

**FLOOD DIVERSION AUTHORITY  
FINANCE COMMITTEE  
AGENDA FOR WEDNESDAY, FEBRUARY 10, 2016**

*Fargo City Commission Chambers*  
2:30 PM

1. Call to order
2. Approval of the minutes from the previous meeting Item No. 2
3. Approval of bills Item No. 3
4. Financial update (Costin) Item No. 4
5. MN DNR Contract Amendment (Berndt) Item No. 5
6. Property acquisition (Dodds) Item No. 6
7. Other business
8. Next meeting—March 9, 2016
9. Adjournment

cc: Local Media  
Flood Diversion Board of Authority  
CH2M  
AE2S

**FLOOD DIVERSION FINANCE COMMITTEE  
JANUARY 13, 2016—2:30 PM**

**1. MEETING TO ORDER**

A meeting of the Flood Diversion Finance Committee was held on Wednesday, January 13, 2016, 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 Rick Steen; Moorhead Finance Director Wanda Wagner; and Fargo City Commissioner Mike Williams. Cass County Commission Representative Darrell Vanyo was present via conference call. Fargo City Mayor Tim Mahoney arrived later in the meeting.

Also present were Katie Bertsch, Ohnstad Twichell; and Eric Dodds, AE2S.

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

*MOTION, passed*

**Ms. Otto moved and Mr. Berndt seconded to approve the minutes from the December 15, 2015, meeting as presented. Motion carried.**

**3. APPROVAL OF BILLS**

Mr. Costin said the largest expense for the month is the reimbursement to the Cass County Joint Water Resource District (CCJWRD).

Mr. Montplaisir said the cost share fund request from the US Army Corps of Engineers (USACE) goes towards the required 5% cash contribution required from the Diversion Authority for the project.

*MOTION, passed*

**Mr. Berndt moved and Mr. Brodshaug seconded to approve the bills in the amount of \$3,044,903.27 and to forward them to the Flood Diversion Board of Authority. On roll call vote, the motion carried unanimously.**

**4. FINANCIAL UPDATE**

Mr. Costin reviewed the financial statements for December. The total disbursed in 2015 is over \$95 million and the total disbursed to date is \$178,543,353. Land acquisitions is the largest category of spending at \$79 million.

Mr. Costin said CH2M is getting ready to introduce a different format for financial reporting within the next month or two, so the financial statements will change in appearance.

Mr. Costin said there is \$152.9 million remaining in the State Water Commission balance.

**5. SPRINGSTED CONTRACT**

Mr. Costin said Public Financial Management (PFM) was brought on early in the project to provide guidance on state financing options and protocols. At this time a decision has been made to begin using Springsted Incorporated as a financial advisor instead. The City of Fargo has recently gone back to Springsted for traditional bonding, and the City of

Moorhead uses Springsted as an advisor as well. To provide consistency, it will be beneficial for all entities to use the same advisor.

Mr. Montplaisir said as discussed at last month's meeting, it is anticipated that short-term financing will be needed this year, so the process needs to begin as soon as possible.

***MOTION, passed***

**Mr. Brodshaug moved and Ms. Otto seconded to approve an Agreement for Municipal Advisor Services with Springsted Incorporated and to recommend its approval to the Flood Diversion Board of Authority. On roll call vote, the motion carried unanimously.**

**6. ADVANCED FUNDING FOR CORPS OF ENGINEERS**

Mr. Berndt said as the project moves forward under the assumption of receiving federal appropriations and a new start, funds need to be available to provide to USACE the difference between appropriations and construction costs for the initial construction project. Funds provided will go towards the required 5% cash contribution.

Mr. Steen asked if there is a cost estimate for what the Diversion Authority will be required to provide. Mr. Berndt said perhaps \$45 million, although the Diversion Authority will ultimately be required to pay \$60 million.

Mr. Berndt said he is providing this information as a forewarning of the possibility of needing to provide this funding. Once the President's budget is released more information will be available. The budget is anticipated to be released in early to mid-February.

Dr. Mahoney arrived for the remainder of the meeting.

**7. ASHURST LLP P3 LEGAL SERVICES CONTRACT**

Katie Bertsch from Ohnstad Twicell was present to discuss the Ashurst P3 legal services contract. Ms. Bertsch said last week the Diversion Authority entered into services with Ashurst. After negotiations, a 10% reduction in standard billing fees was agreed upon.

Mr. Vanyo said the contract has already been signed, but the Finance Committee and Diversion Authority should ratify the approval.

Dr. Mahoney said as the contract has not been reviewed by this committee, perhaps a recommendation should be made to add the contract to the agenda for the Diversion Authority for review and approval. Mr. Vanyo and Fargo City Attorney Erik Johnson have reviewed the contract.

***MOTION, passed***

**Mr. Berndt moved and Mr. Vanyo seconded to recommend the Letter of Engagement with Ashurst LLP for legal services for the P3 be forwarded to the Diversion Authority for review and approval. Discussion: Mr. Steen asked if the motion implies that the Finance Committee has approved the Letter of Engagement. Mr. Vanyo said it does not, and that the letter can also be sent to the members of this committee for review before the Diversion Authority meeting so any issues can be discussed and brought forward. Motion carried.**

**8. PROPERTY ACQUISITION***Oak Terrace Condominiums*

Eric Dodds from AE2S was present to discuss the Oak Terrace Condominiums property acquisition. Mr. Dodds said the acquisition is needed for part of the in town levee system. The levee extension project has a relatively minor impact on the back yards of the condominium parcels.

***MOTION, passed***

**Dr. Mahoney moved and Ms. Otto seconded to authorize the Cass County Joint Water Resource District to execute a purchase agreement in the amount of \$5,000 with Oak Terrace Condominiums as just compensation for real property. On roll call vote, the motion carried unanimously.**

**9. OTHER BUSINESS***Oxbow property acquisitions update*

Mr. Dodds said there are eight or nine residential properties and a number of vacant lots yet to acquire for the OHB Levee Project. A few of the residential properties remaining are some of the most unique properties in the area, and some of the property owners are not planning on rebuilding. Negotiations are getting close for a few of the properties, but several will be challenging.

*Financing update*

Mr. Montplaisir said he and Mr. Costin had a conference call with CH2M, Ernst & Young, and Springsted to discuss financing options. The process is moving forward.

*Diversion Authority budget approval*

Ms. Otto said the FY2016 Diversion Authority budget was approved at the Moorhead City Council meeting with a 5-3 vote.

**10. NEXT MEETING**

The next meeting will be held on Wednesday, February 10<sup>th</sup>.

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

**On motion by Mr. Williams, seconded by M. Otto and all in favor, the meeting was adjourned at 3:06 PM.**

## Finance Committee Bills for February 2016

Vendor	Description	Amount
Cass County Joint Water Resource District	Reimburse Diversion bills	\$ 3,488,345.84
Fredrickson & Byron, P.A.	Government relations flat fee	\$ 3,500.00
Erik R. Johnson & Associates, Ltd.	Metro Flood - General legal matters thru Dec 31, 2015	\$ 8,009.86
Erik R. Johnson & Associates, Ltd.	Metro Flood - LEERDS matters thru Dec 31, 2015	\$ 1,410.15
Erik R. Johnson & Associates, Ltd.	Metro Flood - General legal matters thru Jan 25, 2016	\$ 11,283.55
Erik R. Johnson & Associates, Ltd.	Metro Flood - LEERDS matters thru Jan 25, 2016	\$ 1,234.20
U.S. Army Corps of Engineers	Cost share	\$ 700,000.00
Ohnstad Twichell, P.C.	Bond Counsel Work - PPP	\$ 38,274.32
Ashurst LLP	Professional services rendered in January, 2016	\$ 95,456.15
		<hr/>
Total Bills Received in January		<hr/> <u>\$ 4,347,514.07</u>



Cass County  
Joint Water  
Resource  
District

February 8, 2016

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 Loughheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, 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 \$3,488,345.84 regarding the above referenced projects. The breakdown is as follows:

In-Town Levees	\$ 503,881.65
Access issues	24,839.81
DPAC	2,177.00
Oxbow-Hickson-Bakke Ring Levee	2,948,749.44
Oxbow Golf and Country Club	8,697.94

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

Enclosures

Carol Harbeke Lewis  
Secretary-Treasurer

1201 Main Avenue West  
West Fargo, ND 58078-1301

701-298-2381  
FAX 701-298-2397  
[wrđ@casscountynđ.gov](mailto:wrđ@casscountynđ.gov)  
[casscountynđ.gov](http://casscountynđ.gov)

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

Updated 2/8/16

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
1/15/2016	12/22/2015	139643	100007	2,555.01	Ohnstad Twichell, P.C.	Legal-Diversion Right of Entry
1/15/2016	12/22/2015	139548	130007	10,139.25	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
1/15/2016	12/22/2015	139642	90007	935.00	Ohnstad Twichell, P.C.	Legal-DA Cost share agreement and P3
1/15/2016		150180977-0		1,678.57	Cass County Treasurer	2015 Tax on parcel 57-0000-10355-000
1/15/2016		150160983-0		31.98	Cass County Treasurer	2015 Tax on parcel 57-0000-10358-020
1/28/2016				250.00	Compson Revocable Trust	soil boring on parcel 57-0000-10225-000
1/28/2016				500.00	Timothy Leiseth	soil borings on parcel 57-0000-10205-010
1/28/2016				1,000.00	Martin Johnson	soil borings on parcel 15-0000-02680-000
1/28/2016				1,750.00	Western Trust	soil borings on various parcels
1/28/2016				250.00	Joan Thompson	soil boring on parcel 53-0000-09180-020
1/28/2016				250.00	Bruce Cossette	soil boring on parcel 53-0000-09132-010
1/28/2016				250.00	David Houkom	soil boring on parcel 53-0000-09128-002
1/28/2016				250.00	Nancy Loberg	soil boring on parcel 53-0000-09122-010
1/28/2016				750.00	Coster Real Estate	soil borings on parcel 53-0000-09075-000
1/28/2016				250.00	Steve Loberg	soil boring on parcel 53-0000-09082-000
1/28/2016				250.00	William & Mary Lisburg	soil boring on parcel 53-0000-09078-010
1/28/2016				1,250.00	Marilyn Libbrecht	soil borings on parcel 53-0000-09079-000
1/28/2016				1,000.00	Janet Wanzek	soil borings on parcel 53-0000-09061-007
1/28/2016				250.00	Glen Libbrecht	soil boring on parcel 53-0000-09033-000
1/28/2016				250.00	Ann Kulas	soil boring on parcel 59-0000-10948-010
1/28/2016				750.00	Mark & Susan Andrews	soil borings on parcel 59-0000-10925-000
1/28/2016				250.00	Stuart Johnson	soil boring on parcel 59-0000-10920-010
<b>Total</b>				<b>24,839.81</b>		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
01/15/16	01/12/16	381053285	479407	130,000.00	CH2M Hill Engineers	Construction Management Services
01/28/16	01/25/16	381054680.00	479407	130,000.00	CH2M Hill Engineers	Construction Management Services
1/15/2016	1/4/2016	Draw#3-A		45,262.11	Spirit Properties, Inc.	Sidestreet Grille relocation
1/15/2016	11/18/2015			1,610.00	Benjamin Otto	Final residential rental assistance
1/15/2016	11/16/2015			1,680.00	Juan Mondragon	residential fixed move claim
1/15/2016	11/16/2015			1,680.00	Annela Mondragon	residential fixed move claim
1/15/2016			(11 statements)	109,488.35	Cass County Treasurer	2015 tax on various parcels
1/15/2016	1/13/2016	484236779		10,936.15	Xcel Energy	Service to 1 2nd St S, Park East Apts
1/15/2016	2/2/2016	485090735		240.37	Xcel Energy	Service to 1330, 1326 and 1322 Elm St & 18 N Terrace
1/15/2016	1/11/2016	381053283	479407	22,800.86	CH2MHill	Land Acquisition Management 22%-See OHB for Invoice
1/28/2016	1/26/2016	381054773	479407	36,440.68	CH2MHill	Land Acquisition Management 22%-See OHB for Invoice
1/19/2016	12/26/2015	4995		5,129.75	Sentry Security Inc	Security Patrol services for Howard Johnson's
1/28/2016	1/9/2016	5024		4,934.38	Sentry Security Inc	Security Patrol services for Howard Johnson's
1/28/2016	1/23/2016	5052		3,679.00	Sentry Security Inc	Security Patrol services for Howard Johnson's
<b>Total</b>				<b>503,681.65</b>		

