

FLOOD DIVERSION BOARD OF AUTHORITY
Thursday, June 13, 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 (Aaron Snyder)
 - c. Status of Authority Work Directives and Task Orders (Bruce Spiller)
 - d. FY14 program decisions timeline (Tom O'Hara) Item 4d.
5. Washington D.C. trip report (Darrell Vanyo/Dennis Walaker) Information
6. Committee updates Information/action
 - a. Retention update from Red River Basin Commission (Lance Yohe)
 - b. Land Management Committee (Dennis Walaker)
 - Committee report
 - Oxbow levee Memorandum of Understanding Item 6b.
 - c. Public Outreach Committee (Rodger Olson)
 - Committee report
 - d. Finance Committee (Kent Costin)
 - Committee report
 - FY13 Authority \$29 million budget update
 - CH2M Hill task order extension Item 6d.
7. Voucher approval Item 7. Action
8. Other Business
9. Next Meeting – July 11, 2013
10. Adjournment

cc: Local Media

**FLOOD DIVERSION BOARD OF AUTHORITY
MAY 9, 2013—3:30 PM**

Item 2.

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, May 9, 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 Mark Brodshaug; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Brenda Elmer. Also present was ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District.

Staff members and others present: Cass County Administrator Keith Berndt; 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; Aaron Snyder, Branch Chief for Project Management & Development, Corps of Engineers; Brett Coleman, Project Manager, Corps of Engineers; and Terry Williams, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Campbell moved and Mr. Walaker seconded to approve minutes from the March 14, 2013, 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. SUMMARY OF 2013 FLOOD FIGHT

Rocky Schneider, diversion consultant, said 8,346 people volunteered to help with the flood efforts, logging 43,239 hours of time.

City and county staff reported on the 2013 flood efforts and associated costs. Mr. Berndt said Cass County spent around \$900,000; Ms. Walker said Fargo has spent \$2.5 million so far and removal of clay levees and sandbags will be completed in the next few days; Mr. Zimmerman did not have a cost estimate for Moorhead, but said four properties were sandbagged, and no clay levees were needed; Mr. Berg said Clay County spent \$50,000.

5. NORTH DAKOTA LEGISLATIVE SESSION UPDATE

Mr. Schneider provided an update on HB1020, which was signed into law on May 2nd. The legislation includes State Water Commission funding for projects throughout the entire state, including \$100 million for Fargo flood control projects for the biennium beginning July 1, 2013, through June 30, 2015.

The law also outlines four requirements that must be met before funds may be spent on the diversion project: federal authorization; execution of a project partnership agreement; federal appropriation for project construction; and approval by the State Water Commission for a diversion budget.

Mr. Mahoney thanked Mr. Vanyo for his efforts during the legislative session. Mr. Vanyo thanked staff, business leaders, agencies, legislators, and elected officials for their assistance.

6. **PROGRAM MANAGEMENT FIRM UPDATE**

Program manager consultant monthly report

Tom O'Hara provided an update on activities over the last month including Oxbow/Hickson/Bakke levee alignment outreach; on-going technical and design activities; participation in the Minnesota EIS public scoping meeting held on May 8th; and work with hardship acquisitions on a third property, and negotiations on a fourth property.

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 support at landowner meetings on April 10-12; and worked on an amendment to the design agreement, originally approved on September 12, 2011, to allow non-federal sponsors to accelerate funds to the Corps, and to add the Diversion Authority as a non-federal sponsor.

Mr. Coleman discussed the NEPA timeline and said today, the board will submit its preference regarding either buyouts or construction of a ring levee in the Oxbow/Hickson/Bakke area. The Environmental Assessment (EA) document will be released in June with a 30-day comment period.

Mr. Coleman discussed federal funding for the project, and said \$5 million is included in the President's budget for 2014. He said the Water Resources Development Act (WRDA) is on the Senate floor this week, and includes 27 projects that meet the criteria for funding. He said the Fargo-Moorhead Metro diversion is one of the top four projects and includes \$810 million allocated for the project.

Task Orders and Authority Work Directives

Bruce Spiller discussed Task Orders (TO) and Authority Work Directives (AWD) for consideration by the board.

MOTION, passed

Mr. Mahoney moved and Ms. Elmer seconded to approve Task Order No. 9, Amendment 5 for Hydrology and Hydraulic Modeling with HMG in the amount of \$100,000. Motion carried.

MOTION, passed

Mr. Mahoney moved and Mr. Thorstad seconded to approve Task Order No. 1 for Cultural Resources Investigations with URS in the amount of \$495,000. Motion carried.

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to approve AWD-00029 for Phasing Plan Interim Modeling with HMG in the amount of \$90,000. Motion carried.

MOTION, passed

Mr. Campbell moved and Mr. Mahoney seconded to approve AWD-00030 for Minnesota EIS Scoping Document Comment Support with HMG in the amount of \$15,000. Motion carried.

MOTION, passed

Mr. Mahoney moved and Mr. Wimmer seconded to approve AWD-00031 for In-Town Levee Utility Relocations with HMG in the amount of \$50,000. Motion carried.

MOTION, passed

Mr. Campbell moved and Mr. Mahoney seconded to approve a reimbursement to the City of Fargo in the amount of \$46,920 for the cost to install stage gages to collect river level data. Motion carried.

Mr. Spiller also reviewed the status of existing Task Orders and Authority Work Directives with the board.

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 on the retention study. He discussed the Halstad Upstream Retention (HUR) project, and said the snow melt progression grid, sub-watershed retention/detention site identification, and synthetic model runoff variations have been completed.

Land Management Committee

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

Oxbow/Hickson/Bakke area levee alignment

Mr. Berndt discussed the Oxbow/Hickson/Bakke area levee alignment, which will provide 500-year protection to 196 properties at a cost of \$65 million while maintaining the tax base of the Kindred Public School District. Also, this will provide residents with some certainty about their homes sooner than the other alignment options, and will protect the church, community center, and other businesses in Oxbow and Hickson.

Mr. Berndt said other options include an Oxbow only levee that would protect 106 properties at a cost of \$90 million, and an Oxbow/Hickson levee that would protect 139 properties at a cost of \$85 million. A buyout of all properties would cost \$74 million.

Mr. Vanyo said the board is faced with making a decision to protect the entire area or destroy part or all of the area through buyouts. The full alignment option keeps residents in the Kindred School District, and the state of limbo will be remedied because residents will know what to expect in the future. The ring dike is an important part of the process to protect the communities and put the needs of the residents first.

MOTION, passed

Mr. Pawluk moved and Mr. Thorstad seconded to select the full Oxbow/Hickson/Bakke alignment as the recommended alignment for the Oxbow Area Levee with the recommendation to be forwarded to the Corps of Engineers for inclusion in the upcoming Environmental Assessment (EA) documentation. Discussion: Mr. Mahoney asked if the concerns of the Hickson and Bakke residents will be addressed. Mr. Coleman said there will be a comment period after the draft EA is released. The motion today is to allow this to be submitted as the preference for the EA document. Mr. Campbell supports the motion and asks that the same consideration is given to Comstock and Wolverton on the Minnesota side when the levee concept moves forward in those areas. On roll call vote, the motion carried unanimously.

Purchase agreement for hardship property

Eric Dodds from AE2S said an agreement has been reached for a third hardship property in Oxbow. The Finance Committee and Land Management Committee both approved the purchase.

MOTION, passed

Mr. Walaker moved and Mr. Mahoney seconded to approve the agreement to purchase a residential property determined to be in compliance with the conditions of the Hardship Policy adopted by the Hardship Review Committee for the purchase contract of not less than \$350,000 based on the “completed” appraisal, plus \$6,000 to compensate for relocation expenses for a total not less than \$356,000; and authorize the Fargo Finance Director or Cass County Auditor to execute the closing papers. Discussion: Mr. Pawluk asked why the Flood Diversion Board paid for a third appraisal since there were issues with the individual who completed the second appraisal. Mr. Dodds said the appraiser did not follow the yellow book standards required by the Corps, and this type of situation will not be an issue again. Mr. Dodds said the process to acquire this property has been long negotiated, and feels it is in the best interest of the board to move forward with the purchase. On roll call vote, the motion carried unanimously.

Public Outreach Committee

Mr. Campbell said the Public Outreach Committee met on May 8th, and discussed the inclusion of additional lots within the ring levee to offer to impacted residents as a relocation option.

Mr. Dodds said the committee has been busy with outreach activities. He said 57 individual landowner meetings were held last month with residents in the staging area. The intention is to meet with Minnesota residents this summer regarding the Comstock area ring levee. Also, a draft outreach plan has been developed for the biennium to help address how information will be distributed to the public. Some feedback has been received on the plan, which the committee has incorporated into the document.

Finance Committee

Michael Montplaisir, Cass County Auditor, said the Finance Committee met on May 8th. He said \$19.5 million has been spent since 2011. The committee reviewed the FY2013 program budget status, and \$13.7 million of the \$29 million is remaining for the year. The committee also discussed work projects over the next two years and possible financing options.

The Diversion Project Assessment Committee (DPAC) continues to meet to study the special assessment option to fund local costs for North Dakota with the goal to use the sales tax to pay for any assessments.

Corps of Engineers supplemental funding

Mr. O'Hara said technical reviews for the expanded in-town levees and Oxbow/Hickson/Bakke levee designs were not included in the 2013 work plan of the St. Paul District Army Corps of Engineers and were not funded for this fiscal year. The reviews will cost approximately \$350,000 and are critical to retain the components within the federal program. The cost was included in the \$29 million budget of the Diversion Authority for 2013.

MOTION, passed

Mr. Mahoney moved and Mr. Thorstad seconded to approve \$350,000 in funding to the St. Paul District Army Corps of Engineers for technical reviews required to complete the in-town levees and the Oxbow/Hickson/Bakke levee designs. On roll call vote, the motion carried unanimously.

8. VOUCHERS, Approved***MOTION, passed***

Mr. Mahoney moved and Mr. Pawluk seconded to approve the vouchers for March and April, 2013. On roll call vote, the motion carried unanimously.

9. NEXT MEETING DATE

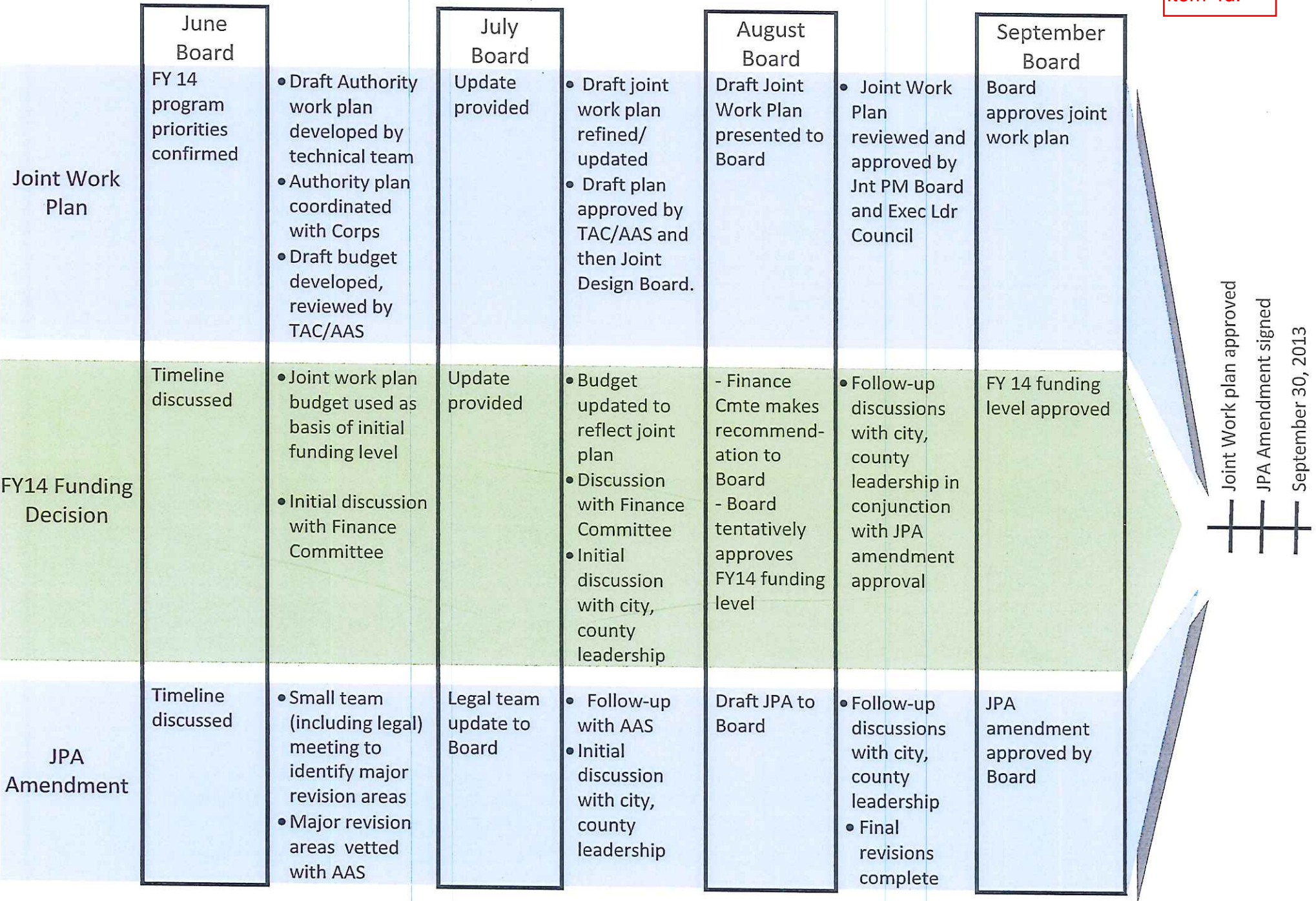
The next meeting will be held on Thursday, June 13, 2013, at 3:30 PM.

10. ADJOURNMENT***MOTION, passed***

On motion by Mr. Mahoney, seconded by Mr. Walaker, and all voting in favor, the meeting was adjourned at 5:04 PM.

Path to FY 14 Program Decisions

Item 4d.





Oxbow Memorandum of Understanding (MOU)

DECISION PAPER NO.: DP-00029

Date: 6/13/2013

RECOMMENDATION FOR BOARD ACTION:

Approve the attach Memorandum of Understanding between the City of Oxbow and the Diversion Authority subject to approval by the Oxbow city council. If changes are recommended to this MOU, a revised version will be brought back to the next Diversion Authority Board meeting for final approval.

