

FLOOD DIVERSION AUTHORITY  
FINANCE COMMITTEE  
AGENDA FOR WEDNESDAY, MARCH 22, 2017

***Fargo City Commission Chambers***  
**4:00 PM**

1. Call to order
2. Approval of the minutes from the previous meeting Pages 2-5
3. Approval of bills Pages 6-22
4. Financial report (Costin) Pages 23-34
5. Amendment to City of Fargo fiscal services agreement (Costin) Pages 35-39
6. Short-term financing (Montplaisir)
7. PMC report (Robert Cowen) Pages 40-50
8. Recommended contracting actions (Robert Cowen)
  - a. AT&T reimbursement agreement amendment (final payment) Pages 51-52
  - b. Midcontinent reimbursement agreement Pages 53-59
9. Land acquisitions (Eric Dodds)
  - a. Land Acquisition Directive Pages 60-62
  - b. Draft land acquisition status report Pages 63-72
10. Metro COG reimbursement agreement (John Shockley) Pages 73-80
11. Other business
12. Next meeting—April 26, 2017
13. Adjournment

cc: Local Media  
Flood Diversion Board of Authority  
CH2M  
AE2S

**FLOOD DIVERSION FINANCE COMMITTEE  
FEBRUARY 22, 2017—4:00 PM**

**1. MEETING TO ORDER**

A meeting of the Flood Diversion Finance Committee was held on Wednesday, February 22, 2017, at 4:00 PM in the Fargo City Commission Chambers, Fargo City Hall, with the following present: Cass County Joint Water Resource District Chairman Mark Brodshaug; Fargo Finance Director Kent Costin; Fargo City Commissioner Tony Gehrig; Fargo City Commissioner Tony Grindberg; Moorhead City Councilman Chuck Hendrickson; Cass County Auditor Mike Montplaisir; Fargo City Assistant Administrator Mike Redlinger; Cass County Commissioner Rick Steen; and Moorhead Finance Director Wanda Wagner. Cass County Commission Representative Darrell Vanyo was present via teleconference. Clay County Auditor/Treasurer Lori Johnson and Fargo City Mayor Tim Mahoney were absent.

Randy Richardson, CH2M; Ty Smith, CH2M; Eric Dodds, AE2S; and John Shockley, Ohnstad Twichell were also present.

**2. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

*MOTION, passed*

**Mr. Costin moved and Mr. Brodshaug seconded to approve the minutes from the January 25, 2017, meeting as presented. Motion carried.**

**3. APPROVAL OF BILLS**

Mr. Costin said bills received for the month total around \$2.6 million.

*MOTION, passed*

**Mr. Redlinger moved and Mr. Steen seconded to approve the bills in the amount of \$2,587,701.30 and to forward them to the Metro Flood Diversion Authority. On roll call vote, the motion carried unanimously.**

**4. FINANCIAL UPDATE**

Mr. Costin reviewed the financial statements for January. About \$5.1 million has been expended from the FY2017 budget, and the total disbursed for the project to date is \$337,512,432.

Mr. Costin said the Diversion Authority has a cash balance of about \$80.9 million and the net position is about \$80.1 million.

*MOTION, passed*

**Mr. Brodshaug moved and Mr. Gehrig seconded to approve the financial statement for January as presented. On roll call vote, the motion carried unanimously.**

Mr. Montplaisir arrived for the remainder of the meeting.

**5. PMC UPDATE**

Randy Richardson of CH2M reviewed the Program Management Consultant (PMC) report.

Mr. Richardson explained the discrepancies that exist between the financial statement

reported by Mr. Costin and the financial reports included in the PMC report, and said that while the discrepancies are minor at this time, they will be substantial once the P3 contractor begins work.

**6. RECOMMENDED CONTRACTING ACTION**

Ty Smith of CH2M reviewed the following contracted action:

Construction Change Order

- Landwehr Construction, Inc. Change Order 4 (Demolition/Renovation of Howard Johnson Hotel, Old Shakey's Pizza, Fargo Public Schools)—final cost accounting for asbestos removal of insulated fittings in the amount of \$5,744.23.

***MOTION, passed***

**Mr. Montplaisir moved and Mr. Gehrig seconded to approve the appropriation of funds for the outlined Change Order, and to forward the recommendation to the Metro Flood Diversion Authority. On roll call vote, the motion carried unanimously.**

**7. LAND ACQUISITION DIRECTIVES**

Eric Dodds of AE2S said there are two Land Acquisition Directives up for approval.

There was discussion on the price per acre budgeted for farmland. The budget assumes an average price of \$6,000 per acre, which does not include soft costs such as appraisals, easements, and other fees not paid to the landowner; the soft costs are also accounted for in the budget.

Mr. Costin said perhaps a map or some sort of disclosure outlining the progress of land acquisitions would be a meaningful report for this committee to review. Mr. Gehrig said he would also like to see data outlining the percentage of acquisition funds expended in regard to the percentage of land acquired for the purpose of tracking acquisition progress.

***MOTION, passed***

**Mr. Gehrig moved and Mr. Montplaisir seconded to approve Land Acquisition Directives LAD-OPP-01 REV-02 and LAD-00017 as presented. On roll call vote, the motion carried unanimously.**

**8. EXTENSION OF HMG MASTER SERVICES AGREEMENT**

Attorney John Shockley said the Master Services Agreement with Houston-Moore Group, LLC (HMG) expires on March 8<sup>th</sup>. A contract amendment under the same terms as the original agreement is needed to extend the current agreement for 30 days.

***MOTION, passed***

**Mr. Gehrig moved and Mr. Hendrickson seconded to approve Amendment No. 1 to the agreement between the Metro Flood Diversion Authority and Houston-Moore Group, LLC for professional services and to forward the recommendation to the Metro Flood Diversion Authority. On roll call vote, the motion carried unanimously.**

**9. P3 PROCUREMENT CANCELLATION PAYMENT**

Mr. Shockley said one-on-one meetings were recently held with the four short-listed teams for the P3 procurement. Each of the teams voiced concern over the MN DNR's decision to join a lawsuit to halt construction on the diversion. The current cancellation

payment to the proposers in the event that the procurement is cancelled by the Diversion Authority is \$500,000. The cancellation payment is only paid out in the event that the procurement is cancelled by the Diversion Authority, at no fault of the proposers. The proposers have requested an increase in the cancellation payment amount.

Mr. Brodshaug said risk has always existed with the project, and the proposers were aware of potential risks when they initiated involvement in the process. Mr. Shockley said he does not disagree, but direct involvement in litigation by the MN DNR was not a factor when the proposers entered the project.

Mr. Shockley said cancellation payments only occur if the procurement is cancelled in the time after the proposers have signed the project agreement but before the preferred proposer is chosen. The proposers have until May 1<sup>st</sup> to sign the agreement; the successful proposer will be chosen in October.

Mr. Shockley cautioned that there may be ramifications if the cancellation amount is not adjusted.

**10. PROFESSIONAL SERVICES RECRUITMENT FOR EXECUTIVE DIRECTOR**

Mr. Redlinger said proposals from four firms were received for a consultant package for the recruitment of the Executive Director position. Each firm offers an enhanced profile, along with recruitment strategies and access to candidates that otherwise would not be reached.

The firm that will be recommended to the Diversion Authority Board is CPS HR Consulting, which is based out of California, for an all-inclusive fee of \$26,500.

Mr. Vanyo said salary consultant Fox Lawson will review the position and provide a guideline for a potential salary range.

Mr. Vanyo said the City of Fargo or Cass County may be asked to handle payroll for the position.

**11. OTHER BUSINESS**

Oxbow buyout homes

Mr. Vanyo provided follow-up to an issue raised at a previous meeting regarding the demolition of buyout homes in Oxbow. Oxbow Mayor Nyhof has made it clear that Oxbow would prefer that demolition of buyout homes be avoided if possible. Oxbow will remain flexible with the timeline of the removal of homes while taking into account security issues associated with the existence of vacant dwellings for an extended period of time.

Mr. Hendrickson left for the remainder of the meeting.

Diversion Authority website

Mr. Dodds said there is added content and functionality on the Diversion Authority website.

**12. NEXT MEETING**

The next meeting will be held on March 22<sup>nd</sup>, at 4:00 PM.

13. **ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Gehrig, seconded by Mr. Steen and all in favor,  
the meeting was adjourned at 5:17 PM.**

Minutes prepared by Brielle Edwards, HR Assistant

## Finance Committee Bills through March 15, 2017

Vendor	Description		
Dorsey & Whitney LLP	Legal services rendered through January 31, 2017	\$	145,940.66
Warner and Company	Renew liability coverage	\$	5,174.00
Ohnstad Twichell, P.C.	Professional services rendered	\$	140,407.87
Cass County Joint Water Resource District	Diversion bills	\$	4,591,721.28
City of Fargo	Reimburse 2016 operation and maintenance of lift stations	\$	6,402.85
Erik R. Johnson & Associates, Ltd.	Legal services rendered through February 25, 2017	\$	1,918.40
U.S. Army Corps of Engineers	2017 surveys and mitigation	\$	1,230,000.00
F-M Metro COG	Aerial imagery/LiDAR mapping	\$	238,030.07
Total Bills Received through March 15, 2017		\$	<u>6,359,595.13</u>



MINNEAPOLIS OFFICE  
612-340-2600

(Tax Identification No. 41-0223337)

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

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

February 21, 2017  
Invoice No. 3331401

RECEIVED  
BY \_\_\_\_\_ DATE 2-23-17

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

For Legal Services Rendered Through January 31, 2017

INVOICE TOTAL

Total For Current Legal Fees	\$145,787.00
Total For Current Disbursements and Service Charges	\$153.66
<b>Total For Current Invoice</b>	<b>\$145,940.66</b>
<b>Summary of Account</b>	
*Prior Balance Due	\$139,978.76
Total Amount Due	\$285,919.42

\*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 1-800-361-0760. 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



Office of the City Attorney

City Attorney  
Erik R. Johnson

Assistant City Attorney  
Nancy J. Morris

February 27, 2017

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

**Re: Red River Diversion Project**

Dear Kent:

I am enclosing a Summary Invoice dated February 21, 2017 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through January 31, 2017 on the Red River Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to Dorsey Whitney.

Sincerely,

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

Erik R. Johnson

ERJ/lmw  
Enclosure  
cc: Bruce Grubb





# Warner and Company

Insurance Since 1911

318 Broadway • P.O. Box 1470

Fargo, North Dakota 58107

701-237-6414 • Fax 701-239-0009 • 1-800-369-2501

www.warnerandcompany.com

<b>Invoice # 2065</b>	Page 1 of 1
Account Number	Date
DIVEBOA-01	2/20/2017
BALANCE DUE ON	
3/19/2017	
AMOUNT PAID	Amount Due
	\$5,174.00

Producer: Richard Penning

**Diversion Board of Authority  
Metro Flood Diversion Authority  
c/o Kent Costin, 200 North 3rd St  
Fargo, ND 58102**

▼ PLEASE RETURN TOP PORTION WITH YOUR REMITTANCE -- THANK YOU ▼

General Liability	ND Insurance Reserve Fund	PolicyNumber: GL000337305	Effective: 3/19/2017 to 3/19/2018
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Item #	Trans Eff Date	Trans	Description	Amount
80848	3/19/2017	RENB	Renew Liability Coverage	\$5,174.00
<b>Total Invoice Balance:</b>				<b>\$5,174.00</b>

A late payment charge equal to 1.5% will be imposed on each transaction not paid within 30 days of the due date  
**2/20/2017**

**Diversion Board of Authority**

**Page 1 of 1**

If the insurance is not wanted, the policy or memorandum should be returned to our office at once.  
Holding the contract in your possession will be considered your acceptance of it.

9 INVOICE



**Warner and Company Insurance**

318 Broadway  
PO Box 1470  
Fargo, ND 58107-1470  
T (701) 237-6414  
F (701) 239-0009  
warnerandcompany.com

2/20/2017

Diversion Board of Authority  
c/o Kent Costin  
200 North 3<sup>rd</sup> St  
Fargo ND 58102

RE: Commercial General Liability Policy #: GL000337305

Dear Kent:

Enclosed is the renewal of your Commercial General Liability policy effective 3/19/2017 written through ND Insurance Reserve Fund.

Please review the policy carefully and let me know if any of the provisions are unclear or if any revisions are necessary. Throughout the policy term, please keep us informed of any changes in your operations.

Also enclosed is an invoice in the amount of \$5,174.00. Please remit payment in the enclosed return envelope prior to the due date to avoid any late charges.

Thank you for your continued business. Please do not hesitate to call me with any questions or concerns.

Sincerely,

Ross Gailfus  
Key Account Manager/Vice President  
rgailfus@warnerandcompany.com

Enclosure  
Renewal policy/Invoice

**OHNSTAD TWICHELL, P.C.**  
**ATTORNEYS AT LAW**

15-1395 JTS Invoice # 147993  
 Flood Diversion Board  
 Bond Counsel Work – PPP  
 Page 1 of 2

901 13TH AVENUE EAST, P.O. BOX 458  
 WEST FARGO, ND 58078-0458  
 (701) 282-3249

To: Flood Diversion Board  
 PO Box 2806  
 Fargo, ND 58108-2806

DATE: March 1, 2017

AMOUNT REMITTED \$ \_\_\_\_\_

Please detach. Return upper portion with your payment.  
 Payments received after the statement date will be reflected on next month's statement. Thank you.

**PROFESSIONAL SERVICES RENDERED**

**15-1395 JTS Invoice #147993    Flood Diversion Board    Bond Counsel Work – PPP Research 1**

Attorney	Hours	Rate	Fees
JTS	136.60	\$300.00	\$40,980.00
RGH	.50	\$300.00	\$150.00
SNW	.2	\$300.00	\$60.00
KJB	138.20	\$265.00	\$36,623.00
TJL	94.80	\$250.00	\$23,700.00
LWC	9	\$200.00	\$1,800.00
CBC	90.60	\$200.00	\$18,120.00
AJM	84.3	\$150.00	\$12,645.00
LSH	37.50	\$130.00	\$4,875.00
HCG	5.20	\$130.00	\$676.00
<b>Total</b>	<b>596.9</b>		<b>\$139,629.00</b>
<b>Expenses:</b>			
AT & T Conference Calls			\$29.81
Westlaw			\$500.00
Cass County Recorder			\$232.00
Postage-UPS			\$17.06
<b>Grand Total</b>			<b>\$140,407.87</b>

\* Drafting of documents and work streams related to financing, P3, and joint powers agreements.

	Hourly Rate
JTS - John T. Shockley, Partner, Supervising Attorney	\$300.00
RGH - Robert G. Hoy, Partner	\$300.00
SNW –Sarah M. Wear, Partner	\$300.00
KJB - Katie J. Bertsch, Associate	\$265.00
TJL – Tyler J. Leverington, Associate	\$250.00
LWC – Luke W. Croaker, Associate	\$200.00
CBC – Calley B. Campbell, Associate	\$200.00
AJM - Andrea J. Murphy, Paralegal	\$150.00
LSH – Lori S. Hersrud, Paralegal	\$130.00
HCG – Hannah C. Gilbert, Paralegal	\$130.00

PROFESSIONAL SERVICES RENDERED

15-1395 JTS Invoice #147993 Flood Diversion Board Bond Counsel Work – PPP Research 1

FILE NUMBER	MATTER DESCRIPTION	INVOICE TOTAL
151395-0	Bond Counsel Work – PPP - Expenses	\$ 778.87
151395-1	General Topics (Includes General Governance Questions, Notices, ETC.)	\$ 1,740.00
151395-2	Executive Director	\$ 600.00
151395-3	P3 Procurement	\$ 52,792.00
151395-4	Public Finance Issues	\$ 4,785.00
151395-5	Consultant Contract Review/Development	\$ 6,520.00
151395-6	Support of External Litigation Counsel	\$ 2,960.00
151395-9	Environmental Permitting Issues/NEPA	\$ 20,765.00
151395-13	Third Party Utility MOUS	\$ 49,467.00
<b>TOTAL</b>		<b>\$140,407.87</b>



Cass County  
Joint Water  
Resource  
District

March 15, 2017

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

Mark Brodshaug  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Dan Jacobson  
Manager  
West Fargo, North Dakota

Ken Loughheed  
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 \$4,591,721.28 regarding the above referenced projects. The breakdown is as follows:

Metro Flood Diversion	\$1,974,660.35
DPAC	3,423.50
Oxbow-Hickson-Bakke Ring Levee	2,509,432.70
In-Town Levees	104,204.73

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@casscountynд.gov](mailto:wrд@casscountynд.gov)  
[casscountynд.gov](http://casscountynд.gov)

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

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
1/10/2013	12/11/2012			95.90	Erik R. Johnson & Associates, LTD	Legal-ROE mailings
2/9/2017	1/21/2017	147237	100007	1,069.50	Ohnstad Twichell, P.C.	Legal-FM Diversion - Right of Entry
2/9/2017	1/21/2017	147239	130007	13,236.35	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
2/9/2017	1/21/2017	147248	170007	749.50	Ohnstad Twichell, P.C.	Legal-Diversion Acquisition - 1099 Preparation
2/9/2017	1/21/2017	147242	160007	538.00	Ohnstad Twichell, P.C.	Legal-Diversion Acquisition - 1099 Preparation
2/9/2017	1/21/2017	147244	160007	555.00	Ohnstad Twichell, P.C.	Legal-Diversion Authority Agreement-Drains
2/9/2017	1/21/2017	147245	160007	8,415.50	Ohnstad Twichell, P.C.	Legal-Channel Phase I
2/9/2017	1/21/2017	147246	160007	417.00	Ohnstad Twichell, P.C.	Legal-Channel Phase III
2/9/2017	1/30/2017	147532	160007	219.00	Ohnstad Twichell, P.C.	Legal-Eminent Domain - Cossette
2/9/2017	1/21/2017	147236	90007	1,306.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009
2/9/2017	1/21/2017	147241	160007	1,077.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009-Inlet structure
2/23/2017	2/8/2017	705568	38810.00001	340.00	Larkin Hoffman	Legal-Sauvageau property acquisition
2/6/2017	2/6/2017			215,030.91	The Title Company	Vaughn Johnson Property purchase
2/9/2017	1/31/2017	NDFE01312017		2,793.10	Steven Herzog	flowage easement consultation
2/16/2017	2/16/2017			865,913.00	The Title Company	David Campbell property purchase
2/21/2017	2/21/2017			811,993.40	The Title Company	Roger Campbell property purchase
2/9/2017	1/31/2017	1415	2001	3,803.50	Houston-Moore Group	Right-of-entry services
2/14/2017	2/7/2017	62758	R12.00049	10,949.86	Ulteig Engineering	Relocation assistance, land acquisition, project mgmt
2/9/2017	1/31/2017	381094090	479407	24,907.83	CH2M	TO 1-Land acquisition management services - 29%
8/25/2016	8/11/2016			250.00	Mark and Susan Andrews	Soil boring on 59-0000-10926-000 OIN 938
8/25/2016	8/11/2016			250.00	Coster Real Estate Trust	Soil boring on 59-0000-09075-000 OIN 9737
8/25/2016	8/11/2016			250.00	Western Trust Company	Soil boring on 67-0000-12649-000 OIN 1171
2/23/2017	2/23/2017			250.00	Ann Kulas and Stanley Kulas	Soil boring on 59-0000-10948-010
2/23/2017	2/23/2017			250.00	Arlene Larson Trust	Soil borings on 53-0000-09180-010
2/23/2017	2/23/2017			1,250.00	Catherine Fumberg	soil borings on 59-0000-10807-040
2/23/2017	2/23/2017			500.00	Clarence and Doris Krogh Trust	soil boring on 15-0000-12655-030
2/23/2017	2/23/2017			250.00	David Brakken	soil boring on 67-0000-12705-000
2/23/2017	2/23/2017			1,500.00	Harvey Brakken	soil borings on 15-0000-12655-010
2/23/2017	2/23/2017			1,500.00	James Martin and Mariys Martin	soil borings on 53-0000-09177-000
2/23/2017	2/23/2017			750.00	Joanne Knutson	soil borings on 67-0000-12711-050 and 67-0000-12712-010
2/23/2017	2/23/2017			500.00	M Shane Smith and Pamela Smith	soil borings on 67-0000-12711-000
2/23/2017	2/23/2017			500.00	Mary Ann Tintes	soil borings on 53-0000-09061-005
2/23/2017	2/23/2017			1,250.00	Mary Adams	soil borings on 67-0000-12719-010
2/23/2017	2/23/2017			250.00	Stanley and Bea Fuxa Trust	soil boring on 67-0000-12708-010
2/23/2017	2/23/2017			1,250.00	Thunberg Living Trust	soil borings on 53-0000-09129-020
2/23/2017	2/23/2017			250.00	Verden Anderson	soil boring on 15-0000-02641-000
				<b>Total</b>	<b>1,974,660.35</b>	

