

FLOOD DIVERSION AUTHORITY
FINANCE COMMITTEE
AGENDA FOR WEDNESDAY, FEBRUARY 4, 2015

Commission Conference Room
9:00 AM

1. Call to Order
2. Approval of the minutes from the previous meeting **Item No. 2**
3. Approval of Bills **Item No. 3**
4. Financial Update (Costin) **Item No. 4**
5. Bond Counsel for Cass County Joint Water Resource District (Montplaisir) **Item No. 5**
6. Special Assessment Update (Brodshaug)
7. CH2MHill Contract Extension
8. Voluntary Acquisitions in Staging Area (Dodds)
9. Other business
10. Next meeting—March 11, 2015
11. Adjournment

cc: Local Media
Flood Diversion Board of Authority
CH2M Hill
AE2S

**FLOOD DIVERSION FINANCE COMMITTEE
JANUARY 7, 2015—9:00 AM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Finance Committee was held on Wednesday, January 7, 2015, at 9:00 AM in the Commission Conference Room, Cass County Courthouse, with the following present: Cass County Administrator Keith Berndt; Southeast Water Resource District Manager Mark Brodshaug; City of Fargo Finance Director Kent Costin; Clay County Auditor Lori Johnson; Fargo City Commissioner Tim Mahoney; Moorhead City Commissioner Nancy Otto; Cass County Commission Representative Darrell Vanyo; City of Moorhead Finance Director Wanda Wagner; and Fargo City Administrator Pat Zavoral. Cass County Auditor Mike Montplaisir was absent.

Also present were Eric Dodds, AE2S; and Bruce Spiller, CH2MHill.

2. APPROVAL OF MINUTES FROM PREVIOUS MEETING

MOTION, passed

Dr. Mahoney moved and Mr. Vanyo seconded to approve the minutes from the December 10, 2014, meeting as presented. Motion carried.

3. APPROVAL OF BILLS

Mr. Costin reviewed bills submitted by Fredrickson & Byron, P.A., and Dorsey & Whitney, LLP, for services totaling \$28,122.06.

Bruce Spiller, CH2MHill, was present to request that two Recommendations of Payment be added to the monthly billing. The first payment is for \$1,203,534.00, to Industrial Builders, Inc. for Work Package 42A.2, 2nd Street North Pump Station. Additional costs were incurred for this project as an old pay scale and some soil contamination were discovered while digging. The physical work for this project will be completed this week, but this is the first pay request.

The second payment is for \$166,688.10, to ICS, Inc. for Work Package 42A.1/A.3, 4th Street Pump Station and Gatewell and 2nd Street Floodwall South. This project is still in the beginning phases.

Mr. Costin said if the contracts for the work packages were awarded through the Diversion Authority, in the future the bills can be paid and added directly to the bills listing for review by the committee.

MOTION, passed

Mr. Vanyo moved and Ms. Otto seconded to approve the bills as presented, with the addition of two Recommendations of Payment as presented by Mr. Spiller, for a total amount of \$1,398,344.16 and forward them to the Flood Diversion Board of Authority. Motion carried.

4. FINANCIAL UPDATE

Mr. Costin reviewed the financial statement for December with the committee. The total amount disbursed in 2014 was \$41,656,455, and the total amount disbursed to date is \$79,166,132.

Mr. Vanyo asked what entities are encompassed in the "Other Agencies" revenue category. Mr. Costin said he will check the records and notify the group.

Mr. Spiller said the Oxbow Country Club anticipates putting a request into the Joint Water Board for \$10.5 million next week. The water board will request reimbursement from the Diversion Authority in turn.

Mr. Berndt asked if the water district has been able to adjust their accounting system to disburse periodic financial reports. Mr. Brodshaug said they are waiting to discuss the matter with Mr. Costin and his staff to determine the preferred method of reporting.

MOTION, passed

Dr. Mahoney moved and Ms. Otto seconded to approve the financial statement for December as presented. Motion carried.

5. SPECIAL ASSESSMENT UPDATE

Mr. Brodshaug said a preliminary assessment list is almost ready for approval. Once the preliminary list is approved, the clock begins for the legal timeline in which the process must follow. Eric Dodds and Rocky Schneider are creating a schedule for informational meetings to be held throughout the area. Meetings will begin in mid-February and the official hearing will most likely be in mid-March.

Mr. Dodds said he and Mr. Sneider have been tracking down venues and setting dates and times for the meetings. They are also working on finalizing the ballot cover letter.

Mr. Brodshaug said the media coverage has been satisfactory overall and the media seems to understand the special assessment concept.

Mr. Brodshaug said he has asked that attorneys work on a memo pertaining to issues that may arise with having multiple partners for the bond. The memo will hopefully jumpstart conversations between the city, county, and water district and determine whether additional agreements need to be put in place. Mr. Brodshaug said his purpose is to get some of the legal legwork completed beforehand if it is determined that bonds will be sold.

