

FLOOD DIVERSION AUTHORITY
FINANCE COMMITTEE
AGENDA FOR TUESDAY, DECEMBER 15, 2015

Fargo City Commission Chambers
1:30 PM

1. Call to order
2. Approval of the minutes from two previous meetings Item No. 2
3. Approval of bills Item No. 3
4. Financial update (Montplaisir) Item No. 4
5. Invoicing process (Higgins)
6. Special Assessment update (Brodshaug)
7. Approval of 2016 budget (Spiller) Item No. 7
8. Financial consultant for temporary financing (Montplaisir)
9. Property Acquisition (Reitz and Robertson) Item No. 9
10. Other business
11. Next meeting—January 13, 2016
12. Adjournment

cc: Local Media
Flood Diversion Board of Authority
CH2M
AE2S

**FLOOD DIVERSION FINANCE COMMITTEE
NOVEMBER 10, 2015—2:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Finance Committee was held on Tuesday, November 10, 2015, at 2:30 PM in the Fargo City Commission Chambers, Fargo City Hall, with the following present: Cass County Administrator Keith Berndt; Cass County Joint Water Resource District Chairman Mark Brodshaug; Fargo Finance Director Kent Costin; Clay County Auditor/Treasurer Lori Johnson; Cass County Auditor Mike Montplaisir; Moorhead City Council Member Nancy Otto; Cass County Commissioner Chad Peterson; Cass County Commission Representative Darrell Vanyo; Moorhead Finance Director Wanda Wagner; and Fargo City Commissioner Mike Williams. Fargo City Mayor Tim Mahoney arrived later in the meeting. Cass County Commissioner Rick Steen was absent.

Also present were Bruce Grubb, Interim Fargo City Administrator; John Shockley, Ohnstad Twichell; Bruce Spiller, CH2M; and Eric Dodds, AE2S.

2. AMENDED AGENDA

Mr. Montplaisir said additional items will be added to the meeting agenda: Item 6h. Fargo Public Schools property; and item 8a. FM Diversion controls and financial management support.

3. APPROVAL OF MINUTES FROM PREVIOUS MEETING

MOTION, passed

Mr. Brodshaug moved and Mr. Berndt seconded to approve the minutes from the October 7, 2015, meeting as presented. Motion carried.

4. APPROVAL OF BILLS

Mr. Costin said the largest expense for the month is the reimbursement to the Cass County Joint Water Resource District (CCJWRD). The majority of the request is for in-town levee costs.

MOTION, passed

Mr. Vanyo moved and Ms. Otto seconded to approve the bills in the amount of \$6,608,089.68 and to forward them to the Flood Diversion Board of Authority. On roll call vote, the motion carried unanimously.

5. FINANCIAL UPDATE

Mr. Costin reviewed the financial statements for October. The total disbursed to date is \$160,326,933. There is \$50.5 million remaining in the FY 2015 budget, taking into account outstanding encumbrances, and there is \$159 million remaining of the state balance yet to be drawn down. Mr. Costin said the larger reimbursement requests take longer to put together and process.

Mr. Costin said the cash balance of the remaining U.S. Bank loan funds and the city flood sales tax equals \$37 million. Mr. Montplaisir said the county has \$24 million in available flood sales tax funds on hand. Mr. Costin said he has concerns with the timeline of securing additional funds as an alternate financing plan presented by Mr. Shockley at a previous meeting could take up to 150 days. The only other option available may be to

take out an additional bank loan.

6. **SPECIAL ASSESSMENT UPDATE**

Mr. Brodshaug said an appeals hearing on the special assessment district was held on October 30th. A motion to dismiss was made and a decision is expected to be handed down this week.

Mr. Dodds said if the motion to dismiss is awarded the final hearing on the special assessment district can be held. Otherwise it may take another six to nine months as the final appeal is heard.

7. **PROPERTY ACQUISITIONS, Seven properties approved for acquisition; one denied Anderson property (1802)**

Mr. Dodds said the Andersons applied for and were granted approval of a medical hardship after review by the Hardship Committee. There has been ongoing discussion on the purchase of the property as it lies in Minnesota and the only properties currently eligible for acquisition must be in Oxbow or for the purpose of in-town levees. The legal team has reviewed the options and the most appropriate approach is to offer a purchase agreement that would initially pay 90% of the appraised property value. The full acquisition of the property would not take place until the MN EIS has been completed. Relocation benefits would also be provided in accordance with the Uniform Relocation Act (URA).

Mr. Costin asked if relocation benefits are provided based upon the most comparable property, or the most expensive. Mr. Brodshaug said the federal process requires three comparable properties currently listed for sale to be identified, and the property with the highest asking price must be used as the basis for relocation benefits. Mr. Dodds said comparable properties in rural settings are simply more difficult to find, and the three identified properties listed were the closest in comparison to the Anderson property.

MOTION, failed due to tie vote

Mr. Brodshaug moved and Ms. Otto seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement with Robert L. and Judith Anderson as presented. On roll call vote, the motion failed with Mr. Montplaisir, Ms. Johnson, Ms. Wagner, Mr. Brodshaug, and Ms. Otto voting “Yes”; Mr. Berndt, Mr. Vanyo, Mr. Costin, Mr. Peterson, and Mr. Williams voting “No”.

Mr. Dodds asked if the objection to the acquisition is due to the legal situation or the cost differential between the highest comparable property and the appraised value. Mr. Peterson said he disagrees with the legal workaround required to acquire the property. Mr. Berndt said he objects to the \$116,000 replacement housing differential payment. Mr. Vanyo said he is uncomfortable with both the legal situation and the high relocation compensation.

Ms. Otto said the proposed acquisition followed the federal process and as only properties listed for sale may be used as comparable properties, denying the acquisition now may result in even higher comparable properties at a later date.

Haug property

Mr. Dodds said the Haug property is required as part of the in-town levee system, specifically the Mickelson levee extension.

MOTION, passed

Mr. Williams moved and Mr. Berndt seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement with Wayne Haug as presented. On roll call vote, the motion carried unanimously.

Mondragon property

Mr. Dodds said the Mondragon property is required as part of the in-town levee system, specifically the El Zagal levee project.

MOTION, passed

Mr. Williams moved and Mr. Vanyo seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement with Juan and Annele Mondragon as presented. On roll call vote, the motion carried unanimously.

Arthur Mathison Trust property

Mr. Dodds said the Arthur Mathison Trust property is required for the OHB Ring Levee project, and the proposed acquisition entails an exchange of 88 acres of farmland already purchased by the CCJWRD.

MOTION, passed

Mr. Vanyo moved and Ms. Otto seconded to authorize the Cass County Joint Water Resource District to execute an exchange agreement with the Arthur Mathison Trust as presented. On roll call vote, the motion carried unanimously.

Anderson property (9661)

Mr. Dodds said as a result of previous discussion on the Oxbow property acquisitions, the information provided for the remaining acquisitions will include requested cost summaries and replacement housing details; a letter from Helenske Design Group verifying the use of the unit price approach and the circumstances in which the “like for like” analysis will be used; and a quote provided by a landscape architect who has visited each property in question.

Mr. Vanyo thanked the team for the additional information and updated packaging of the property acquisition requests.

Mr. Dodds said the Anderson property (9661) is required for the OHB Ring Levee project.

MOTION, passed

Mr. Vanyo moved and Mr. Berndt seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement and replacement housing agreement with Jeffrey and Cathy Anderson as presented. On roll call vote, the motion carried unanimously.

Talley property

Mr. Dodds said the Talley property is required for the OHB Ring Levee project.

MOTION, passed

Mr. Brodshaug moved and Mr. Berndt seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement and replacement housing agreement with Joseph and Marie Talley as presented. On roll call vote, the motion carried unanimously.

Rademacher property

Mr. Dodds said the Rademacher property is required for the OHB Ring Levee project.

MOTION, passed

Mr. Vanyo moved and Mr. Brodshaug seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement and replacement housing agreement with Kent and Melissa Rademacher as presented. On roll call vote, the motion carried unanimously.

Fargo Public Schools property

Mr. Dodds said the Fargo Public Schools property is required as part of the in-town levee and floodwall project.

Mr. Dodds said after initial discussions, it became clear that the entire property would need to be acquired as it was not feasible for the school district to separate functions of the building on a long-term basis. After reviewing options for a replacement property, it was determined that the best course of action is to construct a new facility on property in south Fargo currently owned by the City of Fargo.

MOTION, passed

Mr. Williams moved and Mr. Brodshaug seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement and relocation agreement with Fargo Public Schools as presented. On roll call vote, the motion carried unanimously.

Dr. Mahoney arrived for the remainder of the meeting.

8. LAND ACQUISITION DIRECTIVE

Mr. Dodds presented a Land Acquisition Directive (LAD) for parcels necessary for the diversion inlet structure, adjacent embankment, diversion channel, and associated road raises and realignments.

MOTION, passed

Mr. Berndt moved and Mr. Peterson seconded to approve LAD-00010 as presented. Motion carried.

9. 2016 BUDGET

Mr. Spiller presented a memo of a draft of the proposed 2016 budget. The proposed FY16 budget is \$246 million, which includes \$104 million in FY15 committed costs, and \$123 million in new allocations.

10. FM DIVERSION PROGRAM CONTROLS AND FINANCIAL MANAGEMENT SUPPORT

Mr. Spiller said in August the Diversion Authority authorized the implementation of program controls to marry cost information and co-locate data between the CCJWRD and Diversion Authority financing as overseen by the Fargo Finance Department. The program controls will diminish lag times for budget reporting and allow for more accurate tracking.

Mr. Costin said the system currently being used to track the Diversion Authority budget is not sophisticated enough for the project, and as construction ramps up he cannot fathom continuing in the same manner.

Mr. Spiller said the first Finance Committee reports under the new program controls will be produced in January, 2016.

11. OTHER BUSINESS

Property disposal

Mr. Brodshaug said a contract was awarded to dispose of two buyout properties. A discussion should be had at a future meeting on the management and disposal of properties acquired for the project.

12. UPCOMING MEETING SCHEDULE

Mr. Dodds said a second meeting will be held this month and a tentative meeting has been set for Wednesday, November 18th, at 4:00 PM.

