

FLOOD DIVERSION BOARD OF AUTHORITY
Thursday, March 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 (Brett Coleman)
 - c. Status of Authority Work Directives and Task Orders (Bruce Spiller)
 - d. Approve new Authority Work Directives and Task Orders (Bruce Spiller) Item 4d.
5. Committee updates Information/action
 - a. Retention update from Red River Basin Commission (Lance Yohe)
 - b. Land Management Committee (Dennis Walaker)
 - Hardship property status update
 - Agricultural Policy Subcommittee report
 - Oxbow area levee progress report (Tom O'Hara) Item 5b.
 - c. Public Outreach Committee (Rodger Olson)
 - Committee report Item 5c.
 - Senate hearing/legislative update
 - d. Finance Committee (Michael Montplaisir)
 - Committee report
6. Voucher approval Item 6. Action
7. Other Business
8. Next Meeting - April 25, 2013
9. Adjournment

cc: Local Media

**FLOOD DIVERSION BOARD OF AUTHORITY
FEBRUARY 14, 2013—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, February 14, 2013, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Ken Pawluk; West Fargo City Commissioner Mike Thorstad; Fargo Mayor Dennis Walaker; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Brad Wimmer; Cass County Joint Water Resource District Manager Rodger Olson; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Nancy Otto. Also present was ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District.

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

2. MINUTES APPROVED

MOTION, passed

Mr. Walaker moved and Mr. Campbell seconded to approve minutes from the January 10, 2013, meeting as written. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Pawluk moved and Mr. Thorstad seconded to approve the order of the agenda as presented. Motion carried.

4. PROGRAM MANAGEMENT FIRM UPDATE

Program manager consultant monthly report

Tom O'Hara provided an update on activities over the last month including meetings with the North Dakota and Minnesota legislative bodies; continued work on upstream levee supporting analysis and in-town flow models; meeting with the local design and local consultant technical team; and coordination with the Minnesota DNR on the scoping document for the Minnesota EIS (environmental impact statement).

Corps of Engineers status update

Brett Coleman said Corps of Engineers staff continues to work on the National Environmental Policy Act (NEPA) process to address project modifications; provided comments to project sponsors regarding bridge designs; participated in public meetings with Oxbow/Hickson/Bakke residents last month; and attended a North Dakota legislative open house earlier this week to discuss the project.

Mr. Coleman said surveys were distributed to Oxbow/Hickson/Bakke residents at the public meetings last month, and he discussed the results. He said 70% of Oxbow residents who responded support a levee while 75% of Bakke residents prefer a buyout.

Mr. Mahoney suggested staff ask Hickson and Bakke residents for a list of conditions similar to what was requested of Oxbow regarding the levee concept. Mr. O'Hara said a meeting was held with MaryJane Nipstad, Pleasant Township board member, and she will act as a liaison to bring back comments and concerns from the township to the Diversion Board.

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 amended Task Order No. 9 for hydrology and hydraulic modeling (\$93,000); amended Task Order No. 10 for utilities design and identification from I-94 to the staging area (\$194,000); new Task Order No. 14 for transportation and local drainage master plans for the southern section of the diversion channel (\$605,000); and new AWD-00024 for initial survey and geotechnical data for design of the Oxbow/Hickson/Bakke upstream staging area ring levee (\$100,000).

Mr. Pawluk said he is unsure about the advantage of approving Task Order No. 14 and AWD-00024 today. He questioned whether approval of the two items could wait for a few months. There was discussion about residents living south of the project and how both will help to answer many questions regarding utilities, transportation and drainage plans associated with the project.

MOTION, passed

Mr. Mahoney moved and Mr. Wimmer seconded to approve three Task Orders with Houston Moore Group totaling \$892,000 and one Authority Work Directive with Houston Moore Group totaling \$100,000. Discussion: Mr. Pawluk said some funding decisions are pending with the North Dakota legislature, and he doesn't see any disadvantages to wait on the two items he previously discussed. Mr. Campbell verified with staff that the costs today are within the \$29 million budget for this year. Mr. Mahoney said it is important to stay on task and based on the recommendations of the technical committee, move forward in order to answer questions of the residents. On roll call vote, the motion carried with Mr. Vanyo, Mr. Thorstad, Mr. Walaker, Mr. Mahoney, Mr. Wimmer, Mr. Olson, Mr. Campbell and Ms. Otto voting "Yes"; and Mr. Pawluk voting "No".

5. 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 on the retention study. He discussed the Halstad Upstream Retention (HUR) project, and the tasks associated with upstream modeling and site impacts.

Mr. Vanyo discussed the timeline and said the goal is to complete the study by August. He said the board approved \$500,000 toward the study, and suggested any costs from the Red River Basin Commission be submitted as an invoice to the board.

Land Management Committee

Mr. Walaker said the Land Management Committee met earlier this afternoon, and discussed the following topics:

Hardship properties status

Eric Dodds from AE2S said the Diversion Authority owns two hardship properties in Oxbow, and one is rented and the other is available to rent. He said since the last board meeting, an additional hardship request was received from an Oxbow resident. The Hardship Buyout Committee met yesterday and determined the request met the hardship criteria, and approved to move forward with an appraisal on the property. Also, earlier today the Land Management Committee approved the request.

MOTION, passed

Mr. Mahoney moved and Mr. Walaker seconded to approve the additional hardship property request and to move forward with the appraisal process. Motion carried.

Agricultural Impact Mitigation Plan

Mr. Dodds reviewed the draft agricultural impact mitigation plan, which addresses flowage easements and crop insurance. The easement will provide the legal ability to inundate property as part of the operation of the project, and the Corps of Engineers process will be followed when determining values on easements. Federal crop insurance will apply if a crop can be planted before the established late planting dates. He said under the plan, the Diversion Authority will contract with an independent insurance provider to administer the coverage and damage adjustment process.

CapX2020 letter

Mr. Dodds said a letter has been drafted to Xcel Energy to inform them about the change in the southern alignment channel by one mile to the north as well as the ring levee concept for the Oxbow/Hickson/Bakke area as it relates to the final alignment and construction of the CapX2020 power line.

MOTION, passed

Mr. Campbell moved and Ms. Otto seconded to authorize the chairman to sign a letter to Xcel Energy informing them of a change in the southern alignment and ring levee concept associated with the diversion project as it relates to the CapX2020 power line construction and alignment. Motion carried.

Oxbow/Hickson/Bakke area levee progress report

Mr. O'Hara said the Oxbow City Council passed a resolution in support of the ring levee concept. The city council also formed a steering committee to oversee development of the Memorandum of Understanding (MOU) with the Diversion Authority, and to keep residents informed.

