

METRO FLOOD DIVERSION AUTHORITY

Thursday, August 24, 2017

3:30 PM

Fargo City Commission Room

Fargo City Hall

200 3rd Street North

1. Call to order
2. Approve minutes from previous meeting Item 2. Action
3. Approve order of agenda Action
4. Management Information
 - a. PMC report
 - b. Corps of Engineers update
5. Administrative/Legal Information
6. Public Outreach Information
 - a. Committee report
 - b. Business Leaders Task Force update
7. Land Management Information
 - a. Committee report
 - b. Land Acquisition Status Report Item 7b.
8. Finance Information/action
 - a. Committee report Item 8a.
 - b. Voucher approval Item 8b.
 - c. Recommended contracting actions Item 8c.
9. Other Business
10. Next Meeting – September 28, 2017
11. Adjournment

cc: Local Media

**METRO FLOOD DIVERSION AUTHORITY
JULY 27, 2017—3:30 PM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, July 27, 2017, at 3:30 PM in the Fargo City Commission Room with the following members present: Fargo City Mayor Tim Mahoney; Fargo City Commissioner Dave Piepkorn; Fargo City Commissioner Tony Grindberg; Cass County Commissioner Mary Scherling; Cass County Commissioner Chad M. Peterson; Cass County Commission representative Darrell Vanyo via conference call; Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland; Cass County Joint Water Resource District Manager Mark Brodshaug; and West Fargo City Commissioner Mike Thorstad.

2. MINUTES APPROVED

MOTION, passed

Mr. Weyland moved and Mr. Grindberg seconded to approve the minutes from the July 13, 2017, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Grindberg moved and Mr. Peterson seconded to approve the order of the agenda. Motion carried.

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

Randy Richardson from CH2M provided an update on activities over the last month, which include pre-construction meetings for the OHB levee and County Road 16/County Road 17 realignment projects; continued Phase 1 and Phase 2 land acquisitions; continued refinement of the P3 RFP documents for a July 28th release to proposers; interviews with Executive Director candidates; and presentation at the North Dakota Water Topics Overview Committee. Priority areas for the next month include sending the FEMA Conditional Letter of Map Revision (CLOMR) notification letters to individual property owners; continued land acquisitions; initiation of a flowage easement study; and development of a crisis communications plan.

Mr. Richardson said staff and board members attended the Federal court hearing on July 18th regarding ongoing litigation. He said staff will determine what, if any, impacts may occur after the ruling on a request for a preliminary injunction of the project. The ruling is expected within 30 days from the date of the hearing. Mr. Campbell, Mr. Weyland, Ms. Williams and Mr. Hendrickson were at the hearing. Mr. Campbell said the MN DNR referred to the Minnesota alignment as a viable option for the diversion project. He said this option would affect the Buffalo River aquifer, and that the Minnesota alignment was studied and it is not a viable option.

Robert Cowen from CH2M provided a brief financial update on the overall program status and said \$370 million has been expended to date. He said \$36 million has been expended out of the \$240 million FY2017 budget.

Greg Baisch from CH2M provided a construction update on continued work on in-town levees, landscaping and plantings, and Oxbow home demolition and relocation projects. He said the anticipated notice to proceed for the Oxbow levee construction and County Road 16 and 17 realignment project is scheduled for August 14th.

5. ADMINISTRATIVE/LEGAL UPDATEBraun Intertec Master Services Agreement

Attorney John Shockley discussed a Master Services Agreement (MSA) with Braun Intertec Corporation for geotechnical analysis services. The services will be completed on a case-by-case basis through task orders. The first task order will be addressed later in the meeting to provide an analysis on the OHB levee construction and County Road 16 and 17 realignment project.

MOTION, passed

Mr. Grindberg moved and Mr. Peterson seconded to approve the Master Services Agreement with Braun Intertec Corporation. On roll call vote, the motion carried unanimously.

6. PUBLIC OUTREACH UPDATECommittee report

The Public Outreach Committee met on July 26th. Rocky Schneider said once the FEMA Conditional Letter of Map Revision (CLOMR) notification letters are sent to property owners, individual maps will be provided to them along with one-on-one meetings. He said a meeting will be held in the upcoming weeks between the five Minnesota board members and Minnesota legislators to discuss the project. The committee discussed the need to respond to letters to the editor or news articles as a board. Mr. Schneider said that a few board members participated in a radio interview recently to discuss the project.

7. LAND MANAGEMENT UPDATE

The Land Management Committee met on July 26th. Mrs. Scherling said the committee reviewed the flowage easement RFQs, and discussed project-owned land usage and access, crop insurance, and mitigation efforts.

Land Acquisition Status Report

Dean Vetter from AE2S referred to the map showing the status of property acquisitions. He said six parcels are part of the eminent domain process, and staff are continuing to work with a few of the land owners.

8. FINANCE UPDATECommittee report

The Finance Committee met on July 26th. Mr. Grindberg said the Diversion Authority has \$77 million in cash and has expended almost \$36 million out of the FY2017 budget.

Wells Fargo Loan Draw Down

Mr. Shockley discussed a resolution authorizing the fiscal agent for the Diversion Authority to draw down the 2017 Wells Fargo loans for pre-payment of the 2016 Wells Fargo loans and to cover future project expenses. The City of Fargo and Cass County have both approved the loans.

MOTION, passed

Mr. Grindberg moved and Mrs. Scherling seconded to approve a Resolution Authorizing the Draw Down of Funds from 2017 Wells Fargo Bank Loans to Cass County, North Dakota, and to the City of Fargo, North Dakota. On roll call vote, the motion carried unanimously.

Voucher approval

The bills for the month are with the Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion, Diversion Project Assessment District, and OHB levee; Dorsey & Whitney LLP for legal services; Ohnstad Twichell, P.C. for legal services; and Cass County Government for dust control product on county roads as part of the inlet control structure project.

MOTION, passed

Mr. Grindberg moved and Mr. Paulsen seconded to approve the vouchers received through July 21, 2017, in the amount of \$2,287,450.07. On roll call vote, the motion carried unanimously.

Mr. Vanyo asked about the Champ property under the summary of expenses regarding home buyouts and relocations in Oxbow and whether a settlement had been reached. Mr. Brodshaug said a settlement was reached, and the property closed within the past two weeks. Mr. Vanyo understands the transaction has been completed but would like additional information brought to the next Finance Committee meeting regarding the associated costs on this property.

Recommended Contracting Actions

Greg Baisch from CH2M discussed the following contracting actions, which were approved by the Finance Committee and Technical Team:

- Braun Intertec Corporation Task Order 1 (OHB Ring Levee and County Roads 16 and 17)—material testing services in the amount of \$147,220.00;
- Industrial Builders, Inc. Change Order 17 (2nd Street North Floodwall – South of Pump Station)—add sidewalk drain in the amount of \$7,053.34.

MOTION, passed

Mr. Grindberg moved and Mr. Weyland seconded to approve the appropriation of funds for the outlined contracting actions. On roll call vote, the motion carried unanimously.

9. EXECUTIVE DIRECTOR SEARCH UPDATE

Interviews were held earlier this week with three candidates for the Executive Director position. Mr. Shockley said more time is needed to review references and background information before a recommendation is provided to the board.

10. OTHER BUSINESS

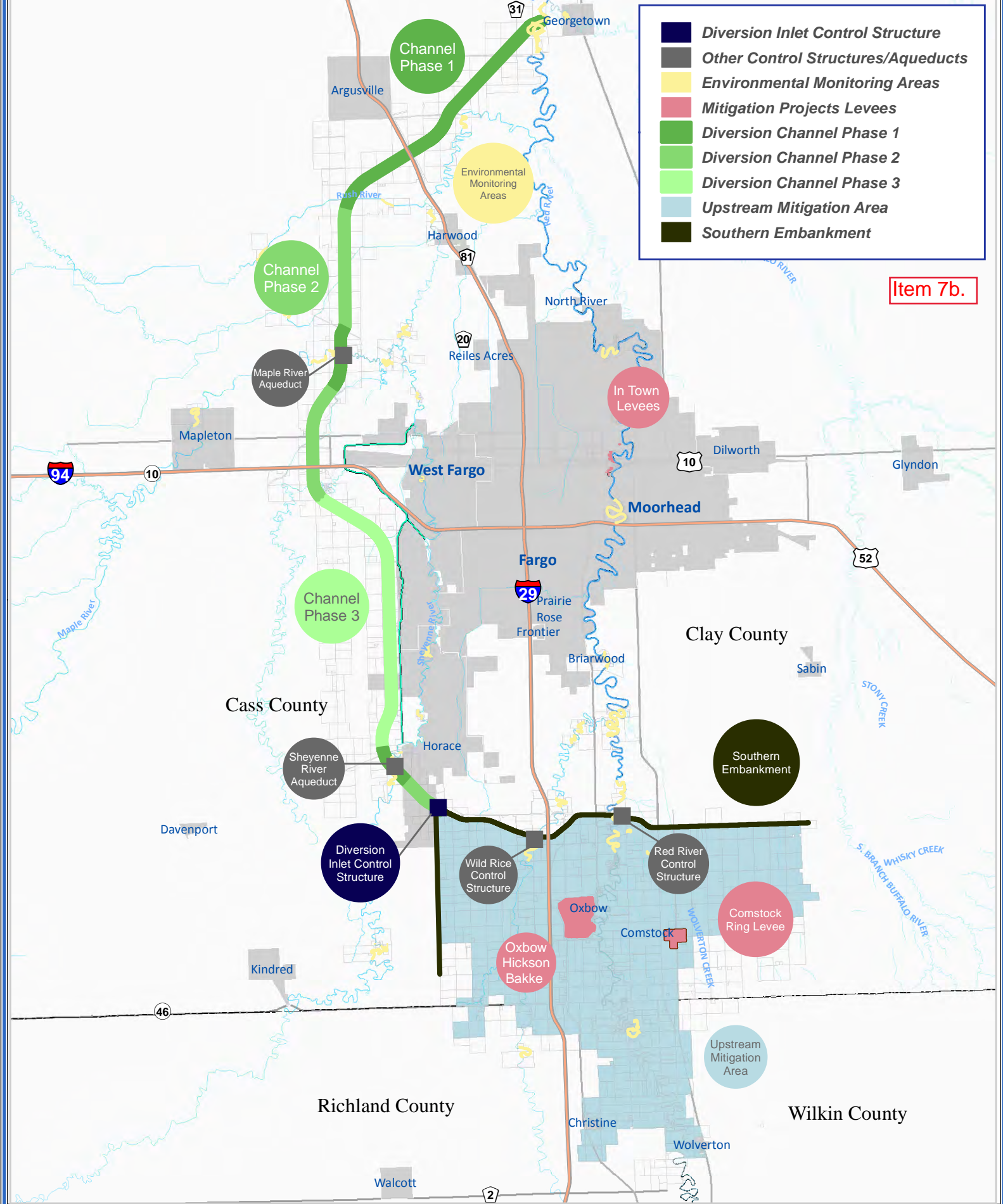
North Dakota Lt. Governor Brent Sanford was present. He said he and Governor Doug Burgum realize the importance of the project. They also understand the impacts to residents living south of the diversion and the need for collaboration with Richland County. He said their office is willing to help with diplomacy efforts and encouraged the Diversion Authority to call on their office for assistance.

11. NEXT MEETING

The next meeting will be held on Thursday, August 24, 2017.

12. ADJOURNMENT***MOTION, passed***

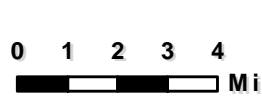
On motion by Mr. Peterson, seconded by Mr. Grindberg, and all voting in favor, the meeting was adjourned at 4:16 PM.



- Diversion Inlet Control Structure
- Other Control Structures/Aqueducts
- Environmental Monitoring Areas
- Mitigation Projects Levees
- Diversion Channel Phase 1
- Diversion Channel Phase 2
- Diversion Channel Phase 3
- Upstream Mitigation Area
- Southern Embankment

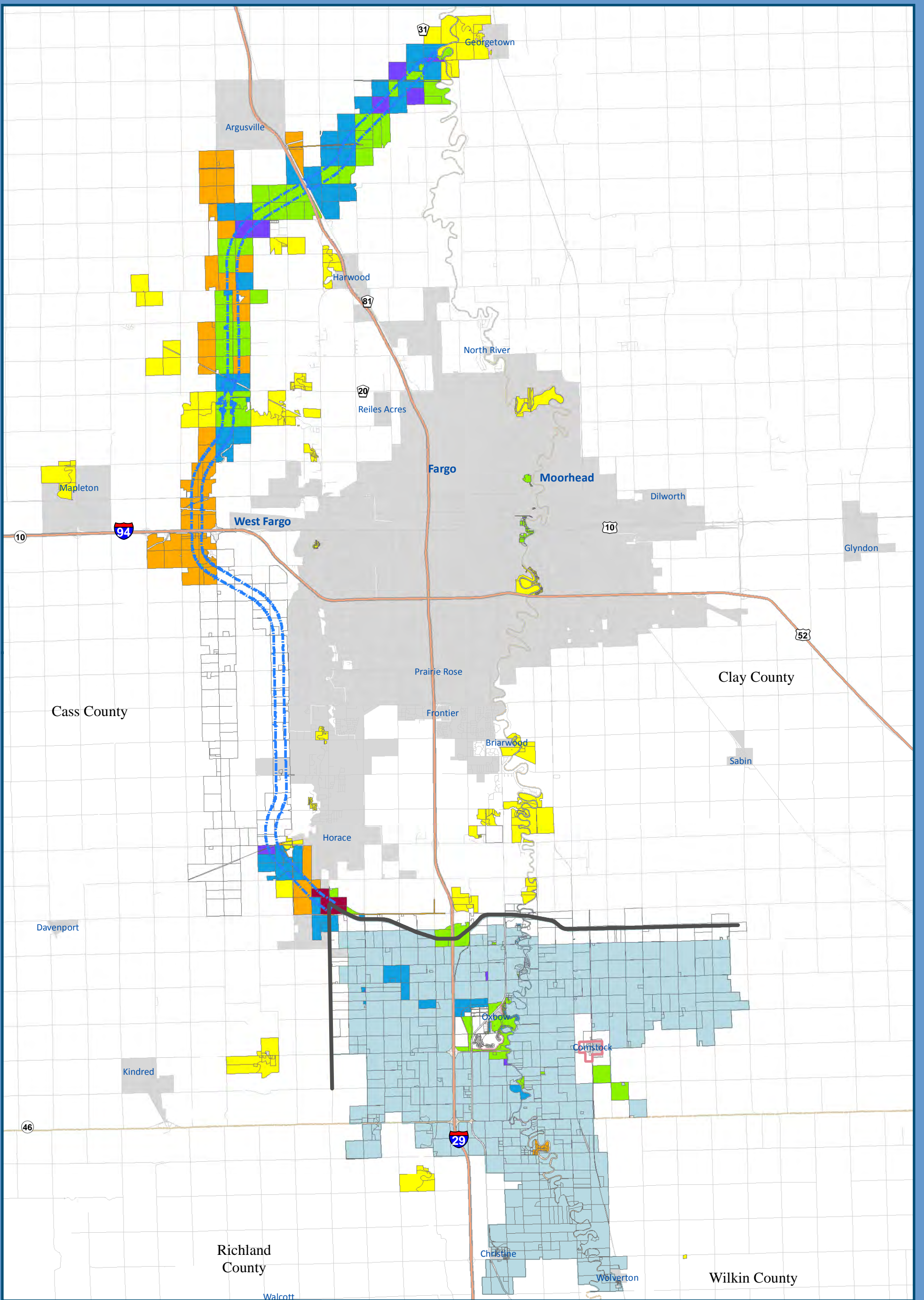
Item 7b.

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



FM Area Diversion Key Acquisition Areas





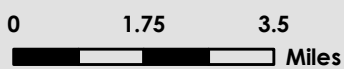
Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.
 Date: 8/16/2017 | Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet

STATUS

- Appraisal Pending (108)
- In Negotiation (107)
- Purchase Agreement Signed (16)
- Acquired; Easement Secured (181)
- Condemnation for Acquisition (6)
- Future Acquisitions (351)
- Future Flowage Easement (688)
- Bio/Geo Monitoring Only (356)
- Total Parcels (1,813)



Property Acquisition Status Report



08/16/2017



Advanced Engineering and
Environmental Services, Inc.

