

FLOOD DIVERSION BOARD OF AUTHORITY
Thursday, May 8 2014
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. Management Information
 - a. PMC report
 - b. Corps of Engineers report
5. Administrative/Legal
 - a. Lawsuit update
6. Technical Information/action
 - a. Design Contracts/Task Orders/Authority Work Directives Item 6a.
 - i. HMG Task Order 6 Amendment 5 - Land Management Services Item 6a. (i)
 - ii. HMG Task Order 13 Amendment 5 – Levee Design/Design Support Item 6a. (ii)
 - iii. URS Task Order 1 Amendment 1 – Phase I Cultural Resources Item 6a. (iii)
 - b. Wild Rice River Dam Fish Passage Mitigation presentation
7. Public Outreach Information
 - a. Committee report
 - b. Business Leaders Task Force update
8. Land Management Information/action
 - a. Committee report
 - b. CCJWRD update
9. Finance Information/action
 - a. Committee report
 - b. Voucher approval Item 9b.
10. Other Business
11. Next Meeting – June 12, 2014
12. Adjournment

cc: Local Media

**FLOOD DIVERSION BOARD OF AUTHORITY
APRIL 10, 2014—3:30 PM**

Item 2.

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, April 10, 2014, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Vern Bennett; Cass County Commissioner Ken Pawluk; West Fargo City Commissioner Mike Thorstad; Fargo Mayor Dennis Walaker; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Brad Wimmer; Cass County Joint Water Resource District Manager Rodger Olson; and Moorhead City Council Member Nancy Otto. Clay County Commissioner Kevin Campbell was absent. 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 Michael 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; Bruce Spiller, CH2MHill; Tom Dawson, Chamber of Commerce Business Leader Task Force for Permanent Flood Protection; Brett Coleman, Project Manager, Corps of Engineers; and Terry Williams, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Thorstad moved and Mr. Wimmer seconded to approve minutes from the March 13, 2014, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Wimmer moved and Ms. Otto seconded to approve the order of the agenda. Motion carried.

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

Bruce Spiller provided an update on activities over the last month including ongoing design work on the Oxbow/Hickson/Bakke (OHB) levee; work on the in-town levee designs in coordination with the new Fargo City Hall building; and on-going process with the Minnesota EIS (Environmental Impact Statement). He said levee permitting and acquisitions are underway for the OHB levee with bids to be opened May 6th and anticipated construction to begin July 1st.

Corps of Engineers report

Brett Coleman provided an update of activities by Corps of Engineers staff including continued work on the Maple River aqueduct physical modeling; continued coordination and support provided to the Minnesota DNR during their EIS process; participation in weekly meetings on the OHB levee; and continued coordination on the in-town levee design. The Corps continues to await federal authorization for the project.

5. ADMINISTRATIVE/LEGAL UPDATELawsuit update

Erik Johnson, Attorney, provided an update regarding the lawsuit filed by the Richland-Wilkin Joint Powers Authority v. Corps of Engineers. He said a hearing was held on April 3rd in Duluth regarding a motion to dismiss three of the four claims within the case. He provided the chronology associated with the case and said the judge withheld a decision in advance to allow the plaintiff the opportunity to amend the three claims. He said there was talk of an injunction being filed to stop construction on the OHB levee; however, nothing has been received to date.

6. TECHNICAL UPDATEDesign Contracts / Task Orders / Authority Work Directives (AWD)

Mr. Spiller reviewed Authority Work Directives (AWD) as follows: AWD-00036 for Maple River Aqueduct technical support at a cost of \$25,000 with Houston-Moore Group (HMG), and AWD-00037 for Wild Rice Dam Phase 1 cultural investigation at a cost of \$60,000 with URS Corporation. Both of the items are part of the on-call services budget and do not affect the overall budget.

MOTION, passed

Mr. Wimmer moved and Ms. Otto seconded to approve AWD-00036 with HMG and AWD-00037 with URS Corporation for a total cost of \$85,000. On roll call vote, the motion carried unanimously.

7. PUBLIC OUTREACH UPDATECommittee report

The Public Outreach Committee met on April 9th. Mr. Olson discussed numerous outreach activities including work with the Corps to address questions from the public; joint production of a flyover video with the Corps showing the project alignment, which is available on the diversion website; work with the Corps to schedule a site visit in August of the Maple River aqueduct physical model; and continued communication with federal congressional offices regarding project authorization through the WRDA/WRRDA legislation.

Business Leaders Task Force update

Tom Dawson said the task force will meet sometime in the next month for an update on the project.

8. LAND MANAGEMENT UPDATECommittee report

Mr. Walaker said the Land Management Committee met earlier this afternoon. He said one of the items discussed by the committee was property and farmland acquisitions.

CCJWRD update

Mark Brodshaug provided an update on land acquisitions completed through March 31, 2014. He said negotiations for the Oxbow Golf and Country Club are expected to begin in two weeks, and appraisals are underway for numerous properties associated with the OHB ring levee. He said notice of intent letters have been sent to all property owners identified for the in-town levee, and appraisals are also underway.

9. FINANCE UPDATE

Committee report

Michael Montplaisir, Cass County Auditor, said the Finance Committee met on April 9th. He said about \$9.7 million has been spent in 2014, and there was \$1.6 million in cash disbursements for the month of March.

Property Sales

Mr. Montplaisir discussed the sale of properties owned by the Diversion Authority as follows: property at 105 Oxbow Drive for \$199,000; property at 121 Oxbow Drive for \$200,000; and two lots in Hayden Heights for \$40,000 and \$39,500.

MOTION, passed

Mr. Walaker moved and Mr. Pawluk seconded to authorize the sale of 105 Oxbow Drive in Oxbow for \$199,000 with \$4,959 being escrowed for removal of the sunroom, and authorize Kent Costin to sign the closing documents with Michael Montplaisir as an alternate signer if Mr. Costin is unavailable on the date of closing; and authorize the sale of 121 Oxbow Drive in Oxbow for \$200,000—the property is sold “as is” with no repairs or warranties, and it is noted that the buyer is aware of the Oxbow ring dike project, and authorize Kent Costin to sign the closing documents with Michael Montplaisir as an alternate signer if Mr. Costin is unavailable on the date of closing. On roll call vote, the motion carried unanimously.

MOTION, passed

Mr. Pawluk moved and Mr. Thorstad seconded to authorize the sale of Lot 10 Block 2 Hayden Heights Subdivision for \$40,000 and Lot 10 Block 1 Hayden Heights Subdivision for \$39,500 and authorize Kent Costin to sign the closing documents with Michael Montplaisir as an alternate signer if Mr. Costin is unavailable on the date of the closing. Discussion: Mr. Walaker asked about selling lots in this area, which is in the City of West Fargo. Mr. Berndt said with the change in the alignment, the lots are buildable and are able to be sold by the Diversion Authority. On roll call vote, the motion carried unanimously.

Mr. Montplaisir said the Diversion Authority owns 21 lots in Hayden Heights Subdivision. He anticipates there will be additional lots sold in the upcoming months.

Voucher approval

The bills for the month are for legal services with Erik Johnson & Associates and Dorsey Whitney, and right of entry and land acquisition work with Ohnstad Twichell.

MOTION, passed

Mr. Wimmer moved and Mr. Walaker seconded to approve the vouchers for March, 2014. On roll call vote, the motion carried unanimously.

Finance Committee recommendations

Mr. Berndt discussed two recommendations approved by the Finance Committee at the meeting yesterday. He said during the cultural resource investigation it was determined that one of the properties located in Reach 1 of the project will require cultural mitigation. It is necessary to complete this work before construction of the channel. Therefore, the Finance Committee recommends negotiating the purchase of this property.

MOTION, passed

Mr. Walaker moved and Ms. Otto seconded to direct the Cass County Joint Water Resource District to begin negotiations on acquiring the property for Reach 1. Motion carried.

Mr. Berndt said the committee approved a recommendation to proceed with the advertisement and set the bid opening for May 6th for the first OHB work package. This includes construction of 5,690 feet of levee running along the east and south sides of the replacement golf course holes and home sites. Non-federal funding for the OHB project will be limited to North Dakota state and local entities. The committee also recommends that the Cass County Joint Water Resource District be asked to serve as the contracting agency for this phase of the work.

MOTION, passed

Based upon the explanation provided including recognition that non-federal funding of the OHB levee project will come from North Dakota state and local entities, Mr. Pawluk moved and Ms. Otto seconded that the Diversion Board of Authority request the Cass County Joint Water Resource District to serve as the contracting and management agency for the construction of the Oxbow, Hickson, Bakke Levee and related work packages. On roll call vote, the motion carried unanimously.

10. NEXT MEETING DATE

The next meeting will be held on Thursday, May 8, 2014, at 3:30 PM.

11. ADJOURNMENT***MOTION, passed***

On motion by Mr. Walaker, seconded by Mr. Wimmer, and all voting in favor, the meeting was adjourned at 4:26 PM.

Task Order Summary

Date: May 8, 2014

Task Order Summary	Budget Estimate (\$)
HMG Task Order No. 6, Amendment 5 – Land Management Services	\$ 80,000
<ul style="list-style-type: none"> Adjust subtask budgets for remaining FY14 estimated level of effort 	
HMG Task Order No. 13, Amendment 5 – Levee Design and Design Support	\$ 55,000
<ul style="list-style-type: none"> Add scope and budget for additional geotechnical testing 	
URS Task Order No. 1, Amendment 1 – Phase I Cultural Resources Investigations	\$ 526,000
<ul style="list-style-type: none"> Add scope and budget for 2014 Phase I Cultural Field Investigations 	
Total of Task Orders	\$ 661,000

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TASK ORDER SUMMARY

HMG – Task Order No. 6 – Amendment 5 Land Management Services

Increase \$ 80,000

Description:

Subtask 2 – Services of Engineer

- A. Perform Right-of-Entry services in MN as directed.
- B. Perform Appraisals on MN properties as directed.
- C. Attend Land Owner meetings in MN as directed.
- D., F., G. Provide Management and Coordination services.
- E. Perform Property Acquisitions in MN as directed.
- H. Draft Real Estate Cost Estimate is complete, adjust remaining budget to zero.

Background:

Continue performing land management services in Minnesota for the Diversion Project. Modify subtask budgets to fund Task Order No. 6 through the end of FY14.

Subtask 2.A. (Right-of-Entry services in MN) - Work to date on this subtask has exceeded the established budget by \$ 75,816.62. The estimated budget to fund this subtask through the end of FY14 is \$ 46,000.

- a. A budget increase of \$ 122,497 is recommended to fund this subtask through the end of FY14.

Subtask 2.B (Appraisals on MN properties) - The remaining budget for this subtask is \$ 24,401.08. The estimated budget to fund this subtask through the end of FY14 is \$ 15,401.08.

- a. A budget decrease of \$ 9,000 is recommended to fund this subtask through the end of FY14.

Subtask 2.C (Land Owner meetings in MN) -The remaining budget for this subtask is \$ 14,700.67. The estimated budget to fund this subtask through the end of FY14 is \$ 5,100.67.

- a. A budget decrease of \$ 9,600 is recommended to fund this subtask through the end of FY14.

Subtasks 2.D, F, G (Management and Coordination services) - The remaining budget for these subtasks is \$1,604.39. The estimated budget to fund these subtasks through the end of FY14 is \$ 8,604.39.

- a. A budget increase of \$ 7,000 is recommended to fund this subtask through the end of FY14.

Subtask 2.E (Property Acquisitions in MN) - The remaining budget for this subtask is \$ 24,354.08. The estimated budget to fund this subtask through the end of FY14 is \$ 5,354.08.

- a. A budget decrease of \$ 19,000 is recommended to fund this subtask through the end of FY14.

Subtask 2.H (Draft Real Estate Cost Estimate) - a budget decrease of \$ 11,961.92 is recommended to adjust remaining budget to zero.

Net budget increase = \$ 80,000

Recommendation:

PMC recommends authorization for Task Order No. 6, Amendment 5 for \$ 80,000.

HMG – Task Order No. 13 – Amendment 5
Levee Design and Design Support

Increase \$ 55,000

Description:

Subtask 2.B.i.1.d – Services of Engineer

Geotechnical Exploration and Testing – Conduct laboratory testing on boring samples provided by USACE to determine surface and subsurface geological conditions.

Background:

The original Geotechnical scope included conducting 20 preliminary borings, field tests, and laboratory tests. Subsequently, USACE conducted the boring and field test services for the OHB ring levee project plus one additional boring for the Wild Rice River micro-siting evaluation. HMG’s scope is modified to delete the 20 borings and associated field testing and add approximately 580 laboratory tests of boring samples collected by USACE for the OHB ring levee and the Wild Rice River micro-siting evaluation.

A budget increase of \$ 55,000 is recommended to fund the change in scope for this task.

Budget increase = \$ 55,000

Recommendation:

PMC recommends authorization for Task Order No. 13, Amendment 5 for \$ 55,000.

URS – Task Order No. 1 – Amendment 1
Phase 1 Cultural Resources Investigations

Increase \$ 526,000

Description:

Services of Engineer

- A. Perform management and coordination services through the 2014.
- B.I Perform additional phase I cultural field investigations in Reach 6 (CR-20 Bridge and channel).
- B.II Perform additional cultural investigations in revised indirect Area of Potential Effect (APE) for the In-Town Levees project.
- B.V Perform phase I cultural field investigations for the revised Southern Alignment cultural investigation area.
- B.VI Perform additional cultural investigations for the OHB Ring Levee project.
- C.I Perform Phase I cultural field investigations for the Wild Rice Dam Fish Passage Mitigation project footprint.

Background:

Phase I cultural investigations are required prior to construction of the Diversion Project. This field work is generally restricted to spring and fall seasons to minimize impacts to agricultural activities. Additional cultural investigations were added for Reach 6, In-Town Levees, Southern Alignment, OHB Ring Levee, and Wild Rice Dam project areas.

Subtask 2.A. (Management and Coordination) - Work to date on this subtask has exceeded the established budget by \$ 8,223 due to work added in 2013. This task budget did not include work in 2014. The estimated cost budget to fund this subtask through the end of 2014 is \$ 15,000.

- a. A budget increase of \$ 23,000 is recommended to fund this task through the end of 2014.

Subtask 2.B.I (Reach 6: CR-20 Bridge and channel) - The CR-20 Bridge and channel reach footprint increased in the 90% design submittal. Conduct FY14 Phase I cultural resources investigations on lands that have granted rights of entry (estimated area of work is 32 acres).

- a. A budget increase of \$ 5,000 is recommended to fund this task through the end of 2014.

Subtask 2.B.II (In-Town Levees) – Additional cultural investigation work is needed due to an increased APE.

- a. A budget increase of \$ 150,000 is recommended to fund this task through the end of 2014.

Subtasks 2.B.V (Southern Alignment) - The Southern Alignment investigation footprint increased from 2,000 acres to approximately 6,675 acres.

- a. A budget increase of \$ 289,000 is recommended to fund this task through the end of 2014.

Subtask 2.B.IV (OHB Ring Levee) – The cultural investigation footprint was increased from 250 acres to 1,062 acres to include the area inside the ring levee.

- a. A budget increase of \$ 59,000 is recommended to fund this task through the end of 2014.

Subtask C.I (Wild Rice Dam Fish Passage Mitigation) – In preparation for construction of the Wild Rice Dam Fish Passage Mitigation project, conduct Phase 1 cultural investigation on the proposed project footprint. The estimated cost budget of \$65,000 for this work will be taken from the existing On-Call Services budget.

Net budget increase = \$ 526,000

Recommendation:

PMC recommends authorization for Task Order No. 1, Amendment 1 for \$ 526,000.



This is Task Order No.6, Amendment 54, consisting of 6 pages.

Task Order No. 6, Amendment 54

In accordance with Paragraph 1.01 of the Agreement Between Fargo-Moorhead Flood Diversion Authority ("Owner") and Houston-Moore Group, LLC (HMG) ("Engineer") for Professional Services – Task Order Edition, dated March 8, 2012 ("Agreement"), Owner and Engineer agree as follows:

The parties agree that in the event of a conflict between prior versions of this Task Order No. 6 and this Amendment, the terms and conditions in this Amendment shall prevail, provided however, nothing herein shall preclude ENGINEER from invoicing for work authorized under prior versions of this Task Order and performed prior to effective date of this Amendment, even to the extent such prior work was revised by this Amendment. All other terms and conditions shall remain the same and are hereby ratified and affirmed by the parties.

1. Specific Project Data

- A. Title: Land Management Services
- B. Description: Perform land management services as requested during the pre- and early-acquisition period of the Diversion Project. Services are generally related to determination of design information, outreach communication with land owners affected by the project, and appraisals of properties requesting hardship purchase. Prepare and update the opinion of cost for the purchase of anticipated real property and easements for properties within proposed project.
 - i. Prior to Amendment 4 of this Task Order, work under subtask 2.H (Draft Real Estate Opinion of Cost) was completed for the whole project, and work under subtasks 2.A through 2.G was previously done for the whole project (North Dakota and Minnesota). For Amendment 4 of this Task Order, as listed in the scope below, the Engineer will generally provide land management services in Minnesota for the Diversion Project.
- C. Background: The Owner selected three (3) firms to perform land acquisition services at the Board meeting on February 9, 2012. During the design phase of the project, and prior to execution of the Project Partnership Agreement, the services will generally be related to acquiring Right-of-Entry authorization for determination of information required for design documents, communications with land owners within the project boundaries, communication with the United States Army Corps of Engineers (USACE) Real Estate staff, preparation of appraisals for specific parcels, and early acquisition of properties.
 - i. The Owner has assigned Cass County Joint Water Resource District (CCJWRD) to manage the negotiated acquisition of property in North Dakota for the Diversion Project, and the North Dakota land acquisition services of the three (3) selected firms are now contracted with the CCJWRD. For Amendment 4 of this Task Order, as listed in the scope below, the Engineer will generally provide land management services in Minnesota for the Diversion Project.

2. Services of Engineer

- A. Perform Right-of-Entry services in Minnesota as requested for FY 13. Activities include:
 - i. Maintain the existing GIS database of parcels originally prepared by the USACE. Develop and maintain an interactive web-based GIS database showing right-of-entry status of parcels.
 - ii. Prepare exhibits as required for contact with land owners.

- iii. Prepare right-of-entry agreements with land owners. Perform Title Research and exhibits as required for this process.
 - iv. Assign and manage contractors requiring access to properties for development of design related information.
 - v. Coordinate with legal support and Courts as required to gain right-of-entry for properties requiring court actions.
 - vi. Maintain communication with USACE real estate staff to coordinate right-of-entry activities.
- B. Perform appraisals on properties in Minnesota as directed by the PMC. Prepare appraisals based on Federal land acquisition guidelines.
 - C. Attend up to five (5) meetings with Minnesota land owner groups affected by the diversion project as requested. Prepare handouts and presentations as required with the land owner groups.
 - D. Maintain communication with USACE real estate staff as required. Specific activities include weekly calls, exchange of database information including status of right-of-entry requests, and other periodic contacts.
 - E. Acquire Minnesota properties as directed by the PMC. Acquisition shall be in accordance with USACE guidelines as modified by Owner policy directives.
 - F. As directed by the PMC, coordinate with the activities of other firms contracted with the Owner to perform tasks on the land management process. Ulteig Engineering, Inc. and ProSource Technologies, Inc. will be working for the Owner on land management activities concurrently.
 - G. Prepare monthly report of Engineer activities and status of each active parcel.
 - H. Draft Real Estate Opinion of Cost. Activities include:
 - i. Retain appraisal firms to research recent comparable sales of lands similar to those found within the proposed project route by land use type and location. Compile research information by land use type and location in a sales data book. This information is for estimating purposes only, not for justification of appraisal services or purchase offers.
 - ii. Create a database of current properties located within the proposed project route based on the defined use and function.
 - 1. Urban platted but unoccupied lots
 - a. Determine the number of lots to be acquired within the proposed project boundaries
 - b. Utilize Assessed Value times a factor to update potential costs
 - c. Start with a factor of 127% and verify based off professional judgement and recent sales information
 - d. No Appraisals will be completed
 - 2. Urban housing by use
 - a. Verify the number of units to be acquired within the new project boundaries
 - b. Utilize Assessed Value times a factor plus relocation to update potential costs
 - c. Start with 127% and verify based off professional judgement and recent sales information
 - d. No Appraisals will be completed

3. Rural un-platted lands
 - a. Determine acreage to be purchased within the proposed project boundaries
 - b. Develop basic data book of recent sales to determine average value per acre of agricultural land to be used for cost update
4. Rural platted unoccupied lands
 - a. Determine the number of lots to be acquired within the proposed project boundaries
 - b. Utilize Assessed Value times a factor to update potential costs
 - c. Start with 127% and verify based off professional judgement and recent sales information
 - d. No Appraisals will be completed
5. Rural occupied homes and unoccupied structures ("farmsteads")
 - a. Determine the number of farmsteads to be acquired within the proposed project boundaries and with impacts greater than 3 feet in staging area.
 - b. Determine and apply an average cost per farmstead to be acquired based off of preliminary assessment of value
 - c. Determine and apply an average cost per farmstead to be protected by levees or elevating for properties with impacts less than 3 feet in staging area.
6. Commercial properties
 - a. Determine the number of businesses to be acquired within the proposed project boundaries.
 - b. Determine values based off preliminary review by appraisal team for each property being acquired.
7. Permanent easements
 - a. Prepare estimated range of flowage easements for land in the staging area.
 - i. Option with stop gap insurance in place
 - ii. Option without stop gap insurance in place
8. Temporary construction easements
 - a. Use a fixed percentage of real estate purchase cost based on historical numbers within the region
9. Anticipated relocation costs by property use
 - a. Use values based on recent hardship appraisals
- iii. Update base maps with proposed project route to identify occupied farm sites and unoccupied structures.
- iv. Research flowage easement compensation practices and payment structures.
- v. Coordinate with other firms assisting on the cost update. Up to two (2) independent Appraisal firms may be developing portions of above scope under independent contracts with the Diversion Authority .
- vi. Prepare Draft Real Estate Opinion of Cost and Draft Summary Report outlining procedures and methodologies used in developing the Draft Real Estate Opinion of Cost.

