

FLOOD DIVERSION AUTHORITY  
FINANCE COMMITTEE  
AGENDA FOR WEDNESDAY, APRIL 25, 2018

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

1. Call to order  
Roll call of the members
2. Elect vice chair
3. Approval of the minutes from the previous meeting Pages 2-4
4. Approval of bills Pages 5-13
5. Financial report (Costin) Pages 14-28
6. PMC report (Robert Cowen) Pages 29-37
7. Recommended contracting actions (Robert Cowen)
  - a. Meyer Contracting change Order Pages 38-44
8. Proposed 2018 HMG rates Pages 45-49
9. Oxbow lot sales and maintenance agreement Pages 50-61
10. Other business
11. Next meeting—May 23, 2018
12. Adjournment

cc: Local Media  
Flood Diversion Board of Authority  
CH2M  
AE2S

**FLOOD DIVERSION FINANCE COMMITTEE  
MARCH 21, 2018—4:00 PM**

**1. MEETING TO ORDER**

A meeting of the Flood Diversion Finance Committee was held on Wednesday, March 21, 2018, at 4:00 PM in the River Room, Fargo City Hall, with the following present: Cass County Commissioner Vern Bennett; Fargo Finance Director Kent Costin; Fargo City Commissioner Tony Gehrig; Fargo City Commissioner Tony Grindberg; Moorhead City Councilman Chuck Hendrickson; Cass County Joint Water Resource District Chairman Dan Jacobson; Clay County Auditor/Treasurer Lori Johnson; Fargo City Mayor Tim Mahoney; Cass County Auditor Michael Montplaisir; Fargo City Assistant Administrator Michael Redlinger; Cass County Commissioner Rick Steen; and Moorhead Finance Director Wanda Wagner.

Martin Nicholson of CH2M; Robert Cowen of CH2M; John Shockley of Ohnstad Twichell; and Rocky Schneider of AE2S were also present.

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

***MOTION, passed***

**Mr. Gehrig moved and Mr. Hendrickson seconded to approve the minutes from the February 21, 2018, meeting as presented.**

**Motion carried.**

**3. APPROVAL OF BILLS**

Mr. Bennett said the majority of the monthly bills are legal bills, and the invoices are generally deficient of information. Mr. Bennett asked how the legal bills are verified. Mr. Costin said the bills are verified by the legal team. The Fargo Attorney's Office and Cass County State's Attorney Office also assist when needed. The lack of information provided in the agenda packet is simply to retain privacy in the legal issues the firms provide assistance with.

Mr. Jacobson arrived for the remainder of the meeting.

***MOTION, passed***

**Dr. Mahoney moved and Mr. Montplaisir seconded to approve the bills in the amount of \$385,901.09 and to forward them to the Metro Flood Diversion Authority. On roll call vote, the motion carried unanimously.**

**4. FINANCIAL UPDATE**

Mr. Costin reviewed the financial statement for February. About \$8.2 million has been expended from the FY 2018 budget, and the total disbursed for the project to date is \$424,054,392. Due to the present project stand down, total revenues currently exceed total expenditures. The net position is \$70.5 million.

Ms. Wagner arrived for the remainder of the meeting.

Dr. Mahoney asked when potential federal funding might be received. Mr. Costin said it depends what fiscal year the funding is designated and which budget it comes out of.

Martin Nicholson of CH2M said federal funding will be requested from the FY 2018 US

Army Corps of Engineers budget. The Diversion Authority supports the federal Corps budget request and will continue to coordinate with the Corps if and when funds become available.

**5. PMC UPDATE**

Robert Cowen of CH2M reviewed the Program Management Consultant (PMC) report, including the overall program status and the FY 2018 cash budget. Mr. Cowen said the FY 2018 Cash Budget shows some line items with a \$0 budget show expenditures as costs incurred in 2017 were paid in 2018.

**6. RECOMMENDED CONTRACTING ACTIONS**

Mr. Cowen reviewed the following contracting actions:

Change Order

- Industrial Builder's, Inc. (Back-up generator installation)—add 91 days to Completion to allow for completion of hook ups, followed by testing and training in the amount of \$0.

***MOTION, passed***

**Dr. Mahoney moved and Mr. Redlinger seconded to approve the outlined change order with Industrial Builders, Inc. as presented, and to forward the recommendation to the Metro Flood Diversion Authority. On roll call vote, the motion carried unanimously.**

HMG MSA Labor Rates for 2018

Mr. Cowen said Houston Moore Group LLC submitted updated billing rates for 2018, which are all below the 3.5% change rate as allowable in their approved Master Services Agreement.

Mr. Gehrig asked what reason was provided for the rate increases. Mr. Cowen said no reason was provided.

Mr. Gehrig said he does not support the rate increases without justification.