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
1/15/2016	12/22/2015	139647	120007	816.00	Ohnstad Twichell, P.C.	Legal-DPAC
1/15/2016	12/22/2015	139673	150007	1,361.00	Ohnstad Twichell, P.C.	Legal-Garaas appeal
<b>Total</b>				<b>2,177.00</b>		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
1/15/2016	12/22/2015	139653	140007	10,030.90	Ohnstad Twichell, P.C.	Legal-ROW
1/6/2016	1/6/2016			120,077.88	The Title Company	Purchase property - Randy and Lisa Cramer
1/11/2016	1/11/2016			1,072,608.19	The Title Company	Purchase property - Hasbargen/Zimmerman
1/15/2016	12/28/2015			10,375.00	Becca Murphy	Moving costs
1/15/2016	12/28/2015			749.00	Becca Murphy	Moving costs
1/15/2016				7,200.00	Robert Gilbertson	Rent supplement
1/15/2016	1/8/2016			10,891.60	David Hasbargen	Moving costs
1/15/2016	1/8/2016			9,200.00	Dakota Construction of Fargo, Inc.	builder advance - Talley
1/15/2016	1/8/2016			50.00	Grant and Dabi Retzlaff	Miscellaneous cost claims
1/14/2016	1/13/2016			172,653.77	The Title Company	Purchase property - Murphy
1/14/2016	1/13/2016			284,769.47	The Title Company	replacement property - Murphy
1/15/2016			16 statements	47,168.51	Cass County Treasurer	2015 Tax Statements
1/15/2016	1/6/2016		10 invoices	2,788.42	Cass County Electric Cooperative	Service to various addresses
1/15/2016	1/11/2016	381053283	479407	80,839.40	CH2MHill	Land Acquisition Management 78%
1/28/2016	12/3/2015	54786	R12.00049	5,941.00	Ulleig Engineering Inc	Land Management services
1/28/2016	1/26/2016	381054773	479407	129,198.79	CH2MHill	Land Acquisition Management 78%
1/28/2016	1/21/2016	55821	R12.00049	3,734.00	Ulleig Engineering Inc	Land Management services
1/19/2016	1/6/2016	8048670	B14-04209.02	2,580.38	Braun Intertec	CMT for demolition
1/28/2016	12/16/2015			121,781.45	Midcontinent Communications	Phase II Oxbow Levee Relocation
1/19/2016	12/28/2015	5007		2,687.32	Sentry Security Inc	Security patrol services
1/28/2016	1/9/2016	5038		1,851.39	Sentry Security Inc	Security patrol services
1/28/2016	1/23/2016	5064		1,314.90	Sentry Security Inc	Security patrol services
2/1/2016	2/1/2016			403,365.43	The Title Company	purchase property - Randel and Debra Schneibel
2/1/2016	1/29/2016			468,864.64	The Title Company	replacement property - Schneibel
<b>Total</b>				<b>2,948,749.44</b>		

OXBOW COUNTRY CLUB INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
1/15/2016		150166871-0		4,596.25	Cass County Treasurer	2015 tax on parcel 78-0010-01620-060
1/15/2016		150166872-0		493.34	Cass County Treasurer	2015 tax on parcel 78-0010-01620-070
1/15/2016		150166873-0		3,591.12	Cass County Treasurer	2015 tax on parcel 78-0010-01620-080
1/15/2016		150166874-0		13.53	Cass County Treasurer	2015 tax on parcel 78-0010-01620-090
1/15/2016		150166876-0		3.70	Cass County Treasurer	2015 tax on parcel 78-0010-01620-110
<b>Total</b>				<b>8,697.94</b>		
<b>Grand Total</b>				<b>3,488,345.84</b>		

**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: 1348893  
Client Account: 072720.0001  
Regarding: Government Relations LOB 30321  
Invoice Date: January 11, 2016

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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](mailto: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:** 1348893  
**Client Account:** 072720.0001  
**Regarding:** Government Relations LOB 30321  
**Invoice Date:** January 11, 2016

Government Relations flat fee payment 7 of 12.

<b>Total For Fees</b>	<b>\$ 3,500.00</b>
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<b>Total This Invoice</b>	<b>\$ 3,500.00</b>
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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.*

*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

December 31, 2015  
Invoice No. 2375

RE: Metro Flood Project – General Legal Matters

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**For Legal Services Rendered Through December 31, 2015**

**INVOICE TOTAL**

Total for Current Legal Fees	\$ 7,517.40
Total for Current Disbursements and Service Charges	\$ 492.46
<b>Total for Current Invoice</b>	<b>\$ 8,009.86</b>

**Summary of Account**

*Prior Balance Due	\$ 0
Total Amount Due	\$ 8,009.86

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

We appreciate your business.

790-7910-429. 33-25 V00102

*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

December 31, 2015  
Invoice No. 2371

RE: Metro Flood Project – LEERDS Matters

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**For Legal Services Rendered Through December 31, 2015**

**INVOICE TOTAL**

Total for Current Legal Fees	\$ 1,410.15
Total for Current Disbursements and Service Charges	\$ 0
<b>Total for Current Invoice</b>	<b>\$ 1,410.15</b>

**Summary of Account**

*Prior Balance Due	\$ 0
Total Amount Due	\$ 1,410.15

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

790-7930-429, 33-25 V00103

We appreciate your business.

*Erik R. Johnson & Associates, Ltd*

*Attorneys at Law*

*Erik R. Johnson - Nancy J. Morris*

*505 Broadway - Suite 206*

*Fargo, ND 58102*

*(701) 280-1901*

City of Fargo -- Auditor's Office

Attn: Kent Costin

200 North 3rd Street

Fargo, ND 58102

Date	1/25/2016
Invoice #	2392

Description	Qty	Rate	Amount
METRO FLOOD PROJECT -- General legal matters: Erik Johnson-Jan 1 thru Jan 25, 2016-itemization enclosed	47.45	211.00	10,011.95
Nancy J Morris-Jan 1 thru Jan 25, 2016-itemization enclosed	6.8	187.00	1,271.60

*We appreciate your business.*

**TOTAL: \$11,283.55**

*Erik R. Johnson & Associates, Ltd*

*Attorneys at Law*

*Erik R. Johnson - Nancy J. Morris*

*505 Broadway - Suite 206*

*Fargo, ND 58102*

*(701) 280-1901*

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

Date	1/25/2016
Invoice #	2391

Description	Qty	Rate	Amount
Metro Flood Project -- LERRDS-related matters: Nancy J Morris-Jan 1 thru Jan 25, 2016-itemization enclosed	6.6	187.00	1,234.20

*We appreciate your business.*

**TOTAL: \$1,234.20**



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

RECEIVED  
CASS COUNTY COMMISSION

FEB 4 2016

FEB 02 2016

Planning, Programs and Project Management Division  
Project Management Branch

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

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

Dear Chairman Vanyo:

Based upon the Division Board of Authority's August 13, 2015 meeting where the Corps funds request for FY15-16 was passed and in accordance with Article IV of the Design Cost Share Agreement executed on September 12, 2011, please provide cost share funds in the amount of \$700,000. These funds will count towards the required 5 percent cash contribution and are associated with Cost Share Control Record Number 531.

We request that \$700,000 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: USACE Finance Center  
Bank ABA Number: 051036706  
Account Number: 220025  
Bank Address: Riverdale MD  
Account Type: Checking
- b. Advance Account Number: 293
- c. ROV Number: 1703
- d. Cost Share Number: 531

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 the project, please contact me at (651) 290-5517 or at [terryl.l.williams@usace.army.mil](mailto:terryl.l.williams@usace.army.mil).

Sincerely,



Terryl Williams  
Project 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. Mark Bittner  
Director of Engineering  
200 Third Street North  
Fargo, ND 58102

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

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

15-1395 JTS  
 Flood Diversion Board  
 Bond Counsel Work – PPP

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

DATE: January 29, 2016

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

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**

Attorney	Hours	Rate *	Fees
JTS	67.05	*2015-16	\$19,101.00
CMM	10.8	*2015-16	\$3,114.00
KJB	72.7	*2015-16	\$14,901.50
ZKJS	1.3	*2015-16	\$208.00
AJM	3.5	*2015-16	\$437.50
<b>Expenses:</b>			
Westlaw Research			\$500.00
UPS Package			\$11.32
Photocopies			\$1.00
<b>Total</b>	<b>155.35</b>		<b>\$38,274.32</b>

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

	Hourly Rate	
	*2015	*2016
JTS - John T. Shockley, Partner	\$275.00	\$290.00
CMM - Christopher M. McShane, Partner	\$275.00	\$290.00
KJB - Katie J. Bertsch, Associate	\$160.00	\$225.00
ZKJS - Katie J. Stearns, Associate	\$160.00	\$225.00
AJM - Andrea J. Murphy, Paralegal	\$125.00	\$125.00

15-1395 JTS - Flood Diversion Board - Bond Counsel Work – PPP



# Invoice

Flood Diversion Board of Authority  
Box 2806  
211 Ninth Street South  
Fargo, North Dakota 58108

For the attention of: Darrell Vanyo

Ashurst LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036  
U.S.A.