SUMMARY OF DECISION TOPIC:

At the January 2013 Board meeting, the Board adopted the concepts outlined in a draft Memorandum of Understand (MOU) between the Authority and the City Of Oxbow (Decision Paper 22). The MOU is in response to the City of Oxbow's requested conditions for support of the Oxbow Area Levee construction. The Board further directed the Authority staff to continue negotiations with the City of Oxbow and directed that the final MOU be presented back to the Board for approval .

The attached MOU is that MOU that is being presented for approval.

REVIEWS AND RECOMMENDATIONS

This MOU has been developed joint by the Diversion and Oxbow legal teams and has been reviewed and recommended for approval by the Admin Advisory Staff, the Finance Committee and the Land Management Committee.

Submitted by:

Handwritten signature of Thomas E. O'Hara

Thomas E. O'Hara
CH2M HILL
Program Manager
Fargo-Moorhead Area Diversion Project

Handwritten date: June 10, 2013

Date

Brian C. Berg, Clay County Administrator

Concur: June 10, 2013 Non-Concur: _____

Michael J. Redlinger, Moorhead City Manager

Concur: _____ Non-Concur: _____

Keith Berndt, Cass County Administrator

Concur: June 10, 2013 Non-Concur: _____

Pat Zavoral, Fargo City Administrator

Concur: _____ Non-Concur: _____

Erik Johnson, Attorney for City of Fargo

Concur: June 10, 2013 Non-Concur: _____

Brian Neugebauer, Attorney for Moorhead

Concur: June 10, 2013 Non-Concur: _____

Mark Bittner, Fargo Director of Engineering

Concur: _____ Non-Concur: _____

April Walker, Fargo City Engineer

Concur: June 10, 2013 Non-Concur: _____

David Overbo, Clay County Engineer

Concur: _____ Non-Concur: _____

Robert Zimmerman, Moorhead City Engineer

Concur: June 10, 2013 Non-Concur: _____

MEMORANDUM OF UNDERSTANDING

**CITY OF OXBOW, NORTH DAKOTA AND METRO FLOOD
DIVERSION BOARD OF AUTHORITY**

This Memorandum of Understanding is made effective as of the ____ day of _____, 2013, by and between the **METRO FLOOD DIVERSION BOARD OF AUTHORITY**, a joint powers entity established by the 2011 limited joint powers agreement between Clay County, Minnesota, Moorhead, Minnesota, Cass County, North Dakota, Fargo, North Dakota, Cass County Joint Water Resource District and the Buffalo-Red River Watershed District [hereinafter referred to as the "Diversion Authority"], the **CITY OF OXBOW, a North Dakota municipal corporation** [hereinafter referred to as the "City" or the "City of Oxbow"].

RECITALS:

WHEREAS, property within the City of Oxbow and other property has been identified as being impacted by the periodic staging of water upstream of the physical structure of the project known as the Fargo-Moorhead Metropolitan Area Flood Risk Management Project [hereinafter referred to as the "Metro Flood Project"] to the point where it has been determined that mitigation of the impact should be addressed; and

WHEREAS, the U.S. Army Corps of Engineers [hereinafter the "Corps"], which is the federal sponsor of the Metro Flood Project, is developing an alternative proposal by which a levee [hereinafter referred to as the "O-H-B Levee"] would be constructed to reduce the risk of flooding for many of the parcels located within the City of Oxbow and for the community of Hickson and the Bakke Subdivision; and

WHEREAS, the current preliminary routing of the proposed O-H-B Levee would require that approximately 42 homes lying within the City of Oxbow be acquired and either moved or destroyed and would require the acquisition of other unimproved lands to accommodate construction of the levee; and

WHEREAS, the City of Oxbow has requested that, as part of the project, the land within the city that is being acquired and used for construction of the levee be replaced by other land within the area protected by the levee that can be subdivided into residential, and other, lots

(referred to herein as “Replacement Lots”) so that loss of population and tax base to the city may be minimized; and,

WHEREAS, the City of Oxbow has requested that the proposed levee project include installation of public infrastructure (i.e. sanitary sewer, storm sewer, water, streets, curb and gutter and street lighting) at a level equivalent to existing development within the City of Oxbow to service the Replacement Lots the cost of such infrastructure to be borne by the Diversion Authority, that the Replacement Lots be of equivalent size as the lots being replaced, that three additional lots be provided for replacement of equipment and amenities to replace the Oxbow City Park, that the public infrastructure installed also include drainage/retention and pump stations appropriate for such Replacement Lots and that all of this be completed within thirty-six (36) months from the date the Corps approves the O-H-B Levee project; and

WHEREAS, the Diversion Authority has requested that in addition to the Replacement Lots to be located within the area protected by the O-H-B Levee the City of Oxbow accommodate at least 38 additional lots that would be available to property owners in the current upstream staging area whose properties may need to be purchased as a requirement for the Diversion Project and who may wish to relocate within the area protected by the O-H-B Levee (for purposes of this MOU, said additional lots will be referred to as “Staging-area Replacement Lots”); and,

WHEREAS, construction of the proposed levee also will cross through the existing golf course of the Oxbow Golf and Country Club (a North Dakota nonprofit corporation) which would:

1. require the destruction of golf holes;
2. require the destruction or removal of the clubhouse and related facilities;
3. leave certain holes (presumably the existing holes 1 through 6 and 18) on the existing golf course unprotected by the O-H-B Levee;
4. cause other remaining golf holes to need some level of modification as a result of the O-H-B Levee project; and,
5. to the extent said “unprotected” golf course land is not needed for the location or footprint of the O-H-B Levee that the Diversion Authority allow the City of Oxbow to purchase or lease said surplus land for a purpose to be determined later;
6. that the replacement of the club house facility including the practice area, pool, and parking lots be based on the current square footage at a one to one ratio;

and the City of Oxbow has requested that the Diversion Authority supply the funds for such requirements and that such arrangements be made so that the same may be completed within 36 months from the date the Corps approves the project; and

WHEREAS, the Corps, which is the federal sponsor of the Metro Flood Project, has indicated that, subject to the Corps' formal approval process, it will study and approve the O-H-B Levee alternative as part of the Metro Flood Project and, if it is approved, will participate in the design of the O-H-B Levee but the Corps has asked that the non-federal sponsors to approve the O-H-B Levee alternative and the non-federal sponsors (speaking through the Diversion Authority) have, in turn, asked the Oxbow City Council to approve the same; and

WHEREAS, the City of Oxbow has requested that, as part of the O-H-B Levee project, the construction cost associated with the appointment of an independent project manager or consulting firm to represent the City of Oxbow until the completion of the said project will be borne in full by the Diversion Authority; and,

WHEREAS, the City of Oxbow is willing to take responsibility for purchase and development of the replacement lands, annexation of such lands, platting and zoning thereof, and sale of such land; and,

WHEREAS, the Diversion Authority and the City of Oxbow have agreed to a mutual understanding as to the proposed O-B-H Levee, which they wish to put into a written memorandum;

NOW, THEREFORE, IT IS AGREED:

1.1. City of Oxbow—approval of O-H-B Levee alternative. Subject to the terms hereof, the City Council of the City of Oxbow agrees to and supports the construction of a flood protection levee as is being proposed by the U.S. Army Corps of Engineers. The parties recognize that the current proposal being considered is a preliminary route and design and that the Corps, with input from non-federal sponsors and others, will approve the route and design; but the parties agree to coordinate with each other to identify a suitable route and design and, in turn, the Diversion Authority will work with the Corps regarding obtaining the Corps' approval.

1.2 Diversion Authority – Obligations Binding on Successors. The representations, covenants, obligations and duties of the Diversion Authority contained herein shall not only be binding upon the Diversion Authority but also shall be binding upon its successors and assigns as well as the various entities which have entered into the Metro Flood Diversion Limited Joint Powers

Agreement and the undersigned member-entities of the Metro Flood Diversion Authority Limited Joint Powers Agreement do hereby agree to the terms hereof .

2. DIVERSION AUTHORITY RESPONSIBILITIES. The Diversion Authority, in cooperation with the Corps agrees:

2.1. Acquisition of Property. The land, homes, buildings and other improvements needed for the levee to be built will be identified along with any needed permanent and temporary easements for construction. The Corps, the Diversion Authority, or both, will be responsible for the acquisition of such property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and N.D.C.C. Chapter 54-01.1 and any other applicable law, rule or regulation. All costs for acquisition, relocation and any other expenses related thereto shall be borne by parties other than the City of Oxbow. The Diversion Authority agrees to indemnify and hold harmless the City of Oxbow for any costs, expenses, fees or charges of any kind related thereto. The Diversion Authority may delegate the task of acquisition to one or more of its member entities such as the County of Cass or the Cass County Joint Water Resource District.

2.2. The Diversion Authority shall be responsible for the actual design and construction of the O-H-B Levee, with involvement and assistance by the Corps as may be determined appropriate by the Corps with the intention that construction be complete within 36 months from the date of the approval of such construction by the Corps. At a minimum, the O-H-B levee shall include necessary design features to provide adequate flood protection, interior drainage protection, external drainage protection, external drainage and shall include any necessary modifications to utility services.

2.3 Funding for Acquisition of Replacement Lots. The Diversion Authority shall provide funds to the City of Oxbow for acquisition of real property necessary for development of Replacement Lots, Staging-area Replacement Lots, public infrastructure and public amenities. The Diversion Authority will also either purchase directly or provide funds to the City of Oxbow for the purchase of real property necessary or convenient for reconstruction and/or relocation of the Oxbow Golf & Country Club. Said funds will be provided in the form of a loan, secured by the replacement land being purchased by the City of Oxbow, with said loan to be repaid on a pro-rata basis as said replacement land is, in turn, platted and sold off as lots or, as to a portion of such replacement land, portions are sold to the Diversion Authority to be utilized for the O-H-B Levee or related facilities or to the Oxbow Golf & Country Club for use by the club for replacement golf holes, a replacement clubhouse and parking lot facility or related facilities of the club. Further, it is recognized that certain portions or parcels of land

purchased by the City of Oxbow will, in turn, be transferred and conveyed to the Diversion Authority for use for the O-H-B Levee, itself, or for other such facilities or amenities such as pumping stations, retention and detention ponds, et cetera, and to that extent the fund provided by the Diversion Authority will not be a loan to the City of Oxbow but rather will be an advance of funds to purchase land ultimately to be placed into title in the Diversion Authority. The loan will be repaid on an annual basis based on the number of replacement lots sold each year; with the remaining amount being paid in full, with accrued interest, by the City of Oxbow by the end of the term of the loan. Thus, the loan transaction and the process for repayment of such loan, shall occur as follows:

2.3.1 The City of Oxbow will enter into one or more purchase agreements for the purchase of said replacement real property. The City of Oxbow may establish one or more separate entities, such as a development corporation, to function as the entity that will buy, hold, maintain and sell said replacement real property, it being the intent that said separate entity would be wholly owned by the City of Oxbow. The said purchase agreement or agreements are intended to contain a contingency in which the obligation of the City of Oxbow (or its development corporation) to purchase the said real property is contingent upon approval and execution of this MOU and is contingent upon the approval and authorization of the construction of the O-H-B Levy by the Corps. To the extent that the City of Oxbow, or its development corporation, enter into any land purchase agreements or option agreements for such purpose, the Diversion Authority will advance-fund such agreements. It is the intent of the parties is to maximize the ability of the Diversion Authority to adhere to the requirements of federal and state relocation law.

2.3.2 Prior to execution of the said purchase agreement or agreements, the City of Oxbow will obtain approval of the terms, including the purchase price, by the Diversion Authority.

2.3.3 At the time all contingencies are removed and one or more purchase transactions are ready to be closed, the Diversion Authority will provide the funds to the City of Oxbow or its development corporation or other similar entity for the purchase of said real property. Said funds will be provided in the form of a purchase money loan provided by the Diversion Authority or by one of its member entities, said loan to be secured by a purchase money mortgage and a fixture financing statement in forms customarily utilized for such transactions containing the following terms:

2.3.3.1. The loan shall be for a term of fifteen years and shall be repaid at an interest rate to be negotiated. The loan shall be due in on an annual basis based on the number of replacement lots sold each year; with the remaining amount being paid in full at the end of the said fifteen (15) years, along with any interest that has accrued. It is the intention of the parties that the loan and mortgage is to be a mechanism for allowing the Diversion Authority, or one of its member entities, to advance funds for the purchase of the relocation property with said advances to be repaid to the lender as the lots are acquired from the City of Oxbow by buyers of said lots. Also, with respect to any property that has been acquired and is located within the area protected by the O-H-B Levee that remains subject to the mortgage granted to the Diversion Authority, it is expected and intended that before the mortgage comes due, in 15 years, that any surplus land may be sold to a private developer so that the remaining balance of the loan paid from such proceeds or the City of Oxbow (or its development corporation) may re-finance the loan with a private lender and remain in ownership of said land beyond said 15-year term.

2.3.3.2. As lots are sold by the City of Oxbow, or its development corporation, and as the balance of the loan is reduced by payments made to the holder of the mortgage, the holder shall release such sold lots or parcels from the mortgage and fixture financing statement. In the event, however, that the mortgage and financing statement have not been fully satisfied and the loan fully repaid within fifteen (15) years from the date of such loan, then, the remaining unsold land must be sold to a third party for at least the remaining balance due on the loan or, in the alternative, the City of Oxbow shall pay off the remaining balance due on the loan along with any accrued interest.

2.3.4 It is anticipated that the City of Oxbow and its development corporation will take such steps to prepare said replacement real property for development, including the zoning and platting of said property. City of Oxbow will annex any lands into the city prior to development. Sewer, water, streets and other public infrastructure, as described in this agreement, will be designed and prepared for installation. Replacement lots and Staging-area Replacement Lots will be established and made available for sale by the City of Oxbow, or its development corporation. The City of Oxbow, agrees to work with the Diversion Authority to establish a protocol that will allow said Replacement Lots and Staging-area Replacement Lots to be made available for purchase by homeowners or other property owners who are relocating from within established city limits of Oxbow or who are relocating from within the staging area upstream from the intended diversion project, as described more fully below.

2.3.5 Upon sale of any portion of the replacement real property by the City of Oxbow, or its development corporation, payment shall be made to the holder of the mortgage to reduce the loan balance, the amount of said payment to be 110% of the calculated purchase price per square foot paid by the City of Oxbow, or its development corporation.

