senator John Hoeven
Senator Heidi Heitkamp
Senator Amy Klobuchar
Senator Al Franken
Congressman Kevin Cramer
Congressman Collin Peterson
Congresswoman Betty McCollum
Congressman John Kline
Congressman Tim Walz
Congresswoman Michele Bachmann
Congressman Keith Ellison
Congressman Erik Paulsen
Congressman Rick Nolan
Governor Jack Dalrymple
Senator Kent Eken
Senator Torrey Westrom
Representative Ben Lien
Representative Paul Marquart
Representative Jay McNamar
DNR Commissioner Tom Landwehr
Lt. General Thomas Bostick, Chief of Engineers, US Army Corps of Engineers
Mr. Shaun Donovan, Director, Office of Management & Budget, the White House



STATE OF MINNESOTA

Office of Governor Mark Dayton

116 Veterans Service Building ♦ 20 West 12th Street ♦ Saint Paul, MN 55155

September 15, 2014

Mr. Darrell Vanyo
Chairman
Fargo-Moorhead Diversion Authority
211 - 9th Street South
Post Office Box 2806
Fargo, North Dakota 58108-5728

Dear Chairman Vanyo:

I appreciate your letter of September 8th. I share your desire to forge a more constructive working relationship between the State of Minnesota and your Authority.

I appreciate the spirit behind your willingness to limit further construction on the Oxbow ring-dike. However, that matter is presently under litigation; thus, it would not be appropriate for me to comment or take a position on it. I wish you well with your expressed desire to put an end to that lawsuit by reaching an accord agreeable to all parties.

I also appreciate your willingness to delay any construction work on the channel until the Minnesota DNR completes its Environmental Impact Statement. I understand you are working with the DNR to complete the draft EIS by May 15, 2015, and we will do everything we can to make sure the final EIS is completed as quickly as possible.

Regarding Minnesota's representation on the Flood Diversion Authority's board, I continue to believe strongly in the need to re-balance its representation. Regarding the additional Minnesota members, I will defer to the judgments of our legislators, who represent both the city of Moorhead and the area impacted by the proposed staging area.

Again, I thank you for the courteous sentiments expressed in your letter. As my Mother always told me, "Actions speak louder than words." The Authority's future actions will determine, far more than its words, whether better relations are established with the parties and people who are now estranged from it. I hope that cooperation can be achieved.

Sincerely,

A handwritten signature in black ink that reads "Mark Dayton".

Mark Dayton
Governor

Task Order and AWD Summary

Date: October 9, 2014

Task Order and AWD Summary	Budget Estimate (\$)
HMG Task Order No. 8-Amendment 7 Work-In-Kind (WIK) <ul style="list-style-type: none"> Extended Period Of Performance Incorporated AWD-00039 (Cemetery Berm Concept Designs) Added scope and budget for additional Cemetery Assessment Team Support Services Added scope and budget for Large Structures Team Support Services 	\$ 86,000
HMG Task Order No. 13-Amendment 7 Levee Design and Design Support <ul style="list-style-type: none"> Added scope and budget for OHB Ring Levee Design Modification – 100-year Elevation Added scope and budget for WP-42H (El Zagal) Real Estate Drawings 	\$ 115,000
HMG Task Order No. 17-Amendment 0 Services During Construction <ul style="list-style-type: none"> Scope and budget for Services During Construction for WP-42A.1/A.3 (4th St Pump Station and 2nd St. So. Floodwall) and WP-42A.2 (2nd St. N. Pump Station) 	\$ 1,550,000
HMG AWD-00043 Eastern Staging Area Evaluation <ul style="list-style-type: none"> Added Engineering Services for Evaluation of East Staging Area 	10,000
Total	\$ 1,761,000

TASK ORDER SUMMARY

Houston-Moore Group, LLC (HMG)
Task Order No. 8, Amendment 7
Work-In-Kind (WIK)

Add \$ 86,000

Description:

Extend the period of performance for this task order to September 30, 2015, incorporate AWD-00039 Cemetery Berm Concepts, add scope and budget for additional Cemetery Assessment support services, and add scope and budget for Large Structures Team Support Services.

Background:

The period for performance for this task order expired on September 30, 2014 and is recommended to be extended to the end of FY-2015 to complete WIK support tasks.

AWD-00039 authorized work for the evaluation of cemetery berm concepts. In addition to this work, USACE has request additional support for the identification and evaluation of mitigation alternatives for the 11 cemeteries impacted by the Project.

Provide ongoing engineering consultation services to the USACE Large Structure Design Team to evaluate and design the following structures: Diversion Inlet Structure, Red River Control Structure, and Wild Rice River Control Structure.

Recommendation:

PMC recommends authorization for Task Order No. 8, Amendment 7 for \$ 86,000.

Houston-Moore Group, LLC (HMG)
Task Order No. 13, Amendment 7
Levee Design and Design Support

Add \$ 115,000

Description:

Provide design services to prepare an optional design for a “without project 100-year event elevation” levee. Work includes updating interior flood control model, updating levee plans, updating stormwater pond designs, updating earthwork balances, updating roadway replacement plans, and updating pump station design.

Provide real estate drawings for the El Zagal project per USACE requirements.

Background:

The Diversion Authority is considering an option to construct the remaining levee segments of the OHB ring levee (WP-43B, WP-43C, and portions of WP-43D) to the “without project 100-year flood event elevation”. To accommodate this design modification, several components of the levee and interior drainage designs require modifications.

The El Zagal project was incorporated into the FM Diversion Project and real estate drawings are to be prepared according to USACE requirements.

Recommendation:

PMC recommends authorization for Task Order No. 13, Amendment 7 for \$ 115,000.

**Houston-Moore Group, LLC (HMG)
Task Order No. 17, Amendment 0
Services During Construction**

Add \$ 1,550,000

Description:

Provide Services During Construction (SDC) for projects designed by HMG for the Fargo-Moorhead Area Flood Diversion Project (Project), and provide primary project management and construction inspection on specific projects.

Background:

Two (2) HMG designed construction projects for WP-42 (Red River Levees) have been bid and will be starting in the fall of 2014. Engineering services are required during construction of the project.

This task order authorizes SDC for WP-42A.1/A.3 (4th St Pump Station and 2nd St. So. Floodwall) and WP-42A.2 (2nd St. N. Pump Station) and includes fulfilling the duties of the Engineer, complying with MFR-018, participating in partnering meetings, complying with established safety plans, providing a Resident Project Representative (RPR), responding to RFIs, reviewing shop drawings, updating as-built drawings, assist Owner's Representative with payment applications, prepare a project inspection and monitoring plan, provide flood risk reduction certifications at completion of project, and provide project management services including monthly status reports, invoicing, and periodic project meetings.

Recommendation:

PMC recommends authorization for Task Order No. 17, Amendment 0 for \$ 1,550,000.

DRAFT

AWD SUMMARY

AWD-00043
Houston-Moore Group, LLC (HMG)
Eastern Staging Area Evaluation

Add \$ 10,000

Description:

Provide engineering design and modeling services to evaluate whether the area east of Clay County Highway 7 (40th St. S.) and south of the Embankment (Eastern Staging Area) can remain outside of the staging area.

Background:

Hydraulic modeling (Phase 7 HEC-RAS) and design performed in support of the September, 2013 Supplemental Environmental Assessment for the Fargo-Moorhead Metropolitan Area Flood Risk Management Project did not include the area east of Clay County Highway 7 (40th St. S.) and south of the Embankment in the staging area for the FM Diversion. Additional design and modeling in support of the Local Drainage Plan for the staging area has since shown that a connection may be needed to this area to pass local drainage and that could potentially bring this area into the staging area. Scope and budget changes will be incorporated into a future amendment to Task Order No. 9, Hydrology and Hydraulic Modeling.

Cost incurred under this AWD is not to exceed \$10,000.

DRAFT



CH2M HILL
657 2nd Ave N #5405
Fargo ND 58105-5405
Ph: (701) 566-5470

October 9, 2014

Metro Flood Diversion Authority
Attention: Darrell Vanyo, Chairman
211 9th Street South, Box 2806
Fargo, ND 58108

Subject: Work Package 42A.2, 2nd Street North Pump Station
Recommendation of Award

Dear Board Members:

CH2M HILL (Program Management Consultant) recommends the Metro Flood Diversion Authority award Work Package 42.A2, 2nd Street North Pump Station, to Industrial Builders, Inc. (IBI) in the amount of \$8,069,000.00 as the lowest and best bid.

We conducted a public Bid Opening for this project on September 30, 2014. No contractors responded to the Mechanical Construction (Contract 3) component of the Work Package; therefore, the Basis of Award is the Combined Construction (Contract 4) component. IBI alone provided a bid for Combined Construction. See attached bid opening summary for details.

IBI's bid for Combined Construction is approximately 21% lower than the Engineer's Opinion of Probable Cost. The bid appears to be complete and consistent with the required work; therefore, we feel it is appropriate for the Board to approve this award.

Contact me at 208-771-1686 or tyler.smith@ch2m.com if you have any questions regarding this recommendation.

Sincerely,

A handwritten signature in black ink that reads "Tyler Smith".

Tyler Smith, P.E.
Construction Manager
CH2M HILL
Owner's Representative

Attachment: Bid Opening Summary

Ltr-DivAuth-WP-42A.2-RecommendationOfAward-20141009.docx

c: Bruce Spiller/CH2M HILL
Keith Berndt/Cass County
Heather Worden/Cass County

Mark Bittner/City of Fargo
April Walker/City of Fargo
Gregg Thielman/HMG

BID OPENING SUMMARY

2nd Street North Pump Station

Work Package 42A.2

September 30, 2014



Bidder Name	Contract No. 1 General Construction	Contract No. 2 Electrical Construction	Contract No. 3 Mechanical Construction	Contract No. 4 All Construction	Bid Bonds	Contractor Lic.	Addenda
Industrial Builders, Inc.	\$ 7,516,900.00	\$ -	\$ -	\$ 8,069,000.00	✓	✓	✓
Lakehead Constructors	\$ 8,658,759.00	\$ -	\$ -	\$ -	✓	✓	✓
Wanzek Construction Inc.	\$ 10,105,300.00	\$ -	\$ -	\$ -	✓	✓	✓
Moorhead Electric	\$ -	\$ 435,500.00	\$ -	\$ -	✓	✓	✓
Fusion Automation	\$ -	\$ 449,536.00	\$ -	\$ -	✓	✓	✓
Rick Electric	\$ -	\$ 488,300.00	\$ -	\$ -	✓	✓	✓
Fritz Electric	\$ -	\$ 518,064.00	\$ -	\$ -	✓	✓	✓
John T. Jones	X	X	X	X	✓	✗	✓



This is Task Order No. 8, Amendment 57, consisting of 10 pages.

Houston-Moore Group, LLC

Task Order No. 8, Amendment 76

Work-In-Kind (WIK)

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 prior versions of this Task Order No. 8 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: **Work-In-Kind (WIK)**
- B. Description: This task order will include requests by USACE for the Local Sponsor (Diversion Authority) to provide WIK services related to the Project.
- C. Background: As allowed by the Federal process, USACE is allowed to request the Diversion Authority provide services as WIK for services that USACE would normally do, but that the Diversion Authority has resources or particular expertise to perform.

2. Services of Engineer

A. MEANDER BELT WIDTH ANALYSES:

Background: Meander Belt Width Analysis was begun under a separate contract. This scope expands upon the work completed under the separate contract.

Develop a Technical Memorandum (TM) that provides estimates of the probability of non-exceedance for different meander belt widths given design flows and channel geometry of the Low Flow Channel (LFC), variability and uncertainty in the erodibility and shear strength of the soils along the LFC, and most likely scenarios for the sequence of diversion works commissioning.

Develop for the following six (6) reaches:

- I. Diversion outlet upstream to Rush River inlet
- II. Rush River inlet upstream to Lower Rush River inlet
- III. Lower Rush River inlet upstream to Maple River aqueduct
- IV. Maple River aqueduct upstream to Drain 14 inlet
- V. Drain 14 inlet upstream to Drain 21C inlet
- VI. Drain 21C inlet upstream to Sheyenne River aqueduct

Conduct the following tasks:

- I. Site visit of Red River and tributaries.
- II. Conduct geoprobe drilling, sediment coring, and carbon dating at transects along successive point bars in meander loops at the Red River of the North, Sheyenne River, and Rush River (upstream of channelized reaches) to determine channel migration rates over geologic time scale.

- III. Identify channel avulsion using LiDAR, and develop preliminary hypothesis about possible triggers.
- IV. Calculate meandering planform statistics for different reaches of the Red River of the North, Rush, Lower Rush, Maple, and Sheyenne Rivers and compare bankfull geometry and streamwise slope for bracketing of the proposed planform and cross section configuration of the LFC.
- V. Develop RVR Meander models for selected reaches of the Red River of the North, Rush, Lower Rush, Maple, and Sheyenne Rivers to obtain calibration parameters for evaluation of the proposed planform and cross section configuration of the LFC.
- VI. Quantify the ultimate meander amplitude of the proposed planform configuration of the LFC using RVR Meander in probabilistic fashion to account for the observed variability in hydrologic conditions and soil properties.
- VII. Provide most optimal, alternative planform and cross section configuration of the LFC that minimizes meandering adjustments in both the short- and long-term. Evaluate need for lateral and vertical erosion control features in the LFC or the main diversion channel.
- VIII. Assess impact of different scenarios for commissioning of diversion works on short-term LFC meandering adjustments using RVR meander in deterministic fashion.
- IX. Develop a summary of significant O&M activities for the West Fargo Diversion and Horace to West Fargo Diversion Channels. This will include a map for every year since the Diversion channels were constructed, including items such as quantities and lengths of sediment removal, riprap, structure installations or modifications, or surveys.
- X. Provide technical assistance and review to USACE on sediment transport analysis and Geomorphology Study.

The following data and definitions will be provided by USACE or Owner:

- I. The resistance to erosion and shear strength properties of the soils along the LFC, including ongoing laboratory tests of soil erodibility at Texas A&M, as well as more recent geotechnical field investigations conducted along the LFC and main diversion channel.
- II. The proposed LFC dimensions (cross sections, slope) and planform configuration.
- III. Design flow discharges for the LFC, including updates on the hydrology of frequent events.
- IV. Proposed vegetation coverage at the bottom of the main diversion channel.
- V. Report prepared by WEST Consultants (“Geomorphology Study of the Fargo, ND & Moorhead, MN Flood Risk Management Project”), including electronic files containing historical data compiled and new data collected.
- VI. Most likely scenarios for commissioning of diversion works.

Prepare a first Draft Technical Memorandum:

- I. Summarize key findings during initial site visit.
- II. Describe field investigations along successive point bars in meander loops; include laboratory results of carbon dating, if available.
- III. Identify channel avulsion areas, and of other geomorphic features (e.g., oxbows) characterizing river dynamics over long spatial and time scales.

- IV. Present meandering statistics for the Red River of the North, Rush, Lower Rush, Maple and Sheyenne rivers and compare to bankfull geometry and streamwise slopes.
- V. Provide initial description of approach for meander belt width analysis using RVR Meander, including modeling in probabilistic terms.
- VI. Develop and calibrate RVR Meander models for selected reaches of the Red River of the North, Rush, Lower Rush, Maple, and Sheyenne Rivers.

Prepare a second Draft Technical Memorandum:

- I. Describe approach for meander belt width analysis using RVR Meander and extended geomorphologic analysis of the Red River of the North and its tributaries.
- II. Process data for input into meander belt width analysis of LFC.
- III. Provide meander belt width analysis of LFC using RVR meander, and iterations with sediment transport calculations.
- IV. Extend geomorphologic analysis of the Red River of the North and its tributaries, including determination of channel migration rates and channel avulsion potential over long time scales.
- V. Recommend design planform and cross section configuration for Final Design of LFC.

