

METRO FLOOD DIVERSION AUTHORITY

Thursday, March 23, 2017

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
5. Administrative/Legal Information/action
 - a. MetroCOG cost reimbursement agreement **Item 5a.**
 - b. Lidar flight invoice **Item 5b.**
6. Public Outreach Information
 - a. Committee report
 - b. Business Leaders Task Force update
7. Land Management Information
 - a. Committee report
 - b. Draft Land Acquisition Status Report **Item 7b.**
8. Finance Information/action
 - a. Committee report **Item 8a.**
 - b. USACE Funds Request 002 **Item 8b.**
 - c. Voucher approval **Item 8c.**
 - d. Recommended contracting actions **Item 8d.**
9. Other Business
10. Next Meeting – April 27, 2017
11. Adjournment

cc: Local Media

**METRO FLOOD DIVERSION AUTHORITY
FEBRUARY 23, 2017—3:30 PM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, February 23, 2017, at 3:30 PM in the Fargo City Commission Room with the following members present: Fargo City Mayor Tim Mahoney via conference call; Fargo City Commissioner Tony Grindberg; Fargo City Commissioner John Strand; Cass County Commission representative Darrell Vanyo via conference call; Cass County Commissioner Chad M. Peterson; Cass County Commissioner Rick Steen; Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland; Cass County Joint Water Resource District Manager Mark Brodshaug; and West Fargo City Commissioner Mike Thorstad.

2. MINUTES APPROVED

MOTION, passed

Mr. Weyland moved and Mr. Campbell seconded to approve the minutes from the January 26, 2017, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

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

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

Randy Richardson from CH2M provided an update on activities over the last month including the first one-on-one meeting with the Public Private Partnership (P3) proposers; first round of Oxbow home removals; meeting with North Dakota Governor Doug Burgum and North Dakota legislators; first meeting of the MN DNR working group; and continued Phase 1 land acquisition and opportunistic land acquisitions.

Priority areas for the next month will be meeting with Minnesota legislative leaders; preparation for the next one-on-one meeting with P3 proposers; continued Phase 1 and opportunistic land acquisitions; initiation of Phase 2 land acquisitions; and increased outreach efforts focusing on social media.

Ty Smith from CH2M provided a construction update on the 4th Street North pump station generator building and Oxbow home demolition and relocation project.

5. ADMINISTRATIVE/LEGAL UPDATE

Houston-Moore Group (HMG) – Resolution Amending Master Services Agreement

Attorney John Shockley said Houston-Moore Group (HMG) is the designer of record for the project. He said negotiations continue on an amended Master Services Agreement, so the request today is to approve a 30-day extension of the current contract.

MOTION, passed

Mr. Grindberg moved and Ms. Williams seconded to approve a Resolution Approving Amendment No. 1 to the Agreement between the Metro Flood Diversion Authority and Houston-Moore Group LLC for Professional Services extending the term of agreement. On roll call vote, the motion carried unanimously.

Executive Director – Professional Services Agreement

Michael Redlinger, Assistant Fargo City Administrator and Co-Executive Director, said a committee made up of him, Darrell Vanyo, John Shockley and Brian Berg reviewed proposals from firms for the recruitment and screening process for the Executive Director position. The committee considered companies with public, private and non-profit experience and recommend hiring CPS HR Consulting, Inc. at a cost not to exceed \$26,500. CPS has experience with P3 projects. He said Fox Lawson, salary consultant for Cass County, has agreed to review the job description at a cost of \$500.

Mr. Grindberg questions what skill set is needed for the position and believes there will be quality candidates found locally. He thinks the Diversion Authority will achieve the same results without hiring a firm.

Mr. Strand would be willing to consider hiring a firm if for some reason the Diversion Authority did not receive a pool of experienced candidates through advertising using city and county resources.

Mr. Peterson is struggling with the cost since he believes the Diversion Authority will receive a quality pool of local candidates and will also draw interest from people nationally without hiring a firm.

Ms. Williams said the position will require special skills considering the size of the project and will need someone with an engineering degree and broad experience. She supports hiring the firm to assist with the process.

Mr. Vanyo thanked Mr. Redlinger for his work and said this firm may serve as an avenue to obtain a larger pool of candidates for the Executive Director position.

MOTION, passed

Mr. Brodshaug moved and Mr. Weyland seconded to approve the professional services agreement with CPS HR Consulting, Inc. in an amount not to exceed \$26,500. Discussion: Mr. Brodshaug said this service will act as a supplement to local recruitment channels. Mr. Campbell supports the motion and believes the cost is worthwhile. Mr. Hendrickson believes the cost is a good investment for the Diversion Authority. On roll call vote, the motion carried with Mr. Brodshaug, Mr. Weyland, Mr. Mahoney, Mr. Vanyo, Mr. Steen, Mr. Campbell, Ms. Williams, Mr. Hendrickson, Mr. Paulsen, and Mr. Thorstad voting “Yes”; and Mr. Strand, Mr. Grindberg and Mr. Peterson voting “No”.

6. PUBLIC OUTREACH UPDATECommittee report

The Public Outreach Committee met on February 22nd. Rocky Schneider from AE2S provided a handout which includes information on the e-newsletter activity and website traffic. He said the newsletter continues to see steady growth in subscribers. The website has also experienced an increase in views. He said strategy meetings will be held to work on the social media plan.

Business Leaders Task Force

Mark Nisbet said the chamber hosted “Chamber Day” with the governor and state legislators in Bismarck on Thursday, February 9th. Staff received positive feedback about the event.

7. LAND MANAGEMENT

The Land Management Committee met on February 22nd. Mr. Brodshaug said the committee received an update on property acquisitions; approved two land acquisition directives for Phase 2 properties; discussed Oxbow home demolitions and relocations; and discussed access letters sent to landowners of 400 parcels to conduct biotic and geomorphic evaluations to develop a baseline for environmental purposes as part of the mitigation plan.

8. FINANCE UPDATECommittee report

The Finance Committee met on February 22nd. Mr. Grindberg said the committee discussed land acquisitions, the extension of the HMG contract, and recruitment agreement for the Executive Director position.

Voucher approval

The bills for the month are with Ohnstad Twichell, P.C. for legal services, Dorsey & Whitney for Legal Services, Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion, in-town levees, Diversion Project Assessment District, OHB levee, and Oxbow Country Club golf course construction; and Erik R. Johnson & Associates, Ltd. for legal services.

MOTION, passed

Mr. Weyland moved and Mr. Hendrickson seconded to approve the vouchers received through February 15, 2017, in the amount of \$2,587,701.30. On roll call vote, the motion carried unanimously.

Recommended Contracting ActionsConstruction Change Order

Ty Smith from CH2M discussed the following Change Order, which was reviewed and approved by the Technical Team and Finance Committee:

- Landwehr Construction, Inc. Change Order 4 (Demolition/Renovation of Howard Johnson Hotel, Old Shakey's Pizza, Fargo Public Schools)—asbestos removal of insulated fittings in the amount of \$5,744.23.

MOTION, passed

Mr. Grindberg moved and Mr. Steen seconded to approve the appropriation of funds for the outlined Change Order. On roll call vote, the motion carried unanimously.

9. OTHER BUSINESS

Mr. Shockley said RFPs for the P3 procurement include bid procedures and a waiver of cancellation and reimbursement agreement. The Finance Committee discussed this issue, which would provide a reimbursement fee to the P3 proposers if the project is cancelled. He will bring a recommendation to the board at a later date.

10. NEXT MEETING DATE

The next meeting will be held on Thursday, March 9, 2017.

11. ADJOURNMENT***MOTION, passed***

On motion by Mr. Steen, seconded by Mr. Hendrickson, and all voting in favor, the meeting was adjourned at 4:25 PM.

COST REIMBURSEMENT AGREEMENT

BY AND BETWEEN

**METRO FLOOD DIVERSION AUTHORITY
as Diversion Authority**

and

**FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS
as Metro COG**

Related to:

**2017 Digital Ortho Aerial Photography, LiDAR Contour
Mapping and Planimetric Updates and future similar services.**

Approved by the Diversion Authority Board on March 23, 2017

This instrument was drafted by:
John T. Shockley
Ohnstad Twichell, P.C.
P.O. Box 458
West Fargo, ND 58078-0458

COST REIMBURSEMENT AGREEMENT

THIS AGREEMENT (the “Agreement”) is made and entered into as of the date of the last signature below (the “Effective Date”), by and between the Metro Flood Diversion Authority (“Diversion Authority”) and the Fargo-Moorhead Metropolitan Council of Governments (“Metro COG”).

WHEREAS, every two to three years a multi-jurisdictional project occurs to update digital aerial orthophotography, contour mapping derived from LiDAR, and planimetrics (the “Project”) for the greater Fargo-Moorhead Metropolitan area; and

WHEREAS, the municipalities and counties in the greater Fargo-Moorhead Metropolitan area share the costs of the Project based on the amount of work performed in each municipality and county and each provides local funds, in some cases as a match to federal funds, if available for the Project; and

WHEREAS, as part of the Fargo-Moorhead Metro Diversion Project, studies of the biological and geological environment within and near the Diversion Project are necessary to be completed before and after the Diversion Project is completed; in order to properly complete these studies the Diversion Authority needs to collect the digital aerial orthophotography, contour mapping and planimetrics that is collected under Metro COG’s Project.

WHEREAS, Metro COG has historically been the Project Manager for the Project by issuing an RFP, selecting and contracting with a consultant to perform the Project work (the “Consultant”), receiving the federal and local funds, overseeing payments to the Consultant and distributing the work product to the local governmental entities, all under an agreement between Metro COG and the Consultant (the “Project Contract”); and

WHEREAS, due to the RFP process that occurs with each Project, the Consultant and the Project Contract terms may vary with each Project; and

WHEREAS, the Diversion Authority desires to participate and receive Project documents pursuant to each Project Contract and has previously agreed to provide reimbursement payments of non-federal funds to Metro COG for the Consultant’s services; and

WHEREAS, the parties desire to enter into this Agreement to set forth terms for which the Diversion Authority will provide reimbursement for the 2017 Project and future Projects anticipated to be completed approximately every three (3) years, commencing on the Effective Date, and in an effort to make the Diversion Authority approval process more efficient for future Projects.

NOW THEREFORE, it is agreed by and between the parties as follows:

1. **PROJECT SERVICES.** The Consultant will perform the Project work according to the Project Contract. Metro COG will act as the project manager and intermediary to the Diversion Authority by overseeing the Consultant and Project Contract. In the event that Metro COG is not the party contracting with a Consultant for the Project, this Agreement may be terminated pursuant to Section 10 of this Agreement.

2. COMPENSATION. Metro COG will provide an estimated cost and provide an invoice to the Diversion Authority prior to work on each Project being commenced. The Diversion Authority acknowledges and agrees that the invoice must be paid to Metro COG after execution of contract with Consultant and prior to issuance of first invoice from Consultant. The local cost share amount of the Diversion Authority for the 2017 Project has been calculated to be approximately \$238,030.07. The compensation for each Project will be paid from the Diversion Authority to Metro COG according to Section 9 of this Agreement.
3. DELIVERABLES. The Diversion Authority will receive Project documents in accordance with deadlines and formats and set forth in each Project Contract. Metro COG agrees to provide the Diversion Authority with any Project documents within fifteen (15) days of Metro COG's receipt of final documents from Consultant.
4. PROJECT DOCUMENT USE AND OWNERSHIP. The use and ownership of documents produced by each Project shall be governed by the terms of the corresponding Project Contract.
5. PROJECT SCHEDULE. The Project is anticipated to recur every three (3) years. The Project work is generally completed during the spring of a Project year and work product is delivered to Metro COG by the end of the Project year. Metro COG will coordinate with the Diversion Authority the year immediately prior to the Project year to determine the area the Diversion Authority would like collected under the upcoming Project. Metro COG will provide a Project cost estimate to the Diversion Authority during the fall in the year immediately prior to the Project year, so the Diversion Authority may include Project costs in its budget for the following year.
6. TERM. The term of this Agreement shall begin on the Effective Date of this Agreement and continue through December 31, 2029.
7. EXTENSION OF TERM. The parties shall have the right to extend this Agreement for such additional period as determined by both parties. Any extension shall be in writing pursuant to the modification terms of this Agreement.
8. NO REIMBURSEMENT OF EXPENSES. The Diversion Authority will not be responsible for reimbursing Metro COG for any expenses incurred by Metro COG in Consultant procurement and contracting. The Diversion Authority will be responsible for payments to Metro COG as described in this Agreement.
9. INVOICING AND PAYMENT.
 - A. Prior to the Diversion Authority's budget being finalized, Metro COG will provide an estimated Project cost to the Diversion Authority. The estimated cost must be received by the Diversion Authority by or before September 15th in the year prior to the Project, to be included in the Diversion Authority's budget for the following year.
 - B. After Metro COG has determined or received the actual Project cost attributable to the Diversion Authority, Metro COG will submit an invoice to the Diversion Authority prior to the Project work being completed. The parties acknowledge and agree that

Metro COG requires payment from all participating entities prior to Metro COG commencing work pursuant to this Agreement.

C. Metro COG must submit a copy of each invoice to:

NBoerboom@cityoffargo.com

OR

Nathan Boerboom, Division Engineer
Metro Flood Diversion Authority
c/o City of Fargo
200 3rd St. N
Fargo, ND 58102

D. Metro COG's invoice must clearly indicate fees incurred for the current Project period and include at least the following information:

- (1) Metro COG's name and address;
- (2) Metro COG's federal employer identification number;
- (3) Name of the matter and number of the file; and
- (4) Unique invoice number.

E. The invoice for each Project will be paid to Metro COG within thirty (30) days of the Diversion Authority's receipt of an invoice from Metro COG.

10. TERMINATION.

A. This Agreement is not terminable at will if Metro COG has entered into a contemplated Project Contract with Consultant and/or Metro COG chooses to proceed with Project Contract related to or arising out of the Project.

B. Either party may terminate this Agreement upon fourteen (14) days' written notice, in whole or in part, if:

- (1) The Diversion Authority determines that having Metro COG provide services has become infeasible due to changes in applicable laws or regulations, or
- (2) Except as set forth in subsection A of this Section, expected or actual funding to compensate Metro COG is withdrawn, reduced, or limited.

C. During any year of this Agreement in which a Project is not ongoing, either party may terminate this Agreement, in whole or in part, for any or no reason upon ninety (90) days' written notice.

D. In the event a federal or state tax or employment agency concludes that an independent contractor relationship does not exist, either Metro COG or the Diversion Authority may terminate this Agreement immediately upon written notice.

E. Upon receipt of any termination notice given pursuant to subsection B and/or C of this Section from the Diversion Authority, Metro COG must promptly discontinue all affected services unless the notice specifies otherwise. Metro COG must deliver all

Project documents and materials to the Diversion Authority within seven (7) days of the Metro COG's receipt of any termination notice.

- F. Upon the end date of the Agreement, which is the later of the date when this Agreement as a whole expires or is terminated pursuant to its terms:
- (1) The Diversion Authority will be released from compensating Metro COG for services other than those performed in accordance with this Agreement.
 - (2) Metro COG will be released from performing services, except for services in any non-terminated portion of the Agreement.
- G. All rights and duties with respect to services performed prior to the expiration or termination of this Agreement, and continuing obligations specified in this Agreement to be performed following expiration or termination of this Agreement, will survive the expiration or termination of this Agreement.
11. **NOTICE**. Any notice or election required or permitted to be given or served by any party to this Agreement upon any other will be deemed given or served in accordance with the provisions of this Agreement if said notice or election is (i) delivered personally, or (ii) mailed by United States certified mail, return receipt requested, postage prepaid and in any case properly addressed as follows:

If to Metro COG: Attn: Chair, Metro COG Policy Board
F-M Metropolitan Council of Governments
1 2nd St. N, Suite 232
Fargo, ND 58102

If to Diversion Authority: Attn: Chair
Metro Flood Diversion Authority
P.O. Box 2806
Fargo, ND 58108

Each such mailed notice or communication will be deemed to have been given on the date the same is deposited in the United States mail. Each such delivered notice or communication will be deemed to have been given upon the delivery. Any party may change its address for service of notice in the manner specified in this Agreement.

12. **PROHIBITION AGAINST ASSIGNMENT**. Except as otherwise expressly provided in this Agreement, Metro COG agrees on behalf of itself, its officers and partners and the personal representatives of the same, and any other person or persons claiming any benefits under Metro COG by virtue of this Agreement, that this Agreement and the rights, interests, and benefits hereunder shall not be assigned, transferred, pledged or hypothecated in any way by Metro COG or by any other person claiming under it by virtue of this Agreement, and shall not be subject to execution, attachment or similar process. Any attempt at assignment, transfer, or of pledge or hypothecation or other disposition of this Agreement or of such rights, interests, and benefits contrary to the foregoing provisions or the levy of any attachment or similar process shall be null and void and without affect.