Deliverables:

- i. Updated database of parcel status.
 - ii. Monthly report outlining land management activities performed and land acquisition status. Report costs for appraisals and property acquisition on a parcel basis. Identify appraisal and acquisition costs separately.
 - iii. Draft Real-Estate Opinion of Cost
 - iv. Draft Summary Report
3. Owner's Responsibilities
- Owner shall have those responsibilities set forth in Article 2 and in Exhibit B.
4. Times for Rendering Services

<u>Phase</u>	<u>Start Time</u>	<u>Completion Time</u>
All Work	March 8, 2012	September 30, 2014

5. Payments to Engineer

A. Owner shall pay Engineer for services rendered as follows:

- i. Compensation for services identified under Subtasks A through G shall be on a Time and Material basis in accordance with the Standard Hourly Rates shown in Appendix 2 of Exhibit C of the Agreement.
- ii. The total compensation for services identified under the Task Order for Subtasks A through G is not-to-exceed \$448,100 as defined in the table below.
- iii. Estimated budgets for Subtask B, Perform Appraisals, and Subtask E, Property Acquisition, are based on an allowance.
 - a. Engineer will notify Owner when eighty percent (80%) of the budget on Subtask B, Perform Appraisals, and Subtask E, Property Acquisition, is expended.
 - b. Engineer will prepare and submit an amendment for additional compensation when ninety percent (90%) of budget on Subtask B, Perform Appraisals, and Subtask E, Property Acquisition, is expended.
 - c. Engineer will not perform work beyond one hundred percent (100%) of the budget for Subtask B, Perform Appraisals, and Subtask E, Property Acquisition, without Owner's authorization by an amendment to this Task Order.

Subtask	Current Budget (\$)	Change (\$)	Revised Budget (\$)
A. Rights-of-Entry	287,500	122,497	410,000 287,500 0
B. Perform Appraisals (Allowance)	50,000	-9,000	41,000 50,000
C. Land Owner Meetings	15,600	-9,600	6,000 15,600
D., F., G. Management and Coordination	50,000	7,000	57,000 50,000
E. Property Acquisition (Allowance)	45,000	-19,000	26,000 45,000
H. Draft Real Estate Opinion of Cost	90,000	-11,961.92	78,038.08 90,000 00
TOTAL	538,100	79,935.08	618,038.08 538,100 ,100

B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

6. Consultants:
7. Other Modifications to Agreement: None
8. Attachments: None
9. Documents Incorporated By Reference: None

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10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is March 8, 2012.

ENGINEER:

Houston-Moore Group, LLC

OWNER:

Fargo-Moorhead Metro Diversion Authority

Signature _____ Date _____

Jeffry J. Volk

Name

Signature _____ Date _____

Darrell Vanyo

Name

President

Title

Chairman, Flood Diversion Board of Authority

Title

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

C. Gregg Thielman

Name

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

Keith Berndt

Name

Sr. Project Manager

Title

Cass County Administrator

Title

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Task Order No. 13, Amendment 54

In accordance with Paragraph 1.01 of the Agreement between Fargo-Moorhead Flood Diversion Authority ("Owner") and Houston-Moore Group, LLC (HMG) ("Engineer") for Professional Services – Task Order Edition, dated March 8, 2012 ("Agreement"), Owner and Engineer agree as follows:

The parties agree that in the event of a conflict between prior versions of this Task Order No. 13 and this Amendment, the terms and conditions in this Amendment shall prevail, provided however, nothing herein shall preclude ENGINEER from invoicing for work authorized under prior versions of this Task Order and performed prior to effective date of this Amendment, even to the extent such prior work was revised by this Amendment. All other terms and conditions shall remain the same and are hereby ratified and affirmed by the parties.

1. Specific Project Data

- A. Title: Levee Design and Design Support
- B. Description: As part of Work-in-Kind (WIK), provide assistance to USACE, in design and design support activities, for design of levees along the Red River to support increased flow through the protected area and for levees in the upstream staging area. Provide Lands, Easements, Rights-of-Way, Relocations, and Disposal areas (LERRDs) assistance to Owner to support the levee designs.
- C. Background:
 - i. Red River Levees: At the November 8, 2012 Diversion Board meeting, the Board requested the US Army Corps of Engineers (USACE) add levees along the Red River to allow increased flow through the protected area. This task order allows HMG to provide design and design support to USACE for these Red River levees.
 1. Phase 1 – Screening of alternatives and selecting final alignment scope to include: Development of Alternatives, Public Involvement, Surveying, Geotechnical Exploration and Testing, Preliminary Geotechnical Analysis, Preliminary Hydrologic and Hydraulic Analysis, Preliminary Internal Flood Control Analysis, Preliminary Utility Investigation, Preliminary Levee and Structural Design, Transportation Evaluation, Preliminary Environmental Studies, Preliminary Report and Drawings, and Project Management.
 2. Phase 2 – Detailed Plans and Specifications: Based on the alternative selected in Phase 1, conduct a Value Engineering (VE) evaluation of the proposed project and prepare plans and specifications for 65 and 95 percent submittals, and prepare a cost estimate based on the 95 percent design submittal. Notice To Proceed (NTP) will be subject to the completion and signing of the USACE Supplemental Environmental Assessment (EA).
 - ii. Upstream Staging Area Levees/Ring Dikes: At the November 8, 2012 Diversion Board meeting, the Board passed AWD-00020 Recommended Board of Authority Position for Post-Feasibility Alternatives Analysis VE-13A vs. VE-13C, which authorized HMG to begin conceptual design and site investigations of potential levees for the Oxbow.

2. Services of Engineer

- A. General
 - i. Red River Levees. Prepare Preliminary Design Report (PDR) and drawings for the construction of levees through town. The work will be done in 2 phases: Phase 1 will

include screening of alternatives, preliminary design, and selecting final alignments. Phase 2 will include detailed plans and specifications.

- ii. Support for Upstream Stage Area Levees. Provide, as requested, assistance to USACE for design of ring levees and non-structural improvements in the Upstream Staging Area.
 1. Provide detailed designs for four of the Oxbow/Hickson/Bakke ring levee Work Packages (WP-43A, WP-43C, WP-43D, and WP-43E).

B. Scope of Work

- i. Red River Levees – Work will be done in 2 phases:
 1. Phase 1 - Screening of Alternatives, Selection of Alignment, and Preliminary Design for the area in Fargo, ND along the Red River between the existing railroad embankment near 5th Avenue North and the north end of the existing 4th Street levee (near 2nd Street South). Work will include:
 - a. Development of Alternatives – Develop up to three (3) protection alignment concepts and conceptual level cost estimates. Participate in an alignment selection meeting.
 - b. Public involvement – Meet with affected property owners (5 anticipated), participate in two (2) public meetings, and respond to calls after public meetings. Prepare visualizations of alignment alternatives(s).
 - c. Surveying – Conduct topographic survey of project corridor including elevations, utilities, landscaping, buildings, and streets.
 - d. Geotechnical Exploration and Testing – Determine location of borings, right-of-entry requests, conduct borings, field and laboratory testing, to determine surface and subsurface geological conditions.
 - e. Preliminary Geotechnical Analysis – Conduct preliminary stability analysis on alignment alternatives and report of findings.
 - f. Preliminary Hydrologic and Hydraulic Analysis - Conduct HEC-RAS modeling to complete preliminary evaluation of Red River stage impacts due to proposed project.
 - g. Preliminary Internal Flood Control Analysis – Conduct SWMM model update for existing conditions and proposed conditions with project (including consideration of interior ponding), review of historical precipitation and stream flow, simulation of low river gravity outlet condition, simulation of high river pumped outlet condition, and determine preliminary pump sizing and additional internal storage needs.
 - h. Preliminary Utility Investigation – Determine preliminary utility relocation requirements, conduct utility coordination meeting, and document utility relocation requirements and issues.
 - i. Preliminary Levee Design Structural Design – Develop preliminary design of levee protection system, preliminary estimate of embankment and borrow requirements, and prepare a narrative of design criteria.

- j. Preliminary Structural Design – Develop preliminary design for proposed floodwalls and closures, pump stations, and miscellaneous drainage structures. Prepare a narrative with descriptions of features, design considerations, and criteria assumptions.
 - k. Transportation Evaluation – Develop initial evaluation of transportation impacts, and participate in two (2) coordination meetings with City of Fargo staff and two (2) coordination meetings with railroad staff. Develop up to five (5) alternatives for the 2nd Street road alignment to accommodate flood protection alternatives.
 - l. Preliminary Environmental Studies – Complete Phase 1 Environmental Site Assessment report for six (6) properties.
 - m. Preliminary Design Report and Drawings – Prepare Preliminary Design Report (PDR) with cost estimates and preliminary project plans for selected alignment. Prepare artists renderings of selected plan.
 - n. Project Management – Document coordination and review, schedule and resource management, budgeting, and project team coordination.
 - o. Landscape Architecture/Master Planning- Provide landscape architecture and master planning services for the Red River Levees.
 - i. Provide landscape architecture services for the 2nd St. Corridor from NP Ave. to 4th Ave. Coordinate with the city of Fargo City Hall Project throughout the design phase of the City Hall Project.
 - ii. Provide master planning services from Mickelson to the 4th St. Levee.
2. Phase 2 – Detailed Plans and Specifications: Complete detailed project engineering and design and provide plans and technical specifications (Division 2 and higher) for the selected alternative from Phase 1. Include required surveying, environmental studies, permitting, removals and demolition, geotechnical and hydraulic analyses, internal flood control and pumping, levee systems, floodwalls, closures, traffic evaluations, road realignments and signal changes, public and private utility relocations, landscaping, drawings and specifications, internal QA/QC, design documentation, operation and maintenance plan, and project management and coordination. Major milestone deliverables include:
- a. 65 Percent Design Submittal – evaluate and incorporate accepted VE proposals into the design documents, advance the detailed design to 65 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, USACE Consistency, Agency Technical Review (ATR) and USACE Independent External Peer Review (IEPR) review teams.
 - b. 95 Percent Design Submittal – evaluate and incorporate 65 percent review comments into the design documents, advance the detailed design to 95 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.
 - c. Cost Estimate – prepare a cost estimate for the project based on the 95 percent submittal documents.

- d. Operation and Maintenance Plan – prepare draft O&M Plan for review by the Diversion Authority, PMC, and USACE. Incorporate review comments and prepare final O&M Plan.
 - e. Bid Document Development – incorporate 95 percent review comments into the design documents and assist the PMC with development of bid documents.
3. Value Engineering Study (VES)
- a. Facilitate a VES in accordance with USACE guidelines (up to 3 days) with staff from the Diversion Authority, Program Management Consultant (PMC), and USACE. Prepare and distribute materials and documents, facilitate the workshop, and prepare a VES report.
4. 4th Street Levee Pump Station Replacement
- a. Background: At the November 8, 2012 Diversion Board meeting, the Board requested the USACE add levees long the Red River to allow increased flow through the protected area. To allow 35 feet through town, the 4th Street levee requires certification. In order to meet certification criteria, the stormwater pump stations on the north end of the levee must be replaced.
 - b. Detailed Plans and Specifications: Provide design services and prepare detailed plans as described below.
 - i. Complete detailed project engineering and design and provide plans and technical specifications (Division 2 and higher) for the 4th Street Levee Pump Station. Include required surveying, Section 408 permit (if required), removals and demolition, geotechnical and hydraulic analyses, internal flood control and pumping, levee systems, closures, traffic evaluations, service road realignments, public and private utility relocations, landscaping, drawings and specifications, internal QA/QC, design documentation, operation and maintenance plan, and project management and coordination. Major milestone deliverables include:
 - 1. 35 Percent Design Submittal – prepare preliminary design submittal and submit the design report and preliminary plans for review by the Owner, PMC, and USACE Consistency and ATR review teams.
 - 2. 95 Percent Design Submittal – evaluate and incorporate 35 percent review comments into the design documents, advance the detailed design to 95 percent and submit the design report, plans and specifications for review by the Owner, PMC, and USACE Consistency and ATR review teams.
 - 3. Pre-Purchase Specifications - prepare up to 3 pre-purchase specifications, if requested, for:
 - a. Gates
 - b. Pumps
 - c. Electrical Panels

4. Cost Estimate – prepare a cost estimate for the project based on the 35 percent and 95 percent submittal documents.
5. Operation and Maintenance Plan – prepare draft O&M Plan for review by the Owner, PMC, and USACE. Incorporate review comments and prepare final O&M Plan.
6. Bid Document Development – incorporate 95 percent review comments into the design documents and assist the PMC with development of bid documents.

c. Deliverables:

i. Detailed Plans and Specifications

1. 35 Percent Design Submittal
2. 95 Percent Design Submittal

ii. Pre-Purchase Specifications

- iii. 35 Percent Cost Estimate
- iv. 95 Percent Cost Estimate
- v. Operation and Maintenance Plan

1. Draft Plan
2. Final Plan

d. Work not included in this Scope of Services:

- i. Environmental permitting
- ii. Utility Relocation Agreements
- iii. ROW Acquisition including Appraisals, Title Searches, Title Opinions, Deeds
- iv. Bid documents and bidding services

ii. Upstream Staging Area Ring Levees:

1. Provide support as defined below and as requested in writing. Types of requests may include:
 - a. Respond to information requests by affected residences and develop information for presentations or public meetings.
 - b. Conduct a geotechnical site visit(s) of the levee site(s) to observe surface features and, if requested, conduct subsurface investigations.
 - c. Determine existing utilities and utility relocation requirements.
 - d. Begin conceptual design of the levees and/or floodwalls and floodgates, interior layout (which may include street layout, storm water sewer, storage, and lift station sizing, house relocation planning, and golf course layout), and external infrastructure (road raises for egress).
2. Oxbow/Hickson/Bakke – Ring Levee Evaluation:
 - a. Prepare a proposed ring levee system to reduce flood risk to Oxbow/Hickson/Bakke, ND during operation of the Diversion Project and staging of water. Show the location of a potential ring levee,

develop height required for ring levee, and evaluate access during periods of Diversion operation.

- b. The ring levee will impact the golf course and clubhouse. Provide conceptual design services for re-design of the golf course and clubhouse.
 - i. Provide an updated conceptual design of golf course and clubhouse based on update levee alignment to accommodate a total of 80 replacement residential lots.
- c. Initial Survey and Geotechnical Activities for Levee Design:
 - i. Work with USACE to develop a geotechnical investigation plan for the alternative Levee alignments for approval.
 - ii. Stake the location of approved borings and record the coordinates and elevations of the borings.
 - iii. Conduct laboratory testing on boring samples provide by the USACE for the OHB ring levee alternative alignments and Wild Rice River mirco-siting evaluation. Laboratory testing to include the following: Atterburg Limits, Water Content, Hydrometer and Sieve analysis, Proctor Density, Triaxial Compression-unconsolidated/undrained, Triaxial Compression-consolidated/undrained, Torsional Ring Shear, Consolidation Reporting P-e, and TWT Extrusion and Description. Approximately 580 laboratory tests are planned. Conduct up to 20 geotechnical borings on portions of the alternative alignments that are common to all alternatives.
 - iv. Obtain and comply with right of entry (ROE) and right of way (ROE) requirements for each property entered.

The construction of the Oxbow/Hickson/Bakke (O/H/B) ring levee and associated work is phased. The work has been divided into five (5) Work Packages, which include: three (3) levee design packages, an interior drainage and road raise package, and a demolition and utility relocations package. One of the levee design packages (WP-43B) will be completed by the USACE. The remaining 4 design packages (WP-43A, WP-43C, WP-43D and WP-43E) will be completed in this scope of work. See Figure 1, attached.

Assumptions for WP-43A, WP-43C, WP-43D and WP-43E include:

- No additional surveys required (included in WP- 43B).
- Soil exploration, laboratory testing, and instrumentation costs included under WP-43B. Geotechnical design of the levee is required. Groundwater evaluation is required to determine impacts to existing septic systems, sewer systems and basements.
- No staging area water hydrologic and hydraulic (H&H) modeling required (included in WP- 43B). H&H for local drainage and interior drainage is required.
- Include design of levee, vegetation free zone, and ditching (input from WP-43B and WP-43D). CR-81 road raise will be in WP-43D. Retention

basin/pump station design will be in WP-43D. Utility relocation design and demolition design will be in WP-43E.

- Coordination between designers for WP-43B, WP-43C, WP-43D, and WP-43E is required, along with review of design submittals from WP-43B.
 - Develop design, plans, ROW drawings, technical specs, Design Documentation Report (DDR), cost estimate, and engineering considerations.
 - Preliminary Engineering Report (PER) -35% review includes internal review, Sponsor review, and USACE Consistency and ATR review.
 - Draft Technical Report (DTR) -65% review includes internal review, Sponsor review, USACE Consistency, ATR, and USACE IEPR. IEPR will be accomplished by the Natural Resources Conservation Service (NRCS)
 - Final Technical Report (FTR) -95% review includes internal review, Sponsor review, and USACE ATR.
 - Final Technical Certification (Bid Documents). Provide final documents for closeout of remaining comments and technical signoff. There will not be a review associated with this submittal.
 - Bid set will include final Plans and Specifications.
 - Assume limited work effort during the bid period consisting of: responding to bidders' questions and preparing amendments.
 - Provide final contract award CD of all work items.
 - Weekly coordination meetings will be held and will include: tech lead, geotech, cost/specs, and H&H designers. Assume the meetings for WP-43A and WP-43C, WP-43D, and WP-43E will be combined into one weekly meeting.
- d. WP-43A – Levee Section from Riverbend Road to CR81 (southeast): Design approximately 7,300 lineal feet (lf) of levee, interior buffer zone, and interior drainage swale (if required – based on interior drainage developed in WP-43D), including geotechnical design, civil design, permitting, cost estimates, and preparation of drawings and technical specifications; coordinate design of interior levee buffer zone (drainage swale, snow drop area, and tree screen) and recreational features with O/H/B community and developer/golf course designer; determine affect of levee and exterior impounded water on existing septic systems, sewer systems, and basements. Coordinate with design of Retention Basin (WP-43D). Coordinate with design of road raise of CR-81 (design WP-43D). To be constructed with interior drainage stormwater pump station (WP-43D).
- i. Deliverables:
 1. 35 Percent Design Submittal – prepare preliminary design submittal and submit the design report and preliminary plans for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.