Develop a brief, graphics-rich, PowerPoint presentation of the background and results. This presentation must be suitable for a non-technical audience.

Deliverables:

- I. REV2 Technical Memorandum – Meander Belt Width Analysis
- II. REV2 PowerPoint Presentation

B. IDENTIFICATION AND ASSESSMENT OF TIE-BACK LEVEES:

- I. Background: USACE is undertaking an analysis to determine if the tie-back levees would be classified as jurisdictional dams. If the tie-back levees are classified as dams, the impact to the project needs to be determined.
- II. Assist the Owner and PMC with identifying and assessing the impacts to the Project due to the possible reclassification of the tie-back levees to be jurisdictional dams. Assistance may include:
 - analysis and comparison of Federal, State of North Dakota, and State of Minnesota regulations
 - identification of applicable design criteria
 - analysis of floodplain impacts, including FEMA, state law and rules, and local jurisdiction regulations
 - assessment of spillway and flowway requirements
 - recommendations for options for the project

C. EMB OPENINGS:

- I. Background: prior to operation of the Diversion, the Fargo-Moorhead area may experience flood events. The partially constructed works should not increase the impacts of flooding.
- II. Determine the location and size of openings in the excavated material berms (EMBs) to prevent an increase in flood elevations from the “without project” case for the 10-yr and

100-yr events. In addition to analysis of Red River and Rush/Lower Rush River events, analyze Sheyenne River and Maple River events. Provide to USACE design teams.

D. DIVERSION INLET GATES:

- I. Background: the FM Diversion Feasibility Study recommended a fixed weir for the inlet to the Diversion Channel. A gated inlet may offer some advantages over the fixed weir.
- II. Develop preliminary layout and sizing of a gated inlet to the Diversion channel, including gate sizing and number of gates, to pass flows up to the Inflow Design Flood (IDF). Describe operation during the Probable Maximum Flood (PMF).
- III. Assess capacity limitations of the Sheyenne River aqueduct for events up through the IDF.
- IV. Determine advantages and disadvantages of a fixed weir and a gated structure, including reliability, operability, through-town hydrograph, environmental, and geotechnical considerations, and impacts on the volume, frequency, and duration of water in the staging and storage areas for the 10, 100, and 500 year events.
- V. Develop preliminary comparative cost estimates of each type of inlet.

- E. 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. MAXIMUM PROJECT DESIGN FLOWS. For approximately 15 Project flow scenarios, ranging from 0 – 250,000 cubic feet per second (cfs) and with a maximum flow rate through the diversion channel of 100,000 cfs:
 1. Use existing model runs with Fargo Gage range of 30-40 feet and interpolate when needed, determine the following:
 - Modeled flow rates through the diversion channel.
 - Modeled flow rates through the Red River.
 - The water surface elevation for the southern embankment (staging/storage area).
 2. For stages at the Fargo Gage up to 43 feet, conduct modeling to determine:
 - Modeled flow rates through the diversion channel.
 - Modeled flow rates through the Red River.
 - The water surface elevation for the southern embankment (staging/storage area).

Deliverables: Provide a table of results. Use template developed by USACE.

- II. LOCAL DRAINAGE PLAN. Complete the scope of work identified in AWD-00005, currently being executed under City of Fargo contract No. 5683-5.

Deliverables:

1. Technical Memorandum – Local Drainage Plan for the FM Diversion Project.
2. PowerPoint Presentation.

- III. REACH 1 LOW FLOW CHANNEL (LFC) MEANDER MODELING.

1. Model the Reach 1 LFC design developed by USACE using the RVR Meander software.

Deliverables:

1. Technical Memorandum.

IV. GEOMORPHOLOGY CONSULTING

1. Provide senior engineer ongoing engineering consultation, preparation for workshop with Minnesota Department of Natural Resources, and workshop participation.

V. MN EIS SCOPING DOCUMENT

1. 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 feet. Assist the USACE with comments on the MN EIS Combination of Measures without a Diversion alternative.

Deliverables:

1. Revised upstream retention white paper.

VI. MN EIS PREPARATION SUPPORT

The Minnesota Department of Natural Resources (DNR) is preparing an EIS for the Fargo-Moorhead Flood Risk Management Project and requires support from the Local Sponsors to complete technical studies and reports for the EIS as listed below.

1. Socioeconomic Analysis:

The MN EIS will provide information on the social and economic effects of reducing flood risk within the Fargo-Moorhead Metropolitan area and impacts in the staging area. This information will satisfy the State's procedural requirements to assess social and economic factors as they relate to the Project and project alternatives (Minnesota Rules part 4410.2300 H) and address public comments received regarding the socioeconomic effects of the Project.

The socioeconomic impacts will quantitatively identify the costs of the Project (including mitigation) as well as the flood damage reduction benefits arising from operation of the Project (including mitigation). The EIS will also qualitatively disclose the social implications of the Project.

The socioeconomic analysis will incorporate new and updated information in addition to what was incorporated into models developed for the FFREIS. Therefore, the EIS model outputs will not provide a side-by-side comparison of model outputs developed for the FFREIS and will not be comparable to model outputs that were presented in the FFREIS or model outputs that would result from applying the model platform used for the FFREIS.

Model outputs for inclusion in the EIS will be quantitative cost/benefits for five different flood frequencies (10, 25, 50, 100, and 500-year) for all alternatives found to meet the purpose and need of the Project and carried forward in analysis. Flood elevations from the H&H flood frequencies will be used to populate a socioeconomic model to quantify flood related costs and benefits. Local and regional benefits will be ~~identified~~ identified and incorporated into the analysis.

Social impacts such as property buyouts will be described in monetary terms where possible and qualitatively disclosed where the impact is not quantifiable. If possible, the flood damages/fighting, development and qualitative social outputs will also be displayed geographically indicating North Dakota versus Minnesota and metropolitan versus rural.

- a. Software: Hazus-MH 2.1 (FEMA) with user supplied data for economic analysis (IMPLAN default data not provided with this version).

- b. Local and Regional Benefits – obtain from Corp’s Regional Economic Development (RED) account or similar source. An IMPLAN model can be used to develop quantitative outputs from updated RED information that can be added and/or subtracted from the costs and benefits output from the Hazus model.
 - c. Cost information for analysis:
 - i. Construction costs (quantitative)
 - ii. Mitigation costs (quantitative)
 - iii. Operation and maintenance costs (quantitative)
 - iv. Social costs (qualitative)
 - d. Benefit information needed for analysis:
 - i. Flood damages/fighting (quantitative)
 - ii. Development (quantitative)
 - iii. Induced economic growth (quantitative)
 - iv. Social (qualitative)
 - e. Analyze the following MN EIS alternatives (if found to meet the purpose and need of the Project):
 - i. Proposed Project
 - ii. Base No Action Alternative (no emergency measures)
 - iii. No Action Alternative (with emergency measures)
 - iv. Distributive Storage (with flood barriers)
 - v. C2 (move the Southern Alignment north 1.5 miles)
2. Other Studies and Support:
- a. Compilation of completed and currently funded flood risk reduction projects since FFREIS) – provide list of project descriptions and available information to DNR.
 - b. Changes in wetland impacts due to Project alignment changes – write memo based on information provided by USACE.
 - c. County and city land use plans (relevant portions) – provide information to DNR.
 - d. Analysis of hydrologic rating curve – provide DNR with updated H&H models that incorporate the most recent project modifications and mitigation measures (H&H 7.1 model update).
3. Deliverables
- a. Model outputs for different flood frequencies for all alternatives found to meet the purpose and need of the Project
 - b. For alternatives modeled, maps of the flood damages/fighting, development and qualitative social outputs displayed geographically indicating North Dakota versus Minnesota and metropolitan versus rural

- c. Project descriptions and available information of completed and currently funded flood risk reduction projects since FFREIS)
- d. Wetland impacts memo due to project changes
- e. County and city land use plans
- f. Updated H&H model

VII. CEMETERY ASSESSMENT TEAM SUPPPORT

Work with the Corps-Sponsor Cemetery Assessment Team to develop two to three mitigation alternatives (if applicable) for each site:

1. Identify impacts to each of 11 impacted cemeteries, both under existing conditions and with Project. Identify if the impact severity changes/increases under the “with-project condition” (does increase in depth, duration, frequency change/increase the impact).
2. Include issues/information identified during site-visits conducted on July 21-22, 2014.
3. Identify and screen alternatives for site-specific mitigation measures for the 11 cemeteries to be impacted by the diversion project. List all mitigation types considered.
4. Include the berm alternative evaluations.
 - a. Include alternatives for interior drainage features for a berm/wall alternative.
 - b. Consider use of closure types for access.
 - c. Identify whether there are any land constraints making a berm unfeasible at a particular cemetery.
5. Include a high-level cost estimate for each. The cost estimate should include line items for projected O&M costs with each mitigation alternative in place.
6. Consider how access to each site is under existing and “with-project conditions”. Include a rough cost estimate for mitigating for access.
7. The USACE will provide any necessary geotechnical assistance.
8. Develop a report that fully documents the efforts and analysis completed in developing a site-specific mitigation plan, including specific cemetery information.
 - a. Report should include cemetery maps which show land parcel information. This would also show the parcels adjacent to the cemetery which may be needed if a berm is to be constructed.
 - b. Incorporate the previously developed “Cemetery Study – June 2013” as an appendix.

VIII. LARGE STRUCTURES DESIGN TEAM SUPPORT

1. Provide senior engineer to provide ongoing engineering consultation to the USACE Large Structure Design Team. Participate in weekly meetings and provide status reports to Owner and PMC regarding design of the following structures: Diversion Inlet Structure, Red River Control Structure, and Wild Rice River Control Structure.

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. Meander Belt Width Analyses	April 12, 2012	October 31, 2012
B. Identification and Assessment of Tie Back Levees	June 1, 2012	October 31, 2012
C. EMB Openings	June 1, 2012	October 15, 2012
D. Diversion Inlet Gates	June 1, 2012	October 31, 2012
E. On-Call Services	TBD with each task	September 30, 2014 2015
E.I-Maximum Project Design Flows	July 16, 2012	October 31, 2012
E.II-Local Drainage Plan	September 13, 2012	October 31, 2012
E.III-Reach 1 Low Flow Channel Meander Modeling	November 8, 2012	December 31, 2012
E.IV-Geomorphology Consulting	December 13, 2012	September 30, 2013 2015
E.V-MN EIS Scoping Document Comment Support	April 24, 2013	September 30, 2014
E.VI-MN EIS Preparation Support	February 13, 2014	September 30, 2014 2015
E.VII-Cemetery Assessment Team Support	October 9, 2014	March 31, 2015
E.VIII-Large Structure Team Support	October 9, 2014	September 30, 2015

5. Payments to Engineer

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

- I. Compensation for services identified under Subtasks A through E shall be on a Time and Material basis 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 for Subtasks A through E is not-to-exceed amount as defined in the table below.
- III. Estimated budget for Subtask B, Identification and Assessment of Tie-Back Levees, Subtask C, Diversion Inlet Gates, and Subtask E, On-Call Services, are based on an allowance.
 1. Engineer will notify Owner when eighty percent (80%) of the budget on Subtask B, Identification and Assessment of Tie-Back Levees, Subtask C, Diversion Inlet Gates, and Subtask E, On-Call Services, is expended.
 2. Engineer will prepare and submit an amendment for additional compensation when ninety percent (90%) of budget on Subtask B, Identification and Assessment of Tie-Back Levees, Subtask C, Diversion Inlet Gates, or Subtask E, On-Call Services, is expended.
 3. Engineer will not perform work beyond one hundred percent (100%) of the budget for Subtask B, Identification and Assessment of Tie-Back Levees,

Subtask C, Diversion Inlet Gates, or Subtask E, On-Call Services, without Owner's authorization by an amendment to this Task Order.

Subtask	Current Budget (\$)	Change (\$)	Revised Budget (\$)
A. Meander Belt Width Analyses	307,203	0	307,203
B. Identification and Assessment of Tie-Back Levees	40,000	0	40,000
C. EMB Openings (Allowance)	39,989	0	39,989
D. Diversion Inlet Gates (Allowance)	55,418	0	55,418
E. On-Call Services (\$250,000 Allowance)	100,000	0	100,000
E.I. Maximum Project Design Flows	13,658	0	13,658
E.II. Local Drainage Plan	9,978	0	9,978
E.III. Reach 1 LFC Meander Modeling	9,693	0	9,693
E.IV. Geomorphology Consulting	15,736	0	15,736
E.V. MN EIS Scoping Document Comment Support	15,000	0	15,000
E.VI. MN EIS Preparation Support	250,000	0	250,000
E.VII. Cemetery Assessment Team Support		61,000	61,000
E.VIII. Large Structure Team Support		25,000	25,000
TOTAL	856,675	86,000	942,675

- B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.
- 6. Consultants:
 - A. Barr Engineering Company
 - B. HDR, Inc.
- 7. Other Modifications to Agreement: None
- 8. Attachments: None
- 9. Documents Incorporated By Reference: **AWD-00039 REV 0, Cemetery Berm Conceptual Designs and Rural Water Well Survey, dated July 10, 2014.**~~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

Signature _____ Date _____

Jeffrey J. Volk

Name

President

Title

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

C. Gregg Thielman

Name

Sr. Project Manager

Title

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West Fargo, ND 58078

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(701) 237-5065

Phone

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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

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Fax



This is Task Order No. 13, Amendment 76, consisting of 17 pages.

Houston-Moore Group, LLC

Task Order No. 13, Amendment 76

Levee Design and Design Support

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 prior versions of this Task Order No. 13 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: **Levee Design and Design Support**

B. Description: As part of Work-in-Kind (WIK), provide assistance to USACE, in design and design support activities, for design of levees along the Red River to support increased flow through the protected area and for levees in the upstream staging area. Provide Lands, Easements, Rights-of-Way, Relocations, and Disposal areas (LERRDs) assistance to Owner to support the levee designs.

C. Background:

- i. Red River Levees: At the November 8, 2012 Diversion Board meeting, the Board requested the US Army Corps of Engineers (USACE) add levees along the Red River to allow increased flow through the protected area. This task order allows HMG to provide design and design support to USACE for these Red River levees.
 - 1. Phase 1 – Screening of alternatives and selecting final alignment scope to include: Development of Alternatives, Public Involvement, Surveying, Geotechnical Exploration and Testing, Preliminary Geotechnical Analysis, Preliminary Hydrologic and Hydraulic Analysis, Preliminary Internal Flood Control Analysis, Preliminary Utility Investigation, Preliminary Levee and Structural Design, Transportation Evaluation, Preliminary Environmental Studies, Preliminary Report and Drawings, and Project Management.
 - 2. Phase 2 – Detailed Plans and Specifications: Based on the alternative selected in Phase 1, conduct a Value Engineering (VE) evaluation of the proposed project and prepare plans and specifications for 65 and 95 percent submittals, and prepare a cost estimate based on the 95 percent design submittal. Notice To Proceed (NTP) will be subject to the completion and signing of the USACE Supplemental Environmental Assessment (EA).
- ii. Upstream Staging Area Levees/Ring Dikes: At the November 8, 2012 Diversion Board meeting, the Board passed AWD-00020 Recommended Board of Authority Position for Post-Feasibility Alternatives Analysis VE-13A vs. VE-13C, which authorized HMG to begin conceptual design and site investigations of potential levees for the Oxbow.

2. Services of Engineer

A. General

- i. Red River Levees. Prepare Preliminary Design Report (PDR) and drawings for the construction of levees through town. The work will be done in 2 phases: Phase 1 will include screening of alternatives, preliminary design, and selecting final alignments. Phase 2 will include detailed plans and specifications.
- ii. Support for Upstream Stage Area Levees. Provide, as requested, assistance to USACE for design of ring levees and non-structural improvements in the Upstream Staging Area.
 1. Provide detailed designs for four of the Oxbow/Hickson/Bakke ring levee Work Packages (WP-43A, WP-43C, WP-43D, and WP-43E).

