



**METRO FLOOD DIVERSION AUTHORITY  
JANUARY 23, 2019—5:09 PM**

**1. MEETING TO ORDER**

A meeting of the Metro Flood Diversion Authority was held Wednesday, January 23, 2019, at 5:09 PM in the Fargo City Commission Chambers with the following members present: Cass County Commissioner Mary Scherling via conference call; Cass County Commissioner Rick Steen; Fargo City Commissioner Tony Grindberg via conference call; Fargo City Commissioner Dave Piepkorn; 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 Roger Olson; and West Fargo City Commissioner Mike Thorstad. Cass County Commissioner Chad Peterson; Fargo City Mayor Tim Mahoney; and Moorhead City Mayor Johnathan Judd were absent.

Tom Dawson, Chair of the Chamber Business Leaders Task Force, was also present.

**2. NOMINATION OF VICE CHAIR**

*MOTION, passed*

**Mr. Weyland moved and Mr. Steen seconded to nominate Kevin Campbell, Clay County Commissioner as Vice Chair of the Metro Flood Diversion Authority. Motion carried.**

**3. DESIGNATION OF SECRETARY**

*MOTION, passed*

**Mr. Weyland moved and Mr. Steen seconded to designate Heather Worden as the Secretary of the Metro Flood Diversion Authority. Motion carried.**

**4. MINUTES APPROVED**

*MOTION, passed*

**Mr. Steen moved and Mr. Paulsen seconded to approve the minutes from the December 20, 2018, and January 3, 2019, meetings as presented. Motion carried.**

**5. AGENDA ORDER**

*MOTION, passed*

**Mr. Steen moved and Mr. Hendrickson seconded to approve the order of the agenda amended to include Item 5c. regarding a permit application to the Buffalo Red River Watershed District. Motion carried.**

**6. MANAGEMENT UPDATE**

Kim Daily from Jacobs provided an update on activities over the last month which include receipt of the MDNR Dam Safety and Public Waters Work Permit; Request for Proposals (RFP) for appraisal services as part of resuming the land acquisition program; request to the Corps of Engineers Assistant Secretary of the Army to amend the Project Partnership Agreement (PPA) to secure additional federal funding; and testimony to the North Dakota Senate appropriations committee.

Priorities include participation in a North Dakota Senate hearing on January 24<sup>th</sup> regarding the project funding request; trip to Washington, D.C. on February 5-7 to meet with the Congressional Delegation, Corps of Engineers Assistant Secretary of the Army, and Office of Management and Budget; coordination with local entities to secure state grants and loans as part of the financing plan; continued coordination with legal counsel, MDNR and Corps of Engineers with the objective to dismiss litigation and remove injunction; resuming land acquisition and impacted property mitigation activities; and selection of a qualified team of appraisers.

Ms. Daily said the project cost-to-date is \$453 million and \$37.9 million has been spent out of the FY2018 cash budget of \$82.6 million.

**7. BUFFALO RED RIVER WATERSHED DISTRICT, Authorize permit application to be submitted**

Attorney John Shockley said under the MDNR Findings of Fact from the Dam Safety and Public Waters Work Permit, the Diversion Authority needs to apply for a permit through the Buffalo Red River Watershed District for infrastructure within their jurisdiction. He said updates on the permitting process will be presented to the board at future meetings.

***MOTION, passed***

**Mr. Weyland moved and Mr. Hendrickson seconded to authorize Diversion Authority staff and consultants to submit a permit application to the Buffalo Red River Watershed District (BRRWD) for items of the project under the BRRWD permitting jurisdiction. On roll call vote, the motion carried unanimously.**

**8. ADMINISTRATIVE/LEGAL UPDATE**

*Adopt meeting schedule for 2019*

Pursuant to Section 5.11, subsection (b) of the Joint Powers Agreement, at the first meeting in January, the board needs to adopt a meeting schedule for the upcoming year. The board decided at the last meeting to set meetings on the second and fourth Thursdays of each month.

***MOTION, passed***

**Mr. Steen moved and Mr. Thorstad seconded to adopt the meeting schedule for the Metro Flood Diversion Authority for 2019. Motion carried.**

*Committee appointments*

Committee appointments were approved earlier today by each committee and recommended for approval by the Diversion Authority.

***MOTION, passed***

**Mr. Steen moved and Mr. Paulsen seconded to adopt the Resolution Confirming Recommendations and Appointments to the Diversion Authority Board, Finance Committee, Land Management Committee, and Public Outreach Committee of the Metro Flood Diversion Authority. Motion carried.**

*MetroCOG cost share agreement*

Michael Redlinger, Co-Executive Director and Assistant Fargo City Administrator, discussed a cost share agreement with the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) to update the recreation plan, which was completed back in 2012. Planning work will be done in 2019 and 2020. Grants will be sought to provide additional funding opportunities to cover the costs. The Finance Committee approved the agreement at their meeting today.

***MOTION, passed***

**Mr. Steen moved and Mr. Thorstad seconded to approve a cost share agreement with the Metropolitan Council of Governments to update the recreation plan with a 50% cost share estimate of \$115,000. On roll call vote, the motion carried unanimously.**

**9. PUBLIC OUTREACH UPDATE**

*Committee report*

The Public Outreach Committee met earlier today. Mr. Olson said the committee discussed the recent MDNR permit decision and associated timeline. Public outreach activities include presentations at the Red River Basin Commission conference and Chamber Eggs & Issues. He said letters will be sent to three different groups of land owners to acquire land, flowage easements, and land purchases for the channel and mitigation.

Business Leaders Task Force

Mr. Dawson said a project update was given at the Chamber Eggs & Issues event last week. He said meetings of the task force will be held every other week to monitor legislative issues.

**10. LAND MANAGEMENT**

The Land Management Committee met earlier today. Mr. Campbell said the committee heard information on land acquisitions, property rights, and the process to acquire land. Also discussed were the differences between the process to acquire land in North Dakota versus Minnesota. The committee approved a task order for property acquisition services extending over an eight-year period, and two land acquisition directives.

**11. FINANCE UPDATE**Committee report

The Finance Committee met earlier today. Mr. Steen briefly discussed the financial report and said the net cash position is \$84.8 million.

Voucher approval

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

**MOTION, passed**

**Mr. Steen moved and Mr. Piepkorn seconded to approve the vouchers received through January 18, 2019, in the amount of \$244,667.80. On roll call vote, the motion carried unanimously.**

Recommended Contracting Actions

Two task orders were discussed as follows:

- CH2M Hill Engineers, Inc. (Task Order 02, Amendment 02 – Interim Program Management Services)—extend period of performance to April 30, 2019, and modify Task C to develop an overall program schedule in the amount of \$1,750,000.

Mr. Shockley said he and both Co-Executive Directors reviewed this task order, which was approved by the Finance Committee.

**MOTION, passed**

**Mr. Steen moved and Mr. Olson seconded to approve Task Order 02, Amendment 02 with CH2M Hill Engineers, Inc. for \$1,750,000. On roll call vote, the motion carried unanimously.**

- CH2M Hill Engineers, Inc. (Task Order 04 – Property Acquisition Services)—manage the acquisition of property rights and approve period of performance from January 24, 2019, to December 31, 2026, in the amount of \$21,180,600.

Eric Dodds from AE2S provided a presentation on the organizational structure for the project and a diagram of the master land acquisition work flow. He said there is a property rights acquisition program in place and around 200 parcels have been acquired to date. He discussed the lands program, which will involve the acquisition of property rights for the channel, southern embankment, upstream mitigation, and environmental mitigation. The project will require acquisition of approximately \$500 million in property rights. This task order includes an agreement between Jacobs (formerly CH2M Hill) and AE2S to manage property right acquisitions and mitigation of all impacted properties. Mr. Dodds said the work involved will take from six to eight years to complete.



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**PERSONAL AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION**

Chris Volkers, City Manager  
City of Moorhead  
500 Center Avenue  
Box 779  
Moorhead, MN 56561-0779

Re: Engagement Letter for Minnesota Government Relations Services  
2019-2020

Dear Chris:

Thank you for selecting Fredrikson & Byron, P.A. to represent the Diversion Board of Authority, also known as, Metro Flood Diversion Authority ("Authority") in this matter. We appreciate this opportunity to be of service.

Scope of Representation

In representing the Authority, it is important to note that when we represent an entity like the Authority, we represent only the Authority and are not undertaking to represent its members, individual governing board members, volunteers, employees, or affiliated organizations, unless we have a separate agreement to do so.

Term of Agreement

The term of this Agreement shall begin on January 1, 2019 and end on December 31, 2020.

Scope of Services

The Authority has retained us to provide government relations services as follows:

1. Assist in the development and execution of a legislative and executive branch strategy to seek state funding for the diversion project that would include the development of a government relations work plan that identifies the goals, timelines, and outcomes for Fredrikson in its representation of the Authority under this Agreement.

Attorneys & Advisors  
main 612.492.7000  
fax 612.492.7077  
www.fredlaw.com

Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota  
55402-1425

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2. Monitor Minnesota legislative activities that may impact the Authority and its strategic goals;
3. Develop and maintain positive working relationships with the Minnesota legislators consistent with the strategic plan that may include both in-district meetings and meetings at the capitol;
4. Serve as an initial contact for the Authority with Minnesota policy makers, and introduce Fredrikson as the contact for the Authority with leadership of committees that may have an impact on the strategic plan;
5. Coordinate with legislative and executive branch staff to arrange for related tours and/or presentations in conjunction with legislative and administration bonding tours in the region;
6. Coordinate logistics for Authority officials to visit and attend meetings with legislators and/or other executive office officials in St. Paul as necessary; and,
7. Perform other services as agreed to by Fredrikson & Byron and the Authority.

Any and all services not set forth above are specifically excluded. Payment for excluded services are not included in the flat fee, but may be performed for an additional fee as mutually agreed to by Fredrikson & Byron and the Authority.

Responsible Lobbyist

Kevin Goodno will serve as the primary contact between the Authority and Fredrikson & Byron. Fredrikson & Byron shall ensure its compliance with state lobbying laws with regard to its work for the Authority. Specifically, when determined necessary under Minnesota law, Fredrikson & Byron shall register as a reporting and designated lobbyist for the Authority, and shall file all reports as required by the Minnesota Campaign Finance and Public Disclosure Board.

Communication

We will keep you informed of the status of our work for the Authority. We will send copies of significant correspondence to you for the purpose of keeping you informed about the progress of the Authority work. Chris Volkers and Steve Larson shall serve as the primary contacts for the Authority.

During the term of this Agreement Fredrikson & Byron shall:

1. Report directly to the Diversion Authority's identified primary contacts.

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2. Prepare regular reports on the execution of the strategic plan in a format and frequency required by the Authority to be provided to the primary contacts for the Authority;  
and,
3. Participate in updates as needed to inform the Authority of progress made consistent with the strategic plan. The frequency and format of the updates will be determined as agreed to by the parties.

The Authority expressly agrees to allow Fredrikson & Byron to identify the Authority as a government relations client of Fredrikson & Byron in public communications including marketing materials. This paragraph shall survive the term of this Agreement, unless specifically revoked by the Authority.

#### Confidentiality

We will zealously protect and preserve the confidences and secrets you disclose to us. In preserving the confidentiality of client communications and information, it is important that we have your agreement on the methods we will use in communicating with you. Unless you tell us otherwise, you agree that it is appropriate to use mail, fax machines and emails in the course of our representation of you without encryption or other special measures. Please let us know if you have special requests or requirements for the methods of communication or persons to be included in such communications.

#### Cooperation and Assistance

You understand and agree that in order for us to represent you effectively, it is necessary for you to assist and cooperate with us. You agree to make yourself available to discuss issues as they arise in this matter; attend and participate in meetings, preparation sessions, court proceedings and other activities; and provide complete and accurate information and documents to us on a timely basis.

#### Fees and Expenses

Attached is our Agreement For Legal Services-Standard Client Billing Policy ("Agreement") which, along with this letter, establishes our agreement with the Authority. Please note that references in the Agreement to "Legal Services" should be read to mean "Government Relations Services". The terms set forth in the attached Agreement apply to our relationship with the Authority except to the extent modified by this letter. Please review the Agreement carefully.

We have agreed to handle this matter for the Authority on the basis of an annualized flat fee of \$36,000. This means that all state government relations services provided by us in connection with this matter are covered by the fee. This fee is only for the services specifically identified above and does not include any other services provided by Fredrikson & Byron. The Authority shall also reimburse Fredrikson & Byron for expenses.

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The fee shall be paid on a monthly basis with the first payment of \$3,000 due upon execution of this Agreement by both parties and remaining payments are due by the 1st of each subsequent month throughout the term of this Agreement.

In the case of termination of this Agreement, it is understood by the parties that the nature of government relations work dictates that the hours worked and efforts put forth by Fredrikson professionals on your behalf will vary from month-to-month and will be more intensive during the Minnesota Legislative session. Accordingly, the parties agree that for each calendar year of the engagement the fee is earned in monthly increments of \$6,500 until the entire annual fee of \$36,000 is earned upon the adjournment of the that calendar year's Minnesota Legislative Session even though our representation continues through the term of this Agreement.

In addition to the flat fee, the Authority shall make payment to Fredrikson & Byron for the costs incurred for travel outside of the seven-county metropolitan area including mileage expenses reimbursed at the published IRS allowable rate; and, actual costs for food, lodging and other expenses. All travel outside of the seven-county metropolitan area for which expense reimbursement will be claimed shall require prior approval by the Authority. In addition, other expenses that shall be reimbursed include long distance phone and conference call charges; copying charges and supply costs that are more than incidental or minor in nature; and, other expenses, necessary to fulfill the terms of this Agreement as agreed to by Fredrikson & Byron and the Authority.

Waiver

Given the scope of our business and the scope of our client representations in this region, it is possible that some of our current or future clients will have matters adverse to the Authority while we are representing you on the matter described in this Agreement. For example, we may represent one or more parties in a bankruptcy case, such as a creditor, official committee, debtor-in-possession, or lender, which may or will have interests that are materially adverse to you, or our current or future clients may have future business dealings with you, or may become involved in disputes, including litigation, against you. Our representation of other parties in such matters may include, for example, representing other parties in litigation adverse to you. Additionally, we do represent the City of Moorhead on state government relations matters.

You agree that, even though we undertake to represent you in this matter, we may continue to represent or may in the future represent existing or new clients in any matter that is not substantially related to our work for you even if the interests of such clients in those other matters are directly adverse to you. We agree that no confidential information obtained in representing you will be used in any such other representation and, if requested by you in an appropriate situation, we will establish ethical screens to assure that such confidential information is not obtained or used by the attorneys working on other representations. You hereby consent to any conflict of interest that might arise from any such adverse



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representation(s) and agree not to seek to disqualify Fredrikson & Byron from such adverse representation or assert that such representation constitutes a conflict of interest where (1) the adverse representation does not involve the same or related matter as the engagement, and (2) we do not have confidential information or secrets from this engagement that would be material to the adverse representation.

Please sign and return to us the enclosed copy of this letter in order to confirm that it accurately reflects the scope, terms and conditions with respect to this engagement. However, please note that your instructing us or continuing to instruct us on this matter will constitute your full acceptance of the terms set out above and attached. If you would like to discuss any of these matters, please give me a call.

Again, thank you for the opportunity to assist you. Please do not hesitate to contact me if you have any questions or if I can be of further assistance.

Yours sincerely,  
  
Kevin P. Goodno  
**Direct Dial:** 612.492.7348  
**Email:** kgoodno@fredlaw.com

Enclosure

Agreed: **Diversion Board of Authority**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Its: \_\_\_\_\_

**FREDRIKSON & BYRON, P.A.**  
**Agreement for Legal Services—Standard Client Billing Policy**

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This Standard Client Billing Policy, together with the engagement letter, contains the agreement (“Agreement”) under which Fredrikson & Byron will provide legal services to you, as the client named in that engagement letter. This Agreement describes our standard billing policies and practices and will be applicable to all of your client matters unless otherwise agreed in writing.

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**Services.** We will provide you the legal services described in the engagement letter and other legal services mutually agreed to in writing. In the event of a conflict between this Agreement and the engagement letter, the engagement letter will control. We only provide legal services. We do not provide, and you should not rely on us for, other services including but not limited to investment, finances, accounting, engineering, scientific, independent investigation (unless specifically agreed in the engagement letter), or business consulting services. We cannot, and you should not rely upon us to, express any opinion regarding financial statements or other financial information.

**Fees.** Unless otherwise agreed in writing, the cost of the legal services rendered will be based primarily on the amount of time expended and the applicable hourly rates of the person(s) rendering the services. Time is recorded in one-tenth hour increments; time increments less than six minutes may be rounded up to the nearest one-tenth hour. We may periodically adjust our hourly rates.

**Service Charges and Disbursements.** Except as provided below and unless otherwise agreed in writing, we will charge you, without markup, itemized charges from outside vendors (e.g. filing fees, expert witness fees, telephone toll charges, postage and courier charges, travel, etc.).

We will bill certain specific charges according to the following schedule, which is subject to periodic adjustment without prior notice: \$.20/page for copying charges; \$1.50/book for velo and spiral binding; and \$1.00/page (plus any long distance telephone charges) for outgoing faxes. We will bill online computer research based on a schedule available upon request. We bill for responding to audit letter requests based on a fixed administrative processing fee (schedule available upon request) plus hourly rates for actual time spent by attorneys and paralegals.

If we contract on your behalf for additional services to be provided by a third party vendor, you will be responsible for payment either directly to the third party or through us. We may request a retainer from you to cover such costs. To provide efficient and effective service, we may use technologies, including third-party hosted tools and services. Although we engage only reputable vendors in this regard, we cannot guarantee the security or availability of their tools or services.