2.4 Reconstruction/Modification of Highway 81. The Diversion Authority or parties other than the City of Oxbow shall be responsible for all costs and expenses related to modification, reconstruction, redesign of Highway 81 related to the construction of the O-H-B Levee or the Metro Flood Project

2.5. Funding for Infrastructure for Replacement Lots. The Diversion Authority will provide funds to the City of Oxbow to fund construction of public infrastructure, as stated previously, for the Replacement Lots (based upon the approximate number of 42 lots in need of replacement) and any costs related to the removal, relocation, replacement or reconnection of existing infrastructure. The parties intend that the Diversion Authority's funding for the public infrastructure (such as sanitary sewer, storm sewer, water, streets, curb and gutter and street lighting at a level equivalent to existing development within the City of Oxbow) to serve the Replacement Lots will be based upon lots of approximately equivalent size and amount of street frontage as the existing lots being replaced as well as approximately the same proportion of single-loaded or double-loaded lots as currently exist, recognizing; however, that it is the intent of the parties that reasonably efficient use of land be utilized in determining the platting of the Replacement Lots, some or all of which will be platted as "golf course lots". The platting of the Replacement Lots will conform to the subdivision requirements of the City of Oxbow and Cass County including the river setback requirements therein. The Diversion Authority will also fund the replacement of the Oxbow city park (comprised of the equivalent of three city lots in addition to the 42 Replacement Lots and the 38 Staging-area Replacement Lots), including costs needed to relocate equipment and other amenities of the existing park.

2.5.1 The City of Oxbow, or its development company, will establish, or plat, the Staging-area Replacement Lots and, as to such lots, if property owners within the upstream staging area of the Metro Flood Project elect to relocate to one of such lots; then, in that event, the Diversion Authority will pay for the cost of installation of the infrastructure for said surplus lot or lots by providing a credit or a reimbursement payment to the City or the City's developer as the case may be. The basis for the amount of funding will be the same as set forth in paragraph 2.5, above. Subject thereto, the City of Oxbow recognizes that the Diversion Authority will not be responsible for

the financing of installation of infrastructure servicing the Staging-area Replacement Lots

- 2.5.2 The development of the land for the Replacement Lots and the Staging-area Replacement Lots will occur in a maximum of two phases.
- 2.6. Oxbow G &CC. The Diversion Authority will provide funds for the following:
- 2.6.1 For acquisition (and any related benefits or assistance available under either the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and/or *N.D.C.C.* Chapter 54-01.1) due the Oxbow Golf & Country Club for such land, buildings (i.e. clubhouse) and improvements as is necessary for the O-H-B Levee to be constructed.
 - 2.6.2 For acquisition (and any related benefits or assistance available under either the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and/or *N.D.C.C.* Chapter 54-01.1) due the Oxbow Golf & Country Club for any land and improvements (including land used as golf holes) that would remain unprotected from flooding induced by the Metro Flood Project. For example, it is presumed that existing holes 1 through 6 and 18 at Oxbow Golf & Country Club would be left on the “wet side” of the O-H-B Levee and, therefore, would remain unprotected from induced flooding. As a result, the Diversion Authority will provide funds for purchase from Oxbow Golf & Country Club of the land on said “wet side” of the O-H-B Levee. To the extent such land is not needed for the location of the levee structure or clear zone, the Diversion Authority shall offer said land for sale or lease to the City of Oxbow at its then current market value (subject to no-build restrictions on said land) for a purpose yet to be determined; provided that such conveyance shall be subject to such use or other restriction or restrictions as may be required by federal or state law or by Corps policy or regulation. The City of Oxbow agrees to purchase this land at the established market value.
 - 2.6.3 To reimburse Oxbow Golf & Country Club for reasonable costs incurred in modifying existing golf holes that will remain within the protected area but which will need to be modified to adapt said holes to the re-routed golf course layout (re-routed because of the O-H-B Levee).
 - 2.6.4 The Diversion Authority will follow the same federal guidelines and requirements as is required for acquisition of other lands, buildings and improvements under a project sponsored by the Corps, it being intended that

said guidelines and requirements will allow for replacement of an equivalent clubhouse, practice area, swimming pool and parking lot.

2.6.5 Golf Course Designer. The funding provided by the Diversion Authority will include the cost of the engagement of Robert Trent Jones, Jr., and his firm, for golf course design work to be done on the Oxbow Golf and Country Club. The City of Oxbow may wish to incorporate arrangements for said engagement into an agreement with the Oxbow Golf & Country Club. The Diversion Authority also agrees to provide funding to the City of Oxbow for the construction of displaced golf holes within this design.

2.7. Sources of Funds. The Diversion Authority agrees that the cost of the construction of the levee will be a Metro Flood Project cost. The Diversion Authority intends to use a combination of funding provided sales tax revenues of the city of Fargo and of the County of Cass and by appropriated funds of the state of North Dakota to finance the obligations described in this memorandum of understanding.

2.8 Special Assessments. While it is expected that sales tax receipts of the city of Fargo and the County of Cass will be used as the principal source of funds to repay bonds sold to finance the local share of the Metro Flood project costs, the financing structure for such loans or bonds will require the establishment of a special assessment district as a back-up for repayment of such loans or bonds and, therefore, it is expected that a special improvement district will be established and the boundaries of said district would include all lands that receive a benefit from the Metro Flood Project.

2.8.1. In the event that any property protected by the O-H-B levee is assessed for construction of the Metro Flood Project, the Diversion Authority agrees to pay all such assessments.

2.8.2. It is expected that the property within the area protected by the O-H-B Levee will be assessed for costs of maintenance and related administration of the Metro Flood Project once constructed.

2.9 Timing of Design and Construction. It is the intent of the Diversion Authority that the O-B-H Levee be designed beginning in 2013 with acquisition of land, buildings (including houses) and improvements beginning as soon as the routing of the levee is finalized and the land for the project is identified and with construction to commence in 2014. Acquisition of said land, buildings (including houses) and improvements will be in accordance with applicable state and federal laws and regulations including, but not limited to, the Uniform Relocation Assistance and Real Property Acquisition Act of 1970

and/or N.D.C.C. Chapter 54-01.1 and the timing thereof coordinated with the City of Oxbow.. It is further intended, therefore, that design and construction of the O-B-H Levee may commence before the Metro Flood Project, as a whole, receives authorization from the United States Congress. This will be contingent upon successful negotiation with the Corps of a memorandum of understanding that will allow the O-B-H Levee to be constructed prior to said authorization.

2.10 Interim Rental by Homeowners. The acquisition program of the Diversion Authority will provide for existing home owners to have the opportunity to rent their existing home at a monthly rate not to exceed the amount that the Diversion Authority must pay to maintain the property. This amount will include all required taxes and related property management expenses. This rental agreement will remain in affect until such time as a replacement home in the newly developed area is constructed or purchased. It is understood that such program may describe circumstances in which the timing of levee construction requires that the existing home be removed or destroyed before said replacement home may be obtained; in which the rental home must be evacuated or destroyed in order for emergency flood protection measures (such as an emergency levee) to be constructed to protect against an imminent flood danger; or for other appropriate reasons.

2.11 Purchase of Existing Levee Material. To the extent that the existing (and recently constructed) flood levee along Schnell Drive and elsewhere within the city will be no longer needed because of the construction of the O-B-H Levee, the Diversion Authority will purchase from the City of Oxbow the earth material from said existing levee at then-current market value, said funds to allow the City of Oxbow to either reduce the assessments for the prior levee or to use funds otherwise as it may deem appropriate.

2.12 Offset for Loss of Tax Base. The Diversion Authority will pay the City of Oxbow and the Kindred School District for loss of tax base caused by property being taken out of service for the O-H-B Levee project for a period of up to four (4) years. Therefore, the Diversion Authority will annually pay a sum equal to the difference between the taxable value of all property within the City of Oxbow as of the date of this MOU and the taxable value of all property within the City of Oxbow for the next year multiplied by the City's share of the consolidated mill levy assessed for said year. The Diversion Authority will make said payment annually. The Diversion Authority will not offset any taxes adjusted as a result of any future State Board of Equalization actions.

2.13 City's Costs for Engineer and/or Consultant. The Diversion Authority will fund the City's engagement of an independent project manager or consulting firm to assist and represent the City for the development of the replacement land, the subdivision (platting)

of said land and the installation of the said infrastructure subject to a maximum of 10% of total cost for administrative, legal and related services and expenses and 15% for engineering and project management services. The parties agree that the providers of such services shall be engaged by the City at agreed-upon hourly rates with overall compensation not to exceed said 10% and 15% amounts. The percentages are taken of the total amount provided by the Diversion Authority for the purchase and development of the public infrastructure for the replacement properties.

2.14 Timing. It is the wish and desire of the parties that the O-H-B Levee construction be completed within 40 months of the date of approval of the O-H-B Levee project by the Corps and the parties agree to use their best reasonable efforts to meet this deadline and the Diversion Authority agrees to provide adequate advance funding to allow the construction of the replacement golf holes, the modification of existing holes, the construction of the replacement clubhouse, the installation of the infrastructure for the Replacement Lots and Staging-area Replacement Lots and such other tasks as may be reasonably required by this memorandum within said 40-month period

3. OXBOW RESPONSIBILITIES.

3.1 The City of Oxbow will be responsible for making the arrangements for development of land necessary to accommodate the 42 Replacement Lots and the 38 Staging-area Replacement Lots and the replacement city park, including arrangements for annexation of such land or lands into the City of Oxbow as the City may deem appropriate; entry into a Development Agreement with one or more developers, or the like. The City of Oxbow will be responsible for making arrangements for actual construction and installation of the public infrastructure to service said Replacement Lots. It is recognized that said development may occur in phases as may be deemed appropriate by the City of Oxbow or others. The Diversion Authority and the City of Oxbow agree to coordinate with one another regarding payment of said infrastructure costs and, as may be necessary or appropriate, the public financing of such cost.

3.2. The City of Oxbow will cooperate with the Diversion Authority with respect to the arrangements to be made with the Oxbow Golf and Country Club for the acquisition of replacement land for golf holes and for the design and construction of such holes. It is further recognized that the construction of the levee may allow some existing golf holes to remain in place so long as certain modifications to the hole are made to mitigate against the impact of construction. Such modifications are to be included within said design and construction cost paid by the Diversion Authority along with the holes to be completely replaced.

4. OWNERSHIP AND MAINTENANCE.

4.1 Ownership and Maintenance of Levee. It is the intent of the Diversion Authority that the Diversion Authority (or one or more of its member entities) will own and maintain the O-H-B Levee and any retention areas made necessary due to the presence of the Levee and any pump stations or other facilities related to said Levee for at least 50 years from the approximate time the levee project is to be completed but thereafter, at the election of the Diversion Authority, the City of Oxbow may be made responsible for such maintenance. Therefore, the Diversion Authority (or one or more of its member entities) will own and maintain the O-H-B Levee and any retention areas made necessary due to the presence of the Levee and any pump stations or other facilities related to said Levee for a period of fifty-three (53) years from the date of approval of the O-H-B Levee by the Corps or from the date the Diversion Authority elects to turn over ownership or maintenance, or both ownership and maintenance, to the City of Oxbow, whichever is later. The City of Oxbow agrees to accept ownership of the Levee, maintenance of the levee, or both, at such later date.

4.2. Maintenance of Lands in Addition to Functional Area of Levee. It is further the intent that any lands that may have been initially acquired by the Diversion Authority for construction of the project that are no longer necessary or appropriate to remain under Diversion Authority ownership will be sold; however, it is recognized that either the City of Oxbow or the Oxbow Golf & Country Club may wish for the footprint of the levee to be extended, or made wider, in order to allow the slope of the levee to be graduated or feathered in a way that enhances the aesthetic or functional value for the City or the golf club and the Diversion Authority agrees to work with the City, the golf club, or both, to make reasonable accommodations for such purposes; however, it is the intent of the Diversion Authority to maintain only the functional area of the Levee and to the extent that any surplus lands remain under ownership of the Diversion Authority at such request of the City of Oxbow or the Oxbow Golf & Country Club, or both, the City of Oxbow, the golf club, or both, will either take responsibility for maintenance of such lands or the Diversion Authority will take responsibility for such maintenance and the City of Oxbow will accept an assessment from the Diversion Authority for the cost of such maintenance.

GENERAL PROVISIONS.

5. The Diversion Authority may need to utilize public financing (i.e. via sale of tax-exempt municipal bonds) to fund some of the obligations described in this memorandum and the proceeds of such public financing may need to be restricted to authorized public uses. Funds utilized for the acquisition of land for the project and construction of the replacement holes for the golf course will not be transacted with funds available from public financing. The parties understand that certain restrictions on uses of funds and the operations of facilities related to the

City of Oxbow financed by such funds may need to be established as part of the public financing process, and agree to cooperate and coordinate with one another for such purposes.

6. The Diversion Authority agrees that it shall not obstruct the Red River of the North or any of its tributaries nor to construct or install any structure that would affect the elevation or flow of flood waters in such a manner as to adversely impact the city of Oxbow prior to the completion of the O-H-B Levee. It is understood and agreed that part of the Diversion Project contemplates the installation or construction of levees that will allow floodwaters to flow through the normal river channel during flood events at levels higher than initially studied by the Corps and nothing herein is intended to limit the authority of the Diversion Authority to install or construct such levees or related facilities. It is further understood and agreed that nothing in this agreement is intended to prevent the city of Fargo or any other member-entity of the Diversion Authority from taking such emergency measures as may be necessary for such city or other entity to protect itself and its residents and their property from emergency flood events including, without limitation, spring flood events.

7. The parties recognize that this agreement, and the terms hereof, are contingent upon and subject to the authority and limitations thereof, if any, of the Corps to approve the design and construction of the O-B-H Levee being proposed.

9. The parties recognize and agree that this Memorandum of Understanding may need to be supplemented by more detailed arrangements in order for the concepts and agreements contained herein to be implemented and the parties agree to coordinate with each other and to work together to do so.

[The remainder of this page intentionally left blank.]

**METRO FLOOD DIVERSION BOARD
OF AUTHORITY**

Dated: _____

By: _____

Darrell Vanyo, Chairman of the Board

CITY OF OXBOW, a North Dakota
municipal corporation

Dated: _____

By: _____
James Nyhof, Mayor

ATTEST:

City Auditor

CITY OF FARGO, NORTH DAKOTA
a municipal corporation

By _____
Dennis R. Walaker, Mayor

ATTEST:

Steven Sprague, City Auditor

CITY OF MOORHEAD, MINNESOTA
a municipal corporation

By _____
Mark Voxland, Mayor

ATTEST:

Michael Redlinger, City Manager

THE COUNTY OF CASS,
NORTH DAKOTA
a corporate body
by the CASS COUNTY BOARD OF
COMMISSIONERS

By _____
_____, Chairman

CLAY COUNTY, MINNESOTA
a corporate body
by the CLAY COUNTY BOARD OF
COMMISSIONERS

By _____
_____, Chairman

ATTEST:

Brian Berg, Clay County Administrator

CASS COUNTY JOINT WATER RESOURCE
DISTRICT

By _____
_____, Chairman

BUFFALO RED RIVER WATERSHED DISTRICT

By _____

**AMENDMENT TWO to
Task Order No.2
Diversion Board of Authority
Fargo-Moorhead Area Diversion Project
Program Management Consultant – Basic Program Management Services**

This Amendment No. 2 is to Task Order No. 2, Program Management Consultant – Basic Program Management Services for the Fargo Moorhead Metro Flood Diversion Project.