B. Scope of Work

- i. Red River Levees – Work will be done in 2 phases:
 1. Phase 1 - Screening of Alternatives, Selection of Alignment, and Preliminary Design for the area in Fargo, ND along the Red River between the existing railroad embankment near 5th Avenue North and the north end of the existing 4th Street levee (near 2nd Street South). Work will include:
 - a. Development of Alternatives – Develop up to three (3) protection alignment concepts and conceptual level cost estimates. Participate in an alignment selection meeting.
 - b. Public involvement – Meet with affected property owners (5 anticipated), participate in two (2) public meetings, and respond to calls after public meetings. Prepare visualizations of alignment alternatives(s).
 - c. Surveying – Conduct topographic survey of project corridor including elevations, utilities, landscaping, buildings, and streets.
 - d. Geotechnical Exploration and Testing – Determine location of borings, right-of-entry requests, conduct borings, field and laboratory testing, to determine surface and subsurface geological conditions.
 - e. Preliminary Geotechnical Analysis – Conduct preliminary stability analysis on alignment alternatives and report of findings.
 - f. Preliminary Hydrologic and Hydraulic Analysis - Conduct HEC-RAS modeling to complete preliminary evaluation of Red River stage impacts due to proposed project.
 - g. Preliminary Internal Flood Control Analysis – Conduct SWMM model update for existing conditions and proposed conditions with project (including consideration of interior ponding), review of historical precipitation and stream flow, simulation of low river gravity outlet condition, simulation of high river pumped outlet condition, and determine preliminary pump sizing and additional internal storage needs.
 - h. Preliminary Utility Investigation – Determine preliminary utility relocation requirements, conduct utility coordination meeting, and document utility relocation requirements and issues.

- i. Preliminary Levee Design Structural Design – Develop preliminary design of levee protection system, preliminary estimate of embankment and borrow requirements, and prepare a narrative of design criteria.
 - j. Preliminary Structural Design – Develop preliminary design for proposed floodwalls and closures, pump stations, and miscellaneous drainage structures. Prepare a narrative with descriptions of features, design considerations, and criteria assumptions.
 - k. Transportation Evaluation – Develop initial evaluation of transportation impacts, and participate in two (2) coordination meetings with City of Fargo staff and two (2) coordination meetings with railroad staff. Develop up to five (5) alternatives for the 2nd Street road alignment to accommodate flood protection alternatives.
 - l. Preliminary Environmental Studies – Complete Phase 1 Environmental Site Assessment report for six (6) properties.
 - m. Preliminary Design Report and Drawings – Prepare Preliminary Design Report (PDR) with cost estimates and preliminary project plans for selected alignment. Prepare artists renderings of selected plan.
 - n. Project Management – Document coordination and review, schedule and resource management, budgeting, and project team coordination.
 - o. Landscape Architecture/Master Planning- Provide landscape architecture and master planning services for the Red River Levees.
 - i. Provide landscape architecture services for the 2nd St. Corridor from NP Ave. to 4th Ave. Coordinate with the city of Fargo City Hall Project throughout the design phase of the City Hall Project.
 - ii. Provide master planning services from Mickelson to the 4th St. Levee.
2. Phase 2 – Detailed Plans and Specifications: Complete detailed project engineering and design and provide plans and technical specifications (Division 2 and higher) for the selected alternative from Phase 1. Include required surveying, environmental studies, permitting, removals and demolition, geotechnical and hydraulic analyses, internal flood control and pumping, levee systems, floodwalls, closures, traffic evaluations, road realignments and signal changes, public and private utility relocations, landscaping, drawings and specifications, internal QA/QC, design documentation, operation and maintenance plan, and project management and coordination. Major milestone deliverables include:
- a. 65 Percent Design Submittal – evaluate and incorporate accepted VE proposals into the design documents, advance the detailed design to 65 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, USACE Consistency, Agency Technical Review (ATR) and USACE Independent External Peer Review (IEPR) review teams.
 - b. 95 Percent Design Submittal – evaluate and incorporate 65 percent review comments into the design documents, advance the detailed design to 95 percent and submit the design report, plans and

specifications for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.

- c. Cost Estimate – prepare a cost estimate for the project based on the 95 percent submittal documents.
- d. Operation and Maintenance Plan – prepare draft O&M Plan for review by the Diversion Authority, PMC, and USACE. Incorporate review comments and prepare final O&M Plan.
- e. Bid Document Development – incorporate 95 percent review comments into the design documents and assist the PMC with development of bid documents.
- f. Additional design work to accommodate requested project changes:
 - i. Increase 2nd Street N pump station size and pumping capacity to 75,000 gpm and add formed pump suction inlets.
 - ii. Coordinate electrical design for connection to new back-up power generator on New City Hall site.
 - iii. Add forty feet of floodwall to the pump station construction package.
 - iv. Use USACE specifications in lieu of City of Fargo Specifications for the pump station.
 - v. Coordinate pump station and floodwall architectural and design and aesthetics with the New City Hall project.
 - vi. Provide Computational Fluid Dynamics (CFD) modeling for the pump station wetwell and pump inlet design.

3. Value Engineering Study (VES)

- a. Facilitate a VES in accordance with USACE guidelines (up to 3 days) with staff from the Diversion Authority, Program Management Consultant (PMC), and USACE. Prepare and distribute materials and documents, facilitate the workshop, and prepare a VES report.

4. 4th Street Levee Pump Station Replacement

- a. Background: At the November 8, 2012 Diversion Board meeting, the Board requested the USACE add levees long the Red River to allow increased flow through the protected area. To allow 35 feet through town, the 4th Street levee requires certification. In order to meet certification criteria, the stormwater pump stations on the north end of the levee must be replaced.
- b. Detailed Plans and Specifications: Provide design services and prepare detailed plans as described below.
 - i. Complete detailed project engineering and design and provide plans and technical specifications (Division 2 and higher) for the 4th Street Levee Pump Station. Include required surveying, Section 408 permit (if required), removals and demolition, geotechnical and hydraulic analyses, internal flood control and pumping, levee systems, closures, traffic evaluations, service road realignments, public and private utility relocations, landscaping, drawings and specifications,

internal QA/QC, design documentation, operation and maintenance plan, and project management and coordination. Major milestone deliverables include:

1. 35 Percent Design Submittal – prepare preliminary design submittal and submit the design report and preliminary plans for review by the Owner, PMC, and USACE Consistency and ATR review teams.
 2. 95 Percent Design Submittal – evaluate and incorporate 35 percent review comments into the design documents, advance the detailed design to 95 percent and submit the design report, plans and specifications for review by the Owner, PMC, and USACE Consistency and ATR review teams.
 3. Pre-Purchase Specifications - prepare up to 3 pre-purchase specifications, if requested, for:
 - a. Gates
 - b. Pumps
 - c. Electrical Panels
 4. Cost Estimate – prepare a cost estimate for the project based on the 35 percent and 95 percent submittal documents.
 5. Operation and Maintenance Plan – prepare draft O&M Plan for review by the Owner, PMC, and USACE. Incorporate review comments and prepare final O&M Plan.
 6. Bid Document Development – incorporate 95 percent review comments into the design documents and assist the PMC with development of bid documents.
- c. Additional design work to accommodate requested project changes:
- i. Increase capacity of the back-up power generator to accommodate power for adjacent sanitary sewer lift station.
 - ii. Modify the pump station and generator building design including: addition/modification of transoms and lintels, lower pump station slab, deletion of fuel storage, addition of louvers, removal of windows and parapets, and modification of brick veneer.
- d. Deliverables:
- i. Detailed Plans and Specifications
 1. 35 Percent Design Submittal
 2. 95 Percent Design Submittal
 - ii. Pre-Purchase Specifications
 - iii. 35 Percent Cost Estimate
 - iv. 95 Percent Cost Estimate
 - v. Operation and Maintenance Plan

1. Draft Plan
 2. Final Plan
- e. Work not included in this Scope of Services:
- i. Environmental permitting
 - ii. Utility Relocation Agreements
 - iii. ROW Acquisition including Appraisals, Title Searches, Title Opinions, Deeds
 - iv. Bid documents and bidding services
- ii. Upstream Staging Area Ring Levees:
1. Provide support as defined below and as requested in writing. Types of requests may include:
 - a. Respond to information requests by affected residences and develop information for presentations or public meetings.
 - b. Conduct a geotechnical site visit(s) of the levee site(s) to observe surface features and, if requested, conduct subsurface investigations.
 - c. Determine existing utilities and utility relocation requirements.
 - d. Begin conceptual design of the levees and/or floodwalls and floodgates, interior layout (which may include street layout, storm water sewer, storage, and lift station sizing, house relocation planning, and golf course layout), and external infrastructure (road raises for egress).
 2. Oxbow/Hickson/Bakke – Ring Levee Evaluation:
 - a. Prepare a proposed ring levee system to reduce flood risk to Oxbow/Hickson/Bakke, ND during operation of the Diversion Project and staging of water. Show the location of a potential ring levee, develop height required for ring levee, and evaluate access during periods of Diversion operation.
 - b. The ring levee will impact the golf course and clubhouse. Provide conceptual design services for re-design of the golf course and clubhouse.
 - i. Provide an updated conceptual design of golf course and clubhouse based on update levee alignment to accommodate a total of 80 replacement residential lots.
 - c. Initial Survey and Geotechnical Activities for Levee Design:
 - i. Work with USACE to develop a geotechnical investigation plan for the alternative Levee alignments for approval.
 - ii. Stake the location of approved borings and record the coordinates and elevations of the borings.
 - iii. Conduct laboratory testing on boring samples provide by the USACE for the OHB ring levee alternative alignments and Wild Rice River mirco-siting evaluation. Laboratory testing to include the following: Atterburg Limits, Water Content, Hydrometer and Sieve analysis, Proctor Density, Triaxial Compression-unconsolidated/undrained, Triaxial Compression-consolidated/undrained, Torsional Ring Shear,

Consolidation Reporting P-e, and TWT Extrusion and Description. Approximately 580 laboratory tests are planned.

- iv. Obtain and comply with right of entry (ROE) and right of way (ROE) requirements for each property entered.

The construction of the Oxbow/Hickson/Bakke (O/H/B) ring levee and associated work is phased. The work has been divided into five (5) Work Packages, which include: three (3) levee design packages, an interior drainage and road raise package, and a demolition and utility relocations package. One of the levee design packages (WP-43B) will be completed by the USACE. The remaining 4 design packages (WP-43A, WP-43C, WP-43D and WP-43E) will be completed in this scope of work. See Figure 1, attached.

Assumptions for WP-43A, WP-43C, WP-43D and WP-43E include:

- No additional surveys required (included in WP- 43B).
- Soil exploration, laboratory testing, and instrumentation costs included under WP-43B. Geotechnical design of the levee is required. Groundwater evaluation is required to determine impacts to existing septic systems, sewer systems and basements.
- No staging area water hydrologic and hydraulic (H&H) modeling required (included in WP- 43B). H&H for local drainage and interior drainage is required.
- Include design of levee, vegetation free zone, and ditching (input from WP-43B and WP-43D). CR-81 road raise will be in WP-43D. Retention basin/pump station design will be in WP-43D. Utility relocation design and demolition design will be in WP-43E.
- Coordination between designers for WP-43B, WP-43C, WP-43D, and WP-43E is required, along with review of design submittals from WP-43B.
- Develop design, plans, ROW drawings, technical specs, Design Documentation Report (DDR), cost estimate, and engineering considerations.
- Preliminary Engineering Report (PER) -35% review includes internal review, Sponsor review, and USACE Consistency and ATR review.
- Draft Technical Report (DTR) -65% review includes internal review, Sponsor review, USACE Consistency, ATR, and USACE IEPR. IEPR will be accomplished by the Natural Resources Conservation Service (NRCS)
- Final Technical Report (FTR) -95% review includes internal review, Sponsor review, and USACE ATR.
- Final Technical Certification (Bid Documents). Provide final documents for closeout of remaining comments and technical signoff. There will not be a review associated with this submittal.
- Bid set will include final Plans and Specifications.
- Assume limited work effort during the bid period consisting of: responding to bidders' questions and preparing amendments.
- Provide final contract award CD of all work items.

- Weekly coordination meetings will be held and will include: tech lead, geotech, cost/specs, and H&H designers. Assume the meetings for WP-43A and WP-43C, WP-43D, and WP-43E will be combined into one weekly meeting.
- Provide right of way drawings for the WP-43B portion of the levee.
- d. WP-43A – Levee Section from Riverbend Road to CR81 (southeast): Design approximately 7,300 lineal feet (lf) of levee, interior buffer zone, and interior drainage swale (if required – based on interior drainage developed in WP-43D), including geotechnical design, civil design, permitting, cost estimates, and preparation of drawings and technical specifications; coordinate design of interior levee buffer zone (drainage swale, snow drop area, and tree screen) and recreational features with O/H/B community and developer/golf course designer; determine affect of levee and exterior impounded water on existing septic systems, sewer systems, and basements. Coordinate with design of Retention Basin (WP-43D). Coordinate with design of road raise of CR-81 (design WP-43D). To be constructed with interior drainage stormwater pump station (WP-43D).
 - i. Deliverables:
 1. 35 Percent Design Submittal – prepare preliminary design submittal and submit the design report and preliminary plans for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.
 2. 65 Percent Design Submittal – evaluate and incorporate accepted VE proposals into the design documents, advance the detailed design to 65 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency, ATR & IEPR review teams.
 3. 95 Percent Design Submittal – evaluate and incorporate 65 percent review comments into the design documents, advance the detailed design to 95 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency, ATR & IEPR review teams.
 4. Cost Estimate – prepare cost estimates for the project based on the 35 percent and 95 percent submittal documents.
 5. Bid Document Development – incorporate 95 percent review comments into the design documents and assist the PMC with development of bid documents.
- e. WP-43C - Levee Section from CR-81 (northeast) to Riverbend Road: Design approximately 5,000 lf of levee, including geotechnical design, civil design, permitting, cost estimates, and preparation of drawings

and technical specifications; coordinate design of interior levee drainage with interior drainage design as part of WP-43D; coordinate design of interior levee slope and recreational features with O/H/B community and golf course designer. Removal/demolition of existing structures and utility cut, cap and removal will be designed under WP-43E.

i. Deliverables:

1. 35 Percent Design Submittal – prepare preliminary design submittal and submit the design report and preliminary plans for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.
2. 65 Percent Design Submittal – evaluate and incorporate accepted VE proposals into the design documents, advance the detailed design to 65 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency, ATR and IEPR review teams.
3. 95 Percent Design Submittal – evaluate and incorporate 65 percent review comments into the design documents, advance the detailed design to 95 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.
4. Cost Estimate – prepare cost estimates for the project based on the 35 percent and 95 percent submittal documents.
5. Bid Document Development – incorporate 95 percent review comments into the design documents and assist the PMC with development of bid documents.

- f. WP-43D –Interior Drainage and CR-81 Road Raises: Design interior drainage system for the O/H/B communities, including both new drainage infrastructure and required rehabilitation or upgrades to existing drainage infrastructure; design stormwater retention pond and new stormwater pump station, including surveying, H&H to determine ditch cross sections and slopes, culvert sizes and slopes, geotechnical, structural, electrical, architectural, civil, permitting, cost estimates, and preparation of drawings and technical specifications. Design road raises of CR-81, including geotechnical, geology, civil, cost estimates, and preparation of drawings and technical specifications, coordinate with levee design teams.

i. Deliverables:

1. 35 Percent Design Submittal – prepare preliminary design submittal and submit the design report and preliminary plans for review by the Diversion

Authority, PMC, and USACE Consistency and ATR review teams.