**Billing.** Unless otherwise agreed in writing, we generally bill fees, service charges and disbursements monthly. Invoices are due and payable within thirty (30) days after receipt. If you pay a retainer or other advance payment, other than a flat fee, we will deposit that amount in and make withdrawals from a trust account as required under applicable rules of professional conduct. Communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt are to be sent to: Fredrikson & Byron, P.A., Attn: Credit Department, 200 South Sixth Street Suite 4000, Minneapolis, MN 55402. Subject to applicable law A LATE PAYMENT CHARGE UP TO 8% PER YEAR (OR THE MAXIMUM ALLOWABLE RATE, IF LOWER) MAY BE ADDED TO ANY UNPAID INVOICE OVER 30 DAYS PAST DUE.

**Organizational Clients.** With respect to all organizational clients, unless the engagement letter provides otherwise, our client is the organization identified in the engagement letter, and not any of its incorporators, promoters, organizers, shareholders, partners, members, directors, officers, employees, subsidiaries, parents or other affiliates. This means we will have no conflict of interest in the event our other clients are adverse to such parties who are not specifically identified as the client in the engagement letter.

**Records.** The Firm’s Records and Information Management policy and Records Retention Schedule governs the storage and handling of client files. Once a matter is concluded, we will close the file and return all original documents supplied by you. Upon written request, we will provide to you the records in our possession relating to legal services we performed for you, excluding internal financial records and emails, attorney notes and work papers, and other such documents not reasonably necessary to the representation. We also may be required to produce your records in response to a court order or otherwise as required by law. If you request, or we are required to produce, your records (in whatever format, including electronic), you agree to promptly reimburse us for all fees and expenses, including attorney, paralegal, and administrative time, at our standard billing rates, incurred in connection with retrieving, identifying, copying, producing, or transferring the records. You further agree to reimburse us for all fees and expenses we incur in preparing for, participating in, or responding to any action, claim, suit, or proceeding brought by or against any third party that relates to our legal services, including but not limited to responding to document subpoenas, and preparing for and testifying at depositions and trials. We reserve the right to retain copies of any documents or files provided to or created by the Firm.

**Termination.** Unless terminated earlier, our representation of you will terminate upon our sending our final statement for services rendered in connection with the matter identified in the engagement letter. You are free to terminate our services, with or without cause, upon written notice. We may also terminate our representation if you do not cooperate in the representation or pay our fees and expenses in a timely manner, or if we determine in our discretion that continuing to provide services would be unethical or impractical. If our representation terminates, all fees, service charges and disbursements incurred to that time will be due and payable. All records stored by us relating to the legal services performed for you are subject to retention and destruction according to our records retention policy.

**Collection.** You agree to promptly pay our invoices. If you do not, you agree to pay collection costs and attorneys’ fees incurred to collect payment of overdue invoices and interest allowed by law. We may obtain and perfect an attorneys’ lien against documents, property, money or other rights, in accordance with applicable law.

**Questions or Disputes.** You should bring questions or disputes concerning our invoices to the attention of the attorney responsible for the legal services or our Finance Department promptly after receipt of the invoice.

**Outcomes.** We cannot guarantee a particular outcome. We may express our opinions periodically, but these are only our opinions and not guarantees or promises.

**Confidentiality.** We will protect your confidences and secrets. We will not disclose or use any confidential information we receive from you unless mandated by law or ethics rules.

**Entire Agreement.** This Agreement and the engagement letter represent the entire understanding between us and supersede and replace any and all prior agreements and negotiations concerning this engagement, including any outside counsel guidelines. This agreement and the engagement letter can be modified by writing signed by both you and us; provided, however, that we may periodically modify our Standard Client Billing Policy and our billing practices without prior notice.

The task order was developed based on expectation that the Cass County Joint Water Resource District will assume the role of acquiring the necessary property rights in North Dakota. It was also based on the expectation that the City of Moorhead and Clay County will form a new joint powers authority, Moorhead-Clay County Joint Powers Authority (MCCJPA), to assume the role of acquiring the necessary property rights in Minnesota.

Mr. Shockley said outreach to impacted property owners will also be part of the work outlined in this task order. Property acquisitions and public outreach efforts have been on hold during the injunction issued by the federal court. The task order will help to maintain a critical path for the project and will include management of impacted properties, mitigation, and acquisition of all property rights necessary to build and operate the project. Approximately 1,200 parcels will need to be purchased for the project. This task order covers costs for eight years of work.

Mr. Shockley said he and both Co-Executive Directors reviewed this task order, which was approved by the Land Management and Finance Committees.

***MOTION, passed***

**Mr. Steen moved and Mr. Paulsen seconded to approve Task Order 04, Amendment 00 with CH2M Hill Engineers for \$21,180,600. On roll call vote, the motion carried unanimously.**

**12. NEXT MEETING DATE**

The next meeting will be held on Thursday, February 14, 2019.

**13. ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Steen, seconded by Mr. Weyland, and all voting in favor, the meeting was adjourned at 6:10 PM.**

FM Metropolitan Area Flood Risk Management Project  
 Fiscal Accountability Report Design Phase (Fund 790)  
 As of 01/31/2019

	2011	2012	2013	2014	2015	2016	2017	2018	2019	Cumulative Totals
<b>Revenues</b>										
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	28,310,373	35,212,877	31,790,784	30,068,553	2,645,248	162,569,747
Cass County	443,138	7,652,681	7,072,961	19,373,131	28,310,373	111,715,540	14,193,826	14,066,719	1,222,453	204,050,822
State Water Commission			3,782,215	602,918	31,056,740	101,436,302	23,650,143	10,229,504	227,343	170,985,165
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	6,291,194	(13,260,368)	-	-	-	706,805
Reimbursements						33,880	49,699	31,034	-	114,613
Lease/Rental Payments			17,358	154,180	180,341	260,806	350,720	466,494	-	1,429,899
Asset Sales				616,774	315,892	175,190	117,079	-	-	1,224,935
Interest Income							505,157	1,246,875	-	1,752,032
Miscellaneous			226	626	427		-	356	-	1,635
<b>Total Revenues</b>	<b>984,751</b>	<b>17,005,957</b>	<b>19,517,490</b>	<b>44,425,900</b>	<b>94,465,340</b>	<b>235,574,227</b>	<b>70,657,409</b>	<b>56,109,535</b>	<b>4,095,044</b>	<b>542,835,652</b>
<b>Expenditures</b>										
7905 Army Corp Payments	-	-	875,000	1,050,000	2,725,000	47,279,000	1,230,000	-	-	53,159,000
7910 WIK - Administration	107,301	331,321	77,614	169,019	282,227	545,555	500,885	958,066	73,615	3,045,603
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,660,226	2,719,505	2,631,656	2,426,701	101,309	30,394,759
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	8,464,392	14,714,801	7,061,890	635,193	51,554,734
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	40,728,316	8,758,761	201,435	176,022,816
7931 LERRDS - Minnesota		27,996	287,907	13,068	32,452	1,815,566	35,457	4,354	560	2,217,360
7940 WIK Mitigation - North Dakota				587,180			225,293	100,316	-	912,789
7941 WIK Mitigation - Minnesota										-
7950 Construction - North Dakota				1,738,638	19,269,055	42,263,916	5,976,235	805,378	21,449	70,074,671
7951 Construction - Minnesota										-
7952 Construction - O/H/B				11,282,504	5,044,001	776,720	7,365,462	7,478,270	29,906	31,976,863
7955 Construction Management				556,209	2,867,422	5,182,366	1,498,050	294,744	34,234	10,433,025
7980 Operations & Maintenance							6,403	28,538	-	34,941
7990 Project Financing		50,000	70,000	216,376	566,600	5,435,289	8,305,600	9,975,391	214,934	24,834,190
7995 Project Eligible - Off Formula Costs										-
7999 Non Federal Participating Costs	116						221,568			221,684
<b>Total Expenditures</b>	<b>984,750</b>	<b>17,005,957</b>	<b>11,990,261</b>	<b>45,324,414</b>	<b>95,896,147</b>	<b>161,199,358</b>	<b>83,439,726</b>	<b>37,892,409</b>	<b>1,312,634</b>	<b>455,045,657</b>

**FM Metropolitan Area Flood Risk Management Project**  
**Statement of Net Position**  
**January 31, 2019**

	<u>Amount</u>
<b>Assets</b>	
Cash	\$ 88,087,293
Receivables	
State Water Commission *	227,343
Proceeds from Oxbow Lot Sales	796,881
<b>Total assets</b>	<u><b>89,111,517</b></u>
<b>Liabilities</b>	
Retainage payable	1,320,520
Rent Deposit	1,000
<b>Total liabilities</b>	<u><b>1,321,520</b></u>
<b>NET POSITION</b>	<u><b>\$ 87,789,997</b></u>

\* Receivable balance is as of 12.31.2018

FM Metropolitan Area Flood Risk Management Project  
FY 2019 Summary Budget Report ( In Thousands)  
As of 31 Jan 2019

	Q1 2019 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
<b>Revenue Sources</b>						
City of Fargo	-	2,645	2,645			
Cass County	-	1,222	1,222			
State of ND - 50 % Match	-	227	227			
State of ND - 100% Match	-					
State of Minnesota	-					
Other Agencies	-					
Financing Proceeds	-					
Reimbursements	-					
Sales of Assets	-					
Property Income	-					
Miscellaneous	-					
<b>Total Revenue Sources</b>	<b>8,479</b>	<b>4,095</b>	<b>4,095</b>	<b>-</b>	<b>-</b>	<b>4,384</b>
<b>Funds Appropriated</b>						
Diversion Channel & Assoc. Infrastructure	310	207	207	0%	2,876	(2,773)
Southern Embankment & Assoc. Infrastructure	5	10	10	199%	2,336	(2,341)
Other Mitigation Projects	244	89	89	36%	649	(494)
In-Town Flood Protection	3,505	39	39	1%	8,653	(5,187)
Enabling Work / Other	36	-	0	0%	-	36
Land Acquisition & Mitigation	693	234	234	34%	2,675	(2,216)
Engineering & Design Fees	1,240	140	140	11%	5,161	(4,062)
Program Management	1,534	381	381	25%	24,358	(23,205)
Contingency	-	-	0	0%	-	-
Debt Service	912	212	212	23%	639	61
Maintenance	-	-	0	0%	-	-
<b>Total Appropriations</b>	<b>8,479</b>	<b>1,313</b>	<b>1,313</b>	<b>15%</b>	<b>47,346</b>	<b>(40,180)</b>

**METRO FLOOD DIVERSION AUTHORITY**

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**Summary of Expenses**

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Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
790-0000-206.10-00	1/31/2019	294141	HOUGH INCORPORATED	\$38,000.01	Retainage PO #185963	V02821	2ND ST S FLOOD CONTROL
<b>Retainage</b>				<b>\$38,000.01</b>			
790-7910-429.33-20	1/25/2019	JB01190014	CITY OF FARGO-AUDITORS OFFICE	\$5,203.31	CHARGE FOR COF TIME-01/19	V00102	General & Admin. WIK
<b>Other Services / Accounting Services</b>				<b>\$5,203.31</b>			
790-7910-429.33-25	1/3/2019	714	P CARD BMO	\$62,794.65	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
	1/31/2019	294129	ERIK R JOHNSON & ASSOCIATES	\$1,811.25	GENERAL LEGAL MATTERS	V00102	General & Admin. WIK
	1/31/2019	294165	OXBOW, CITY OF	\$130.00	TURMAN & LANG	V02407	OXBOW MOU-LEGAL SERVICES
<b>Other Services / Legal Services</b>				<b>\$64,735.90</b>			
790-7910-429.38-68	1/3/2019	714	P CARD BMO	\$3,500.00	FREDRIKSON AND BYRON P	V00102	General & Admin. WIK
<b>Other Services / Lobbyist</b>				<b>\$3,500.00</b>			
790-7910-429.68-10	1/22/2019	JB13180030	CITY OF FARGO-AUDITORS OFFICE	\$175.00	VASE FOR MAYOR WILLIAMS	V00102	General & Admin. WIK
<b>Miscellaneous / Miscellaneous</b>				<b>\$175.00</b>			
790-7915-429.33-05	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$9,378.13	LEVEE DESIGN & SUPPORT	V01613	LEVEE DESIGN & SUPPORT
	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$7,433.00	LEVEE DESIGN & SUPPORT	V01613	LEVEE DESIGN & SUPPORT
	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$27,493.50	DRAFT OPERATIONS PLAN	V01615	DRAFT OPERATIONS PLAN
	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$5,611.75	PERMIT SUBMITTAL PREP	V01616	PERMIT SUBMITTAL PREP
	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$3,848.50	UPSTREAM MITIGATION	V01622	MITIGATION SUPPORT SRVCS
	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$35,767.25	HYDROLOGY/HYDRAULIC MODEL	V01625	HYDROLOGY/HYDRAULIC MODEL
	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$11,117.00	TASK 26 WORK IN KIND	V01626	WORK-IN-KIND (WIK)
	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$660.25	RIVER STAGE 37 PLANNING	V01627	RIVER STAGE 37FT PLANNING
<b>Other Services / Engineering Services</b>				<b>\$101,309.38</b>			
790-7920-429.33-05	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$38,755.47	PROJECT MANAGEMENT	V01601	HMG - PROJECT MANAGEMENT
<b>Other Services / Engineering Services</b>				<b>\$38,755.47</b>			
790-7920-429.33-79	1/3/2019	293586	OXBOW, CITY OF	\$2,464.85	MOORE ENGINEERING, INC.	V02421	OXBOW MOU-MOORE PROJ MGMT
	1/31/2019	294165	OXBOW, CITY OF	\$1,633.30	MOORE ENGINEERING, INC.	V02421	OXBOW MOU-MOORE PROJ MGMT
	1/31/2019	294120	CH2M HILL ENGINEERS INC	\$469,124.91	INTERIM PROGRAM MGMT	V00208	CH2M HILL-4.2.18-10.12.18
	1/31/2019	294120	CH2M HILL ENGINEERS INC	\$123,214.00	COST EST & PLAN B SERVICE	V00209	CH2M HILL-7/27-12/28/18
<b>Other Services / Construction Management</b>				<b>\$596,437.06</b>			
790-7930-429.33-05	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$1,115.56	BOUNDRY SURVEYING	V01628	BOUNDARY SURVEYING SRVCS
	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$9,975.94	PROPERTY STRUCTURE MITIGA	V01630	PROPERTY STRUCTURE MITGTN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$1,630.00	HOUSTON-MOORE GROUP	V01201	Cass Joint Water ROE

**METRO FLOOD DIVERSION AUTHORITY**

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Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$2,825.00	HOUSTON-MOORE GROUP	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$939.90	PROSOURCE TECHNOLOGIES	V01203	Cass Joint Water OHB
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$49.50	PROSOURCE TECHNOLOGIES	V01203	Cass Joint Water OHB
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$10,044.32	HOUSTON-MOORE GROUP	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$5,341.27	HOUSTON-MOORE GROUP	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$4,163.00	ULTIEG ENGINEERS	V01201	Cass Joint Water ROE
<b>Other Services / Engineering Services</b>				<b>\$36,084.49</b>			
790-7930-429.33-25	1/3/2019	714	P CARD BMO	\$468.50	OHNSTAD TWICHELL ATTOR	V00103	General & Admin. LERRDS
	1/3/2019	714	P CARD BMO	\$22,902.78	DORSEY AND WHITNEY LLP	V00101	Dorsey Whitney Legal
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$133.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$9,842.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$3,016.50	OHNSTAD TWICHELL, P.C.	V01203	Cass Joint Water OHB
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$577.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$4,153.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$1,712.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$1,754.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$798.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$11,625.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$2,846.00	OHNSTAD TWICHELL, P.C.	V01203	Cass Joint Water OHB
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$475.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$337.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$2,314.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$4,472.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$2,943.21	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$1,121.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
<b>Other Services / Legal Services</b>				<b>\$71,492.49</b>			
790-7930-429.34-65	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$75,750.00	MANY INDIVIDUALS	V01704	ND LAND - BIOTIC GEO MORP
	1/22/2019	JB13180031	CITY OF FARGO-AUDITORS OFFICE	-\$250.00	RCLS CCJWRD EXPENSE	V01201	Cass Joint Water ROE
	1/22/2019	JB13180031	CITY OF FARGO-AUDITORS OFFICE	\$250.00	RCLS CCJWRD EXPENSE	V01704	ND LAND - BIOTIC GEO MORP
<b>Technical Services / Right of Entry Requests</b>				<b>\$75,750.00</b>			
790-7930-429.38-99	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$127.50	ALL AMERICAN PLUMBING &	V01701	ND LAND PURCH-OUT OF TOWN
<b>Other Services / Other Services</b>				<b>\$127.50</b>			
790-7930-429.41-05	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$32.00	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN



**METRO FLOOD DIVERSION AUTHORITY**

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	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$32.00	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$32.00	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$32.00	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$32.00	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$32.00	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$32.00	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$32.00	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$27.00	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$27.05	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$101.40	CITY OF FARGO	V01703	ND LAND PURCH - IN TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$101.40	CITY OF FARGO	V01703	ND LAND PURCH - IN TOWN
<b>Utility Services / Water and Sewer</b>				<b>\$512.85</b>			
790-7930-429.62-50	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$293.09	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$501.85	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
<b>Energy / Natural Gas</b>				<b>\$794.94</b>			
790-7930-429.62-51	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$70.38	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$163.03	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$527.13	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$328.02	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$320.93	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$514.80	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$52.22	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$31.12	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$330.20	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$218.17	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$214.58	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
<b>Energy / Electricity</b>				<b>\$2,770.58</b>			
790-7930-429.67-11	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$13,901.70	A ACTION MOVERS AND CHRIS	V02411	OXBOW MOU-RESIDENT RLCTN
<b>Relocation / Residential Buildings</b>				<b>\$13,901.70</b>			
790-7931-429.62-51	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$337.04	RED RIVER VALLEY COOP POW	V02302	MN LAND PURCHASE-HARDSHIP
	1/31/2019	294116	CASS COUNTY JOINT WATER RESOURCE DI	\$223.38	RED RIVER VALLEY COOP POW	V02302	MN LAND PURCHASE-HARDSHIP
<b>Energy / Electricity</b>				<b>\$560.42</b>			
790-7950-429.33-05	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$318.45	COMPLIANCE OBSERVATION	V01629	WORK COMPLIANCE OBSERV.

