

FLOOD DIVERSION BOARD OF AUTHORITY
Thursday, February 14, 2013
3:30 PM

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

1. Call to order
2. Approve minutes from previous meeting Item 2. Action
3. Approve order of agenda Action
4. Program Management Consultant (PMC) update Information/action
 - a. Monthly report (Tom O'Hara)
 - b. Corps of Engineers monthly update (Terry Williams/Brett Coleman)
 - c. Upstream area levees status (Terry Williams)
 - d. Status of Authority Work Directives and Task Orders (Bruce Spiller) Item 4d.
 - e. Approval of new Authority Work Directives Task Orders (Bruce Spiller)
5. Committee updates Information/action
 - a. Retention effort update from Red River Basin Commission (Yohe)
 - b. Land Management Committee (Dennis Walaker)
 - Hardship property status update
 - Agricultural Impacts Mitigation Plan (Eric Dodds) Item 5b. (1)
 - CapX2020 letter (Eric Dodds)
 - Oxbow area levee progress report (Tom O'Hara) Item 5b. (2)
 - c. Public Outreach Committee (Rodger Olson)
 - Committee report
 - Legislative open house report
 - d. Finance Committee (Michael Montplaisir)
 - Committee report
6. Voucher approval Item 6. Action
7. Other Business
8. Next Meeting
9. Adjournment

cc: Local Media

**FLOOD DIVERSION BOARD OF AUTHORITY
JANUARY 10, 2013—3:30 PM**

Item 2.

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, January 10, 2013, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Chad Peterson; West Fargo City Commissioner Mike Thorstad; Fargo Mayor Dennis Walaker; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Brad Wimmer; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Nancy Otto. Also present was ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District.

Cass County Joint Water Resource District Manager Rodger Olson was absent.

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

2. MINUTES APPROVED

MOTION, passed

Mr. Campbell moved and Mr. Mahoney seconded to approve minutes from the December 13, 2012, meeting as written. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Walaker moved and Mr. Wimmer seconded to approve the order of the agenda as presented. Motion carried.

4. ELECTION OF CHAIR AND VICE CHAIR FOR 2013

MOTION, passed

Mr. Campbell moved and Mr. Thorstad seconded to elect Darrell Vanyo as Chairman and Tim Mahoney as Vice Chairman of the Flood Diversion Board of Authority for 2013. Motion carried.

5. PROGRAM MANAGEMENT FIRM UPDATE

Program manager consultant monthly report

Tom O'Hara provided an update on activities over the last month including preparation for the beginning of the North Dakota legislative session; team preparation for the public and individual landowner meetings held earlier this week with Oxbow, Hickson and Bakke residents regarding the levee option; upstream levee supporting analysis; and continued work on the in-town flow models.

Corps of Engineers status update

Terry Williams said Corps of Engineers staff continues to work on the National Environmental Policy Act (NEPA) process to address project modifications; prepared information for landowner and public meetings with residents from Oxbow, Hickson, and Bakke Subdivision; and are preparing for the Maple River Aqueduct value based design charrette.

Ms. Williams discussed the Red River of the North Rural Nonstructural Flood Risk Management Feasibility Study. Corps staff is working on an environmental assessment (EA) and implementation. She said the study sponsors are the Minnesota Red River Watershed Management Board and North Dakota Red River Joint Water Resource District. She said the estimated cost to implement is \$20 million with a cost share of 35% non-federal and 65% federal funding.

Task Orders and Authority Work Directives update

Bruce Spiller reviewed the status of existing Task Orders and Authority Work Directives (AWD) with the board. He also provided information regarding three new AWD's with Houston-Moore Group (HMG) totaling \$43,000, which involve work-in-kind (WIK) associated with geomorphology consultation services; and hydrology and hydraulic modeling.

MOTION, passed

Mr. Wimmer moved and Mr. Mahoney seconded to approve three Authority Work Directives with HMG in the amount of \$43,000. Motion carried.

Mr. Spiller said the board approved an amendment to Task Order No. 5 last month regarding post-feasibility engineering analysis. He is requesting that the completion date be extended from December 31st to February 28th to allow for final revisions to be completed on the analysis.

MOTION, passed

Mr. Campbell moved and Mr. Wimmer seconded to extend the completion date from December 31, 2012, to February 28, 2013, related to Amended Task Order No. 5. Motion carried.

6. MINNESOTA DNR PRESENTATION

Randall Doneen and Stuart Arkley from the Minnesota Department of Natural Resources (DNR) were present to provide a status update on the Minnesota Environmental Impact Statement (EIS).

Mr. Doneen said the reason an EIS is required by the Minnesota DNR is because the proposed diversion project includes a water control structure on the Red River, which they have classified as a Class I dam. The Minnesota EIS will reference the Federal EIS, and the DNR will not conduct analyses believed to be adequately covered in the federal document.

Mr. Arkley said the EIS is currently in the scoping phase and once completed, a Final Scoping Decision Document will be prepared to serve as a blueprint for the content included in the EIS. He anticipates a draft decision document will be released in March 2013 with a 30-day public comment period, and a public meeting will be held.

Mr. Arkley said EIS preparation will begin after the final scoping document is complete. A draft EIS will then be prepared following the same process with a public comment period and public meeting. He said the EIS adequacy decision on the final EIS will complete the Minnesota DNR process.

Mr. Berndt said the board is respectful of the DNR process, but stressed the importance of moving forward in a timely manner because of the tremendous financial risk associated with any project delays. He said program and technical staff are available to assist the Minnesota DNR with any questions or assistance they may need to complete the EIS process.

7. **UPDATES FROM COMMITTEES**

Retention efforts update from Red River Basin Commission

Lance Yohe was present to provide an update from the Red River Basin Commission. He outlined numerous presentations given over the last month regarding retention efforts and possible modeling options to use on the project.

Mr. Yohe discussed the Halstad Upstream Retention Project and said plans for sub-watershed model development and site identification were distributed to the different participants; model adjustments continue; and mainstream scenario modeling is being discussed by the technical committee.

Land Management Committee

Mr. Walaker provided an update on topics discussed at the Land Management Committee meeting held earlier this afternoon, including the status on hardship property acquisitions, and a Memorandum of Understanding (MOU) for the Oxbow area community levee.

Hardship Properties Update

Mr. Walaker said of the three hardship properties acquired, one is ready for rental; the second is almost ready for rental; and the third owner is waiting on a second appraisal.

Oxbow area community levee MOU

Mr. Walaker said this week about 200 people attended the public meeting and 65 participated in individual landowner meetings regarding the levee option for Oxbow, Hickson and Bakke Subdivision.

Mr. Vanyo said a Memorandum of Understanding (MOU) has been drafted to address 12 conditions submitted by the City of Oxbow for construction of a ring levee. This is a draft, which is non-binding with the intent for all parties to continue working toward an acceptable solution.

Mr. O'Hara said the MOU is with the City of Oxbow and the Diversion Authority Board, and does not include Hickson or Bakke Subdivision. Mr. Vanyo said Hickson and Bakke residents may express their opinion on the levee option through the same process used by Oxbow if they wish.

Mr. Wimmer asked how a final decision regarding the levee will be made. Mr. Campbell said the MOU refers to the decision being contingent on approval by the Corps of Engineers. Mr. Berndt said the MOU provides the basic framework regarding funding and responsibilities associated with a levee.

MOTION, passed

Mr. Campbell moved and Mr. Mahoney seconded to adopt the concepts outlined in the draft Memorandum of Understanding (MOU) between the Flood Diversion Board of Authority and the City of Oxbow in response to Oxbow's requested conditions to support the Oxbow area levee construction; direct staff to continue negotiations with the City of Oxbow; and bring the final MOU back to the board for approval at the February 14, 2013, meeting. Discussion: There was discussion regarding the process if not all three entities agree to the levee concept. Brett Coleman said if the Corps of Engineers receives direction from the board next month in support of the levee, an environmental assessment will be needed and a formal public comment period will be scheduled on the plan with the goal to finalize the plan in July 2013 after the NEPA process has been completed. On roll call vote, the motion carried unanimously.

Public Outreach Committee

Mr. Wimmer said the Public Outreach Committee met on January 9th, and he briefly discussed the public meeting held with Oxbow, Hickson and Bakke residents on January 8th regarding the ring levee.

Daron Selvig from AE2S said video of the Oxbow/Hickson/Bakke meeting has been posted to the website; several answers to recent questions asked under the frequently asked questions (FAQ) section of the website have been posted; and the next edition of the e-newsletter will be distributed on January 14th.

Mr. Wimmer said a legislative open house will be held in Bismarck on February 12, 2013, regarding the diversion. He encouraged board members to attend.

Finance Committee

Michael Montplaisir, Cass County Auditor, said the Finance Committee met January 9th. He said over \$16 million has been spent over the last year and a half toward the diversion project, and about \$10 million in outstanding contracts still exist. Also, the committee approved the first amendment to the joint powers agreement with Cass County, Fargo, and Cass County Joint Water Resource District to include the costs to develop a special assessment district.

8. VOUCHERS, Approved

MOTION, passed

Mr. Mahoney moved and Mr. Walaker seconded to approve the vouchers as presented. On roll call vote, the motion carried unanimously.

9. OTHER BUSINESS

Mr. Berndt briefly discussed the Bank of North Dakota and its maximum lending amount for loans related to mortgages. He looked into whether the cap is an administrative or statutory decision, and discovered it is outlined in state law. He and other staff will be working with legislators to raise the cap on loans.

10. NEXT MEETING DATE

The next meeting will be held on Thursday, February 14, 2013, at 3:30 PM.

11. ADJOURNMENT

MOTION, passed

On motion by Mr. Walaker, seconded by Mr. Mahoney, and all voting in favor, the meeting was adjourned at 4:45 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant

Task Order and Authority Work Directive Summary

Date: February 14, 2013

Houston-Moore Group Task Order Summary	Increased Amount (\$)
Task Order No. 9, Amendment 4 - Hydrology and Hydraulic Modeling	93,000
Task Order No. 10, Amendment 1 - Utilities Design	194,000
Task Order No. 14 - Transportation and Local Drainage Master Plans South	605,000
Total of Task Orders	\$ 892,000

Houston-Moore Group AWD Summary	Amount (\$)
AWD-00024 - Initial Survey and Geotechnical Activities for Levee Design	100,000
Total of AWD's	\$ 100,000

Task Order Summary for Houston-Moore Group

Task Order No. 9 – Amendment 4 Hydrology and Hydraulic Modeling

**Increase - \$ 93,000
No Schedule Extension**

Description:

Defines additional scope under Subtask F. On-call Services:

Subtask F.IV. Additional Assistance for the Maple River Aqueduct Physical Model

Increase the amount of time and technical support to provide assistance to USACE's physical modeling team for the Maple River Aqueduct Physical Model.

Additional cost of Subtask F.IV = \$24,000

Subtask F.V. Phase 2 Numeric Modeling

Set up and run the Unsteady HEC-RAS model to assist USACE update the Probable Maximum Flood (PMF) value.

