

METRO FLOOD DIVERSION AUTHORITY

Thursday, April 26, 2018

3:30 PM

Fargo City Commission Room

Fargo City Hall

200 3rd Street North

1. Call to order
2. Approve minutes from previous meetings **Item 2.** Action
3. Approve order of agenda Action
4. Management Information
 - a. PMC report
 - b. Corps of Engineers update
5. Administrative/Legal Information/action
6. Public Outreach Information
 - a. Committee report
 - b. Business Leaders Task Force update
7. Land Management Information
 - a. Committee report
8. Finance Information/action
 - a. Committee report **Item 8a.**
 - b. Voucher approval **Item 8b.**
 - c. Recommended contracting actions **Item 8c.**
 - d. Proposed 2018 HMG Rates **Item 8d.**
 - e. Oxbow Lot Sales & Maintenance Agreement **Item 8e.**
9. Other Business
10. Next Meeting – May 24, 2018
11. Executive Session pursuant to N.D.C.C. § 44-04-19.2 and N.D.C.C. § 44-04-19.1, subdivision 9, for the purpose of receiving an update from the Diversion Authority's General Counsel and providing negotiating instructions to the Diversion Authority's General Counsel regarding modifications, amendments and/or potential claims regarding the construction contract between the Metro Flood Diversion Authority and Meyer Contracting for combined general construction, electrical and mechanical work
12. Adjournment

cc: Local Media

**METRO FLOOD DIVERSION AUTHORITY
MARCH 16, 2018—1:00 PM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Friday, March 16, 2018, at 1:00 PM in the Fargo City Commission Room with the following members present: Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; Clay County Commissioner Kevin Campbell; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Tony Grindberg; Cass County Commissioner Mary Scherling; Cass County Commissioner Chad Peterson; Cass County Commissioner Rick Steen; Cass County Joint Water Resource District Manager Roger Olson; and West Fargo City Commissioner Mike Thorstad. Fargo City Commissioner Dave Piepkorn and Clay County Commissioner Grant Weyland were absent.

2. NEW PROJECT ALIGNMENT AND MDNR PERMIT APPLICATION FOR PLAN B

Jason Benson, Cass County Engineer, provided background information leading up to the new project alignment being proposed today. The Richland/Wilkin JPA filed a lawsuit in 2013 against the U.S. Army Corps of Engineers. The Metro Flood Diversion Authority and State of Minnesota later joined the lawsuit. A majority of the claims were dismissed; however, an injunction was ordered in September, 2017, which stopped project construction. North Dakota Governor Doug Burgum and Minnesota Governor Mark Dayton created a task force to develop principles and engineering solutions to achieve balanced flood risk management. A Technical Advisory Group (TAG) was formed as a result of the task force to look at balanced flood protection and impacts in North Dakota and Minnesota. The consensus of the task force was to utilize the full period of record hydrology (100-year flood = 33,000 CFS); allow control of flood water flows through Fargo and Moorhead to 37 feet during a 100-year flood event; include a new western tie-back levee alignment in North Dakota; and add an eastern tie-back levee in Minnesota.

Nathan Boerboom, Fargo City Division Engineer, discussed the new permit application for Plan B to submit to the Minnesota Department of Natural Resources. Plan B includes the diversion channel, southern embankment and control structures, temporary staging of flood waters upstream of the metropolitan area, and in-town levees through Fargo and Moorhead. The design will allow 37 feet through town, and the project will operate one in every 20 years on average. The eastern tie-back levee limits the extent of impacts in Minnesota while the western tie-back levee shifts to the south and west of Horace, which helps balance impacts between North Dakota and Minnesota, and reduces impacts to Richland and Wilkin Counties. The southern embankment will be moved to the north, which will also help to balance the impacts between both states and reduce impacts to Richland and Wilkin Counties.

Mr. Boerboom said staff will be working on “micro-siting” of the new alignment, determining a new cost estimate, and determining a new funding/financial plan for the project. The next step will be to hold community meetings with local jurisdictions and to submit the application to the MDNR.

Bob Zimmerman, Moorhead City Engineer, said other alignment alternatives were considered by the TAG, including a NW channel alignment, which consisted of a shorter, shallower and wider channel. Technical information for a revised NW channel alignment was presented.

Mr. Grindberg asked about the components from the new plan that will affect project costs. Mr. Boerboom said additional length of the dam, land and home purchases, and increased water flows through Fargo and Moorhead are the main contributors to cost increases. Mr. Benson said road raises and road improvements in Cass and Clay Counties will also contribute to the cost increase.

Mr. Paulsen asked if mandatory home buyouts in Minnesota will be needed under Plan B. Mr. Zimmerman said additional homes will need to be purchased, but that the levees currently built will not need to be changed.

3. OUTREACH ACTIVITIES REPORT

Eric Dodds from AE2S said meetings began this week and will continue for the next few weeks with local boards to present information about the new project alignment.

4. PERMIT APPLICATION, Authorized to submit to MDNR

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to authorize the Diversion Authority Chair and Co-Executive Directors to submit to the Minnesota Department of Natural Resources (MDNR) an application for a Dam Safety Permit and Public Waters Permit for the F-M Area Diversion Authority Project and authorize the General Counsel to submit a letter to the United States Army Corps of Engineers to review the revised project alignment contained in the application. On roll call vote, the motion carried unanimously.

5. NEXT MEETING

The next meeting will be held on Thursday, March 22, 2018.

6. ADJOURNMENT

MOTION, passed

On motion by Mrs. Scherling, seconded by Mr. Hendrickson, and all voting in favor, the meeting was adjourned at 1:55 PM.

**METRO FLOOD DIVERSION AUTHORITY
MARCH 22, 2018—3:30 PM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, March 22, 2018, at 3:30 PM in the Fargo City Commission Room with the following members present: Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland via conference call; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Tony Grindberg; Fargo City Commissioner Dave Piepkorn; Cass County Commissioner Mary Scherling; Cass County Commissioner Arland Rasmussen; Cass County Joint Water Resource District Manager Roger Olson; and West Fargo City Commissioner Mike Thorstad. Cass County Commissioner Chad Peterson was absent. Also present was Mark Nisbet from the Chamber Business Leaders Task Force.

2. MINUTES APPROVED

MOTION, passed

Mr. Hendrickson moved and Mr. Paulsen seconded to approve the minutes from the meetings held February 22, 2018 and March 7, 2018, as presented.

Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Mahoney moved and Mr. Olson seconded to approve the order of the agenda. Motion carried.

4. MANAGEMENT UPDATE

John Glatzmaier from CH2M provided an update on activities over the last month which include submittal of Plan B to the MDNR and data sharing for the flowage easement valuation study. Priorities for next month include continued coordination of outreach efforts associated with Plan B, preparation for the State Water Commission meeting and preparation of cost estimates for the Plan B financial plan.

Mr. Glatzmaier provided brief a financial update on the overall program status and said \$423 million has been expended to date. He said \$8.2 million has been expended out of the FY2018 budget.

Mr. Glatzmaier said all construction worked associated with the diversion project is on hold as a result of the injunction. Mr. Piepkorn asked if the work on construction projects in Fargo will continue. Nathan Boerboom, Fargo City Division Engineer, said the non-diversion related projects will proceed, but the Main Avenue/2nd Street South project is part of the diversion project and is on hold.

5. ADMINISTRATIVE/LEGAL UPDATE

Executive Director search update

Michael Redlinger, Co-Executive Director and Assistant Fargo City Administrator, provided an update on the Executive Director search. The position has been advertised in 10 municipal league directories and some regional rural water associations have been contacted. He said Pam Derby from CPS Consulting said there has been a great deal of interest in the position. A first review of applicants will be done on April 6th by a subcommittee made up of Ms. Williams, Mr. Mahoney, Mrs. Scherling, Mr. Steen and Mr. Campbell.

Ashurst and Ernst & Young Work Orders Update

Attorney John Shockley updated the board regarding task orders with Ashurst, LLP and Ernst & Young Infrastructure Advisors, LLC to extend the period of performance through December 31, 2018. Ashurst has served as the national P3 legal counsel since 2016 and is compensated only for work that is completed. Ernst & Young has served as the P3 financial advisor since 2015 and is compensated only for work that is completed. The Co-Executive Directors approved the task orders, so no action is required by the board; however, Mr. Shockley wanted to present the information because of costs involved. Mr. Shockley said the Diversion Authority has contracts with both companies, and he has been given the discretion by the board to engage them for services that cannot be handled locally.

6. PUBLIC OUTREACH UPDATE*Committee report*

The Public Outreach Committee met on March 21st. Mr. Olson said the committee discussed the importance of informing residents affected by changes to the project under Plan B and considers this to be a top priority at this time.

Rocky Schneider from AE2S said a fact sheet has been prepared regarding Plan B, which has been distributed at public informational meetings with area entities over the last few weeks. He distributed a timeline of meetings with the different entities.

Business Leaders Task Force

Mr. Nisbet said the task force is deeply committed to seeing the project be completed. Business leaders appreciate the work done by the Governors' Task Force and hope the work to complete the permitting process will be done as quickly as possible by the Minnesota DNR.

7. LAND MANAGEMENT

The Land Management Committee met on March 21st. Mrs. Scherling said land acquisition activities are still on hold as a result of the injunction. The committee discussed timelines along with a series of actions needed over the next five years related to land purchases. The committee was presented with an updated property rights and mitigation plan, which is a working document that outlines how properties are acquired for the project. Also, the Cass County Joint Water Resource District is working with WBI, a pipeline company, to acquire land for easements which are in the diversion project footprint.

8. FINANCE UPDATE*Committee report*

The Finance Committee met on March 21st. Mr. Grindberg briefly discussed the financial report and said the net cash position is \$70 million.

Voucher approval

The bills for the month are with Dorsey & Whitney for legal services; City of Fargo for reimbursement of operation/maintenance costs associated with Lift Stations #18 and #23; Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion, Diversion Project Assessment District, OHB levee, and in-town levees; Erik R. Johnson & Associates, Ltd. for legal services; Warner and Company for renewal of commercial general liability insurance; and Ohnstad Twichell, P.C. for legal services.

MOTION, passed

Mr. Grindberg moved and Mr. Hendrickson seconded to approve the vouchers received through March 16, 2018, in the amount of \$385,901.09. On roll call vote, the motion carried unanimously.

Recommended Contracting Actions

Mr. Grindberg said the Finance Committee tabled the item regarding the 2018 Houston-Moore Group labor rate schedule. The committee requested information on the rationale behind the 3½% rate increase before approving the schedule.

Mr. Glatzmaier discussed Change Order 21 with Industrial Builders, Inc. to allow for additional time to test the backup generator at the 2nd Street pump station. There is zero cost to extend the time period to June 1st for this work to be completed.

MOTION, passed

Mr. Mahoney moved and Mr. Grindberg seconded to approve Change Order 21 with Industrial Builders, Inc. On roll call vote, the motion carried unanimously.

9. OTHER BUSINESS

Mr. Mahoney, Mrs. Scherling and Mr. Paulsen discussed their recent trip to Washington, D.C. to meet with the Office of Management and Budget, U.S. Army Corps of Engineers, Congressional Delegation and Assistant Secretary of the Army for Civil Works.

10. NEXT MEETING DATE

The next meeting will be held on Thursday, April 26, 2018.

11. ADJOURNMENT

MOTION, passed

On motion by Mrs. Scherling, seconded by Mr. Hendrickson, and all voting in favor, the meeting was adjourned at 4:21 PM.

FM Metropolitan Area Flood Risk Management Project
 Fiscal Accountability Report Design Phase (Fund 790)
 As of 03/31/2018

	2011	2012	2013	2014	2015	2016	2017	2018	Cumulative Totals
Revenues									
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	28,310,373	35,212,877	31,790,784	7,824,841	137,680,786
Cass County	443,138	7,652,681	7,072,961	19,373,131	28,310,373	111,715,540	14,193,826	3,653,141	192,414,790
State Water Commission			3,782,215	602,918	31,056,740	101,436,302	23,650,143	5,937,311	166,465,629
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	6,291,194	(13,260,368)	-	-	706,805
Reimbursements						33,880	49,699	3,638	87,217
Lease/Rental Payments			17,358	154,180	180,341	260,806	350,720	806	964,211
Asset Sales				616,774	315,892	175,190	117,079	-	1,224,935
Miscellaneous			226	626	427		505,157	48,776	555,212
Total Revenues	984,751	17,005,957	19,517,490	44,425,900	94,465,340	235,574,227	70,657,409	17,468,512	500,099,586
Expenditures									
7905 Army Corp Payments	-	-	875,000	1,050,000	2,725,000	47,279,000	1,230,000	-	53,159,000
7910 WIK - Administration	107,301	331,321	77,614	169,019	282,227	545,555	500,885	146,180	2,160,102
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,660,226	2,719,505	2,631,656	618,637	28,485,385
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	8,464,392	14,714,801	1,855,384	45,713,035
7925 WIK - Recreation		163,223					-		163,223
7930 LERRDS - North Dakota	48,664	3,843,620	2,763,404	17,013,358	55,948,209	46,717,049	40,728,316	1,603,702	168,666,322
7931 LERRDS - Minnesota		27,996	287,907	13,068	32,452	1,815,566	35,457	548	2,212,994
7940 WIK Mitigation - North Dakota				587,180			225,293	31,828	844,301
7941 WIK Mitigation - Minnesota							-	-	-
7950 Construction - North Dakota				1,738,638	19,269,055	42,263,916	5,976,235	286,589	69,534,433
7951 Construction - Minnesota							-	-	-
7952 Construction - O/H/B				11,282,504	5,044,001	776,720	7,365,462	3,880,228	28,348,915
7955 Construction Management				556,209	2,867,422	5,182,366	1,498,050	78,488	10,182,535
7980 Operations & Maintenance							6,403	28,538	34,941
7990 Project Financing		50,000	70,000	216,376	566,600	5,435,289	8,305,600	773,897	15,417,762
7995 Project Eligible - Off Formula Costs						-	-	-	-
7999 Non Federal Participating Costs	116					-	221,568		221,684
Total Expenditures	984,750	17,005,957	11,990,261	45,324,414	95,896,147	161,199,358	83,439,726	9,304,019	425,144,632

