

**METRO FLOOD DIVERSION AUTHORITY**

**Monday, December 3, 2018**

**9:00 AM**

Fargo City Commission Chambers  
200 3<sup>rd</sup> Street North

1. Call to order
2. Cost Estimate Presentation Information/action
3. Remarks from Senator John Hoeven
4. U.S. Army Corps of Engineers update
5. Recess
6. Finance Information/action
  - a. Voucher approval
  - b. Recommended contracting actions
7. Other Business
8. Next Meeting – December 20, 2018
9. Adjournment

cc: Local Media

Finance Committee Bills through November 28, 2018

Vendor	Description		
Cass County Joint Water Resource District	Diversion bills	\$	218,299.31
Dorsey & Whitney	Legal services rendered through September 30, 2018	\$	48,669.60
Ohnstad Twichell, P.C.	Professional services rendered	\$	64,938.21
			<hr/>
Total Bills Received through November 28, 2018		\$	<u>331,907.12</u>



Cass County  
Joint Water  
Resource  
District

October 29, 2018

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

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Lance Yohe  
Manager  
West Fargo, North Dakota

Ken Loughheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Greetings:

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

Enclosed please find copies of bills totaling \$218,299.31 regarding the above referenced projects. The breakdown is as follows:

Metro Flood Diversion	\$ 34,245.42
Oxbow-Hickson-Bakke Ring Levee	183,571.06
In-Town Levees	482.83

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.

According to our records, the previous request dated October 3, 2018, for \$47,100.24 remains outstanding.

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@casscountynd.gov](mailto:wrld@casscountynd.gov)  
[casscountygov.com](http://casscountygov.com)

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

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
10/11/2018	9/28/2018	158418	130007	9,500.00	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
10/11/2018	9/28/2018	158431	170007	1,748.00	Ohnstad Twichell, P.C.	Legal-Upstream Mitigation Area
10/11/2018	9/28/2018	158414	90007	2,907.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009
10/11/2018	9/28/2018	158425	160007	411.50	Ohnstad Twichell, P.C.	Legal-Channel Phase I
10/11/2018	9/28/2018	158426	160007	4,858.00	Ohnstad Twichell, P.C.	Legal-Channel Phase II
10/11/2018	9/28/2018	1682	2001	5,341.50	Houston-Moore Group	Engineering - Right-of-Entry Services 2018
10/11/2018	9/28/2018	1683	2004	4,927.77	Houston-Moore Group	Engineering - Property Acquisition Services
10/11/2018	10/3/2018	850.04		182.16	Red River Valley Coop Power Assoc	Service to 16678 3rd St S Moorehead
10/11/2018	10/4/2018	1108711		41.50	Cass County Electric Cooperative	Service to 16657 38 St SE
10/11/2018	10/4/2018	1123339		62.82	Cass County Electric Cooperative	Service to 17465 49 St S
10/11/2018	10/4/2018	1122560		306.88	Cass County Electric Cooperative	Service to 17471 49 St S
10/11/2018	10/4/2018	1132078		76.02	Cass County Electric Cooperative	Service to 17568 Priffer Dr
10/25/2018	10/5/2018	78172	R12.00049	2,119.00	Ulheig Engineers	Engineering - project management and ROW services
10/25/2018	9/30/2018	19509	3283-00	1,648.00	ProSource Technologies LLC	Task order 2 - project management
10/25/2018	9/17/2018			74.00	Dawson Insurance	farmland and vacant property liability insurance
10/25/2018	10/15/2018	1129748		41.27	Cass County Electric Cooperative	Service to 5021 171 Ave SE
<b>Total</b>				<b>34,245.42</b>		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
10/11/2018	9/28/2018	158419		140007	3,534.00	Ohnstad Twichell, P.C.	Legal-Oxbow-Hickson-Bakke Levee project
10/12/2018					121,941.38	Anderson, Bottrell, Sanden & Thompson	Erickson ROW
10/17/2018	10/16/2018				58,095.68	Anderson, Bottrell, Sanden & Thompson	Erickson ROW + one day interest (\$7.92)
<b>Total</b>					<b>183,571.06</b>		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
10/11/2018	9/27/2018	609278562		228.33	Xcel Energy	Electric service to 419 3rd St N
10/11/2018	9/27/2018	609288222		153.10	Xcel Energy	Gas service to 419 3rd St N
10/25/2018	10/5/2018	6000052129		101.40	City of Fargo	Service to 419 3 St N
<b>Total</b>				<b>482.83</b>		
<b>Grand Total</b>				<b>218,299.31</b>		



MINNEAPOLIS OFFICE  
612-340-2600

received  
10-23-18

(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

October 17, 2018  
Invoice No. 3454051

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

For Legal Services Rendered Through September 30, 2018

INVOICE TOTAL

Total For Current Legal Fees	\$48,531.00
Total For Current Disbursements and Service Charges	\$138.60
<b>Total For Current Invoice</b>	<b>\$48,669.60</b>
<b>Summary of Account</b>	
*Prior Balance Due	\$37,173.18
Total Amount Due	\$85,842.78

\*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 1-800-861-0760. Thank you.

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

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

(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



October 1, 2018

Valued Client,

Standard hourly billing rates for many Dorsey lawyers are increasing effective October 1, 2018. The average standard hourly billing rate increase for attorneys across all of our offices and practice areas is 3.9%. In addition to this rate increase, certain associates may also have a step-up in their standard billing rate as a result of normal class-year promotion.