Additional cost of Subtask F.V = \$60,000

Subtask F.VII. Connecting Channel and 20-year Existing Conditions

- a) **Connecting Channel Geometry:** Update the HEC-RAS model geometry to incorporate the geometry of the connecting channel between the Wild Rice and Red Rivers. Complete the 10-yr, 20-yr, and 50-yr model runs to determine the proper model modifications and to determine the impacts of the updated geometry.
- b) **20-year Existing Conditions Modeling:** Develop 20-year Existing Conditions models and provide floodplain mapping for the Staging Area.

Additional cost of Subtask F.VII = \$9,000

Background:

USACE requested the Diversion Authority assist with these additional scopes of work for hydrology and hydraulic modeling. The work is creditable as Work-in-Kind.

Recommendation:

Although \$29,900 is currently available for On-Call Services under Task Order No. 9, the PMC recommends the costs for Subtasks F.IV, F.V, and F.VII be funded with newly authorized funds and that Task Order No. 9 be increased by \$93,000.

Task Order No. 10 – Amendment 1 Utilities Design and Identification

**Increase - \$ 194,000
No Schedule Extension**

Description:

Identify and field locate utilities from I-94 through the Staging Area. Work with impacted utility owners to determine relocation requirements, and estimated schedule and costs.

Background:

The Authority is responsible for identifying and, if necessary, relocating utilities impacted by the Diversion Project. Utilities north of I-94 have previously been identified. This amendment is to identify the utilities south of I-94 and determine relocation requirements. Design of relocation will be done under a subsequent amendment.

Recommendation:

The PMC recommends that the Authority authorize \$194,000 for HMG to identify utilities south of I-94 affected by the Diversion Project and the schedule and cost impacts.

Task Order No. 14
Transportation and Local Drainage Master Plans South

New - \$ 605,000

Description:

As part of the Authority's Lands, Easements, Rights of Way, Relocations, and Disposal (LERRDs) work, prepare a Transportation Master Plan and a Local Drainage Master Plan for the southern section of the Diversion Channel (I-94 to the Staging Area), and a conceptual design of the I-29 Interchange improvements at the south crossing of the Diversion Channel.

Background:

Transportation Master Plan South (\$105,000) – The southern portion of the Diversion Channel, Embankment, and Staging Area will cross or affect numerous townships, county, and state roads, disrupting established transportation routes. A Transportation Master Plan is needed for the South Section (I-94 to the Staging Area) to accommodate required access and roadway transportation for local farm access; emergency service access; school bus routing; local traffic routing; construction equipment and haul routing; and Interstate highway car and truck traffic. A Transportation Master Plan for the North Section was previously completed.

Local Drainage Plan South (\$350,000) – The Diversion Project will impact many of the existing local drainage ways that prevent localized flooding of crop land and local residences. A local drainage plan is necessary to handle changes in drainage due to the Diversion Project. Requirements will be determined for local drainage along the Diversion Channel and structures for the South Section (Maple River to the Staging Area.) A Local Drainage Plan for the North Section was previously completed.

I-29 South Conceptual Design of Interchange (\$150,000) – A conceptual design of the south interchange of I-29 and the Diversion Channel will determine the improvements needed to cross the Diversion Channel and the Wild Rice River. Because of the complexity of this area, more study is needed than will be accomplished in the Transportation Master Plan.

Recommendation:

The PMC recommends that the Authority authorize \$605,000 for HMG to develop master plans for transportation and local drainage south of I-94 and develop a conceptual design of the I-29 Interchange.



AUTHORITY WORK DIRECTIVE

AWD-00024 REV-0

Initial Survey and Geotechnical Activities for Levee Design

	WORK TYPE:	<u>WIK</u>
TO:	<u>Houston-Moore Group, LLC</u>	DATE INITIATED: <u>2/8/2013</u>
PROJECT:	<u>Fargo-Moorhead Diversion Engineering Design</u>	PROJECT NO.: _____
OWNER:	<u>Fargo-Moorhead Metro Diversion Authority</u>	

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

OBJECTIVE:

Initiate obtaining survey and geotechnical data for the design of the Oxbow/Hickson/Bakke area upstream staging area ring levee.

BACKGROUND:

The Diversion Authority Board has previously entered into Task Order No. 13 with Houston-Moore Group (HMG) to provide work-in-kind engineering services for Levee Design and Design Support. The final alignment of the Oxbow/Hickson/Bakke levee is still being determined. In order to maintain schedule, this Authority Work Directive is being issued to authorize the survey and geotechnical activities to begin prior to the selection of the final alignment.

SCOPE:

1. Develop a geotechnical investigation plan for the alternative levee alignments for approval.
2. Stake the location of the approved borings and record the coordinates and elevation of the borings.
3. Conduct up to 20 geotechnical borings on portions of the alternative alignments that are common to all alternatives.
4. Obtain and comply with right of entry and right of way requirements for each property entered.

DELIVERABLES:

1. Survey data
2. Geotechnical field logs

SCHEDULE:

Begin upon receipt of AWD. The above scope of work will be incorporated into Task Order No. 13 -Levee Design and Design Support, which will supersede this AWD.

HOW WORK IS PERFORMED:

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

COST:

Cost incurred under this AWD is not to exceed \$100,000. This limit will not be exceeded without further written approval. The above scope of work will be incorporated into future task orders, which will supersede this AWD. Costs associated with this AWD will be invoiced under Task Order No. 13-Levee Design and Design Support.

REASON FOR CHANGE(S):

Maintain project schedule.

ATTACHMENTS (List Supporting Documents):

None

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

Recommended by: CH2M HILL
 Program Management Consultant

Bruce Spiller
 Name

PMC Technical Services Manager
 Title

 Signature

 Date

Ordered by: Fargo-Moorhead Metro Diversion Authority
 Owner

Darrell Vanyo
 Name

Board Chair
 Title

 Signature

 Date

Ag Impacts Mitigation Plan

Flowage Easement

- The easement provides the legal ability to inundate property as part of the operation of the Project.
- Value of flowage easement will follow Federal/USACE process and will be determined by appraisal. Factors that will be considered are depth, duration, and frequency of additional flooding and highest and best use of the property.
- USACE policy defines a flowage easement as a one-time payment made at the time that the easement is acquired, currently estimated in 2020.
- Appraiser may consider future impacts including delayed planting, yield loss, debris, and limitations to future land use, resulting from operation of the Project.
- Values of flowage easement will vary depending on the location of the property, magnitude of impacts, and future risks to the property.
- Flowage easements will allow for farming to continue on properties, however development will be limited.
- The Corps' Feasibility Study estimated Ag flowage easements at 25 percent of land costs, on average. The actual value will be adjusted to reflect current valuation when easements are acquired.

Crop Insurance

- Federal crop insurance will apply if a crop can be planted before the established late planting dates.
- The Diversion Authority intends to provide a supplemental risk policy. The draft policy provides equivalent crop insurance coverage as growers have today.
- The risk policy will cover prevent plant scenarios where Project operation would prohibit planting.
- The risk policy would also cover damages caused by project operation to planted crops (summer impacts).
- The Diversion Authority will base its risk policy on federal crop insurance programs administered by the Risk Management Agency (RMA)/USDA.
- RMA policies and procedures will be used to define insurance coverage for damages caused by the Diversion Project.
- The Diversion Authority intends to contract with an independent insurance provider to administer the coverage and damage adjustment process.
- The Diversion Authority will explore self-insurance vs. supplemental insurance through a provider.
- There is a 90 percent chance that the staging area will not be used in any given year, and for the 10 percent chance that the staging area will operate in any year, additional flooding will exist for a maximum of 5.5 days beyond existing conditions.



Item 5b. (2)

FM AREA DIVERSION PROJECT

Oxbow/Hickson/Bakke Area Levee Progress Report

Date: 2/14/2013

BOARD UPDATE/ PROGRESS REPORT

Since the January Board Meeting:

- The Oxbow City Council met and passed a resolution in support of the ring dike concept. This action was originally not anticipated until February.
- Oxbow City Council also formed a Levee Steering Committee to oversee development of its MOU with the Diversion Authority and to assist in information sharing with residents.
- A group of 47 surveys from Bakke residents were received by the Corps' Oxbow Area Levee Project Delivery Team (PDT). The majority of the the mailed-in-surveys from Bakke indicated they did not support the diversion project and that they were against the ring dike. There were a few surveys that indicated interest in the buy-out option.

Based on this split between confirmed support from Oxbow and lack of support from Bakke residents, the Authority's technical staff believed it was necessary to look at the feasibility of building a levee around Oxbow and Hickson only, or just around Oxbow. Those concept drawing have been developed and initial engagements have been made with the Corps and Authority leadership to get feedback on these concepts.

Way forward:

- The Corps will proceed with their internal review of the full Oxbow/Hickson/Bakke levee as the recommended alternative as part of the Corps' Environment Assessment (EA) process. The Corps will also include the Oxbow/Hickson alternative as an alternative plan in that review.
- The Corps and Diversion Authority technical staff will continue to refine the design concepts for both the Oxbow/ Hickson only and Oxbow only alternatives.
- The Diversion Authority staff will engage Pleasant Township and Bakke/Hickson residents to provide information on all alternatives and to solicit additional input over the next two months.
- At the April Board meeting, the Diversion Authority Board will be presented with an updated recommendation on the alternatives for the Oxbow/Hickson/Bakke levee. The Board will be asked to make its final Board recommendation to the Corps on these options at the April Board meeting.
- If the Board's recommendation remains the full Oxbow/Hickson/Bakke levee concept, then the Corps EA will continue on schedule for approval in July 2013. If the Board chooses either either the Oxbox/Hickson or Oxbow only plan, then it will take the Corps 30 days to update their EA documentations. This will result in a final decision on the EA being pushed till August 2013.