2. 65 Percent Design Submittal – evaluate and incorporate accepted VE proposals into the design documents, advance the detailed design to 65 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency, ATR and IEPR review teams.
3. 95 Percent Design Submittal – evaluate and incorporate 65 percent review comments into the design documents, advance the detailed design to 95 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.
4. Cost Estimate – prepare cost estimates for the project based on the 35 percent and 95 percent submittal documents.
5. Operation and Maintenance Plan – prepare draft O&M Plan for review by Diversion Authority, PMC, and USACE. Incorporate review comments and prepare final O&M Plan.
6. Bid Document Development – incorporate 95 percent review comments into the design documents and assist the PMC with development of bid documents.
7. Provide a separate bid package for the pump station and gateway pre-consolidation construction package.
8. Provide an above ground building for the stormwater pump station.

g. WP-43E – Demolition and Utility Relocations: Develop demolition plan for WP-43C Levee area (CR-81 (northeast) to Riverbend Road, including utility identification, identification of structures to be sold or demolished in place, environmental Phase 1, permitting, and required remediation. Design utilities to be cut, capped, and removed, and utilities to be relocated (coordinate with developer of new City of Oxbow infrastructure), including cost estimates, and drawings and technical specifications. Review adequacy of existing wastewater pump station and forcemain for the 38 additional residential units.

i. Deliverables:

1. 35 Percent Design Submittal – prepare preliminary design submittal and submit the design report and preliminary plans for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.

2. 65 Percent Design Submittal – evaluate and incorporate accepted VE proposals into the design documents, advance the detailed design to 65 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency, ATR and IEPR review teams.
 3. 95 Percent Design Submittal – evaluate and incorporate 65 percent review comments into the design documents, advance the detailed design to 95 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.
 4. Cost Estimate – prepare cost estimates for the project based on the 35 percent and 95 percent submittal documents.
 5. Bid Document Development – incorporate 95 percent review comments into the design documents and assist the PMC with development of bid documents.
- h. VES or Value Based Design Charrette (VBDC) – facilitate a VES or VBDC in accordance with USACE guidelines (up to 3 days) with staff from the Diversion Authority, PMC, and USACE. Prepare and distribute materials and documents, facilitate the workshop, and prepare a VES report.
- i. Coordinate and lead VES or VBDC of the five (5) O/H/B levee design packages (WP-43A through WP-43E).
 - i. **O/H/B Ring Levee Design Modification - 100-year Elevation**
Provide the following design services to provide a modified levee design for WP-43C and WP-43D to protect to the without project 100–year event elevation. Work tasks include:
 - i. Update interior flood control model based on 100-year levee earthwork quantities.
 - ii. Update WP-43D plans to include 100-year levee design.
 - iii. Update WP-43C plans to include 100-yr levee design.
 - iv. Calculate earthwork balance for 100-year levee design.
 - v. Update stormwater pond designs for 100-year levee earthwork quantities.
 - vi. Provide roadway replacement plans and traffic control for gravity drain construction area on Cass County Highway 81.
 - vii. Update pump station design based on 100-yr levee scenario. Includes reconfiguration of pump station elevation as well as general civil for access, etc.

viii. Update DDRs for WP-43C and WP-43D, including interior flood control, to include 100-year levee design documentation.

ix. Provide QA/QC review of design modifications.

3. Comstock – Ring Levee Evaluation:

- a. Prepare a proposed ring levee system to reduce flood risk to Comstock, MN during operation of the Diversion Project and staging of water. Show the location of a potential ring levee, develop height required for ring levee, and evaluate access during periods of Diversion operation.

4. Christine – Ring Levee Evaluation:

- a. Prepare a proposed ring levee system to reduce flood risk to Christine, ND during operation of the Diversion Project and staging of water. Show the location of a potential ring levee, develop height required for ring levee, and evaluate access during periods of Diversion operation.

5. Wolverton – Ring Levee Evaluation:

- a. Prepare a proposed ring levee system to reduce flood risk to Wolverton, MN during operation of the Diversion Project and staging of water. Show the location of a potential ring levee, develop height required for ring levee, and evaluate access during periods of Diversion operation.

6. Staging Area – Non-Structural Improvement Evaluation:

- a. Identify individual residential properties within the staging area and evaluate the potential benefit from non-structural improvements to reduce flood risk to residential structures during operation of the Diversion Project and staging of water. Show the location of potential improvements and evaluate access during periods of Diversion operation.
 - i. Provide mapping of residential structures and farmsteads impacted by the Staging Area for the 100-year event, and include estimated depth of impact for the structures with and without the project.
 - ii. Where technically feasible, provide concept for non-structural improvements and estimate cost of improvements.
 - iii. Develop database of impacted properties that includes relevant project information (such as depth of impact with and without project, etc.)
 - iv. Assist in preparation, provide meeting materials, and attend one-on-one meetings with impacted landowners.

7. Assist with preparation of materials for public meetings.

- iii. Provide land surveying services for In Town Levee and OHB Ring Levee projects. The surveying is required to create Right of Way descriptions and certificates of survey for 34 partial takes for the OHB Ring Levee and 17 certificates for the In Town Levee project.

1. Provide real estate drawings for the El Zagal project per USACE requirements.

iii.iv. Deliverables

1. Red River Levees – Phase 1

- a. Project Schedule with milestone dates for key activities and monthly updates
- b. Monthly Progress Reports and meeting minutes
- c. Alignment selection TM
- d. Geotechnical TM, including:
 - Geotechnical field and laboratory findings
 - Geotechnical stability analysis
 - Survey data
 - Geotechnical field logs
- e. Hydrologic and Hydraulic analysis TM
- f. Transportation TM
- g. Phase 1 Environmental Site Assessment reports
- h. Preliminary Design Report, including:
 - Preliminary pump sizing and storage needs
 - Utility relocation requirements and issues
 - Preliminary Levee design
 - Preliminary Structural design
 - Cost Estimate
 - Preliminary Drawings
- i. Landscape concepts and plans for the 2nd St. Corridor from NP Ave. to 4th Ave.
- j. Master Plan from Mickelson to 4th St. Levee.

2. Red River Levees - Phase 2

- a. 65 Percent Design Submittal
- b. 95 Percent Design Submittal
- c. Cost Estimates
- d. Operation and Maintenance Plan
 - i. Draft Plan
 - ii. Final Plan

3. Red River Levees – VES reports

4. Support for Upstream Staging Area Levees

- a. Oxbow/Hickson/Bakke TM
- b. WP-43A
 - i. 35 Percent Design Submittal
 - ii. 65 Percent Design Submittal
 - iii. 95 Percent Design Submittal
 - iv. Cost Estimates
- c. WP-43C
 - i. 35 Percent Design Submittal
 - ii. 65 Percent Design Submittal
 - iii. 95 Percent Design Submittal

- iv. Cost Estimates
- d. WP-43D
 - i. 35 Percent Design Submittal
 - ii. 65 Percent Design Submittal
 - iii. 95 Percent Design Submittal
 - iv. Cost Estimates
 - v. Operation and Maintenance Plan
 - 1. Draft Plan
 - 2. Final Plan
- e. WP-43E
 - i. 35 Percent Design Submittal
 - ii. 65 Percent Design Submittal
 - iii. 95 Percent Design Submittal
 - iv. Cost Estimates
- f. VES or VBDC reports
- g. Comstock TM
- h. Christine TM
- i. Wolverton TM
- j. Staging Area Non-Structural Improvements TM

~~iv-v.~~ Work not included in this Scope of Services

- 1. Environmental permitting
- 2. Utility Relocation Agreements
- 3. ROW Acquisition including Appraisals, Title Searches, Title Opinions, Deeds
- 4. Bid documents and bidding services

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>
2.B.i Red River Levees – Phase 1	November 8, 2012	September 30, 2013
2.B.ii Upstream Staging Area Ring Levees	November 8, 2012	September 30, 2013
Amendment 1 all work	December 13, 2012	September 30, 2013
2.B.ii.2.d WP-43A Bid Documents	August 8, 2013	May 4, 2014
Amendment 2 other work	August 8, 2013	May 31, 2015
Amendment 3 all work	November 14, 2013	September 30, 2014
Amendment 4 all work	February 13, 2014	September 30, 2014
Amendment 5 all work	May 8, 2014	September 30, 2014
Amendment 6 all work	August 14, 2014	September 30, 2015
Amendment 7 all work	October 9, 2014	September 30, 2015

5. Payments to Engineer

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

- i. Compensation for services shall be on a Time and Material basis 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 for Subtasks 2.B.i through 2.B.iii is not-to-exceed amount as defined in the table below.

- iii. Estimated budget for Subtask 2.B.ii, Upstream Staging Area Levees/Ring Dikes, is based on an allowance.
1. Engineer will notify Owner when eighty percent (80%) of the budget on Subtask 2.B.ii, Upstream Staging Area Levees/Ring Dikes, is expended.
 2. Engineer will prepare and submit an amendment for additional compensation when ninety percent (90%) of budget on Subtask 2.B.ii, Upstream Staging Area Levees/Ring Dikes, is expended.
 3. Engineer will not perform work beyond one hundred percent (100%) of the budget for Subtask 2.B.ii, Upstream Staging Area Levees/Ring Dikes, without Owner's authorization by an amendment to this Task Order.

Subtask	Current Budget (\$)	Change (\$)	Revised Budget (\$)
2.B.i.1 Red River Levees – Phase 1 Design	490,000	0	490,000
2.B.i.1.o.i Landscape Architecture/Master Planning - 2nd St. Corridor from NP Ave. to 4th Ave.	35,000	0	35,000
2.B.i.1.o.ii Master Planning Services - Mickelson to the 4th St. Levee	100,000	0	100,000
2.B.i.2 Red River Levees – Phase 2 Design	2,340,000 2,000,000	340,000	2,340,000
2.B.i.3 Red River Levees – VES	30,000	0	30,000
2.B.i.4 4 th Street Levee Pump Station Replacement	600,000	0	600,000
2.B.ii Upstream Staging Area Ring Levees (Allowance)	440,000 425,000	15,000	440,000
2.B.ii.2.d WP-43A Design	275,000	0	275,000
2.B.ii.2.e WP-43C Design	190,000	0	190,000
2.B.ii.2.f WP-43D Design	1,162,000 1,020,000	142,000	1,162,000
2.B.ii.2.g WP-43E Design	260,000	0	260,000
2.B.ii.2.h O/H/B Ring Levee – VES	30,000	0	30,000
2.B.ii.2.h i. O/H/B Ring Levee Design Modification - 100-Year Elevation	0	110,000	110,000
2.B.iii Right of Way Surveying	52,000	52,000 5,000	52,000 57,000
TOTAL	6,004,000 5,455,000	115,000 549,000	6,004,000 6,119,000

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

6. Consultants:

- a. Braun Intertec Corporation
- b. Northern Technologies, Inc.
- c. Robert Trent Jones II, LLC

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

DRAFT

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 November 8, 2012.

ENGINEER:

Houston-Moore Group, LLC

OWNER:

Fargo-Moorhead Metro Diversion Authority

Signature _____ Date _____
Jeffry J. Volk _____
Name _____

President _____
Title _____

Signature _____ Date _____
Darrell Vanyo _____
Name _____

Chairman, Flood Diversion Board of Authority _____
Title _____

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

C. Gregg Thielman _____
Name _____

Sr. Project Manager _____
Title _____

925 10th Avenue East _____
West Fargo, ND 58078 _____
Address _____

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

Keith Berndt _____
Name _____

Cass County Administrator _____
Title _____

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

cgthielman@houstoneng.com _____
E-Mail Address _____

berndtk@casscountynd.gov _____
E-Mail Address _____

(701) 237-5065 _____
Phone _____

(701) 241-5720 _____
Phone _____

Fax _____

(701) 297-6020 _____
Fax _____



*This is Task Order No. 17, Amendment 0,
consisting of 4 pages.*

Houston-Moore Group, LLC

Task Order No. 17, Amendment 0

Services During Construction – Work Package 42

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:

1. Specific Project Data

- A. Title: SERVICES DURING CONSTRUCTION – WORK PACKAGE 42
- B. Description: Provide Services During Bid (SDB) and Services During Construction (SDC) for projects designed by HMG for the Fargo-Moorhead Area Flood Diversion Project (Project), and provide primary project management and construction inspection on specific projects.
- C. Background: The scope of work for this Task Order includes SDB and SDC. Owner will be issuing various construction packages for bid. Engineer will assist Owner with SDC, including SDB. It is anticipated that the following construction contracts will be required:

- 1. WP-42A.1, A.3 – Red River Levees – 4th Street Lift Station, Gatewell, and Outfall Structure
- 2. WP-42A.2 – Red River Levees – 2nd Street Lift Station and Gatewell Structure

A. SERVICES DURING BIDDING

- 1. Respond to bidder inquiries forwarded by Owner's Representative during advertisement period and prepare addenda as necessary to provide a clear, biddable set of solicitation documents.
- 2. Attend and participate in pre-bid meetings and site visits.
- 3. Attend bid openings and, if requested, assist in evaluation of bids.
- 4. Incorporate addenda into the plans and technical specifications to create a set of Contract Award Documents.
- 5. Prepare a submittal register based on the Contract Documents indicating required submittals, the specific technical submittals requiring review and/or approval by the Engineer, and administrative submittals that can be reviewed by the Owner's Representative.

B. SERVICES DURING CONSTRUCTION

- 1. Fulfill the duties of Engineer in accordance with the specific requirements of the Contract Documents for each project.
- 2. Comply with the general guidelines of the Memorandum for Record No. 018 (MFR-018) "Fargo-Moorhead Metro (FMM) Flood Risk Management (FRM) Project – Sponsor Constructed Features Roles and Responsibilities" between the Diversion Authority, US Army Corps of Engineers (USACE), and the Program Management Consultant (PMC) as modified by the Rules and Responsibilities table in Attachment A.
- 3. Participate in one or more partnering meetings.
- 4. Comply with Owner's and Contractor's safety plans.

5. Provide a Resident Project Representative (RPR) that will represent the Engineer and Owner's Representative. RPR will have the duties and defined in the Contract Documents for each project. Observe construction in sufficient detail to certify the flood risk reduction features of the Project. Prepare site visit reports and submit to Owner's Representative and City of Fargo.
6. Respond to Requests for Information and other construction communication provided by the Owner's Representative.
7. Review shop drawings, samples, and operation and maintenance manuals for conformance with the Contract Documents.
8. Review and approve change orders or modifications that could affect the design or function of the Project.
9. Update monthly the As-Built drawings based on information provided by Owner's Representative.
10. Assist Owner's Representative with determination of monthly pay application quantities based on survey information provided by Owner's Representative.
11. Following completion of construction, update the Design Document Report to reflect the design changes, contract modifications, site conditions encountered, testing, and submittals.
12. Provide Final As-Built drawings in conformance with the same standards as the design drawings.
13. Prepare a post construction Inspection and Monitoring Plan specifying annual inspections required to verify satisfactory maintenance and performance of the flood risk management features.
14. Provide flood risk reduction certifications as required by Owner.

C. PROJECT MANAGEMENT

1. Provide project management, including monthly status reports and invoicing to PMC, on Engineer's task activity.
2. Participate in regular and periodic meetings or teleconferences with contractors, the Owner's Representative, City of Fargo, Owner, and USACE.

Deliverables:

1. Monthly status reports and invoices

D. ON-CALL SERVICES

Respond to requests for services from Owner or Owner's Representative for tasks not included in individual Task Orders. Services will be provided only with written authorization from Owner or Owner's Representative.

Deliverables:

1. On-call services deliverables as requested.

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 and in EXHIBIT B of the Agreement.

4. Times for Rendering Services

<u>Subtask</u>	<u>Start Time</u>	<u>Completion Time</u>
All Work	July 10, 2014	September 30, 2016

5. Payments to Engineer

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

I. Compensation for services in Subtasks A, B, and 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 budgets for Subtask D is an allowance.