FM Metropolitan Area Flood Risk Management Project
 Fiscal Accountability Report Design Phase (Fund 790)
 As of 07/31/2017

	2011	2012	2013	2014	2015	2016	2017	Cumulative Totals
Revenues								
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	28,310,373	35,212,877	18,687,576	116,752,737
Cass County	443,138	7,652,681	7,072,961	19,373,131	28,310,373	111,715,540	8,110,718	182,678,541
State Water Commission			3,782,215	602,918	31,056,740	101,436,302	11,392,496	148,270,671
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	6,291,194	(13,260,368)	-	706,805
Reimbursements						33,880	4,971	38,851
Lease/Rental Payments			17,358	154,180	180,341	260,806	263,617	876,301
Asset Sales				616,774	315,892	175,190		1,107,856
Miscellaneous			226	626	427		298,190	299,469
Total Revenues	984,751	17,005,957	19,517,490	44,425,900	94,465,340	235,574,227	38,757,568	450,731,232
Expenditures								
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	294,201	1,807,238
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,660,226	2,719,505	1,530,752	26,765,844
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	8,464,392	5,493,913	34,636,763
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	21,152,511	147,486,816
7931 LERRDS - Minnesota		27,996	287,907	13,068	32,452	1,815,566	33,784	2,210,773
7940 WIK Mitigation - North Dakota				587,180			30,595	617,775
7941 WIK Mitigation - Minnesota							-	-
7950 Construction - North Dakota				1,738,638	19,269,055	42,263,916	3,542,695	66,814,304
7951 Construction - Minnesota							-	-
7952 Construction - O/H/B				11,282,504	5,044,001	776,720	58,584	17,161,809
7955 Construction Management				556,209	2,867,422	5,182,366	1,092,716	9,698,713
7980 Operations & Maintenance							6,403	6,403
7990 Project Financing		50,000	70,000	216,376	566,600	5,435,289	5,895,912	12,234,177
7995 Project Eligible - Off Formula Costs						-	-	-
7999 Non Federal Participating Costs	116					-		116
Total Expenditures	984,750	17,005,957	11,990,261	45,324,414	95,896,147	161,199,358	40,362,066	372,762,953

**FM Metropolitan Area Flood Risk Management Project
Statement of Net Position
July 31, 2017**

	Amount
Assets	
Cash	\$ 81,592,945
Receivables	
State Water Commission *	-
Proceeds from Oxbow Lot Sales	1,211,327
Total assets	82,804,272
 Liabilities	
Vouchers payable	2,336,044
Retainage payable	2,499,949
Total liabilities	4,835,993
 NET POSITION	\$ 77,968,279

* Receivable balance is as of 6.30.2017

FM Metropolitan Area Flood Risk Management Project
 FY 2017 Summary Budget Report (In Thousands)
 As of 31 July 2017

	FY 2017 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
Revenue Sources						
000337.80-20 A City of Fargo	-	2,293	18,688			
00-337.80-30 A: Cass County	-	1,333	8,111			
00-334.30-10 State of ND - 50 % Match	-	661	5,180			
00-334.30-10-VI State of ND - 100% Match	-	335	6,212			
State of Minnesota	-	-	-			
Other Agencies	-	-	-			
Financing Proceeds	-	-	-			
00-361.75 Accoi Reimbursements	-	-	5			
Sales of Assets	-	-	-			
00-361.85 Accoi Property Income	-	-	264			
00-360.10-39, 3 Miscellaneous	-	27	298			
Total Revenue Sources	241,311	4,648	38,758	-	-	202,554
Funds Appropriated (Rev1 - 27Apr2017)						
Diversion Channel & Assoc. Infrastructure	8,801	619	6,243.01	71%	4,039	(1,480)
Southern Embankment & Assoc. Infrastructure	1,230	5	1,243.67	101%	39	(53)
Other Mitigation Projects	24,246	74	273.62	1%	11,798	12,175
In-Town Flood Protection	46,176	734	5,316.88	12%	2,209	38,650
Enabling Work / Other	9,811	-	-	0%	-	9,811
Land Acquisition & Mitigation	107,420	1,642	17,236.67	16%	3,177	87,006
Engineering & Design Fees	10,694	158	1,695.98	16%	37,985	(28,988)
Program Management	17,247	979	7,223.26	42%	3,984	6,040
Contingency	7,449	-	-	0%	-	7,449
Debt Service	8,137	207	1,122.57	14%	17,876	(10,862)
Maintenance	100	(0)	6.40	6%	1,112	(1,018)
Total Appropriations	241,311	4,419	40,362	17%	82,219	118,730

**Summary Of Expenses
EXP-2017-07**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
790-7910-429.33-20	7/25/2017	JB071700	City of Fargo	\$4,723.26		V00102	General & Admin. WIK
Other Services / Accounting Services				\$4,723.26			
790-7910-429.33-25	7/20/2017	279545	ERIK R JOHNSON & ASSOCI	\$283.40		V00102	General & Admin. WIK
Other Services / Legal Services				\$283.40			
790-7910-429.38-68	8/4/2017	625	FREDRIKSON & BYRON, PA	\$3,500.00		V00102	General & Admin. WIK
Other Services / Lobbyist				\$3,500.00			
790-7915-429.33-05	7/20/2017	279571	HOUSTON-MOORE GROUP L	\$118,616.94		V01613	LEVEE DESIGN & SUPPORT
	8/3/2017	279921	MOORE ENGINEERING INC	\$79,193.75		V01201	Cass Joint Water ROE
Other Services / Engineering Services				\$197,810.69			
790-7920-429.33-05	7/20/2017	279571	HOUSTON-MOORE GROUP L	\$15,590.05		V01601	HMG - PROJECT MANAGEMENT
Other Services / Engineering Services				\$15,590.05			
790-7920-429.33-79	7/12/2017	279391	CH2M Hill Engineers Inc	\$802,933.11		V00207	
Other Services / Construction Management				\$802,933.11			
790-7930-429.33-05	8/3/2017	279921	ADVANCED ENGINEERING I	\$17,045.75		V01202	Cass Joint Water DPAC
	8/3/2017	279921	HOUSTON-MOORE GROUP L	\$177,635.26		V01201	Cass Joint Water ROE
	8/3/2017	279921	MOORE ENGINEERING INC	\$525.00		V01201	Cass Joint Water ROE
	8/3/2017	279921	Prosource Technologies, Inc	\$19,555.30		V01203	Cass Joint Water OHB
	8/3/2017	279921	ULTEIG ENGINEERS INC	\$75,880.68		V01201	Cass Joint Water ROE
Other Services / Engineering Services				\$290,641.99			
790-7930-429.33-06	8/3/2017	279921	BRAUN INTERTEC CORP	\$3,518.00		V01203	Cass Joint Water OHB
Other Services / Quality Testing				\$3,518.00			
790-7930-429.33-25	8/3/2017	279921	Larkin Hoffman Attorneys	\$13,053.03		V01201	Cass Joint Water ROE
	8/3/2017	279921	OHNSTAD TWICHELL PC	\$62,348.65		V01201	Cass Joint Water ROE
	8/3/2017	279921	OHNSTAD TWICHELL PC	\$3,438.05		V01202	Cass Joint Water DPAC
	8/3/2017	279921	OHNSTAD TWICHELL PC	\$11,479.98		V01203	Cass Joint Water OHB
Other Services / Legal Services				\$90,319.71			

Summary Of Expenses
EXP-2017-07

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
790-7930-429.33-32	8/3/2017	279921	Steve Herzog - CCJWRD	\$3,375.00		V01201	Cass Joint Water ROE
Other Services / Appraisal Services				\$3,375.00			
790-7930-429.33-79	7/12/2017	279391	CH2M Hill Engineers Inc	\$447,698.20		V00207	
Other Services / Construction Management				\$447,698.20			
790-7930-429.38-61	8/3/2017	279921	Sentry Security, Inc.	\$2,626.29		V01203	Cass Joint Water OHB
Security Services				\$2,626.29			
790-7930-429.38-99	7/20/2017	279614	NDSU BUSINESS OFFICE-BO	\$24,120.75		V02701	AG RISK STUDY SERVICES
Other Services / Other Services				\$24,120.75			
790-7930-429.41-05	8/3/2017	279921	Cass Rural Water	\$65.84		V01701	ND LAND PURCH-OUT OF TOWN
Utility Services / Water and Sewer				\$65.84			
790-7930-429.54-10	8/3/2017	279921	DAILY NEWS	\$141,989.76		V01202	Cass Joint Water DPAC
	8/3/2017	279921	FORUM COMMUNICATIONS	\$188,502.22		V01202	Cass Joint Water DPAC
Legal Publications				\$330,491.98			
790-7930-429.62-51	8/3/2017	279921	Cass County Electric Cooperativ	\$2,807.43		V01701	ND LAND PURCH-OUT OF TOWN
Energy / Electricity				\$2,807.43			
790-7930-429.67-11	8/3/2017	279921	9661 - ANDERSON 12	\$13,472.73		V01701	ND LAND PURCH-OUT OF TOWN
Relocation / Residential Buildings				\$13,472.73			
790-7930-429.71-30	8/3/2017	279921	1091 - CONYERS	\$33,150.00		V01701	ND LAND PURCH-OUT OF TOWN
	8/3/2017	279921	2363 - NELSON 5	\$1,024,189.50		V01701	ND LAND PURCH-OUT OF TOWN
	7/20/2017	JB071700	City of Fargo	\$0.00		V01702	ND LAND PURCHASE-HARDSHIP
Land / Land Purchases				\$1,057,339.50			
790-7930-429.73-20	8/3/2017	280022	Schmidt and Sons Inc.	\$41,800.00		V03801	
Infrastructure / Site Improvements				\$41,800.00			
790-7931-429.62-51	8/3/2017	279921	RED RIVER VALLEY COOPE	\$59.90		V02302	MN LAND PURCHASE-HARDSHIP
Energy / Electricity				\$59.90			

**Summary Of Expenses
EXP-2017-07**

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
790-7950-429.38-99	8/3/2017	279922	Glacier Dust Control	\$5,304.10		V04201	
Other Services / Other Services				\$5,304.10			
790-7950-429.73-52	7/27/2017	279753	INDUSTRIAL BUILDERS INC	\$6,905.08		V02812	2ND ST NORTH FLOODWALL
	8/3/2017	279950	HOUGH INC	\$409,829.80		V02821	2ND ST S FLOOD CONTROL
Infrastructure / Flood Control				\$416,734.88			
790-7955-429.33-05	7/20/2017	279571	HOUSTON-MOORE GROUP L	\$195,822.24		V02806	CONSTRUCTION SVCS WP42
	8/3/2017	279921	HOUSTON-MOORE GROUP L	\$9,378.15		V01203	Cass Joint Water OHB
Other Services / Engineering Services				\$205,200.39			
790-7955-429.33-06	7/20/2017	279643	TERRACON CONSULTING E	\$7,026.00		V02802	WP-42 MATERIALS TESTING
Other Services / Quality Testing				\$7,026.00			
790-7990-429.33-05	7/20/2017	279571	HOUSTON-MOORE GROUP L	\$16,644.50		V01621	P3 PROCUREMENT SUPPORT
Other Services / Engineering Services				\$16,644.50			
790-7990-429.33-25	7/12/2017	279374	ASHURST LLP	\$129,919.50		V03001	P3 Legal Console - Ashford
Other Services / Legal Services				\$129,919.50			
790-7990-429.34-55	7/20/2017	279584	Ernst & Young	\$97,500.27		V03301	PPP FINANCL ADVISORY SVCS
Technical Services / Financial Advisor				\$97,500.27			
790-7990-520.80-20	7/12/2017	279389	Wells Fargo	\$114,253.33		V02904	\$100M CASS WELLS FAR ADVNC
	7/10/2017	JB071700	Wells Fargo	\$55,201.19		V02903	\$100M COF WELLS FAR ADVNC
Debt Service / Interest On Bonds				\$169,454.52			
790-7990-520.80-30	7/10/2017	JB071700	Wells Fargo	\$37,727.08		V02903	\$100M COF WELLS FAR ADVNC
Debt Service / Fiscal Agent Fees				\$37,727.08			

Total Amount Invoiced this period:	\$4,418,689.07	
	\$0.00	Less Paid Retainage
	\$4,418,689.07	Total Less Paid Retainage

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of July 31, 2017

Row Labels	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	\$ 181,028,511.02	\$ 143,152,751.77	\$ 37,875,759.25	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	\$ 50,618,819.01	\$ 33,634,962.68	\$ 16,983,856.33	Program, Project, Construction and Land Management
INDUSTRIAL BUILDERS INC	\$ 39,566,647.60	\$ 38,238,208.76	\$ 1,328,438.84	Const - 2nd St North Pump Station Project and 2nd Street Floodwall
HOUSTON-MOORE GROUP LLC	\$ 37,266,977.89	\$ 33,478,049.55	\$ 3,788,928.34	Engineering Services
INDUSTRIAL CONTRACT SERVICES I	\$ 17,576,871.19	\$ 17,409,836.46	\$ 167,034.73	Const - 4th St Pump Station and 2nd Street Floodwall
OXBOW, CITY OF	\$ 15,490,817.61	\$ 14,777,364.92	\$ 713,452.69	MOU Agreement
MEYER CONTRACTING INC	\$ 10,399,476.21	\$ -	\$ 10,399,476.21	Construction/Demolition Services
ASHURST LLP	\$ 6,715,133.70	\$ 3,467,066.80	\$ 3,248,066.90	PPP (P3) Legal Counsel
DORSEY & WHITNEY LLP	\$ 4,436,071.69	\$ 4,436,071.69	\$ -	Legal Services
JP MORGAN CHASE-LOCKBOX PROCES	\$ 3,377,000.00	\$ 2,265,309.57	\$ 1,111,690.43	Financial Advisor
RILEY BROTHERS CONSTRUCTION	\$ 3,176,953.92	\$ -	\$ 3,176,953.92	Construction - County Roads 16 & 17 Realignment
CENTURYLINK	\$ 2,586,742.00	\$ 2,586,742.00	\$ -	Utility Relocation
MINNESOTA DNR	\$ 2,325,472.35	\$ 2,325,472.35	\$ -	EIS Scoping
LANDWEHR CONSTRUCTION INC	\$ 2,312,244.32	\$ 2,077,650.82	\$ 234,593.50	Const - In-Town Demolition Contracts
URS CORPORATION	\$ 1,922,118.42	\$ 1,757,242.17	\$ 164,876.25	Engineering Services
CITY OF FARGO	\$ 1,753,523.47	\$ 1,753,523.47	\$ -	Digital Imagery Project, Utility Relocation, Accounting Svcs, and Bank Loan Advance DS Payments
KENNELLY & OKEEFFE	\$ 1,729,110.56	\$ 1,729,110.56	\$ -	Home Buyouts
HOUGH INCORPORATED	\$ 1,726,847.35	\$ 1,625,463.33	\$ 101,384.02	Const - 2nd Street South Flood Control
OHNSTAD TWICHELL PC	\$ 1,662,566.54	\$ 1,662,566.54	\$ -	ROE and Bonding Legal Fees
CASS COUNTY TREASURER	\$ 1,647,298.20	\$ 1,537,704.64	\$ 109,593.56	Property Taxes and Bank Loan Advance DS Payments
REINER CONTRACTING INC	\$ 1,601,366.99	\$ 1,598,471.70	\$ 2,895.29	Const - El Zagal Flood Risk Management
ACONEX (NORTH AMERICA) INC	\$ 1,322,146.00	\$ 306,856.00	\$ 1,015,290.00	Electronic Data Mgmt and Record Storage System
CONSOLIDATED COMMUNICATIONS	\$ 1,063,096.11	\$ 1,063,096.11	\$ -	Utility Relocation
TERRACON CONSULTING ENGINEERS	\$ 828,792.49	\$ 826,877.42	\$ 1,915.07	Materials Testing
XCEL ENERGY	\$ 753,515.88	\$ 718,970.12	\$ 34,545.76	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	\$ 524,550.03	\$ 524,550.03	\$ -	Legal Services
HOFFMAN & MCNAMARA NURSERY&LAN	\$ 519,954.74	\$ -	\$ 519,954.74	Construction - Landscape
RED RIVER BASIN COMMISSION	\$ 500,000.00	\$ 500,000.00	\$ -	Retention Projects - Engineering Services
NORTHERN TITLE CO	\$ 484,016.00	\$ 484,016.00	\$ -	Land Purchases
AT & T	\$ 461,031.30	\$ 461,031.30	\$ -	Utility Relocation
SCHMIDT AND SONS CONSTRUCTION	\$ 344,978.00	\$ 41,800.00	\$ 303,178.00	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
FARGO MOORHEAD METROPOLITAN	\$ 253,858.35	\$ 253,858.35	\$ -	
ACON RISK SERVICES CENTRAL, INC	\$ 240,000.00	\$ 119,508.32	\$ 120,491.68	P3 Risk Advisory Services
NDSU BUSINESS OFFICE-BOX 6050	\$ 231,650.00	\$ 159,287.75	\$ 72,362.25	Ag Risk Study Services
BRAUN INTERTEC CORP	\$ 224,849.00	\$ 77,629.00	\$ 147,220.00	Quality Testing
BUFFALO-RED RIVER WATERSHED DI	\$ 220,768.00	\$ -	\$ 220,768.00	Retention Projects - Engineering Services
ROBERT TRENT JONES	\$ 200,000.00	\$ 200,000.00	\$ -	Oxbow MOU - Golf Course Consulting Agreement
PFM PUBLIC FINANCIAL MANAGEMEN	\$ 146,460.00	\$ 146,460.00	\$ -	Financial Advisor
BOIS DE SIOUX WATERSHED DISTRI	\$ 145,380.00	\$ -	\$ 145,380.00	Retention Projects - Engineering Services