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
2/9/2017	1/21/2017	147238	120007	555.00	Ohnstad Twichell, P.C.	Legal - Assessment district issues
2/23/2017	12/31/2016	51229	P11473-2012-000	949.50	AE2S	FM Area Diversion assessment district
2/23/2017	1/31/2017	51505	P11473-2012-000	1,919.00	AE2S	FM Area Diversion assessment district
				<b>Total</b>	<b>3,423.50</b>	

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
4/24/2014	3/31/2014	15117		2830-00	-19,579.80	ProSource Technologies, LLC	Invoice paid twice
2/9/2017	1/21/2017	147240		140007	7,069.30	Ohnstad Twichell, P.C.	Legal-property acquisition
2/9/2017	1/30/2017	147533		160007	8,620.00	Ohnstad Twichell, P.C.	Legal-Eminent Domain - Erickson closing costs
2/9/2017	1/11/2017				4,330.67	Briena and Gregory Goldsmith	moving costs
2/9/2017	1/11/2017				8,285.00	Kent & Melissa Rademacher	moving costs
2/9/2017	1/11/2017				1,210.00	Paul and Nancy Kochmann	moving costs for Eldon Johnson
2/10/2017	1/25/2017				6,073.08	Fettes Transportation Systems	Jeffrey Pederson property purchase
2/10/2017	2/10/2017				287,348.01	The Title Company	replacement property-Pederson property purchase - Strei
2/10/2017	02/24/17				376,319.24	The Title Company	replacement property-Strei
02/24/17	02/24/17				478,603.70	The Title Company	property purchase - Eldon Johnson
02/28/17	02/28/17				529,495.96	The Title Company	property purchase - Eldon Johnson
02/28/17	02/28/17				337,902.15	The Title Company	reaplemtent property - Eldon Johnson
02/28/17	02/28/17				391,021.81	The Title Company	reaplemtent property - Eldon Johnson
02/09/17	01/31/17	4875			630.00	Valley Green and Associates	snow removal on 1/13 for Schnell and Riverbend
02/09/17	01/31/17	4873			245.00	Valley Green and Associates	snow removal on 1/6 for Riverbend
02/09/17	01/31/17	4872			455.00	Valley Green and Associates	snow removal on 1/5 for Schnell
2/9/2017	1/31/2017	4779			497.50	Valley Green and Associates	snow removal at old Oxbow Country Club
02/09/17	01/31/17	240554			199.26	Curt's Lock and Key Service	rekey 321 Schnell Drive
02/23/17	02/06/17	1122560			1,387.40	Cass County Electric Cooperative	service to 130 Oxbow Dr
02/23/17	02/06/17	1136703			293.56	Cass County Electric Cooperative	service to 816 Riverbend Rd
02/23/17	02/06/17	1132169			117.84	Cass County Electric Cooperative	service to 821 Riverbend Rd
2/23/2017	2/6/2017	1108711			3,623.57	Cass County Electric Cooperative	Service to various addresses
2/23/2017	2/4/2017	1136126			410.17	Cass County Electric Cooperative	Service to 828 Riverbend Rd
2/23/2017	2/4/2017	1121701			232.22	Cass County Electric Cooperative	Service to 840 Riverbend Rd
2/9/2017	1/31/2017	381094090		479407	36,073.41	CH2M	TO 1-Land acquisition management services - 42%
2/9/2017	1/31/2017	381094091		479407	4,020.00	CH2M	TO No 3 - construction management
11/10/2015	8/31/2015	16440		2830-00	41,143.10	ProSource Technologies, LLC	Project Mgmt, Acquisition, and relocation
2/9/2017	1/31/2017	1417		2003	679.00	Houston-Moore Group	WP-43 Services during construction - on call services
3/24/2016	3/7/2016	B053301		B14-04209	1,021.50	Braun Intertec Corporation	Material testing services
2/9/2017	4/4/2017	5721			1,202.58	Sentry Security & Investigations	Security patrol services
2/23/2017	2/18/2017	5740			502.47	Sentry Security & Investigations	Security patrol services
<b>Total</b>					<b>2,509,432.70</b>		

OXBOW GOLF AND COUNTRY CLUB INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
2/9/2017	1/30/2017	147531		160007	3,121.00	Ohnstad Twichell, P.C.	Legal - Mondragon eminent domain
02/09/17		160110448-1			5,588.00	The Title Company	Property purchase - Burley etc.
02/09/17	01/31/17	1416		2002	1,977.45	Cass County Treasurer	taxes on 93 NP Ave
2/9/2017	1/31/2017	381094090		479407	68,610.44	Houston-Moore Group	TO 2 - Negotiation and acquisition services
					24,907.84	CH2M	TO 1-Land acquisition management services - 29%
<b>Total</b>					<b>104,204.73</b>		
<b>Grand Total</b>					<b>4,591,721.28</b>		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
<b>Total</b>					<b>0.00</b>		



## Finance Office

P.O. Box 2083  
200 3rd Street North  
Fargo, North Dakota 58107-2083  
Phone: 701-241-1333  
Fax: 701-241-1526

March 7, 2017

Metro Flood Diversion Board of Authority  
PO Box 2806  
Fargo, ND 58108-2806

Dear Metro Flood Diversion Board of Authority,

The City of Fargo is submitting for reimbursement invoices paid totaling \$6,402.85. These costs are for the 2016 operation and maintenance of Lift Stations #18 (304 4<sup>th</sup> St S) and #23 (200 2<sup>nd</sup> St N).

Pursuant to Section 13 of the Joint Powers Agreement, the Metro Flood Diversion Authority shall reimburse Member Entities for reasonable costs incurred related to the management, operation, improvement, modification, or maintenance of the Project.

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

Sincerely,

A handwritten signature in cursive script that reads "Kent Costin".

Kent Costin  
Director of Finance, City of Fargo



**2016 Maintenance Costs - Lifts #18 and #23**  
**COF Expense to be Reimbursed by DA**

**2016 Electrical Expense for Lift Stations:**

<u>Location</u>	<u>Account Number</u>	<u>Statement Date</u>	<u>Service Dates</u>	<u>Amount</u>	<u>COF Check Number</u>	<u>COF Paid Date</u>
200 2nd St N	51-0011458648-5	1/3/2017	11/28/16 - 1/1/17	577.56	Pcard	1/10/2017
200 2nd St N	51-0011458648-5	11/29/2016	10/26/16 - 11/28/16	362.47	274048	12/14/2016
200 2nd St N	51-0011458648-5	10/27/2016	9/27/16 - 10/26/16	539.23	Pcard	11/10/2016
200 2nd St N	51-0011458648-5	9/29/2016	9/2/16 - 9/27/16	589.45	Pcard	10/12/2016
				<u>2,068.71</u>		
304 4th St S	51-0011489710-7	12/14/2016	11/10/16 - 12/13/16	761.70	Pcard	12/23/2016
304 4th St S	51-0011489710-7	11/11/2016	10/12/16-11/10/16	327.92	273354	11/23/2016
304 4th St S	51-0011489710-7	10/13/2016	9/27/16 - 10/12/16	181.78	272500	10/26/2016
				<u>1,271.40</u>		
			<b>Total Electric Expense</b>	<u><b>3,340.11</b></u>		

**2016 Insurance Expense for Lift Stations:**

<u>Location</u>	<u>Policy Number</u>	<u>Effective Date</u>	<u>Policy Period</u>	<u>Amount</u>		
304 4th St S	1949	10/17/2016	7/1/16 - 6/30/17	1,302.19	272447	10/26/2016
200 2nd St N	1949	8/1/2016	7/1/16 - 6/30/17	1,760.55	271190	9/14/2016
			<b>Total Insurance Expense</b>	<u><b>3,062.74</b></u>		
			<b>Total Expense for Period</b>	<u><u><b>6,402.85</b></u></u>		

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

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

February 25, 2017  
Invoice No. 2527

RE: Metro Flood Project-General Legal Matters

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**For Legal Services Rendered Through February 25, 2017**

**INVOICE TOTAL**

Total for Current Legal Fees	\$1918.40
Total for Current Disbursements and Service Charges	\$-0-
<b>Total for Current Invoice</b>	<b>\$1918.40</b>

**Summary of Account**

*Prior Balance Due	\$
Total Amount Due	\$1918.40

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

We appreciate your business.

MAR 13 2017



DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MN 55101-1678

MAR 09 2017

Planning, Programs and Project Management Division  
Project Management Branch

SUBJECT: Fargo-Moorhead Metropolitan Area, Construction Phase – Funds Request 002 for  
2017 Surveys and Mitigation

Chairman Tim Mahoney  
Metro Flood Diversion Authority  
Box 2806  
211 Ninth Street South  
Fargo, North Dakota 58108-2806

Dear Chairman Mahoney:

The Corps of Engineers is in the process of contracting for biotic and geomorphic baseline surveys and cultural mitigation projects. As previously communicated, completing these tasks in 2017 is important and required. Due to the uncertain timing of FY17 federal appropriations, we are requesting non-federal sponsor funds to award the task orders and get this work started. The following funds will be required by 1 April 2017 in order to award the task order amounts:

Biotic Monitoring: \$450,000  
Geomorphic Monitoring: \$500,000  
Geomorphic Surveys: \$200,000  
Cultural, Phase II investigations \$30,000  
Cultural, Phase III mitigation \$50,000

Total request: \$1,230,000

Note that the amount for the Phase III cultural resources mitigation is for the initial task associated with this effort, with the final total task order amount estimated to be approximately \$2,000,000.

These funds will count towards the required cash contribution (5 percent of the Federally Comparable Plan) and are associated with Cost Share Control Record Number 555. A total of \$7,007,366.83 was provided as advance funds during the preconstruction, engineering and design phase and \$45,000,000 was provided during the construction phase bringing the total cost share funds provided by the Fargo-Moorhead Metropolitan Area sponsors to date to \$52,007,366.83 out of an estimated total of \$64,967,550. Note that, as stated in the Project Partnership Agreement, neither the Government nor the Non-Federal Sponsors is considered, the agent of the other.

We request that \$1,230,000 be wired directly to the U.S. Army Corps of Engineers. We are providing the following information:

a. Bank Name: Cash Link-ACH Receiver  
Account Name: [REDACTED]  
Bank ABA Number: [REDACTED]  
Account Number: [REDACTED]  
Bank Address: Riverdale MD  
Account Type: Checking

b. Advance Account Number: 349

c. ROV Number: 1948

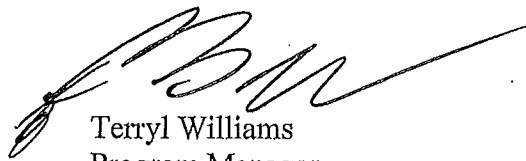
d. Cost Share Number: 555

The instructions require a notification letter from the non-Federal sponsor 14 days in advance of the transfer. To do this, please email [terryl.l.williams@usace.army.mil](mailto:terryl.l.williams@usace.army.mil) and [cherie.d.law@usace.army.mil](mailto:cherie.d.law@usace.army.mil) with the date of transfer, amount and type of transfer. We will then forward this information to our point of contact at our Finance Center in Tennessee.

Please contact Cherie D. Law of our Finance and Accounting Branch at (651) 290-5465, if additional help is required to complete the electronic funds transfer.

If you have any questions concerning this potential request, please contact me at (651) 290-5517 or at [terryl.l.williams@usace.army.mil](mailto:terryl.l.williams@usace.army.mil).

Sincerely,



Terry Williams  
Program Manager

cc:

Honorable Del Rae Williams  
Mayor of Moorhead  
500 Center Avenue  
PO Box 779  
Moorhead, MN 56561-0779

Honorable Dr. Tim Mahoney  
Mayor of Fargo  
200 Third Street North  
Fargo, ND 58102

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

Mr. Michael Redlinger  
Assistant City Administrator  
200 Third Street North  
Fargo, ND 58102

Mr. Darrell Vanyo  
Cass County  
211 9th Street South  
PO Box 2806  
Fargo ND 58108-2806



# Fargo-Moorhead Metropolitan Council of Governments

701.232.3242 • FAX 701.232.5043 • Case Plaza Suite 232 • One 2nd Street North • Fargo, North Dakota 58102-4807

Email: metrocog@fmmetrocog.org

http://www.fmmetrocog.org

## Invoice

Invoice Number: 746  
Invoice Date: 02/14/2017  
Due Date: 03/14/2017

**Contact:**  
City of Fargo  
Attn: Nathan Boerboom  
200 3 St N  
Fargo, ND 58102

**Metro COG Contact:**  
Dave Burns  
701.232.3242 ext. 36  
burns@fmmetrocog.org

**Bill to:**  
City of Fargo  
Attn: Nathan Boerboom  
200 3 St N  
Fargo, ND 58102

**Ship to (if different address):**

Unit No.	Description	Qty	Amount
Project 2016-004	2017 Aerial Collection: Aerial Ortho Imagery (CPG Eligible portion)	1	\$21,387.15
Project 2016-004	2017 Aerial Collection: Aerial Ortho Imagery (non-CPG Eligible portion)	1	\$24,047.46
Project 2016-004	2017 Aerial Collection: LiDAR/Elevation/Contour Mapping (CPG Eligible portion)	1	\$50,782.49
Project 2016-004	2017 Aerial Collection: LiDAR/Elevation/Contour Mapping (non-CPG Eligible portion)	1	\$57,099.23
Project 2016-004	2017 Aerial Collection: Planimetric Compilation Updates (Not CPG Eligible)	1	\$84,713.74
Project 2016-004	2017 Aerial Collection: Impervious Surface Polygons (Not CPG Eligible)	0	\$0.00

Subtotal	\$238,030.07
Shipping	-
Tax Rate	-
Tax	-

**Total Due \$238,030.07**

Please send your remittance to:

F-M METRO COG  
CASE PLAZA  
ONE 2ND STREET NORTH, SUITE 232  
FARGO ND 58102-4807

FM Metropolitan Area Flood Risk Management Project  
Fiscal Accountability Report Design Phase (Fund 790)  
As of 2/24/2017

	2011	2012	2013	2014	2015	2016	2017	Cumulative Totals
<b>Revenues</b>								
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	28,310,373	35,212,877	2,426,573	100,491,734
Cass County	443,138	7,652,681	7,072,961	19,373,131	28,310,373	111,715,540	2,232,633	176,800,457
State Water Commission			3,782,215	602,918	31,056,740	101,436,302	4,008,385	140,886,560
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	6,291,194	(13,260,368)	-	706,805
Reimbursements						33,880	-	33,880
Lease/Rental Payments			17,358	154,180	180,341	260,806	4,500	617,185
Asset Sales				616,774	315,892	175,190	-	1,107,856
Miscellaneous			226	626	427		-	1,279
<b>Total Revenues</b>	<b>984,751</b>	<b>17,005,957</b>	<b>19,517,490</b>	<b>44,425,900</b>	<b>94,465,340</b>	<b>235,574,227</b>	<b>8,672,091</b>	<b>420,645,755</b>
<b>Expenditures</b>								
7905 Army Corp Payments	-	-	875,000	1,050,000	2,725,000	47,279,000	-	51,929,000
7910 WIK - Administration	107,301	331,321	77,614	169,019	282,227	545,555	54,421	1,567,458
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,660,226	2,719,505	231,522	25,466,614
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	8,464,392	1,363,463	30,506,313
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	3,232,475	129,566,779
7931 LERRDS - Minnesota		27,996	287,907	13,068	32,452	1,815,566		2,176,989
7940 WIK Mitigation - North Dakota				587,180				587,180
7941 WIK Mitigation - Minnesota								-
7950 Construction - North Dakota				1,738,638	19,269,055	42,263,916	1,096,531	64,368,140
7951 Construction - Minnesota								-
7952 Construction - O/H/B				11,282,504	5,044,001	776,720	14,900	17,118,124
7955 Construction Management				556,209	2,867,422	5,182,366	602,312	9,208,309
7990 Project Financing		50,000	70,000	216,376	566,600	5,435,289	1,131,539	7,469,804
7995 Project Eligible - Off Formula Costs						-		-
7999 Non Federal Participating Costs	116					-		116
<b>Total Expenditures</b>	<b>984,750</b>	<b>17,005,957</b>	<b>11,990,261</b>	<b>45,324,414</b>	<b>95,896,147</b>	<b>161,199,358</b>	<b>7,727,163</b>	<b>340,128,049</b>

**FM Metropolitan Area Flood Risk Management Project**  
**Statement of Net Position**  
**February 24, 2017**

	<b>Amount</b>
<b>Assets</b>	
Cash	\$ 79,348,174
Receivables	
State Water Commission *	1,815,552
Proceeds from Oxbow Lot Sales	2,383,317
<b>Total assets</b>	<b>83,547,043</b>
 <b>Liabilities</b>	
Vouchers payable	7,921
Retainage payable	3,029,338
<b>Total liabilities</b>	<b>3,037,258</b>
 <b>NET POSITION</b>	 <b>\$ 80,509,784</b>

\* Receivable balance is as of 1.31.2017



FM Metropolitan Area Flood Risk Management Project  
 FY 2017 Summary Budget Report ( In Thousands)  
 As of 24 February 2017

	FY 2017 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
<b>Revenue Sources</b>						
City of Fargo	-	180	2,427			
Cass County	-	1,062	2,233			
State of ND - 50 % Match	-	704	1,525			
State of ND - 100% Match	-	1,111	2,483			
State of Minnesota	-	-	-			
Other Agencies	-	-	-			
Financing Proceeds	-	-	-			
Reimbursements	-	-	-			
Sales of Assets	-	-	-			
Property Income	-	-	-			
Miscellaneous	-	-	5			
<b>Total Revenue Sources</b>	<b>241,311</b>	<b>3,058</b>	<b>8,672</b>	<b>-</b>	<b>-</b>	<b>232,639</b>
<b>Funds Appropriated</b>						
Diversion Channel & Assoc. Infrastructure	16,576	11	591	4%	7,876	8,109
Southern Embankment & Assoc. Infrastructure	100	-	-	0%	-	100
Other Mitigation Projects	24,246	-	7	0%	2,100	22,139
In-Town Flood Protection	46,176	961	1,807	4%	5,039	39,330
Enabling Work / Other	9,811	-	-	0%	-	9,811
Land Acquisition & Mitigation	107,420	93	3,015	3%	26,185	78,220
Engineering & Design Fees	10,694	138	378	4%	5,505	4,810
Program Management	17,247	1,413	1,929	11%	16,866	(1,548)
Contingency	805	-	-	0%	-	805
Debt Service	8,137	-	-	0%	-	8,137
Maintenance	100	-	-	0%	-	100
<b>Total Appropriations</b>	<b>241,311</b>	<b>2,616</b>	<b>7,727</b>	<b>3%</b>	<b>63,571</b>	<b>170,013</b>

FM Metropolitan Area Flood Risk Management Project  
Summary of Expenses  
February 2017