Tel +1 212 205 7000  
Fax +1 212 205 7020  
www.ashurst.com



Invoice Date: **February 5, 2016**

Our Ref: **JTR/FLO16.00002**

Invoice No.: **9607625**

**Re: Fargo-Moorhead Area Diversion Project -- AWD-00055**

**For our professional services rendered in January 2016**

PPA: 94,954.95  
Procurement Process: 483.75

**Total Fees:**

**Disbursements**

Courier Charges

**Fees and  
Disbursements  
USD**

95,438.70

17.45

Total 95,456.15

**Balance Due** 95,456.15

The fees and disbursements the subject of this invoice may include fees and disbursements due to another member of the Ashurst Group.

**Wire Transfer Instructions**

Bank Name: Citibank, N.A.  
Bank Address: New York, NY 10022  
Account Name: Ashurst LLP  
Account Number: 4971676095  
ABA/Routing No: 021000089

**Check Remittance Instructions**

Address: Ashurst LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036

For direct payment purposes, please quote reference 9607625 when settling this invoice

**Payment Terms: 21 days**

Taxpayer Identification No. 52-2210201

AUSTRALIA BELGIUM CHINA FRANCE GERMANY HONG KONG SAR INDONESIA (ASSOCIATED OFFICE) ITALY JAPAN PAPUA NEW GUINEA  
SAUDI ARABIA SINGAPORE SPAIN SWEDEN UNITED ARAB EMIRATES UNITED KINGDOM UNITED STATES OF AMERICA

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Flood Diversion Board of Authority  
 Re: Fargo-Moorhead Area Diversion Project  
 JTR/FLO16.00002  
 For the period: 01/06/2016 to 01/31/2016  
 Bill Number: 9607625

<b>TIME SUMMARY</b>	<b>Time</b>	<b>*Agreed Rate USD/hr</b>	<b>Amount (USD)</b>
<b>Partner</b>			
Jason Radford	43.80	967.50	42,376.50
<b>Associate</b>			
Katayoun Sadeghi	95.60	531.00	50,763.60
<b>Junior Associate</b>			
Clinton Monteith	4.70	396.00	1,861.20
<b>Paralegal</b>			
Lucas Rehaut	1.80	243.00	437.40
<b>Total</b>			<b>95,438.70</b>

**Please Note:**

\* Calculations are based on agreed discounted hourly rate(s)  
 A Detailed Time Summary Follows Overleaf

## Edwards, Brielle

---

**To:** Kent Costin  
**Subject:** RE: Flood Diversion Board Authority - Ashurst Invoice

**From:** John T. Shockley [<mailto:JShockley@OhnstadLaw.com>]  
**Sent:** Monday, February 08, 2016 2:34 PM  
**To:** Jamie Bullock; Kent Costin  
**Cc:** [APIInvoicesFMDiv@ch2m.com](mailto:APIInvoicesFMDiv@ch2m.com); [Katayoun.Sadeghi@ashurst.com](mailto:Katayoun.Sadeghi@ashurst.com); [Jason.Radford@ashurst.com](mailto:Jason.Radford@ashurst.com)  
**Subject:** RE: Flood Diversion Board Authority - Ashurst Invoice

Good afternoon,

I reviewed the detailed invoice of Ashurst. Based upon that review:

- The hours worked are consistent with the work that Ashurst was asked to undertake.
- The hourly rate is consistent with the retainer agreement
- The work performed is consistent with the first work order given the Ashurst.

The invoice can be processed and submitted for payment. Please note that I have only attached the summary invoice.

Thank you

John T. Shockley  
Attorney at Law  
Ohnstad Twichell, P.C.  
901 - 13th Avenue East  
P.O. Box 458  
West Fargo, ND 58078-0458  
TEL (701) 282-3249  
FAX (701) 282-0825



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**FM Diversion Authority**  
**Fiscal Accountability Report Design Phase (Fund 790)**  
**As of 1/31/2016**

	2011	2012	2013	2014	2015	2016	Cumulative Totals
<b>Revenues</b>							
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	28,310,373	1,493,490	64,345,774
Cass County	443,138	7,652,681	7,072,961	19,373,131	28,310,373	1,493,490	64,345,774
State Water Commission	-	-	3,782,215	602,918	31,056,740	1,985,040	37,426,913
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	6,291,194	323,098	14,290,271
Lease/Rental Payments	-	-	17,358	154,180	180,341	-	351,879
Asset Sales	-	-	-	616,774	315,892	133,922	1,066,588
Miscellaneous	-	-	1,705	626	427	-	2,758
<b>Total Revenues</b>	<b>984,750</b>	<b>17,005,957</b>	<b>19,518,970</b>	<b>44,425,900</b>	<b>94,465,339</b>	<b>5,429,040</b>	<b>181,829,956</b>
<b>Expenditures</b>							
7905 Army Corp Payments	-	-	875,000	1,050,000	2,725,000	700,000	5,350,000
7910 WIK - Administration	107,301	331,321	77,614	169,019	282,227	17,747	985,228
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,660,226	177,092	22,692,679
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	86,181	20,764,640
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	1,827,987	81,445,241
7931 LERRDS - Minnesota	-	27,996	289,387	13,068	32,452	192,600	555,502
7940 WIK Mitigation - North Dakota	-	-	-	587,180	-	-	587,180
7941 WIK Mitigation - Minnesota	-	-	-	-	-	-	-
7950 Construction - North Dakota	-	-	-	1,738,638	19,269,055	2,197,699	23,205,391
7951 Construction - Minnesota	-	-	-	-	-	-	-
7952 Construction - O/H/B	-	-	-	11,282,504	5,044,001	349,237	16,675,742
7955 Construction Management	-	-	-	556,209	2,867,422	15,547	3,439,178
7990 Project Financing	-	50,000	70,000	216,376	566,600	79,101	982,078
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
<b>Total Expenditures</b>	<b>984,750</b>	<b>17,005,957</b>	<b>19,518,970</b>	<b>45,325,044</b>	<b>95,896,147</b>	<b>5,643,190</b>	<b>184,374,059</b>

FM Diversion Authority  
 FY 2016 Summary Budget Report ( In Thousands)  
 As of January 31, 2016

	FY 2016 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
<b>Revenue Sources</b>						
City of Fargo	39,375	1,493	1,493			37,882
Cass County	39,375	1,493	1,493			37,882
State of ND - 50% Match	40,100	1,498	1,498			38,602
State of ND - 100% Match	109,900	487	487			109,413
State of Minnesota	-	-	-			-
Other Agencies	8,750	323	323			8,427
Financing Proceeds	-	-	-			-
Sale of Assets	-	134	134			(134)
Property Income	-	-	-			-
Miscellaneous	-	-	-			-
<b>Total Revenue Sources</b>	<b>237,500</b>	<b>5,429</b>	<b>5,429</b>			<b>232,071</b>
<b>Funds Appropriated</b>						
Army Corp Local Share	-	700	700		1,579	(2,279)
Management Oversight	11,340	119	119	1%	3,378	7,843
Technical Activities	7,500	177	177	2%	3,022	4,301
Land Acquisitions	109,900	2,021	2,021	2%	36,260	71,619
Construction	105,000	2,547	2,547	2%	33,075	69,378
Mitigation	2,200	-	-		-	2,200
Other Costs	1,560	79	79	5%	510	971
<b>Total Appropriations</b>	<b>237,500</b>	<b>5,643</b>	<b>5,643</b>	<b>2%</b>	<b>77,823</b>	<b>154,034</b>

**FM Diversion Authority  
Summary of Cash Disbursements  
January 2016**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7905-429.33-42	1/7/2016	JB01160002	ARMY CORP	\$ 700,000.00	ARMY CORP LOCAL SHARE	V01101	ARMY CORP LOCAL SHARE PMT
<b>Total WIK - General &amp; Admin. - Army Corp Local Share</b>				<b>700,000.00</b>			
790-7910-429.33-20	2/1/2016	JB01160014	CITY OF FARGO	\$ 620.00	CHARGE COF TIME - 1/16	V00102	General & Admin. WIK
<b>Total WIK - General &amp; Admin. - Accounting Services</b>				<b>620.00</b>			
790-7910-429.33-25	1/21/2016	265061	OXBOW, CITY OF	12,690.70	TURMAN & LANG	V02407	OXBOW MOU-LEGAL SERVICES
	1/21/2016	265061	OXBOW, CITY OF	18.00	OHNSTAD TWITCHELL	V02407	OXBOW MOU-LEGAL SERVICES
	1/21/2016	265061	OXBOW, CITY OF	18.00	OHNSTAD TWITCHELL	V02407	OXBOW MOU-LEGAL SERVICES
	1/21/2016	265061	OXBOW, CITY OF	206.50	OHNSTAD TWITCHELL	V02407	OXBOW MOU-LEGAL SERVICES
	1/21/2016	265061	OXBOW, CITY OF	34.80	OHNSTAD TWITCHELL	V02407	OXBOW MOU-LEGAL SERVICES
	1/21/2016	265061	OXBOW, CITY OF	18.00	OHNSTAD TWITCHELL	V02407	OXBOW MOU-LEGAL SERVICES
	1/21/2016	265061	OXBOW, CITY OF	16.80	OHNSTAD TWITCHELL	V02407	OXBOW MOU-LEGAL SERVICES
	1/21/2016	265061	OXBOW, CITY OF	64.00	OHNSTAD TWITCHELL	V02407	OXBOW MOU-LEGAL SERVICES
	1/21/2016	265061	OXBOW, CITY OF	38.99	OHNSTAD TWITCHELL	V02407	OXBOW MOU-LEGAL SERVICES
	1/21/2016	265061	OXBOW, CITY OF	1,071.00	OHNSTAD TWITCHELL	V02407	OXBOW MOU-LEGAL SERVICES
	1/21/2016	265061	OXBOW, CITY OF	2,950.00	TURMAN & LANG	V02407	OXBOW MOU-LEGAL SERVICES
<b>Total WIK - General &amp; Admin. - Legal Services</b>				<b>17,126.79</b>			
790-7915-429.33-05	1/21/2016	265061	OXBOW, CITY OF	2,603.40	MOORE ENGINEERING	V02401	OXBOW MOU-PROJ MGMT ADMIN
	1/21/2016	265061	OXBOW, CITY OF	8,039.92	MOORE ENGINEERING	V02405	OXBOW MOU-DES/CONST ENG
	1/21/2016	265061	OXBOW, CITY OF	8,137.05	MOORE ENGINEERING	V02415	OXBOW MOU-H2O QUALITY INF
	1/21/2016	265061	OXBOW, CITY OF	503.05	MOORE ENGINEERING	V02415	OXBOW MOU-H2O QUALITY INF
	1/21/2016	265061	OXBOW, CITY OF	14,157.22	MOORE ENGINEERING	V02420	OXBOW MOU-MOORE ENG TO #6
	1/21/2016	265027	HOUSTON-MOORE GROUP LLC	1,517.50	PERMIT SUBMITTAL PREP	V01616	PERMIT SUBMITTAL PREP
	1/21/2016	265027	HOUSTON-MOORE GROUP LLC	5,830.78	RECREATION/USE MASTER PLA	V01607	RECREATION/USE MASTER PLN
	1/21/2016	265027	HOUSTON-MOORE GROUP LLC	4,802.76	WORK-IN-KIND	V01608	WORK-IN-KIND (WIK)
	1/21/2016	265027	HOUSTON-MOORE GROUP LLC	53,910.10	HYDROLOGY/HYDRAULIC MOLDI	V01609	HYDROLOGY/HYDRAULIC MODEL
	1/21/2016	265027	HOUSTON-MOORE GROUP LLC	30,419.00	DRAFT OPERATION PLAN	V01615	DRAFT OPERATIONS PLAN
	1/13/2016	264968	URS CORPORATION	47,170.84	CULTURAL RESOURCES INVEST	V01003	CULTURAL RESOURCES INVEST
<b>Total WIK - Project Design - Engineering Services</b>				<b>177,091.62</b>			
790-7920-429.33-05	1/21/2016	265027	HOUSTON-MOORE GROUP LLC	86,180.59	DIVERSION PROJECT MGMT	V01601	HMG - PROJECT MANAGEMENT
<b>Total WIK Construction Mgmt. - Engineering Services</b>				<b>86,180.59</b>			