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of July 31, 2017

Row Labels	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
FREDRIKSON & BYRON, PA	\$ 144,296.12	\$ 105,796.12	\$ 38,500.00	Lobbying Services
SPRINGSTED INCORPORATED	\$ 136,903.21	\$ 136,903.21	\$ -	Financial Advisor
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
EL ZAGAL TEMPLE HOLDING CO	\$ 76,000.00	\$ 76,000.00	\$ -	Easement Purchase for El Zagal Levee
CENTURYLINK ASSET ACCOUNTING-B	\$ 74,195.92	\$ 74,195.92	\$ -	Utility Relocation
GRAY PANNELL & WOODWARD LLP	\$ 66,300.68	\$ 66,300.68	\$ -	Legal Services
NIXON PEABODY LLC	\$ 60,000.00	\$ 60,000.00	\$ -	Legal Services
MIDCONTINENT COMMUNICATIONS	\$ 54,738.44	\$ -	\$ 54,738.44	Utility Relocation
ADVANCED ENGINEERING INC	\$ 50,000.00	\$ 50,000.00	\$ -	Public Outreach
IN SITU ENGINEERING	\$ 47,973.00	\$ 47,973.00	\$ -	Quality Testing
US GEOLOGICAL SURVEY	\$ 46,920.00	\$ 46,920.00	\$ -	Stage Gage Installation
CLAY COUNTY AUDITOR	\$ 34,538.71	\$ 34,538.71	\$ -	Property Tax, Home Buyout Demo
GEOKON INC	\$ 33,815.36	\$ 33,815.36	\$ -	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	\$ 33,066.02	\$ 33,066.02	\$ -	Property Management Services
WARNER & CO	\$ 30,049.00	\$ 30,049.00	\$ -	General Liability Insurance
WESTERN AREA POWER ADMINISTRAT	\$ 30,000.00	\$ 30,000.00	\$ -	
AMERICAN ENTERPRISES INC	\$ 29,000.00	\$ 29,000.00	\$ -	Test Pits
CPS HR CONSULTING	\$ 26,500.00	\$ 19,550.66	\$ 6,949.34	HR Consulting
XCEL ENERGY-FARGO	\$ 16,275.85	\$ 16,275.85	\$ -	Utility Relocation
PRIMORIS AEVENIA INC	\$ 16,230.00	\$ 16,230.00	\$ -	Utility Relocation
MOORHEAD, CITY OF	\$ 15,062.90	\$ 15,062.90	\$ -	ROE Legal Fees
ND WATER USERS ASSOCIATN	\$ 15,000.00	\$ 15,000.00	\$ -	Membership Dues
BRIGGS & MORGAN PA	\$ 12,727.56	\$ 12,727.56	\$ -	Legal Services
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	\$ -	Sinage
ONE	\$ 3,575.00	\$ 3,575.00	\$ -	Legal Services
MCKINZIE METRO APPRAISAL	\$ 3,200.00	\$ 3,200.00	\$ -	Appraisal Services
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
SEIGEL COMMUNICATIONS SERVICE	\$ 1,490.00	\$ 1,490.00	\$ -	Public Outreach
HUBER, STEVE	\$ 1,056.43	\$ 1,056.43	\$ -	Home Buyouts
DEPT OF NATURAL RESOUR	\$ 1,000.00	\$ 1,000.00	\$ -	DNR Dam Safety Permit Application Fee
TRIO ENVIRONMENTAL CONSULTING	\$ 747.60	\$ 747.60	\$ -	Asbestos and LBP Testing - Home Buyouts
RED RIVER TITLE SERVICES INC	\$ 675.00	\$ 675.00	\$ -	Abstract Updates
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

FM Metropolitan Area Flood Risk Management Project
 Cumulative Vendor Payments Since Inception
 As of July 31, 2017

Row Labels	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
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
Grand Total	\$ 454,982,127.21	\$ 372,762,953.44	\$ 82,219,173.77	

FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of July 31, 2017

Property Address	Purchase Date	Purchase Price	Replacement Lot	Down Payment	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
Commercial Relocations - Fargo								
Park East Apartments - 1 2nd St S	6/23/2015	9,002,442.20	-	-	-	945,930.84	-	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	-	-	-	7,550,036.23	-	9,453,512.01
Oak Terrace Condos - 2 N Terrace N	3/30/2016	5,588.00	-	-	-	-	-	5,588.00
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
Home Buyouts - Fargo								
1322 Elm St N	11/19/2014	347,270.27	-	-	-	47,168.14	-	394,438.41
1326 Elm St N	12/23/2014	230,196.41	-	-	-	8,001.02	-	238,197.43
1341 N Oak St	1/29/2015	309,888.24	-	-	-	78,889.24	-	388,777.48
1330 Elm St N	2/12/2015	229,982.44	-	-	-	62,362.63	-	292,345.07
18 North Terrace N	4/2/2015	129,698.25	-	-	-	44,688.72	-	174,386.97
1318 Elm St N	5/29/2015	229,012.67	-	-	-	55,452.01	-	284,464.68
724 North River Road	6/8/2015	204,457.83	-	-	-	35,615.30	(10,000.00)	230,073.13
1333 Oak Street N	6/24/2015	238,513.23	-	-	-	5,249.00	-	243,762.23
26 North Terrace N	9/11/2015	138,619.58	-	-	-	12,620.00	-	151,239.58
16 North Terrace N	9/24/2015	227,987.50	-	-	-	96,717.14	-	324,704.64
24 North Terrace N	11/25/2015	182,437.38	-	-	-	29,269.60	-	211,706.98
1314 Elm Street N	12/18/2015	225,800.09	-	-	-	42,025.00	-	267,825.09
12 North Terrace N	2/9/2016	10,191.00	-	-	-	-	-	10,191.00
1313 Elm Street N		350,000.00	-	-	-	3,360.00	-	353,360.00
Home Buyouts - Moorhead								
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
Home Buyouts - Oxbow								
105 Oxbow Drive	11/28/2012	216,651.85	-	-	-	-	(181,249.54)	35,402.31
744 Riverbend Rd	12/3/2012	343,828.30	-	-	-	2,435.00	-	346,263.30
121 Oxbow Drive	7/31/2013	375,581.20	-	-	-	-	(186,918.33)	188,662.87
333 Schnell Drive	9/20/2013	104,087.79	-	-	-	-	-	104,087.79
346 Schnell Drive	2/13/2014	512,970.73	-	-	-	7,200.00	-	520,170.73
345 Schnell Drive	10/24/2014	478,702.98	-	-	-	6,869.44	-	485,572.42
336 Schnell Drive	1/29/2015	310,888.51	-	-	-	185,620.00	-	496,508.51
5059 Makenzie Circle	5/21/2015	2,698,226.97	-	-	-	10,549.70	-	2,708,776.67
357 Schnell Dr / 760 River Bend Rd	6/18/2015	466,720.80	-	-	-	176,524.79	-	643,245.59
349 Schnell Dr / 761 River Bend Rd	6/26/2015	306,725.20	-	-	-	309,992.53	-	616,717.73
748 Riverbend Rd / 755 River Bend Rd	9/1/2015	480,784.30	-	-	-	205,699.82	-	686,484.12
361 Schnell Dr / 764 River Bend Rd	9/2/2015	490,091.32	-	-	-	267,757.65	-	757,848.97
752 Riverbend Rd / 768 River Bend Rd	9/4/2015	469,078.13	-	-	-	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 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	-	-	-	353,321.19	-	681,960.66
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	-	-	-	351,029.59	-	740,400.09
337 Schnell Dr / 353 Trent Jones Dr	5/17/2017	456,146.62	-	-	-	516,366.89	-	972,513.51
817 Riverbend Road / 421 Trent Jones Dr	In Escrow	-	117,000.00	331,300.00	448,300.00	453,212.00	-	901,512.00
848 Riverbend Rd / 783 River Bend Rd	In Escrow	-	160,000.00	146,000.00	306,000.00	1,340,781.00	-	1,646,781.00
843 Riverbend Rd / 445 Trent Jones Dr	In Escrow	-	160,000.00	540,000.00	700,000.00	1,163,752.00	-	1,863,752.00
829 Riverbend Rd / 788 River Bend Rd	In Escrow	-	205,000.00	431,000.00	636,000.00	8,000.00	-	644,000.00
809 Riverbend Rd		112,304.99	-	-	-	-	-	112,304.99

FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of July 31, 2017

Property Address	Purchase Date	Purchase Price	Replacement Lot	Down Payment	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
Home Buyouts - Hickson								
17495 52nd St SE	4/28/2015	785,747.66	-	-	-	27,604.74	-	813,352.40
4989 Klitzke Drive, Pleasant Twp	7/20/2016	245,926.71	-	-	-	92,817.44	-	338,744.15
Home Buyouts - Horace								
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
2914 124th Ave S	12/29/2016	50,981.00	-	-	-	-	-	50,981.00
17474 52nd St SE - Leher - OIN 1889/1990/2182	-	-	-	5,000.00	5,000.00	-	-	5,000.00
Home Buyouts - Argusville								
2351 173rd Ave SE - Johnson - OIN 1222	2/6/2017	215,030.91	-	-	-	6,912.57	-	221,943.48
Easements - Fargo								
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
Easements - Oxbow								
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-	-	-	-	-	55,500.00
Easements - Diversion Inlet Control Structure								
15-0000-02690-020 - Cossette	6/1/2016	476,040.00	-	-	-	-	-	476,040.00
64-0000-02730-000 - Sauvageau	6/1/2016	268,020.00	-	-	-	-	-	268,020.00
64-0000-02720-000 - Ulstad (Condemnation)	-	469,874.00	-	-	-	-	-	469,874.00
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
Easements - Piezometer								
67-0000-12719-010 - Adams - OIN-1201	3/13/2017	1,500.00	-	-	-	-	-	1,500.00
Easements - Minnesota								
Askegaard Hope Partnership	10/14/2016	1,542,370.79	-	-	-	-	-	1,542,370.79
Farmland Purchases								
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	2/18/2014	3,458,980.70	-	-	-	-	-	3,458,980.70
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	-	-	991,128.19
NW 1/4 36-141-50 - Monson	5/7/2014	943,560.05	-	-	-	-	-	943,560.05
W 1/2 SE 1/4 SW 1/4 & SW 1/4 SW 1/4 2-137-49 - Gorder	5/13/2014	321,386.00	-	-	-	-	-	321,386.00
SW 1/4-11-140-50 - Hoglund	7/21/2014	989,706.03	-	-	-	-	-	989,706.03
NW 1/4 14-140-50 - Hoglund	10/23/2014	948,782.22	-	-	-	-	-	948,782.22
SW 1/4 2-140-50 -Rust	10/29/2014	955,901.00	-	-	-	-	-	955,901.00
2-140-50 S 1/2 of NW 1/4 & Lot 4A - Pile	3/4/2015	594,108.00	-	-	-	-	-	594,108.00
Fercho Family Farms,	3/25/2015	464,600.00	-	-	-	-	-	464,600.00
W 1/2 NW 1/4 2-141-49 - Heiden	4/24/2015	433,409.00	-	-	-	-	-	433,409.00
(Raymond Twp) - Henke	6/17/2015	1,196,215.00	-	-	-	-	-	1,196,215.00
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
Peter Biegler, Jr - OIN 9748	-	-	-	5,000.00	5,000.00	-	-	5,000.00
Land Purchases								
Hayden Heights Land, West Fargo ND Lot 4, Block 4, ND R-2 Urban Renewal Addition, Fargo ND - Professional Associates	10/12/2012	484,016.00	-	-	-	-	(730,148.14)	(246,132.14)
BNSF Railway Company	5/14/2015	39,900.00	-	-	-	-	-	39,900.00
City of Fargo - OIN 2366 & OIN 2367	3/9/2017	1,314,373.30	-	-	-	-	-	1,314,373.30
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
		68,510,342.07	642,000.00	1,485,300.00	2,127,300.00	34,270,172.17	(1,117,856.01)	103,789,958.23
							Property Management Expense	1,212,968.13
							Property Management Income	(891,316.32)
							Grand Total	\$ 104,111,610.04

**FM Metropolitan Area Flood Risk Management Project
In-Town Levee Work
as of July 31, 2017**

Vcode #	Descriptions	Contract Amount	Amount Paid
V02801	WP42.A2 - 2nd Street North Pump Station	\$ 8,683,649.98	\$ 8,683,649.98
V02802	WP-42 (In Town Levees) Materials Testing	\$ 828,792.49	\$ 826,877.42
V02803	2nd Street Utility Relocation	\$ 1,178,781.73	\$ 1,178,781.73
V02804	2nd Street Utility Relocation	\$ 266,892.07	\$ 266,892.07
V02805	WP-42A.1/A.3 - 4th St Pump Station & Gatewell and 2nd St Floodwall S	\$ 17,583,287.19	\$ 17,416,252.46
V02806	WP42 - Services During Construction	\$ 4,932,000.00	\$ 4,589,484.04
V02807	In-Town Levee Work	\$ 6,637,954.01	\$ 5,695,620.54
V02808	Relocation of fiber optic along 2nd Street North	\$ 397,906.52	\$ 397,906.52
V02809	2nd Street Utility Relocation	\$ 586,269.60	\$ 586,269.60
V02811	2nd Street & 4th Street Utility Relocations	\$ 769,791.73	\$ 735,245.97
V02812	WP-42F.1S - 2nd Street North Floodwall, South of Pump Station	\$ 16,846,016.47	\$ 15,934,350.16
V02813	Park East Apartments Demolition	\$ 1,169,651.74	\$ 1,169,651.74
V02814	2nd Street Utility Relocation	\$ 16,230.00	\$ 16,230.00
V02815	2nd Street Utility Relocation	\$ 2,660,937.92	\$ 2,660,937.92
V02816	WP-42C.1 - In-Town Levees 2nd Street/Downtown Area Demo	\$ 907,999.08	\$ 907,999.08
V02817	WP-42H.2 - El Zagal Area Flood Risk Management	\$ 1,601,366.99	\$ 1,598,471.70
V02818	WP-42I.1 - Mickelson Levee Extension	\$ 738,880.50	\$ 738,880.50
V02819	WP42F.1N - 2nd Street North	\$ 13,300,425.65	\$ 12,883,653.12
V02820	WP42 - Construction Management Services	\$ 1,020,000.00	\$ 851,775.30
V02821	WP42F.2 - 2nd Street South	\$ 1,726,847.35	\$ 1,625,463.33
V02822	COF - 2016 O&M on Lifts	\$ 6,402.85	\$ 6,402.85
V02823	WP-42G General Landscaping and Planting	\$ 519,954.74	\$ -
V01703	In-Town Property Purchases	\$ 40,027,230.39	\$ 37,544,244.37
		\$ 122,407,269.00	\$ 116,315,040.40

**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: June 1, 2017 - June 30, 2017 - OHB Levee Related Costs

Drawdown Request No: 47	
Requested Amount:	\$ 538,830
Total Funds Expended This Period:	\$ 742,812
Total Funds Requested at 100% Match	334,847
Remaining Funds Requested at 50% Match	407,965
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	203,983
Total Funds Requested:	\$ 538,830

STATE AID SUMMARY:		
Summary of State Funds Appropriated		
Appropriations from 2009 Legislative Session	\$	45,000,000
Appropriations from 2011 Legislative Session		30,000,000
Appropriations from 2013 Legislative Session		100,000,000
Appropriations from 2015 Legislative Session		69,000,000
Appropriations from 2017 Legislative Session		66,500,000
Appropriations to be funded in 2019 Legislative Session - Available 7/1/2019	66,500,000	
Appropriations to be funded in 2021 Legislative Session - Available 7/1/2021	66,500,000	
Appropriations to be funded in 2023 Legislative Session - Available 7/1/2023	66,500,000	
Total State Funds	199,500,000	310,500,000
Less: Payment #1 through #35 - City of Fargo		(55,510,209)
Less: Payment #1 - Cass County		(136,039)
Less: Payment #1 through #28 - FM Diversion Authority		(38,049,107)
Less: Payment #29 - FM Metro Area Flood Risk Management Project		(2,900,000)
Less: Payment #30 - FM Metro Area Flood Risk Management Project		(3,681,747)
Less: Payment #31 - FM Metro Area Flood Risk Management Project		(6,900,000)
Less: Payment #32 - FM Metro Area Flood Risk Management Project		(3,725,044)
Less: Payment #33 - FM Metro Area Flood Risk Management Project		(4,655,547)
Less: Payment #34 - FM Metro Area Flood Risk Management Project		(22,500,000)
Less: Payment #35 - FM Metro Area Flood Risk Management Project		(6,062,680)
Less: Payment #36 - FM Metro Area Flood Risk Management Project		(3,506,589)
Less: Payment #37 - FM Metro Area Flood Risk Management Project		(4,676,079)
Less: Payment #38 - FM Metro Area Flood Risk Management Project		(4,401,701)
Less: Payment #39 - FM Metro Area Flood Risk Management Project		(1,535,060)
Less: Payment #40 - FM Metro Area Flood Risk Management Project		(465,203)
Less: Payment #41 - FM Metro Area Flood Risk Management Project		(3,666,207)
Less: Payment #42 - FM Metro Area Flood Risk Management Project		(1,527,676)
Less: Payment #43 - FM Metro Area Flood Risk Management Project		(31,468)
Less: Payment #44 - FM Metro Area Flood Risk Management Project		(301,262)
Less: Payment #45 - FM Metro Area Flood Risk Management Project		(396,025)
Less: Payment #46 - FM Metro Area Flood Risk Management Project		(457,440)
Less: Payment #47 - FM Metro Area Flood Risk Management Project		(538,830)
Total Funds Reimbursed		(165,623,913)
Total State Fund Balances Remaining	\$	144,876,087

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	\$ 75,229,082
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 #30 - FM Metro Area Flood Risk Management Project	(1,581,147)
Less: Match Used on Payment #32 - FM Metro Area Flood Risk Management Project	(1,215,895)
Less: Match Used on Payment #33 - FM Metro Area Flood Risk Management Project	(2,785,070)
Less: Match Used on Payment #35 - FM Metro Area Flood Risk Management Project	(1,292,963)
Less: Match Used on Payment #36 - FM Metro Area Flood Risk Management Project	(509,507)
Less: Match Used on Payment #37 - FM Metro Area Flood Risk Management Project	(2,741,983)
Less: Match Used on Payment #38 - FM Metro Area Flood Risk Management Project	(3,580,994)
Less: Match Used on Payment #39 - FM Metro Area Flood Risk Management Project	(830,718)
Less: Match Used on Payment #41 - FM Metro Area Flood Risk Management Project	(3,094,610)
Less: Match Used on Payment #45 - FM Metro Area Flood Risk Management Project	(268,071)
Less: Match Used on Payment #47 - FM Metro Area Flood Risk Management Project	(334,847)
Balance of Local Matching Funds Available	\$ 4,297,907

Finance Committee Bills through August 17, 2017

Vendor	Description		
Cass County Joint Water Resource District	Diversion bills	\$	9,206,618.47
Dorsey & Whitney LLP	Legal services rendered through June 30, 2017	\$	132,750.32
Ohnstad Twichell, P.C.	Professional services rendered	\$	101,367.65
Cass County Government	Reimburse dust control; temp seeding and mowing; road repair and grade; traffic control	\$	10,373.68
Erik R. Johnson & Associates, Ltd.	Legal services rendered through July 25, 2017	\$	3,978.50
Gerson Lehrman Group	Professional services rendered	\$	60,819.00
HKA Global, Inc.	Professional services from May 1, 2017, to May 31, 2017	\$	74,353.00
Total Bills Received through August 17, 2017			<u>\$ 9,590,260.62</u>



August 2, 2017

Cass County
Joint Water
Resource
District

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

Greetings:

Mark Brodshaug
Chairman
West Fargo, North Dakota

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

Rodger Olson
Manager
Leonard, North Dakota

Dan Jacobson
Manager
West Fargo, North Dakota

Enclosed please find copies of bills totaling \$9,206,618.47 regarding the above referenced projects. The breakdown is as follows:

Ken Lougheed
Manager
Gardner, North Dakota

Metro Flood Diversion	\$6,813,363.33
DPAC	26,070.80
Oxbow-Hickson-Bakke Ring Levee	2,307,018.40
Oxbow Golf and Country Club	60,160.27
In-Town Levees	5.67

Jacob Gust
Manager
Fargo, North Dakota

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.