6. LAND ACQUISITIONS; ERNST & YOUNG CONTRACT PROPOSAL; FEDERAL HIGHWAY ADMINISTRATION LOAN APPLICATION

Mr. Dodds said the US Army Corps of Engineers (USACE) would like to do some pre-load activities this year, which would require the acquisition of 16 parcels. They would like to approach landowners to begin the acquisition process with voluntary buyouts.

Mr. Zavoral said the Diversion Authority made a commitment to the Minnesota DNR to cease activity with the diversion until they have completed their Environmental Assessment Statement. It would not be prudent to begin trying to acquire these properties at this time. Mr. Vanyo agreed and said Mr. Dodds could proceed by approaching some of the landowners to have informal conversations about the matter to see where they stand on the issue, but he cautioned to use a very soft approach.

Mr. Brodshaug said the matter will be tabled for now.

Mr. Zavoral said the company Ernst & Young was brought to the attention of the Diversion Authority by CH2MHill to assist with analyzing public-private partnership (P3) functions. Ernst & Young was asked to submit material to the board outlining their scope of work and a fee proposal. Mr. Berndt provided a copy of the Scope and Fee Proposal submitted by Ernst & Young for review by the committee. An estimate of fees for services for the initial three months of work ranges between \$175,000 and \$350,000. Ernst & Young would advise the Diversion Authority in securing a Transportation Infrastructure Finance and Innovation Act (TIFIA) program loan.

Mr. Zavoral said the TIFIA program is administered through the Federal Highway Administration. The program can provide a 35-year low interest loan on eligible highway activities, including railway projects. The diversion project has \$380 million worth of projects that are eligible for the program. The program provides up to 33% of the total cost of a project. Loan payments would not begin until after the completion of the project, which delivers a long-term financing option. The

application filing fee for a TIFIA program loan is \$100,000. Mr. Zavoral is seeking the committee's approval to pay the filing fee and to approve Ernst & Young as a P3 advisor.

Mr. Costin asked if applying for the TIFIA loan guarantees the funds will be available. Mr. Zavoral said an application does not guarantee funding. Mr. Costin asked if Ernst & Young would also advise the Diversion Authority with a Railroad Rehabilitation & Improvement Financing (RRIF) project. Mr. Zavoral said they would.

MOTION, passed

Mr. Vanyo moved and Mr. Brodshaug seconded to approve the engagement of Ernst & Young as a financial advisor as outlined in the Scope and Fee Proposal that was submitted by the company. Motion carried.

Mr. Vanyo moved and Mr. Brodshaug seconded to approve the application filing fee of \$100,000 for the submission of an application for Federal Highway Administration loans. Motion carried.

7. NEXT MEETING

The next meeting will be held on Wednesday, February 4, 2015.

8. ADJOURNMENT

The meeting was adjourned at 10:11 AM.

Minutes prepared by Brielle Edwards, Principal Secretary

Erik R. Johnson & Associates, Ltd
Attorneys at Law

Erik R. Johnson - Nancy J. Morris - Jason T. Loos
505 Broadway - Suite 206
Fargo, ND 58102
(701) 280-1901

Invoice #
2209-

Invoice

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

Date	12/31/2014
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Description	Qty	Rate	Amount
Metro Flood Project -- General legal matters: Erik Johnson-Nov 26 thru Dec 31, 2015-itemization attached	27.2	195.50	5,317.60
Nancy J Morris-Nov 26 thru Dec 31, 2015-itemization attached	13.5	170.00	2,295.00
<i>We appreciate your business.</i>		TOTAL: \$7,612.60	