B. Engineer will notify Owner when 80 percent of the budget is expended.

C. Engineer will submit an amendment for additional compensation when 90 percent of the budget is expended, or confirm to Owner that this Task Order can be completed for the remaining budget.

D. Engineer will not perform work beyond 100 percent of the budget without Owner's authorization by an amendment to this Task Order.

Subtask	Budget (\$)
A. Services During Bid	50,000
B. Services During Construction	1,300,000
C. Project Management	180,000
D. On-Call Services	20,000
TOTAL	1,550,000

E. The terms of payment are set forth in Article 4 and EXHIBIT of Agreement C.

6. Sub consultants: None

7. Other Modifications to Agreement: No additions or modifications

8. Attachments:

A. Roles and Responsibilities Matrix

9. Documents Incorporated By Reference:

A. Agreement between Owner and Engineer for Professional Services – Task Order Edition, dated March 8, 2012.

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 July 10, 2014.

ENGINEER:

Houston-Moore Group, LLC

OWNER:

Fargo-Moorhead Metro Diversion Authority

Signature _____ Date _____

Jeffry J. Volk _____

Name _____

President _____

Title _____

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

C. Gregg Thielman _____

Name _____

Sr. Project Manager _____

Title _____

925 10th Avenue East _____

West Fargo, ND 58078 _____

Address _____

cgthielman@houstoneng.com _____

E-Mail Address _____

(701) 237-5065 _____

Phone _____

Fax _____

Signature _____ Date _____

Darrell Vanyo _____

Name _____

Chairman, Flood Diversion Board of Authority _____

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 _____

ATTACHMENT A - ROLES AND RESPONSIBILITIES MATRIX

BID/CONSTRUCTION ROLES AND RESPONSIBILITIES MATRIX			
Activities	HMG Designed/ DA Bid	Corps Designed/ DA Bid	Corps Designed/ Corps Bid
Construction Management	OR	OR	Corps
Bidding	HMG-addendum (Corps review), Crediting (Corps reviews engineer's cost estimate, separate betterments in bid form, to the extent doable, so that it is easier to track creditable costs)	Corps – addendum, crediting, Pre-bid meeting, Pre-Qualifications	Corps (coordinate award of contracts with LS per PPA, but ultimately Corps call)
Pay Applications			
Measurement	HMG/RPR	OR	Corps
Process	PMC	OR	Corps
Payment	DA	DA	Corps
Inspection			
Daily	HMG	OR, Corps- cc'd	Corps
Specialty	Corps and City of Fargo	Corps(DOR)/IEPR, NDDOT, MNDOT, Cass Co (ND), Clay Co (MN), Township, RR, DOR	Corps/IEPR, NDDOT, MNDOT, Cass Co (ND), Clay Co (MN), Township, RR, DOR
QA	HMG/Terracon	OR (Corps reviews & addresses variations)	Corps
QC	Contractor	Contractor	Contractor
SDCs			
Shop Drawings	PMC to HMG, with some to Corps (will be identified)	OR to Corps	Corps
Changes Mgmt			
RFIs	HMG/RPR, PMC & Corps cc'd	OR to Corps	Corps
Design Changes	HMG/RPR, PMC & Corps cc'd	OR to Corps	Corps
Field Orders	HMG/RPR	OR to Corps	Corps
Change Orders	PMC to DA	OR to Corps	Corps
Sub Completion (use Levee Inspection Checklist)	PMC/HMG/Corps	OR/Corps	Corps/DA
Final Completion	PMC/HMG/Corps	OR/Corps	Corps/DA
Completed Levee Inspection Check List	Corps	Corps	Corps
Record Drawings	City of Fargo, HMG and Corps	OR to Corps	Contractor to Corps
Warranty	City of Fargo/HMG inspection	OR/Corps inspection	Corps/DA
O&M manual	Corps/HMG	Corps	Corps
O&M	DA/City of Fargo	DA	DA
FEMA Accrediting (designer certified)	DA	DA	DA
Update DDR (with changes and at end of construction)	HMG/PMC	Corps	Corps
National Flood Insurance Program (NFIP) Levee System Evaluation Report	OR/HMG/Corps		

OR=Owner's Representative (Program Management Consultant [PMC] is CH2M HILL), DOR=Designer of Record (HMG, Corps, TKDA), DA=Diversion Authority, NDDOT=North Dakota Department of Transportation, MNDOT=Minnesota Department of Transportation, Cass Co., Clay Co., RR=Railroad, City of Oxbow, Moore, Community Rep, City of Fargo, LS=Local Sponsors, Owner=Local Sponsors, Resident Project Representative (RPR)



METRO FLOOD DIVERSION PROJECT

AUTHORITY WORK DIRECTIVE

AWD-00043 REV-0

Eastern Staging Area Evaluation

		WORK TYPE:	<u>WIK</u>
TO:	Houston-Moore Group, LLC	DATE INITIATED:	<u>10/9/2014</u>
PROJECT:	<u>Fargo-Moorhead Diversion Engineering Design</u>		
OWNER:	<u>Metro Flood Diversion Authority</u>		

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

OBJECTIVE:

Provide engineering design and modeling services to evaluate whether the area east of Clay County Highway 7 (40th St. S.) and south of the Embankment (Eastern Staging Area) can remain outside of the staging area.

BACKGROUND:

Hydraulic modeling (Phase 7 HEC-RAS) and design performed in support of the September, 2013 Supplemental Environmental Assessment for the Fargo-Moorhead Metropolitan Area Flood Risk Management Project did not include the area east of Clay County Highway 7 (40th St. S.) and south of the Embankment in the staging area for the FM Diversion. Additional design and modeling in support of the Local Drainage Plan for the staging area has since shown that there may need to be a connection to this area to pass local drainage that could potentially bring this area into the staging area.

SCOPE:

Task 1 – Provide preliminary design for two Eastern staging Area alternatives. This includes civil and hydraulic design in support of two Alternatives. Alternative 1 includes turning the embankment south near Clay County Highway 7 and extending it to high ground to prevent the staging area from extending into the Eastern area. Alternative 2 includes keeping the current embankment alignment, but including a penetration through the embankment to pass local drainage for the Eastern area north into the Flood Damage Reduction area along its current drainage path.

Task 2 – Prepare Opinions of Probable Cost for the two alternatives evaluated in Task 1.

Task 3 – Prepare a summary memorandum outlining the results of the Eastern Staging Area Evaluation.

DELIVERABLES:

Draft and final memorandum.

SCHEDULE:

Begin upon receipt of AWD.

HOW WORK IS PERFORMED:

This work will be performed on a time and material basis.

COST:

Cost incurred under this AWD is not to exceed \$10,000.00. Scope and budget for this AWD will be included in a future amendment to Task Order No. 9, Hydrology and Hydraulic Modeling.

GRAY PANNELL & WOODWARD
Attorneys at Law

LLP

P.O. Box 8050 (31412)
24 Drayton Street, Suite 1000
Savannah, Georgia 31401
(912) 443-4040

One Buckhead Plaza
3060 Peachtree Road, N.W., Suite 730
Atlanta, Georgia 30305
(678) 705-6280

gpwlawfirm.com

September 11, 2014

City of Fargo
Mr. Kent Costin
Finance Director
200 Third Street North
Fargo, North Dakota 58102

Re: FARGO CASS DIVERSION PROJECT (CLIENT MATTER #12345-2)
January 1, 2014 through June 30, 2014

FOR PROFESSIONAL SERVICES RENDERED

1-2-14	PHT	Review bond counsel questions from Jessica Cameron forwarded by Kent Costin	0.4
1-3-14	PHT	Research on bond counsel questions	1.0
1-6-14	PHT	Review first draft of bond counsel questions memorandum from Erik Johnson; further research	1.2
1-7-14	PHT	Comments on first draft of memo; research; call with Erik Johnson	0.9
1-13-14	PHT	Review revised draft of bond counsel questions memorandum; revisions	1.1
1-15-14	PHT	Review distributed memorandum	0.3
3-3-14	PHT	Confer with Erik Johnson on type of federal moral obligation for the project	0.5
3-6-14	PHT	Review email from Erik Johnson; research on Army Corps of Engineers and other federal obligations; review the Diversion Authority's Limited Joint Powers Agreement together with First and Second Amendment; research on statutory and other authority for the issuance of bonds by the Diversion Authority or otherwise for the diversion project	2.5
3-7-14	PHT	Review of draft RFP for interim financing sent by Erik Johnson	0.3
3-10-14	PHT	Review of draft RFP for interim financing sent by Matt Schnackenberg; calls	0.2
3-14-14	PHT	Review email; further tax research on constited authority and on the behalf of issuances	1.0
3-26-14	PHT	Review conference call summary sheet prepared by Erik Johnson; participate in conference call; follow-up review	3.0
3-27-14	PHT	Review of PFM mails	0.1
4-2-14	PHT	Confer with Erik Johnson on proposed meeting with USACE	0.1
4-8-14	PHT	Preparation for conference call	0.5
4-9-14	PHT	Participation in conference call organized by Tom Waters in preparation for a meeting with USACE; preparation, follow-up	3.5

4-15-14	PHT	Preparation for USACE meeting; review emails; distribute bio	0.5
4-25-14	PHT	Review agenda for USACE meeting sent by Rocky Schnieder; review information on the USACE' state law and federal tax law research for anticipated topics and questions at the USACE meeting	4.0
4-29-14	PHT	Travel to Fargo meeting with USACE; review materials; preparation for meeting	9.0
4-30-14	PHT	Attending meeting in Fargo with all parties to the transaction	7.5
5-1-14	PHT	Attending meeting in Fargo with all parties to the transaction; return travel	11.0
5-5-14	PHT	Review Jill's updated P3 briefing and draft executive summary; sent by Aaron Snyder the presentation at the preceding meeting in Fargo from Terry Williams sent by Rocky Schnieder; and the information requested at the last meeting by various parties sent by Terry Williams; follow-up review	3.8
5-7-14	PHT	Review updated brainstorming overview sent by Jill Jamieson	0.8
5-12-14	PHT	Review meeting agenda, Brainstorming Overview and PPP Talking Points sent by Aaron Snyder; follow-up and preparation for conference call; review of diversion authority organizational documents and statutory authority; statutory review of authority of other parties	2.5
5-13-14	PHT	Attending ad hoc conference call; preparation and follow-up all with Erik Johnson	1.7
5-20-14	PHT	Attending ad hoc conference call; preparation and follow-up	2.1
5-27-14	PHT	Attending ad hoc conference call; preparation and follow-up	1.8
5-28-14	PHT	Review WRRDA information sent by Aaron Snyder; WRRDA research and background ; review notes sent by Terry Williams	1.5
5-30-14	PHT	Conference call initiated by Pat Zaverol for local group; follow-up with Erik Johnson; drafting outline bullet points on P3 goals and structure; research	2.5
6-4-14	PHT	Review financial model sent by Gerald Stedge for tomorrow's call; other preparation for call	2.3
6-5-14	PHT	Participation in ad hoc conference call; preparation and follow-up and debrief call with Waters, Johnson and Zaverol	2.5
6-6-14	PHT	Review agenda for next conference call; research on the "scoring" process	3.0
6-9-14	PHT	Review emails and preparation for conference call	0.3
6-10-14	PHT	Participation in ad hoc conference call; preparation; follow-up	1.2
6-20-14	PHT	Review 6-10-14 conference call notes sent by Aaron Snyder; review of NABL materials on PPP's and EnoCenter for Transportation PPP report	2.5
6-23-14	PHT	Review simplified scenarios sent by Aaron Snyder; preparation for conference call	1.5
6-24-14	PHT	Participation in ad hoc conference call; preparation and follow-up; review Tom Water's notes; confer with Tom Waters on topics for primer call on USACE; drafting topics memo for Waters	4.0
TOTAL HOURS			<u>82.60</u>

	<u>Hourly Billing Rates</u>	
<u>Attorney</u>	<u>Standard</u>	<u>Fargo Discount</u>
Paul Tietz	\$550.00	\$412.50

Amount Due (Six Months ended June 30, 2014):

Fees		
Standard Rate	\$45,430.00	
Less Discount	<u>11,357.50</u>	
Total		\$34,072.50
Disbursements		
Out of Town Travel	\$2,165.34	
Other	<u>-0-</u>	
Total		<u>\$2,165.34</u>
Total Amount Due		<u>\$36,237.84</u>

Remittance to:

Gray Pannell & Woodward LLP
 24 Drayton Street, Suite 1000
 Savannah, Georgia 31401

GRAY PANNELL & WOODWARD
Attorneys at Law

LLP

P.O. Box 8050 (31412)
24 Drayton Street, Suite 1000
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3060 Peachtree Road, N.W., Suite 730
Atlanta, Georgia 30305
(678) 705-6280

gpwlawfirm.com

September 11, 2014

City of Fargo
Mr. Kent Costin
Finance Director
200 Third Street North
Fargo, North Dakota 58102

Re: FARGO CASS DIVERSION PROJECT (CLIENT MATTER #12345-2)
July 1, 2014 through July 30, 2014

FOR PROFESSIONAL SERVICES RENDERED

7-7-14	PHT	Review materials on primer conference call from Tom Waters; preparation for call	1.0
7-8-14	PHT	Preparation for primer conference call; call with Tom Waters and Eric Johnson to discuss topics and questions; drafting outline sent to Tom Waters; research; ad hoc committee conference call	5.1
7-9-14	PHT	Local sponsor conference call; USACE Primer conference call; preparation and follow-up; review scoring process materials; review ad hoc meeting notes	4.8
7-11-14	PHT	Review Alt. Res. Issues tracking sheet sent by Tom Waters; various research	0.8
7-15-14	PHT	Meeting planning; emails	0.2
7-16-14	PHT	Pat Zaveral conference call with Goldman; follow-up with Kent Costin on Goldman matters	0.5
7-17-14	PHT	Ad hoc committee conference call; preparation and follow up	0.9
7-22-14	PHT	Ad hoc committee conference call; preparation and follow up; review materials sent; preparation review for D.C. meeting	2.2
7-25-14	PHT	Review materials from Aaron Synder; various research in preparation for D.C. meeting	1.3
7-28-14	PHT	Research and review for D.C. meeting	1.5
7-29-14	PHT	Travel to Washington, D.C.; attending meetings at USACE Headquarters	12.0
7-30-14	PHT	Attending meetings at USACE Headquarters in Washington, D.C.; return travel	12.0
		TOTAL HOURS	<u>42.3</u>

<u>Attorney</u>	<u>Hourly Billing Rates</u>	<u>Fargo Discount</u>
Paul Tietz	<u>Standard</u> \$550.00	\$412.50

Amount Due (Month of July, 2014):

Fees		
Standard Rate	\$23,265.00	
Less Discount	<u>5,816.25</u>	
Total		\$34,448.75
Disbursements		
Out of Town Travel	\$2,614.09	
Other	<u>-0-</u>	
Total		<u>\$2,614.09</u>
Total Amount Due		<u>\$20,062.84</u>

Remittance to:

Gray Pannell & Woodward LLP
 24 Drayton Street, Suite 1000
 Savannah, Georgia 31401



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorneys
Nancy J. Morris
Jason T. Loos

September 29, 2014

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 September 25, 2014 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through August 31, 2014 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 blue ink, appearing to be "ERJ", written over a blue circular stamp or watermark.