According to our records, the previous request dated June 27, 2017, for \$1,883,290.27 remains outstanding.

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
casscountynđ.gov

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

Updated 8/2/17

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
7/13/2017	6/1/2017	964521		5.66	Dawson Insurance	Added liability for properties purchased for Diversion
7/13/2017	6/23/2017	150482	100007	530.50	Ohnstad Twichell, P.C.	Legal-FM Diversion - Right of Entry
7/13/2017	6/23/2017	150484	130007	14,167.00	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
7/13/2017	6/23/2017	150489	160007	254.00	Ohnstad Twichell, P.C.	Legal-Diversion - Drayton Dam
7/13/2017	6/23/2017	150487	160007	499.50	Ohnstad Twichell, P.C.	Legal-Diversion Acquisition - 1099 preparation
7/13/2017	6/23/2017	150481	90007	74.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009
7/13/2017	6/23/2017	150486	160007	1,332.42	Ohnstad Twichell, P.C.	Legal-Basin Project 2009-Inlet structure
7/13/2017	6/23/2017	150488	160007	21,368.13	Ohnstad Twichell, P.C.	Legal-Channel Phase I
7/13/2017	6/23/2017	150490	160007	1,032.00	Ohnstad Twichell, P.C.	Legal-Channel Phase II
7/13/2017	6/23/2017	150491	160007	698.50	Ohnstad Twichell, P.C.	Legal-Channel Phase III
7/27/2017	7/27/2017	151157	170007	34,623.98	Ohnstad Twichell, P.C.	Legal-Right of Entry 2017
7/27/2017	7/24/2017	150996	160007	40,566.86	Ohnstad Twichell, P.C.	Legal - Eminent Domain - Angela Cossette & Donald Cossette
7/27/2017	7/24/2017	151001	170007	4,905.30	Ohnstad Twichell, P.C.	Legal - Eminent Domain - Sauvageau
7/27/2017	7/24/2017	150997	160007	304.00	Ohnstad Twichell, P.C.	Legal - Eminent Domain - Vincent Ulstad
7/27/2017	7/24/2017	151000	170007	769.00	Ohnstad Twichell, P.C.	Legal - Wild Rice Dam Removal
7/27/2017	7/12/2017	714940	38810	7,038.00	Larkin Hoffman	Legal-Property Acquisitions-Johnson, Monson, Tintes and Anderson
7/27/2017	7/12/2017	714941	38810.00001	1,394.00	Larkin Hoffman	Legal-Sauvageau property acquisition
7/27/2017	7/12/2017	714942	38810.00002	1,900.78	Larkin Hoffman	Legal-Richland County ROE agreements
7/13/2017	6/28/2017	15948	19115	1,916.90	Moore Engineering, Inc.	Engineering-P3 Evaluation Team Member Ser-RFP Services
7/13/2017	6/23/2017	15819	18244	612.50	Moore Engineering, Inc.	Engineering - Diversion Authority Utility Easement team
7/13/2017	6/23/2017	15818	16921	2,440.00	Moore Engineering, Inc.	Engineering - Subsurface Drainage Infrastructure Study
7/27/2017	7/18/2017	16135	18244	175.00	Moore Engineering, Inc.	Engineering - DA Utility Easement Team
7/27/2017	7/18/2017	16133	19706	270.00	Moore Engineering, Inc.	Engineering - FM Diversion Des Coord - MOU Review
7/27/2017	7/18/2017	16134	19706	270.00	Moore Engineering, Inc.	Engineering - FM Diversion Des Coord - Team member mtgs
6/30/2012	6/29/2017			373,437.00	Cass County Clerk of District Court	Eminent Domain - Sauvageau
7/11/2017	7/11/2017			904,905.00	The Title Company	Property purchase-George and Niurus Leher
7/13/2017	6/30/2017	NDFE-06302017		9,637.97	Steven J. Herzog	consultation - flowage easement acquisition
7/14/2017	7/14/2017			32,340.00	The Title Company	Property purchase - Helen Nygren, Trustee Charles Larson Trust
7/17/2017	7/17/2017			245,185.00	The Title Company	Property purchase - Peter Biegler, Jr.
7/18/2017	7/18/2017			3,470,167.12	The Title Company	Property purchase - Schoenberg Farms LLP
				60,128.07	The Title Company	Property purchase - Joan Chose
8/1/2017	8/1/2017			1,402,847.99	The Title Company	Property purchase - Larson Family Trust
7/24/2017	7/20/2017			1,755.00	Busters Farms, LLLP	Temporary easement purchase
7/13/2017	7/6/2017	850.04		56.78	Red River Valley Coop Power Assoc	Service to 16678 3rd St S
7/13/2017	7/5/2017	1134578		24.00	Cass County Electric Cooperative	Service to 2351 173 Ave SE
7/13/2017	6/19/2017	1472	2004	52,503.91	Houston-Moore Group	Engineering - property acquisition services - Task Order 4
7/27/2017	7/12/2017	1493	2004	80,727.23	Houston-Moore Group	Engineering - property acquisition services - Task Order 4
7/27/2017	7/11/2017	68057	R12.00049	42,500.23	Ulteig Engineering	Task Order 2 - project mgmt, ROW, appraisal and on-call services
Total				6,813,363.33		

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
7/13/2017	6/23/2017	150483	120007	3,380.50	Ohnstad Twichell, P.C.	Legal-Diversion Project, Assessment District
7/13/2017	7/10/2017	JA15823		685.95	Doug Ketcham & Associates, Inc.	FM Flood Risk Management District Hearing - court reporting
7/27/2017	6/30/2017	53919	P11473-2012-000	22,004.35	AE2S	Engineering - Financial services - assessment district
Total				26,070.80		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
7/27/2017					22.00	Alerus	Stop payment on lost check #13380 - Anderson
7/13/2017	6/1/2017	964251			5.67	Dawson Insurance	Add liability to properties purchased for OHB Ring Levee
7/13/2017	6/23/2017	150485		140007	6,479.28	Ohnstad Twichell, P.C.	Legal-property acquisition
7/27/2017	7/24/2017	150998		160007	2,273.06	Ohnstad Twichell, P.C.	Legal - Champ Relocation appeal

7/27/2017	7/24/2017	150999	160007	44,995.87	Ohnstad Twichell, P.C.	Legal - Eminent Domain - Erickson, Curtis and Karen
7/13/2017	5/11/2017	4	43E2D	23,625.00	Schmidt and Sons Construction, Inc.	res demolition of Schnell Drive and Riverbend Road
7/13/2017	6/9/2017	5	43E2D	5,682.60	Schmidt and Sons Construction, Inc.	res demolition of Schnell Drive and Riverbend Road
7/7/2017	7/7/2017			412,438.13	The Title Company	Property purchase - Sheri Champ
7/10/2017	7/7/2017			1,299,442.00	The Title Company	replacement property purchase - Sheri Champ
7/13/2017	7/12/2017			9,200.00	Northland Gaming	moving costs for Casey Johnson and Heather Westlund
7/18/2017	7/17/2017			553.50	The Title Company	Replacement property purchase - Casey Johnson/Heather Westlund
7/27/2017	7/27/2017			475,361.81	The Title Company	Property purchase - Todd DeBates
7/27/2017	7/20/2017			3,322.62	Curtis and Mary Hakanson	interest payment on construction costs
7/13/2017	6/27/2017	5610		2,620.00	Valley Green and Associates	mowing and trimming on Schnell Drive and Riverbend Roads
7/13/2017	6/25/2017	12792		85.80	Cass Rural Water Users	Service to 5059 Makenzie Circle - final
7/13/2017	7/5/2017	1108711		1,645.01	Cass County Electric Cooperative	Service to various addresses
7/13/2017	7/5/2017	1132078		9.37	Cass County Electric Cooperative	Service to 313 Schnell Dr-final
7/13/2017	7/5/2017	1123339		10.08	Cass County Electric Cooperative	Service to 337 Schnell Dr-final
7/13/2017	7/5/2017	1137975		18.65	Cass County Electric Cooperative	Service to 338 Schnell Drive-final
7/13/2017	7/5/2017	1133018		35.43	Cass County Electric Cooperative	Service to 805 Riverbend Rd
7/13/2017	7/5/2017	1125415		31.76	Cass County Electric Cooperative	Service to 808 Riverbend Rd
7/13/2017	7/5/2017	1122561		94.32	Cass County Electric Cooperative	Service to 5059 Makenzie Circle
7/27/2017	7/13/2017	1139671		41.83	Cass County Electric Cooperative	Service to 748 Riverbend Rd
07/27/17	07/13/17	1136126		61.99	Cass County Electric Cooperative	Service to 828 Riverbend Rd
7/27/2017	7/13/2017	1140519		15.00	Cass County Electric Cooperative	Service to 829 Riverbend Rd
7/27/2017	7/13/2017	1121701		35.93	Cass County Electric Cooperative	Service to 840 Riverbend Rd
07/13/17	06/22/17	1486	2003	12,971.25	Houston-Moore Group	Task Order 3 - WP-43 Services during construction
07/13/17	06/30/17	B096717	B14-04209.04	1,886.00	Braun Intertec Corporation	Material testing services
07/13/17	06/24/17	5893		1,139.13	Sentry Security & Investigations	Security patrol services
07/14/17	07/08/17	5910		1,231.47	Sentry Security & Investigations	Security patrol services
07/27/17	07/22/17	5927		1,683.84	Sentry Security & Investigations	Security patrol services
Total				2,307,018.40		

OXBOW GOLF AND COUNTRY CLUB INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
7/13/2017	6/22/2017	15785	18229	1,613.65	Oxbow Golf & Country Club	Engineering - construction staking
7/13/2017	6/2/2017			1,156.60	Oxbow Golf & Country Club	architect expenses
7/13/2017	6/18/2017	16		13,000.00	Oxbow Golf & Country Club	Gary Killebrew - consultant fees
7/13/2017	5/25/2017	20		44,118.72	Oxbow Golf & Country Club	Landscapes Unlimited LLC - construction costs
7/13/2017	6/17/2017			271.30	Oxbow Golf & Country Club	architect expenses
Total				60,160.27		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
7/13/2017	6/1/2017	964251		5.67	Dawson Insurance	Add liability for properties purchased for In-Town Levee
Total				5.67		

Grand Total 9,206,618.47



MINNEAPOLIS OFFICE
612-340-2600

(Tax Identification No. 41-0223337)

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

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

July 25, 2017
Invoice No. 3364859

RECEIVED
BY _____ DATE 7-27-17

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

For Legal Services Rendered Through June 30, 2017

INVOICE TOTAL

Total For Current Legal Fees	\$132,647.00
Total For Current Disbursements and Service Charges	\$103.32
Total For Current Invoice	\$132,750.32
Summary of Account	
*Prior Balance Due	\$287,389.74
Total Amount Due	\$420,140.06

*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



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

August 1, 2017

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 July 25, 2017 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through June 30, 2017 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", written over a horizontal line.

Erik R. Johnson

ERJ/lmw
Enclosure
cc: Bruce Grubb

OHNSTAD TWICHELL, P.C.
Attorneys at Law

901 13th Avenue East, P.O Box 458
 West Fargo, ND 58078-0458
 701-282-3249

15-15395 JTS Invoice # 151455

Flood Diversion Board
 Bond Counsel Work - PPP

Date: 9-Aug-17

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

PROFESSIONAL SERVICES RENDERED			
15-1395 JTS Invoice # 151455	Flood Diversion Board	Bond Counsel Work - PPP Research 1	
JTS (Rate reduced when 4/hrs not charged on 7/18/17)	99.1	\$300.00	\$29,730.00
SNW	5.4	\$300.00	\$1,620.00
KJB	28.7	\$265.00	\$7,605.50
TJL	166.6	\$250.00	\$41,650.00
LWC	3	\$200.00	\$600.00
CBC	48	\$200.00	\$9,600.00
AJM	17.8	\$150.00	\$2,670.00
HCG	51	\$130.00	\$6,630.00
LTS	9	\$105.00	\$945.00
Total	428.6		\$101,050.50
Expenses:			
Mileage - Berlin Township Meeting			\$28.89
Westlaw			\$115.82
USPS Charges			\$9.24
Photo Copies - 816 Copies - Local Counsel			\$163.20
Total			\$317.15
Grand Total			\$101,367.65

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

	2017 Hourly Rates
JTS - John T. Shockley, Partner, Supervising Attorney	\$300.00
SNW - Sarah N. Wear, Partner	\$300.00
KJB - Katie J. Bertsch, Associate	\$265.00
TJL - Tyler J. Leverington, Associate	\$250.00
LWC - Luke W. Croaker, Associate	\$200.00
CBC - Calley B. Campbell, Associate	\$200.00
AJM - Andrea J. Murphy, Paralegal	\$150.00
HCG - Hannah C. Gilbert, Paralegal	\$130.00
LTS - Lynae T. Sims, Legal Administrative Assistant	\$105.00

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

FILE NUMBER	MATTER DESCRIPTION	INVOICE TOTAL
151395-0	Bond Counsel Work – PPP - Expenses	\$79.07
151395-1	General Topics (Includes General Governance Questions, Notices, ETC.)	\$3,458.00
151395-2	Executive Director	\$510.00
151395-3	P3 Procurement	\$9,847.00
151395-4	Public Finance Issues	\$19,514.50
151395-5	Consultant Contract Review/Development	\$3,120.00
151395-6	Support of External Litigation Counsel	\$4,017.44
151395-7	Coordination W/Member Entities	\$0.00
151395-8	MNDNR Permit Issues	\$150.00
151395-9	Environmental Permitting Issues/NEPA	\$0.00
151395-10	Insurance Issues	\$0.00
151395-11	Legislative Interface/Lobbying Support	\$330.00
151395-12	USACE Interface/Questions	\$480.00
151395-13	Third Party Utility MOUS	\$59,861.64
TOTAL		\$101,367.65

CASS COUNTY GOVERNMENT
 PO BOX 2806
 211 9th STREET SOUTH
 Fargo, ND 58108

DATE: 8/01/17

TO: DIVERSION AUTHORITY
 PO BOX 2806
 211 9TH ST S
 FARGO, ND 58108

CUSTOMER NO: 3252/3308

TYPE: CE - COUNTY ENGINEER

CHARGE	DATE	DESCRIPTION	REF-NUMBER	DUE DATE	TOTAL AMOUNT
	7/11/17	BEGINNING BALANCE			5,304.10
6050	7/05/17	DUST CONTROL APPLIED			1,334.58
6050	7/13/17	ORPHAN LAND TEMP SEEDING & MOWING			5,474.10
6050	7/19/17	REPAIR & GRADE ROADWAY WARREN TWP SECTION 25			1,065.00

Current

30 days

60 days

90 days

13177.78

DUE DATE: 8/31/17

PAYMENT DUE: 13,177.78

TOTAL DUE: \$13,177.78

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 8/01/17 DUE DATE: 8/31/17
 CUSTOMER NO: 3252/3308

NAME: DIVERSION AUTHORITY
 TYPE: CE - COUNTY ENGINEER

REMIT AND MAKE CHECK PAYABLE TO:

CASS COUNTY TREASURER

211 9TH ST S

PO BOX 2806

FARGO

ND 58108-2806

(701) 241-5606

TOTAL DUE: \$13,177.78



PO Box 815
Moorhead, MN 56561
701-238-0307

BILL TO

Cass County Highway Dept
Attn: Blaine Laaveg
1201 Main Ave W.
West Fargo, ND 58078

INVOICE 1097

DATE 07/05/2017

DATE	ACTIVITY	QTY	RATE	AMOUNT
07/05/2017	Dust Control Applied Dust Control Product/ Applied Calcium Chloride 38% on haul roads	5,266	1.18	6,213.88
07/05/2017	Dust Control Applied Dust Control Product/ Applied Calcium Chloride 38% on the two detour farmsteads at 1885' total	1,131	1.18	1,334.58

FM
Diversion

Glacier Dust Control charges off the gallon meter, not by the running foot. This way you know what you're paying for. We use 38% Calcium Chloride at a standard rate of .30 gallons/square yard.