**METRO FLOOD DIVERSION AUTHORITY**

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Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
<b>Other Services / Engineering Services</b>				<b>\$318.45</b>			
790-7950-429.38-99	1/17/2019	293857	CASS COUNTY TREASURER	\$174.60	END OF ROAD SIGNS	V04201	DUST/TRAFFIC CONTRL-INLET
<b>Other Services / Other Services</b>				<b>\$174.60</b>			
790-7950-429.73-52	1/31/2019	294141	HOUGH INCORPORATED	\$4,857.88	2 ST S FLOOD CONTROL	V02821	2ND ST S FLOOD CONTROL
<b>Infrastructure / Flood Control</b>				<b>\$4,857.88</b>			
790-7950-429.73-70	1/31/2019	294118	CENTURYLINK ASSET ACCOUNTING-BART	\$16,098.28	COSTS-UTILITY RELOCATION	V04802	S EMBANKMENT UTILITY RELCT
<b>Infrastructure / Utilities</b>				<b>\$16,098.28</b>			
790-7952-429.33-05	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$29,905.90	WORK PKG 43 SERVICES	V01623	CONSTRUCTN/BID SVCS WP43
<b>Other Services / Engineering Services</b>				<b>\$29,905.90</b>			
790-7955-429.33-05	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$34,234.19	CONST SERVICE WORK PKG 42	V02806	CONSTRUCTION SVCS WP42
<b>Other Services / Engineering Services</b>				<b>\$34,234.19</b>			
790-7990-429.33-05	1/17/2019	293899	HOUSTON-MOORE GROUP LLC	\$64.50	TASK ORDER 21 P3 REQUEST	V01621	P3 RFP PROCUREMENT SUPPRT
<b>Other Services / Engineering Services</b>				<b>\$64.50</b>			
790-7990-429.33-25	1/3/2019	714	P CARD BMO	\$2,736.50	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
<b>Other Services / Legal Services</b>				<b>\$2,736.50</b>			
790-7990-520.80-20	1/17/2019	293857	CASS COUNTY TREASURER	\$212,132.50	WELLS FARGO INTEREST	V02906	\$100M 2017 CASS WF ADVANC
<b>Debt Service / Interest on Bonds</b>				<b>\$212,132.50</b>			
<b>Total Amount Invoiced this period</b>				<b>\$1,350,633.90</b>			
				<u>\$38,000.01</u>	Less Paid Retainage		
				<b>\$1,312,633.89</b>	<b>Total Less Paid Retainage</b>		

FM Metropolitan Area Flood Risk Management Project  
Cumulative Vendor Payments Since Inception  
As of January 31, 2019

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	\$ 173,948,451.66	\$ 171,273,535.06	\$ 2,674,916.60	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
CH2M HILL ENGINEERS INC	\$ 70,169,715.97	\$ 46,520,283.79	\$ 23,649,432.18	Program, Project, Construction and Land Management
ARMY CORP OF ENGINEERS	\$ 53,159,000.00	\$ 53,159,000.00	\$ -	Local Share
HOUSTON-MOORE GROUP LLC	\$ 48,353,375.44	\$ 41,455,722.58	\$ 6,897,652.86	Engineering Services
INDUSTRIAL BUILDERS INC	\$ 48,286,047.16	\$ 39,748,037.20	\$ 8,538,009.96	Const - 2nd St North Pump Station Project and 2nd Street Floodwall
INDUSTRIAL CONTRACT SERVICES I	\$ 17,576,871.19	\$ 17,493,762.16	\$ 83,109.03	Const - 4th St Pump Station and 2nd Street Floodwall
OXBOW, CITY OF	\$ 15,456,856.53	\$ 15,114,655.61	\$ 342,200.92	MOU Agreement
MEYER CONTRACTING INC	\$ 11,945,893.15	\$ 11,829,278.08	\$ 116,615.07	Construction/Demolition Services
CITY OF FARGO	\$ 9,578,267.61	\$ 9,578,267.61	\$ -	Digital Imagery Project, Utility Relocation, Accounting Svcs, and Bank Loan Advance DS Payments
ASHURST LLP	\$ 6,715,133.70	\$ 3,895,542.81	\$ 2,819,590.89	PPP (P3) Legal Counsel
DORSEY & WHITNEY LLP	\$ 6,464,622.11	\$ 6,464,622.11	\$ -	Legal Services
CASS COUNTY TREASURER	\$ 4,544,049.07	\$ 4,544,049.07	\$ -	Property Taxes and Bank Loan Advance DS Payments
JP MORGAN CHASE-LOCKBOX PROCES	\$ 3,377,000.00	\$ 2,738,483.53	\$ 638,516.47	Financial Advisor
OHNSTAD TWICHELL PC	\$ 2,816,993.62	\$ 2,816,993.62	\$ -	ROE and Bonding Legal Fees
MINNESOTA DNR	\$ 2,776,684.35	\$ 2,551,078.35	\$ 225,606.00	EIS Scoping
CENTURYLINK	\$ 2,586,742.00	\$ 2,586,742.00	\$ -	Utility Relocation
LANDWEHR CONSTRUCTION INC	\$ 2,316,627.66	\$ 2,305,622.16	\$ 11,005.50	Const - In-Town Demolition Contracts
URS CORPORATION	\$ 1,922,118.42	\$ 1,805,670.90	\$ 116,447.52	Engineering Services
KENNELLY & OKEEFFE	\$ 1,729,110.56	\$ 1,729,110.56	\$ -	Home Buyouts
HOUGH INCORPORATED	\$ 1,639,524.33	\$ 1,639,524.33	\$ -	Const - 2nd Street South Flood Control
REINER CONTRACTING INC	\$ 1,599,646.21	\$ 1,599,646.21	\$ -	Const - El Zagal Flood Risk Management
CONSOLIDATED COMMUNICATIONS	\$ 1,063,096.11	\$ 1,063,096.11	\$ -	Utility Relocation
ORACLE AMERICA, INC	\$ 1,015,290.00	\$ 306,856.00	\$ 708,434.00	Electronic Data Mgmt and Record Storage System
TERRACON CONSULTING ENGINEERS	\$ 909,149.49	\$ 830,520.16	\$ 78,629.33	Materials Testing
RILEY BROTHERS CONSTRUCTION	\$ 807,871.82	\$ 807,871.82	\$ -	Construction - County Roads 16 & 17 Realignment
XCEL ENERGY	\$ 753,515.88	\$ 753,515.88	\$ -	Utility Relocation
MOORE ENGINEERING INC	\$ 662,468.17	\$ 662,468.17	\$ -	Engineering Services
US BANK	\$ 626,849.03	\$ 626,849.03	\$ -	Loan Advance DS 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	\$ 554,224.43	\$ 554,224.43	\$ -	Legal Services
CROWN APPRAISALS INC	\$ 500,000.00	\$ 500,000.00	\$ -	Flowage Easements Valuation
RED RIVER BASIN COMMISSION	\$ 500,000.00	\$ 500,000.00	\$ -	Retention Projects - Engineering Services
HOFFMAN & MCNAMARA NURSERY&LAN	\$ 495,801.98	\$ 464,141.16	\$ 31,660.82	Construction - Landscape
NORTHERN TITLE CO	\$ 484,016.00	\$ 484,016.00	\$ -	Land Purchases
AT & T	\$ 461,031.30	\$ 461,031.30	\$ -	Utility Relocation
BRAUN INTERTEC CORP	\$ 395,389.25	\$ 372,643.04	\$ 22,746.21	Quality Testing
SCHMIDT AND SONS CONSTRUCTION	\$ 351,178.00	\$ 351,178.00	\$ -	Oxbow Housing Relocation
ACONEX (NORTH AMERICA) INC	\$ 306,856.00	\$ 306,856.00	\$ -	Electronic Data Mgmt and Record Storage System
BEAVER CREEK ARCHAEOLOGY	\$ 276,990.00	\$ 146,109.77	\$ 130,880.23	Engineering Services
702 COMMUNICATIONS	\$ 266,892.07	\$ 266,892.07	\$ -	Utility Relocation
SPRINT	\$ 256,409.37	\$ 256,409.37	\$ -	Utility Relocation

FM Metropolitan Area Flood Risk Management Project  
Cumulative Vendor Payments Since Inception  
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Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
FARGO MOORHEAD METROPOLITAN	\$ 253,858.35	\$ 253,858.35	\$ -	Lidar Imaging
AON RISK SERVICES CENTRAL, INC	\$ 240,000.00	\$ 183,813.50	\$ 56,186.50	P3 Risk Advisory Services
NDSU BUSINESS OFFICE	\$ 231,650.00	\$ 183,408.50	\$ 48,241.50	Ag Risk Study Services
BUFFALO-RED RIVER WATERSHED DI	\$ 221,568.00	\$ 221,568.00	\$ -	Retention Projects - Engineering Services
CASS RURAL WATER USERS DIST	\$ 213,335.00	\$ 213,335.00	\$ -	Utilities and Utility Relocation
ROBERT TRENT JONES	\$ 200,000.00	\$ 200,000.00	\$ -	Oxbow MOU - Golf Course Consulting Agreement
SPRINGSTED INCORPORATED	\$ 178,010.15	\$ 178,010.15	\$ -	Financial Advisor
FREDRIKSON & BYRON, PA	\$ 169,230.06	\$ 169,230.06	\$ -	Lobbying Services
S & S LANDSCAPING CO INC	\$ 150,528.50	\$ 31,123.00	\$ 119,405.50	Construction - Landscape
PFM PUBLIC FINANCIAL MANAGEMEN	\$ 146,460.00	\$ 146,460.00	\$ -	Financial Advisor
GRAY PANNELL & WOODWARD LLP	\$ 143,800.68	\$ 143,800.68	\$ -	Legal Services
AT&T NETWORK OPERATIONS	\$ 125,238.30	\$ 125,238.30	\$ -	Utility Relocation
CENTURYLINK ASSET ACCOUNTING-B	\$ 118,871.82	\$ 118,871.82	\$ -	Utility Relocation
ENVENTIS	\$ 115,685.62	\$ 115,685.62	\$ -	Utility Relocation
UNITED STATES GEOLOGICAL SURVE	\$ 104,600.00	\$ 104,600.00	\$ -	Stage Gage Installation
CASS COUNTY ELECTRIC-4100 32 A	\$ 104,195.00	\$ 97,995.00	\$ 6,200.00	Utility Services / Relocation
EL ZAGAL TEMPLE HOLDING CO	\$ 76,000.00	\$ 76,000.00	\$ -	Easement Purchase for El Zagal Levee
HKA GLOBAL, INC	\$ 74,353.00	\$ 74,353.00	\$ -	Professional Services
GERSON LEHRMAN GROUP, INC.	\$ 60,819.00	\$ 60,819.00	\$ -	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
MIDCONTINENT COMMUNICATIONS	\$ 37,318.95	\$ 37,318.95	\$ -	Utility Relocation
WARNER & CO	\$ 35,308.00	\$ 35,308.00	\$ -	General Liability Insurance
CLAY COUNTY AUDITOR	\$ 34,538.71	\$ 34,538.71	\$ -	Property Tax, Home Buyout Demo
AMERICAN ENTERPRISES INC	\$ 34,000.00	\$ 34,000.00	\$ -	Test Pits
GEOKON INC	\$ 33,815.36	\$ 33,815.36	\$ -	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	\$ 33,066.02	\$ 33,066.02	\$ -	Property Management Services
CPS HR CONSULTING	\$ 32,793.22	\$ 32,793.22	\$ -	HR Consulting
NAASTAD BROTHERS, INC	\$ 30,856.40	\$ -	\$ 30,856.40	Roadway Ditch Work
WESTERN AREA POWER ADMINSTRAT	\$ 30,000.00	\$ 30,000.00	\$ -	P3 Support Services
ND WATER USERS ASSOCIATN	\$ 25,000.00	\$ 25,000.00	\$ -	Membership Dues
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
BRIGGS & MORGAN PA	\$ 12,727.56	\$ 12,727.56	\$ -	Legal Services
PROSOURCE TECHNOLOGIES, INC	\$ 8,324.94	\$ 8,324.94	\$ -	Vibrating Wire Piezometer Equipment
MAP SERVICE CENTER	\$ 7,250.00	\$ 7,250.00	\$ -	Permit fee
NEWMAN SIGNS INC	\$ 5,816.00	\$ 5,816.00	\$ -	Sinage
ONE	\$ 3,575.00	\$ 3,575.00	\$ -	Legal Services
MCKINZIE METRO APPRAISAL	\$ 3,200.00	\$ 3,200.00	\$ -	Appraisal Services
STUDIO 7 PRODUCTIONS	\$ 3,170.00	\$ 3,170.00	\$ -	Video Productions
BUILDING & GROUNDS MANAGEMENT	\$ 2,592.50	\$ 2,592.50	\$ -	Lawn Mowing Services

FM Metropolitan Area Flood Risk Management Project  
Cumulative Vendor Payments Since Inception  
As of January 31, 2019

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
SEIGEL COMMUNICATIONS SERVICE	\$ 2,345.00	\$ 2,345.00	\$ -	Public Outreach
BNSF RAILWAY CO	\$ 2,325.00	\$ 2,325.00	\$ -	Permits for In-Town Levee Projects
COUGAR TREE CARE INC	\$ 2,300.00	\$ 2,300.00	\$ -	Tree Removal
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
ERBERT & GERBERTS SUBS	\$ 1,232.29	\$ 1,232.29	\$ -	lunches for the task force meetings
HUBER, STEVE	\$ 1,056.43	\$ 1,056.43	\$ -	Home Buyouts
WARREN TOWNSHIP	\$ 1,023.72	\$ 1,023.72	\$ -	SEEDING, ROAD REPAIR, DUST CONTROL
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
NDSU-DINING-STORE 685	\$ 701.75	\$ 701.75	\$ -	Meeting Incidentals
RED RIVER TITLE SERVICES INC	\$ 675.00	\$ 675.00	\$ -	Abstract Updates
HEARTLAND SEEDS, INC.	\$ 600.00	\$ 600.00	\$ -	Lawn Mowing Services
BNSF RAILWAY COMPANY	\$ 600.00	\$ 600.00	\$ -	MOU Agreement
CIVIL DESIGN INC	\$ 595.00	\$ 595.00	\$ -	MOU Agreement
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
HARWOOD TOWNSHIP, CASS, ND	\$ 208.91	\$ 208.91	\$ -	Township Meeting Expenses
WALMART STORE #4352	161.97	\$ 161.97	\$ -	Meeting Incidentals
CURTS LOCK & KEY SERVICE INC	138.1	\$ 138.10	\$ -	Service Call - Home Buyouts
GOOGLE LOVEINTHEOVEN	116	\$ 116.00	\$ -	Meeting Incidentals
LANE, BARRET	108.77	\$ 108.77	\$ -	Lodging Expense
FEDERAL EXPRESS CORPORATION	71.89	\$ 71.89	\$ -	Postage
<b>Grand Total</b>	<b>\$ 502,391,999.31</b>	<b>\$ 455,045,655.82</b>	<b>\$ 47,346,343.49</b>	

**FM Metropolitan Area Flood Risk Management Project**  
**Lands Expense - Life To Date**  
**As of January 31, 2019**

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
<b>Commercial Relocations - Fargo</b>						
Park East Apartments - 1 2nd St S	6/23/2015	9,240,246.10	-	708,126.94	-	9,948,373.04
Howard Johnson - 301 3rd Ave N	11/2/2015	3,266,079.60	-	3,752,607.61	(1,100.00)	7,017,587.21
Fargo Public School District - 419 3rd St N	3/16/2016	1,903,475.78	-	6,469,727.55	-	8,373,203.33
Mid America Steel - NP Ave, North	6/21/2016	437,371.41	-	5,370,000.00	-	5,807,371.41
Case Plaza - 117 NP Ave N	1/12/2017	250,449.12	-	-	-	250,449.12
Shakey's Pizza - DFI AP LLC - 203 4th Ave N	3/21/2017	1,002,367.69	-	-	-	1,002,367.69
<b>Home Buyouts - Fargo</b>						
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	194,457.83	-	35,615.30	-	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	1/23/2017	350,000.00	-	3,360.00	-	353,360.00
<b>Home Buyouts - Moorhead</b>						
387 170th Ave SW	11/1/2013	281,809.91	-	-	(8,440.00)	273,369.91
16678 3rd St S		214,000.00	-	84,060.80	-	298,060.80
<b>Home Buyouts - Oxbow</b>						
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	480,783.92	-	205,699.82	-	686,483.74
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	-	507,103.56	-	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, 856, 860, & 864 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	-	590,292.66	-	1,391,964.35
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	-	356,643.81	-	685,283.28
317 Schnell Dr / 409 Trent Jones Dr	9/7/2016	548,393.52	-	558,413.52	-	1,106,807.04
330 Schnell Drive	10/4/2016	328,134.82	-	125,072.50	-	453,207.32
329 Schnell Dr / 417 Trent Jones Dr	10/4/2016	549,277.00	-	499,811.00	-	1,049,088.00
321 Schnell Dr / 410 Trent Jones Dr	10/7/2016	471,534.69	-	514,952.53	-	986,487.22
813 Riverbend Rd / 449 Trent Jones Dr	10/14/2016	660,997.62	-	797,937.65	-	1,458,935.27
325 Schnell Drive / 426 Trent Jones Dr	11/3/2016	403,498.66	-	402,935.97	-	806,434.63
844 Riverbend Road	11/11/2016	716,599.40	-	15,118.84	-	731,718.24
828 Riverbend Rd	11/30/2016	955,928.53	-	-	-	955,928.53
341 Schnell Dr / 343 Trent Jones Dr	12/8/2016	480,921.52	-	673,954.16	-	1,154,875.68
840 Riverbend Rd / 442 Trent Jones Dr	12/21/2016	547,075.19	-	423,662.02	-	970,737.21
816 Riverbend Rd / 441 Trent Jones Dr	12/27/2016	567,413.07	-	338,694.70	-	906,107.77
821 Riverbend Rd / 438 Trent Jones Dr	1/13/2017	580,617.35	-	331,100.87	-	911,718.22
805 Riverbend Rd / 776 River Bend Rd	2/10/2017	508,203.01	-	395,757.84	-	903,960.85
808 Riverbend Road / 254 South Schnell Dr	2/24/2017	713,814.95	-	533,475.96	-	1,247,290.91
338 Schnell Dr / 775 River Bend Rd	2/28/2017	560,402.15	-	407,961.34	-	968,363.49
313 Schnell Drive/ 413 Trent Jones Dr	4/7/2017	389,370.50	-	357,043.95	-	746,414.45
809 Riverbend Rd	5/3/2017	112,304.99	-	-	-	112,304.99
337 Schnell Dr / 353 Trent Jones Dr	5/17/2017	456,146.62	-	524,447.89	-	980,594.51
829 Riverbend Rd / 788 River Bend Rd	7/7/2017	1,056,438.13	-	1,383,489.59	-	2,439,927.72
848 Riverbend Rd / 783 River Bend Rd	7/27/2017	781,361.81	-	1,410,330.68	-	2,191,692.49
817 Riverbend Road / 421 Trent Jones Dr	7/18/2017	445,728.05	-	465,264.50	-	910,992.55
843 Riverbend Rd / 445 Trent Jones Dr	9/21/2017	978,292.23	-	1,207,474.57	-	2,185,766.80