**FM Diversion Authority  
Summary of Cash Disbursements  
January 2016**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7930-429.33-05	1/21/2016	265027	HOUSTON-MOORE GROUP LLC	549.50	LAND MANAGEMENT SERVICES	V01606	LAND MANAGEMENT SERVICES
	1/21/2016	265027	HOUSTON-MOORE GROUP LLC	20,058.65	UTILITY DESIGN	V01610	UTILITIES DESIGN
<b>Total LERRDS - North Dakota - Engineering Services</b>				<b>20,608.15</b>			
790-7930-429.33-25	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	1,530.00	OHNSTAD TWITCHELL	V01201	Cass Joint Water ROE
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	986.00	OHNSTAD TWITCHELL	V01202	Cass Joint Water DPAC
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	5,137.40	OHNSTAD TWITCHELL	V01202	Cass Joint Water DPAC
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	5,239.00	OHNSTAD TWITCHELL	V01201	Cass Joint Water ROE
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	12,688.13	OHNSTAD TWITCHELL	V01201	Cass Joint Water ROE
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	13,977.63	OHNSTAD TWITCHELL	V01203	Cass Joint Water OHB
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	192.00	LARKIN HOFFMAN ATTORNEYS	V01201	Cass Joint Water ROE
	<b>Total LERRDS - North Dakota - Legal Services</b>				<b>39,750.16</b>		
790-7930-429.38-61	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	5,012.25	SENTURY SECURITY	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	4,764.88	SENTURY SECURITY	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	4,793.00	SENTURY SECURITY	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	254.75	SENTURY SECURITY	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	426.06	SENTRY SECURITY	V01203	Cass Joint Water OHB
	<b>Total LERRDS - North Dakota - Security Services</b>				<b>15,250.94</b>		
790-7930-429.38-95	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	300.00	VALLEY GREEN & ASSOCIATES	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	300.00	VALLEY GREEN & ASSOCIATES	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	350.00	VALLEY GREEN & ASSOCIATES	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	420.00	VALLEY GREEN & ASSOCIATES	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	780.00	VALLEY GREEN & ASSOCIATES	V01701	ND LAND PURCH-OUT OF TOWN
<b>Total LERRDS - North Dakota - Mowing Services</b>				<b>2,150.00</b>			
790-7930-429.38-99	1/21/2016	265061	OXBOW, CITY OF	650.00	PROSWEEP	V02418	OXBOW MOU - MISC SERVICES
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	217.53	ERIK DOMIER	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	8,084.70	TURFWORKS	V01203	Cass Joint Water OHB
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	513.25	LANSEYS INC	V01701	ND LAND PURCH-OUT OF TOWN
	<b>Total LERRDS - North Dakota - Other Services</b>				<b>9,465.48</b>		
790-7930-429.41-05	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	1,082.28	CITY OF FARGO WATER DEPT	V01703	ND LAND PURCH - IN TOWN
<b>Total LERRDS - North Dakota - Water and Sewer</b>				<b>1,082.28</b>			

**FM Diversion Authority  
Summary of Cash Disbursements  
January 2016**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7930-429.52-10	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	18.33	DAWSON INSURANCE	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	36.67	DAWSON INSURANCE	V01701	ND LAND PURCH-OUT OF TOWN
<b>Total LERRDS - North Dakota - Property Insurance</b>				<b>55.00</b>			
790-7930-429.62-51	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	195.22	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	10,972.75	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	131.25	CASS COUNTY ELECTRIC	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	81.12	CASS COUNTY ELECTRIC	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	117.45	CASS COUNTY ELECTRIC	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	671.18	CASS COUNTY ELECTRIC	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	33.83	CASS COUNTY ELECTRIC	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	60.26	CASS COUNTY ELECTRIC	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	15.84	CASS COUNTY ELECTRIC	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	79.71	CASS COUNTY ELECTRIC	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	254.11	CASS COUNTY ELECTRIC	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	23.88	CASS COUNTY ELECTIC	V01701	ND LAND PURCH-OUT OF TOWN
<b>Total LERRDS - North Dakota - Electricity</b>				<b>12,636.60</b>			
790-7930-429.67-11	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	394.60	SRF CONSULTING GROUP	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	33,017.30	SRF CONSULTING GROUP	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	1,190.00	SRF CONSULTING GROUP	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	273,967.35	DALE & NAN MATHIASON	V02411	OXBOW MOU-RESIDENT RLCTN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	2,435.00	HUBER, STEVE & CHRISTINE	V02411	OXBOW MOU-RESIDENT RLCTN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	1,059.46	LOSING, STEVE & MICHELLE	V02411	OXBOW MOU-RESIDENT RLCTN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	2,210.00	MURPHY, MATTHEW & RECECCA	V02411	OXBOW MOU-RESIDENT RLCTN
<b>Total LERRDS - North Dakota - Residential Buildings</b>				<b>314,273.71</b>			
790-7930-429.67-12	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	430,175.20	SIDESTREET RELOCATION	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	126,519.28	LANDSCAPES UNLIMITED	V01204	Cass Joint Water OCC
<b>Total LERRDS - North Dakota - Commercial Buildings</b>				<b>556,694.48</b>			
790-7930-429.71-30	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	5,000.00	RANDY & LISA CRAMER	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	150,000.00	D HASBARGEN & W ZIMMERMAN	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	125,800.09	THE TITLE COMPANY	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	5,000.00	TONY D FLACH	V01703	ND LAND PURCH - IN TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	141,000.00	GOLDSMITH, GREG & BRIENA	V01701	ND LAND PURCH-OUT OF TOWN
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	69,590.00	GOLDSMITH, GREG & BRIENA	V01701	ND LAND PURCH-OUT OF TOWN



**FM Diversion Authority  
Summary of Cash Disbursements  
January 2016**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	356,024.01	DALE & NAN MATHIASON	V01701	ND LAND PURCH-OUT OF TOWN
<b>Total LERRDS - North Dakota - Land Purchases</b>				<b>852,414.10</b>			
790-7930-429.80-17	1/29/2016	265271	CASS COUNTY TREASURER	3,606.11	3833 14 ST W-WEST FARGO	V01701	ND LAND PURCH-OUT OF TOWN
<b>Total LERRDS - North Dakota - Property Tax - FMDA</b>				<b>3,606.11</b>			
790-7931-429.71-30	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	192,600.00	ROBERT & JUDITH ANDERSON	V02302	MN LAND PURCHASE-HARDSHIP
<b>Total LERRDS - Minnesota - Land Purchases</b>				<b>192,600.00</b>			
790-7950-429.73-20	1/21/2016	265039	LANDWEHR CONSTRUCTION INC	215,545.00	PARK EAST APT DEMOLITION	V02813	PARK EAST DEMOLITION
<b>Total ND Construction - Site Improvements</b>				<b>215,545.00</b>			
790-7950-429.73-52	1/13/2016	264878	INDUSTRIAL BUILDERS INC	229,375.01	2 ST N PUMP STATION	V02801	2ND ST NORTH PUMP STATION
	1/21/2016	265030	INDUSTRIAL BUILDERS INC	297,618.00	2 ST FLOODWALL	V02812	2ND ST NORTH FLOODWALL
	1/27/2016	265181	INDUSTRIAL CONTRACT SERVICES INC	1,305,963.35	IMPROVEMENT NOT BUILDINGS	V02805	PUMP STATION & FLOODWALL
<b>Total ND Construction - Flood Control</b>				<b>1,832,956.36</b>			
790-7950-429.73-70	1/13/2016	264981	702 COMMUNICATIONS	37,341.89	UTILITY RELOCATION	V02804	702 WP42 UTILITY RELOCATE
	2/3/2016	265444	702 COMMUNICATIONS	29,640.00	2 ST FLOOD WALL PROJECT	V02804	702 WP42 UTILITY RELOCATE
	1/13/2016	264830	CONSOLIDATED COMMUNICATIONS	57,755.42	UTILITY RELOCATION	V02803	EVENTIS WP42 UTILITY RLCT
	1/13/2016	264830	CONSOLIDATED COMMUNICATIONS	24,459.85	S ROUTE PAYMENT AGREEMENT	V02803	EVENTIS WP42 UTILITY RLCT
<b>Total ND Construction - Utilities</b>				<b>149,197.16</b>			
790-7952-429.33-05	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	5,362.20	MOORE ENGINEERING INC	V01204	Cass Joint Water OCC
<b>Total O/H/B Construction - Engineering Services</b>				<b>5,362.20</b>			
790-7952-429.44-20	1/27/2016	265152	CASS COUNTY JOINT WATER RESOURCE DI	135.45	BIERSCHBACH EQUIPMENT	V01204	Cass Joint Water OCC
<b>Total O/H/B Construction - Equipment &amp; Vehicle Rent</b>				<b>135.45</b>			
790-7952-429.73-20	1/21/2016	265061	OXBOW, CITY OF	343,739.08	HOUGH INC	V02417	OXBOW MOU-INTAKE/PUMP SYS
<b>Total O/H/B Construction - Site Improvements</b>				<b>343,739.08</b>			
790-7955-429.33-06	1/13/2016	264961	TERRACON CONSULTING ENGINEERS	1,316.75	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
	1/13/2016	264961	TERRACON CONSULTING ENGINEERS	3,280.50	MATERIAL TESTING	V02802	WP-42 MATERIALS TESTING