Submitted by:

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

Feb 8, 2013

Date

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

January 29, 2013

CITY OF FARGO
 ATTN KENT COSTIN
 200 3RD ST N
 FARGO, ND 58103

Invoice# 118752 JTS
 Our file# 110005 00005
 Billing through 01/21/2013

US ARMY CORPS OF ENGINEERS - RIGHT OF ENTRY/LAND ACQUISITION - MINNESOTA

Balance forward as of invoice dated	12/26/12	\$1,247.16
Last payment received	01/28/2013	1,247.16
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

12/31/2012	JTS	Work on right of way memo.	
			1.90 hrs
01/03/2013	JTS	Review memo and forward to team.	
			0.30 hrs
01/10/2013	JTS	Attend land management committee meetings.	
			2.00 hrs
01/15/2013	JTS	Attend ROE meeting.	
			1.40 hrs
		Total fees for this matter	\$1,148.00

Billing Summary

Total fees	\$1,148.00
Total expenses	\$0.00
Total of new charges for this invoice	\$1,148.00
Total balance now due	\$1,148.00

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

Invoice

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

Date	1/25/2013
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Description	Qty	Rate	Amount
Metro Flood Project:	27.1	192.00	5,203.20
Erik Johnson Legal services -- Jan 1 through Jan 25, 2013 -- detail attached -- 27.10 hrs			
Nancy J Morris legal services -- Jan 1 through Jan 25, 2013 -- detail attached -- 14.50 hrs	14.5	165.75034	2,403.38
<p><i>790-7910-409-33-15</i></p> <p><i>PJ = V00102</i></p>			
<i>We appreciate your business.</i>			TOTAL: \$7,606.58

January 25, 2013

Client: City of Fargo

Job: Metro Flood

Atty	DATE	DESCRIPTION	TIME
E	1/2/2013	Draft Oxbow Agreement; work on Oxbow agreement and email	2.8
E	1/3/2013	Conference with Pat Zavoral, Keith Berndt, April Walker re: Oxbow agreement and revise agreement; telephone conference with Pat and	4.5
E	1/4/2013	Review Oxbow position paper	3.1
E	1/7/2013	Confer with Dorsey and Nancy re: EA	0.4
E	1/8/2013	Conference with Pat Zavoral re: legislation; call with Paul Tietz and	2.9
E	1/9/2013	Conference with legal team reL Oxbow levee issues; draft infrastructure loan legislation and follow-up emails to Dwyer and to Zavoral	1.7
E	1/10/2013	Emails with Grindberg and Zavoral; attend monthly meeting	2
E	1/11/2013	Telephone conference with Paul Tietz re: infrastructure legislation	0.1
E	1/14/2013	Draft legislation for revolving fund; telephone conference with Paul Tietz	0.4
E	1/16/2013	Coordinate conference calls re: Oxbow and legal issue	0.3
E	1/18/2013	Conference call with lawyers; conference with Spiller re: Oxbow	3.7
E	1/21/2013	Conference with Pat Zavoral and Mark Bittner re: Oxbow MOU and	2.5
E	1/22/2013	Review Oxbow MOU and circulate	2.2
E	1/23/2013	Telephone conference with Cattnach and Spiller re: conversation with Corps	0.5
Total Time			27.10
Hourly Rate			192.00
Total Fees - ERJ			5203.20
N	1/4/2013	Attend administrative meeting	2
N	1/4/2013	Review MOU	0.4
N	1/7/2013	Phone call w/ Bob Cattnach	0.5
N	1/7/2013	Review correspondence re: takings; research	0.6
N	1/8/2013	Research federal pre-emption	1.3
N	1/8/2013	Research eminent domain and conflict with federal and state statutes	1.2
N	1/10/2013	Land Management committee meeting	1.5
N	1/10/2013	Diversion authority meeting	1.6
N	1/14/2013	Correspond w/ Kim Nichols (Coldwell) re: attachment to contract &	1
N	1/15/2013	Correspondence w/ Nathan & Kim Nichols re: management contract; review file materials	0.7
N	1/18/2013	Mitigation Conference re: issues and strategy	1.2
N	1/18/2013	Advisory Meeting	2
N	1/18/2013	Review MN DNR letter	0.5
Total Time			14.50
Hourly Rate			165.75
Total Fees - NJM			2403.38



Cass County
Joint Water
Resource
District

January 18, 2013

Mark Brodshaug
Chairman
Fargo, North Dakota

Rodger Olson
Manager
Leonard, North Dakota

Dan Jacobson
Manager
West Fargo, North Dakota

Michael Buringrud
Manager
Gardner, North Dakota

Raymond Wolfer
Manager
Argusville, North Dakota

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

Greetings:

RE: Fargo-Moorhead Metropolitan Feasibility Study - Rights of Entry

Enclosed please find copies of bills totaling \$29,990.57 regarding the above referenced project. At this time, we respectfully request 100% reimbursement as per the Joint Powers Agreement between the City of Fargo, Cass County and Cass County Joint Water Resource District dated June 7, 2010.

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Enclosures

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

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

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

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

Invoice

Date	9/25/2012
Invoice #	

Description	Amount
Nancy J. Morris legal services -- detailed entries attached -- Aug 26 thru Sept 25, 2012	450.00
08/07/2012 Postage - Right of Entries	22.00
PAID DEC 17 2012 CLK 10600 <i>CLK</i>	
<i>Thank you for your business.</i>	Total \$472.00

September 25, 2012

Client: Cass County Joint Water Resource District

Atty	DATE	DESCRIPTION	TIME
N	9/4/2012	Draft Notice of Entry of Order	0.4
N	8/31/2012	Prepare for an attend ROE hearing	1.8
N	8/30/2012	Corr. Re: signed access agreements	0.2
N	9/11/2012	File Notice of Entry of Order, Aff of Serv	0.6
Total Time			3.00
Hourly Rate \$			150.00
Total Fees - NJM \$			450.00

OHNSTAD TWICHELL, P.C.
 901 13TH AVENUE EAST
 PO BOX 458
 WEST FARGO ND 58078-0458
 WK 701-282-3249 FAX 701-282-0826
 Federal I.D. #45-0310621

November 29, 2012

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

Invoice# 117542 SMF
 Our file# 100007 00007
 Billing through 11/21/2012

FM DIVERSION - RIGHT OF ENTRY

Balance forward as of invoice dated	10/22/12	\$12,257.26
Last payment received	10/26/2012	\$12,257.26
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

10/15/2012	CMM	Work with staff on sending out checks for easements and tracking the payments for 1099 purposes.	1.20 hrs	160.00 /hr	192.00
10/19/2012	CMM	Review past actions, and past resolutions of necessity to determine if we have ROE for all properties ROE has been requested for.	1.10 hrs	160.00 /hr	176.00
10/22/2012	CMM	Dictate letter to Williams Farms regarding Access Agreement; review properties URS needs access to yet this fall for bridge and road cultural resources work; review new proposed legal description for Mathys ensemment; insert new legal description into Mathys easement.	1.20 hrs	160.00 /hr	192.00
10/23/2012	JDR	Obtain contact information for landowners of subject properties.	0.50 hrs	80.00 /hr	40.00
10/23/2012	CMM	Prepare for bi-weekly conference call; telephone conference with Lee and Lyndon regarding ROE; review 2-26-12 resolution of necessity; instruct paralegal Josh D. Roadson to find phone numbers for the landowners on the 9-26-12 resolution of necessity; Conference with Kyle, Lyndon, and Brad from Moore regarding how to account for properties that have changed hands since the original spreadsheet was generated; participate in telephone conference with the Corps; prepare revised easement for Mathys; send list of properties to Moore for review of whether we need ROE for them or not.	3.30 hrs	160.00 /hr	528.00
10/24/2012	CMM	Review title documents we have accumulated and index them so they can be used again; review list of property owners we need to call before starting an action; review issue of who should be paid for the borings on the Schoenberg property; Communicate with Lyndon about the properties we need ROE for; send ROE list with phone numbers to Pam; telephone conference with Pam regarding telephone calls to the landowners.	1.90 hrs	160.00 /hr	304.00
10/24/2012	LDA	Conduct NDRIN and property tax searches re; Schoenberg properties; telephone conference with Virginia at Heartland Trust and conduct NDRIN, GIS and property tax searches re; Brooks Trust and Henke properties and allocation of payment; review right-of-way locations along Trnka and Liffing properties.			

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 CL#10598
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PURSUANT TO SECTION 13-01-14, NDCC, A LATE PAYMENT CHARGE OF 1% PER MONTH IS ASSESSED UPON ACCOUNTS NOT PAID 30 DAYS FROM BILLING DATE. THANK YOU.

100007	CASS CO JT WRD -	Invoice# 117542	Page 2	
		3.30 hrs	160.00 /hr	528.00
10/25/2012	CMM	Attend regular meeting of the Joint Board; conference with Lyndon and Brad regarding ROE needed yet this fall, and how long the ROE should last; send e-mail to Katie about whether ROE is needed yet this year for HTRW surveys, and how long Biotic surveys will need ROE.		
		2.30 hrs	160.00 /hr	368.00
10/25/2012	LDA	Conference with Kyle Volk re: parcel splits and transfers.		
		0.40 hrs	160.00 /hr	64.00
10/25/2012	SNW	Attend CCJT meeting.		
		1.80 hrs	160.00 /hr	288.00
10/26/2012	CMM	Review list provided by Moore showing what properties have changed ownership, or been split since the database came into existence; review the maps provided by Moore showing the location of the properties changing hands; multiple telephone conferences with Kyle Volk regarding the information provided about parcels changing hands or being split; interoffice conference with attorney Lukas D. Andrud to determine what information is needed about the changed parcels, and how that information should be sorted and stored; modify the spreadsheet to be more user friendly.		
		3.50 hrs	160.00 /hr	560.00
10/26/2012	LDA	Telephone conference with Kyle Volk re: split and transfer spreadsheets and review spreadsheets and maps.		
		2.00 hrs	160.00 /hr	320.00
10/29/2012	CMM	Receive and review e-mails from Pam regarding the contacts she has made regarding ROE.		
		0.80 hrs	160.00 /hr	128.00
10/30/2012	CMM	Review the ROE requests for the rest of 2012; telephone call to Katie Young to determine what parcels are needed.		
		0.50 hrs	160.00 /hr	80.00
10/31/2012	CMM	Eliminate certain properties from the ROE list because we are still seeking clarification from the corps; review which properties we have recently obtained ROE for; review which landowners would like someone to call them back with more details; telephone conference with landowners who had expressed questions to Pam; revise access agreements and send them to landowners.		
		1.70 hrs	160.00 /hr	272.00
11/02/2012	CMM	Review e-mail from Katie about three new properties we need ROE for to do cultural resource testing yet this fall; correspond with Brad Dahl to determine who owns the new parcels, and whether they are in the database; determine the owner of Ideal Ag (owner of one of those parcels).		
		1.20 hrs	160.00 /hr	192.00
11/02/2012	LDA	Conduct legal research re: deed splits for Rush River Drain 70 and review and redraft spreadsheet.		
		3.00 hrs	160.00 /hr	480.00
11/05/2012	CMM	Work with Moore to draft new access agreements for three new parcels we need the right to enter; forward agreements and cover letters to Carol to be sent out to the owners of the newly needed parcels; correspond with Perry Rust to determine if his access agreement has been signed yet.		
		1.20 hrs	160.00 /hr	192.00
11/05/2012	LDA	Review and redraft spreadsheet re: right of entry parcels where property was conveyed to Rush River WRD for Drain 70; prepare and draft access agreement w/ Rush River WRD.		
		1.10 hrs	160.00 /hr	176.00
11/05/2012	ARR	Create Access Agreements and cover letters for Object ID Numbers 9788, 9789, and 9790; Table of Agreements sent to Pam 11/5/12; Updated parcel list; Update table for Action 5; create Access Agreement for 9991 - Rush River WRD.		
		2.30 hrs	75.00 /hr	172.50
11/06/2012	CAS	Research descriptions.		
		2.60 hrs	80.00 /hr	208.00
11/06/2012	CMM	Run conflict check for application for right of entry; revise Application for right of entry to be applicable to the current group of properties right of entry is necessary for; correspond with Lyndon regarding Rush River parcels; conference with Lyndon and Brad before telephone conference; participate in bi-weekly telephone conference.		
		2.40 hrs	160.00 /hr	384.00