Dr. Mahoney agreed and said national or regional data or comparable rates should be provided to substantiate a request for increased rates. Over the past few years, Fargo has found that costs are down in many areas and rates are competitive.

Mr. Redlinger said a request will be sent to HMG for clarification on the reasoning behind the requested rate increases.

***MOTION, passed***

**Mr. Gehrig moved and Dr. Mahoney seconded to request that Houston Moore Group LLC provide justification for their requested rate increases. On roll call vote, the motion carried unanimously.**

Mr. Redlinger said the request will also ask for an additional column to be added to the requested labor rate data sheet to show percentage rate increases for each line item to ensure compliance.

**7. UPDATED ERNST & YOUNG AND ASHURST WORK ORDERS**

Attorney John Shockley said in anticipation of a potentially aggressive restart to the P3 process, task order extensions for Ernst & Young Infrastructure Advisors, LLC, and Ashurst, LLP have been approved by the Diversion Authority Co-Executive Directors.

Mr. Shockley said both firms provide work as requested on an as-needed basis and have been cognizant of limiting work to defined parameters.

Mr. Redlinger said relationships with both firms have been very collaborative and Mr. Shockley has provided strict oversight to the scope of work.

Mr. Shockley said Ernst & Young is working on a revised financial plan and feasibility level to assist the Diversion Authority in strategizing financial needs going forward. The plan will identify increased costs and rebase the sales tax plan using data from previous years. It will also provide information on the potential effects of additional funding from various sources.

Mr. Grindberg asked how costs are properly verified by the firm. Mr. Nicholson said CH2M provides data to Ernst & Young and they run escalation scenarios and advise on interest rates and other factors.

Dr. Mahoney left for the remainder of the meeting.

Mr. Grindberg asked if the affiliation with Ernst & Young is positive for the P3 process. Mr. Shockley said it is; to successfully move forward in the P3 process, current litigation and the permit issue with the MN DNR need to be resolved and a strong financial plan needs to be in place. The relationship with Ernst & Young as a well-respected and strong financial advisor is favorable for this purpose.

Mr. Gehrig left for the remainder of the meeting.

**8. OTHER BUSINESS**

State Water Commission meeting

Rocky Schneider of AE2S said a cost share agreement between the Diversion Authority and the State Water Commission will be discussed at the next State Water Commission meeting on April 12<sup>th</sup>.

**9. NEXT MEETING**

The next meeting is scheduled for April 25<sup>th</sup> at 4:00 PM.

**10. ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Steen seconded by Mr. Montplaisir and all in favor, the meeting was adjourned at 4:41 PM.**

## Finance Committee Bills through April 20, 2018

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



Cass County  
Joint Water  
Resource  
District

April 3, 2018

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

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Lance Yohe  
Manager  
West Fargo, North Dakota

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Greetings:

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

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

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

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

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis  
Secretary-Treasurer

Carol Harbeke Lewis  
Secretary-Treasurer

1201 Main Avenue West  
West Fargo, ND 58078-1301

Enclosures

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

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

Updated 4/2/18

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

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

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

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

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

OXBOW GOLF AND COUNTRY CLUB INVOICES

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

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Invoice No.	Project No.	Amount	Vendor	Description
3/8/2018	3/1/2018	582459934			270.32	Xcel Energy	Electric service to 419 3rd St N
3/8/2018	3/1/2018	582461740			592.09	Xcel Energy	Gas service to 419 3rd St N
3/23/2018	3/7/2018	6000052129			101.40	City of Fargo	Service to 419 3 St N
<b>Total</b>					<b>963.81</b>		
<b>Grand Total</b>					<b>941,668.00</b>		



Office of the City Attorney

City Attorney  
Erik R. Johnson

Assistant City Attorney  
Nancy J. Morris

March 29, 2018

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

**Re: Metro Flood Diversion Project**

Dear Kent:

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

Sincerely,

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

Erik R. Johnson

ERJ/lmw  
Enclosure  
cc: Bruce Grubb



MINNEAPOLIS OFFICE  
612-340-2600

**RECEIVED**  
BY \_\_\_\_\_ DATE 3-23-18

(Tax Identification No. 41-0223337)

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

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

March 20, 2018  
Invoice No. 3411311

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

For Legal Services Rendered Through February 28, 2018

**INVOICE TOTAL**

Total For Current Legal Fees	\$104,412.00
Total For Current Disbursements and Service Charges	\$780.58
<b>Total For Current Invoice</b>	<b>\$105,192.58</b>
 <b>Summary of Account</b>	
*Prior Balance Due	\$213,364.27
Total Amount Due	\$318,556.85