**FM Diversion Authority  
Summary of Cash Disbursements  
January 2016**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
	1/13/2016	264961	TERRACON CONSULTING ENGINEERS	10,949.75	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
<b>Total Construction Management - Quality Testing</b>				<b>15,547.00</b>			
790-7990-520.80-20	1/4/2016	JB01160001	US BANK	28,645.83	US BANK INTEREST PAYMENT	V02902	\$50M FARGO USBANK ADVANCE
<b>Total Project Financing - Interest</b>				<b>28,645.83</b>			
790-7990-520.80-30	1/4/2016	JB01160001	US BANK	50,455.56	US BANK ADVANCE-LOAN FEE	V02902	\$50M FARGO USBANK ADVANCE
<b>Total Project Financing - Fiscal Agent Fees</b>				<b>50,455.56</b>			
<b>Total Disbursed for Period</b>				<b>\$ 5,643,189.65</b>			

**FM Diversion Authority  
Summary of Cash Disbursements  
Period 13 2015**

Date: 2/1/2016

Period/Year: 13/2015

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.38-68	1/3/2015	532	P CARD BMO	3,500.00	FREDRIKSON AND BYRON P	V00102	General & Admin. WIK
<b>Total WIK - General &amp; Admin. - Lobbyist</b>				<b>\$3,500.00</b>			
790-7930-429.33-25	1/3/2015	532	P CARD BMO	84,112.49	DORSEY WHITNEY LLP	V00101	Dorsey Whitney Legal
	1/3/2015	532	P CARD BMO	62,694.45	DORSEY WHITNEY LLP	V00101	Dorsey Whitney Legal
<b>Total LERRDS - North Dakota - Legal Services</b>				<b>\$146,806.94</b>			
790-7990-429.33-25	1/3/2015	532	P CARD BMO	30,000.00	NIXON PEABODY LLP	V00102	General & Admin. WIK
	1/3/2015	532	P CARD BMO	7,209.00	OHNSTAD TWICHELL PC	V00102	General & Admin. WIK
<b>Total Project Financing - Legal Services</b>				<b>\$37,209.00</b>			
<b>Total Disbursed for Period</b>				<b>\$187,515.94</b>			

**FM Diversion Authority  
Cumulative Vendor Payments Since Inception  
As of January 31, 2016**

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	\$ 119,408,133.40	\$ 79,208,977.71	\$ 40,199,155.69	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
HOUSTON-MOORE GROUP LLC	28,848,598.10	23,285,513.08	5,563,085.02	Engineering Services
INDUSTRIAL BUILDERS INC	25,133,047.86	8,679,679.37	16,453,368.49	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	17,523,063.63	12,866,623.49	4,656,440.14	4th St Pump Station and 2nd Street Floodwall
OXBOW, CITY OF	15,569,014.06	14,234,733.04	1,334,281.02	City of Oxbow - MOU
ARMY CORP OF ENGINEERS	6,929,000.00	5,350,000.00	1,579,000.00	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
DORSEY & WHITNEY LLP	2,723,789.78	2,723,789.78	-	Legal Services
CENTURYLINK COMMUNICATIONS	2,586,742.00	-	2,586,742.00	Utility Relocation
MINNESOTA DNR	2,188,007.43	2,188,007.43	-	EIS Scoping
URS CORPORATION	1,775,118.42	1,561,650.89	213,467.53	Engineering Services
KENNELLY & OKEEFFE	1,729,310.56	1,729,310.56	-	Home Buyouts
CONSOLIDATED COMMUNICATIONS	1,706,312.00	601,133.54	1,105,178.46	Utility Relocation
LANDWEHR CONSTRUCTION INC	1,089,888.00	325,305.00	764,583.00	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
US BANK	557,838.61	557,838.61	-	Loan Advance Debt Service Payments
TERRACON CONSULTING ENGINEERS	525,000.00	247,963.11	277,036.89	Materials Testing
RED RIVER BASIN COMMISSION	500,000.00	500,000.00	-	Engineering Services
NORTHERN TITLE CO	484,016.00	484,016.00	-	Land Purchases
AT & T	441,330.44	278,964.28	162,366.16	Utility Relocation
ERIK R JOHNSON & ASSOCIATES	439,783.12	417,845.36	21,937.76	Legal Services
JP MORGAN CHASE-LOCKBOX PROCES	350,000.00	90,414.71	259,585.29	Financial Advisor
CITY OF FARGO	332,698.71	332,698.71	-	Digital Imagery Project, Utility Relocation & Accounting Svcs
702 COMMUNICATIONS	275,862.91	266,892.07	8,970.84	Utility Relocation
CASS COUNTY TREASURER	249,171.51	249,171.51	-	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
ENVENTIS	115,685.62	115,685.62	-	Utility Relocation
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
OHNSTAD TWICHELL PC	72,244.11	72,244.11	-	ROE and Bonding Legal Fees
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
NIXON PEABODY LLC	60,000.00	60,000.00	-	Legal Services
FREDRIKSON & BYRON, PA	59,500.00	42,000.00	17,500.00	Lobbying Services

**FM Diversion Authority  
Cumulative Vendor Payments Since Inception  
As of January 31, 2016**

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
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
GEEKON 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
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
<b>Grand Total</b>	<b>\$ 262,196,606.89</b>	<b>\$ 184,374,059.09</b>	<b>\$ 77,822,547.80</b>	

**FM Diversion Authority  
In-Town Levee Work  
as of January 31, 2016**

<b>Vcode #</b>	<b>Vendor Name</b>	<b>Descriptions</b>	<b>Contract Amount</b>	<b>Amount Paid</b>
V02801	Industrial Builders	2nd Street North Pump Station - Work Package 42.A2	\$ 8,674,859.68	\$ 6,388,889.15
V02802	Terracon Consulting	WP-42 (In Town Levees) Materials Testing	525,000.00	247,963.11
V02803	Consolidated Communications	2nd Street Utility Relocation	1,821,997.62	716,819.16
V02804	702 Communications	2nd Street Utility Relocation	275,862.91	266,892.07
V02805	ICS	4th St Pump Station & Gatewell and 2nd St Floodwall S - WP-42A.1/A.3	17,523,663.63	12,867,223.49
V02806	HMG	Services During Construction - Work Package 42	2,243,000.00	1,193,509.42
V02807	CCJWRD	In-Town Levee Work	2,189,450.10	2,189,450.10
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	603,696.60	278,964.28
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	16,458,188.18	2,290,790.22
V02813	Landwehr Construction	Park East Apartments Demolition	1,089,888.00	325,305.00
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	31,423,979.59	20,179,960.14
			<u>\$ 86,509,602.66</u>	<u>\$ 47,016,274.04</u>