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

11/06/2012	LDA	Conduct property tax record, GIS and NDRIN searches re: parcel splits and conveyances properties.	1.70 hrs	160.00 /hr	272.00
11/06/2012	SNW	Attend biweekly conference call at Moore for status updates.	1.00 hrs	160.00 /hr	160.00
11/07/2012	CAS	Research property descriptions.	1.40 hrs	80.00 /hr	112.00
11/07/2012	CMM	Review records of easements we have received; correspond with Moore about the final remaining easement (Mathys); review county records to determine if we can move forward with action to obtain ROE from landowners along the road improvement.	0.80 hrs	160.00 /hr	128.00
11/08/2012	CMM	Complete the Access Agreement for Rush River Water Resource District for the road improvements; correspond with Brad about Paul Mathys easement; narrow the list of properties we need ROE for, and work on the conflict list.	1.30 hrs	160.00 /hr	208.00
11/08/2012	SNW	Attend Land Management meeting.	1.80 hrs	160.00 /hr	288.00
11/09/2012	CAS	Research NDRIN to verify ownership.	2.60 hrs	80.00 /hr	208.00
11/12/2012	CAS	Research ownership of parcels.	4.80 hrs	80.00 /hr	384.00
11/12/2012	CMM	Review weekly update to ROE spreadsheet; correspond with Brad regarding the Briemer/Schoenburg properties, and whether we have ROE for them; work on Application for ROE for the properties we need ROE for road design; complete the list of properties we will be including in this ROE application.	1.40 hrs	160.00 /hr	224.00
11/12/2012	LDA	Correspondence with Marvels re: easement payment.	0.20 hrs	160.00 /hr	32.00
11/13/2012	CAS	Research ownership of parcels; interoffice conference with attorney Lukas D. Andrud; electronic correspondence with Engineer Kyle Volk regarding questions on various parcels.	5.40 hrs	80.00 /hr	432.00
11/13/2012	JDR	Interoffice conference with attorney Chris McShane; review service list regarding updated information.	0.30 hrs	80.00 /hr	24.00
11/13/2012	CMM	Organize list of parcels we need ROE for in this court action; complete Application; work with staff to make sure none of the land owners have passed away; complete legal descriptions of parcel list attached to the resolution of necessity; file Application for Right of Entry; complete Access Agreement for RRWRD to consider at their next meeting, and send it to Carol; coordinate with Perry Rust to have Access Agreement signed and returned.	2.80 hrs	160.00 /hr	448.00
11/14/2012	CMM	Attend CCJT meeting to provide update on right of entry; telephone conference with Brad regarding how to address parcels that are expiring.	1.80 hrs	160.00 /hr	288.00
11/14/2012	LDA	Review deed searches on splits and change of ownership spreadsheet.	3.80 hrs	160.00 /hr	608.00
11/14/2012	SNW	Attend CCJT meeting.	2.50 hrs	160.00 /hr	400.00
11/15/2012	LDA	Electronic correspondence with Carol Harbecke Lewis re: Henke and Henke Trust instrumentation easement checks; review deed searches for parcel split and ownership changes spreadsheet.	2.80 hrs	160.00 /hr	448.00
11/16/2012	JDR	Review file; locate process server in Wisconsin; telephone conference with process server; draft correspondence to process server.	0.30 hrs	80.00 /hr	24.00
11/19/2012	JDR	Telephone conference with process server(2x); interoffice conference with attorney Chris McShane.	0.20 hrs	80.00 /hr	16.00

11/19/2012	CMM	Prepare list for ROE application for Nancy to file; work with staff to find addresses for the respondents; send the list to Nancy with instructions as to why ROE is needed for these properties.	0.70 hrs	160.00 /hr	112.00
11/20/2012	SMF	Office conference with attorney Chris McShane regarding outstanding right of entry needs; review list of outstanding properties; review PMP.	1.80 hrs	160.00 /hr	288.00
11/20/2012	CMM	Work with Nancy to get ROE application filed; review notes of last Corps bi-weekly meeting and agenda for this meeting; participate in bi-weekly meeting; conference with Brad, Lee, and Lyndon regarding ROE progress; review lists of properties produced by Brad; provide Katie with copies of all instrumentation easements.	2.40 hrs	160.00 /hr	384.00
11/20/2012	LDA	Review deeds and update split and ownership change spreadsheet.	2.40 hrs	160.00 /hr	384.00
11/20/2012	SNW	Emails regarding ROE; attend biweekly ROE status conference call at Moore Engineering; interoffice conference with attorney Chris McShane regarding court action.	1.50 hrs	160.00 /hr	240.00
11/21/2012	JDR	Receive and review Affidavits from Process Server; long distance telephone conference with API, Inc. regarding status of service of process on Pegge Wright.	0.20 hrs	80.00 /hr	16.00
11/21/2012	CMM	Provide Nancy with information necessary to serve the respondents in her ROE action; obtain revised map of the Schlosser property without Edward listed as an owner.	0.50 hrs	160.00 /hr	80.00
11/21/2012	LDA	Review deeds and update spreadsheet.	1.20 hrs	160.00 /hr	192.00
Total fees for this matter					<u>\$12,244.50</u>

EXPENSES

10/24/2012	North Dakota Recorders Information Network fee	\$3.00
11/02/2012	North Dakota Recorders Information Network fee	\$6.00
11/06/2012	North Dakota Recorders Information Network fee	\$8.00
11/09/2012	North Dakota Recorders Information Network fee	\$252.00
11/12/2012	North Dakota Recorders Information Network fee	\$162.00
11/12/2012	Clay County Recorders Laredo Search fee	\$32.20
11/13/2012	Cass County Clerk of Court - filing fee	\$80.00
11/13/2012	Cass County Clerk of Court - filing fee	(\$80.00)
11/13/2012	Cass County Clerk of Court - filing fee	\$80.00
11/13/2012	North Dakota Recorders Information Network fee	\$4.00
11/14/2012	Copy Fee paid to the Wilkin County Recorder	\$15.00
11/14/2012	North Dakota Recorders Information Network fee	\$2.00
11/16/2012	Process Service Fee paid to API Services Inc	\$50.00
11/21/2012	Process Service Fees paid to You've Been Served	\$455.00
Total expenses for this matter		<u>\$1,069.20</u>

100007

CASS CO JT WRD -

Invoice# 117542

Page 5

BILLING SUMMARY

Total fees	\$12,244.50
Total expenses	\$1,069.20
Total of new charges for this invoice	<u>\$13,313.70</u>
Total balance now due	<u>\$13,313.70</u>

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

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

November 29, 2012

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

Invoice# 117567 SMF
 Our file# 120007 00006
 Billing through 11/21/2012

**DIVERSION PROJECT,
 ASSESSMENT DISTRICT**

Balance forward as of invoice dated	01/01/00	\$0.00
Last payment received	01/01/1900	\$0.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		\$0.00

PROFESSIONAL SERVICES

10/26/2012	SMF	Attend meeting with Jeff and Mark regarding potential legislative changes; outline issues.	4.00 hrs	160.00 /hr	640.00
10/28/2012	SMF	Prepare proposed legislative revisions to assessment statutes; prepare email for Mark and Jeff regarding same; review Mark's email; review Joint Powers statute; prepare responses.	3.20 hrs	160.00 /hr	512.00
10/31/2012	SMF	Review outline from Eric Dodds; prepare, review, and revise additional legislative amendments to assessment statutes.	4.50 hrs	160.00 /hr	720.00
11/01/2012	SMF	Attend meeting with Mark, Rodger, Carol, Eric Dodds, Shawn Gaddie, and AB2S.	2.30 hrs	160.00 /hr	368.00
11/07/2012	SMF	Review Mark's assessment process outline; prepare for and attend Finance Committee meeting; review Erik's outline of potential legislative changes; review appropriations language regarding \$75M.	6.00 hrs	160.00 /hr	960.00
11/08/2012	SMF	Prepare draft amendment to JPA with Fargo and Cass County; review Mark's outline; prepare draft legislative changes to assessment statutes.	4.50 hrs	160.00 /hr	720.00
11/09/2012	SMF	Correspond with Erik; prepare additional draft revisions to assessment statutes; research assessment procedures for other public entities.	3.00 hrs	160.00 /hr	480.00
11/12/2012	SMF	Prepare additional revisions to assessment statutes regarding publications.	0.80 hrs	160.00 /hr	128.00
11/13/2012	SMF	Review JPA; review and revise draft amendment to JPA; correspond with the Board regarding same.	1.80 hrs	160.00 /hr	288.00
Total fees for this matter					\$4,816.00

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DEC 17 2012

CC# 10598

GK

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

120007

CASS CO JT WRD

Invoice# 117567

Page 2

BILLING SUMMARY

Total fees	<u>\$4,816.00</u>
Total of new charges for this invoice	<u>\$4,816.00</u>
Total balance now due	<u><u>\$4,816.00</u></u>

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

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

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

Invoice

Date	11/25/2012
Invoice #	

Description	Amount
Nancy J Morris -- detailed entries attached -- Oct 26 thru Nov 25, 2012	615.00
PAID DEC 17 2012 CWD 10599 GK	
<i>Thank you for your business.</i>	Total \$615.00

November 25, 2012

Client: Cass County Joint Water District
Matter: Metro Flood

Atty	DATE	DESCRIPTION	TIME
N	11/20/2012	Review and revise case documents; file application and correspondence re: documents and addresses	2.30
			1.80
N	11/21/2012	Phone call w/ Court re: file and pleadings; prepare pleadings and correspondence for service; Phone call w/ Court re: case information; correspondence w/ Chris McShane re: status, service and hearing	

Total Time 4.10

Hourly Rate \$ 150.00

Total Fees - NJM 615.00

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

December 10, 2012

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

Invoice# 117918 SMF
 Our file# 100007 00007
 Billing through 12/07/2012

FM DIVERSION - RIGHT OF ENTRY

Balance forward as of invoice dated	11/29/12	\$13,313.70
Last payment received	10/26/2012	\$0.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		\$13,313.70