TOTAL DUE \$7,548.46

PO#
131105

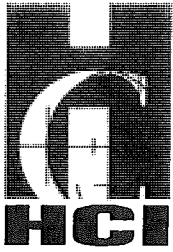
211-4001-431-45.01

WR 1732/98 2600 gal @ 1.18 = \$3068.00
WR 1718/98 566 gal @ 1.18 = \$667.88
WR 1719/98 2100 gal @ 1.18 = \$2,478.00

7-12-17
BJL

don@glacierdustcontrol.com | www.glacierdustcontrol.com | 701.238.0307

Fm Diversloxi
Reimbursement



**Commercial
Landscape Contractors**

825 Hwy 75 North, Moorhead, MN 56560 (P) 218-284-8873 (F) 218-236-0443

INVOICE

Bill To:
CASS COUNTY HWY DEPT 1201 MAIN AVENUE WEST WEST FARGO, ND 58078-1301

Invoice Number: 17065

Invoice Date: Jul 13, 2017

Payment Terms
DUE UPON RECEIPT

HCI JOB #	Description	Amount
175N	ORPHAN LAND TEMP. SEEDING; CASS COUNTY, ND	
	MOWING: 9.5 HRS @ \$150.00	1,425.00
175N	TEMPORARY SEEDING: 8.18 AC @ \$495.00	4,049.10
<p>211 ~ 4501</p> <p>Poth</p> <p>131210</p>		

Subtotal	5,474.10
Sales Tax	
Total Invoice Amount	5,474.10
Payment/Credit Applied	
TOTAL	\$ 5,474.10

Check/Credit Memo No:

THANK YOU FOR YOUR BUSINESS!

3252

Warren Township

*Fm Div
Reimbursement
Per JE*

July 19, 2017

Jeff Ebsch
Cass County Engineer
Cass County Highway Dept.
1201 Main Ave West
West Fargo, ND 58078

Re: East mile on Section 25 of Warren Township

Cost to repair and grade roadway caused by excessive use:

Total Cost: \$1,065.

Sincerely,

Wally Fuchs
W Fuchs, Treasurer
Warren Township
9605 81st Street South
Horace, ND 58047

*211-4501
POH
131192*

CASS COUNTY GOVERNMENT
 PO BOX 2806
 211 9th STREET SOUTH
 Fargo, ND 58108

DATE: 8/10/17

TO: DIVERSION AUTHORITY
 PO BOX 2806
 211 9TH ST S
 FARGO, ND 58108

CUSTOMER NO: 3252/3308

TYPE: CE - COUNTY ENGINEER

CHARGE	DATE	DESCRIPTION	REF-NUMBER	DUE DATE	TOTAL AMOUNT
	8/01/17	BEGINNING BALANCE			13,799.44
6050	7/31/17	TRAFFIC CONTROL W912ES-16-R-002			2,500.00
	8/07/17	PAYMENT			5,304.10-

Current	30 days	60 days	90 days
10995.34			

DUE DATE: 9/11/17

PAYMENT DUE: 10,995.34
 TOTAL DUE: \$10,995.34

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 8/10/17 DUE DATE: 9/11/17 NAME: DIVERSION AUTHORITY
 CUSTOMER NO: 3252/3308 TYPE: CE - COUNTY ENGINEER

REMIT AND MAKE CHECK PAYABLE TO:
 CASS COUNTY TREASURER
 211 9TH ST S
 PO BOX 2806
 FARGO ND 58108-2806
 (701) 241-5606

TOTAL DUE: \$10,995.34

To(OWNER): CASS COUNTY HIGHWAY DEPT
1201 WEST MAIN AVE
WEST FARGO, ND 58078

From: NORTHSTAR SAFETY, INC
794 WEST MAIN AVE
WEST FARGO, ND 58078
(701) 282-2110

Project: CASS COUNTY HIGHWAY DEPT
FMM DIVERSION INLET
STRUCTURE
W912ES-16-R-002
Via(Architect/
Engineer)

Application No: 2
Invoice No: 1064-2
Invoice Date: 7/31/2017
Terms: Net 30
Due Date: 8/30/2017
Period To: 7/31/2017
Project No:
Contract Date:

For:

No.	Description	Total Quantity	Unit Cost	Total Cost	Completed Units	Current Value	Prior Value	Due This Request
10.055	TRAFFIC CONTROL	1 LS	5,500.00	5,500.00	0.75	4,125.00	2,750.00	1,375.00
10.064	PORT/CHNGE MESS SIGN	28 DAY	55.00	1,540.00	28	1,540.00	1,540.00	0.00
10.122	WATCH -6/18, 6/20, 6/30, 7/13, 7/27	1 DAY	225.00	225.00	5	1,125.00	0.00	1,125.00
				<u>7,265.00</u>		<u>6,790.00</u>	<u>4,290.00</u>	<u>2,500.00</u>
				7,265.00		6,790.00	4,290.00	2,500.00

Project # MS 1002
Work Request 5158/77

Bill
Diversion

[Signature]
8/9/2017

RECEIVED
AUG - 7 2017
CASS CO HIGHWAY DEPT

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

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

July 25, 2017
Invoice No. 2568

RE: Metro Flood Project-General Legal Matters

For Legal Services Rendered Through July 25, 2017

INVOICE TOTAL

Total for Current Legal Fees	\$3,978.50
Total for Current Disbursements and Service Charges	\$-0-
Total for Current Invoice	\$3,978.50

Summary of Account

*Prior Balance Due	\$
Total Amount Due	\$3,978.50

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

We appreciate your business.



Gerson Lehrman Group

60 E42nd St
3rd Floor
New York, NY 10165
(212) 984-8500

Bill To:

The Fargo Moorhead Flood Diversion Board of Authority
Box 2806
211 Ninth Street South
Fargo, ND 58108

Invoice	RET16725
Date	7/21/2017

Description	Amount
Flood Diversion & Control Expert - Litigation Consulting Opportunity	
Rick Van Bruggen: 52.50 hours @ \$595 / hour:	\$31,237.50
Robert Shibatani: 48.10 hours @ \$615 / hour:	\$29,581.50

Please remember your use of Gerson Lehrman Group services is subject to our Usage Policies available at www.glgroup.com/usage_policies.htm

ACH/Wiring Instructions:

Silicon Valley Bank
3003 Tasman Drive
Santa Clara, CA 95054
ABA: 121140399 / Swift Code: SVBKUS6S
Acct. Name: Gerson Lehrman Group, Inc.
Acct. No. 3300426119

Remittance Address:

Box 200589
Pittsburgh, PA 15251-0589

Subtotal	\$60,819.00
Misc	
Tax	
Total	\$60,819.00



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

August 2, 2017

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 July 21, 2017 from the Gerson Lehrman Group in New York, NY for their professional services rendered through May 2017 on the Metro Flood Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to the Gerson Lehrman Group at the remittance address of P.O. Box 200589, Pittsburgh, PA 15251-0589.

Sincerely,

A handwritten signature in black ink, appearing to be "Erik R. Johnson", written over a circular scribble.

Erik R. Johnson

ERJ/lmw
Enclosure
cc: Bruce Grubb





MAKING THE BEST
POSSIBLE OUTCOMES
A REALITY, EVERY TIME

Invoice

Diana Parks
Dorsey & Whitney LLP
Plaza Tower
600 Anton Blvd., Suite 2000
Costa Mesa, CA 92626

June 6, 2017
Invoice No: CPH-03069.00 - 0000001

Project CPH-03069.00 Fargo-Moorhead Flood Diversion Project
Professional Services from May 1, 2017 to May 31, 2017

Professional Personnel

	Hours	Rate	Amount
Senior Vice President Pocalyko, Paul	62.50	468.00	29,250.00
Vice President MacGiffert, John (Jack)	35.00	432.00	15,120.00
Senior Consultant Smith, Larry	25.75	372.00	9,579.00
Managing Consultant Salvagni, Kevin	6.00	324.00	1,944.00
Senior Analyst Dieterle, Jr., Robert	58.00	240.00	13,920.00
Mezzanotte, Robert	52.25	240.00	12,540.00
Totals	239.50		82,353.00
Total Labor			82,353.00

Total this Invoice US\$82,353.00
Credit US\$8,000.00
Total Amount Due US\$74,353.00

Tax I.D. #81-4602170

PLEASE REMIT PAYMENT TO:
HKA Global, Inc.
Finance Department
One Commerce Square
2005 Market Street 17th Floor
Philadelphia PA 19103



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

August 3, 2017

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 June 6, 2017 from HKA Global, Inc. in Philadelphia, PA for their professional services rendered from May 1, 2017 to May 31, 2017 on the Metro Flood Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to HKA Global, Inc.

Sincerely,

A handwritten signature in black ink, appearing to be "ERJ", written over a circular scribble.

Erik R. Johnson

ERJ/lmw
Enclosure
cc: Bruce Grubb





Recommended Contracting Actions

Date: August 24, 2017

Description	Company	Budget Estimate (\$)
<i>Reimbursement Agreements – Diversion Authority</i>		
RA-SP-001 – Fiber Optic Relocation <ul style="list-style-type: none"> WP-43CD (OHB coast-to-coast fiber optic relocation) 	Sprint Communications Company, L.P.	\$276,363.92
RA-CL-004 – Communications Cable Relocation <ul style="list-style-type: none"> WP-43CD (OHB copper communications cable levee crossing) 	CenturyLink Communications	\$28,577.62
<i>Construction Change Orders – Diversion Authority</i>		
WP 42H.2 – El Zagal Area Flood Risk Mgmt. Phase 2 Change Order 06 <ul style="list-style-type: none"> Balance final quantities of unit rate items 	Reiner Contracting Inc.	(\$1,720.78)
Total		\$303,220.76



Recommended Contracting Actions

Date: August 24, 2017

Description	Company	Budget Estimate (\$)
<i>Reimbursement Agreements – Diversion Authority</i>		
RA-SP-001 – Fiber Optic Relocation <ul style="list-style-type: none">• WP-43CD (OHB coast-to-coast fiber optic relocation)	Sprint Communications Company, L.P.	\$276,363.92

Technical Advisory Recommendation

Date: August 8, 2017

RECOMMENDATION FOR ACTION:

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

SUMMARY OF AGREEMENT ACTION:

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

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

Sprint Communications Company, L.P.	\$276,363.92
--	---------------------

WP-43CD Utility Relocation Reimbursement Agreement

- WP-43CD OHB coast-to-coast fiber optic relocation

BACKGROUND AND DISCUSSION:

This Utility Relocation Reimbursement Agreement is for the proposed 2017 Sprint coast-to-coast fiber optic relocation that is required for the WP-43CD OHB Ring Levee – Phases C and D construction project.

A summary of Sprint’s contracting history for the project is listed below.

SUMMARY OF CONTRACTING HISTORY AND CURRENT CONTRACT ACTION:

Original Agreement or Amendment	Original Project Cost	Budget Change	Revised Project Cost	Contract or Amendment Date	Project Completion	Comments
Agreement 1	\$276,363.92		\$276,363.92	24-Aug-17	01-Nov-17	WP-43CD OHB coast-to-coast fiber optic relocation

FINANCIAL CONSIDERATIONS:

The PMC requests that the requirement for multiple quotes for this work be waived. Sprint is performing (or contracting for) the work, and therefore multiple quotes were not sought by the EOR.

In 2014, Sprint provided two (2) options for this coast-to-coast fiber optic relocation, a Minnesota route for approximately \$350,000 and a North Dakota route around the south, west and north sides of the OHB ring levee for approximate \$210,000. Due to lack of availability of land to executed the North Dakota option (around the north side of the levee), the North Dakota option was modified to stay in existing Hwy 81 right of way and go over the levee twice.

Sprint provided the attached Exhibit A (Drawings), Exhibit B (Scope of Work), and Exhibit C (Cost Estimate) for planned 2017 fiber optic relocation work associated with the construction of WP-43CD. Sprint will be reimbursed for the actual cost of the work, which may vary from the estimated cost.

The work will include tying into the existing line on the southeast side of the project along CR-18 near the old Kaspari residence. The new line will continue west at a new location and depth to accommodate the outside ditch of the 43A levee, then cross the 43A levee approximately 1,000 feet east of the CR-18 and Hwy 81 intersection, continuing west until Hwy 81, then north approximately 7,000 feet in the existing Sprint easement, then cross under Highway 81 to the west ditch and continuing north along the west side of Hwy 81 until the levee where it will cross over it in a conduit installed by the OHB 43CD contractor (Meyer Contracting), then continuing north until it crosses under Hwy 81 back to the east side and tying into the existing line. The 2017 CenturyLink work (a separate relocation agreement) will be done in a shared trench with Sprint to save on excavation costs.

A summary of Sprint’s estimated costs is listed below.

Sprint Estimate Costs for WP-43 2017 Fiber Optic Utility Relocations		
Item No.	Description	Cost
1	Contract Installation Cost Estimate	99,360.00
2	Material Cost Estimate	51,974.00
3	Removals Cost Estimate	17,101.00
4	Sprint Labor Cost Estimate	48,100.00
5	G&A Overhead (at 27.67%)	59,828.62
Total		276,363.62

This amount of \$276,363.92 is included in the FY-2017 FMDA budget. The PMC has reviewed this cost proposal and finds it acceptable.

ATTACHMENT(S):

1. DRAFT Sprint Reimbursement Agreement
2. Exhibit A (Drawings)
3. Exhibit B (Scope of Work)
4. Exhibit C (Cost Estimate)

Submitted by:

John W. Glatzmaier

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

August 8, 2017

Date

Nathan Boerboom, City of Fargo – Metro Flood
Diversion Authority Project Manager

Concur: August 9, 2017 Non-Concur: _____

Jason Benson, Cass County Engineer

Concur: _____ Non-Concur _____

Mark Bittner, Fargo Director of Engineering

Concur: August 16, 2017 Non-Concur: _____

Jeff Ebsch, Assistant County Engineer – Metro Flood
Diversion Authority Project Manager

Concur: August 9, 2017 Non-Concur _____

David Overbo, Clay County Engineer

Concur: August 9, 2017 Non-Concur: _____

Robert Zimmerman, Moorhead City Engineer

Concur: August 9, 2017 Non-Concur _____

REIMBURSEMENT AGREEMENT

This Reimbursement Agreement ("Agreement") is made and entered into and effective this 24th day of August, 2017, by and between **Sprint Communications Company, L.P.** (hereinafter "Sprint") whose mailing address is 6391 Sprint Parkway, Overland Park, Kansas 66251, Mail Stop: KSOPHT0101-Z2040, and the **Metro Flood Diversion Authority**, its heirs, successors and assigns and grantees (hereinafter "Reimburser") whose mailing address is 211 Ninth Street South, Box 2806, Fargo, North Dakota 58108-2806. Sprint and Reimburser are referred to as "Party" and "Parties" herein.

1. Scope of Work

This reimbursement agreement includes the relocation of Sprint's fiber optic cable and other equipment to facilitate construction of the WP-43CD OHB Ring Levee – Phases C and D (WP-43CD) project.

A detailed scope of work has been included as Exhibit A (Drawings) and Exhibit B (Scope of Work).

A detailed cost proposal has been included as Exhibit C to this agreement.

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

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

Sprint's proposed cost reimbursement:

Sprint Estimate Costs for WP-43 2017 Fiber Optic Utility Relocations		
Item No.	Description	Cost
1	Contract Installation Cost Estimate	99,360.00
2	Material Cost Estimate	51,974.00
3	Removals Cost Estimate	17,101.00
4	Sprint Labor Cost Estimate	48,100.00
5	G&A Overhead (at 27.67%)	59,828.62
	Total	276,363.62

Sprint's schedule is based on assumptions of the project from the information provided by Houston-Moore Group, LLC and intends to complete the work in the 2017 construction season.

3. **Final Accounting**

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

4. **Miscellaneous**

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

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

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

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

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

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

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

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

This Agreement will be effective on the date of execution.