2. 65 Percent Design Submittal – evaluate and incorporate accepted VE proposals into the design documents, advance the detailed design to 65 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency, ATR & IEPR review teams.
 3. 95 Percent Design Submittal – evaluate and incorporate 65 percent review comments into the design documents, advance the detailed design to 95 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency, ATR & IEPR review teams.
 4. Cost Estimate – prepare cost estimates for the project based on the 35 percent and 95 percent submittal documents.
 5. Bid Document Development – incorporate 95 percent review comments into the design documents and assist the PMC with development of bid documents.
- e. WP-43C - Levee Section from CR-81 (northeast) to Riverbend Road: Design approximately 5,000 lf of levee, including geotechnical design, civil design, permitting, cost estimates, and preparation of drawings and technical specifications; coordinate design of interior levee drainage with interior drainage design as part of WP-43D; coordinate design of interior levee slope and recreational features with O/H/B community and golf course designer. Removal/demolition of existing structures and utility cut, cap and removal will be designed under WP-43E.
- i. Deliverables:
 1. 35 Percent Design Submittal – prepare preliminary design submittal and submit the design report and preliminary plans for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.
 2. 65 Percent Design Submittal – evaluate and incorporate accepted VE proposals into the design documents, advance the detailed design to 65 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency, ATR and IEPR review teams.
 3. 95 Percent Design Submittal – evaluate and incorporate 65 percent review comments into the design documents, advance the detailed design to 95 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.

4. Cost Estimate – prepare cost estimates for the project based on the 35 percent and 95 percent submittal documents.
 5. Bid Document Development – incorporate 95 percent review comments into the design documents and assist the PMC with development of bid documents.
- f. WP-43D –Interior Drainage and CR-81 Road Raises: Design interior drainage system for the O/H/B communities, including both new drainage infrastructure and required rehabilitation or upgrades to existing drainage infrastructure; design stormwater retention pond and new stormwater pump station, including surveying, H&H to determine ditch cross sections and slopes, culvert sizes and slopes, geotechnical, structural, electrical, architectural, civil, permitting, cost estimates, and preparation of drawings and technical specifications. Design road raises of CR-81, including geotechnical, geology, civil, cost estimates, and preparation of drawings and technical specifications, coordinate with levee design teams.
- i. Deliverables:
 1. 35 Percent Design Submittal – prepare preliminary design submittal and submit the design report and preliminary plans for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.
 2. 65 Percent Design Submittal – evaluate and incorporate accepted VE proposals into the design documents, advance the detailed design to 65 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency, ATR and IEPR review teams.
 3. 95 Percent Design Submittal – evaluate and incorporate 65 percent review comments into the design documents, advance the detailed design to 95 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.
 4. Cost Estimate – prepare cost estimates for the project based on the 35 percent and 95 percent submittal documents.
 5. Operation and Maintenance Plan – prepare draft O&M Plan for review by Diversion Authority, PMC, and USACE. Incorporate review comments and prepare final O&M Plan.
 6. Bid Document Development – incorporate 95 percent review comments into the design documents and assist the PMC with development of bid documents.

- g. WP-43E – Demolition and Utility Relocations: Develop demolition plan for WP-43C Levee area (CR-81 (northeast) to Riverbend Road, including utility identification, identification of structures to be sold or demolished in place, environmental Phase 1, permitting, and required remediation. Design utilities to be cut, capped, and removed, and utilities to be relocated (coordinate with developer of new City of Oxbow infrastructure), including cost estimates, and drawings and technical specifications. Review adequacy of existing wastewater pump station and forcemain for the 38 additional residential units.
- i. Deliverables:
1. 35 Percent Design Submittal – prepare preliminary design submittal and submit the design report and preliminary plans for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.
 2. 65 Percent Design Submittal – evaluate and incorporate accepted VE proposals into the design documents, advance the detailed design to 65 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency, ATR and IEPR review teams.
 3. 95 Percent Design Submittal – evaluate and incorporate 65 percent review comments into the design documents, advance the detailed design to 95 percent and submit the design report, plans and specifications for review by the Diversion Authority, PMC, and USACE Consistency and ATR review teams.
 4. Cost Estimate – prepare cost estimates for the project based on the 35 percent and 95 percent submittal documents.
 5. Bid Document Development – incorporate 95 percent review comments into the design documents and assist the PMC with development of bid documents.
- h. VES or Value Based Design Charrette (VBDC) – facilitate a VES or VBDC in accordance with USACE guidelines (up to 3 days) with staff from the Diversion Authority, PMC, and USACE. Prepare and distribute materials and documents, facilitate the workshop, and prepare a VES report.
- i. Coordinate and lead VES or VBDC of the five (5) O/H/B levee design packages (WP-43A through WP-43E).
3. Comstock – Ring Levee Evaluation:
- a. Prepare a proposed ring levee system to reduce flood risk to Comstock, MN during operation of the Diversion Project and staging of water. Show the location of a potential ring levee, develop height required for ring levee, and evaluate access during periods of Diversion operation.

4. Christine – Ring Levee Evaluation:
 - a. Prepare a proposed ring levee system to reduce flood risk to Christine, ND during operation of the Diversion Project and staging of water. Show the location of a potential ring levee, develop height required for ring levee, and evaluate access during periods of Diversion operation.
5. Wolverton – Ring Levee Evaluation:
 - a. Prepare a proposed ring levee system to reduce flood risk to Wolverton, MN during operation of the Diversion Project and staging of water. Show the location of a potential ring levee, develop height required for ring levee, and evaluate access during periods of Diversion operation.
6. Staging Area – Non-Structural Improvement Evaluation:
 - a. Identify individual residential properties within the staging area and evaluate the potential benefit from non-structural improvements to reduce flood risk to residential structures during operation of the Diversion Project and staging of water. Show the location of potential improvements and evaluate access during periods of Diversion operation.
 - i. Provide mapping of residential structures and farmsteads impacted by the Staging Area for the 100-year event, and include estimated depth of impact for the structures with and without the project.
 - ii. Where technically feasible, provide concept for non-structural improvements and estimate cost of improvements.
 - iii. Develop database of impacted properties that includes relevant project information (such as depth of impact with and without project, etc.)
 - iv. Assist in preparation, provide meeting materials, and attend one-on-one meetings with impacted landowners.
 7. Assist with preparation of materials for public meetings.

iii. Deliverables

1. Red River Levees – Phase 1
 - a. Project Schedule with milestone dates for key activities and monthly updates
 - b. Monthly Progress Reports and meeting minutes
 - c. Alignment selection TM
 - d. Geotechnical TM, including:
 - Geotechnical field and laboratory findings
 - Geotechnical stability analysis
 - Survey data
 - Geotechnical field logs
 - e. Hydrologic and Hydraulic analysis TM
 - f. Transportation TM
 - g. Phase 1 Environmental Site Assessment reports
 - h. Preliminary Design Report, including:

- Preliminary pump sizing and storage needs
 - Utility relocation requirements and issues
 - Preliminary Levee design
 - Preliminary Structural design
 - Cost Estimate
 - Preliminary Drawings
 - i. Landscape concepts and plans for the 2nd St. Corridor from NP Ave. to 4th Ave.
 - j. Master Plan from Mickelson to 4th St. Levee.
2. Red River Levees - Phase 2
- a. 65 Percent Design Submittal
 - b. 95 Percent Design Submittal
 - c. Cost Estimates
 - d. Operation and Maintenance Plan
 - i. Draft Plan
 - ii. Final Plan
3. Red River Levees – VES reports
4. Support for Upstream Staging Area Levees
- a. Oxbow/Hickson/Bakke TM
 - b. WP-43A
 - i. 35 Percent Design Submittal
 - ii. 65 Percent Design Submittal
 - iii. 95 Percent Design Submittal
 - iv. Cost Estimates
 - c. WP-43C
 - i. 35 Percent Design Submittal
 - ii. 65 Percent Design Submittal
 - iii. 95 Percent Design Submittal
 - iv. Cost Estimates
 - d. WP-43D
 - i. 35 Percent Design Submittal
 - ii. 65 Percent Design Submittal
 - iii. 95 Percent Design Submittal
 - iv. Cost Estimates
 - v. Operation and Maintenance Plan
 - 1. Draft Plan
 - 2. Final Plan
 - e. WP-43E
 - i. 35 Percent Design Submittal
 - ii. 65 Percent Design Submittal
 - iii. 95 Percent Design Submittal
 - iv. Cost Estimates
 - f. VES or VBDC reports
 - g. Comstock TM
 - h. Christine TM
 - i. Wolverton TM
 - j. Staging Area Non-Structural Improvements TM
- iv. Work not included in this Scope of Services

1. Environmental permitting
2. Utility Relocation Agreements
3. ROW Acquisition including Appraisals, Title Searches, Title Opinions, Deeds
4. Bid documents and bidding services

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 and in Exhibit B.

4. Times for Rendering Services

<u>Subtask</u>	<u>Start Time</u>	<u>Completion Time</u>
2.B.i Red River Levees – Phase 1	November 8, 2012	September 30, 2013
2.B.ii Upstream Staging Area Ring Levees	November 8, 2012	September 30, 2013
Amendment 1 all work	December 13, 2012	September 30, 2013
2.B.ii.2.d WP-43A Bid Documents	August 8, 2013	May 4, 2014
Amendment 2 other work	August 8, 2013	May 31, 2015
Amendment 3 all work	November 14, 2013	September 30, 2014
Amendment 4 all work	February 13, 2014	September 30, 2014
Amendment 5 all work	May 8, 2014	September 30, 2014

5. Payments to Engineer

A. Owner shall pay Engineer for services rendered as follows:

- i. Compensation for services shall be on a Time and Material basis in accordance with the Standard Hourly Rates shown in Appendix 2 of Exhibit C of the Agreement.
- ii. The total compensation for services identified under the Task Order for Subtasks 2.B.i through 2.B.ii is not-to-exceed amount as defined in the table below.
- iii. Estimated budget for Subtask 2.B.ii, Upstream Staging Area Levees/Ring Dikes, is based on an allowance.
 1. Engineer will notify Owner when eighty percent (80%) of the budget on Subtask 2.B.ii, Upstream Staging Area Levees/Ring Dikes, is expended.
 2. Engineer will prepare and submit an amendment for additional compensation when ninety percent (90%) of budget on Subtask 2.B.ii, Upstream Staging Area Levees/Ring Dikes, is expended.
 3. Engineer will not perform work beyond one hundred percent (100%) of the budget for Subtask 2.B.ii, Upstream Staging Area Levees/Ring Dikes, without Owner's authorization by an amendment to this Task Order.

Subtask	Current Budget (\$)	Change (\$)	Revised Budget (\$)
2.B.i.1 Red River Levees – Phase 1 Design	435,000	955,000	435,000 490,000
2.B.i.1.o.i Landscape Architecture/Master Planning - 2nd St. Corridor from NP Ave. to 4th Ave.	35,000	0	35,000
2.B.i.1.o.ii Master Planning Services - Mickelson to the 4th St. Levee	100,000	0	100,000

Subtask	Current Budget (\$)	Change (\$)	Revised Budget (\$)
2.B.i.2 Red River Levees – Phase 2 Design	2,000,000	0	2,000,000
2.B.i.3 Red River Levees – VES	30,000	0	30,000
2.B.i.4 4 th Street Levee Pump Station Replacement	600,000	0	600,000
2.B.ii Upstream Staging Area Ring Levees (Allowance)	425,000	0	425,000
2.B.ii.2.d WP-43A Design	275,000	0	275,000
2.B.ii.2.e WP-43C Design	190,000	0	190,000
2.B.ii.2.f WP-43D Design	1,020,000	0	1,020,000
2.B.ii.2.g WP-43E Design	260,000	0	260,000
2.B.ii.2.h O/H/B Ring Levee – VES	30,000	0	30,000
TOTAL	5,400,000	600,000	5,400,000
		55,000	5,455,000

- B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.
6. Consultants:
- a. Braun Intertec Corporation
 - b. Northern Technologies, Inc.
 - c. Robert Trent Jones II, LLC
7. Other Modifications to Agreement: None
8. Attachments: Figure 1
9. Documents Incorporated By Reference: None

10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is November 8, 2012.

ENGINEER:

Houston-Moore Group, LLC

OWNER:

Fargo-Moorhead Metro Diversion Authority

Signature Date
Jeffry J. Volk

Name

President

Title

Signature Date
Darrell Vanyo

Name

Chairman, Flood Diversion Board of Authority

Title

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

C. Gregg Thielman

Name

Sr. Project Manager

Title

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

Keith Berndt

Name

Cass County Administrator

Title

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This is Task Order No. 1, Amendment 10,
consisting of 6 pages.

Task Order No. 1, Amendment 1

In accordance with Paragraph 1.01 of the Agreement between Fargo-Moorhead Flood Diversion Authority ("Owner") and URS Corporation ("Engineer") for Professional Services – Task Order Edition, dated March 14, 2013 ("Agreement"), Owner and Engineer agree as follows:

The parties agree that in the event of a conflict between prior versions of this Task Order No. 1 and this Amendment, the terms and conditions in this Amendment shall prevail, provided however, nothing herein shall preclude ENGINEER from invoicing for work authorized under prior versions of this Task Order and performed prior to effective date of this Amendment, even to the extent such prior work was revised by this Amendment. All other terms and conditions shall remain the same and are hereby ratified and affirmed by the parties.

REPLACE Task Order No. 1, Amendment 0, in its entirety with the following:

1. SPECIFIC PROJECT DATA

- A. Title: Phase 1 Cultural Resources Investigations
- B. Description: Complete the cultural resources investigation of the Diversion Channel that was started in prior years. Perform investigations of additional locations identified due to project footprint changes and identification of excavated material piles and construction staging areas.

2. SERVICES OF ENGINEER

- A. MANAGEMENT AND COORDINATION – Conduct Phase I cultural resources investigations in accordance with the following stipulations:
 - I. Engineer's key personnel shall meet the *Secretary of the Interiors Professional Qualification Standards* for Archaeology and Architectural History:
 - a. Principal investigator
 - b. Field and laboratory supervisor
 - c. Field crew chiefs
 - II. Obtain cultural resources permits from Minnesota and North Dakota, as appropriate.
 - III. Conduct a survey of project area by pedestrian examination, documenting prehistoric and historic archaeological sites, as well as standing structures.
 - IV. Establish and follow a health and safety program.
 - V. Conduct subsurface testing:
 - a. In areas where surface visibility is less than 30 percent or where the potential exists for buried cultural resources.
 - b. Include shovel testing, coring, soil borings, cutbank profiling, or other appropriate methods.
 - c. Use a subsurface testing interval of 15 m (50 ft).
 - d. Excavate shovel tests to at least 60 cm (2 ft) or the C horizon.
 - e. Conduct hand ~~auger tests~~ soil cores to at least 1 m (3 ft), spaced at ~~10-15 m~~ (30-50 ft) intervals.
 - f. Conduct deep testing using a 2-inch-diameter or larger coring device or bucket auger at river crossings to 3 m (10 ft).
 - g. Screen excavated materials through ¼-inch mesh or smaller hardware cloth.

- h. Restore excavated areas to original condition. Engineer is liable for any crop or property damage that they cause.
- VI. Record survey and testing results using field notes, maps, subsurface-testing forms, and photos.
- VII. Delineate boundaries of sites and subsurface tests with GPS [provide GPS data in UTM projection, NAD83 horizontal datum, and units in meters].
- VIII. Prepare state site forms.
- IX. Provide recommendations for Phase II testing and evaluation measures, including time and cost estimates.
- X. Evaluate buildings 50 years old or older for eligibility to the National Register of Historic Places.
- XI. Cultural artifacts located during fieldwork belong to property owners. If property owners desire to donate the material(s) for curation, obtain a signed release form or donation agreement.
- XII. Make curatorial arrangements with Minnesota Historical Society and State Historical Society of North Dakota, meeting requirements of 36 CFR Part 79.
- XIII. Cease activity in the vicinity if human remains are found, associated and/or unassociated objects of cultural patrimony. Contact the appropriate authorities.
- XIV. Provide a right-of-entry agent to facilitate notification of property owners and compliance with right-of-entry agreements. Attachment 7 provides detailed right-of-entry responsibilities.

B. CONDUCT PHASE I CULTURAL RESOURCES INVESTIGATIONS IN THE FOLLOWING LOCATIONS:

- I. REACHES 1, 2, 4, AND-5, AND 6: Approximately 90 acres remaining from the 2012 season. Attachment 1 and 1A have been provided for reference only. **Approximately 35 acres within the construction limits of Reach 6 (CR-20 Bridge and Channel).** Shapefiles will be provided to Engineer prior to start of field work.
- II. IN-TOWN LEVEES: Approximately 20 acres in the area along 2nd Street between the BNSF Railroad on the north and NP Avenue on the south and also south of Main Avenue. Attachment 2 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - a. Conduct initial architectural survey investigation to determine number of buildings impacted and estimated level of effort to complete architectural survey and report writing. Review with Owner. **Additional budget, if needed, will be allocated in writing from Subtask C: On-Call Services.**
 - b. In accordance with the Programmatic Agreement (PA) executed between USACE, North Dakota and Minnesota State Historic Preservation Offices (SHPOs), historic structures and buildings within ½ mile of the project features (including levees and floodwalls) will be evaluated.
 - i. Conduct a GIS based viewshed analysis within ½ mile indirect Area of Potential Effect (APE) of the In-Town Levees 2nd Street floodwall project to determine the outer limits of the visual effects of the floodwall.
 - ii. Identify buildings 50 years old or older within the outer limits of the indirect APE and evaluate their eligibility to the National Register of Historic Places (NRHP).

- iii. Conduct field surveys of identified buildings per North Dakota and Minnesota SHPO requirements.
 - iv. Record findings in a Phase I Cultural Resources Inventory (CRI) draft report. Provide draft report to USACE and North Dakota and Minnesota SHPOs for review. Incorporate comments and provide final CRI report.
 - III. REACHES 4 AND 5: Proposed Excavated Material Piles (EMPs) and construction staging areas. Attachment 3 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - a. Reach 4: Approximately 71 acres of EMPs, temporary work areas, and construction staging areas.
 - b. Reach 5: Approximately 112 acres of EMPs, temporary work areas, construction staging areas, and temporary by-pass channels.
 - IV. WESTERN ALIGNMENT CHANGE: If directed in writing, conduct Phase I cultural resources investigations on approximately 1800 acres of portions of the Diversion alignment from the Maple River south to the Sheyenne River. Attachment 4 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - V. SOUTHERN ALIGNMENT CHANGE: ~~If directed in writing, c~~Conduct Phase I cultural resources investigations on approximately ~~2000-6,062~~ 6,062 acres of ~~portions of the southern alignment, including the southern embankment, Wild Rice River control structure, Red River control structure, North Dakota tie-back levee, Minnesota tie-back levee, and the I-29 transportation corridor.~~ Attachment 5 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - VI. PROPOSED OXBOW-HICKSON-BAKKE LEVEE: ~~If directed in writing, conduct~~ Conduct Phase I cultural resources investigations on approximately ~~250-1,062~~ 1,062 acres of the levee footprint and areas inside the levee, ~~including a pedestrian survey in agricultural fields, borrow areas, that are developed as a result of levee construction, house relocation, and golf course hole relocation~~ and a reconnaissance survey along CR-18. Attachment 6 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
- C. ON-CALL SERVICES: when specifically authorized in writing by Owner or Owner's Project Management Consultant (PMC), provide cultural resource investigations as directed.
 - I. WILD RICE RIVER DAM: Approximately 4 acres on both banks of the Wild Rice River and within the construction limits area.
 - a. Conduct a Phase I cultural survey.
 - i. Conduct subsurface testing, including soil cores for the site.
 - b. Conduct a Phase II evaluation of the National Register of Historic Places eligibility of the existing Wild Rice Dam.
 - c. Proposed work schedule: complete field work by May 30, 2014, submit draft report June 30, 2014; thirty day North Dakota SHPO review ending July 30, 2014; and final report due August 29, 2014.

~~C~~.D. DELIVERABLES:

- I. Field notes—one copy
- II. Field report(s)—letter report

- III. Draft contract report
- IV. Final contract report

3. OWNER’S RESPONSIBILITIES

- A. Owner shall have those responsibilities set forth in Article 2 and in EXHIBIT B of the Agreement.
- B. Acquire Rights of Entry for properties to be investigated.