**FM Diversion Authority  
Lands Expense - Life To Date  
As of January 31, 2016**

Property Address	Purchase Date	Purchase Price	Replacement Lot	Down Payment	Earnest Deposit	Tax Payment	Relocation Assistance	Property Management Expense	Property Management Income	Sale Proceeds	Total
<b>Home Buyouts - Fargo</b>											
1322 Elm St N, Fargo ND	11/19/2014	347,270.27	-	-	-	2,840.39	47,168.14	2,519.84	-	-	399,798.64
1341 N Oak St, Fargo ND	1/29/2015	309,888.24	-	-	-	-	78,889.24	64.79	-	-	388,842.27
1326 Elm St N, Fargo ND	12/23/2014	230,196.41	-	-	-	-	8,001.02	156.69	-	-	238,354.12
1330 Elm St N, Fargo ND	2/12/2015	229,982.44	-	-	-	-	62,362.63	236.16	-	-	292,581.23
18 North Terrace N, Fargo ND	4/2/2015	129,698.25	-	-	-	-	44,688.72	200.18	-	-	174,587.15
Park East Apartments - 1 2nd St S Fargo, ND	6/23/2015	9,002,442.20	-	-	-	-	1,350,570.53	79,701.06	-	-	10,432,713.79
1318 Elm St N, Fargo ND	5/29/2015	229,012.67	-	-	-	-	55,452.01	50.00	-	-	284,514.68
724 North River Road, Fargo, ND	6/8/2015	204,457.83	-	-	-	-	35,312.30	109.76	-	(10,000.00)	229,879.89
1333 Oak Street N, Fargo, ND	6/24/2015	238,513.23	-	-	-	-	2,700.85	50.00	-	-	241,264.08
26 North Terrace N, Fargo ND	9/11/2015	138,619.58	-	-	-	-	12,620.00	118.50	-	-	151,358.08
16 North Terrace N, Fargo ND	9/24/2015	227,987.50	-	-	-	-	96,717.14	93.33	-	-	324,797.97
301 3rd Ave N, Fargo ND	11/2/2015	3,266,079.60	-	-	-	-	3,154,943.93	9,805.25	-	-	6,430,828.78
1314 Elm Street N, Fargo ND	12/18/2015	225,800.09	-	-	-	-	2,512.50	-	-	-	228,312.59
24 North Terrace N, Fargo ND	11/25/2015	182,437.38	-	-	-	-	29,269.60	-	-	-	211,706.98
<b>Home Buyouts - Moorhead</b>											
387 170th Ave SW, Moorhead MN	11/1/2013	281,809.91	-	-	-	1,970.00	-	34,073.72	-	(8,440.00)	309,413.63
16678 3rd St S, Moorhead MN		-	-	-	192,600.00	-	-	-	-	-	192,600.00
<b>Home Buyouts - Oxbow</b>											
105 Oxbow Drive, Oxbow ND	11/28/2012	216,651.85	-	-	-	4,993.72	-	13,695.77	(18,680.72)	(181,249.54)	35,411.08
744 Riverbend, Oxbow ND	12/3/2012	343,828.30	-	-	-	10,599.10	2,435.00	19,786.48	(37,617.16)	-	339,031.72
121 Oxbow Drive, Oxbow ND	7/31/2013	378,781.20	-	-	-	1,581.52	-	19,519.02	-	(186,918.33)	212,963.41
333 Schnell Drive, Oxbow ND	9/20/2013	104,087.79	-	-	-	2,781.89	-	30,137.65	-	-	137,007.33
346 Schnell Dr, Oxbow ND	2/13/2014	512,970.73	-	-	-	3,143.13	-	13,322.78	(18,000.00)	-	511,436.64
345 Schnell Dr, Oxbow ND	10/24/2014	478,702.98	-	-	-	3,055.99	6,869.44	2,019.98	-	-	490,648.39
336 Schnell Dr, Oxbow ND	1/29/2015	310,888.51	-	-	-	-	-	141.64	-	-	311,030.15
5059 Makenzie Circle	5/21/2015	2,698,226.97	-	-	-	-	10,549.70	2,939.84	-	-	2,711,716.51
748 Riverbend Rd / 755 River Bend Rd	9/1/2015	480,784.30	-	-	-	-	205,649.82	181.53	-	-	686,615.65
752 Riverbend Rd / 768 River Bend Rd	9/4/2015	469,078.13	-	-	-	-	507,103.56	297.87	-	-	976,479.56
349 Schnell Dr / 761 River Bend Rd	6/26/2015	306,725.20	-	-	-	-	309,992.53	419.67	-	-	617,137.40
353 Schnell Dr / 772 River Bend Rd	9/11/2015	494,342.87	-	-	-	-	312,212.95	503.10	-	-	807,058.92
357 Schnell Dr / 760 River Bend Rd	6/18/2015	466,720.80	-	-	-	-	176,524.79	398.47	-	-	643,644.06
361 Schnell Dr / 764 River Bend Rd	9/2/2015	490,091.32	-	-	-	-	267,757.65	280.83	-	-	758,129.80
SE 1/4-23-137-49 & NW 1/4 24-137-49 - Heitman	9/30/2015	1,328,151.00	-	-	-	-	-	36.67	-	-	1,328,187.67
326 Schnell Drive, Oxbow ND		-	-	-	130,000.00	-	62,505.89	-	-	-	192,505.89
828 Riverbend Rd, Oxbow ND		-	-	25,000.00	25,000.00	-	-	-	-	-	25,000.00
330 Schnell Dr, Oxbow ND		-	-	150,000.00	150,000.00	-	-	-	-	-	150,000.00
749 Riverbend Rd / 433 Trent Jones Dr		-	104,000.00	91,500.00	195,500.00	-	-	-	-	-	195,500.00
334 Schnell Dr / 751 River Bend Rd		-	114,000.00	32,226.00	146,226.00	-	2,210.00	-	-	-	148,436.00
350 Schnell Dr / 769 River Bend Rd	12/15/2015	491,024.01	-	-	-	-	273,967.35	-	-	-	764,991.36
829 Riverbend Rd / 788 River Bend Rd		-	-	-	-	-	8,000.00	-	-	-	8,000.00
328 Schnell Dr / 347 Trent Jones Dr		-	150,000.00	50,000.00	200,000.00	-	-	-	-	-	200,000.00
338 Schnell Dr / 775 River Bend Rd		-	115,000.00	107,500.00	222,500.00	-	-	-	-	-	222,500.00
813 Riverbend Rd / 449 Trent Jones Dr		-	163,000.00	65,000.00	228,000.00	-	-	-	-	-	228,000.00
341 Schnell Dr / 351 Trent Jones Dr		-	143,000.00	95,500.00	238,500.00	-	-	-	-	-	238,500.00
329 Schnell Dr / 417 Trent Jones Dr		-	130,000.00	50,000.00	180,000.00	-	-	-	-	-	180,000.00
805 Riverbend Rd / 776 River Bend Rd		-	131,000.00	89,855.00	220,855.00	-	-	-	-	-	220,855.00
317 Schnell Dr / 409 Trent Jones Dr		-	136,000.00	86,000.00	222,000.00	-	-	-	-	-	222,000.00
309 Schnell Dr / 261 S Schnell Dr		-	160,000.00	50,000.00	210,000.00	-	-	-	-	-	210,000.00
810 Riverbend Rd / 787 River Bend Rd		-	174,000.00	115,500.00	289,500.00	-	-	-	-	-	289,500.00
332 Schnell Dr / 421 Trent Jones Dr		-	133,000.00	25,000.00	158,000.00	-	-	-	-	-	158,000.00
833 Riverbend Rd / 446 Trent Jones Dr		-	149,000.00	120,000.00	269,000.00	-	-	-	-	-	269,000.00
821 Riverbend Rd / 434 Trent Jones Dr		-	108,000.00	77,000.00	185,000.00	-	-	-	-	-	185,000.00

**FM Diversion Authority  
Lands Expense - Life To Date  
As of January 31, 2016**

Property Address	Purchase Date	Purchase Price	Replacement Lot	Down Payment	Earnest Deposit	Tax Payment	Relocation Assistance	Property Management Expense	Property Management Income	Sale Proceeds	Total
321 Schnell Dr / 410 Trent Jones Dr		-	148,000.00	81,366.00	229,366.00	-	-	-	-	-	229,366.00
337 Schnell Dr / 355 Trent Jones Dr		-	124,000.00	82,021.00	206,021.00	-	-	-	-	-	206,021.00
840 Riverbend Rd / 442 Trent Jones Dr		-	139,000.00	50,000.00	189,000.00	-	-	-	-	-	189,000.00
325 Schnell Dr		-	141,000.00	69,590.00	210,590.00	-	-	-	-	-	210,590.00
852 Riverbend Rd		-	-	150,000.00	150,000.00	-	-	-	-	-	150,000.00
365 Schnell Dr		-	-	5,000.00	5,000.00	-	-	-	-	-	5,000.00
<b>Home Buyouts - Hickson</b>											
17495 52nd St SE, Hickson, ND	4/28/2015	785,747.66	-	-	-	-	27,604.74	619.24	-	-	813,971.64
<b>Easements - Fargo</b>											
Part of Lot 5 El Zagal Park, Fargo ND	10/9/2014	68,040.72	-	-	-	-	-	-	-	-	68,040.72
<b>Easements - Oxbow</b>											
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-	-	-	-	-	-	-	-	55,500.00
<b>Farmland Purchases</b>											
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	-	-	(3,725.49)	-	988,547.13
NW 1/4 14-140-50 - Hoglund	10/23/2014	948,782.22	-	-	-	5,327.10	-	-	(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 - Gordier	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
<b>Land Purchases</b>											
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	-	-	223,505.56	-	-	-	(689,979.79)	17,541.77
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>Total</b>		<b>40,142,302.13</b>	<b>2,462,000.00</b>	<b>1,668,058.00</b>	<b>4,479,658.00</b>	<b>264,630.75</b>	<b>7,154,592.03</b>	<b>231,479.82</b>	<b>(381,004.76)</b>	<b>(1,076,587.66)</b>	<b>50,815,070.31</b>



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

Time Period for This Request: January 1, 2016 - January 31, 2016

Drawdown Request No: 23	
Requested Amount:	<b>\$ 1,985,040</b>
Total Funds Expended This Period:	\$ 3,482,956
Total Funds Requested at 100% Match	487,124
Remaining Funds Requested at 50% Match	2,995,832
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	1,497,916
<b>Total Funds Requested:</b>	<b>\$ 1,985,040</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	69,000,000	
Appropriations to be funded in 2019 Legislative Session	69,000,000	
Appropriations to be funded in 2021 Legislative Session	68,000,000	
<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 #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)
Less: Payment #22 - FM Diversion Authority		(3,998,879)
Less: Payment #23 - FM Diversion Authority		(1,985,040)
<b>Total Funds Reimbursed</b>		<b>(93,073,161)</b>
<b>Total State Fund Balances Remaining</b>	<b>\$</b>	<b>150,926,839</b>

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

<b>LOCAL MATCHING FUNDS SUMMARY:</b>	
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	7,802,584
<b>Total Matching Funds Expended To Date</b>	<b>55,723,153</b>
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)
<b>Balance of Local Matching Funds Available</b>	<b>\$ 6,277,910</b>

**AMENDMENT COVER SHEET**  
**STANDARD AMENDMENTS**  
(Minn. Stat. §§ 16C.05, subd. 2(d), 16C.08, subd. 2 and 3)

<b>Agency:</b> Department of Natural Resources	<b>Name of Contractor:</b> Fargo-Moorhead Metro Diversion Board of Authority
<b>Current contract term:</b> From: 1/3/2012 to 3/4/2016	<b>Project Identification:</b> Income Contract No. 39228

Amendments to contracts must entail tasks that are substantially similar to those in the original contract or involve tasks that are so closely related to the original contract that it would be impracticable for a different contractor to perform the work. The commissioner or an agency official to whom the commissioner has delegated contracting authority under section 16C. 03, subdivision 16, must determine that an amendment would serve the interest of the state better than a new contract and would cost no more. An amendment should be in effect before the contract expires.

Complete Appropriate Box(es) for the amendment submitted.

<b>1. <input checked="" type="checkbox"/> Amendment to the end date of the contract</b>
<b>Proposed New End Date:</b> December 2, 2016
<b>Why is it necessary to amend the end date?</b> It is necessary to amend the end date because the EIS Preparation duties have been updated.

<b>2. <input checked="" type="checkbox"/> Amend Duties and Cost</b> <input type="checkbox"/> Amend Duties Only
<b>2a. If cost is amended, insert amount of original contract AND amount of each amendment below:</b> Original Contract No. 39228 = \$980,550.00 Amendment #1 = \$115,550.00 Amendment #2 = \$396,618.00 Amendment #3 = \$695,289.43 This Amendment = \$137,464.92 New Total = \$2,325,472.35
<b>2b. Describe the amendment:</b> This amendment updates the EIS preparation duties, costs and includes a payment schedule.

<b>3. Amendment to change other terms and conditions of the contract</b>
<b>Describe the changes that are being made:</b>

**Amendment 4 to Income Contract Number 39228**

Contract Start Date:	<u>February 3, 2012</u>	Total Contract Amount:	<u>\$ 2,325,472.35</u>
Original Contract Expiration Date:	<u>January 3, 2014</u>	Original Contract:	<u>\$ 980,550.00</u>
Current Contract Expiration Date:	<u>March 4, 2016</u>	Previous Amendment(s) Total:	<u>\$ 1,207,457.43</u>
Requested Contract Expiration Date:	<u>December 2, 2016</u>	This Amendment:	<u>\$ 137,464.92</u>

This amendment is by and between the State of Minnesota, through its Commissioner of Department of Natural Resources ("DNR" or "State") and Fargo-Moorhead Metro Diversion Board of Authority c/o City of Moorhead, Moorhead City Hall, P.O. Box 779, Moorhead, MN 56561-0779 ("Purchaser").