Mr. O'Hara said 47 surveys from Bakke residents were received with the majority of the responses indicating they do not support the project or the levee. Some of the residents expressed interest in a buyout. He said because of the support from Oxbow residents and lack of support from Bakke residents, technical staff believes it is necessary to consider construction of a levee around Oxbow and Hickson, or only around Oxbow.

Mr. O'Hara said the Corps of Engineers will continue with their internal review of the full Oxbow/Hickson/Bakke levee as the recommended alternative during the environmental assessment (EA) process. The Corps will also include the Oxbow/Hickson levee as an alternate plan. He said staff will work with residents of Hickson and Bakke over the next two months to provide information and gather comments.

Mr. O'Hara said levee alternatives will be presented at the April board meeting, and the board will be asked to provide a final recommendation to the Corps of Engineers.

MOTION, passed

Mr. Walaker moved and Mr. Pawluk seconded to support the Corps of Engineers continuing to move forward with the Federal Environmental Assessment (EA) including the Oxbow/Hickson/Bakke area levee and for the board to provide the Corps with its final recommendation at the April board meeting after receiving additional input from affected residents. Motion carried.

Public Outreach Committee

Mr. Olson said the Public Outreach Committee met on February 13th, and the main topic of discussion was on different ways to get the message out to the public about the project. He referred to the handout titled "Who Benefits from the Diversion?" which includes facts about the project that is very informative. He said AE2S will draft a plan outlining different ways to inform the public about the diversion to ensure accurate information is being disseminated.

Craig Whitney, President and CEO of the Chamber of Commerce, was present. He said the chamber has formed a task force consisting of 35 business members to support the Diversion Board and other elected officials regarding the project and permanent flood protection for the area.

Mr. O'Hara said recently an open house was held with North Dakota legislators and a breakfast was held with Minnesota legislators to discuss and answer any questions regarding the project.

6. VOUCHERS, Approved

Michael Montplaisir, Cass County Auditor, said the board was provided with a list of bills in the amount of \$74,482.25. However, part of the legal services invoice was already paid, and an additional deposit to the property management firm is needed, so the bills for the month of February amount to \$61,904.75

MOTION, passed

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

7. NEXT MEETING DATE

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

8. ADJOURNMENT

MOTION, passed

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



Contract and Authority Work Directive Summary

Date: March 14, 2013

Contract Summary

Description

URS – Master Services Agreement (MSA)

New Contract for Professional Services

AWD Summary

Amount (\$)

HMG - AWD-00025 – Maple River Aqueduct Flow Analysis

15,000

URS – AWD-00026 – Cultural Resources Investigations

25,000

Total of AWD's

\$ 40,000

CONTRACT SUMMARY

URS Corporation:

Master Services Agreement

Agreement between Owner and Engineer for Professional Service, Task Order Edition

This Master Services Agreement (MSA) replaces an existing City of Fargo Contract with URS for cultural resource investigations – anticipated services include assessment of Project area for cultural resources. Task Orders will be issued authorizing specific scopes and fees.

The MSA contains three areas of highlighted text are still being negotiated with URS (primarily liability and insurance issues.) It is recommended that the Diversion Authority approve this MSA subject to final negotiation and review by legal staff.

AWD SUMMARY

Houston-Moore Group, LLC:

AWD-00025

\$ 15,000

Maple River Aqueduct Flow Analysis

Description:

Initiate modeling of Maple River flow through the Maple River Aqueduct, evaluate impacts in the Risk Reduction Area, and establish Maple River Aqueduct design flow rates for the 100-year (1%) and 500-year (0.2%) flood events, and recommend a flow rate for the Standard Project Flood (SPF) event.

Background:

The Diversion Authority Board has previously entered into Task Order No. 9 with Houston-Moore Group (HMG) to provide work-in-kind engineering services for Hydrology and Hydraulic Modeling. Physical and numerical modeling of the Maple River Aqueduct is underway by a USACE contractor and specific design flow rates through the aqueduct are needed to maintain their project scheduled. In order to maintain schedule, this Authority Work Directive is being issued to authorize modeling to determine these design flow rates and maintain project schedule.

This work is creditable as (Work-In-Kind).

Recommendation:

The PMC recommends that the Authority authorize \$15,000 for HMG to initiate modeling of the Maple River Aqueduct Flow and that this \$15,000 be credited against the \$29,900 remaining in the On Call Budget in Task Order No. 9.

URS Corporation:

AWD-00026

\$ 25,000

Cultural Resources Investigations

Description:

Continue the cultural resources investigation of the Diversion Channel that was started in prior years.

Background:

URS has performed Phase 1 cultural resources investigations along most of the Diversion Channel under a City of Fargo Contract. This AWD will be incorporated into a new Task Order under the new URS Master Services Agreement. Approximately 75 acres remain from the 2012 season in Reaches 1, 4, and 5.

This work is creditable as (Work-In-Kind).

Recommendation:

The PMC recommends that the Authority authorize \$25,000 for URS to continue cultural resource investigations.



AUTHORITY WORK DIRECTIVE

AWD-00025 REV-0

Maple River Aqueduct Flow Analysis

TO:	<u>Houston-Moore Group, LLC</u>	WORK TYPE:	<u>WIK</u>
PROJECT:	<u>Fargo-Moorhead Diversion Engineering Design</u>	DATE INITIATED:	<u>3/14/2013</u>
OWNER:	<u>Fargo-Moorhead Metro Diversion Authority</u>	PROJECT NO.:	<u>Choose an item.</u>

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

OBJECTIVE:

Provide modeling of Maple River flow across the Maple River Aqueduct and establish Maple River design flow rates across the Maple River Aqueduct for the 100-year (1%) and 500-year (0.2%) flood events, and recommend a flow rate for the Standard Project Flood (SPF) event.

BACKGROUND:

The Diversion Authority Board has previously entered into Task Order No. 9 with Houston-Moore Group (HMG) to provide work-in-kind engineering services for Hydrology and Hydraulic Modeling. Physical and numerical modeling of the Maple River Aqueduct is underway by a USACE contractor and specific Maple River design flow rates across the aqueduct are needed to maintain the project schedule. In order to maintain schedule, this Authority Work Directive is being issued to authorize modeling to determine requested design flow rates.

SCOPE:

1. Conduct modeling of Maple River flows across the proposed Maple River Aqueduct and into the Risk Reduction Area.
 - a. Use the latest HEC-RAS model for the FMMFRM Project and the best available topographic data.
 - b. The study area is the area within the Risk Reduction Area that is affected by the flow coming across the Maple River Aqueduct.
 - c. Account for coincident flows on the Sheyenne River and other local drains and ditches.
 - d. Select Maple River design flows such that insurable structures in the Risk Reduction Area, and within the expected future 1% Maple River floodplain, are not affected by the Maple River design flows and the coincident flows on the Sheyenne River and other local drains and ditches in the Risk Reduction Area.
2. Establish Maple River design flows across the Maple River Aqueduct for the 1% and 0.2% flood events.
3. Recommend a maximum Maple River flow across the Maple River Aqueduct for the SPF event.