The purpose of this Amendment is to extend the period of performance for services under Task Order No. 2, as described in this Amendment.

1. Modify the Scope of Services as follows: no change.
2. Modify the Scope not included in this Task Order as follows: no change.
3. Modify the Time for Rendering Services as follows:
 - a. Replace “End June 30, 2013” with “End August 30, 2013”.
4. Modify the Budget and Payments to ENGINEER as follows: no change.
5. Modify the Other Modifications to the Agreement: no change.

This Amendment and the services covered by this Amendment will be performed in accordance with the Provisions and any attachments or schedules of the Agreement. This Amendment will become a part of the referenced Agreement when executed by both parties.

Diversion Board of Authority:

CH2M HILL Engineers, INC.

Signature _____

Name Darrell Vanyo _____

Title Chairman _____

Date 13 June 2013 _____

Signature _____

Name Thomas J. Helgeson _____

Title Vice President and Area Manager _____

Date 13 June 2013 _____



2200 IDS Center
 80 South 8th Street
 Minneapolis MN 55402-2157
 tel 612.977.8400
 fax 612.977.8650

STATEMENT OF ACCOUNT
 as of Friday, May 03, 2013

Fed ID. #41-0954702

Fargo, City of
 City Auditor's Office
 200 North 3rd Street
 Fargo, ND 58102
 United States of America

Client Number: 09531

<u>Invoice</u>	<u>Date</u>	<u>Original Balance</u>	<u>Payments</u>	<u>Current Balance</u>
Matter ID: 00054 Metro Flood Control Project				
514018	12/28/2012	11,111.20	0.00	11,111.20
519013	4/15/2013	1,616.36	0.00	1,616.36
Total Due:				\$12,727.56

	<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>> 90 Days</u>	<u>Total</u>
TOTAL	\$1,616.36	\$0.00	\$0.00	\$11,111.20	\$12,727.56

Payment due upon receipt. If payment has already been sent, we thank you.
 For questions concerning this statement please contact Chris Petersen at 612-977-8798 or cpetersen@briggs.com.

Please remit payment to:
 BRIGGS AND MORGAN, P.A.
 PO BOX 64591
 ST. PAUL, MINNESOTA 55164-0591

465-3535-510-33-25
 FLDLGL

In Account With

BRIGGS AND MORGAN

FILE NO.

Briggs and Morgan, Professional Association

Remittance Address:

P.O. Box 64591

St. Paul, MN 55164-0591

tel 651.808.6600

www.briggs.com

December 28, 2012

9531.54

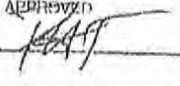
Paul H. Tietz

06388

Invoice: 514018

Fed Id #: 41-0954702

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

APPROVED
Billing
Lawyer
Sect.
By: 

Terms: Payment Due
Upon Receipt

PLEASE DETACH TOP PORTION AND MAIL WITH PAYMENT - PLEASE MAKE CHECK PAYABLE TO BRIGGS AND MORGAN

For professional services rendered with regard to the following matter:

Metro Flood Control Project

<u>Date</u>	<u>Attorney</u>	<u>Hours</u>	<u>Description</u>
03/28/2012	Tietz, Paul H.	0.40	Conference call with Eric Johnson; follow-up.
03/29/2012	Tietz, Paul H.	1.80	Background and questions call with Eric Johnson; preparation and follow up.
03/30/2012	Tietz, Paul H.	1.00	Work on transaction; calls.
04/12/2012	Tietz, Paul H.	1.40	Calls; emails; review McGillvery memo on initial financing plan.
04/13/2012	Tietz, Paul H.	0.40	Call with E. Johnson.
04/17/2012	Tietz, Paul H.	3.30	Conference call; preparation and follow-up; research; review notes and materials.
05/15/2012	Tietz, Paul H.	1.50	Conference call with Erik Johnson, Pat Zavoral, Kent Costin and Brian Newgabower on financial structuring; preparation and follow up.
09/10/2012	Tietz, Paul H.	2.00	Calls on arranging J. P. Morgan meeting.
10/01/2012	Tietz, Paul H.	2.00	Conference call with city and JPMorgan; preparation and follow-up.
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10/29/2012	Tietz, Paul H.	1.20	Research on state capacity and statutes for local

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Fargo, City of
December 28, 2012
Page 2

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			entities.
11/01/2012	Tietz, Paul H.	0.50	Miscellaneous calls.
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11/08/2012	Tietz, Paul H.	2.00	Research.
11/09/2012	Tietz, Paul H.	2.50	Review SRF structures.
11/12/2012	Tietz, Paul H.	2.00	Calls; review materials.
11/13/2012	Tietz, Paul H.	2.50	Revise draft legislation prepared by E. Johnson.
11/20/2012	Tietz, Paul H.	1.40	Conference call with JPMorgan; follow-up with E. Johnson.
11/21/2012	Tietz, Paul H.	1.90	Email to E. Johnson on pursuing legislation; review of conference call information for drafting email.
11/26/2012	Tietz, Paul H.	1.00	Communications on flood control project; call with E. Johnson; miscellaneous research.
Professional Services		40.50 \$16,098.75
Less Discount		 \$-5,000.00

COSTS

Long Distance Telephone 12.45

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Fargo, City of
December 28, 2012
Page 3

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Total Costs Advanced	\$12.45
Total Professional Services and Costs This Matter	\$11,111.20
Total Due This Statement	<u>\$11,111.20</u>

SUMMARY OF ACTIVITY

<u>ATTORNEY</u>	<u>HOURS</u>	<u>DISCOUNT RATE</u>	<u>STANDARD RATE</u>	<u>TOTAL</u>
Tietz, Paul H.	40.50	397.50	545.00	16,098.75
	<u>40.50</u>			<u>\$16,098.75</u>

Please remit payment to: BRIGGS AND MORGAN, P. A.
P.O. Box 64591
St. Paul, Minnesota 55164-0591

Cass County Human
Resources
MAY 21 2013

In Account With

BRIGGS AND MORGAN

Briggs and Morgan, Professional Association
Remittance Address:
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St. Paul, MN 55164-0591
tel 651.808.6600
www.briggs.com
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Paul H. Tietz
06388
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Lawyer
Sect.
Head

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Attn: Kent Costin
City Auditor's Office
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Fargo, North Dakota 58102

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Fargo, City of
December 28, 2012
Page 2

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Fargo, City of
December 28, 2012
Page 3

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	<u>40.50</u>			<u>\$16,098.75</u>

Please remit payment to: **BRIGGS AND MORGAN, P. A.**
P.O. Box 64591
St. Paul, Minnesota 55164-0591



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

RECEIVED

JUN 3 2013

May 29, 2013

CASS COUNTY COMMISSION

Planning, Programs and Project Management Division
Project Management Branch

SUBJECT: Fargo-Moorhead Metro Preconstruction, Engineering, and Design Phase

Chairman Darrell Vanyo
Flood Diversion Board of Authority
Box 2806
211 Ninth Street South
Fargo, ND 58108

Dear Chairman Vanyo:

The St. Paul District is preparing to review and coordinate reviews of the non-federal sponsors design associated with in-town levees and the Oxbow/Hickson/Bakke ring levee for the Fargo-Moorhead Metro Diversion project with the funds provided by the project sponsors.

In accordance with Article IV of the Design Cost Share Agreement executed on September 12, 2011, please provide cost share funds in the amount of \$350,000. These funds will count towards the required 5-percent cash contribution and are associated with Cost Share Control Record Number 531.

We are requesting that \$350,000 be wired directly to the Corps of Engineers providing the following information:

1. Name of bank funds wired through:
Federal Reserve of New York
33 Liberty Street
New York, New York
2. Advance Account Number: 293
3. ROV Number: 1213
4. Cost Share Number: 531

The instructions require a notification letter from the non-Federal sponsor 14 days in advance of the transfer. In lieu of this, please email brett.r.coleman@usace.army.mil and gregory.a.sherwood@usace.army.mil with the date of transfer, amount, and type of transfer. This information will then forward to our point of contact at our finance center in Tennessee.

Please contact Mr. Gregory Sherwood of our finance and accounting branch at (651) 290-5468 if additional help is required to the complete the electronic funds transfer.

If you have any questions concerning the project, please contact me at (651) 290-5452 or via email at Brett.R.Coleman@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Brett Coleman", with a long horizontal flourish extending to the right.

Brett Coleman, P.E.
Project Manager

Copy furnished:

Honorable Mark Voxland
Mayor of Moorhead
500 Center Avenue
PO Box 779
Moorhead, MN 56561-0779

Honorable Dennis R. Walaker
Mayor of Fargo
200 Third Street North
Fargo, North Dakota 58102

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

Mr. Mark Bittner
City Engineer
200 Third Street North
Fargo, North Dakota 58102



RECEIVED

JUN 3 2013

CASS COUNTY COMMISSION

Cass County
Joint Water
Resource
District

May 30, 2013

Mark Brodshaug
Chairman
Fargo, North Dakota

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

Rodger Olson
Manager
Leonard, North Dakota

Greetings:

Dan Jacobson
Manager
West Fargo, North Dakota

RE: Fargo-Moorhead Area Diversion
Access and Diversion Project Assessment Committee (DPAC)

Michael Buringrud
Manager
Gardner, North Dakota

Enclosed please find copies of bills totaling \$65,419.85 regarding the above referenced project. Of that amount, \$28,760.24 is related to work on access issues and \$36,659.61 is for DPAC work. 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.

Raymond Wolfer
Manager
Argusville, North Dakota

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Carol Harbeke Lewis
Secretary-Treasurer

Enclosures

1201 Main Avenue West
West Fargo, ND 58078-1301

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

FARGO-MOORHEAD METROPOLITAN FEASIBILITY STUDY COST SHARE INVOICES

May 30, 2013

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
3/28/2013	3/21/2013	119772	100007	5,758.37	Ohnstad Twichell, P.C.	Right of Entry
4/11/2013	3/25/2013			840.00	Erik R. Johnson & Associates, Ltd	Right of Entry
4/25/2013	4/21/2013	120377	100007	3,268.81	Ohnstad Twichell, P.C.	Right of Entry
4/25/2013				1,000.00	Red River Trust	Soil Borings
4/25/2013				1,000.00	Dennis and Vicki Rust	Soil Borings
4/25/2013				500.00	Wayne and Marion Diekrager	Soil Borings
4/25/2013				500.00	Keith Monson	Soil Borings
5/1/2013				500.00	Carol D. Brooks 3rd Party SNT	Soil Borings
4/25/2013				250.00	David and Emily Radebaugh	Soil Borings
4/25/2013				250.00	Bart and Lori Marvel	Soil Borings
5/9/2013	4/25/2013			625.00	Erik R. Johnson & Associates, Ltd	Right of Entry
5/23/2013	5/17/2013	120888	100007	6,264.84	Ohnstad Twichell, P.C.	Right of Entry
5/23/2013	5/15/2013			500.00	Joanne Knutson	Easement
5/23/2013	5/15/2013			750.00	Gerald L. Henke	Easement
5/23/2013	5/15/2013			750.00	Gerald L. Henke, as trustee of Carol D Brook	Easement
5/23/2013	5/22/2013			2,000.00	Paul Mathys	Easement
5/23/2013	5/22/2013			2,000.00	DeNae Mathys	Easement
5/23/2013	5/22/2013			2,000.00	Desira Mathys Olien	Easement
4/25/2013				3.22	Cass County Joint WRD	Postage
Total				28,760.24		

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
3/28/2013	3/21/2013	119785	120007-6	4,100.96	Ohnstad Twichell, P.C.	Legal
4/11/2013	3/29/2013	5156	15043	1,007.50	Moore Engineering, Inc.	Engineering
4/11/2013	3/31/2013	33895	P11473-2012-00	12,002.29	AE2S	Engineering
4/25/2013	4/21/2013	120392	120007-6	2,955.01	Ohnstad Twichell, P.C.	Legal
5/9/2013	4/30/2013	5302	15043	936.50	Moore Engineering, Inc.	Engineering
5/23/2013	5/17/2013	120900	120007-6	1,072.00	Ohnstad Twichell, P.C.	Legal
5/23/2013	4/30/2013	34329	P11473-2012-00	14,535.16	AE2S	Engineering
Feb-May				49.74	Cass County Joint WRD	Copies-318 B/W, 322 Color
1/25/2013				0.45	Cass County Joint WRD	Postage
Total				36,659.61		
Grand Total				65,419.85		

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

March 26, 2013

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

Invoice# 119785 SMF
 Our file# 120007 00006
 Billing through 03/21/2013

**DIVERSION PROJECT,
 ASSESSMENT DISTRICT**

Balance forward as of invoice dated	02/26/13	\$5,838.19
Last payment received	03/08/2013	\$5,838.19
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

02/26/2013	SMF	Review draft position paper; review assessment statutes; review SWC appropriations bill.	
		3.00 hrs 160.00 /hr	480.00
02/28/2013	SMF	Prepare for and attend DPAC meeting; review assessment methodologies for Grand Forks.	
		3.00 hrs 160.00 /hr	480.00
03/01/2013	SMF	Research phased assessments (within an existing, passed assessment district); review Grand Forks methodology; review Supreme Court case (Bateman).	
		3.00 hrs 160.00 /hr	480.00
03/05/2013	SMF	Research indirect benefits.	
		1.00 hrs 160.00 /hr	160.00
03/18/2013	SMF	Review position paper; prepare for and attend meeting at AE2S with Eric, Shawn Gaddie, and Jacob Strombeck; research indirect benefit issues.	
		7.00 hrs 160.00 /hr	1120.00
03/19/2013	SMF	Research "indirect benefit" definitions nationwide; prepare, review, and revise draft memo for DPAC; correspond with Eric regarding same.	
		5.00 hrs 160.00 /hr	800.00
03/20/2013	SMF	Prepare for and attend DPAC staff meeting; review bond issuance and assessment certification statutes.	
		3.20 hrs 160.00 /hr	512.00
Total fees for this matter			<u>\$4,032.00</u>

PAID

MAR 28 2013
 CL#10749
CA

EXPENSES

03/01/2013	Westlaw research		\$68.96
Total expenses for this matter			<u>\$68.96</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.