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

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

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

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

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

Please make reference to the invoice number

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

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

**OHNSTAD TWICHELL, P.C.**  
**Attorneys at Law**

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

15-1395 JTS Invoice # 155516

Flood Diversion Board  
 Bond Counsel Work - PPP

Date: April 12, 2018

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

**PROFESSIONAL SERVICES RENDERED**

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

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

**Grand Total** **\$54,303.68**

		2018 Hourly Rates
JTS	John T. Shockley, Partner, Supervising Attorney	\$310.00
CMM	Christopher M. McShane, Partner	\$310.00
ADC	Andrew D. Cook, Partner	\$310.00
SNW	Sarah M. Wear, Partner	\$310.00
KJB	Katie J. Bertsch, Associate	\$285.00
TJL	Tyler J. Leverington, Associate	\$250.00
CBC	Calley B. Campbell, Associate	\$225.00
LWC	Lukas W. Croaker, Associate	\$225.00
MPS	Michael P. Sly, Associate	\$200.00
CAS	Carol A. Stillwell, Paralegal	\$165.00
JDR	Joshua D. Roaldson, Paralegal	\$165.00
AJM	Andrea J. Murphy, Paralegal	\$165.00
LRK	Lisa R. Kilde, Paralegal	\$155.00
HCG	Hannah C. Gilbert, Paralegal	\$140.00

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

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

**PROFESSIONAL SERVICES RENDERED**

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

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

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

March 25, 2018  
Invoice No. 2648

RE: Metro Flood Project-General Legal Matters

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**For Legal Services Rendered Through February 25, 2018**

**INVOICE TOTAL**

Total for Current Legal Fees	\$2272.50
Total for Current Disbursements and Service Charges	\$
<b>Total for Current Invoice</b>	<b>\$2272.50</b>

**Summary of Account**

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

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

We appreciate your business.

*Erik R. Johnson & Associates, Ltd*

*Attorneys at Law*

*Erik R. Johnson - Nancy J. Morris*

*505 Broadway - Suite 206*

*Fargo, ND 58102*

*(701) 280-1901*

*Invoice*

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

Date	3/25/2018
Invoice #	2648-

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

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

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

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

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

\* Receivable balance is as of 2.28.2018

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

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

**METRO FLOOD DIVERSION AUTHORITY**

Thursday, 12 Apr 2018

Data Through Date: Friday, March 30, 2018

**Summary of Expenses**

**EXP-2018-03**

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

**METRO FLOOD DIVERSION AUTHORITY**

Thursday, 12 Apr 2018

Data Through Date: Friday, March 30, 2018

**Summary of Expenses**

EXP-2018-03

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

**METRO FLOOD DIVERSION AUTHORITY**

Thursday, 12 Apr 2018

Data Through Date: Friday, March 30, 2018

**Summary of Expenses**

**EXP-2018-03**

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
790-7952-429.73-70	3/8/2018	285433	CASS COUNTY ELECTRIC-4100 32 AVE SW	\$35,445.00	STORMWATER PUMP STATION	V04701	OHB LEVEE UTILITY RELOCATE
<b>Infrastructure / Utilities</b>				<b>\$35,445.00</b>			
790-7955-429.33-05	3/22/2018	285832	HOUSTON-MOORE GROUP LLC	\$8,303.50	WK PKG 42 CONST SERVICES	V02806	CONSTRUCTION SVCS WP42
<b>Other Services / Engineering Services</b>				<b>\$8,303.50</b>			
790-7955-429.33-06	3/22/2018	285923	TERRACON CONSULTING ENGINEERS	\$82.77	MATERIAL TESTING	V02802	WP-42 MATERIALS TESTING
	3/22/2018	285923	TERRACON CONSULTING ENGINEERS	\$728.15	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
	3/22/2018	285923	TERRACON CONSULTING ENGINEERS	\$990.82	MATERIALS TESTING	V02802	WP-42 MATERIALS TESTING
<b>Other Services / Quality Testing</b>				<b>\$1,801.74</b>			
790-7980-429.38-99	3/28/2018	JB03180021	CITY OF FARGO-AUDITORS OFFICE	\$944.74	COF - 2017 O&M OF LIFTS	V02822	O & M - LIFTS #18 & #23
<b>Other Services / Other Services</b>				<b>\$944.74</b>			
790-7980-429.52-10	3/28/2018	JB03180021	CITY OF FARGO-AUDITORS OFFICE	\$6,619.74	COF - 2017 O&M OF LIFTS	V02822	O & M - LIFTS #18 & #23
<b>Insurance / Property Insurance</b>				<b>\$6,619.74</b>			
790-7980-429.62-51	3/28/2018	JB03180021	CITY OF FARGO-AUDITORS OFFICE	\$20,973.72	COF - 2017 O&M OF LIFTS	V02822	O & M - LIFTS #18 & #23
<b>Energy / Electricity</b>				<b>\$20,973.72</b>			
790-7990-429.33-05	3/8/2018	285480	HOUSTON-MOORE GROUP LLC	\$1,200.80	PROCUREMENT SUPPORT	V01621	P3 RFP PROCUREMENT SUPPRT
<b>Other Services / Engineering Services</b>				<b>\$1,200.80</b>			
790-7990-429.33-25	3/8/2018	285418	ASHURST LLP	\$21,146.85	LEGAL COUNSEL	V03001	P3 LEGAL COUNSEL-ASHURST
	3/6/2018	662	P CARD BMO	\$6,496.60	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
<b>Other Services / Legal Services</b>				<b>\$27,643.45</b>			
790-7990-520.80-20	3/8/2018	285435	CASS COUNTY TREASURER	\$146,737.89	WELLS FARGO INTEREST	V02906	\$100M 2017 CASS WF ADVANC
	3/22/2018	JB03180016	CITY OF FARGO-AUDITORS OFFICE	\$73,735.79	3.1.18 WF INTEREST PMT	V02905	\$100M 2017 COF WF ADVANCE
<b>Debt Service / Interest on Bonds</b>				<b>\$220,473.68</b>			
<b>Total Amount Invoiced this period</b>				<b>\$1,090,239.27</b>			
				<u>\$0.00</u>	Less Paid Retainage		
				<b>\$1,090,239.27</b>	<b>Total Less Paid Retainage</b>		