13. MODIFICATION. This Agreement contains the entire understanding of the parties. It may not be changed orally, but only upon an agreement in writing approved by both parties' governing bodies. It may be modified as to terms and conditions from time to time upon the mutual consent of the parties; however, such modification shall be reduced to writing, signed by the parties and the document appended to and made a part of this Agreement.
14. WAIVER. A party's waiver of enforcement of any of this Agreement's terms or conditions will be effective only if it is in writing. A party's specific waiver will not constitute a waiver by that party of any earlier, concurrent, or later breach or default.
15. BINDING EFFECT. This Agreement shall be binding upon and inure to the benefit of the Diversion Authority, its successors and assigns, and any such successor shall be deemed substituted for the Diversion Authority under the terms of this Agreement. This Agreement shall likewise be binding upon Metro COG, its successors and assigns. As used in this Agreement, the term "successor" shall include any person, firm, corporation or other business entity which at any time whether by merger, purchase or otherwise acquires all or substantially all of the assets or business of the corporation.
16. NEGOTIATED AGREEMENT. This Agreement has been arrived at through negotiation between the parties.
17. SEVERABILITY. If any court of competent jurisdiction declares any provision or part of this Agreement to be invalid or unenforceable, all remaining terms and provisions of this Agreement will remain binding and enforceable.
18. CONTROLLING LAW AND VENUE. This Agreement shall be controlled by the laws of the State of North Dakota, and any action brought as a result of any claim, demand or cause of action arising under the terms of this Agreement shall be brought in an appropriate venue in the State of North Dakota.
19. COUNTERPARTS. This Agreement may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a ".pdf" format data file, such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof.

[Signatures included on the following pages.]

DIVERSION AUTHORITY:

Metro Flood Diversion Authority

By: _____
Timothy J. Mahoney, Chair

Date signed: _____

By: _____
Michael Redlinger, Co-Deputy Executive Director

Date signed: _____

METRO COG:

Fargo-Moorhead Metropolitan Council of Governments

By: _____
Brenda Elmer, Chair, Metro COG Policy Board

Date signed: _____

By: _____
William Christian, Metro COG Policy Board Secretary

Date signed: _____



Fargo-Moorhead Metropolitan Council of Governments

701.232.3242 • FAX 701.232.5043 • Case Plaza Suite 232 • One 2nd Street North • Fargo, North Dakota 58102-4807

Email: metrocog@fmmetrocog.org

http://www.fmmetrocog.org

Invoice

Invoice Number: 746
 Invoice Date: 02/14/2017
 Due Date: 03/14/2017

Contact:
 City of Fargo
 Attn: Nathan Boerboom
 200 3 St N
 Fargo, ND 58102

Metro COG Contact:
 Dave Burns
 701.232.3242 ext. 36
 burns@fmmetrocog.org

Bill to:
 City of Fargo
 Attn: Nathan Boerboom
 200 3 St N
 Fargo, ND 58102

Ship to (if different address):

Unit No.	Description	Qty	Amount
Project 2016-004	2017 Aerial Collection: Aerial Ortho Imagery (CPG Eligible portion)	1	\$21,387.15
Project 2016-004	2017 Aerial Collection: Aerial Ortho Imagery (non-CPG Eligible portion)	1	\$24,047.46
Project 2016-004	2017 Aerial Collection: LiDAR/Elevation/Contour Mapping (CPG Eligible portion)	1	\$50,782.49
Project 2016-004	2017 Aerial Collection: LiDAR/Elevation/Contour Mapping (non-CPG Eligible portion)	1	\$57,099.23
Project 2016-004	2017 Aerial Collection: Planimetric Compilation Updates (Not CPG Eligible)	1	\$84,713.74
Project 2016-004	2017 Aerial Collection: Impervious Surface Polygons (Not CPG Eligible)	0	\$0.00

Subtotal \$238,030.07
Shipping -
Tax Rate -

Tax -

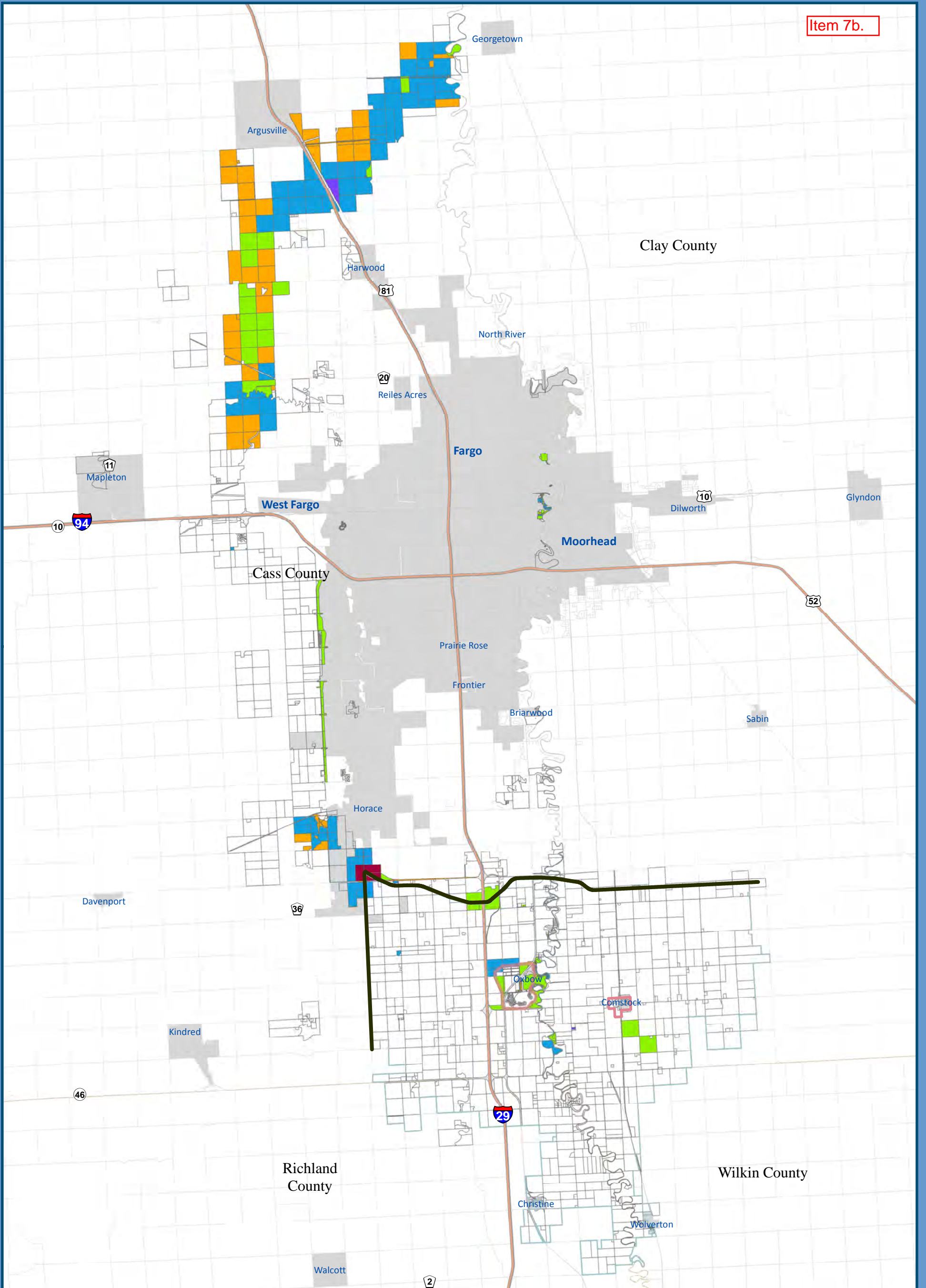
Total Due \$238,030.07

Please send your remittance to:

**F-M METRO COG
 CASE PLAZA
 ONE 2ND STREET NORTH, SUITE 232
 FARGO ND 58102-4807**

A PLANNING ORGANIZATION SERVING

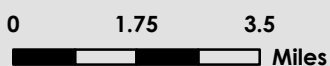
FARGO, WEST FARGO, CASS COUNTY, NORTH DAKOTA AND MOORHEAD, DILWORTH, CLAY COUNTY, MINNESOTA



Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.
 Date: 3/15/2017 | Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet

STATUS

- Impacted Parcel
- Appraisal Pending
- In Negotiation
- Purchase Agreement Signed
- Acquired; Easement Secured
- Condemnation for Acquisition



**Property Acquisition
Status Report**

3/15/2017



FM Metropolitan Area Flood Risk Management Project
 Fiscal Accountability Report Design Phase (Fund 790)
 As of 2/24/2017

	2011	2012	2013	2014	2015	2016	2017	Cumulative Totals
Revenues								
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	28,310,373	35,212,877	2,426,573	100,491,734
Cass County	443,138	7,652,681	7,072,961	19,373,131	28,310,373	111,715,540	2,232,633	176,800,457
State Water Commission			3,782,215	602,918	31,056,740	101,436,302	4,008,385	140,886,560
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	6,291,194	(13,260,368)	-	706,805
Reimbursements						33,880	-	33,880
Lease/Rental Payments			17,358	154,180	180,341	260,806	4,500	617,185
Asset Sales				616,774	315,892	175,190	-	1,107,856
Miscellaneous			226	626	427		-	1,279
Total Revenues	984,751	17,005,957	19,517,490	44,425,900	94,465,340	235,574,227	8,672,091	420,645,755

Expenditures								
7905 Army Corp Payments	-	-	875,000	1,050,000	2,725,000	47,279,000	-	51,929,000
7910 WIK - Administration	107,301	331,321	77,614	169,019	282,227	545,555	54,421	1,567,458
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,660,226	2,719,505	231,522	25,466,614
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	8,464,392	1,363,463	30,506,313
7925 WIK - Recreation		163,223						163,223
7930 LERRDS - North Dakota	48,664	3,843,620	2,763,404	17,013,358	55,948,209	46,717,049	3,232,475	129,566,779
7931 LERRDS - Minnesota		27,996	287,907	13,068	32,452	1,815,566		2,176,989
7940 WIK Mitigation - North Dakota				587,180				587,180
7941 WIK Mitigation - Minnesota								-
7950 Construction - North Dakota				1,738,638	19,269,055	42,263,916	1,096,531	64,368,140
7951 Construction - Minnesota								-
7952 Construction - O/H/B				11,282,504	5,044,001	776,720	14,900	17,118,124
7955 Construction Management				556,209	2,867,422	5,182,366	602,312	9,208,309
7990 Project Financing		50,000	70,000	216,376	566,600	5,435,289	1,131,539	7,469,804
7995 Project Eligible - Off Formula Costs						-		-
7999 Non Federal Participating Costs	116					-		116
Total Expenditures	984,750	17,005,957	11,990,261	45,324,414	95,896,147	161,199,358	7,727,163	340,128,049

FM Metropolitan Area Flood Risk Management Project
Statement of Net Position
February 24, 2017

	<u>Amount</u>
Assets	
Cash	\$ 79,348,174
Receivables	
State Water Commission *	1,815,552
Proceeds from Oxbow Lot Sales	<u>2,383,317</u>
Total assets	<u>83,547,043</u>
Liabilities	
Vouchers payable	7,921
Retainage payable	<u>3,029,338</u>
Total liabilities	<u>3,037,258</u>
NET POSITION	<u>\$ 80,509,784</u>

* Receivable balance is as of 1.31.2017

FM Metropolitan Area Flood Risk Management Project
 FY 2017 Summary Budget Report (In Thousands)
 As of 24 February 2017

	FY 2017 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
Revenue Sources						
City of Fargo	-	180	2,427			
Cass County	-	1,062	2,233			
State of ND - 50 % Match	-	704	1,525			
State of ND - 100% Match	-	1,111	2,483			
State of Minnesota	-	-	-			
Other Agencies	-	-	-			
Financing Proceeds	-	-	-			
Reimbursements	-	-	-			
Sales of Assets	-	-	-			
Property Income	-	-	-			
Miscellaneous	-	-	5			
Total Revenue Sources	241,311	3,058	8,672	-	-	232,639
Funds Appropriated						
Diversion Channel & Assoc. Infrastructure	16,576	11	591	4%	7,876	8,109
Southern Embankment & Assoc. Infrastructure	100	-	-	0%	-	100
Other Mitigation Projects	24,246	-	7	0%	2,100	22,139
In-Town Flood Protection	46,176	961	1,807	4%	5,039	39,330
Enabling Work / Other	9,811	-	-	0%	-	9,811
Land Acquisition & Mitigation	107,420	93	3,015	3%	26,185	78,220
Engineering & Design Fees	10,694	138	378	4%	5,505	4,810
Program Management	17,247	1,413	1,929	11%	16,866	(1,548)
Contingency	805	-	-	0%	-	805
Debt Service	8,137	-	-	0%	-	8,137
Maintenance	100	-	-	0%	-	100
Total Appropriations	241,311	2,616	7,727	3%	63,571	170,013

FM Metropolitan Area Flood Risk Management Project
Summary of Expenses
February 2017

Account_Number	CheckDate	Check_Number	Vendor_Name	Transaction_Amount	Expense_Description	Project_Number	Project_Description
790-0000-206.10-00	2/1/2017	275252	INDUSTRIAL CONTRACT SERVICES INC	\$ 189,590.88	Retainage PO #174726	V02805	PUMP STATION & FLOODWALL
Total - Retainage Paid				\$ 189,590.88			
790-7910-429.33-25	2/1/2017	275232	ERIK R JOHNSON & ASSOCIATES	\$ 1,453.04	FLOOD LEGAL MATTERS	V00102	General & Admin. WIK
790-7910-429.33-25	2/22/2017	275899	OXBOW, CITY OF	\$ 16,662.50	TURMAN & LANG	V02407	OXBOW MOU-LEGAL SERVICES
Total WIK - General and Admin. - Legal Services				\$ 18,115.54			
790-7910-429.38-68	2/3/2017	601	P CARD BMO	\$ 3,500.00	FREDRIKSON AND BYRON P	V00102	General & Admin. WIK
Total WIK - General and Admin. - Lobbyist				\$ 3,500.00			
790-7915-429.33-05	2/15/2017	275769	URS CORPORATION	\$ 15,930.00	CULTURAL RESOURCES INVEST	V01003	CULTURAL RESOURCES INVEST
790-7915-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 32,409.92	RECREATION & USE PLAN	V01607	RECREATION/USE MASTER PLN
790-7915-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 2,319.00	WORK IN KIND ITEMS	V01608	WORK-IN-KIND (WIK)
790-7915-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 5,547.50	TRANS/LOCAL DRAINAGE PLAN	V01614	TRANS/DRAINAGE MASTER PLN
790-7915-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 16,386.82	PERMIT SUBMITTAL PREP	V01616	PERMIT SUBMITTAL PREP
790-7915-429.33-05	2/22/2017	275899	OXBOW, CITY OF	\$ 240.00	MOORE ENGINEERING, INC.	V02402	OXBOW MOU-PRELIM ENGINRNG
790-7915-429.33-05	2/22/2017	275899	OXBOW, CITY OF	\$ 340.00	MOORE ENGINEERING, INC.	V02403	OXBOW MOU-CONCEPT LAYOUTS
790-7915-429.33-05	2/22/2017	275819	BEAVER CREEK ARCHAEOLOGY	\$ 8,194.90	CULTURAL INVESTIGATION	V02601	CULTURAL INVESTIGATION
790-7915-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 2,601.00	GRADE RAISE DESIGN	V01620	SEAI-H29 GRADE RAISE DSGN
Total WIK - Project Design - Engineering Services				\$ 83,969.14			
790-7920-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 53,338.55	PROJECT MANAGEMENT	V01601	HMG - PROJECT MANAGEMENT
Total WIK - Construction Management - Engineering Services				\$ 53,338.55			
790-7920-429.33-79	2/15/2017	275636	CH2M HILL ENGINEERS INC	\$ 700,000.00	MGMT TECHINCAL OUTREACH	V00206	CH2M HILL-2.27-11.25.16
790-7920-429.33-79	2/15/2017	275636	CH2M HILL ENGINEERS INC	\$ 497,000.00	MGMT TECHNICAL OUTREACH	V00206	CH2M HILL-2.27-11.25.16
790-7920-429.33-79	2/22/2017	275899	OXBOW, CITY OF	\$ 4,139.05	MOORE ENGINEERING, INC.	V02421	OXBOW MOU-MOORE PROJ MGMT
Total WIK - Construction Management - Construction Management				\$ 1,201,139.05			
790-7930-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 157.00	UTILITY DESIGN	V01610	UTILITIES DESIGN
790-7930-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 1,018.50	BRIDGE CHANNEL	V01618	WP28 - CR-16/CR-17 BRIDGE
Total LERRDS - North Dakota - Engineering Services				\$ 1,175.50			
790-7950-429.73-20	2/15/2017	275707	LANDWEHR CONSTRUCTION INC	\$ 15,549.01	DEMO WORK	V02816	DOWNTOWN AREA DEMOLITION
790-7950-429.73-20	2/15/2017	275707	LANDWEHR CONSTRUCTION INC	\$ 8,060.27	DEMO WORK	V02816	DOWNTOWN AREA DEMOLITION
Total ND Construction - Site Improvements				\$ 23,609.28			
790-7950-429.73-52	2/1/2017	275252	INDUSTRIAL CONTRACT SERVICES INC	\$ 271,514.58	PUMP STATION & FLOODWALL	V02805	PUMP STATION & FLOODWALL
790-7950-429.73-52	2/1/2017	275251	INDUSTRIAL BUILDERS INC	\$ 183,568.59	NORTH OF PUMP STATION	V02819	2ND ST N FLOODWALL
790-7950-429.73-52	2/1/2017	275296	NEWMAN SIGNS INC	\$ 5,816.00	PROPANE GUARDRAIL	V02805	PUMP STATION & FLOODWALL
790-7950-429.73-52	2/22/2017	275866	INDUSTRIAL BUILDERS INC	\$ 220,378.80	N OF PUMP STATION 42F.1N	V02819	2ND ST N FLOODWALL
Total ND Construction - Flood Control				\$ 681,277.97			
790-7950-429.73-70	2/17/2017	JB14160013	CITY OF FARGO-AUDITORS OFFICE	\$ 29,932.28	COF FIBER RELOCATE COSTS	V02808	COF REROUTE FIBER OPTIC
790-7950-429.73-70	2/17/2017	JB14160013	CITY OF FARGO-AUDITORS OFFICE	\$ 14,720.00	COF FIBER RELOCATE COSTS	V02808	COF REROUTE FIBER OPTIC
Total ND Construction - Utilities				\$ 44,652.28			
790-7955-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 93,800.65	CONST WORK PACKAGE 42	V02806	CONSTRUCTION SVCS WP42
Total Construction Management - Engineering Services				\$ 93,800.65			