**FM Metropolitan Area Flood Risk Management Project  
Lands Expense - Life To Date  
As of January 31, 2019**

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
477 Oxbow Drive - OIN 9614 - Henry & Suzanne Mertz	10/27/2017	25,020.58	-	-	-	25,020.58
354 & 358 Schnell Drive	12/6/2018	180,037.06	-	-	-	180,037.06
<b>Home Buyouts - Hickson</b>						
17495 52nd St SE	4/28/2015	785,747.66	-	27,604.74	-	813,352.40
4985 and 4989 Klitzke Drive, Pleasant Twp	7/20/2016	245,926.71	-	92,817.44	-	338,744.15
<b>Home Buyouts - Horace</b>						
2914 124th Ave S	12/29/2016	50,981.00	-	-	-	50,981.00
17471 49th St SE - Campbell - OIN 9403	2/16/2017	883,581.00	-	154,196.55	-	1,037,777.55
17465 49th St SE - Campbell - OIN 9411	2/21/2017	828,561.00	-	190,389.56	-	1,018,950.56
17474 52nd St SE - Leher - OIN 1889/1990/2182	7/11/2017	909,905.00	-	5,482.81	-	915,387.81
17449 50th Street SE - Scott Young	9/1/2017	398,936.66	-	-	-	398,936.66
4848 CR 81 S, Horace, ND _ OIN 9405	9/15/2017	451,185.00	-	36,153.08	-	487,338.08
17568 Pfiffer Drive - OIN 9387	3/6/2018	505,925.70	-	3,590.00	-	509,515.70
15-0000-02690-010 & 15-0000-02690-020 - Cossette _ OIN 229 & 230	11/29/2017	2,433,020.59	-	-	-	2,433,020.59
5021 171st Ave. Southeast, Horace, ND _ OIN 1955	12/18/2017	248,677.89	-	-	-	248,677.89
<b>Home Buyouts - Argusville</b>						
2351 173rd Ave SE - Johnson - OIN 1222	2/6/2017	215,030.91	-	6,912.57	-	221,943.48
<b>Easements - Fargo</b>						
Part of Lot 5 El Zagal Park	10/9/2014	76,000.00	-	-	-	76,000.00
72 2nd St N - Bortnem	4/13/2016	37,020.00	-	-	-	37,020.00
Oak Terrace Condos - 2 N Terrace N	3/30/2016	5,588.00	-	-	-	5,588.00
Fercho Family Farms,	3/25/2015	50,000.00	-	-	-	50,000.00
Part of Lot 3 Block 4 R2 Urban Renewal Addition	3/15/2018	336,108.00	-	-	-	336,108.00
<b>Easements - Hickson</b>						
Hickson Village Lot 8 BLK 11	5/11/2016	500.00	-	-	-	500.00
<b>Easements - Oxbow</b>						
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-	-	-	55,500.00
<b>Easements - Diversion Inlet Control Structure</b>						
15-0000-02690-020 - Cossette	6/1/2016	-	-	-	-	-
64-0000-02730-000 - Sauvageau	6/1/2016	1,113,101.57	-	-	-	1,113,101.57
64-0000-027400-000 - Duboard	9/15/2016	177,399.29	-	-	-	177,399.29
64-0000-02700-010 - Rheault	1/31/2017	2,243.06	-	-	-	2,243.06
15-141-49 NW1/4 160.00 AC **12-31-98 COMB FRM 44-0000-00580-000 & 44-0000-00570-000 - Larson Trust (Nygren)	6/20/2017	32,340.00	-	-	-	32,340.00
Southwest corner of County Road 17 S and 112th Avenue S (condemnation) - SAUVAGEAU LIFE EST.		373,437.00	-	-	-	373,437.00
16835 47 ST SE - Buster Farms LLLP		1,755.00	-	-	-	1,755.00
<b>Easements - Piezometer</b>						
67-0000-12719-010 - Adams - OIN-1201	3/13/2017	1,500.00	-	-	-	1,500.00
<b>Easements - Minnesota</b>						
Askegaard Hope Partnership	10/14/2016	1,542,370.79	-	-	-	1,542,370.79
<b>Farmland Purchases</b>						
SE 1/4 11-140-50 (Raymond Twp, ND) - 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 (OINs 0511,0512,0880,0897)	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 - Hoglelund	7/21/2014	989,706.03	-	-	-	989,706.03
NW 1/4 14-140-50 - Hoglelund	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) - Subdivision: Part of 23-140-50, 155.82 acres - Henke	6/17/2015	857,144.00	-	-	-	857,144.00
(Raymond Twp) - Subdivision: Part of Sec. 23., Less Gust Sub and Jason Sub T140N R50W - Henke	6/17/2015	339,071.00	-	-	-	339,071.00
15-141-49 NW1/4 160.00 AC **12-31-98 COMB FRM 44-0000-00580-000 & 44-0000-00570-000 - Larson Trust (Nygren)	6/20/2017	291,840.00	-	-	-	291,840.00
64-0000-02720-000 - Ulstad (Condemnation)	11/10/2016	1,221,931.50	-	-	-	1,221,931.50
Peter Biegler, Jr - OIN 9748	7/17/2017	250,185.00	-	3,175.00	-	253,360.00
19-141-49 NE 1/4 A 160.00 - Schoenberg Farms	7/18/2017	3,470,167.12	-	-	-	3,470,167.12
SHEY RIV - Chose	7/28/2017	60,128.07	-	-	-	60,128.07
W 1/2d 1/2 10-141-49 & NW 1/4 10-141-49 - Larson Family Farm Trust	8/1/2017	1,402,847.99	-	-	-	1,402,847.99
S1/2 W1/2 NW1/4 - Conyers	8/3/2017	33,150.00	-	-	-	33,150.00
27th St SE, between 169th Ave SE and I-29 - Nelson	8/3/2017	1,024,189.50	-	-	-	1,024,189.50
Meridian, Cass County, ND - Heiden Family, LLLP	8/4/2017	1,326,882.11	-	-	-	1,326,882.11

**FM Metropolitan Area Flood Risk Management Project  
Lands Expense - Life To Date  
As of January 31, 2019**

<b>Property Address</b>	<b>Purchase Date</b>	<b>Purchase Price</b>	<b>Earnest Deposit</b>	<b>Relocation Assistance</b>	<b>Sale Proceeds</b>	<b>Total</b>
2368 173rd Ave SE & Rural Land Part of SE1/4 35-142-49, Wiser, ND - Kevin & Pamela Heiden	8/4/2017	614,439.02	-	-	-	614,439.02
20-141-49 SW 1/4 A 160.00 - Lloyd & Alice Amundson	8/9/2017	123,563.38	-	-	-	123,563.38
5251 174 1/2 Ave SE, Pleasant Township, ND 58047	8/18/2017	254,354.28	-	-	-	254,354.28
35-142-49 SW 1/4 A 160.00 - Burley _ OIN 1218	8/31/2017	167,091.47	-	-	-	167,091.47
S-1/2 of N1/2 of Section 36-142-49, Wayne & Gary Ohnstad_OIN 1223	12/13/2017	200,135.00	-	-	-	200,135.00
2-141-49 S 1/2 OF NE 1/4 & N 1/2 OF SE 1/4	12/20/2017	251,668.74	-	-	-	251,668.74
County Rd 32 between 167th Ave SE and 169th Ave SE, 25-141-50 NE 1/4	1/19/2018	831,853.08	-	-	-	831,853.08
County Rd 32 between 167th Ave SE and 169th Ave SE, 30-141-50 NW 1/4	3/23/2018	831,535.25	-	-	-	831,535.25
NE 1/4 Section 14 Township 140 North of Range 50 West of 5th Principle Meridian LESS the East 85 feet of said NE Quarter	2/22/2018	707,530.88	-	-	-	707,530.88
<b>Land Purchases</b>						
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	10/28/2015	27,000.00	-	-	-	27,000.00
City of Fargo - OIN 2366 & OIN 2367	3/9/2017	1,022,533.30	-	-	-	1,022,533.30
Edwin and Margaret Ployhart OIN 8852	4/5/2017	5,121.18	-	-	-	5,121.18
Arthur Mathison RT OIN 1994	5/19/2017	750.00	-	-	-	750.00
Ideal Ag Corp OIN 9789 / 9790	5/25/2017	30,120.68	-	-	-	30,120.68
OIN 1195 / 1196 - Mark Thorson	9/15/2017	203,678.32	-	-	-	203,678.32
		<u>89,790,973.07</u>	-	<u>34,556,278.91</u>	<u>(1,107,856.01)</u>	<u>123,239,395.97</u>
			(32,000.00)		10,000.00	
				<b>Property Management Expense</b>		2,036,772.47
					<b>Grand Total</b>	<b><u>\$ 125,276,168.44</u></b>



**FM Metropolitan Area Flood Risk Management Project  
In-Town Levee Work  
as of January 31, 2019**

<b>Vcode #</b>	<b>Vendor Name</b>	<b>Descriptions</b>	<b>Contract Amount</b>	<b>Amount Paid</b>
V02801	Industrial Builders	WP42.A2 - 2nd Street North Pump Station	\$ 8,696,548.46	\$ 8,696,548.46
V02802	Terracon Consulting	WP-42 (In Town Levees) Materials Testing	\$ 909,149.49	\$ 830,520.16
V02803	Consolidated Communications	2nd Street Utility Relocation	\$ 1,178,781.73	\$ 1,178,781.73
V02804	702 Communications	2nd Street Utility Relocation WP-42A.1/A.3 - 4th St Pump Station & Gatewell and 2nd St	\$ 266,892.07	\$ 266,892.07
V02805	ICS	Floodwall S	\$ 17,583,287.19	\$ 17,500,178.16
V02806	HMG	WP42 - Services During Construction	\$ 6,130,655.82	\$ 5,307,181.55
V02807	CCJWRD	In-Town Levee Work	\$ 5,886,140.36	\$ 5,886,140.36
V02808	City of Fargo	Relocation of fiber optic along 2nd Street North	\$ 397,906.52	\$ 397,906.52
V02809	AT & T	2nd Street Utility Relocation	\$ 586,269.60	\$ 586,269.60
V02811	Xcel Energy	2nd Street & 4th Street Utility Relocations	\$ 769,791.73	\$ 769,791.73
V02812	Industrial Builders	WP-42F.1S - 2nd Street North Floodwall, South of Pump Station	\$ 16,720,591.15	\$ 16,689,883.67
V02813	Landwehr Construction	Park East Apartments Demolition	\$ 1,169,651.74	\$ 1,169,651.74
V02814	Primoris Aevenia	2nd Street Utility Relocation	\$ 16,230.00	\$ 16,230.00
V02815	Centurylink Communications	2nd Street Utility Relocation	\$ 2,660,937.92	\$ 2,660,937.92
V02816	Landwehr Construction	WP-42C.1 - In-Town Levees 2nd Street/Downtown Area Demo	\$ 907,999.08	\$ 907,999.08
V02817	Reiner Contracting, Inc	WP-42H.2 - El Zagal Area Flood Risk Management	\$ 1,599,646.21	\$ 1,599,646.21
V02818	Industrial Builders	WP-42I.1 - Mickelson Levee Extension	\$ 738,880.50	\$ 738,880.50
V02819	Industrial Builders	WP42F.1N - 2nd Street North	\$ 13,362,906.82	\$ 13,362,906.82
V02820	CH2M Hill	WP42 - Construction Management Services	\$ 851,775.30	\$ 851,775.30
V02821	Hough Incorporated	WP42F.2 - 2nd Street South	\$ 1,639,524.33	\$ 1,639,524.33
V02822	City of Fargo Hoffman & McNamara Nursery & Lan	COF - 2016 O&M on Lifts WP-42G General Landscaping and Planting	\$ 34,941.05	\$ 34,941.05
V02823			\$ 495,801.98	\$ 464,141.16
V02824	City of Fargo	COF – In-Town Flood Protection Debt Payments	\$ 6,296,650.00	\$ 6,296,650.00
V01703	Various	In-Town Property Purchases	\$ 39,426,868.94	\$ 38,180,382.92
V02825	Industrial Builders	WP-42E - 2nd Street South and Main Avenue Flood Mitigation	\$ 8,769,445.23	\$ 262,142.75
			<b>\$ 137,097,273.22</b>	<b>\$ 126,295,903.79</b>

**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: December 1, 2018 - December 31, 2018 OHB Related Costs

Drawdown Request No: 81	
Requested Amount:	<b>\$ 105,433.98</b>
Total Funds Expended This Period:	210,867.96
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	105,433.98
<b>Total Funds Requested:</b>	<b>105,433.98</b>

<b>STATE AID SUMMARY:</b>		
Summary of State Funds Appropriated		
Appropriations from 2009 Legislative Session	\$	45,000,000
Appropriations from 2011 Legislative Session		30,000,000
Appropriations from 2013 Legislative Session		100,000,000
Appropriations from 2015 Legislative Session		69,000,000
Appropriations from 2015 Legislative Session - Interior Flood Control		60,000,000
Anticipated appropriations to be funded in 2017 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2019 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2021 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2023 Legislative Session	66,500,000	
<b>Total State Funds</b>	<b>266,000,000</b>	<b>304,000,000</b>
Less: Payment #1 through #35 - City of Fargo		(55,510,209.00)
Less: Payment #1 - Cass County		(136,039.36)
Less: Payment #1 through #7 - Interior Flood Control		(60,000,000.00)
Less: Payment #1 through #28 - FM Diversion Authority		(38,049,107.00)
Less: Payment #29 through #75 - FM Metro Area Flood Risk Management Project		(93,470,290.00)
Less: Payment #76 - FM Metro Area Flood Risk Management Project		(433,312.97)
Less: Payment #77 - FM Metro Area Flood Risk Management Project		(11,892.35)
Less: Payment #78 - FM Metro Area Flood Risk Management Project		(244,521.99)
Less: Payment #79 - FM Metro Area Flood Risk Management Project		(255,691.15)
Less: Payment #80 - FM Metro Area Flood Risk Management Project		(121,908.95)
Less: Payment #81 - FM Metro Area Flood Risk Management Project		(105,433.98)
<b>Total Funds Reimbursed</b>		<b>(248,338,406.75)</b>
<b>Total State Fund Balances Remaining</b>		<b>55,661,593.25</b>

<b>LOCAL MATCHING FUNDS SUMMARY:</b>		
Matching Funds Expended To Date - FM Metro Area Flood Risk Management Project	\$	79,166,117
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 #1-28 - FM Diversion Authority		(11,052,710)
Less: Match Used on Payment #29 - 75 - FM Metro Area Flood Risk Management Project		(22,172,839)
<b>Balance of Local Matching Funds Available</b>	<b>\$</b>	<b>4,297,909</b>

Finance Committee Bills from February 2019

Vendor	Description		
Cass County Joint Water Resource District	Diversion Bills	\$	114,266.14
Dorsey & Whitney	Legal services rendered through December 31, 2018	\$	83,428.68
Ohnstad Twichell, P.C.	Professional services rendered	\$	35,881.88
			<hr/>
Total Bills Received through February 22, 2019		\$	<u>233,576.70</u>



Cass County  
Joint Water  
Resource  
District

January 29, 2019

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Lance Yohe  
Manager  
West Fargo, North Dakota

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

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

Greetings:

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

Enclosed please find copies of bills totaling \$114,266.14 regarding the above referenced projects. The breakdown is as follows:

Metro Flood Diversion	\$43,938.48
Oxbow-Hickson-Bakke Ring Levee	68,051.91
In-Town Levees	2,275.75