FM Metropolitan Area Flood Risk Management Project
Statement of Net Position
March 31, 2018

	<u>Amount</u>
Assets	
Cash	\$ 73,959,044
Receivables	
State Water Commission *	1,674,344
Proceeds from Oxbow Lot Sales	796,881
Total assets	<u>76,430,269</u>
Liabilities	
Vouchers payable	-
Retainage payable	1,475,314
Total liabilities	<u>1,475,314</u>
NET POSITION	<u>\$ 74,954,955</u>

* Receivable balance is as of 2.28.2018

FM Metropolitan Area Flood Risk Management Project
 FY 2018 Summary Budget Report (In Thousands)
 As of 31 March 2018

	FY 2018 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
Revenue Sources						
City of Fargo	-	2,141	7,825			
Cass County	-	1,703	3,653			
State of ND - 50 % Match	-	1,674	5,714			
State of ND - 100% Match	-	-	223			
State of Minnesota	-	-	-			
Other Agencies	-	-	-			
Financing Proceeds	-	21	38			
Reimbursements	-	-	3			
Sales of Assets	-	-	0			
Property Income	-	(1)	1			
Miscellaneous	-	7	11			
Total Revenue Sources	82,554	5,545	17,468	-	-	65,086
Funds Appropriated						
Diversion Channel & Assoc. Infrastructure	-	158	186.93	0%	3,339	(3,526)
Southern Embankment & Assoc. Infrastructure	17	-	-	0%	2,336	(2,319)
Other Mitigation Projects	6,139	58	4,007.94	65%	2,965	(834)
In-Town Flood Protection	44,227	34	380.41	1%	313	43,533
Enabling Work / Other	-	1	62.10	0%	2,927	(2,989)
Land Acquisition & Mitigation	6,881	156	1,533.14	22%	25,181	(19,833)
Engineering & Design Fees	241	146	870.39	361%	3,946	(4,575)
Program Management	11,489	288	1,534.80	13%	10,170	(216)
Contingency	5,000	-	-	0%	-	5,000
Debt Service	8,460	220	699.78	8%	846	6,914
Maintenance	100	29	28.54	29%	-	71
Total Appropriations	82,554	1,090	9,304	11%	52,023	21,227

METRO FLOOD DIVERSION AUTHORITY

Thursday, 12 Apr 2018

Data Through Date: Friday, March 30, 2018

Summary of Expenses

EXP-2018-03

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
790-7910-429.33-20	3/22/2018	JB03180018	CITY OF FARGO-AUDITORS OFFICE	\$4,979.17	CHARGE FOR COF TIME-03/18	V00102	General & Admin. WIK
Other Services / Accounting Services				\$4,979.17			
790-7910-429.33-25	3/8/2018	285541	OXBOW, CITY OF	\$1,820.00	TURMAN & LANG	V02407	OXBOW MOU-LEGAL SERVICES
	3/6/2018	662	P CARD BMO	\$32,517.80	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
	3/29/2018	285966	ERIK R JOHNSON & ASSOCIATES	\$4,950.00	GENERAL LEGAL MATTERS	V00102	General & Admin. WIK
Other Services / Legal Services				\$39,287.80			
790-7910-429.38-68	4/4/2018	666	P CARD BMO	\$3,500.00	FREDRIKSON AND BYRON P	V00102	General & Admin. WIK
Other Services /Lobbyist				\$3,500.00			
790-7910-429.52-30	3/29/2018	286047	WARNER & CO	\$5,259.00	GENERAL LIABILITY INS	V00102	General & Admin. WIK
Insurance / General Liability				\$5,259.00			
790-7915-429.33-05	3/8/2018	285581	URS CORPORATION	\$1,482.82	CULTURAL RESOURCES INVEST	V01003	CULTURAL RESOURCES INVEST
	3/22/2018	285832	HOUSTON-MOORE GROUP LLC	\$623.00	HYDROLOGY & HYRAULIC MODE	V01609	HYDROLOGY/HYDRAULIC MODEL
	3/22/2018	285832	HOUSTON-MOORE GROUP LLC	\$76,939.75	PERMIT SUBMITTAL PREP	V01616	PERMIT SUBMITTAL PREP
Other Services / Engineering Services				\$79,045.57			
790-7920-429.33-05	3/22/2018	285832	HOUSTON-MOORE GROUP LLC	\$66,836.37	DIVERSION PROJECT MGMT	V01601	HMG - PROJECT MANAGEMENT
Other Services / Engineering Services				\$66,836.37			
790-7920-429.33-79	3/8/2018	285541	OXBOW, CITY OF	\$2,274.05	MOORE ENGINEERING, INC.	V02421	OXBOW MOU-MOORE PROJ MGMT
	3/8/2018	285541	OXBOW, CITY OF	\$893.40	MOORE ENGINEERING, INC.	V02421	OXBOW MOU-MOORE PROJ MGMT
	3/8/2018	285440	CH2M HILL ENGINEERS INC	\$238,295.64	PROGRAM MANAGEMENT	V00207	CH2M HILL-1.14.17-4.1.18
	3/8/2018	285440	CH2M HILL ENGINEERS INC	\$92,084.33	PROGRAM MANAGEMENT	V00207	CH2M HILL-1.14.17-4.1.18
	3/8/2018	285440	CH2M HILL ENGINEERS INC	\$105,574.03	PROGRAM MANAGEMENT	V00207	CH2M HILL-1.14.17-4.1.18
Other Services / Construction Management				\$439,121.45			
790-7930-429.33-25	3/6/2018	662	P CARD BMO	\$1,364.00	OHNSTAD TWICHELL ATTOR	V00103	General & Admin. LERRDS
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$304.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$1,387.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$3,268.00	OHNSTAD TWICHELL, P.C.	V01202	Cass Joint Water DPAC
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$5,148.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$3,661.00	OHNSTAD TWICHELL, P.C.	V01203	Cass Joint Water OHB
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$170.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$4,916.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$5,082.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE

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Summary of Expenses

EXP-2018-03

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$1,065.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$2,047.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$775.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$340.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$8,337.41	OHNSTAD TWICHELL, P.C.	V01203	Cass Joint Water OHB
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$1,038.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
Other Services / Legal Services				\$38,903.91			
790-7930-429.41-05	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$101.40	CITY OF FARGO	V01703	ND LAND PURCH - IN TOWN
Utility Services / Water and Sewer				\$101.40			
790-7930-429.62-50	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$666.95	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
Energy / Natural Gas				\$666.95			
790-7930-429.62-51	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$215.88	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$57.38	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$262.98	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
Energy / Electricity				\$536.24			
790-7930-429.67-11	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$12,980.42	TODD & DEBRA DEBATES	V02411	OXBOW MOU-RESIDENT RLCTN
	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$14,727.40	TODD & DEBRA DEBATES	V02411	OXBOW MOU-RESIDENT RLCTN
Relocation / Residential Buildings				\$27,707.82			
790-7930-429.71-30	4/2/2018	JB03180024	CITY OF FARGO-AUDITORS OFFICE	-\$1,000.00	RCLS REFUND SECURITY DPST	V01701	ND LAND PURCH-OUT OF TOWN
Land / Land Purchases				-\$1,000.00			
790-7931-429.62-51	3/29/2018	285961	CASS COUNTY JOINT WATER RESOURCE DI	\$372.63	RED RIVER VALLEY COOP POW	V02302	MN LAND PURCHASE-HARDSHIP
Energy / Electricity				\$372.63			
790-7950-429.33-05	3/22/2018	285832	HOUSTON-MOORE GROUP LLC	\$788.50	TASK ORDER 24-SDB AND SDC	V01624	CONSTRUCTN/BID SVCS WP28A
Other Services / Engineering Services				\$788.50			
790-7950-429.73-66	3/8/2018	285478	HOFFMAN & MCNAMARA NURSERY&LANDSC	\$15,005.00	GEN LANDSCAPE & PLANTINGS	V02823	LANDSCAPING & PLANTINGS
Infrastructure / Landscaping				\$15,005.00			
790-7952-429.33-05	3/22/2018	285832	HOUSTON-MOORE GROUP LLC	\$45,721.09	SERVICES DURING CONSTUCTI	V01623	CONSTRUCTN/BID SVCS WP43
Other Services / Engineering Services				\$45,721.09			

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790-7952-429.73-70	3/8/2018	285433	CASS COUNTY ELECTRIC-4100 32 AVE SW	\$35,445.00	STORMWATER PUMP STATION	V04701	OHB LEVEE UTILITY RELOCATE
Infrastructure / Utilities				\$35,445.00			
790-7955-429.33-05	3/22/2018	285832	HOUSTON-MOORE GROUP LLC	\$8,303.50	WK PKG 42 CONST SERVICES	V02806	CONSTRUCTION SVCS WP42
Other Services / Engineering Services				\$8,303.50			
790-7955-429.33-06	3/22/2018	285923	TERRACON CONSULTING ENGINEERS	\$82.77	MATERIAL TESTING	V02802	WP-42 MATERIALS TESTING
	3/22/2018	285923	TERRACON CONSULTING ENGINEERS	\$728.15	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
	3/22/2018	285923	TERRACON CONSULTING ENGINEERS	\$990.82	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
Other Services / Quality Testing				\$1,801.74			
790-7980-429.38-99	3/28/2018	JB03180021	CITY OF FARGO-AUDITORS OFFICE	\$944.74	COF - 2017 O&M OF LIFTS	V02822	O & M - LIFTS #18 & #23
Other Services / Other Services				\$944.74			
790-7980-429.52-10	3/28/2018	JB03180021	CITY OF FARGO-AUDITORS OFFICE	\$6,619.74	COF - 2017 O&M OF LIFTS	V02822	O & M - LIFTS #18 & #23
Insurance / Property Insurance				\$6,619.74			
790-7980-429.62-51	3/28/2018	JB03180021	CITY OF FARGO-AUDITORS OFFICE	\$20,973.72	COF - 2017 O&M OF LIFTS	V02822	O & M - LIFTS #18 & #23
Energy / Electricity				\$20,973.72			
790-7990-429.33-05	3/8/2018	285480	HOUSTON-MOORE GROUP LLC	\$1,200.80	PROCUREMENT SUPPORT	V01621	P3 RFP PROCUREMENT SUPPRT
Other Services / Engineering Services				\$1,200.80			
790-7990-429.33-25	3/8/2018	285418	ASHURST LLP	\$21,146.85	LEGAL COUNSEL	V03001	P3 LEGAL COUNSEL-ASHURST
	3/6/2018	662	P CARD BMO	\$6,496.60	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
Other Services / Legal Services				\$27,643.45			
790-7990-520.80-20	3/8/2018	285435	CASS COUNTY TREASURER	\$146,737.89	WELLS FARGO INTEREST	V02906	\$100M 2017 CASS WF ADVANC
	3/22/2018	JB03180016	CITY OF FARGO-AUDITORS OFFICE	\$73,735.79	3.1-18 WF INTEREST PMT	V02905	\$100M 2017 COF WF ADVANCE
Debt Service / Interest on Bonds				\$220,473.68			
Total Amount Invoiced this period				\$1,090,239.27			
				<u>\$0.00</u>	Less Paid Retainage		
				\$1,090,239.27	Total Less Paid Retainage		