December 31, 2014

Client: City of Fargo
Job: Metro Flood - General Legal

Atty	DATE	DESCRIPTION	TIME
E	12/1/2014	Emails with Cattanach, John S. and others	0.30
E	12/2/2014	Conference call with Bob Cattanach and Mike Drysdale and Zavoral; follow-up call with Zavoral and Email to Cattanach	0.80
E	12/2/2014	Prepare for state water commission meeting with Kent and Jamie; meet with Kent and Jamie regarding preparation for meeting in Bismarck	1.00
E	12/3/2014	Travel to Bismarck with deputy Mayor Mahoney to meet with state water commission regarding reimbursement and cost participation on one project and return to Fargo	8.50
E	12/4/2014	Telephone call with Cattanach	0.20
E	12/5/2014	Attend Admin Adv meeting	1.00
E	12/9/2014	Attend Admin Adv meeting; misc commun	1.90
E	12/10/2014	Research bylaws and communication re same	0.30
E	12/11/2014	Prepare for litigation report; review documents and briefs just filed; telephone conference with Bob and Mike; prepare comments	1.70
E	12/11/2014	Attend Diversion Authority meeting and give litigation report	2.00
E	12/15/2014	Review agenda and discuss tomorrow's meeting with Paul Tietz; followup	1.20
E	12/16/2014	Meeting re: P3 planning	0.80
E	12/16/2014	Meeting re: P3 planning	3.00
E	12/22/2014	Receive and review letter re: SWC participation	0.10
E	12/23/2014	Telephone conference with Eric Dodds re: record request; email Bob	0.40
E	12/23/2014	Telephone conference with Eric and communication re: record request	1.00
E	12/26/2014	Email to and from Norgard	0.20
E	12/29/2014	Communication with Eric Dodds; calls to Bob and Milke	0.50
E	12/29/2014	Call with Erik Dodds, Cattanach and Drysdale	0.70
E	12/30/2014	Communication with Rocky, Bob and Mike	0.10
E	12/30/2014	Telephone conference with Eric Dodds and communication	0.50
E	12/30/2014	Telephone conference with Cattanach and Drysdale re: miscellaneous issues and followup communication	1.00
Total Time - ERJ			27.20
Hourly Rate - ERJ \$			195.50
Total Fees - ERJ \$			5317.60
N	12/2/2014	Prepare last resort information correspondence re: Oxbow reimbursement request; SWC meeting; prepare maps	2.5
N	12/3/2014	SWC meeting in Bismarck	9
N	12/9/2014	Administrative Advisory meeting	1.5
N	12/18/2014	Correspondence re: Open Records & Discovery requests	0.5
Total Time - NJM			13.50
Hourly Rate - NJM \$			170.00
Total Fees - NJM \$			2295.00

Erik R. Johnson & Associates, Ltd
Attorneys at Law

Erik R. Johnson - Nancy J. Morris - Jason T. Loos
505 Broadway - Suite 206
Fargo, ND 58102
(701) 280-1901

Invoice #
2208-

Invoice

Date	12/31/2014
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City of Fargo -- Auditor's Office
Attn: Kent Costin
200 North 3rd Street
Fargo, ND 58102

Description	Qty	Rate	Amount
Metro Flood Project -- LEERDS:	9	195.50	1,759.50
Erik Johnson-Nov 26 thru Dec 31, 2015-itemization attached	25.1	170.00	4,267.00
Nancy J Morris-Nov 26 thru Dec 31, 2015-itemization attached			
<i>We appreciate your business.</i>			TOTAL: \$6,026.50

December 31, 2014

Client: City of Fargo
Job: Metro Flood - LEERDS

Atty	DATE	DESCRIPTION	TIME
E	12/2/2014	Prepare Oxbow country club documents	1.10
E	12/5/2014	Emails with David Hauff	0.30
E	12/10/2014	Emails with Lukas Andrud and Sean re comments on documents	0.30
E	12/15/2014	Email and telephone conference with David Hauff and conference with Nancy re: 2nd Street projects	0.60
E	12/17/2014	Conference call with David Hauff and Sean Fredricks re: Oxbow Country Club	0.30
E	12/18/2014	Oxbow Country Club - make final revisions; draft purchase agreements for for agent; review appraisal	0.50
E	12/21/2014	Work on purchase agreements, lease agreements and temporary construction easement language re: Oxbow Golf and Country Club family of documents	1.50
E	12/22/2014	Call to Turman, email to Sean and David Hauff; distribute drafts	0.50
E	12/24/2014	Telephone conference with David Hauff re: Oxbow agreement	0.20
E	12/26/2014	Revise Oxbow CC docs after comments received by David Hauff	0.70
E	12/29/2014	and Purchase Agreement and Master Agreement; work on Collateral Real Estate Mortgage Exhibits	2.00
E	12/29/2014	Research legal description for Jamie Bullock re: SWC cost participation questions	0.60
E	12/30/2014	Telephone conference with David and email documents	0.40
Total Time - ERJ			9
Hourly Rate \$			195.50
Total Fees - ERJ \$			1759.50
N	11/26/2014	Revise Dike East & Park District Easements & correspondence	1.5
N	12/2/2014	Correspondence re: Dike East easements	0.4
N	12/4/2014	Correspond w/ Eric Dodd's re: evidence of housing of last resort	0.3
N	12/5/2014	Correspondence re: additional info re: housing of last resort	0.4
N	12/10/2014	Review correspondence re: status; Correspondence re: status of acquisition, review draft documents; correspondence re: FPS testing agreement; El Zagal Shrine docs & review pleadings	2
N	12/11/2014	Fargo Public Schools & El Zagal discussion re: status; Review correspondence re: funds request; Correspondence re: document request; Land Management meeting; Diversion Authority meeting; Phone call w/ Shawn Bondly re: El Zagal Shrine; Correspond w/ Mike Williams & April W.	4.8
N	12/12/2014	Review correspondence re: PA; Conference re: document request; review pleadings in litigation & discuss w/ Erik	0.7
N	12/16/2014	Fargo Public Schools communication; Park East Correspondence & phone call w/ Pat; Correspondence re: relocation benefits w/ M. Williams; Correspondence w/ K. Helvey & April; Dike East easement drafts & correspondence, review maps & revise	2.4