PROFESSIONAL SERVICES

11/23/2012	LDA	Review legal descriptions and deeds and update spreadsheet.	352.00
		2.20 hrs 160.00 /hr	
11/26/2012	JDR	Review email exchange between attorney Chris McShane and attorney Nancy Morris; exchange email with attorney Nancy Morris; draft memorandum to process server; telephone conference with process server.	32.00
		0.40 hrs 80.00 /hr	
11/26/2012	LDA	Review and redraft spreadsheet.	112.00
		0.70 hrs 160.00 /hr	
11/27/2012	JDR	Interoffice conference with attorney Chris McShane; locate contact information for property owner.	16.00
		0.20 hrs 80.00 /hr	
11/27/2012	CMM	Telephone call from Clarence Krogh; amend landowner list to include Clarence's son as a remainder interest holder; serve amended landowner list.	64.00
		0.40 hrs 160.00 /hr	
11/27/2012	LDA	Review deeds and review and redraft spreadsheets.	352.00
		2.20 hrs 160.00 /hr	
11/28/2012	LDA	Review legal descriptions and review and redraft spreadsheet.	256.00
		1.60 hrs 160.00 /hr	
11/28/2012	LSH	Research records of the office of the Cass County Recorder and obtain copies of Deeds; diagram legal descriptions; continue research on Deeds.	320.00
		4.00 hrs 80.00 /hr	
12/03/2012	CMM	Track rights of entry that are being granted by landowners; revise list of remaining properties we still need ROE for; review e-mail from Brad regarding the Mathys property; outline the steps necessary to obtain the easement by quick take; check with attorney Lukas D. Andrud on the progress of updating the landowner list to match record title.	192.00
		1.20 hrs 160.00 /hr	
12/03/2012	LDA	Review deeds and update spreadsheet.	160.00
		1.00 hrs 160.00 /hr	
12/03/2012	LSH	Research records of the office of the Cass County Recorder; obtain copies of deeds;	

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 DEC 17 2012
 CK # 10598
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PURSUANT TO SECTION 13-01-14, NDCC, A LATE PAYMENT CHARGE OF 1% PER MONTH IS ASSESSED UPON ACCOUNTS NOT PAID 30 DAYS FROM BILLING DATE. THANK YOU.

100007

CASS CO JT WRD -

Invoice# 117918

Page 2

		diagram legal descriptions; continue research and obtain remaining Deeds to complete descriptions for Diversion project.	6.00 hrs	80.00 /hr	480.00
12/04/2012	CMM	Review ownership changes discovered by attorney Lukas D. Andrud in conjunction with the update of the landowner ROE list; participate in bi-weekly telephone conference with the Corps.	1.40 hrs	160.00 /hr	224.00
12/04/2012	SNW	Review email correspondence regarding ROE; attend bi-weekly ROE status meeting (conference call) at Moore Engineering.	1.10 hrs	160.00 /hr	176.00
12/06/2012	CMM	Track down an easement requested by the Corps; send easement to Corps by email and determine when they will be on that property.	0.50 hrs	160.00 /hr	80.00
Total fees for this matter					<u>\$2,816.00</u>

EXPENSES

11/23/2012	North Dakota Recorders Information Network fee	\$11.00
11/26/2012	UPS package delivered to API Services Inc from attorney Christopher M McShane on 11/19/2012	\$10.27
11/27/2012	Postage	\$14.40
11/27/2012	North Dakota Recorders Information Network fee	\$2.00
11/28/2012	Receipt #530339 - copies from the Cass County Recorder on 11/27/2012	\$14.00
12/03/2012	Receipt #530488 - copies from the Cass County Recorder on 11/29/2012	\$35.00
12/03/2012	Receipt #530533 - copies from the Cass County Recorder on 11/30/2012	\$12.00
12/03/2012	Receipt #530549 - copies from the Cass County Recorder on 11/30/2012	\$13.00
12/07/2012	Photocopies	\$32.00
Total expenses for this matter		<u>\$143.67</u>

BILLING SUMMARY

Total fees	\$2,816.00
Total expenses	<u>\$143.67</u>
Total of new charges for this invoice	\$2,959.67
Plus net balance forward	\$13,313.70
Total balance now due	<u>\$16,273.37</u>

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

December 10, 2012

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

Invoice# 117922 SMF
 Our file# 120007 00006
 Billing through 12/07/2012

**DIVERSION PROJECT,
 ASSESSMENT DISTRICT**

Balance forward as of invoice dated	11/29/12	\$4,816.00
Last payment received	01/01/1900	\$0.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$4,816.00</u>

PROFESSIONAL SERVICES

11/28/2012	SMF	Review AE2S Letter Agreement; prepare draft revisions; review AE2S proposed revisions to assessment/DPAC outline; correspond with Mark.	1.40 hrs	160.00 /hr	224.00
11/30/2012	SMF	Review AE2S' proposed revisions to Letter Agreement; review AG opinion and statutes regarding indemnity and liability limits; review outline from AE2S of obligations; correspond with Eric and Mark.	2.00 hrs	160.00 /hr	320.00
Total fees for this matter					<u>\$544.00</u>

BILLING SUMMARY

Total fees	\$544.00
Total of new charges for this invoice	\$544.00
Plus net balance forward	\$4,816.00
Total balance now due	<u>\$5,360.00</u>

PAID
 DEC 17 2012
 CL #10598
BK

Diversion Authority Postage

<u>Date</u>	<u>Amount</u>
1-5	2.64
1-6	0.64
1-10	1.52
1-17	0.64
1-19	0.44
1-20	2.56
1-24	1.30
2-1	1.30
2-2	2.15
2-9	7.80
2-16	0.65
3-12	1.30
3-15	1.30
3-21	5.85
3-22	5.20
3-22	11.30
3-26	1.30
3-27	0.65
3-30	1.30
4-4	3.00
4-20	11.70
4-26	1.30
5-4	12.30
5-30	0.65
6-5	1.95
6-19	0.65
6-20	3.60
6-26	0.65
6-27	0.65
7-19	5.85
7-23	7.15
7-24	1.30
7-25	3.90
7-27	0.65
8-6	2.40
8-8	0.65
8-9	35.10
8-10	1.30
8-13	0.65
8-14	1.30
8-15	1.30
8-21	0.65
8-22	2.15

8-23	1.95
8-27	0.65
8-29	9.95
9-19	15.60
9-25	1.30
9-26	0.65
10-1	1.90
10-2	29.10
10-10	0.65
10-26	0.65
10-30	0.65
11-19	0.45
11-21	0.65
12-12	1.30
12-13	9.10
12-18	0.65
12-27	1.30
12-27	2.60
Total	229.74

You've Been Served

819 30th Ave. S. Suite 204

1-877-912-2621


Moorhead, MN 56560

Invoice

Bill to: Cass County Joint Water Resources District

Quantity	Description	Amount
6	Diversion Associated Structures	$40.00 \times 6 = 240.00$
	Application for Permit to Enter Land Delivered to Each of the Following Melanie Knudsen Melinda Ruliffson Melissa Friesen Michelle Schlosser-Orth Karen Schlosser and Carl and Julie Peterson	
181 miles	1555 cents/mile	100.46
240 min	\$500/hr	200.00
	11-29-12	
Total		\$540.46

Please pay by this invoice. Thank you!

Thanks 

PAID

DEC 17 2012

CL#10602



Stone, Nina

From: Christopher M. McShane <CMcShane@OhnstadLaw.com>
Sent: Friday, December 28, 2012 9:29 AM
To: Stone, Nina
Subject: Mathys/ setter checks

Nina,

Previously we had requested one check in the amount of \$1,500 payable to Paul Mathys, Desira Mathys, and DeNae Setter for an easement. The landowners have now provided us with 2 of the required 3 signatures, and requested 3 separate checks.

Please void the \$1,500 check and replace it with 3 separate checks in the amount of \$500 payable to the individual landowners.

Let me know when they are ready to be picked up.

Chris

Christopher M. McShane
Ohnstad Twichell, P.C.
901 13th Avenue East
P.O. Box 458
West Fargo, ND 58078
(701)282-3249

PAID

DEC 26 2012

cks 10636, 10637, 10638

GM



Office of the City Attorney

City Attorney
Erik R. Johnson

City Prosecutors
Jodi A. Bass
Scott O. Diamond

Assistant City Attorneys
Nancy J. Morris
Jason T. Loos

January 22, 2013

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

Re: Red River Diversion Project

Dear Kent:

I am enclosing a Summary Invoice dated January 17, 2013 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through December 31, 2012 on the Red River Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to Dorsey Whitney.

Sincerely,

A handwritten signature in blue ink, appearing to be "ERJ", with a long horizontal flourish extending to the right.

Erik R. Johnson

ERJ/jmf
Enclosure
cc: Pat Zavoral





MINNEAPOLIS OFFICE
612-340-2600

RECEIVED
BY [] DATE 1-22-13

(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, 2013
Invoice No. 1849282

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

For Legal Services Rendered Through December 31, 2012

INVOICE TOTAL

Total For Current Legal Fees	\$20,525.00
Total For Current Disbursements and Service Charges	\$34.60
Total For Current Invoice	\$20,559.60
Summary of Account	
*Prior Balance Due	\$15,177.50
Total Amount Due	\$35,737.10

*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

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

Please make reference to the invoice number

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

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

FM Diversion Authority
 Fiscal Accountability Report Design Phase (Fund 790)
 As of 1/31/2013

	2011	2012	2013	Cumulative Totals
Revenues				
City of Fargo	443,138	7,151,835	81	7,595,053
Cass County	443,138	7,151,835	81	7,595,053
City of Moorhead / Clay County	98,475	1,589,296	18	1,687,789
State Water Commission (10% Cap)	-	-	-	-
Total Revenues	984,750	15,892,966	180	16,877,896

Expenditures				
7905 Army Corp Payments	-	-	-	-
7910 WIK - Administration	107,301	310,761	180	418,242
7915 WIK - Project Design	149,632	5,026,471	-	5,176,103
7920 WIK - Project Management	679,037	6,736,220	-	7,415,257
7925 WIK - Recreation	-	163,223	-	163,223
7930 LERRDS - North Dakota	48,664	3,628,295	-	3,676,959
7931 LERRDS - Minnesota	-	27,996	-	27,996
7940 WIK Mitigation - North Dakota	-	-	-	-
7941 WIK Mitigation - Minnesota	-	-	-	-
7950 Construction - North Dakota	-	-	-	-
7951 Construction - Minnesota	-	-	-	-
7955 Construction Management	-	-	-	-
7990 Project Financing	-	-	-	-
7995 Project Eligible - Off Formula Costs	-	-	-	-
7999 Non Federal Participating Costs	116	-	-	116
Total Expenditures	984,750	15,892,965	180	16,877,896

FM Diversion Authority
Summary of Cash Disbursements
Period 13, 2012 - Additional 2012 Expenses