Metro Flood Diversion Authority:

Sprint Communications Company, L.P.:

By: Tim Mahoney

By: _____

Title: Board Chair, MFDA

Title: _____

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

Attest: _____

Attest: _____

Title: _____

Title: _____

Address for giving notices:

Address for giving notices:

Fargo-Moorhead Metro Diversion Authority

Sprint

211 Ninth Street South

C/O Dan Hilliard

Box 2806

Fargo ND 58108-2806

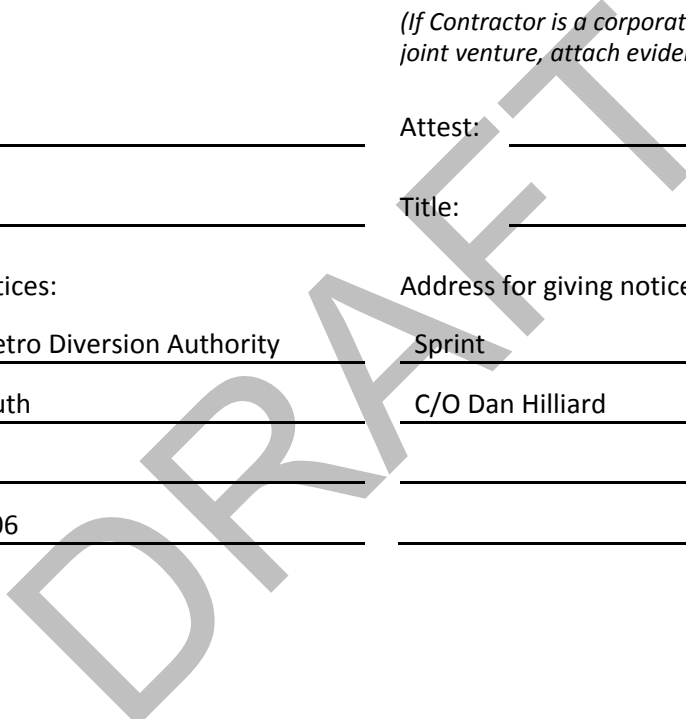
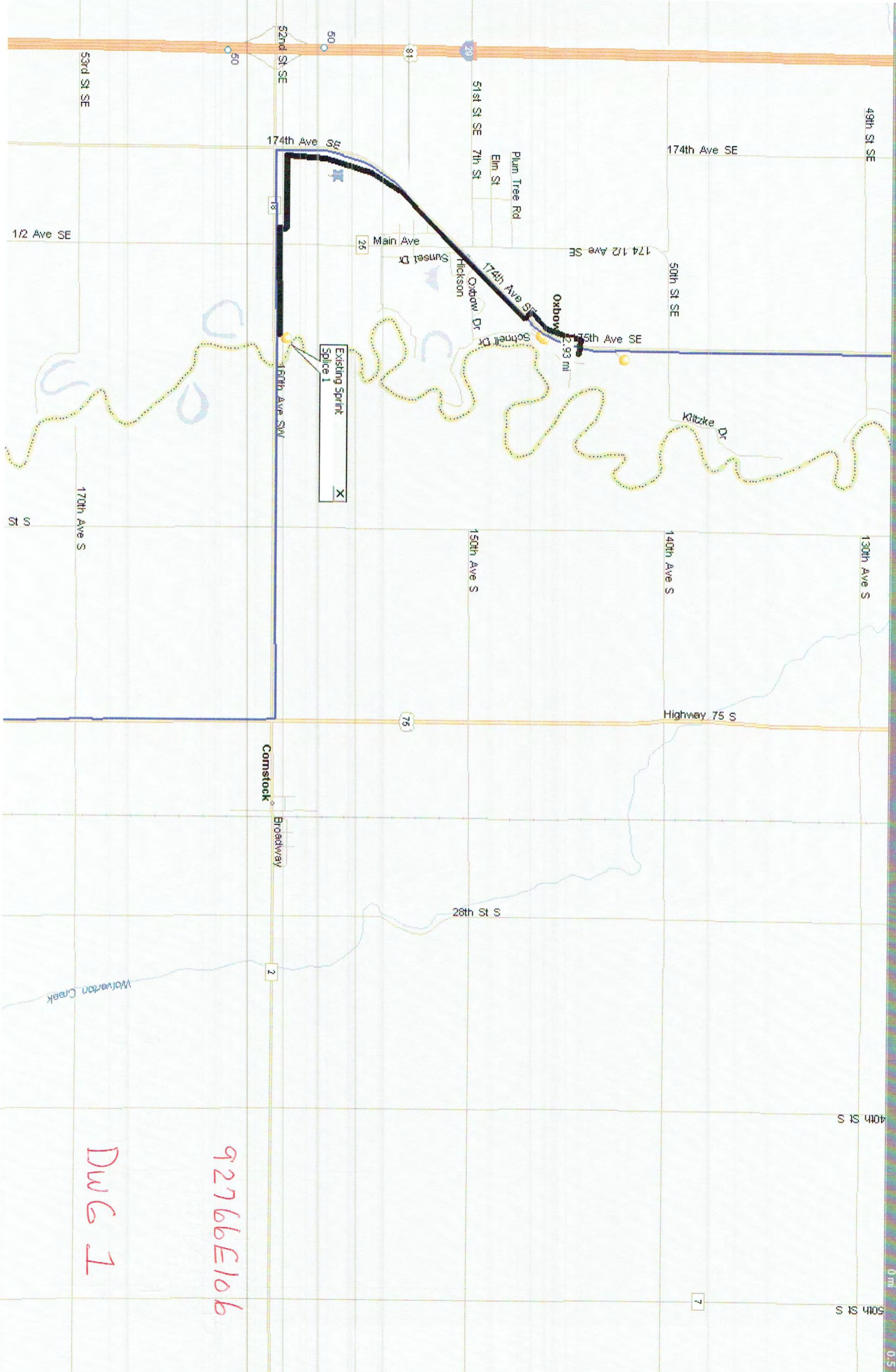


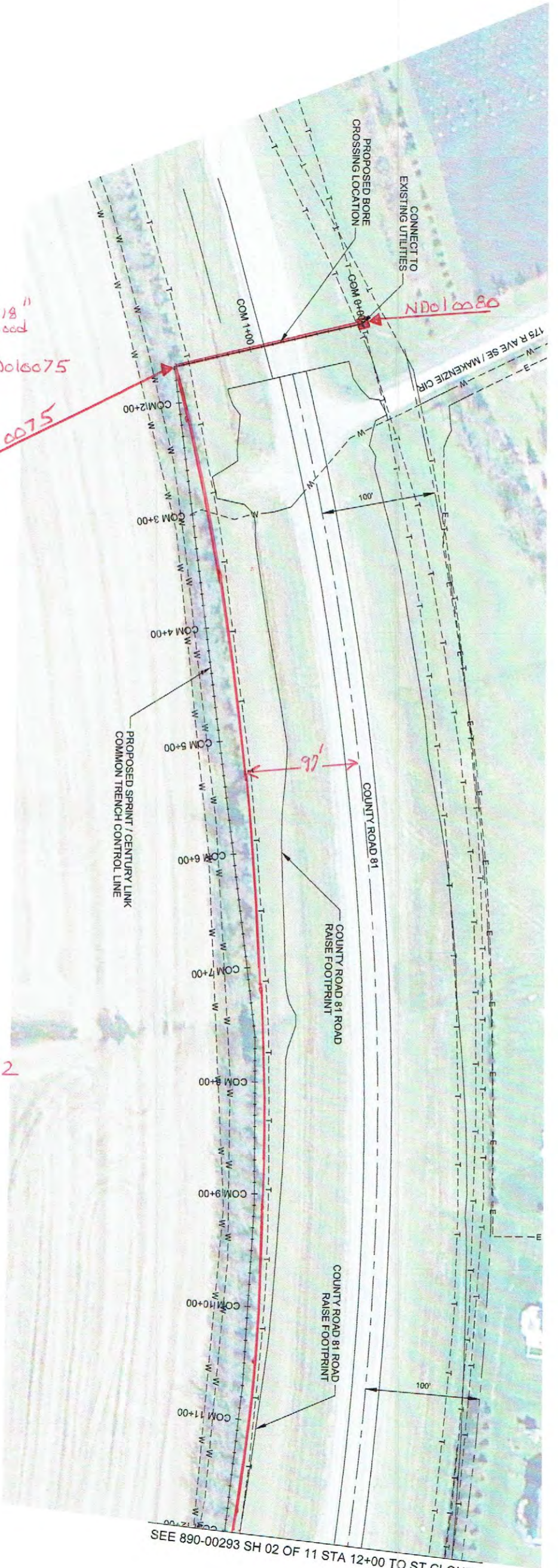
EXHIBIT A
(Drawings)

See Attached.



DWG 1

92766E106



SEE 890-00293 SH 02 OF 11 STA 12+00 TO ST CLOUD

STATION 0+00 PL New 3'x5'x18"
 HH + SPLICE, 6x6x4 wood
 Post, BDS + 6'x2' 2'x12'
 STATION 2+00 PILPT MKR ND010075

ND010075

ND010080

Place 2" HDPE Sch SDR11
 1200'

STATION 8+00 MKR ND010072

REVISIONS			
ISSUE	DESCRIPTION	DRAWN	ENGINEER
XX	AS-BUILT CHANGES (XX-XX-2008)	XX-XX-2008	XX-XX-2008
XX	XXXXXXXX - XXXXXX-2008	XX	XX

Sprint Proprietary Information: Restricted



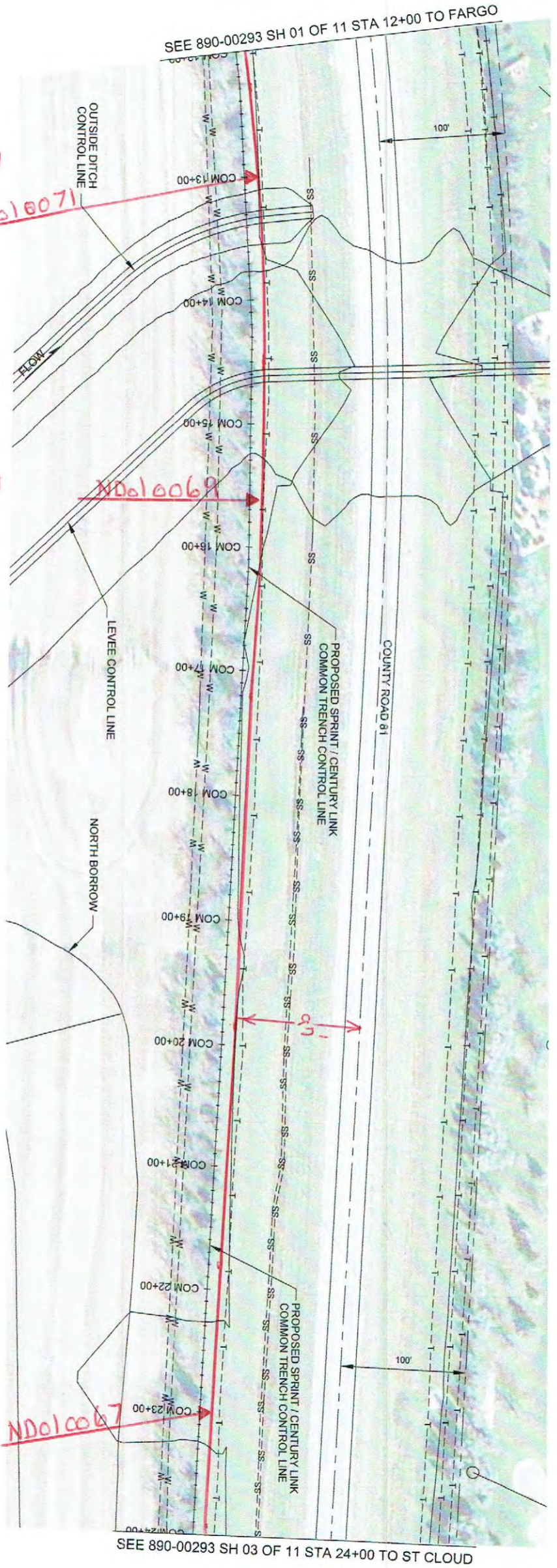
SPRINT DOES NOT WARRANT OR GUARANTEE IN ANY MANNER THE ACCURACY OF THIS MAP. ANY INTENDED EXCAVATION REQUIRES NOTIFICATION OF THE LOCAL "ONE CALL CENTER" OR CALL SPRINT'S CALL-BEFORE-YOU-DIG CENTER AT 1-800-521-5079 AT LEAST 48 HOURS PRIOR TO COMMENCING ACTIVITY.

NORTH	OLD DRAWING NUMBER
WBS:	PRINT NO.
ENG. CO.	APPD DATE:

Sprint
 FIBER OPTIC WORK ORDER DRAWING
 CABLE ROUTE DETAIL
 ST CLOUD, MN - FARGO, ND
 92766E106
 Date 2

XREF: PROPOSED LAYOUT
 COORDINATES: NAD 83, ND STATE PLANES, SOUTH ZONE, US FT

PRINTED SHEET SIZE / DRAWING SCALE	1" = 100'
RELEASE DATE	ISSUE NUMBER
	01



Station 13+00 MKR ND010071

Station 15+50 MKR ND010069

Place 2" HDPE SCH 5DR 11
 1200'

Station 23+00 MKR ND010067

Sprint Proprietary Information: Restricted



SPRINT DOES NOT WARRANT OR GUARANTEE IN ANY MANNER THE ACCURACY OF THIS MAP. ANY INTENDED EXCAVATION REQUIRES NOTIFICATION OF THE LOCAL ONE CALL CENTER OR CALL SPRINT'S CALL-BEFORE-YOU-DIG CENTER AT 1-800-521-0579 AT LEAST 48 HOURS PRIOR TO COMMENCING ACTIVITY.

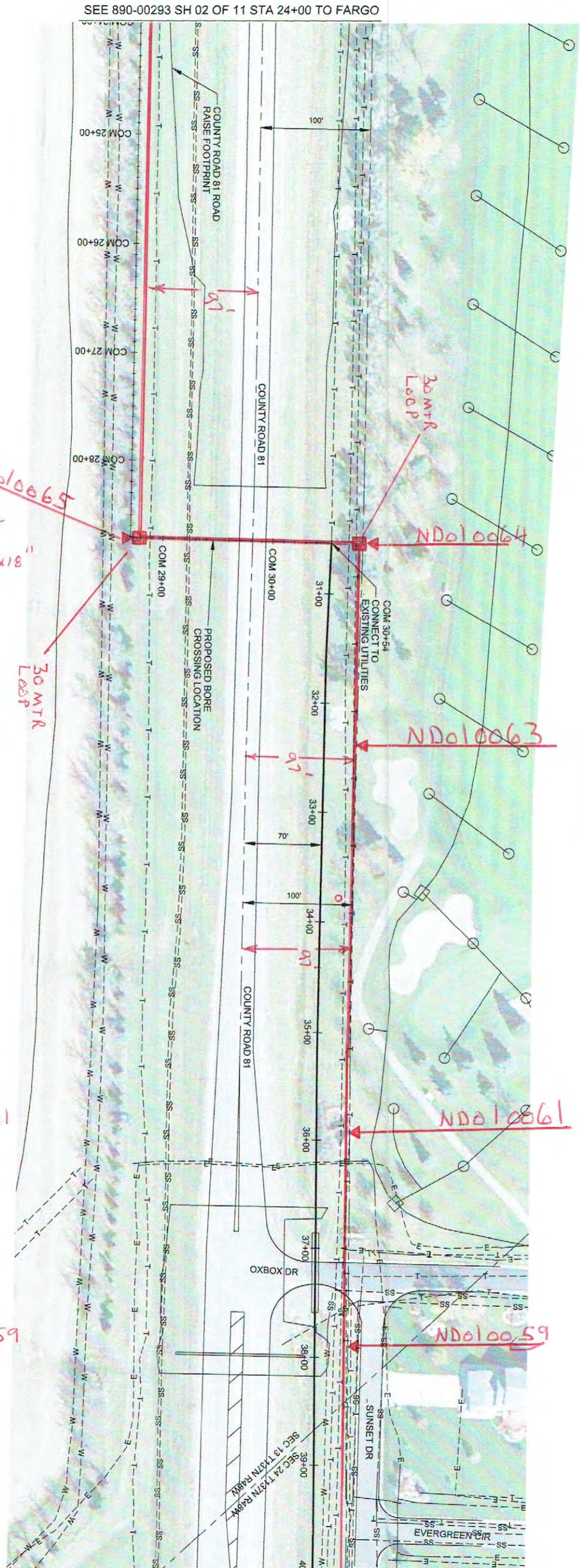
NORTH	OLD DRAWING NUMBER
	WBS: XXX
APPD DATE:	PRINT NO: XX
	ENG CO: XX

Sprint

FIBER OPTIC WORK ORDER DRAWING
 CABLE ROUTE DETAIL
 ST CLOUD, MN - FARGO, ND
 92766E106 DWG 3

XREF: PROPOSED LAYOUT
 COORDINATES: NAD 83 ND STATE PLANES, SOUTH ZONE, US FT

PRINTED SHEET SIZE / DRAWING SCALE	1" = 100'
11" x 17" (B)	1" = 50'
22" x 34" (D)	1" = 50'
RELEASE DATE	ISSUE NUMBER:
	01



SEE 890-00293 SH 02 OF 11 STA 24+00 TO FARGO

SEE 890-00293 SH 04 OF 11 STA 40+00 TO ST CLOUD

1600'
Place 2" HDPE SDR11

STATION 28+70 PI LFT BORE
PL HH 3x5x18" MKR ND010065
18+06 CONNECT TO EXISTING CABLE
STATION 30+70 PI RT PL HH 3x5x18"
MKR ND010064

STA 32+40 MKR ND010063

B0.3 Ped EXIST.

STA 35+90 MKR ND010061

11+73 END EXISTING 4" BIP & BORE
11+36 C/L OXBOW DR
11+00 BEG EXISTING 4" BIP & BORE

STA 37+85 MKR ND010059

Sprint Proprietary Information: Restricted



SPRINT DOES NOT WARRANT OR GUARANTEE IN ANY MANNER THE ACCURACY OF THIS MAP. ANY INTENDED EXCAVATION REQUIRES NOTIFICATION OF THE LOCAL ONE CALL CENTER OR CALL SPRINT'S CALL-BEFORE-YOU-DIG CENTER AT 1-800-521-1111, AT LEAST 48 HOURS PRIOR TO COMMENCING ACTIVITY.