DELIVERABLES:

1. Draft HEC-RAS models, depth grids, and flooded outline polygons used to develop draft design flow values.
2. Draft Technical Memorandum documenting how the design flow rates were determined.

3. Final unsteady HEC-RAS input and output files.
4. Final Technical Memorandum.

SCHEDULE:

Begin upon receipt of AWD. The above scope of work will be incorporated into Task Order No. 9 - Hydrology and Hydraulic Modeling, 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 \$15,000. 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. 9 - Hydrology and Hydraulic Modeling.

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



AUTHORITY WORK DIRECTIVE

AWD-00026 REV-0

Cultural Resources Investigations

TO:	URS Corporation	WORK TYPE:	WIK
PROJECT:	Fargo-Moorhead Diversion Engineering Design	DATE INITIATED:	3/14/2013
OWNER:	Fargo-Moorhead Metro Diversion Authority	PROJECT NO.:	Choose an item.

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

OBJECTIVE:

Initiate the 2013 cultural resources field investigations for the Diversion Project.

BACKGROUND:

URS has performed Phase 1 cultural resources investigations along portions of the Diversion Channel in previous field seasons under a City of Fargo, ND contract. Cultural resources investigations are needed in 2013 in order to complete the work. This AWD will be incorporated into a new task order under the new URS Master Services Agreement.

SCOPE:

Initiate 2013 Phase 1 cultural resources investigations on approximately 75 acres that remain from the 2012 season in Reaches 1, 4, and 5. Conduct all field investigations under the standards and care delineated in the current URS agreement with the City of Fargo.

DELIVERABLES:

- 1. Field notes—one copy
- 2. Field report(s)—letter report

SCHEDULE:

Begin upon receipt of AWD. The above scope of work will be incorporated into Task Order No. 1, 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 \$25,000. This limit will not be exceeded without further written approval. The above scope of work will be incorporated into future Task Order No. 1, which will supersede this AWD. Costs associated with this AWD will be invoiced under Future Task Order No. 1.

REASON FOR CHANGE(S):

To assign the contract for this work from the City of Fargo, ND to the Diversion Authority.

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

Hardship Acquisition Program Update

March 2013

- Eight original hardship applications were received in June 2012.
- Three of the original applications were approved for acquisition.
- Two properties in Oxbow have been acquired.
 - 744 Riverbend Road
 - 105 Oxbow Drive
- A property management firm has been retained to administer renting of these properties.
 - 744 Riverbend Road was rented beginning February 15
 - 105 Oxbow Drive is being marketed
- The owners of 121 Oxbow Drive (hardship acquisition #3) requested a second appraisal, which was completed in February 2013. The second appraisal is almost 50 percent higher than the first. HMG has hired a third appraiser to conduct a technical review of the two appraisals, and advise the PMC. That review should be completed in late March, after which a recommendation will be made to the Early Acquisition Sub-Committee.
- A ninth application was recently submitted for another property in Oxbow (346 Schnell Drive). The Hardship Review Committee met on February 13 and recommended to the Land Management Committee that it be acquired as a hardship. The Land Management Committee approved this recommendation at its February meeting.
- The PMC has authorized conducting an appraisal of 346 Schnell Drive. The appraisal should be complete in early April.



Item 5b.

FM AREA DIVERSION PROJECT

Oxbow/Hickson/Bakke Area Levee Progress Report

Date: 3/14/2013

BOARD UPDATE/ PROGRESS REPORT

Since the February Board Meeting:

- The Corps is proceeding with the full Oxbow/Hickson/Bakke alignment in their Environmental Assessment (EA) documentation pending any additional feedback from the Board in April.
- The Authorities technical team developed alternative alignments that would exclude Bakke and/or Hickson from the protected area.
- Information about the alternate alignments was shared with the Pleasant Township supervisors with an offer to conduct additional one-on-one meetings with impacted residents to explain the different options.
- Pleasant Township supervisors met and re-affirmed their opposition to both the proposed project and specifically to the proposed Oxbow/Hickson/Bakke levee.
- Planning proceeds for the follow-up one-on-one residents' meetings during the first week of April. Invitations will be sent to all Bakke, Hickson and impacted rural residential land owners within the Staging Area.
- Oxbow City Council Levee Steering Committee met and continued to work on the development of the MOU between the City and the Diversion Authority on the Oxbow components of the proposed levee.
- Mayor Nyhof met with Representative Carlson and testified in support of the levee concept at the ND State Senate Appropriations committee hearing.

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 Diversion Authority staff will continue to try to engage Pleasant Township and Bakke/Hickson residents to provide information on all alternatives and to solicit additional input prior to the April Board.
- The Diversion Authority staff (with Real Estate staff augmentation from the Corps) will conduct additional one-on-one residents meetings for Bakke, Hickson and impacted rural residential land owners within the Staging Area.
- 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 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

Date

Public Outreach Committee Report

For Diversion Authority – March 14, 2013

Item 5c.

- Legislative Session Support/Strategic Outreach: Early in our efforts, we committed ourselves to adjusting our Outreach and Communications Plan as needed. As such, in the last month, we created and implemented a 2-Week/2-Month/2-Year strategic communications plan.
 1. 2-Week Plan (already implemented)
 - a. Target Audience: Legislators as they consider funding in HB1020
 - b. Facilitated communication between Diversion Authority members and locally elected officials and legislators
 - c. Produced various information binders containing exhaustive facts about the Diversion Project and supplied them to various groups, including local business leaders
 - d. Developed “talking points” containing project facts and a summary of priorities to facilitate a consistent message
 - e. Supplied project facts to several people who submitted Letters to the Editor to local newspapers which addressed the need for funding for flood protection without restriction
 - f. Featured stories on fresh support from the business community on FMDiversion.com and in our “Diversion Dialogue” e-newsletter
 2. 2-Month Plan
 - a. Target Audience: Legislators, business community and general public
 - b. Continue 1 on 1 meetings with residents in impacted areas to listen to concerns and find ways to mitigate impacts
 - c. Intensify local business outreach in coordination with The Fargo Moorhead West Fargo Chamber of Commerce and the Greater Fargo Moorhead Economic Development Corporation
 - d. Highlight stories from businesses and/or individuals facing flood concerns
 - e. Issue press releases and/or hold press conferences when needed
 - f. Continue producing various information binders containing exhaustive facts about the Diversion Project
 - g. Continue supplying project facts to people who submit Letters to the Editor
 3. 2-Year Plan
 - a. Target Audience: Public and Congressional Delegation
 - b. Continue efforts from the 2-Month Plan where appropriate
 - c. Meet with Congressional Delegation and staff to address concerns and work towards Authorization
- Chamber’s Business Leaders Flood Task Force: We assisted The Chamber in the formation of the Business Leaders Task Force for Permanent Flood Protection. We are supplying key project facts to the Task Force.
- Responses to False Information: We assisted the Corps of Engineers in drafting Responses to False Information on the Diversion Project. This document was prepared in response to a request from the public.