120007

CASS CO JT WRD

Invoice# 119785

Page 2

BILLING SUMMARY

Total fees	\$4,032.00
Total expenses	\$68.96
Total of new charges for this invoice	<u>\$4,100.96</u>
Total balance now due	<u><u>\$4,100.96</u></u>



Shaping the Region for 50 Years.
 925 10th Avenue East • West Fargo, ND 58078
 T: 701.282.4692 F: 701.282.4530

Cass County Joint WRD
 Attn: Carol Lewis
 1201 West Main Ave
 West Fargo, ND 58078-1301

Invoice number 5156
 Date 03/29/2013

Project 15043 FM Metro Feasibility-Diversion

Professional Services

Phase 008

Diversion Project Assessment Committee

Labor

	Hours	Rate	Billed Amount
Principal Engineer	6.50	155.00	1,007.50
		Invoice total	<u>1,007.50</u>

DUE UPON RECEIPT

PLEASE REMIT PAYMENT - ATTENTION ACCOUNTING

PAID
 APR 11 2013
 UC# 10759
 GH



Mr. Mark Brodshaug
 Cass County Joint Water Resources District
 1201 Main Ave W
 West Fargo, ND 58078-1301

March 31, 2013
 Project No: P11473-2012-00
 Invoice No: 33895

Project Manager Eric Dodds *EED*
 Project P11473-2012-00 FM Area Diversion Assessment District

Professional Services for the period: March 01, 2013 to March 31, 2013

Phase 120 Financial Services

Professional Services

	Hours	Rate	Amount	
Dodds, Eric	13.50	188.00	2,538.00	
Gaddie, Shawn	18.25	188.00	3,431.00	
Luhmann, Jenny	1.00	92.00	92.00	
Morris, Cinde	7.00	106.00	742.00	
Strombeck, Jacob	43.50	108.00	4,698.00	
Totals	83.25		11,501.00	
Professional Services Total				11,501.00

Reimbursables

Transportation			211.23	
Reimbursables Totals			211.23	211.23

Expenses

Color Laser Printouts/Copies				
3/31/2013	222.0 Pages @ 0.68		150.96	
Transportation				
3/31/2013	200.0 Miles @ 0.65		130.00	
3/31/2013	14.0 Miles @ 0.65		9.10	
Expenses Totals			290.06	290.06

Contract Maximum

	Current Billing Against Maximum	Previous Billings Against Maximum	Total Billings To Date
Total Billings	12,002.29	21,689.25	33,691.54
Total			50,000.00
Remaining			16,308.46

Total this Phase \$12,002.29

Project Invoice Total \$12,002.29

PAID

APR 11 2013

OL# 10760

Cathy

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

April 24, 2013

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

Invoice# 120392 SMF
 Our file# 120007 00006
 Billing through 04/21/2013

**DIVERSION PROJECT,
 ASSESSMENT DISTRICT**

Balance forward as of invoice dated	03/26/13	\$4,100.96
Last payment received	03/29/2013	\$4,100.96
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

03/25/2013	SMF	Review and revise draft letter to the editor for Mark; correspond with Mark.	160.00
		1.00 hrs 160.00 /hr	160.00
03/26/2013	BDN	Conference with Sean regarding assessment timing and other bond related issues.	64.00
		0.40 hrs 160.00 /hr	64.00
03/26/2013	SMF	Review bond statutes; office conference with attorney Brian D. Neugebauer regarding multiple bond issues and other options.	320.00
		2.00 hrs 160.00 /hr	320.00
03/28/2013	SMF	Prepare for and attend DPAC meeting; conference with Shawn Gaddie regarding voting for landowners; review statutes regarding separate 30-year pay-backs.	640.00
		4.00 hrs 160.00 /hr	640.00
04/01/2013	SMF	Research statutes regarding multiple 30-year schedules for single properties, based on multiple bond issues.	160.00
		1.00 hrs 160.00 /hr	160.00
04/03/2013	SMF	Review water commission budget bill and status of proposed amendments; review COE partnership agreement regarding local sponsor cost obligations.	256.00
		1.60 hrs 160.00 /hr	256.00
04/16/2013	SMF	Research votes of upstream property owners; review previous memo regarding same.	320.00
		2.00 hrs 160.00 /hr	320.00
04/17/2013	SMF	Prepare for and attend DPAC staff meeting; review statutes regarding ability to create district for the City and the County.	800.00
		5.00 hrs 160.00 /hr	800.00
04/19/2013	SMF	Telephone conference with Jacob regarding votes for upstream owners; review attorney Lukas D. Andrud memo.	80.00
		0.50 hrs 160.00 /hr	80.00
Total fees for this matter			<u>\$2,800.00</u>

PAID

APR 26 2013

CK 10780

SK

EXPENSES

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# 120392

Page 2

04/01/2013

Westlaw research

\$155.01

Total expenses for this matter

\$155.01

BILLING SUMMARY

Total fees

\$2,800.00

Total expenses

\$155.01

Total of new charges for this invoice

\$2,955.01

Total balance now due

\$2,955.01



Shaping the Region for 50 Years.

925 10th Avenue East • West Fargo, ND 58078
T: 701.282.4692 F: 701.282.4530

Cass County Joint WRD
Attn: Carol Lewis
1201 West Main Ave
West Fargo, ND 58078-1301

Invoice number 5302
Date 04/30/2013

Project 15043 FM Metro Feasibility-Diversion

Professional Services

Phase 008

Diversion Project Assessment Committee

Labor

Principal Engineer

	Hours	Rate	Billed Amount
Principal Engineer	6.00	155.00	930.00

Expense

Miles

	Units	Rate	Billed Amount
Miles	10.00	0.65	6.50

Invoice total **936.50**

DUE UPON RECEIPT

PLEASE REMIT PAYMENT - ATTENTION ACCOUNTING

PAID

MAY 09 2013

CL#10797

GK

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

May 20, 2013

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

Invoice# 120900 SMF
 Our file# 120007 00006
 Billing through 05/17/2013


**DIVERSION PROJECT,
 ASSESSMENT DISTRICT**

Balance forward as of invoice dated	04/24/13	\$2,955.01
Last payment received	04/26/2013	\$2,955.01
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

04/24/2013	SMF	Review draft agreement with AE2S; compare to previous version; correspond with Mark.	80.00
		0.50 hrs 160.00 /hr	
04/25/2013	SMF	Prepare for and attend DPAC meeting; review AE2S assessment handout; compare to statutes.	400.00
		2.50 hrs 160.00 /hr	
05/12/2013	SMF	Review statutes regarding landowner votes; prepare outline for attorney Brian D. Neugebauer.	192.00
		1.20 hrs 160.00 /hr	
05/15/2013	SMF	Review statutes regarding "assessed value" and valuation determinations; prepare for and attend DPAC staff meeting.	400.00
		2.50 hrs 160.00 /hr	
		Total fees for this matter	<u><u>\$1,072.00</u></u>

PAID

MAY 23 2013
 CL# 10816


BILLING SUMMARY

Total fees
Total of new charges for this invoice
Total balance now due

<u>\$1,072.00</u>
<u>\$1,072.00</u>
<u><u>\$1,072.00</u></u>



Mr. Mark Brodshaug
 Cass County Joint Water Resources District
 1201 Main Ave W
 West Fargo, ND 58078-1301

April 30, 2013
 Project No: P11473-2012-00
 Invoice No: 34329

Project Manager Eric Dodds *ELD*
 Project P11473-2012-00 FM Area Diversion Assessment District

Professional Services for the period: April 01, 2013 to April 30, 2013

Phase 120 Financial Services

Professional Services

	Hours	Rate	Amount	
Dodds, Eric	21.00	188.00	3,948.00	
Gaddie, Shawn	17.50	188.00	3,290.00	
Knudson, Kristi	.75	72.00	54.00	
Larson, Nicole	5.00	90.00	450.00	
Strombeck, Jacob	57.00	108.00	6,156.00	
Totals	101.25		13,898.00	
Professional Services Total				13,898.00

Reimbursables

Meals			51.75	
Transportation			207.37	
Reimbursables Totals			259.12	259.12

Expenses

Color Laser Printouts/Copies				
4/30/2013	488.0 Pages @ 0.68		331.84	
Laser Printouts				
4/30/2013	36.0 Pages @ 0.20		7.20	
Transportation				
4/30/2013	25.0 Miles @ 0.65		16.25	
4/30/2013	35.0 Miles @ 0.65		22.75	
Expenses Totals			378.04	378.04

Contract Maximum

	Current Billing Against Maximum	Previous Billings Against Maximum	Total Billings To Date
Total Billings	14,535.16	33,691.54	48,226.70
Total			50,000.00
Remaining			1,773.30

PAID

Total this Phase \$14,535.16

MAY 23 2013

Project Invoice Total \$14,535.16

CU# 10817

CAH

B&W - .019000
COLOR - .133000

Date	# OF COPIES B&W	# OF COPIES COLOR	Amount	
2-28	12		0.23	
3-20	12		0.23	
3-28		22	2.93	
3-28	44		0.84	
3-28		110	14.63	
4-24	120		2.28	
5-21	5	10	2.28	
5-21	25		0.48	
5-23	100	180	25.84	49.74

Date		# of items mailed	Amount
1-25	0.45	1	0.45

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

March 26, 2013

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


Invoice# 119772 SMF
 Our file# 100007 00007
 Billing through 03/21/2013

FM DIVERSION - RIGHT OF ENTRY

Balance forward as of invoice dated	02/26/13	\$3,631.00
Last payment received	03/08/2013	\$3,631.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		\$0.00

PROFESSIONAL SERVICES

02/22/2013	CMM	Review ROE for two properties Lyndon brought to my attention where we have multiple court orders granting permission.	64.00
		0.40 hrs 160.00 /hr	
02/25/2013	CMM	Correspond with Lyndon by e-mail regarding what access agreements have been signed; telephone call to Feder's attorney regarding access.	128.00
		0.80 hrs 160.00 /hr	
02/26/2013	JDR	Conduct business entity search; draft memorandum to process server; draft email to calendar clerk regarding hearing date; draft Notice of Hearing.	32.00
		0.40 hrs 80.00 /hr	
02/26/2013	CMM	File ROE action; review outline for bi-weekly telephone conference; attend telephone conference with the Corps; prepare Access Agreements for three properties the Corps now needs to do cultural resources testing on; draft cover letters to the three property owners we now need ROE for; request additional maps and a copy of a past access agreement from Brad.	272.00
		1.70 hrs 160.00 /hr	
02/26/2013	ARR	Obtain tax statements, prepare Access Agreements, cover letters and Notice of Hearing.	45.00
		0.60 hrs 75.00 /hr	
02/26/2013	SNW	Review email correspondence; review documents; attend bi-weekly ROE status meeting.	144.00
		0.90 hrs 160.00 /hr	
02/27/2013	JDR	Telephone conference with process server; draft email to process server; interoffice conference with attorney Chris McShane.	24.00
		0.30 hrs 80.00 /hr	
02/27/2013	CMM	Confirm the legal descriptions for properties we need to renew right of entry for; track down the trustee of a trust who owns property we need access to; provide the access agreements to Pam;	208.00
		1.30 hrs 160.00 /hr	
02/27/2013	ARR	Obtain deeds and tax statements, prepare Access Agreements, cover letters and Exhibit to Resolution.	60.00
		0.80 hrs 75.00 /hr	

PAID
 MAR 28 2013
 0110749


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.

02/28/2013	CMM	Prepare resolution of necessity; telephone conference with Lee before the Joint Board meeting to discuss whether a resolution is necessary at this time; conference with Pam regarding sending out access agreements; attend and participate in Joint Board meeting; telephone conference with farm manager at US bank.	2.30 hrs	160.00 /hr	368.00
02/28/2013	SNW	Attend regular CCJT meeting at Highway Department.	1.00 hrs	160.00 /hr	160.00
03/04/2013	SMF	Review court order regarding Heiden; interoffice conference with attorney Chris McShane regarding camera installation.	0.80 hrs	160.00 /hr	128.00
03/04/2013	CMM	Correspond with Jerry Bents regarding access to buildings for HTRW on the downtown levees; review access agreements to determine if inside buildings could be allowed by the current agreements; receive e-mail from Lee regarding installation of a camera on Heiden property to evaluate ice break-up on the Maple river; interoffice conference with attorney Sean M. Fredricks regarding installation of cameras.	1.40 hrs	160.00 /hr	224.00
03/06/2013	CMM	Work with Jerry Bents on the process to enter the interior of buildings for HTRW surveys downtown; instruct attorney Sarah M. Nyhus-Wear to draft a short addendum to the access agreements; telephone call to the attorney for Feder Realty.	0.70 hrs	160.00 /hr	112.00
03/07/2013	CMM	Telephone conference with attorney for Feder Realty; explain the project to her, including possible construction dates, so her client knows how to address future lease negotiations with their tenants; discuss the indemnification language suggested.	0.50 hrs	160.00 /hr	80.00
03/07/2013	SNW	Interoffice conference with attorney Chris McShane; email correspondence with Brad Dahl regarding Oxbow properties for right of entry; telephone conference with Brad Dahl; review documents; draft language for downtown access to buildings.	1.50 hrs	160.00 /hr	240.00
03/08/2013	CMM	Telephone conference with Feder's attorney to negotiate the terms of the agreement and discuss access to the inside of the building; correspond with Jerry Bents about what building will be accessed; send revised access agreement to the engineers to review and confirm it is reasonable/acceptable; draft addendum to the access agreements; correspond with Jerry Bents by e-mail.	1.30 hrs	160.00 /hr	208.00
03/08/2013	SNW	Interoffice conference with attorney Chris McShane regarding Oxbow right of entry.	0.20 hrs	160.00 /hr	32.00
03/11/2013	JDR	Interoffice conference with attorney Chris McShane; obtain contact information for subject property owners.	0.50 hrs	80.00 /hr	40.00
03/11/2013	SMF	Office conference with attorney Chris McShane regarding right of entry issues, and entry into structures.	0.50 hrs	160.00 /hr	80.00
03/11/2013	CMM	Review updates on access to Heiden property for spring break-up study; instruct Ashley to complete access agreements for three additional properties; telephone conference with Jerry Bents about access to the interior of buildings down town.	0.90 hrs	160.00 /hr	144.00
03/11/2013	SNW	Interoffice conference with attorney Chris McShane; telephone conference with Jerry Bentz regarding access to buildings.	0.50 hrs	160.00 /hr	80.00
03/12/2013	CMM	Send Addendum to Access Agreements to Jerry Bents for the downtown levee properties; participate in corps telephone conference; with Lyndon and Lee regarding ROE for downtown levees and Oxbow; review ROE agreements for Oxbow and forward those to Lee; review notes from meeting and correct Katie on one point of information in the notes.	1.90 hrs	160.00 /hr	304.00
03/12/2013	SNW	Attend bi-weekly conference call at Moore Engineering; conference with Lee Beauvais, attorney Chris McShane and Lyndon Pease; interoffice conference with attorney Chris McShane; review email correspondence; draft right of entry documents for Oxbow golf course and City of Oxbow.	1.60 hrs	160.00 /hr	256.00
03/13/2013	CMM	Send Oxbow access agreements to Lee for review; receive correspondence from Lee			