NORTH	OLD DRAWING NUMBER
WBS: XXX	
PRINT NO: XX	
ENG. CO: XX	
APPD DATE:	

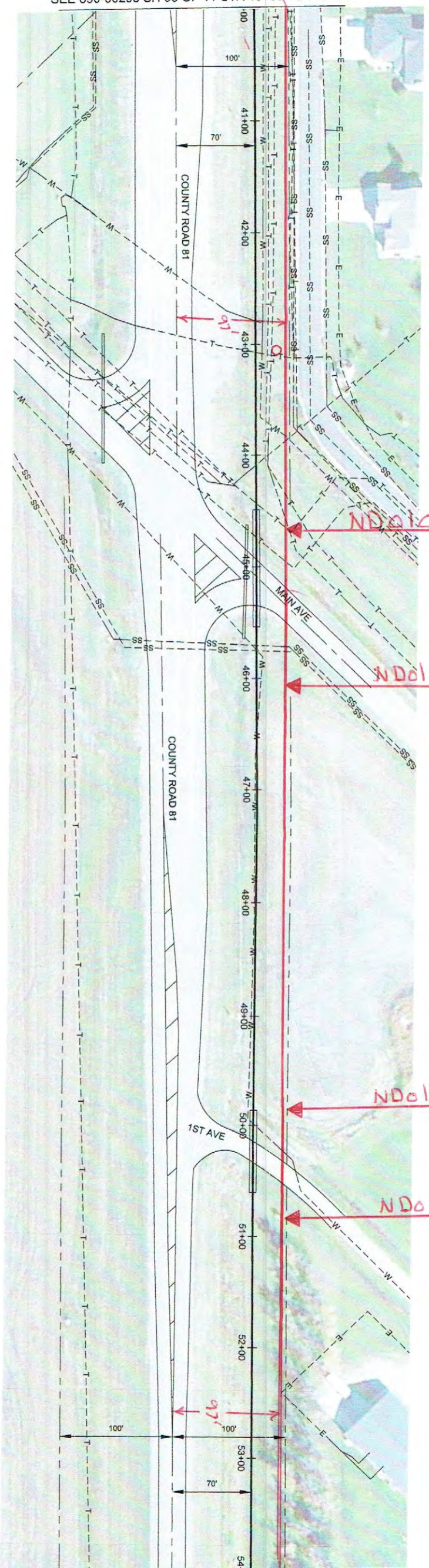
XREF: PROPOSED LAYOUT
COORDINATES: NAD 83, ND STATE PLANES, SOUTH ZONE, US FT

FIBER OPTIC WORK ORDER DRAWING
CABLE ROUTE DETAIL
ST CLOUD, MN - FARGO, ND
92766E106 DWG 4

PRINTED SHEET SIZE/DRAWING SCALE	11" X 17" (B)	1" = 100'
RELEASE DATE	22" X 34" (D)	1" = 50'
ISSUE NUMBER:		01

SHEET 03 OF 11
NTWRK310-00-000-890-00293

SEE 890-00293 SH 03 OF 11 STA 40+00 TO FARGO



CASS CO, ND
CITY OF OXBOW
SEC 24 T137N R48W

SEE 890-00293 SH 05 OF 11 STA 54+00 TO ST CLOUD

STA 40+00

STA 43+10 TEST WELL

STA 44+65 MKR ND010057
4+18 END EXISTING 4" BIP & BORE

3+58 C/L MAIN AVE

3+13 BEG EXISTING 4" BIP & BORE

STA 46+10 MKR ND010054

1460' 2" HDPE SDR 11

0+00 AH APPROX LOCATION OF STA EQ
55+16 BK

STA 49+85 MKR ND010053
53+95 END EXISTING 4" BIP & BORE

53+58 C/L 1ST AVE

53+21 BEG EXISTING 4" BIP & BORE

STA 50+82 MKR ND010052

Sprint Proprietary Information. Restricted



SPRINT DOES NOT WARRANT OR GUARANTEE IN ANY MANNER THE ACCURACY OF THIS MAP. ANY INTENDED EXCAVATION REQUIRES NOTIFICATION OF THE LOCAL ONE CALL CENTER OR CALL SPRINT'S CALL-BEFORE-YOU-DIG CENTER AT 1-800-521-5711 AT LEAST 48 HOURS PRIOR TO COMMENCING ACTIVITY.

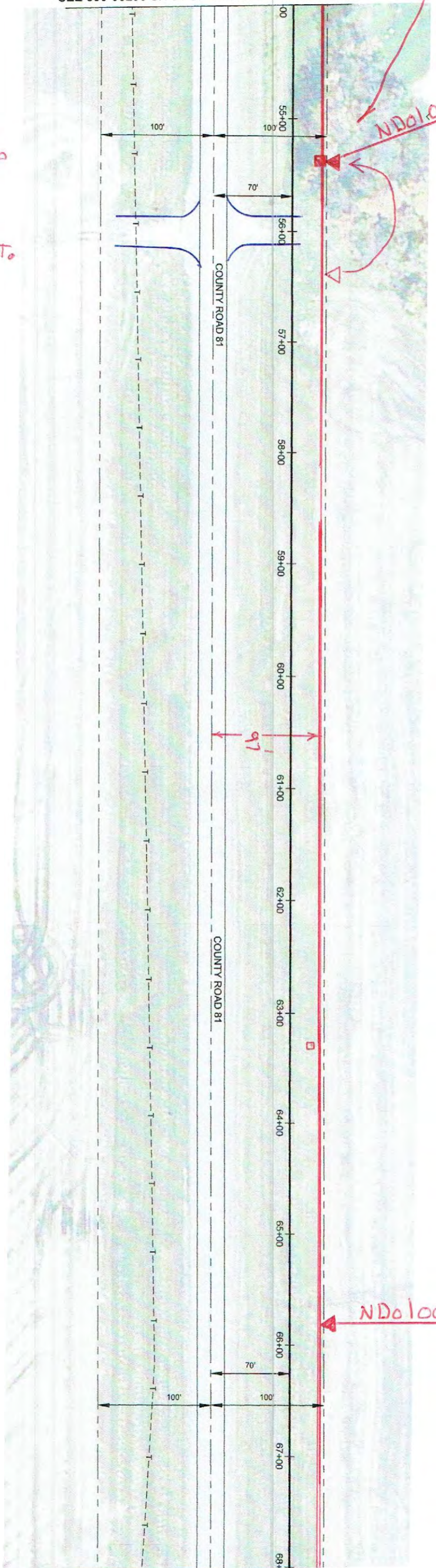
NORTH	OLD DRAWING NUMBER
WBS: XXX	PRINT NO: XX
ENG CO: XX	APPD DATE:

FIBER OPTIC WORK ORDER DRAWING
CABLE ROUTE DETAIL
ST CLOUD, MN - FARGO, ND
927666106 DWG 2

PRINTED SHEET SIZE (DRAWING SCALE)
11" x 17" (B) 1" = 100'
22" x 34" (D) 1" = 50'
RELEASE DATE: ISSUE NUMBER: 01

XREF: PROPOSED LAYOUT
COORDINATES: NAD 83, ND STATE PLANES, SOUTH ZONE, US FT

SEE 890-00293 SH 04 OF 11 STA 54+00 TO FARGO



CASS CO., ND
CITY OF OXBOW
SEC 24 T137N R48W

STA 55+40 MKR ND010050
PLC HT 3X5X18" 30MTR LOOP

MOVE MKR OUT OF FIELD ENT.

1400'
2" HDPE SDR 11

STA 63+30 EXIST BD3

STA 65+90 MKR ND010046

SEE 890-00293 SH 06 OF 11 STA 68+00 TO ST CLOUD



Sprint Proprietary Information: Restricted



SPRINT DOES NOT WARRANT OR GUARANTEE IN ANY MANNER THE ACCURACY OF THIS MAP. ANY INTENDED EXCAVATION REQUIRES NOTIFICATION OF THE LOCAL ONE CALL CENTER OR CALL SPRINT'S CALL-BEFORE-YOU-DIG CENTER AT 1-800-521-0579 AT LEAST 48 HOURS PRIOR TO COMMENCING ACTIVITY.

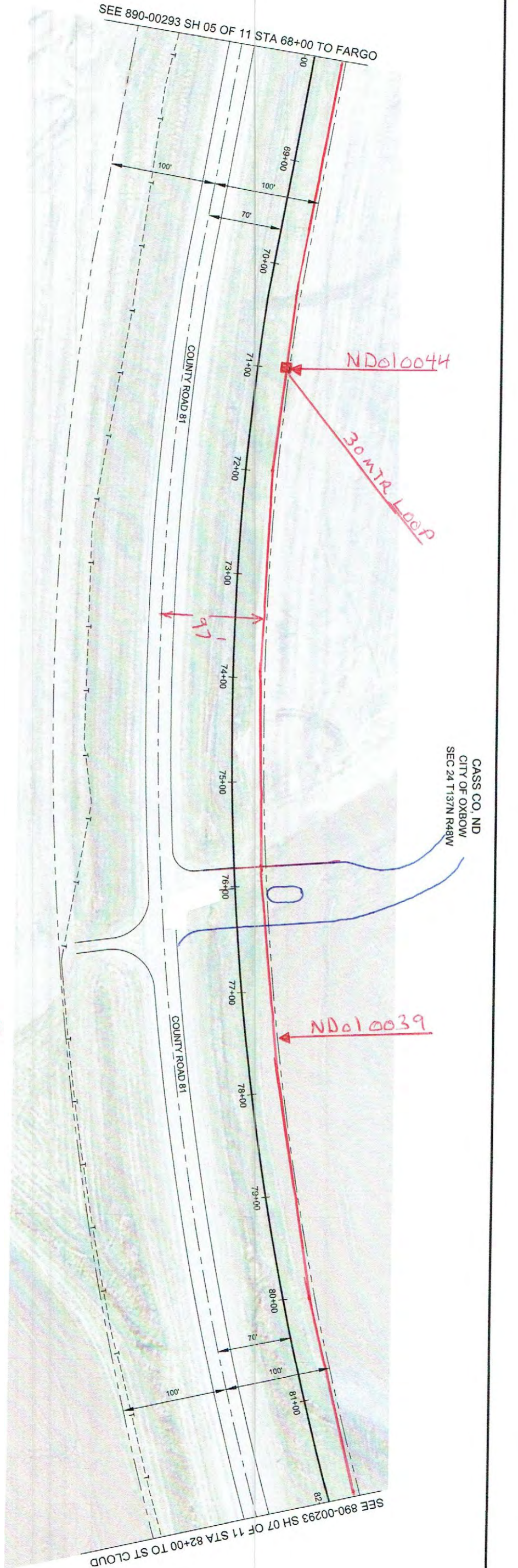
NORTH	OLD DRAWING NUMBER
WBS: XXX	
PRINT NO: XX	
ENG. CO: XX	
APRD DATE:	

Sprint
FIBER OPTIC WORK ORDER DRAWING
CABLE ROUTE DETAIL
ST CLOUD, MN - FARGO, ND
92766elab Dw66

PRINTED SHEET SIZE / DRAWING SCALE	1" = 100'
22" x 34" (D)	1" = 50'
RELEASE DATE:	01
ISSUE NUMBER:	01

XREF: PROPOSED LAYOUT
COORDINATES: NAD 83, ND STATE PLANES, SOUTH ZONE, US FT

SHEET 05 OF 11 | NTRK310-00-000-890-00293



Sta 71+00 MKR ND010044
 PL HH 3x5x18" 30 MTR LOOP

1400'
 2" HDPE SCH 5DR II

STA 77+50 MKR ND010039

27+64 C/L DR

CASS CO, ND
 CITY OF OXBOW
 SEC 24 T137N R48W

Sprint Proprietary Information: Restricted



SPRINT DOES NOT WARRANT OR GUARANTEE IN ANY MANNER THE ACCURACY OF THIS MAP. ANY INTENDED EXCAVATION REQUIRES NOTIFICATION OF THE LOCAL "ONE CALL CENTER" OR CALL SPRINT'S CALL-BEFORE-YOU-DIG CENTER AT 1-800-521-0579, AT LEAST 48 HOURS PRIOR TO COMMENCING ACTIVITY.



NORTH	OLD DRAWING NUMBER
WBS: XXX	PRINT NO: XX
ENG. CO: XX	APPD. DATE:

Sprint

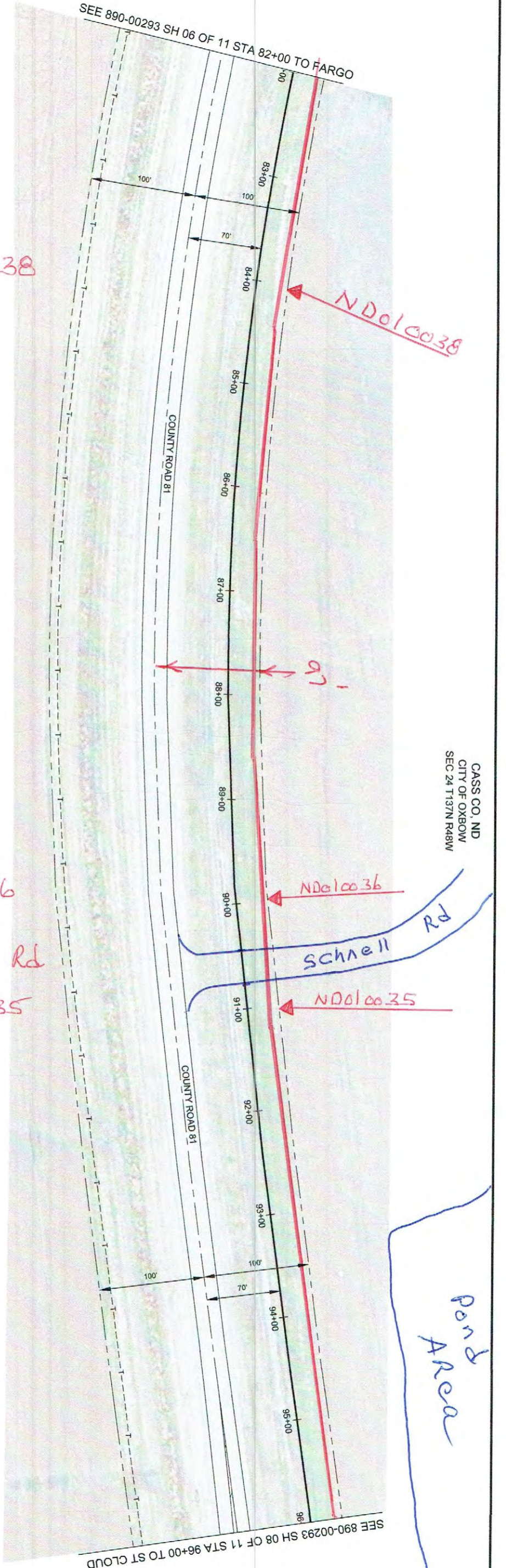
PRINTED SHEET SIZE / DRAWING SCALE
 11" x 17" (B) 1" = 100'
 22" x 34" (D) 1" = 50'

RELEASE DATE: _____
 ISSUE NUMBER: 01

XREF: PROPOSED LAYOUT
 COORDINATES: NAD 83 ND STATE PLANES, SOUTH ZONE, US FT

FIBER OPTIC WORK ORDER DRAWING
 CABLE ROUTE DETAIL
 ST CLOUD, MN - FARGO, ND
 92766E106 Dwg 7

SHEET 06 OF 11 NTWRK310-00-000-890-00293



CASS CO, ND
CITY OF OXBOW
SEC 24 T137N R48W

sta 84+00 MKR ND010038

1400'
2" HDPE SDR 11

Sta 90+00 MKR ND010036

Sta 90+50 & Schnell Rd

Sta 91+00 MKR ND010035

Sprint Proprietary Information: Restricted



SPRINT DOES NOT WARRANT OR GUARANTEE IN ANY MANNER THE ACCURACY OF THIS MAP. ANY INTENDED EXCAVATION REQUIRES NOTIFICATION OF THE LOCAL ONE CALL CENTER OR CALL SPRINT'S CALL-BEFORE-YOU-DIG CENTER AT 1-800-521-0579 AT LEAST 48 HOURS PRIOR TO COMMENCING ACTIVITY.