- Oxbow/Hickson/Bakke Levee Outreach: We are planning:
 1. Follow-up one-on-one meetings with residents of Hickson and Bakke to discuss levee options
 2. One-on-one meetings with rural residents in the Staging Area to sense whether they are interested in being relocated within the protected area
- FMDiversion.com: Individual letters and maps sent to members of the Richland Wilkin JPA, which include clarifying information on potential impacts when the Diversion is in operation, were posted on the website.
- E-Newsletter Update: The next edition of the Diversion Dialogue E-Newsletter is set to be distributed on Tuesday, March 19. It is currently scheduled to include the following articles, in addition to others which may be developed:
 1. Diversion Project Update: The latest key developments on the Project will be summarized.
 2. Responses to False Information: This article will summarize the most common pieces of false information that has been shared publically regarding the Diversion Project, along with the correct information regarding each item.
 3. Agriculture Update: This article will summarize some of the items being handled currently by the Agricultural Policy Subcommittee.
 4. USACE Update: The USACE will provide an update on their activities related to the project.

**FM Diversion Authority
Fiscal Accountability Report Design Phase (Fund 790)
As of 2/28/2013**

	2011	2012	2013	Cumulative Totals
Revenues				
City of Fargo	443,138	7,630,181	243,366	8,316,685
Cass County	443,138	7,630,181	243,366	8,316,685
City of Moorhead / Clay County	98,475	1,695,595	54,081	1,848,151
State Water Commission (10% Cap)	-	-	-	-
Total Revenues	984,750	16,955,957	540,814	18,481,521

Expenditures				
7905 Army Corp Payments	-	-	-	-
7910 WIK - Administration	107,301	331,321	13,093	451,715
7915 WIK - Project Design	149,632	5,366,147	11,152	5,526,931
7920 WIK - Project Management	679,037	7,223,650	487,831	8,390,518
7925 WIK - Recreation	-	163,223	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	27,591	3,919,874
7931 LERRDS - Minnesota	-	27,996	1,148	29,144
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	16,955,957	540,814	18,481,521

FM Diversion Authority
Summary of Cash Disbursements
Period 14, 2012 - Additional 2012 Expenses

Date: 2/28/2013

Period/Year: 14/2012

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-25	2/20/2013	236883	DORSEY & WHITNEY LLP	20,559.60	THRU 12/31/12	V00101	Dorsey Whitney Legal WIK
Total Legal Services				\$20,559.60			
790-7915-429.33-05	2/27/2013	237130	HOUSTON-MOORE GROUP LLC	246,718.79	12/1-12/31/12	V01603	CR-81 & I29 BRIDGE DESIGN
	2/27/2013	237130	HOUSTON-MOORE GROUP LLC	1,013.00	12/1-12/31/12	V01605	POST FEASIBILITY ANALYSIS
	2/27/2013	237130	HOUSTON-MOORE GROUP LLC	6,061.65	12/1-12/31/12	V01607	RECREATION/USE MASTER PLN
	2/27/2013	237130	HOUSTON-MOORE GROUP LLC	5,187.22	12/1-12/31/12	V01608	WORK-IN-KIND (WIK)
	2/27/2013	237130	HOUSTON-MOORE GROUP LLC	15,472.90	12/1-12/31/12	V01609	HYDROLOGY/HYDRAULIC MODEL
	2/27/2013	237130	HOUSTON-MOORE GROUP LLC	65,222.82	12/1-12/31/12	V01613	LEVEE DESIGN & SUPPORT
Total Engineering Services				\$339,676.38			
790-7920-429.33-05	2/27/2013	237130	HOUSTON-MOORE GROUP LLC	69,632.00	12/1-12/31/12	V01601	HMG - PROJECT MANAGEMENT
Total Engineering Services				\$69,632.00			
790-7920-429.33-79	2/6/2013	236389	CH2M HILL ENGINEERS INC	455.28	THRU 12/28/12	V00202	CH2M Hill 3/12-9/30/12
	2/6/2013	236389	CH2M HILL ENGINEERS INC	417,342.97	THRU 12/28/12	V00203	CH2M HILL - 10/1-6/30/13
Total Project Management				\$417,798.25			
790-7930-429.33-05	2/27/2013	237130	HOUSTON-MOORE GROUP LLC	55,231.57	12/1-12/31/12	V01602	CR-31 BRIDGE DESIGN
	2/27/2013	237130	HOUSTON-MOORE GROUP LLC	41,105.63	12/1-12/31/12	V01604	CR-32 & CR-22 BRIDGE DSGN
	2/27/2013	237130	HOUSTON-MOORE GROUP LLC	45,707.00	12/1-12/31/12	V01604	CR-32 & CR-22 BRIDGE DSGN
	2/27/2013	237130	HOUSTON-MOORE GROUP LLC	71,169.05	12/1-12/31/12	V01606	LAND MANAGEMENT SERVICES
	2/27/2013	237130	HOUSTON-MOORE GROUP LLC	2,112.00	12/1-12/31/12	V01610	UTILITIES DESIGN
Total Engineering Services				\$215,325.25			
Total Disbursed for Period				\$1,062,991.48			

FM Diversion Authority
Summary of Cash Disbursements
Period February 2013

Date: 2/28/2013

Period/Year: 02/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-20	2/27/2013	JB02130012	CITY OF FARGO	260.00	FISCAL SERVICES	V00102	General & Admin. WIK
Total Accounting Services				260.00			
790-7910-429.33-25	2/20/2013	236895	ERIK R JOHNSON & ASSOCIATES	7,606.58	METRO FLOOD PROJECT	V00102	General & Admin. WIK
Total Legal Services				7,606.58			
790-7910-429.38-99	2/6/2013	236410	FEDERAL EXPRESS CORPORATION	71.89	SHIPPING CHARGES	V00102	General & Admin. WIK
Total Other Services				71.89			
790-7910-429.52-30	2/27/2013	237220	WARNER & CO	4,975.00	RENEWAL GENERAL LIABILITY	V00102	General & Admin. WIK
Total General Liability				4,975.00			
790-7915-429.33-05	2/27/2013	237214	URS CORPORATION	11,151.64	THRU 1/11/13	V01002	NW Alignment Survey-URS
Total Engineering Services				11,151.64			
790-7920-429.33-79	2/27/2013	237096	CH2M HILL ENGINEERS INC	487,830.56	10/1-12/31/12 CONTRACT	V00203	CH2M HILL - 10/1-6/30/13
Total Project Management				487,830.56			
790-7930-429.33-05	2/20/2013	236867	CASS COUNTY JOINT WATER RESOURCE DI	21,633.37	FM METRO FEASIBILITY STUD	V01201	Cass Joint Water ROE
Total Engineering Services				21,633.37			
790-7930-429.33-25	2/20/2013	236867	CASS COUNTY JOINT WATER RESOURCE DI	1,087.00	FM METRO FEASIBILITY STUD	V01201	Cass Joint Water ROE
Total Legal Services				1,087.00			