		regarding lack of specificity in the access agreements; add language to the Oxbow access agreements to identify the project, the Diversion Authority, and how the joint board is linked to both of those; telephone call from Jerry Bents regarding addendum to access agreements for in-town levees; revise the addendum to include specific information about the landowner, and identifying the property; review which landowners Pam has made contact with, and what the result was; send revised agreement to the attorney for Feder with blanks for who the point of contact will be.		
			1.80 hrs	160.00 /hr
03/13/2013	SNW	Review email correspondence and documents regarding Oxbow right of entry; review email correspondence and documents regarding addendum to access agreements related to downtown building access.		288.00
			0.60 hrs	160.00 /hr
03/14/2013	SNW	Attend Land Management meeting.		96.00
			1.50 hrs	160.00 /hr
03/14/2013	CMM	Attend and participate in regular joint board meeting; telephone conference with the clerk to discuss the impact of the rules change on how we file our actions;		240.00
			1.80 hrs	160.00 /hr
03/14/2013	SNW	Attend regular CCJT meeting at highway department; attend Diversion Authority meeting.		288.00
			2.80 hrs	160.00 /hr
03/15/2013	CMM	Draft applications; revise lists of property owners that will be named in the applications; telephone call to Nancy Morris (leave message); review signed access agreement for access to Feder Realty building; send Feder Realty agreement to Carol for signing; send agreement to Jerry Bents and Moore engineering.		448.00
			1.50 hrs	160.00 /hr
03/18/2013	CMM	Work with the trustee of the Rechtschaffen trust to get the Access Agreement signed and returned.		240.00
			0.60 hrs	160.00 /hr
03/19/2013	CMM	Re-draft cover letter for serving Application for permit to enter upon land; receive access agreement from US Bank trust department; send access agreement to Pam; dictate letter conveying original access agreement to Pam; telephone conference with Nancy Morris regarding extension of the court ordered right of entry for bridge design.		96.00
			1.40 hrs	160.00 /hr
03/20/2013	CMM	Telephone conference with Lee regarding motion to extend ROE time period and affidavit for Ideal Ag and Heiden property in reach 1; telephone conference with Nancy Morris regarding motion to extend ROE deadline set by order; obtain maps of Ideal Ag and Heiden properties from Brad; revise Affidavit of project manager and memorandum of law to track the reasons we need access to the Ideal Ag and Heiden properties in reach 1.		224.00
			1.50 hrs	160.00 /hr
03/21/2013	SNW	Interoffice conference with attorney Chris McShane regarding updates.		240.00
			0.20 hrs	160.00 /hr
				32.00
		Total fees for this matter		<u>\$5,625.00</u>

EXPENSES

02/26/2013	Cass County filing fee	\$80.00
02/27/2013	Postage	\$7.37
02/27/2013	North Dakota Recorders Information Network fee	\$6.00
02/28/2013	Process Service Fee paid to You've Been Served	\$40.00
	Total expenses for this matter	<u>\$133.37</u>

BILLING SUMMARY

Total fees	\$5,625.00
Total expenses	\$133.37
Total of new charges for this invoice	<u>\$5,758.37</u>
Total balance now due	<u>\$5,758.37</u>

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

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

Invoice

Date	3/25/2013
------	-----------

Description	Qty	Rate	Amount
Metro Flood Project: Nancy J Morris legal services: Feb 26 thru Mar 25, 2013-itemization enclosed	5.6	150.00	840.00
PAID APR 11 2013 a/c # 10758 GA			
<i>We appreciate your business.</i>	TOTAL:		\$840.00

March 25, 2013

Client: Cass County Joint Water District
Matter: Metro Flood

Atty	DATE	DESCRIPTION	TIME
N	3/18/2013	ROE - Review correspondence; review file materials	0.3
N	3/19/2013	Review pleadings; telephone conference with C. McShane	0.6
N	3/20/2013	Telephone conference with Chris McShane; review file materials re: ROE extension	0.5
N	3/25/2013	Draft documents & correspond w/ Lee Beauvais	4.2
Total Time			5.60
Hourly Rate \$			150.00
Total Fees - NJM \$			840.00

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

April 24, 2013

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

Invoice# 120377 SMF
 Our file# 100007 00007
 Billing through 04/21/2013

FM DIVERSION - RIGHT OF ENTRY

Balance forward as of invoice dated	03/26/13	\$5,758.37
Last payment received	03/29/2013	\$5,758.37
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

03/22/2013	SNW	Review email correspondence; email correspondence with Lee Beauvais; draft proposed order and review and prepare memorandum of law; interoffice conference with Ashley Rettig.	1.00 hrs	160.00 /hr	160.00
03/25/2013	JDR	Receive and review original Affidavits of Process Server.	0.10 hrs	80.00 /hr	8.00
03/26/2013	JDR	Exchange multiple emails with Clerk of Court; revise Notice of Hearing.	0.20 hrs	80.00 /hr	16.00
03/26/2013	SNW	Review email correspondence; review documents and notice for hearing; attend bi-weekly conference call at Moore Engineering.	2.00 hrs	160.00 /hr	320.00
03/28/2013	SNW	Review email correspondence; attend regular CCJT meeting.	1.60 hrs	160.00 /hr	256.00
04/01/2013	JDR	Receive and review email from administrative assistant Ashley R. Rettig; conduct search for owner of subject property.	0.20 hrs	80.00 /hr	16.00
04/01/2013	SMF	Review Terry's email regarding Mathys casement; correspond with Lee and attorney Chris McShane regarding the Joint Board's directive to accommodate Mr. Mathys; interoffice conference with attorney Chris McShane.	0.50 hrs	160.00 /hr	80.00
04/01/2013	CMM	Check on progress of the extension of the Stuart Johnson ROE; make suggestions on how to make the piezometer installed on Mathys land be less intrusive; review the date of the next hearing for ROE; instruct staff to file and serve notice of case assignment.	0.70 hrs	160.00 /hr	112.00
04/02/2013	CMM	Review Mathys situation to determine if there is a possible solution to the placement of the piezometer; confirm all of the documents are filed for the hearing on April 8 against Heiden and Ideal Ag.	0.80 hrs	160.00 /hr	128.00
04/04/2013	SMF	Review proposed crop insurance replacement plan; research crop insurance plans.			

PAID
 APR 23 2013
 OK 10780
 OK

100007

CASS CO JT WRD -

Invoice# 120377

Page 2

		1.20 hrs	160.00 /hr	192.00
04/08/2013	CMM	Prepare for hearing; pick up Lee and travel to and from hearing; participate in hearing.		
		1.50 hrs	160.00 /hr	240.00
04/08/2013	SNW	Attend hearing at Cass County Courthouse with Lee Beauvais and attorney Chris McShane regarding Heiden property.		
		0.80 hrs	160.00 /hr	128.00
04/09/2013	CMM	Conference call with the Corps; telephone call to Mary Adams (leave message); review docket for order entered during hearing on Monday.		
		1.40 hrs	160.00 /hr	224.00
04/09/2013	SNW	Review materials and attend bi-weekly teleconference at Moore Engineering with attorney Chris McShane and Lyndon Pease.		
		1.00 hrs	160.00 /hr	160.00
04/11/2013	CMM	Attend the Joint Board meeting to provide an update on right of entry and to discuss the Mathys easement issue; trade voice messages with Mary Adams.		
		1.10 hrs	160.00 /hr	176.00
04/12/2013	JDR	Receive phone call from Justin Halvorson; interoffice conference with attorney Chris McShane; obtain copy of Court's Order; draft Notice fo Entry of Order and serve upon interested parties; interoffice conference with attorney Sarah M. Nyhus-Wear.		
		0.40 hrs	80.00 /hr	32.00
04/12/2013	CMM	Review e-mail from Mark regarding the Mathys property; send e-mail to Lyndon to follow up on the cost to move the instrumentation.		
		0.40 hrs	160.00 /hr	64.00
04/12/2013	SNW	Correspond with Lyndon Pease regarding Order for Entry upon land regarding Heiden and Ideal Ag properties; interoffice conference with Joshua Roaldson.		
		0.30 hrs	160.00 /hr	48.00
04/19/2013	JDR	Interoffice conference with attorney Sarah M. Nyhus-Wear regarding access agreement received; review file regarding previously entered Order.		
		0.40 hrs	80.00 /hr	32.00
04/19/2013	SNW	Telephone conference with Brad Dahl regarding access agreement; email correspondence with attorney Chris McShane; interoffice conference with Joshua Roaldson and Ashley Rettig; review email correspondence from USACE.		
		1.00 hrs	160.00 /hr	160.00
04/21/2013	SMF	Research flood easement requirements.		
		2.00 hrs	160.00 /hr	320.00
Total fees for this matter				<u>\$2,872.00</u>

EXPENSES

03/25/2013	Process Service Fee paid to You've Been Served	\$316.81
03/25/2013	North Dakota Recorders Information Network fee	\$80.00
Total expenses for this matter		<u>\$396.81</u>

BILLING SUMMARY

Total fees	\$2,872.00
Total expenses	<u>\$396.81</u>
Total of new charges for this invoice	<u>\$3,268.81</u>
Total balance now due	<u>\$3,268.81</u>

WINTER 2013 BORINGS

BORING	QUANTITY	INSTRUMENTATION	PROPERTY OWNER	PARCEL ID
12-194M	2		Red River Trust	44-0000-00270-000
13-195M	2		Vicki & Dennis Rust	59-0000-10850-000
13-196M	2		Vicki & Dennis Rust	59-0000-10850-000
13-197M	2		Wayne & Marion Diekrager	59-0000-10849-000
13-198M	2		Keith Monson	27-0000-01649-000
13-199M	2		Gerald Henke	59-0000-10904-050
13-200M	2		Red River Trust	44-0000-00270-000
13-202M	3	X	David & Emily Radebaugh	70-0000-13647-000
13-203M	3	X	Bart & Lori Marvel	44-0000-00110-000
13-204M	2	X	Williams Farms	44-0000-01070-000
13-205M	2	X	Bruce Thue	67-0000-12718-000
13-206M	2	X	DaNae Matthys	53-0000-09138-015

TOTAL \$ 6,500 ⁴⁰⁰⁰

Notes:

1) An 'X' in the instrumentation column denotes that subsurface monitoring equipment was installed at this location

2) Land owner information was obtained from the GIS map file,

'X:\PROJECTS\SA\SA_Fargo_Moorhead_Metro(PED)-370365\Geotech_Geology\GIS_4_geotech_ology\FMM_Geotech-ology_2013042.mxd'

PAID

APR 23 2013

CL# 10782-10788

GH



Cass County
Joint Water
Resource
District

April 25, 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

Red River Trust, et al
P.O. Box 654
Kirkland, WA 98083

Greetings:

RE: Fargo-Moorhead Area Diversion Project

Enclosed please find our Check #10782 in the amount of \$1,000 for 4 soil borings on parcel 44-0000-00270-000 regarding the above referenced project. Thank you.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Enclosure

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

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



Cass County
Joint Water
Resource
District

April 25, 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

Dennis and Vicki Rust
16462 29th Street Southeast
Harwood, ND 58042-9724

Dear Mr. and Mrs. Rust:

RE: Fargo-Moorhead Area Diversion Project

Enclosed please find our Check #10783 in the amount of \$1,000 for 4 soil borings on parcel 59-0000-10850-000 regarding the above referenced project. Thank you.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

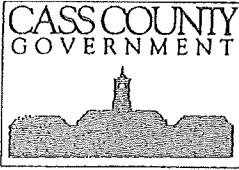
Carol Harbeke Lewis
Secretary-Treasurer

Enclosure

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



Cass County
Joint Water
Resource
District

April 25, 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

Wayne and Marion Diekrager, et al
1002 19th Street Northeast
Rochester, MN 55906-4249

Dear Mr. and Mrs. Diekrager:

RE: Fargo-Moorhead Area Diversion Project

Enclosed please find our Check #10784 in the amount of \$500 for 2 soil boring on parcel 59-0000-10849-000 regarding the above referenced project. Thank you.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Enclosure

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

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



Cass County
Joint Water
Resource
District

April 25, 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

Keith Monson
2995 170th Avenue SE
Harwood, ND 58042

Dear Keith:

RE: Fargo-Moorhead Area Diversion Project

Enclosed please find our Check #10785 in the amount of \$500 for 2 soil boring on parcel 27-0000-01649-000 regarding the above referenced project. Thank you.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

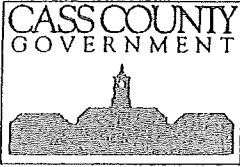
Carol Harbeke Lewis
Secretary-Treasurer

Enclosure

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

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



Cass County
Joint Water
Resource
District

May 1, 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

Carol D. Brooks 3rd Party SNT
c/o Heartland Trust Company
P.O. Box 9135
Fargo, ND 58106

Greetings:

RE: Fargo-Moorhead Area Diversion Project

Enclosed please find our Check #10789 in the amount of \$500 for 2 soil borings on parcel 59-0000-10904-050 regarding the above referenced project. Thank you.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Enclosure

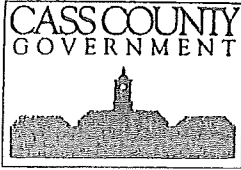
Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

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

PAID

MAY 01 2013
UK# 10789



Cass County
Joint Water
Resource
District

April 25, 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

David and Emily Radebaugh
77 24th Avenue North
Fargo, ND 58102-2030

Dear Mr. and Mrs. Radebaugh:

RE: Fargo-Moorhead Area Diversion Project

Enclosed please find our Check #10787 in the amount of \$250 for 1 soil boring on parcel 70-0000-13647-000 regarding the above referenced project. Thank you.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

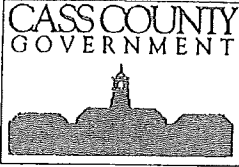
Carol Harbeke Lewis
Secretary-Treasurer

Enclosure

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



Cass County
Joint Water
Resource
District

April 25, 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

Bart and Lori Marvel
P.O. Box 174
Hunter, ND 58048-0174

Dear Mr. and Mrs. Marvel:

RE: Fargo-Moorhead Area Diversion Project

Enclosed please find our Check #10788 in the amount of \$250 for 1 soil boring on parcel 44-0000-00110-000 regarding the above referenced project. Thank you.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Enclosure