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

September 25, 2014
Invoice No. 1970664

RECEIVED
DATE 9-29-14

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

For Legal Services Rendered Through August 31, 2014

INVOICE TOTAL

Total For Current Legal Fees	\$88,896.50
Total For Current Disbursements and Service Charges	\$3,789.87
Total For Current Invoice	\$92,686.37¹

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: 091000022
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

FM Diversion Authority
Fiscal Accountability Report Design Phase (Fund 790)
As of 9/30/2014

	2011	2012	2013	2014	Cumulative Totals
Revenues					
City of Fargo	443,138	7,652,681	7,072,961	11,684,961	26,853,741
Cass County	443,138	7,652,681	7,072,961	11,684,961	26,853,741
State Water Commission	-	-	3,782,215	22,416	3,804,631
Other Agencies	98,475	1,700,595	1,571,769	2,596,658	5,967,497
Lease/Rental Payments	-	-	17,358	141,718	159,076
Asset Sales	-	-	-	616,774	616,774
Miscellaneous	-	-	1,705	626	2,331
Total Revenues	984,750	17,005,957	19,518,970	26,748,114	64,257,791
Expenditures					
7905 Army Corp Payments	-	-	875,000	1,050,000	1,925,000
7910 WIK - Administration	107,301	331,321	77,614	116,730	632,966
7915 WIK - Project Design	149,632	5,366,147	3,220,859	6,050,471	14,787,109
7920 WIK - Project Management	679,037	7,223,650	4,695,477	2,241,628	14,839,792
7925 WIK - Recreation	-	163,223	-	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	2,763,404	11,084,864	17,740,552
7931 LERRDS - Minnesota	-	27,996	289,387	11,490	328,872
7940 WIK Mitigation - North Dakota	-	-	-	587,180	587,180
7941 WIK Mitigation - Minnesota	-	-	-	-	-
7950 Construction - North Dakota	-	-	-	-	-
7951 Construction - Minnesota	-	-	-	-	-
7952 Construction - O/H/B	-	-	-	5,955,061	5,955,061
7955 Construction Management	-	-	-	85,000	85,000
7990 Project Financing	-	50,000	70,000	101,055	221,055
7995 Project Eligible - Off Formula Costs	-	-	-	-	-
7999 Non Federal Participating Costs	116	-	-	-	116
0000 Advance to City of Oxbow	-	-	7,527,231	630	7,527,861
Total Expenditures	984,750	17,005,957	19,518,970	27,284,109	64,793,786

FM Diversion Authority
 FY 2014 Summary Budget Report (In Thousands)
 September, 2014

	FY 2014 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
Revenue Sources						
City of Fargo	19,530	1,823	15,710			3,820
Cass County	19,530	1,823	15,710			3,820
State of ND - 50% Match	-	1,799	3,719			(3,719)
State of ND - 100% Match	26,600	-	85			26,515
State of Minnesota	-	-	-			-
Other Agencies	4,340	405	3,491			849
Financing Proceeds	-	-	-			-
Sale of Assets	-	-	617			(617)
Property Income	-	3	151			(151)
Miscellaneous	-	-	2			(2)
Total Revenue Sources	70,000	5,852	39,485			30,515
Funds Appropriated						
Army Corp Local Share	-	-	1,575		525	(2,100)
Management Oversight	2,300	591	3,828	166%	2,796	(4,324)
Technical Activities	7,900	1,486	7,969	101%	6,815	(6,884)
Land Acquisitions	37,700	147	20,006	53%	2,588	15,106
Construction	18,700	3,933	5,955	32%	7,592	5,153
Mitigation	-	-	587		-	(587)
Other Costs	3,400	30	101	3%	-	3,299
Total Appropriations	70,000	6,186	40,021	57%	20,316	9,663

**FM Diversion Authority
Summary of Cash Disbursements
September 2014**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-20	10/1/2014	JB09140029	CITY OF FARGO	\$ 420.00	FISCAL SERVICES	V00102	General & Admin. WIK
Total WIK - General & Admin. - Accounting Services				420.00			
790-7910-429.33-25	10/1/2014	252620	OXBOW, CITY OF	3,085.50	7/22-8/19/14 LEGAL SERVIC	V02407	OXBOW MOU-LEGAL SERVICES
	10/1/2014	252620	OXBOW, CITY OF	208.00	8/19/14 LEGAL SERVICES	V02407	OXBOW MOU-LEGAL SERVICES
	10/1/2014	252620	OXBOW, CITY OF	2,110.00	6/30-8/21/14 LEGAL SERVIC	V02407	OXBOW MOU-LEGAL SERVICES
	10/1/2014	252620	OXBOW, CITY OF	275.00	AUGUST LEGAL EXPENSES	V02407	OXBOW MOU-LEGAL SERVICES
	10/1/2014	252620	OXBOW, CITY OF	2,325.00	SEPTEMBER LEGAL SERVICES	V02407	OXBOW MOU-LEGAL SERVICES
	9/17/2014	252186	ERIK R JOHNSON & ASSOCIATES	10,309.65	METRO FLOOD PROJECT	V00102	General & Admin. WIK
Total WIK - General & Admin. - Legal Services				18,313.15			
790-7910-429.38-99	9/3/2014	251872	NORTH DAKOTA TELEPHONE CO	58.00	JUL 2014 SETUP/MINUTES	V00102	General & Admin. WIK
Total WIK - General & Admin. - Other Services				58.00			
790-7915-429.33-05	9/10/2014	252078	OXBOW, CITY OF	9,407.15	OXBOW OHB LEVEE PROJ	V02401	OXBOW MOU-PROJ MGMT ADMIN
	9/10/2014	252078	OXBOW, CITY OF	1,261.30	OXBOW OHB LEVEE PROJ	V02402	OXBOW MOU-PRELIM ENGINRNG
	9/17/2014	252253	OXBOW, CITY OF	176,878.24	OHB LEVEE PROJECT	V02405	OXBOW MOU-DES/CONST ENG
	10/1/2014	252620	OXBOW, CITY OF	6,892.00	OXBOW OHB LEVEE PROJECT	V02401	OXBOW MOU-PROJ MGMT ADMIN
	10/1/2014	252620	OXBOW, CITY OF	4,714.50	OXBOW OHB LEVEE PROJECT	V02402	OXBOW MOU-PRELIM ENGINRNG
	10/1/2014	252620	OXBOW, CITY OF	112,557.36	OXBOW OHB LEVEE PROJECT	V02405	OXBOW MOU-DES/CONST ENG
	10/1/2014	252602	MINNESOTA DNR	347,644.71	DIVERSION BOARD	V00701	MN DNR EIS
	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	24,126.59	JUNE 2014	V01608	WORK-IN-KIND (WIK)
	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	10,718.18	JUNE 2014	V01609	HYDROLOGY/HYDRAULIC MODEL
	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	414,312.78	JUNE 2014	V01613	LEVEE DESIGN & SUPPORT
	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	6,924.15	JUNE 2014	V01614	TRANS/DRAINAGE MASTER PLN
	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	55,134.10	JUNE 2014	V01615	DRAFT OPERATIONS PLAN
	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	6,270.50	JUNE 2014	V01616	PERMIT SUBMITTAL PREP
	9/17/2014	252277	URS CORPORATION	40,399.16	7/19-8/15/14	V01003	CULTURAL RESOURCES INVEST
Total WIK - Project Design - Engineering Services				1,217,240.72			
790-7915-429.38-99	9/18/2014	JB09140012	CITY OF FARGO	268,531.66	DIGITAL IMAGERY COST SHARE	V02501	2014 DIGITAL IMAGERY PROJ
Total WIK - Project Design - Other Services				268,531.66			

**FM Diversion Authority
Summary of Cash Disbursements
September 2014**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7920-429.33-05	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	67,784.32	JUN 2014	V01601	HMG - PROJECT MANAGEMENT
Total WIK Construction Mgmt. - Engineering Services				67,784.32			
790-7920-429.33-79	9/10/2014	252078	OXBOW, CITY OF	7,083.33	TIME 7/16-8/15/14	V02410	OXBOW MOU - PROJ MGMT JDA
	10/1/2014	252620	OXBOW, CITY OF	7,083.33	OXBOW MOU PROJECT MANAGER	V02410	OXBOW MOU - PROJ MGMT JDA
	9/17/2014	252172	CH2M HILL ENGINEERS INC	180,000.00	AUG 2014	V00204	CH2M Hill-9.1.13-9.13.14
	10/1/2014	252523	CH2M HILL ENGINEERS INC	310,000.00	CONTRACT MANAGEMENT	V00205	CH2M Hill-8.30.14-2.27.15
Total WIK Construction Mgmt. - Construction Management				504,166.66			
790-7930-429.33-05	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	968.50	JUN 2014	V01602	CR-31 BRIDGE DESIGN
	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	2,176.50	JUN 2014	V01604	CR-32 & CR-22 BRIDGE DSGN
	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	2,117.50	JUNE 2014	V01604	CR-32 & CR-22 BRIDGE DSGN
	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	1,259.00	JUN 2014	V01606	LAND MANAGEMENT SERVICES
	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	70.00	JUNE 2014	V01610	UTILITIES DESIGN
	9/24/2014	252377	HOUSTON-MOORE GROUP LLC	10,398.56	JUNE 2014	V01611	REACH 6 & CR20 BRIDGE
Total LERRDS - North Dakota - Engineering Services				16,990.06			
790-7930-429.33-25	9/10/2014	251967	DORSEY & WHITNEY LLP	118,675.73	DIVERSION LEGAL SERVICES	V00101	Dorsey Whitney Legal
	9/17/2014	252186	ERIK R JOHNSON & ASSOCIATES	5,376.25	METRO FLOOD PROJ-LEERDS	V00103	General & Admin. LERRDS
Total LERRDS - North Dakota - Legal Services				124,051.98			
790-7930-429.33-32	10/1/2014	252620	OXBOW, CITY OF	3,540.00	BORDER APPRAISALS	V02412	OXBOW MOU - APPRAISALS
	10/1/2014	252620	OXBOW, CITY OF	2,280.00	BORDER APPRAISALS	V02412	OXBOW MOU - APPRAISALS
Total LERRDS - North Dakota - Appraisal Services				5,820.00			
790-7930-429.38-95	9/3/2014	251846	KOCHMANN, CARTER	105.00	LAWN MOWING 333 SCHNELL D	V01701	ND LAND PURCHASES
Total LERRDS - North Dakota - Mowing Services				105.00			
790-7952-429.73-53	9/10/2014	252078	OXBOW, CITY OF	2,371,423.80	OXBOW MOU-CONST RPLM AREA	V02409	OXBOW MOU-CONST RPLM AREA
	10/1/2014	252620	OXBOW, CITY OF	1,561,317.15	OXBOW-MOU CONST RPLM AREA	V02409	OXBOW MOU-CONST RPLM AREA
Total O/H/B Construction - Dams/Reservoirs/Diversion				3,932,740.95			

**FM Diversion Authority
Summary of Cash Disbursements
September 2014**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7990-429.33-25	9/3/2014	423	P CARD BMO	30,000.00	NIXON PEABODY LLP	V00102	General & Admin. WIK
Total Project Financing - Legal Services				30,000.00			
Total Disbursed for Period				\$6,186,222.50			

**FM Diversion Authority
Cumulative Vendor Payments Since Inception
As of September 30, 2014**

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
HOUSTON-MOORE GROUP LLC	\$ 21,689,077.45	\$ 14,956,521.45	\$ 6,732,556.00	Engineering Services
CASS COUNTY JOINT WATER RESOUR	14,341,563.69	10,566,904.46	3,774,659.23	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
CH2M HILL ENGINEERS INC	14,140,819.01	12,590,819.01	1,550,000.00	Project Management
OXBOW, CITY OF	13,700,402.84	7,947,288.16	5,753,114.68	City of Oxbow - MOU
COMMERCIAL TITLE LLC	3,869,541.00	3,869,541.00	-	Oxbow MOU - Advance for Land Purchase
TITLE COMPANY	3,641,500.00	3,641,500.00	-	Oxbow MOU - Advance for Land Purchase
ARMY CORP OF ENGINEERS	2,450,000.00	1,925,000.00	525,000.00	Local Share
MINNESOTA DNR	2,188,007.43	1,292,414.71	895,592.72	EIS Scoping
KENNELLY & OKEEFFE	1,729,310.56	1,729,310.56	-	Home Buyouts
URS CORPORATION	1,501,488.42	927,190.00	574,298.42	Engineering Services
DORSEY & WHITNEY LLP	1,399,601.72	1,306,915.35	92,686.37	Legal Services
MOORE ENGINEERING INC	662,468.17	662,468.17	-	Engineering Services
DUCKS UNLIMITED	587,180.00	587,180.00	-	Wetland Mitigation Credits
HOUSTON ENGINEERING INC	576,669.57	576,669.57	-	Engineering Services
RED RIVER BASIN COMMISSION	500,000.00	447,747.40	52,252.60	Engineering Services
NORTHERN TITLE CO	484,016.00	484,016.00	-	Land Purchases
CITY OF FARGO	284,331.66	284,331.66	-	Digital Imagery Project & Accounting Services
ERIK R JOHNSON & ASSOCIATES	195,576.10	195,576.10	-	Legal Services
CASS COUNTY TREASURER	182,125.46	182,125.46	-	Property Tax
US GEOLOGICAL SURVEY	151,520.00	46,920.00	104,600.00	Stage Gages & Water Level Discharge Collection
PFM PUBLIC FINANCIAL MANAGEMEN	146,460.00	146,460.00	-	Financial Advisor
PROSOURCE TECHNOLOGIES, INC	100,000.00	8,324.94	91,675.06	Engineering Services
ULTEIG ENGINEERS INC	100,000.00	-	100,000.00	Engineering Services
BRAUN INTERTEC CORP	90,210.00	77,629.00	12,581.00	Quality Testing
OHNSTAD TWICHELL PC	58,730.66	58,730.66	-	ROE and Bonding Legal Fees
IN SITU ENGINEERING	54,800.00	47,973.00	6,827.00	Quality Testing
ADVANCED ENGINEERING INC	50,000.00	50,000.00	-	Public Outreach
TERRACON CONSULTING ENGINEERS	50,000.00	-	50,000.00	Materials Testing
GEOKON INC	33,815.36	33,815.36	-	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	33,066.02	33,066.02	-	Property Management Services

**FM Diversion Authority
Cumulative Vendor Payments Since Inception
As of September 30, 2014**

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
NIXON PEABODY LLC	30,000.00	30,000.00	-	Legal Services
INNOVATIVE ABSTRACT & TITLE CO	15,921.53	15,921.53	-	Oxbow MOU - Advance for Land Purchase
MOORHEAD, CITY OF	15,062.90	15,062.90	-	ROE Legal Fees
WARNER & CO	14,925.00	14,925.00	-	General Liability Insurance
BRIGGS & MORGAN PA	12,727.56	12,727.56	-	Legal Services
GRAY PANNELL & WOODWARD LLP	10,000.00	10,000.00	-	Legal Services
MCKINZIE METRO APPRAISAL	3,200.00	3,200.00	-	Appraisal Services
FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-	Advertising Services
DAWSON INSURANCE AGENCY	1,867.81	1,867.81	-	Property Insurance - Home Buyouts
FORUM COMMUNICATIONS (ADVERT)	1,743.77	1,743.77	-	Advertising Services
CLAY COUNTY AUDITOR	1,550.00	1,550.00	-	Property Tax
SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-	Public Outreach
RED RIVER TITLE SERVICES INC	1,305.00	1,305.00	-	Abstract Updates
HUBER, STEVE	1,056.43	1,056.43	-	Home Buyouts
NORTH DAKOTA TELEPHONE CO	926.40	926.40	-	Communication
TRIO ENVIRONMENTAL CONSULTING	747.60	747.60	-	Asbestos and LBP Testing - Home Buyouts
RED RIVER VALLEY COOPERATIVE A	536.96	536.96	-	Electricity - Home Buyouts
FERRELLGAS	496.00	496.00	-	Propane - Home Buyouts
BROKERAGE PRINTING	473.33	473.33	-	Custom Printed Forms
GALLAGHER BENEFIT SERVICES INC	250.00	250.00	-	Job Description Review
DONS PLUMBING	240.00	240.00	-	Winterize - Home Buyouts
KOCHMANN, CARTER	210.00	210.00	-	Lawn Mowing Services
CURTS LOCK & KEY SERVICE INC	138.10	138.10	-	Service Call - Home Buyouts
GOOGLE LOVEINTHEOVEN	116.00	116.00	-	Meeting Incidentals
FEDERAL EXPRESS CORPORATION	71.89	71.89	-	Postage
CASS COUNTY RECORDER	68.00	68.00	-	Oxbow MOU - Advance for Land Purchase
GRAND TOTAL	\$ 85,109,629.60	\$ 64,793,786.52	\$ 20,315,843.08	