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of March 31, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	\$ 190,189,336.34	\$ 165,582,326.31	\$ 24,607,010.03	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
ARMY CORP OF ENGINEERS	\$ 53,159,000.00	\$ 53,159,000.00	\$ -	Local Share
CH2M HILL ENGINEERS INC	\$ 50,450,594.31	\$ 41,311,226.57	\$ 9,139,367.74	Program, Project, Construction and Land Management
HOUSTON-MOORE GROUP LLC	\$ 44,494,577.94	\$ 38,050,519.05	\$ 6,444,058.89	Engineering Services
INDUSTRIAL BUILDERS INC	\$ 39,516,601.93	\$ 39,433,847.84	\$ 82,754.09	Const - 2nd St North Pump Station Project and 2nd Street Floodwall
INDUSTRIAL CONTRACT SERVICES I	\$ 17,576,871.19	\$ 17,493,762.16	\$ 83,109.03	Const - 4th St Pump Station and 2nd Street Floodwall
OXBOW, CITY OF	\$ 15,513,413.85	\$ 14,864,934.81	\$ 648,479.04	MOU Agreement
MEYER CONTRACTING INC	\$ 10,953,889.73	\$ 8,816,008.84	\$ 2,137,880.89	Construction/Demolition Services
ASHURST LLP	\$ 6,715,133.70	\$ 3,889,763.01	\$ 2,825,370.69	PPP (P3) Legal Counsel
DORSEY & WHITNEY LLP	\$ 5,669,069.48	\$ 5,669,069.48	\$ -	Legal Services
RILEY BROTHERS CONSTRUCTION	\$ 3,677,920.95	\$ 751,409.95	\$ 2,926,511.00	Construction - County Roads 16 & 17 Realignment
JP MORGAN CHASE-LOCKBOX PROCES	\$ 3,377,000.00	\$ 2,531,269.79	\$ 845,730.21	Financial Advisor
CASS COUNTY TREASURER	\$ 2,737,827.85	\$ 2,563,361.18	\$ 174,466.67	Property Taxes and Bank Loan Advance DS Payments
CENTURYLINK	\$ 2,586,742.00	\$ 2,586,742.00	\$ -	Utility Relocation
CITY OF FARGO	\$ 2,351,774.76	\$ 2,351,774.76	\$ -	Digital Imagery Project, Utility Relocation, Accounting Svcs, and Bank Loan Advance DS Payments
MINNESOTA DNR	\$ 2,325,472.35	\$ 2,325,472.35	\$ -	EIS Scoping
LANDWEHR CONSTRUCTION INC	\$ 2,316,627.66	\$ 2,239,550.82	\$ 77,076.84	Const - In-Town Demolition Contracts
OHNSTAD TWICHELL PC	\$ 2,290,160.21	\$ 2,290,160.21	\$ -	ROE and Bonding Legal Fees
URS CORPORATION	\$ 1,922,118.42	\$ 1,805,670.90	\$ 116,447.52	Engineering Services
KENNELLY & OKEEFFE	\$ 1,729,110.56	\$ 1,729,110.56	\$ -	Home Buyouts
HOUGH INCORPORATED	\$ 1,726,847.35	\$ 1,634,666.45	\$ 92,180.90	Const - 2nd Street South Flood Control
REINER CONTRACTING INC	\$ 1,599,646.21	\$ 1,599,646.21	\$ -	Const - El Zagal Flood Risk Management
ACONEX (NORTH AMERICA) INC CONSOLIDATED	\$ 1,322,146.00	\$ 306,856.00	\$ 1,015,290.00	Electronic Data Mgmt and Record Storage System
COMMUNICATIONS	\$ 1,063,096.11	\$ 1,063,096.11	\$ -	Utility Relocation
TERRACON CONSULTING ENGINEERS	\$ 830,792.49	\$ 830,520.16	\$ 272.33	Materials Testing
XCEL ENERGY	\$ 753,515.88	\$ 753,515.88	\$ -	Utility Relocation
MOORE ENGINEERING INC	\$ 662,468.17	\$ 662,468.17	\$ -	Engineering Services
US BANK	\$ 626,849.03	\$ 626,849.03	\$ -	Loan Advance DS Payments
DUCKS UNLIMITED	\$ 587,180.00	\$ 587,180.00	\$ -	Wetland Mitigation Credits
HOUSTON ENGINEERING INC	\$ 576,669.57	\$ 576,669.57	\$ -	Engineering Services
ERIK R JOHNSON & ASSOCIATES	\$ 543,435.68	\$ 543,435.68	\$ -	Legal Services
CROWN APPRAISALS INC	\$ 500,000.00	\$ 100,000.00	\$ 400,000.00	Flowage Easements Valuation
RED RIVER BASIN COMMISSION	\$ 500,000.00	\$ 500,000.00	\$ -	Retention Projects - Engineering Services
HOFFMAN & MCNAMARA NURSERY&LAN	\$ 495,801.98	\$ 440,633.49	\$ 55,168.49	Construction - Landscape
NORTHERN TITLE CO	\$ 484,016.00	\$ 484,016.00	\$ -	Land Purchases
AT & T	\$ 461,031.30	\$ 461,031.30	\$ -	Utility Relocation
BRAUN INTERTEC CORP	\$ 384,389.25	\$ 304,155.00	\$ 80,234.25	Quality Testing
SCHMIDT AND SONS CONSTRUCTION	\$ 351,178.00	\$ 335,906.00	\$ 15,272.00	Oxbow Housing Relocation
BEAVER CREEK ARCHAEOLOGY	\$ 276,990.00	\$ 146,109.77	\$ 130,880.23	Engineering Services
702 COMMUNICATIONS	\$ 266,892.07	\$ 266,892.07	\$ -	Utility Relocation
SPRINT	\$ 256,409.37	\$ 256,409.37	\$ -	Utility Relocation
FARGO MOORHEAD METROPOLITAN	\$ 253,858.35	\$ 253,858.35	\$ -	Lidar Imaging
AON RISK SERVICES CENTRAL, INC	\$ 240,000.00	\$ 183,813.50	\$ 56,186.50	P3 Risk Advisory Services
NDSU BUSINESS OFFICE	\$ 231,650.00	\$ 183,408.50	\$ 48,241.50	Ag Risk Study Services

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of March 31, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
BUFFALO-RED RIVER WATERSHED DI	\$ 221,568.00	\$ 221,568.00	\$ -	Retention Projects - Engineering Services
CASS RURAL WATER USERS DIST	\$ 213,335.00	\$ 213,335.00	\$ -	Utilities and Utility Relocation
ROBERT TRENT JONES	\$ 200,000.00	\$ 200,000.00	\$ -	Oxbow MOU - Golf Course Consulting Agreement
SPRINGSTED INCORPORATED	\$ 178,010.15	\$ 178,010.15	\$ -	Financial Advisor
FREDRIKSON & BYRON, PA	\$ 148,230.06	\$ 134,230.06	\$ 14,000.00	Lobbying Services
PFM PUBLIC FINANCIAL MANAGEMEN	\$ 146,460.00	\$ 146,460.00	\$ -	Financial Advisor
GRAY PANNELL & WOODWARD LLP	\$ 143,800.68	\$ 143,800.68	\$ -	Legal Services
AT&T NETWORK OPERATIONS	\$ 125,238.30	\$ 125,238.30	\$ -	Utility Relocation
ENVENTIS	\$ 115,685.62	\$ 115,685.62	\$ -	Utility Relocation
UNITED STATES GEOLOGICAL SURVE	\$ 104,600.00	\$ 104,600.00	\$ -	Stage Gage Installation
CASS COUNTY ELECTRIC-DIVERSION	\$ 104,195.00	\$ 97,995.00	\$ 6,200.00	Utility Services / Relocation
CENTURYLINK ASSET ACCOUNTING-B	\$ 102,773.54	\$ 102,773.54	\$ -	Utility Relocation
EL ZAGAL TEMPLE HOLDING CO	\$ 76,000.00	\$ 76,000.00	\$ -	Easement Purchase for El Zagal Levee
HKA GLOBAL, INC	\$ 74,353.00	\$ 74,353.00	\$ -	Professional Services
GERSON LEHRMAN GROUP, INC.	\$ 60,819.00	\$ 60,819.00	\$ -	Legal Services
NIXON PEABODY LLC	\$ 60,000.00	\$ 60,000.00	\$ -	Legal Services
ADVANCED ENGINEERING INC	\$ 50,000.00	\$ 50,000.00	\$ -	Public Outreach
IN SITU ENGINEERING	\$ 47,973.00	\$ 47,973.00	\$ -	Quality Testing
US GEOLOGICAL SURVEY	\$ 46,920.00	\$ 46,920.00	\$ -	Stage Gage Installation
MIDCONTINENT COMMUNICATIONS	\$ 37,318.95	\$ 37,318.95	\$ -	Utility Relocation
WARNER & CO	\$ 35,308.00	\$ 35,308.00	\$ -	General Liability Insurance
CLAY COUNTY AUDITOR	\$ 34,538.71	\$ 34,538.71	\$ -	Property Tax, Home Buyout Demo
AMERICAN ENTERPRISES INC	\$ 34,000.00	\$ 34,000.00	\$ -	Test Pits
GEOKON INC	\$ 33,815.36	\$ 33,815.36	\$ -	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	\$ 33,066.02	\$ 33,066.02	\$ -	Property Management Services
WESTERN AREA POWER ADMINISTRAT	\$ 30,000.00	\$ 30,000.00	\$ -	P3 Support Services
CPS HR CONSULTING	\$ 28,678.87	\$ 27,710.03	\$ 968.84	HR Consulting
ND WATER USERS ASSOCIATN	\$ 20,000.00	\$ 20,000.00	\$ -	Membership Dues
XCEL ENERGY-FARGO	\$ 16,275.85	\$ 16,275.85	\$ -	Utility Relocation
PRIMORIS AEVENIA INC	\$ 16,230.00	\$ 16,230.00	\$ -	Utility Relocation
MOORHEAD, CITY OF	\$ 15,062.90	\$ 15,062.90	\$ -	ROE Legal Fees
BRIGGS & MORGAN PA	\$ 12,727.56	\$ 12,727.56	\$ -	Legal Services
PROSOURCE TECHNOLOGIES, INC	\$ 8,324.94	\$ 8,324.94	\$ -	Vibrating Wire Piezometer Equipment
MAP SERVICE CENTER	\$ 7,250.00	\$ 7,250.00	\$ -	Permit fee
NEWMAN SIGNS INC	\$ 5,816.00	\$ 5,816.00	\$ -	Signage
ONE	\$ 3,575.00	\$ 3,575.00	\$ -	Legal Services
MCKINZIE METRO APPRAISAL	\$ 3,200.00	\$ 3,200.00	\$ -	Appraisal Services
STUDIO 7 PRODUCTIONS	\$ 3,170.00	\$ 3,170.00	\$ -	Video Productions
SEIGEL COMMUNICATIONS SERVICE	\$ 2,345.00	\$ 2,345.00	\$ -	Public Outreach
BNSF RAILWAY CO	\$ 2,325.00	\$ 2,325.00	\$ -	Permits for In-Town Levee Projects
FORUM COMMUNICATIONS (LEGALS)	\$ 2,224.20	\$ 2,224.20	\$ -	Advertising Services
FORUM COMMUNICATIONS (ADVERT)	\$ 1,743.77	\$ 1,743.77	\$ -	Advertising Services
NORTH DAKOTA TELEPHONE CO	\$ 1,697.00	\$ 1,697.00	\$ -	Communication
ERBERT & GERBERTS SUBS	\$ 1,232.29	\$ 1,232.29	\$ -	lunches for the task force meetings
HUBER, STEVE	\$ 1,056.43	\$ 1,056.43	\$ -	Home Buyouts
WARREN TOWNSHIP	\$ 1,023.72	\$ 1,023.72	\$ -	SEEDING, ROAD REPAIR, DUST CONTROL
DEPT OF NATURAL RESOUR	\$ 1,000.00	\$ 1,000.00	\$ -	DNR Dam Safety Permit Application Fee

FM Metropolitan Area Flood Risk Management Project
 Cumulative Vendor Payments Since Inception
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Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
TRIO ENVIRONMENTAL CONSULTING	\$ 747.60	\$ 747.60	\$ -	Asbestos and LBP Testing - Home Buyouts
NDSU-DINING-STORE 685	\$ 701.75	\$ 701.75	\$ -	Meeting Incidentals
RED RIVER TITLE SERVICES INC	\$ 675.00	\$ 675.00	\$ -	Abstract Updates
BNSF RAILWAY COMPANY	\$ 600.00	\$ 600.00	\$ -	MOU Agreement
CIVIL DESIGN INC	\$ 595.00	\$ 595.00	\$ -	MOU Agreement
RED RIVER VALLEY COOPERATIVE A	\$ 536.96	\$ 536.96	\$ -	Electricity - Home Buyouts
FERRELLGAS	\$ 496.00	\$ 496.00	\$ -	Propane - Home Buyouts
BROKERAGE PRINTING	\$ 473.33	\$ 473.33	\$ -	Custom Printed Forms
DAWSON INSURANCE AGENCY	\$ 388.52	\$ 388.52	\$ -	Property Insurance - Home Buyouts
KOCHMANN, CARTER	\$ 315.00	\$ 315.00	\$ -	Lawn Mowing Services
GALLAGHER BENEFIT SERVICES INC	\$ 250.00	\$ 250.00	\$ -	Job Description Review
DONS PLUMBING	\$ 240.00	\$ 240.00	\$ -	Winterize - Home Buyouts
HARWOOD TOWNSHIP, CASS, ND	\$ 208.91	\$ 208.91	\$ -	Township Meeting Expenses
WALMART STORE #4352	\$ 161.97	\$ 161.97	\$ -	Meeting Incidentals
CURTS LOCK & KEY SERVICE INC	\$ 138.10	\$ 138.10	\$ -	Service Call - Home Buyouts
GOOGLE LOVEINTHEOVEN	\$ 116.00	\$ 116.00	\$ -	Meeting Incidentals
FEDERAL EXPRESS CORPORATION	\$ 71.89	\$ 71.89	\$ -	Postage
AEVENIA, INC	\$ -	\$ -	\$ -	Utility Relocation
AON RISK SERVICES CENTRAL INC	\$ -	\$ -	\$ -	P3 Risk Advisory Services
BOIS DE SIOUX WATERSHED DISTRI	\$ -	\$ -	\$ -	Retention Projects - Engineering Services
CABLE ONE (FARGO)	\$ -	\$ -	\$ -	Utility Relocation
CENTURYLINK COMMUNICATIONS	\$ -	\$ -	\$ -	Utility Relocation
ULTEIG ENGINEERS INC	\$ -	\$ -	\$ -	Engineering Services
Grand Total	\$ 477,167,788.99	\$ 425,144,631.31	\$ 52,023,157.68	

**FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of March 31, 2018**

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
Commercial Relocations - Fargo						
Park East Apartments - 1 2nd St S	6/23/2015	9,240,246.10	-	708,126.94	-	9,948,373.04
Howard Johnson - 301 3rd Ave N	11/2/2015	3,266,079.60	-	3,752,607.61	(1,100.00)	7,017,587.21
Fargo Public School District - 419 3rd St N	3/16/2016	1,903,475.78	-	6,469,727.55	-	8,373,203.33
Mid America Steel - NP Ave, North	6/21/2016	437,371.41	-	5,370,000.00	-	5,807,371.41
Case Plaza - 117 NP Ave N	1/12/2017	250,449.12	-	-	-	250,449.12
Shakey's Pizza - DFI AP LLC - 203 4th Ave N	3/21/2017	1,002,367.69	-	-	-	1,002,367.69
Home Buyouts - Fargo						
1322 Elm St N	11/19/2014	347,270.27	-	47,168.14	-	394,438.41
1326 Elm St N	12/23/2014	230,196.41	-	8,001.02	-	238,197.43
1341 N Oak St	1/29/2015	309,888.24	-	78,889.24	-	388,777.48
1330 Elm St N	2/12/2015	229,982.44	-	62,362.63	-	292,345.07
18 North Terrace N	4/2/2015	129,698.25	-	44,688.72	-	174,386.97
1318 Elm St N	5/29/2015	229,012.67	-	55,452.01	-	284,464.68
724 North River Road	6/8/2015	194,457.83	-	35,615.30	-	230,073.13
1333 Oak Street N	6/24/2015	238,513.23	-	5,249.00	-	243,762.23
26 North Terrace N	9/11/2015	138,619.58	-	12,620.00	-	151,239.58
16 North Terrace N	9/24/2015	227,987.50	-	96,717.14	-	324,704.64
24 North Terrace N	11/25/2015	182,437.38	-	29,269.60	-	211,706.98
1314 Elm Street N	12/18/2015	225,800.09	-	42,025.00	-	267,825.09
12 North Terrace N	2/9/2016	10,191.00	-	-	-	10,191.00
1313 Elm Street N	1/23/2017	350,000.00	-	3,360.00	-	353,360.00
Home Buyouts - Moorhead						
387 170th Ave SW	11/1/2013	281,809.91	-	-	(8,440.00)	273,369.91
16678 3rd St S		214,000.00	-	84,060.80	-	298,060.80
Home Buyouts - Oxbow						
105 Oxbow Drive	11/28/2012	216,651.85	-	-	(181,249.54)	35,402.31
744 Riverbend Rd	12/3/2012	343,828.30	-	2,435.00	-	346,263.30
121 Oxbow Drive	7/31/2013	375,581.20	-	-	(186,918.33)	188,662.87
333 Schnell Drive	9/20/2013	104,087.79	-	-	-	104,087.79
346 Schnell Drive	2/13/2014	512,970.73	-	7,200.00	-	520,170.73
345 Schnell Drive	10/24/2014	478,702.98	-	6,869.44	-	485,572.42
336 Schnell Drive	1/29/2015	310,888.51	-	185,620.00	-	496,508.51
5059 Makenzie Circle	5/21/2015	2,698,226.97	-	10,549.70	-	2,708,776.67
357 Schnell Dr / 760 River Bend Rd	6/18/2015	466,720.80	-	176,524.79	-	643,245.59
349 Schnell Dr / 761 River Bend Rd	6/26/2015	306,725.20	-	309,992.53	-	616,717.73
748 Riverbend Rd / 755 River Bend Rd	9/1/2015	480,783.92	-	205,699.82	-	686,483.74
361 Schnell Dr / 764 River Bend Rd	9/2/2015	490,091.32	-	267,757.65	-	757,848.97
752 Riverbend Rd / 768 River Bend Rd	9/4/2015	469,078.13	-	507,103.56	-	976,181.69
353 Schnell Dr / 772 River Bend Rd	9/11/2015	494,342.87	-	312,212.95	-	806,555.82
SE 1/4-23-137-49 & NW 1/4 SW 1/4 24-137-49 - Heitman	9/30/2015	1,328,151.00	-	-	-	1,328,151.00
350 Schnell Dr / 769 River Bend Rd	12/15/2015	491,024.01	-	279,237.35	-	770,261.36
365 Schnell Drive	1/7/2016	125,077.88	-	-	-	125,077.88
852, 856, 860, & 864 Riverbend Rd	1/11/2016	1,222,608.19	-	10,891.60	-	1,233,499.79
334 Schnell Dr / 751 River Bend Rd	1/15/2016	321,089.77	-	284,349.88	-	605,439.65
749 Riverbend Rd / 433 Trent Jones Dr	2/1/2016	598,885.43	-	469,875.64	-	1,068,761.07
326 Schnell Drive	2/19/2016	326,842.17	-	225,073.09	-	551,915.26
309 Schnell Dr / 325 Trent Jones Dr	5/12/2016	539,895.97	-	574,412.28	-	1,114,308.25
810 Riverbend Rd / 787 River Bend Rd	6/6/2016	672,125.84	-	640,625.43	-	1,312,751.27
833 Riverbend Rd / 446 Trent Jones Dr	7/14/2016	801,671.69	-	590,292.66	-	1,391,964.35
328 Schnell Dr / 347 Trent Jones Dr	7/14/2016	320,803.64	-	329,117.70	-	649,921.34
839 Riverbend Road	7/20/2016	1,775,311.60	-	10,631.50	-	1,785,943.10
332 Schnell Dr / 335 Trent Jones Dr	8/2/2016	328,639.47	-	356,643.81	-	685,283.28
317 Schnell Dr / 409 Trent Jones Dr	9/7/2016	548,393.52	-	558,413.52	-	1,106,807.04
330 Schnell Drive	10/4/2016	328,134.82	-	125,072.50	-	453,207.32
329 Schnell Dr / 417 Trent Jones Dr	10/4/2016	549,277.00	-	499,811.00	-	1,049,088.00
321 Schnell Dr / 410 Trent Jones Dr	10/7/2016	471,534.69	-	514,952.53	-	986,487.22
813 Riverbend Rd / 449 Trent Jones Dr	10/14/2016	660,997.62	-	797,937.65	-	1,458,935.27
325 Schnell Drive / 426 Trent Jones Dr	11/3/2016	403,498.66	-	402,935.97	-	806,434.63
844 Riverbend Road	11/11/2016	716,599.40	-	15,118.84	-	731,718.24
828 Riverbend Rd	11/30/2016	955,928.53	-	-	-	955,928.53
341 Schnell Dr / 343 Trent Jones Dr	12/8/2016	480,921.52	-	673,954.16	-	1,154,875.68
840 Riverbend Rd / 442 Trent Jones Dr	12/21/2016	547,075.19	-	423,662.02	-	970,737.21
816 Riverbend Rd / 441 Trent Jones Dr	12/27/2016	567,413.07	-	338,694.70	-	906,107.77
821 Riverbend Rd / 438 Trent Jones Dr	1/13/2017	580,617.35	-	331,100.87	-	911,718.22
805 Riverbend Rd / 776 River Bend Rd	2/10/2017	508,203.01	-	395,757.84	-	903,960.85
808 Riverbend Road / 254 South Schnell Dr	2/24/2017	713,814.95	-	533,475.96	-	1,247,290.91
338 Schnell Dr / 775 River Bend Rd	2/28/2017	560,402.15	-	407,961.34	-	968,363.49
313 Schnell Drive/ 413 Trent Jones Dr	4/7/2017	389,370.50	-	357,043.95	-	746,414.45
809 Riverbend Rd	5/3/2017	112,304.99	-	-	-	112,304.99
337 Schnell Dr / 353 Trent Jones Dr	5/17/2017	456,146.62	-	524,447.89	-	980,594.51
829 Riverbend Rd / 788 River Bend Rd	7/7/2017	1,056,438.13	-	1,347,908.42	-	2,404,346.55
848 Riverbend Rd / 783 River Bend Rd	7/27/2017	781,361.81	-	1,375,650.82	-	2,157,012.63
817 Riverbend Road / 421 Trent Jones Dr	7/18/2017	445,728.05	-	465,264.50	-	910,992.55
843 Riverbend Rd / 445 Trent Jones Dr	9/21/2017	978,292.23	-	1,187,586.13	-	2,165,878.36
477 Oxbow Drive - OIN 9614 - Henry & Suzanne Mertz	10/27/2017	25,020.58	-	-	-	25,020.58

**FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of March 31, 2018**

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
Home Buyouts - Hickson						
17495 52nd St SE	4/28/2015	785,747.66	-	27,604.74	-	813,352.40
4985 and 4989 Klitzke Drive, Pleasant Twp	7/20/2016	245,926.71	-	92,817.44	-	338,744.15
Home Buyouts - Horace						
2914 124th Ave S	12/29/2016	50,981.00	-	-	-	50,981.00
17471 49th St SE - Campbell - OIN 9403	2/16/2017	883,581.00	-	149,000.00	-	1,032,581.00
17465 49th St SE - Campbell - OIN 9411	2/21/2017	828,561.00	-	158,000.00	-	986,561.00
17474 52nd St SE - Leher - OIN 1889/1990/2182	7/11/2017	909,905.00	-	-	-	909,905.00
17449 50th Street SE - Scott Young	9/1/2017	398,936.66	-	-	-	398,936.66
4848 CR 81 S, Horace, ND _ OIN 9405	9/15/2017	451,185.00	-	29,191.81	-	480,376.81
15-0000-02690-010 & 15-0000-02690-020 - Cossette _ OIN 229 & 230	11/29/2017	2,433,020.59	-	-	-	2,433,020.59
5021 171st Ave. Southeast, Horace, ND _ OIN 1955	12/18/2017	248,677.89	-	-	-	248,677.89
Home Buyouts - Argusville						
2351 173rd Ave SE - Johnson - OIN 1222	2/6/2017	215,030.91	-	6,912.57	-	221,943.48
Easements - Fargo						
Part of Lot 5 El Zagal Park	10/9/2014	76,000.00	-	-	-	76,000.00
72 2nd St N - Bortnem	4/13/2016	37,020.00	-	-	-	37,020.00
Oak Terrace Condos - 2 N Terrace N	3/30/2016	5,588.00	-	-	-	5,588.00
Fercho Family Farms,	3/25/2015	50,000.00	-	-	-	50,000.00
Easements - Oxbow						
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-	-	-	55,500.00
Easements - Diversion Inlet Control Structure						
15-0000-02690-020 - Cossette	6/1/2016	-	-	-	-	-
64-0000-02730-000 - Sauvageau	6/1/2016	1,113,101.57	-	-	-	1,113,101.57
64-0000-027400-000 - Duboard	9/15/2016	177,399.29	-	-	-	177,399.29
64-0000-02700-010 - Rheault	1/31/2017	2,243.06	-	-	-	2,243.06
15-141-49 NW1/4 160.00 AC **12-31-98 COMB FRM 44-0000-00580-000 & 44-0000-00570-000 - Larson Trust (Nygren)	6/20/2017	32,340.00	-	-	-	32,340.00
Southwest corner of County Road 17 S and 112th Avenue S (condemnation) - SAUVAGEAU LIFE EST.		373,437.00	-	-	-	373,437.00
16835 47 ST SE - Buster Farms LLLP		1,755.00	-	-	-	1,755.00
Easements - Piezometer						
67-0000-12719-010 - Adams - OIN-1201	3/13/2017	1,500.00	-	-	-	1,500.00
Easements - Minnesota						
Askegaard Hope Partnership	10/14/2016	1,542,370.79	-	-	-	1,542,370.79
Farmland Purchases						
SE 1/4 11-140-50 (Raymond Twp, ND) - Ueland	1/20/2014	959,840.00	-	-	-	959,840.00
2 Tracts in the E 1/2-2-137-49 - Sorby/Maier	1/24/2014	1,636,230.00	-	-	-	1,636,230.00
3 Tracts NW1/4 1-140-50, NW1/4 11-140-50, & S1/2 25-141-50 - Rust (OINs 0511,0512,0880,0897)	2/18/2014	3,458,980.70	-	-	-	3,458,980.70
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	991,128.19
NW 1/4 36-141-50 - Monson	5/7/2014	943,560.05	-	-	-	943,560.05
W 1/2 SE 1/4 SW 1/4 & SW 1/4 SW 1/4 2-137-49 - Gordor	5/13/2014	321,386.00	-	-	-	321,386.00
SW 1/4-11-140-50 - Hogleund	7/21/2014	989,706.03	-	-	-	989,706.03
NW 1/4 14-140-50 - Hogleund	10/23/2014	948,782.22	-	-	-	948,782.22
SW 1/4 2-140-50 -Rust	10/29/2014	955,901.00	-	-	-	955,901.00
2-140-50 S 1/2 of NW 1/4 & Lot 4A - Pile	3/4/2015	594,108.00	-	-	-	594,108.00
Fercho Family Farms,	3/25/2015	464,600.00	-	-	-	464,600.00
W 1/2 NW 1/4 2-141-49 - Heiden	4/24/2015	433,409.00	-	-	-	433,409.00
(Raymond Twp) - Subdivision: Part of 23-140-50, 155.82 acres - Henke	6/17/2015	857,144.00	-	-	-	857,144.00
(Raymond Twp) - Subdivision: Part of Sec. 23., Less Gust Sub and Jason Sub T140N R50W - Henke	6/17/2015	339,071.00	-	-	-	339,071.00
15-141-49 NW1/4 160.00 AC **12-31-98 COMB FRM 44-0000-00580-000 & 44-0000-00570-000 - Larson Trust (Nygren)	6/20/2017	291,840.00	-	-	-	291,840.00
64-0000-02720-000 - Ulstad (Condemnation)	11/10/2016	1,221,931.50	-	-	-	1,221,931.50
Peter Biegler, Jr - OIN 9748	7/17/2017	250,185.00	-	-	-	250,185.00
19-141-49 NE 1/4 A 160.00 - Schoenberg Farms	7/18/2017	3,470,167.12	-	-	-	3,470,167.12
SHEY RIV - Chose	7/28/2017	60,128.07	-	-	-	60,128.07
W 1/2d 1/2 10-141-49 & NW 1/4 10-141-49 - Larson Family Farm Trust	8/1/2017	1,402,847.99	-	-	-	1,402,847.99
S1/2 W1/2 NW1/4 - Conyers	8/3/2017	33,150.00	-	-	-	33,150.00
27th St SE, between 169th Ave SE and I-29 - Nelson	8/3/2017	1,024,189.50	-	-	-	1,024,189.50
Meridian, Cass County, ND - Heiden Family, LLLP	8/4/2017	1,326,882.11	-	-	-	1,326,882.11
2368 173rd Ave SE & Rural Land Part of SE1/4 35-142-49, Wiser, ND - Kevin & Pamela Heiden	8/4/2017	614,439.02	-	-	-	614,439.02
20-141-49 SW 1/4 A 160.00 - Lloyd & Alice Amundson	8/9/2017	123,563.38	-	-	-	123,563.38
5251 174 1/2 Ave SE, Pleasant Township, ND 58047	8/18/2017	254,354.28	-	-	-	254,354.28
35-142-49 SW 1/4 A 160.00 - Burley _ OIN 1218	8/31/2017	167,091.47	-	-	-	167,091.47
S-1/2 of N1/2 of Section 36-142-49, Wayne & Gary Ohnstad_OIN 1223	12/13/2017	200,135.00	-	-	-	200,135.00
2-141-49 S 1/2 OF NE 1/4 & N 1/2 OF SE 1/4	12/20/2017	251,668.74	-	-	-	251,668.74
County Rd 32 between 167th Ave SE and 169th Ave SE, 25-141-50 NE 1/4	1/19/2018	831,853.08	-	-	-	831,853.08

**FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of March 31, 2018**

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
Land Purchases						
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	-	(730,148.14)	(246,132.14)
Lot 4, Block 4, ND R-2 Urban Renewal Addition, Fargo ND - Professional Associates	5/14/2015	39,900.00	-	-	-	39,900.00
BNSF Railway Company	10/28/2015	27,000.00	-	-	-	27,000.00
City of Fargo - OIN 2366 & OIN 2367	3/9/2017	1,022,533.30	-	-	-	1,022,533.30
Edwin and Margaret Ployhart OIN 8852	4/5/2017	5,121.18	-	-	-	5,121.18
Arthur Mathison RT OIN 1994	5/19/2017	750.00	-	-	-	750.00
Ideal Ag Corp OIN 9789 / 9790	5/25/2017	30,120.68	-	-	-	30,120.68
OIN 1195 / 1196 - Mark Thorson	9/15/2017	203,678.32	-	-	-	203,678.32
		87,229,336.18	-	34,409,334.25	(1,107,856.01)	120,530,814.42
			(32,000.00)		10,000.00	
				Property Management Expense		1,927,731.08
					Grand Total	\$ 122,458,545.50

**FM Metropolitan Area Flood Risk Management Project
In-Town Levee Work
as of March 31, 2018**

Vcode #	Vendor Name	Descriptions	Contract Amount	Amount Paid
V02801	Industrial Builders	WP42.A2 - 2nd Street North Pump Station	\$ 8,696,548.46	\$ 8,683,649.98
V02802	Terracon Consulting	WP-42 (In Town Levees) Materials Testing	\$ 830,792.49	\$ 830,520.16
V02803	Consolidated Communications	2nd Street Utility Relocation	\$ 1,178,781.73	\$ 1,178,781.73
V02804	702 Communications	2nd Street Utility Relocation	\$ 266,892.07	\$ 266,892.07
		WP-42A.1/A.3 - 4th St Pump Station & Gatewell and 2nd St		
V02805	ICS	Floodwall S	\$ 17,583,287.19	\$ 17,500,178.16
V02806	HMG	WP42 - Services During Construction	\$ 5,343,413.00	\$ 5,056,691.45
V02807	CCJWRD	In-Town Levee Work	\$ 6,212,413.40	\$ 5,886,140.36
V02808	City of Fargo	Relocation of fiber optic along 2nd Street North	\$ 397,906.52	\$ 397,906.52
V02809	AT & T	2nd Street Utility Relocation	\$ 586,269.60	\$ 586,269.60
V02811	Xcel Energy	2nd Street & 4th Street Utility Relocations	\$ 769,791.73	\$ 769,791.73
V02812	Industrial Builders	WP-42F.1S - 2nd Street North Floodwall, South of Pump Station	\$ 16,720,591.15	\$ 16,650,735.54
V02813	Landwehr Construction	Park East Apartments Demolition	\$ 1,169,651.74	\$ 1,169,651.74
V02814	Primoris Aevenia	2nd Street Utility Relocation	\$ 16,230.00	\$ 16,230.00
V02815	Centurylink Communications	2nd Street Utility Relocation	\$ 2,660,937.92	\$ 2,660,937.92
V02816	Landwehr Construction	WP-42C.1 - In-Town Levees 2nd Street/Downtown Area Demo	\$ 907,999.08	\$ 907,999.08
V02817	Reiner Contracting, Inc	WP-42H.2 - El Zagal Area Flood Risk Management	\$ 1,599,646.21	\$ 1,599,646.21
V02818	Industrial Builders	WP-42I.1 - Mickelson Levee Extension	\$ 738,880.50	\$ 738,880.50
V02819	Industrial Builders	WP42F.1N - 2nd Street North	\$ 13,362,906.82	\$ 13,362,906.82
V02820	CH2M Hill	WP42 - Construction Management Services	\$ 851,775.30	\$ 851,775.30
V02821	Hough Incorporated	WP42F.2 - 2nd Street South	\$ 1,726,847.35	\$ 1,634,666.45
V02822	City of Fargo	COF - 2016 O&M on Lifts	\$ 34,941.05	\$ 34,941.05
	Hoffman & McNamara Nursery			
V02823	& Lan	WP-42G General Landscaping and Planting	\$ 495,801.98	\$ 440,633.49
V01703	Various	In-Town Property Purchases	\$ 39,287,481.96	\$ 37,835,995.94
			\$ 121,439,787.25	\$ 119,061,821.80

**Fargo-Moorhead Metropolitan Area Flood Risk Management Project
 State Water Commission Funds Reimbursement Worksheet
 Fargo Flood Control Project Costs - HB1020 & SB2020**

Time Period for This Request: February 1, 2018 - February 28, 2018 - OHB Levee Related Costs

Drawdown Request No: 63	
Requested Amount:	\$ 901,954
Total Funds Expended This Period:	\$ 1,803,908
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	901,954
Total Funds Requested:	\$ 901,954

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
Appropriations from 2015 Legislative Session		69,000,000
Appropriations from 2015 Legislative Session - Interior Flood Control		60,000,000
Anticipated appropriations to be funded in 2017 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2019 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2021 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2023 Legislative Session	66,500,000	
Total State Funds	266,000,000	304,000,000
Less: Payment #1 through #35 - City of Fargo		(55,510,209)
Less: Payment #1 - Cass County		(136,039)
Less: Payment #1 through #7 - Interior Flood Control		(60,000,000)
Less: Payment #1 through #28 - FM Diversion Authority		(38,049,107)
Less: Payment #29 through #50 - FM Metro Area Flood Risk Management Project		(76,542,741)
Less: Payment #51 - FM Metro Area Flood Risk Management Project		(1,501,080)
Less: Payment #52 - FM Metro Area Flood Risk Management Project		(1,565,228)
Less: Payment #53 - FM Metro Area Flood Risk Management Project		(708,163)
Less: Payment #54 - FM Metro Area Flood Risk Management Project		(897,057)
Less: Payment #55 - FM Metro Area Flood Risk Management Project		(488,613)
Less: Payment #56 - FM Metro Area Flood Risk Management Project		(1,105,872)
Less: Payment #57 - FM Metro Area Flood Risk Management Project		(1,377,451)
Less: Payment #58 - FM Metro Area Flood Risk Management Project		(1,792,502)
Less: Payment #59 - FM Metro Area Flood Risk Management Project		(1,625,005)
Less: Payment #60 - FM Metro Area Flood Risk Management Project		(65,355)
Less: Payment #61 - FM Metro Area Flood Risk Management Project		(780,105)
Less: Payment #62 - FM Metro Area Flood Risk Management Project		(772,390)
Less: Payment #63 - FM Metro Area Flood Risk Management Project		(901,954)
Total Funds Reimbursed		(243,818,872)
Total State Fund Balances Remaining	\$	60,181,128

Fargo-Moorhead Metropolitan Area Flood Risk Management Project
 State Water Commission Funds Reimbursement Worksheet
 Fargo Flood Control Project Costs - HB1020 & SB2020

LOCAL MATCHING FUNDS SUMMARY:		
Matching Funds Expended To Date - FM Metro Area Flood Risk Management Project	\$	78,689,391
Less: Match Used on Payment #1 through #35 - City of Fargo		(41,506,620)
Less: Match used on Payment #1 - Cass County		(136,039)
Less: Match Used on Payment #1-28 - FM Diversion Authority		(11,052,710)
Less: Match Used on Payment #29-50 - FM Metro Area Flood Risk Management Project		(18,968,395)
Less: Match Used on Payment #51 - FM Metro Area Flood Risk Management Project		(1,336,028)
Less: Match Used on Payment #52 - FM Metro Area Flood Risk Management Project		(294,854)
Less: Match Used on Payment #54 - FM Metro Area Flood Risk Management Project		(595,622)
Less: Match Used on Payment #55 - FM Metro Area Flood Risk Management Project		(278,292)
Less: Match Used on Payment #58 - FM Metro Area Flood Risk Management Project		(222,923)
Balance of Local Matching Funds Available	\$	4,297,908

Finance Committee Bills through April 20, 2018

Vendor	Description		
Cass County Joint Water Resource District	Diversion bills	\$	941,668.00
Dorsey & Whitney	Legal services rendered through February 28, 2018	\$	105,192.58
Ohnstad Twichell, P.C.	Professional Services Rendered	\$	54,303.68
Erik R. Johnson & Associates, Ltd.	Legal services rendered through March 25, 2018	\$	2,272.50
			<hr/>
Total Bills Received through April 20, 2018			<hr/> <u>\$ 1,103,436.76</u>



Cass County
Joint Water
Resource
District

April 3, 2018

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

Dan Jacobson
Chairman
West Fargo, North Dakota

Rodger Olson
Manager
Leonard, North Dakota

Lance Yohe
Manager
West Fargo, North Dakota

Ken Lougheed
Manager
Gardner, North Dakota

Jacob Gust
Manager
Fargo, North Dakota

Greetings:

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

Enclosed please find copies of bills totaling \$941,668 regarding the above referenced projects. The breakdown is as follows:

Metro Flood Diversion	\$ 889,394.54
DPAC	12,037.79
Oxbow-Hickson-Bakke Ring Levee	39,271.86
In-Town Levees	963.81

At this time, we respectfully request 100% reimbursement as per the Joint Powers Agreement between the City of Fargo, Cass County and Cass County Joint Water Resource District dated June 1, 2015.

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

Enclosures

701-298-2381
FAX 701-298-2397
wrд@casscountynd.gov
casscountygov.com

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

Updated 4/2/18

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
3/8/2018	2/26/2018	72045	R12.00049	1,063.00	Ulteig Engineering	Engineering - Project mgmt, ROW services and relocation asst
3/8/2018	2/25/2018	13618		32.00	Cass Rural Water Users	Service to 5021 171st Ave SE
3/8/2018	3/5/2018	850.04		419.45	Red River Valley Coop Power Assoc	Service to 16678 3rd St S
3/8/2018	2/26/2018	154736	130007	7,594.00	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
3/8/2018	2/26/2018	154748	160007	295.00	Ohnstad Twichell, P.C.	Legal-Channel Phase I
3/8/2018	2/26/2018	154749	160007	4,352.99	Ohnstad Twichell, P.C.	Legal-Channel Phase II
3/8/2018	2/26/2018	154754	170007	1,370.00	Ohnstad Twichell, P.C.	Legal-Upstream Mitigation Area
3/8/2018	2/26/2018	154746	160007	168.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009 - Inlet Structure
3/8/2018	2/28/2018	154927	187007	198.00	Ohnstad Twichell, P.C.	Legal-1099 prep for Diversion Acquisitions
3/23/2018	2/28/2018	155010	187007	2,918.00	Ohnstad Twichell, P.C.	Legal-Right of Entry 2018
3/23/2018	2/28/2018	155015	170007	1,359.50	Ohnstad Twichell, P.C.	Legal-Sauvageau Eminent Domain
3/23/2018	2/28/2018	1600	2004	4,123.08	Houston-Moore Group	Engineering-Proj mgmt and ROW services
3/23/2018	3/4/2018			6,961.27	Robert and Maxine Nordick	Moving costs
3/23/2018	3/20/2018			25,000.00	Roger and Melissa Campbell	Replacement housing
3/23/2018		170161579		1,718.86	Cass County Treasurer	property tax on 5021 171 Ave SE
3/23/2018	3/15/2018	1129748		233.78	Cass County Electric Cooperative	service to 5021 171 Ave SE and 4848 Co Rd 81
3/23/2018	3/5/2018	1132078		52.36	Cass County Electric Cooperative	service to 17449 50 St S
3/23/2018	3/23/2018			831,535.25	The Title Company	property purchase - Williams Land Holdings
Total				889,394.54		

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
3/8/2018	2/27/2018	56951	P11473-2012-000	7,907.56	AE2S	Engineering - Financial Services - Dev & Implementation
3/8/2018	2/26/2018	154734	120007	4,130.23	Ohnstad Twichell, P.C.	Legal - Assessment District
Total				12,037.79		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
3/8/2018					500.00	Hickson Pleasant Senior Citizens	Temporary Construction Easement
3/8/2018					7,182.00	Todd and Debra Debates	closing costs
3/8/2018	2/26/2018	154738		140007	3,183.00	Ohnstad Twichell, P.C.	Legal-Oxbow-Hickson-Bakke Levee project
3/23/2018	2/28/2018	155013		160007	909.00	Ohnstad Twichell, P.C.	Legal-Erickson Eminent Domain
3/16/2018					27,497.86	Samson Construction	Debates replacement housing
Total				39,271.86			

OXBOW GOLF AND COUNTRY CLUB INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
Total				0.00		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
3/8/2018	3/1/2018	582459934		270.32	Xcel Energy	Electric service to 419 3rd St N
3/8/2018	3/1/2018	582461740		592.09	Xcel Energy	Gas service to 419 3rd St N
3/23/2018	3/7/2018	6000052129		101.40	City of Fargo	Service to 419 3 St N
Total				963.81		

Grand Total 941,668.00



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

March 29, 2018

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

Re: Metro Flood Diversion Project

Dear Kent:

I am enclosing a Summary Invoice dated March 20, 2018 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through February 28, 2018 on the Metro Flood Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to Dorsey Whitney.