4. TIMES FOR RENDERING SERVICES

<u>Subtask</u>	<u>Start Time</u>	<u>Completion Time</u>
A.	May 9, 2013	September 30, 2014
B.I and B.II	May 9, 2013	September 30, 2013 2014
B.III through B.VI, C	May 9, 2013	September 30, 2014
C.I	April 10, 2014	December 31, 2015

5. PAYMENTS TO ENGINEER

- A. Owner shall pay Engineer for services rendered as follows:
 - I. Compensation for services identified under Subtasks A through C shall be on a Time and Material basis in accordance with the Standard Hourly Rates shown in Exhibit C of the Agreement.
 - II. The total compensation for services identified under the Task Order for Subtasks A through C is not-to-exceed ~~\$495,000 as defined~~ **the amount** in the table below.
 - III. Estimated budget for Subtask C, On-Call Services, is based on an allowance.
 - 1. Engineer will notify Owner when eighty percent (80%) of the budget on Subtask C, On-Call Services, is expended.
 - 2. Engineer will prepare and submit an amendment for additional compensation when ninety percent (90%) of budget on Subtask C, On-Call Services, is expended.
 - 3. Engineer will not perform work beyond one hundred percent (100%) of the budget for Subtask C, On-Call Services, without Owner’s authorization by an amendment to this Task Order.

Subtask	Assumed Distribution Current Budget (\$)	Change -(\$)	Revised Budget (\$)
A. MANAGEMENT and COORDINATION	20,000	23,000	43,000
B.I REACHES 1, -2, 4 and , 5 and 6	15,000	5,000	20,000
B.II IN-TOWN LEVEES	25,000	150,000	175,000
B.III REACHES 4 and 5 EMPs	50,000		50,000
B.IV WESTERN ALIGNMENT CHANGE	105,000		105,000
B.V SOUTHERN ALIGNMENT CHANGE	140,000	289,000	429,000

B.VI	PROPOSED OXBOW-HICKSON-BAKKE LEVEE	70,000	59,000	129,000
C.	ON-CALL SERVICES (Allowance)	70,000	-60,000	10,000
	C.I WILD RICE RIVER DAM		60,000	60,000
	TOTAL	495,000	526,000	1,021,000

B. The terms of payment are set forth in Article 4 of the Agreement and EXHIBIT C of the Agreement.

6. Consultants:

A. Land Services, Inc.

7. Other Modifications to Agreement: No additions or modifications

8. Attachments: None

9. Documents Incorporated By Reference: None

DRAFT

10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is May 9, 2013.

ENGINEER:

URS Corporation

OWNER:

Fargo-Moorhead Metro Diversion Authority

Signature _____ Date _____

Wm. R. Killam

Name

Signature _____ Date _____

Darrell Vanyo

Name

Vice President

Title

Board Chair

Title

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

Gordon C. Tucker, Jr.

Name

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

Keith Berndt

Name

Program Manager

Title

Cass County Administrator

Title

**URS Corporation
8181 E. Tufts Avenue
Denver, CO 80237**

Address

**211 9th Street South
PO Box 2806
Fargo, ND 58108-2806**

Address

Gordon.Tucker@urs.com

E-Mail Address

berndtk@casscountynd.gov

E-Mail Address

(303) 740-3850

Phone

(701) 241-5720

Phone

(303) 694-3946

Fax

(701) 297-6020

Fax

FM Diversion Authority
Fiscal Accountability Report Design Phase (Fund 790)
As of 4/30/2014

	2011	2012	2013	2014	Cumulative Totals
Revenues					
City of Fargo	443,138	7,652,681	7,072,961	6,613,282	21,782,062
Cass County	443,138	7,652,681	7,072,961	6,613,282	21,782,062
State Water Commission	-	-	3,782,215	(2,980,707)	801,508
Other Agencies	98,475	1,700,595	1,571,769	1,469,618	4,840,457
Lease/Rental Payments	-	-	17,358	726	18,084
Asset Sales	-	-	-	376,608	376,608
Miscellaneous	-	-	1,705	326	2,031
Total Revenues	984,750	17,005,957	19,518,970	12,093,135	49,602,812
Expenditures					
7905 Army Corp Payments	-	-	875,000	1,050,000	1,925,000
7910 WIK - Administration	107,301	331,321	77,614	48,152	564,387
7915 WIK - Project Design	149,632	5,366,147	3,220,859	2,250,466	10,987,104
7920 WIK - Project Management	679,037	7,223,650	4,695,477	927,615	13,525,779
7925 WIK - Recreation	-	163,223	-	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	2,763,404	7,810,463	14,466,151
7931 LERRDS - Minnesota	-	27,996	289,387	5,056	322,438
7940 WIK Mitigation - North Dakota	-	-	-	-	-
7941 WIK Mitigation - Minnesota	-	-	-	-	-
7950 Construction - North Dakota	-	-	-	-	-
7951 Construction - Minnesota	-	-	-	-	-
7955 Construction Management	-	-	-	-	-
7990 Project Financing	-	50,000	70,000	754	120,754
7995 Project Eligible - Off Formula Costs	-	-	-	-	-
7999 Non Federal Participating Costs	116	-	-	-	116
0000 Advance to City of Oxbow	-	-	7,527,231	630	7,527,861
Total Expenditures	984,750	17,005,957	19,518,970	12,093,135	49,602,812

FM Diversion Authority
 FY 2014 Summary Budget Report (In Thousands)
 April, 2014

	FY 2014 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
Revenue Sources						
City of Fargo	19,530	2,227	10,638			8,892
Cass County	19,530	2,227	10,638			8,892
State of ND - 50% Match	-	(3,048)	716			(716)
State of ND - 100% Match	26,600	67	85			26,515
State of Minnesota	-	-	-			-
Other Agencies	4,340	495	2,364			1,976
Financing Proceeds	-	-	-			-
Sale of Assets	-	368	377			(377)
Property Income	-	-	10			(10)
Miscellaneous	-	0	2			(2)
Total Revenue Sources	70,000	2,336	24,830			45,170
Funds Appropriated						
Army Corp Local Share	-	-	1,575	100%	525	(2,100)
Management Oversight	2,300	349	2,361	103%	1,469	(1,530)
Technical Activities	7,900	920	4,169	53%	6,978	(3,247)
Land Acquisitions	37,700	1,066	16,725	44%	1,683	19,292
Construction	18,700	-	-	0%	-	18,700
Other Costs	3,400	1	1	0%	20	3,379
Total Appropriations	70,000	2,336	24,830	35%	10,675	34,494

FM Diversion Authority
Summary of Cash Disbursements
April 2014

Period/Year: 04/2014

Date: 5/1/2014

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7920-429.33-20	4/30/2014	JB04140013	CITY OF FARGO	780.00	FISCAL SERVICES	V00102	General & Admin. WIK
Total WIK Construction Mgmt. - Construction Management				780.00			
790-7910-429.33-25	4/23/2014	248622	OXBOW, CITY OF	18,520.53	OXBOW MOU	V02407	OXBOW MOU-LEGAL SERVICES
	4/23/2014	248622	OXBOW, CITY OF	9,714.88	OHB LEVEE PROJECT-MOU	V02407	OXBOW MOU-LEGAL SERVICES
	4/16/2014	248419	ERIK R JOHNSON & ASSOCIATES	1,982.20	METRO FLOOD PROJECT	V00102	General & Admin. WIK
Total WIK - General & Admin. - Legal Services				30,217.61			
790-7915-429.33-05	4/2/2014	248113	OXBOW, CITY OF	236,250.00	OXBOW MOU PAYMENT	V02406	OXBOW MOU-GC CONSULTING
	4/16/2014	248504	OXBOW, CITY OF	17,234.40	OXBOW OHB LEVEE	V02401	OXBOW MOU-PROJ MGMT ADMIN
	4/16/2014	248504	OXBOW, CITY OF	4,457.00	OXBOW OHB LEVEE	V02402	OXBOW MOU-PRELIM ENGINRNG
	4/16/2014	248504	OXBOW, CITY OF	24,441.88	OHB LEVEE PROJ	V02403	OXBOW MOU-CONCEPT LAYOUTS
	4/16/2014	248504	OXBOW, CITY OF	168,750.00	OHB LEVEE PROJECT	V02405	OXBOW MOU-DESN/CONST ENG
	4/30/2014	248700	HOUSTON-MOORE GROUP LLC	16,097.53	FEB 2014-FM DIVERSION	V01607	RECREATION/USE MASTER PLN
	4/30/2014	248700	HOUSTON-MOORE GROUP LLC	3,837.22	FEB 2014-FM DIVERSION	V01608	WORK-IN-KIND (WIK)
	4/30/2014	248700	HOUSTON-MOORE GROUP LLC	66,056.34	FEB 2014-FM DIVERSION	V01609	HYDROLOGY/HYDRAULIC MODEL
	4/30/2014	248700	HOUSTON-MOORE GROUP LLC	303,677.41	FEB 2014-FM DIVERSION	V01613	LEVEE DESIGN & SUPPORT
	4/30/2014	248700	HOUSTON-MOORE GROUP LLC	25,241.78	FEB 2014-FM DIVERSION	V01614	TRANS/DRAINAGE MASTER PLN
	4/30/2014	248700	HOUSTON-MOORE GROUP LLC	26,230.75	FEB 2014-FM DIVERSION	V01615	DRAFT OPERATIONS PLAN
	4/30/2014	248700	HOUSTON-MOORE GROUP LLC	5,590.50	FEB 2014-FM DIVERSION	V01616	PERMIT SUBMITTAL PREP
	4/2/2014	248103	URS CORPORATION	21,898.90	CULTURAL RESOURCES INVEST	V01003	CULTURAL RESOURCES INVEST
Total WIK - Project Design - Engineering Services				919,763.71			
790-7920-429.33-05	4/30/2014	248700	HOUSTON-MOORE GROUP LLC	137,971.53	FEB 2014-FM DIVERSION	V01601	HMG - PROJECT MANAGEMENT
Total WIK Construction Mgmt. - Engineering Services				137,971.53			
790-7920-429.33-79	4/16/2014	248404	CH2M HILL ENGINEERS INC	180,000.00	APR 2014	V00204	CH2M Hill-9.1.13-9.13.14
Total WIK Construction Mgmt. - Construction Management				180,000.00			
790-7930-429.33-05	4/30/2014	248700	HOUSTON-MOORE GROUP LLC	1,987.50	FEB 2014-FM DIVERSION	V01610	UTILITIES DESIGN
	4/30/2014	248700	HOUSTON-MOORE GROUP LLC	73,488.73	FEB 2014-FM DIVERSION	V01611	REACH 6 & CR20 BRIDGE
Total LERRDS - North Dakota - Engineering Services				75,476.23			

FM Diversion Authority
Summary of Cash Disbursements
April 2014

Period/Year: 04/2014

Date: 5/1/2014

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7930-429.33-25	4/16/2014	248412	DORSEY & WHITNEY LLP	42,590.28	SERVICES THRU 2/28/14	V00101	Dorsey Whitney Legal
	4/16/2014	248419	ERIK R JOHNSON & ASSOCIATES	3,064.25	METRO FLOOD PROJ LEERDS	V00103	General & Admin. LERRDS
Total LERRDS - North Dakota - Legal Services				45,654.53			
790-7930-429-71-30	4/17/2014	WIRE	Cass County Joint WRD	941,582.83	Diekrager Land Purchase	V01701	ND Land Purchases
Total - Land Purchases				941,582.83			
790-7931-429.34-65	4/16/2014	248501	OHNSTAD TWICHELL PC	1,951.50	RIGHT OF ENTRY/LAND ACQU	V01301	City of Moorhead ROE
Total LERRDS - Minnesota - Right of Entry Requests				1,951.50			
790-7931-429.62-51	4/23/2014	248632	RED RIVER VALLEY COOPERATIVE ASSOC	27.45	387 170 AVE SW-MHD	V02302	MN LAND PURCHASE-HARDSHIP
Total LERRDS - Minnesota - Electricity				27.45			
790-7931-429.80-17	4/9/2014	248169	CLAY COUNTY AUDITOR	1,550.00	2014 PROP TAX-387 170 AVE	V02302	MN LAND PURCHASE-HARDSHIP
Total LERRDS - Minnesota - Property Tax - FMDA				1,550.00			
790-7990-429.33-25	4/9/2014	248301	OHNSTAD TWICHELL PC	754.00	PROF SERVICES	V00102	General & Admin. WIK
Total Project Financing - Legal Services				754.00			
Total Disbursed for Period				\$ 2,335,729.39			

**FM Diversion Authority
Outstanding Contracts
As of April 30, 2014**

Date: 5/1/2014

Project Number	Division	PO No.	Vendor No.	P.O. Date	Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance
V00101	7910	F12217	9367	12/31/2011	DORSEY & WHITNEY LLP	\$ 52,102.12	\$ 52,102.12	\$ -
V00101	7910	146629	9367	1/18/2012	DORSEY & WHITNEY LLP	52,679.63	52,679.63	-
V00101	7910	F12289	9367	2/21/2012	DORSEY & WHITNEY LLP	58,693.38	58,693.38	-
V00101	7910	F12293	9367	2/21/2012	DORSEY & WHITNEY LLP	1,600.00	1,600.00	-
V00101	7910	156087	9367	10/15/2012	DORSEY & WHITNEY LLP	86,960.88	86,960.88	-
V00101	7910	157021	9367	11/9/2012	DORSEY & WHITNEY LLP	27,111.94	27,111.94	-
V00101	7910	157608	9367	11/29/2012	DORSEY & WHITNEY LLP	9,138.50	9,138.50	-
V00101	7910	159215	9367	1/14/2013	DORSEY & WHITNEY LLP	15,177.50	15,177.50	-
V00101	7910	160364	9367	2/20/2013	DORSEY & WHITNEY LLP	20,559.60	20,559.60	-
V00101	7910	161130	9367	3/18/2013	DORSEY & WHITNEY LLP	10,442.50	10,442.50	-
V00101	7910	163408	9367	6/12/2013	DORSEY & WHITNEY LLP	21,936.50	21,936.50	-
V00101	7910	164302	9367	7/17/2013	DORSEY & WHITNEY LLP	35,507.00	35,507.00	-
V00101	7910	164852	9367	8/12/2013	DORSEY & WHITNEY LLP	4,353.75	4,353.75	-
V00101	7930	165352	9367	9/5/2013	DORSEY & WHITNEY LLP	21,732.00	21,732.00	-
V00101	7930	165933	9367	9/30/2013	DORSEY & WHITNEY LLP	19,416.00	19,416.00	-
V00101	7930	166666	9367	10/31/2013	DORSEY & WHITNEY LLP	21,699.00	21,699.00	-
V00101	7930	167420	9367	12/6/2013	DORSEY & WHITNEY LLP	45,518.80	45,518.80	-
V00101	7930	167892	9367	12/27/2013	DORSEY & WHITNEY LLP	75,307.63	75,307.63	-
V00101	7930	168263	9367	1/15/2014	DORSEY & WHITNEY LLP	66,721.77	66,721.77	-
V00101	7930	169387	9367	3/5/2014	DORSEY & WHITNEY LLP	95,270.80	95,270.80	-
V00101	7930	169824	9367	3/27/2014	DORSEY & WHITNEY LLP	42,590.28	42,590.28	-
V00102	7910	F11738	20660	11/15/2011	GALLAGHER BENEFIT SERVICES INC	250.00	250.00	-
V00102	7910	F11749	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	494.24	494.24	-
V00102	7910	F11750	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	345.97	345.97	-
V00102	7910	F11751	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	296.56	296.56	-
V00102	7910	F11752	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	17.05	17.05	-
V00102	7999	PCARD	18009	12/20/2011	GOOGLE LOVEINTHEOVEN	116.00	116.00	-
V00102	7910	F12082	647	12/31/2011	FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-
V00102	7910	F12079	8645	12/31/2011	SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-

**FM Diversion Authority
Outstanding Contracts
As of April 30, 2014**

Date: 5/1/2014

Project Number	Division	PO No.	Vendor No.	P.O. Date	Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance
V00102	7910	F12218	13981	12/31/2011	NORTH DAKOTA TELEPHONE CO	81.20	81.20	-
V00102	7910	AJ	COF	2/1/2012	CITY OF FARGO	1,300.00	1,300.00	-
V00102	7910	F12256	20829	2/14/2012	BROKERAGE PRINTING	153.85	153.85	-
V00102	7910	F12256	20829	2/14/2012	BROKERAGE PRINTING	202.10	202.10	-
V00102	7910	F12595	1772	4/16/2012	WARNER & CO	4,975.00	4,975.00	-
V00102	7910	AJ	COF	5/25/2012	CITY OF FARGO	1,850.00	1,850.00	-
V00102	7910	151789	16872	6/15/2012	ERIK R JOHNSON & ASSOCIATES	673.20	673.20	-
V00102	7910	151876	16872	6/19/2012	ERIK R JOHNSON & ASSOCIATES	1,309.00	1,309.00	-
V00102	7910	AJ	COF	6/25/2012	CITY OF FARGO	340.00	340.00	-
V00102	7910	152528	1286	7/10/2012	OHNSTAD TWICHELL PC	1,903.50	1,903.50	-
V00102	7910	AJ	COF	7/27/2012	CITY OF FARGO	240.00	240.00	-
V00102	7910	153237	1286	7/31/2012	OHNSTAD TWICHELL PC	728.50	728.50	-
V00102	7910	153670	13981	8/9/2012	NORTH DAKOTA TELEPHONE CO	71.60	71.60	-
V00102	7910	154211	13981	8/23/2012	NORTH DAKOTA TELEPHONE CO	90.60	90.60	-
V00102	7910	AJ	COF	8/30/2012	CITY OF FARGO	280.00	280.00	-
V00102	7910	AJ	COF	9/26/2012	CITY OF FARGO	320.00	320.00	-
V00102	7910	155381	13981	9/27/2012	NORTH DAKOTA TELEPHONE CO	87.40	87.40	-
V00102	7910	AJ	COF	10/30/2012	CITY OF FARGO	410.00	410.00	-
V00102	7910	AJ	COF	11/28/2012	CITY OF FARGO	220.00	220.00	-
V00102	7910	157670	16872	11/30/2012	ERIK R JOHNSON & ASSOCIATES	16,826.60	16,826.60	-
V00102	7910	158387	13981	12/20/2012	NORTH DAKOTA TELEPHONE CO	76.20	76.20	-
V00102	7910	AJ	COF	12/27/2012	CITY OF FARGO	260.00	260.00	-
V00102	7910	159214	16872	1/14/2013	ERIK R JOHNSON & ASSOCIATES	26,922.05	26,922.05	-
V00102	7910	AJ	COF	1/29/2013	CITY OF FARGO	160.00	160.00	-
V00102	7910	AJ	COF	1/29/2013	CITY OF FARGO	180.00	180.00	-
V00102	7910	159926	12961	2/5/2013	FEDERAL EXPRESS CORPORATION	71.89	71.89	-
V00102	7910	160367	16872	2/20/2013	ERIK R JOHNSON & ASSOCIATES	7,606.58	7,606.58	-
V00102	7910	160461	1772	2/25/2013	WARNER & CO	4,975.00	4,975.00	-
V00102	7910	AJ	COF	2/27/2013	CITY OF FARGO	260.00	260.00	-