December 31, 2014

Client: City of Fargo
Job: Metro Flood - LEERDS

Atty	DATE	DESCRIPTION	TIME
N	12/17/2014	El Zagal correspondence re: appraisal & negoating Park East; correspondence re: status of negoation & tenants; Phone call w/ Ken Helvey re: Park East	0.7
N	12/18/2014	Review Access Agreement & correspond w/ Chris McShane; Park East conference; Park East re: negotiations/status; Park District easements; 2nd Street correspondence w/ G. Thelman; draft	4.7
N	12/19/2014	Park East correspondence re: rental reimbursement & Park District 2nd Street phone call w/ Luke Andrud & Eric Dodds; Park East correspondence re: demolition; Review revised Rent Reimburesment	1.9
N	12/29/2014	Park East correspondence review and phone calls Jo Grondahl & Shawn Bondly; Correspondence re: Park East and eligibility; Correspondence re: open records request, phone call w/ Mike Drysdale & correspondence re: status	1.9
N	12/30/2014	Review correspondence re: damage to townhomes; Correspondence re: 2nd Street & Dike East; Correspondence re: foundation damage; review status & correspond	2.5
N	12/31/2014	Eligibility correspondence w/ tenant; Correspondence re: El Zagal Shrine; Correspondence re: Park East & El Zagal Shrine	0.9
Total Time			25.10
Hourly Rate \$			170.00
Total Fees - NJM \$			4267.00

Fredrikson

& BYRON, P.A.

REMITTANCE PAGE

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

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

Invoice: 1299545
Client Account: 072720.0001
Regarding: Government Relations LOB 30321
Invoice Date: January 13, 2015

Total Fees:	\$ 3,000.00
Total This Invoice	\$ 3,000.00

Payment is due within 30 days from receipt of invoice

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

Communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to Fredrikson & Byron, PA, Attn: Credit Department, 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402

main 612.492.7000
fax 612.492.7077
www.fredlaw.com
Tax ID No. 41-0971937

Fredrikson & Byron, P.A.
Attorneys & Advisors
P.O. Box 1484
Minneapolis, Minnesota
55480-1484

Fredrikson

& BYRON, P.A.

INVOICE DETAIL

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

Invoice: 1299545
Client Account: 072720.0001
Regarding: Government Relations LOB 30321
Invoice Date: January 13, 2015

Government Relations flat fee payment 2 of 7.

Total For Fees	\$ 3,000.00
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Total This Invoice	\$ 3,000.00
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***Please note that Fredrikson & Byron will be adjusting its standard hourly billing rate schedule for services rendered after January 1, 2015
If you have questions about the billing rates of specific individuals, please feel free to contact your attorney.*

FM Diversion Authority
Fiscal Accountability Report Design Phase (Fund 790)
As of 1/31/2015

	2011	2012	2013	2014	2015	Cumulative Totals
Revenues						
City of Fargo	443,138	7,652,681	7,072,961	18,116,530	2,637,236	35,922,546
Cass County	443,138	7,652,681	7,072,961	18,116,530	2,637,236	35,922,546
State Water Commission	-	-	3,782,215	1,752,114	4,949,724	10,484,054
Other Agencies	98,475	1,700,595	1,571,769	4,025,896	586,052	7,982,787
Lease/Rental Payments	-	-	17,358	154,180	-	171,538
Asset Sales	-	-	-	616,774	-	616,774
Miscellaneous	-	-	1,705	626	-	2,331
Total Revenues	984,750	17,005,957	19,518,970	42,782,650	10,810,248	91,102,576
Expenditures						
7905 Army Corp Payments	-	-	875,000	1,050,000	-	1,925,000
7910 WIK - Administration	107,301	331,321	77,614	161,406	800	678,442
7915 WIK - Project Design	149,632	5,366,147	3,220,859	8,034,769	-	16,771,408
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,395,861	310,000	16,304,025
7925 WIK - Recreation	-	163,223	-	-	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	2,763,404	16,798,643	10,499,448	33,953,779
7931 LERRDS - Minnesota	-	27,996	289,387	13,068	-	330,450
7940 WIK Mitigation - North Dakota	-	-	-	587,180	-	587,180
7941 WIK Mitigation - Minnesota	-	-	-	-	-	-
7950 Construction - North Dakota	-	-	-	1,738,638	-	1,738,638
7951 Construction - Minnesota	-	-	-	-	-	-
7952 Construction - O/H/B	-	-	-	11,282,504	-	11,282,504
7955 Construction Management	-	-	-	402,718	-	402,718
7990 Project Financing	-	50,000	70,000	216,376	-	336,376
7995 Project Eligible - Off Formula Costs	-	-	-	-	-	-
7999 Non Federal Participating Costs	116	-	-	-	-	116
0000 Advance to City of Oxbow	-	-	7,527,231	630	-	7,527,861
Total Expenditures	984,750	17,005,957	19,518,970	43,681,794	10,810,248	92,001,719