**FM Diversion Authority
Lands Expense - Life To Date
As of September 30, 2014**

Property Address	Purchase Date	Purchase Price	Appraisal	Abstract	Tax Payment	Property Management Expense	Property Management Income	Sale Proceeds	Total
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	-	166,874.29	-	-	(240,166.11)	410,724.18
105 Oxbow Drive, Oxbow ND	11/28/2012	216,401.85	-	250.00	4,993.72	13,695.77	(18,680.72)	(181,249.54)	35,411.08
744 Riverbend, Oxbow ND	12/3/2012	343,658.30	-	170.00	7,296.43	16,839.08	(27,117.16)	-	340,846.65
121 Oxbow Drive, Oxbow ND	7/31/2013	375,581.20	3,200.00	-	1,581.52	19,519.02	-	(186,918.33)	212,963.41
333 Schnell Drive, Oxbow ND	9/20/2013	104,087.79	-	-	1,379.50	1,049.79	-	-	106,517.08
387 170th Ave SW, Moorhead MN	11/1/2013	281,554.91	-	255.00	1,550.00	2,247.01	-	(8,440.00)	277,166.92
SE 1/4 11-140-50 (Raymond Twp) - Ueland	1/20/2014	959,840.00	-	-	-	-	(13,543.73)	-	946,296.27
2 Tracts in the E 1/2-2-137-49 - Sorby/Maier	1/24/2014	1,636,230.00	-	-	-	-	(28,882.99)	-	1,607,347.01
346 Schnell Dr, Oxbow ND	2/13/2014	512,970.73	-	-	-	8,904.64	(7,500.00)	-	514,375.37
3 Tracts NW1/4 1-140-50, NW1/4 11-140-50, & S1/2 25-141-50 - Rust	2/18/2014	3,458,980.70	-	-	-	-	(59,830.86)	-	3,399,149.84
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	-	(15,654.86)	-	975,473.33
NW 1/4 36-141-50 - Monson	5/7/2014	943,560.05	-	-	-	-	(12,089.61)	-	931,470.44
SW 1/4-11-140-50 - Hoglund	7/21/2014	989,706.03	-	-	-	-	(2,668.42)	-	987,037.61
Total		11,297,715.75	3,200.00	675.00	183,675.46	62,255.31	(185,968.35)	(616,773.98)	10,744,779.19

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

Time Period for This Request: September 1, 2014 - September 30, 2014

Drawdown Request No: 5	
Requested Amount:	\$ 1,799,198
Total Funds Expended This Period:	\$ 3,598,397
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	\$ 1,799,198
Total Funds Requested:	\$ 1,799,198

STATE AID SUMMARY:	
Summary of State Funds Appropriated	
Appropriations from 2009 Legislative Session	\$ 45,000,000
Appropriations from 2011 Legislative Session	30,000,000
Appropriations from 2013 Legislative Session	100,000,000
Total State Funds Appropriated	\$ 175,000,000
Less: Payment #1 through #31 - City of Fargo	(48,006,910)
Less: Payment #1 - Cass County	(136,039)
Less: Payment #1 - FM Diversion Authority	(18,600)
Less: Payment #2 - FM Diversion Authority - REVISED	(782,908)
Less: Payment #3 - FM Diversion Authority	(342,762)
Less: Payment #4 - FM Diversion Authority	(861,162)
Less: Payment #5 - FM Diversion Authority	(1,799,198)
Total Funds Reimbursed	\$ (51,947,580)
Total State Fund Balances Remaining	\$ 123,052,420

LOCAL MATCHING FUNDS SUMMARY:	
Matching Funds Expended To Date - City of Fargo	\$ 47,071,452
Matching Funds Expended To Date - Cass County	291,500
Matching Funds Expended To Date - FM Diversion Authority	85,488
Total Matching Funds Expended To Date	\$ 47,448,440
Less: Match Used on Payment #1 through #31 - City of Fargo	(36,402,726)
Less: Match used on Payment #1 - Cass County	(136,039)
Less: Match Used on Payment #1 - FM Diversion Authority	(18,600)
Less: Match Used on Payment #2 - FM Diversion Authority	(66,888)
Balance of Local Matching Funds Available	\$ 10,824,187

Land Management Summary

October 9, 2014

Acquisitions Completed Through September 30, 2014

Property Type	Complete	
	Properties	Acreage
Single-Family Residential	6	27
<i>Subset: Medical Hardship</i>	5	27
Agricultural	15	1,558
Commercial	--	--
Multi-Family Residential	--	--
Public	--	--
Other	--	--

Acquisition Budget Through September 30, 2014

Fiscal Year	No. Properties Acquired	Lands Budget (\$000)	Lands Expenses (\$000)	Remaining Budget (\$000)
FY13	4	\$28,000	\$1,628	n/a
FY14	15	\$37,700	\$20,006	\$17,694

Other News for month of September:

- Received approval from USACE one residential, one agricultural, and two commercial appraisals.
- ProSource submitted two appraisals for Oxbow residential properties to USACE for review.
- Ulteig submitted two appraisals for Agricultural property to USACE for review.
- Numerous appraisals underway for properties for the Oxbow Ring Levee and for the In-Town Levee.
- CH2M HILL/AE2S is working with HMG to define the land and ROW needs for three, possibly four additional properties as part of the In-Town Levees.
- ProSource met with seven Owners in Oxbow to present initial purchase offers and begin relocation process. Purchase agreement signed with one owner.
- Purchase and relocation negotiations are underway with Oxbow Country Club.
- HMG is conducting additional analysis of acquisition requirements for a couple in-town levee properties.

Land Management Summary

October 9, 2014

Appraisals Complete or In Negotiation (sorted by closing date)

Street Address	USACE Orig ID No.	Type	Activity ¹	Land Acq Firm/ Appraiser	Est. Closing Date
Agricultural property 154ac – S14, T140, R50	901	Agricultural	Purchase Agrmt Signed	Direct negotiations	Nov 2014
Agricultural property 160ac – S2, T140, R50	885, tbd	Agricultural	Purchase Agrmt Signed	Direct negotiations	Oct 2014, Jan 2015
345 Schnell Drive	9663	Residential	Purchase Agrmt Signed	ProSource/Hraba	November 1, 2014
Agricultural property 49.5ac – S13, T137, R49	1931, 1936	Agricultural	Purchase offer accepted. Pending signatures	Ulteig/Bock	November 7, 2014
Agricultural property 45ac – S25, T138, R50	1201	Agricultural	In Negotiations	Direct negotiations	
Agricultural property 214ac – S13, T137, R49; S14, T137, R49	1930, 1940, 1941	Agricultural	Appraisal Approved	Ulteig/Bock	
Agricultural property 266ac – S23, T137, R49; S24, T137, R49	1975, 1985	Agricultural	In Negotiations	Ulteig/Bock	
130 Oxbow Drive (9 parcels for golf course)	2313, 2354, 9631, 9632, 9633, 9652, 9653, 9764, 9766	Commercial	In Negotiation	Ulteig/Mueller	
748 Riverbend Rd	9591	Residential	In Negotiation	ProSource/Hraba	
752 Riverbend Road	9592	Residential	In Negotiation	ProSource/Hraba	
350 Schnell Drive	9649	Residential	In Negotiations	ProSource/Hraba	
349 Schnell Drive	9664	Residential	In Negotiations	ProSource/Hraba	
353 Schnell Drive	9665	Residential	In Negotiations	ProSource/Hraba	
357 Schnell Drive	9666	Residential	In Negotiations	ProSource/Hraba	
361 Schnell Drive	9667	Residential	In Negotiations	ProSource/Hraba	
City of Fargo - School District 1	9777	Commercial	In Negotiations	HMG/Britton	
Park East Apartments, LLC	9782	Commercial	Appraisal Approved	HMG/Britton	
BNSF	9259, 9779, 9780	Commercial	Appraisal Approved	HMG/Britton	
329 Schnell Drive	9659	Residential	Appraisal Approved	ProSource/Hraba	
Agricultural property 157ac – S10, T141, R49; S10, T141, R49	547, 548	Agricultural	Appraisal in Review	Ulteig/Bock	

Land Management Summary

October 9, 2014

Street Address	USACE Orig ID No.	Type	Activity ¹	Land Acq Firm/ Appraiser	Est.Closing Date
Agricultural property 140ac – S23, T137, R49; S24, T137, R49	1979, 1987	Agricultural	Appraisal in Review	Ulteig/Bock	
17495 52nd St SE, Hickson	1989	Residential	Appraisal in Review	ProSource/Hraba	
Agricultural property 283ac – S24, T137, R49	1986, 1988, tbd	Agricultural	Appraisal in Review	Ulteig/Bock	
5059 Makenzie Cir, Horace (owner of 3 other parcels)	2150, 9669, 9672	Residential	Appraisal in Review	ProSource/Hraba	
Rural Address (Individual) Permanent easement	9581	Residential	Appraisal in Review. Purchase agreement signed between owner & OJDA	ProSource/Hraba	
Feder Realty Co.	9776	Commercial	Appraisal in Review	HMG/Britton	
Northland Hospitality, LLC	9785	Commercial	Appraisal in Review	HMG/Britton	

¹ Activity sequence: 1) Appraisal in Review; 2) In Negotiation; 3) Purchase Agreement Signed

² PP-Purchase Price, includes relocation costs unless noted; AV-Appraised Value. Does NOT include outstanding special assessment or tax balances. Final amount paid will be based on the closing statements for each property.

Appraisals in Progress (sorted by Activity, then Original ID Number)

Street Address	USACE Orig ID No.	Type	Activity ¹	Land Acq Firm/ Appraiser
5302 174 ½ Ave SE	1898	Residential	Appraisal Initiated	HMG/Britton
1318 Elm Street, Fargo	9200	Residential	Appraisal Initiated	HMG/Britton
1322 Elm Street, Fargo	9201	Residential	Appraisal Initiated	HMG/Britton
1326 Elm Street, Fargo	9202	Residential	Appraisal Initiated	HMG/Britton
1330 Elm Street, Fargo	9203	Residential	Appraisal Initiated	HMG/Britton
1333 Oak Street, Fargo	9204	Residential	Appraisal Initiated	HMG/Britton
1341 Oak Street, Fargo	9205	Residential	Appraisal Initiated	HMG/Britton
City of Fargo Park District	9206, 9207, 9208	Commercial	Appraisal Initiated	HMG/Britton
1429 3 rd Street N, Fargo	9209	Commercial	Appraisal Initiated	HMG/Britton
City of Fargo - Park District	9212	Commercial	Appraisal Initiated	HMG/Britton
Professional Associates LLC	9213	Commercial	Appraisal Initiated	HMG/Britton
Mid America Steel	9215, 9216, 9217, 9218, 9783	Commercial	Appraisal Initiated	HMG/Britton

Land Management Summary

October 9, 2014

Street Address	USACE Orig ID No.	Type	Activity ¹	Land Acq Firm/ Appraiser
Rural Address (Church) <i>Permanent easement</i>	9465	Commercial	Appraisal Initiated	ProSource/Hraba
326 Schnell Drive	9641	Residential	Appraisal Initiated	ProSource/Hraba
328 Schnell Drive	9642	Residential	Appraisal Initiated	ProSource/Hraba
334 Schnell Drive	9645	Residential	Appraisal Initiated	ProSource/Hraba
336 Schnell Drive	9646	Residential	Appraisal Initiated	ProSource/Hraba
338 Schnell Drive	9647	Residential	Appraisal Initiated	ProSource/Hraba
354 Schnell Drive	9650	Residential	Appraisal Initiated	ProSource/Hraba
358 Schnell Drive	9651	Residential	Appraisal Initiated	ProSource/Hraba
313 Schnell Drive	9655	Residential	Appraisal Initiated	ProSource/Hraba
317 Schnell Drive	9656	Residential	Appraisal Initiated	ProSource/Hraba
321 Schnell Drive	9657	Residential	Appraisal Initiated	ProSource/Hraba
325 Schnell Drive	9658	Residential	Appraisal Initiated	ProSource/Hraba
337 Schnell Drive	9661	Residential	Appraisal Initiated	ProSource/Hraba
341 Schnell Drive	9662	Residential	Appraisal Initiated	ProSource/Hraba
365 Schnell Drive	9668	Residential	Appraisal Initiated	ProSource/Hraba
City of Fargo	9768	Commercial	Appraisal Initiated	HMG/Britton
City of Fargo - Housing Authority	9769	Commercial	Appraisal Initiated	HMG/Britton
Case Plaza LLC	9770	Commercial	Appraisal Initiated	HMG/Britton
City of Fargo - Park District	9771, 9781, 9784	Commercial	Appraisal Initiated	HMG/Britton
City of Fargo	9772	Commercial	Appraisal Initiated	HMG/Britton
843 Riverbend Road	9502	Residential	Owner notified	ProSource/Hraba
839 Riverbend Road	9503	Residential	Owner notified	ProSource/Hraba
833 Riverbend Road	9504	Residential	Owner notified	ProSource/Hraba
829 Riverbend Road	9505	Residential	Owner notified	ProSource/Hraba
821 Riverbend Road	9506	Residential	Owner notified	ProSource/Hraba
817 Riverbend Road	9507	Residential	Owner notified	ProSource/Hraba
813 Riverbend Road	9508	Residential	Owner notified	ProSource/Hraba
809 Riverbend Road	9509	Residential	Owner notified	ProSource/Hraba
805 Riverbend Road	9510	Residential	Owner notified	ProSource/Hraba

Land Management Summary

October 9, 2014

Street Address	USACE Orig ID No.	Type	Activity ¹	Land Acq Firm/ Appraiser
749 Riverbend Road	9511	Residential	Owner notified	ProSource/Hraba
724 Riverbend Road	9587	Residential	Owner notified	ProSource/Hraba
808 Riverbend Road (2 parcels at this address)	9593, 9594	Residential	Owner notified	ProSource/Hraba
810 Riverbend Road	9595	Residential	Owner notified	ProSource/Hraba
816 Riverbend Road	9596	Residential	Owner notified	ProSource/Hraba
828 Riverbend Road	9599	Residential	Owner notified	ProSource/Hraba
840 Riverbend Road	9600	Residential	Owner notified	ProSource/Hraba
844 Riverbend Road	9601	Residential	Owner notified	ProSource/Hraba
848 Riverbend Road	9602	Residential	Owner notified	ProSource/Hraba
852 Riverbend Road (owner of 3 other parcels)	9603	Residential	Owner notified	ProSource/Hraba
856 Riverbend Road (owner at 852 Riverbend)	9604	Residential	Owner notified	ProSource/Hraba
860 Riverbend Road (owner at 852 Riverbend)	9605	Residential	Owner notified	ProSource/Hraba
864 Riverbend Road (owner at 852 Riverbend)	9606	Residential	Owner notified	ProSource/Hraba
872 Riverbend Road	9607	Residential	Owner notified	ProSource/Hraba
869 Riverbend Road	9608	Residential	Owner notified	ProSource/Hraba
873 Riverbend Road	9609	Residential	Owner notified	ProSource/Hraba
477 Oxbow Drive	9614	Residential	Owner notified	ProSource/Hraba
473 Oxbow Drive	9615	Residential	Owner notified	ProSource/Hraba
469 Oxbow Drive	9616	Residential	Owner notified	ProSource/Hraba
465 Oxbow Drive	9617	Residential	Owner notified	ProSource/Hraba
461 Oxbow Drive	9618	Residential	Owner notified	ProSource/Hraba
457 Oxbow Drive	9619	Residential	Owner notified	ProSource/Hraba
455 Oxbow Drive	9620	Residential	Owner notified	ProSource/Hraba
425 Oxbow Drive	9628	Residential	Owner notified	ProSource/Hraba
330 Schnell Drive	9643	Residential	Owner notified	ProSource/Hraba
332 Schnell Drive	9644	Residential	Owner notified	ProSource/Hraba
309 Schnell Drive (owner of 2 other parcels)	9654	Residential	Owner notified	ProSource/Hraba
Rural address (owner at 5059 Makenzie?)	9670, 9671	Residential	Owner notified	ProSource/Hraba

Land Management Summary

October 9, 2014

¹ Activity stages: 1) Owner notified; 2) Appraisal Initiated; 3) Appraisal in review

² PP-Purchase Price; AV-Appraised Value; includes relocation costs. Does NOT include outstanding special assessment or tax balances. Final amount paid will be based on the closing statements for each property.