The regularly scheduled meeting in December conflicts with the State Water Commission meeting. The meeting will be rescheduled for December 15th, at 2:30 PM.

13. ADJOURNMENT

MOTION, passed

On motion by Mr. Vanyo, seconded by Mr. Peterson and all in favor, the meeting was adjourned at 4:00 PM.

**FLOOD DIVERSION FINANCE COMMITTEE
NOVEMBER 24, 2015—4:00 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Finance Committee was held on Tuesday, November 24, 2015, at 4:00 PM in the Fargo City Commission Chambers, Fargo City Hall, with the following present: Cass County Administrator Keith Berndt; Fargo Finance Director Kent Costin; Clay County Auditor/Treasurer Lori Johnson; Fargo City Mayor Tim Mahoney; Cass County Auditor Mike Montplaisir; Cass County Joint Water Resource District Vice Chairman Rodger Olson; Moorhead City Council Member Nancy Otto; Cass County Commissioner Rick Steen; and Moorhead Finance Director Wanda Wagner. Cass County Commission Representative Darrell Vanyo was present via teleconference. Fargo City Commissioner Mike Williams arrived later in the meeting. Cass County Joint Water Resource District Chairman Mark Brodshaug was absent.

Also present were Bruce Grubb, Interim Fargo City Administrator; John Shockley, Ohnstad Twichell; and Eric Dodds, AE2S.

2. PROPERTY ACQUISITIONS, Five properties approved for acquisition

Anderson property

Mr. Dodds said the Anderson property is the hardship property discussed at the previous meeting. There were concerns with the high cost differential between the highest comparable property and the appraised value. Following the meeting, the team was able to identify another comparable property, bringing the replacement housing payment down to \$71,000.

MOTION, passed

Mr. Berndt moved and Mr. Costin seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement with Robert L. and Judith Anderson as presented. On roll call vote, the motion carried unanimously.

Mr. Williams arrived for the remainder of the meeting.

Benson property

Mr. Dodds said the Benson property is required for the OHB Ring Levee project.

MOTION, passed

Mr. Steen moved and Mr. Vanyo seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement, replacement housing agreement, and payment for a replacement lot for Paul and Valerie Benson as presented. On roll call vote, the motion carried unanimously.

Kilbourne Group property

Mr. Dodds said the Kilbourne Group property is required as part of the in-town levee and floodwall project. The proposed agreement includes the purchase of the property for \$1,031,000, and the opportunity for the Kilbourne Group to purchase a portion of a remnant of the adjacent Fargo Public Schools property for \$1,401,000. The sale proceeds would result in a net payment to the Cass County Joint Water Resource District (CCJWRD) of \$370,500. The cost avoidance for demolition of the Fargo Public Schools building is estimated to be \$400,000, resulting in a \$770,500 cost benefit to CCJWRD

and the Diversion Authority.

MOTION, passed

Dr. Mahoney moved and Ms. Otto seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement and the sale of remnant property from the former Fargo Public Schools property to the Kilbourne Group as presented. On roll call vote, the motion carried unanimously.

Hasbargen property

Mr. Dodds said the Hasbargen property is required for the OHB Ring Levee project. The total property includes a single family residence plus three vacant lots. The property owners will leave the Oxbow area and will not rebuild.

MOTION, passed

Mr. Berndt moved and Mr. Costin seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement with David Hasbargen and Wayne Zimmerman as presented. On roll call vote, the motion carried unanimously.

Cramer property

Mr. Dodds said the Cramer property is required for the OHB Ring Levee project. The property is a vacant lot designated for single family residential development. After appraisal, there was an extraordinary assumption that the lot is not buildable. The owner provided documentation from a third party source that the lot is, in fact, buildable and usable for residential purposes. After review of the documentation and additional research it became clear that there would be little to no cost to elevate the property, and an adjusted appraised value was determined.

MOTION, passed

Mr. Berndt moved and Mr. Vanyo seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement as just compensation for real property with Randy and Lisa Cramer as presented. On roll call vote, the motion carried with Mr. Montplaisir, Mr. Berndt, Mr. Vanyo, Mr. Costin, Ms. Johnson, Ms. Wagner, Mr. Olson, Dr. Mahoney, Ms. Otto, and Mr. Steen voting “Yes”; and Mr. Williams voting “No”.

3. NEXT MEETING

Mr. Montplaisir said the regularly scheduled meeting in December conflicts with the State Water Commission meeting. The meeting will be rescheduled for December 15th, at 1:30 PM, in the Fargo City Commission Chambers.

4. ADJOURNMENT

MOTION, passed

On motion by Ms. Otto, seconded by Mr. Berndt and all in favor, the meeting was adjourned at 4:32 PM.

Finance Committee Bills for December 2015

Vendor	Description	Amount
Fredrikson & Bryon, P.A.	Government Relations Fee - November	\$3,500.00
Fredrikson & Bryon, P.A.	Government Relations Fee - December	\$3,500.00
Dorsey & Whitney	Legal Services Rendered through 10/31/2015	\$84,112.49
Cass County Joint Water Resource District	Reimburse Diversion bills	\$3,909,485.93
Erik R. Johnson & Associates, Ltd.	Metro Flood Project - General Legal Matters for November	\$8,001.90
Erik R. Johnson & Associates, Ltd.	Metro Flood Project - LEERDS Matters for November	\$1,035.30
Nixon Peabody	Legal services for bank loan financing	\$30,000.00
Ohnstad Twichell, P.C.	Bond counsel work - PPA Research	\$7,209.00
		<hr/>
Total Bills Received in November		<hr/> <u>\$4,046,844.62</u>

REMITTANCE PAGE

Diversion Board of Authority
211 9th Street South
P.O. Box 2806
Fargo, ND 58108-2806

Please remit this page with your payment. Thank you. We appreciate your business.

Invoice: 1340585
Client Account: 072720.0001
Regarding: Government Relations LOB 30321
Invoice Date: November 10, 2015

Total Fees:	\$ 3,500.00
Total This Invoice	\$ 3,500.00

Payment is due within 30 days from receipt of invoice

If you have any questions please email accounting@fredlaw.com or contact a client representative at 612.492.7574.

Fredrikson

& BYRON, P.A.

INVOICE DETAIL

Diversion Board of Authority
211 9th Street South
P.O. Box 2806
Fargo, ND 58108-2806

Invoice: 1340585
Client Account: 072720.0001
Regarding: Government Relations LOB 30321
Invoice Date: November 10, 2015

Government Relations flat fee payment 5 of 12.

Total For Fees	\$ 3,500.00
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Total This Invoice	\$ 3,500.00
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REMITTANCE PAGE

Diversion Board of Authority
211 9th Street South
P.O. Box 2806
Fargo, ND 58108-2806

Please remit this page with your payment. Thank you. We appreciate your business.

Invoice: 1344050
Client Account: 072720.0001
Regarding: Government Relations LOB 30321
Invoice Date: December 3, 2015

Total Fees:	\$ 3,500.00
Total This Invoice	\$ 3,500.00

Payment is due within 30 days from receipt of invoice

If you have any questions please email accounting@fredlaw.com or contact a client representative at 612.492.7574.

INVOICE DETAIL

Diversion Board of Authority
211 9th Street South
P.O. Box 2806
Fargo, ND 58108-2806

Invoice: 1344050
Client Account: 072720.0001
Regarding: Government Relations LOB 30321
Invoice Date: December 3, 2015

Government Relations flat fee payment 6 of 12.

Total For Fees	\$ 3,500.00
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Total This Invoice	\$ 3,500.00
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***Please note that Fredrikson & Byron will be adjusting its standard hourly billing rate schedule for services rendered after January 1, 2016
If you have questions about the billing rates of specific individuals, please feel free to contact your attorney.*



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

November 20, 2015
Invoice No. 3241726

RECEIVED
DATE 11-23-15

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

For Legal Services Rendered Through October 31, 2015

INVOICE TOTAL

Total For Current Legal Fees	\$82,905.00
Total For Current Disbursements and Service Charges	\$1,207.49
Total For Current Invoice	\$84,112.49

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

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

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

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

Please make reference to the invoice number

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

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



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorneys
Nancy J. Morris
Jason T. Loos

December 1, 2015

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 November 20, 2015 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through October 31, 2015 on the Red River Diversion Project.

If you have any questions, please feel free to contact me. Please remit payment directly to Dorsey Whitney.

Sincerely,

A handwritten signature in black ink, appearing to be "ERJ", written over the word "Sincerely,".

Erik R. Johnson

ERJ/jmf
Enclosure
cc: Bruce Grubb

U00101

790-7930-429.33-25





Cass County
Joint Water
Resource
District

November 30, 2015

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

Mark Brodshaug
Chairman
Fargo, North Dakota

Rodger Olson
Manager
Leonard, North Dakota

Dan Jacobson
Manager
West Fargo, North Dakota

Ken Lougheed
Manager
Gardner, North Dakota

Raymond Wolfer
Manager
Argusville, North Dakota

Greetings:

RE: Metro Flood Diversion Project
In-Town Levees Project
Access and Diversion Project Assessment Committee (DPAC)
Oxbow-Hickson-Bakke Ring Levee Project
Oxbow Golf and Country Club – Golf Course Construction

Enclosed please find copies of bills totaling \$3,909,485.93 regarding the above referenced projects. The breakdown is as follows:

In-Town Levees	1,015,645.14
Access issues	114,082.61
DPAC	565.00
Oxbow-Hickson-Bakke Ring Levee	1,217,054.96
Oxbow Golf and Country Club	1,562,138.22

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 July 7, 2014.