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Drawdown Request No: 63	
Requested Amount:	<b>\$ 901,954</b>
Total Funds Expended This Period:	\$ 1,803,908
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	901,954
<b>Total Funds Requested:</b>	<b>\$ 901,954</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 from 2015 Legislative Session - Interior Flood Control		60,000,000
Anticipated appropriations to be funded in 2017 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2019 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2021 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2023 Legislative Session	66,500,000	
<b>Total State Funds</b>	<b>266,000,000</b>	<b>304,000,000</b>
Less: Payment #1 through #35 - City of Fargo		(55,510,209)
Less: Payment #1 - Cass County		(136,039)
Less: Payment #1 through #7 - Interior Flood Control		(60,000,000)
Less: Payment #1 through #28 - FM Diversion Authority		(38,049,107)
Less: Payment #29 through #50 - FM Metro Area Flood Risk Management Project		(76,542,741)
Less: Payment #51 - FM Metro Area Flood Risk Management Project		(1,501,080)
Less: Payment #52 - FM Metro Area Flood Risk Management Project		(1,565,228)
Less: Payment #53 - FM Metro Area Flood Risk Management Project		(708,163)
Less: Payment #54 - FM Metro Area Flood Risk Management Project		(897,057)
Less: Payment #55 - FM Metro Area Flood Risk Management Project		(488,613)
Less: Payment #56 - FM Metro Area Flood Risk Management Project		(1,105,872)
Less: Payment #57 - FM Metro Area Flood Risk Management Project		(1,377,451)
Less: Payment #58 - FM Metro Area Flood Risk Management Project		(1,792,502)
Less: Payment #59 - FM Metro Area Flood Risk Management Project		(1,625,005)
Less: Payment #60 - FM Metro Area Flood Risk Management Project		(65,355)
Less: Payment #61 - FM Metro Area Flood Risk Management Project		(780,105)
Less: Payment #62 - FM Metro Area Flood Risk Management Project		(772,390)
Less: Payment #63 - FM Metro Area Flood Risk Management Project		(901,954)
<b>Total Funds Reimbursed</b>		<b>(243,818,872)</b>
<b>Total State Fund Balances Remaining</b>	<b>\$</b>	<b>60,181,128</b>

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

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



# 25 April 2018

# Finance Committee Report

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Presented By:

Program Management Consultant

# Overall Program Status

<b>Schedule Budget Categories</b>	<b>Program Budget (2015\$)</b>	<b>Actual Cost to Date</b>	<b>Remaining Program Budget</b>
DIVERSION CHANNEL & ASSOC. INFRASTRUCTURE	\$763,768,516	\$13,056,367	\$750,712,149
SOUTHERN EMBANKMENT & ASSOC. INFRASTRUCTURE	\$371,353,664	\$53,375,891	\$317,977,773
OTHER MITIGATION PROJECTS	\$64,712,848	\$19,631,539	\$45,081,309
IN-TOWN FLOOD PROTECTION	\$204,863,752	\$80,038,340	\$124,825,412
ENABLING WORK / OTHER	\$14,113,749	\$996,914	\$13,116,835
LAND ACQUISITION & MITIGATION	\$426,589,476	\$171,950,206	\$254,639,270
ENGINEERING & DESIGN FEES	\$80,539,955	\$36,199,086	\$44,340,869
PGM MGMT / LEGAL / FINANCIAL / PROCUREMENT	\$119,725,500	\$48,844,128	\$70,881,372
CONTINGENCY	\$159,898,584	\$0	\$159,898,584
<b>Report Totals</b>	<b>\$2,205,566,043</b>	<b>\$424,092,471</b>	<b>\$1,781,473,572</b>