FM Metropolitan Area Flood Risk Management Project
 Summary of Expenses
 February 2017

Account_Number	CheckDate	Check_Number	Vendor_Name	Transaction_Amount	Expense_Description	Project_Number	Project_Description
790-7955-429.33-06	2/15/2017	275764	TERRACON CONSULTING ENGINEERS	\$ 15,894.25	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
790-7955-429.33-06	2/15/2017	275764	TERRACON CONSULTING ENGINEERS	\$ 4,977.10	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
790-7955-429.33-06	2/15/2017	275764	TERRACON CONSULTING ENGINEERS	\$ 5,943.25	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
790-7955-429.33-06	2/15/2017	275764	TERRACON CONSULTING ENGINEERS	\$ 8,345.20	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
790-7955-429.33-06	2/15/2017	275764	TERRACON CONSULTING ENGINEERS	\$ 875.00	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
790-7955-429.33-06	2/15/2017	275764	TERRACON CONSULTING ENGINEERS	\$ 846.80	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
Total Construction Management - Quality Testing				\$ 36,881.60			
790-7955-429.33-79	2/15/2017	275636	CH2M HILL ENGINEERS INC	\$ 91,016.00	CONSTRUCTION MGMT SERVICE	V02820	WP-42 CONSTRUCTN MGMT-CH2M
790-7955-429.33-79	2/15/2017	275636	CH2M HILL ENGINEERS INC	\$ 34,797.50	CONSTRUCTION MGMT SERVICE	V02820	WP-42 CONSTRUCTN MGMT-CH2M
Total Construction Management - Construction Management				\$ 125,813.50			
790-7990-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 10,846.80	DOCUMENT PREP SUPPORT	V01619	PPP DOCUMENT PREP SUPPRT
Total Project Financing - Engineering Services				\$ 10,846.80			
790-7990-429.33-25	2/3/2017	601	P CARD BMO	\$ 107,600.50	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
Total Project Financing - Legal Services				\$ 107,600.50			
790-7990-520.80-20	2/22/2017	275829	CASS COUNTY TREASURER	\$ 87,787.83	JAN LOAN INTEREST	V02904	\$100M CASS WELLS FAR ADVN
790-7990-520.80-20	2/14/2017	JB02170011	CITY OF FARGO-AUDITORS OFFICE	\$ 42,109.57	2.1.17 WF INTEREST PMT	V02903	\$100M COF WELLS FAR ADVNC
Total Project Financing - Interest on Bonds				\$ 129,897.40			
TOTAL EXPENSES				\$ 2,805,208.64			
				\$ 189,590.88	Retainage Paid		
				\$ 2,615,617.76	Total Less Retainage Paid		

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of February 24, 2017

Vendor Name	Sum of Approved Contract/Invoice Amount	Sum of Liquidated	Sum of Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	\$ 150,484,282.07	\$ 128,606,363.10	\$ 21,877,918.97	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
ARMY CORP OF ENGINEERS	\$ 51,929,000.00	\$ 51,929,000.00	\$ -	Local Share
CH2M HILL ENGINEERS INC	\$ 50,618,819.01	\$ 27,014,594.31	\$ 23,604,224.70	Project & Construction Management
INDUSTRIAL BUILDERS INC	\$ 39,458,121.21	\$ 37,745,348.93	\$ 1,712,772.28	2nd St North Pump Station Project and 2nd Street Floodwall
HOUSTON-MOORE GROUP LLC	\$ 35,594,042.89	\$ 30,691,040.09	\$ 4,903,002.80	Engineering Services
INDUSTRIAL CONTRACT SERVICES I	\$ 17,576,871.19	\$ 16,447,384.78	\$ 1,129,486.41	4th St Pump Station and 2nd Street Floodwall
OXBOW, CITY OF	\$ 15,387,846.10	\$ 14,714,181.30	\$ 673,664.80	(blank)
ASHURST LLP	\$ 6,715,133.70	\$ 2,004,951.20	\$ 4,710,182.50	PPP Legal Counsel
DORSEY & WHITNEY LLP	\$ 3,765,491.43	\$ 3,765,491.43	\$ -	Legal Services
JP MORGAN CHASE-LOCKBOX PROCES	\$ 3,377,000.00	\$ 1,691,290.00	\$ 1,685,710.00	Financial Advisor
CENTURYLINK	\$ 2,586,742.00	\$ 2,586,742.00	\$ -	Utility Relocation
MINNESOTA DNR	\$ 2,325,472.35	\$ 2,325,472.35	\$ -	EIS Scoping
LANDWEHR CONSTRUCTION INC	\$ 2,085,150.82	\$ 2,071,876.59	\$ 13,274.23	In-Town Demolition Contracts
URS CORPORATION	\$ 1,922,118.42	\$ 1,718,581.02	\$ 203,537.40	Engineering Services
KENNELLY & OKEEFFE	\$ 1,729,110.56	\$ 1,729,110.56	\$ -	Home Buyouts
HOUGH INCORPORATED	\$ 1,603,909.25	\$ 1,215,633.53	\$ 388,275.72	2nd Street South Flood Control
REINER CONTRACTING INC	\$ 1,601,366.99	\$ 1,598,471.70	\$ 2,895.29	EI Zagal Flood Risk Management
ACONEX (NORTH AMERICA) INC	\$ 1,322,146.00	\$ 306,856.00	\$ 1,015,290.00	Electronic Data Mgmt and Record Storage System
CITY OF FARGO	\$ 1,279,737.26	\$ 1,279,737.26	\$ -	Advance DS Payments
CONSOLIDATED COMMUNICATIONS	\$ 1,063,096.11	\$ 1,063,096.11	\$ -	Utility Relocation
OHNSTAD TWICHELL PC	\$ 1,047,023.63	\$ 1,047,023.63	\$ -	ROE and Bonding Legal Fees
CASS COUNTY TREASURER	\$ 1,020,165.15	\$ 1,020,165.15	\$ -	Property Taxes and Bank Loan Advance DS Payments
XCEL ENERGY	\$ 908,800.84	\$ 174,255.08	\$ 734,545.76	Utility Relocation
TERRACON CONSULTING ENGINEERS	\$ 828,792.49	\$ 805,484.92	\$ 23,307.57	Materials Testing
MOORE ENGINEERING INC	\$ 662,468.17	\$ 662,468.17	\$ -	Engineering Services
US BANK	\$ 626,849.03	\$ 626,849.03	\$ -	Loan Advance Debt Service Payments
DUCKS UNLIMITED	\$ 587,180.00	\$ 587,180.00	\$ -	Wetland Mitigation Credits
HOUSTON ENGINEERING INC	\$ 576,669.57	\$ 576,669.57	\$ -	Engineering Services
ERIK R JOHNSON & ASSOCIATES	\$ 515,110.63	\$ 512,363.83	\$ 2,746.80	Legal Services
RED RIVER BASIN COMMISSION	\$ 500,000.00	\$ 500,000.00	\$ -	Retention Projects - Engineering Services
NORTHERN TITLE CO	\$ 484,016.00	\$ 484,016.00	\$ -	Land Purchases
AT & T	\$ 444,166.14	\$ 444,166.14	\$ -	Utility Relocation
702 COMMUNICATIONS	\$ 326,243.91	\$ 266,892.07	\$ 59,351.84	Utility Relocation
BUFFALO-RED RIVER WATERSHED DI	\$ 220,768.00	\$ -	\$ 220,768.00	Retention Projects - Engineering Services
ROBERT TRENT JONES	\$ 200,000.00	\$ 200,000.00	\$ -	Oxbow MOU - Golf Course Consulting Agreement
AON RISK SERVICES CENTRAL, INC	\$ 150,000.00	\$ 77,119.45	\$ 72,880.55	P3 Risk Advisory Services
CABLE ONE (FARGO)	\$ 148,511.37	\$ -	\$ 148,511.37	Utility Relocation
PFM PUBLIC FINANCIAL MANAGEMEN	\$ 146,460.00	\$ 146,460.00	\$ -	Financial Advisor
BOIS DE SIOUX WATERSHED DISTRI	\$ 145,380.00	\$ -	\$ 145,380.00	Retention Projects - Engineering Services
NDSU BUSINESS OFFICE-BOX 6050	\$ 135,167.00	\$ 135,167.00	\$ -	Ag Risk Study Services
AT&T NETWORK OPERATIONS	\$ 125,238.30	\$ 125,238.30	\$ -	Utility Relocation
ENVENTIS	\$ 115,685.62	\$ 115,685.62	\$ -	Utility Relocation
BEAVER CREEK ARCHAEOLOGY	\$ 111,000.00	\$ 78,633.22	\$ 32,366.78	Engineering Services
UNITED STATES GEOLOGICAL SURVE	\$ 104,600.00	\$ 104,600.00	\$ -	Water Level Discharge Collection
FREDRIKSON & BYRON, PA	\$ 102,022.08	\$ 88,022.08	\$ 14,000.00	Lobbying Services
PROSOURCE TECHNOLOGIES, INC	\$ 100,000.00	\$ 8,324.94	\$ 91,675.06	Vibrating Wire Piezometer Equipment

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of February 24, 2017

Vendor Name	Sum of Approved Contract/Invoice Amount	Sum of Liquidated	Sum of Outstanding Encumbrance	Purpose
ULTEIG ENGINEERS INC	\$ 100,000.00	\$ -	\$ 100,000.00	Engineering Services
SPRINGSTED INCORPORATED	\$ 99,365.85	\$ 99,365.85	\$ -	Financial Advisor
BRAUN INTERTEC CORP	\$ 77,629.00	\$ 77,629.00	\$ -	Quality Testing
EL ZAGAL TEMPLE HOLDING CO	\$ 76,000.00	\$ 76,000.00	\$ -	Easement Purchase for El Zagal Levee
CENTURYLINK ASSET ACCOUNTING-B	\$ 74,195.92	\$ 74,195.92	\$ -	Utility Relocation
GRAY PANNELL & WOODWARD LLP	\$ 66,300.68	\$ 66,300.68	\$ -	Legal Services
NIXON PEABODY LLC	\$ 60,000.00	\$ 60,000.00	\$ -	Legal Services
ADVANCED ENGINEERING INC	\$ 50,000.00	\$ 50,000.00	\$ -	Public Outreach
IN SITU ENGINEERING	\$ 47,973.00	\$ 47,973.00	\$ -	Quality Testing
US GEOLOGICAL SURVEY	\$ 46,920.00	\$ 46,920.00	\$ -	Stage Gage Installation
CLAY COUNTY AUDITOR	\$ 34,180.71	\$ 34,180.71	\$ -	Property Tax, Home Buyout Demo
GEOKON INC	\$ 33,815.36	\$ 33,815.36	\$ -	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	\$ 33,066.02	\$ 33,066.02	\$ -	Property Management Services
WARNER & CO	\$ 30,049.00	\$ 24,875.00	\$ 5,174.00	General Liability Insurance
XCEL ENERGY-FARGO	\$ 16,275.85	\$ 16,275.85	\$ -	Utility Relocation
PRIMORIS AEVENIA INC	\$ 16,230.00	\$ 16,230.00	\$ -	Utility Relocation
MOORHEAD, CITY OF	\$ 15,062.90	\$ 15,062.90	\$ -	ROE Legal Fees
ND WATER USERS ASSOCIATN	\$ 15,000.00	\$ 15,000.00	\$ -	Membership Dues
BRIGGS & MORGAN PA	\$ 12,727.56	\$ 12,727.56	\$ -	Legal Services
MAP SERVICE CENTER	\$ 7,250.00	\$ 7,250.00	\$ -	Permit fee
NEWMAN SIGNS INC	\$ 5,816.00	\$ 5,816.00	\$ -	Propane Tank Vehicle Crash Protection
ONE	\$ 3,575.00	\$ 3,575.00	\$ -	Legal Services
MCKINZIE METRO APPRAISAL	\$ 3,200.00	\$ 3,200.00	\$ -	Appraisal Services
BNSF RAILWAY CO	\$ 2,925.00	\$ 2,925.00	\$ -	Permits for In-Town Levee Projects
FORUM COMMUNICATIONS (LEGALS)	\$ 2,224.20	\$ 2,224.20	\$ -	Advertising Services
FORUM COMMUNICATIONS (ADVERT)	\$ 1,743.77	\$ 1,743.77	\$ -	Advertising Services
NORTH DAKOTA TELEPHONE CO	\$ 1,697.00	\$ 1,697.00	\$ -	Communication
SEIGEL COMMUNICATIONS SERVICE	\$ 1,490.00	\$ 1,490.00	\$ -	Public Outreach
HUBER, STEVE	\$ 1,056.43	\$ 1,056.43	\$ -	Home Buyouts
DEPT OF NATURAL RESOUR	\$ 1,000.00	\$ 1,000.00	\$ -	DNR Dam Safety Permit Application Fee
TRIO ENVIRONMENTAL CONSULTING	\$ 747.60	\$ 747.60	\$ -	Asbestos and LBP Testing - Home Buyouts
RED RIVER TITLE SERVICES INC	\$ 675.00	\$ 675.00	\$ -	Abstract Updates
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
DAWSON INSURANCE AGENCY	\$ 388.52	\$ 388.52	\$ -	Property Insurance - Home Buyouts
KOCHMANN, CARTER	\$ 315.00	\$ 315.00	\$ -	Lawn Mowing Services
GALLAGHER BENEFIT SERVICES INC	\$ 250.00	\$ 250.00	\$ -	Job Description Review
DONS PLUMBING	\$ 240.00	\$ 240.00	\$ -	Winterize - Home Buyouts
CURTS LOCK & KEY SERVICE INC	\$ 138.10	\$ 138.10	\$ -	Service Call - Home Buyouts
GOOGLE LOVEINTHOVEN	\$ 116.00	\$ 116.00	\$ -	Meeting Incidentals
FEDERAL EXPRESS CORPORATION	\$ 71.89	\$ 71.89	\$ -	Postage
Grand Total	\$ 403,698,992.94	\$ 340,128,050.11	\$ 63,570,942.83	

**FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of February 24, 2017**

Property Address	Purchase Date	Purchase Price	Replacement Lot	Down Payment	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
Commercial Relocations - Fargo								
Park East Apartments - 1 2nd St S	6/23/2015	9,002,442.20	-	-	-	1,376,106.04	-	10,378,548.24
Howard Johnson - 301 3rd Ave N	11/2/2015	3,266,079.60	-	-	-	3,322,432.41	(1,100.00)	6,587,412.01
Fargo Public School District - 419 3rd St N	3/16/2016	1,903,475.78	-	-	-	7,550,036.23	-	9,453,512.01
Mid America Steel - NP Ave, North	6/21/2016	437,371.41	-	-	-	5,370,000.00	-	5,807,371.41
Case Plaza 117NP Ave N	1/12/2017	250,205.32	-	-	-	-	-	250,205.32
Home Buyouts - Fargo								
1322 Elm St N	11/19/2014	347,270.27	-	-	-	47,168.14	-	394,438.41
1326 Elm St N	12/23/2014	230,196.41	-	-	-	8,001.02	-	238,197.43
1341 N Oak St	1/29/2015	309,888.24	-	-	-	78,889.24	-	388,777.48
1330 Elm St N	2/12/2015	229,982.44	-	-	-	62,362.63	-	292,345.07
18 North Terrace N	4/2/2015	129,698.25	-	-	-	44,688.72	-	174,386.97
1318 Elm St N	5/29/2015	229,012.67	-	-	-	55,452.01	-	284,464.68
724 North River Road	6/8/2015	204,457.83	-	-	-	35,615.30	(10,000.00)	230,073.13
1333 Oak Street N	6/24/2015	238,513.23	-	-	-	5,249.00	-	243,762.23
26 North Terrace N	9/11/2015	138,619.58	-	-	-	12,620.00	-	151,239.58
16 North Terrace N	9/24/2015	227,987.50	-	-	-	96,717.14	-	324,704.64
24 North Terrace N	11/25/2015	182,437.38	-	-	-	29,269.60	-	211,706.98
1314 Elm Street N	12/18/2015	225,800.09	-	-	-	42,025.00	-	267,825.09
12 North Terrace N	2/9/2016	10,191.00	-	-	-	-	-	10,191.00
1313 Elm Street N		350,000.00	-	-	-	3,360.00	-	353,360.00
Home Buyouts - Moorhead								
387 170th Ave SW	11/1/2013	281,809.91	-	-	-	-	(8,440.00)	273,369.91
16678 3rd St S		-	-	-	192,600.00	80,210.80	-	272,810.80
Home Buyouts - Oxbow								
105 Oxbow Drive	11/28/2012	216,651.85	-	-	-	-	(181,249.54)	35,402.31
744 Riverbend Rd	12/3/2012	343,828.30	-	-	-	2,435.00	-	346,263.30
121 Oxbow Drive	7/31/2013	375,581.20	-	-	-	-	(186,918.33)	188,662.87
333 Schnell Drive	9/20/2013	104,087.79	-	-	-	-	-	104,087.79
346 Schnell Drive	2/13/2014	512,970.73	-	-	-	7,200.00	-	520,170.73
345 Schnell Drive	10/24/2014	478,702.98	-	-	-	6,869.44	-	485,572.42
336 Schnell Drive	1/29/2015	310,888.51	-	-	-	185,620.00	-	496,508.51
5059 Makenzie Circle	5/21/2015	2,698,226.97	-	-	-	10,549.70	-	2,708,776.67
357 Schnell Dr / 760 River Bend Rd	6/18/2015	466,720.80	-	-	-	176,524.79	-	643,245.59
349 Schnell Dr / 761 River Bend Rd	6/26/2015	306,725.20	-	-	-	309,992.53	-	616,717.73
748 Riverbend Rd / 755 River Bend Rd	9/1/2015	480,784.30	-	-	-	205,699.82	-	686,484.12
361 Schnell Dr / 764 River Bend Rd	9/2/2015	490,091.32	-	-	-	267,757.65	-	757,848.97
752 Riverbend Rd / 768 River Bend Rd	9/4/2015	469,078.13	-	-	-	407,103.56	-	976,181.69
353 Schnell Dr / 772 River Bend Rd	9/11/2015	494,342.87	-	-	-	312,212.95	-	806,555.82
SE 1/4-23-137-49 & NW 1/4 SW 1/4 24-137-49 - Heitman	9/30/2015	1,328,151.00	-	-	-	-	-	1,328,151.00
350 Schnell Dr / 769 River Bend Rd	12/15/2015	491,024.01	-	-	-	279,237.35	-	770,261.36
365 Schnell Drive	1/7/2016	125,077.88	-	-	-	-	-	125,077.88
852 Riverbend Rd	1/11/2016	1,222,608.19	-	-	-	10,891.60	-	1,233,499.79
334 Schnell Dr / 751 River Bend Rd	1/15/2016	321,089.77	-	-	-	284,349.88	-	605,439.65
749 Riverbend Rd / 433 Trent Jones Dr	2/1/2016	598,885.43	-	-	-	469,875.64	-	1,068,761.07
326 Schnell Drive	2/19/2016	326,842.17	-	-	-	225,073.09	-	551,915.26
309 Schnell Dr / 325 Trent Jones Dr	5/12/2016	539,895.97	-	-	-	574,412.28	-	1,114,308.25
810 Riverbend Rd / 787 River Bend Rd	6/6/2016	672,125.84	-	-	-	640,625.43	-	1,312,751.27
833 Riverbend Rd / 446 Trent Jones Dr	7/14/2016	801,671.69	-	-	-	579,388.16	-	1,381,059.85
328 Schnell Dr / 347 Trent Jones Dr	7/14/2016	320,803.64	-	-	-	329,117.70	-	649,921.34
839 Riverbend Road	7/20/2016	1,775,311.60	-	-	-	10,631.50	-	1,785,943.10
332 Schnell Dr / 335 Trent Jones Dr	8/2/2016	328,639.47	-	-	-	353,321.19	-	681,960.66
317 Schnell Dr / 409 Trent Jones Dr	9/7/2016	548,393.52	136,000.00	86,000.00	-	558,413.52	-	1,106,807.04
330 Schnell Drive	10/4/2016	328,134.82	-	150,000.00	-	122,740.00	-	450,874.82
329 Schnell Dr / 417 Trent Jones Dr	10/4/2016	549,277.00	130,000.00	50,000.00	-	498,601.00	-	1,047,878.00
321 Schnell Dr / 410 Trent Jones Dr	10/7/2016	462,334.69	148,000.00	114,134.00	9,200.00	514,927.48	-	986,462.17
813 Riverbend Rd / 449 Trent Jones Dr	10/14/2016	660,997.62	163,000.00	65,000.00	-	797,937.65	-	1,458,935.27
325 Schnell Drive / 426 Trent Jones Dr	11/3/2016	403,498.66	141,000.00	84,800.00	-	398,605.30	-	802,103.96
844 Riverbend Road	11/11/2016	716,599.40	-	400,000.00	-	15,118.84	-	731,718.24
828 Riverbend Rd	11/30/2016	955,928.53	-	25,000.00	-	-	-	955,928.53
341 Schnell Dr / 343 Trent Jones Dr	12/8/2016	480,921.52	143,000.00	133,475.50	-	651,239.28	-	1,132,160.80
840 Riverbend Rd / 442 Trent Jones Dr	12/21/2016	547,075.19	139,000.00	50,000.00	-	412,331.14	-	959,406.33
816 Riverbend Rd / 441 Trent Jones Dr	12/27/2016	567,413.07	107,000.00	270,426.00	-	331,604.45	-	899,017.52
821 Riverbend Rd / 438 Trent Jones Dr	1/13/2017	580,781.00	-	-	-	-	-	580,781.00
805 Riverbend Rd / 776 River Bend Rd		-	131,000.00	89,855.00	220,855.00	-	-	220,855.00
338 Schnell Dr / 775 River Bend Rd		-	115,000.00	107,500.00	222,500.00	-	-	222,500.00
808 Riverbend Road / 254 South Schnell Dr		-	150,000.00	46,211.25	235,211.25	-	-	235,211.25
817 Riverbend Road / 421 Trent Jones Dr	In Escrow	-	-	-	448,300.00	453,212.00	-	901,512.00
848 Riverbend Rd / 783 River Bend Rd	In Escrow	-	160,000.00	40,000.00	306,000.00	1,340,781.00	-	1,646,781.00
843 Riverbend Rd / 445 Trent Jones Dr	In Escrow	-	160,000.00	20,000.00	700,000.00	1,163,752.00	-	1,863,752.00
829 Riverbend Rd / 788 River Bend Rd		-	-	-	-	8,000.00	-	8,000.00
337 Schnell Dr / 353 Trent Jones Dr		-	124,000.00	98,021.00	222,021.00	-	-	222,021.00
313 Schnell Drive/ 413 Trent Jones Dr		-	133,000.00	64,243.00	197,243.00	-	-	197,243.00
Home Buyouts - Hickson								
17495 52nd St SE	4/28/2015	785,747.66	-	-	-	27,604.74	-	813,352.40
4989 Klitzke Drive, Pleasant Twp	7/20/2016	245,926.71	-	-	-	92,817.44	-	338,744.15

**FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of February 24, 2017**

Property Address	Purchase Date	Purchase Price	Replacement Lot	Down Payment	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
Easements - Fargo								
Part of Lot 5 El Zagal Park	10/9/2014	76,000.00	-	-	-	-	-	76,000.00
72 2nd St N	4/13/2016	37,020.00	-	-	-	-	-	37,020.00
Easements - Oxbow								
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-	-	-	-	-	55,500.00
Easements - Diversion Inlet Control Structure								
15-0000-02690-020 - Cossette		476,040.00	-	-	-	-	-	476,040.00
64-0000-02730-000 - Sauvageau		268,020.00	-	-	-	-	-	268,020.00
64-0000-02720-000 - Ulstad		469,874.00	-	-	-	-	-	469,874.00
64-0000-027400-000 - Duboard	9/15/2016	177,399.29	-	-	-	-	-	177,399.29
Easements - Minesota								
Askegaard Hope Partnership	10/14/2016	1,542,370.79	-	-	-	-	-	1,542,370.79
Farmland Purchases								
SE 1/4 11-140-50 (Raymond Twp) - Ueland	1/20/2014	959,840.00	-	-	-	-	-	959,840.00
2 Tracts in the E 1/2-2-137-49 - Sorby/Maier	1/24/2014	1,636,230.00	-	-	-	-	-	1,636,230.00
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	-	-	-	-	-	3,458,980.70
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	-	-	991,128.19
NW 1/4 36-141-50 - Monson	5/7/2014	943,560.05	-	-	-	-	-	943,560.05
W 1/2 SE 1/4 SW 1/4 & SW 1/4 SW 1/4 2-137-49 - Gorder	5/13/2014	321,386.00	-	-	-	-	-	321,386.00
SW 1/4-11-140-50 - Hoglund	7/21/2014	989,706.03	-	-	-	-	-	989,706.03
NW 1/4 14-140-50 - Hoglund	10/23/2014	948,782.22	-	-	-	-	-	948,782.22
SW 1/4 2-140-50 -Rust	10/29/2014	955,901.00	-	-	-	-	-	955,901.00
2-140-50 S 1/2 of NW 1/4 & Lot 4A - Pile	3/4/2015	594,108.00	-	-	-	-	-	594,108.00
Fercho Family Farms,	3/25/2015	464,600.00	-	-	-	-	-	464,600.00
W 1/2 NW 1/4 2-141-49 - Heiden	4/24/2015	433,409.00	-	-	-	-	-	433,409.00
(Raymond Twp) - Henke	6/17/2015	1,196,215.00	-	-	-	-	-	1,196,215.00
Land Purchases								
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	-	-	-	(730,148.14)	(246,132.14)
Lot 4, Block 4, ND R-2 Urban Renewal Addition, Fargo ND - Professional Associates	5/14/2015	39,900.00	-	-	-	-	-	39,900.00
BNSF Railway Company		-	-	-	27,000.00	-	-	27,000.00
		60,149,262.38	2,080,000.00	1,894,665.75	2,780,930.25	31,356,778.38	(1,117,856.01)	93,169,115.00
							Property Management Expense	837,726.73
							Property Management Income	(627,228.27)
							Grand Total	\$ 93,379,613.46

**FM Metropolitan Area Flood Risk Management Project
In-Town Levee Work
as of February 24, 2017**

Vcode #	Vendor Name	Descriptions	Contract Amount	Amount Paid
V02801	Industrial Builders	WP42.A2 - 2nd Street North Pump Station	\$ 8,683,649.98	\$ 2,948,201.48
V02802	Terracon Consulting	WP-42 (In Town Levees) Materials Testing	\$ 828,792.49	\$ 573,068.81
V02803	Consolidated Communications	2nd Street Utility Relocation	\$ 1,178,781.73	\$ 544,177.84
V02804	702 Communications	2nd Street Utility Relocation	\$ 326,243.91	\$ 66,981.89
V02805	ICS	WP-42A.1/A.3 - 4th St Pump Station & Gatewell and 2nd St Floodwall S	\$ 17,583,287.19	\$ 5,583,654.99
V02806	HMG	WP42 - Services During Construction	\$ 4,932,000.00	\$ 2,961,604.21
V02807	CCJWRD	In-Town Levee Work	\$ 4,445,356.91	\$ 3,045,910.82
V02808	City of Fargo	Relocation of fiber optic along 2nd Street North	\$ 397,906.52	\$ 359,904.47
V02809	AT & T	2nd Street Utility Relocation	\$ 569,404.44	\$ 290,440.16
V02810	Cable One	2nd Street Utility Relocation	\$ 148,511.37	
V02811	Xcel Energy	2nd Street & 4th Street Utility Relocations	\$ 925,076.69	\$ 174,255.08
V02812	Industrial Builders	WP-42F.1S - 2nd Street North Floodwall, South of Pump Station	\$ 16,737,490.08	\$ 13,904,848.64
V02813	Landwehr Construction	Park East Apartments Demolition	\$ 1,177,151.74	\$ 1,059,891.74
V02814	Primoris Aevenia	2nd Street Utility Relocation	\$ 16,230.00	\$ 2,660,937.92
V02815	Centurylink Communications	2nd Street Utility Relocation	\$ 2,660,937.92	\$ 902,224.85
V02816	Landwehr Construction	WP-42C.1 - In-Town Levees 2nd Street/Downtown Area Demo	\$ 907,999.08	\$ 1,672,339.91
V02817	Reiner Contracting, Inc	WP-42H.2 - El Zagal Area Flood Risk Management	\$ 1,601,366.99	\$ 748,982.25
V02818	Industrial Builders	WP-42I.1 - Mickelson Levee Extension	\$ 738,880.50	\$ 12,451,852.14
V02819	Industrial Builders	WP42F.1N - 2nd Street North	\$ 13,300,425.65	\$ 851,775.30
V02820	CH2M Hill	WP42 - Construction Management Services	\$ 1,020,000.00	\$ 1,215,633.53
V02821	Hough Incorporated	WP42F.2 - 2nd Street South	\$ 1,603,909.25	\$ 1,215,633.53
V01703	Various	In-Town Property Purchases	\$ 19,446,597.58	\$ 16,720,085.56
			\$ 99,230,000.02	\$ 69,952,405.12

**Fargo-Moorhead Metropolitan Area Flood Risk Management Project
State Water Commission Funds Reimbursement Worksheet
Fargo Flood Control Project Costs - HB1020 & SB2020**

Time Period for This Request: January 1, 2017 - January 31, 2017

Drawdown Request No: 39	
Requested Amount:	\$ 1,535,060
Total Funds Expended This Period:	\$ 2,239,402
Total Funds Requested at 100% Match	830,718
Remaining Funds Requested at 50% Match	1,408,683
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	704,342
Total Funds Requested:	\$ 1,535,060