Sincerely,

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

Erik R. Johnson

ERJ/lmw
Enclosure
cc: Bruce Grubb





MINNEAPOLIS OFFICE
612-340-2600

RECEIVED
BY _____ DATE 3-23-18

(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

March 20, 2018
Invoice No. 3411311

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

For Legal Services Rendered Through February 28, 2018

INVOICE TOTAL

Total For Current Legal Fees	\$104,412.00
Total For Current Disbursements and Service Charges	\$780.58
Total For Current Invoice	\$105,192.58

Summary of Account

*Prior Balance Due	\$213,364.27
Total Amount Due	\$318,556.85

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

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

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

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

(This account is only for Wire/ACH payments)
ABA Routing Number: 091000022
Account Number: 1047-8339-8282
Swift Code: USBKUS44IMT

Please make reference to the invoice number

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

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

OHNSTAD TWICHELL, P.C.
Attorneys at Law

P.O Box 458
 West Fargo, ND 58078-0458
 701-282-3249

15-1395 JTS Invoice # 155516

Flood Diversion Board
 Bond Counsel Work - PPP

Date: April 12, 2018

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

PROFESSIONAL SERVICES RENDERED

	Hours	Hourly Rate	Totals
JTS	60.1	\$310.00	\$18,631.00
CMM	5.7	\$310.00	\$1,767.00
KJB	54.5	\$285.00	\$15,532.50
TJL	66.8	\$250.00	\$16,700.00
CBC	0.3	\$225.00	\$67.50
MPS	1.6	\$200.00	\$320.00
AJM	4.3	\$165.00	\$709.50
LRK	0.7	\$155.00	\$108.50
HCG	0.2	\$140.00	\$28.00
Total Fees:	194.2		\$53,864.00

Photocopies	\$48.00
Westlaw (max. charge \$500)	\$147.64
AT&T Calls	\$244.04
Total Expenses:	\$439.68

Grand Total **\$54,303.68**

2018 Hourly Rates

JTS	John T. Shockley, Partner, Supervising Attorney	\$310.00
CMM	Christopher M. McShane, Partner	\$310.00
ADC	Andrew D. Cook, Partner	\$310.00
SNW	Sarah M. Wear, Partner	\$310.00
KJB	Katie J. Bertsch, Associate	\$285.00
TJL	Tyler J. Leverington, Associate	\$250.00
CBC	Calley B. Campbell, Associate	\$225.00
LWC	Lukas W. Croaker, Associate	\$225.00
MPS	Michael P. Sly, Associate	\$200.00
CAS	Carol A. Stillwell, Paralegal	\$165.00
JDR	Joshua D. Roaldson, Paralegal	\$165.00
AJM	Andrea J. Murphy, Paralegal	\$165.00
LRK	Lisa R. Kilde, Paralegal	\$155.00
HCG	Hannah C. Gilbert, Paralegal	\$140.00

OHNSTAD TWICHELL, P.C.
 WEST FARGO, NORTH DAKOTA 58078

COST ADVANCES BY US FOR YOUR ACCOUNT, FOR WHICH WE HAVE NOT
 BEEN BILLED, WILL APPEAR ON YOUR NEXT STATEMENT.

PROFESSIONAL SERVICES RENDERED

15-1395 JTS Invoice # 155516		Flood Diversion Board	Bond Counsel Work - PPP
FILE NUMBER	MATTER DESCRIPTION	INVOICE - TOTAL FEES	
151395-1	General Topics (Includes General Governance Questions, Notices, etc.)	\$9,777.00	
151395-3	P3 Procurement	\$3,817.00	
151395-4	Public Finance Issues	\$4,503.00	
151395-5	Consultant Contract Review/Development	\$7,661.50	
151395-6	Support of External Litigation Counsel	\$248.00	
151395-8	MNDNR Permit Issues	\$11,815.00	
151395-9	Environmental Permitting Issues/NEPA	\$620.00	
151395-12	USACE Interface/Questions	\$281.00	
151395-13	Third Party Utility MOU's	\$14,645.50	
151395-14	ICS Issues	\$496.00	
TOTAL		\$53,864.00	

Erik R. Johnson & Associates, Ltd.
Attorneys at Law

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

March 25, 2018
Invoice No. 2648

RE: Metro Flood Project-General Legal Matters

For Legal Services Rendered Through February 25, 2018

INVOICE TOTAL

Total for Current Legal Fees	\$2272.50
Total for Current Disbursements and Service Charges	\$
Total for Current Invoice	\$2272.50

Summary of Account

*Prior Balance Due	\$
Total Amount Due	\$2272.50

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

We appreciate your business.

505 Broadway Street North • Suite 206 • Fargo, ND 58102
Phone: (701) 280-1901 • Fax: (701) 280-1902

Erik R. Johnson & Associates, Ltd

Attorneys at Law

Erik R. Johnson - Nancy J. Morris

505 Broadway - Suite 206

Fargo, ND 58102

(701) 280-1901

Invoice

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

Date	3/25/2018
Invoice #	2648-

Description	Amount
METRO FLOOD PROJECT -- GENERAL LEGAL MATTERS: Erik Johnson-Feb 26 thru Mar 25, 2018-itemization enclosed	1,485.00
Nancy J Morris-Feb 26 thru Mar 25, 2018-itemization enclosed	787.50
<i>We appreciate your business.</i>	TOTAL: \$2,272.50



METRO FLOOD DIVERSION PROJECT

Technical Advisory Group Recommendation

Meeting Date: 04/20/2018

RECOMMENDATION FOR ACTION:

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

SUMMARY OF CONTRACTING ACTION:

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

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

Description	Budget Estimate (\$)
WP-43CD: Meyer Contracting, Inc. <i>Change Order #04</i>	\$978,114.72
<ul style="list-style-type: none"> • Add additional tree removal • Add 2017 cumulative delays and milestone date changes • Add additional pump station luminaries • Add additional fire hydrant removal • Add sub-cut in levee footprint at Hwy 81 • Add additional survey staking • Add additional Type III barricades • Add daily and unit/lump sum stand-by time from January 1, 2018 through April 30, 2018 • Add Cass County Hwy 81 overlay • Assess Liquidated Damages • Incorporate WCD-03, temporary golf cart path 	

Summary of Contracting History and Current Contract Action:

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

Since the start of construction, several contract change items have been identified and incorporated into Change Orders. The Contractor, Owner, Engineer of Record, and PMC held meetings in March, and April to negotiate the bulleted items listed above.

This change order addresses all claims and changes that occurred through December 31, 2107 plus stand-by time costs from January 1, 2018 through April 30, 2018. It’s understood between all parties that if a clarification from the court to re-start construction is not received in early May 2018, that the Diversion Authority may elect

to cancel the contract with Meyer Construction, order a partial demobilization, or re-bid the remaining work when authorized to do so by the court.

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

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	\$0.00	\$10,399,476.21		09-Aug-17	31-Oct-18	Contract Award to Meyer Consulting, Inc.
Change Order No. 1	\$7,383.47		\$10,406,859.68	09-Aug-17	31-Oct-18	Add heat-shrink sleeves, additional steel pipe bedding, backfill, and time.
Change Order No. 2	\$508,207.56		\$10,915,067.24	09-Aug-17	31-Oct-18	Incorporate WCD-001 and WCD-002; add additional borrow pit stripping; utility work; and a temporary access road.
Change Order No. 3	\$38,822.49		\$10,953,889.73	09-Aug-17	31-Oct-18	Add additional project components, changed conditions price adjustment, relocation of utility lines and stock piles, additional drainage grading, expedited freight charges, and 6.5 days to Milestone 8.
Change Order No. 4	\$978,114.72		\$ 11,932,004.45	09-Aug-17	2-Dec-18	Add tree removal, 2017 cumulative delays and milestone days, pump station luminaries, fire hydrant removal, Hwy 81 levee sub-cut, additional survey, additional barricades, stand-by time, Hwy 81 overlay, assess liquidated damages, and incorporate WCD-03.

Financial Considerations:

Attached for your review and action is draft CO-04. The PMC and the EOR have reviewed CO-04 and feel the proposed costs and level of effort are reasonable. This change order increases the total Contract Price \$978,114.72. The EOR has prepared the attached recommendation memorandum for the changes proposed in this change order, and the following is a summary of those change items:

1. **Additional tree removal (COR 9000019):** Unsuitable material was encountered during construction of the levee and several trees had to be removed to accommodate spoiling of the unsuitable material. Because the unsuitable material was unknown at the time of design and bidding, the removal of the trees to accommodate the spoiling of the unsuitable material was not included as a bid item in the Contract.
 - a. This work was done on a time and material basis and includes the cost tree grinding.
 - b. The EOR agreed that this is a reimbursable cost and concurred with the Contractor’s proposed costs.
 - c. This change adds Bid Item 0173, *CO-4: Additional Tree Removal*: lump sum quantity 1.0 LS at the Contract Unit Price of \$3,964.21 per LS for a price increase of \$3,964.21.

2. 2017 cumulative delays and milestone date changes (COR 9000035): Previous change orders added contract time for several project change items. This includes:

- Change order 1 - Substantial Completion: 1 day,
- Change order 2 - Milestone 5: 6 days,
- Change order 2 - Milestone 6 (Oxbow Drive Phase 2): 4 days,
- Change order 2 - Milestone 6 (Hay 81 paving): 5 days,
- Change order 2 - Milestone 8 (All work less PS mech/elec, wear course): 1 day,
- Change order 3 - Milestone 8 (All work less PS mech/elec, wear course): 6.5 day,

The Contractor has since submitted \$689,769.75 in additional costs and a 34 day time extension request due to delays out of the Contractor's control. The Contractor has stated the delay costs and time are primarily associated with coordination of utility company relocations in the Contractor's work area, coordination with other Diversion Authority contractors in and near the Contractor's work area, and designated work areas not available to the Contractor.

The EOR has reviewed these additional delay costs and meet with the Contractor to review the requested delay costs and time. There were two major categories of delay costs: production and cold weather. After meeting and negotiating these delay impacts, the EOR recommended a portion of these delay impacts be reimbursed.

- a. The EOR recommended approval of \$215,494.60 (approximately 69% less than requested) in delay costs and 31 days of additional time.
- b. Production delays:
 - i. The Contractor originally proposed \$596,872.18 in production delay costs, but after discussion to remove unreasonable costs, the EOR recommends payment of \$175,320.50.
 - ii. For comparison purposes, the total increase in costs being recommended is estimated to be \$0.65/CY for excavation and embankment work items or a 12.2% increase from the bid prices.
- c. Cold weather:
 - i. The Contractor originally proposed \$92,897.55 in cold weather costs, but after discussion to remove unreasonable costs, the EOR recommends payment of \$40,174.10.
- d. Contract Time:
 - i. The EOR reviewed the Milestones impacted and time delay request, and recommends approving 31 days of additional time.
- e. This change adds the following bid items:
 - i. Bid Item 0174, *CO-4: 2017 Cumulative Delays*: lump sum quantity 1.0 LS at the Contract Unit Price of \$215,494.60 per LS for a price increase of \$215,494.60.

3. Additional pump station luminaire (COR 9000042): This work includes installing one additional luminaire on the pump station building. Since the luminaire installation is part of a lump sum cost bid item, a change order request was submitted to account for the additional luminaire cost.
 - a. The EOR agreed that this is a reimbursable cost and concurred with the Contractor's proposed costs.
 - b. This change adds Bid Item 0175, *CO-4: Additional Pump Station Luminaries*: lump sum quantity 1.0 LS at the Contract Unit Price of \$946.49 per LS for a price increase of \$946.49.
4. Additional fire hydrant removal (COR 9000043): This work includes removing four additional fire hydrants that were not shown on the plans. These fire hydrants were located along Riverbend Road on the south end of the project.
 - a. This work was done on a time and material basis.
 - b. The EOR agreed that this is a reimbursable cost and concurred with the Contractor's proposed costs.
 - c. This change adds Bid Item 0176, *CO-43: Additional Fire Hydrant Removal*: lump sum quantity 1.0 LS at the Contract Unit Price of \$2,110.74 per LS for a price increase of \$2,110.74.
5. Sub-cut in levee footprint at Hwy 81 (COR 9000045): This work includes the excavation of a larger than normal inspection trench at Cass County Highway 81 that was not accounted for in the original bid quantities.
 - a. The Contractor quantified the additional excavation quantity to be 3,036.91 cubic yards, and in previous Change Orders, \$4.00/CY was paid for excavating similar material.
 - b. The EOR concurs with the quantities submitted by the Contractor and recommends payment at the unit price of \$4.00/CY, for a total cost of \$12,147.64.
 - c. This change adds Bid Item 0177, *CO-4: Sub-cut in Levee Footprint at Hwy 81*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$12,147.64 per LS for a price increase of \$12,147.64.
6. Additional survey staking (COR 9000046): This item includes costs incurred by the Contractor's survey company to install construction stakes a second time due to City of Oxbow residents removing them before construction could be completed on certain Work features. It also includes additional staking time due to supplemental traffic control measures that were installed along Cass County Highway 81.
 - a. The EOR agreed that this is a reimbursable cost and concurred with the Contractor's proposed costs.
 - b. This change adds Bid Item 0178, *CO-4: Additional Staking*: unit rate quantity of 1.0 LS at the Contract Unit Price of \$1,871.63 per LS for a price increase of \$1,871.63.
7. Add additional Type III barricades (COR 9000047): This item includes the costs incurred by the Contractor to have their traffic control company install additional traffic control during the shutdown period. The cost of the Type III barricades is accounted for as a bid item, but the mobilization time is being captured in this change order request.
 - a. The EOR agreed that this is a reimbursable cost and concurred with the Contractor's proposed costs.