# Overall Program Status

Schedule Budget Categories	Program Budget (2015\$)	Actual Cost to Date	Remaining Program Budget
<b>Diversion Channel &amp; Assoc. Infrastructure</b>	<b>\$763,768,516</b>	<b>\$13,056,367</b>	<b>\$750,712,149</b>
Management, Legal, Financial, Procurement	\$9,750,000	\$13,056,367	(\$3,306,367)
Channel - Construction	\$754,018,516	\$0	\$754,018,516
<b>Southern Embankment &amp; Assoc. Infrastructure</b>	<b>\$371,353,664</b>	<b>\$53,375,891</b>	<b>\$317,977,773</b>
WP-26 Diversion Inlet	\$68,743,917	\$63,864	\$68,680,053
WP-27 Red River - West Embankment	\$18,050,477	\$0	\$18,050,477
WP-29 Red River - East Embankment	\$15,652,398	\$0	\$15,652,398
WP-30 Wild Rice River Control Structure	\$35,608,353	\$0	\$35,608,353
WP-31 I-29 NS Bridge	\$55,281,013	\$153,028	\$55,127,985
WP-33 CR81 Bridge	\$5,253,756	\$0	\$5,253,756
WP-35 Red River Control Structure	\$63,252,598	\$0	\$63,252,598
WP-39 Overflow Embankment	\$10,536,493	\$0	\$10,536,493
WP-46 Utilities	\$8,477,533	\$0	\$8,477,533
WP-47 Utilities	\$1,175,448	\$0	\$1,175,448
WP-50 Phase II Demo	\$12,364,450	\$0	\$12,364,450
WP-51 Recreation	\$9,528,439	\$0	\$9,528,439
WP-53 BNSF Moorhead Line Raise	\$44,008,615	\$0	\$44,008,615
WP-54 - Hwy 75 Road Raise	\$11,320,174	\$0	\$11,320,174
USACE Local Share \ Management Oversight	\$12,100,000	\$53,159,000	(\$41,059,000)

# Overall Program Status

Schedule Budget Categories	Program Budget (2015\$)	Actual Cost to Date	Remaining Program Budget
<b>Other Mitigation Projects</b>	<b>\$64,712,848</b>	<b>\$19,631,539</b>	<b>\$45,081,309</b>
WP-36 Wild Rice Dam Mitigation	\$2,027,696	\$0	\$2,027,696
WP-40 Drayton Dam Mitigation	\$6,758,988	\$0	\$6,758,988
WP-41 Buffalo River Mitigation	\$1,689,747	\$0	\$1,689,747
WP-43 Oxbow-Hickson-Bakke	\$42,773,436	\$19,631,539	\$23,141,897
WP-49 Cultural Remediation	\$542,999	\$0	\$542,999
WP-52 Comstock Ring Levee	\$10,919,981	\$0	\$10,919,981
<b>In-Town Flood Protection</b>	<b>\$204,863,752</b>	<b>\$80,038,340</b>	<b>\$124,825,412</b>
WP-42 In-Town Levees	\$100,714,949	\$80,038,340	\$20,676,609
Complementary In-Town Flood Protection	\$104,148,803	\$0	\$104,148,803
<b>Enabling Work / Other</b>	<b>\$14,113,749</b>	<b>\$996,914</b>	<b>\$13,116,835</b>
Demolition	\$508,353	\$0	\$508,353
WP-28 - Cass County Road 16 and 17 Bridge	\$13,605,396	\$996,914	\$12,608,482
<b>Land Acquisition &amp; Mitigation</b>	<b>\$426,589,476</b>	<b>\$171,950,206</b>	<b>\$254,639,270</b>
Management, Legal, Financial, Procurement	\$51,463,000	\$13,145,231	\$38,317,768
DIVERSION CHANNEL AND ASSOCIATED INFRASTRUCTURE	\$72,199,150	\$23,488,129	\$48,711,021
SOUTHERN EMBANKMENT AND ASSOCIATED INFRASTRUCTURE	\$136,589,980	\$8,086,659	\$128,503,321
MITIGATION AND ASSOCIATED INFRASTRUCTURE	\$81,761,211	\$79,960,007	\$1,801,204
WP-38 Upstream Staging	\$47,160,000	\$9,605,947	\$37,554,053
IN-TOWN FLOOD PROTECTION	\$37,416,136	\$37,664,233	(\$248,097)