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
Appropriations from 2015 Legislative Session		69,000,000
Appropriations to be funded in 2017 Legislative Session - Available 7/1/2017	51,500,000	
Appropriations to be funded in 2019 Legislative Session - Available 7/1/2019	51,500,000	
Appropriations to be funded in 2021 Legislative Session - Available 7/1/2021	51,500,000	
Appropriations to be funded in 2023 Legislative Session - Available 7/1/2023	51,500,000	
Total State Funds	206,000,000	244,000,000
Less: Payment #1 through #35 - City of Fargo		(55,510,209)
Less: Payment #1 - Cass County		(136,039)
Less: Payment #1 through #20 - FM Diversion Authority		(28,862,208)
Less: Payment #21 - FM Diversion Authority		(2,580,786)
Less: Payment #22 - FM Diversion Authority		(3,998,879)
Less: Payment #23 - FM Diversion Authority		(1,985,040)
Less: Payment #24 - FM Diversion Authority		(2,752,283)
Less: Payment #25 - FM Diversion Authority		(10,000,000)
Less: Payment #26 - FM Diversion Authority		(1,021,657)
Less: Payment #27 - FM Diversion Authority		(4,940,909)
Less: Payment #28 - FM Diversion Authority		(2,209,200)
Less: Costs Moved from Fargo Flood Control (Diversion) to Interior Flood Control		20,301,855
Less: Payment #29 - FM Metro Area Flood Risk Management Project		(2,900,000)
Less: Payment #30 - FM Metro Area Flood Risk Management Project		(3,681,747)
Less: Payment #31 - FM Metro Area Flood Risk Management Project		(6,900,000)
Less: Payment #32 - FM Metro Area Flood Risk Management Project		(3,725,044)
Less: Payment #33 - FM Metro Area Flood Risk Management Project		(4,655,547)
Less: Payment #34 - FM Metro Area Flood Risk Management Project		(22,500,000)
Less: Payment #35 - FM Metro Area Flood Risk Management Project		(6,062,680)
Less: Payment #36 - FM Metro Area Flood Risk Management Project		(3,506,589)
Less: Payment #37 - FM Metro Area Flood Risk Management Project		(4,676,079)
Less: Payment #38 - FM Metro Area Flood Risk Management Project		(4,401,701)
Less: Payment #39 - FM Metro Area Flood Risk Management Project		(1,535,060)
Total Funds Reimbursed		(158,239,802)
Total State Fund Balances Remaining	\$	85,760,198

Fargo-Moorhead Metropolitan Area Flood Risk Management Project
 State Water Commission Funds Reimbursement Worksheet
 Fargo Flood Control Project Costs - HB1020 & SB2020

LOCAL MATCHING FUNDS SUMMARY:	
Matching Funds Expended To Date - FM Metro Area Flood Risk Management Project	\$ 71,531,554
Less: Match Used on Payment #1 through #35 - City of Fargo	(41,506,620)
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)
Less: Match Used on Payment #6 - FM Diversion Authority	(238,241)
Less: Match Used on Payment #8 - FM Diversion Authority	(346,664)
Less: Match Used on Payment #11 - FM Diversion Authority	(470,398)
Less: Match Used on Payment #12 - FM Diversion Authority	(237,286)
Less: Match Used on Payment #16 - FM Diversion Authority	(3,018,978)
Less: Match Used on Payment #17 - FM Diversion Authority	(1,374,624)
Less: Match Used on Payment #20 - FM Diversion Authority	(1,427,344)
Less: Match Used on Payment #22 - FM Diversion Authority	(116,437)
Less: Match Used on Payment #23 - FM Diversion Authority	(487,124)
Less: Match Used on Payment #24 - FM Diversion Authority	(1,688,474)
Less: Match Used on Payment #26 - FM Diversion Authority	(445,642)
Less: Match Used on Payment #28 - FM Diversion Authority	(1,116,010)
Less: Match Used on Payment #30 - FM Metro Area Flood Risk Management Project	(1,581,147)
Less: Match Used on Payment #32 - FM Metro Area Flood Risk Management Project	(1,215,895)
Less: Match Used on Payment #33 - FM Metro Area Flood Risk Management Project	(2,785,070)
Less: Match Used on Payment #35 - FM Metro Area Flood Risk Management Project	(1,292,963)
Less: Match Used on Payment #36 - FM Metro Area Flood Risk Management Project	(509,507)
Less: Match Used on Payment #37 - FM Metro Area Flood Risk Management Project	(2,741,983)
Less: Match Used on Payment #38 - FM Metro Area Flood Risk Management Project	(3,580,994)
Less: Match Used on Payment #39 - FM Metro Area Flood Risk Management Project	(830,718)
Balance of Local Matching Funds Available	\$ 4,297,907

MAR 13 2017



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

MAR 09 2017

Planning, Programs and Project Management Division
Project Management Branch

SUBJECT: Fargo-Moorhead Metropolitan Area, Construction Phase – Funds Request 002 for
2017 Surveys and Mitigation

Chairman Tim Mahoney
Metro Flood Diversion Authority
Box 2806
211 Ninth Street South
Fargo, North Dakota 58108-2806

Dear Chairman Mahoney:

The Corps of Engineers is in the process of contracting for biotic and geomorphic baseline surveys and cultural mitigation projects. As previously communicated, completing these tasks in 2017 is important and required. Due to the uncertain timing of FY17 federal appropriations, we are requesting non-federal sponsor funds to award the task orders and get this work started. The following funds will be required by 1 April 2017 in order to award the task order amounts:

Biotic Monitoring: \$450,000
Geomorphic Monitoring: \$500,000
Geomorphic Surveys: \$200,000
Cultural, Phase II investigations \$30,000
Cultural, Phase III mitigation \$50,000

Total request: \$1,230,000

Note that the amount for the Phase III cultural resources mitigation is for the initial task associated with this effort, with the final total task order amount estimated to be approximately \$2,000,000.

These funds will count towards the required cash contribution (5 percent of the Federally Comparable Plan) and are associated with Cost Share Control Record Number 555. A total of \$7,007,366.83 was provided as advance funds during the preconstruction, engineering and design phase and \$45,000,000 was provided during the construction phase bringing the total cost share funds provided by the Fargo-Moorhead Metropolitan Area sponsors to date to \$52,007,366.83 out of an estimated total of \$64,967,550. Note that, as stated in the Project Partnership Agreement, neither the Government nor the Non-Federal Sponsors is considered, the agent of the other.

We request that \$1,230,000 be wired directly to the U.S. Army Corps of Engineers. We are providing the following information:

a. Bank Name: Cash Link-ACH Receiver
Account Name: [REDACTED]
Bank ABA Number: [REDACTED]
Account Number: [REDACTED]
Bank Address: Riverdale MD
Account Type: Checking

b. Advance Account Number: 349

c. ROV Number: 1948

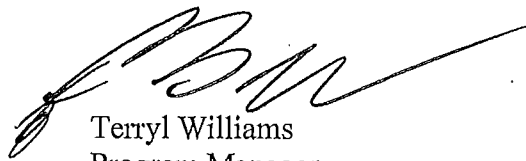
d. Cost Share Number: 555

The instructions require a notification letter from the non-Federal sponsor 14 days in advance of the transfer. To do this, please email terryl.l.williams@usace.army.mil and cherie.d.law@usace.army.mil with the date of transfer, amount and type of transfer. We will then forward this information to our point of contact at our Finance Center in Tennessee.

Please contact Cherie D. Law of our Finance and Accounting Branch at (651) 290-5465, if additional help is required to complete the electronic funds transfer.

If you have any questions concerning this potential request, please contact me at (651) 290-5517 or at terryl.l.williams@usace.army.mil.

Sincerely,



Terry Williams
Program Manager

cc;

Honorable Del Rae Williams
Mayor of Moorhead
500 Center Avenue
PO Box 779
Moorhead, MN 56561-0779

Honorable Dr. Tim Mahoney
Mayor of Fargo
200 Third Street North
Fargo, ND 58102

Mr. Bob Zimmerman
Moorhead City Hall
500 Center Avenue
PO Box 779
Moorhead, MN 56561-0779

Mr. Michael Redlinger
Assistant City Administrator
200 Third Street North
Fargo, ND 58102

Mr. Darrell Vanyo
Cass County
211 9th Street South
PO Box 2806
Fargo ND 58108-2806

Finance Committee Bills through March 15, 2017

Vendor	Description		
Dorsey & Whitney LLP	Legal services rendered through January 31, 2017	\$	145,940.66
Warner and Company	Renew liability coverage	\$	5,174.00
Ohnstad Twichell, P.C.	Professional services rendered	\$	140,407.87
Cass County Joint Water Resource District	Diversion bills	\$	4,591,721.28
City of Fargo	Reimburse 2016 operation and maintenance of lift stations	\$	6,402.85
Erik R. Johnson & Associates, Ltd.	Legal services rendered through February 25, 2017	\$	1,918.40
U.S. Army Corps of Engineers	2017 surveys and mitigation	\$	1,230,000.00
F-M Metro COG	Aerial imagery/LiDAR mapping	\$	238,030.07
Total Bills Received through March 15, 2017		\$	6,359,595.13



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

February 21, 2017
Invoice No. 3331401

RECEIVED
BY _____ DATE 2-23-17

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

For Legal Services Rendered Through January 31, 2017

INVOICE TOTAL

Total For Current Legal Fees	\$145,787.00
Total For Current Disbursements and Service Charges	\$153.66
Total For Current Invoice	\$145,940.66
Summary of Account	
*Prior Balance Due	\$139,978.76
Total Amount Due	\$285,919.42
*If payment has been submitted for prior balance due, please disregard.	

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 1-800-361-0760. 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

(This account is only for Wire/ACH payments)
ABA Routing Number: 091000022
Account Number: 1047-8339-8282
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



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

February 27, 2017

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 February 21, 2017 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through January 31, 2017 on the Red River Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to Dorsey Whitney.

Sincerely,

A handwritten signature in black ink, appearing to be "ERJ", with a stylized flourish extending from the end of the signature.

Erik R. Johnson

ERJ/lmw
Enclosure
cc: Bruce Grubb



Warner and Company

Insurance Since 1911

318 Broadway • P.O. Box 1470

Fargo, North Dakota 58107

701-237-6414 • Fax 701-239-0009 • 1-800-369-2501

www.warnerandcompany.com

Invoice # 2065	Page 1 of 1
Account Number	Date
DIVEBOA-01	2/20/2017
BALANCE DUE ON	
3/19/2017	
AMOUNT PAID	Amount Due
	\$5,174.00

Producer: Richard Penning

**Diversion Board of Authority
Metro Flood Diversion Authority
c/o Kent Costin, 200 North 3rd St
Fargo, ND 58102**

▼ PLEASE RETURN TOP PORTION WITH YOUR REMITTANCE -- THANK YOU ▼

General Liability	ND Insurance Reserve Fund	PolicyNumber: GL000337305	Effective: 3/19/2017 to 3/19/2018
-------------------	---------------------------	---------------------------	-----------------------------------

Item #	Trans Eff Date	Trans	Description	Amount
80848	3/19/2017	RENB	Renew Liability Coverage	\$5,174.00
Total Invoice Balance:				\$5,174.00

A late payment charge equal to 1.5% will be imposed on each transaction not paid within 30 days of the due date
2/20/2017

Diversion Board of Authority

Page 1 of 1

If the insurance is not wanted, the policy or memorandum should be returned to our office at once.
Holding the contract in your possession will be considered your acceptance of it.

INVOICE



Warner and Company Insurance

318 Broadway
PO Box 1470
Fargo, ND 58107-1470
T (701) 237-6414
F (701) 239-0009
warnerandcompany.com

2/20/2017

Diversion Board of Authority
c/o Kent Costin
200 North 3rd St
Fargo ND 58102

RE: Commercial General Liability Policy #: GL000337305

Dear Kent:

Enclosed is the renewal of your Commercial General Liability policy effective 3/19/2017 written through ND Insurance Reserve Fund.

Please review the policy carefully and let me know if any of the provisions are unclear or if any revisions are necessary. Throughout the policy term, please keep us informed of any changes in your operations.

Also enclosed is an invoice in the amount of \$5,174.00. Please remit payment in the enclosed return envelope prior to the due date to avoid any late charges.

Thank you for your continued business. Please do not hesitate to call me with any questions or concerns.

Sincerely,

Ross Gailfus
Key Account Manager/Vice President
rgailfus@warnerandcompany.com

Enclosure
Renewal policy/Invoice

OHNSTAD TWICHELL, P.C.
ATTORNEYS AT LAW

15-1395 JTS Invoice # 147993
 Flood Diversion Board
 Bond Counsel Work – PPP
 Page 1 of 2

901 13TH AVENUE EAST, P.O. BOX 458
 WEST FARGO, ND 58078-0458
 (701) 282-3249

To: Flood Diversion Board
 PO Box 2806
 Fargo, ND 58108-2806

DATE: March 1, 2017

AMOUNT REMITTED \$ _____

Please detach. Return upper portion with your payment.
 Payments received after the statement date will be reflected on next month's statement. Thank you.

PROFESSIONAL SERVICES RENDERED

15-1395 JTS Invoice #147993 Flood Diversion Board Bond Counsel Work – PPP Research 1

Attorney	Hours	Rate	Fees
JTS	136.60	\$300.00	\$40,980.00
RGH	.50	\$300.00	\$150.00
SNW	.2	\$300.00	\$60.00
KJB	138.20	\$265.00	\$36,623.00
TJL	94.80	\$250.00	\$23,700.00
LWC	9	\$200.00	\$1,800.00
CBC	90.60	\$200.00	\$18,120.00
AJM	84.3	\$150.00	\$12,645.00
LSH	37.50	\$130.00	\$4,875.00
HCG	5.20	\$130.00	\$676.00
Total	596.9		\$139,629.00
Expenses:			
AT & T Conference Calls			\$29.81
Westlaw			\$500.00
Cass County Recorder			\$232.00
Postage-UPS			\$17.06
Grand Total			\$140,407.87

* Drafting of documents and work streams related to financing, P3, and joint powers agreements.

	Hourly Rate
JTS - John T. Shockley, Partner, Supervising Attorney	\$300.00
RGH - Robert G. Hoy, Partner	\$300.00
SNW –Sarah M. Wear, Partner	\$300.00
KJB - Katie J. Bertsch, Associate	\$265.00
TJL – Tyler J. Leverington, Associate	\$250.00
LWC – Luke W. Croaker, Associate	\$200.00
CBC – Calley B. Campbell, Associate	\$200.00
AJM - Andrea J. Murphy, Paralegal	\$150.00
LSH – Lori S. Hersrud, Paralegal	\$130.00
HCG – Hannah C. Gilbert, Paralegal	\$130.00

PROFESSIONAL SERVICES RENDERED

15-1395 JTS Invoice #147993 Flood Diversion Board Bond Counsel Work – PPP Research 1

FILE NUMBER	MATTER DESCRIPTION	INVOICE TOTAL
151395-0	Bond Counsel Work – PPP - Expenses	\$ 778.87
151395-1	General Topics (Includes General Governance Questions, Notices, ETC.)	\$ 1,740.00
151395-2	Executive Director	\$ 600.00
151395-3	P3 Procurement	\$ 52,792.00
151395-4	Public Finance Issues	\$ 4,785.00
151395-5	Consultant Contract Review/Development	\$ 6,520.00
151395-6	Support of External Litigation Counsel	\$ 2,960.00
151395-9	Environmental Permitting Issues/NEPA	\$ 20,765.00
151395-13	Third Party Utility MOUS	\$ 49,467.00
TOTAL		\$140,407.87



Cass County
Joint Water
Resource
District

March 15, 2017

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

Mark Brodshaug
Chairman
West Fargo, North Dakota

Rodger Olson
Manager
Leonard, North Dakota

Dan Jacobson
Manager
West Fargo, North Dakota

Ken Lougheed
Manager
Gardner, North Dakota

Jacob Gust
Manager
Fargo, North Dakota

Greetings:

RE: Metro Flood Diversion Project
DPAC
Oxbow-Hickson-Bakke Ring Levee Project
In-Town Levees Project

Enclosed please find copies of bills totaling \$4,591,721.28 regarding the above referenced projects. The breakdown is as follows:

Metro Flood Diversion	\$1,974,660.35
DPAC	3,423.50
Oxbow-Hickson-Bakke Ring Levee	2,509,432.70
In-Town Levees	104,204.73

At this time, we respectfully request 100% reimbursement as per the Joint Powers Agreement between the City of Fargo, Cass County and Cass County Joint Water Resource District dated June 1, 2015.