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

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

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

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

Invoice

Date	4/25/2013
------	-----------

Description	Qty	Rate	Amount
Metro Flood Project:	3.6	150.00	540.00
Nancy J. Morris: Legal services Mar 26 - April 25, 2013--itemization enclosed			
Jason T. Loos: Legal services Mar 26 - April 25, 2013--itemization enclosed	0.5	150.00	75.00
Copies: Cases County Clerk of Court	1	10.00	10.00
<p>PAID MAY 09 2013 UL#10796 <i>CAK</i></p>			
<i>We appreciate your business.</i>	TOTAL:		\$625.00

April 25, 2013

Client: Cass County Joint Water District
Matter: Metro Flood

Atty	DATE	DESCRIPTION	TIME
N	3/27/2013	Correspond w/ Lee B. re pleadings for Johnson	0.3
N	3/28/2013	Design agreement amendment correspondence review	0.4
N	4/1/2013	Johnson - ROE file docs	1
N	4/2/2013	Phone call w/ Sandra Mark re: access	0.2
N	4/11/2013	Correspondence with L. Bervais	0.2
N	4/23/2013	Johnson - notice of entry of order documents	0.5
N	4/25/2013	Review agreement; review AG's opinion; correspondence with B. Derrig	1
Total Time			3.60
Hourly Rate \$			150.00
Total Fees - NJM \$			540.00
J	4/19/2013	Attend hearing	0.5
Total Time			0.50
Hourly Rate \$			150.00
Total Fees - JTL \$			75.00

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

May 20, 2013

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

Invoice# 120888 SMF
 Our file# 100007 00007
 Billing through 05/17/2013

FM DIVERSION - RIGHT OF ENTRY

Balance forward as of invoice dated	04/24/13	\$3,268.81
Last payment received	04/26/2013	\$3,268.81
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

04/22/2013	CMM	Prepare the memorandum of law and affidavit in support of the action currently set for hearing on April 26; obtain maps from Moore.	1.20 hrs	160.00 /hr	192.00
04/23/2013	SMF	Office conference with attorney Chris McShane regarding easement extension requirements and possible payments, and regarding Matthys; correspond with Lee regarding flood easements.	1.00 hrs	160.00 /hr	160.00
04/23/2013	CMM	Participate in Corps telephone conference; work with attorney Sarah M. Nyhus-Wear on Mary Adams easement; complete Memorandum of Law and affidavit in support for the Krogh/Ueland right of entry.	1.90 hrs	160.00 /hr	304.00
04/23/2013	SNW	Review email correspondence; attend bi-weekly teleconference at Moore Engineering; review letter from Mary Adams regarding temporary easement; revise temporary easement for Adams property to incorporate her requested modifications; draft letter to Mark Adams.	3.00 hrs	160.00 /hr	480.00
04/24/2013	CMM	Review and respond to e-mails from Moore Engineering about what borings should be paid for an what borings should not be; prepare for Right of Entry hearing in district court.	0.40 hrs	160.00 /hr	64.00
04/25/2013	CMM	Participate in Joint Board meeting regarding right of entry issues; travel to and participate in hearing for right of entry to Krogh and Ueland properties.	3.60 hrs	160.00 /hr	576.00
04/26/2013	CMM	Correspond with the Corps regarding the decision of the Joint Board about extending the easements.	0.40 hrs	160.00 /hr	64.00
04/29/2013	CMM	Telephone conference with Terry, Jon, and Katie from the Corps regarding Kevin Heiden easement extension; review and revise Mary Adams easement; attempt to make contact with Mary Adams; serve notice of entry of order allowing right of entry.	1.10 hrs	160.00 /hr	176.00
04/30/2013	SMF	Office conference with attorney Chris McShane regarding Mathys issue; review			

PAID
 MAY 23 2013
 UC#10816
GR

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.

		Mathys easement.			
			1.00 hrs	160.00 /hr	160.00
05/01/2013	SMF	Review HB 1020 regarding acquisition authorization; prepare letter to the COE regarding Mathys and Phase II issues; correspond with Chairman Brodshaug; correspond with Moore; interoffice conference with attorney Chris McShane regarding Mathys situation.			
			3.20 hrs	160.00 /hr	512.00
05/01/2013	SNW	Review easements; revise temporary easements for exploration for burial site properties to extend easement date.			
			1.00 hrs	160.00 /hr	160.00
05/02/2013	SNW	Review temporary easements to extend expiration date for another 2 months for burial site locations and modify additional temporary easements for a one year extension; draft letters to landowners to be sent with easements.			
			1.50 hrs	160.00 /hr	240.00
05/03/2013	SMF	Telephone conference with Lee; correspond with Lyndon; review Lyndon's notes; prepare revised letter to the Corps; correspond with Mark and Carol; interoffice conference with attorney Chris McShane.			
			3.50 hrs	160.00 /hr	560.00
05/06/2013	CMM	Prepare access agreements for Heiden and Red River trust; send Heiden access agreement to Pam to be sent out; send Temporary Easement to Heiden LLLP with cover letter discussing the purpose for the extended easement; telephone call to Red River Trust requesting right of entry (leave voice message); review and revise extended easements for Henke, Smith, and Knutson; draft cover letters for the extension of the easements for Smith, Knutson, and Henke; Review agenda for Corps conference call.			
			1.40 hrs	160.00 /hr	224.00
05/07/2013	CMM	Prepare easements to be sent to Knutson, Smith, and Henke; instruct staff to send easements, cover letters, and 1099 forms to Pam to be signed and mailed; participate in Corps telephone conference; receive message from Mary Adams regarding changes she wants to the proposed easement; revise the proposed easement; dictate letter to Mary Adams explaining the changes in the revised easement.			
			2.30 hrs	160.00 /hr	368.00
05/07/2013	SNW	Review email correspondence; attend bi-weeking ROE teleconference.			
			0.50 hrs	160.00 /hr	80.00
05/09/2013	SMF	Attend Land Management Committee meeting; review Oxbow recommendation from the Committee.			
			3.00 hrs	160.00 /hr	480.00
05/09/2013	CMM	Attend regular meeting of the board; discuss ROE and easement issues; send Henke Easement to Cass County Recorder for recording.			
			1.40 hrs	160.00 /hr	224.00
05/09/2013	SNW	Attend regular CCJT meeting.			
			1.40 hrs	160.00 /hr	224.00
05/13/2013	BDN	Review memo; conduct legal research regarding voting right for condemned property.			
			1.80 hrs	160.00 /hr	288.00
05/15/2013	CMM	Telephone conference with Lyndon regarding whether ROE is necessary to do a culvert survey in the staging area; receive two easements; send one to Carol for signing and send the other to recorder's office for recording.			
			0.60 hrs	160.00 /hr	96.00
05/16/2013	SMF	Correspond with Chairman Brodshaug regarding permanent easements; research 99-year statute; research AG opinions and title standards regarding same; research township road right of way right to travel issues; interoffice conference with attorney Chris McShane regarding township culverts; phone conference with Lee.			
			3.50 hrs	160.00 /hr	560.00
Total fees for this matter					<u>\$6,192.00</u>

EXPENSES

05/01/2013	Westlaw research	\$16.84
05/09/2013	Recording Fees paid to the Cass County Recorder	\$35.00

100007 CASS CO JT WRD -

Invoice# 120888

Page 3

05/15/2013	Recording Fee paid to the Cass County Recorder	\$28.00
05/16/2013	Refund Cass County Recorder	(\$7.00)
	Total expenses for this matter	<u>\$72.84</u>

BILLING SUMMARY

Total fees	\$6,192.00
Total expenses	<u>\$72.84</u>
Total of new charges for this invoice	<u>\$6,264.84</u>
Total balance now due	<u>\$6,264.84</u>

Stone, Nina

From: Lewis, Carol
Sent: Wednesday, May 15, 2013 3:21 PM
To: Stone, Nina
Subject: FW: Cass County Joint WRD - Temporary Easement for Exploration - Knutson

From: Barbara R. Jones [<mailto:BJones@OhnstadLaw.com>]
Sent: Wednesday, May 15, 2013 3:18 PM
To: Lewis, Carol
Subject: Cass County Joint WRD - Temporary Easement for Exploration - Knutson

Carol:

We need to request another check to pay for the Temporary Easement for Exploration dated May 10, 2013, between Joanne I. Knutson, and Cass County Joint WRD.

The check should be made as follows:

1. \$500.00 to Joanne I. Knutson

Thank you.

Barbara Jones
Real Estate Assistant
Ohnstad Twichell, P.C.
901 - 13th Avenue East
P.O. Box 458
West Fargo, ND 58078
(701) 282-3249
www.ohnstadlaw.com

PAID
MAY 23 2013
AG#10818
GA

Stone, Nina

From: Lewis, Carol
Sent: Wednesday, May 15, 2013 12:26 PM
To: Stone, Nina
Subject: FW: Cass County Joint WRD - Temporary Easement for Exploration - Gerald Henke/Carol Brooks Trust

From: Barbara R. Jones [<mailto:BJones@OhnstadLaw.com>]
Sent: Wednesday, May 15, 2013 9:27 AM
To: Lewis, Carol
Subject: Cass County Joint WRD - Temporary Easement for Exploration - Gerald Henke/Carol Brooks Trust

Carol:

We need to request checks to pay for the Temporary Easement for Exploration dated May 9, 2013, between Gerald L. Henke, Individually, and Gerald L. Henke, as Trustee of the Carol B. Brooks Irrevocable Third-Party Special Needs Trust, and Cass County Joint WRD.

The checks should be made as follows:

1. \$750.00 to Gerald L. Henke; and
2. \$750.00 to Gerald L. Henke, as Trustee of the Carol B. Brooks Irrevocable 3rd Party Special Needs Trust.

Thank you.

Barbara Jones
Real Estate Assistant
Ohnstad Twichell, P.C.
901 - 13th Avenue East
P.O. Box 458
West Fargo, ND 58078
(701) 282-3249
www.ohnstadlaw.com

PAID

MAY 23 2013

UB10819 + 10820

CAJ

Stone, Nina

From: Lewis, Carol
Sent: Wednesday, May 22, 2013 11:00 AM
To: Stone, Nina
Subject: FW: Matthys check

From: Lee Beauvais [<mailto:lbeauvais@mooreengineeringinc.com>]
Sent: Wednesday, May 22, 2013 10:47 AM
To: Lewis, Carol; Christopher M. McShane
Subject: RE: Matthys check

Carol

We are at the point of issuing check(s). The discussion was to include additional area in the easement for access if we could include an approach. Because there is not an approach in the area, access will have to be through the ditch so additional area should not be needed. Regarding payment, Mr. Matthys has requested the payment be split into three separate checks to the following people:

- 1 – Paul Matthys
- 2- DeNae Matthys
- 3 – Desira Matthys Olien

Lee T. Beauvais, PE
moore engineering, inc.
925 10th Ave. E.
West Fargo, ND 58078
Direct: (701) 499-5809
Phone: (701) 282-4692
Fax: (701) 282-4530
Email: lbeauvais@mooreengineeringinc.com
Web: <http://www.mooreengineeringinc.com>

PAID

MAY 23 2013

CG#10821,10822+10823

From: Lewis, Carol [<mailto:LewisC@casscountynd.gov>]
Sent: Wednesday, May 22, 2013 10:41 AM
To: Lee Beauvais; Christopher M. McShane
Subject: Matthys check

Hi,

Should we be getting a check for \$6,000 ready for Matthys yet or aren't we to that point with him yet?

Carol

Carol Harbeke Lewis
Secretary-Treasurer
Cass County Water Resource Districts
1201 Main Avenue West
West Fargo, ND 58078-1301
Phone: 701-298-2381
Fax: 701-298-2397
LewisC@casscountynd.gov

Diversion Authority Postage

Date		# of items mailed	Amount	
4-25	0.46	7	3.22	Soil Borings



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

May 22, 2013
Invoice No. 1874857

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

For Legal Services Rendered Through April 30, 2013

INVOICE TOTAL

Total For Current Legal Fees

\$6,345.00 - (April)

Total For Current Invoice

\$6,345.00

Summary of Account

*Prior Balance Due

\$15,591.50 - (March)

Total Amount Due

\$21,936.50

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

465-3535-570-33-25
FLOODG-L

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 1080
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: USBKUS44INT

Please make reference to the invoice number

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

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



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorneys
Nancy J. Morris
Jason T. Loos

June 4, 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 May 22, 2013 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through April 30, 2013 on the Red River Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to Dorsey Whitney.

Sincerely,

A handwritten signature in black ink, appearing to be "ERJ", written over a horizontal line.

Erik R. Johnson

ERJ/jmf
Enclosure
cc: Pat Zavoral



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	5/25/2013
------	-----------

Description	Qty	Rate	Amount
Metro Flood Project:	18.9	191.25	3,614.63
Erik Johnson: April 26 thru May 25, 2013--see itemization attached			
Nancy J Morris: April 26 thru May 25, 2013--see itemization attached	21.4	165.75	3,547.05
<p><i>M/C - 465-3535-570-33-25</i> <i>FLD LEGAL</i></p>			
<i>We appreciate your business.</i>			TOTAL: \$7,161.68

May 25, 2013

Client: City of Fargo
Job: Metro Flood

Atty	DATE	DESCRIPTION	TIME
E	5/1/2013	Conference call with John Paczkowski; Bruce Engelhardt, Bob Cattanach re: ND permitting questions and follow up with Bob Cattanach	1.2
E	5/3/2013	Attend Administrative Advisory meeting	1.5
E	5/3/2013	Telephone conference with Cattanach and Hunt and then with Bittner	1.5
E	5/5/2013	Review Mayor Nyhoff/Oxbow suggested changes - prepare for meeting; attend meeting with Oxbow steering group	3
E	5/13/2013	Work on Oxbow; more issues and meet with Mark Bittner and Pat Zavoral	3.1
E	5/16/2013	Conference with Tom O'Hara re: relocation requirements and process; review PL 91-646	1.5
E	5/20/2013	Telephone conference with John Warcup; telephone conference with David Huff re: Oxbow MOU	1.5
E	5/20/2013	Review relocation requirements and attend city meeting at Oxbow re: ring levee	2.1
E	5/21/2013	Revise Oxbow MOU	3
E	5/22/2013	Telephone conference with Nicole; telephone conference with Kent Costin re: Oxbow MOU	0.2
E	5/23/2013	Telephone conference with Davin Hauff of Oxbow Country Club	0.3
Total Time			18.90
Hourly Rate - ERJ \$			191.25
Total Fees - ERJ \$			3614.63
N	4/30/2013	Correspond w/ Jim Sandau and George & Dorothy Scilley	1
N	5/1/2013	Correspond w/ Jim Sandau re: Hardship buyout; correspondence re: PA	0.8
N	5/1/2013	Correspondence re: contract discussions	0.2
N	5/3/2013	Correspond w/ Jim Sandeau re: Scilley PA & status; attend staff Operational Meeting	2.5
N	5/7/2013	Acquisition Policy - phone call w/ Dirk Draper re: policies and procedures & agreements & negotiations	2
N	5/7/2013	Hardship Committee meeting	1.5
N	5/7/2013	Correspondence re: Hardship closing dates	0.2
N	5/8/2013	Review questions; meet w/ Erik	0.5
N	5/9/2013	Correspondence re: Hardship buyouts	0.5
N	5/9/2013	Land Management Meeting & Diversion Authority Meeting	4
N	5/13/2013	Meeting w/ Erik; phone calls w/ B. Spiller & Molly Hunt; review correspondence	2.5
N	5/16/2013	Correspondence re: Hardship purchase; correspondence re: closing and status	0.6
N	5/17/2013	Review agenda & prepare docs re: hardship	0.5
N	5/17/2013	Administrative staff meeting	1.8
N	5/20/2013	Scilley Hardship - Phone call w/ Dorothy Scilley; correspond w/ Dirk Draper, Eric Dodds	1.5
N	5/21/2013	Hardship Buyout terms; correspondence re: closing needs, etc; review title opinion	0.8