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

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

Updated 1/29/19

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
1/14/2019	12/31/2018	159926	187007	574.00	Ohnstad Twichell, P.C.	Legal-NDDOT Right of Way 2018
1/14/2019	12/31/2018	159896	130007	6,311.28	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
1/14/2019	1/7/2019	160088	187007	1,507.00	Ohnstad Twichell, P.C.	Legal-Right of Entry 2018
1/14/2019	12/31/2018	159901	160007	722.00	Ohnstad Twichell, P.C.	Legal-Diversion Authority Agreement - Drains
1/14/2019	12/31/2018	159927	187007	1,321.00	Ohnstad Twichell, P.C.	Legal-Southern Embankment
1/14/2019	12/31/2018	159909	170007	4,066.55	Ohnstad Twichell, P.C.	Legal-Upstream Mitigation Area
1/14/2019	1/7/2019	160089	187007	5,583.00	Ohnstad Twichell, P.C.	Legal-Bio/Geo Easements
1/14/2019	12/31/2018	159892	90007	1,330.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009
1/14/2019	12/31/2018	159902	160007	171.00	Ohnstad Twichell, P.C.	Legal-Channel Phase I
1/14/2019	12/31/2018	159903	160007	252.00	Ohnstad Twichell, P.C.	Legal-Channel Phase II
1/14/2019	12/31/2018	159904	160007	908.50	Ohnstad Twichell, P.C.	Legal-Channel Phase III
1/14/2019	4/1/1928	1741	2004	5,035.87	Houston-Moore Group	Engineering - Property Acquisition Services
1/14/2019	12/6/2018	79827	R12.00049	3,258.00	Ultieg Engineers	Engineering - Project Mgmt, ROW services and on-call services
1/14/2019	11/30/2018	19713	3283-00	2,621.00	ProSource Technologies LLC	Task order 2 - project mgmt
1/14/2019	11/28/2018	732473		6.11	Marsh & McLennan Agency LLC	Liability insurance
1/14/2019	12/13/2018	1129748		140.24	Cass County Electric Cooperative	Service to 17471 49 St S
1/14/2019	1/3/2019	850.04		326.07	Red River Valley Coop Power Assoc	Service to 16678 3rd St S Moorehead
1/14/2019	12/25/2018	13618		34.70	Cass Rural Water Users District	Service to 5021 171st Ave SE
1/14/2019	12/25/2018	14321		29.71	Cass Rural Water Users District	Service to 16657 38th St SE
1/14/2019	12/25/2018	14028		34.70	Cass Rural Water Users District	Service to 17465 49th St SE
1/14/2019	12/25/2018	14044		34.70	Cass Rural Water Users District	Service to 17471 49th St SE
1/14/2019	12/25/2018	14110		34.70	Cass Rural Water Users District	Service to 17568 Pfiffer Dr
1/14/2019	1/3/2019			37.59	Deans Bulk Service	Dr tank rental for MN property
1/24/2019	1/15/2019	1129748		251.36	Cass County Electric Cooperative	Service to 5021 171 Ave SE
1/24/2019	1/7/2019	1108711		183.40	Cass County Electric Cooperative	Service to 16657 38 St SE
1/24/2019	1/7/2019	1123339		561.29	Cass County Electric Cooperative	Service to 17465 49 St S
1/24/2019	1/7/2019	1122560		676.09	Cass County Electric Cooperative	Service to 17471 49 St S
1/24/2019	1/7/2019	1132078		283.73	Cass County Electric Cooperative	Service to 17568 Pfiffer Dr
1/24/2019		9 statements		5,364.89	Cass County Treasurer	Metro Diversion property taxes
1/24/2019	1/3/2019	80553	R12.00049	2,278.00	Ultieg Engineers	Engineering - project management, ROW and on-call services
<b>Total</b>				<b>43,938.48</b>		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
12/19/2018	12/18/2019				19,475.00	Anderson, Botrell, Sanden	Erickson payment - additional
1/14/2019	1/7/2019	160075		160007	18,145.06	Ohnstad Twichell, P.C.	Legal-Erickson Eminent Domain
1/14/2019	12/31/2018	159897		140007	838.84	Ohnstad Twichell, P.C.	Legal-Oxbow-Hickson-Bakke Levee project
1/24/2019		55 statements			29,197.01	Cass County Treasurer	Property taxes
1/24/2019	12/31/2018	19789		2830-00	396.00	ProSource Technologies	Project management and acquisition
<b>Total</b>					<b>68,051.91</b>		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
1/14/2019	12/31/2018	620813841		162.01	Xcel Energy	Electric service to 419 3rd St N
1/14/2019	12/31/2018	620815295		551.34	Xcel Energy	Gas service to 419 3rd St N
1/24/2019	1/8/2019	6000052129		101.40	City of Fargo	Service to 419 3 St N
1/24/2019		4 statements		1,461.00	Cass County Treasurer	Property taxes for In-Town Levee properties
<b>Total</b>				<b>2,275.75</b>		
<b>Grand Total</b>				<b>114,266.14</b>		



received  
1-22-19

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

January 17, 2019  
Invoice No. 3473098

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

For Legal Services Rendered Through December 31, 2018

INVOICE TOTAL

Total For Current Legal Fees	\$83,289.00
Total For Current Disbursements and Service Charges	\$139.68
<b>Total For Current Invoice</b>	<b>\$83,428.68</b>
 <b>Summary of Account</b>	
*Prior Balance Due	\$13,775.18
Total Amount Due	\$97,203.86

\*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



Office of the City Attorney

City Attorney  
Erik R. Johnson

Assistant City Attorney  
Nancy J. Morris

January 25, 2019

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 January 17, 2019 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through December 31, 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", written over a horizontal line.

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 # 160748

Flood Diversion Board  
 Bond Counsel Work - PPP

Date: February 20, 2019

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

**PROFESSIONAL SERVICES RENDERED**

	2018 Hours	2018 Rate	2019 Hours	2019 Rate	Totals
JTS	6.7	\$310.00	46	\$310.00	\$16,337.00
ADC	0	\$310.00	1.1	\$310.00	\$341.00
SNW	0.5	\$310.00	0	\$310.00	\$155.00
RGH	0	\$310.00	0.9	\$310.00	\$279.00
KJB	5.2	\$285.00	19.3	\$295.00	\$7,175.50
TJL	9.4	\$250.00	19.4	\$265.00	\$7,491.00
CBC	0	\$225.00	7	\$250.00	\$1,750.00
AJR	7	\$165.00	4.1	\$170.00	\$1,852.00
KJS	3.4	\$100.00	0	\$100.00	\$340.00
<b>Total Fees:</b>	<b>32.2</b>		<b>97.8</b>		<b>\$35,720.50</b>
Westlaw					\$127.25
AT&T					\$34.13
<b>Total Expenses:</b>					<b>\$161.38</b>
<b>Grand Total</b>					<b>\$35,881.88</b>

	2019 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 Increased \$10/hr	\$295.00
TJL Tyler J. Leverington, Associate Increased \$15/hr	\$265.00
CBC Calley B. Campbell, Associate Increased \$25/hr	\$250.00
LWC Lukas W. Croaker, Associate Increased \$35/hr	\$260.00
SRH Stephen R. Hanson, Associate Increased \$25/hr	\$250.00
ABG Bo Gruchala, Associate Increased \$25/hr	\$250.00
CAS Carol A. Stillwell, Paralegal	\$165.00
JDR Joshua D. Roaldson, Paralegal	\$165.00
AJR Andrea J. Roman, Paralegal Increased \$5/hr	\$170.00
LRK Lisa R. Kilde, Paralegal Increased \$5/hr	\$160.00
CRA Christie R. Axness, Paralegal Increased \$5/hr	\$140.00
KJS Kelsey J. Stock, Law Clerk	\$100.00



**PROFESSIONAL SERVICES RENDERED**

15-1395 JTS Invoice # 160748      Flood Diversion Board      Bond Counsel Work - PPP		
FILE NUMBER	MATTER DESCRIPTION	INVOICE - TOTAL FEES
151395-1	General Topics (Includes General Governance Questions, Notices, etc.)	\$8,345.50
151395-3	P3 Procurement	\$283.00
151395-4	Public Finance Issues	\$3,131.00
151395-5	Consultant Contract Review/Development	\$805.00
151395-6	Support of External Litigation Counsel	\$2,591.50
151395-7	Coordination with Member Entities	\$669.50
151395-8	MNDNR Permit Issues	\$1,858.50
151395-11	Legislative Interface/Lobbying Support	\$4,871.00
151395-12	USACE Interface/Questions	\$842.50
151395-13	Third Party Utility MOU's	\$11,620.50
151395-14	ICS Issues	\$669.50
151395-16	Riley Bros. Construction Claim	\$33.00
<b>TOTAL</b>		<b>\$35,720.50</b>

# Contracting Actions for Approval

Description	Company	Budget Estimate (\$)
<b><i>Change Orders – Diversion Authority</i></b>		
<b>WP42E – 2<sup>nd</sup> St. So. And Main Ave Flood Mitigation (CO #1)</b> <ul style="list-style-type: none"> <li>Remove Main Avenue Project Overlap work items from Contract</li> <li>Add CLSM pipe cradles, foundation debris removal and Gatewell structural fill</li> </ul>	IBI	<b>(\$240,636.15)</b>
<b>WP43CD – OHB Ring Levee – Phases C &amp; D (CO #6)</b> <ul style="list-style-type: none"> <li>Balances unit quantities</li> <li>Adds various change to the Contract</li> <li>Adds Contract Time</li> </ul>	Meyer Contracting	<b>\$203,981.64</b>
<b>Total</b>		<b>(\$36,654.51)</b>

# Contracting Actions for Approval

Description	Company	Budget Estimate (\$)
<b>Task Orders – Diversion Authority</b>		
<b>Task Order 25, Amendment 02 – Hydrology and Hydraulic Modeling</b> <ul style="list-style-type: none"><li>• Add additional scope and budget for Phase 9 H&amp;H modeling tasks</li><li>• Extend Period of Performance (POP) to December 31,2019</li></ul>	Houston-Moore Group	\$194,816
<b>Task Order 26, Amendment 01 – Work-In-Kind (WIK)</b> <ul style="list-style-type: none"><li>• Add budget for SEAI Local Drainage, Transportation and Utility updates</li><li>• Add scope and budget for SEAI Design Reviews</li><li>• Extend Period of Performance (POP) to December 31, 2019</li></ul>	Houston-Moore Group	\$541,306
<b>Total</b>		<b>\$736,122</b>

# Co-Executive Director Approved Task Order Amendments

Description	Company	Budget Estimate (\$)
<i>Task Orders – Diversion Authority</i>		
<b>Task Order 28, Amendment 01 – Boundary Surveying Services</b> <ul style="list-style-type: none"><li>• Add scope and budget for 47 Mobility Improvement Parcels surveys</li><li>• Extend Period of Performance (POP) to December 31, 2019</li></ul>	Houston-Moore Group	<b>\$103,000</b>
<b>Total</b>		<b>\$ 103,000</b>





**Technical Advisory Group Recommendation**

Meeting Date: 02/14/2019

**RECOMMENDATION FOR ACTION:**

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

**SUMMARY OF CONTRACTING ACTION:**

Per the contract review and approval procedures that were adopted by the Diversion Authority on November 10, 2016 and amended August 23, 2018, the Owner’s Program Management Consultant (PMC) or Engineer of Record (EOR) shall submit construction Change Order requests that are greater than \$50,000 to the Technical Advisory Group. The Technical Advisory Group shall review the Change Order request during its next regular meeting after receiving the Change Order request, and make a recommendation as to approval or denial of the Change Order request.

The Owner’s Representative has prepared the following Contract Action(s):

Description	Budget Estimate (\$)
<b>WP-42E: Industrial Builders, Inc.</b>	
<i>Change Order #01</i>	<b>\$(240,636.15)</b>
<ul style="list-style-type: none"> <li>Remove Main Avenue Project Overlap work items from the Contract</li> <li>Add CLSM pipe cradles, foundation debris removal, and Gatewell structural backfill</li> </ul>	

**Summary of Contracting History and Current Contract Action:**

The Diversion Authority awarded the WP-42E (In-Town Levees - 2nd Street South and Main Avenue Flood Mitigation) construction contract to Industrial Builders, Inc. (IBI)(Contractor) on September 27, 2018. Notice To Proceed was granted and the Effective Date of the Contract was October 17, 2018.

Since the start of construction, several change items have been identified. The Contractor, Engineer of Record, and Owner have since incorporated these changes into this change order.

This change order removes Main Avenue Project Overlap work items, and adds CLSM pipe cradles, foundation debris removal, and Gatewell structural backfill.

The following is a summary of contracting history to date along with the current contracting action.

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract		\$8,769,445.23		17-Oct-18	01-Jul-20	Contract Award to IBI.

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Change Order No. 1	\$(240,636.15)		\$8,528,809.08	17-Oct-18	01-Jul-20	Remove Main Avenue Project Overlap work items, and add CLSM pipe cradles, foundation debris removal, and Gatewell structural backfill.

**Financial Considerations:**

Attached for your review and action is draft Change Order No. 1 (CO-01). The PMC and the EOR have reviewed CO-01 and feel the proposed costs and level of effort are reasonable. This change order decreases the total Contract Price \$240,636.15. The following items are included in this change order:

1. Plan Sheet updates: Thirty Eight (38) plan sheets were modified by the Engineer or deleted from the Contract to document the changes included in this change order. These plan sheets are attached to this change order and incorporated into the Contract Documents.
2. Main Ave Project Overlap Items: The City of Fargo (NDDOT) Main Avenue Reconstruction project work from the Red River Bridge to University Avenue is adjacent to the WP-42E project site and is scheduled to be constructed in 2019. The Main Avenue Reconstruction project design has changed since WP-42E was awarded, and fifty one (51) WP-42E bid item modifications are required to accommodate the Main Avenue Reconstruction project changes. The 51 bid items changes are listed on attached CO-01 and Unit Price Schedule.
  - a. The Engineer has reviewed the Main Avenue Reconstruction project design and determined these quantity changes.
  - b. The unit prices for these changes are the bid prices.
  - c. These changes decrease the Contract Price \$(383,729.65).
3. CLSM Pipe Cradles: The bedding/backfill material under the large diameter stormwater pipes connected to the Lift Station, Gatewell, and ST-7 was designed to be compacted clay. After bidding and award of the Contract, consultation between the Engineer and USACE resulted in the recommendation to change from compacted clay to Controlled Low Strength Material (CLSM) at these locations to ensure proper bedding of the pipes with less chance of void spaces. These changes will improve the quality and reliability of the project.
  - a. This change adds the following bid items for CLSM Pipe Cradles at a cost of \$89,788.00:
    - i. Bid Item 0175, *F&I CLSM Pipe Cradles - Lift Station CO-1*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$10,976.00 per LS for a price increase of \$10,976.00.
    - ii. Bid Item 0176, *F&I CLSM Pipe Cradles - Gatewell CO-1*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$53,089.00 per LS for a price increase of \$53,089.00.
    - iii. Bid Item 0177, *F&I CLSM Pipe Cradles - ST-7 CO-1*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$25,723.00 per LS for a price increase of \$25,723.00.

- b. The Engineer reviewed the quantities and Contractor direct and indirect cost proposals for these changes and found them to be reasonable for the proposed scope of work.
4. Foundation Debris Removal: A larger piece of concrete was encountered at the Lift Station excavation that was not shown on the Contract Documents. The Contractor proposed a lump sum cost of \$1,280.00 to remove and dispose of it off-site.
  - a. The Engineer agreed that this was an additional project cost, reviewed the Contractor's proposed price, found it to be reasonable, and directed the Contractor to remove and dispose of it off-site.
  - b. This change adds the following bid item:
    - i. Bid Item 0178, *Remove Building Foundation CO-1*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$1,280.00 per LS for a price increase of \$1,280.00.
5. Gatewell Structural Backfill: The Contractor's selected method to support the walls of Gatewell excavation was a cofferdam. The cofferdam was design by the Contractor and they recommended CLSM backfill from elevation 873.15 to 884.00 and structural clay from elevation 884.00 to 900.00 to backfill the space between the finished exterior Gatewell wall and the cofferdam. The Engineer's design was based on an open cut excavation and did not include CLSM and structural clay bid items to backfill the space between the finished exterior Gatewell wall and the cofferdam.
  - a. The Owner reviewed and agreed that the cost of these items should be added to the Contract Price.
  - b. The Engineer determined the quantities of CLSM and structural clay and agreed with the Contractor's proposed unit prices.
  - c. This change adds the following bid items for Gatewell structural backfill material at a cost of \$52,025.50:
    - i. Bid Item 0179, *Gatewell Structural CLSM Backfill CO-1*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$26,885.50 per LS for a price increase of \$26,885.50.
    - ii. Bid Item 0180, *Gatewell Structural Clay Backfill CO-1*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$25,140.00 per LS for a price increase of \$25,140.00.

**ATTACHMENT(S):**

1. Draft Change Order No. 1 with unit price schedule and drawings
2. Supporting documentation

**Submitted by:**

*John W. Glatzmaier*  
\_\_\_\_\_  
John Glatzmaier  
Jacobs  
Metro Flood Diversion Project

February 20, 2019  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Boerboom, Diversion Authority Project  
Manager  
Concur: February 20, 2019 Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
Matt Stamness, Assistant Cass County Engineer,  
Diversion Authority Project Manager  
Concur: February 21, 2019 Non-Concur \_\_\_\_\_

\_\_\_\_\_  
Robert Zimmerman, Moorhead City Engineer  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
Jason Benson, Cass County Engineer  
Concur: February 21, 2019 Non-Concur \_\_\_\_\_

\_\_\_\_\_  
David Overbo, Clay County Engineer  
Concur: February 21, 2019 Non-Concur: \_\_\_\_\_





**Technical Advisory Group Recommendation**

Meeting Date: 02/13/2019

**RECOMMENDATION FOR ACTION:**

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

**SUMMARY OF CONTRACTING ACTION:**

Per the contract review and approval procedures that were adopted by the Diversion Authority on November 10, 2016 and amended August 23, 2018, the Owner’s Program Management Consultant (PMC) or Engineer of Record (EOR) shall submit construction Change Order requests that are greater than \$50,000 to the Technical Advisory Group. The Technical Advisory Group shall review the Change Order request during its next regular meeting after receiving the Change Order request, and make a recommendation as to approval or denial of the Change Order request.