Account_Number	CheckDate	Check_Number	Vendor_Name	Transaction_Amount	Expense_Description	Project_Number	Project_Description
790-0000-206.10-00	2/1/2017	275252	INDUSTRIAL CONTRACT SERVICES INC	\$ 189,590.88	Retainage PO #174726	V02805	PUMP STATION & FLOODWALL
Total - Retainage Paid				\$ 189,590.88			
790-7910-429.33-25	2/1/2017	275232	ERIK R JOHNSON & ASSOCIATES	\$ 1,453.04	FLOOD LEGAL MATTERS	V00102	General & Admin. WIK
790-7910-429.33-25	2/22/2017	275899	OXBOW, CITY OF	\$ 16,662.50	TURMAN & LANG	V02407	OXBOW MOU-LEGAL SERVICES
Total WIK - General and Admin. - Legal Services				\$ 18,115.54			
790-7910-429.38-68	2/3/2017	601	P CARD BMO	\$ 3,500.00	FREDRIKSON AND BYRON P	V00102	General & Admin. WIK
Total WIK - General and Admin. - Lobbyist				\$ 3,500.00			
790-7915-429.33-05	2/15/2017	275769	URS CORPORATION	\$ 15,930.00	CULTURAL RESOURCES INVEST	V01003	CULTURAL RESOURCES INVEST
790-7915-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 32,409.92	RECREATION & USE PLAN	V01607	RECREATION/USE MASTER PLN
790-7915-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 2,319.00	WORK IN KIND ITEMS	V01608	WORK-IN-KIND (WIK)
790-7915-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 5,547.50	TRANS/LOCAL DRAINAGE PLAN	V01614	TRANS/DRAINAGE MASTER PLN
790-7915-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 16,386.82	PERMIT SUBMITTAL PREP	V01616	PERMIT SUBMITTAL PREP
790-7915-429.33-05	2/22/2017	275899	OXBOW, CITY OF	\$ 240.00	MOORE ENGINEERING, INC.	V02402	OXBOW MOU-PRELIM ENGINRNG
790-7915-429.33-05	2/22/2017	275899	OXBOW, CITY OF	\$ 340.00	MOORE ENGINEERING, INC.	V02403	OXBOW MOU-CONCEPT LAYOUTS
790-7915-429.33-05	2/22/2017	275819	BEAVER CREEK ARCHAEOLOGY	\$ 8,194.90	CULTURAL INVESTIGATION	V02601	CULTURAL INVESTIGATION
790-7915-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 2,601.00	GRADE RAISE DESIGN	V01620	SEAI-H29 GRADE RAISE DSGN
Total WIK - Project Design - Engineering Services				\$ 83,969.14			
790-7920-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 53,338.55	PROJECT MANAGEMENT	V01601	HMG - PROJECT MANAGEMENT
Total WIK - Construction Management - Engineering Services				\$ 53,338.55			
790-7920-429.33-79	2/15/2017	275636	CH2M HILL ENGINEERS INC	\$ 700,000.00	MGMT TECHINCAL OUTREACH	V00206	CH2M HILL-2.27-11.25.16
790-7920-429.33-79	2/15/2017	275636	CH2M HILL ENGINEERS INC	\$ 497,000.00	MGMT TECHNICAL OUTREACH	V00206	CH2M HILL-2.27-11.25.16
790-7920-429.33-79	2/22/2017	275899	OXBOW, CITY OF	\$ 4,139.05	MOORE ENGINEERING, INC.	V02421	OXBOW MOU-MOORE PROJ MGMT
Total WIK - Construction Management - Construction Management				\$ 1,201,139.05			
790-7930-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 157.00	UTILITY DESIGN	V01610	UTILITIES DESIGN
790-7930-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 1,018.50	BRIDGE CHANNEL	V01618	WP28 - CR-16/CR-17 BRIDGE
Total LERRDS - North Dakota - Engineering Services				\$ 1,175.50			
790-7950-429.73-20	2/15/2017	275707	LANDWEHR CONSTRUCTION INC	\$ 15,549.01	DEMO WORK	V02816	DOWNTOWN AREA DEMOLITION
790-7950-429.73-20	2/15/2017	275707	LANDWEHR CONSTRUCTION INC	\$ 8,060.27	DEMO WORK	V02816	DOWNTOWN AREA DEMOLITION
Total ND Construction - Site Improvements				\$ 23,609.28			
790-7950-429.73-52	2/1/2017	275252	INDUSTRIAL CONTRACT SERVICES INC	\$ 271,514.58	PUMP STATION & FLOODWALL	V02805	PUMP STATION & FLOODWALL
790-7950-429.73-52	2/1/2017	275251	INDUSTRIAL BUILDERS INC	\$ 183,568.59	NORTH OF PUMP STATION	V02819	2ND ST N FLOODWALL
790-7950-429.73-52	2/1/2017	275296	NEWMAN SIGNS INC	\$ 5,816.00	PROPANE GUARDRAIL	V02805	PUMP STATION & FLOODWALL
790-7950-429.73-52	2/22/2017	275866	INDUSTRIAL BUILDERS INC	\$ 220,378.80	N OF PUMP STATION 42F.1N	V02819	2ND ST N FLOODWALL
Total ND Construction - Flood Control				\$ 681,277.97			
790-7950-429.73-70	2/17/2017	JB14160013	CITY OF FARGO-AUDITORS OFFICE	\$ 29,932.28	COF FIBER RELOCATE COSTS	V02808	COF REROUTE FIBER OPTIC
790-7950-429.73-70	2/17/2017	JB14160013	CITY OF FARGO-AUDITORS OFFICE	\$ 14,720.00	COF FIBER RELOCATE COSTS	V02808	COF REROUTE FIBER OPTIC
Total ND Construction - Utilities				\$ 44,652.28			
790-7955-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 93,800.65	CONST WORK PACKAGE 42	V02806	CONSTRUCTION SVCS WP42
Total Construction Management - Engineering Services				\$ 93,800.65			

FM Metropolitan Area Flood Risk Management Project  
 Summary of Expenses  
 February 2017

Account_Number	CheckDate	Check_Number	Vendor_Name	Transaction_Amount	Expense_Description	Project_Number	Project_Description
790-7955-429.33-06	2/15/2017	275764	TERRACON CONSULTING ENGINEERS	\$ 15,894.25	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
790-7955-429.33-06	2/15/2017	275764	TERRACON CONSULTING ENGINEERS	\$ 4,977.10	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
790-7955-429.33-06	2/15/2017	275764	TERRACON CONSULTING ENGINEERS	\$ 5,943.25	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
790-7955-429.33-06	2/15/2017	275764	TERRACON CONSULTING ENGINEERS	\$ 8,345.20	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
790-7955-429.33-06	2/15/2017	275764	TERRACON CONSULTING ENGINEERS	\$ 875.00	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
790-7955-429.33-06	2/15/2017	275764	TERRACON CONSULTING ENGINEERS	\$ 846.80	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
Total Construction Management - Quality Testing				\$ 36,881.60			
790-7955-429.33-79	2/15/2017	275636	CH2M HILL ENGINEERS INC	\$ 91,016.00	CONSTRUCTION MGMT SERVICE	V02820	WP-42 CONSTRUCTN MGMT-CH2M
790-7955-429.33-79	2/15/2017	275636	CH2M HILL ENGINEERS INC	\$ 34,797.50	CONSTRUCTION MGMT SERVICE	V02820	WP-42 CONSTRUCTN MGMT-CH2M
Total Construction Management - Construction Management				\$ 125,813.50			
790-7990-429.33-05	2/22/2017	275864	HOUSTON-MOORE GROUP LLC	\$ 10,846.80	DOCUMENT PREP SUPPORT	V01619	PPP DOCUMENT PREP SUPPRT
Total Project Financing - Engineering Services				\$ 10,846.80			
790-7990-429.33-25	2/3/2017	601	P CARD BMO	\$ 107,600.50	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
Total Project Financing - Legal Services				\$ 107,600.50			
790-7990-520.80-20	2/22/2017	275829	CASS COUNTY TREASURER	\$ 87,787.83	JAN LOAN INTEREST	V02904	\$100M CASS WELLS FAR ADVN
790-7990-520.80-20	2/14/2017	JB02170011	CITY OF FARGO-AUDITORS OFFICE	\$ 42,109.57	2.1.17 WF INTEREST PMT	V02903	\$100M COF WELLS FAR ADVNC
Total Project Financing - Interest on Bonds				\$ 129,897.40			
TOTAL EXPENSES				\$ 2,805,208.64			
				\$ 189,590.88	Retainage Paid		
				\$ 2,615,617.76	Total Less Retainage Paid		

FM Metropolitan Area Flood Risk Management Project  
Cumulative Vendor Payments Since Inception  
As of February 24, 2017

Vendor Name	Sum of Approved Contract/Invoice Amount	Sum of Liquidated	Sum of Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	\$ 150,484,282.07	\$ 128,606,363.10	\$ 21,877,918.97	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
ARMY CORP OF ENGINEERS	\$ 51,929,000.00	\$ 51,929,000.00	\$ -	Local Share
CH2M HILL ENGINEERS INC	\$ 50,618,819.01	\$ 27,014,594.31	\$ 23,604,224.70	Project & Construction Management
INDUSTRIAL BUILDERS INC	\$ 39,458,121.21	\$ 37,745,348.93	\$ 1,712,772.28	2nd St North Pump Station Project and 2nd Street Floodwall
HOUSTON-MOORE GROUP LLC	\$ 35,594,042.89	\$ 30,691,040.09	\$ 4,903,002.80	Engineering Services
INDUSTRIAL CONTRACT SERVICES I	\$ 17,576,871.19	\$ 16,447,384.78	\$ 1,129,486.41	4th St Pump Station and 2nd Street Floodwall
OXBOW, CITY OF	\$ 15,387,846.10	\$ 14,714,181.30	\$ 673,664.80	(blank)
ASHURST LLP	\$ 6,715,133.70	\$ 2,004,951.20	\$ 4,710,182.50	PPP Legal Counsel
DORSEY & WHITNEY LLP	\$ 3,765,491.43	\$ 3,765,491.43	\$ -	Legal Services
JP MORGAN CHASE-LOCKBOX PROCES	\$ 3,377,000.00	\$ 1,691,290.00	\$ 1,685,710.00	Financial Advisor
CENTURYLINK	\$ 2,586,742.00	\$ 2,586,742.00	\$ -	Utility Relocation
MINNESOTA DNR	\$ 2,325,472.35	\$ 2,325,472.35	\$ -	EIS Scoping
LANDWEHR CONSTRUCTION INC	\$ 2,085,150.82	\$ 2,071,876.59	\$ 13,274.23	In-Town Demolition Contracts
URS CORPORATION	\$ 1,922,118.42	\$ 1,718,581.02	\$ 203,537.40	Engineering Services
KENNELLY & OKEEFFE	\$ 1,729,110.56	\$ 1,729,110.56	\$ -	Home Buyouts
HOUGH INCORPORATED	\$ 1,603,909.25	\$ 1,215,633.53	\$ 388,275.72	2nd Street South Flood Control
REINER CONTRACTING INC	\$ 1,601,366.99	\$ 1,598,471.70	\$ 2,895.29	EI Zagal Flood Risk Management
ACONEX (NORTH AMERICA) INC	\$ 1,322,146.00	\$ 306,856.00	\$ 1,015,290.00	Electronic Data Mgmt and Record Storage System
CITY OF FARGO	\$ 1,279,737.26	\$ 1,279,737.26	\$ -	Advance DS Payments
CONSOLIDATED COMMUNICATIONS	\$ 1,063,096.11	\$ 1,063,096.11	\$ -	Utility Relocation
OHNSTAD TWICHELL PC	\$ 1,047,023.63	\$ 1,047,023.63	\$ -	ROE and Bonding Legal Fees
CASS COUNTY TREASURER	\$ 1,020,165.15	\$ 1,020,165.15	\$ -	Property Taxes and Bank Loan Advance DS Payments
XCEL ENERGY	\$ 908,800.84	\$ 174,255.08	\$ 734,545.76	Utility Relocation
TERRACON CONSULTING ENGINEERS	\$ 828,792.49	\$ 805,484.92	\$ 23,307.57	Materials Testing
MOORE ENGINEERING INC	\$ 662,468.17	\$ 662,468.17	\$ -	Engineering Services
US BANK	\$ 626,849.03	\$ 626,849.03	\$ -	Loan Advance Debt Service 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	\$ 515,110.63	\$ 512,363.83	\$ 2,746.80	Legal Services
RED RIVER BASIN COMMISSION	\$ 500,000.00	\$ 500,000.00	\$ -	Retention Projects - Engineering Services
NORTHERN TITLE CO	\$ 484,016.00	\$ 484,016.00	\$ -	Land Purchases
AT & T	\$ 444,166.14	\$ 444,166.14	\$ -	Utility Relocation
702 COMMUNICATIONS	\$ 326,243.91	\$ 266,892.07	\$ 59,351.84	Utility Relocation
BUFFALO-RED RIVER WATERSHED DI	\$ 220,768.00	\$ -	\$ 220,768.00	Retention Projects - Engineering Services
ROBERT TRENT JONES	\$ 200,000.00	\$ 200,000.00	\$ -	Oxbow MOU - Golf Course Consulting Agreement
AON RISK SERVICES CENTRAL, INC	\$ 150,000.00	\$ 77,119.45	\$ 72,880.55	P3 Risk Advisory Services
CABLE ONE (FARGO)	\$ 148,511.37	\$ -	\$ 148,511.37	Utility Relocation
PFM PUBLIC FINANCIAL MANAGEMEN	\$ 146,460.00	\$ 146,460.00	\$ -	Financial Advisor
BOIS DE SIOUX WATERSHED DISTRI	\$ 145,380.00	\$ -	\$ 145,380.00	Retention Projects - Engineering Services
NDSU BUSINESS OFFICE-BOX 6050	\$ 135,167.00	\$ 135,167.00	\$ -	Ag Risk Study Services
AT&T NETWORK OPERATIONS	\$ 125,238.30	\$ 125,238.30	\$ -	Utility Relocation
ENVENTIS	\$ 115,685.62	\$ 115,685.62	\$ -	Utility Relocation
BEAVER CREEK ARCHAEOLOGY	\$ 111,000.00	\$ 78,633.22	\$ 32,366.78	Engineering Services
UNITED STATES GEOLOGICAL SURVE	\$ 104,600.00	\$ 104,600.00	\$ -	Water Level Discharge Collection
FREDRIKSON & BYRON, PA	\$ 102,022.08	\$ 88,022.08	\$ 14,000.00	Lobbying Services
PROSOURCE TECHNOLOGIES, INC	\$ 100,000.00	\$ 8,324.94	\$ 91,675.06	Vibrating Wire Piezometer Equipment

FM Metropolitan Area Flood Risk Management Project  
Cumulative Vendor Payments Since Inception  
As of February 24, 2017

Vendor Name	Sum of Approved Contract/Invoice Amount	Sum of Liquidated	Sum of Outstanding Encumbrance	Purpose
ULTEIG ENGINEERS INC	\$ 100,000.00	\$ -	\$ 100,000.00	Engineering Services
SPRINGSTED INCORPORATED	\$ 99,365.85	\$ 99,365.85	\$ -	Financial Advisor
BRAUN INTERTEC CORP	\$ 77,629.00	\$ 77,629.00	\$ -	Quality Testing
EL ZAGAL TEMPLE HOLDING CO	\$ 76,000.00	\$ 76,000.00	\$ -	Easement Purchase for El Zagal Levee
CENTURYLINK ASSET ACCOUNTING-B	\$ 74,195.92	\$ 74,195.92	\$ -	Utility Relocation
GRAY PANNELL & WOODWARD LLP	\$ 66,300.68	\$ 66,300.68	\$ -	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
CLAY COUNTY AUDITOR	\$ 34,180.71	\$ 34,180.71	\$ -	Property Tax, Home Buyout Demo
GEOKON INC	\$ 33,815.36	\$ 33,815.36	\$ -	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	\$ 33,066.02	\$ 33,066.02	\$ -	Property Management Services
WARNER & CO	\$ 30,049.00	\$ 24,875.00	\$ 5,174.00	General Liability Insurance
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
ND WATER USERS ASSOCIATN	\$ 15,000.00	\$ 15,000.00	\$ -	Membership Dues
BRIGGS & MORGAN PA	\$ 12,727.56	\$ 12,727.56	\$ -	Legal Services
MAP SERVICE CENTER	\$ 7,250.00	\$ 7,250.00	\$ -	Permit fee
NEWMAN SIGNS INC	\$ 5,816.00	\$ 5,816.00	\$ -	Propane Tank Vehicle Crash Protection
ONE	\$ 3,575.00	\$ 3,575.00	\$ -	Legal Services
MCKINZIE METRO APPRAISAL	\$ 3,200.00	\$ 3,200.00	\$ -	Appraisal Services
BNSF RAILWAY CO	\$ 2,925.00	\$ 2,925.00	\$ -	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
SEIGEL COMMUNICATIONS SERVICE	\$ 1,490.00	\$ 1,490.00	\$ -	Public Outreach
HUBER, STEVE	\$ 1,056.43	\$ 1,056.43	\$ -	Home Buyouts
DEPT OF NATURAL RESOUR	\$ 1,000.00	\$ 1,000.00	\$ -	DNR Dam Safety Permit Application Fee
TRIO ENVIRONMENTAL CONSULTING	\$ 747.60	\$ 747.60	\$ -	Asbestos and LBP Testing - Home Buyouts
RED RIVER TITLE SERVICES INC	\$ 675.00	\$ 675.00	\$ -	Abstract Updates
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
CURTS LOCK & KEY SERVICE INC	\$ 138.10	\$ 138.10	\$ -	Service Call - Home Buyouts
GOOGLE LOVEINTHOVEN	\$ 116.00	\$ 116.00	\$ -	Meeting Incidentals
FEDERAL EXPRESS CORPORATION	\$ 71.89	\$ 71.89	\$ -	Postage
<b>Grand Total</b>	<b>\$ 403,698,992.94</b>	<b>\$ 340,128,050.11</b>	<b>\$ 63,570,942.83</b>	

**FM Metropolitan Area Flood Risk Management Project  
Lands Expense - Life To Date  
As of February 24, 2017**

Property Address	Purchase Date	Purchase Price	Replacement Lot	Down Payment	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
<b>Commercial Relocations - Fargo</b>								
Park East Apartments - 1 2nd St S	6/23/2015	9,002,442.20	-	-	-	1,376,106.04	-	10,378,548.24
Howard Johnson - 301 3rd Ave N	11/2/2015	3,266,079.60	-	-	-	3,322,432.41	(1,100.00)	6,587,412.01
Fargo Public School District - 419 3rd St N	3/16/2016	1,903,475.78	-	-	-	7,550,036.23	-	9,453,512.01
Mid America Steel - NP Ave, North	6/21/2016	437,371.41	-	-	-	5,370,000.00	-	5,807,371.41
Case Plaza 117NP Ave N	1/12/2017	250,205.32	-	-	-	-	-	250,205.32
<b>Home Buyouts - Fargo</b>								
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	204,457.83	-	-	-	35,615.30	(10,000.00)	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		350,000.00	-	-	-	3,360.00	-	353,360.00
<b>Home Buyouts - Moorhead</b>								
387 170th Ave SW	11/1/2013	281,809.91	-	-	-	-	(8,440.00)	273,369.91
16678 3rd St S		-	-	-	192,600.00	80,210.80	-	272,810.80
<b>Home Buyouts - Oxbow</b>								
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	480,784.30	-	-	-	205,699.82	-	686,484.12
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	-	-	-	407,103.56	-	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 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	-	-	-	579,388.16	-	1,381,059.85
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	-	-	-	353,321.19	-	681,960.66
317 Schnell Dr / 409 Trent Jones Dr	9/7/2016	548,393.52	136,000.00	86,000.00	-	558,413.52	-	1,106,807.04
330 Schnell Drive	10/4/2016	328,134.82	-	150,000.00	-	122,740.00	-	450,874.82
329 Schnell Dr / 417 Trent Jones Dr	10/4/2016	549,277.00	130,000.00	50,000.00	-	498,601.00	-	1,047,878.00
321 Schnell Dr / 410 Trent Jones Dr	10/7/2016	462,334.69	148,000.00	114,134.00	9,200.00	514,927.48	-	986,462.17
813 Riverbend Rd / 449 Trent Jones Dr	10/14/2016	660,997.62	163,000.00	65,000.00	-	797,937.65	-	1,458,935.27
325 Schnell Drive / 426 Trent Jones Dr	11/3/2016	403,498.66	141,000.00	84,800.00	-	398,605.30	-	802,103.96
844 Riverbend Road	11/11/2016	716,599.40	-	400,000.00	-	15,118.84	-	731,718.24
828 Riverbend Rd	11/30/2016	955,928.53	-	25,000.00	-	-	-	955,928.53
341 Schnell Dr / 343 Trent Jones Dr	12/8/2016	480,921.52	143,000.00	133,475.50	-	651,239.28	-	1,132,160.80
840 Riverbend Rd / 442 Trent Jones Dr	12/21/2016	547,075.19	139,000.00	50,000.00	-	412,331.14	-	959,406.33
816 Riverbend Rd / 441 Trent Jones Dr	12/27/2016	567,413.07	107,000.00	270,426.00	-	331,604.45	-	899,017.52
821 Riverbend Rd / 438 Trent Jones Dr	1/13/2017	580,781.00	-	-	-	-	-	580,781.00
805 Riverbend Rd / 776 River Bend Rd		-	131,000.00	89,855.00	220,855.00	-	-	220,855.00
338 Schnell Dr / 775 River Bend Rd		-	115,000.00	107,500.00	222,500.00	-	-	222,500.00
808 Riverbend Road / 254 South Schnell Dr		-	150,000.00	46,211.25	235,211.25	-	-	235,211.25
817 Riverbend Road / 421 Trent Jones Dr	In Escrow	-	-	-	448,300.00	453,212.00	-	901,512.00
848 Riverbend Rd / 783 River Bend Rd	In Escrow	-	160,000.00	40,000.00	306,000.00	1,340,781.00	-	1,646,781.00
843 Riverbend Rd / 445 Trent Jones Dr	In Escrow	-	160,000.00	20,000.00	700,000.00	1,163,752.00	-	1,863,752.00
829 Riverbend Rd / 788 River Bend Rd		-	-	-	-	8,000.00	-	8,000.00
337 Schnell Dr / 353 Trent Jones Dr		-	124,000.00	98,021.00	222,021.00	-	-	222,021.00
313 Schnell Drive/ 413 Trent Jones Dr		-	133,000.00	64,243.00	197,243.00	-	-	197,243.00
<b>Home Buyouts - Hickson</b>								
17495 52nd St SE	4/28/2015	785,747.66	-	-	-	27,604.74	-	813,352.40
4989 Klitzke Drive, Pleasant Twp	7/20/2016	245,926.71	-	-	-	92,817.44	-	338,744.15