May 25, 2013

Client: City of Fargo
Job: Metro Flood

Atty	DATE	DESCRIPTION	TIME
N	5/23/2013	Correspondence re: Hardship buyout; phone call w/ Eric Dodds re: closing	0.5
		Total Time	21.40
		Hourly Rate	165.75
		Total Fees - NJM	3547.05

FM Diversion Authority
Fiscal Accountability Report Design Phase (Fund 790)
As of 5/31/2013

	2011	2012	2013	Cumulative Totals
Revenues				
City of Fargo	443,138	7,652,681	1,220,149	9,315,968
Cass County	443,138	7,652,681	1,220,149	9,315,968
City of Moorhead / Clay County	98,475	1,700,595	271,144	2,070,214
State Water Commission (10% Cap)	-	-	-	-
Total Revenues	984,750	17,005,957	2,711,442	20,702,149

Expenditures				
7905 Army Corp Payments	-	-	-	-
7910 WIK - Administration	107,301	331,321	36,557	475,179
7915 WIK - Project Design	149,632	5,366,147	372,593	5,888,372
7920 WIK - Project Management	679,037	7,223,650	1,898,502	9,801,190
7925 WIK - Recreation	-	163,223	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	401,330	4,293,614
7931 LERRDS - Minnesota	-	27,996	2,460	30,456
7940 WIK Mitigation - North Dakota	-	-	-	-
7941 WIK Mitigation - Minnesota	-	-	-	-
7950 Construction - North Dakota	-	-	-	-
7951 Construction - Minnesota	-	-	-	-
7955 Construction Management	-	-	-	-
7990 Project Financing	-	50,000	-	50,000
7995 Project Eligible - Off Formula Costs	-	-	-	-
7999 Non Federal Participating Costs	116	-	-	116
Total Expenditures	984,750	17,005,957	2,711,442	20,702,149

FM Diversion Authority
Operating Statement - May, FY 2013

	Current Month	Current F-Y-T-D 10/1-9/30/13	Annual FY Budget 10/1/12-9/30/13	% Expended	Comments
Revenues:					
City of Fargo	\$ 550,134	\$ 5,138,744	\$ 16,470,000		
Cass County	550,134	5,138,744	16,470,000		
City of Moorhead	122,251	1,141,942	3,660,000		
State of North Dakota	-	-	-		
State of Minnesota	-	-	-		
Miscellaneous	-	-	-		
Total Revenues	\$ 1,222,519	\$ 11,419,430	\$ 36,600,000		
Expenditures:					
7910 WIK - General & Administrative					
33-20 Accounting Services	\$ 340	\$ 2,490	\$ 10,000		
33-25 Legal Services	7,202	265,951	500,000		
38-99 Other Services	-	285	5,000		
52-30 General Liability Insurance	-	4,975	5,000		
Total WIK - General & Administrative	7,542	273,700	525,000	52%	
7915 WIK - Project Design					
33-05 Engineering Services	151,278	3,133,527	20,000,000		
Total WIK - Project Design	151,278	3,133,527	20,000,000	16%	
7920 WIK - Construction Management					
33-05 Engineering Services	70,717	552,177	-		
33-06 Quality Testing	-	5,350	-		
33-79 Project Management	820,724	4,103,411	7,600,000		
Total WIK - Construction Management	891,440	4,660,939	7,600,000	61%	
7925 WIK - Recreation					
33-05 Engineering Services	-	263	-		
Total WIK - Recreation	-	263	-	100%	
7930 LERRDS - North Dakota					
33-05 Engineering Services	141,962	1,981,179	5,000,000		
33-25 Legal Services	20,194	99,707	130,000		
33-91 Property Management	-	15,947	50,000		
34-65 Right of Entry Requests	-	35,290	65,000		
61-50 General Supplies / Postage	-	230	-		
71-30 Land & Building Purchases	-	1,044,496	3,000,000		
71-31 Land Easements	10,000	25,000	-		
80-17 Property Taxes / Special Assessments	-	91,658	100,000		
Total LERRDS - North Dakota	172,156	3,293,507	8,345,000	39%	
7931 LERRDS - Minnesota					
33-25 Legal Services	-	-	-		
34-65 Right of Entry Requests	103	7,495	10,000		
Total LERRDS - Minnesota	103	7,495	10,000	75%	
7990 Project Financing					
34-55 Financial Advisor	-	50,000	120,000	42%	
Total Project Financing	-	50,000	120,000	42%	
Total Expenditures	\$ 1,222,519	\$ 11,419,430	\$ 36,600,000	31%	

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

Date: 5/31/2013

Project	Account Number	PO No.	Vendor	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	-
V00101	790-7910-429.33-25	161130	9367	3/18/2013	DORSEY & WHITNEY LLP	10,442.50	10,442.50	-
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	790-7910-429.33-20	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 May 31, 2013**

Date: 5/31/2013

Project	Account Number	PO No.	Vendor	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	-
V00102	790-7910-429.33-25	161131	16872	3/18/2013	ERIK R JOHNSON & ASSOCIATES	4,769.78	4,769.78	-
V00102	790-7910-429.33-20	AJ	COF	3/27/2013	CITY OF FARGO	200.00	200.00	-
V00102	790-7910-429.33-25	161699	16872	4/8/2013	ERIK R JOHNSON & ASSOCIATES	2,366.41	2,366.41	-
V00102	790-7910-429.38-99	161972	13981	4/17/2013	NORTH DAKOTA TELEPHONE CO	49.20	49.20	-
V00102	790-7910-429.33-25	162044	14216	4/19/2013	BRIGGS & MORGAN PA	1,616.36	1,616.36	-
V00102	790-7910-429.34-55	162074	21621	4/22/2013	PFM PUBLIC FINANCIAL MANAGEMEN	140,000.00	50,000.00	90,000.00
V00102	790-7910-429.33-20	AJ	COF	4/26/2013	CITY OF FARGO	460.00	460.00	-
V00102	790-7910-429.33-25	162703	16872	5/14/2013	ERIK R JOHNSON & ASSOCIATES	3,219.38	3,219.38	-
V00102	790-7910-429.38-99	163136	13981	5/30/2013	NORTH DAKOTA TELEPHONE CO	95.00	-	95.00
V00102	790-7910-429.33-20	AJ	COF	5/31/2013	CITY OF FARGO	340.00	340.00	-
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	3,422,306.58	3,422,306.58	-
V00203	790-7920-429.33-79	154940	20663	9/17/2012	CH2M HILL ENGINEERS INC	5,000,000.00	3,490,943.59	1,509,056.41
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

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

Date: 5/31/2013

Project	Account Number	PO No.	Vendor	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
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	403,927.45	76,560.97
V01003	790-7915-429.33-05		17791	5/31/2013	URS CORPORATION	495,000.00	-	495,000.00
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	-
V01201	790-7930-429.71-31	161700	19734	4/8/2013	CASS COUNTY JOINT WATER RESOUR	52,735.94	52,735.94	-
V01301	790-7915-429.33-05	147745	1118	2/17/2012	MOORE ENGINEERING INC	5,558.50	5,558.50	-

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

Date: 5/31/2013

Project	Account Number	PO No.	Vendor	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
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	-
V01301	790-7931-429.34-65	160797	1286	3/7/2013	OHNSTAD TWICHELL PC	738.00	738.00	-
V01301	790-7931-429.34-65	161824	1286	4/11/2013	OHNSTAD TWICHELL PC	471.50	471.50	-
V01301	790-7931-429.34-65	162447	1286	5/6/2013	OHNSTAD TWICHELL PC	102.50	102.50	-
V01301	790-7931-429.34-65	163135	1286	5/30/2013	OHNSTAD TWICHELL PC	164.00	-	164.00
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	973,651.00	1,099,024.00
V01602	790-7930-429.33-05	151233	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	871,000.00	723,726.47	147,273.53
V01603	790-7915-429.33-05	151234	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	2,333,300.00	2,229,685.31	103,614.69
V01604	790-7930-429.33-05	151235	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	1,421,000.00	1,356,335.65	64,664.35
V01605	790-7915-429.33-05	151236	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	905,000.00	845,983.45	59,016.55
V01606	790-7930-429.33-05	151237	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	538,103.00	331,286.64	206,816.36
V01607	790-7915-429.33-05	152022	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	240,000.00	122,266.80	117,733.20
V01608	790-7915-429.33-05	152023	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	727,330.00	473,785.80	253,544.20
V01609	790-7915-429.33-05	152024	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	537,341.00	246,885.74	290,455.26
V01610	790-7930-429.33-05	152025	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	288,000.00	43,220.40	244,779.60
V01611	790-7930-429.33-05	155529	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	771,000.00	12,049.90	758,950.10
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	237,381.38	337,618.62
V01614	790-7915-429.33-05	160644	21007	3/1/2013	HOUSTON-MOORE GROUP LLC	605,000.00	1,452.00	603,548.00

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

Date: 5/31/2013

Project	Account Number	PO No.	Vendor	P.O. Date	Vendor Name	Encumbered	Liquidated	Balance
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	-
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	-
V02001	790-7930-429.33-91	160366	10078	2/20/2013	COLDWELL BANKER	2,600.00	2,600.00	-
V02001	790-7930-429.33-91	161153	10078	3/18/2013	COLDWELL BANKER	1,000.00	1,000.00	-
V02101	790-7930-429.33-05	157607	12775	11/29/2012	RED RIVER BASIN COMMISSION	500,000.00	52,775.00	447,225.00
V02201	790-7915-429.38-99		18968	5/31/2013	US GEOLOGICAL SURVEY	46,920.00	-	46,920.00
						28,538,617.70	20,702,149.86	7,836,467.84

FM Diversion Authority
Summary of Cash Disbursements
Period May 2013

Period/Year: 05/2013

Date: 5/31/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-20	5/31/2013	JB05130013	CITY OF FARGO	340.00	FISCAL SERVICES	V00102	General & Admin. WIK
Total Accounting Services				\$ 340.00			
790-7910-429.33-25	5/16/2013	239586	ERIK R JOHNSON & ASSOCIATES	2,366.41	METRO FLOOD PROJECT	V00102	General & Admin. WIK
	5/16/2013	239553	BRIGGS & MORGAN PA	1,616.36	METRO FLOOD CTRL PROJECT	V00102	General & Admin. WIK
	5/22/2013	239816	ERIK R JOHNSON & ASSOCIATES	3,219.38	3/26-4/25 METRO FLOOD PRJ	V00102	General & Admin. WIK
Total Legal Services				\$ 7,202.15			
790-7915-429.33-05	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	21,333.01	2/1-28/13	V01603	CR-81 & I29 BRIDGE DESIGN
	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	2,603.00	2/1-28/13	V01605	POST FEASIBILITY ANALYSIS
	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	10,167.68	2/1-2/28/13	V01607	RECREATION/USE MASTER PLN
	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	2,856.53	2/1-2/28/13	V01608	WORK-IN-KIND (WIK)
	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	37,842.09	2/1-28/13	V01609	HYDROLOGY/HYDRAULIC MODEL
	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	75,023.45	2/1-28/13	V01613	LEVEE DESIGN & SUPPORT
	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	1,452.00	2/1-28/13	V01614	TRANS/DRAINAGE MASTER PLN
Total Engineering Services				\$ 151,277.76			
790-7920-429.33-05	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	70,716.52	2/1-2/28/13	V01601	HMG - PROJECT MANAGEMENT
Total Engineering Services				\$ 70,716.52			
790-7920-429.33-79	5/9/2013	239317	CH2M HILL ENGINEERS INC	428,083.96	THRU 3/29/13	V00203	CH2M HILL - 10/1-6/30/13
	5/29/2013	239946	CH2M HILL ENGINEERS INC	392,639.91	THRU 4/26/13	V00203	CH2M HILL - 10/1-6/30/13
Total Project Management				\$ 820,723.87			
790-7930-429.33-05	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	44,273.90	2/1-2/28/13	V01602	CR-31 BRIDGE DESIGN
	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	36,732.03	2/1-28/13	V01604	CR-32 & CR-22 BRIDGE DSGN
	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	10,776.00	2/1-28/13	V01604	CR-32 & CR-22 BRIDGE DSGN

FM Diversion Authority
Summary of Cash Disbursements
Period May 2013

Period/Year: 05/2013

Date: 5/31/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	9,280.54	2/1-28/13	V01606	LAND MANAGEMENT SERVICES
	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	6,308.00	2/1-28/13	V01610	UTILITIES DESIGN
	5/9/2013	239378	HOUSTON-MOORE GROUP LLC	12,049.90	2/1-28/13	V01611	REACH 6 & CR20 BRIDGE
	5/16/2013	239560	CASS COUNTY JOINT WATER RESOURCE DI	22,541.75	FM AREA DIVERSION	V01201	Cass Joint Water ROE
Total Engineering Services				\$ 141,962.12			
790-7930-429.33-25	5/16/2013	239560	CASS COUNTY JOINT WATER RESOURCE DI	20,194.19	FM AREA DIVERSION	V01201	Cass Joint Water ROE
Total Legal Services				\$ 20,194.19			
790-7930-429.71-31	5/16/2013	239560	CASS COUNTY JOINT WATER RESOURCE DI	10,000.00	FM AREA DIVERSION	V01201	Cass Joint Water ROE
Total Easements				\$ 10,000.00			
790-7931-429.34-65	5/9/2013	239452	OHNSTAD TWICHELL PC	102.50	USACE MEETING	V01301	City of Moorhead ROE
Total Right of Entry Requests				\$ 102.50			
Total Disbursed for Period				\$ 1,222,519.11			