**FM Diversion Authority
Outstanding Contracts
As of April 30, 2014**

Date: 5/1/2014

Project Number	Division	PO No.	Vendor No.	P.O. Date	Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance
V00102	7910	161131	16872	3/18/2013	ERIK R JOHNSON & ASSOCIATES	4,769.78	4,769.78	-
V00102	7910	AJ	COF	3/27/2013	CITY OF FARGO	200.00	200.00	-
V00102	7910	161699	16872	4/8/2013	ERIK R JOHNSON & ASSOCIATES	2,366.41	2,366.41	-
V00102	7910	161972	13981	4/17/2013	NORTH DAKOTA TELEPHONE CO	49.20	49.20	-
V00102	7910	162044	14216	4/19/2013	BRIGGS & MORGAN PA	1,616.36	1,616.36	-
V00102	7910	162074	21621	4/22/2013	PFM PUBLIC FINANCIAL MANAGEMEN	140,000.00	120,000.00	20,000.00
V00102	7910	AJ	COF	4/26/2013	CITY OF FARGO	460.00	460.00	-
V00102	7910	162703	16872	5/14/2013	ERIK R JOHNSON & ASSOCIATES	3,219.38	3,219.38	-
V00102	7910	163136	13981	5/30/2013	NORTH DAKOTA TELEPHONE CO	95.00	95.00	-
V00102	7910	AJ	COF	5/31/2013	CITY OF FARGO	340.00	340.00	-
V00102	7910	163409	16872	6/12/2013	ERIK R JOHNSON & ASSOCIATES	7,161.68	7,161.68	-
V00102	7910	163410	14216	6/12/2013	BRIGGS & MORGAN PA	11,111.20	11,111.20	-
V00102	7910	AJ	COF	6/30/2013	CITY OF FARGO	260.00	260.00	-
V00102	7910	163969	13981	7/8/2013	NORTH DAKOTA TELEPHONE CO	39.40	39.40	-
V00102	7910	164303	16872	7/17/2013	ERIK R JOHNSON & ASSOCIATES	3,498.60	3,498.60	-
V00102	7910	AJ	COF	7/29/2013	CITY OF FARGO	220.00	220.00	-
V00102	7910	164736	20829	8/7/2013	BROKERAGE PRINTING	117.38	117.38	-
V00102	7910	164853	16872	8/12/2013	ERIK R JOHNSON & ASSOCIATES	5,829.31	5,829.31	-
V00102	7910	165165	13981	8/23/2013	NORTH DAKOTA TELEPHONE CO	34.20	34.20	-
V00102	7910	AJ	COF	8/31/2013	CITY OF FARGO	1,020.00	1,020.00	-
V00102	7910	165353	16872	9/5/2013	ERIK R JOHNSON & ASSOCIATES	5,511.83	5,511.83	-
V00102	7910	AJ	COF	9/25/2013	CITY OF FARGO	400.00	400.00	-
V00102	7910	166296	16872	10/16/2013	ERIK R JOHNSON & ASSOCIATES	4,513.51	4,513.51	-
V00102	7910	AJ	COF	10/28/2013	CITY OF FARGO	620.00	620.00	-
V00102	7910	PCARD	646	11/1/2013	FORUM COMMUNICATIONS (ADVERT)	589.95	589.95	-
V00102	7910	166903	16872	11/12/2013	ERIK R JOHNSON & ASSOCIATES	3,468.00	3,468.00	-
V00102	7910	AJ	COF	11/27/2013	CITY OF FARGO	300.00	300.00	-
V00102	7910	167497	16872	12/10/2013	ERIK R JOHNSON & ASSOCIATES	3,590.36	3,590.36	-
V00102	7910	AJ	COF	12/27/2013	CITY OF FARGO	1,000.00	1,000.00	-

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V00102	7910	168179	16872	1/10/2014	ERIK R JOHNSON & ASSOCIATES	2,118.54	2,118.54	-
V00102	7910	AJ	COF	2/3/2014	CITY OF FARGO	600.00	600.00	-
V00102	7910	168777	16872	2/6/2014	ERIK R JOHNSON & ASSOCIATES	4,760.85	4,760.85	-
V00102	7910	168778	16872	2/6/2014	ERIK R JOHNSON & ASSOCIATES	1,739.95	1,739.95	-
V00102	7910	169295	1772	2/28/2014	WARNER & CO	4,975.00	4,975.00	-
V00102	7910	AJ	COF	3/3/2014	CITY OF FARGO	800.00	800.00	-
V00102	7910	169389	16872	3/5/2014	ERIK R JOHNSON & ASSOCIATES	3,844.55	3,844.55	-
V00102	7910	169682	13981	3/20/2014	NORTH DAKOTA TELEPHONE CO	53.60	53.60	-
V00102	7910	AJ	COF	3/31/2014	CITY OF FARGO	380.00	380.00	-
V00102	7910	170009	16872	4/4/2014	ERIK R JOHNSON & ASSOCIATES	1,982.20	1,982.20	-
V00102	7990	170012	1286	4/4/2014	OHNSTAD TWICHELL PC	754.00	754.00	-
V00102	7910	AJ	COF	4/30/2014	CITY OF FARGO	780.00	780.00	-
V00103	7930	166296	16872	10/16/2013	ERIK R JOHNSON & ASSOCIATES	3,317.55	3,317.55	-
V00103	7930	166903	16872	11/12/2013	ERIK R JOHNSON & ASSOCIATES	1,856.40	1,856.40	-
V00103	7930	167497	16872	12/10/2013	ERIK R JOHNSON & ASSOCIATES	3,063.83	3,063.83	-
V00103	7930	168180	16872	1/10/2014	ERIK R JOHNSON & ASSOCIATES	4,019.61	4,019.61	-
V00103	7930	168776	16872	2/6/2014	ERIK R JOHNSON & ASSOCIATES	51.00	51.00	-
V00103	7930	169388	16872	3/5/2014	ERIK R JOHNSON & ASSOCIATES	1,043.80	1,043.80	-
V00103	7930	170008	16872	4/4/2014	ERIK R JOHNSON & ASSOCIATES	3,064.25	3,064.25	-
V00201	7920	144170	20663	11/18/2011	CH2M HILL ENGINEERS INC	1,908,938.41	1,908,938.41	-
V00202	7920	148611	20663	3/15/2012	CH2M HILL ENGINEERS INC	3,422,306.58	3,422,306.58	-
V00203	7920	154940	20663	9/17/2012	CH2M HILL ENGINEERS INC	5,000,000.00	4,789,574.02	210,425.98
V00204	7920	166165	20663	10/10/2013	CH2M HILL ENGINEERS INC	2,160,000.00	1,440,000.00	720,000.00
V00301	7910	143936	11604	11/16/2011	ADVANCED ENGINEERING INC	50,000.00	50,000.00	-
V00401	7920	143937	165	11/16/2011	BRAUN INTERTEC CORP	54,060.00	43,620.00	10,440.00
V00501	7915	143938	165	11/16/2011	BRAUN INTERTEC CORP	36,150.00	34,009.00	2,141.00
V00601	7915	144975	20729	12/13/2011	IN SITU ENGINEERING	54,800.00	47,973.00	6,827.00
V00701	7915	144866	20723	12/9/2011	MINNESOTA DNR	1,492,718.00	944,770.00	547,948.00
V00801	7915	146973	801	1/27/2012	HOUSTON ENGINEERING INC	92,424.03	92,424.03	-

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V00802	7915	146974	801	1/27/2012	HOUSTON ENGINEERING INC	70,742.30	70,742.30	-
V00803	7915	146975	801	1/27/2012	HOUSTON ENGINEERING INC	47,124.46	47,124.46	-
V00804	7925	148054	801	2/29/2012	HOUSTON ENGINEERING INC	163,222.91	163,222.91	-
V00805	7915	148058	801	2/29/2012	HOUSTON ENGINEERING INC	94,786.00	94,786.00	-
V00806	7915	148078	801	2/29/2012	HOUSTON ENGINEERING INC	108,369.87	108,369.87	-
V00901	7915	146976	1118	1/27/2012	MOORE ENGINEERING INC	92,291.55	92,291.55	-
V00902	7915	146977	1118	1/27/2012	MOORE ENGINEERING INC	135,231.99	135,231.99	-
V00903	7915	146978	1118	1/27/2012	MOORE ENGINEERING INC	142,924.27	142,924.27	-
V00904	7930	148055	1118	2/29/2012	MOORE ENGINEERING INC	78,760.62	78,760.62	-
V00905	7930	148056	1118	2/29/2012	MOORE ENGINEERING INC	32,727.08	32,727.08	-
V00906	7915	148057	1118	2/29/2012	MOORE ENGINEERING INC	8,326.50	8,326.50	-
V00907	7915	148077	1118	2/29/2012	MOORE ENGINEERING INC	164,867.66	164,867.66	-
V01002	7915	148086	17791	2/29/2012	URS CORPORATION	480,488.42	480,488.42	-
V01003	7915	163308	17791	6/6/2013	URS CORPORATION	495,000.00	211,632.27	283,367.73
V01101	7905	AJ	CORP	6/19/2013	ARMY CORP OF ENGINEERS	350,000.00	350,000.00	-
V01101	7905	AJ	CORP	8/13/2013	ARMY CORP OF ENGINEERS	2,100,000.00	1,575,000.00	525,000.00
V01201	7930	F12069	19734	12/31/2011	CASS COUNTY JOINT WATER RESOUR	16,708.86	16,708.86	-
V01201	7930	F12069	19734	12/31/2011	CASS COUNTY JOINT WATER RESOUR	22,452.50	22,452.50	-
V01201	7930	149405	19734	4/10/2012	CASS COUNTY JOINT WATER RESOUR	20,652.04	20,652.04	-
V01201	7930	149405	19734	4/10/2012	CASS COUNTY JOINT WATER RESOUR	62,467.05	62,467.05	-
V01201	7930	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	48,138.28	48,138.28	-
V01201	7930	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	23,113.23	23,113.23	-
V01201	7930	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	8,250.00	8,250.00	-
V01201	7930	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	55,312.46	55,312.46	-
V01201	7930	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	26,500.00	26,500.00	-
V01201	7930	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	13,500.00	13,500.00	-
V01201	7930	160369	19734	2/20/2013	CASS COUNTY JOINT WATER RESOUR	24,990.57	24,990.57	-
V01201	7930	161700	19734	4/8/2013	CASS COUNTY JOINT WATER RESOUR	52,735.94	52,735.94	-
V01201	7930	164075	19734	7/10/2013	CASS COUNTY JOINT WATER RESOUR	65,419.85	65,419.85	-

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V01201	7930	166046	19734	10/3/2013	CASS COUNTY JOINT WATER RESOUR	145,998.06	145,998.06	-
V01201	7930	168966	19734	2/14/2014	CASS COUNTY JOINT WATER RESOUR	152,036.11	152,036.11	-
V01202	7930	166046	19734	10/3/2013	CASS COUNTY JOINT WATER RESOUR	84,505.69	84,505.69	-
V01202	7930	168966	19734	2/14/2014	CASS COUNTY JOINT WATER RESOUR	67,919.99	67,919.99	-
V01301	7915	147745	1118	2/17/2012	MOORE ENGINEERING INC	5,558.50	5,558.50	-
V01301	7931	F12593	1286	4/16/2012	OHNSTAD TWICHELL PC	1,408.00	1,408.00	-
V01301	7931	149869	1118	4/23/2012	MOORE ENGINEERING INC	1,780.00	1,780.00	-
V01301	7931	150230	1286	5/3/2012	OHNSTAD TWICHELL PC	2,029.50	2,029.50	-
V01301	7931	150961	1286	5/23/2012	OHNSTAD TWICHELL PC	220.50	220.50	-
V01301	7931	151790	1122	6/15/2012	MOORHEAD, CITY OF	15,062.90	15,062.90	-
V01301	7931	152058	1286	6/27/2012	OHNSTAD TWICHELL PC	410.00	410.00	-
V01301	7931	154504	1286	9/4/2012	OHNSTAD TWICHELL PC	1,373.50	1,373.50	-
V01301	7931	154505	1286	9/4/2012	OHNSTAD TWICHELL PC	676.50	676.50	-
V01301	7931	156088	1286	10/15/2012	OHNSTAD TWICHELL PC	1,102.50	1,102.50	-
V01301	7931	157054	1286	11/9/2012	OHNSTAD TWICHELL PC	2,685.00	2,685.00	-
V01301	7931	159216	1286	1/14/2013	OHNSTAD TWICHELL PC	1,247.16	1,247.16	-
V01301	7931	160365	1286	2/20/2013	OHNSTAD TWICHELL PC	1,148.00	1,148.00	-
V01301	7931	160797	1286	3/7/2013	OHNSTAD TWICHELL PC	738.00	738.00	-
V01301	7931	161824	1286	4/11/2013	OHNSTAD TWICHELL PC	471.50	471.50	-
V01301	7931	162447	1286	5/6/2013	OHNSTAD TWICHELL PC	102.50	102.50	-
V01301	7931	163135	1286	5/30/2013	OHNSTAD TWICHELL PC	164.00	164.00	-
V01301	7931	164693	1286	8/5/2013	OHNSTAD TWICHELL PC	266.50	266.50	-
V01301	7931	165314	1286	9/3/2013	OHNSTAD TWICHELL PC	61.50	61.50	-
V01301	7931	PCARD	339	11/1/2013	OHNSTAD TWICHELL PC	246.00	246.00	-
V01301	7931	167297	1286	12/2/2013	OHNSTAD TWICHELL PC	410.00	410.00	-
V01301	7931	PCARD	351	12/4/2013	OHNSTAD TWICHELL PC	102.50	102.50	-
V01301	7931	PCARD	370	2/3/2014	OHNSTAD TWICHELL PC	225.50	225.50	-
V01301	7931	168719	1286	2/5/2014	OHNSTAD TWICHELL PC	205.00	205.00	-
V01301	7931	169390	1286	3/5/2014	OHNSTAD TWICHELL PC	963.50	963.50	-

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V01301	7931	170011	1286	4/4/2014	OHNSTAD TWICHELL PC	1,951.50	1,951.50	-
V01501	7915	150960	19581	5/23/2012	GEEKON INC	33,815.36	33,815.36	-
V01601	7920	151232	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	2,487,675.00	1,959,609.94	528,065.06
V01602	7930	151233	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	891,000.00	875,959.80	15,040.20
V01603	7915	151234	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	2,448,300.00	2,448,034.90	265.10
V01604	7930	151235	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	1,566,000.00	1,532,153.80	33,846.20
V01605	7915	151236	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	905,000.00	845,983.45	59,016.55
V01606	7930	151237	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	538,103.00	536,897.48	1,205.52
V01607	7915	152022	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	240,000.00	223,892.12	16,107.88
V01608	7915	152023	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	856,675.00	498,293.62	358,381.38
V01609	7915	152024	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	1,338,341.00	823,811.14	514,529.86
V01610	7930	152025	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	338,000.00	88,499.25	249,500.75
V01611	7930	155529	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	771,000.00	326,452.64	444,547.36
V01612	7930	155530	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	665,000.00	-	665,000.00
V01613	7915	157599	21007	11/29/2012	HOUSTON-MOORE GROUP LLC	5,400,000.00	1,637,792.30	3,762,207.70
V01614	7915	160644	21007	3/1/2013	HOUSTON-MOORE GROUP LLC	605,000.00	524,672.97	80,327.03
V01615	7915	165854	21007	9/25/2013	HOUSTON-MOORE GROUP LLC	500,000.00	121,865.85	378,134.15
V01616	7915	167178	21007	11/22/2013	HOUSTON-MOORE GROUP LLC	205,000.00	19,335.75	185,664.25
V01701	7930	155627	7198	10/3/2012	NORTHERN TITLE CO	484,016.00	484,016.00	-
V01701	7930	159217	201	1/14/2013	CASS COUNTY TREASURER	84,832.36	84,832.36	-
V01701	7930	167423	201	12/6/2013	CASS COUNTY TREASURER	83,421.43	83,421.43	-
V01701	7930	AJ	JB01140008	1/23/2014	CASS COUNTY JOINT WATER RESOUR	1,636,230.00	1,636,230.00	-
V01701	7930	AJ	JB01140007	1/23/2014	CASS COUNTY JOINT WATER RESOUR	959,840.00	959,840.00	-
V01701	7930	168966	19734	2/14/2014	CASS COUNTY JOINT WATER RESOUR	420.40	420.40	-
V01701	7930	AJ	JB02140005	2/18/2014	CASS COUNTY JOINT WATER RESOUR	3,458,980.70	3,458,980.70	-
V01701	7930	AJ	JB02140005	2/18/2014	CASS COUNTY JOINT WATER RESOUR	49,545.36	49,545.36	-
V01701	7930	AJ	JB04140005	4/17/2014	CASS COUNTY JOINT WATER RESOUR	941,582.83	941,582.83	-
V01702	7930	157394	20529	11/21/2012	KENNELLY & OKEEFFE	216,401.85	216,401.85	-
V01702	7930	157470	20529	11/26/2012	KENNELLY & OKEEFFE	342,601.87	342,601.87	-

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V01702	7930	F13677	11046	11/26/2012	RED RIVER TITLE SERVICES INC	250.00	250.00	-
V01702	7930	F13678	11046	11/26/2012	RED RIVER TITLE SERVICES INC	170.00	170.00	-
V01702	7930	158252	21423	12/18/2012	HUBER, STEVE	1,056.43	1,056.43	-
V01702	7930	159217	201	1/14/2013	CASS COUNTY TREASURER	6,825.95	6,825.95	-
V01702	7930	164432	20529	7/24/2013	KENNELLY & OKEEFFE	375,581.20	375,581.20	-
V01702	7930	165248	21845	8/29/2013	MCKINZIE METRO APPRAISAL	3,200.00	3,200.00	-
V01702	7930	167423	201	12/6/2013	CASS COUNTY TREASURER	7,045.72	7,045.72	-
V01702	7930	168720	20529	2/5/2014	KENNELLY & OKEEFFE	512,970.73	512,970.73	-
V01801	7930	155531	1714	10/2/2012	ULTEIG ENGINEERS INC	100,000.00	-	100,000.00
V01901	7930	155469	21258	10/1/2012	PROSOURCE TECHNOLOGIES, INC	100,000.00	8,324.94	91,675.06
V02001	7930	157598	10078	11/29/2012	COLDWELL BANKER	4,346.77	4,346.77	-
V02001	7930	158046	10078	12/12/2012	COLDWELL BANKER	8,000.00	8,000.00	-
V02001	7930	160366	10078	2/20/2013	COLDWELL BANKER	2,600.00	2,600.00	-
V02001	7930	161153	10078	3/18/2013	COLDWELL BANKER	1,000.00	1,000.00	-
V02001	7930	164785	10078	8/8/2013	COLDWELL BANKER	11,000.00	11,000.00	-
V02001	7930	167177	10078	11/22/2013	COLDWELL BANKER	4,500.00	4,500.00	-
V02001	7930	169174	10078	2/25/2014	COLDWELL BANKER	1,619.25	1,619.25	-
V02101	7930	157607	12775	11/29/2012	RED RIVER BASIN COMMISSION	500,000.00	417,583.53	82,416.47
V02201	7915	163309	18968	6/6/2013	US GEOLOGICAL SURVEY	46,920.00	46,920.00	-
V02302	7931	166597	20529	10/30/2013	KENNELLY & OKEEFFE	281,554.91	281,554.91	-
V02302	7931	166725	3841	11/4/2013	DAWSON INSURANCE AGENCY	1,867.81	1,867.81	-
V02302	7931	166975	11046	11/14/2013	RED RIVER TITLE SERVICES INC	255.00	255.00	-
V02302	7931	167042	21974	11/18/2013	RED RIVER VALLEY COOPERATIVE A	332.06	332.06	-
V02302	7931	167421	17677	12/6/2013	FERRELLGAS	496.00	496.00	-
V02302	7931	167422	296	12/6/2013	CURTS LOCK & KEY SERVICE INC	138.10	138.10	-
V02302	7931	167501	12673	12/10/2013	DONS PLUMBING	240.00	240.00	-
V02302	7931	167633	13109	12/16/2013	TRIO ENVIRONMENTAL CONSULTING	747.60	747.60	-
V02302	7931	167750	21974	12/19/2013	RED RIVER VALLEY COOPERATIVE A	44.60	44.60	-
V02302	7931	168368	21974	1/17/2014	RED RIVER VALLEY COOPERATIVE A	50.99	50.99	-