FM Diversion Authority
Summary of Cash Disbursements
Period February 2013

Date: 2/28/2013

Period/Year: 02/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7930-429.33-91	2/20/2013	236874	COLDWELL BANKER	2,600.00	IMPROVEMENTS/REPAIRS	V02001	PROPERTY MANAGEMENT
Total Property Management				2,600.00			
790-7930-429.34-65	2/20/2013	236867	CASS COUNTY JOINT WATER RESOURCE DI	540.46	FM METRO FEASIBILITY STUD	V01201	Cass Joint Water ROE
Total Right of Entry Requests				540.46			
790-7930-429.61-50	2/20/2013	236867	CASS COUNTY JOINT WATER RESOURCE DI	229.74	FM METRO FEASIBILITY STUD	V01201	Cass Joint Water ROE
Total Postage				229.74			
790-7930-429.71-31	2/20/2013	236867	CASS COUNTY JOINT WATER RESOURCE DI	1,500.00	FM METRO FEASIBILITY STUD	V01201	Cass Joint Water ROE
Total Easements				1,500.00			
790-7931-429.34-65	2/20/2013	236966	OHNSTAD TWICHELL PC	1,148.00	RIGHT OF ENTRY/LAND ACQUI	V01301	City of Moorhead ROE
Total Right of Entry Requests				1,148.00			
Total Disbursed for Period \$ 540,634.24							

**FM Diversion Authority
Outstanding Contracts
As of February 28, 2013**

Date: 2/28/2013

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	-
V00101	790-7910-429.33-25	160364	9367	2/20/2013	DORSEY & WHITNEY LLP	20,559.60	20,559.60	-
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	-

**FM Diversion Authority
Outstanding Contracts
As of February 28, 2013**

Date: 2/28/2013

Project	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
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	-
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	-
V00102	790-7910-429.38-99	159926	12961	2/5/2013	FEDERAL EXPRESS CORPORATION	71.89	71.89	-
V00102	790-7910-429.33-25	160367	16872	2/20/2013	ERIK R JOHNSON & ASSOCIATES	7,606.58	7,606.58	-
V00102	790-7910-429.52-30	160461	1772	2/25/2013	WARNER & CO	4,975.00	4,975.00	-
V00102	790-7910-429.33-20	AJ	COF	2/27/2013	CITY OF FARGO	260.00	260.00	-
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	3,422,306.58	77,693.42
V00203	790-7920-429.33-79	154940	20663	9/17/2012	CH2M HILL ENGINEERS INC	5,000,000.00	2,218,316.83	2,781,683.17
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	-

**FM Diversion Authority
Outstanding Contracts
As of February 28, 2013**

Date: 2/28/2013

Project	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
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	396,960.81	83,527.61
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	-
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	-
V01201	790-7930-429.61-50	160369	19734	2/20/2013	CASS COUNTY JOINT WATER RESOUR	24,990.57	24,990.57	-
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	-
V01301	790-7931-429.34-65	160365	1286	2/20/2013	OHNSTAD TWICHELL PC	1,148.00	1,148.00	-

**FM Diversion Authority
Outstanding Contracts
As of February 28, 2013**

Date: 2/28/2013

Project	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
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	835,605.94	1,237,069.06
V01602	790-7930-429.33-05	151233	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	871,000.00	648,201.15	222,798.85
V01603	790-7915-429.33-05	151234	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	2,333,300.00	2,163,121.50	170,178.50
V01604	790-7930-429.33-05	151235	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	1,421,000.00	1,213,149.96	207,850.04
V01605	790-7915-429.33-05	151236	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	905,000.00	843,380.45	61,619.55
V01606	790-7930-429.33-05	151237	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	538,103.00	303,635.07	234,467.93
V01607	790-7915-429.33-05	152022	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	240,000.00	104,468.24	135,531.76
V01608	790-7915-429.33-05	152023	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	727,330.00	460,829.94	266,500.06
V01609	790-7915-429.33-05	152024	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	437,341.00	147,325.13	290,015.87
V01610	790-7930-429.33-05	152025	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	288,000.00	34,404.40	253,595.60
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	83,840.58	491,159.42
V01614	790-7915-429.33-05		21007	2/28/2013	HOUSTON-MOORE GROUP LLC	605,000.00	-	491,159.42
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	F13677	11046	11/26/2012	RED RIVER TITLE SERVICES INC	250.00	250.00	-
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	157470	20529	11/26/2012	KENNELLY & OKEEFFE	342,601.87	342,601.87	-
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	-
V02001	790-7930-429.33-91	160366	10078	2/20/2013	COLDWELL BANKER	2,600.00	2,600.00	-
V02101	790-7930-429.33-05	157607	12775	11/29/2012	RED RIVER BASIN COMMISSION	500,000.00	-	500,000.00
						27,895,620.55	18,481,521.71	9,300,258.26



MINNEAPOLIS OFFICE
612-340-2600

(Tax Identification No. 41-0223337)

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

Fargo-Moorhead Flood Diversion Bd of Authority
c/o Erik R. Johnson & Associates, Ltd.
Attn: Erik Johnson
505 Broadway, Suite 206
Fargo, ND 58102

February 20, 2013
Invoice No. 1855520

RECEIVED
BY _____ DATE 2-22-13

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

For Legal Services Rendered Through January 31, 2013

INVOICE TOTAL

Total For Current Legal Fees \$10,435.50

Total For Current Disbursements and Service Charges \$7.00

Total For Current Invoice **\$10,442.50**

Summary of Account

*Prior Balance Due \$20,559.60

Total Amount Due \$31,002.10

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

790-7910-429-33-25
PJ = V00101

J Kent

For your convenience, please remit payment to the address below or we offer the option of remitting payment electronically by wire transfer. If you have any questions regarding this information, please contact the lawyer you are working with on this project or Dorsey's Accounts Receivable Department at 1-800-861-0760. Thank you.