**Recitals**

1. The State has a contract with the Purchaser identified as Income Contract Number 39228 ("Original Contract") to reimburse the State for reasonable expenses incurred in preparation of an Environmental Impact Statement (EIS) for the Fargo-Moorhead Metropolitan Area Flood Risk Management Project (Project).
2. The Original Contract is being amended to extend the expiration date of the contract and to provide additional funding for the State, and its EIS Contractor, to complete EIS preparation work through the adequacy determination and partial creation of the administrative record.
3. The State and the Contractor are willing to amend the Original Contract as stated below.

**Contract Amendment**

**REVISION 1.** Clause 1.2 "**Expiration Date**" is amended as follows:

**1.2 Expiration date:** ~~March 4~~December 2, 2016, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

**REVISION 2.** Clause 3 "**Payment**" is amended as follows:

The Purchaser will pay the State for all services performed by the State under this contract as follows:

EIS Scoping:

Purchaser shall receive an invoice and pay to the State \$230,550 as reimbursement for services related to staff costs, legal costs, travel, public meetings, public notification, printing and distribution related to the Fargo-Moorhead Metropolitan Flood Risk Management Project's EIS scoping and consultant selection incurred by the state.

Upon execution of Amendment 1, Purchaser shall receive an invoice and pay to the State \$115,550 as reimbursement for additional services to cover the State's anticipated increase in costs for the modified EIS scoping process. If costs to the State exceed \$346,100.00, balance to be submitted prior to the EIS Preparation Notice issuance; If costs to the State total less than \$346,100.00, balance to be credited toward EIS preparation, or refunded, at Purchaser's discretion. Costs to the State for the modified EIS scoping process exceeded \$346,100.00 by \$50,722.00. The exceeded amount of \$50,722.00 shall be paid to the State prior to the State issuing an EIS Preparation Notice.

EIS Preparation:

A cost breakdown and payment schedule is included in Exhibit A, Exhibit B, Exhibit C, ~~and~~ Exhibit D, and Exhibit E which are attached to and incorporated into this contract.

Terms of payment:

\$230,500.00 was remitted by Purchaser on February 28, 2012  
\$115,550.00 was remitted by Purchaser on January 15, 2013  
\$598,670.00 was remitted by Purchaser on February 10, 2014

\$347,644.71 was remitted by Purchaser on October 6, 2014  
\$447,796.36 was remitted by Purchaser on June 2, 2015  
\$447,796.36 was remitted by Purchaser on December 1, 2015

Pursuant to Minn. Rules part 4410.6500, subp. 1(a)-(c), the Purchaser will pay the State for all services performed by the State under this contract as follows:

The Purchaser shall remit payment on the following schedule:  
~~\$598,670+\$347,644.71=\$946,314.71~~ \$1,083,779.63 (50/100% of total estimated costs within 10 days of Income Contract Amendment execution)  
~~\$273,974.00+\$173,822.36 = \$447,796.36~~ (25% total estimated costs following completion of the draft EIS chapters)  
~~\$273,974.00+\$173,822.36 = \$447,796.36~~ (25% total estimated costs following the end of the public comment period)  
Final Payment on any outstanding RGU/consultant costs (EIS adequacy determined)

The State will invoice the Purchaser for all services performed under this contract.

If costs to the State exceed ~~\$1,146,618.00+695,289.43=1,841,907.43~~ \$1,979,372.35, an amendment to this contract would be required and the balance is to be submitted prior to the EIS Adequacy Determination issuance.

Pursuant to Minn. Rules part 4410.6500, subp. 1(d), the State shall refund the overpayment, if the cash payments made by the Purchaser exceed the State's actual EIS costs. The refund shall be paid within 30 days of completion of the State of the accounting of the EIS costs.

The total obligation of the Purchaser for all compensation and reimbursements to the State under this contract is ~~\$2,188,007.43~~ \$2,325,472.35.

The Purchaser must complete all reimbursements of State costs before any state agency permit can be issued.

Except as amended herein, the terms and conditions of the original contract and all previous amendments remain in full force and effect.

**1. PURCHASER**

*Fargo-Moorhead Metro Diversion Board of Authority*

Signed: \_\_\_\_\_

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

**39228**  
**1-29-16**  
**FB**

**2. STATE AGENCY**

*Department of Natural Resources*

By: \_\_\_\_\_  
*(with delegated authority)*

Title: Director, Ecological & Water Resources

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

**3. COMMISSIONER OF ADMINISTRATION**

*As delegated to Materials Management Division*

By: \_\_\_\_\_

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

**EXHIBIT E (Jan 29, 2016, V2)**  
**Project Name: FARGO-MOORHEAD FLOOD RISK MANAGEMENT**  
**EIS Estimated Costs--Amendment #4**  
 Start Date: 2/1/2014

	Business Office		Project Manager		Area Coordinator		Site Planning		Public Meeting		Regional Director		Risk/Assessment		Metals/Asbestos		Public Hearing		Technical Team		Other approved		TOTAL		
	John Sawyer	Jim Condon	John Sawyer	Jim Condon	John Sawyer	Jim Condon	John Sawyer	Jim Condon	John Sawyer	Jim Condon	John Sawyer	Jim Condon	John Sawyer	Jim Condon	John Sawyer	Jim Condon	John Sawyer	Jim Condon	John Sawyer	Jim Condon	John Sawyer	Jim Condon	John Sawyer	Jim Condon	
Amendment #2 Hours	51	1566	350	548	218	1116	273	147	241	234	219	136	85	55	0	5,945.0									
Amendment #3 Hours	40	2505.6	124	145	1462	257	11	109	144	157	96.3	14	2	10	0	5,450.6									
TOTAL Hours Estimated	91	4071.6	474	693	363	2578	550	33	27	256	385	147	323.3	330.3	315.3	11,396.6									
Hours Invoiced																									
FY14 Q3	7	349.5	34.5	56	31	0	7.25	0	31	31	35.5	7.5	3	0	0	571.3									
FY14 Q4	0	337.5	113.5	116	76	0	27.5	0	3	46	47.5	47	3	0	28	852.0									
FY15 Q1	0	402	55	17.5	73	0	21	2.5	1	45.5	35.5	7.5	3	0	40	709.5									
FY15 Q2	0	291	0	42	39	428	18	0	52	14	41.5	0	16	53.5	8	1,029.5									
FY15 Q3	0	382	0	82	52	449	25	0	25	3.5	58	3	0	134	5	1,253.0									
FY15 Q4	0	513.89	128	78.5	45.3	547	34.25	5	4	15	2.5	37	0	22	12	1,512.0									
FY16 Q1	0	20	437.25	423	87.5	84	436	11	0	0.5	2	46.5	12	0	0	1,558.8									
FY16 Q2	0	23	305.2	347	34	40	289	0	10	18	21	0	0	0	2	1,449.0									
Estimated FY16 Q3	0	5	522	365.4	82	80	459.36	15	4	30	50	40	10	0	20	1,744.8									
Estimated FY16 Q4	0	20	522	365.4	82	60	522	5	5	5	5	5	5	5	5	1,841.4									
Estimated FY17 Q1	15	0	104.4	365.4	10	10	104.4	5	1	2	5	5	1	1	1	641.2									
TOTAL Hours Actual + Estimated	15	79	4148.14	2197.2	687.5	591.8	3234.76	169	13.5	21.5	263.5	219.5	47	22	260.5	12,729.4									
Hours Remaining in contract	0	12	-76.54	-1723.2	11.5	-228.8	-656.76	361	19.5	5.5	-7.5	165.5	140	100	301.3	-1332.8									
% of Estimated Hrs. Invoiced	100%	87%	102%	464%	88%	163%	125%	32%	41%	80%	103%	57%	69%	32%	7%	79%	35%	33%	79%	33%	20%				

**DNR Staff Hours**

Original Estimate	11,396.6	Hours
Actual+Add'l Estimated	12,729.4	Hours
Subtotal	\$ 114,620.80	Dollars (average rate)

**Wenck**

Contract Amount	\$ 825,754.00
Amendment #4 Change	\$ (14,625.00)
Estimated	\$ 811,129.00
Actual	\$ 5,000.00
Balance	\$ (9,970.02)
Additional	\$ 7,800.00
Subtotal	\$ 10,570.98

**Travel**

Estimated	\$ 5,105.00
Actual	\$ 141.48
Balance	\$ 4,963.52
Additional (Land Use mtgs)	\$ 5,184.00
Subtotal	\$ 10,292.00

**DEIS Public Meeting**

Estimated	\$ 3,895.00
Actual	\$ 7,417.62
Balance	\$ 3,522.62
Agency Direct	\$ 27,000.00
Estimated	\$ 27,000.00
Actual	\$ -
Balance	\$ 22,500.00
Additional	\$ -
Sub-Total Amend 4	\$ 137,464.32
Balance + Additional	\$ 137,464.32

**TOTAL AMEND 4** (assumes no new alternative analysis is added to the FEIS)

# FM Area Diversion Project

## Property Acquisition Summary

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February 10, 2016

### Property:

Owner	Joel Wold
New Address	429 Trent Jones Drive
Previous address	816 Riverbend Road
Property Type	Single family residential
Identification Number	9596

### 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 southeast side of Riverbend Road. The subject's total site size is 47,023 Sq. Ft. The front of the site is level with landscaping trees; the rear of the site slopes toward the river with natural growth trees. . The subject's improvements are considered to be a good quality 2 story dwelling in good overall condition. The Gross Living Area (GLA) is calculated to be 2,244 Sq. Ft. The basement size is 1,308 Sq. Ft. with 1,005 Sq. Ft. of finished space. There is an attached 3 car garage with a concrete driveway from Riverbend Road. There is a concrete patio off the rear, as well as an open porch on the front of the home. The main entrance to the home opens to the vaulted living room. A den is located to the right and the kitchen and dining room are to the left of the living room, in the rear. The kitchen also has a walk in pantry and there is a 1/2 bath located near the interior garage entrance. The second floor has a master bedroom suite with private bathroom and walk in closet, 2 additional bedrooms and another full bathroom. The basement level has a finished bedroom and bath, a large family room, den and finished laundry room. The utility room is also located in the basement. Notable features in the home include central air conditioning, open front porch, concrete drive, double lot, 6 landscape trees, concrete walks, extensive landscaping, edging, shrubs and perennial gardens, irrigation system with 11 zones, additional outlets for exterior lighting, custom Christmas lighting, egress windows, buried 500 gallon propane tank, heated/insulated 3 car garage with drain, utility sink and speakers, oversized garage doors, invisible fence, built-in gas line for exterior grill, gutters and downspouts, upgraded windows, sump pump, upgraded mechanicals, walk in closets, home speaker system, soaking tub, ceramic tile, recessed lighting, built-in entertainment centers, fireplace, double vanity, pan vault ceiling in master bedroom, reverse osmosis water system, walk-in pantry, ceiling fans, custom paint, granite, custom window treatments, upgraded built-in appliances, 9 ft ceilings, vaulted living room, built-in hutch, back lighting, built-in desk, custom wet bar, flood proof foundation, upgrade lighting, 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 homeowner is considering betterments to the new home which are anticipated to total \$18,945 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 \$571,400 as just compensation for real property.
2. Recommend to CCJWRD, execution of a Replacement Housing Agreement with estimated payment of \$242,105 for decent, safe, sanitary, and comparable replacement housing.
3. Recommend to CCJWRD, payment for the replacement lot in the amount of \$111,000, which will be fully reimburse to CCJWRD per the Oxbow MOU Amendment.