FM Diversion Authority
 FY 2015 Summary Budget Report (In Thousands)
 Period 13, 2014 and January 2015

	FY 2015 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
Revenue Sources						
City of Fargo	59,040	3,172	8,370			50,670
Cass County	59,040	3,172	8,370			50,670
State of ND - 50% Match	57,200	5,635	7,585			49,615
State of ND - 100% Match	35,800		648			35,152
State of Minnesota	-	-	-			-
Other Agencies	13,120	705	1,860			11,260
Financing Proceeds	-	-	-			-
Sale of Assets	-	-	-			-
Property Income	-	-	12			(12)
Miscellaneous	-	-	-			-
Total Revenue Sources	224,200	12,683	26,845			197,355
Funds Appropriated						
Army Corp Local Share	525	-	-		525	-
Management Oversight	7,200	631	1,828	25%	2,913	2,459
Technical Activities	16,575	18	1,984	12%	5,514	9,077
Land Acquisitions	106,700	10,525	16,215	15%	3,664	86,821
Construction	91,300	1,662	7,066	8%	26,219	58,015
Mitigation	-	-	-		-	-
Other Costs	1,900	-	115	6%	350	1,435
Total Appropriations	224,200	12,836	27,208	12%	39,184	157,808

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

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-20	1/30/2015	JB01150012	CITY OF FARGO	\$ 800.00	FISCAL SERVICES	V00102	General & Admin. WIK
Total WIK - General & Admin. - Accounting Services				800.00			
790-7920-429.33-79	1/14/2015	255328	CH2M HILL ENGINEERS INC	310,000.00	JAN 2015 TASK ORDER #5	V00205	CH2M Hill-8.30.14-2.27.15
Total WIK Construction Mgmt. - Construction Management				310,000.00			
790-7930-429.67-12	1/21/2015	WIRE	CASS COUNTY JOINT WATER RESOURCE DI	10,499,448.34	RELOCATION ASSISTANCE	V02414	OXBOW MOU-COMMERCIAL RLCTN
Total LERRDS - North Dakota - Relocation Assistance - Commercial Buildings				10,499,448.34			
Total Disbursed for Period				\$10,810,248.34			

FM Diversion Authority
Summary of Cash Disbursements
Period 13, 2014

Date: 1/30/2015

Period/Year: 13/2014

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.38-68	1/14/2015	255353	FREDRIKSON & BYRON, PA	3,000.00	GOVERNMENT RELATIONS LOB	V00102	General & Admin. WIK
Total WIK - General & Admin. - Lobbyist				\$3,000.00			
790-7910-429.38-99	1/28/2015	255791	NORTH DAKOTA TELEPHONE CO	142.20	DEC 2014 SETUP FEES/USE	V00102	General & Admin. WIK
Total WIK - General & Admin. - Other Services				\$142.20			
790-7915-429.33-05	1/7/2015	255240	OXBOW, CITY OF	4,706.70	OHB LEVEE	V02401	OXBOW MOU-PROJ MGMT ADMIN
	1/7/2015	255240	OXBOW, CITY OF	5,413.00	OXBOW OHB LEVEE	V02402	OXBOW MOU-PRELIM ENGINRNC
	1/14/2015	255426	OXBOW, CITY OF	8,039.92	OHB OXBOW LEVEE	V02405	OXBOW MOU-DESN/CONST ENG
Total WIK - Project Design - Engineering Services				\$18,159.62			
790-7920-429.33-79	1/7/2015	255240	OXBOW, CITY OF	7,083.33	FMDA-OXBOW MOU	V02410	OXBOW MOU - PROJ MGMT JDA
	1/14/2015	255328	CH2M HILL ENGINEERS INC	310,000.00	DEC 2014 TASK ORDER #5	V00205	CH2M Hill-8.30.14-2.27.15
Total WIK Construction Mgmt. - Construction Management				\$317,083.33			
790-7930-429.33-25	1/14/2015	255340	DORSEY & WHITNEY LLP	25,122.06	SVCS THRU 11/30/14	V00101	Dorsey Whitney Legal
Total LERRDS - North Dakota - Legal Services				\$25,122.06			
790-7950-429.73-52	1/14/2015	255375	INDUSTRIAL BUILDERS INC	1,337,260.00	2 ST N PUMP STATION	V02801	2ND ST NORTH PUMP STATION
	1/14/2015	255376	INDUSTRIAL CONTRACT SERVICES INC	185,209.00	4 ST PUMP STATION/2 ST FL	V03201	PUMP STATION & FLOODWALL
Total ND Construction - Flood Control				\$1,522,469.00			
790-7952-429.73-53	1/14/2015	255426	OXBOW, CITY OF	28,344.67	DAKOTA UNDERGROUND CONTRA	V02409	OXBOW MOU-CONST RPLM ARE/
	1/14/2015	255426	OXBOW, CITY OF	111,018.01	DAKOTA UNDERGROUND CONTRA	V02409	OXBOW MOU-CONST RPLM ARE/
Total O/H/B Construction - Dams/Reservoirs/Diversion				\$139,362.68			