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

701-298-2381

Enclosures

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

11/30/15

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/12/2015	10/30/2015	138537	140007	1,843.50	Ohnstad Twichell, P.C.	Legal-Diversion Bond
11/12/2015	10/21/2015	138366	100007	1,089.60	Ohnstad Twichell, P.C.	Legal-Diversion Right of Entry
11/12/2015	10/21/2015	138373	130007	28,341.59	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
11/12/2015	10/21/2015	138365	90007	272.00	Ohnstad Twichell, P.C.	Legal-PMC open records
11/12/2015	11/4/2015	67876	38810	512.00	Larkin Hoffman Attorneys	Legal-rights of entry
11/12/2015	10/15/2015	1225	2001	63,963.07	Houston-Moore Group	Engineering - Right of entry services
11/12/2015	10/13/2015	54042	R12.00049	13,351.75	Ulteig Engineers	Engineering - Land Management Services, Appraisals, Land acquisition
11/25/2015	11/10/2015	54516	R12.00049	4,709.10	Ulteig Engineers	Engineering - Land Management Services, Appraisals, Land acquisition
Total				114,082.61		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/25/15	11/18/15	381047607	479407	130,000.00	CH2M Hill Engineers, Inc.	Construction Management Services
11/12/15	10/27/15			5,250.00	Thomas Hocking	Rental Assistance claim
11/12/2015	10/20/2015			3,990.00	Martin Coleman	Final rental assistance claim
11/12/2015	9/21/2015			25,700.00	Wayne Haug and The Title Company	Replacement Housing claim
11/12/2015	9/21/2015			3,175.00	Wayne Haug	Replacement Housing claim
11/12/2015	11/2/2015	Draw1-A		288,443.93	Spirit Properties, Inc.	Sidestreet Grille relocation
11/25/2015	11/25/2015			182,437.38	The Title Company	Wayne Haug property purchase
11/12/2015	11/3/2015	478011506		135.33	Xcel Energy	Service to 1330 Elm, 18 N Terrace, 1326 and 1322 Elm
11/25/2015	11/17/2015	479826424		1,450.23	Xcel Energy	Service to 1 2nd St S
11/12/2015	10/27/2015	381045290		28,496.85	CH2M Hill Engineers, Inc.	Land Acquisition Management Services-22%
11/12/2015	10/27/2015	381045294		130,000.00	CH2M Hill Engineers, Inc.	Construction Management Services
11/12/2015	10/19/2015	1226		180,951.80	Houston-Moore Group	Engineering-negotiation and acquisition services
11/25/2015	11/18/2015	381047606		24,689.49	CH2M Hill Engineers, Inc.	Land Acquisition Management Services-22%
11/12/2015	10/31/2015	4877		2,474.00	Sentry Security Inc	Security Patrol services for Park East Apt
11/25/2015	11/14/2015	4899		5,015.38	Sentry Security Inc	Security Patrol services for Howard East Johnson
11/25/2015	11/14/2015	4904		3,435.75	Sentry Security Inc	Security Patrol services for Park East Apt
Total				1,015,645.14		

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/12/2015	10/21/2015	138369	120007	340.00	Ohnstad Twichell, P.C.	Legal-DPAC
11/12/2015	10/21/2015	138405	150007	225.00	Ohnstad Twichell, P.C.	Legal-Garaas appeal
Total				565.00		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/12/2015	10/21/2015	138379	140007	9,206.97	Ohnstad Twichell, P.C.	Legal - OHB property purchases
11/17/2015	11/17/2015			124,000.00	Jeffrey and Catherine Anderson	lot purchase
11/17/2015	11/17/2015			82,021.00	Jeffrey and Catherine Anderson	builder down payment
11/18/2015	11/18/2015			148,000.00	Marie B. Talley	lot purchase
11/18/2015	11/18/2015			81,366.00	Marie B. Talley	builder down payment
11/19/2015	11/19/2015			108,000.00	Kent and Melissa Rademacher	lot purchase
11/19/2015	11/19/2015			77,000.00	Kent and Melissa Rademacher	builder down payment
11/24/2015	11/23/2015			139,000.00	Paul and Valerie Benson	lot purchase
11/24/2015	11/23/2015			50,000.00	Paul and Valerie Benson	builder down payment
11/5/2015	10/25/2015			94.79	Cass Rural Water Users District	Service to 17495 52 St SE
11/12/2015	11/5/2015			26.29	Cass County Electric Cooperative	Service to 336 Schnell Dr
11/12/2015	11/5/2015			185.40	Cass County Electric Cooperative	Service to 346 Schnell Dr
11/12/2015	11/5/2015			32.35	Cass County Electric Cooperative	Service to 345 Schnell Dr
11/12/2015	11/5/2015			55.10	Cass County Electric Cooperative	Service to 349 Schnell Dr
11/12/2015	11/5/2015			126.18	Cass County Electric Cooperative	Service to 353 Schnell Dr
11/12/2015	11/5/2015			35.82	Cass County Electric Cooperative	Service to 357 Schnell Dr
11/12/2015	11/5/2015			87.31	Cass County Electric Cooperative	Service to 361 Schnell Dr
11/12/2015	11/5/2015			33.48	Cass County Electric Cooperative	Service to 748 Riverbend Rd
11/12/2015	11/5/2015			49.83	Cass County Electric Cooperative	Service to 752 Riverbend Rd
11/12/2015	11/5/2015			356.82	Cass County Electric Cooperative	Service to 5059 Mackenzie Cir
11/25/2015	11/12/2015			45.86	Cass County Electric Cooperative	Service to 17495 52 St SE
11/12/2015	9/30/2015	16600	2830-00	49,262.03	ProSource Technologies, LLC	Project management, acquisition and relocation services

11/12/2015	10/27/2015	381045290		101,034.27	CH2M Hill Engineers, Inc.	Land Acquisition Management Services-78%
11/25/2015	11/18/2015	381047606		87,535.46	CH2M Hill Engineers, Inc.	Land Acquisition Management Services-78%
11/27/2015	9/24/2015	9738	17525	60,000.00	City of Oxbow	Utility relocation - engineering services
11/27/2015	9/24/2015	10524	18007	99,500.00	City of Oxbow	Sewer relocation - engineering services

Total 1,217,054.96

OXBOW COUNTRY CLUB INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/12/2015	10/9/2015		60691	2,578.57	Oxbow Golf and Country Club	reimbursement of equipment rental
11/12/2015	10/12/2015	1784		1,794.78	Oxbow Golf and Country Club	reimbursement of diesel fuel for pumps
11/12/2015	10/9/2015	15013-PH5	15013	11,648.49	Oxbow Golf and Country Club	reimbursement MBA construction services
11/12/2015	9/30/2015	9		919,922.62	Oxbow Golf and Country Club	reimbursement of golf course construction
11/12/2015	9/28/2015	11166	18229	689.05	Oxbow Golf and Country Club	reimbursement of engineering construction staking
11/13/2015	11/9/2015			100,000.00	Oxbow Golf and Country Club	reimbursement of cart path
11/25/2015	10/7/2015	9		13,000.00	Oxbow Golf and Country Club	reimbursement of consultant fees
11/25/2015	10/23/2015		60691	1,786.41	Oxbow Golf and Country Club	reimbursement of equipment rental
11/25/2015	10/29/2015			1,431.00	Oxbow Golf and Country Club	reimbursement of diesel fuel for pumps
11/25/2015	10/31/2015	10		495,848.75	Oxbow Golf and Country Club	reimbursement of golf course construction
11/25/2015	11/2/2015	10		13,000.00	Oxbow Golf and Country Club	reimbursement of consultant fees
11/25/2015	10/22/2015	11364	18229	438.55	Oxbow Golf and Country Club	reimbursement of engineering construction staking
Total				1,562,138.22		
Grand Total				3,909,485.93		

Erik R. Johnson & Associates, Ltd.
Attorneys at Law
505 Broadway Street North – Suite 206
Fargo, ND 58102
Phone: (701) 280-1901
Fax: (701) 280-1902

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

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

November 25, 2015
Invoice No. 2356

RE: Metro Flood Project – General Legal Matters

For Legal Services Rendered Through November 25, 2015

INVOICE TOTAL

Total for Current Legal Fees	\$ 8,001.90
Total for Current Disbursements and Service Charges	\$ 0
Total for Current Invoice	\$ 8,001.90

Summary of Account

*Prior Balance Due	\$ 0
Total Amount Due	\$ 8,001.90

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

790-7910-429.33-25

V00102

We appreciate your business.

Erik R. Johnson & Associates, Ltd.
Attorneys at Law
505 Broadway Street North – Suite 206
Fargo, ND 58102
Phone: (701) 280-1901
Fax: (701) 280-1902

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

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

November 25, 2015
Invoice No. 2355

RE: Metro Flood Project – LEERDS Matters

For Legal Services Rendered Through November 25, 2015

INVOICE TOTAL

Total for Current Legal Fees	\$ 1,035.30
Total for Current Disbursements and Service Charges	\$ 0
Total for Current Invoice	\$ 1,035.30

Summary of Account

*Prior Balance Due	\$ 0
Total Amount Due	\$ 1,035.30

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

790-7930-429.33-25

V00103

We appreciate your business.



FEDERAL I.D. NO. 16-0764720

NIXON PEABODY LLP 437 Madison Avenue
ATTORNEYS AT LAW New York, NY 10022
NIXONPEABODY.COM TEL: (212) 940-3000
@NIXONPEABODYLLP FAX: (212) 940-3111

May 29, 2015

City of Fargo, North Dakota
200 3rd Street, N.
Fargo, North Dakota 58108
Attention: Director of Finance

FOR LEGAL SERVICES RENDERED AND DISBURSEMENTS INCURRED as counsel to U.S. Bank National Association (the "Bank") in connection with the preparation, execution and delivery of, among other documents, the Loan Agreement, dated as of May 1, 2015 (the "Agreement"), between the City of Fargo, North Dakota (the "City") and the Bank, pursuant to which Agreement the Bank will agree to make available up to \$50,000,000 to the City.