**FM Metropolitan Area Flood Risk Management Project  
Lands Expense - Life To Date  
As of February 24, 2017**

Property Address	Purchase Date	Purchase Price	Replacement Lot	Down Payment	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
<b>Easements - Fargo</b>								
Part of Lot 5 El Zagal Park	10/9/2014	76,000.00	-	-	-	-	-	76,000.00
72 2nd St N	4/13/2016	37,020.00	-	-	-	-	-	37,020.00
<b>Easements - Oxbow</b>								
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-	-	-	-	-	55,500.00
<b>Easements - Diversion Inlet Control Structure</b>								
15-0000-02690-020 - Cossette		476,040.00	-	-	-	-	-	476,040.00
64-0000-02730-000 - Sauvageau		268,020.00	-	-	-	-	-	268,020.00
64-0000-02720-000 - Ulstad		469,874.00	-	-	-	-	-	469,874.00
64-0000-027400-000 - Duboard	9/15/2016	177,399.29	-	-	-	-	-	177,399.29
<b>Easements - Minesota</b>								
Askegaard Hope Partnership	10/14/2016	1,542,370.79	-	-	-	-	-	1,542,370.79
<b>Farmland Purchases</b>								
SE 1/4 11-140-50 (Raymond Twp) - Ueland	1/20/2014	959,840.00	-	-	-	-	-	959,840.00
2 Tracts in the E 1/2-2-137-49 - Sorby/Maier	1/24/2014	1,636,230.00	-	-	-	-	-	1,636,230.00
3 Tracts NW1/4 1-140-50, NW1/4 11-140-50, & S1/2 25-141-50 - Rust	2/18/2014	3,458,980.70	-	-	-	-	-	3,458,980.70
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	-	-	991,128.19
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 - Gorder	5/13/2014	321,386.00	-	-	-	-	-	321,386.00
SW 1/4-11-140-50 - Hoglund	7/21/2014	989,706.03	-	-	-	-	-	989,706.03
NW 1/4 14-140-50 - Hoglund	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) - Henke	6/17/2015	1,196,215.00	-	-	-	-	-	1,196,215.00
<b>Land Purchases</b>								
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		-	-	-	27,000.00	-	-	27,000.00
		<b>60,149,262.38</b>	<b>2,080,000.00</b>	<b>1,894,665.75</b>	<b>2,780,930.25</b>	<b>31,356,778.38</b>	<b>(1,117,856.01)</b>	<b>93,169,115.00</b>
						<b>Property Management Expense</b>		837,726.73
						<b>Property Management Income</b>		(627,228.27)
						<b>Grand Total</b>		<b>\$ 93,379,613.46</b>

**FM Metropolitan Area Flood Risk Management Project  
In-Town Levee Work  
as of February 24, 2017**

<b>Vcode #</b>	<b>Vendor Name</b>	<b>Descriptions</b>	<b>Contract Amount</b>	<b>Amount Paid</b>
V02801	Industrial Builders	WP42.A2 - 2nd Street North Pump Station	\$ 8,683,649.98	\$ 2,948,201.48
V02802	Terracon Consulting	WP-42 (In Town Levees) Materials Testing	\$ 828,792.49	\$ 573,068.81
V02803	Consolidated Communications	2nd Street Utility Relocation	\$ 1,178,781.73	\$ 544,177.84
V02804	702 Communications	2nd Street Utility Relocation	\$ 326,243.91	\$ 66,981.89
V02805	ICS	WP-42A.1/A.3 - 4th St Pump Station & Gatewell and 2nd St Floodwall S	\$ 17,583,287.19	\$ 5,583,654.99
V02806	HMG	WP42 - Services During Construction	\$ 4,932,000.00	\$ 2,961,604.21
V02807	CCJWRD	In-Town Levee Work	\$ 4,445,356.91	\$ 3,045,910.82
V02808	City of Fargo	Relocation of fiber optic along 2nd Street North	\$ 397,906.52	\$ 359,904.47
V02809	AT & T	2nd Street Utility Relocation	\$ 569,404.44	\$ 290,440.16
V02810	Cable One	2nd Street Utility Relocation	\$ 148,511.37	
V02811	Xcel Energy	2nd Street & 4th Street Utility Relocations	\$ 925,076.69	\$ 174,255.08
V02812	Industrial Builders	WP-42F.1S - 2nd Street North Floodwall, South of Pump Station	\$ 16,737,490.08	\$ 13,904,848.64
V02813	Landwehr Construction	Park East Apartments Demolition	\$ 1,177,151.74	\$ 1,059,891.74
V02814	Primoris Aevenia	2nd Street Utility Relocation	\$ 16,230.00	\$ 2,660,937.92
V02815	Centurylink Communications	2nd Street Utility Relocation	\$ 2,660,937.92	\$ 902,224.85
V02816	Landwehr Construction	WP-42C.1 - In-Town Levees 2nd Street/Downtown Area Demo	\$ 907,999.08	\$ 1,672,339.91
V02817	Reiner Contracting, Inc	WP-42H.2 - El Zagal Area Flood Risk Management	\$ 1,601,366.99	\$ 748,982.25
V02818	Industrial Builders	WP-42I.1 - Mickelson Levee Extension	\$ 738,880.50	\$ 12,451,852.14
V02819	Industrial Builders	WP42F.1N - 2nd Street North	\$ 13,300,425.65	\$ 851,775.30
V02820	CH2M Hill	WP42 - Construction Management Services	\$ 1,020,000.00	\$ 1,215,633.53
V02821	Hough Incorporated	WP42F.2 - 2nd Street South	\$ 1,603,909.25	\$ 1,215,633.53
V01703	Various	In-Town Property Purchases	\$ 19,446,597.58	\$ 16,720,085.56
			<b>\$ 99,230,000.02</b>	<b>\$ 69,952,405.12</b>



**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: January 1, 2017 - January 31, 2017

Drawdown Request No: 39	
Requested Amount:	\$ 1,535,060
Total Funds Expended This Period:	\$ 2,239,402
Total Funds Requested at 100% Match	830,718
Remaining Funds Requested at 50% Match	1,408,683
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	704,342
<b>Total Funds Requested:</b>	<b>\$ 1,535,060</b>

<b>STATE AID SUMMARY:</b>		
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 to be funded in 2017 Legislative Session - Available 7/1/2017	51,500,000	
Appropriations to be funded in 2019 Legislative Session - Available 7/1/2019	51,500,000	
Appropriations to be funded in 2021 Legislative Session - Available 7/1/2021	51,500,000	
Appropriations to be funded in 2023 Legislative Session - Available 7/1/2023	51,500,000	
<b>Total State Funds</b>	<b>206,000,000</b>	<b>244,000,000</b>
Less: Payment #1 through #35 - City of Fargo		(55,510,209)
Less: Payment #1 - Cass County		(136,039)
Less: Payment #1 through #20 - FM Diversion Authority		(28,862,208)
Less: Payment #21 - FM Diversion Authority		(2,580,786)
Less: Payment #22 - FM Diversion Authority		(3,998,879)
Less: Payment #23 - FM Diversion Authority		(1,985,040)
Less: Payment #24 - FM Diversion Authority		(2,752,283)
Less: Payment #25 - FM Diversion Authority		(10,000,000)
Less: Payment #26 - FM Diversion Authority		(1,021,657)
Less: Payment #27 - FM Diversion Authority		(4,940,909)
Less: Payment #28 - FM Diversion Authority		(2,209,200)
Less: Costs Moved from Fargo Flood Control (Diversion) to Interior Flood Control		20,301,855
Less: Payment #29 - FM Metro Area Flood Risk Management Project		(2,900,000)
Less: Payment #30 - FM Metro Area Flood Risk Management Project		(3,681,747)
Less: Payment #31 - FM Metro Area Flood Risk Management Project		(6,900,000)
Less: Payment #32 - FM Metro Area Flood Risk Management Project		(3,725,044)
Less: Payment #33 - FM Metro Area Flood Risk Management Project		(4,655,547)
Less: Payment #34 - FM Metro Area Flood Risk Management Project		(22,500,000)
Less: Payment #35 - FM Metro Area Flood Risk Management Project		(6,062,680)
Less: Payment #36 - FM Metro Area Flood Risk Management Project		(3,506,589)
Less: Payment #37 - FM Metro Area Flood Risk Management Project		(4,676,079)
Less: Payment #38 - FM Metro Area Flood Risk Management Project		(4,401,701)
Less: Payment #39 - FM Metro Area Flood Risk Management Project		(1,535,060)
<b>Total Funds Reimbursed</b>		<b>(158,239,802)</b>
<b>Total State Fund Balances Remaining</b>	<b>\$</b>	<b>85,760,198</b>


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	\$ 71,531,554
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 - FM Diversion Authority	(18,600)
Less: Match Used on Payment #2 - FM Diversion Authority	(66,888)
Less: Match Used on Payment #6 - FM Diversion Authority	(238,241)
Less: Match Used on Payment #8 - FM Diversion Authority	(346,664)
Less: Match Used on Payment #11 - FM Diversion Authority	(470,398)
Less: Match Used on Payment #12 - FM Diversion Authority	(237,286)
Less: Match Used on Payment #16 - FM Diversion Authority	(3,018,978)
Less: Match Used on Payment #17 - FM Diversion Authority	(1,374,624)
Less: Match Used on Payment #20 - FM Diversion Authority	(1,427,344)
Less: Match Used on Payment #22 - FM Diversion Authority	(116,437)
Less: Match Used on Payment #23 - FM Diversion Authority	(487,124)
Less: Match Used on Payment #24 - FM Diversion Authority	(1,688,474)
Less: Match Used on Payment #26 - FM Diversion Authority	(445,642)
Less: Match Used on Payment #28 - FM Diversion Authority	(1,116,010)
Less: Match Used on Payment #30 - FM Metro Area Flood Risk Management Project	(1,581,147)
Less: Match Used on Payment #32 - FM Metro Area Flood Risk Management Project	(1,215,895)
Less: Match Used on Payment #33 - FM Metro Area Flood Risk Management Project	(2,785,070)
Less: Match Used on Payment #35 - FM Metro Area Flood Risk Management Project	(1,292,963)
Less: Match Used on Payment #36 - FM Metro Area Flood Risk Management Project	(509,507)
Less: Match Used on Payment #37 - FM Metro Area Flood Risk Management Project	(2,741,983)
Less: Match Used on Payment #38 - FM Metro Area Flood Risk Management Project	(3,580,994)
Less: Match Used on Payment #39 - FM Metro Area Flood Risk Management Project	(830,718)
<b>Balance of Local Matching Funds Available</b>	<b>\$ 4,297,907</b>



## Finance Office

P.O. Box 2083  
200 3rd Street North  
Fargo, North Dakota 58107-2083  
Phone: 701-241-1333  
Fax: 701-241-1526

**TO:** FMDA FINANCE COMMITTEE  
**FROM:** KENT COSTIN, FMDA FISCAL AGENT   
**RE:** FISCAL SERVICES CONTRACT AMENDMENTS  
**DATE:** MARCH 14, 2017

The FM Diversion Authority appointed the City of Fargo as fiscal agent for the FMDA project in 2011. This decision was made due to the ability of the City to manage project cash receipts and disbursements and to provide a financial management system and reporting process that was already in place. This agreement was approved as a temporary agreement during the early phases of the project. The agreement has not been amended since that time.

The Finance Committee is recommending an amendment to the fiscal services agreement to add payroll process, handling of cash reserves, and adjustment of the fiscal agent compensation.

Currently, the FMDA cash balance is tracked in the City's accounting system and is segregated in a separate fund for the Diversion Authority. In 2016, the Finance Committee made a recommendation to consolidate dedicated sales tax resources of both the City and the County into this fund. The Diversion Authority approved this recommendation and we have been reporting the fund status since that time in the agenda packets in the Statement of Net Position. The fiscal services agreement with the City of Fargo does not detail how investment income should be handled, and therefore, should be amended to prescribe a procedure to follow to assure that investment income is being credited to the project and an undue burden is not placed on City of Fargo resources in our role as fiscal agent.

Plans are underway to hire an Executive Director that will trigger the need to process payroll. This was contemplated at the time the initial fiscal services agreement was approved; however, it was not incorporated into the agreement.

The amendment of the fiscal services agreement also changes the compensation structure to a fixed monthly amount due to the ongoing support provided by the City of Fargo.

We are presenting a draft amendment to the fiscal services agreement for your consideration. Finance Chair Grindberg and Vice Chair Montplaisir reviewed and discussed the contract amendments with a recommendation to approve.

### **Suggested Motion:**

Approve a revised fiscal services agreement with the City of Fargo retroactive to January 1, 2017.



## FM Diversion Authority

### Fiscal Services Agreement With The City of Fargo, North Dakota

The FM Diversion Authority (the Authority) has requested that the City of Fargo (the City) as one of two local sponsors of the FM Diversion Project to serve as the fiscal agent for the Authority and the City of Fargo accepted this responsibility. In as much as “fiscal agent” may have different meanings in the minds of many, the City of Fargo provides further clarification of this to accurately reflect the duties and responsibilities assigned by this agreement.

#### **This contract includes the following fiscal services:**

- 1) Processing of vendor payments on behalf of the Authority. Authority staff will be incorporated into the City’s standard bill payment methodology. Under this methodology, it will be assumed that one Authority staff person or designee will be appointed to work on the details of the purchase order processing and the [Executive Director] will be responsible to approve all payments made on behalf of the Center prior to the disbursement of funds.
- 2) Recording accounting entries for payroll processed by an outside payroll service bureau after every payroll cycle to the appropriate general ledger accounts. The City intends to use the same payroll service provider as used by the Red River Regional Dispatch Center.
- 3) Cost recovery billings to participating agencies for operational expenditures. Monthly operating expenditures will be billed monthly to project participating agencies. Invoice will be recorded in an open accounts receivable balance and will be due upon presentment.
- 4) Cost recovery billings for capital grants as needed basis. Bills will be sent when funds are needed. Participating agencies agree to wire funds on the day that bills are presented for all large contract obligations.
- 5) Monthly financial statements to include a balance sheet, statement of revenues and and statement of expenditures. Revenue and expenditures will be formatted to provide current month and year to date totals and have the ability to produce budget to actual comparisons. These financial statements will be prepared using the cash basis or accrual basis of accounting. The accounting firm selected by the Authority will process all adjusting entries necessary to convert the Authority’s books to an accrual

accounting. These entries include, but are not limited to, depreciation, amortization, deferred revenues, accrued liabilities, and receivables.

- 6) Monthly listing of contract obligations by vendor contract.
- 7) Electronic distribution of monthly financial reports to the Authority and Finance Committee members.
- 8) Archival of fiscal documents including vendor payments, journal entries, budget amendments, agency billings.
- 9) Maintenance of an on line fiscal accounting and budget management system so that Diversion Authority officials have access to the fiscal accounting system by means of a secured sign on. By acceptance of this agreement the FM Diversion Authority approves the use of standard fiscal management reports that are already incorporated into our standard accounting software format and will not require special formats, design, or alternative reporting requirements, unless requested.
- 10) Cash management services to include account reconciliation and maintenance of fund cash balances. All cash balances will be merged into Fargo's standard cash management process and will be segregated into a separate agency fund. Interest on cash reserves will be allocated to the FM Diversion Fund. Interest charges, if any, accrued on deficit fund balances will be paid to the City of Fargo to recoup lost investment income.
- 11) Backup of all non-payroll financial records. Payroll records will be maintained by the payroll service provider. The Authority is responsible to keep the records produced by the Payroll Service Provider.
- 12) Electronic access to the accounting system via fiber optic cables to Finance Committee members, as requested.
- 13) Notification / discussion directly with the FM Diversion Authority of issues that could arise in the future related to fiscal management.

**This contract does NOT INCLUDE the following services:**

Fiscal policy development

Human Resource administration

Payroll system maintenance including employee set up and master file maintenance of payroll modules.

Payroll records management or archival

Payroll tax deposits for Federal, State, taxes

Document Management

Benefits administration

Employee Time and Attendance

Strategic Planning

Employee Training and Education

All other management services not specifically listed in the scope of work above

Preparation and drafting of the annual financial statements

**Compensation**

The compensation rate for fiscal agent services will be .6 FTE of a grant accountant position from the City of Fargo pay plan paid on a monthly basis.

**Term of This Agreement**

This agreement shall begin on January 1, 2017 and will continue in force as presented until modified by either party. If either party terminates a 90 day notice is required by the terminating party.

**Acceptance of Agreement**

The FM Diversion Authority hereby approves this contract at its regularly scheduled Board meeting on March.

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Chair FM Diversion Authority

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Tim Mahoney, Mayor, City of Fargo

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Date

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Date





# 23 March 2017

# Finance Committee Report

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Presented By:  
Program Management Consultant



# Report – February 2017

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- ▶ Overall Program Status
- ▶ FY 2017 Cash Budget



# Overall Program Status

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**FM Area Diversion Project  
OVERALL PROGRAM (2015\$) SUMMARY**

<b>Schedule Budget Categories</b>	<b>Program Budget (2015\$)</b>	<b>Actuals thru 24 Feb 2017</b>	<b>Remaining Program Budget</b>
<b>PROGRAM</b>	<b>2,205,566,043</b>	<b>342,523,707</b>	<b>1,863,042,336</b>
Diversion Channel & Assoc. Infrastructure	763,768,516	4,750,050	759,018,466
Southern Embankment & Assoc. Infrastructure	371,353,664	51,929,000	319,424,664
Other Mitigation Projects	64,712,848	7,203,124	57,509,724
In-Town Flood Protection	204,863,752	75,978,953	128,884,799
Enabling Work / Other	14,113,749	-	14,113,749
Land Acquisition & Mitigation	426,589,476	133,711,368	292,878,108
Engineering & Design Fees	80,539,955	32,315,453	48,224,502
Program Management	119,725,500	36,635,758	83,089,742
Contingency	159,898,584	-	159,898,584
Debt Service		-	
Maintenance		-	

**FM Area Diversion Project  
OVERALL PROGRAM (2015\$) SUMMARY**

Schedule Budget Categories	Program Budget (2015\$)	Actuals thru 24 Feb 2017	Remaining Program Budget
<b>PROGRAM</b>	<b>2,205,566,043</b>	<b>342,523,707</b>	<b>1,863,042,336</b>
Diversion Channel & Assoc. Infrastructure	763,768,516	4,750,050	759,018,466
Management, Legal, Financial, Procurement	9,750,000	4,750,050	4,999,950
Channel - Construction	754,018,516	-	754,018,516
Southern Embankment & Assoc. Infrastructure	371,353,664	51,929,000	319,424,664
WP-26 Diversion Inlet	68,743,917		68,743,917
WP-27 Red River - West Embankment	18,050,477		18,050,477
WP-29 Red River - East Embankment	15,652,398		15,652,398
WP-30 Wild Rice River Control Structure	35,608,353		35,608,353
WP-31 I-29 NS Bridge	55,281,013		55,281,013
WP-33 CR81 Bridge	5,253,756		5,253,756
WP-35 Red River Control Structure	63,252,598		63,252,598
WP-39 Overflow Embankment	10,536,493		10,536,493
WP-46 Utilities	8,477,533		8,477,533
WP-47 Utilities	1,175,448		1,175,448
WP-50 Phase II Demo	12,364,450		12,364,450
WP-51 Recreation	9,528,439		9,528,439
WP-53 BNSF Moorhead Line Raise	44,008,615		44,008,615
WP-54 - Hwy 75 Road Raise	11,320,174		11,320,174
USACE Local Share \ Management Oversight	12,100,000	51,929,000	(39,829,000)
Other Mitigation Projects	64,712,848	7,203,124	57,509,724
WP-36 Wild Rice Dam Mitigation	2,027,696		2,027,696
WP-40 Drayton Dam Mitigation	6,758,988		6,758,988
WP-41 Buffalo River Mitigation	1,689,747		1,689,747
WP-43 Oxbow-Hickson-Bakke	42,773,436	7,203,124	35,570,312
WP-49 Cultural Remediation	542,999		542,999
WP-52 Comstock Ring Levee	10,919,981		10,919,981