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Date: 5/1/2014

Project Number	Division	PO No.	Vendor No.	P.O. Date	Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance
V02302	7931	169117	21974	2/21/2014	RED RIVER VALLEY COOPERATIVE A	41.93	41.93	-
V02302	7931	169683	21974	3/20/2014	RED RIVER VALLEY COOPERATIVE A	39.93	39.93	-
V02302	7931	170010	4029	4/4/2014	CLAY COUNTY AUDITOR	1,550.00	1,550.00	-
V02302	7931	170347	21974	4/22/2014	RED RIVER VALLEY COOPERATIVE A	27.45	27.45	-
V02401	7915	167179	16980	11/22/2013	OXBOW, CITY OF	371,123.00	143,635.00	227,488.00
V02402	7915	167180	16980	11/22/2013	OXBOW, CITY OF	154,046.00	130,796.28	23,249.72
V02403	7915	167828	16980	12/23/2013	OXBOW, CITY OF	86,595.21	85,354.94	1,240.27
V02404	0000	AJ	22024	12/16/2013	COMMERCIAL TITLE LLC	3,869,270.00	3,869,270.00	-
V02404	0000	F15616	22024	12/17/2013	COMMERCIAL TITLE LLC	271.00	271.00	-
V02404	0000	F15620	196	12/19/2013	CASS COUNTY RECORDER	68.00	68.00	-
V02404	0000	F15617	2265	12/19/2013	TITLE COMPANY	3,641,500.00	3,641,500.00	-
V02404	0000	F15619	22035	12/19/2013	INNOVATIVE ABSTRACT & TITLE CO	15,921.53	15,921.53	-
V02404	0000	F15639	20529	12/23/2013	KENNELLY & OKEEFFE	200.00	200.00	-
V02404	0000	F16036	11046	3/17/2014	RED RIVER TITLE SERVICES INC	105.00	105.00	-
V02404	0000	F16037	11046	3/17/2014	RED RIVER TITLE SERVICES INC	525.00	525.00	-
V02405	7915	169391	16980	3/5/2014	OXBOW, CITY OF	562,500.00	450,000.00	112,500.00
V02406	7915	169910	16980	4/2/2014	OXBOW, CITY OF	655,000.00	236,250.00	418,750.00
V02407	7910	170297	16980	4/17/2014	OXBOW, CITY OF	18,520.53	18,520.53	-
V02407	7910	170298	16980	4/17/2014	OXBOW, CITY OF	9,714.88	9,714.88	-
						\$ 60,278,120.63	\$ 49,602,812.41	\$ 10,675,308.22

**FM Diversion Authority
Cumulative Vendor Payments Since Inception
As of April 30, 2014**

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
HOUSTON-MOORE GROUP LLC	19,755,094.00	12,463,255.01	7,291,838.99	Engineering Services
CH2M HILL ENGINEERS INC	12,491,244.99	11,560,819.01	930,425.98	Project Management
CASS COUNTY JOINT WATER RESOUR	7,937,299.92	7,937,299.92	-	Land Purchases, DPAC, and Right of Entry
COMMERCIAL TITLE LLC	3,869,541.00	3,869,541.00	-	Oxbow MOU - Advance for Land Purchase
TITLE COMPANY	3,641,500.00	3,641,500.00	-	Oxbow MOU - Advance for Land Purchase
ARMY CORP OF ENGINEERS	2,450,000.00	1,925,000.00	525,000.00	Local Share
OXBOW, CITY OF	1,857,499.62	1,074,271.63	783,227.99	City of Oxbow - MOU
KENNELLY & OKEEFFE	1,729,310.56	1,729,310.56	-	Home Buyouts
MINNESOTA DNR	1,492,718.00	944,770.00	547,948.00	EIS Scoping
URS CORPORATION	975,488.42	692,120.69	283,367.73	Engineering Services
DORSEY & WHITNEY LLP	784,519.58	784,519.58	-	Legal Services
MOORE ENGINEERING INC	662,468.17	662,468.17	-	Engineering Services
HOUSTON ENGINEERING INC	576,669.57	576,669.57	-	Engineering Services
RED RIVER BASIN COMMISSION	500,000.00	417,583.53	82,416.47	Engineering Services
NORTHERN TITLE CO	484,016.00	484,016.00	-	Land Purchases
CASS COUNTY TREASURER	182,125.46	182,125.46	-	Property Tax
PFM PUBLIC FINANCIAL MANAGEMEN	140,000.00	120,000.00	20,000.00	Financial Advisor
ERIK R JOHNSON & ASSOCIATES	128,128.82	128,128.82	-	Legal Services
PROSOURCE TECHNOLOGIES, INC	100,000.00	8,324.94	91,675.06	Engineering Services
ULTEIG ENGINEERS INC	100,000.00	-	100,000.00	Engineering Services
BRAUN INTERTEC CORP	90,210.00	77,629.00	12,581.00	Quality Testing
IN SITU ENGINEERING	54,800.00	47,973.00	6,827.00	Quality Testing
ADVANCED ENGINEERING INC	50,000.00	50,000.00	-	Public Outreach
US GEOLOGICAL SURVEY	46,920.00	46,920.00	-	Stage Gages
GEOKON INC	33,815.36	33,815.36	-	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	33,066.02	33,066.02	-	Property Management Services
OHNSTAD TWICHELL PC	21,594.66	21,594.66	-	ROE and Bonding Legal Fees
INNOVATIVE ABSTRACT & TITLE CO	15,921.53	15,921.53	-	Oxbow MOU - Advance for Land Purchase
MOORHEAD, CITY OF	15,062.90	15,062.90	-	ROE Legal Fees
WARNER & CO	14,925.00	14,925.00	-	General Liability Insurance
CITY OF FARGO	13,200.00	13,200.00	-	Accounting Services
BRIGGS & MORGAN PA	12,727.56	12,727.56	-	Legal Services
MCKINZIE METRO APPRAISAL	3,200.00	3,200.00	-	Appraisal Services
FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-	Advertising Services
DAWSON INSURANCE AGENCY	1,867.81	1,867.81	-	Property Insurance - Home Buyouts
FORUM COMMUNICATIONS (ADVERT)	1,743.77	1,743.77	-	Advertising Services
CLAY COUNTY AUDITOR	1,550.00	1,550.00	-	Property Tax
SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-	Public Outreach
RED RIVER TITLE SERVICES INC	1,305.00	1,305.00	-	Abstract Updates
HUBER, STEVE	1,056.43	1,056.43	-	Home Buyouts
TRIO ENVIRONMENTAL CONSULTING	747.60	747.60	-	Asbestos and LBP Testing - Home Buyouts
NORTH DAKOTA TELEPHONE CO	678.40	678.40	-	Communication
RED RIVER VALLEY COOPERATIVE A	536.96	536.96	-	Electricity - Home Buyouts
FERRELLGAS	496.00	496.00	-	Propane - Home Buyouts
BROKERAGE PRINTING	473.33	473.33	-	Custom Printed Forms
GALLAGHER BENEFIT SERVICES INC	250.00	250.00	-	Job Description Review
DONS PLUMBING	240.00	240.00	-	Winterize - Home Buyouts
CURTS LOCK & KEY SERVICE INC	138.10	138.10	-	Service Call - Home Buyouts
GOOGLE LOVEINTHEOVEN	116.00	116.00	-	Meeting Incidentals
FEDERAL EXPRESS CORPORATION	71.89	71.89	-	Postage
CASS COUNTY RECORDER	68.00	68.00	-	Oxbow MOU - Advance for Land Purchase
Grand Total	\$ 60,278,120.63	\$ 49,602,812.41	\$ 10,675,308.22	

**FM Diversion Authority
Lands Expense - Life To Date
As of April 30, 2014**

Property Address	Purchase Date	Purchase Price	Appraisal	Abstract	Tax Payment	Property Management Expense	Property Management Income	Sale Proceeds	Total
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	-	166,874.29	-	-		650,890.29
105 Oxbow Drive, Oxbow ND	11/28/2012	216,401.85	-	250.00	4,993.72	14,749.24	(18,680.72)	(181,249.54)	36,464.55
744 Riverbend, Oxbow ND	12/3/2012	343,658.30	-	170.00	7,296.43	14,942.59	(19,616.13)		346,451.19
121 Oxbow Drive, Oxbow ND	7/31/2013	375,581.20	3,200.00	-	1,581.52	19,612.70	-	(186,918.33)	213,057.09
333 Schnell Drive, Oxbow ND	9/20/2013	104,087.79	-	-	1,379.50	420.40	-		105,887.69
387 170th Ave SW, Moorhead MN	11/1/2013	281,554.91	-	255.00	1,550.00	2,547.18	-	(8,440.00)	277,467.09
SE 1/4 11-140-50 (Raymond Twp) - Ueland	1/20/2014	959,840.00							959,840.00
2 Tracts in the E 1/2-2-137-49 - Sorby/Maier	1/24/2014	1,636,230.00							1,636,230.00
346 Schnell Dr, Oxbow ND	2/13/2014	512,970.73				2,890.11			515,860.84
3 Tracts NW1/4 1-140-50, NW1/4 11-140-50, & S1/2 25-141-50 - Rust	2/18/2014	3,458,980.70							3,458,980.70
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19							991,128.19
Total		9,364,449.67	3,200.00	675.00	183,675.46	52,272.11	(38,296.85)	(376,607.87)	9,192,257.63

FM Diversion Authority
 State Water Commission Funds Reimbursement Worksheet
 Fargo Flood Control Project Costs

Time Period for This Request: April 1, 2014 - April 30, 2014

Drawdown Request No: 3	
Requested Amount:	\$ -
Total Funds Expended This Period:	\$ -
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	\$ -
Total Funds Requested:	\$ -

STATE AID SUMMARY:	
Summary of State Funds Appropriated	
Appropriations from 2009 Legislative Session	\$ 45,000,000
Appropriations from 2011 Legislative Session	30,000,000
Appropriations from 2013 Legislative Session	100,000,000
Total State Funds Appropriated	\$ 175,000,000
Less: Payment #1 through #26 - City of Fargo	(44,794,422)
Less: Payment #1 - Cass County	(136,039)
Less: Payment #1 - FM Diversion Authority	(18,600)
Less: Payment #2 - FM Diversion Authority - REVISED	(782,908)
Total Funds Reimbursed	\$ (45,731,969)
Total State Fund Balances Remaining	\$ 129,268,031

LOCAL MATCHING FUNDS SUMMARY:	
Matching Funds Expended To Date - City of Fargo	\$ 43,856,497
Matching Funds Expended To Date - Cass County	291,500
Matching Funds Expended To Date - FM Diversion Authority	85,488
Total Matching Funds Expended To Date	\$ 44,233,485
Less: Match Used on Payment #1 through #26 - City of Fargo	(34,264,976)
Less: Match used on Payment #1 - Cass County	(136,039)
Less: Match Used on Payment #1 - FM Diversion Authority	(18,600)
Less: Match Used on Payment #2 - FM Diversion Authority	(66,888)
Balance of Local Matching Funds Available	\$ 9,746,982



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

April 18, 2014
Invoice No. 1940660

790-9930-429.33-25
PJ = V00101

PAID
4-21-14

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

For Legal Services Rendered Through March 31, 2014

INVOICE TOTAL

Total For Current Legal Fees	\$43,450.50
Total For Current Disbursements and Service Charges	\$199.50
Total For Current Invoice	\$43,650.00
Summary of Account	
*Prior Balance Due	\$42,590.28
Total Amount Due	\$86,240.28
*If payment has been submitted for prior balance due, please disregard.	

pd 4/14/2015

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

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

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

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

Please make reference to the invoice number

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

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



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorneys
Nancy J. Morris
Jason T. Loos

April 25, 2014

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 April 18, 2014 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through March 31, 2014 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", with a long horizontal flourish extending to the right.

Erik R. Johnson

ERJ/jmf
Enclosure
cc: Pat Zavoral





RECEIVED

MAY 2 2014

CASS COUNTY COMMISSION

Cass County
Joint Water
Resource
District

May 1, 2014

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 \$286,538.90 regarding the above referenced project. Of that amount, \$248,029.30 is related to work on access issues and \$38,509.60 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
wrdr@co.cass.nd.us
casscountygov.com

FARGO-MOORHEAD METROPOLITAN FEASIBILITY STUDY COST SHARE INVOICES

5/1/2014

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
2/13/2014	1/21/2014	125448	100007	2,029.21	Ohnstad Twichell, P.C.	Right of Entry
2/13/2014	1/21/2014	125467	130007	11,537.31	Ohnstad Twichell, P.C.	Right of Way Acquisition
2/27/2014	2/21/2014	126038	100007	2,345.00	Ohnstad Twichell, P.C.	Right of Entry
2/27/2014	2/21/2014	126055	130007	14,243.00	Ohnstad Twichell, P.C.	Right of Way Acquisition
3/27/2014	3/21/2014	126632	100007	1,354.00	Ohnstad Twichell, P.C.	Right of Entry
3/27/2014	3/21/2014	126634	130007	12,218.19	Ohnstad Twichell, P.C.	Right of Way Acquisition
3/13/2014	3/6/2014	43353	R12.00049	25,682.50	Ulteig Engineering, Inc.	Land Management Services
4/10/2014	4/2/2014	43863	R12.00049	4,932.55	Ulteig Engineering, Inc.	Land Management Services
2/13/2014	2/11/2014	38114003788	479407	38,323.09	CH2MHILL	Land Management Services
3/27/2014	3/14/2014	38114006868	479407	46,016.45	CH2MHILL	Land Management Services
4/24/2014	4/17/2014	38114010646	479407	56,295.73	CH2MHILL	Land Management Services
2/13/2014	2/5/2014			113.07	Cass County Electric Cooperative	Service to 333 Schnell Drive
3/13/2014	3/5/2014			47.27	Cass County Electric Cooperative	Service to 333 Schnell Drive
4/24/2014	4/7/2014			43.91	Cass County Electric Cooperative	Service to 333 Schnell Drive
2/13/2014	12/31/2013	14773	2830-00	397.00	ProSource Technologies, LLC	Phase 1
3/27/2014	2/28/2014	14978	2830-00	12,871.22	ProSource Technologies, LLC	Phase 2 - Oxbow Area WO
4/24/2014	3/31/2014	15117	2830-00	19,579.80	ProSource Technologies, LLC	Phase 2 - Oxbow Area WO
Total				248,029.30		

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

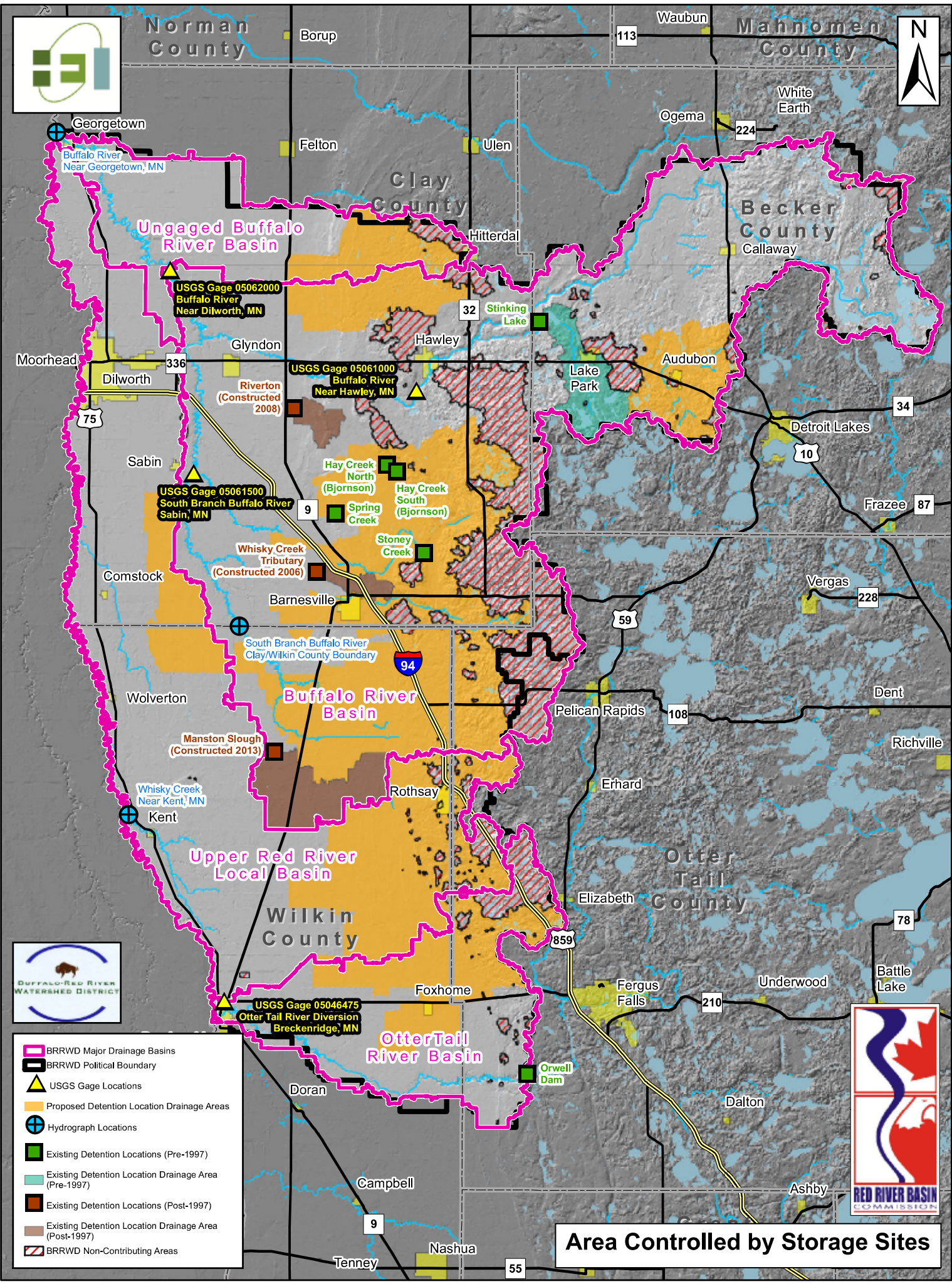
Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
2/13/2014	1/21/2014	125454	120007	1,133.00	Ohnstad Twichell, P.C.	Legal
2/27/2014	2/21/2014	126043	120007	918.00	Ohnstad Twichell, P.C.	Legal
3/27/2014	3/21/2014	126633	120007	2,993.00	Ohnstad Twichell, P.C.	Legal
2/27/2014	2/20/2014	7319	15043	1,174.50	Moore Engineering, Inc.	Engineering
2/13/2014	1/31/2014	37234	P11473-2012-00	12,612.50	AE2S	Engineering
4/24/2014	3/31/2014	37949	P11473-2012-00	19,678.60	AE2S	Engineering
Total				38,509.60		
Grand Total				286,538.90		

Buffalo-Red River Watershed District FDR Storage Sites



Identified Potential Flood Water Detention Location Statistics				
Site Name	Drainage Area	Gated Volume	Ungated Volume	Total Volume
Sabin Coulee	33.6 Mi ²	7,265 Ac-ft (4.1")	12,364 Ac-ft (6.9")	19,629 Ac-ft (11.0")
Meadows Twp. Site 1	31.5 Mi ²	6,865 Ac-ft (4.1")	6,364 Ac-ft (3.8")	13,229 Ac-ft (7.9")
Meadows Twp. Site 2	32.1 Mi ²	7,813 Ac-ft (4.6")	6,578 Ac-ft (3.8")	14,391 Ac-ft (8.4")
Nilsen Twp.	62.2 Mi ²	14,422 Ac-ft (4.4")	9,807 Ac-ft (3.0")	24,229 Ac-ft (7.3")
Foxhome Twp.	44.1 Mi ²	9,440 Ac-ft (4.0")	6,346 Ac-ft (2.7")	15,786 Ac-ft (6.7")
Spring Prairie Twp.	60.4 Mi ²	14,837 Ac-ft (4.6")	5,425 Ac-ft (1.7")	20,262 Ac-ft (6.3")
Pierce Lake	14.3 Mi ²	3,330 Ac-ft (4.4")	1,710 Ac-ft (2.2")	5,040 Ac-ft (6.6")
Reep Lake	22.6 Mi ²	4,488 Ac-ft (3.7")	1,523 Ac-ft (1.3")	6,011 Ac-ft (5.0")
Elkton Twp.	57.1 Mi ²	14,276 Ac-ft (4.7")	2,271 Ac-ft (0.7")	16,547 Ac-ft (5.4")
Stony Creek Off-Channel	36.0 Mi ²	8,676 Ac-ft (4.5")	1,049 Ac-ft (0.5")	9,725 Ac-ft (5.1")
Barnesville Twp.	35.5 Mi ²	8,481 Ac-ft (4.5")	7,569 Ac-ft (4.0")	16,050 Ac-ft (8.5")
Deerhorn Creek Site 2A	12.4 Mi ²	3,198 Ac-ft (4.8")	1,917 Ac-ft (2.9")	5,115 Ac-ft (7.7")
Deerhorn Twp. Off-Channel	93.0 Mi ²	4,283 Ac-ft (0.9")	2,309 Ac-ft (0.5")	6,592 Ac-ft (1.3")
Manston Twp.	24.0 Mi ²	5,443 Ac-ft (4.2")	4,740 Ac-ft (3.7")	10,183 Ac-ft (7.9")
Subtotal (Potential Sites <i>Identified</i>)	534.6 Mi ²	112,817 Ac-ft (4.0")	69,971 Ac-ft (2.5")	182,788 Ac-ft (6.4")
		(3.6")	(2.4")	(6.0")
Total (<i>Identified & All Existing</i>**) 	597.6 Mi²	119,618 Ac-ft (3.8")	86,619 Ac-ft (2.7")	206,237 Ac-ft (6.5")