TOTAL FEES AND DISBURSEMENTS.....\$30,000.00

Bank Name:	JPMorgan Chase Bank, Rochester, NY 14643
ABA Routing #:	021000021
Account Name:	Nixon Peabody LLP
Account #:	938761475
SWIFT Code:	CHASUS33
Invoice Number:	9663394

790-7990 429-33-25
U00102

OHNSTAD TWICHELL, P.C.
 901 13TH AVENUE EAST
 PO BOX 458
 WEST FARGO ND 58078-0458
 WK 701-282-3249 FAX 701-282-0825
 Federal I.D. #45-0310621

November 30, 2015

FLOOD DIVERSION BOARD
 PO BOX 2806
 FARGO, ND 58108-2806

Invoice# 139158 JTS
 Our file# 151395 00000
 Billing through 11/21/2015

BOND COUNSEL WORK - PPA RESEARCH 1

Balance forward as of invoice dated	01/01/00	\$0.00
Last payment received	01/01/1900	\$0.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

11/02/2015	AJM	(Paralegal Andrea J. Murphy) File organization of Statements of Qualifications received from legal firms; prepare for attorney review.	62.50
		0.50 hrs 125.00 /hr	
11/03/2015	JTS	(Supervising attorney John Shockley) Review Statements of Qualifications for national law firms; organize; take notes.	110.00
		0.40 hrs 275.00 /hr	
11/04/2015	JTS	Attend conference call regarding selection of PPP national counsel with Keith Berndt, Bruce, etc.	357.50
		1.30 hrs 275.00 /hr	
11/06/2015	JTS	Continue review of RFQ responses; e-mail correspondence with Martin regarding submission.	137.50
		0.50 hrs 275.00 /hr	
11/09/2015	JTS	Work on scope of services for national law firm.	82.50
		0.30 hrs 275.00 /hr	
11/12/2015	JTS	Attend conference call; interview potential national PPP law firms; extensive questions with various law firm providers.	825.00
		3.00 hrs 275.00 /hr	
11/12/2015	JTS	Review and respond to e-mail regarding national PPP counsel.	55.00
		0.20 hrs 275.00 /hr	
11/12/2015	KJS	(Associate attorney Katie J. Stearns) Interoffice conference with attorney John Shockley regarding PPP local research.	96.00
		0.60 hrs 160.00 /hr	
11/13/2015	JTS	Attend telephone conference regarding interviews with National PPP law firms.	137.50
		0.50 hrs 275.00 /hr	
11/13/2015	KJS	Research PPP and eminent domain.	720.00
		4.50 hrs 160.00 /hr	
11/16/2015	KJS	Research eminent domain authority in re: PPP project.	928.00
		5.80 hrs 160.00 /hr	
11/17/2015	JTS	Attend telephone interviews of RFQ respondents.	

PURSUANT TO SECTION 13-01-14, NDCC, A LATE PAYMENT CHARGE OF 1% PER MONTH IS ASSESSED UPON ACCOUNTS NOT PAID 30 DAYS FROM BILLING DATE. THANK YOU.

			1.50 hrs	275.00 /hr	412.50
11/17/2015	AJM	Assist with meeting preparations; office conference regarding contacting references of national law firm finalists.			
			0.30 hrs	125.00 /hr	37.50
11/17/2015	KJS	Research and draft memo to attorney John Shockley regarding PPP ability to waive performance and payment bond requirements.			
			4.30 hrs	160.00 /hr	688.00
11/18/2015	JDR	Exchange email with attorney Katie J. Stearns and legislative council.			
			0.30 hrs	150.00 /hr	45.00
11/18/2015	JTS	Attend meeting at Cass County Courthouse to discuss future temporary financing with Kent Kostin and Mike M.			
			0.80 hrs	275.00 /hr	220.00
11/18/2015	AJM	Assist with documents for meeting preparation; review RFQ's of national counsel firms for contact information; contact references for finalist national law firms to schedule calls with attorney John Shockley.			
			0.90 hrs	125.00 /hr	112.50
11/18/2015	KJS	Research and draft memo to attorney John Shockley regarding utilizing market analysis for eminent domain value in re: PPP.			
			4.30 hrs	160.00 /hr	688.00
11/19/2015	JTS	Conference with Katie regarding project research.			
			0.30 hrs	275.00 /hr	82.50
11/19/2015	AJM	Schedule phone conference with a reference listed by a finalist, national law firm for national counsel; research to locate contact information for several references listed; prepare list of client contacts/references that were contacted to schedule phone conferences with attorney John Shockley to discuss the finalist law firms.			
			1.10 hrs	125.00 /hr	137.50
11/19/2015	KJS	Research and draft memo to attorney John Shockley regarding "public use" of diversion channel; interoffice conference with attorney John Shockley regarding bonding.			
			3.10 hrs	160.00 /hr	496.00
11/20/2015	JTS	Review notes from PPA call and summarize topics for work directive.			
			0.50 hrs	275.00 /hr	137.50
11/20/2015	AJM	Emails with reference (MW) for P3 national counsel finalist to schedule phone conference call with attorney John Shockley; telephone call to P3 finalist reference (LB) to schedule phone conference with attorney John Shockley and follow up with emailed meeting invite with contact information; office conference with paralegal Carol Stillwell regarding remaining reference to contact.			
			0.90 hrs	125.00 /hr	112.50
11/20/2015	KJS	Research and draft memo to attorney John Shockley regarding "public use" of right-of-way in re: PPP.			
			3.30 hrs	160.00 /hr	528.00
Total fees for this matter					<u>\$7,209.00</u>

BILLING SUMMARY

Total fees	<u>\$7,209.00</u>
Total of new charges for this invoice	<u>\$7,209.00</u>
Total balance now due	<u>\$7,209.00</u>

FM Diversion Authority
Fiscal Accountability Report Design Phase (Fund 790)
As of 11/30/2015

	2011	2012	2013	2014	2015	Cumulative Totals
Revenues						
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	25,488,099	60,030,009
Cass County	443,138	7,652,681	7,072,961	19,373,131	25,488,099	60,030,009
State Water Commission	-	-	3,782,215	602,918	27,057,861	31,442,994
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	5,664,022	13,340,001
Lease/Rental Payments	-	-	17,358	154,180	180,341	351,879
Asset Sales	-	-	-	616,774	280,883	897,657
Miscellaneous	-	-	1,705	626	427	2,758
Total Revenues	984,750	17,005,957	19,518,970	44,425,900	84,159,730	166,095,308
Expenditures						
7905 Army Corp Payments	-	-	875,000	1,050,000	2,725,000	4,650,000
7910 WIK - Administration	107,301	331,321	77,614	169,019	269,525	954,779
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,607,974	22,463,334
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	20,678,459
7925 WIK - Recreation	-	163,223	-	-	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	2,763,404	17,013,358	52,253,938	75,922,983
7931 LERRDS - Minnesota	-	27,996	289,387	13,068	32,452	362,902
7940 WIK Mitigation - North Dakota	-	-	-	587,180	-	587,180
7941 WIK Mitigation - Minnesota	-	-	-	-	-	-
7950 Construction - North Dakota	-	-	-	1,738,638	12,700,468	14,439,106
7951 Construction - Minnesota	-	-	-	-	-	-
7952 Construction - O/H/B	-	-	-	11,282,504	4,849,783	16,132,287
7955 Construction Management	-	-	-	556,209	2,548,447	3,104,656
7990 Project Financing	-	50,000	70,000	216,376	494,753	831,129
7995 Project Eligible - Off Formula Costs	-	-	-	-	-	-
7999 Non Federal Participating Costs	116	-	-	-	-	116
0000 Advance to City of Oxbow	-	-	7,527,231	630	-	7,527,861
Total Expenditures	984,750	17,005,957	19,518,970	45,325,044	84,983,294	167,818,016

FM Diversion Authority
FY 2015 Summary Budget Report (In Thousands)
October 1, 2014 through December 31, 2015
As of November 30, 2015

	FY 2015 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
Revenue Sources						
City of Fargo	59,040	2,194	31,616			27,424
Cass County	59,040	2,194	31,616			27,424
State of ND - 50% Match	57,200	2,581	23,906			33,294
State of ND - 100% Match	35,800	-	7,199			28,601
State of Minnesota	-	-	-			-
Other Agencies	13,120	487	7,026			6,094
Financing Proceeds	-	-	-			-
Sale of Assets	-	35	281			(281)
Property Income	-	-	193			(193)
Miscellaneous	-	-	0			(0)
Total Revenue Sources	224,200	7,491	101,838			122,362
Funds Appropriated						
Army Corp Local Share	525	-	2,725		2,279	(4,479)
Management Oversight	7,200	765	9,180	128%	3,314	(5,294)
Technical Activities	16,575	772	7,676	46%	3,038	5,861
Land Acquisitions	106,700	5,734	58,216	55%	26,600	21,884
Construction	91,300	20	24,617	27%	43,494	23,189
Mitigation	-	-	-		-	-
Other Costs	1,900	200	610	32%	516	774
Total Appropriations	224,200	7,491	103,024	46%	79,241	41,935

**FM Diversion Authority
Summary of Cash Disbursements
November 2015**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-20	11/30/2015	JB11150019	CITY OF FARGO	1,460.00	CHARGE COF TIME - 11/15	V00102	General & Admin. WIK
Total WIK - General & Admin. - Accounting Services				1,460.00			
790-7910-429.33-25	11/18/2015	263371	ERIK R JOHNSON & ASSOCIATES	\$ 6,250.05	GENERAL LEGAL MATTERS	V00102	General & Admin. WIK
Total WIK - General & Admin. - Legal Services				6,250.05			
790-7910-429.38-68	11/18/2015	263377	FREDRIKSON & BYRON, PA	3,500.00	GOV RELATIONS LOB 30321	V00102	General & Admin. WIK
Total WIK - General & Admin. - Lobbyist				3,500.00			
790-7915-429.33-05	11/18/2015	263448	MINNESOTA DNR	447,796.36	MN EIS STUDY	V00701	MN DNR EIS
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	723.45	AUG 2015	V01607	RECREATION/USE MASTER PLN
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	29,635.85	AUG 2015	V01608	WORK-IN-KIND (WIK)
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	161,283.20	AUG 2015	V01609	HYDROLOGY/HYDRAULIC MODEL
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	96,324.22	AUG 2015	V01613	LEVEE DESIGN & SUPPORT
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	6,983.50	AUG 2015	V01615	DRAFT OPERATIONS PLAN
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	1,368.00	AUG 2015	V01616	PERMIT SUBMITTAL PREP
	11/18/2015	263511	URS CORPORATION	27,419.47	CULTURAL RESOURCE INVEST	V01003	CULTURAL RESOURCES INVEST
Total WIK - Project Design - Engineering Services				771,534.05			
790-7920-429.33-05	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	48,103.58	AUG 2015	V01601	HMG - PROJECT MANAGEMENT
Total WIK Construction Mgmt. - Engineering Services				48,103.58			
790-7920-429.33-79	11/18/2015	263356	CH2M HILL ENGINEERS INC	425,000.00	TAKS ORDER #5	V00205	CH2M Hill-8.30.14-2.27.15
Total WIK Construction Mgmt. - Construction Management				425,000.00			
790-7930-429.33-05	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	18,374.75	FM DIVERSION	V01201	Cass Joint Water ROE
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	314,312.03	FM DIVERSION	V02807	CASS JOINT WATER IN-TOWN
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	235.50	AUG 2015	V01606	LAND MANAGEMENT SERVICES
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	604.50	AUG 2015	V01611	REACH 6 & CR20 BRIDGE
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	72,392.05	AUG 2015	V01618	WP28 - CR-16/CR-17 BRIDGE
Total LERRDS - North Dakota - Engineering Services				405,918.83			
790-7930-429.33-25	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	24,155.32	FM DIVERSION	V01201	Cass Joint Water ROE
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	1,627.00	FM DIVERSION	V01202	Cass Joint Water DPAC
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	15,367.28	FM DIVERSION	V01203	Cass Joint Water OHB
	11/18/2015	263371	ERIK R JOHNSON & ASSOCIATES	1,690.65	LEERDS MATTERS	V00103	General & Admin. LERRDS
Total LERRDS - North Dakota - Legal Services				42,840.25			
790-7930-429.33-79	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	66,526.18	FM DIVERSION	V01203	Cass Joint Water OHB