Date: 1/31/2013

Period/Year: 13/2012

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-20	1/29/2013	JB13120033	CITY OF FARGO	160.00	FISCAL SERVICES	V00102	General & Admin. WIK
Total Accounting Services				160.00			
790-7910-429.33-25	1/23/2013	235931	DORSEY & WHITNEY LLP	15,177.50	LEGAL SVCS THRU 11/30/12	V00101	Dorsey Whitney Legal WIK
	1/23/2013	235943	ERIK R JOHNSON & ASSOCIATES	21,338.40	METRO FLOOD PROJECT	V00102	General & Admin. WIK
	1/23/2013	235943	ERIK R JOHNSON & ASSOCIATES	5,583.65	METRO FLOOD PROJECT	V00102	General & Admin. WIK
Total Legal Services				42,099.55			
790-7915-429.33-05	1/9/2013	235522	MINNESOTA DNR	115,550.00	EIS SCOPING PROCESS	V00701	MN DNR EIS
	1/23/2013	235978	HOUSTON-MOORE GROUP LLC	262,276.87	NOV 2012	V01603	CR-81 & I29 BRIDGE DESIGN
	1/23/2013	235978	HOUSTON-MOORE GROUP LLC	421.29	NOV 2012	V01605	POST FEASIBILITY ANALYSIS
	1/23/2013	235978	HOUSTON-MOORE GROUP LLC	19,889.63	NOV 2012	V01607	RECREATION/USE MASTER PLN
	1/23/2013	235978	HOUSTON-MOORE GROUP LLC	2,653.75	NOV 2012	V01608	WORK-IN-KIND (WIK)
	1/23/2013	235978	HOUSTON-MOORE GROUP LLC	35,459.93	NOV 2012	V01609	HYDROLOGY/HYDRAULIC MODEL
	1/23/2013	235978	HOUSTON-MOORE GROUP LLC	18,617.76	NOV 2012	V01613	LEVEE DESIGN & SUPPORT
	1/16/2013	235862	URS CORPORATION	42,765.85	THRU 12/7/12	V01002	NW Alignment Survey-URS
Total Engineering Services				497,635.08			
790-7920-429.33-05	1/23/2013	235978	HOUSTON-MOORE GROUP LLC	57,744.32	NOV 2012	V01601	HMG - PROJECT MANAGEMENT
Total Engineering Services				57,744.32			
790-7930-429.33-05	1/23/2013	235978	HOUSTON-MOORE GROUP LLC	124,859.70	NOV 2012	V01602	CR-31 BRIDGE DESIGN
	1/23/2013	235978	HOUSTON-MOORE GROUP LLC	111,057.83	NOV 2012	V01604	CR-32 & CR-22 BRIDGE DSGN
	1/23/2013	235978	HOUSTON-MOORE GROUP LLC	50,257.50	NOV 2012	V01604	CR-32 & CR-22 BRIDGE DSGN
	1/23/2013	235978	HOUSTON-MOORE GROUP LLC	35,635.26	NOV 2012	V01606	LAND MANAGEMENT SERVICES
	1/23/2013	235978	HOUSTON-MOORE GROUP LLC	462.00	NOV 2012	V01610	UTILITIES DESIGN
Total Engineering Services				322,082.29			

**FM Diversion Authority
 Summary of Cash Disbursements
 Period 13, 2012 - Additional 2012 Expenses**

Date: 1/31/2013

Period/Year: 13/2012

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7930-429.80-17	1/23/2013	235917	CASS COUNTY TREASURER	84,832.36	2012 PROP TXS HAYDEN/OXBO	V01701	ND LAND PURCHASES
	1/23/2013	235917	CASS COUNTY TREASURER	6,825.95	2012 PROP TXS HAYDEN/OXBO	V01702	ND LAND PURCHASE-HARDSHIP
Total Property Tax - FMDA				91,658.31			
790-7931-429.34-65	1/23/2013	236040	OHNSTAD TWICHELL PC	1,247.16	10/22-12/18/12 RIGHT OF W	V01301	City of Moorhead ROE
Total Right of Entry Requests				1,247.16			
Total Disbursements for Period				\$1,012,626.71			

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

Date: 1/31/2013

Period/Year: 01/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-20	1/29/2013	JB01130009	CITY OF FARGO	180.00	FISCAL SERVICES	V00102	General & Admin, WIK
Total Accounting Services				180.00			
Total Disbursements for Period				\$180.00			

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

Date: 1/31/2013

Project	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V00101	790-7910-429.33-25	F12217	9367	12/31/2011	DORSEY & WHITNEY LLP	52,102.12	52,102.12	-
V00101	790-7910-429.33-25	146629	9367	1/18/2012	DORSEY & WHITNEY LLP	52,679.63	52,679.63	-
V00101	790-7910-429.33-25	F12289	9367	2/21/2012	DORSEY & WHITNEY LLP	58,693.38	58,693.38	-
V00101	790-7910-429.33-25	F12293	9367	2/21/2012	DORSEY & WHITNEY LLP	1,600.00	1,600.00	-
V00101	790-7910-429.33-25	156087	9367	10/15/2012	DORSEY & WHITNEY LLP	86,960.88	86,960.88	-
V00101	790-7910-429.33-25	157021	9367	11/9/2012	DORSEY & WHITNEY LLP	27,111.94	27,111.94	-
V00101	790-7910-429.33-25	157608	9367	11/29/2012	DORSEY & WHITNEY LLP	9,138.50	9,138.50	-
V00101	790-7910-429.33-25	159215	9367	1/14/2013	DORSEY & WHITNEY LLP	15,177.50	15,177.50	-
V00102	790-7910-429.38-99	F11738	20660	11/15/2011	GALLAGHER BENEFIT SERVICES INC	250.00	250.00	-
V00102	790-7910-429.31-10	F11749	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	494.24	494.24	-
V00102	790-7910-429.31-10	F11750	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	345.97	345.97	-
V00102	790-7910-429.31-10	F11751	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	296.56	296.56	-
V00102	790-7910-429.31-10	F11752	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	17.05	17.05	-
V00102	790-7999-729.68-30	PCARD	18009	12/20/2011	GOOGLE LOVEINTHEOVEN	116.00	116.00	-
V00102	790-7910-429.31-10	F12082	647	12/31/2011	FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-
V00102	790-7910-429.38-69	F12079	8645	12/31/2011	SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-
V00102	790-7910-429.53-60	F12218	13981	12/31/2011	NORTH DAKOTA TELEPHONE CO	81.20	81.20	-
V00102	790-7910-429.33-20	AJ	COF	2/1/2012	CITY OF FARGO	1,300.00	1,300.00	-
V00102	790-7910-429.55-10	F12256	20829	2/14/2012	BROKERAGE PRINTING	153.85	153.85	-
V00102	790-7910-429.55-10	F12256	20829	2/14/2012	BROKERAGE PRINTING	202.10	202.10	-
V00102	790-7910-429.52-30	F12595	1772	4/16/2012	WARNER & CO	4,975.00	4,975.00	-
V00102	790-7910-429.33-20	AJ	COF	5/25/2012	CITY OF FARGO	1,850.00	1,850.00	-
V00102	790-7910-429.33-25	151789	16872	6/15/2012	ERIK R JOHNSON & ASSOCIATES	673.20	673.20	-
V00102	790-7910-429.33-25	151876	16872	6/19/2012	ERIK R JOHNSON & ASSOCIATES	1,309.00	1,309.00	-
V00102	790-7910-429.33-20	AJ	COF	6/25/2012	CITY OF FARGO	340.00	340.00	-
V00102	790-7910-429.33-25	152528	1286	7/10/2012	OHNSTAD TWICHELL PC	1,903.50	1,903.50	-
V00102	790-7910-429.34-55	152692	20174	7/16/2012	PFM ASSET MANAGEMENT LLC	140,000.00	-	140,000.00
V00102	790-7910-429.33-20	AJ	COF	7/27/2012	CITY OF FARGO	240.00	240.00	-
V00102	790-7910-429.33-25	153237	1286	7/31/2012	OHNSTAD TWICHELL PC	728.50	728.50	-
V00102	790-7910-429.38-99	153670	13981	8/9/2012	NORTH DAKOTA TELEPHONE CO	71.60	71.60	-
V00102	790-7910-429.38-99	154211	13981	8/23/2012	NORTH DAKOTA TELEPHONE CO	90.60	90.60	-
V00102	790-7910-429.33-20	AJ	COF	8/30/2012	CITY OF FARGO	280.00	280.00	-
V00102	790-7910-429.33-20	AJ	COF	9/26/2012	CITY OF FARGO	320.00	320.00	-
V00102	790-7910-429.38-99	155381	13981	9/27/2012	NORTH DAKOTA TELEPHONE CO	87.40	87.40	-
V00102	790-7910-429.33-20	AJ	COF	10/30/2012	CITY OF FARGO	410.00	410.00	-

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

Date: 1/31/2013

Project	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V00102	790-7910-429.33-20	AJ	COF	11/28/2012	CITY OF FARGO	220.00	220.00	-
V00102	790-7910-429.33-25	157670	16872	11/30/2012	ERIK R JOHNSON & ASSOCIATES	16,826.60	16,826.60	-
V00102	790-7910-429.38-99	158387	13981	12/20/2012	NORTH DAKOTA TELEPHONE CO	76.20	76.20	-
V00102	790-7910-429.33-20	AJ	COF	12/27/2012	CITY OF FARGO	260.00	260.00	-
V00102	790-7910-429.33-25	159214	16872	1/14/2013	ERIK R JOHNSON & ASSOCIATES	26,922.05	26,922.05	-
V00102	790-7910-429.33-20	AJ	COF	1/29/2013	CITY OF FARGO	160.00	160.00	-
V00102	790-7910-429.33-20	AJ	COF	1/29/2013	CITY OF FARGO	180.00	180.00	-
V00201	790-7920-429.33-79	144170	20663	11/18/2011	CH2M HILL ENGINEERS INC	1,908,938.41	1,908,938.41	-
V00202	790-7920-429.33-79	148611	20663	3/15/2012	CH2M HILL ENGINEERS INC	3,500,000.00	3,421,851.30	78,148.70
V00203	790-7920-429.33-79	154940	20663	9/17/2012	CH2M HILL ENGINEERS INC	5,000,000.00	1,313,143.30	3,686,856.70
V00301	790-7910-429.38-69	143936	11604	11/16/2011	ADVANCED ENGINEERING INC	50,000.00	50,000.00	-
V00401	790-7920-429.33-06	143937	165	11/16/2011	BRAUN INTERTEC CORP	54,060.00	43,620.00	10,440.00
V00501	790-7915-429.33-06	143938	165	11/16/2011	BRAUN INTERTEC CORP	36,150.00	34,009.00	2,141.00
V00601	790-7915-429.33-06	144975	20729	12/13/2011	IN SITU ENGINEERING	54,800.00	47,973.00	6,827.00
V00701	790-7915-429.33-05	144866	20723	12/9/2011	MINNESOTA DNR	346,100.00	346,100.00	-
V00801	790-7915-429.33-05	146973	801	1/27/2012	HOUSTON ENGINEERING INC	92,424.03	92,424.03	-
V00802	790-7915-429.33-05	146974	801	1/27/2012	HOUSTON ENGINEERING INC	70,742.30	70,742.30	-
V00803	790-7915-429.33-05	146975	801	1/27/2012	HOUSTON ENGINEERING INC	47,124.46	47,124.46	-
V00804	790-7925-429.33-05	148054	801	2/29/2012	HOUSTON ENGINEERING INC	163,222.91	163,222.91	-
V00805	790-7915-429.33-05	148058	801	2/29/2012	HOUSTON ENGINEERING INC	94,786.00	94,786.00	-
V00806	790-7915-429.33-05	148078	801	2/29/2012	HOUSTON ENGINEERING INC	108,369.87	108,369.87	-
V00901	790-7915-429.33-05	146976	1118	1/27/2012	MOORE ENGINEERING INC	92,291.55	92,291.55	-
V00902	790-7915-429.33-05	146977	1118	1/27/2012	MOORE ENGINEERING INC	135,231.99	135,231.99	-
V00903	790-7915-429.33-05	146978	1118	1/27/2012	MOORE ENGINEERING INC	142,924.27	142,924.27	-
V00904	790-7930-429.33-05	148055	1118	2/29/2012	MOORE ENGINEERING INC	78,760.62	78,760.62	-
V00905	790-7930-429.33-05	148056	1118	2/29/2012	MOORE ENGINEERING INC	32,727.08	32,727.08	-
V00906	790-7915-429.33-05	148057	1118	2/29/2012	MOORE ENGINEERING INC	8,326.50	8,326.50	-
V00907	790-7915-429.33-05	148077	1118	2/29/2012	MOORE ENGINEERING INC	164,867.66	164,867.66	-
V01002	790-7915-429.33-05	148086	17791	2/29/2012	URS CORPORATION	480,488.42	385,809.17	94,679.25
V01201	790-7930-429.33-25	F12069	19734	12/31/2011	CASS COUNTY JOINT WATER RESOUR	16,708.86	16,708.86	-
V01201	790-7930-429.34-65	F12069	19734	12/31/2011	CASS COUNTY JOINT WATER RESOUR	22,452.50	22,452.50	-
V01201	790-7930-429.33-25	149405	19734	4/10/2012	CASS COUNTY JOINT WATER RESOUR	20,652.04	\$20,652.04	-
V01201	790-7930-429.34-65	149405	19734	4/10/2012	CASS COUNTY JOINT WATER RESOUR	62,467.05	\$62,467.05	-
V01201	790-7930-429.33-05	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	48,138.28	\$48,138.28	-
V01201	790-7930-429.33-25	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	23,113.23	\$23,113.23	-