Speaking Notes on the History of the FM Diversion Authority
By Keith Berndt
October 9, 2014

In the spring of 2009, the flood of record wreaked havoc on the Fargo-Moorhead region. In the past 5 years since that event a lot of history has been written.

With the inevitable turnover of political leaders over time, it can be easy to forget how or why things came to be. Even long-serving elected officials occasionally need to be reminded from time to time.

Recent comments and press coverage suggests a need to briefly review some of that history.

The cooperation between North Dakota and Minnesota for flood protection was fortified in 2009 when the Metro Flood Management Committee was formed. All parties agreed that something needed to be done to protect the metro area from future catastrophic floods. The Metro Flood Management Committee consisted of elected officials from Fargo, Moorhead, Cass County, and Clay County, along with one appointed representative from the watershed district on each side of the river. To do the math, that equates to 15 Minnesota members and 11 North Dakota members.

Next, the Metropolitan Flood Management Work Group was formed after it became clear a smaller group could more effectively meet and get work accomplished. This group consisted of six Minnesota and five North Dakota representatives. These representatives came from the same six public entities across both States. This group was Co-Chaired by representatives from both States and the group met regularly from 2009 to 2011. Minnesota leaders weighted in on their preferences for as to the best plan.

The Metropolitan Flood Management Work Group, represented by a majority of Minnesotans, voted unanimously in April 2011 to endorse a North Dakota diversion plan that included staging water upstream. A few days later, each of the six entities - three in each State - approved a resolution of support of the **North Dakota diversion with the upstream staging area.**

After it became clear that the majority of the Diversion Project would be constructed in North Dakota, the majority of the impacts would be in North Dakota, and the majority of the benefits would be in North Dakota, it was decided that North Dakota should also provide the funding for the vast majority of the Project as well. The tentative agreement at the time was that North Dakota entities would cover 90

percent of the estimated billion dollar non-federal cost and Minnesota would cover the remaining 10 percent.

At the time, the North Dakota diversion decision and the 90/10 split between the two States was lauded as a great accomplishment by all Minnesota legislators. In reference to the \$100 million, longtime Minnesota Democrat Sen. Keith Langseth went so far to say that, "We would be so happy to fund a diversion channel on the North Dakota side that we would very willingly come up with the money." (AP - Feb. 1, 2010)

The change in the diversion's alignment from Minnesota to North Dakota also spurred a change in the makeup of the board. In May 2011, the Metropolitan Flood Management Work Group unanimously approved the Joint Powers Authority Board made up of the same six entities, but this time with seven North Dakota members and two Minnesota members. This board later became the Diversion Authority Board. For the first time since the diversion project's inception, North Dakota would have the majority of the board membership.

The Joint Powers Agreement between the six entities also spelled out the voting powers in order to protect the minority power of its members and States involved. For example, a vote in the affirmative by a Minnesota member is needed in order to approve the annual budget

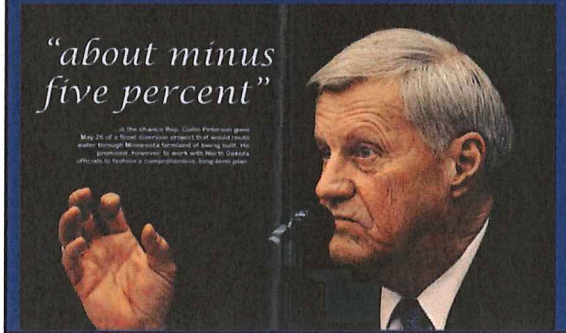
and work plan, project alignment, and the hiring and firing of lobbyists and project managers. This provision was added to specifically address future misinterpretation by those who were not as involved when the Diversion Authority Board membership was agreed upon.

In June and July of 2011, the board membership and the 90/10 cost split between North Dakota and Minnesota was taken to the Clay County Commission, Moorhead City Council, Buffalo-Red River Watershed District, Cass County Commission, Fargo City Commission, and Cass County Commission for approval. All six entities in both States agreed to the proposal.

That is a lot of history about one subject, but it is important for legislators on both side of the Red River to know. Minnesota and North Dakota lawmakers have worked arm in arm for five years to come up with the flood protection plan.

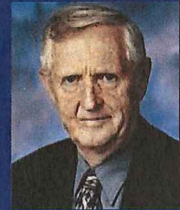
For anyone at this point claim that one State is being treated unfairly, really denies the long history of cooperation between our two great States.

REPRESENTATIVE PETERSON WAS CLEAR ABOUT HIS FEELINGS ON A MINNESOTA DIVERSION (MAY 2009)



EARLY ON MINNESOTA LEADERS URGED THE ND DIVERSION PLAN AS CHOSEN

- State Senator Keith Langseth went so far as to say that, *"We would be so happy to fund a diversion channel on the North Dakota side and we would willingly come up with the money"* (AP- Feb 1, 2010)



CITY OF DILWORTH WEIGHS IN

- Chad Olson, Mayor of Dilworth became active in the Metro Flood Work Group during 2009 and 2010.
- Like many from Minnesota he opposed building a diversion in Minnesota but favored the North Dakota Diversion.

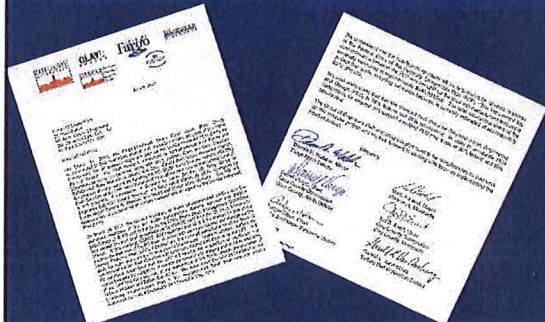


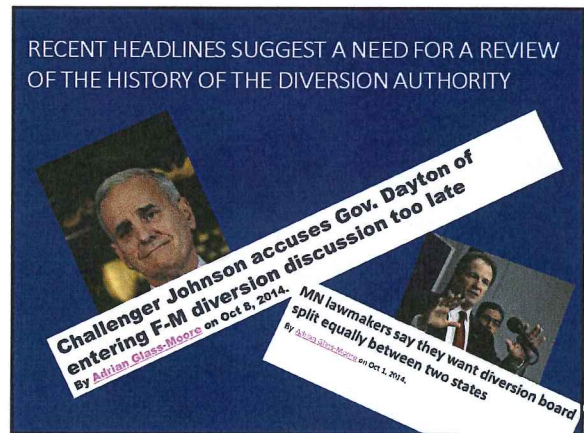
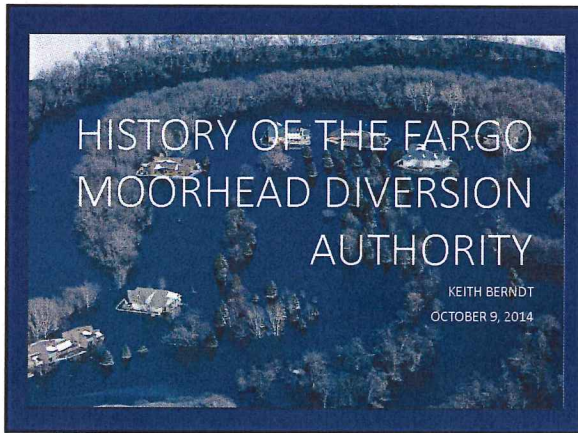
2010 FIERCE DOWNSTREAM OPPOSITION

- Original plans for a North Dakota Diversion included downstream impacts
- This drew sharp opposition from downstream communities
- In June of 2010 a crowd packed the Gym in Hendrum to express opposition
- In September of Downstream JPA was formed to Oppose the project



APRIL 2011 THE DIVERSION PLAN AS IT EXISTS TODAY WAS ADOPTED BY INDIVIDUAL RESOLUTIONS PASSED BY ALL SIX MEMBER ENTITIES





THE METRO FLOOD MANAGEMENT COMMITTEE WAS FORMED SOON AFTER THE 2009 FLOOD

- 9 Moorhead City County Members
- 5 Clay County Commissioners
- 5 Fargo City Commissioners
- 5 Cass County Commissioners
- 1 Buffalo Red Watershed Board Representative
- 1 Cass County Water Resource Board Representative

(15 Minnesota and 11 North Dakota Members)

IT WAS CLEAR THAT A SMALLER WORK GROUP WAS NEEDED. THE METRO FLOOD MANAGEMENT WORK GROUP WAS FORMED

- First meeting held on August 26, 2009
- 3 Moorhead City County Members
- 2 Clay County Commissioners
- 2 Fargo City Commissioners
- 2 Cass County Commissioners
- 1 Buffalo Red Watershed Board Representative
- 1 Cass County Water Resource Board Representative

(6 Minnesota and 5 North Dakota Members)



US Army Corps
of Engineers
St. Paul District

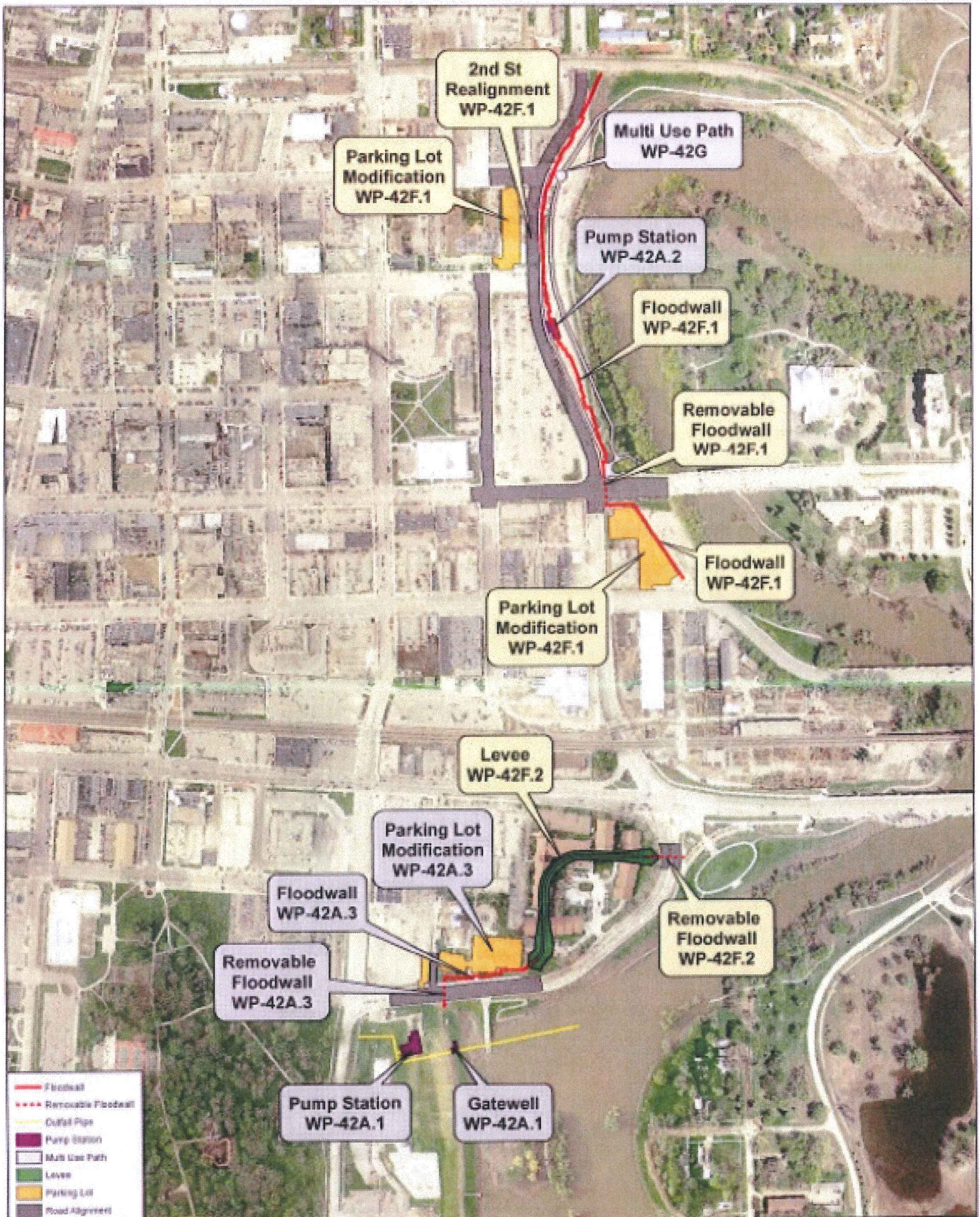
Monthly Update

October 9, 2014

Since the last Diversion Authority meeting, the following project-related activities were worked on.

1. Wild Rice Dam fish passage Environmental Assessment public review closed.
2. Continued coordination and supply of requested data to the MN DNR in support of their EIS process.
 - a. Attend regular teleconferences
 - b. Providing requested information to MN DNR.
3. Continuing the Maple River Physical Model work, In-Town Levees, Reach 5, and Lower Rush.
4. Holding Oxbow/Hickson/Bakke (OHB) Levee Pond coordination meetings.
5. Work continues on the operation plan and adaptive management plan for the project.





F-M Metro Flood Risk Management Project
 In Town Levees
 2nd Street / Downtown Reach Fargo, ND



Source: USGS, Aerial Imagery, Data Copyright © 2017/18

**Public Outreach Committee Report
For Diversion Authority – Oct. 9, 2014**

- Community Outreach
 - The Outreach Team continues to work with Diversion Authority representatives and the Army Corps to provide information to various interested groups that invited the Authority to their meetings. Below are several recent events that were attended or are planning to attend:
 - North Dakota Budget Section - Sept. 24
 - Comstock City Council - Sept. 18
 - North Dakota Water & Pollution Control Conference - Oct. 14
 - Representatives from the Diversion Authority are available upon request to meet.
- Land Management Coordination
 - The Outreach Team is coordinating closely with the efforts by the Lands team in order to provide adequate information to the public. As lands activities progress near the outlet and intown, there will be a number of individual and public meetings held. Stay tuned.
- Business Leaders Flood Taskforce
 - The Outreach Team continues to work closely with the Business Leaders Flood Taskforce and has been assisting them in providing their memberships in Minnesota and North Dakota with information about the project.
- E-Newsletter and FMDiversion.com
 - E-Newsletter Update: The newsletter publication list continues to grow and the click-through rate on the articles is strong. In addition to members of the public who have signed up, the newsletter is distributed to legislators from both North Dakota and Minnesota.
 - FMDiversion.com is a great resource for a growing number of visitors and hosts all Diversion meeting agendas, minutes, and supplemental information. As construction increases, look for changes to the website in the coming months to provide the public with up-to-date information on construction-related activities and other features.