**FM Diversion Authority
Summary of Cash Disbursements
November 2015**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	18,763.80	FM DIVERSION	V02807	CASS JOINT WATER IN-TOWN
Total LERRDS - North Dakota - Construction Management				85,289.98			
790-7930-429.38-61	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	7,643.25	FM DIVERSION	V01703	ND LAND PURCH - IN TOWN
Total LERRDS - North Dakota - Security Services				7,643.25			
790-7930-429.38-99	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	142.33	FM DIVERSION	V01203	Cass Joint Water OHB
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	17,900.00	FM DIVERSION	V01703	ND LAND PURCH - IN TOWN
Total LERRDS - North Dakota - Other Services				18,042.33			
790-7930-429.41-05	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	86.23	FM DIVERSION	V01701	ND LAND PURCH-OUT OF TOWN
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	43.50	FM DIVERSION	V01703	ND LAND PURCH - IN TOWN
Total LERRDS - North Dakota - Water and Sewer				129.73			
790-7930-429.62-51	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	569.96	FM DIVERSION	V01701	ND LAND PURCH-OUT OF TOWN
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	151.28	FM DIVERSION	V01703	ND LAND PURCH - IN TOWN
Total LERRDS - North Dakota - Electricity				721.24			
790-7930-429.67-11	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	9,546.14	FM DIVERSION	V01703	ND LAND PURCH - IN TOWN
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	(357.79)	FM DIVERSION	V02411	OXBOW MOU-RESIDENT RLCTN
Total LERRDS - North Dakota - Residential Buildings				9,188.35			
790-7930-429.67-12	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	5,132,579.60	FM DIVERSION	V01703	ND LAND PURCH - IN TOWN
Total LERRDS - North Dakota - Commercial Buildings				5,132,579.60			
790-7931-429.73-20	11/18/2015	263357	CLAY COUNTY AUDITOR	31,826.71	DEMO 387 170TH AVE SW	V02302	MN LAND PURCHASE-HARDSHIP
Total LERRDS - Minnesota - Site Improvements				31,826.71			
790-7950-429.73-70	11/12/2015	263250	ONE	3,575.00	FIBER RELOCATION-2ND ST	V02808	COF REROUTE FIBER OPTIC
	11/25/2015	263621	PRIMORIS AEVENIA INC	16,230.00	FIBER RELOCATION	V02814	COF FIBER RELOCATION
Total ND Construction - Utilities				19,805.00			
790-7955-429.33-05	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	150,895.36	AUG 2015	V02806	CONSTRUCTION SVCS WP42
Total Construction Management - Engineering Services				150,895.36			
790-7955-429.33-79	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	130,000.00	FM DIVERSION	V01203	Cass Joint Water OHB
Total Construction Management - Construction Management				130,000.00			

**FM Diversion Authority
Summary of Cash Disbursements
November 2015**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7990-429.34-55	11/25/2015	263587	JP MORGAN CHASE-LOCKBOX PROCESSING	6,562.50	FINANCIAL ADVISORY SERVIC	V03301	PPP FINANCL ADVISORY SVCS
Total Project Financing - Financial Advisor				6,562.50			
790-7990-520.80-20	11/2/2015	JB11150001	US BANK	25,590.28	US BANK INTEREST PAYMENT	V02902	\$50M FARGO USBANK ADVANCE
	11/2/2015	JB11150001	US BANK	168,201.15	US BANK INTEREST PAYMENT	V02901	\$50M CASS US BANK ADVANCE
Total ND Construction - Utilities				193,791.43			
Total Disbursed for Period \$				7,491,082.24			

**FM Diversion Authority
Cumulative Vendor Payments Since Inception
As of November 30, 2015**

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	\$ 105,267,376.30	\$ 73,298,271.38	\$ 31,969,104.92	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
HOUSTON-MOORE GROUP LLC	28,848,598.10	23,082,244.20	5,766,353.90	Engineering Services
INDUSTRIAL BUILDERS INC	25,118,446.97	5,490,032.89	19,628,414.08	2nd St North Pump Station Project and 2nd Street Floodwall, South of Pump Station
CH2M HILL ENGINEERS INC	18,665,819.01	17,390,819.01	1,275,000.00	Project Management
INDUSTRIAL CONTRACT SERVICES I	17,796,063.63	8,347,624.18	9,448,439.45	4th St Pump Station and 2nd Street Floodwall
OXBOW, CITY OF	14,804,345.96	13,839,776.53	964,569.43	City of Oxbow - MOU
ARMY CORP OF ENGINEERS	6,929,000.00	4,650,000.00	2,279,000.00	Local Share
COMMERCIAL TITLE LLC	3,869,541.00	3,869,541.00	-	Oxbow MOU - Advance for Land Purchase
TITLE COMPANY	3,641,500.00	3,641,500.00	-	Oxbow MOU - Advance for Land Purchase
CENTURYLINK COMMUNICATIONS	2,586,742.00	-	2,586,742.00	Utility Relocation
DORSEY & WHITNEY LLP	2,485,821.43	2,485,821.43	-	Legal Services
MINNESOTA DNR	2,188,007.43	2,188,007.43	-	EIS Scoping
URS CORPORATION	1,775,118.42	1,514,480.05	260,638.37	Engineering Services
KENNELLY & OKEEFFE	1,729,310.56	1,729,310.56	-	Home Buyouts
CONSOLIDATED COMMUNICATIONS	1,324,403.00	214,745.03	1,109,657.97	Utility Relocation
LANDWEHR CONSTRUCTION INC	1,089,888.00	-	1,089,888.00	Demo Park East Apartments
XCEL ENERGY-FARGO	890,530.93	16,275.85	874,255.08	Utility Relocation
MOORE ENGINEERING INC	662,468.17	662,468.17	-	Engineering Services
DUCKS UNLIMITED	587,180.00	587,180.00	-	Wetland Mitigation Credits
HOUSTON ENGINEERING INC	576,669.57	576,669.57	-	Engineering Services
RED RIVER BASIN COMMISSION	500,000.00	447,747.40	52,252.60	Engineering Services
ENVENTIS	497,594.62	115,685.62	381,909.00	Utility Relocation
NORTHERN TITLE CO	484,016.00	484,016.00	-	Land Purchases
US BANK	450,091.39	450,091.39	-	Loan Advance Debt Service Payments
TERRACON CONSULTING ENGINEERS	450,000.00	173,440.91	276,559.09	Materials Testing
AT&T	441,330.44	-	441,330.44	Utility Relocation
ERIK R JOHNSON & ASSOCIATES	408,808.16	408,808.16	-	Legal Services
JP MORGAN CHASE-LOCKBOX PROCES	350,000.00	84,422.39	265,577.61	Financial Advisor
CITY OF FARGO	330,878.71	330,878.71	-	Digital Imagery Project, Utility Relocation & Accounting Svcs
702 COMMUNICATIONS	275,862.91	199,910.18	75,952.73	Utility Relocation
CASS COUNTY TREASURER	245,565.40	245,565.40	-	Property Tax
ROBERT TRENT JONES	200,000.00	200,000.00	-	Oxbow MOU - Golf Course Consulting Agreement
CABLE ONE (FARGO)	148,511.37	-	148,511.37	Utility Relocation
PFM PUBLIC FINANCIAL MANAGEMEN	146,460.00	146,460.00	-	Financial Advisor
NDSU BUSINESS OFFICE-BOX 6050	135,167.00	135,167.00	-	Ag Risk Study Services
BEAVER CREEK ARCHAEOLOGY	111,000.00	-	111,000.00	Engineering Services
UNITED STATES GEOLOGICAL SURVE	104,600.00	104,600.00	-	Water Level Discharge Collection
PROSOURCE TECHNOLOGIES, INC	100,000.00	8,324.94	91,675.06	Engineering Services
ULTEIG ENGINEERS INC	100,000.00	-	100,000.00	Engineering Services
BRAUN INTERTEC CORP	90,210.00	77,629.00	12,581.00	Quality Testing