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

Enclosures

701-298-2381
FAX 701-298-2397
wrld@casscountynnd.gov
casscountygov.com

METRO FLOOD DIVERSION RIGHT OF ENTRY/LAND ACQUISITION COST SHARE INVOICES

Updated 3/3/17

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
1/10/2013	12/11/2012			95.90	Erik R. Johnson & Associates, LTD	Legal-ROE mailings
2/9/2017	1/21/2017	147237	100007	1,069.50	Ohnstad Twichell, P.C.	Legal-FM Diversion - Right of Entry
2/9/2017	1/21/2017	147239	130007	13,236.35	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
2/9/2017	1/21/2017	147248	170007	749.50	Ohnstad Twichell, P.C.	Legal-Diversion Acquisition - 1099 Preparation
2/9/2017	1/21/2017	147242	160007	538.00	Ohnstad Twichell, P.C.	Legal-Diversion Acquisition - 1099 Preparation
2/9/2017	1/21/2017	147244	160007	555.00	Ohnstad Twichell, P.C.	Legal-Diversion Authority Agreement-Drains
2/9/2017	1/21/2017	147245	160007	8,415.50	Ohnstad Twichell, P.C.	Legal-Channel Phase I
2/9/2017	1/21/2017	147246	160007	417.00	Ohnstad Twichell, P.C.	Legal-Channel Phase III
2/9/2017	1/30/2017	147532	160007	219.00	Ohnstad Twichell, P.C.	Legal-Eminent Domain - Cossette
2/9/2017	1/21/2017	147236	90007	1,306.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009
2/9/2017	1/21/2017	147241	160007	1,077.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009-Inlet structure
2/23/2017	2/8/2017	705568	38810.00001	340.00	Larkin Hoffman	Legal-Sauvageau property acquisition
2/6/2017	2/6/2017			215,030.91	The Title Company	Vaughn Johnson Property purchase
2/9/2017	1/31/2017	NDFE01312017		2,793.10	Steven Herzog	flowage easement consultation
2/16/2017	2/16/2017			865,913.00	The Title Company	David Campbell property purchase
2/21/2017	2/21/2017			811,993.40	The Title Company	Roger Campbell property purchase
2/9/2017	1/31/2017	1415	2001	3,803.50	Houston-Moore Group	Right-of-entry services
2/14/2017	2/7/2017	62758	R12.00049	10,949.86	Ulteig Engineering	Relocation assistance, land acquisition, project mgmt
2/9/2017	1/31/2017	381094090	479407	24,907.83	CH2M	TO 1-Land acquisition management services - 29%
8/25/2016	8/11/2016			250.00	Mark and Susan Andrews	Soil boring on 59-0000-10926-000 OIN 938
8/25/2016	8/11/2016			250.00	Coster Real Estate Trust	Soil boring on 53-0000-09075-000 OIN 9737
8/25/2016	8/11/2016			250.00	Western Trust Company	Soil boring on 67-0000-12649-000 OIN 1171
2/23/2017	2/23/2017			250.00	Ann Kulas and Stanley Kulas	Soil boring on 59-0000-10948-010
2/23/2017	2/23/2017			250.00	Arlene Larson Trust	Soil boring on 59-0000-10948-030
2/23/2017	2/23/2017			1,250.00	Catherine Furnberg	soil borings on 53-0000-09180-010
2/23/2017	2/23/2017			500.00	Clarence and Doris Krogh Trust	soil borings on 59-0000-10807-040
2/23/2017	2/23/2017			250.00	David Brakken	soil boring on 15-0000-12655-030
2/23/2017	2/23/2017			250.00	Edward Samuelson Living Trust	soil boring on 67-0000-12705-000
2/23/2017	2/23/2017			1,500.00	Harvey Brakken	soil borings on 15-0000-12655-010
2/23/2017	2/23/2017			1,500.00	James Martin and Marlys Martin	soil borings on 53-0000-09177-000
2/23/2017	2/23/2017			750.00	Joanne Knutson	soil borings on 67-0000-12711-050 and 67-0000-12712-010
2/23/2017	2/23/2017			500.00	M Shane Smith and Pamela Smith	soil borings on 67-0000-12711-000
2/23/2017	2/23/2017			500.00	Mary Ann Tintes	soil borings on 53-0000-09061-005
2/23/2017	2/23/2017			1,250.00	Mary Adams	soil borings on 67-0000-12719-010
2/23/2017	2/23/2017			250.00	Stanley and Bea Fuxa Trust	soil boring on 67-0000-12708-010
2/23/2017	2/23/2017			1,250.00	Thunberg Living Trust	soil borings on 53-0000-09129-020
2/23/2017	2/23/2017			250.00	Verden Anderson	soil boring on 15-0000-02641-000
Total				1,974,660.35		

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
2/9/2017	1/21/2017	147238	120007	555.00	Ohnstad Twichell, P.C.	Legal - Assessment district issues
2/23/2017	12/31/2016	51229	P11473-2012-000	949.50	AE2S	FM Area Diversion assessment district
2/23/2017	1/31/2017	51505	P11473-2012-000	1,919.00	AE2S	FM Area Diversion assessment district
Total				3,423.50		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
4/24/2014	3/31/2014	15117		2830-00	-19,579.80	ProSource Technologies, LLC	Invoice paid twice
2/9/2017	1/21/2017	147240		140007	7,069.30	Ohnstad Twichell, P.C.	Legal-property acquisition
2/9/2017	1/30/2017	147533		160007	8,620.00	Ohnstad Twichell, P.C.	Legal-Eminent Domain - Erickson
2/9/2017	1/11/2017				4,330.67	Briena and Gregory Goldsmith	closing costs
2/9/2017	1/11/2017				8,285.00	Kent & Melissa Rademacher	moving costs
2/9/2017	1/11/2017				1,210.00	Paul and Nancy Kochmann	moving costs
2/9/2017	1/25/2017				6,073.08	Fettes Transportation Systems	moving costs for Eldon Johnson
2/10/2017	2/10/2017				287,348.01	The Title Company	Jeffrey Pederson property purchase
2/10/2017	2/10/2017				376,319.24	The Title Company	replacement property-Pederson
02/24/17	02/24/17				478,603.70	The Title Company	property purchase - Strei
02/24/17	02/24/17				529,495.96	The Title Company	replacement property-Strei
02/28/17	02/28/17				337,902.15	The Title Company	property purchase - Eldon Johnson
02/28/17	02/28/17				391,021.81	The Title Company	reaplacement property - Eldon Johnson
02/09/17	01/31/17	4875			630.00	Valley Green and Associates	snow removal on 1/13 for Schnell and Riverbend
02/09/17	01/31/17	4873			245.00	Valley Green and Associates	snow removal on 1/6 for Riverbend
02/09/17	01/31/17	4872			455.00	Valley Green and Associates	snow removal on 1/5 for Schnell
2/9/2017	1/31/2017	4779			497.50	Valley Green and Associates	snow removal at old Oxbow Country Club
02/09/17	01/31/17	240554			199.26	Curt's Lock and Key Service	rekey 321 Schnell Drive
02/23/17	02/06/17	1122560			1,387.40	Cass County Electric Cooperative	service to 130 Oxbow Dr
02/23/17	02/06/17	1136703			293.56	Cass County Electric Cooperative	service to 816 Riverbend Rd
02/23/17	02/06/17	1132169			117.84	Cass County Electric Cooperative	service to 821 Riverbend Rd
2/23/2017	2/6/2017	1108711			3,623.57	Cass County Electric Cooperative	Service to various addresses
2/23/2017	2/14/2017	1136126			410.17	Cass County Electric Cooperative	Service to 828 Riverbend Rd
2/23/2017	2/14/2017	1121701			232.22	Cass County Electric Cooperative	Service to 840 Riverbend Rd
2/9/2017	1/31/2017	381094090		479407	36,073.41	CH2M	TO 1-Land acquisition management services - 42%
2/9/2017	1/31/2017	381094091		479407	4,020.00	CH2M	TO No 3 - construction manangement
11/10/2015	8/31/2015	16440		2830-00	41,143.10	ProSource Technologies, LLC	Project Mgmt, Acquisition, and relocation
2/9/2017	1/31/2017	1417		2003	679.00	Houston-Moore Group	WP-43 Services during construction - on call services
3/24/2016	3/7/2016	B053301		B14-04209	1,021.50	Braun Intertec Corporation	Material testing services
2/9/2017	4/4/2017	5721			1,202.58	Sentry Security & Investigations	Security patrol services
2/23/2017	2/18/2017	5740			502.47	Sentry Security & Investigations	Security patrol services
Total					2,509,432.70		

OXBOW GOLF AND COUNTRY CLUB INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description	
Total					0.00		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description	
2/9/2017	1/30/2017	147531	160007	3,121.00	Ohnstad Twichell, P.C.	Legal - Mondragon eminent domain	
				5,588.00	The Title Company	Property purchase - Burley etc.	
02/09/17		160110448-1		1,977.45	Cass County Treasurer	taxes on 93 NP Ave	
02/09/17	01/31/17	1416	2002	68,610.44	Houston-Moore Group	TO 2 - Negotiation and acquisition services	
2/9/2017	1/31/2017	381094090	479407	24,907.84	CH2M	TO 1-Land acquisition management services - 29%	
Total					104,204.73		
Grand Total					4,591,721.28		



Finance Office

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

March 7, 2017

Metro Flood Diversion Board of Authority
PO Box 2806
Fargo, ND 58108-2806

Dear Metro Flood Diversion Board of Authority,

The City of Fargo is submitting for reimbursement invoices paid totaling \$6,402.85. These costs are for the 2016 operation and maintenance of Lift Stations #18 (304 4th St S) and #23 (200 2nd St N).

Pursuant to Section 13 of the Joint Powers Agreement, the Metro Flood Diversion Authority shall reimburse Member Entities for reasonable costs incurred related to the management, operation, improvement, modification, or maintenance of the Project.

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

Sincerely,

A handwritten signature in cursive script that reads "Kent Costin".

Kent Costin
Director of Finance, City of Fargo

2016 Maintenance Costs - Lifts #18 and #23
COF Expense to be Reimbursed by DA

2016 Electrical Expense for Lift Stations:

<u>Location</u>	<u>Account Number</u>	<u>Statement Date</u>	<u>Service Dates</u>	<u>Amount</u>	<u>COF Check Number</u>	<u>COF Paid Date</u>
200 2nd St N	51-0011458648-5	1/3/2017	11/28/16 - 1/1/17	577.56	Pcard	1/10/2017
200 2nd St N	51-0011458648-5	11/29/2016	10/26/16 - 11/28/16	362.47	274048	12/14/2016
200 2nd St N	51-0011458648-5	10/27/2016	9/27/16 - 10/26/16	539.23	Pcard	11/10/2016
200 2nd St N	51-0011458648-5	9/29/2016	9/2/16 - 9/27/16	589.45	Pcard	10/12/2016
				<u>2,068.71</u>		
304 4th St S	51-0011489710-7	12/14/2016	11/10/16 - 12/13/16	761.70	Pcard	12/23/2016
304 4th St S	51-0011489710-7	11/11/2016	10/12/16-11/10/16	327.92	273354	11/23/2016
304 4th St S	51-0011489710-7	10/13/2016	9/27/16 - 10/12/16	181.78	272500	10/26/2016
				<u>1,271.40</u>		
			Total Electric Expense	<u>3,340.11</u>		

2016 Insurance Expense for Lift Stations:

<u>Location</u>	<u>Policy Number</u>	<u>Effective Date</u>	<u>Policy Period</u>	<u>Amount</u>		
304 4th St S	1949	10/17/2016	7/1/16 - 6/30/17	1,302.19	272447	10/26/2016
200 2nd St N	1949	8/1/2016	7/1/16 - 6/30/17	1,760.55	271190	9/14/2016
			Total Insurance Expense	<u>3,062.74</u>		
			Total Expense for Period	<u><u>6,402.85</u></u>		

Erik R. Johnson & Associates, Ltd.
Attorneys at Law

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

February 25, 2017
Invoice No. 2527

RE: Metro Flood Project-General Legal Matters

For Legal Services Rendered Through February 25, 2017

INVOICE TOTAL

Total for Current Legal Fees	\$1918.40
Total for Current Disbursements and Service Charges	\$-0-
Total for Current Invoice	\$1918.40

Summary of Account

*Prior Balance Due	\$
Total Amount Due	\$1918.40

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

We appreciate your business.

505 Broadway Street North • Suite 206 • Fargo, ND 58102
Phone: (701) 280-1901 • • • Fax: (701) 280-1902

MAR 13 2017



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

MAR 09 2017

Planning, Programs and Project Management Division
Project Management Branch

SUBJECT: Fargo-Moorhead Metropolitan Area, Construction Phase – Funds Request 002 for
2017 Surveys and Mitigation

Chairman Tim Mahoney
Metro Flood Diversion Authority
Box 2806
211 Ninth Street South
Fargo, North Dakota 58108-2806

Dear Chairman Mahoney:

The Corps of Engineers is in the process of contracting for biotic and geomorphic baseline surveys and cultural mitigation projects. As previously communicated, completing these tasks in 2017 is important and required. Due to the uncertain timing of FY17 federal appropriations, we are requesting non-federal sponsor funds to award the task orders and get this work started. The following funds will be required by 1 April 2017 in order to award the task order amounts:

Biotic Monitoring: \$450,000
Geomorphic Monitoring: \$500,000
Geomorphic Surveys: \$200,000
Cultural, Phase II investigations \$30,000
Cultural, Phase III mitigation \$50,000

Total request: \$1,230,000

Note that the amount for the Phase III cultural resources mitigation is for the initial task associated with this effort, with the final total task order amount estimated to be approximately \$2,000,000.

These funds will count towards the required cash contribution (5 percent of the Federally Comparable Plan) and are associated with Cost Share Control Record Number 555. A total of \$7,007,366.83 was provided as advance funds during the preconstruction, engineering and design phase and \$45,000,000 was provided during the construction phase bringing the total cost share funds provided by the Fargo-Moorhead Metropolitan Area sponsors to date to \$52,007,366.83 out of an estimated total of \$64,967,550. Note that, as stated in the Project Partnership Agreement, neither the Government nor the Non-Federal Sponsors is considered, the agent of the other.

We request that \$1,230,000 be wired directly to the U.S. Army Corps of Engineers. We are providing the following information:

a. Bank Name: Cash Link-ACH Receiver
Account Name: [REDACTED]
Bank ABA Number: [REDACTED]
Account Number: [REDACTED]
Bank Address: Riverdale MD
Account Type: Checking

b. Advance Account Number: 349

c. ROV Number: 1948

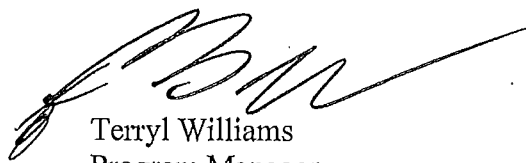
d. Cost Share Number: 555

The instructions require a notification letter from the non-Federal sponsor 14 days in advance of the transfer. To do this, please email terryl.l.williams@usace.army.mil and cherie.d.law@usace.army.mil with the date of transfer, amount and type of transfer. We will then forward this information to our point of contact at our Finance Center in Tennessee.

Please contact Cherie D. Law of our Finance and Accounting Branch at (651) 290-5465, if additional help is required to complete the electronic funds transfer.

If you have any questions concerning this potential request, please contact me at (651) 290-5517 or at terryl.l.williams@usace.army.mil.

Sincerely,



Terry Williams
Program Manager

cc;

Honorable Del Rae Williams
Mayor of Moorhead
500 Center Avenue
PO Box 779
Moorhead, MN 56561-0779

Honorable Dr. Tim Mahoney
Mayor of Fargo
200 Third Street North
Fargo, ND 58102

Mr. Bob Zimmerman
Moorhead City Hall
500 Center Avenue
PO Box 779
Moorhead, MN 56561-0779

Mr. Michael Redlinger
Assistant City Administrator
200 Third Street North
Fargo, ND 58102

Mr. Darrell Vanyo
Cass County
211 9th Street South
PO Box 2806
Fargo ND 58108-2806



Fargo-Moorhead Metropolitan Council of Governments

701.232.3242 • FAX 701.232.5043 • Case Plaza Suite 232 • One 2nd Street North • Fargo, North Dakota 58102-4807

Email: metrocog@fmmetrocog.org

http://www.fmmetrocog.org

Invoice

Invoice Number: 746
Invoice Date: 02/14/2017
Due Date: 03/14/2017

Contact:
City of Fargo
Attn: Nathan Boerboom
200 3 St N
Fargo, ND 58102

Metro COG Contact:
Dave Burns
701.232.3242 ext. 36
burns@fmmetrocog.org

Bill to:
City of Fargo
Attn: Nathan Boerboom
200 3 St N
Fargo, ND 58102

Ship to (if different address):

Unit No.	Description	Qty	Amount
Project 2016-004	2017 Aerial Collection: Aerial Ortho Imagery (CPG Eligible portion)	1	\$21,387.15
Project 2016-004	2017 Aerial Collection: Aerial Ortho Imagery (non-CPG Eligible portion)	1	\$24,047.46
Project 2016-004	2017 Aerial Collection: LiDAR/Elevation/Contour Mapping (CPG Eligible portion)	1	\$50,782.49
Project 2016-004	2017 Aerial Collection: LiDAR/Elevation/Contour Mapping (non-CPG Eligible portion)	1	\$57,099.23
Project 2016-004	2017 Aerial Collection: Planimetric Compilation Updates (Not CPG Eligible)	1	\$84,713.74
Project 2016-004	2017 Aerial Collection: Impervious Surface Polygons (Not CPG Eligible)	0	\$0.00

Subtotal	\$238,030.07
Shipping	-
Tax Rate	-
Tax	-

Total Due \$238,030.07

Please send your remittance to:

**F-M METRO COG
CASE PLAZA
ONE 2ND STREET NORTH, SUITE 232
FARGO ND 58102-4807**



Recommending Contracting Actions.