The actual change in hourly billing rates for timekeepers working on your specific matters is likely to vary from the average. This increase may or may not apply to specific engagements you have with the Firm depending on whether a particular engagement is based on the Firm's standard hourly billing rates or on some other fee arrangement.

Dorsey's domestic average lawyer billing rates have historically been among the lowest for firms of our size and caliber. We pride ourselves on delivering real value to our clients and believe our rates are very competitive with peer firms in our offices' locations. We strive to continue being one of the best values among all comparable law firms.

As you know, billing rates are just one component of the total cost of legal services. We provide our services to you in the most effective and efficient manner appropriate for the engagement. We staff matters based on thoughtful consideration of your needs, and we always strive to deliver maximum value to the client from every minute devoted to your matters. We have a Legal Project Management team and matter management software that help ensure our engagements are planned well, staffed correctly and managed efficiently. We do not charge clients for costs of copying or computerized legal research services.

Dorsey also enhances value delivered to clients by offering superb training and continuing legal education opportunities to client personnel at no additional cost.

We are notifying you of this change in standard billing rates as part of our normal custom and practice with respect to periodic billing rate increases.

We are thankful for our relationship and look forward to continuing to serve you in your current and future legal needs. We would be happy to discuss any aspect of this letter with you at your convenience.

Sincerely,

Dorsey & Whitney LLP



Office of the City Attorney

City Attorney  
Erik R. Johnson

Assistant City Attorney  
Nancy J. Morris

October 25, 2018

Kent Costin  
Finance Director  
City of Fargo  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

**Re: Metro Flood Diversion Project**

Dear Kent:

I am enclosing a Summary Invoice dated October 17, 2018 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through September 30, 2018 on the Metro Flood 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 long horizontal flourish extending to the right.

Erik R. Johnson

ERJ/lmw  
Enclosure  
cc: Bruce Grubb



**OHNSTAD TWICHELL, P.C.****Attorneys at Law**

P.O Box 458  
 West Fargo, ND 58078-0458  
 701-282-3249

15-1395 JTS Invoice # 159214

Flood Diversion Board  
 Bond Counsel Work - PPP

Date: November 14, 2018

To: Flood Diversion Board  
 P.O Box 2806  
 Fargo, ND 58108-2806

**PROFESSIONAL SERVICES RENDERED**

	Hours	Hourly Rate	Totals
JTS	37.6	\$310.00	\$11,656.00
CMM	29.1	\$310.00	\$9,021.00
ADC	0.4	\$310.00	\$124.00
LDA	1.2	\$310.00	\$372.00
RGH	3.6	\$310.00	\$1,116.00
KJB	35.6	\$285.00	\$10,146.00
TJL	69.7	\$250.00	\$17,425.00
CBC	13.8	\$225.00	\$3,105.00
LWC	17.8	\$225.00	\$4,005.00
MPS	0.6	\$200.00	\$120.00
AJR	43.4	\$165.00	\$7,161.00
CRA	3.3	\$135.00	\$445.50
<b>Total Fees:</b>	<b>256.1</b>		<b>\$64,696.50</b>
AT&T Calls			\$16.64
Westlaw (max charge \$500)			\$225.07
<b>Total Expenses:</b>			<b>\$241.71</b>
<b>Grand Total</b>			<b>\$64,938.21</b>

	2018 Hourly Rates
JTS John T. Shockley, Partner, Supervising Attorney	\$310.00
CMM Christopher M. McShane, Partner	\$310.00
ADC Andrew D. Cook, Partner	\$310.00
SNW Sarah M. Wear, Partner	\$310.00
RGH Robert G. Hoy, Partner	\$310.00
KJB Katie J. Bertsch, Associate	\$285.00
TJL Tyler J. Leverington, Associate	\$250.00
CBC Calley B. Campbell, Associate	\$225.00
LWC Lukas W. Croaker, Associate	\$225.00
ABG Bo Gruchala, Associate	\$225.00
MPS Michael P. Sly, Associate	\$200.00
CAS Carol A. Stillwell, Paralegal	\$165.00
JDR Joshua D. Roaldson, Paralegal	\$165.00
AJR Andrea J. Roman, Paralegal	\$165.00
LRK Lisa R. Kilde, Paralegal	\$155.00
CRA Christie R. Axness, Paralegal	\$135.00
KJS Kelsey J. Stock, Law Clerk	\$100.00



## PROFESSIONAL SERVICES RENDERED

15-1395 JTS Invoice # 159214		Flood Diversion Board	Bond Counsel Work - PPP
FILE NUMBER	MATTER DESCRIPTION	INVOICE - TOTAL FEES	
151395-1	General Topics (Includes General Governance Questions, Notices, etc.)	\$11,691.00	
151395-2	Executive Director	\$99.00	
151395-3	P3 Procurement	\$1,218.00	
151395-4	Public Finance Issues	\$3,018.00	
151395-5	Consultant Contract Review/Development	\$2,558.00	
151395-6	Support of External Litigation Counsel	\$643.50	
151395-7	Coordination with Member Entities	\$330.00	
151395-8	MNDNR Permit Issues	\$1,490.00	
151395-11	Legislative Interface/Lobbying Support	\$1,618.00	
151395-12	USACE Interface/Questions	\$340.50	
151395-13	Third Party Utility MOU's	\$31,094.00	
151395-14	ICS Issues	\$8,781.00	
151395-15	Schmidt and Sons Litigation	\$1,584.50	
151395-16	Riley Bros. Construction Claim	\$231.00	
<b>TOTAL</b>		<b>\$64,696.50</b>	