FM Diversion Authority
Summary of Cash Disbursements
Period 13, 2014

Date: 1/30/2015

Period/Year: 13/2014

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
Total Disbursed for Period				\$2,025,338.89			

**FM Diversion Authority
Cumulative Vendor Payments Since Inception
As of January 31, 2015**

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	\$ 30,537,236.66	\$ 28,820,908.73	\$ 1,716,327.93	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
HOUSTON-MOORE GROUP LLC	24,877,077.45	16,515,378.04	8,361,699.41	Engineering Services
INDUSTRIAL CONTRACT SERVICES I	17,361,616.35	185,209.00	17,176,407.35	4th St Pump Station and 2nd Street Floodwall
CH2M HILL ENGINEERS INC	14,140,819.01	13,830,819.01	310,000.00	Project Management
OXBOW, CITY OF	13,566,755.87	11,496,166.68	2,070,589.19	City of Oxbow - MOU
INDUSTRIAL BUILDERS INC	8,135,920.00	1,337,260.00	6,798,660.00	2nd St North Pump Station Project
COMMERCIAL TITLE LLC	3,869,541.00	3,869,541.00	-	Oxbow MOU - Advance for Land Purchase
TITLE COMPANY	3,641,500.00	3,641,500.00	-	Oxbow MOU - Advance for Land Purchase
ARMY CORP OF ENGINEERS	2,450,000.00	1,925,000.00	525,000.00	Local Share
MINNESOTA DNR	2,188,007.43	1,292,414.71	895,592.72	EIS Scoping
KENNELLY & OKEEFFE	1,729,310.56	1,729,310.56	-	Home Buyouts
DORSEY & WHITNEY LLP	1,584,832.95	1,584,832.95	-	Legal Services
URS CORPORATION	1,501,488.42	1,081,242.16	420,246.26	Engineering Services
MOORE ENGINEERING INC	662,468.17	662,468.17	-	Engineering Services
DUCKS UNLIMITED	587,180.00	587,180.00	-	Wetland Mitigation Credits
HOUSTON ENGINEERING INC	576,669.57	576,669.57	-	Engineering Services
RED RIVER BASIN COMMISSION	500,000.00	447,747.40	52,252.60	Engineering Services
NORTHERN TITLE CO	484,016.00	484,016.00	-	Land Purchases
ERNST & YOUNG	350,000.00	-	350,000.00	Financial Advisor
CITY OF FARGO	287,461.66	287,461.66	-	Digital Imagery Project & Accounting Services
ERIK R JOHNSON & ASSOCIATES	253,224.21	239,585.11	13,639.10	Legal Services
CASS COUNTY TREASURER	242,998.81	182,125.46	60,873.35	Property Tax
ROBERT TRENT JONES	200,000.00	200,000.00	-	Oxbow MOU - Golf Course Consulting Agreement
US GEOLOGICAL SURVEY	151,520.00	46,920.00	104,600.00	Stage Gages & Water Level Discharge Collection
PFM PUBLIC FINANCIAL MANAGEMEN	146,460.00	146,460.00	-	Financial Advisor
ENVENTIS	115,685.62	115,685.62	-	Utility Relocation
702 COMMUNICATIONS	100,483.18	100,483.18	-	Utility Relocation
PROSOURCE TECHNOLOGIES, INC	100,000.00	8,324.94	91,675.06	Engineering Services
ULTEIG ENGINEERS INC	100,000.00	-	100,000.00	Engineering Services
BRAUN INTERTEC CORP	90,210.00	77,629.00	12,581.00	Quality Testing
EL ZAGAL TEMPLE HOLDING CO	68,040.72	68,040.72	-	Easement Purchase for El Zagal Levee
GRAY PANNELL & WOODWARD LLP	66,300.68	66,300.68	-	Legal Services
NDSU BUSINESS OFFICE-BOX 6050	64,495.00	-	64,495.00	Ag Risk Study Services
OHNSTAD TWICHELL PC	60,309.16	60,309.16	-	ROE and Bonding Legal Fees