Date: March 23, 2017

Description	Company	Budget Estimate (\$)
<i>Reimbursement Agreement– Diversion Authority</i>		
RA-MC-001 – Utility Relocation <ul style="list-style-type: none"> Temporary relocation of fiber optic cable for the construction of USACE Diversion Inlet Structure 	Midcontinent Communications	54,738.44
RA-AT-002 – Utility Relocation <ul style="list-style-type: none"> Protection of fiber communication cable; Final Payment 	AT&T	16,865.16
Total		71,603.60

Technical Advisory Recommendation

Meeting Date: 3/14/2017

RECOMMENDATION FOR ACTION:

The Technical Advisory team has reviewed and recommends approval of the following Contract Action(s).

SUMMARY OF AGREEMENT ACTION:

Per the contract review and approval procedures Section 4 that were adopted by the Diversion Authority on November 10, 2016, the Owner’s Program Management Consultant (PMC) or Engineer of Record (EOR) is directed to prepare contracts and seek approval based on the contract’s proposed value. The procedures listed in Section 4.E, are appropriate for this proposed new contract action.

The PMC has prepared the following Contract Action (s):

Midcontinent Communications	\$54,738.44
------------------------------------	--------------------

Reimbursement Agreement

- USACE Diversion Inlet Structure - Temporary relocation of a fiber communication

BACKGROUND AND DISCUSSION:

1. Per the Project Partnership Agreement with USACE, the Diversion Authority is responsible for real property interests, relocations, and disposal area improvements required for construction of the FM Diversion Project.
2. USACE has awarded a contract for the construction of the Diversion Inlet Structure and this project will impact the existing Midcontinent Communications (MidCo) fiber optic line along County Road 17 (CR-17). USACE’s construction contractor has indicated this utility impact is anticipated to occur in the summer of 2017. MidCo provides telephone, internet, and CATV services to residential and non-residential customers in the Horace, ND Area via this fiber optic line. MidCo also has the Northern Plains Network (NPNNet) transport backbone fiber within the sheath of this existing fiber optic line.
3. Temporary relocation of this fiber optic line is required in the spring of 2017 in order to maintain service. A permanent relocation of this fiber optic line will be done after completion of the CR-17 Bridge and roadway realignment.
4. The utility relocation plan contained in the attached, draft Reimbursement Agreement is based on MidCo’s long-term outlook and ongoing evaluation of maintaining services with minimal outages. This Reimbursement Agreement covers the temporary relocation around the USACE eastern project limits.
5. A summary of contracting actions for the utility relocation are listed in the following table.

SUMMARY OF CONTRACTING HISTORY AND CURRENT CONTRACT ACTION:

Original Agreement or Amendment	Original Project Cost	Budget Change	Revised Project Cost	Contract or Amendment Date	Project Completion	Comments
Original Agreement	54,738.44			23-Mar-17	17-Jun-17	Temporary relocation of fiber optic line at CR-17

FINANCIAL CONSIDERATIONS:

1. The utility company is performing (or contracting for) the work, and therefore multiple quotes were not sought.
2. MidCo worked with HMG design staff to develop a utility relocation plan for their fiber optic line running along the eastern side of CR-17, and provided a proposal dated July 29, 2016 for both a temporary and a permanent relocation of their fiber optic line. The temporary relocation cost was estimated at \$37,492.94.
3. Due to a delay in the anticipated start of the USACE Diversion Inlet Structure construction project and available property for the relocation project, MidCo and HMG design staff revised the temporary relocation plan for the CR-17 fiber optic line, and MidCo provided a new proposal dated March 1, 2017.
 - a. The revised temporary relocation plan includes an additional 2,670 feet of deep direction boring to complete the work on property available for the project.
 - b. The revised estimated cost is \$54,738.44 (or an additional \$17,245.50).
4. The average cost per foot of installed HDPE conduit and fiber optic cable is approximately \$6.30 per foot (estimated total length of approximately 8,700 lineal feet). The PMC reviewed this proposal and recommends the Diversion Authority enter into an agreement with MidCo to perform the work.

This change amount of \$54,738.44 is included in the FY-2017 FMDA budget.

ATTACHMENT(S):

1. MidCo Reimbursement Agreement dated March 1, 2017

Submitted by:

John W. Glatzmaier

John Glatzmaier, P.E.
CH2M HILL
Project Manager
Metro Flood Diversion Project

March 10, 2017

Date

Nathan Boerboom, Diversion Authority Project
Manager

Concur: March 13, 2017 Non-Concur: _____

April Walker, Fargo City Engineer

Concur: March 13, 2017 Non-Concur _____

Mark Bittner, Fargo Director of Engineering

Concur: March 13, 2017 Non-Concur: _____

Jason Benson, Cass County Engineer

Concur: March 13, 2017 Non-Concur _____

David Overbo, Clay County Engineer

Concur: March 13, 2017 Non-Concur: _____

Robert Zimmerman, Moorhead City Engineer

Concur: March 13, 2017 Non-Concur _____

Technical Advisory Group Recommendation

Meeting Date: 3/14/2017

RECOMMENDATION FOR ACTION:

The Technical Advisory Group has reviewed and recommends approval of the following Contract Action(s).

SUMMARY OF AGREEMENT ACTION:

The Owner’s Representative has reviewed and recommends the following Contract Action(s):

List description of Agreement Action(s):

AT&T

\$16,865.16

Reimbursement Agreement RA-AT-002

- Final Payment Request (Actual Costs) - Protect fiber communication cable located along 1st Ave N at the Red River Crossing between 2nd St. N and the river.

Summary of Agreement History and Current Agreement Action:

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
RA-AT-002	125,238.30	0	125,238.30	19-May-2016		Protect fiber communication cable located along 1st Ave N at the Red River Crossing between 2nd St. N and the river.
RA-AT-002.1 (Amendment)	16,865.16	125,238.30	142,103.46			Final accounting of actual costs to complete protection of fiber cable for RA-AT-002.

DISCUSSION

1. AT&T lowered existing fiber communication lines to allow the WP-42F.1S floodwall to be constructed over it. This amendment will reimburse AT&T for their actual costs of performing the work. The estimated cost of work totaling \$125,238.30 was prepaid by the Diversion Authority. The project team has reviewed the associated costs and recommends proceeding with the Amendment for final accounting.
2. The construction and inspection work associated with this \$16,865.16 amendment are due to the discovery of abandoned conduits under the floodwall that was not identified prior to construction. There were two 4-inch HDPE and two 2-inch HDPE conduits which had to be removed from under the Floodwall footing for a distance of 155-feet. The conduits were exposed, cut in pieces and removed, and the additional excavation was backfilled.
3. In accordance with Paragraph 2 in the reimbursement agreement, AT&T provided a final invoice for the actual cost of the work for reimbursement.

ATTACHMENT(S):

- 1. Invoice Summary submitted by AT&T for Final Payment
- 2. Executed Reimbursement Agreement RA-AT-002
- 3. Invoice Backup submitted by AT&T for Final Payment

Submitted by:

John W. Glatzmaier

John W. Glatzmaier, P.E.
CH2M
Project Manager
Metro Flood Diversion Project

March 15, 2017

Date

Mark Bittner, Fargo Director of Engineering

Concur: _____ Non-Concur: _____

April Walker, Fargo City Engineer

Concur: 3/16/2016 Non-Concur _____

Nathan Boerboom, Diversion Authority Project
Manager

Concur: 3/15/2017 Non-Concur: _____

Jason Benson, Cass County Engineer

Concur: 3/16/2017 Non-Concur _____

David Overbo, Clay County Engineer

Concur: 3/15/2017 Non-Concur: _____

Robert Zimmerman, Moorhead City Engineer

Concur: 3/15/2017 Non-Concur _____

Disposal of Project Owned Property

March 1, 2017

Background:

In 2013 through the medical hardship program, the Diversion Project purchased a rural home and a couple small parcels of land along the Red River in MN just southeast of Oxbow. The home was removed and the parcels are in the upstream staging area of the Project. There are four parcels totaling approx. 27 acres. Two parcels (approx. 11.5 acres) are tillable and being hayed, and the other two parcels (approx. 15.5 acres) are wooded along the Red River. Two parcels are north of the access road, and two parcels are south of the access road. See attached map.

The Diversion Authority has been asked to explore selling these parcels. In order to sell these parcels, we would need to attach a flowage easement since these parcels are in the staging area.

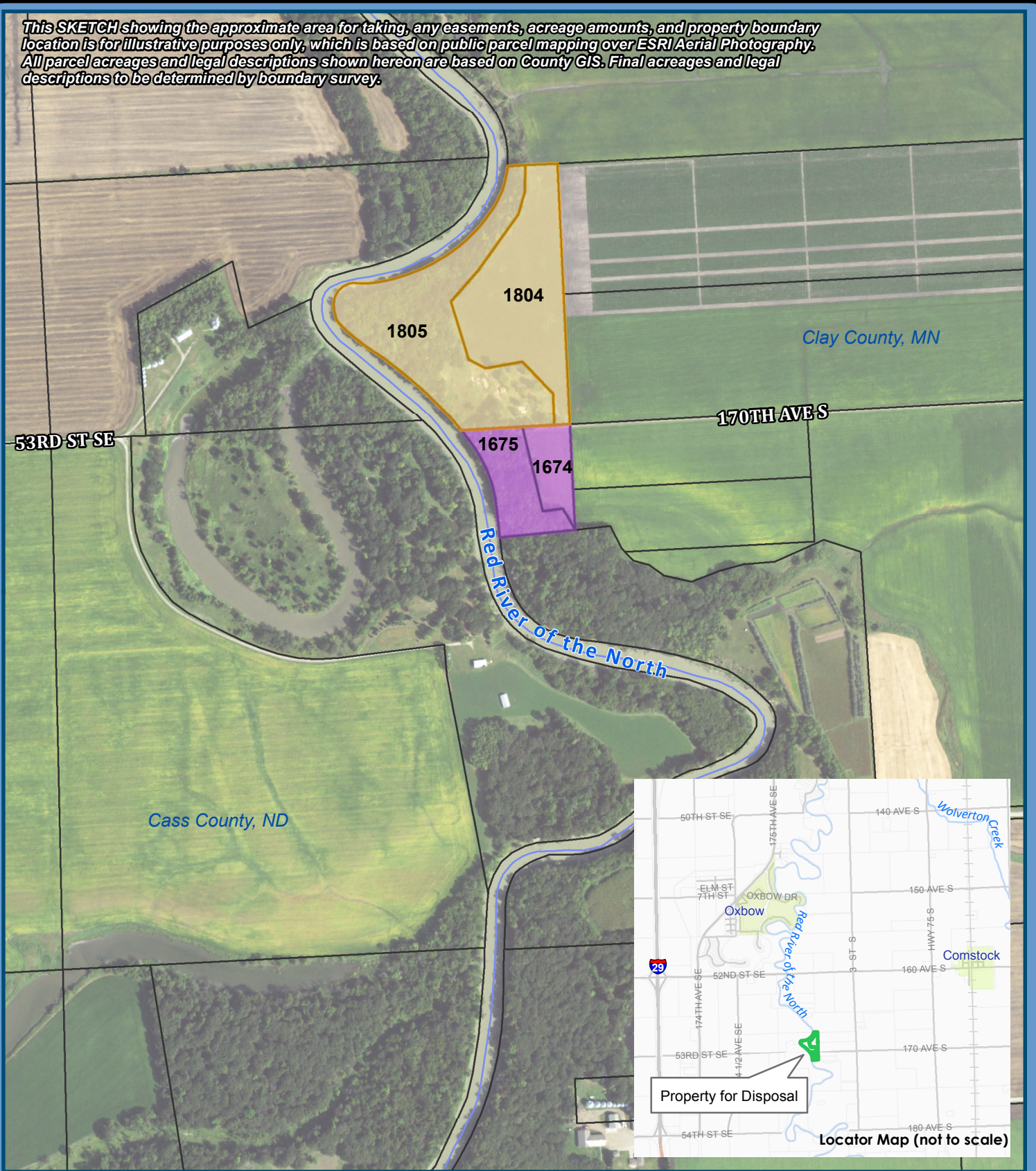
The appraisal conducted prior to purchasing the parcels concluded a total value of the property of \$274K, which included approx. \$174K for the house and “improved area” and \$100K for unimproved area, which was calculated via appraisal at \$5,300 per acre.

Prior to considering disposal of these properties, feedback was obtained from our farmland management firm regarding the marketability of the parcels, USACE regarding the use of these parcels for mitigation, and from our flowage easement appraiser regarding the benefits or risks associated with attaching a flowage easement on these parcels.

Recommendation:



- Retain Pifer’s to sell the parcels via auction
- Auction parcels 1805 & 1806 as one package and 1674 & 1675 as a second package
- Conduct auction sale soon as it could impact the need for rental agreements for spring 2017 on the farm land included in these parcels
- Attach the Flowage Easement to the parcels prior to auction sale

This SKETCH showing the approximate area for taking, any easements, acreage amounts, and property boundary location is for illustrative purposes only, which is based on public parcel mapping over ESRI Aerial Photography. All parcel acreages and legal descriptions shown hereon are based on County GIS. Final acreages and legal descriptions to be determined by boundary survey.




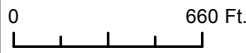
Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.




FM AREA DIVERSION

**Project Owned Property
for Disposal**

March 2017





	Properties for Disposal
	Properties for Disposal
	Property location



Finance Office

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

TO: FMDA FINANCE COMMITTEE
FROM: KENT COSTIN, FMDA FISCAL AGENT 
RE: FISCAL SERVICES CONTRACT AMENDMENTS
DATE: MARCH 14, 2017

The FM Diversion Authority appointed the City of Fargo as fiscal agent for the FMDA project in 2011. This decision was made due to the ability of the City to manage project cash receipts and disbursements and to provide a financial management system and reporting process that was already in place. This agreement was approved as a temporary agreement during the early phases of the project. The agreement has not been amended since that time.

The Finance Committee is recommending an amendment to the fiscal services agreement to add payroll process, handling of cash reserves, and adjustment of the fiscal agent compensation.

Currently, the FMDA cash balance is tracked in the City's accounting system and is segregated in a separate fund for the Diversion Authority. In 2016, the Finance Committee made a recommendation to consolidate dedicated sales tax resources of both the City and the County into this fund. The Diversion Authority approved this recommendation and we have been reporting the fund status since that time in the agenda packets in the Statement of Net Position. The fiscal services agreement with the City of Fargo does not detail how investment income should be handled, and therefore, should be amended to prescribe a procedure to follow to assure that investment income is being credited to the project and an undue burden is not placed on City of Fargo resources in our role as fiscal agent.

Plans are underway to hire an Executive Director that will trigger the need to process payroll. This was contemplated at the time the initial fiscal services agreement was approved; however, it was not incorporated into the agreement.

The amendment of the fiscal services agreement also changes the compensation structure to a fixed monthly amount due to the ongoing support provided by the City of Fargo.

We are presenting a draft amendment to the fiscal services agreement for your consideration. Finance Chair Grindberg and Vice Chair Montplaisir reviewed and discussed the contract amendments with a recommendation to approve.

Suggested Motion:

Approve a revised fiscal services agreement with the City of Fargo retroactive to January 1, 2017.

FM Diversion Authority

Fiscal Services Agreement With The City of Fargo, North Dakota

The FM Diversion Authority (the Authority) has requested that the City of Fargo (the City) as one of two local sponsors of the FM Diversion Project to serve as the fiscal agent for the Authority and the City of Fargo accepted this responsibility. In as much as “fiscal agent” may have different meanings in the minds of many, the City of Fargo provides further clarification of this to accurately reflect the duties and responsibilities assigned by this agreement.

This contract includes the following fiscal services:

- 1) Processing of vendor payments on behalf of the Authority. Authority staff will be incorporated into the City’s standard bill payment methodology. Under this methodology, it will be assumed that one Authority staff person or designee will be appointed to work on the details of the purchase order processing and the [Executive Director] will be responsible to approve all payments made on behalf of the Center prior to the disbursement of funds.
- 2) Recording accounting entries for payroll processed by an outside payroll service bureau after every payroll cycle to the appropriate general ledger accounts. The City intends to use the same payroll service provider as used by the Red River Regional Dispatch Center.
- 3) Cost recovery billings to participating agencies for operational expenditures. Monthly operating expenditures will be billed monthly to project participating agencies. Invoice will be recorded in an open accounts receivable balance and will be due upon presentment.
- 4) Cost recovery billings for capital grants as needed basis. Bills will be sent when funds are needed. Participating agencies agree to wire funds on the day that bills are presented for all large contract obligations.
- 5) Monthly financial statements to include a balance sheet, statement of revenues and and statement of expenditures. Revenue and expenditures will be formatted to provide current month and year to date totals and have the ability to produce budget to actual comparisons. These financial statements will be prepared using the cash basis or accrual basis of accounting. The accounting firm selected by the Authority will process all adjusting entries necessary to convert the Authority’s books to an accrual

accounting. These entries include, but are not limited to, depreciation, amortization, deferred revenues, accrued liabilities, and receivables.