**FM Area Diversion Project  
OVERALL PROGRAM (2015\$) SUMMARY**

<b>Schedule Budget Categories</b>	<b>Program Budget (2015\$)</b>	<b>Actuals thru 24 Feb 2017</b>	<b>Remaining Program Budget</b>
<b>In-Town Flood Protection</b>	204,863,752	75,978,953	128,884,799
WP-42 In-Town Levees	100,714,949	75,978,953	24,735,996
Complementary In-Town Flood Protection	104,148,803	-	104,148,803
<b>Enabling Work / Other</b>	14,113,749	-	14,113,749
Demolition	508,353	-	508,353
WP-28 - Cass County Road 16 and 17 Bridge	13,605,396	-	13,605,396
<b>Land Acquisition &amp; Mitigation</b>	426,589,476	133,711,368	292,878,108
Management, Legal, Financial, Procurement	51,463,000	6,352,165	45,110,835
DIVERSION CHANNEL AND ASSOCIATED INFRASTRUCTURE	72,199,150	11,509,264	60,689,886
SOUTHERN EMBANKMENT AND ASSOCIATED INFRASTRUCTURE	136,589,980	5,896,381	130,693,599
MITIGATION AND ASSOCIATED INFRASTRUCTURE	81,761,211	69,906,702	11,854,509
WP-38 Upstream Staging	47,160,000	3,803,225	43,356,775
IN-TOWN FLOOD PROTECTION	37,416,136	36,243,631	1,172,505
<b>Engineering &amp; Design Fees</b>	80,539,955	32,315,453	48,224,502
Management, Legal, Financial, Procurement	8,685,616	4,418,371	4,267,245
WORK-IN-KIND PROGRAMS (WIK) STUDIES	19,682,433	9,301,427	10,381,006
INDICATIVE DESIGN	14,469,297	6,698,961	7,770,336
(LERRDs) - LAND, EASEMENTS, ROW, RELOCATION & DISPOSAL AREAS (FM	534,000	296,583	237,417
PERMITTING	11,541,039	2,969,141	8,571,898
CERTIFICATION	2,050,000	-	2,050,000
FMDA DETENTION FUNDING	3,000,000	500,000	2,500,000
OTHER MITIGATION PROJECTS	19,741,602	8,130,970	11,610,632
ENABLING WORK	835,968	-	835,968
<b>Program Management</b>	119,725,500	36,635,758	83,089,742
Management, Legal, Financial, Procurement	119,725,500	36,635,758	83,089,742

**FM Area Diversion Project  
OVERALL PROGRAM (2015\$) SUMMARY**

<b>Schedule Budget Categories</b>	<b>Program Budget (2015\$)</b>	<b>Actuals thru 24 Feb 2017</b>	<b>Remaining Program Budget</b>
Contingency	159,898,584	-	159,898,584
SYSTEM WIDE	21,795,449	-	21,795,449
DIVERSION CHANNEL AND ASSOCIATED INFRASTRUCTURE	47,173,841	-	47,173,841
SOUTHERN EMBANKMENT AND ASSOCIATED INFRASTRUCTURE	38,696,058	-	38,696,058
OTHER MITIGATION PROJECTS	40,891,969	-	40,891,969
IN-TOWN FLOOD PROTECTION	10,101,623	-	10,101,623
ENABLING WORK	1,239,644	-	1,239,644
Debt Service		-	
Maintenance		-	

# FY 2017 Cash Budget

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**FM Area Diversion Project  
FY2017 CASH BUDGET**

<b>Schedule Budget Categories</b>	<b>FY2017 Proposed Cash Budget</b>	<b>FY2017 Paid thru 24 Feb 2017</b>	<b>Expected Additional Payments FY 2017</b>	<b>Remaining FY17 Budget</b>
<b>PROGRAM</b>	<b>241,311,231</b>	<b>7,727,162</b>	<b>225,346,801</b>	<b>225,346,801</b>
Diversion Channel & Assoc. Infrastructure	16,575,999	590,691	15,985,308	15,985,308
Southern Embankment & Assoc. Infrastructure	100,000	-	100,000	100,000
Other Mitigation Projects	24,246,248	6,700	24,239,548	24,239,548
In-Town Flood Protection	46,175,722	1,806,703	44,369,019	44,369,019
Enabling Work / Other	9,810,803	-	9,810,803	9,810,803
Land Acquisition & Mitigation	107,419,540	3,015,206	104,404,334	104,404,334
Engineering & Design Fees	10,693,575	378,385	10,315,190	10,315,190
Program Management	17,247,196	1,929,477	15,317,719	15,317,719
Contingency	804,879	-	804,879	804,879
Debt Service	8,137,268	-		
Maintenance	100,000	-		



**FM Area Diversion Project  
FY2017 CASH BUDGET**

<b>Schedule Budget Categories</b>	<b>FY2017 Proposed Cash Budget</b>	<b>FY2017 Paid thru 24 Feb 2017</b>	<b>Expected Additional Payments FY 2017</b>	<b>Remaining FY17 Budget</b>
<b>PROGRAM</b>	<b>241,311,231</b>	<b>7,727,162</b>	<b>225,346,801</b>	<b>225,346,801</b>
Diversions Channel & Assoc. Infrastructure	16,575,999	590,691	15,985,308	15,985,308
Management, Legal, Financial, Procurement	8,801,499	590,691	8,210,808	8,210,808
Channel - Construction	7,774,500	-	7,774,500	7,774,500
Southern Embankment & Assoc. Infrastructure	100,000	-	100,000	100,000
WP-26 Diversion Inlet	-	-	-	-
WP-27 Red River - West Embankment	-	-	-	-
WP-29 Red River - East Embankment	-	-	-	-
WP-30 Wild Rice River Control Structure	-	-	-	-
WP-31 I-29 NS Bridge	-	-	-	-
WP-33 CR81 Bridge	-	-	-	-
WP-35 Red River Control Structure	-	-	-	-
WP-39 Overflow Embankment	-	-	-	-
WP-46 Utilities	-	-	-	-
WP-47 Utilities	-	-	-	-
WP-50 Phase II Demo	-	-	-	-
WP-51 Recreation	-	-	-	-
WP-53 BNSF Moorhead Line Raise	-	-	-	-
WP-54 - Hwy 75 Road Raise	-	-	-	-
USACE Local Share \ Management Oversight	100,000	-	100,000	100,000
Other Mitigation Projects	24,246,248	6,700	24,239,548	24,239,548
WP-36 Wild Rice Dam Mitigation	-	-	-	-
WP-40 Drayton Dam Mitigation	-	-	-	-
WP-41 Buffalo River Mitigation	-	-	-	-
WP-43 Oxbow-Hickson-Bakke	24,246,248	6,700	24,239,548	24,239,548
WP-49 Cultural Remediation	-	-	-	-
WP-52 Comstock Ring Levee	-	-	-	-
In-Town Flood Protection	46,175,722	1,806,703	44,369,019	44,369,019
WP-42 In-Town Levees	21,064,187	1,806,703	19,257,484	19,257,484
Complementary In-Town Flood Protection	25,111,535	-	25,111,535	25,111,535
Enabling Work / Other	9,810,803	-	9,810,803	9,810,803
Demolition	-	-	-	-
WP-28 - Cass County Road 16 and 17 Bridge	9,810,803	-	9,810,803	9,810,803

**FM Area Diversion Project  
FY2017 CASH BUDGET**

<b>Schedule Budget Categories</b>	<b>FY2017 Proposed Cash Budget</b>	<b>FY2017 Paid thru 24 Feb 2017</b>	<b>Expected Additional Payments FY 2017</b>	<b>Remaining FY17 Budget</b>
<b>Land Acquisition &amp; Mitigation</b>	<b>107,419,540</b>	<b>3,015,206</b>	<b>104,404,334</b>	<b>104,404,334</b>
Management, Legal, Financial, Procurement	10,238,047	148,414	10,089,633	10,089,633
DIVERSION CHANNEL AND ASSOCIATED INFRASTRUCTURE	36,892,899	-	36,892,899	36,892,899
SOUTHERN EMBANKMENT AND ASSOCIATED INFRASTRUCTURE	10,048,770	-	10,048,770	10,048,770
MITIGATION AND ASSOCIATED INFRASTRUCTURE	22,668,513	2,866,765	19,801,748	19,801,748
WP-38 Upstream Staging	24,844,800		24,844,800	24,844,800
IN-TOWN FLOOD PROTECTION	2,726,512	27	2,726,485	2,726,485
<b>Engineering &amp; Design Fees</b>	<b>10,693,575</b>	<b>378,385</b>	<b>10,315,190</b>	<b>10,315,190</b>
Management, Legal, Financial, Procurement	1,545,549	151,037	1,394,512	1,394,512
WORK-IN-KIND PROGRAMS (WIK) STUDIES	1,853,166	106,861	1,746,305	1,746,305
INDICATIVE DESIGN	207,092	15,275	191,817	191,817
(LERRDs) - LAND, EASEMENTS, ROW, RELOCATION & DISPOSAL AREAS (FM	62,983	978	62,005	62,005
PERMITTING	3,409,278	28,288	3,380,990	3,380,990
CERTIFICATION	138,950	-	138,950	138,950
FMDA DETENTION FUNDING	400,000	-	400,000	400,000
OTHER MITIGATION PROJECTS	3,076,557	75,946	3,000,611	3,000,611
ENABLING WORK	-	-	-	-
<b>Program Management</b>	<b>17,247,196</b>	<b>1,929,477</b>	<b>15,317,719</b>	<b>15,317,719</b>
Management, Legal, Financial, Procurement	17,247,196	1,929,477	15,317,719	15,317,719
<b>Contingency</b>	<b>804,879</b>	<b>-</b>	<b>804,879</b>	<b>804,879</b>
SYSTEM WIDE	116,423	-	116,423	116,423
DIVERSION CHANNEL AND ASSOCIATED INFRASTRUCTURE	-	-	-	-
SOUTHERN EMBANKMENT AND ASSOCIATED INFRASTRUCTURE	1,340	-	1,340	1,340
OTHER MITIGATION PROJECTS	192,764	-	192,764	192,764
IN-TOWN FLOOD PROTECTION	489,833	-	489,833	489,833
ENABLING WORK	4,519	-	4,519	4,519
<b>Debt Service</b>	<b>8,137,268</b>	<b>-</b>		
<b>Maintenance</b>	<b>100,000</b>	<b>-</b>		

**Technical Advisory Group Recommendation**

Meeting Date: 3/14/2017

**RECOMMENDATION FOR ACTION:**

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

**SUMMARY OF AGREEMENT ACTION:**

The Owner’s Representative has reviewed and recommends the following Contract Action(s):

List description of Agreement Action(s):

**AT&T**

**\$16,865.16**

*Reimbursement Agreement RA-AT-002*

- Final Payment Request (Actual Costs) - Protect fiber communication cable located along 1<sup>st</sup> Ave N at the Red River Crossing between 2<sup>nd</sup> St. N and the river.

**Summary of Agreement History and Current Agreement Action:**

Original Agreement or Amendment	Budget (\$) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
RA-AT-002	125,238.30	0	125,238.30	19-May-2016		Protect fiber communication cable located along 1st Ave N at the Red River Crossing between 2nd St. N and the river.
RA-AT-002.1 (Amendment)	16,865.16	125,238.30	142,103.46			Final accounting of actual costs to complete protection of fiber cable for RA-AT-002.

**DISCUSSION**

1. AT&T lowered existing fiber communication lines to allow the WP-42F.1S floodwall to be constructed over it. This amendment will reimburse AT&T for their actual costs of performing the work. The estimated cost of work totaling \$125,238.30 was prepaid by the Diversion Authority. The project team has reviewed the associated costs and recommends proceeding with the Amendment for final accounting.
2. The construction and inspection work associated with this \$16,865.16 amendment are due to the discovery of abandoned conduits under the floodwall that was not identified prior to construction. There were two 4-inch HDPE and two 2-inch HDPE conduits which had to be removed from under the Floodwall footing for a distance of 155-feet. The conduits were exposed, cut in pieces and removed, and the additional excavation was backfilled.
3. In accordance with Paragraph 2 in the reimbursement agreement, AT&T provided a final invoice for the actual cost of the work for reimbursement.

**ATTACHMENT(S):**

- 1. Invoice Summary submitted by AT&T for Final Payment
- 2. Executed Reimbursement Agreement RA-AT-002
- 3. Invoice Backup submitted by AT&T for Final Payment

**Submitted by:**

*John W. Glatzmaier*

John W. Glatzmaier, P.E.  
CH2M  
Project Manager  
Metro Flood Diversion Project

March 15, 2017

Date

Mark Bittner, Fargo Director of Engineering

Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

April Walker, Fargo City Engineer

Concur: 3/16/2016 Non-Concur \_\_\_\_\_

Nathan Boerboom, Diversion Authority Project  
Manager

Concur: 3/15/2017 Non-Concur: \_\_\_\_\_

Jason Benson, Cass County Engineer

Concur: 3/16/2017 Non-Concur \_\_\_\_\_

David Overbo, Clay County Engineer

Concur: 3/15/2017 Non-Concur: \_\_\_\_\_

Robert Zimmerman, Moorhead City Engineer

Concur: 3/15/2017 Non-Concur \_\_\_\_\_

**Technical Advisory Recommendation**

Meeting Date: 3/14/2017

**RECOMMENDATION FOR ACTION:**

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

**SUMMARY OF AGREEMENT ACTION:**

Per the contract review and approval procedures Section 4 that were adopted by the Diversion Authority on November 10, 2016, the Owner’s Program Management Consultant (PMC) or Engineer of Record (EOR) is directed to prepare contracts and seek approval based on the contract’s proposed value. The procedures listed in Section 4.E, are appropriate for this proposed new contract action.

The PMC has prepared the following Contract Action (s):

<b>Midcontinent Communications</b>	<b>\$54,738.44</b>
------------------------------------	--------------------

*Reimbursement Agreement*

- USACE Diversion Inlet Structure - Temporary relocation of a fiber communication

**BACKGROUND AND DISCUSSION:**

1. Per the Project Partnership Agreement with USACE, the Diversion Authority is responsible for real property interests, relocations, and disposal area improvements required for construction of the FM Diversion Project.
2. USACE has awarded a contract for the construction of the Diversion Inlet Structure and this project will impact the existing Midcontinent Communications (MidCo) fiber optic line along County Road 17 (CR-17). USACE’s construction contractor has indicated this utility impact is anticipated to occur in the summer of 2017. MidCo provides telephone, internet, and CATV services to residential and non-residential customers in the Horace, ND Area via this fiber optic line. MidCo also has the Northern Plains Network (NPNet) transport backbone fiber within the sheath of this existing fiber optic line.
3. Temporary relocation of this fiber optic line is required in the spring of 2017 in order to maintain service. A permanent relocation of this fiber optic line will be done after completion of the CR-17 Bridge and roadway realignment.
4. The utility relocation plan contained in the attached, draft Reimbursement Agreement is based on MidCo’s long-term outlook and ongoing evaluation of maintaining services with minimal outages. This Reimbursement Agreement covers the temporary relocation around the USACE eastern project limits.
5. A summary of contracting actions for the utility relocation are listed in the following table.

**SUMMARY OF CONTRACTING HISTORY AND CURRENT CONTRACT ACTION:**

Original Agreement or Amendment	Original Project Cost	Budget Change	Revised Project Cost	Contract or Amendment Date	Project Completion	Comments
Original Agreement	54,738.44			23-Mar-17	17-Jun-17	Temporary relocation of fiber optic line at CR-17

**FINANCIAL CONSIDERATIONS:**

1. The utility company is performing (or contracting for) the work, and therefore multiple quotes were not sought.
2. MidCo worked with HMG design staff to develop a utility relocation plan for their fiber optic line running along the eastern side of CR-17, and provided a proposal dated July 29, 2016 for both a temporary and a permanent relocation of their fiber optic line. The temporary relocation cost was estimated at \$37,492.94.
3. Due to a delay in the anticipated start of the USACE Diversion Inlet Structure construction project and available property for the relocation project, MidCo and HMG design staff revised the temporary relocation plan for the CR-17 fiber optic line, and MidCo provided a new proposal dated March 1, 2017.
  - a. The revised temporary relocation plan includes an additional 2,670 feet of deep direction boring to complete the work on property available for the project.
  - b. The revised estimated cost is \$54,738.44 (or an additional \$17,245.50).
4. The average cost per foot of installed HDPE conduit and fiber optic cable is approximately \$6.30 per foot (estimated total length of approximately 8,700 lineal feet). The PMC reviewed this proposal and recommends the Diversion Authority enter into an agreement with MidCo to perform the work.

This change amount of \$54,738.44 is included in the FY-2017 FMDA budget.

**ATTACHMENT(S):**

1. MidCo Reimbursement Agreement dated March 1, 2017

**Submitted by:**

*John W. Glatzmaier*

John Glatzmaier, P.E.  
CH2M HILL  
Project Manager  
Metro Flood Diversion Project

March 10, 2017

Date

Nathan Boerboom, Diversion Authority Project  
Manager

Concur: March 13, 2017 Non-Concur: \_\_\_\_\_

Mark Bittner, Fargo Director of Engineering

Concur: March 13, 2017 Non-Concur: \_\_\_\_\_

David Overbo, Clay County Engineer

Concur: March 13, 2017 Non-Concur: \_\_\_\_\_

April Walker, Fargo City Engineer

Concur: March 13, 2017 Non-Concur \_\_\_\_\_

Jason Benson, Cass County Engineer

Concur: March 13, 2017 Non-Concur \_\_\_\_\_

Robert Zimmerman, Moorhead City Engineer

Concur: March 13, 2017 Non-Concur \_\_\_\_\_

## **REIMBURSEMENT AGREEMENT**

This Reimbursement Agreement ("Agreement") is made and entered into and effective this 23<sup>rd</sup> day of March, 2017, by and between **Midcontinent Communications (MidCo)** whose mailing address is 3600 Minnesota Drive, Suite 700 Minneapolis, MN 55435, and the **Metro Flood Diversion Authority**, its heirs, successors and assigns and grantees (hereinafter "Reimbursers") whose mailing address is 211 Ninth Street South, Box 2806, Fargo, North Dakota 58108-2806. MidCo and Reimbursers are referred to as "Party" and "Parties" herein.

### **1. Scope of Work**

This reimbursement agreement includes the temporary relocation of MidCo's fiber cable to facilitate construction of the USACE Diversion Inlet Structure Project (FMMDR19B) and the County Road (CR) 16/17 realignment project. The final relocation to a permanent easement that generally follows the future alignment of CR-17 will be addressed in a future amendment to this agreement.

Reimbursers recognize that during the 2017 temporary relocation phase of construction, MidCo will have to reroute the existing fiber around the east portion of the proposed FMMDR19B project. MidCo will install a HDPE conduit, pull a fiber optic line through it, and splice the two ends to the existing fiber optic line at locations shown on the figure in the attached MidCo proposal dated March 1, 2017. The approximate footage of this portion of work is 8,685 feet. This will allow MidCo to abandon the existing fiber located within the eastern right-of-way of CR-17 within the FMMDR19B project scope of work for 2017.

MidCo currently has a permit for the existing fiber optic cable placement in the right-of-way of CR-17 with Cass County Highway Department (Permit 12877 filed on 7/25/2003). MidCo is relying on the FM Diversion Authority to secure any known private easements for the temporary fiber cable placement within the temporary construction limits of FMMDR19B for 2017. MidCo does not have the costs for securing any easements, permits, or paying crop damages in their proposal.

MidCo has not included the costs for staking in the project proposal. Required surveying and staking will be performed by the Reimbursers.

A detailed scope of work, figure, and cost proposal has been included as an attachment to this agreement.

### **2. Performance of work including Permitting, Proposed Cost, and Schedule**

As part of the work, MidCo shall have the responsibility to acquire any rights of way, permits, consents and approvals required solely for the work. Reimbursers shall have the responsibility to acquire any permits, consents and approvals required by the Project other than those required solely for the work. Reimbursers agree to cooperate with MidCo in all ways necessary or convenient in MidCo seeking such rights of way, permits, consents and approvals for the work. Reimbursers agree to provide to MidCo, upon request, all reasonably necessary survey and plan drawings requested by MidCo to complete the work.