The Owner’s Representative has prepared the following Contract Action(s):

Description	Budget Estimate (\$)
<b>WP-43CD: Meyer Contracting, Inc.</b>  <i>Change Order #06</i> <ul style="list-style-type: none"> <li>• Balance unit quantities</li> <li>• Add various changes to the Contract</li> <li>• Add Contract Time</li> </ul>	<b>\$203,981.64</b>

**Summary of Contracting History and Current Contract Action:**

The Diversion Authority awarded the WP-43CD (OHB Ring Levee – Phases C and D) construction contract to Meyer Contracting, Inc. (Contractor) on July 13, 2017.

Since the start of construction, several contract change items have been identified and incorporated into Change Orders. The Contractor, Engineer of Record, and Owner have since identified and addressed various additional change items.

This change order adds various Owner or Engineer directed work changes, adjusts Contract Times, and balances unit quantities to match furnished and installed quantities.

The following is a summary of contracting history to date along with the current contracting action.

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	\$0.00	\$10,399,476.21		09-Aug-17	31-Oct-18	Contract Award to Meyer Consulting, Inc.

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Change Order No. 1	\$7,383.47		\$10,406,859.68	09-Aug-17	31-Oct-18	Add heat-shrink sleeves, additional steel pipe bedding, backfill, and time.
Change Order No. 2	\$508,207.56		\$10,915,067.24	09-Aug-17	31-Oct-18	Incorporate WCD-001 and WCD-002; add additional borrow pit stripping; utility work; and a temporary access road.
Change Order No. 3	\$38,822.49		\$10,953,889.73	09-Aug-17	31-Oct-18	Add additional project components, changed conditions price adjustment, relocation of utility lines and stock piles, additional drainage grading, expedited freight charges, and 6.5 days to Milestone 8.
Change Order No. 4	\$978,114.72		\$ 11,932,004.45	09-Aug-17	2-Dec-18	Add tree removal, 2017 cumulative delays and milestone days, pump station luminaries, fire hydrant removal, Hwy 81 levee sub-cut, additional survey, additional barricades, stand-by time, Hwy 81 overlay, assess liquidated damages, and incorporate WCD-03.
Change Order No. 5	\$13,888.70		\$ 11,945,893.15	09-Aug-17	21-Dec-18	Incorporate WCD-04 and adjust Contract Times.
Change Order No. 6	\$203,981.64		\$ 12,149,874.79	09-Aug-17	21-Dec-18	Balance unit quantities, add various change items to the Contract, and add Contract Time.

**Financial Considerations:**

Attached for your review and action is draft CO-06. The PMC and the EOR have reviewed CO-06 and feel the proposed costs and level of effort are reasonable. This change order increases the total Contract Price \$203,981.64 and adds four (4) days to specific Contract Times. The following items are included in this change order:

1. Unit Price Quantity balancing: Unit Price quantities in the Contract were estimated quantities based on the project design and the final furnished and installed quantities may differ. For this project, the furnished and installed quantities of sixty eight (68) Unit Price items differed from the estimated Contract quantities and these changes modify those Unit Quantities to match the final furnished and installed quantities, resulting in a Contract Price increase of \$139,347.99. The attached Unit Price Schedule shows these changes by line item.
  - a. For most of these unit quantity changes, the percentage difference is typical for estimated Unit Price Work, or the quantities were partially or wholly added/removed from the project at the direction of the Owner or Engineer but the final quantity was not accounted for until the end of the project.
  - b. For the remaining unit quantity changes, the following explanations are provided:

- i. Bid item #0129 (Pvmt Mk Painted 4in Line) – a 176% unit quantity increase resulting in a \$6,783.00 increase and Bid item #0130 (Pvmt Mk Painted 8in Line) - a 482% unit quantity increase resulting in a \$438.20 increase:
  1. The design included an asphalt base course and asphalt wear course on Hwy 81.
  2. The project, as planned and designed, only included one installation of pavement marking line paint on Hwy 81 after the final asphalt wear coarse installation.
  3. In the fall of 2017, only the asphalt base coarse was installed before paving operations were shut down by the Owner due to cold weather. At that time, the Owner requested that the pavement markings be installed on the asphalt base course for safety reasons. In the spring of 2018, after the asphalt wear coarse was installed, the pavement markings were installed on the asphalt wear course.
    - a. This doubled the original quantity. Additionally, the Cass County Highway Department requested, and the Owner approved, additional pavement markings in the project area, since a pavement marking crew was in the area. This included the area near Oxbow Drive as well as from Oxbow Drive to Main Ave (CR-25).
    - b. The additional non-bid items, such as the turn arrows and 24 inch lines, are included in new Bid Item #0196 under this change order, but the additional pavement marking unit quantities under existing Bid Item #0129 and Bid Item #0130 items were paid to the Contractor at the original unit bid price.
- ii. Bid item #0132 (Force Main – 6” PVC) - a 66% unit quantity increase resulting in a \$35,700.00 increase, Bid item #0133 (Force Main – 8” PVC) - a 66% unit quantity increase resulting in a \$43,286.25 increase, and Bid item #0139 (Sanitary Sewer Force Main Fittings) - a 259% unit quantity increase resulting in a \$33,800.00 increase:
  1. The north/south sanitary sewer force main segment along Main Ave (CR-25) was shown on the original plans but the unit quantities for that segment were not included in the bid form, and the error was not discovered and corrected via addenda during the bid phase.
    - a. The Contractor was paid for the actual quantities of pipe and fittings installed at the unit bid price for these bid items.
- iii. Bid item #0151 (CO-2: Subcut in levee footprint) - a 102% unit quantity increase resulting in a \$40,952.00 increase:
  1. This bid item was approved in Change Order No. 2 and set the subcut excavation unit cost for a known quantity of work.
  2. After Change Order No. 2, additional subcut quantities of unsuitable material from under the levee footprint were identified and required removal.

- a. The Contractor was paid for the actual subcut quantities furnished at the unit bid price for this bid item.
- iv. Bid item #0180 (CO-4: 2018 Daily Standby Time, Jan 1-Apr 30, 2018) - a 2% unit quantity increase resulting in a \$11,145 increase and Bid item #0181 (CO-4: 2018 Daily Standby Time, Jan 1-Apr 30, 2018) - a 28% unit quantity increase resulting in a \$35,945 increase:
  1. For bid item #0180, Change Order No. 4 set the unit price for standby time (per day) for an estimated number of days assuming a work suspension end date of April 30, 2018.
    - a. The work suspension ended May 2, 2018 resulting in 2 extra days of standby time paid to the Contractor at the approved unit rate.
  2. For bid item #0181, this lump sum item includes multiple unit and lump sum items negotiated in Change Order No. 4. The lump sum items in it were fixed but the Contractor would be paid for actual unit price items.
    - a. The additional cost was largely due to additional unit rate April mobilization costs. The unit rate and an estimated number of units (hours) were included in Change Order No. 4. The actual amount of April mobilization was greater than the estimated amount and the Contractor was paid for the additional hours at the approved unit rate.
2. Additional Drainage Swale (COR 0033-100027): Upon inspection of the east side of levee 43C near levee station C5+00 the Engineer determined additional drainage work was required for the benefit of the project and to reduce the risk of future maintenance. This work was not included in the original Contract Documents. The Engineer directed the Contractor to complete the work on a time and materials basis.
  - a. This change adds Bid Item 0191, *CO-6: Additional Drainage Swale*: lump sum quantity 1.0 LS at the Contract Unit Price of \$2,201.37 per LS for a price increase of \$2,201.37.
3. Pump Station Formwork Rental (COR 9000036): The Contractor incurred additional rented structure formwork material costs due to the Owner issued work suspension directive. The Engineer concurs and recommends this cost change. Note that this should have been included in CO-4 but was omitted, and is a legitimate shutdown cost.
  - a. This change adds Bid Item 0192, *CO-6: Pump Station Formwork Rental*: lump sum quantity 1.0 LS at the Contract Unit Price of \$2,990.00 per LS for a price increase of \$2,990.00.
4. Additional Traffic Control (COR 9000056): Due to weather and utility installation delays by others, the Contractor incurred additional, Cass County Hwy Dept required, traffic control costs to provide proper separation of public traffic on Hwy 81 during heavy civil and paving operations after the road closure ended. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0193, *CO-6: Additional Traffic Control*: lump sum quantity 1.0 LS at the Contract Unit Price of \$731.50 per LS for a price increase of \$731.50.
5. Remove Control Structures (COR 9000057): Upon inspection of the east side of levee 43C near levee stations C3+20, C11+00, and C38+00 the Engineer determined removal of existing storm sewer structures and additional drainage work was required for the benefit of the project and to reduce the

risk of future maintenance. This work was not included in the original Contract Documents. The Engineer directed the Contractor to complete the work on a time and materials basis.

- a. This change adds Bid Item 0194, *CO-6: Remove Control Structures*: lump sum quantity 1.0 LS at the Contract Unit Price of \$1,581.00 per LS for a price increase of \$1,581.00.
6. Oxbow Drive Curb Repair (COR 9000059): The Owner and Engineer directed repairs to damaged curb and gutter that was installed under this Contract. A portion of the damage was caused by others and the Contractor incurred additional costs to repair damage by others. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0195, *CO-6: Oxbow Drive Curb Repair*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$3,828.00 per LS for a price increase of \$3,828.00.
7. Additional Pavement Markings (COR 9000060): The Owner requested additional pavement markings at the intersection of Hwy 81 and Oxbow Drive that were not part of the original Contract Documents. The Contractor incurred additional costs to complete this work. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0196, *CO-6: Additional Pavement Markings*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$2,864.29 per LS for a price increase of \$2,864.29.
8. Additional Ditch Grading (COR 9000063): The Owner requested Hwy 81 ditch grading at the intersection of Hwy 81 and Oxbow Drive that was not part of the original Contract Documents. The Contractor incurred additional costs to complete this work. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0197, *CO-6: Additional Ditch Grading*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$12,871.38 per LS for a price increase of \$12,871.38.
9. Metal Roofing Price Increase (COR 9000064): The Contractor incurred additional roofing material costs due to a purchase delay and cost increase after the Owner issued work suspension directive. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0198, *CO-6: Metal Roofing Price Increase*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$3,198.20 per LS for a price increase of \$3,198.20.
10. Add'l Owner's Protective Insurance Policy (COR 9000065): The Contractor incurred additional Builder's Risk insurance costs due to the Owner issued work suspension directive. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0199, *CO-6: Add'l Owner's Protective Insurance Policy*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$6,193.00 per LS for a price increase of \$6,193.00.
11. Bentonite Grout (COR 9000067): The Engineer directed replacement of water stop material to benefit the project and reduce the risk of future maintenance issues. The Contractor incurred additional costs to complete this work. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0200, *CO-6: Bentonite Grout*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$7,401.40 per LS for a price increase of \$7,401.40.
12. Concrete Driveway 119 Oxbow Drive (COR 9000069): The Owner and Owner's Representative agreed to and directed the Contractor to provide additional driveway apron flare work to match the original

driveway apron flare. The Contractor incurred additional costs to complete this work. The Engineer concurs and recommends this cost change.

- a. This change adds Bid Item 0201, *CO-6: Concrete Driveway 119 Oxbow Drive*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$5,362.96 per LS for a price increase of \$5,362.96.
13. Upsizing Neutral Wire from #3/0 to #500 (COR 9000070): The neutral wire as designed did not meet NEC code and had to be replaced with a larger, code compliant neutral wire. The Contractor incurred additional costs to complete this work. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0202, *CO-6: Upsizing Neutral Wire from #3/0 to #500*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$1,241.88 per LS for a price increase of \$1,241.88.
14. Electrical Material Price Increase (COR 9000071): The Contractor incurred additional electrical material costs due to a purchase delay and cost increase after the Owner issued work suspension directive. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0203, *CO-6: Electrical Material Price Increase*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$1,935.78 per LS for a price increase of \$1,935.78.
15. Zone 1 Seed Modification - Include Oats Cover Crop (COR 9000072): The Owner ordered seeding changes for a portion of project area due to future project schedule changes caused by the Federal injunction against construction on a portion of the OHB Ring Levee and Contractor incurred additional turf establishment costs. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0204, *CO-6: Zone 1 Seed Modification - Include Oats Cover Crop*: unit rate quantity of 15.0 AC at the Contract Unit Price of \$508.20 per AC for a price increase of \$7,623.00.
16. Additional 20A/3 Pole Circuit Breaker (COR 9000073): During shop drawing review it was determined that an additional circuit breaker was required for the pump station overhead door. This work is a change from the original Contract Documents. The Contractor incurred additional costs to supply and install the circuit breaker. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0205, *CO-6: Additional 20A/3 Pole Circuit Breaker*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$800.22 per LS for a price increase of \$800.22.
17. Upsizing Neutral Wire (COR 9000074): During shop drawing review it was determined that the NEC code required a larger wire size from the generator to the Automatic Transfer Switch (ATS). This work is a change from the original Contract Documents. The Contractor incurred additional costs to supply the larger wire. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0206, *CO-6: Upsizing Neutral Wire*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$773.63 per LS for a price increase of \$773.63.
18. Additional Pump Test Equipment and Gauges (COR 9000075): The Owner requested that temporary pump testing equipment be installed permanently and made part of the project. This work is a change from the original Contract Documents. The Contractor incurred additional costs to provide this equipment for the project. The Engineer concurs and recommends this cost change.
  - a. This change adds Bid Item 0207, *CO-6: Additional Pump Test Equipment and Gauges*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$3,036.04 per LS for a price increase of \$3,036.04.

19. Time Extension: The Contractor has requested and the EOR agrees with and recommends 3.75 (round to 4 for the Contract Times) days be added to the following Contract Times:

- a. Add four (4) days to Substantial Completion, changing it to November 6, 2018.
- b. Add four (4) days to Milestone 8.b (All work, except Pump Station mechanical and electrical components and finishes), changing it to September 19, 2018.
- c. Add four (4) days to Milestone 9 (Pump Station Operation), changing it to October 19, 2018.

**ATTACHMENT(S):**

- 1. Draft Change Order No. 6 with unit price schedule
- 2. HMG Change Order No. 6 recommendation and supporting documentation memo

**Submitted by:**

*John W. Glatzmaier*  
 \_\_\_\_\_  
 John Glatzmaier  
 Jacobs  
 Metro Flood Diversion Project

February 13, 2019  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Nathan Boerboom, Diversion Authority Project  
 Manager  
 Concur: February 14, 2019 Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
 Matt Stamness, Assistant Cass County Engineer,  
 Diversion Authority Project Manager  
 Concur: February 21, 2019 Non-Concur \_\_\_\_\_

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 Robert Zimmerman, Moorhead City Engineer  
 Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

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 Jason Benson, Cass County Engineer  
 Concur: February 21, 2019 Non-Concur \_\_\_\_\_

\_\_\_\_\_  
 David Overbo, Clay County Engineer  
 Concur: February 21, 2019 Non-Concur: \_\_\_\_\_

**Executive Director Contracting Recommendation**

Date: 01/25/2019

**RECOMMENDATION FOR ACTION:**

The following Contact Action(s) have been prepared for Co-Executive Director review and action.

**SUMMARY OF CONTRACTING ACTION:**

Per the contract review and approval procedures that were adapted by the Diversion Authority on Nov 10, 2016, and amended August 23, 2018, the Owner’s Program Management Consultant (PMC) or Engineer of Record (EOR) is directed to prepare task orders and task order amendments for existing Master Services Agreements (MSA) and submit them to the Co-Executive Directors for review and action. The PMC has prepared the following Contract Action(s):

**Houston-Moore Group**

*Task Order 25, Amendment 2 – Hydrology and Hydraulic Modeling* **\$194,816**

- Add additional scope and budget for Phase 9 H&H modeling tasks
- Extend Period of Performance (POP) to December 31, 2019

**BACKGROUND:**

The project alignment has changed as a result of the Plan B recommendations of the Governor’s Task Force working group. The scope of work for this task order is to incorporate those changes into the Phase 9 model, conduct model runs and analyses, and prepare a technical memorandum documenting the model changes. It also includes continued support the NDSU Ag Study.

The POP ended December 31, 2018 and HMG has requested additional budget to complete the Phase 9 H&H modeling tasks. This amendment adds Subtask 2.A Phase 9 Model Update scope and budget, and extends the POP to December 31, 2019.

The following table for a summary of the Task Order contracting actions.

Original Agreement or Amendment	Budget Change	Revised Project Cost	Project Start	Project Completion	Comments
Task Order 25 Amendment 0	\$0	\$261,784	01-Apr-18	31-Dec-18	Add scope and budget for Phase 9 modeling tasks and budget for continued support of the NDSU Ag Study.
Task Order 25 Amendment 1	\$147,658	\$409,406	01-Apr-18	31-Dec-18	Add additional scope and budget for Phase 9 H&H modeling tasks.
<b>Task Order 25 Amendment 2</b>	<b>\$194,816</b>	<b>\$604,222</b>	<b>01-Apr-18</b>	<b>31-Dec-19</b>	<b>Add additional scope and budget for Phase 9 H&amp;H modeling tasks and extend POP to December 31, 2019.</b>



**Financial Considerations:**

Amendment 2 to Task Order No. 25 adds Subtask 2.A Phase 9 Model Update scope and budget, and extends the POP to December 31, 2019. This task order is billed on a time and materials basis, and only incurred costs are invoiced. The detailed draft task order scope is attached.