# Overall Program Status

Schedule Budget Categories	Program Budget (2015\$)	Actual Cost to Date	Remaining Program Budget
<b>Engineering &amp; Design Fees</b>	<b>\$80,539,955</b>	<b>\$36,199,086</b>	<b>\$44,340,869</b>
Management, Legal, Financial, Procurement	\$8,685,616	\$5,262,707	\$3,422,909
WORK-IN-KIND PROGRAMS (WIK) STUDIES	\$19,682,433	\$9,944,571	\$9,737,862
INDICATIVE DESIGN	\$14,469,297	\$6,943,014	\$7,526,283
(LERRDs) - LAND, EASEMENTS, ROW, RELOCATION & DISPOSAL	\$534,000	\$311,483	\$222,517
PERMITTING	\$11,541,039	\$3,711,334	\$7,829,705
CERTIFICATION	\$2,050,000	\$0	\$2,050,000
FMDA DETENTION FUNDING	\$3,000,000	\$721,568	\$2,278,432
OTHER MITIGATION PROJECTS	\$19,741,602	\$9,304,409	\$10,437,193
ENABLING WORK	\$835,968	\$0	\$835,968
<b>Program Management / Legal / Financial / Procurement</b>	<b>\$119,725,500</b>	<b>\$48,844,128</b>	<b>\$70,881,372</b>
Management, Legal, Financial, Procurement	\$119,725,500	\$48,844,128	\$70,881,372
<b>Contingency</b>	<b>\$159,898,584</b>	<b>\$0</b>	<b>\$159,898,584</b>
SYSTEM WIDE CONTINGENCY	\$21,795,449	\$0	\$21,795,449
DIVERSION CHANNEL AND ASSOCIATED INFRASTRUCTURE	\$47,173,841	\$0	\$47,173,841
SOUTHERN EMBANKMENT AND ASSOCIATED INFRASTRUCTURE	\$38,696,058	\$0	\$38,696,058
OTHER MITIGATION PROJECTS	\$40,891,969	\$0	\$40,891,969
IN-TOWN FLOOD PROTECTION	\$10,101,623	\$0	\$10,101,623
ENABLING WORK	\$1,239,644	\$0	\$1,239,644
<b>Report Totals</b>	<b>\$2,205,566,043</b>	<b>\$424,092,471</b>	<b>\$1,781,473,572</b>

# FY 2018 Cash Budget

Schedule Budget Categories	FY2018 Cash Budget	FY2018 Paid	Remaining FY 2018 Budget
DIVERSION CHANNEL & ASSOC. INFRASTRUCTURE	\$0	\$186,926	(\$186,926)
SOUTHERN EMBANKMENT & ASSOC. INFRASTRUCTURE	\$17,419	\$0	\$17,419
OTHER MITIGATION PROJECTS	\$6,139,408	\$4,007,943	\$2,131,465
IN-TOWN FLOOD PROTECTION	\$44,226,701	\$380,411	\$43,846,290
ENABLING WORK / OTHER	\$0	\$62,098	(\$62,098)
LAND ACQUISITION & MITIGATION	\$6,881,246	\$1,533,136	\$5,348,110
ENGINEERING & DESIGN FEES	\$241,390	\$870,390	(\$629,000)
PGM MGMT / LEGAL / FINANCIAL / PROCUREMENT	\$11,488,530	\$1,534,798	\$9,953,732
CONTINGENCY	\$5,000,000	\$0	\$5,000,000
DEBT SERVICE	\$8,459,700	\$699,779	\$7,759,921
MAINTENANCE	\$100,000	\$28,538	\$71,462
<b>Report Totals</b>	<b>\$82,554,394</b>	<b>\$9,304,019</b>	<b>\$73,250,375</b>

# FY 2018 Cash Budget

Schedule Budget Categories	FY2018 Cash Budget	FY2018 Paid	Remaining FY Budget
<b>DIVERSION CHANNEL &amp; ASSOC. INFRASTRUCTURE</b>	<b>\$0</b>	<b>\$186,926</b>	<b>-\$186,926</b>
Management, Legal, Financial, Procurement	\$0	\$186,926	-\$186,926
Channel - Construction	\$0	\$0	\$0
<b>SOUTHERN EMBANKMENT &amp; ASSOC. INFRASTRUCTURE</b>	<b>\$17,419</b>	<b>\$0</b>	<b>\$17,419</b>
WP-26 Diversion Inlet	\$17,419	\$0	\$17,419
WP-27 Red River - West Embankment	\$0	\$0	\$0
WP-29 Red River - East Embankment	\$0	\$0	\$0
WP-30 Wild Rice River Control Structure	\$0	\$0	\$0
WP-31 I-29 NS Bridge	\$0	\$0	\$0
WP-33 CR81 Bridge	\$0	\$0	\$0
WP-35 Red River Control Structure	\$0	\$0	\$0
WP-39 Overflow Embankment	\$0	\$0	\$0
WP-46 Utilities	\$0	\$0	\$0
WP-47 Utilities	\$0	\$0	\$0
WP-50 Phase II Demo	\$0	\$0	\$0
WP-51 Recreation	\$0	\$0	\$0
WP-53 BNSF Moorhead Line Raise	\$0	\$0	\$0
WP-54 - Hwy 75 Road Raise	\$0	\$0	\$0
USACE Local Share \ Management Oversight	\$0	\$0	\$0