MidCo's proposed cost reimbursement:

<b>TG GROUP TOTAL</b>			<b>\$0.00</b>
<b>HEADEND TOTAL</b>			<b>\$0.00</b>
<b>MATERIAL TOTAL</b>			<b>\$12,465.57</b>
<b>LANDED COST - 12%</b>			<b>\$1,495.87</b>
<b>PROJECT MATERIAL TOTAL</b>			<b>\$13,961.44</b>
<b>LABOR TOTAL</b>			<b>\$40,777.00</b>
<b>CONTRACTOR'S EXCISE TAX</b>			<b>\$0.00</b>
<b>PROJECT TOTAL</b>			<b>\$54,738.44</b>

MidCo's schedule is based on assumptions of the project from the information provided by Houston-Moore Group, LLC on January 14, 2016, July 20, 2016, and March 2, 2017:

Midcontinent Communications-- Schedule—2017**		
TASK	BEG DATE	COMPLETION DATE
Signed agreement	3/23/2017	4/24/2017
Order Materials	4/24/2017	5/8/2017
Begin Construction	5/22/2017	5/31/2017
Fiber Splicing	6/15/2017	6/16/2017
Sweep/Test System	6/16/2017	6/17/2017
In-Service	6/17/2017	

\*\* Estimated – Schedule determined by when agreement is executed and frost is out of the ground to begin construction.  
Underground construction will be completed by Ernst Trenching or Rhino Contracting of Fargo, ND.  
Sweep and Test will be performed by Midcontinent internal resources.

3. **Final Accounting**

Within 120 days after the completion of the work, MidCo shall make a final accounting of costs and expenses for the work and provide Reimbursing Party an invoice of the same. Reimbursing Party shall pay MidCo for such balance due within thirty (30) days after receipt.

4. **Miscellaneous**

4.1 This Agreement, constitutes the entire agreement of the Parties with respect to the subject matter hereof, replacing and superseding all oral and/or written prior discussions, representations and agreements.

4.2 If any term or other provision of this Agreement is deemed invalid, illegal or incapable of being enforced by any rule of law or public policy, all other conditions and provisions of this Agreement shall remain in full force and effect. Upon such determination, the Parties shall negotiate in good faith to modify this Agreement so as to give effect the original intent of the parties, as closely as possible and in an acceptable manner to the end that the transactions contemplated hereby are fulfilled to the extent possible.

4.3 This Agreement shall not be amended or modified in any manner, including the conduct of the Parties, except in writing and duly signed by the Parties hereto.

4.4 The paragraph headings contained in this Agreement are inserted for convenience of reference only and will not affect the meaning or interpretation of this Agreement.

4.5 This Agreement was fully-negotiated by the Parties, with each having been afforded the right to legal counsel, and shall be deemed to have been drafted by both of the Parties.

4.6 Reimbursing party may not assign this Agreement without the prior written consent of MidCo. Any such attempted assignment in conflict with the previous sentence shall be void. This Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns.

4.7 This Agreement shall be governed by and enforced in accordance with the laws of the State in which the Property is situated.

DRAFT

IN WITNESS WHEREOF, Metro Flood Diversion Authority and MidCo have signed this Agreement.

This Agreement will be effective on the date of execution.

**Metro Flood Diversion Authority:**

**Midcontinent Communications:**

By: Tim Mahoney

By: Steve Mohr

Title: Board Chair, MFDA

Corporate Construction Project  
Manager

*(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)*

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Address for giving notices:

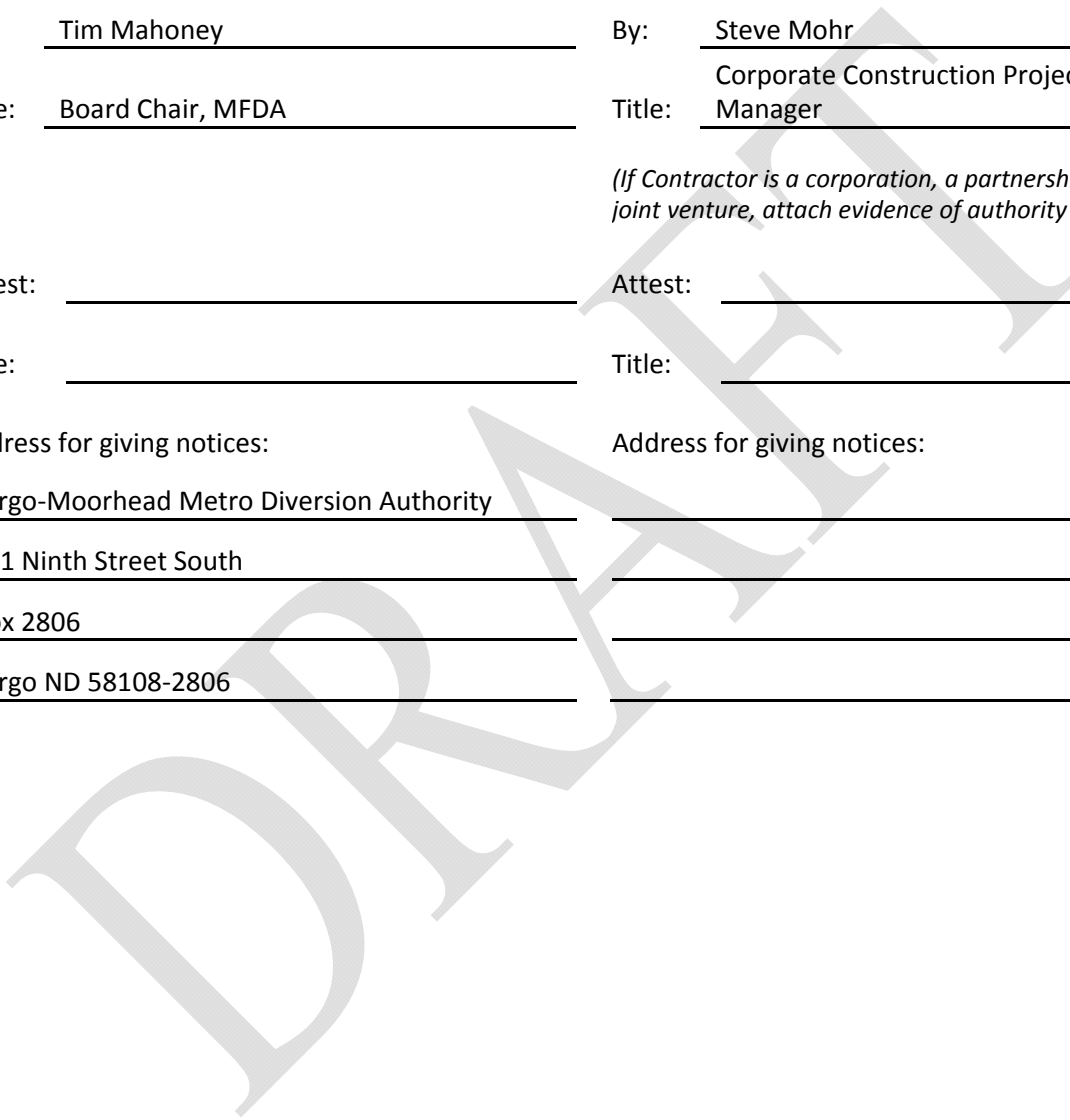
Address for giving notices:

Fargo-Moorhead Metro Diversion Authority

211 Ninth Street South

Box 2806

Fargo ND 58108-2806



**LAND ACQUISITION DIRECTIVE (LAD) LAD-OPP-01 REV-03**

**DATE:** 3/22/2017

**AQUIRING ENTITY:** Cass County Joint Water Resource Districts (CCJWRD)

**WORK PACKAGE:** WP38 Upstream Mitigation

The following property acquisitions are recommended and directed.

**BACKGROUND :**

The Diversion Authority approved a budget for opportunistic acquisitions that is intended to provide a source of funding for acquisition of properties where the property owner requests early acquisition, provided the property would ultimately be needed for the project.

This Land Acquisition Directive (LAD) will serve as a tracking and reporting tool for early, opportunistic acquisitions. Each request for early acquisition will be presented as a revision to this LAD.

**OPPORTUNISTIC PROPERTY ACQUISITIONS:**

The following opportunistic property acquisitions are recommended and directed.

OIN	OWNER	PROP TYPE	ACREAGE
9405	Robert & Maxine Nordick	Rural Residential	1.43
1992	Nicole & Chris Hahn	Rural Residential with multiple outbuildings	13.46

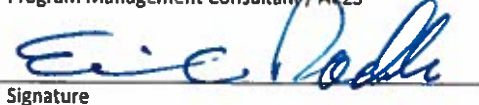
**ATTACHMENTS:**

- Parcel Map – Nordick 9405
- Parcel Map – Hahn 1992

**Recommended by:**

Eric C. Dodds

Program Management Consultant / AE2S



Signature

Program Manager

3/15/17

Date

**Directed by:**

Tony Grindberg

Diversion Authority Finance Committee

Signature

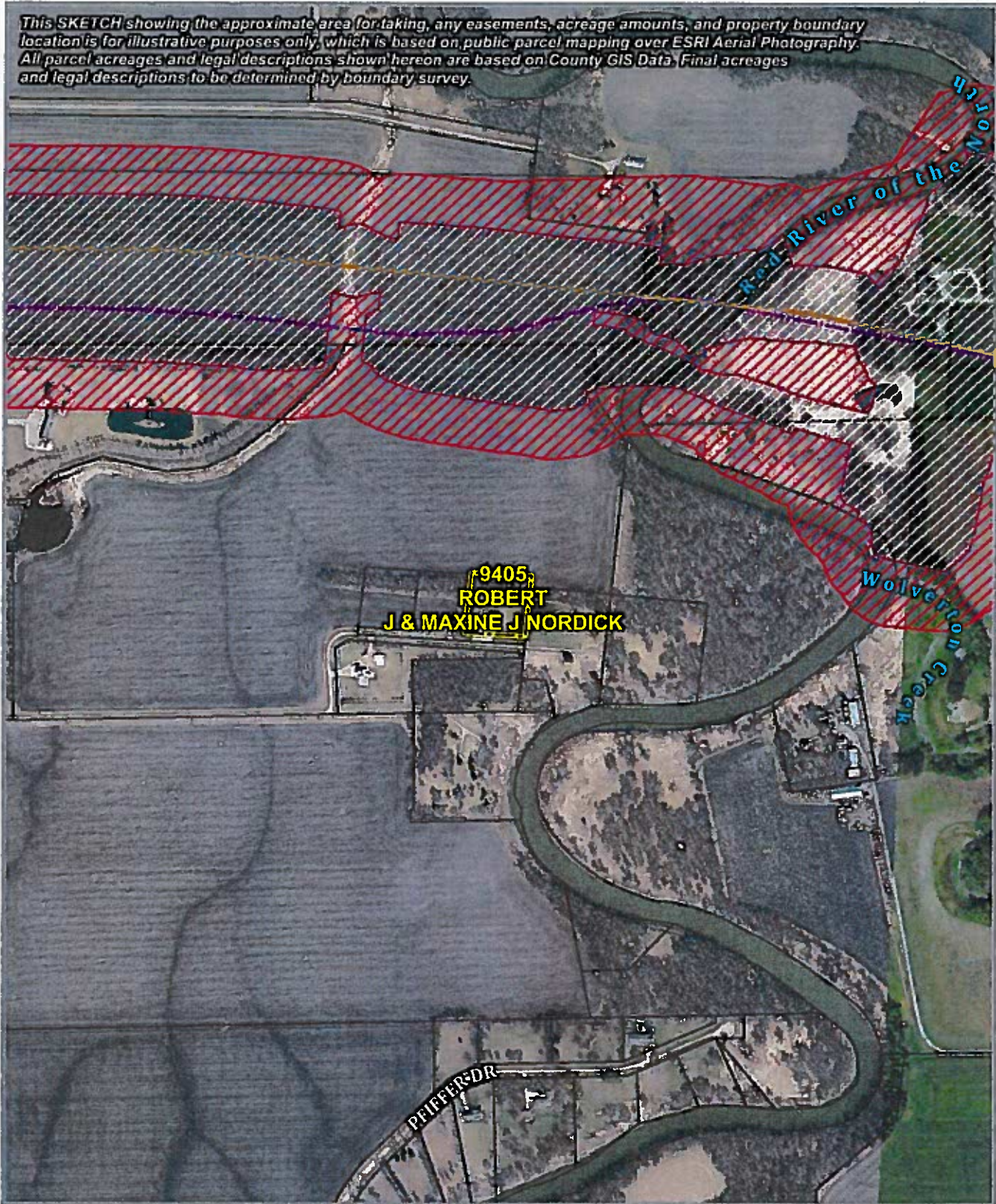
Finance Committee Chairman

Title

Date



This SKETCH showing the approximate area for taking, any easements, acreage amounts, and property boundary location is for illustrative purposes only, which is based on public parcel mapping over ESRI Aerial Photography. All parcel acreages and legal descriptions shown hereon are based on County GIS Data. Final acreages and legal descriptions to be determined by boundary survey.



### FM AREA DIVERSION



- Impacted Parcel
- Channel Footprint
- Fee Title
- Temp. Ease
- Upstream Mitigation Area
- Oxbow Hickson
- Bakke Ring Levee



0 750 FL

**OIN: 9405**

County Parcel ID:  
57-0610-00030-000

GIS Acres: 1.43  
Fee Title: 0.00  
Temp Constr: 0

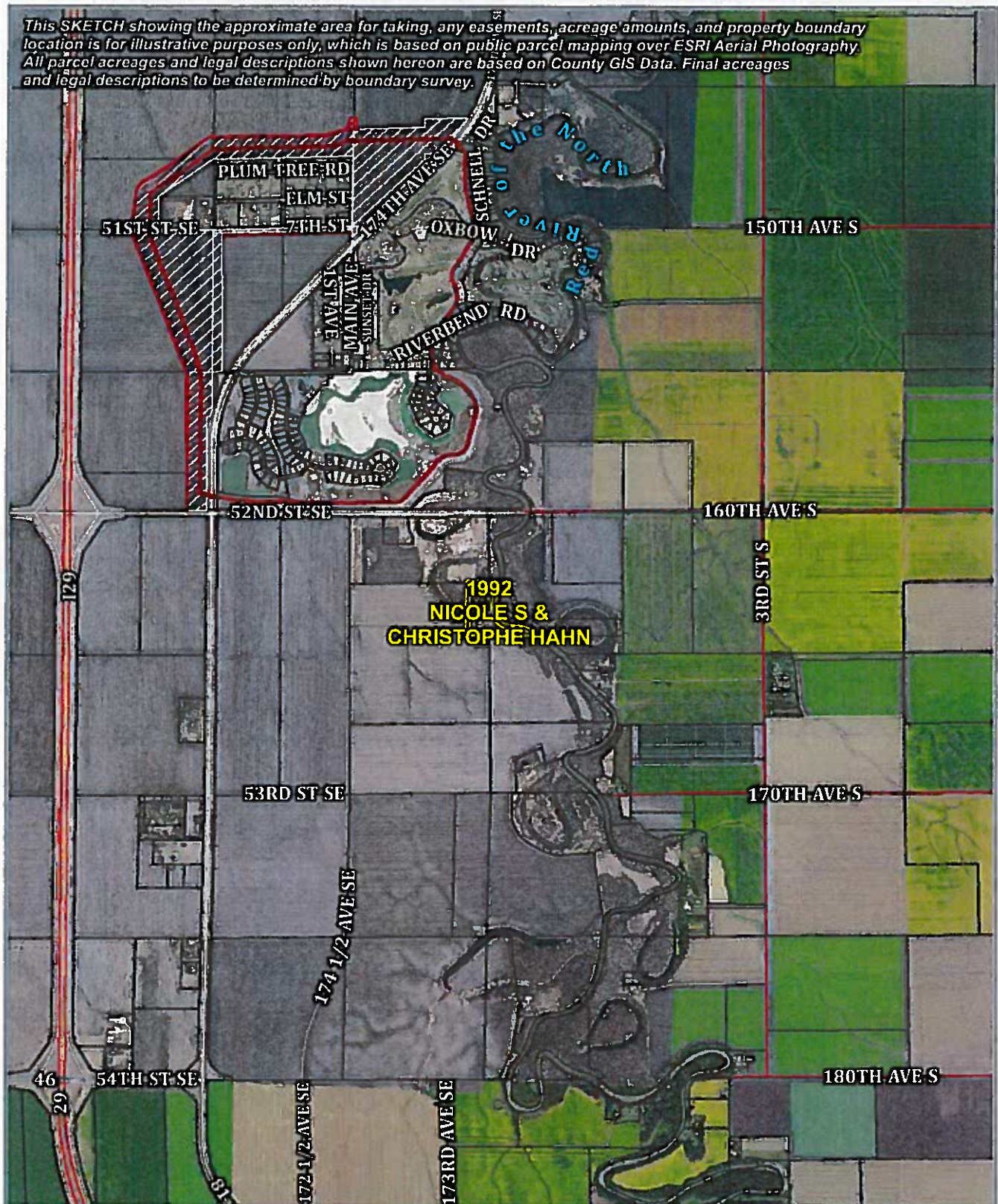
LAST UPDATED:  
3/13/2017

AERIAL: USDA NAIP 2015 1 M





This SKETCH showing the approximate area for taking, any easements, acreage amounts, and property boundary location is for illustrative purposes only, which is based on public parcel mapping over ESRI Aerial Photography. All parcel acreages and legal descriptions shown hereon are based on County GIS Data. Final acreages and legal descriptions to be determined by boundary survey.