- b. This change adds Bid Item 0179, *CO-4: Additional Type III Barricades*: unit rate quantity of 1.0 LS at the Contract Unit Price of \$570.00 per LS for a price increase of \$570.00.
8. Daily and unit/lump sum stand-by time from January 1, 2018 through April 30, 2018: An April 8, 2017 court decision partially lifted the OHB Ring Levee preliminary injunction and allowed for construction of WP-43CD in 2017. The court decision language was not clear as to whether construction could continue in 2018. Not wanting to violate the court order, the Diversion Authority directed the Contractor to stop construction on December 31, 2017 and stand-by ready to resume construction until clarification from the courts on 2018 construction was received. Per the contract documents, the Contractor is entitled to payment for stand-by time.
- a. The Diversion Authority's intent is to not terminate the Agreement with the Contractor, but rather keep them and their subcontractors on stand-by so construction could resume as soon as reasonably possible once clarification was provided by the Courts. To date, the Contractor and their subcontractors are still on stand-by.
- i. It's understood between all parties that if a clarification from the court to re-start construction is not received in early May 2018, that the Diversion Authority may elect to cancel the contract with the Contractor and re-bid the remaining work when authorized to do so by the court.
- b. Over the course of three months, the EOR, Diversion Authority project managers, and PMC representatives met with Meyer Contracting to discuss and negotiate stand-by costs.
- i. All parties agreed to a daily rate of \$5,572.90. There are 120 days in the months of January, February, March, and April 2018.
- ii. In addition to the daily rate, there are \$128,648.91 in lump sum costs associated with the stand-by time such as demobilization/remobilization costs of equipment, startup costs when clarification is received, specialty crane demobilization/remobilization costs, and weekly site inspections for health, safety, and erosion inspections.
1. This is an estimate of unit and lump sum costs and only actual costs will be paid. Additionally, the Contractor agrees that this is a not to exceed cost for lump items associated with the change.
- c. This change adds the following bid items:
- i. Bid Item 0180, *CO-4: Daily Standby time, Jan 1-Apr 30, 2018*: unit rate quantity 120 DAY at the Contract Unit Price of \$5,572.90 per DAY for a price increase of \$668,748.00.
- ii. Bid Item 0181, *CO-4: Unit/LS Standby time, Jan 1-Apr 30, 2018*: lump sum quantity 1.0 LS at the Contract Unit Price of \$128,648.91 per LS for a price increase of \$128,648.91.
9. Cass County Hwy 81 overlay: This item includes the costs to install a 1.5-inch asphalt overlay from the Oxbow Drive/CR 81 intersection to the north a distance of 623 linear feet. This roadway area was not part of the project work limits but was used by Meyer Contracting as a haul road with construction equipment (i.e. Off-road trucks, dozers, excavators, storage areas, etc.). This usage caused surface scarring to the roadway that needs to be repaired.

- a. The reason for this change proposal is to restore the roadway to its original condition after it was damaged by the Contractor.
 - i. The EOR estimated the cost of a chip seal repair with pavement markings to be \$7,071.40. However, the Diversion Authority is proposing to install a 1.5-inch asphalt overlay in lieu of the chip seal. In consideration of this, EOR estimated the cost of completing a 1.5-inch overlay to be \$17,598.90 using the estimated quantities required for the Work multiplied by the Contractor's bid prices.
 - b. The EOR concurs that the Contractor is responsible for the chip seal repair cost portion of the work and recommends the approval of this Change Proposal in the amount of \$10,527.50, the difference between \$17,598.90 (1.5-inch overlay) and \$7,071.40 (chip seal).
 - c. This change adds Bid Item 0182, *CO-4: Cass County Hwy 81 Overlay*: unit rate quantity of 1.0 LS at the Contract Unit Price of \$10,527.50 per LS for a price increase of \$10,527.50.
10. Assess liquidated damages: The Contractor has missed milestone completion dates and the Diversion Authority is assessing Liquidated Damages against the Contractor, per the Agreement. Per the Agreement Liquidated Damages are assessed at \$3,000 per day for each Milestone or Completion Date that is missed. As stated above in the description of COR 9000035 the EOR recommends extending certain Milestones to account for a portion of the Contractor's lost production.
- a. Based on recommended Milestone date extensions and Work completion dates, the EOR recommends assessing the Contractor 25 days of delay (the equivalent of \$75,000).
 - b. This change adds Bid Item 0183, *CO-4: Liquidated Damages as of Dec 31, 2017*: unit rate quantity of 1.0 LS at the Contract Unit Price of (\$75,000) per LS for a price decrease of (\$75,000).
11. Incorporate WCD-03, temporary golf cart path: This work includes the installation of 1,000 LF aggregate cart path to allow golf cart, maintenance vehicle, and walking traffic between the front nine and back nine golf holes of the Oxbow Country Club. The path will be made of existing salvaged base material that was placed in 2017 as a haul road for the home relocation contracts. WCD-03 was authorized by the Co-Executive Directors due to a safety concern and is now being incorporated into the contract.
- a. This work was done on a negotiated unit price basis with HMG determining the actual quantities installed when the Work is complete.
 - b. This change adds Bid Item 0184, *CO-4: Temporary golf cart path*: lump sum quantity of 1.0 LS at the Contract Unit Price of \$8,085 per LS for a price increase of \$8,085.

This change amount of \$978,114.72 is included within the FY-2018 MFDA budget.

ATTACHMENT(S):

1. Draft Change Order No. 04 with unit price schedule and back-up documentation

Submitted by:

John Glatzmaier
CH2M
Metro Flood Diversion Project

Date

Nathan Boerboom, Diversion Authority Project
Manager
Concur: _____ *Non-Concur:* _____

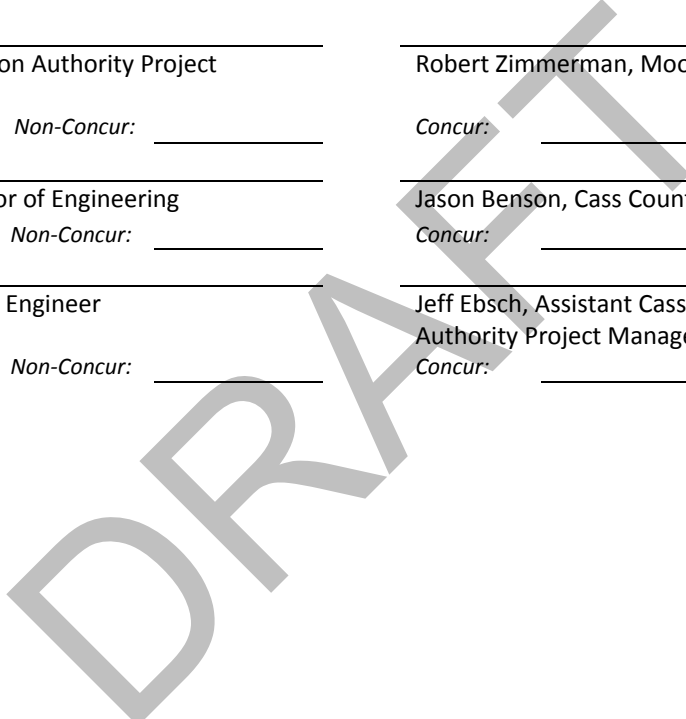
Robert Zimmerman, Moorhead City Engineer
Concur: _____ *Non-Concur:* _____

Mark Bittner, Fargo Director of Engineering
Concur: _____ *Non-Concur:* _____

Jason Benson, Cass County Engineer
Concur: _____ *Non-Concur:* _____

David Overbo, Clay County Engineer
Concur: _____ *Non-Concur:* _____

Jeff Ebsch, Assistant Cass County Engineer, Diversion
Authority Project Manager
Concur: _____ *Non-Concur:* _____



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

Notes:

HMG contract became effective March 8, 2012.

Total labor hourly rate schedule increase from 2012 to 2017 was 23.0%.

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

The current HMG MSA allows for a 2018 maximum hourly rate increase of 3.5% beginning January 1, 2018. HMG proposed this contractually allowable increase of 3.5%, effective March 1, 2018; however, the Diversion Authority Finance Committee tabled this on March 21, 2018.

Houston Moore Group LLC	HMG 2017 Base Rates	Adjust for PLI	2017 Contract
<u>Category</u>		8%	
Principal Engineer (*6%)	\$225.00	\$14.00	\$239.00
Senior Project Manager	\$215.00	\$17.00	\$232.00
Senior Professional Engineer	\$200.00	\$16.00	\$216.00
Project Manager	\$180.00	\$14.00	\$194.00
Professional Engineer II	\$175.00	\$14.00	\$189.00
Professional Engineer I	\$165.00	\$13.00	\$178.00
Project Coordinator	\$165.00	\$13.00	\$178.00
Project Engineer	\$140.00	\$11.00	\$151.00
Graduate Engineer	\$125.00	\$10.00	\$135.00
Legislative/Grants/Funding Specialist	\$180.00	\$14.00	\$194.00
Project Manager Assistant	\$120.00	\$10.00	\$130.00
Senior Environmental Project Manager	\$200.00	\$16.00	\$216.00
Senior Environmental Scientist	\$175.00	\$14.00	\$189.00
Environmental Scientist	\$150.00	\$12.00	\$162.00
Scientist	\$132.00	\$11.00	\$143.00
Graduate Scientist	\$120.00	\$10.00	\$130.00
Senior Engineering Designer	\$144.00	\$12.00	\$156.00
Engineering Designer II	\$125.00	\$10.00	\$135.00
Engineering Designer I	\$120.00	\$10.00	\$130.00
Senior Construction Engineer/Specialist	\$163.00	\$13.00	\$176.00
Construction Engineer/Specialist II	\$138.00	\$11.00	\$149.00
Construction Engineer/Specialist I	\$125.00	\$10.00	\$135.00
Graduate Construction Engineer	\$118.00	\$9.00	\$127.00
Engineering Technician III	\$120.00	\$10.00	\$130.00
Engineering Technician II	\$106.00	\$8.00	\$114.00
Engineering Technician I	\$93.00	\$7.00	\$100.00
Technician Intern	\$81.00	\$6.00	\$87.00
Senior GIS Project Manager	\$175.00	\$14.00	\$189.00
GIS Manager	\$160.00	\$13.00	\$173.00
GIS Developer	\$140.00	\$11.00	\$151.00
GIS Programmer III	\$130.00	\$10.00	\$140.00
GIS Programmer II	\$120.00	\$10.00	\$130.00
GIS Programmer I	\$116.00	\$9.00	\$125.00
GIS Technician III	\$116.00	\$9.00	\$125.00
GIS Technician II	\$110.00	\$9.00	\$119.00
GIS Technician I	\$105.00	\$8.00	\$113.00

Houston Moore Group LLC	HMG 2017 Base Rates	Adjust for PLI	2017 Contract
<u>Category</u>		8%	
Senior Land Surveyor	\$165.00	\$13.00	\$178.00
Land Surveyor	\$145.00	\$12.00	\$157.00
Survey Manager	\$130.00	\$10.00	\$140.00
Graduate Land Surveyor	\$116.00	\$9.00	\$125.00
GPS Survey Crew Chief	\$165.00	\$13.00	\$178.00
Survey Crew Chief II	\$125.00	\$10.00	\$135.00
Survey Crew Chief I	\$116.00	\$9.00	\$125.00
Survey Technician III	\$90.00	\$7.00	\$97.00
Survey Technician II	\$80.00	\$6.00	\$86.00
Survey Technician I	\$75.00	\$6.00	\$81.00
CADD Manager	\$130.00	\$10.00	\$140.00
CADD Techincian III	\$116.00	\$9.00	\$125.00
CADD Techincian II	\$110.00	\$9.00	\$119.00
CADD Techincian I	\$105.00	\$8.00	\$113.00
Communications Manager	\$160.00	\$13.00	\$173.00
Communications Specialist	\$125.00	\$10.00	\$135.00
Senior Planner	\$182.00	\$15.00	\$197.00
Associate Planner	\$131.00	\$10.00	\$141.00
Technical Writer	\$90.00	\$7.00	\$97.00
Administrative Assistant	\$75.00	\$6.00	\$81.00
Receptionist	\$70.00	\$6.00	\$76.00
Bookkeeper	\$90.00	\$7.00	\$97.00
Controller	\$160.00	\$13.00	\$173.00

Chargeable Expenses

Lodging & Meals	Actual Cost
Per Diem	\$60 per day
Project Mileage	\$0.65
Motorized Offroad Vehicles	\$75/day
Iron Pins	\$1.25 each
Fence Post (each)	\$5 each
Project Expenses	Actual Cost
Sub-Consultants	Actual Cost + 10%
Professional Liability Insurance	Actual Cost

Houston Moore Group LLC	2017 Contract Rates	2018 Proposed Rates	2017 to 2018 Rate Change
<u>Category</u>			
Principal Engineer	\$239.00	\$247.00	103.3%
Senior Project Manager	\$232.00	\$240.00	103.4%
Senior Professional Engineer	\$216.00	\$223.00	103.2%
Project Manager	\$194.00	\$200.00	103.1%
Professional Engineer II	\$189.00	\$195.00	103.2%
Professional Engineer I	\$178.00	\$184.00	103.4%
Project Coordinator	\$178.00	\$184.00	103.4%
Project Engineer	\$151.00	\$156.00	103.3%
Graduate Engineer	\$135.00	\$139.00	103.0%
Legislative/Grants/Funding Specialist	\$194.00	\$200.00	103.1%
Project Manager Assistant	\$130.00	\$134.00	103.1%
Senior Environmental Project Manager	\$216.00	\$223.00	103.2%
Senior Environmental Scientist	\$189.00	\$195.00	103.2%
Environmental Scientist	\$162.00	\$167.00	103.1%
Scientist	\$143.00	\$148.00	103.5%
Graduate Scientist	\$130.00	\$134.00	103.1%
Engineering Specialist		\$172.00	
Senior Engineering Designer	\$156.00	\$161.00	103.2%
Engineering Designer II	\$135.00	\$139.00	103.0%
Engineering Designer I	\$130.00	\$134.00	103.1%
Senior Construction Engineer/Specialist	\$176.00	\$182.00	103.4%
Construction Engineer/Specialist II	\$149.00	\$154.00	103.4%
Construction Engineer/Specialist I	\$135.00	\$139.00	103.0%
Graduate Construction Engineer	\$127.00	\$131.00	103.1%
Engineering Technician III	\$130.00	\$134.00	103.1%
Engineering Technician II	\$114.00	\$117.00	102.6%
Engineering Technician I	\$100.00	\$103.00	103.0%
Technician Intern	\$87.00	\$90.00	103.4%
Senior GIS Project Manager	\$189.00	\$195.00	103.2%
GIS Manager	\$173.00	\$179.00	103.5%
GIS Developer	\$151.00	\$156.00	103.3%
GIS Programmer III	\$140.00	\$144.00	102.9%
GIS Programmer II	\$130.00	\$134.00	103.1%
GIS Programmer I	\$125.00	\$129.00	103.2%
GIS Technician III	\$125.00	\$129.00	103.2%
GIS Technician II	\$119.00	\$123.00	103.4%
GIS Technician I	\$113.00	\$116.00	102.7%