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

Date: 1/31/2013

Project	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V01201	790-7930-429-34-65	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	8,250.00	\$8,250.00	-
V01201	790-7930-429-33-25	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	55,312.46	\$55,312.46	-
V01201	790-7930-429-34-65	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	26,500.00	\$26,500.00	-
V01201	790-7930-429-71-31	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	13,500.00	\$13,500.00	-
V01301	790-7915-429.33-05	147745	1118	2/17/2012	MOORE ENGINEERING INC	5,558.50	5,558.50	-
V01301	790-7931-429.33-25	F12593	1286	4/16/2012	OHNSTAD TWICHELL PC	1,408.00	1,408.00	-
V01301	790-7931-429.33-05	149869	1118	4/23/2012	MOORE ENGINEERING INC	1,780.00	1,780.00	-
V01301	790-7931-429.33-25	150230	1286	5/3/2012	OHNSTAD TWICHELL PC	2,029.50	2,029.50	-
V01301	790-7931-429.33-25	150961	1286	5/23/2012	OHNSTAD TWICHELL PC	220.50	220.50	-
V01301	790-7931-429.33-25	151790	1122	6/15/2012	MOORHEAD, CITY OF	15,062.90	15,062.90	-
V01301	790-7931-429.33-25	152058	1286	6/27/2012	OHNSTAD TWICHELL PC	410.00	410.00	-
V01301	790-7931-429.33-25	154504	1286	9/4/2012	OHNSTAD TWICHELL PC	1,373.50	1,373.50	-
V01301	790-7931-429.33-25	154505	1286	9/4/2012	OHNSTAD TWICHELL PC	676.50	676.50	-
V01301	790-7931-429.33-25	156088	1286	10/15/2012	OHNSTAD TWICHELL PC	1,102.50	1,102.50	-
V01301	790-7931-429.34-65	157054	1286	11/9/2012	OHNSTAD TWICHELL PC	2,685.00	2,685.00	-
V01301	790-7931-429.34-65	159216	1286	1/14/2013	OHNSTAD TWICHELL PC	1,247.16	1,247.16	-
V01501	790-7915-429.74-10	150960	19581	5/23/2012	GEOKON INC	33,815.36	33,815.36	-
V01601	790-7920-429.33-05	151232	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	2,072,675.00	765,973.94	1,306,701.06
V01602	790-7930-429.33-05	151233	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	871,000.00	592,969.58	278,030.42
V01603	790-7915-429.33-05	151234	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	2,333,300.00	1,916,402.71	416,897.29
V01604	790-7930-429.33-05	151235	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	1,421,000.00	1,126,337.33	294,662.67
V01605	790-7915-429.33-05	151236	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	905,000.00	842,367.45	62,632.55
V01606	790-7930-429.33-05	151237	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	538,103.00	232,466.02	305,636.98
V01607	790-7915-429.33-05	152022	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	240,000.00	98,406.59	141,593.41
V01608	790-7915-429.33-05	152023	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	727,330.00	455,642.72	271,687.28
V01609	790-7915-429.33-05	152024	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	344,341.00	131,852.23	212,488.77
V01610	790-7930-429.33-05	152025	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	94,000.00	32,292.40	61,707.60
V01611	790-7930-429.33-05	155529	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	771,000.00	-	771,000.00
V01612	790-7930-429.33-05	155530	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	665,000.00	-	665,000.00
V01613	790-7915-429.33-05	157599	21007	11/29/2012	HOUSTON-MOORE GROUP LLC	575,000.00	18,617.76	556,382.24
V01701	790-7930-429.71-30	155627	7198	10/3/2012	NORTHERN TITLE CO	484,016.00	484,016.00	-
V01701	790-7930-429.80-17	159217	201	1/14/2013	CASS COUNTY TREASURER	84,832.36	84,832.36	-
V01702	790-7930-429.71-30	157394	20529	11/21/2012	KENNELLY & OKEEFFE	216,401.85	216,401.85	-
V01702	790-7930-429.71-30	157470	20529	11/26/2012	KENNELLY & OKEEFFE	342,601.87	342,601.87	-
V01702	790-7930-429.71-30	F13677	11046	11/26/2012	RED RIVER TITLE SERVICES INC	250.00	250.00	-

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

Date: 1/31/2013

Project	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
V01702	790-7930-429.71-30	F13678	11046	11/26/2012	RED RIVER TITLE SERVICES INC	170.00	170.00	-
V01702	790-7930-429.71-30	158252	21423	12/18/2012	HUBER, STEVE	1,056.43	1,056.43	-
V01702	790-7930-429.80-17	159217	201	1/14/2013	CASS COUNTY TREASURER	6,825.95	6,825.95	-
V01801	790-7930-429.33-05	155531	1714	10/2/2012	ULTEIG ENGINEERS INC	100,000.00	-	100,000.00
V01901	790-7930-429.33-05	155469	21258	10/1/2012	PROSOURCE TECHNOLOGIES, INC	100,000.00	-	100,000.00
V02001	790-7930-429.33-91	157598	10078	11/29/2012	COLDWELL BANKER	4,346.77	4,346.77	-
V02001	790-7930-429.33-91	158046	10078	12/12/2012	COLDWELL BANKER	8,000.00	8,000.00	-
V02101	790-7930-429.33-05	157607	12775	11/29/2012	RED RIVER BASIN COMMISSION	500,000.00	-	500,000.00
						26,941,408.91	16,877,895.99	10,063,512.92



February 15, 2013

Darrin Lahr
Xcel Energy | Responsible By Nature
Siting & Permitting
8701 Monticello Lane, Maple Grove, MN 55369
P: 763.493.1808 C: 612.208.7408 F: 612.573.4050
E: darrin.f.lahr@xcelenergy.com

RE: FM Area Diversion Project Changes and CapX Power Line Alignment

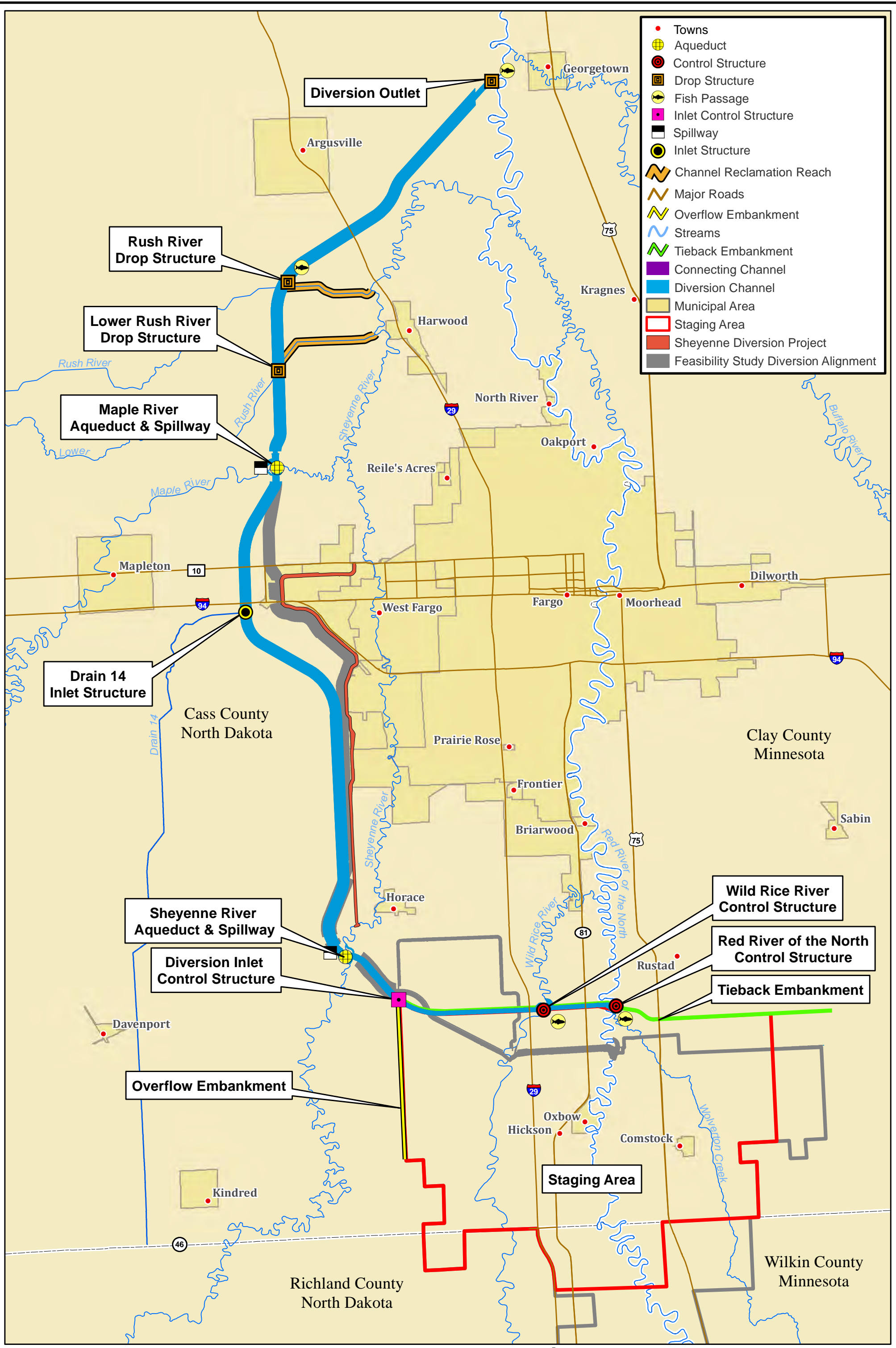
Dear Mr. Lahr:

This letter is written to inform you from the Flood Diversion Authority, the local sponsor of the proposed Fargo-Moorhead (FM) Area Diversion Project, that the southern alignment of the proposed project has moved north approximately one-mile from its previous location identified in the project Feasibility Study (see attached map). In addition, recent developments to minimize impacts from the project include a ring-levee around the communities of Oxbow, Hickson, and Bakke which may allow those communities to remain, rather than be bought out as previously planned.