**FM AREA DIVERSION**



- Impacted Parcel
- Channel Footprint
- Fee Title
- Temp. Ease.
- Upstream Mitigation Area
- Oxbow Hickson
- Bakke Ring Levee

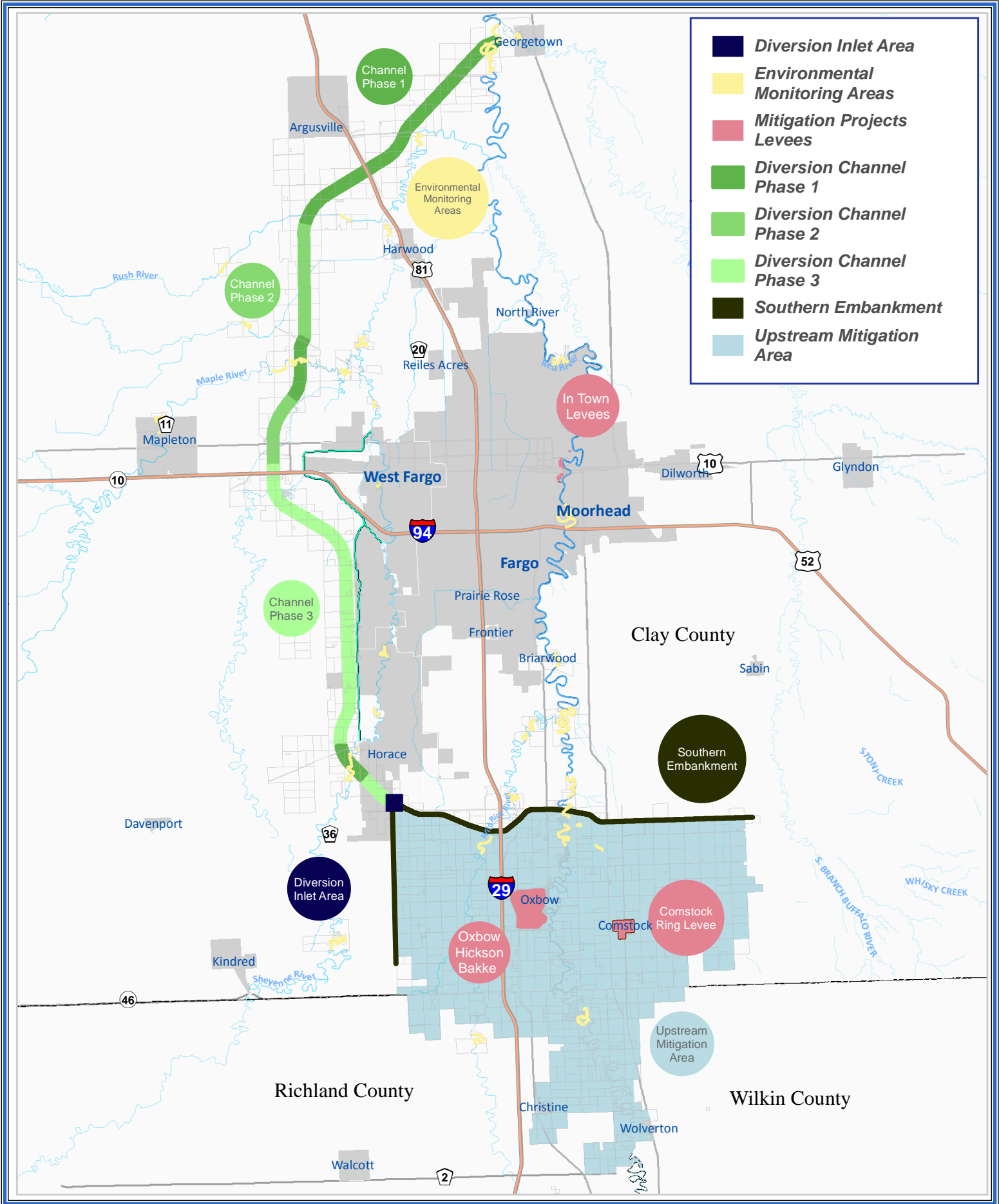


**OIN: 1992**  
 County Parcel ID:  
 57-0000-10361-020  
 GIS Acres: 13.46  
 Fee Title: 0.00  
 Temp Constr: 0

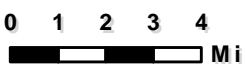
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 AERIAL: USDA NAIP 2015 1 M







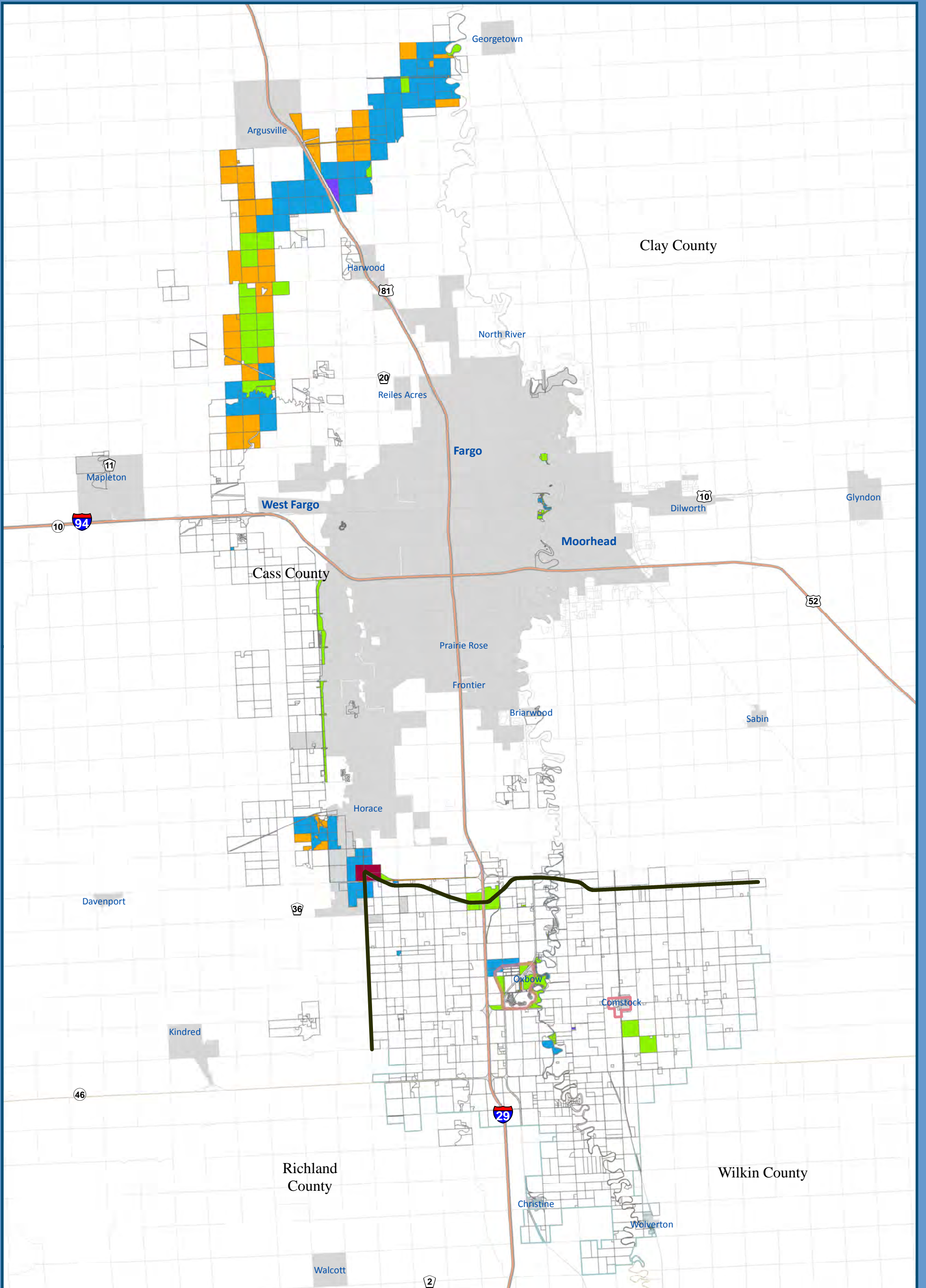
Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable, The Diversion Authority does not guarantee the accuracy of the information, and waives any warranty or guarantee of any kind, express or implied. The data involved in the project is continuously refined and revised; you should not rely on this information for technical purposes or accuracy.



## FM Area Diversion Key Acquisition Areas

3/10/2017

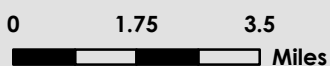




Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.  
 Date: 3/15/2017 | Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet

**STATUS**

- Impacted Parcel
- Appraisal Pending
- In Negotiation
- Purchase Agreement Signed
- Acquired; Easement Secured
- Condemnation for Acquisition



**Property Acquisition  
Status Report**

3/15/2017





# Diversion Inlet Area

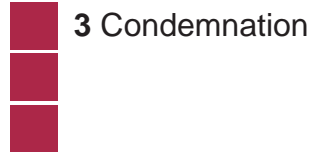


## Diversion Inlet Control Structure

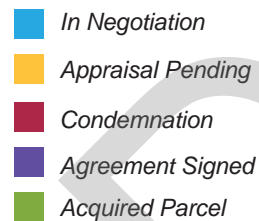
(WP 26)

Targeted Completion Date: Complete

### Parcel Status



3 parcels total



## County Roads 16 & 17 Roundabout

(WP 28)

Targeted Completion Date: July 2017

### Parcel Status



4 parcels total



# Cultural Mitigation Areas

## Sheyenne River Phase 2 & 3 Sites

(32-CS-5126) Target Completion: Spring 2017  
(32-CS-201) Target Completion: June 1, 2017

### Parcel Status



3 In Negotiations

**3 parcels total**

*(Part of Channel Phase 1)*

## Drain 14 Phase 2 Site

(32-CS-5135) Target Completion: Fall 2017

### Parcel Status



1 Appraisal Pending

**1 parcel total**

*May change to a Phase 3 Site  
Phase 2 site requires an Easement  
(Part of Channel Phase 2)*

## South of Maple River Phase 3 Site

(32-CS-5127) Target Completion: July 1, 2017

### Parcel Status



3 In Negotiations

**3 parcels total**

*(Part of Channel Phase 1)*

## North of Maple River Phase 2 Site

(32-CS-5139) Target Completion: Spring 2017

### Parcel Status



1 In Negotiations

2 Acquired

**3 parcels total**

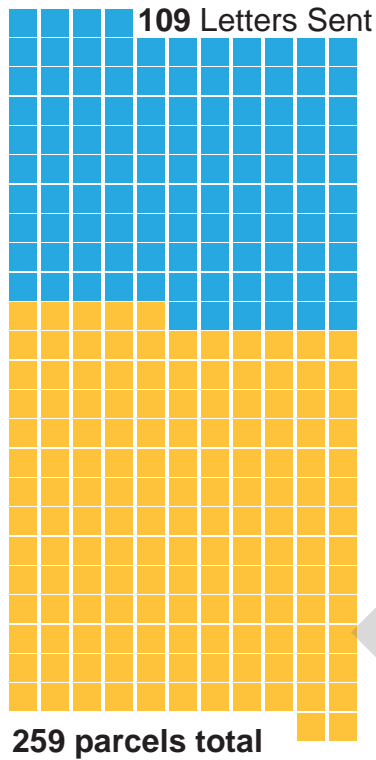
*(Part of Channel Phase 1)*



# Environmental Monitoring Areas

## Cass County

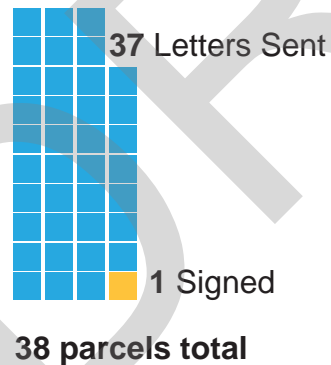
Parcel Status



- Letters Sent/Communication Initiated Mailed 02/03/17
- 150 Signed ROE - Expires 12/31/18
- Signed Easement

## Richland County

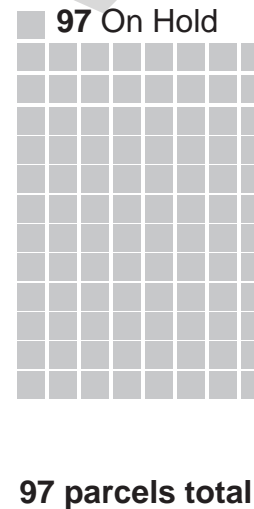
Parcel Status



- Letters Sent/Communication Initiated Mailed 02/23/17
- Signed ROE - Expires 12/31/18
- Signed Easement

## Clay County

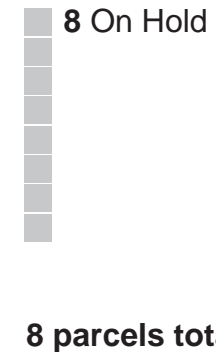
Parcel Status



- Letters Sent/Communication Initiated
- Signed ROE
- Signed Easement

## Wilkin County

Parcel Status



- Letters Sent/Communication Initiated
- Signed ROE
- Signed Easement

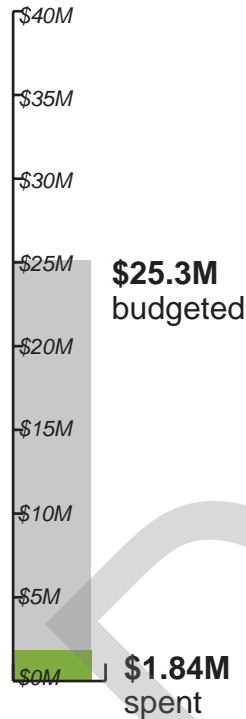
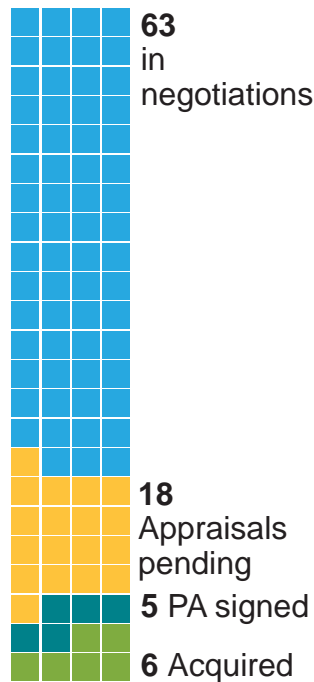
# Diversion Channel

## Phase 1

Target Completion: Feb. 2018

Parcel Status

Hard Costs paid to Property Owners



92 parcels total

- In Negotiation
- Appraisal Pending
- Condemnation
- Agreement Signed
- Acquired Parcel

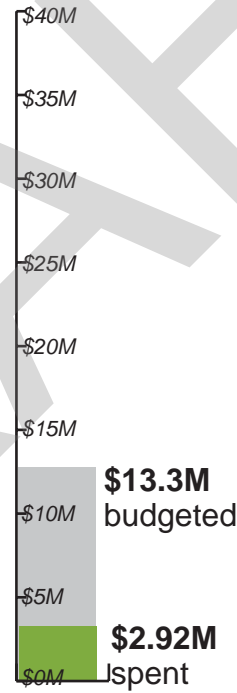
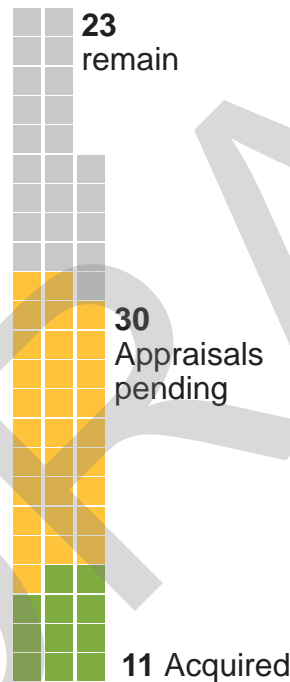
- Budgeted
- Spent

## Phase 2

Target Completion: Feb. 2019

Parcel Status

Hard Costs paid to Property Owners



64 parcels total

- In Negotiation
- Appraisal Pending
- Condemnation
- Agreement Signed
- Acquired Parcel

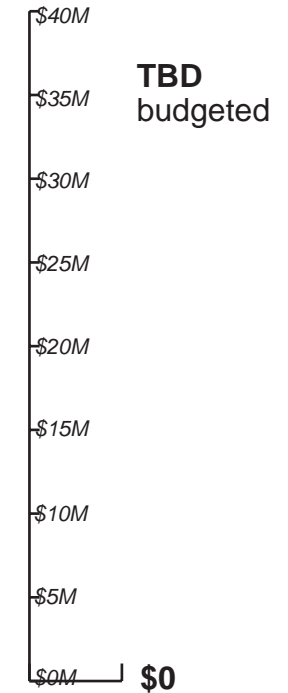
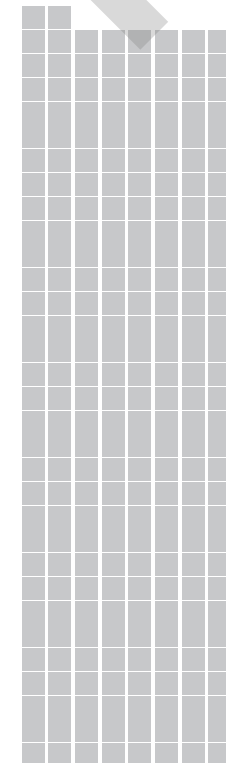
- Budgeted
- Spent

## Phase 3

Target Completion: Feb. 2020

Parcel Status

Hard Costs paid to Property Owners



- In Negotiation
- Appraisal Pending
- Condemnation
- Agreement Signed
- Acquired Parcel

- Budgeted
- Spent

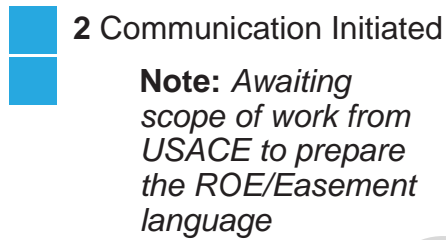
# Mitigation Projects

## Wild Rice Dam Removal

(WP 36)

Targeted Completion Date: July 1, 2017

### Parcel Status



2 parcels total

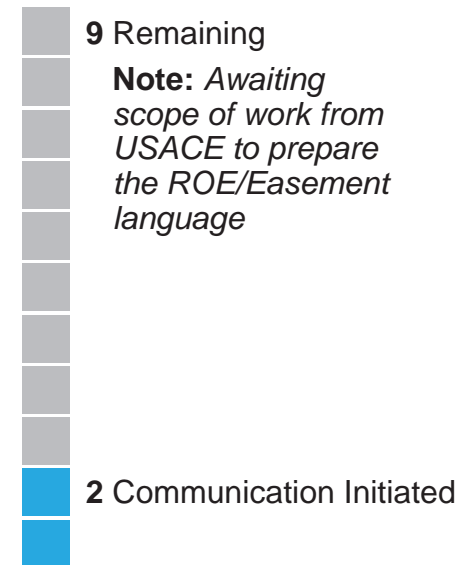
- Letters Sent/Communication Initiated
- Signed ROE
- Signed Easement

## Drayton Dam Replacement

(WP 40)

Targeted Completion Date: July 1, 2017

### Parcel Status

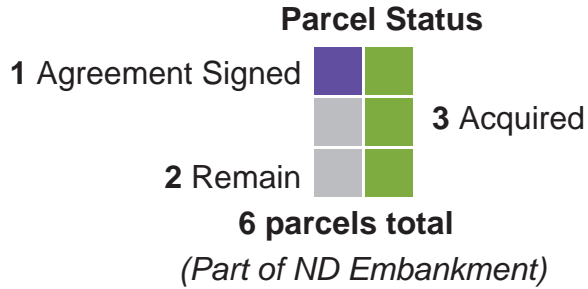


11 parcels total

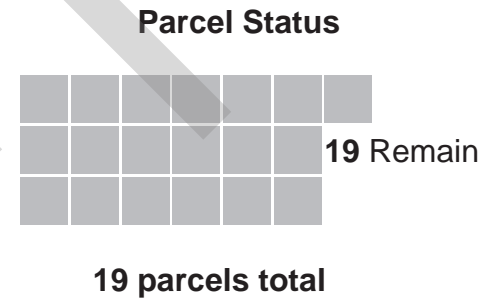
- Letters Sent/Communication Initiated
- Signed ROE
- Signed Easement

# Southern Embankment

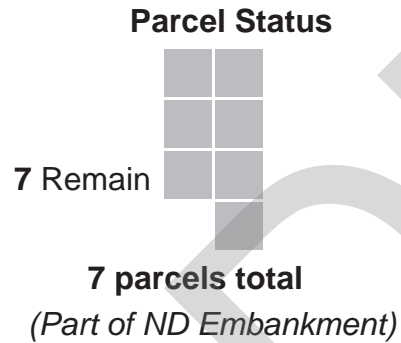
## Wild Rice Control Structure



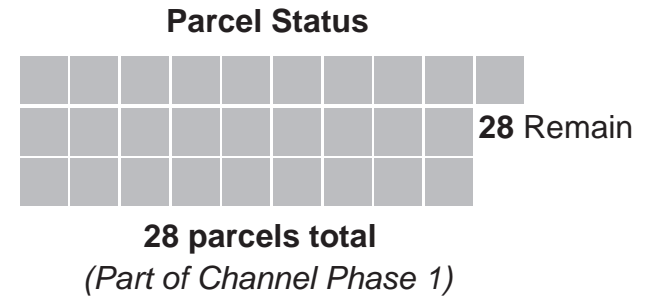
## ND Embankment



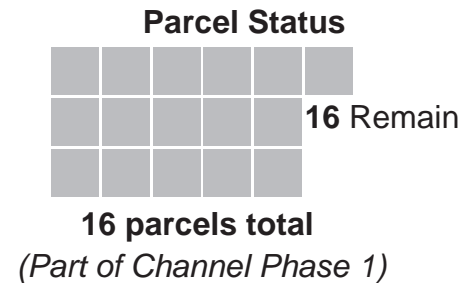
## Red River Control Structure








## MN Embankment



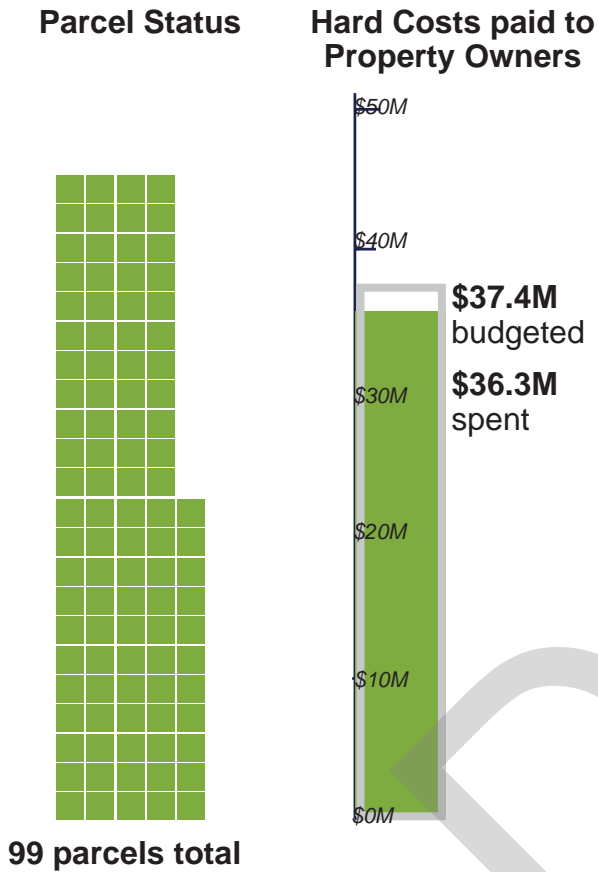
## Limited Service Spillway



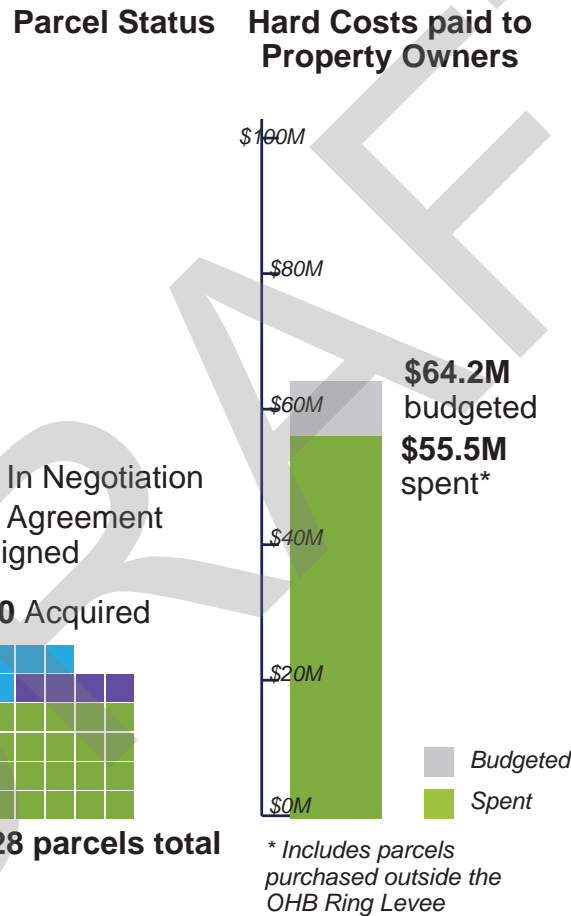
-  In Negotiation
-  Appraisal Pending
-  Condemnation
-  Agreement Signed
-  Acquired Parcel