**FM Diversion Authority
Cumulative Vendor Payments Since Inception
As of November 30, 2015**

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
EL ZAGAL TEMPLE HOLDING CO	68,040.72	68,040.72	-	Easement Purchase for El Zagal Levee
GRAY PANNELL & WOODWARD LLP	66,300.68	66,300.68	-	Legal Services
OHNSTAD TWICHELL PC	65,035.11	65,035.11	-	ROE and Bonding Legal Fees
FREDRIKSON & BYRON, PA	63,000.00	38,500.00	24,500.00	Lobbying Services
IN SITU ENGINEERING	54,800.00	47,973.00	6,827.00	Quality Testing
ADVANCED ENGINEERING INC	50,000.00	50,000.00	-	Public Outreach
US GEOLOGICAL SURVEY	46,920.00	46,920.00	-	Stage Gage Installation
GEOKON INC	33,815.36	33,815.36	-	Vibrating Wire Piezometer Equipment
CLAY COUNTY AUDITOR	33,796.71	33,796.71	-	Property Tax, Home Buyout Demo
COLDWELL BANKER	33,066.02	33,066.02	-	Property Management Services
NIXON PEABODY LLC	30,000.00	30,000.00	-	Legal Services
WARNER & CO	19,900.00	19,900.00	-	General Liability Insurance
PRIMORIS AEVENIA INC	16,230.00	16,230.00	-	Utility Relocation
INNOVATIVE ABSTRACT & TITLE CO	15,921.53	15,921.53	-	Oxbow MOU - Advance for Land Purchase
MOORHEAD, CITY OF	15,062.90	15,062.90	-	ROE Legal Fees
BRIGGS & MORGAN PA	12,727.56	12,727.56	-	Legal Services
ND WATER USERS ASSOCIATN	5,000.00	5,000.00	-	Membership Dues
ONE	3,575.00	3,575.00	-	Utility Relocation
MCKINZIE METRO APPRAISAL	3,200.00	3,200.00	-	Appraisal Services
FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-	Advertising Services
DAWSON INSURANCE AGENCY	1,867.81	1,867.81	-	Property Insurance - Home Buyouts
FORUM COMMUNICATIONS (ADVERT)	1,743.77	1,743.77	-	Advertising Services
NORTH DAKOTA TELEPHONE CO	1,697.00	1,697.00	-	Communication
SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-	Public Outreach
RED RIVER TITLE SERVICES INC	1,305.00	1,305.00	-	Abstract Updates
HUBER, STEVE	1,056.43	1,056.43	-	Home Buyouts
TRIO ENVIRONMENTAL CONSULTING	747.60	747.60	-	Asbestos and LBP Testing - Home Buyouts
BNSF RAILWAY CO	600.00	600.00	-	Permit for 4th St N Project
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
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 LOVEINTHEOVEN	116.00	116.00	-	Meeting Incidentals
FEDERAL EXPRESS CORPORATION	71.89	71.89	-	Postage
CASS COUNTY RECORDER	68.00	68.00	-	Oxbow MOU - Advance for Land Purchase
Grand Total	\$ 247,058,755.16	\$ 167,818,016.06	\$ 79,240,739.10	

**FM Diversion Authority
In-Town Levee Work
as of November 30, 2015**

Vcode #	Vendor Name	Descriptions	Contract Amount	Amount Paid
V02801	Industrial Builders	2nd Street North Pump Station - Work Package 42.A2	\$ 8,667,244.75	\$ 5,435,712.89
V02802	Terracon Consulting	WP-42 (In Town Levees) Materials Testing	450,000.00	197,957.16
V02803	Enventis	2nd Street Utility Relocation	1,821,997.62	330,430.65
V02804	702 Communications	2nd Street Utility Relocation	275,862.91	199,910.18
V02805	ICS	4th St Pump Station & Gatewell and 2nd St Floodwall S - WP-42A.1/A.3	17,796,663.63	8,348,224.18
V02806	HMG	Services During Construction - Work Package 42	2,243,000.00	1,193,509.42
V02807	CCJWRD	In-Town Levee Work	1,695,311.96	1,695,311.96
V02808	City of Fargo	Relocation of fiber optic along 2nd Street North	38,002.05	38,002.05
V02809	AT & T	2nd Street Utility Relocation	441,330.44	-
V02810	Cable One	2nd Street Utility Relocation	148,511.37	-
V02811	Xcel Energy	2nd Street & 4th Street Utility Relocations	890,530.93	16,275.85
V02812	Industrial Builders	2nd Street North Floodwall, South of Pump Station - WP-42F.1S	16,451,202.22	54,320.00
V02813	Landwehr Construction	Park East Apartments Demolition	1,089,888.00	-
V02814	Primoris Aevenia	2nd Street Utility Relocation	16,230.00	16,230.00
V02815	Centurylink Communications	2nd Street Utility Relocation	2,586,742.00	-
V01703	Various	In-Town Property Purchases	20,708,704.41	19,034,964.96
			\$ 75,321,222.29	\$ 36,560,849.30

**FM Diversion Authority
Lands Expense - Life To Date
As of November 30, 2015**

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Tax Payment	Relocation Assistance	Property Management Expense	Property Management Income	Sale Proceeds	Total
Home Buyouts - Hickson									
17495 52nd St SE, Hickson, ND	4/28/2015	785,747.66	-	-	27,604.74	223.38	-	-	813,575.78
Easements - Fargo									
Part of Lot 5 El Zagal Park, Fargo ND	10/9/2014	68,040.72	-	-	-	-	-	-	68,040.72
Easements - Oxbow									
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-	-	-	-	-	-	55,500.00
Farmland Purchases									
SE 1/4 11-140-50 (Raymond Twp) - Ueland	1/20/2014	959,840.00	-	-	-	-	(27,892.63)	-	931,947.37
2 Tracts in the E 1/2-2-137-49 - Sorby/Maier	1/24/2014	1,636,230.00	-	-	-	-	(56,114.10)	-	1,580,115.90
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	-	-	-	-	(121,611.02)	-	3,337,369.68
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	-	(32,244.98)	-	958,883.21
NW 1/4 36-141-50 - Monson	5/7/2014	943,560.05	-	-	-	-	(28,029.64)	-	915,530.41
SW 1/4-11-140-50 - Hoglund	7/21/2014	989,706.03	-	2,566.59	7/21/2014	-	(3,725.49)	-	988,547.13
NW 1/4 14-140-50 - Hoglund	10/23/2014	948,782.22	-	5,327.10	10/23/2014	-	(22,249.56)	-	931,859.76
SW 1/4 2-140-50 -Rust	10/29/2014	955,901.00	-	2,265.76	-	-	(11,053.17)	-	947,113.59
Fercho Family Farms, Oxbow ND	3/25/2015	464,600.00	-	-	-	-	-	-	464,600.00
W 1/2 SE 1/4 SW 1/4 & SW 1/4 SW 1/4 2-137-49 - Gorde	5/13/2014	321,386.00	-	-	-	-	(3,786.29)	-	317,599.71
2-140-50 S 1/2 of NW 1/4 & Lot 4A - Pile	3/4/2015	594,108.00	-	-	-	-	-	-	594,108.00
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
Land Purchases									
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	219,899.45	-	-	-	(521,049.02)	182,866.43
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
Total		39,243,040.65	3,347,081.00	261,024.64	6,083,584.19	186,360.36	(381,004.76)	(912,656.89)	47,827,429.19

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

Time Period for This Request: November 1, 2015 - November 30, 2015

Drawdown Request No: 21	
Requested Amount:	\$ 2,580,786
Total Funds Expended This Period:	\$ 5,161,573
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	2,580,786
Total Funds Requested:	\$ 2,580,786

STATE AID SUMMARY:	
Summary of State Funds Appropriated	
Appropriations from 2009 Legislative Session	\$ 45,000,000
Appropriations from 2011 Legislative Session	30,000,000
Appropriations from 2013 Legislative Session	100,000,000
Appropriations from 2015 Legislative Session	69,000,000
Total State Funds Appropriated	244,000,000
Less: Payment #1 through #35 - City of Fargo	(55,510,209)
Less: Payment #1 - Cass County	(136,039)
Less: Payment #1 through #10 - FM Diversion Authority	(8,524,053)
Less: Payment #11 - FM Diversion Authority	(470,398)
Less: Payment #12 - FM Diversion Authority	(1,231,810)
Less: Payment #13 - FM Diversion Authority	(612,361)
Less: Payment #14 - FM Diversion Authority	(1,182,540)
Less: Payment #15 - FM Diversion Authority	(4,501,221)
Less: Payment #16 - FM Diversion Authority	(3,325,169)
Less: Payment #17 - FM Diversion Authority	(2,833,772)
Less: Payment #18 - FM Diversion Authority	(1,528,056)
Less: Payment #19 - FM Diversion Authority	(885,633)
Less: Payment #20 - FM Diversion Authority	(3,767,195)
Less: Payment #21 - FM Diversion Authority	(2,580,786)
Total Funds Reimbursed	(87,089,243)
Total State Fund Balances Remaining	\$ 156,910,757

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

LOCAL MATCHING FUNDS SUMMARY:		
Matching Funds Expended To Date - City of Fargo	\$	47,629,069
Matching Funds Expended To Date - Cass County		291,500
Matching Funds Expended To Date - FM Diversion Authority		7,199,023
Total Matching Funds Expended To Date		55,119,592
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)
Balance of Local Matching Funds Available	\$	6,277,910

Fiscal Year 2016 Budget Summary

November 10, 2015

Overview

The Diversion Authority Fiscal Year 2016 (FY16) budget is presented to continue to implement permanent flood protection for the metro area and achieve the following:

1. Support the completion of the MDNR EIS, conduct additional Mitigation (cultural and environmental) necessary for implementation of the project, and acquire required permits
2. Make the Diversion Project “shovel ready” by conducting property acquisitions along the diversion channel and inlet structure, as well as completing property acquisitions in Oxbow and for the In-Town Levees.
3. Build in-town flood protection systems for key portions of downtown Fargo.
4. Procure a Public Private Partnership (P3) Developer.

Background

The Diversion Authority Fiscal Year for 2016 (FY16) is on a calendar year basis, which will begin January 1, 2016 and end December 31, 2016. Previously, fiscal years paralleled the federal fiscal year basis, October 1 through September 30. The fiscal year basis was changed by the Diversion Authority Board in 2015 and FY15 was changed to a 15-month fiscal year ending on December 31, 2015.

Summary of previous budgets:

FY12 -- \$13M.

FY13 -- \$32M.

FY14 -- \$70M.

FY15 -- \$224M (\$13M carryover from FY14 and \$211M new).

Fiscal Year 2016

The proposed FY16 Budget is \$239.7M, including \$96.2M in FY15 committed costs, and \$143.5M in new allocations.