## Replacement Home Cost Summary

Property ID#: 9596		Notes
		<u>Includes: (see supplemental detail below)</u>
<b>Total Replacement Home Cost</b>	\$ 921,440	A. Replacement House Allowance B. House to Home Allowances C. Project Required Costs D. Betterments E. Replacement Lot Cost
<b>Less 'Just Compensation'</b>	- (\$ 571,400)	Based on Appraisal and Purchase Agreement
<b>Less 'Betterments'</b>	- (\$ 18,945)	Based on "Like for Like" Analysis
<b>Less 'Replacement Lot Cost'</b>	- (\$ 111,000)	Based on Oxbow MOU Amendment
<b>Net Replacement Home Cost to Diversion Authority</b>	= \$ 220,095	
<b>Construction Contingency</b>	+ \$ 22,010	Add 10 percent for construction uncertainties
<b>Replacement Housing Agreement</b>	= \$ 242,105	

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 (see Helenske Design Group letter dated November 5, 2015).

	1		x	2		=	3	
	Existing House Areas	Area (SF)		Unit Price (\$ / SF, rounded)	Replacement Cost			
Replacement House Allowance =	Above Grade Finished Space	2,244		\$247		\$554,268		
	Below Grade Finished Space	1,005		\$80		\$80,400		
	Below Grade Unfinished Space	303		\$32		\$9,696		
	Garage	744		\$42		\$31,248		
<b>Total (Replacement House Allowance) =</b>							<b>\$675,612</b>	

### 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	\$ 17,560	Placeholder. Requires a 2 <sup>nd</sup> bid. We will take the lower of the two bids.
Outdoor Space (Landscaping, deck, patio, etc.)	\$ 46,173	Hanson Design Associates’ professional estimate. (see attached report)
Custom Paint	\$5,000	Will receive 2 bids and will accept the lower bid.
<b>TOTAL</b>	<b>\$ 68,733</b>	

### 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.

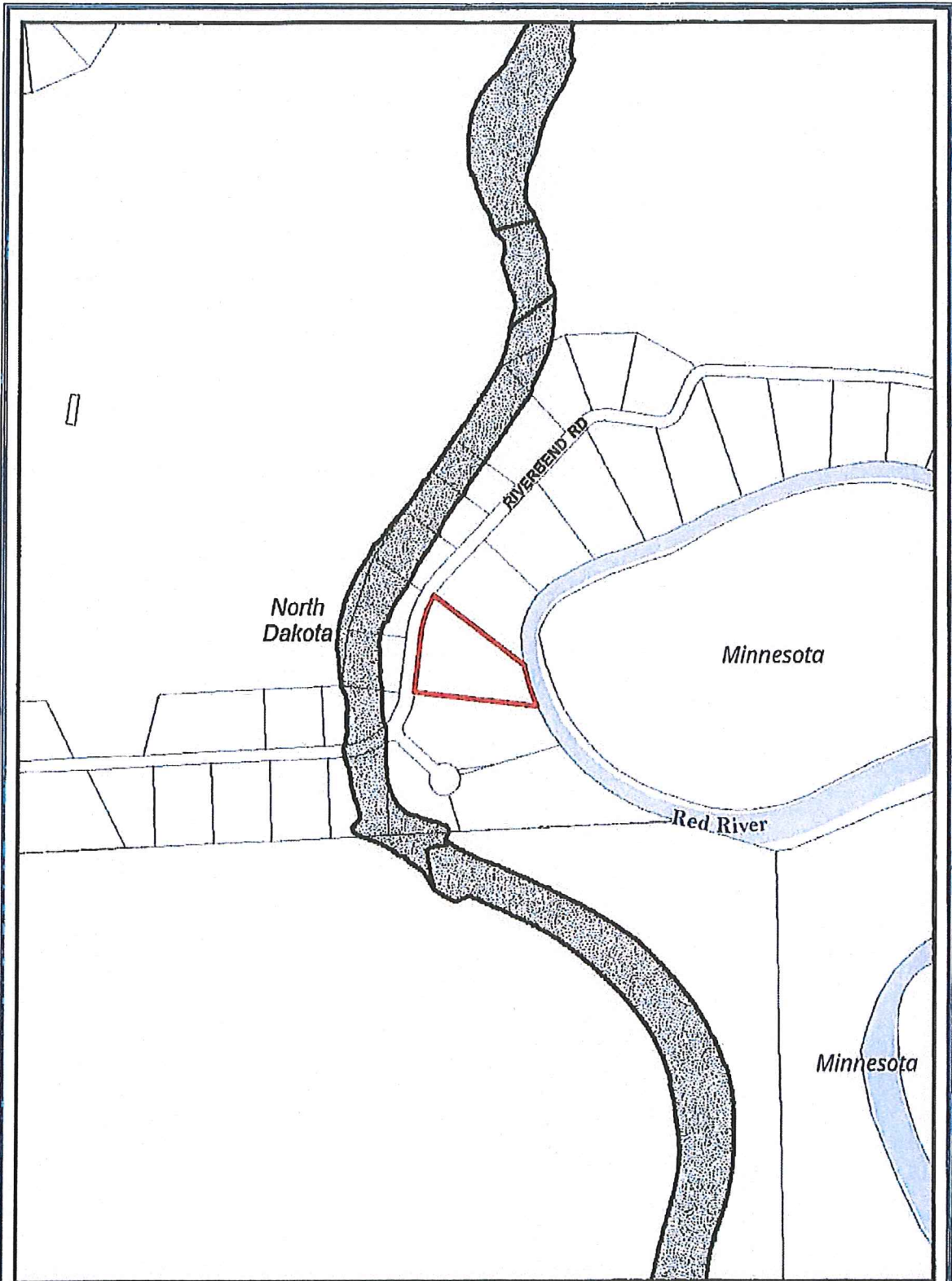
Item	Costs	Notes
Driveway Setback	\$ 4,650.00	Quote in builder bid
Permit	\$ 5,000.00	Quote in builder bid
Electrical connection	\$500.00	Quote in builder bid
Covenant Siding Requirement	\$20,000.00	Quote in builder bid
Buried Propane Tank	\$ 5,000.00	Quote from builder bid
Builder Financing	\$12,000.00	Quote from builder bid. Will be eliminated if funds are escrowed.
<b>TOTAL (rounded)</b>	<b>\$47,150.00</b>	




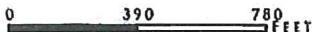


### Line Item D- Betterments

- 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 = \$18,945.

### 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 = \$111,000.



 CURRENT COST SHARE REQUEST	 Diversion Channel	  <small>Map not for printed reproduction. This is not intended to be a legal survey. FGA may not be used to create a legal document or to establish the location of any structure. The Flood Diversion Authority does not warrant the accuracy of this information, and makes no warranty or guarantee of any kind, express or implied. The user should not rely on this information for individual projects or purposes.</small>
OJN# 0590 OWNER: JOEL P & CHERYL B WOLD  PROPERTY ADDR: 816 RIVERBEND RD, OXBOW CITY TOWNSHIP: PLEASANT TOWNSHIP  PARCEL ACREAGE: 1.16 AC.	 OHB Levee   In Town Levee  LAST UPDATED: 8/12/2015 REF PAGE NUMBER: 0590  <small>Copyright © 2015 Flood Diversion Authority. All Rights Reserved. Flood Diversion Authority is a registered service mark of Flood Diversion Authority.</small>	



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

fargo: 304 tenth street north, fargo, nd 58102 moorhead: box 854, moorhead, mn 56560 P 701.232.3271 F701.232.3272 email: [info@helenske.com](mailto:info@helenske.com)

## Residential Landscape Prices

Date of Site Visit: 11/3/15

**Property Owner: Wold**

**Location: 816 Riverbend Rd**

Homeowner present at time of visit: yes

Homeowner comments:

1. Electronic Dog Fence

<u>Desc.</u>	<u>Units</u>	<u>Unit Price</u>	<u>Qty.</u>	<u>Est.</u>
<b>Sitework</b>				
Organic Amendments & Fertilizer	sf	\$ 0.10	23,226	\$ 2,322.60
<b>Edging</b>				
Edging -Precast Concrete 'Bullet'	lf	\$ 7.00	273	\$ 1,911.00
<b>Landscape Mulch</b>				
Rock Mulch -Special (3" depth)	cy	\$ 225.00	15	\$ 3,375.00
<b>Landscape Boulders</b>				
2-3' dia.	ea	\$ 225.00	1	\$ 225.00
<b>Paving and Patios</b>				
Concrete Paving	sf	\$ 6.00	168	\$ 1,008.00
<b>Deck</b>				
Deck -Cedar Steps	sf	\$ 30.00	14	\$ 420.00
<b>Plants</b>				
Sod (includes finish grading)	sf	\$ 0.60	21606	\$ 12,963.60
Spaded Deciduous Tree	ea	\$ 1,200.00	5	\$ 6,000.00
Deciduous Shrub #5 Cont.	ea	\$ 65.00	13	\$ 845.00
Deciduous Shrub #2 Cont.	ea	\$ 50.00	12	\$ 600.00
Evergreen Shrub #7 Cont.	ea	\$ 150.00	2	\$ 300.00
Evergreen Shrub #5 Cont.	ea	\$ 65.00	2	\$ 130.00
Perennial #1 Cont.	ea	\$ 25.00	15	\$ 375.00
<b>Irrigation</b>				
Irrigation -zone	ea	\$ 525.00	10	\$ 5,250.00
Irrigation Pump & Piping from River	ea	\$ 3,000.00	1	\$ 3,000.00
<b>Site Amenities</b>				
Mailbox -Steel Post	ea	\$ 750.00	1	\$ 750.00
Dog Fence -Electronic	ea	\$ 2,500.00	1	\$ 2,500.00
<b>General Contractor 10% Markup</b>			\$	4,197.52
<b>Total</b>			\$	<b>46,172.72</b>