# FY 2018 Cash Budget

Schedule Budget Categories	FY2018 Cash Budget	FY2018 Paid	Remaining FY Budget
<b>OTHER MITIGATION PROJECTS</b>	<b>\$6,139,408</b>	<b>\$4,007,943</b>	<b>\$2,131,465</b>
WP-36 Wild Rice Dam Mitigation	\$0	\$0	\$0
WP-40 Drayton Dam Mitigation	\$0	\$0	\$0
WP-41 Buffalo River Mitigation	\$0	\$0	\$0
WP-43 Oxbow-Hickson-Bakke	\$6,139,408	\$4,007,943	\$2,131,465
WP-49 Cultural Remediation	\$0	\$0	\$0
WP-52 Comstock Ring Levee	\$0	\$0	\$0
<b>IN-TOWN FLOOD PROTECTION</b>	<b>\$44,226,701</b>	<b>\$380,411</b>	<b>\$43,846,290</b>
WP-42 In-Town Levees	\$1,273,482	\$380,411	\$893,071
Complementary In-Town Flood Protection	\$42,953,219	\$0	\$42,953,219
<b>ENABLING WORK / OTHER</b>	<b>\$0</b>	<b>\$62,098</b>	<b>-\$62,098</b>
Demolition	\$0	\$0	\$0
WP-28 - Cass County Road 16 and 17 Bridge	\$0	\$62,098	-\$62,098
<b>LAND ACQUISITION &amp; MITIGATION</b>	<b>\$6,881,246</b>	<b>\$1,533,136</b>	<b>\$5,348,110</b>
Management, Legal, Financial, Procurement	\$770,000	\$496,093	\$273,907
DIVERSION CHANNEL AND ASSOCIATED INFRASTRUCTURE	\$831,838	\$1,083,522	-\$251,684
SOUTHERN EMBANKMENT AND ASSOCIATED INFRASTRUCTURE	\$2,309,974	-\$476,040	\$2,786,014
MITIGATION AND ASSOCIATED INFRASTRUCTURE	\$2,969,434	\$146,910	\$2,822,524
WP-38 Upstream Staging	\$0	\$742	-\$742
IN-TOWN FLOOD PROTECTION	\$0	\$281,908	-\$281,908

# FY 2018 Cash Budget

Schedule Budget Categories	FY2018 Cash Budget	FY2018 Paid	Remaining FY Budget
<b>ENGINEERING &amp; DESIGN FEES</b>	<b>\$241,390</b>	<b>\$870,390</b>	<b>-\$629,000</b>
Management, Legal, Financial, Procurement	\$0	\$252,633	-\$252,633
<b>WORK-IN-KIND PROGRAMS (WIK) STUDIES</b>	<b>\$20,000</b>	<b>\$56,854</b>	<b>-\$36,854</b>
INDICATIVE DESIGN	\$0	\$5,024	-\$5,024
(LERRDs) - LAND, EASEMENTS, ROW, RELOCATION	\$0	\$0	\$0
PERMITTING	\$0	\$380,606	-\$380,606
CERTIFICATION	\$0	\$0	\$0
FMDA DETENTION FUNDING	\$0	\$0	\$0
OTHER MITIGATION PROJECTS	\$221,390	\$175,274	\$46,116
ENABLING WORK	\$0	\$0	\$0
<b>PROGRAM MANAGEMENT</b>	<b>\$11,488,530</b>	<b>\$1,534,798</b>	<b>\$9,953,732</b>
Management, Legal, Financial, Procurement	\$11,488,530	\$1,534,798	\$9,953,732
<b>CONTINGENCY</b>	<b>\$5,000,000</b>	<b>\$0</b>	<b>\$5,000,000</b>
SYSTEM WIDE CONTINGENCY	\$5,000,000	\$0	\$5,000,000
DIVERSION CHANNEL AND ASSOCIATED INFRASTRUCTURE	\$ -	\$0	\$0
SOUTHERN EMBANKMENT AND ASSOCIATED INFRASTRUCTURE	\$0	\$0	\$0
OTHER MITIGATION PROJECTS	\$0	\$0	\$0
IN-TOWN FLOOD PROTECTION	\$0	\$0	\$0
ENABLING WORK	\$0	\$0	\$0
Debt Service	\$8,459,700	\$699,779	\$7,759,921
Maintenance	\$100,000	\$28,538	\$71,462
<b>Report Totals</b>	<b>\$82,554,394</b>	<b>\$9,304,019</b>	<b>\$73,250,375</b>