The Diversion Authority asks that you consider these changes as you make your decision on the final alignment and construction of the power line.

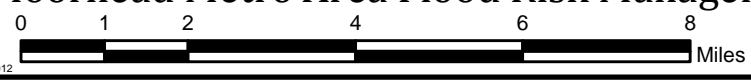
Thank you for your consideration,

Darrell Vanyo
Chairman, Diversion Board of Authority



- Towns
- ⊕ Aqueduct
- ⊙ Control Structure
- ⊠ Drop Structure
- ↔ Fish Passage
- ⬠ Inlet Control Structure
- ⬢ Spillway
- ⊙ Inlet Structure
- ⌒ Channel Reclamation Reach
- ⌒ Major Roads
- ⌒ Overflow Embankment
- ⌒ Streams
- ⌒ Tieback Embankment
- Connecting Channel
- Diversion Channel
- Municipal Area
- Staging Area
- Sheyenne Diversion Project
- Feasibility Study Diversion Alignment

Project Features - November 2012
Fargo Moorhead Metro Area Flood Risk Management



bgw:\mmp-netapp\2shares\2\PROJECTS\SA\SA Fargo-Moorhead Metro PED-370365\GISMXDStructureFeatures22Oct2012 - 25 October 2012



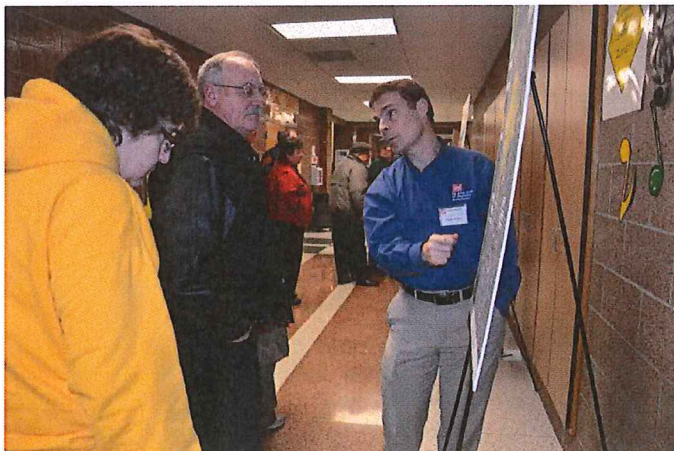
**US Army Corps
of Engineers**
St. Paul District

Monthly Update

February 14, 2013

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

1. Reach 1: FTR submitted for ATR/Sponsor review January 29.
2. Reach 2: Preparing FTR submittal for ATR/Sponsor review on March 22.
3. Reach 3: Comments for 90% Sponsor Review of Railroad bridge design due February 11.
4. Reaches 4 and 5: Preparing DTR submittal for ATR/Sponsor review on March 22.
5. Mitigation: Drayton Dam - Preparing FTR submittal for ATR/Sponsor review on March 18.
6. Ongoing permitting discussions with Omaha District to ease and streamline permitting process.
7. Continuing National Environmental Policy Act (NEPA) process to address project modifications.
8. Oxbow Area public meetings held January 8-10.
9. Cultural surveys completed for Reach 1 and Sheyenne River.
10. Maple River Aqueduct Value Based Design Charrette was held January 28 to February 1.
11. Corps and Agency Technical Review team provided comments to the sponsor's 90% complete bridge designs.
12. Corps met with North Dakota Appropriations – Education and Environment Division on January 30.
13. Corps attended North Dakota Legislative Open House on February 12.



Oxbow Area Public Meeting,
January 8, 2013

Milestones for FY 13

	Outlet/Reach 1	Reach 2	Reach 4 /Rush	Reach 5 /Lower Rush	Drayton Dam
Submit DTR to ATR/sponsors	Completed	Completed	22-Mar-13	22-Mar-13	Completed
DTR - Comments back from ATR/sponsors	Completed	Completed	29-Mar-13	29-Mar-13	Completed
Submit FTR to ATR/sponsors	Completed	22-Mar-13	27-Aug-13	27-Aug-13	18-Mar-13
FTR - Comments back from ATR/sponsors	12-Feb-13	29-Mar-13	3-Sep-13	3-Sep-13	2-Apr-13
Submit final P&S for BCOE	8-Mar-13	13-May-13	11-Oct-13	11-Oct-13	PAUSED
P&S completed	17-May-13	21-Jul-13	13-Dec-13	13-Dec-13	PAUSED

Definitions:

PER: Preliminary Engineering Report or 35% Plans and Specifications

DTR: Draft Technical Review or 65% Plans and Specifications

FTR: Final Technical Review or 95% Plans and Specifications

ATR: Agency Technical Review



Oxbow Area Public Meeting, January 8, 2013



HALSTAD UPSTREAM RETENTION (HUR) PROJECT

CURRENT HMS SITE IDENTIFICATION (SUB-WATERSHED MODELING)

TASK	CONTRACTOR	FUNDING	TIMELINE	STATUS
		NDJRDB RRWMB Buffalo-Red		
HMS Model Site Identification				
ND - Elm	Moore Eng. (MEI)	\$ 50,000		Complete
ND - Rush	Moore Eng.	\$ 50,000		Complete
ND - Maple	Moore Eng.	\$ 50,000		Complete
ND - Lower Sheyenne	Moore Eng.	\$ 50,000		
ND - Wild Rice	Moore Eng.	\$ 50,000		
MN - Bois de Sioux	Widseth Smith Nolting Eng. (WSN)	\$ 40,000	May	
MN - Buffalo-Red	Houston Eng. (HEI)	\$ 20,000	May	
MN - Wild Rice	Houston Eng.	\$ 70,000	May	
SD Portion of Bois de Sioux	Houston Eng.		?	
Totals		\$ 380,000		

HALSTAD UPSTREAM MODELING (SITE IMPACTS)

TASK	CONTRACTOR	FM - DBA	FM- DBA FUNDING REQUESTS	TIMELINE	STATUS
			(unless completed earlier)	COMPLETION	
HMS - Sub-Watershed		\$ 140,000			
Snow Melt Progression	HEI	\$ 53,000	February	February	Underway
ND Modeling Standardization	MEI	\$ 45,000	March	March	Underway
Buffalo-Red WD Site Identification	HEI	\$ 22,000	June	May	Underway
South Dakota - Site Identification	WSN	\$ 20,000	June	May	
Existing Conditions Modeling		\$ 40,000	June	June	
Using Synthetic Model					Complete
All Sites & 20% Red Sites					
25/50/100 Rainfall for Each		\$ 15,000	June	June	
100 Year Spring Runoff for Each		\$ 15,000	June	June	
Pilot - on Recent Sites		\$ 10,000	June	June	

Relation to Diversion Operation		\$ 105,000	July			
HMS Model Adjustments	HEI, MEI, WSN	\$ 75,000	July			July
Site Combinations (E/M/L)						
Site Combinations (Hydrograph)						
HEC-RAS Modeling of Scenarios	HEI/MEI	\$ 30,000	July			July
Revision FM Diversion Operations		\$ 105,000	July			July
HMS Model Adjustments	HEI, MEI, WSN	\$ 75,000	July			July
Site Combinations (E/M/L)						
Site Combinations (Hydrograph)						
HEC-RAS Modeling of Scenarios	HEI/MEI	\$ 30,000	July			July
Comparative Flood Analysis		\$ 10,000	July			July
Impacts relative to '97, '09, etc.						
LTFS Linkages/Updates		\$ 25,000	End of Project			August
Update LTFS with HUR Mod Info			July			July
Change - Update all Tech Data			August			August
Change - Update Report			August			August
Change - Update Recommendations			August			August
Outreach		\$ 25,000	Feb, Apr, June & End of Project			August
MN WD& ND WRD						Underway
Buy-In & Site Preparations						
Other LGU's						Underway
State/Federal - Agencies/Elected						Underway
Prioritization		\$ 25,000	Feb, Apr, June & End of Project			August
Regional						
Mainstem						
Wahpeton/Breckenridge, Hickson, Halstad						
Local						
Project Management		\$ 25,000	Feb, Apr, June & End of Project			August
Governance, & Technical Committees						Underway
HUR-LTFS Committee						Underway
Contracts, Report, PR, etc.						Underway
		\$ 500,000			\$ 380,000	

Feb. 12 Legislative Social Recap



Attendees:

From Cass County: Commissioner Pawluk, Keith, Mike, Jason
From Fargo: Mayor Walaker; Commissioners Wimmer, Sobolik, Mahoney;
Pat, April, and Mark
From Oxbow: Mayor Nyhoff

House: 22 Representatives
Senate: 13 Senators

Summary:

There were 35 identified legislators who came through the doors of the social in the Capitol.

A lot of lengthy conversations were had about a number of the questions that have been circulating about the project.

Some of the topics discussed: Retention as a solution, crop insurance issues, acres of farmland out of protection, storage area issues, home buyouts and problems attaining federal funding.

There was unanimous support of money for flood protection for Fargo, but some did not want the money to go to a diversion project, especially one that includes a staging area.

The event had competition from two other events at the same time off site of the Capitol.

Moving Forward:

The sum of the conversations and questions asked are still being compiled. Follow ups will be made where necessary.

One of the main items heard was that there needs to be more of an effort to show that this is a Cass County project.

Rest of Feb-focus needs to be on Approps. Subcommittee and then House members as they vote.

After crossover on March 1st, the focus will have to be honed into the committee members on the Senate side and the hearing on the bill.