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

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

ABA Routing Number: 091000022
Account Number: 1602-3010-8500
Swift Code: USBKUS44IMT

Please make reference to the invoice number

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

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

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

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

Invoice

Date	2/25/2013
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Description	Qty	Rate	Amount
Legal Services Rendered for Metro Flood Project			
Erik Johnson -- Jan 26 thru Feb 25, 2013 -- detail attached	16.1	191.25	3,079.13
Nancy Morris -- Jan 26 thru Feb 25, 2013 -- detail attached	10.2	165.75	1,690.65
<p><i>790-7910-479-33-25</i></p> <p><i>PJ = V00102</i></p> <p><i>"February legal services"</i></p>			
<i>We appreciate your business.</i>	TOTAL:		\$4,769.78

February 25, 2013

Client: City of Fargo
Job: Metro Flood

Atty	DATE	DESCRIPTION	TIME
E	2/8/2013	Conference call w/ Cash Aaland; attend administrative meeting and discuss Richland/Wilkin group w/ Pat; email w/ Cash	2.2
E	2/11/2013	Research legal issues re: Oxbow matters - annexation & eminent domain	0.9
E	2/11/2013	Court house mtg prep for legislature open house	1.1
E	2/12/2013	Research legal issue for Rockey Schneider; prepare for open house; email legislators; trvel to bismarck and attend conference/open house at Capitol with legislators	8
E	2/14/2013	Attend land management meeting and Diversion Authority meeting	3.9
Total Time			16.10
Hourly Rate			191.25
Total Fees - ERJ			3079.13
N	1/31/2013	Draft attachment to Management Contract; correspond w/ Eric Dodds re: terms	0.6
N	2/4/2013	Review correspondence re: litigation & status	0.3
N	2/5/2013	Review Hardship Buyout Application	0.4
N	2/6/2013	Review agenda materials and communications	0.4
N	2/8/2013	Administrative Advisory Meeting	1.6
N	2/12/2013	Research re: value and eminent domain; oc/w Erik	0.5
N	2/12/2013	Correspondence re: construction contract terms and examples	0.8
N	2/13/2013	Review Hardship Policy; review application; attend Hardship committee meeting	1.6
N	2/20/2013	Review contract; correspond w/ Bruce Spiller	0.3
N	2/20/2013	Review design contract	1
N	2/22/2013	Review design agreement	0.4
N	2/22/2013	Administrative Advisory Meeting	2
N	2/25/2013	Meet w/ Erik re: Design contract & Admin meeting update	0.3
Total Time			10.20
Hourly Rate			165.75
Total Fees - NJM			1690.65

**FM Diversion Authority
Sales Tax Revenue Projections
3/1/2013**

Rate	0.5	0.5		1.0
Term	20 years	20 years		
Years	2009-2028	2011-2031		
Purpose	City (Flood Control)	Cass County (Diversion)	Annual Totals	
2012 Base	\$ 11.4	14.8	\$ 26.2	
2013	11.9	15.4	27.2	
2014	12.3	16.0	28.3	
2015	12.8	16.6	29.5	
2016	13.3	17.3	30.7	141.9
2017	13.9	18.0	31.9	
2018	14.4	18.7	33.2	
2019	15.0	19.5	34.5	
2020	15.6	20.3	35.9	
2021	16.2	21.1	37.3	172.7
2022	16.9	21.9	38.8	
2023	17.5	22.8	40.3	
2024	18.3	23.7	41.9	
2025	19.0	24.6	43.6	
2026	19.7	25.6	45.4	210.1
2027	20.5	26.7	47.2	
2028	21.4	27.7	49.1	
2029	22.2	28.8	51.0	
2030	0.0	30.0	30.0	
2031	0.0	7.5	7.5	184.8
2032	0.0	-	-	-
Future Collections	\$ 292.4	\$ 417.0	\$ 709.4	

Growth Factor 104%

Cass = April 1, 2011 through 3/31/2031

City = January 1, 2010 through 12/31/2029



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

Monthly Update

March 14, 2013

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

1. Reach 1: Evaluating ATR/Sponsor and IEPR comments received.
2. Reach 2: Preparing FTR submittal for ATR/Sponsor review on March 22.
3. Reaches 4 and 5: Preparing DTR submittal for ATR/Sponsor review on March 22.
4. Mitigation: Drayton Dam - Preparing FTR submittal for ATR/Sponsor review on March 18.
5. Continuing National Environmental Policy Act (NEPA) process to address project modifications.
6. Sequestration began on March 1. Impact to project is uncertain at this time.
7. Update on non-structural study was provided to the sponsors.
8. Corps met with North Dakota Senate Appropriations Committee on March 8.



Space for constructing the Maple River Aqueduct physical



Base for the Maple River Aqueduct physical model

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	Completed	29-Mar-13	3-Sep-13	3-Sep-13	2-Apr-13
Submit final P&S for BCOE	Ongoing	13-May-13	11-Oct-13	11-Oct-13	PAUSED
P&S completed	July 2013	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

As part of the Red River of the North Rural Nonstructural Flood Risk Management Feasibility Study the Corps has been investigating nonstructural flood risk management measures for rural individual farmsteads and structures along the main stem of the Red River and Bois de Sioux River. Results of the nonstructural assessments have resulted in a positive benefit cost ratio. The study area has been broken into three study reaches with three different levels of information and detail. Figure 1 shows the three study reaches and the flood outlines that were used to determine the extents of the study area. The non-federal sponsors for the study are the Minnesota Red River Watershed Management Board and the North Dakota Red River Joint Water Resource District. The project, once implemented would be voluntary and cost shared between the Corps, the non-federal sponsors and the landowner.