*Note: 5 highlighted sites would provide 29,128 A-F of Gated +16,985 A-F of Ungated = 46,113 A-F Total storage



- BRRWD Major Drainage Basins
- BRRWD Political Boundary
- USGS Gage Locations
- Proposed Detention Location Drainage Areas
- Hydrograph Locations
- Existing Detention Locations (Pre-1997)
- Existing Detention Location Drainage Area (Pre-1997)
- Existing Detention Locations (Post-1997)
- Existing Detention Location Drainage Area (Post-1997)
- BRRWD Non-Contributing Areas

Area Controlled by Storage Sites



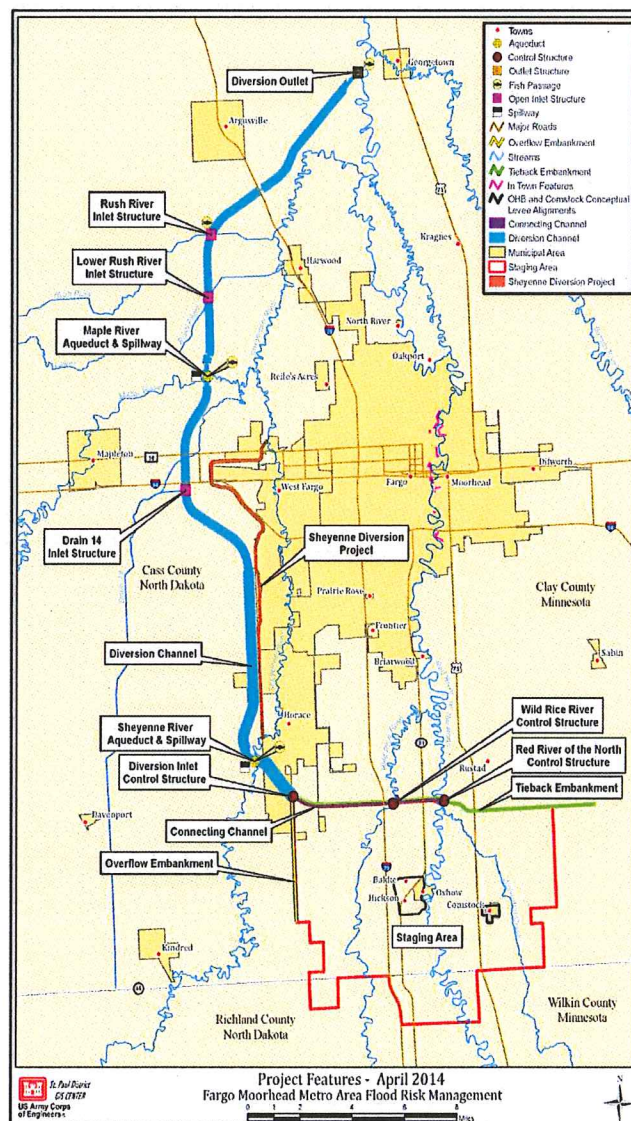
US Army Corps
of Engineers
St. Paul District

Monthly Update

Map 8, 2014

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

1. Continued coordination and supply of requested data to the MnDNR in support of their EIS process.
2. Continuing the Maple River Physical Model work.
3. Holding weekly Oxbow/Hickson/Bakke (OHB) Levee coordination meetings.
4. Continued coordination on In-Town Levees design.



Land Management Summary

April 10, 2014

Acquisitions Completed Through April 30, 2014

Property Type	Complete	
	Properties	Acreage
Single-Family Residential	6	27
<i>Subset: Medical Hardship</i>	5	27
Agricultural	13	1,238
Commercial	--	--
Multi-Family Residential	--	--
Public	--	--
Other	--	--

Acquisition Budget

Fiscal Year	No. Properties Acquired	Lands Budget (\$000)	Lands Expenses (\$000)	Remaining Budget (\$000)
FY13	4	\$28,000	\$1,628	n/a
FY14 (through 03/31)	15	\$37,700	\$16,725	\$20,975

Other News

- Initial offer letter to Oxbow Golf and Country Club to be delivered.
- Appraisals underway for numerous properties for the Oxbow Ring Levee and for the In-Town Levee.
- CH2M HILL and ProSource ROW agents have participated in meetings with Oxbow residents.
- CH2M HILL negotiating with HMG on Task Order Amendment for acquiring three additional properties for In-Town Levees.
- Appraisals complete on two ag properties for Oxbow Ring Levee, submittal pending USACE discussion.

Negotiations/Appraisals Complete (sorted by closing date)

Street Address	USACE Orig ID No.	Type	Activity ¹	Land Acq Firm/ Appraiser	Value ²	Est. Closing Date
Agricultural property 314ac – S11, T140, R50; S14, T140, R50	898, 901	Agricultural	Negotiations underway	Direct negotiations	PP \$1,945,994	Sep 1
Agricultural property 160ac – S2, T140, R50	885, tbd	Agricultural	Purchase Agrmt signed	Direct negotiations	PP \$976,000	Nov 2014, Jan 2105
Agricultural property 45ac – S25, T138, R50	1201	Agricultural	Negotiations underway	Direct negotiations	PP \$267,900	
15253 3 rd St S, Moorhead Medical Hardship, by DA	1839	Residential	Appraisal in review	HMG		
130 Oxbow Drive (9 parcels for golf course)	2313, 2354, 9631, 9632, 9633, 9652, 9653, 9764, 9766	Commercial	Negotiations underway	Ulteig/Mueller	Offer being drafted	

¹ Activity sequence: Appraisal in review; Negotiations underway; Purchase Agreement signed

² PP-Purchase Price, includes relocation costs unless noted; AV-Appraised Value. Does NOT include outstanding special assessment or tax balances. Final amount paid will be based on the closing statements for each property.

Appraisals in Progress (sorted by Activity, then Original ID Number)

Street Address	USACE Orig ID No.	Type	Activity ¹	Land Acq Firm/ Appraiser
Agricultural property 266ac – S23, T137, R49; S24, T137, R49	1975, 1985	Agricultural	Appraisal in review	Ulteig/Bock
Agricultural property 140ac – S23, T137, R49; S24, T137, R49	1979, 1987	Agricultural	Appraisal in review	Ulteig/Bock
Agricultural property 214ac – S13, T137, R49; S14, T137, R49	1930, 1940, 1941	Agricultural	Appraisal underway	Ulteig/Bock
17495 52nd St SE, Hickson	1989	Residential	Appraisal underway	ProSource/Hraba
748 Riverbend Road	9591	Residential	Appraisal underway	ProSource/Hraba
752 Riverbend Road	9592	Residential	Appraisal underway	ProSource/Hraba
326 Schnell Drive	9641	Residential	Appraisal underway	ProSource/Hraba
328 Schnell Drive	9642	Residential	Appraisal underway	ProSource/Hraba
334 Schnell Drive	9645	Residential	Appraisal underway	ProSource/Hraba
336 Schnell Drive	9646	Residential	Appraisal underway	ProSource/Hraba
338 Schnell Drive	9647	Residential	Appraisal underway	ProSource/Hraba
350 Schnell Drive	9649	Residential	Appraisal underway	ProSource/Hraba



amended handout

Task Order Summary

Date: May 8, 2014

Task Order Summary	Budget Estimate (\$)
HMG Task Order No. 6, Amendment 5 – Land Management Services <ul style="list-style-type: none">Adjust subtask budgets for remaining FY14 estimated level of effort	\$ 80,000
HMG Task Order No. 13, Amendment 5 – Levee Design and Design Support <ul style="list-style-type: none">Add scope and budget for additional geotechnical testing	\$ 55,000
URS Task Order No. 1, Amendment 1 – Phase I Cultural Resources Investigations <ul style="list-style-type: none">Add scope and budget for 2014 Phase I Cultural Field Investigations	\$ 526,000
Total of Task Orders	\$ 661,000

TASK ORDER SUMMARY

HMG – Task Order No. 6 – Amendment 5 Land Management Services

Increase \$ 80,000

Description:

Subtask 2 – Services of Engineer

- A. Perform Right-of-Entry services in MN as directed.
- B. Perform Appraisals on MN properties as directed.
- C. Attend Land Owner meetings in MN as directed.
- D., F., G. Provide Management and Coordination services.
- E. Perform Property Acquisitions in MN as directed.
- H. Draft Real Estate Cost Estimate is complete, adjust remaining budget to zero.

Background:

Continue performing land management services in Minnesota for the Diversion Project. Modify subtask budgets to fund Task Order No. 6 through the end of FY14.

Subtask 2.A. (Right-of-Entry services in MN) - Work to date on this subtask has exceeded the established budget by \$ 75,816.62. The estimated budget to fund this subtask through the end of FY14 is \$ 46,000.

- a. A budget increase of \$ ~~122,497~~122,500 is recommended to fund this subtask through the end of FY14.

Subtask 2.B (Appraisals on MN properties) - The remaining budget for this subtask is \$ 24,401.08. The estimated budget to fund this subtask through the end of FY14 is \$ 15,401.08.

- a. A budget decrease of \$ 9,000 is recommended to fund this subtask through the end of FY14.

Subtask 2.C (Land Owner meetings in MN) -The remaining budget for this subtask is \$ 14,700.67. The estimated budget to fund this subtask through the end of FY14 is \$ 5,100.67.

- a. A budget decrease of \$ 9,600 is recommended to fund this subtask through the end of FY14.

Subtasks 2.D, F, G (Management and Coordination services) - The remaining budget for these subtasks is \$1,604.39. The estimated budget to fund these subtasks through the end of FY14 is \$ 8,604.39.

- a. A budget increase of \$ 7,000 is recommended to fund this subtask through the end of FY14.

Subtask 2.E (Property Acquisitions in MN) - The remaining budget for this subtask is \$ 24,354.08. The estimated budget to fund this subtask through the end of FY14 is \$ 5,354.08.

- a. A budget decrease of \$ 19,000 is recommended to fund this subtask through the end of FY14.

Subtask 2.H (Draft Real Estate Cost Estimate) - a budget decrease of \$ ~~11,961.92~~11,900 is recommended to adjust remaining budget to zero.

Net budget increase = \$ 80,000

Recommendation:

PMC recommends authorization for Task Order No. 6, Amendment 5 for \$ 80,000.

**HMG – Task Order No. 13 – Amendment 5
Levee Design and Design Support**

Increase \$ 55,000

Description:

Subtask 2.B.i.1.d – Services of Engineer

Geotechnical Exploration and Testing – Conduct laboratory testing on boring samples provided by USACE to determine surface and subsurface geological conditions.

Background:

The original Geotechnical scope included conducting 20 preliminary borings, field tests, and laboratory tests. Subsequently, USACE conducted the boring and field test services for the OHB ring levee project plus one additional boring for the Wild Rice River micro-siting evaluation. HMG’s scope is modified to delete the 20 borings and associated field testing and add approximately 580 laboratory tests of boring samples collected by USACE for the OHB ring levee and the Wild Rice River micro-siting evaluation.

A budget increase of \$ 55,000 is recommended to fund the change in scope for this task.

Budget increase = \$ 55,000

Recommendation:

PMC recommends authorization for Task Order No. 13, Amendment 5 for \$ 55,000.

**URS – Task Order No. 1 – Amendment 1
Phase 1 Cultural Resources Investigations**

Increase \$ 526,000

Description:

Services of Engineer

- A. Perform management and coordination services through the 2014.
- B.I Perform additional phase I cultural field investigations in Reach 6 (CR-20 Bridge and channel).
- B.II Perform additional cultural investigations in revised indirect Area of Potential Effect (APE) for the In-Town Levees project.
- B.V Perform phase I cultural field investigations for the revised Southern Alignment cultural investigation area.
- B.VI Perform additional cultural investigations for the OHB Ring Levee project.
- C.I Perform Phase I cultural field investigations for the Wild Rice Dam Fish Passage Mitigation project footprint.

Background:

Phase I cultural investigations are required prior to construction of the Diversion Project. This field work is generally restricted to spring and fall seasons to minimize impacts to agricultural activities. Additional cultural investigations were added for Reach 6, In-Town Levees, Southern Alignment, OHB Ring Levee, and Wild Rice Dam project areas.

Subtask 2.A. (Management and Coordination) - Work to date on this subtask has exceeded the established budget by \$ 8,223 due to work added in 2013. This task budget did not include work in 2014. The estimated cost budget to fund this subtask through the end of 2014 is \$ 15,000.

- a. A budget increase of \$ 23,000 is recommended to fund this task through the end of 2014.

Subtask 2.B.I (Reach 6: CR-20 Bridge and channel) - The CR-20 Bridge and channel reach footprint increased in the 90% design submittal. Conduct FY14 Phase I cultural resources investigations on lands that have granted rights of entry (estimated area of work is 32 acres).

- a. A budget increase of \$ 5,000 is recommended to fund this task through the end of 2014.

Subtask 2.B.II (In-Town Levees) – Additional cultural investigation work is needed due to an increased APE.

- a. A budget increase of \$ 150,000 is recommended to fund this task through the end of 2014.

Subtasks 2.B.V (Southern Alignment) - The Southern Alignment investigation footprint increased from 2,000 acres to approximately 6,675 acres.

- a. A budget increase of \$ 289,000 is recommended to fund this task through the end of 2014.

Subtask 2.B.IV (OHB Ring Levee) – The cultural investigation footprint was increased from 250 acres to 1,062 acres to include the area inside the ring levee.

- a. A budget increase of \$ 59,000 is recommended to fund this task through the end of 2014.

Subtask C.I (Wild Rice Dam Fish Passage Mitigation) – In preparation for construction of the Wild Rice Dam Fish Passage Mitigation project, conduct Phase 1 cultural investigation on the proposed project footprint. The estimated cost budget of \$65,000 for this work will be taken from the existing On-Call Services budget.

Net budget increase = \$ 526,000

Recommendation:

PMC recommends authorization for Task Order No. 1, Amendment 1 for \$ 526,000.

Task Order No. 6, Amendment 5

In accordance with Paragraph 1.01 of the Agreement Between Fargo-Moorhead Flood Diversion Authority ("Owner") and Houston-Moore Group, LLC (HMG) ("Engineer") for Professional Services – Task Order Edition, dated March 8, 2012 ("Agreement"), Owner and Engineer agree as follows:

The parties agree that in the event of a conflict between prior versions of this Task Order No. 6 and this Amendment, the terms and conditions in this Amendment shall prevail, provided however, nothing herein shall preclude ENGINEER from invoicing for work authorized under prior versions of this Task Order and performed prior to effective date of this Amendment, even to the extent such prior work was revised by this Amendment. All other terms and conditions shall remain the same and are hereby ratified and affirmed by the parties.

2. Services of Engineer

Paragraph 2.A. DELETE and REPLACE first line with the following:

- A. Perform Right-of-Entry services in Minnesota as requested. Activities include:

Paragraphs 2.B., 2.C, and 2.E, DELETE and REPLACE in their entirety with the following:

- B. Perform appraisals on properties in Minnesota as directed by the PMC. Prepare appraisals based on Federal land acquisition guidelines.
- C. Attend up to five (5) meetings with Minnesota land owner groups affected by the diversion project as requested. Prepare handouts and presentations as required with the land owner groups.
- E. Acquire Minnesota properties as directed by the PMC. Acquisition shall be in accordance with USACE guidelines as modified by Owner policy directives.

5. Payments to Engineer

DELETE and REPLACE **Payments to Engineer**, in its entirety with the following:

- A. Owner shall pay Engineer for services rendered as follows:
 - i. Compensation for services identified under Subtasks A through G shall be on a Time and Material basis in accordance with the Standard Hourly Rates shown in Appendix 2 of Exhibit C of the Agreement.
 - ii. The total compensation for services identified under the Task Order for Subtasks A through H amount as defined in the table below.
 - iii. Estimated budgets for Subtask B, Perform Appraisals, and Subtask E, Property Acquisition, are based on an allowance.
 - a. Engineer will notify Owner when eighty percent (80%) of the budget on Subtask B, Perform Appraisals, and Subtask E, Property Acquisition, is expended.
 - b. Engineer will prepare and submit an amendment for additional compensation when ninety percent (90%) of budget on Subtask B, Perform Appraisals, and Subtask E, Property Acquisition, is expended.

- c. Engineer will not perform work beyond one hundred percent (100%) of the budget for Subtask B, Perform Appraisals, and Subtask E, Property Acquisition, without Owner's authorization by an amendment to this Task Order.

Subtask	Current Budget (\$)	Change (\$)	Revised Budget (\$)
A. Rights-of-Entry	287,500	122,500	410,000
B. Perform Appraisals (Allowance)	50,000	-9,000	41,000
C. Land Owner Meetings	15,600	-9,600	6,000
D., F., G. Management and Coordination	50,000	7,000	57,000
E. Property Acquisition (Allowance)	45,000	-19,000	26,000
H. Draft Real Estate Opinion of Cost	90,000	-11,900	78,100
TOTAL	538,100	80,000	618,100

- B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is March 8, 2012.

ENGINEER:

Houston-Moore Group, LLC

Signature _____ Date _____

Jeffrey J. Volk _____
Name

President _____
Title

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

C. Gregg Thielman _____
Name

Sr. Project Manager _____
Title

925 10th Avenue East _____
West Fargo, ND 58078 _____
Address

cgthielman@houstoneng.com _____
E-Mail Address

(701) 237-5065 _____
Phone

Fax

OWNER:

Fargo-Moorhead Metro Diversion Authority

Signature _____ Date _____

Darrell Vanyo _____
Name

Chairman, Flood Diversion Board of Authority _____
Title

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

Keith Berndt _____
Name

Cass County Administrator _____
Title

211 9th Street South _____
PO Box 2806 _____
Fargo, ND 58108-2806 _____
Address

berndtk@casscountynd.gov _____
E-Mail Address

(701) 241-5720 _____
Phone

(701) 297-6020 _____
Fax

Task Order No. 13, Amendment 5

In accordance with Paragraph 1.01 of the Agreement between Fargo-Moorhead Flood Diversion Authority (“Owner”) and Houston-Moore Group, LLC (HMG) (“Engineer”) for Professional Services – Task Order Edition, dated March 8, 2012 (“Agreement”), Owner and Engineer agree as follows:

The parties agree that in the event of a conflict between prior versions of this Task Order No. 13 and this Amendment, the terms and conditions in this Amendment shall prevail, provided however, nothing herein shall preclude ENGINEER from invoicing for work authorized under prior versions of this Task Order and performed prior to effective date of this Amendment, even to the extent such prior work was revised by this Amendment. All other terms and conditions shall remain the same and are hereby ratified and affirmed by the parties.

2. Services of Engineer

DELETE and REPLACE **Paragraph B.ii.2.c.iii**, in its entirety with the following:

- iii. Conduct laboratory testing on boring samples provide by the USACE for the OHB ring levee alternative alignments and Wild Rice River mirco-siting evaluation. Laboratory testing to include the following: Atterburg Limits, Water Content, Hydrometer and Sieve analysis, Proctor Density, Triaxial Compression-unconsolidated/undrained, Triaxial Compression-consolidated/undrained, Torsional Ring Shear, Consolidation Reporting P-e, and TWT Extrusion and Description. Approximately 580 laboratory tests are planned.

4. Times for Rendering Services

DELETE and REPLACE **Times for Rendering Services**, in its entirety with the following:

<u>Subtask</u>	<u>Start Time</u>	<u>Completion Time</u>
2.B.i Red River Levees – Phase 1	November 8, 2012	September 30, 2013
2.B.ii Upstream Staging Area Ring Levees	November 8, 2012	September 30, 2013
Amendment 1 all work	December 13, 2012	September 30, 2013
2.B.ii.2.d WP-43A Bid Documents	August 8, 2013	May 4, 2014
Amendment 2 other work	August 8, 2013	May 31, 2015
Amendment 3 all work	November 14, 2013	September 30, 2014
Amendment 4 all work	February 13, 2014	September 30, 2014
Amendment 5 all work	May 8, 2014	September 30, 2014

5. Payments to Engineer

DELETE and REPLACE **Payments to Engineer**, in its entirety with the following:

- A. Owner shall pay Engineer for services rendered as follows:
 - i. Compensation for services shall be on a Time and Material basis in accordance with the Standard Hourly Rates shown in Appendix 2 of Exhibit C of the Agreement.
 - ii. The total compensation for services identified under the Task Order for Subtasks 2.B.i through 2.B.ii is not-to-exceed amount as defined in the table below.
 - iii. Estimated budget for Subtask 2.B.ii, Upstream Staging Area Levees/Ring Dikes, is based on an allowance.