The proposed FY16 budget assumes the following will occur in Q1/Q2 2016:

- MN DNR will issue its Final EIS,
- The Preliminary Injunction for construction of the OHB Ring Levee will be lifted, and
- Federal appropriations will be identified.

The budget consists of 6 main categories:

Design/Permitting	\$ 7 M
Land Acquisition	\$ 116M
Construction	\$ 87 M
Management/Legal/Finance	\$ 17 M
Mitigation	\$ 1 M
Other	\$ 18 M

Design/Permitting

The budget includes completion of designs for In-Town Levees (WP-42) and OHB Ring Levee (WP-43), as well as support for Corps design of the Southern Embankment and Associated Infrastructure, support for procurement of the P3 Developer, and permit preparation. Also included is carry-over funding, along with additional funding, for the DNR to complete its EIS.

This portion of the budget also includes engineering services during construction.

Land Acquisition

The budget for land acquisition includes the completion of acquisitions for In-Town Levees (WP-42), and OHB Ring Levee (WP-43). It also assumes acquisitions for CR16/17 bridge and road project (WP-28), which is required to be under construction before the Corps can begin construction of Diversion Gated Inlet (WP-26), for which the land is also included. Land acquisition also includes planning for additional medical hardship acquisitions and other opportunistic land purchases.

Land acquisition for the Public-Private Partnership (P3) project, the Diversion Channel and Associated Infrastructure (DCAI), is planned to be completed in three phases to be spread over 3 fiscal years, FY2016, FY2017, and FY2018. The FY2016 budget includes 50 percent of the Phase 1 acquisitions.

This portion of the budget also includes land acquisition services.

Construction

The budget for construction includes continued construction of In-Town Levees (WP-42) (including completion of the 2nd Avenue and 4th Street pump stations), construction of the 2nd Avenue floodwall and road relocation, levee construction in El Zagal and Mickelson, demolition of Howard Johnson's and Fargo Public Schools (partial) and demolition or removal of houses. The budget also includes resuming construction of the OHB Ring Levee (WP-43), including portions of the levee, storm water pump station, ponds and piping, and road raises, as well as demolition or relocation of houses in Oxbow. Also included in the budget is CR 16/17 bridge and road project (WP-28).

This portion of the budget also includes construction management, materials testing, and construction surveying.

Management/Legal/Financial

The budget includes services for program management, including oversight of Diversion Authority contracts, coordination with the Corps, coordination with DNR, change management, public involvement, government affairs, schedule and budget control, and document control; legal, including local development and review of contracts and agreements, outside counsel for litigation support, and outside counsel for P3 Developer procurement support; and financial advisor overall P3 funding and procurement support.

Mitigation

The budget includes design of river restorations and riparian wetland mitigation around OHB utilizing the golf course holes outside the ring levee footprint. Consideration of additional local cemetery mitigation is included. Also within the budget is funding for additional study of agricultural mitigation, including supplemental income / crop insurance.

Other

The budget includes utility relocates for OHB Ring Levee (WP-43), the Diversion Channel and Associated Infrastructure, and In-Town Levees (WP-42). The study and design of additional retention projects is also budgeted.

FM Area Diversion Project

Property Acquisition Summary

December 15, 2015

Property:

Owner	Greg and Briena Goldsmith
New Address	816 Riverbend Road
Previous address	325 Schnell
Property Type	Single family residential
Identification Number	9658

Property Need

Acquisition of this property is required to accommodate construction of the OHB Ring Levee project, Work Package WP-43. See attached map. Federal and state acquisition laws also require re-establishment of the displaced person in a decent, safe, sanitary, and comparable property.

Description of Acquired Property

The subject property is a single family residential property. The subject's site is located on the northwest side of Schnell Drive. The subject's total site size is 18,701 Sq. Ft. The site is level with some landscaping trees near the corners of the site. The subject's improvements are considered to be an average to good quality 1 Story dwelling in average to good overall condition. The Gross Living Area (GLA) is calculated to be 1,863 Sq. Ft. The basement size is 1,863 Sq. Ft. with 1,262 Sq. Ft. of finished space. There is an attached 2 Car garage with concrete drive from Schnell Drive. The main entrance to the home has a large foyer that opens to a living room. There is a formal dining room to the right of the foyer with an informal dinette area and kitchen to the right of the living room. The master bedroom suite is located to the rear, left of the foyer and has a private bath and walk in closet. There is another bedroom and bathroom toward the front of the home, left of the foyer. The main floor laundry room and half bath are located behind the 2 car garage. The basement has some finishing with a large family room, 2 bedrooms, and a bathroom. There is a large storage room and unfinished utility room also located in the basement. Some notable features for the subject include central air conditioning, hardwood floors, open porch, irrigation system, gutters and downspouts, upgraded windows, entertainment center, concrete drive, upgraded exterior, upgraded roofing, upgraded mechanicals, built in appliances, fireplace, walk in closets, ceiling fans, upgraded flooring, built ins, upgraded landscaping, wood deck, vaulted ceilings, whirlpool tub, ceramic tile, upgraded entry door, insulated 2 car garage with extra rear storage area, etc. Some recent updating since the prior purchase includes new interior paint, new furnace, landscaping, carpet, ceramic tile, etc.

The purchase price for the acquired property is based on an appraisal produced by a qualified appraiser following the "Yellow Book" standards. The appraisal was reviewed and approved by USACE. The appraised amount establishes the 'Just Compensation' amount paid for the property.

Description of Replacement Property

A Replacement Housing Agreement was established to document the benefits associated with re-establishment of a decent, safe, sanitary, and comparable replacement home as required by the Uniform Act (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Public Law 91-646)).

The replacement home is a single family 1-story style with 2,081 SQFT finished on the main level and 1,667 SQFT of finished and 414 of unfinished space in the lower level. The finished square foot of this home, will provide four bedrooms, 2 bathrooms, a den, plus a master suite with master bathroom, walk in closet . The homeowner is considering betterments to the new home which are anticipated to total \$114,359 based on current plans. This amount could change if the homeowner makes changes to the new home plan.

Requested Action/Recommendation

1. Recommend to CCJWRD, execution of a Purchase Agreement in the amount of \$405,800 as just compensation for real property.
2. Recommend to CCJWRD, execution of a Replacement Housing Agreement with estimated payment of \$264,337 for decent, safe, sanitary, and comparable replacement housing.
3. Recommend to CCJWRD, payment for the replacement lot in the amount of \$141,000, which will be fully reimbursed to CCJWRD per the Oxbow MOU Amendment.

Replacement Home Cost Summary

Property ID#: OIN#		Notes
		<u>Includes:</u> (see supplemental detail below)
Total Replacement Home Cost	\$ 901,466	A. Replacement House Allowance B. House to Home Allowances C. Project Required Costs D. Betterments E. Replacement Lot Cost
Less 'Just Compensation'	- (\$ 405,800)	Based on Appraisal and Purchase Agreement
Less 'Betterments'	- (\$ 114,359)	Based on "Like for Like" Analysis
Less 'Replacement Lot Cost'	- (\$ 141,000)	Based on Oxbow MOU Amendment
Net Replacement Home Cost to Diversion Authority	= \$ 240,307	
Construction Contingency	+ \$ 24,030	Add 10 percent for uncertainties
Replacement Housing Agreement	= \$ 264,337	

The following details support the Replacement Home Cost and Replacement Housing Agreement.

Supplemental Replacement Housing Detail

Line Item A – Replacement House Allowance

1. Breakdown *existing* house into finished space categories.
2. Multiply existing house areas by Unit Price.
3. Unit Price established by acquisition team, based on database of comparable properties in Oxbow and the FM Metro Area, validated by professional architect (Helenske Design Group).

		1				2				3	
		Existing House Areas	Area (SF)			Unit Price (\$ / SF, rounded)				Replacement Cost	
Replacement House Allowance	=	Above Grade Finished Space	1,863	x		\$206	=			\$383,788	
		Below Grade Finished Space	1,262	x		\$75	=			\$94,650	
		Below Grade Unfinished Space	601	x		\$30	=			\$18,030	
		Garage	788	x		\$40	=			\$31,520	
		Total (Replacement House Allowance) = \$527,978									

Line Item B – House to Home Allowances

- Accounts for replacement of “like for like” elements in the displaced persons’ existing home that are not included in the base cost for the replacement house, such that the replacement home has a comparable “fit and finish”.
- Allowances based on competitive quotes or professionally developed cost estimates to replace existing features.

Item	Allowance	Notes
Window Coverings	\$ 21,600	Placeholder. Requires a 2 nd bid. We will take the lower of the two bids.
Outdoor Space (Landscaping, deck, patio, etc.)	\$ 42,960	Hanson Design Associates’ professional estimate. (see attached report)
Custom Paint	\$0.00	Will receive 2 bids and will be handled out of the contingency fund.
TOTAL	\$ 64,560	

Line Item C – Project Required Costs

- Costs necessary for home construction in Oxbow.
- URA eligible costs identified for future crediting purposes.
- Costs based on builder line item quotes or estimates.