# Levee Projects

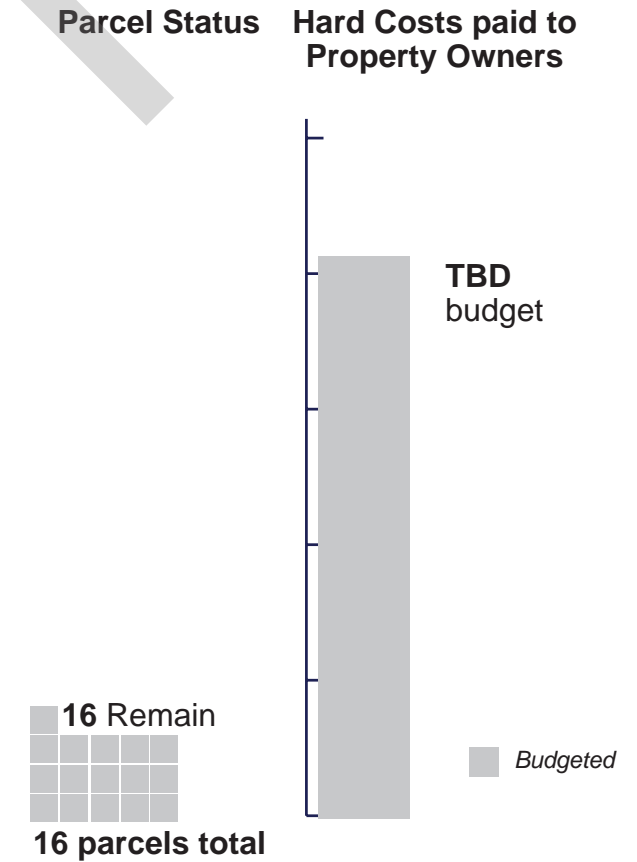
## In Town Levees



## OHB Ring Levee



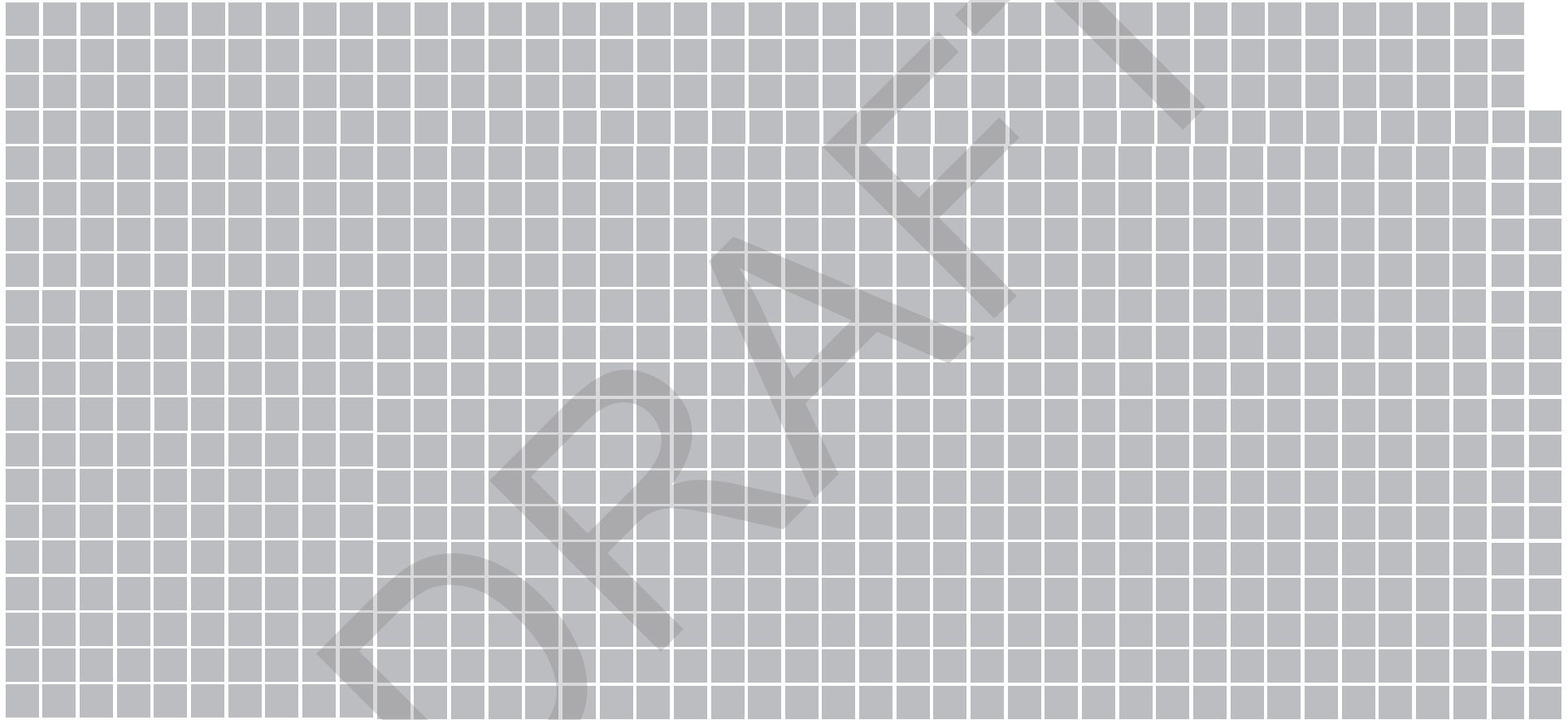
## Comstock Ring Levee



- In Negotiation
- Appraisal Pending
- Condemnation
- Agreement Signed
- Acquired Parcel
- Budgeted
- Spent

# Upstream Mitigation Area

## Flowage Easements



720 parcels total

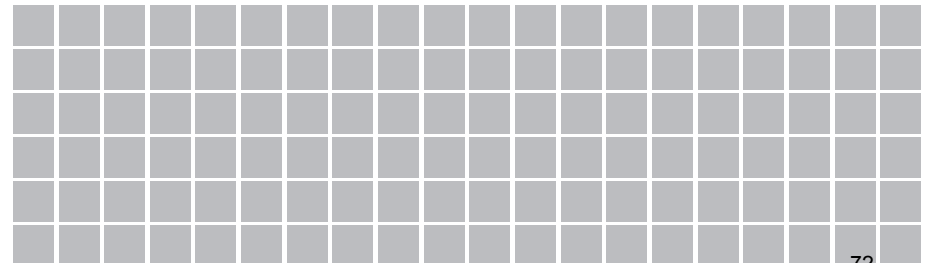
- Letters Sent/  
Communication  
Initiated
- Signed ROE
- Signed Easement

### Structure Sites

Parcel Status

120 parcels total

- In Negotiation
- Appraisal Pending
- Condemnation
- Agreement Signed
- Acquired Parcel





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**COST REIMBURSEMENT AGREEMENT**

**BY AND BETWEEN**

**METRO FLOOD DIVERSION AUTHORITY  
as Diversion Authority**

**and**

**FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS  
as Metro COG**

**Related to:**

**2017 Digital Ortho Aerial Photography, LiDAR Contour  
Mapping and Planimetric Updates and future similar services.**

**Approved by the Diversion Authority Board on March 23, 2017**

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This instrument was drafted by:  
John T. Shockley  
Ohnstad Twichell, P.C.  
P.O. Box 458  
West Fargo, ND 58078-0458

## **COST REIMBURSEMENT AGREEMENT**

THIS AGREEMENT (the “Agreement”) is made and entered into as of the date of the last signature below (the “Effective Date”), by and between the Metro Flood Diversion Authority (“Diversion Authority”) and the Fargo-Moorhead Metropolitan Council of Governments (“Metro COG”).

WHEREAS, every two to three years a multi-jurisdictional project occurs to update digital aerial orthophotography, contour mapping derived from LiDAR, and planimetrics (the “Project”) for the greater Fargo-Moorhead Metropolitan area; and

WHEREAS, the municipalities and counties in the greater Fargo-Moorhead Metropolitan area share the costs of the Project based on the amount of work performed in each municipality and county and each provides local funds, in some cases as a match to federal funds, if available for the Project; and

WHEREAS, as part of the Fargo-Moorhead Metro Diversion Project, studies of the biological and geological environment within and near the Diversion Project are necessary to be completed before and after the Diversion Project is completed; in order to properly complete these studies the Diversion Authority needs to collect the digital aerial orthophotography, contour mapping and planimetrics that is collected under Metro COG’s Project.

WHEREAS, Metro COG has historically been the Project Manager for the Project by issuing an RFP, selecting and contracting with a consultant to perform the Project work (the “Consultant”), receiving the federal and local funds, overseeing payments to the Consultant and distributing the work product to the local governmental entities, all under an agreement between Metro COG and the Consultant (the “Project Contract”); and

WHEREAS, due to the RFP process that occurs with each Project, the Consultant and the Project Contract terms may vary with each Project; and

WHEREAS, the Diversion Authority desires to participate and receive Project documents pursuant to each Project Contract and has previously agreed to provide reimbursement payments of non-federal funds to Metro COG for the Consultant’s services; and

WHEREAS, the parties desire to enter into this Agreement to set forth terms for which the Diversion Authority will provide reimbursement for the 2017 Project and future Projects anticipated to be completed approximately every three (3) years, commencing on the Effective Date, and in an effort to make the Diversion Authority approval process more efficient for future Projects.

NOW THEREFORE, it is agreed by and between the parties as follows:

1. **PROJECT SERVICES.** The Consultant will perform the Project work according to the Project Contract. Metro COG will act as the project manager and intermediary to the Diversion Authority by overseeing the Consultant and Project Contract. In the event that Metro COG is not the party contracting with a Consultant for the Project, this Agreement may be terminated pursuant to Section 10 of this Agreement.

2. COMPENSATION. Metro COG will provide an estimated cost and provide an invoice to the Diversion Authority prior to work on each Project being commenced. The Diversion Authority acknowledges and agrees that the invoice must be paid to Metro COG after execution of contract with Consultant and prior to issuance of first invoice from Consultant. The local cost share amount of the Diversion Authority for the 2017 Project has been calculated to be approximately \$238,030.07. The compensation for each Project will be paid from the Diversion Authority to Metro COG according to Section 9 of this Agreement.
3. DELIVERABLES. The Diversion Authority will receive Project documents in accordance with deadlines and formats and set forth in each Project Contract. Metro COG agrees to provide the Diversion Authority with any Project documents within fifteen (15) days of Metro COG's receipt of final documents from Consultant.
4. PROJECT DOCUMENT USE AND OWNERSHIP. The use and ownership of documents produced by each Project shall be governed by the terms of the corresponding Project Contract.
5. PROJECT SCHEDULE. The Project is anticipated to recur every three (3) years. The Project work is generally completed during the spring of a Project year and work product is delivered to Metro COG by the end of the Project year. Metro COG will coordinate with the Diversion Authority the year immediately prior to the Project year to determine the area the Diversion Authority would like collected under the upcoming Project. Metro COG will provide a Project cost estimate to the Diversion Authority during the fall in the year immediately prior to the Project year, so the Diversion Authority may include Project costs in its budget for the following year.
6. TERM. The term of this Agreement shall begin on the Effective Date of this Agreement and continue through December 31, 2029.
7. EXTENSION OF TERM. The parties shall have the right to extend this Agreement for such additional period as determined by both parties. Any extension shall be in writing pursuant to the modification terms of this Agreement.
8. NO REIMBURSEMENT OF EXPENSES. The Diversion Authority will not be responsible for reimbursing Metro COG for any expenses incurred by Metro COG in Consultant procurement and contracting. The Diversion Authority will be responsible for payments to Metro COG as described in this Agreement.
9. INVOICING AND PAYMENT.
  - A. Prior to the Diversion Authority's budget being finalized, Metro COG will provide an estimated Project cost to the Diversion Authority. The estimated cost must be received by the Diversion Authority by or before September 15<sup>th</sup> in the year prior to the Project, to be included in the Diversion Authority's budget for the following year.
  - B. After Metro COG has determined or received the actual Project cost attributable to the Diversion Authority, Metro COG will submit an invoice to the Diversion Authority prior to the Project work being completed. The parties acknowledge and agree that

Metro COG requires payment from all participating entities prior to Metro COG commencing work pursuant to this Agreement.

- C. Metro COG must submit a copy of each invoice to:

NBoerboom@cityoffargo.com

OR

Nathan Boerboom, Division Engineer  
Metro Flood Diversion Authority  
c/o City of Fargo  
200 3<sup>rd</sup> St. N  
Fargo, ND 58102

- D. Metro COG's invoice must clearly indicate fees incurred for the current Project period and include at least the following information:
- (1) Metro COG's name and address;
  - (2) Metro COG's federal employer identification number;
  - (3) Name of the matter and number of the file; and
  - (4) Unique invoice number.
- E. The invoice for each Project will be paid to Metro COG within thirty (30) days of the Diversion Authority's receipt of an invoice from Metro COG.

10. TERMINATION.

- A. This Agreement is not terminable at will if Metro COG has entered into a contemplated Project Contract with Consultant and/or Metro COG chooses to proceed with Project Contract related to or arising out of the Project.
- B. Either party may terminate this Agreement upon fourteen (14) days' written notice, in whole or in part, if:
- (1) The Diversion Authority determines that having Metro COG provide services has become infeasible due to changes in applicable laws or regulations, or
  - (2) Except as set forth in subsection A of this Section, expected or actual funding to compensate Metro COG is withdrawn, reduced, or limited.
- C. During any year of this Agreement in which a Project is not ongoing, either party may terminate this Agreement, in whole or in part, for any or no reason upon ninety (90) days' written notice.
- D. In the event a federal or state tax or employment agency concludes that an independent contractor relationship does not exist, either Metro COG or the Diversion Authority may terminate this Agreement immediately upon written notice.
- E. Upon receipt of any termination notice given pursuant to subsection B and/or C of this Section from the Diversion Authority, Metro COG must promptly discontinue all affected services unless the notice specifies otherwise. Metro COG must deliver all

Project documents and materials to the Diversion Authority within seven (7) days of the Metro COG's receipt of any termination notice.

- F. Upon the end date of the Agreement, which is the later of the date when this Agreement as a whole expires or is terminated pursuant to its terms:
    - (1) The Diversion Authority will be released from compensating Metro COG for services other than those performed in accordance with this Agreement.
    - (2) Metro COG will be released from performing services, except for services in any non-terminated portion of the Agreement.
  - G. All rights and duties with respect to services performed prior to the expiration or termination of this Agreement, and continuing obligations specified in this Agreement to be performed following expiration or termination of this Agreement, will survive the expiration or termination of this Agreement.
11. **NOTICE**. Any notice or election required or permitted to be given or served by any party to this Agreement upon any other will be deemed given or served in accordance with the provisions of this Agreement if said notice or election is (i) delivered personally, or (ii) mailed by United States certified mail, return receipt requested, postage prepaid and in any case properly addressed as follows:

If to Metro COG:                                 Attn: Chair, Metro COG Policy Board  
   F-M Metropolitan Council of Governments  
   1 2<sup>nd</sup> St. N, Suite 232  
   Fargo, ND 58102

If to Diversion Authority:                     Attn: Chair  
   Metro Flood Diversion Authority  
   P.O. Box 2806  
   Fargo, ND 58108

Each such mailed notice or communication will be deemed to have been given on the date the same is deposited in the United States mail. Each such delivered notice or communication will be deemed to have been given upon the delivery. Any party may change its address for service of notice in the manner specified in this Agreement.

12. **PROHIBITION AGAINST ASSIGNMENT**. Except as otherwise expressly provided in this Agreement, Metro COG agrees on behalf of itself, its officers and partners and the personal representatives of the same, and any other person or persons claiming any benefits under Metro COG by virtue of this Agreement, that this Agreement and the rights, interests, and benefits hereunder shall not be assigned, transferred, pledged or hypothecated in any way by Metro COG or by any other person claiming under it by virtue of this Agreement, and shall not be subject to execution, attachment or similar process. Any attempt at assignment, transfer, or of pledge or hypothecation or other disposition of this Agreement or of such rights, interests, and benefits contrary to the foregoing provisions or the levy of any attachment or similar process shall be null and void and without affect.

13. MODIFICATION. This Agreement contains the entire understanding of the parties. It may not be changed orally, but only upon an agreement in writing approved by both parties' governing bodies. It may be modified as to terms and conditions from time to time upon the mutual consent of the parties; however, such modification shall be reduced to writing, signed by the parties and the document appended to and made a part of this Agreement.
14. WAIVER. A party's waiver of enforcement of any of this Agreement's terms or conditions will be effective only if it is in writing. A party's specific waiver will not constitute a waiver by that party of any earlier, concurrent, or later breach or default.
15. BINDING EFFECT. This Agreement shall be binding upon and inure to the benefit of the Diversion Authority, its successors and assigns, and any such successor shall be deemed substituted for the Diversion Authority under the terms of this Agreement. This Agreement shall likewise be binding upon Metro COG, its successors and assigns. As used in this Agreement, the term "successor" shall include any person, firm, corporation or other business entity which at any time whether by merger, purchase or otherwise acquires all or substantially all of the assets or business of the corporation.
16. NEGOTIATED AGREEMENT. This Agreement has been arrived at through negotiation between the parties.
17. SEVERABILITY. If any court of competent jurisdiction declares any provision or part of this Agreement to be invalid or unenforceable, all remaining terms and provisions of this Agreement will remain binding and enforceable.
18. CONTROLLING LAW AND VENUE. This Agreement shall be controlled by the laws of the State of North Dakota, and any action brought as a result of any claim, demand or cause of action arising under the terms of this Agreement shall be brought in an appropriate venue in the State of North Dakota.
19. COUNTERPARTS. This Agreement may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a ".pdf" format data file, such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof.

*[Signatures included on the following pages.]*

DIVERSION AUTHORITY:

Metro Flood Diversion Authority

By: \_\_\_\_\_  
Timothy J. Mahoney, Chair

Date signed: \_\_\_\_\_

By: \_\_\_\_\_  
Michael Redlinger, Co-Deputy Executive Director

Date signed: \_\_\_\_\_

METRO COG:

Fargo-Moorhead Metropolitan Council of Governments

By: \_\_\_\_\_  
Brenda Elmer, Chair, Metro COG Policy Board

Date signed: \_\_\_\_\_

By: \_\_\_\_\_  
William Christian, Metro COG Policy Board Secretary

Date signed: \_\_\_\_\_