1. Engineer will notify Owner when eighty percent (80%) of the budget on Subtask 2.B.ii, Upstream Staging Area Levees/Ring Dikes, is expended.
2. Engineer will prepare and submit an amendment for additional compensation when ninety percent (90%) of budget on Subtask 2.B.ii, Upstream Staging Area Levees/Ring Dikes, is expended.
3. Engineer will not perform work beyond one hundred percent (100%) of the budget for Subtask 2.B.ii, Upstream Staging Area Levees/Ring Dikes, without Owner's authorization by an amendment to this Task Order.

Subtask	Current Budget (\$)	Change (\$)	Revised Budget (\$)
2.B.i.1 Red River Levees – Phase 1 Design	435,000	55,000	490,000
2.B.i.1.o.i Landscape Architecture/Master Planning - 2nd St. Corridor from NP Ave. to 4th Ave.	35,000	0	35,000
2.B.i.1.o.ii Master Planning Services - Mickelson to the 4th St. Levee	100,000	0	100,000
2.B.i.2 Red River Levees – Phase 2 Design	2,000,000	0	2,000,000
2.B.i.3 Red River Levees – VES	30,000	0	30,000
2.B.i.4 4 th Street Levee Pump Station Replacement	600,000	0	600,000
2.B.ii Upstream Staging Area Ring Levees (Allowance)	425,000	0	425,000
2.B.ii.2.d WP-43A Design	275,000	0	275,000
2.B.ii.2.e WP-43C Design	190,000	0	190,000
2.B.ii.2.f WP-43D Design	1,020,000	0	1,020,000
2.B.ii.2.g WP-43E Design	260,000	0	260,000
2.B.ii.2.h O/H/B Ring Levee – VES	30,000	0	30,000
TOTAL	5,400,000	55,000	5,455,000

B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is November 8, 2012.

ENGINEER:

Houston-Moore Group, LLC

OWNER:

Fargo-Moorhead Metro Diversion Authority

Signature Date
Jeffry J. Volk

Name

Signature Date
Darrell Vanyo

Name

President

Title

Chairman, Flood Diversion Board of Authority

Title

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

C. Gregg Thielman

Name

Keith Berndt

Name

Sr. Project Manager

Title

Cass County Administrator

Title

925 10th Avenue East
West Fargo, ND 58078

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E-Mail Address

(701) 237-5065

Phone

(701) 241-5720

Phone

Fax

(701) 297-6020

Fax

Task Order No. 1, Amendment 1

In accordance with Paragraph 1.01 of the Agreement between Fargo-Moorhead Flood Diversion Authority ("Owner") and URS Corporation ("Engineer") for Professional Services – Task Order Edition, dated March 14, 2013 ("Agreement"), Owner and Engineer agree as follows:

The parties agree that in the event of a conflict between prior versions of this Task Order No. 1 and this Amendment, the terms and conditions in this Amendment shall prevail, provided however, nothing herein shall preclude ENGINEER from invoicing for work authorized under prior versions of this Task Order and performed prior to effective date of this Amendment, even to the extent such prior work was revised by this Amendment. All other terms and conditions shall remain the same and are hereby ratified and affirmed by the parties.

REPLACE Task Order No. 1, Amendment 0, in its entirety with the following:

1. SPECIFIC PROJECT DATA

- A. Title: Phase 1 Cultural Resources Investigations
- B. Description: Complete the cultural resources investigation of the Diversion Channel that was started in prior years. Perform investigations of additional locations identified due to project footprint changes and identification of excavated material piles and construction staging areas.

2. SERVICES OF ENGINEER

- A. MANAGEMENT AND COORDINATION – Conduct Phase I cultural resources investigations in accordance with the following stipulations:
 - I. Engineer's key personnel shall meet the *Secretary of the Interiors Professional Qualification Standards* for Archaeology and Architectural History:
 - a. Principal investigator
 - b. Field and laboratory supervisor
 - c. Field crew chiefs
 - II. Obtain cultural resources permits from Minnesota and North Dakota, as appropriate.
 - III. Conduct a survey of project area by pedestrian examination, documenting prehistoric and historic archaeological sites, as well as standing structures.
 - IV. Establish and follow a health and safety program.
 - V. Conduct subsurface testing:
 - a. In areas where surface visibility is less than 30 percent or where the potential exists for buried cultural resources.
 - b. Include shovel testing, coring, soil borings, cutbank profiling, or other appropriate methods.
 - c. Use a subsurface testing interval of 15 m (50 ft).
 - d. Excavate shovel tests to at least 60 cm (2 ft) or the C horizon.
 - e. Conduct hand soil cores to at least 1 m (3 ft), spaced at 15 m (50 ft) intervals.
 - f. Conduct deep testing using a 2-inch-diameter or larger coring device or bucket auger at river crossings to 3 m (10 ft).
 - g. Screen excavated materials through ¼-inch mesh or smaller hardware cloth.

- h. Restore excavated areas to original condition. Engineer is liable for any crop or property damage that they cause.
- VI. Record survey and testing results using field notes, maps, subsurface-testing forms, and photos.
- VII. Delineate boundaries of sites and subsurface tests with GPS [provide GPS data in UTM projection, NAD83 horizontal datum, and units in meters].
- VIII. Prepare state site forms.
- IX. Provide recommendations for Phase II testing and evaluation measures, including time and cost estimates.
- X. Evaluate buildings 50 years old or older for eligibility to the National Register of Historic Places.
- XI. Cultural artifacts located during fieldwork belong to property owners. If property owners desire to donate the material(s) for curation, obtain a signed release form or donation agreement.
- XII. Make curatorial arrangements with Minnesota Historical Society and State Historical Society of North Dakota, meeting requirements of 36 CFR Part 79.
- XIII. Cease activity in the vicinity if human remains are found, associated and/or unassociated objects of cultural patrimony. Contact the appropriate authorities.
- XIV. Provide a right-of-entry agent to facilitate notification of property owners and compliance with right-of-entry agreements. Attachment 7 provides detailed right-of-entry responsibilities.

B. CONDUCT PHASE I CULTURAL RESOURCES INVESTIGATIONS IN THE FOLLOWING LOCATIONS:

- I. REACHES 1, 2, 4, 5, AND 6: Approximately 90 acres remaining from the 2012 season. Attachment 1 and 1A have been provided for reference only. Approximately 35 acres within the construction limits of Reach 6 (CR-20 Bridge and Channel). Shapefiles will be provided to Engineer prior to start of field work.
- II. IN-TOWN LEVEES: Approximately 20 acres in the area along 2nd Street between the BNSF Railroad on the north and NP Avenue on the south and also south of Main Avenue. Attachment 2 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - a. Conduct initial architectural survey investigation to determine number of buildings impacted and estimated level of effort to complete architectural survey and report writing. Review with Owner.
 - b. In accordance with the Programmatic Agreement (PA) executed between USACE, North Dakota and Minnesota State Historic Preservation Offices (SHPOs), historic structures and buildings within ½ mile of the project features (including levees and floodwalls) will be evaluated.
 - i. Conduct a GIS based viewshed analysis within ½ mile indirect Area of Potential Effect (APE) of the In-Town Levees 2nd Street floodwall project to determine the outer limits of the visual effects of the floodwall.
 - ii. Identify buildings 50 years old or older within the outer limits of the indirect APE and evaluate their eligibility to the National Register of Historic Places (NRHP).
 - iii. Conduct field surveys of identified buildings per North Dakota and Minnesota SHPO requirements.

- iv. Record findings in a Phase I Cultural Resources Inventory (CRI) draft report. Provide draft report to USACE and North Dakota and Minnesota SHPOs for review. Incorporate comments and provide final CRI report.
 - III. REACHES 4 AND 5: Proposed Excavated Material Piles (EMPs) and construction staging areas. Attachment 3 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - a. Reach 4: Approximately 71 acres of EMPs, temporary work areas, and construction staging areas.
 - b. Reach 5: Approximately 112 acres of EMPs, temporary work areas, construction staging areas, and temporary by-pass channels.
 - IV. WESTERN ALIGNMENT CHANGE: If directed in writing, conduct Phase I cultural resources investigations on approximately 1800 acres of portions of the Diversion alignment from the Maple River south to the Sheyenne River. Attachment 4 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - V. SOUTHERN ALIGNMENT CHANGE: Conduct Phase I cultural resources investigations on approximately 6,062 acres of the southern alignment, including the southern embankment, Wild Rice River control structure, Red River control structure, North Dakota tie-back levee, Minnesota tie-back levee, and the I-29 transportation corridor. Attachment 5 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
 - VI. PROPOSED OXBOW-HICKSON-BAKKE LEVEE: Conduct Phase I cultural resources investigations on approximately 1,062 acres of the levee footprint and areas inside the levee, including a pedestrian survey in agricultural fields, borrow areas, levee construction, and a reconnaissance survey along CR-18. Attachment 6 has been provided for reference only. Shapefiles will be provided to Engineer prior to start of field work.
- C. ON-CALL SERVICES: when specifically authorized in writing by Owner or Owner's Project Management Consultant (PMC), provide cultural resource investigations as directed.
- I. WILD RICE RIVER DAM: Approximately 4 acres on both banks of the Wild Rice River and within the construction limits area.
 - a. Conduct a Phase I cultural survey.
 - i. Conduct subsurface testing, including soil cores for the site.
 - b. Conduct a Phase II evaluation of the National Register of Historic Places eligibility of the existing Wild Rice Dam.
 - c. Proposed work schedule: complete field work by May 30, 2014, submit draft report June 30, 2014; thirty day North Dakota SHPO review ending July 30, 2014; and final report due August 29, 2014.
- D. DELIVERABLES:
- I. Field notes—one copy
 - II. Field report(s)—letter report
 - III. Draft contract report
 - IV. Final contract report

3. OWNER'S RESPONSIBILITIES

- A. Owner shall have those responsibilities set forth in Article 2 and in EXHIBIT B of the Agreement.
- B. Acquire Rights of Entry for properties to be investigated.

4. TIMES FOR RENDERING SERVICES

<u>Subtask</u>	<u>Start Time</u>	<u>Completion Time</u>
A.	May 9, 2013	December 31, 2015
B.I and B.II	May 9, 2013	September 30, 2015
B.III through B.VI,	May 9, 2013	December 31, 2015
C.I	April 10, 2014	December 31, 2015

5. PAYMENTS TO ENGINEER

- A. Owner shall pay Engineer for services rendered as follows:
 - I. Compensation for services identified under Subtasks A through C shall be on a Time and Material basis in accordance with the Standard Hourly Rates shown in Exhibit C of the Agreement.
 - II. The total compensation for services identified under the Task Order for Subtasks A through C is not-to-exceed the amount in the table below.
 - III. Estimated budget for Subtask C, On-Call Services, is based on an allowance.
 - 1. Engineer will notify Owner when eighty percent (80%) of the budget on Subtask C, On-Call Services, is expended.
 - 2. Engineer will prepare and submit an amendment for additional compensation when ninety percent (90%) of budget on Subtask C, On-Call Services, is expended.
 - 3. Engineer will not perform work beyond one hundred percent (100%) of the budget for Subtask C, On-Call Services, without Owner's authorization by an amendment to this Task Order.

Subtask	Current Budget (\$)	Change (\$)	Revised Budget (\$)
A. MANAGEMENT and COORDINATION	20,000	23,000	43,000
B.I REACHES 1, 2, 4, 5 and 6	15,000	5,000	20,000
B.II IN-TOWN LEVEES	25,000	150,000	175,000
B.III REACHES 4 and 5 EMPs	50,000	0	50,000
B.IV WESTERN ALIGNMENT CHANGE	105,000	0	105,000
B.V SOUTHERN ALIGNMENT CHANGE	140,000	289,000	429,000
B.VI PROPOSED OXBOW-HICKSON-BAKKE LEVEE	70,000	59,000	129,000
C. ON-CALL SERVICES (Allowance)	70,000	-60,000	10,000
C.I WILD RICE RIVER DAM		60,000	60,000
TOTAL	495,000	526,000	1,021,000

B. The terms of payment are set forth in Article 4 of the Agreement and EXHIBIT C of the Agreement.

6. Consultants:

A. Land Services, Inc.

7. Other Modifications to Agreement: No additions or modifications

8. Attachments: None

9. Documents Incorporated By Reference: None

10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is May 9, 2013.

ENGINEER:

URS Corporation

Signature Date
Wm. R. Killam

Name
Vice President

Title

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

Gordon C. Tucker, Jr.

Name
Program Manager

Title
URS Corporation
8181 E. Tufts Avenue
Denver, CO 80237

Address
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E-Mail Address
(303) 740-3850

Phone
(303) 694-3946

Fax

OWNER:

Fargo-Moorhead Metro Diversion Authority

Signature Date
Darrell Vanyo

Name
Board Chair

Title

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

Keith Berndt

Name
Cass County Administrator

Title
211 9th Street South
PO Box 2806
Fargo, ND 58108-2806

Address
berndtk@casscountynd.gov

E-Mail Address
(701) 241-5720

Phone
(701) 297-6020

Fax

Land Management Summary

April 10, 2014

Street Address	USACE Orig ID No.	Type	Activity ¹	Land Acq Firm/ Appraiser
354 Schnell Drive	9650	Residential	Appraisal underway	ProSource/Hraba
358 Schnell Drive	9651	Residential	Appraisal underway	ProSource/Hraba
313 Schnell Drive	9655	Residential	Appraisal underway	ProSource/Hraba
317 Schnell Drive	9656	Residential	Appraisal underway	ProSource/Hraba
321 Schnell Drive	9657	Residential	Appraisal underway	ProSource/Hraba
325 Schnell Drive	9658	Residential	Appraisal underway	ProSource/Hraba
329 Schnell Drive	9659	Residential	Appraisal underway	ProSource/Hraba
337 Schnell Drive	9661	Residential	Appraisal underway	ProSource/Hraba
341 Schnell Drive	9662	Residential	Appraisal underway	ProSource/Hraba
345 Schnell Drive	9663	Residential	Appraisal underway	ProSource/Hraba
349 Schnell Drive	9664	Residential	Appraisal underway	ProSource/Hraba
353 Schnell Drive	9665	Residential	Appraisal underway	ProSource/Hraba
357 Schnell Drive	9666	Residential	Appraisal underway	ProSource/Hraba
361 Schnell Drive	9667	Residential	Appraisal underway	ProSource/Hraba
365 Schnell Drive	9668	Residential	Appraisal underway	ProSource/Hraba
City of Fargo	9214, 9772	Commercial	Appraisal underway	HMG/Britton
City of Fargo - Housing Authority	9769	Commercial	Appraisal underway	HMG/Britton
City of Fargo - Park District	9771, 9781, 9783, 9784	Commercial	Appraisal underway	HMG/Britton
City of Fargo - School District 1	9777	Commercial	Appraisal underway	HMG/Britton
Mid America Steel	9215, 9216, 9217, 9218, 9783	Commercial	Appraisal underway	HMG/Britton
BNSF	9259, 9779, 9780	Commercial	Appraisal underway	HMG/Britton
Case Plaza LLC	9770	Commercial	Appraisal underway	HMG/Britton
Park East Apartments, LLC	9782	Commercial	Appraisal underway	HMG/Britton
Northland Hospitality, LLC	9785	Commercial	Appraisal underway	HMG/Britton
Agricultural property 124ac – S13, T137, R49	1931, 1936	Agricultural	Owner notified	Ulteig/Bock
5059 Makenzie Cir, Horace (owner of 3 other parcels)	2150, 9669	Residential	Owner notified	ProSource/Hraba
843 Riverbend Road	9502	Residential	Owner notified	ProSource/Hraba
839 Riverbend Road	9503	Residential	Owner notified	ProSource/Hraba
833 Riverbend Road	9504	Residential	Owner notified	ProSource/Hraba

Land Management Summary

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Street Address	USACE Orig ID No.	Type	Activity ¹	Land Acq Firm/ Appraiser
829 Riverbend Road	9505	Residential	Owner notified	ProSource/Hraba
821 Riverbend Road	9506	Residential	Owner notified	ProSource/Hraba
817 Riverbend Road	9507	Residential	Owner notified	ProSource/Hraba
813 Riverbend Road	9508	Residential	Owner notified	ProSource/Hraba
809 Riverbend Road	9509	Residential	Owner notified	ProSource/Hraba
805 Riverbend Road	9510	Residential	Owner notified	ProSource/Hraba
749 Riverbend Road	9511	Residential	Owner notified	ProSource/Hraba
724 Riverbend Road	9587	Residential	Owner notified	ProSource/Hraba
808 Riverbend Road (2 parcels at this address)	9593, 9594	Residential	Owner notified	ProSource/Hraba
810 Riverbend Road	9595	Residential	Owner notified	ProSource/Hraba
816 Riverbend Road	9596	Residential	Owner notified	ProSource/Hraba
828 Riverbend Road	9599	Residential	Owner notified	ProSource/Hraba
840 Riverbend Road	9600	Residential	Owner notified	ProSource/Hraba
844 Riverbend Road	9601	Residential	Owner notified	ProSource/Hraba
848 Riverbend Road	9602	Residential	Owner notified	ProSource/Hraba
852 Riverbend Road (owner of 3 other parcels)	9603	Residential	Owner notified	ProSource/Hraba
856 Riverbend Road (owner at 852 Riverbend)	9604	Residential	Owner notified	ProSource/Hraba
860 Riverbend Road (owner at 852 Riverbend)	9605	Residential	Owner notified	ProSource/Hraba
864 Riverbend Road (owner at 852 Riverbend)	9606	Residential	Owner notified	ProSource/Hraba
872 Riverbend Road	9607	Residential	Owner notified	ProSource/Hraba
869 Riverbend Road	9608	Residential	Owner notified	ProSource/Hraba
873 Riverbend Road	9609	Residential	Owner notified	ProSource/Hraba
477 Oxbow Drive	9614	Residential	Owner notified	ProSource/Hraba
473 Oxbow Drive	9615	Residential	Owner notified	ProSource/Hraba
469 Oxbow Drive	9616	Residential	Owner notified	ProSource/Hraba
465 Oxbow Drive	9617	Residential	Owner notified	ProSource/Hraba
461 Oxbow Drive	9618	Residential	Owner notified	ProSource/Hraba
457 Oxbow Drive	9619	Residential	Owner notified	ProSource/Hraba
455 Oxbow Drive	9620	Residential	Owner notified	ProSource/Hraba

Land Management Summary

April 10, 2014

Street Address	USACE Orig ID No.	Type	Activity ¹	Land Acq Firm/ Appraiser
425 Oxbow Drive	9628	Residential	Owner notified	ProSource/Hraba
330 Schnell Drive	9643	Residential	Owner notified	ProSource/Hraba
332 Schnell Drive	9644	Residential	Owner notified	ProSource/Hraba
309 Schnell Drive (owner of 2 other parcels)	9654	Residential	Owner notified	ProSource/Hraba
Rural address (owner at 5059 Makenzie?)	9670, 9671, 9672	Residential	Owner notified	ProSource/Hraba
Feder Realty Co.	9771	Commercial	Owner notified	HMG/Britton
City of Fargo	9768	Commercial		HMG/Britton
City of Fargo - Park District	9212	Commercial		HMG/Britton
Professional Associates LLC	9213	Commercial		HMG/Britton
Agricultural property 157ac – S10, T141, R49; S10, T141, R49	547, 548	Agricultural		Ulteig/Bock
Rural Address (Church) <i>Permanent easement</i>	9465	Resid/Comm		ProSource/Hraba
Rural Address (Individual) <i>Permanent easement</i>	9581	Resid/Comm		ProSource/Hraba

¹ Activity stages: 1) Owner notified; 2) Appraisal underway; 3) Appraisal in review; 4) Negotiations underway; 5) Purchase Agreement signed

² PP-Purchase Price; AV-Appraised Value; includes relocation costs. Does NOT include outstanding special assessment or tax balances. Final amount paid will be based on the closing statements for each property.