**FM Diversion Authority
Cumulative Vendor Payments Since Inception
As of January 31, 2015**

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
US BANK	59,020.65	59,020.65	-	Loan Advance Debt Service Payments
IN SITU ENGINEERING	54,800.00	47,973.00	6,827.00	Quality Testing
ADVANCED ENGINEERING INC	50,000.00	50,000.00	-	Public Outreach
TERRACON CONSULTING ENGINEERS	50,000.00	-	50,000.00	Materials Testing
GEEKON INC	33,815.36	33,815.36	-	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	33,066.02	33,066.02	-	Property Management Services
NIXON PEABODY LLC	30,000.00	30,000.00	-	Legal Services
INNOVATIVE ABSTRACT & TITLE CO	15,921.53	15,921.53	-	Oxbow MOU - Advance for Land Purchase
MOORHEAD, CITY OF	15,062.90	15,062.90	-	ROE Legal Fees
WARNER & CO	14,925.00	14,925.00	-	General Liability Insurance
BRIGGS & MORGAN PA	12,727.56	12,727.56	-	Legal Services
FREDRIKSON & BYRON, PA	6,000.00	3,000.00	3,000.00	Lobbying Services
MCKENZIE METRO APPRAISAL	3,200.00	3,200.00	-	Appraisal Services
FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-	Advertising Services
DAWSON INSURANCE AGENCY	1,867.81	1,867.81	-	Property Insurance - Home Buyouts
FORUM COMMUNICATIONS (ADVERT)	1,743.77	1,743.77	-	Advertising Services
CLAY COUNTY AUDITOR	1,550.00	1,550.00	-	Property Tax
SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-	Public Outreach
NORTH DAKOTA TELEPHONE CO	1,328.20	1,328.20	-	Communication
RED RIVER TITLE SERVICES INC	1,305.00	1,305.00	-	Abstract Updates
HUBER, STEVE	1,056.43	1,056.43	-	Home Buyouts
TRIO ENVIRONMENTAL CONSULTING	747.60	747.60	-	Asbestos and LBP Testing - Home Buyouts
RED RIVER VALLEY COOPERATIVE A	536.96	536.96	-	Electricity - Home Buyouts
FERRELLGAS	496.00	496.00	-	Propane - Home Buyouts
BROKERAGE PRINTING	473.33	473.33	-	Custom Printed Forms
KOCHMANN, CARTER	315.00	315.00	-	Lawn Mowing Services
GALLAGHER BENEFIT SERVICES INC	250.00	250.00	-	Job Description Review
DONS PLUMBING	240.00	240.00	-	Winterize - Home Buyouts
CURTS LOCK & KEY SERVICE INC	138.10	138.10	-	Service Call - Home Buyouts
GOOGLE LOVEINTHEOVEN	116.00	116.00	-	Meeting Incidentals
FEDERAL EXPRESS CORPORATION	71.89	71.89	-	Postage
CASS COUNTY RECORDER	68.00	68.00	-	Oxbow MOU - Advance for Land Purchase
GRAND TOTAL	\$ 131,186,185.79	\$ 92,001,719.82	\$ 39,184,465.97	

**FM Diversion Authority
Lands Expense - Life To Date
As of January 31, 2015**

Property Address	Purchase Date	Purchase Price	Appraisal	Abstract	Tax Payment	Property Management Expense	Property Management Income	Sale Proceeds	Total
Home Buyouts - Fargo									
1322 Elm St N, Fargo ND	11/19/2014	354,252.70	-	-	-	796.50	-	-	355,049.20
Home Buyouts - Moorhead									
387 170th Ave SW, Moorhead MN	11/1/2013	281,554.91	-	255.00	1,550.00	2,247.01	-	(8,440.00)	277,166.92
Home Buyouts - Oxbow									
105 Oxbow Drive, Oxbow ND	11/28/2012	216,401.85	-	250.00	4,993.72	13,695.77	(18,680.72)	(181,249.54)	35,411.08
744 Riverbend, Oxbow ND	12/3/2012	343,658.30	-	170.00	7,296.43	19,362.63	(33,117.16)	-	337,370.20
121 Oxbow Drive, Oxbow ND	7/31/2013	375,581.20	3,200.00	-	1,581.52	19,519.02	-	(186,918.33)	212,963.41
333 Schnell Drive, Oxbow ND	9/20/2013	104,087.79	-	-	1,379.50	2,039.75	-	-	107,507.04
346 Schnell Dr, Oxbow ND	2/13/2014	512,970.73	-	-	-	9,710.64	(13,500.00)	-	509,181.37
345 Schnell Dr, Oxbow ND	10/24/2014	478,702.98	-	-	-	-	-	-	478,702.98
Easements - Fargo									
Part of Lot 5 El Zagal Park, Fargo ND	10/9/2014	68,040.72	-	-	-	-	-	-	68,040.72
Easements - Oxbow									
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-	-	-	-	-	-	55,500.00
Farmland Purchases									
SE 1/4 11-140-50 (Raymond Twp) - Ueland	1/20/2014	959,840.00	-	-	-	-	(13,543.73)	-	946,296.27
2 Tracts in the E 1/2-2-137-49 - Sorby/Maier	1/24/2014	1,636,230.00	-	-	-	-	(28,882.99)	-	1,607,347.01
3 Tracts NW1/4 1-140-50, NW1/4 11-140-50, & S1/2 25-141-50 Rust	2/18/2014	3,458,980.70	-	-	-	-	(59,830.86)	-	3,399,149.84
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	-	(15,654.86)	-	975,473.33
NW 1/4 36-141-50 - Monson	5/7/2014	943,560.05	-	-	-	-	(14,909.20)	-	928,650.85
SW 1/4-11-140-50 - Hoglund	7/21/2014	989,706.03	-	-	-	-	(3,725.49)	-	985,980.54
NW 1/4 14-140-50 - Hoglund	10/23/2014	948,782.22	-	-	-	-	(1,376.19)	-	947,406.03
SW 1/4 2-140-50 -Rust	10/29/2014	955,901.00	-	-	-	-	-	-	955,901.00
Fercho Family Farms, Oxbow ND	-	312,130.00	-	-	-	-	-	-	312,130.00
W 1/2 SE 1/4 SW 1/4 & SW 1/4 SW 1/4 2-137-49 - Gorder	5/13/2014	321,386.00	-	-	-	-	(1,822.72)	-	319,563.28
Land Purchases									
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	-	166,874.29	-	-	(240,166.11)	410,724.18
Total		14,792,411.37	3,200.00	675.00	183,675.46	67,371.32	(205,043.92)	(616,773.98)	14,225,515.25