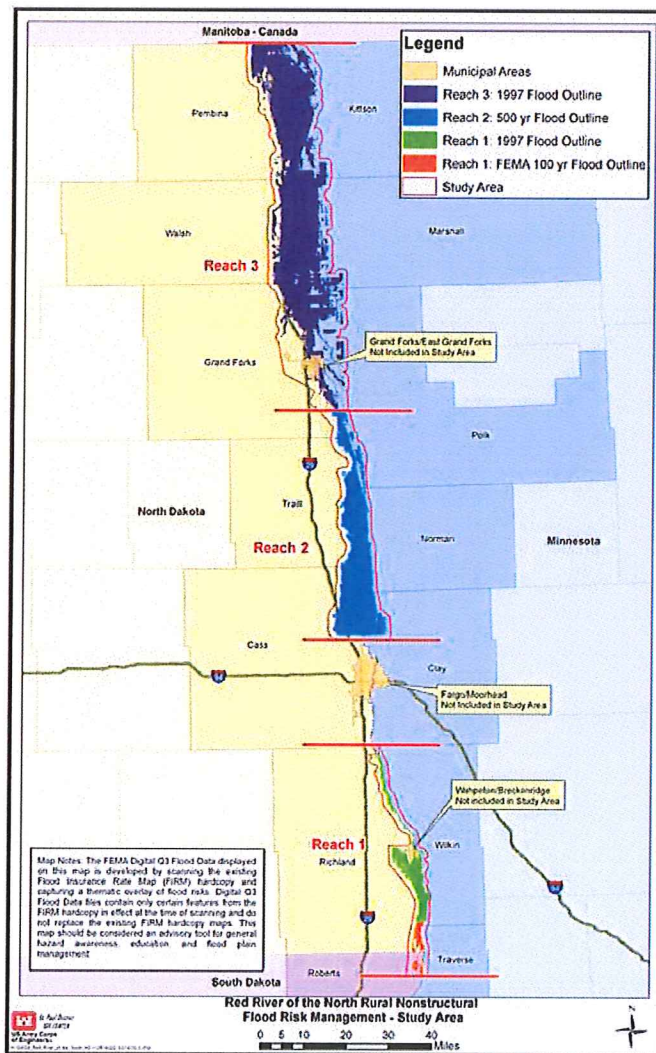


Figure 1 Red River of the North Study Area



The highest level of detail was completed for Reach 2 of the study area which is the portion of the river downstream of the Fargo-Moorhead metro and extends to the southern limits of Grand Forks-East Grand Forks. This nonstructural assessment was completed as part of the Fargo-Moorhead Metro Feasibility Study. The results of the assessment indicate that there are 308 structures, or 28% of all structures, within the reach that are economically justified for implementation of nonstructural flood risk management measures. The benefit-cost ratio for this reach is 1.75 for feasible structures. Table 1 provides the economic summary of justified structures within Reach 2. The majority of the structures with a positive economic benefit would be eligible for nonstructural berms. The average cost for a nonstructural berm in Reach 2 is \$43,700. The cost to implement all 308 justified structures for Reach 2 is \$2,439,000.

Table 1 Reach 2 Economic Summary for 100-Year Flood Plain

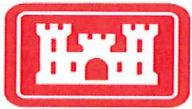
Economic Unit	100-Year Estimated Annual Cost (\$)	100-year Estimated Annual Benefit (\$)	Benefit to Cost Ratio
Reach 2	110,700	193,400	1.75

Reach 3 of the study area underwent a medium level of detail, with a sample of structures undergoing a nonstructural assessment. Reach 3 extends from approximately Grand Forks-East Grand Forks to the U.S.-Canadian border. The sample included 184 structures, approximately 3.4% of the total structures in the Reach 3 study area. Of the 184 structures in the sample, 86 were found to be economically justified, which is approximately 47% of the structures being justified. 11 nonstructural berms and 2 raises to existing berms were determined to be the justified measures for the 86 structures. The average cost for a nonstructural berm in Reach 3 is \$42,000. Table 2 provides the economic summary for the sample of Reach 3. The net benefits for the Reach 3 sample are \$21,400. The total cost to implement the 11 berms and 2 berm raises for the sample structures is approximately \$546,000.

Table 2 Reach 3 Sample Economic Summary for 100-Year Flood Event

Economic Unit	100-Year Estimated Annual Cost (\$)	100-year Estimated Annual Benefit (\$)	Benefit to Cost Ratio
Reach 3 Sample	24,300	45,700	1.88

Using the results from the sample, it can be assumed that 47% of the total structures in Reach 3 would be economically justified. The benefit-cost ratio is assumed to be the same as the sample, 1.88. In Reach 3 there are a total of 9,076 structures and it is assumed that 3,206 structures would be economically justified. It is also assumed that nonstructural berms would be the primary justified nonstructural measure. Once again, using information from the sample, the total cost would be approximately \$20,682,000.



US Army Corps of Engineers
BUILDING STRONG

Red River Nonstructural Study update – March 2013

The Reach with the lowest level of analysis is Reach 1, the outlet of Lake Traverse and extending north to the southern extend of the limits of the Fargo-Moorhead Metro Project. Within Reach 1 there are approximately 670 structures. Information and results from Reach 2 have been used to assess the potential for nonstructural measures in Reach 1. The study team determined that the river and flooding characteristics were most similar and the Reach 2 results should be used for Reach 1 to determine the percent of justified structures and costs for nonstructural measures. The information in Table 3 provides a summary of what is anticipated for Reach 1.

Table 3 Reach 1 Summary for 100-Year Flood Plain

Economic Unit	Total Structures	Percent Justified	Justified Structures	Total Cost
Reach 1	670	28%	187	\$1,480,000

Based on the three levels of detail and assessment of the study area, it is assumed that approximately 3,755 structures would be justified for nonstructural flood risk management measures. The cost to construct the measures is estimated to be \$24,600,000. Table 4 provides information on each reach.

Table 4 Nonstructural Assessment Results - Summarized

	Total Structures	Percent justified	Justified Structures	Total Cost
Reach 1	670	28%	187	\$1,480,000
Reach 2	1,145	28%	308	\$2,439,000
Reach 3 Sample	184	47%	86	\$546,000
Reach 3	6,975	47%	3,260	\$20,682,000
Total			3,755**	\$24,601,000**

** Does not include Reach 3 Sample

The study team is currently evaluating other costs associated with implementation and administration of the project. It is anticipated that the feasibility study will be released for public review and comment in late spring 2013. Questions related to the study can be directed to the Study Manager, Katie Opsahl at 651-290-5259 or Katie.m.opsahl@usace.army.mil.

Montplaisir, Michael

From: Kim Nichols <knichols@fmrealestate.com>
Sent: Thursday, March 14, 2013 1:35 PM
To: 'Eric Dodds'; Dirk.Draper@CH2M.com; Montplaisir, Michael
Cc: 'Mark Wagner'; rfairchild@fmrealestate.com
Subject: Request for more funds
Attachments: scan.pdf

Hello Eric, Dirk, and Michael:

We have paid the bills that were here to be paid and we have a balance of \$185.63 between the 2 accounts. I am attaching a list of income and expenses for both properties from the 1st of the year. The Oxbow 744 house has a positive balance of \$2,070.67. The Oxbow 105 house has a negative balance of \$1,885.04. (\$2,070.67-\$1,885.04=\$185.63). We will be collecting rent of \$1,350 from the tenants at 105 in April. However, they have called with a couple more repair items (garage door opener and faucet leaking). Considering these unpaid maintenance expenses plus utilities and snow removal expenses for 744, the account may remain depleted.

Could we please receive another \$1,000 from the FM Area Diversion Authority to maintain a positive balance in the accounts?

I have let the client that is interested in 744 Riverbend Rd know that a 9 month lease is possible. I am waiting to hear back from them.