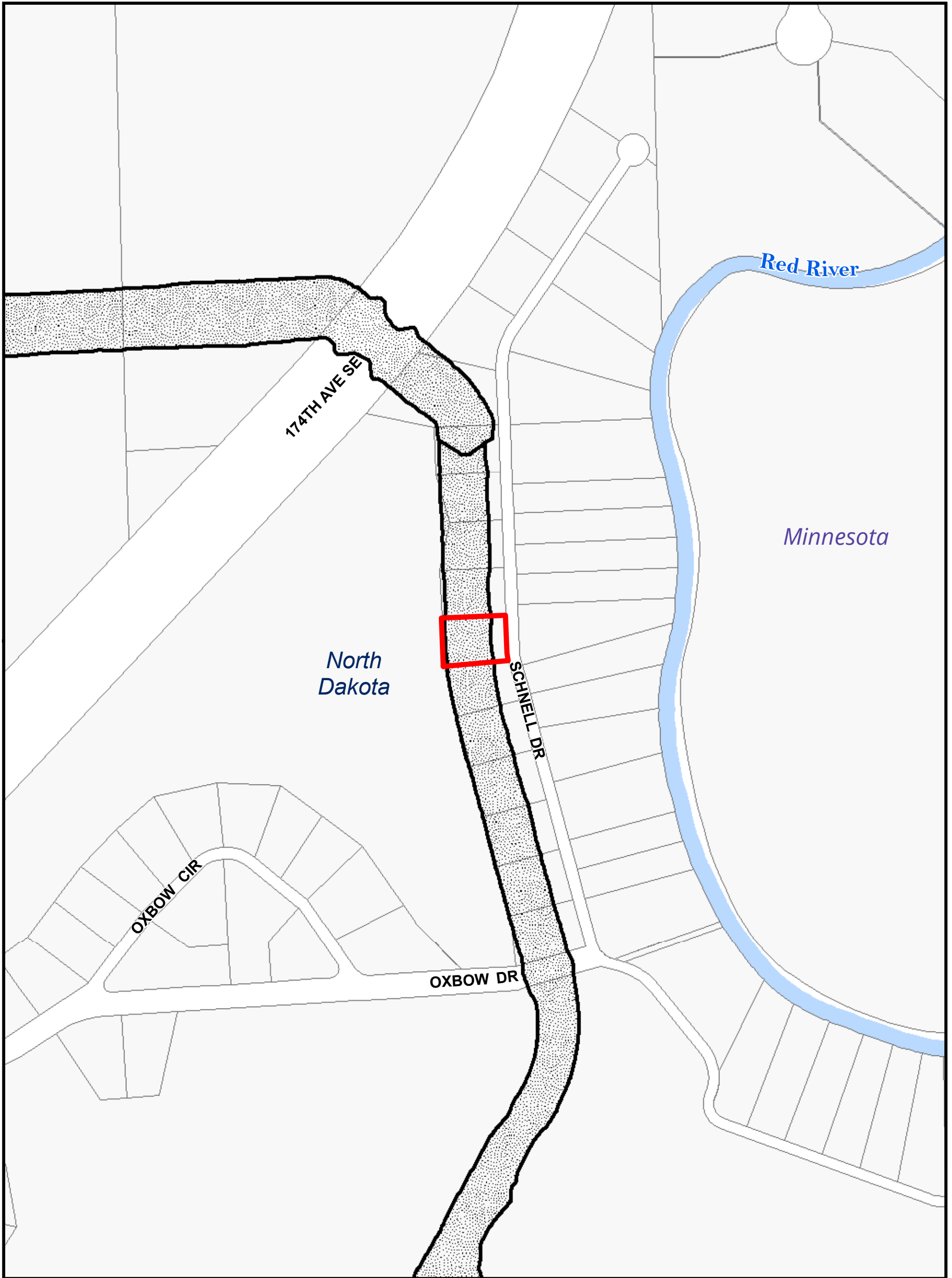
Item	Costs	Notes
Driveway Setback	\$ 2,915.98	Quote in builder bid
Flood Proof Basement	\$ 6,390.53	Quote in builder bid
5' Garage walls and fill sand	\$3,444.97	Quote in builder bid
Cold weather Construction	\$19,289.94	Quote in builder bid
Buried Propane Tank	\$ 4,142.01	Quote from builder bid
Builder Financing	\$17,385.80	Quote from builder bid (will be eliminated if funds are escrowed)
TOTAL	\$53,569.00	

Line Item D- Betterments

- Costs above the replacement house or other allowances, reflecting improvements beyond the size, fit, finish, etc. of the existing home.
- Betterment costs are paid by the displaced person.
- Estimated betterments = \$114,359.

Line Item E- Replacement Lot Cost

- Replacement lot cost will be 100 percent reimbursed to the Diversion Authority from the Oxbow Job Development Authority, per the Oxbow MOU Amendment.
- Lot cost based on market valuation, determined by real estate appraiser.
- Replacement Lot Cost Reimbursement = \$141,000.



CURRENT COST SHARE REQUEST



Diversion Channel



OHB Levee



In Town Levee

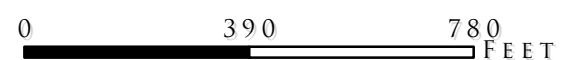
OIN# 9658
OWNER: GREGORY T & BRIENA R GOLDSMITH

PROPERTY ADDR: 325 SCHNELL DR, OXBOW CITY
TOWNSHIP: PLEASANT TOWNSHIP

PARCEL ACREAGE: 0.43 AC.

LAST UPDATED: 8/12/2015
REF PAGE NUMBER: 9658

Document Path: D:\GIS\Projects\FM Diversion\FM Area Diversion\Projects\Land Acquisition\SWC Reimbursement (Cost Share)\Mapbook2.mxd cfm ae2S



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.

November 5, 2015

Darrel Vanyo
Chair, FM Diversion Authority

Dear Mr. Vanyo,

It is my understanding that, the Diversion Authority is responsible for property acquisitions for the FM Area Diversion Project, as well as the Oxbow Ring Levee Project. The property acquisitions in Oxbow include not only the need to acquire the existing property, but also the requirement to replace the existing home such that the displaced residents have a comparable property to relocate to. Several of the Oxbow homes and relocations have occurred prior to my involvement in this project, but we were recently asked by CH2M and AE2S representatives to assist in the replacement home cost analysis for approximately 12 homes. It is my understanding that the 12 property owners are electing to stay in Oxbow, and therefore, the Diversion Authority will be responsible for construction of a replacement home that is comparable to the existing home.

As we began our involvement in the project, we reviewed the processes that had been used previously to establish cost allowances for the replacement homes. In addition, we visited Oxbow and became familiar with the type, condition, and location of the remaining 12 homes. Through this review, it became apparent that we needed to provide services in two phases.

Phase 1 - Verification of Unit Price Approach

In review of previous acquisitions and replacement housing terms, I had the opportunity to review the approach that the land acquisition team has used to date, along with the database of comparable properties that the team used to establish the unit price range for replacing the existing homes. Upon review, I determined that the methodology used to set the range of unit prices is reasonable. The unit prices are consistent with unit prices for a peer group of homes constructed of similar fit and finish in the region. Furthermore, when replacement housing agreements can be reached with the displaced home owners using the unit price approach, it is reasonable to do so. Based upon my understanding of the 12 remaining homes, I anticipate that approximately half of them will fit within this approach.

Phase 2 - Replacement Cost Verification and “Like for Like” Analysis

When the unit cost for replacement properties fall outside the established unit price range (as validated in Phase 1), or if an agreement cannot be reached with the displaced home owner based on the unit price approach, then the land acquisition team and I recommend a more thorough review of the existing home and the plans and specifications for the proposed replacement home. In these cases, I will determine what an appropriate replacement value is for the current home based on its current style, fit and finish, and amenities. This will establish a unit cost replacement value for that existing home based on comparable properties in my database for like project.

If additional detail is necessary to compare this home to the replacement home, I will conduct a “like for like” analysis and determine what should be considered betterments in the replacement home. I will also be verifying the builder costs associated with the replacement home and ensuring that the costs fall in line with building industry standards or items were competitively bid.

I will prepare a letter report for each of the properties that require the replacement cost verification and “like for like” analysis. Based upon my understanding of the 12 remaining homes, I anticipate that approximately half of them will require this analysis.

Summary

The above referenced two-phase approach will assist the Diversion Authority in validating the replacement housing agreements necessary for the remaining 12 homes in Oxbow. I appreciate the opportunity to participate in this process and to provide the expertise that the Program needs to both verify and validate costs to ensure both the displaced property owners and the taxpayers are treated fairly in this process. I believe the land acquisition team has done a reasonable job to date in assembling these complex replacement packages, but I look forward to providing additional expertise to help handle the unique situations the Program is encountering.

We look forward to the opportunity to support the Diversion Authority in its commitment to bring permanent flood protection to the metro area.

Sincerely,



Craig Helenske
Architect

Residential Landscape Prices

Date of Site Visit: 11/3/15

Property Owner: Goldsmith

Location: 325 Schnell Dr., Oxbow

Homeowner present at time of visit: no

Homeowner comments:

<u>Desc.</u>	<u>Units</u>	<u>Unit Price</u>	<u>Qty.</u>	<u>Est.</u>
Sitework				
Organic Amendments & Fertilizer	sf	\$ 0.10	8,492	\$ 849.20
Edging				
Edging -Precast Concrete 'Bullet'	lf	\$ 7.00	228	\$ 1,596.00
Edging -Timber (2 high) surrounding Garden	lf	\$ 5.00	57	\$ 285.00
Landscape Mulch				
Wood Mulch -Hardwood (3" depth)	cy	\$ 110.00	2	\$ 220.00
Rock Mulch -1 1/2" River Rock (3" depth)	cy	\$ 150.00	10.1	\$ 1,515.00
Paving and Patios				
Brick Paver over Concrete Base & Mortared	sf	\$ 40.00	48	\$ 1,920.00
Brick Paver over Agg. Base	sf	\$ 25.00	100	\$ 2,500.00
Decorative Concrete Stepping Stones	ea	\$ 10.00	33	\$ 330.00
Deck				
Deck -Pressure Treated	sf	\$ 25.00	190	\$ 4,750.00
Plants				
Sod (includes finish grading)	sf	\$ 0.60	7185	\$ 4,311.00
Spaded Deciduous Tree	ea	\$ 1,200.00	7	\$ 8,400.00
Spaded Evergreen Tree -12' ht.	ea	\$ 1,200.00	4	\$ 4,800.00
Deciduous Shrub #5 Cont.	ea	\$ 65.00	10	\$ 650.00
Deciduous Shrub #2 Cont.	ea	\$ 50.00	10	\$ 500.00
Evergreen Shrub #7 Cont.	ea	\$ 150.00	2	\$ 300.00
Perennial #1 Cont.	ea	\$ 25.00	12	\$ 300.00
Irrigation				
Irrigation -zone	ea	\$ 525.00	5	\$ 2,625.00
Stub & BPU by Plumber	ea	\$ 800.00	1	\$ 800.00
Site Amenities				
Mailbox -Brick Column	ea	\$ 2,400.00	1	\$ 2,400.00
General Contractor 10% Markup				\$ 3,905.12
Total				\$ 42,956.32