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

Time Period for This Request: January 1, 2015 - January 31, 2015

Drawdown Request No: 10	
Requested Amount:	\$ 685,111
Total Funds Expended This Period:	\$ 1,370,222
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	\$ 685,111
Total Funds Requested:	\$ 685,111

STATE AID SUMMARY:	
Summary of State Funds Appropriated	
Appropriations from 2009 Legislative Session	\$ 45,000,000
Appropriations from 2011 Legislative Session	30,000,000
Appropriations from 2013 Legislative Session	100,000,000
Total State Funds Appropriated	\$ 175,000,000
Less: Payment #1 through #34 - City of Fargo	(53,818,982)
Less: Payment #1 - Cass County	(136,039)
Less: Payment #1 - FM Diversion Authority	(18,600)
Less: Payment #2 - FM Diversion Authority - REVISED	(782,908)
Less: Payment #3 - FM Diversion Authority - REVISED	(293,590)
Less: Payment #4 - FM Diversion Authority - REVISED	(2,905)
Less: Payment #5 - FM Diversion Authority - REVISED	-
Less: Payment #6 - FM Diversion Authority - REVISED	(238,241)
Less: Payment #7 - FM Diversion Authority	(1,206,310)
Less: Payment #8 - FM Diversion Authority	(1,153,978)
Less: Payment #9 - FM Diversion Authority	(4,949,724)
Less: Payment #10 - FM Diversion Authority	(685,111)
Total Funds Reimbursed	\$ (63,286,388)
Total State Fund Balances Remaining	\$ 111,713,612

LOCAL MATCHING FUNDS SUMMARY:	
Matching Funds Expended To Date - City of Fargo	\$ 47,445,143
Matching Funds Expended To Date - Cass County	291,500
Matching Funds Expended To Date - FM Diversion Authority	733,743
Total Matching Funds Expended To Date	\$ 48,470,386
Less: Match Used on Payment #1 through #34 - City of Fargo	(40,263,332)
Less: Match used on Payment #1 - Cass County	(136,039)
Less: Match Used on Payment #1 - FM Diversion Authority	(18,600)
Less: Match Used on Payment #2 - FM Diversion Authority	(66,888)
Less: Match Used on Payment #6 - FM Diversion Authority	(238,241)
Less: Match Used on Payment #8 - FM Diversion Authority	(410,015)
Balance of Local Matching Funds Available	\$ 7,337,271

Edwards, Brielle

From: Mark Brodshaug [<mailto:markbrodshaug@gmail.com>]
Sent: Thursday, January 29, 2015 1:28 PM
To: Montplaisir, Michael; Berndt, Keith; Costin, Kent; Zavoral, Pat
Cc: John T. Shockley; Sean Fredricks
Subject: CCJWRD Bond Issue Key Considerations Memo

Gentlemen,

Attached is an memo prepared by John Shockley outlining considerations for CCJWRD to consider for a future Diversion special assessment bond issue and the potential role of Ohnstad Twichell (OT) as bond counsel for CCJWRD. I asked for this memo as a way to start a discussion with Cass County and the City of Fargo about assessment bond issues. CCJWRD meets on Feb 5 and will consider reaffirming OT as our bond counsel and we will consider directing Shockley to prepare draft intergovernmental agreements for your consideration. I recognize that we have many partners in this bond issue and we will need to consider your opinions and advice as we move ahead. Mike and Kent can decide if we want to discuss this at Diversion Finance committee or if we develop a small work group including attorneys and finance folks from the County and City of Fargo to discuss the best way to move ahead. My goal is to have agreements in place so that we can issue bonds after approval of the assessment district this spring. Call or email me with your immediate concerns or questions. Thanks.