HMG provided the attached cost proposal and the PMC has reviewed it. The labor rates are consistent with 2018 MSA allowed rates. Below is a summary of the review.

1. Subtask 2.A: Phase 9 Model Update
  - a. 2.A.1: Southern Embankment and Associated Infrastructure (SEAI) Phase 9 Geometry Updates
    - i. General Scope of Work: As part of the Phase 9 modeling, HMG will update to the HEC-RAS hydraulic model to incorporate geometry changes to the project that were part of the Plan B recommendations.
    - ii. For this amendment, HMG is requesting additional budget to complete the 2D modeling mesh, evaluate the area 1 mile upstream of the Diversion Inlet Structure, and incorporate the results into the unsteady flow model.
      1. HMG's cost proposal for additional subtask 2.A.1 work is \$75,936 and includes 392 hours of professional services at an hourly rate of approximately \$195 per hour.
  - b. 2.A.2: Diversion Channel and Associated Infrastructure (DCAI) Phase 9 Geometry Updates
    - i. General Scope of Work: As part of the Phase 9 modeling, HMG will prepare an update to the HEC-RAS hydraulic model to incorporate geometry changes to the DCAI since the previous model update.
    - ii. For this amendment, HMG is requesting additional budget to add bridges at 32<sup>nd</sup> and 52<sup>nd</sup> Ave. South, incorporate the realigned Drain 14, and re-size drain inlets in the model.
      1. HMG's cost proposal for additional subtask 2.A.2 work is \$11,136 and includes 60 hours of professional services at an hourly rate of approximately \$185 per hour.
  - c. 2.A.3: With-Project Phase 9 Model Run Updates
    - i. General Scope of Work: HMG will conduct HEC-RAS hydraulic model runs of the Phase 9 with-project geometry for the following flood events: Red River Peak 10, 20, 25, 50, 100, and 500-year events and Tributary Peak 10, 25, 50, 100 and 500-year events. They will also verify duration impacts and make subsequent updates, and conduct floodplain mapping for these events.
    - ii. For this amendment, HMG is requesting additional budget:
      1. To update the unsteady flow model, generate the Red River and Tributary peak flood events, and conduct floodplain, depth difference, and flood duration mapping for these events.
        - a. HMG's cost proposal for this additional subtask 2.A.3 work is assumed to be half of their proposed work under Task 6, see attached HMG cost proposal. This is \$6,084 and includes 34 hours of professional services at an hourly rate of approximately \$179 per hour.

2. To evaluate flood duration impacts, due to modifications to borrow ditches, dam embankment road crossings, the connecting channel, and weir structures.
    - a. HMG's cost proposal for this additional subtask 2.A.3 work is \$75,936 includes 392 hours of professional services at an hourly rate of approximately \$195 per hour.
  - d. 2.A.4: Existing Conditions Phase 9 Model Run Updates
    - i. General Scope of Work: HMG will develop HEC-RAS hydraulic model runs of the Phase 9 existing conditions geometry for the Red River Peak 20-year flood event and the Tributary Peak 25-year flood event, evaluate hydrographs, revise the model if necessary, and conduct floodplain mapping.
    - ii. For this amendment, HMG is requesting additional budget to rerun the existing conditions modeling and mapping.
      1. HMG's cost proposal for additional subtask 2.A.4 work is \$12,168 and includes 68 hours of professional services at an hourly rate of approximately \$179 per hour.
  - e. 2.A.5: Phase 9 Extreme Event Analysis
    - i. General Scope of Work: Using the Phase 9 HEC-RAS model, HMG will evaluate the Inflow Design Event (IDF) and the Probable Maximum Flood (PMF) events, including the Western Tieback length and elevations, Interstate 29 road raise and bridge crossing, Eastern Tieback location, length and elevation.
    - ii. For this amendment, HMG is requesting additional budget to evaluate the PMF event.
      1. HMG's cost proposal for this additional subtask 2.A.3 work is assumed to be half of their proposed work under Task 6, see attached HMG cost proposal. This is \$6,084 and includes 34 hours of professional services at an hourly rate of approximately \$179 per hour.
  - f. 2.A.7: Phase 9 QA/QC
    - i. General Scope of Work: HMG will conduct a QA/QC review of the Phase 9 unsteady HEC-RAS model.
    - ii. For this amendment, HMG is requesting additional budget to perform QA/QC on the Phase 9 modeling work.
      1. HMG's cost proposal for additional subtask 2.A.7 work is \$7,472 and includes 36 hours of professional services at an hourly rate of approximately \$210 per hour.
2. Time Extension
    - a. The Phase 9 modeling work has not been completed and work is continuing into 2019. This amendment extends the POP to December 31, 2019.

The subtask budget changes for Amendment 2 are listed in the table below.

**TO25 Budgets by Subtask:**

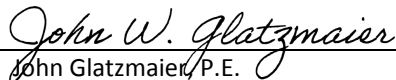
Subtask	Current Budget (\$)	Change (\$)	Revised Budget (\$)
A. Phase 9 Model Updates	399,270	194,816	594,086
B. NDSU Agricultural Impact Study Support	10,136	0	10,136
<b>TOTAL</b>	<b>409,406</b>	<b>194,816</b>	<b>604,222</b>

The PMC prepared this task order amendment, and feels the information is accurate, complete, and ready for Co-Executive Director review.

**ATTACHMENT(S):**

1. Draft Task Order 25, Amendment 2
2. HMG cost proposal dated January 16, 2019

**Prepared by: Program Management Consultant**

  
 John Glatzmaier, P.E.  
 Jacobs

January 25, 2019

Date

**Submitted by: Co-Executive Directors**

Michael J. Redlinger  
 Fargo Assistant City Administrator

Concur: January 25, 2019 Non-Concur:

Robert W. Wilson  
 Cass County Administrator

Concur: February 5, 2019 Non-Concur

**Cc: Technical Advisory Group**

- Nathan Boerboom, City of Fargo/Diversion Authority Project Manager
- David Overbo, Clay County Engineer
- Jason Benson, Cass County Engineer
- Robert Zimmerman, Moorhead City Engineer
- Matt Stamness, Assistant Cass County Engineer/Diversion Authority Project Manager

**Executive Director Contracting Recommendation**

Date: 01/31/2019

**RECOMMENDATION FOR ACTION:**

The Co-Executive Directors have reviewed and recommended approval of the following Contract Action(s).

**SUMMARY OF CONTRACTING ACTION:**

Per the contract review and approval procedures that were adopted by the Diversion Authority on November 10, 2016 and amended August 23, 2018, the Owner’s Program Management Consultant (PMC) or Engineer of Record (EOR) is directed to prepare task orders and task order amendments for existing Master Services Agreements (MSA) and submit them to the Co-Executive Directors for review and action.

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

**Houston-Moore Group, LLC**

**\$541,306**

**Task Order 26, Amendment 1 - Work-In-Kind (WIK)**

- Add budget for SEAI Local Drainage, Transportation, and Utility updates
- Add scope and budget for SEAI Design Reviews
- Extend Period of Performance (POP) to December 31, 2019

**BACKGROUND AND DISCUSSION:**

Houston-Moore Group, LLC (HMG) has provided Work-in-Kind engineering services under Task Order 8 from June 14, 2012 through the end of 2017. Work-In-Kind services are now being performed under Task Order 26. The project alignment changed as a result of the Plan B recommendations of the Governor’s Task Force working group. The scope of work for this task order is to update the SEAI local drainage, transportation, and utility plans, and provide professional services to review USACE designs.

The POP ended December 31, 2018. This amendment adds budget for SEAI Local Drainage, Transportation, and Utility subtasks, adds scope and budge for new subtask SEAI Design Reviews, and extends the POP to December 31, 2019.

See the table below for a summary of this task order’s contracting history, including this amendment.

**Summary of Contracting History and Current Contract Action:**

Original Agreement or Amendment	Budget (\$) Change	Original or Revised Project Cost	Agreement Execution Date	Project Completion	Comments
Task Order 26 Amendment 0	\$0	\$183,340	17-May-18	31-Dec-18	Scope and budget for SEAI local drainage, transportation, and utility plan updates.
Task Order 26 Amendment 1	\$541,306	\$724,646	17-May-18	31-Dec-19	Add budget for SEAI local drainage, transportation, and utility plan updates, add scope and budget for SEAI design reviews, and extend the POP to December 31, 2019.

**FINANCIAL CONSIDERATIONS:**

Amendment 1 to Task Order 26 adds additional budget for SEAI Local Drainage, Transportation, and Utility updates subtasks, adds scope and budget for new subtask SEAI Design Reviews, and extends the POP to December 31, 2019. This task order is billed on a time and materials basis, and only incurred costs are invoiced. The detailed draft task order scope is attached.

HMG provided the attached cost proposal and the PMC has reviewed it. The labor rates are proposed 2019 rates. Below is a summary of the review.

1. Subtask 2.A: SEAI Local Drainage Update
  - a. General Scope of Work: Update the local drainage plan for the SEAI project to include Plan B changes. Services include generating plan and profile sheets of local drainage ditches, preparation of wetland area maps (wetland delineation), providing CAD files to USACE, and participate in conference calls and meetings with USACE to address their comments.
  - b. The original budget for this subtask was not sufficient to complete the SEAI local drainage updates, and HMG is requesting additional budget to complete the work.
    - i. HMG's proposal for additional subtask 2.A budget is \$9,208 and includes 58 hours of professional services at an hourly rate of approximately \$160 per hour.
2. Subtask 2.B: SEAI Transportation Update
  - a. General Scope of Work: Prepare preliminary designs of transportation features impacted by the Plan B SEAI project. Work includes developing preliminary design information, providing CAD files to USACE, and participating in coordination meetings with USACE and Cass and Clay Counties.
  - b. The original budget for this subtask was not sufficient to complete the SEAI transportation updates, and HMG is requesting additional budget to complete the work.
    - i. HMG's proposal for additional subtask 2.B budget is \$24,040 and includes 148 hours of professional services at an hourly rate of approximately \$160 per hour.
3. Subtask 2.C: SEAI Utilities Update
  - a. General Scope of Work: Research, collect, and record existing utility company ROWs. Coordinate with utility companies to confirm, locate, identify, and map existing utilities impacted by the project.
  - b. The original budget for this subtask was not sufficient to complete the SEAI utility updates, and HMG is requesting additional budget to complete the work.
    - i. HMG's proposal for additional subtask 2.C budget is \$8,058 and includes 46 hours of professional services at an hourly rate of approximately \$175 per hour.
4. Subtask 2.D: SEAI Design Reviews
  - a. General Scope of Work: Participate in project team meetings and conference calls. Coordinate with USACE, PMC, and Local Sponsors. Provide geotechnical, structural, electrical, mechanical, hydraulics, and civil layout discipline reviews for each round of review. Provide submittal review comments to plans and specifications and back-check comments for closeout.
  - b. This amendment adds scope and budget for reviews of USACE design submittals for the Wild Rice River (WRR) Control Structure, Red River of the North (RRN) Control Structure, and the Southern Embankment (Plan B) design submittals. HMG's \$500,000 proposed budget includes:

- i. WRR Control Structure: This USACE project design was partially completed prior to the Plan B changes. To complete the design, USACE requires reviews of two (2) design submittals. HMG's \$66,000 cost proposal for WRR Control Structure reviews includes:
    1. HMG labor: 150 hours at an hourly rate of approximately \$208 per hour for a labor budget of \$31,097.
    2. HMG mileage and office expenses: \$331.
    3. Subcontractor labor and expenses (Braun, HDR, and SRF), assumed to be half of the total effort and budget: \$31,429.
    4. HMG 10% mark-up of subcontractor budget: \$3,143.
  - ii. RRN Control Structure: This USACE project includes four (4) design submittal reviews. HMG's \$139,000 cost proposal for RRN Control Structure reviews includes:
    1. HMG labor: 312 hours at an hourly rate of approximately \$208 per hour for a labor budget of \$65,364.
    2. HMG mileage and office expenses: \$827.
    3. Subcontractor labor and expenses (Braun, HDR, and SRF), assumed to be half of the total effort and budget: \$66,190.
    4. HMG 10% mark-up of subcontractor budget: \$6,619.
  - iii. Southern Embankment: This USACE project has four (4) reaches and each reach includes four (4) design submittals for a total of sixteen (16) reviews. HMG's \$295,000 cost proposal for the Southern Embankment reviews includes:
    1. HMG labor: 668 hours at an hourly rate of approximately \$208 per hour for a labor budget of \$138,846.
    2. HMG mileage and office expenses: \$1,630.
    3. Subcontractor labor and expenses (Braun, HDR, and SRF), assumed to be half of the total effort and budget: \$140,476.
    4. HMG 10% mark-up of subcontractor budget: \$14,048.
5. Time Extension
- a. This amendment adds scope and budget for work that will be performed in 2019 and therefore the POP is recommended to be extended to December 31, 2019.

#### TO 26 Budgets by Subtasks:

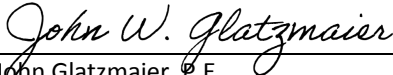
Subtask	Activity ID	Current Budget (\$)	Change (\$)	Revised Budget (\$)
A. SEAI Local Drainage Updates	SW-1040	66,616	9,208	75,824
B. SEAI Transportation Updates	SW-1040	46,364	24,040	70,404
C. SEAI Utilities Updates	SW-1040	70,360	8,058	78,418
D. SEAI Design Reviews	SW-1040		500,000	500,000
<b>TOTAL</b>		<b>183,340</b>	<b>541,306</b>	<b>724,646</b>

The PMC prepared this task order amendment, and feels the information is accurate, complete, and ready for Co-Executive Director review.

**ATTACHMENT(S):**

1. Draft Task Order 26 Amendment 1
2. HMG cost proposal for Task Order 26 Amendment 1

**Prepared by: Program Management Consultant**

  
\_\_\_\_\_  
John Glatzmaier, P.E.  
Jacobs

February 4, 2019  
\_\_\_\_\_  
Date

**Submitted by: Co-Executive Directors**

Michael J. Redlinger Fargo Assistant City Administrator
<i>Concur: February 7, 2019 Non-Concur:</i>

Robert W. Wilson Cass County Administrator
<i>Concur: February 5, 2019 Non-Concur</i>

**Cc: Technical Advisory Group**

- Nathan Boerboom, City of Fargo Engineer/Diversion Authority Project Manager
- Jason Benson, Cass County Engineer
- Robert Zimmerman, Moorhead City Engineer
- David Overbo, Clay County Engineer
- Matt Stamness, Assistant Cass County Engineer/Diversion Authority Project Manager

Houston Moore Group LLC	HMG 2019 Rates Diversion Authority Contract
<u>Category</u>	Effective February 1, 2019
Principal Engineer	\$255.00
Senior Project Manager	\$248.00
Senior Professional Engineer	\$230.00
Project Manager	\$207.00
Professional Engineer II	\$201.00
Professional Engineer I	\$190.00
Project Coordinator	\$190.00
Project Engineer	\$161.00
Graduate Engineer	\$143.00
Legislative/Grants/Funding Specialist	\$207.00
Project Manager Assistant	\$138.00
Senior Environmental Project Manager	\$230.00
Senior Environmental Scientist	\$201.00
Environmental Scientist	\$172.00
Scientist	\$153.00
Graduate Scientist	\$138.00
Engineering Specialist	\$178.00
Senior Engineering Designer	\$166.00
Engineering Designer II	\$143.00
Engineering Designer I	\$138.00
Senior Construction Engineer/Specialist	\$188.00
Construction Engineer/Specialist II	\$159.00
Construction Engineer/Specialist I	\$143.00
Graduate Construction Engineer	\$135.00
Engineering Technician III	\$138.00
Engineering Technician II	\$121.00
Engineering Technician I	\$106.00
Technician Intern	\$93.00
Senior GIS Project Manager	\$201.00
GIS Manager	\$185.00
GIS Developer	\$161.00
GIS Programmer III	\$149.00
GIS Programmer II	\$138.00
GIS Programmer I	\$133.00
GIS Technician III	\$133.00
GIS Technician II	\$127.00
GIS Technician I	\$120.00

Houston Moore Group LLC	HMG 2019 Rates Diversion Authority Contract
<u>Category</u>	Effective February 1, 2019
Senior Project Manager – Land Surveying	\$210.00
Senior Land Surveyor	\$190.00
Land Surveyor	\$167.00
Survey Manager	\$149.00
Graduate Land Surveyor	\$133.00
GPS Survey Crew Chief	\$190.00
Survey Crew Chief II	\$143.00
Survey Crew Chief I	\$133.00
Survey Technician III	\$103.00
Survey Technician II	\$92.00
Survey Technician I	\$85.00
CADD Manager	\$149.00
CADD Technician III	\$133.00
CADD Technician II	\$127.00
CADD Technician I	\$120.00
Computer Manager	\$179.00
Computer Technician	\$166.00
Communications Manager	\$185.00
Communications Specialist	\$143.00
Senior Planner	\$210.00
Associate Planner	\$150.00
Technical Writer	\$103.00
Administrative Assistant	\$85.00
Receptionist	\$80.00
Bookkeeper	\$103.00
Controller	\$185.00

**Chargeable Expenses**

Lodging & Meals*	Actual Cost
Per Diem*	\$60 per day
Project Mileage	IRS Rates
Motorized Offroad Vehicles	\$75/day
Iron Pins	\$1.25 each
Fence Post (each)	\$5.00 each
Project Expenses	Actual Cost
Sub-Consultants	Actual Cost + 10%