- 6) Monthly listing of contract obligations by vendor contract.
- 7) Electronic distribution of monthly financial reports to the Authority and Finance Committee members.
- 8) Archival of fiscal documents including vendor payments, journal entries, budget amendments, agency billings.
- 9) Maintenance of an on line fiscal accounting and budget management system so that Diversion Authority officials have access to the fiscal accounting system by means of a secured sign on. By acceptance of this agreement the FM Diversion Authority approves the use of standard fiscal management reports that are already incorporated into our standard accounting software format and will not require special formats, design, or alternative reporting requirements, unless requested.
- 10) Cash management services to include account reconciliation and maintenance of fund cash balances. All cash balances will be merged into Fargo's standard cash management process and will be segregated into a separate agency fund. Interest on cash reserves will be allocated to the FM Diversion Fund. Interest charges, if any, accrued on deficit fund balances will be paid to the City of Fargo to recoup lost investment income.
- 11) Backup of all non-payroll financial records. Payroll records will be maintained by the payroll service provider. The Authority is responsible to keep the records produced by the Payroll Service Provider.
- 12) Electronic access to the accounting system via fiber optic cables to Finance Committee members, as requested.
- 13) Notification / discussion directly with the FM Diversion Authority of issues that could arise in the future related to fiscal management.

This contract does NOT INCLUDE the following services:

Fiscal policy development

Human Resource administration

Payroll system maintenance including employee set up and master file maintenance of payroll modules.

Payroll records management or archival

Payroll tax deposits for Federal, State, taxes

Document Management

Benefits administration

Employee Time and Attendance

Strategic Planning

Employee Training and Education

All other management services not specifically listed in the scope of work above

Preparation and drafting of the annual financial statements

Compensation

The compensation rate for fiscal agent services will be .6 FTE of a grant accountant position from the City of Fargo pay plan paid on a monthly basis.

Term of This Agreement

This agreement shall begin on January 1, 2017 and will continue in force as presented until modified by either party. If either party terminates a 90 day notice is required by the terminating party.

Acceptance of Agreement

The FM Diversion Authority hereby approves this contract at its regularly scheduled Board meeting on March.

Chair FM Diversion Authority

Date

Tim Mahoney, Mayor, City of Fargo

Date



US Army Corps
of Engineers
St. Paul District

Monthly Update

March 23, 2017

1. **Diversion Inlet Control Structure**: Awarded December 6 to Ames Construction, Inc. of Burnsville, MN for \$46,040,475. Submittals being reviewed. Construction start after road-restrictions lifted. Partnering session scheduled for 4 April in St. Paul.
2. **Wild Rice Control Structure**: Draft Technical Review plans and specs (65% design) to be provided for Sponsor review on 30 June. Structure will include 2-40 ft. wide tainter gates. Goal is to award a construction contract NLT Sept 2018.
3. **Southern Embankment Design**: Design team preparing to complete the draft Preliminary Engineering Report (35% design) and real estate drawings by 31 May 2017. Includes the embankments in ND, MN and the Limited Service Spillway.
4. **Wild Rice Dam Removal Mitigation Project**: Design team preparing to award construction contract by September 2017 if funded.
5. **Drayton Dam Mitigation Project**: Design team preparing to award construction contract by September 2017 if funded.
6. **Alternate Financing/Split Delivery Plan**: Continuing to assist with further development of RFP and participating in one-on-one meetings with shortlisted teams. Continue reporting progress and status up our chain of command.
7. **In-Town Levees**: Continue to support design and construction to assure features can be incorporated into FMM Project. Includes ATR and IEPR reviews. Initial levee inspections to be held week of March 27.
8. **Project Mitigation/Environmental Compliance**: Continue work to identify additional environmental mitigation sites; focusing on using lands owned by the Diversion Authority. Pursuing Bois de Sioux site and met with some of the landowners last fall.
9. **Rights-of-Entry (ROE) and Surveys**: Preparing to award contracts for geomorphic and biotic surveys and for cultural mitigation of sites on the diversion channel alignment.
10. **1997 Flood Commemoration and Ceremonial Groundbreaking – April 17**: Scheduled for 1:00-2:00 pm at Inlet Site. MG Wehr and Colonel Calkins will represent the Corps. Invites sent 22 March.

Informational Sheet

Richland County

Richland County Impacts

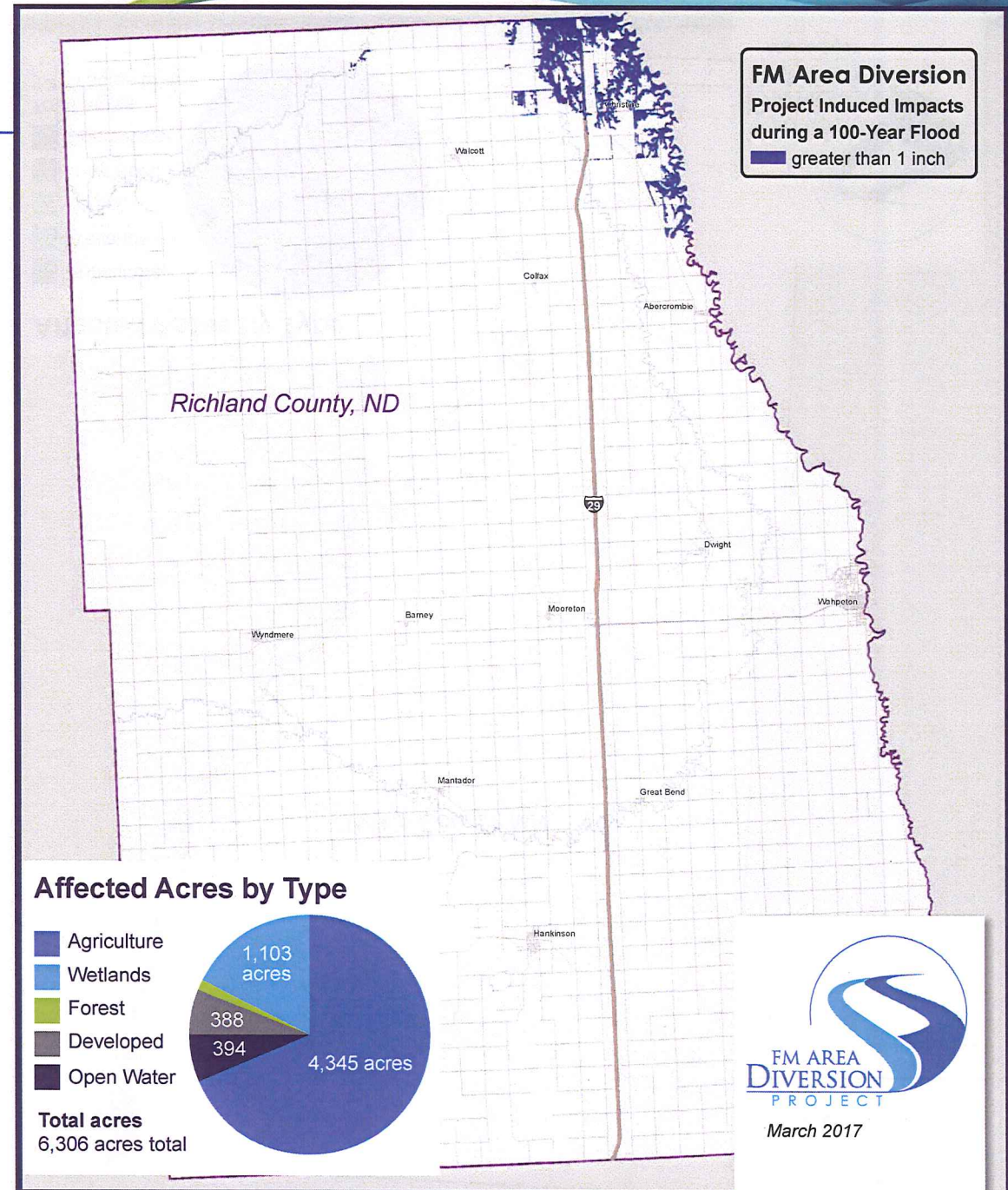
- Due to the dry dam, impacts would only be seen during large flood events when the Diversion Project was operated.
- There would be no impacts until water in the Red River exceeds 35 feet in Fargo. Thirty-feet is considered major flood stage.
- 42% of the acres impacted are already included in the current FEMA 100-year floodplain.
- If the Diversion Project would have been built 100 years ago, it would have operated an estimated 11 times for a total of 69 days.
- During a 100-year flood event, five residential structures would be impacted, two of these structures would be impacted with less than six inches during a 100-year event
- During a 100-year flood, approximately 6,300 acres would have an additional water between one inch to a maximum of three feet.
- The additional duration of flooding is estimated to be two to three days.

Richland County Mitigation

- Flowage Easements will be purchased on impacted land. They will be valued by independent, professional appraisal.
- Development can continue.
- Impacted residences and structures will be acquired in accordance with state and federal law.
- Project impacts will be mitigated consistent with the Mitigation Plan online at www.fmdiversion.com/studies-technical-documents/

Richland County Benefits

- 1,872 Richland County residents, 22% of the county workforce, work in Fargo-Moorhead.
- Flood protection for regional resources including healthcare, entertainment, universities/colleges, transportation and other services.



Informational Sheet

Wilkin County

Wilkin County Impacts

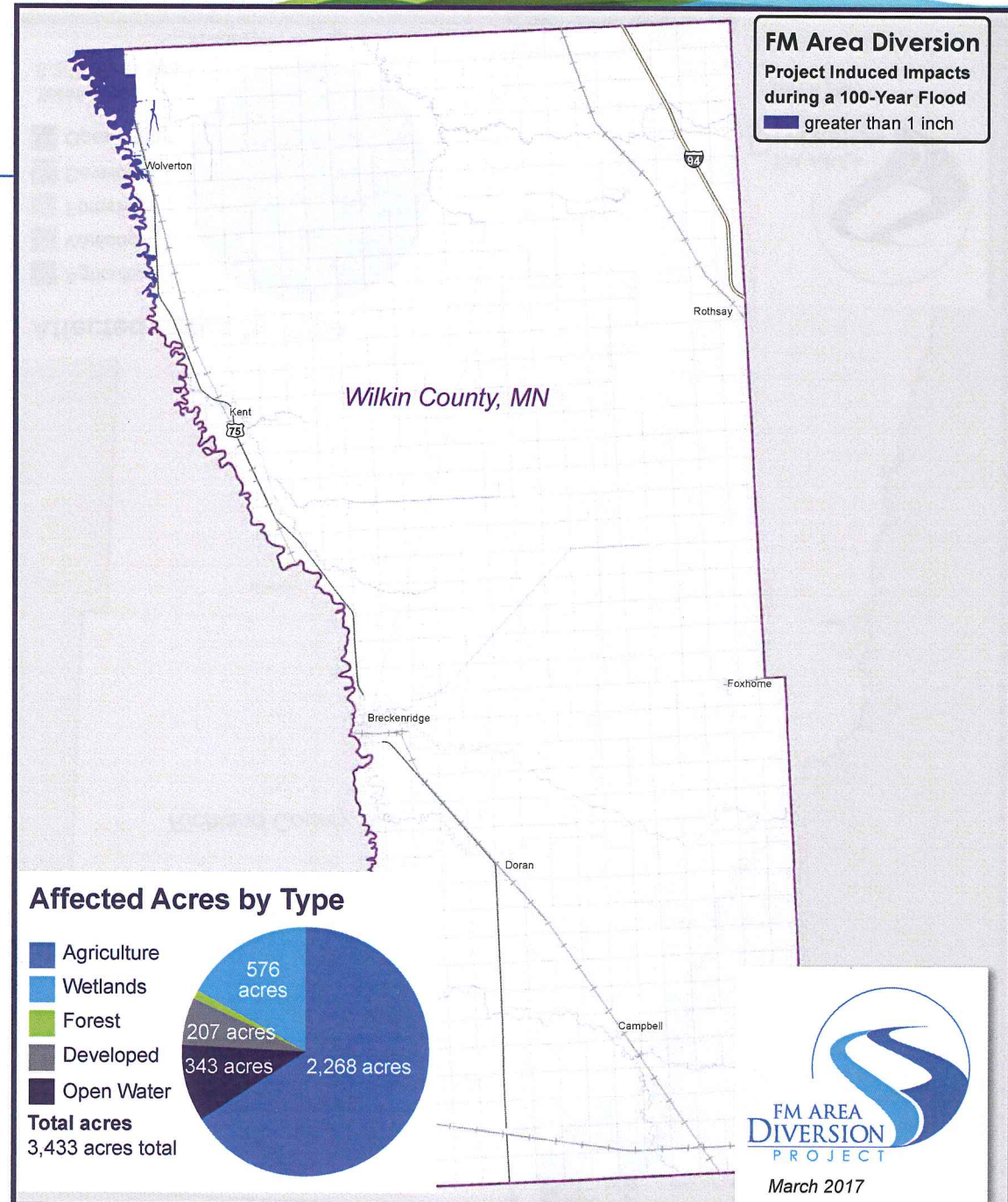
- Due to the dry dam, impacts would only be seen during large flood events when the Diversion Project was operated.
- There would be no impacts until water in the Red River exceeds 35 feet in Fargo. Thirty-feet is considered major flood stage.
- 46% of the acres impacted are already included in the current FEMA 100-year floodplain.
- If the Diversion Project would have been built 100 years ago, it would have operated an estimated 11 times for a total of 69 days.
- During a 100-year flood event, six residential structures would be impacted.
- During a 100-year flood, approximately 3,443 acres would have an additional water between one inch to a maximum of three feet.
- The additional duration of flooding is estimated to be two to three days.

Wilkin County Mitigation

- Flowage Easements will be purchased on impacted land. They will be valued by independent, professional appraisal.
- Development can continue.
- Impacted residences and structures will be acquired in accordance with state and federal law.
- Project impacts will be mitigated consistent with the Mitigation Plan online at www.fmdiversion.com/studies-technical-documents/

Wilkin County Benefits

- 318 Wilkin County residents, 8% of the county workforce, work in Fargo-Moorhead.
- Flood protection for regional resources including healthcare, entertainment, universities/colleges, transportation and other services.



**AMENDMENT NO. 2 TO AGREEMENT BETWEEN OWNER AND ENGINEER
FOR PROFESSIONAL SERVICES**

This Amendment No. 2 (the "Amendment") is entered into this 23rd day of March, 2017, by and between the Diversion Board of Authority ("Owner") and the Houston-Moore Group, LLC ("Engineer").

WHEREAS, the parties entered into an Agreement Between Owner and Engineer for Professional Services, having an Effective Date of March 8, 2012 (attached as Exhibit A and hereinafter referred to as the "Agreement"); and

WHEREAS, the Agreement provides for a term of 5 years from the Effective Date of the Agreement, therefore, the Agreement's expiration date is March 8, 2017; and

WHEREAS, pursuant to Section 3.01(B) of the Agreement, the parties may extend the Agreement by written instrument establishing a new term; and

WHEREAS, on February 23, 2017, the parties entered into Amendment No. 1, which extended the term of the Agreement to April 7, 2017;

WHEREAS, the parties desire to enter into this Amendment No. 2, extending the term of the Agreement again by an additional twenty-eight (28) days, to allow for the negotiation of a subsequent agreement for professional services.

NOW THEREFORE, BE IT AGREED between Owner and Engineer as follows:

1. The term of the Agreement is hereby extended twenty-eight (28) days from April 7, 2017, the new term expiration established by Amendment No. 1 to the Agreement. The new term of the Agreement shall terminate on May 5, 2017.
2. All other terms, conditions, and obligations set forth in the attached Agreement will remain in full force and effect to the extent those terms, conditions, and obligations are not in conflict with the changes set forth in this Amendment.

IN WITNESS WHEREOF, the parties have executed and delivered this Amendment on the date first written above.

OWNER:

ENGINEER:

By: _____
Timothy J. Mahoney, Chair
Diversion Authority Board

By: _____
Jeffrey J. Volk, President