Houston Moore Group LLC	2017 Contract Rates	2018 Proposed Rates	2017 to 2018 Rate Change
<u>Category</u>			
Senior Project Manager – Land Surveying		\$203.00	
Senior Land Surveyor	\$178.00	\$184.00	103.4%
Land Surveyor	\$157.00	\$162.00	103.2%
Survey Manager	\$140.00	\$144.00	102.9%
Graduate Land Surveyor	\$125.00	\$129.00	103.2%
GPS Survey Crew Chief	\$178.00	\$184.00	103.4%
Survey Crew Chief II	\$135.00	\$139.00	103.0%
Survey Crew Chief I	\$125.00	\$129.00	103.2%
Survey Technician III	\$97.00	\$100.00	103.1%
Survey Technician II	\$86.00	\$89.00	103.5%
Survey Technician I	\$81.00	\$83.00	102.5%
CADD Manager	\$140.00	\$144.00	102.9%
CADD Technician III	\$125.00	\$129.00	103.2%
CADD Technician II	\$119.00	\$123.00	103.4%
CADD Technician I	\$113.00	\$116.00	102.7%
Computer Manager		\$173.00	
Computer Technician		\$161.00	
Communications Manager	\$173.00	\$179.00	103.5%
Communications Specialist	\$135.00	\$139.00	103.0%
Senior Planner	\$197.00	\$203.00	103.0%
Associate Planner	\$141.00	\$145.00	102.8%
Technical Writer	\$97.00	\$100.00	103.1%
Administrative Assistant	\$81.00	\$83.00	102.5%
Receptionist	\$76.00	\$78.00	102.6%
Bookkeeper	\$97.00	\$100.00	103.1%
Controller	\$173.00	\$179.00	103.5%

Chargeable Expenses

Lodging & Meals	Actual Cost
Per Diem	\$60 per day
Project Mileage	\$0.65
Motorized Offroad Vehicles	\$75/day
Iron Pins	\$1.25 each
Fence Post (each)	\$5 each
Project Expenses	Actual Cost
Sub-Consultants	Actual Cost + 10%

**ASSIGNMENT OF
MASTER AGREEMENT**

**Oxbow Golf and Country Club/Cass County
Joint Water Resource District
and
City of Oxbow**

THIS AGREEMENT, is made and entered into as of the effective day hereof, as set forth below, by and between the **CITY OF OXBOW**, a North Dakota municipal corporation [hereinafter “City of Oxbow”]; **CASS COUNTY JOINT WATER RESOURCE DISTRICT** [hereinafter “Water Resource District”] and **OXBOW GOLF AND COUNTRY CLUB**, a North Dakota nonprofit corporation, of Oxbow, North Dakota [hereinafter “Oxbow CC”].

WHEREAS, the Water Resource District, acting as a delegated member of the Metro Flood Diversion Authority, and Oxbow CC entered into a Master Agreement effective the 8th day of January, 2015, that set forth terms by which Oxbow CC’s clubhouse would be relocated and replaced and the golf course reconfigured [the “Master Agreement”]; and,

WHEREAS, as of the Effective Date, hereof, the Water Resource District has performed many of its agreed-upon obligations under the Master Agreement have already been performed; and

WHEREAS, The City of Oxbow and the Metro Flood Diversion Board of Authority, a joint powers entity of which the Water Resource District is a member, entered into a Memorandum of Understanding [“MOU”] the effective date which was October 24, 2013, in which MOU addressed a number of aspects pertaining to mitigation of impacts of the Metro Flood Project; and,

WHEREAS, the City of Oxbow and the Metro Flood Diversion Board of Authority wish to amend the MOU, particularly with respect to the sale of the remaining lots developed pursuant to the MOU and, in addition, the discussion of the parties has contemplated the City of Oxbow assuming all responsibilities from the Water Resource District with respect to the Master Agreement; and,

WHEREAS, pursuant to the Oxbow CC Master Agreement, the Water Resource District owes Oxbow CC the sum of \$2,433,697.25, said amount includes all payment obligations to, or on behalf of, Oxbow CC through the 31st day of December, 2017, but not including any change orders for work to be done from and after said date; and,

WHEREAS, Oxbow CC desires that the Oxbow CC Master Agreement be assigned by the Water Resource District to the City of Oxbow because Oxbow CC expects that the City of Oxbow will be in a better position to work with Oxbow CC to complete performance of the remaining obligations under said Master Agreement; and,

WHEREAS, the City of Oxbow is willing to assume the obligations and rights thereof the Water Resource District as set forth therein, provided that the City of Oxbow's payment obligation is limited as hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the parties hereto agree as follows:

1. Oxbow CC represents and agrees that the remaining amount owed by the Water Resource District to Oxbow CC is the sum of Two Million Four Hundred Thirty Three Thousand, Six Hundred Ninety-Seven and 25/100 Dollars (\$2,433,697.25), said amount including all other payment obligations to, or on behalf of, Oxbow CC through the 31st day of December, 2017, but not including any change orders for work to be done from and after said date.
2. The Water Resource District will remit payment to Oxbow CC the sum of \$2,433,697.25 as payment in full under the Master Agreement, except for change orders for work to be done after December 31, 2017.
3. Subject to the terms of this Agreement, the Water Resource District shall, and hereby does, assign to the City of Oxbow the Master Agreement including all of the rights, obligations, and commitments of the Water Resource District as expressed therein and the City of Oxbow hereby accepts said assignment and, except as limited by this Agreement, assumes any and all obligations and commitments set forth therein.
4. Oxbow CC hereby consents and agrees:
 - a. to said assignment and hereby releases the Water Resource District, the Metro Flood Diversion Authority, and its member entities from any demands, claims, or obligations thereunder, whether such demand, claim or obligation stems from, or occurred prior, to the Effective Date hereof; and,
 - b. that with respect to paragraph 5 of the Oxbow Master Agreement, referring to golf course construction costs, including the following provision:

... Oxbow CC will be responsible for the cost of any change orders for materials or labor outside the scope of the construction contractor in excess of the total gross dollar value of the construction contract, unless such change orders are approved by the Water Resource District. The Water Resource District will not have any contractual relationship with, and will

not have any obligations regarding, the Golf course Construction Contractor or any other contractors, consultants, subconsultants, subcontractors, material suppliers, or any other parties regarding the construction of the replacement golf holes or regarding modifications to the remaining existing holes, other than the obligation to make payment to Oxbow CC as set forth above....

Oxbow CC agrees that the gross dollar value of any change orders requested from and after the Effective Date shall not exceed One Million Dollars (\$1,000,000) and the payment obligations and liability of the City of Oxbow or the Water Resource District under this Agreement, either jointly or severally, will not exceed said amount.

5. **Effective Date.** The assignment of the Master Agreement shall be deemed to be effective the 1st day of January, 2018, said date referred to herein as the “Effective Date”.
6. **Signature in Counterpart.** This Assignment Agreement may be signed in counterpart. It shall be considered to be fully executed when it has been signed by all parties hereto.
7. This Assignment Agreement shall be contingent upon the approval and execution of a Second Amendment to the MOU which second amendment pertains to the sale of remaining lots established and developed as contemplated therein.

[Remainder of page intentionally left blank]

CASS COUNTY JOINT WATER RESOURCE
DISTRICT

DATED: _____

By: _____
_____, Chairman

OXBOW GOLF AND COUNTRY CLUB, a
North Dakota nonprofit corporation

DATED: _____

By: _____
_____, its President

CITY OF OXBOW, a North Dakota
municipal corporation

DATED: _____

By: _____
James Nyhof, Mayor

ATTEST:

City Auditor

**SECOND AMENDMENT TO
MEMORANDUM OF UNDERSTANDING**

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

This Second Amendment ["Second Amendment"] to the Memorandum of Understanding is entered into as of the Effective Date, below, by and between the **METRO FLOOD DIVERSION BOARD OF AUTHORITY** [the "Diversion Authority"], and the **CITY OF OXBOW, a North Dakota municipal corporation** [the "City" or the "City of Oxbow"].

RECITALS:

WHEREAS, the Diversion Authority and the City of Oxbow entered into a Memorandum of Understanding [the "Oxbow MOU"] dated effective October 24, 2013, with the three North Dakota member-entities to the Diversion Authority also approving the Oxbow MOU; and,

WHEREAS, the parties to the Oxbow MOU entered into an amendment of the Oxbow MOU, dated effective the 30th day of November, 2015 [the "First Amendment to Oxbow MOU"]; and,

WHEREAS, as was contemplated by the Oxbow MOU, the Cass County Joint Water Resource District entered into an agreement with Oxbow Golf and Country Club ("Oxbow CC") effective January 8, 2015, that established the terms by which Oxbow CC's clubhouse would be relocated and replaced and the golf course reconfigured and much of the agreed-upon obligations under the agreement has been performed, said agreement to be referred to as the "Oxbow CC Master Agreement"; and,

WHEREAS, since the effective date of the Oxbow MOU, approximately 98 new lots have been platted and infrastructure has been installed to service said lots; and,

WHEREAS, approximately 65 of the newly established lots have been sold—many sold as replacement lots—with 33 lots, more or less, remaining unsold; and,

WHEREAS, the City of Oxbow has proposed, and Metro Flood Diversion Board of Authority is willing to agree to, a second amendment of the Oxbow MOU; and,

WHEREAS, the City of Oxbow has also proposed that the Water Resource District, would assign the obligations and rights of the Water Resource District as provided in the Oxbow CC Master Agreement to the City of Oxbow under certain terms and conditions, which assignment would occur simultaneously with, and would be contingent upon, the approval and execution of this Second Amendment; and,

WHEREAS, the parties are agreeable thereto;

NOW, THEREFORE, IT IS HEREBY AGREED:

Section I. The Oxbow MOU, as amended by the First Amendment to Oxbow MOU, is hereby further amended as follows.

Section II. Contingency--City of Oxbow to Assume Obligations of Oxbow CC Agreement. This Second Amendment shall be contingent upon the approval and execution of an Assignment of Master Agreement, said contingency to be for the benefit of both the City of Oxbow and the Diversion Authority and its members that are a party hereto.

Section III. Allocation of Sales Proceeds of Remaining Oxbow Lots. As to the sale of the remaining 33 unsold lots, a list of which is attached as Exhibit "A", [hereinafter referred to as the "Post 2017 Unsold Lots"], Paragraph 2.3 is hereby amended to add subparagraph 2.3.9, as follows:

2.3 Proceeds from the sale of the Replacement Lots, shall be allocated and paid-out as follows:

* * *

2.3.9 Sale of the Post 2017 Unsold Lots. The first One Million and no/100s Dollars (\$1,000,000.00) of net proceeds from the sale of one or more of the Post 2017 Unsold Lots shall be retained by the City of Oxbow, or by the Oxbow Job Development Authority as the case may be, and thereafter

net proceeds from the Post 2017 Unsold Lots shall be split between the City of Oxbow or its Job Development Authority and the Diversion Authority with sixty-five percent (65%) to go to the Diversion Authority and thirty-five percent (35%) to go to the City of Oxbow or its Job Development Authority. Net proceeds shall mean the agreed upon sales price for the parcel less real estate commissions paid by the seller and less reasonable and appropriate closing costs. The City of Oxbow represents that it is authorized to bind, and hereby does bind, its Job Development Authority to the terms hereof. With respect to the sale of the \$1,000,000 of Post 2017 Unsold Lots, the City of Oxbow represents and agrees that said sales must be market-value sales. In that all said unsold lots have been appraised by a qualified appraiser, to the extent that any sale is to occur at less than 85% of the appraised value, the City of Oxbow will notify and obtain consent in advance from the Diversion Authority Executive Director before entering into a binding commitment to such sale.

Section IV. Maintenance of Unsold Lots. The City of Oxbow shall assume responsibility for the maintenance of the remaining unsold lots and shall be assume responsibility for the payment of all costs associated with such maintenance; however, at such time as the above-stated \$1,000,000 of Post 2017 Unsold Lots has been achieved and the division of sales proceeds shifts to the 65%/35% split, then at that time the costs of such maintenance will also be shared in accordance with the same ratio.

Section V. Oxbow City Park. With respect to the obligation of the Diversion Authority to fund the replacement of the Oxbow city park, as contemplated in Section 2.5 of the Oxbow MOU, the parties agree that the Diversion Authority's obligation to provide such funding shall not exceed the sum of \$200,000 and the City of Oxbow shall be responsible for any costs in excess thereof.

Section VI. Interpretation of Conflicting Provisions. To the extent that the terms of this Second Amendment conflict with the original Oxbow MOU, the terms of this Second Amendment shall govern. In all other respects, the terms of the original Oxbow MOU, as amended by the First Amendment, shall remain in full force and effect.

Section VI. Effective Date. This Second Amendment to the Oxbow MOU will be deemed effective the date of the last signature of all the parties hereto, provided that to the extent any of the parties have taken action pursuant to this agreement prior to said effective date, the same shall be deemed to have been authorized by this memorandum of understanding.

**METRO FLOOD DIVERSION BOARD
OF AUTHORITY**

Dated: _____

By: _____
_____, its Chair

CITY OF OXBOW, a North Dakota
municipal corporation

Dated: _____

By: _____
James Nyhof, its Mayor

ATTEST:

City Auditor

CITY OF FARGO, a North Dakota
municipal corporation

DATED: _____

By _____
Timothy J. Mahoney, M.D., its Mayor

ATTEST:

Steven Sprague, City Auditor

COUNTY OF CASS,
NORTH DAKOTA

DATED: _____

By _____
_____, its Chair

CASS COUNTY JOINT WATER RESOURCE
DISTRICT

DATED: _____

By _____
_____, its Chair