\*Out-of-town travel expenses



Houston Moore Group LLC	HMG 2019 Rates Diversion Authority Contract	HMG 2018 Rates Diversion Authority Contract	HMG Rate Increase (\$) Diversion Authority Contract	HMG Rate Increase (%) Diversion Authority Contract
<u>Category</u>	Effective February 1, 2019	Effective May 1, 2018	-	-
Principal Engineer	\$255.00	\$247.00	\$8.00	3.24%
Senior Project Manager	\$248.00	\$240.00	\$8.00	3.33%
Senior Professional Engineer	\$230.00	\$223.00	\$7.00	3.14%
Project Manager	\$207.00	\$200.00	\$7.00	3.50%
Professional Engineer II	\$201.00	\$195.00	\$6.00	3.08%
Professional Engineer I	\$190.00	\$184.00	\$6.00	3.26%
Project Coordinator	\$190.00	\$184.00	\$6.00	3.26%
Project Engineer	\$161.00	\$156.00	\$5.00	3.21%
Graduate Engineer	\$143.00	\$139.00	\$4.00	2.88%
Legislative/Grants/Funding Specialist	\$207.00	\$200.00	\$7.00	3.50%
Project Manager Assistant	\$138.00	\$134.00	\$4.00	2.99%
Senior Environmental Project Manager	\$230.00	\$223.00	\$7.00	3.14%
Senior Environmental Scientist	\$201.00	\$195.00	\$6.00	3.08%
Environmental Scientist	\$172.00	\$167.00	\$5.00	2.99%
Scientist	\$153.00	\$148.00	\$5.00	3.38%
Graduate Scientist	\$138.00	\$134.00	\$4.00	2.99%
Engineering Specialist	\$178.00	\$172.00	\$6.00	3.49%
Senior Engineering Designer	\$166.00	\$161.00	\$5.00	3.11%
Engineering Designer II	\$143.00	\$139.00	\$4.00	2.88%
Engineering Designer I	\$138.00	\$134.00	\$4.00	2.99%
Senior Construction Engineer/Specialist	\$188.00	\$182.00	\$6.00	3.30%
Construction Engineer/Specialist II	\$159.00	\$154.00	\$5.00	3.25%
Construction Engineer/Specialist I	\$143.00	\$139.00	\$4.00	2.88%
Graduate Construction Engineer	\$135.00	\$131.00	\$4.00	3.05%
Engineering Technician III	\$138.00	\$134.00	\$4.00	2.99%
Engineering Technician II	\$121.00	\$117.00	\$4.00	3.42%
Engineering Technician I	\$106.00	\$103.00	\$3.00	2.91%
Technician Intern	\$93.00	\$90.00	\$3.00	3.33%
Senior GIS Project Manager	\$201.00	\$195.00	\$6.00	3.08%
GIS Manager	\$185.00	\$179.00	\$6.00	3.35%
GIS Developer	\$161.00	\$156.00	\$5.00	3.21%
GIS Programmer III	\$149.00	\$144.00	\$5.00	3.47%
GIS Programmer II	\$138.00	\$134.00	\$4.00	2.99%
GIS Programmer I	\$133.00	\$129.00	\$4.00	3.10%
GIS Technician III	\$133.00	\$129.00	\$4.00	3.10%
GIS Technician II	\$127.00	\$123.00	\$4.00	3.25%
GIS Technician I	\$120.00	\$116.00	\$4.00	3.45%

Houston Moore Group LLC	HMG 2019 Rates Diversion Authority Contract	HMG 2018 Rates Diversion Authority Contract	HMG Rate Increase (\$) Diversion Authority Contract	HMG Rate Increase (%) Diversion Authority Contract
<u>Category</u>	Effective February 1, 2019	Effective May 1, 2018	-	-
Senior Project Manager – Land Surveying	\$210.00	\$203.00	\$7.00	3.45%
Senior Land Surveyor	\$190.00	\$184.00	\$6.00	3.26%
Land Surveyor	\$167.00	\$162.00	\$5.00	3.09%
Survey Manager	\$149.00	\$144.00	\$5.00	3.47%
Graduate Land Surveyor	\$133.00	\$129.00	\$4.00	3.10%
GPS Survey Crew Chief	\$190.00	\$184.00	\$6.00	3.26%
Survey Crew Chief II	\$143.00	\$139.00	\$4.00	2.88%
Survey Crew Chief I	\$133.00	\$129.00	\$4.00	3.10%
Survey Technician III	\$103.00	\$100.00	\$3.00	3.00%
Survey Technician II	\$92.00	\$89.00	\$3.00	3.37%
Survey Technician I	\$85.00	\$83.00	\$2.00	2.41%
CADD Manager	\$149.00	\$144.00	\$5.00	3.47%
CADD Technician III	\$133.00	\$129.00	\$4.00	3.10%
CADD Technician II	\$127.00	\$123.00	\$4.00	3.25%
CADD Technician I	\$120.00	\$116.00	\$4.00	3.45%
Computer Manager	\$179.00	\$173.00	\$6.00	3.47%
Computer Technician	\$166.00	\$161.00	\$5.00	3.11%
Communications Manager	\$185.00	\$179.00	\$6.00	3.35%
Communications Specialist	\$143.00	\$139.00	\$4.00	2.88%
Senior Planner	\$210.00	\$203.00	\$7.00	3.45%
Associate Planner	\$150.00	\$145.00	\$5.00	3.45%
Technical Writer	\$103.00	\$100.00	\$3.00	3.00%
Administrative Assistant	\$85.00	\$83.00	\$2.00	2.41%
Receptionist	\$80.00	\$78.00	\$2.00	2.56%
Bookkeeper	\$103.00	\$100.00	\$3.00	3.00%
Controller	\$185.00	\$179.00	\$6.00	3.35%

**Chargeable Expenses**

Lodging & Meals*	Actual Cost	Actual Cost	No Change	No Change
Per Diem*	\$60 per day	\$60 per day	No Change	No Change
Project Mileage	IRS Rates	IRS Rates	No Change	No Change
Motorized Offroad Vehicles	\$75/day	\$75/day	No Change	No Change
Iron Pins	\$1.25 each	\$1.25 each	No Change	No Change
Fence Post (each)	\$5.00 each	\$5.00 each	No Change	No Change
Project Expenses	Actual Cost	Actual Cost	No Change	No Change
Sub-Consultants	Actual Cost + 10%	Actual Cost + 10%	No Change	No Change

\*Out-of-town travel expenses

History of Diversion Authority and HMG Contracting				
Hourly Rate Schedule Year	Effective Date	Labor Hourly Rate Increase	Insurance Hourly Rate Increase	Total Hourly Rate Increase
2012	March 8, 2012	0.0%	0.0%	0.0%
2013	Continued 2012 Rates	0.0%	0.0%	0.0%
2014	January 1, 2014	6.0%	0.0%	6.0%
2015	May 1, 2015	4.0%	0.0%	4.0%
2016	Continued 2015 Rates	0.0%	0.0%	0.0%
2017	May 1, 2017	13.0%	8.0%	21.0%
2018	May 1, 2018	3.5%	0.0%	3.5%
2019	TBD	3.5%	0.0%	3.5%

## Notes:

HMG contract became effective March 8, 2012.

Total labor hourly rate schedule increase from 2012 to 2018 was 26.5%.

2017 rate schedule was negotiated with the Diversion Authority with the new HMG MSA, effective May 1, 2017. This required HMG provide additional Professional Liability Insurance that would not be reimbursable to the Diversion Authority.

The current HMG MSA allows for a 2019 maximum hourly rate increase of 3.5% beginning January 1, 2019. HMG is proposing this contractually allowable increase of 3.5%, effective February 1, 2019.



February 21, 2019

Dear Co-Executive Directors:

Attached are proposed 2019 Billing Rate Tables for the PMC team – Jacobs and AE2S. We are requesting that the Diversion Authority accept average rate increases of 3.00% and 2.9937% respectively. These increases fall within the 3% rate increase allowed, upon mutual agreement, by the Master Agreement for Professional Services between the METRO FLOOD DIVERSION AUTHORITY and CH2M HILL ENGINEERS, INC. (now a wholly owned subsidiary of Jacobs Engineering Inc.) dated January 13, 2017.

If approved, we propose these rates to become effective for Task Order 4 – Property Acquisition Management Services, executed on January 23, 2019, retroactive to the Notice to Proceed for this task order.

Further, considering the current situation regarding the contested case hearing and absent an approval to progress the program to its final outcome at this time, Jacobs Engineering Inc. offers to refrain from increasing their currently approved billing rates for the remainder of Task Order 2 – Interim Program Management Services dated April 2, 2018 and amended on January 23, 2019.

Thank you for your consideration of these changes and please let me know if you have any questions or if I can provide any additional information in support of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kimberly A. Daily".

Kimberly A. Daily, PE  
Program Manager

Jacobs	Jacobs 2019 Rates Diversion Authority PMC Contract	Jacobs 2018 Rates Diversion Authority PMC Contract	Jacobs Rate Increase (\$) Diversion Authority PMC Contract	Jacobs Rate Increase (%) Diversion Authority PMC Contract
<u>Labor Classification</u>	Effective January 1, 2019			
Principal P3 Specialist	\$443.93	\$431.00	\$12.93	3.00%
Principal in Charge/Senior Advisor	\$428.48	\$416.00	\$12.48	3.00%
Program Manager	\$397.58	\$386.00	\$11.58	3.00%
Dep. Program Manager	\$372.86	\$362.00	\$10.86	3.00%
P3 Specialist	\$339.90	\$330.00	\$9.90	3.00%
PM/Sr. Task Manager	\$324.45	\$315.00	\$9.45	3.00%
Task Manager	\$299.73	\$291.00	\$8.73	3.00%
Senior Engineer/Sr. Scientist	\$238.96	\$232.00	\$6.96	3.00%
Assoc. Engineer/Scientist	\$183.34	\$178.00	\$5.34	3.00%
Sr. Tech/Procurement	\$170.98	\$166.00	\$4.98	3.00%
Staff Engineer/Scientist	\$152.44	\$148.00	\$4.44	3.00%
Staff Technician	\$141.11	\$137.00	\$4.11	3.00%
Jr. Technician/Accounting	\$116.39	\$113.00	\$3.39	3.00%
Administrative	\$104.03	\$101.00	\$3.03	3.00%
Office Assistant	\$86.52	\$84.00	\$2.52	3.00%

3.0000%

AE2S	AE2S 2019 Rates Diversion Authority PMC Contract	AE2S 2018 Rates Diversion Authority PMC Contract	AE2S Rate Increase (\$) Diversion Authority PMC Contract	AE2S Rate Increase (%) Diversion Authority PMC Contract
<u>Category</u>	Effective January 1, 2019			
Engineering Assistant I	\$69.00	\$67.00	\$2.00	2.99%
Engineering Assistant II	\$88.00	\$85.00	\$3.00	3.53%
Engineer I	\$103.00	\$100.00	\$3.00	3.00%
Engineer II	\$132.00	\$128.00	\$4.00	3.13%
Engineer III	\$157.00	\$152.00	\$5.00	3.29%
Engineer IV	\$178.00	\$173.00	\$5.00	2.89%
Engineer V	\$194.00	\$188.00	\$6.00	3.19%
Engineer VI	\$218.00	\$212.00	\$6.00	2.83%
Engineer VII	\$233.00	\$226.00	\$7.00	3.10%
Enginee VIII	\$243.00	\$236.00	\$7.00	2.97%
Program Coordinator I	\$178.00	\$173.00	\$5.00	2.89%
Program Coordinator II	\$190.00	\$184.00	\$6.00	3.26%
Program Coordinator III	\$202.00	\$196.00	\$6.00	3.06%
Project Manager I	\$168.00	\$163.00	\$5.00	3.07%
Project Manager II	\$183.00	\$178.00	\$5.00	2.81%
Project Manager III	\$202.00	\$196.00	\$6.00	3.06%
Senior Designer	\$190.00	\$184.00	\$6.00	3.26%
Senior Consultant I	\$212.00	\$206.00	\$6.00	2.91%
Senior Consultant II	\$230.00	\$227.00	\$3.00	1.32%
Senior Consultant III	\$248.00	New		
Technical Expert I	\$250.00	\$243.00	\$7.00	2.88%
Technical Expert II	\$272.00	\$264.00	\$8.00	3.03%
Technical Expert III	Negotiable	Negotiable		
I&C Assistant	\$82.00	\$80.00	\$2.00	2.50%
I&C Technician I	\$100.00	\$97.00	\$3.00	3.09%
I&C Technician II	\$112.00	\$109.00	\$3.00	2.75%
I&C Technician III	\$128.00	\$124.00	\$4.00	3.23%
I&C Technician IV	\$140.00	\$136.00	\$4.00	2.94%
I&C Technician V	\$153.00	\$149.00	\$4.00	2.68%
I&C Specialist	\$166.00	\$161.00	\$5.00	3.11%
I&C Senior Specialist	\$175.00	\$170.00	\$5.00	2.94%
I&C Manager	\$184.00	\$179.00	\$5.00	2.79%
Land Surveyor Assistant	\$82.00	\$80.00	\$2.00	2.50%
Land Surveyor I	\$98.00	\$95.00	\$3.00	3.16%
Land Surveyor II	\$118.00	\$115.00	\$3.00	2.61%
Land Surveyor III	\$132.00	\$128.00	\$4.00	3.13%
Land Surveyor IV	\$146.00	\$142.00	\$4.00	2.82%

<b>AE2S</b>	AE2S 2019 Rates Diversion Authority PMC Contract	AE2S 2018 Rates Diversion Authority PMC Contract	AE2S Rate Increase (\$) Diversion Authority PMC Contract	AE2S Rate Increase (%) Diversion Authority PMC Contract
<u>Category</u>	Effective January 1, 2019			
Engineering Technician I	\$68.00	\$66.00	\$2.00	3.03%
Engineering Technician II	\$87.00	\$84.00	\$3.00	3.57%
Engineering Technician III	\$103.00	\$100.00	\$3.00	3.00%
Engineering Technician IV	\$120.00	\$116.00	\$4.00	3.45%
Engineering Technician V	\$136.00	\$132.00	\$4.00	3.03%
Engineering Technician VI	\$150.00	\$147.00	\$3.00	2.04%
Project Coordinator I	\$98.00	\$95.00	\$3.00	3.16%
Project Coordinator II	\$106.00	\$103.00	\$3.00	2.91%
Project Coordinator III	\$120.00	\$116.00	\$4.00	3.45%
Project Coordinator IV	\$135.00	\$131.00	\$4.00	3.05%
Construction Services Rep I	\$83.00	\$81.00	\$2.00	2.47%
Construction Services Manager I	\$136.00	\$132.00	\$4.00	3.03%
Construction Services Manager II	\$147.00	\$143.00	\$4.00	2.80%
Construction Services Manager III	\$166.00	\$161.00	\$5.00	3.11%
Construction Services Manager IV	\$183.00	\$178.00	\$5.00	2.81%
GIS Specialist I	\$88.00	\$85.00	\$3.00	3.53%
GIS Specialist II	\$105.00	\$102.00	\$3.00	2.94%
GIS Specialist III	\$126.00	\$122.00	\$4.00	3.28%
GIS Specialist IV	\$141.00	\$137.00	\$4.00	2.92%
Operations Specialist I	\$83.00	\$81.00	\$2.00	2.47%
Operations Specialist II	\$100.00	\$97.00	\$3.00	3.09%
Operations Specialist III	\$126.00	\$122.00	\$4.00	3.28%
Operations Specialist IV	\$142.00	\$138.00	\$4.00	2.90%
Operations Specialist V	\$165.00	\$160.00	\$5.00	3.13%
Marketing Consultant I	\$83.00	\$81.00	\$2.00	2.47%
Marketing Consultant II	\$105.00	\$102.00	\$3.00	2.94%
Marketing Consultant III	\$129.00	\$125.00	\$4.00	3.20%
Marketing Consultant IV	\$147.00	\$143.00	\$4.00	2.80%
Marketing Consultant V	\$166.00	\$161.00	\$5.00	3.11%
Communication Specialist I	\$90.00	\$87.00	\$3.00	3.45%
Communication Specialist II	\$103.00	\$100.00	\$3.00	3.00%
Communication Specialist III	\$118.00	\$114.00	\$4.00	3.51%
Communication Specialist IV	\$142.00	\$138.00	\$4.00	2.90%
Communication Specialist V	\$157.00	\$152.00	\$5.00	3.29%

AE2S	AE2S 2019 Rates Diversion Authority PMC Contract	AE2S 2018 Rates Diversion Authority PMC Contract	AE2S Rate Increase (\$) Diversion Authority PMC Contract	AE2S Rate Increase (%) Diversion Authority PMC Contract
<u>Category</u>	Effective January 1, 2019			
IT I	\$100.00	\$97.00	\$3.00	3.09%
IT II	\$123.00	\$119.00	\$4.00	3.36%
IT III	\$139.00	\$135.00	\$4.00	2.96%
IT IV	\$157.00	\$152.00	\$5.00	3.29%
IT V	\$173.00	\$168.00	\$5.00	2.98%
IT VI	\$183.00	\$178.00	\$5.00	2.81%
IT Manager	\$203.00	\$197.00	\$6.00	3.05%
Financial Analyst I	\$90.00	\$87.00	\$3.00	3.45%
Financial Analyst II	\$105.00	\$102.00	\$3.00	2.94%
Financial Analyst III	\$123.00	\$119.00	\$4.00	3.36%
Financial Analyst IV	\$139.00	\$135.00	\$4.00	2.96%
Financial Analyst V	\$157.00	\$152.00	\$5.00	3.29%
Financial Analyst VI	\$178.00	\$173.00	\$5.00	2.89%
Financial Analyst VII	\$194.00	\$188.00	\$6.00	3.19%
Financial Analyst VIII	\$212.00	\$206.00	\$6.00	2.91%
Administrative I	\$59.00	\$58.00	\$1.00	1.72%
Administrative II	\$73.00	\$71.00	\$2.00	2.82%
Administrative III	\$87.00	\$84.00	\$3.00	3.57%

2.9937% Avg