**Technical Advisory Group Recommendation**

Meeting Date: 04/20/2018

**RECOMMENDATION FOR ACTION:**

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

**SUMMARY OF CONTRACTING ACTION:**

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

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

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

**Summary of Contracting History and Current Contract Action:**

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

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

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

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

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

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

**Financial Considerations:**

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

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

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

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

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

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

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

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

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

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

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

**ATTACHMENT(S):**

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

**Submitted by:**

\_\_\_\_\_  
John Glatzmaier  
CH2M  
Metro Flood Diversion Project

\_\_\_\_\_  
Date

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

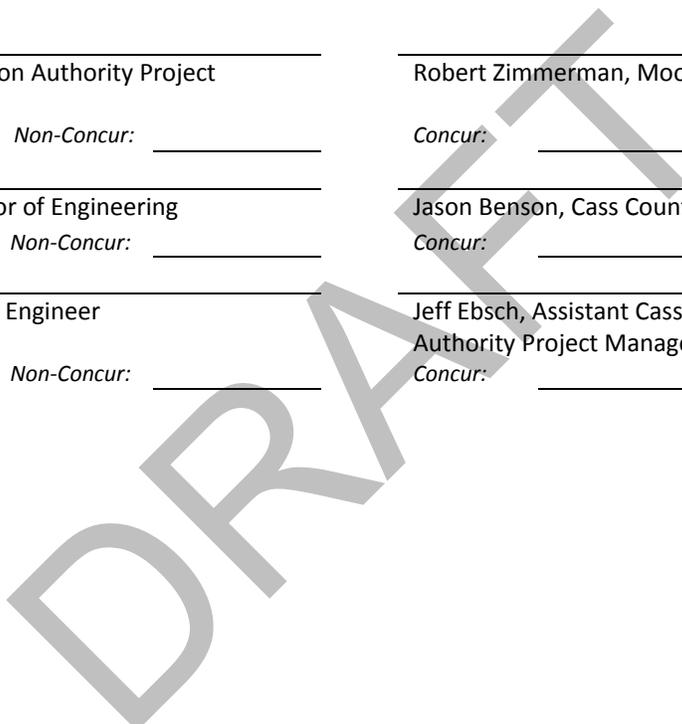
\_\_\_\_\_  
Robert Zimmerman, Moorhead City Engineer  
*Concur:* \_\_\_\_\_ *Non-Concur:* \_\_\_\_\_

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

\_\_\_\_\_  
Jason Benson, Cass County Engineer  
*Concur:* \_\_\_\_\_ *Non-Concur:* \_\_\_\_\_

\_\_\_\_\_  
David Overbo, Clay County Engineer  
*Concur:* \_\_\_\_\_ *Non-Concur:* \_\_\_\_\_

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



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

## Notes:

HMG contract became effective March 8, 2012.

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

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

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

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

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

**Chargeable Expenses**

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

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

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

**Chargeable Expenses**

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

**ASSIGNMENT OF  
MASTER AGREEMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Remainder of page intentionally left blank]

CASS COUNTY JOINT WATER RESOURCE DISTRICT

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
\_\_\_\_\_, Chairman

OXBOW GOLF AND COUNTRY CLUB, a North Dakota nonprofit corporation

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
\_\_\_\_\_, its President

CITY OF OXBOW, a North Dakota municipal corporation

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
James Nyhof, Mayor

ATTEST:

\_\_\_\_\_  
City Auditor

**SECOND AMENDMENT TO  
MEMORANDUM OF UNDERSTANDING**

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

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

**RECITALS:**

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

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

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

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

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

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

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

**WHEREAS**, the parties are agreeable thereto;

**NOW, THEREFORE, IT IS HEREBY AGREED:**

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

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

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

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

\* \* \*

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

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

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

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

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

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

**METRO FLOOD DIVERSION BOARD  
OF AUTHORITY**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
\_\_\_\_\_, its Chair

**CITY OF OXBOW**, a North Dakota  
municipal corporation

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
James Nyhof, its Mayor

ATTEST:

\_\_\_\_\_  
City Auditor

CITY OF FARGO, a North Dakota  
municipal corporation

DATED: \_\_\_\_\_

By \_\_\_\_\_  
Timothy J. Mahoney, M.D., its Mayor

ATTEST:

\_\_\_\_\_  
Steven Sprague, City Auditor

COUNTY OF CASS,  
NORTH DAKOTA

DATED: \_\_\_\_\_

By \_\_\_\_\_  
\_\_\_\_\_, its Chair

CASS COUNTY JOINT WATER RESOURCE  
DISTRICT

DATED: \_\_\_\_\_

By \_\_\_\_\_  
\_\_\_\_\_, its Chair