Respectfully,
Kim Nichols
Property Supervisor
COLDWELL BANKER
701-239-2642
www.fmrealestate.com

From: hpcopier@fmrealestate.com [mailto:hpcopier@fmrealestate.com]
Sent: Wednesday, March 13, 2013 2:09 PM
To: knichols@fmrealestate.com
Subject: Scan From HP 400

Owner Statement
 OXBOW HOUSE 105 - (ox105)
 Months: Jan 2013 - Mar 2013
 Account: 1110 - Checking Account

Date	Reference	Code	Payee/Payer	Remarks	Income	Expense	Balance
				Beginning Balance			0.00
01/16/13	16318	ox105	TRISTATE INSPECTION	HOUSE INSPECTION			
01/23/13	13211772	ox105	NESS	PAYLEASE		320.00	-320.00
01/24/13	16338	ox105	CASS COUNTY ELECTRIC COOP		1,570.00		1,250.00
02/08/13	16369	ox105	ELIZABETH HOGUE	CLEAN		485.35	764.65
02/12/13	16422	ox105	MENARDS			240.00	524.65
02/14/13	16423	ox105	LOGAN NYHOF	12/28 SNOW REMOVAL 744/105		440.37	84.28
02/14/13	16424	ox105	LOGAN NYHOF	1/12, 14 & 29 SNOW REMOVAL		25.00	59.28
02/18/13	16427	ox105	BREMER BANK	TRANS TD		75.00	-15.72
02/18/13	16428	ox105	1ST REALTY	AF CAROL NESS		1,560.00	-1,565.72
02/18/13	16430	ox105	HIRSHFIELD'S, INC	PAINT/STAIN		20.00	-1,585.72
02/18/13	16431	ox105	KORDAN CLEANING	EMPTY HOUSE FOR DISPOSAL		70.45	-1,656.17
02/18/13	16433	ox105	TRETTER'S MAINTENANCE	SHWR DOOR/ADJ DOORS/LOCK		60.00	-1,716.17
02/18/13	16433	ox105	TRETTER'S MAINTENANCE	FAN/LIGHT/SUMP PUMP/DETEC		360.00	-2,076.17
02/20/13	1265	ox105	NESS	C NESS		140.00	-2,216.17
02/25/13	13914152	ox105	NESS	C NESS	626.78		-1,589.39
02/27/13	236874	ox105	CITY OF FARGO	C NESS	1,350.00		-239.39
02/27/13	16455	ox105	CASS COUNTY ELECTRIC COOP	OWNER CONT	2,600.00		2,360.61
03/08/13	16466	ox105	ED'S PAINTING	PAINT/REMOVE WALLPAPER		794.74	1,565.87
03/08/13	16477	ox105	RED RIVER CARPET CLEANING	CLEAN CARPETS		1,290.00	275.87
03/11/13	16482	ox105	A-1 SERVICES OF FARGO-MHD,	JUNK REMOVAL		314.50	-38.63
03/11/13	16483	ox105	COLDWELL BANKER FIRST REA	MANAGEMENT		250.00	-288.63
03/11/13	16484	ox105	FERRELLGAS	ACCT #95868051		177.91	-466.54
03/11/13	16484	ox105	FERRELLGAS	ACCT #95868051 PROPANE		24.49	-491.03
03/11/13	16485	ox105	FIRST REALTY INC	CAROL NESS/JOHN RICE LEASE		144.04	-635.07
03/11/13	16486	ox105	HIRSHFIELD'S, INC	PAINT		675.00	-1,310.07
03/11/13	16486	ox105	HIRSHFIELD'S, INC	PAINT		35.28	-1,345.35
03/11/13	16486	ox105	HIRSHFIELD'S, INC	PAINT/TAPE		35.43	-1,380.78
03/11/13	16487	ox105	LANEY'S INC	SERVICE/ADJ AIR FEED NUT		114.26	-1,495.04
03/12/13	16527	ox105	JERRY PETERSON	ROOF SNOW REMOVAL		140.00	-1,635.04
						250.00	-1,885.04
					6,146.78	8,031.82	
				Security Deposits	1,550.00		
				Reserves Defined	0.00		

Owner Statement
OXBOW 744 HOUSE - (ox744)
Months: Jan 2013 - Mar 2013
Account: 1110 - Checking Account

Date	Reference	Code	Payee/Payer	Remarks	Income	Expense	Balance
				Beginning Balance			1,000.00
12/20/12	234522	ox744	CITY OF FARGO	OWNER CONT	8,000.00		9,000.00
01/04/13	16255	ox744	CASS COUNTY ELECTRIC COOP			30.00	8,970.00
01/09/13	16261	ox744	ED'S PAINTING	PAINT		525.00	8,445.00
01/09/13	16262	ox744	ELIZABETH HOGUE	CLEAN		200.00	8,245.00
01/09/13	16266	ox744	HIRSHFIELD'S. INC	PAINT		18.25	8,226.75
01/09/13	16266	ox744	HIRSHFIELD'S. INC	PAINT		76.07	8,150.68
01/09/13	16266	ox744	HIRSHFIELD'S. INC	PAINT		25.33	8,125.35
01/09/13	16272	ox744	LOCKSHOP INC	1 SINGLE SIDED KEY		2.40	8,122.95
01/09/13	16275	ox744	RIGELS INC	WHIRLPOOL FRIDGE/RANGE/MI		3,987.36	4,135.59
01/09/13	16275	ox744	RIGELS INC	INSTALL DISHWASTER/MICRWA		229.95	3,905.64
01/09/13	16278	ox744	TRETTER'S MAINTENANCE	DOORS/BULBS/FAUCET/VALAN		540.00	3,365.64
01/09/13	16279	ox744	TRISTATE INSPECTION	INSPECTION		320.00	3,045.64
01/14/13	16315	ox744	MENARDS			206.35	2,839.29
02/08/13	16365	ox744	BERNIES WATER CONDITIONIN	SOFTNER SALT/REPAIRS		254.67	2,584.62
02/08/13	16372	ox744	FIRST REALTY INC	WEB		5.00	2,579.62
02/08/13	16383	ox744	RED RIVER CARPET CLEANING	CLEAN CARPETS		280.00	2,299.62
02/12/13	16422	ox744	MENARDS			25.20	2,274.42
02/14/13	16423	ox744	LOGAN NYHOF	12/28 SNOW REMOVAL 744/105		25.00	2,249.42
02/14/13	16424	ox744	LOGAN NYHOF	1/12, 14 & 29 SNOW REMOVAL		50.00	2,199.42
03/08/13	16467	ox744	FIRST REALTY INC	FORUM/HQ/WEB/MILEAGE		128.75	2,070.67
					8,000.00	6,929.33	
				Security Deposits	0.00		
				Reserves Defined	0.00		