NORTH	OLD DRAWING NUMBER
WBS: XXX	
PRINT NO: XX	
ENG. CO: XX	
APPD DATE	

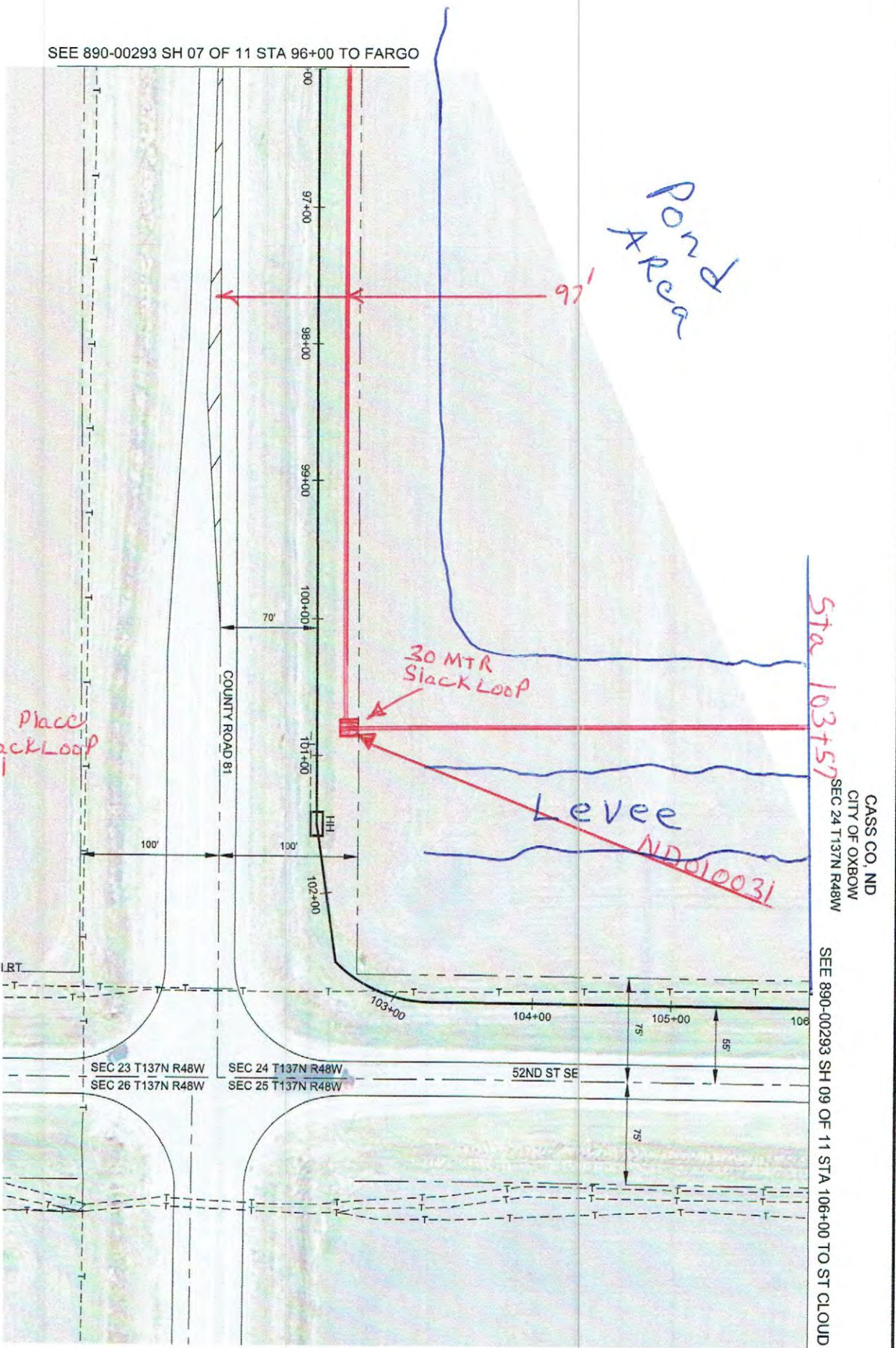
Sprint

FIBER OPTIC WORK ORDER DRAWING
CABLE ROUTE DETAIL
ST CLOUD, MN - FARGO, ND
92766106 DWG 8

XREF: PROPOSED LAYOUT
COORDINATES: NAD 83, ND STATE PLANES, SOUTH ZONE, US FT

PRINTED SHEET SIZE / DRAWING SCALE	11" x 17" (B)	1" = 100'
	22" x 34" (D)	1" = 50'
RELEASE DATE		ISSUE NUMBER
		01

SEE 890-00293 SH 07 OF 11 STA 96+00 TO FARGO

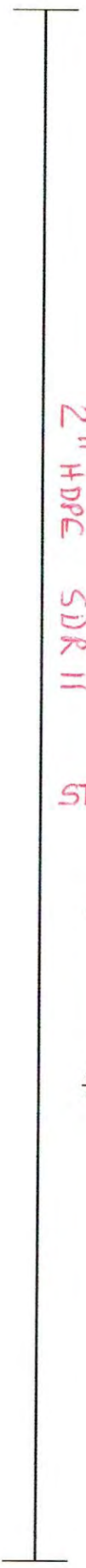


757'
2" HDPE SDR 11

Sta 100+67 PI LFT Place
HH 3x5x18" Slack Loop
MKR ND010031

1+00 EXISTING HH

0+00 AH STA EQ, MP 239, STOP SIGN, PLRT.
36+00 BK



CASS CO, ND
CITY OF OXBOW
SEC 24 T137N R48W
SEE 890-00293 SH 09 OF 11 STA 106+00 TO ST CLOUD

Sprint Proprietary Information: Restricted



SPRINT DOES NOT WARRANT OR GUARANTEE IN ANY MANNER THE ACCURACY OF THIS MAP. ANY INTENDED EXCAVATION REQUIRES NOTIFICATION OF THE LOCAL ONE CALL CENTER OR CALL SPRINT'S CALL-BEFORE-YOU-DIG CENTER AT 1-800-521-0579, AT LEAST 48 HOURS PRIOR TO COMMENCING ACTIVITY.

NORTH	OLD DRAWING NUMBER
WBS: XXX	
PRINT NO: XX	
ENG. CO. XX	
APPD DATE:	

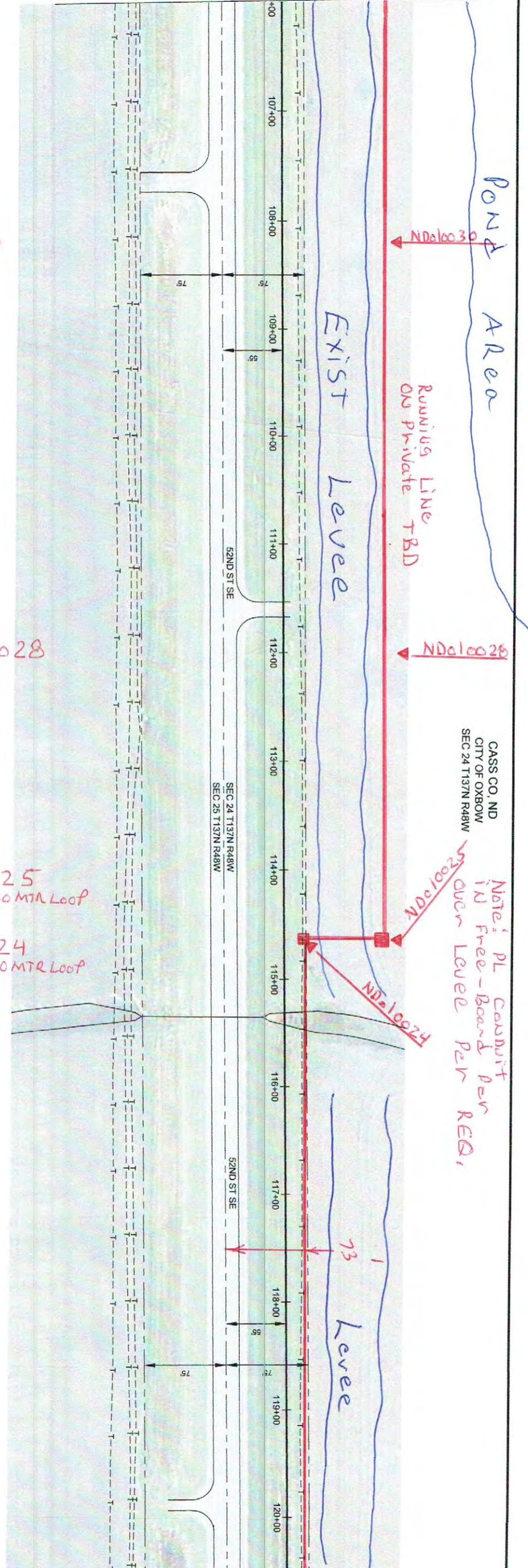
Sprint
FIBER OPTIC WORK ORDER DRAWING
CABLE ROUTE DETAIL
ST CLOUD, MN - FARGO, ND
92766 E106 DWS9

PRINTED SHEET SIZE/DRAWING SCALE	1" = 100'
11" x 17" (B)	1" = 50'
22" x 34" (D)	
RELEASE DATE	
ISSUE NUMBER	01

XREF: PROPOSED LAYOUT
COORDINATES: NAD 83, ND STATE PLANES, SOUTH ZONE, US FT

SHEET 08 OF 11 NTRK310-00-000-890-00293

Sta 103+57



Sta 119+47

Sta 105+77 MKR ND010030

26+92 C/L DRIVEWAY
Sta 109+57 MKR ND010028

Sta 112+07 MKR ND010025
PL HA 3X5X18" 30MTR LOOP
Sta 113+57 MKR ND010024
PL HA 3X5X18" 30MTR LOOP

1590'
2" HDPE SDR 11

Sta 118+01 Drive

Sprint Proprietary Information: Restricted



SPRINT DOES NOT WARRANT OR GUARANTEE IN ANY MANNER THE ACCURACY OF THIS MAP. ANY INTENDED EXCAVATION REQUIRES NOTIFICATION OF THE LOCAL ONE CALL CENTER OR CALL SPRINT'S CALL-BEFORE-YOU-DIG CENTER AT 1-800-521-0979 AT LEAST 48 HOURS PRIOR TO COMMENCING ACTIVITY.

NORTH	OLD DRAWING NUMBER
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PRINT NO: XX	
ENG. CO: XX	
APPD DATE:	

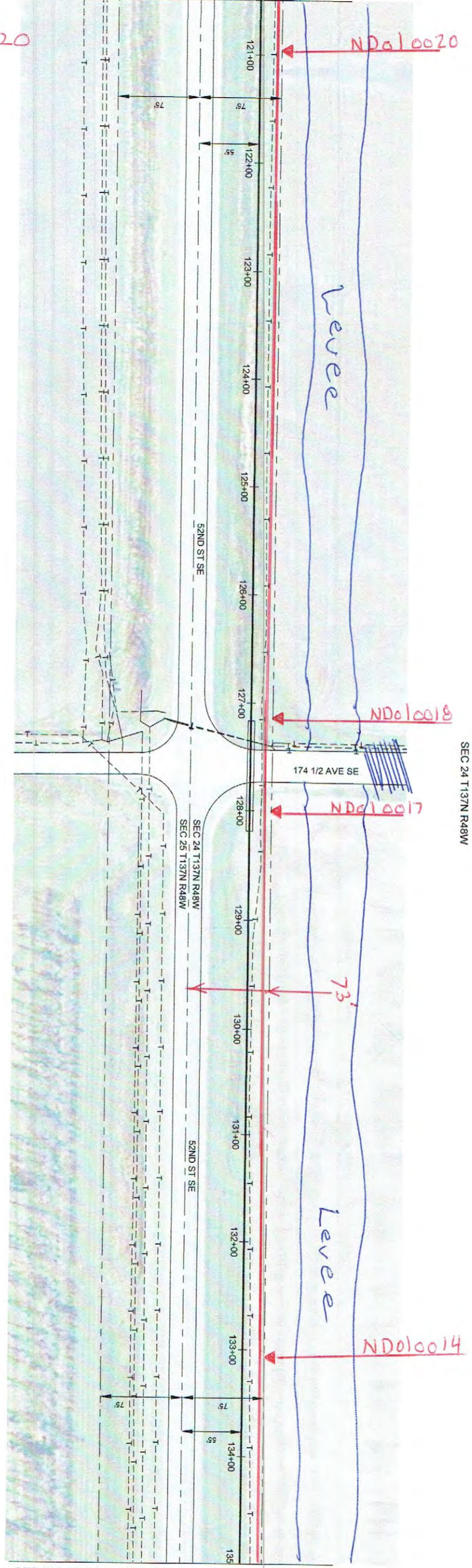
Sprint

FIBER OPTIC WORK ORDER DRAWING
CABLE ROUTE DETAIL
ST CLOUD, MN - FARGO, ND
92766106 DWG 10

XREF: PROPOSED LAYOUT
COORDINATES: NAD 83, ND STATE PLANES, SOUTH ZONE, US FT

PRINTED SHEET SIZE: DRAWING SCALE	1" X 17" (B)	1" = 100'
RELEASE DATE:	22" X 34" (D)	1" = 50'
ISSUE NUMBER:		01

SEE 890-00293 SH 09 OF 11 STA 120+50 TO FARGO



CASS CO, ND
CITY OF OXBOW
SEC 24 T137N R48W

SEE 890-00293 SH 11 OF 11 STA 135+00 TO ST CLOUD

Sta 119+94 MKR ND010020

Sta 125+96 MKR ND010018
11+40 END EXISTING 4" BIP & BORE

10+98 C/L OF RD Sta 126+36 @ GVI Rd

Sta 126+86 MKR ND010017
10+56 BEG EXISTING 4" BIP & BORE

1439'
2" HDPE SDR 11

Sta 131+86 MKR ND010014

Sta 133+86

Sprint Proprietary Information: Restricted



SPRINT DOES NOT WARRANT OR GUARANTEE IN ANY MANNER THE ACCURACY OF THIS MAP. ANY INTENDED EXCAVATION REQUIRES NOTIFICATION OF THE LOCAL ONE CALL CENTER OR CALL SPRINT'S CALL-BEFORE-YOU-DIG CENTER AT 1-800-521-1111 AT LEAST 48 HOURS PRIOR TO COMMENCING ACTIVITY.

NORTH	OLD DRAWING NUMBER
WBS: XXX	
PRINT NO: XX	
ENG. CO: XX	
APPD DATE:	

SHEET 10 OF 11 NTRK310-00-000-890-00293

Sprint

FIBER OPTIC WORK ORDER DRAWING
CABLE ROUTE DETAIL
ST CLOUD, MN - FARGO, ND

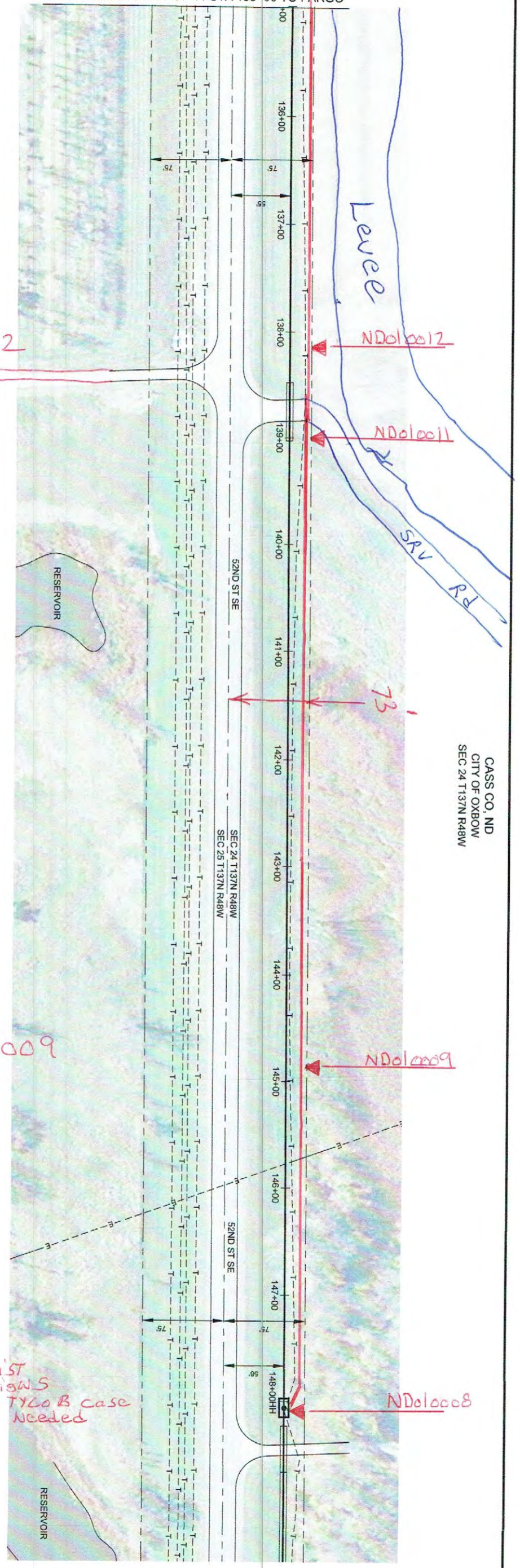
92766E106 Date #11

PRINTED SHEET SIZE / DRAWING SCALE
11" x 17" (B) 1" = 100'
22" x 34" (D) 1" = 50'

RELEASE DATE: ISSUE NUMBER: 01

XREF: PROPOSED LAYOUT
COORDINATES: NAD 83, ND STATE PLANES, SOUTH ZONE, US FT

SEE 890-00293 SH 10 OF 11 STA 135+00 TO FARGO



CASS CO, ND
CITY OF OXBOW
SEC 24 T137N R48W

Sta 136+96 MKR ND010012

0+00 END EXISTING 4" BIP & BORE
0+00 AH STA EQ, MP 238
66+62 BK
66+47 C/L OF DR

66+18 BEG EXISTING 4" BIP & BORE
Sta 137+63



126.5'
2" HDPE SDR 11

Sta 143+48 MKR ND010009

Sta 146+51 stop 2" HDPE ENT EXIST
HH, KEEP EXIST POST, Ped, Gnd, signS
SPLICE New Cable TYCO B case
Needed

57+10 EXISTING HH & SPL
56+93 END EXISTING 4" BIP & BORE
56+70 C/L OF DR
56+50 END EXISTING 4" PVC, BEG EXISTING 4" BIP & BORE



Sprint Proprietary Information: Restricted

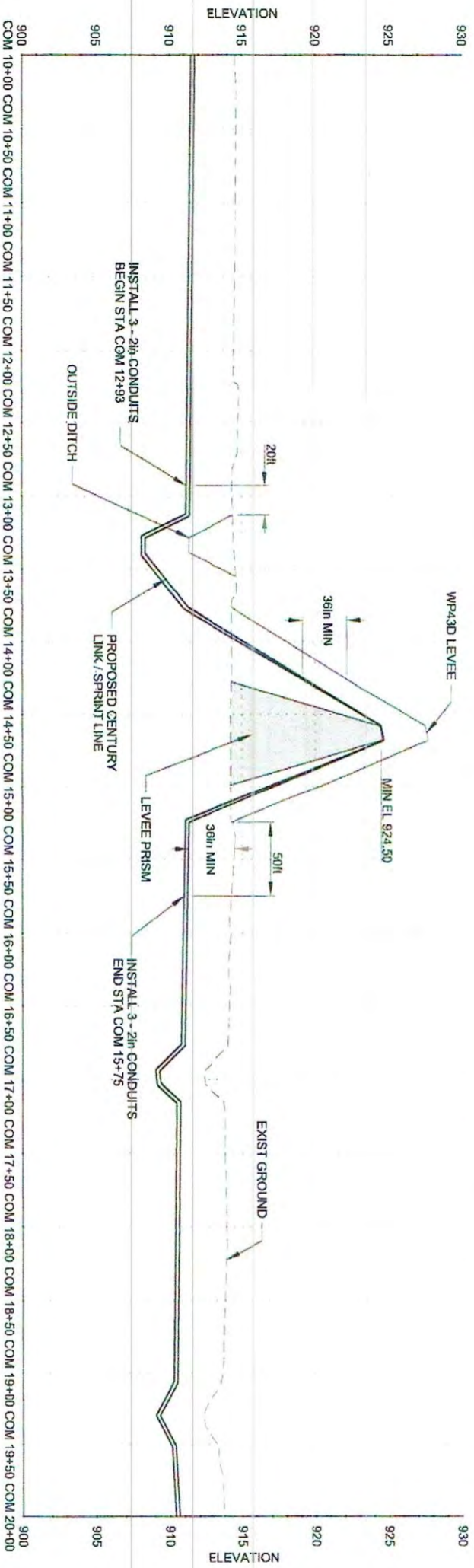
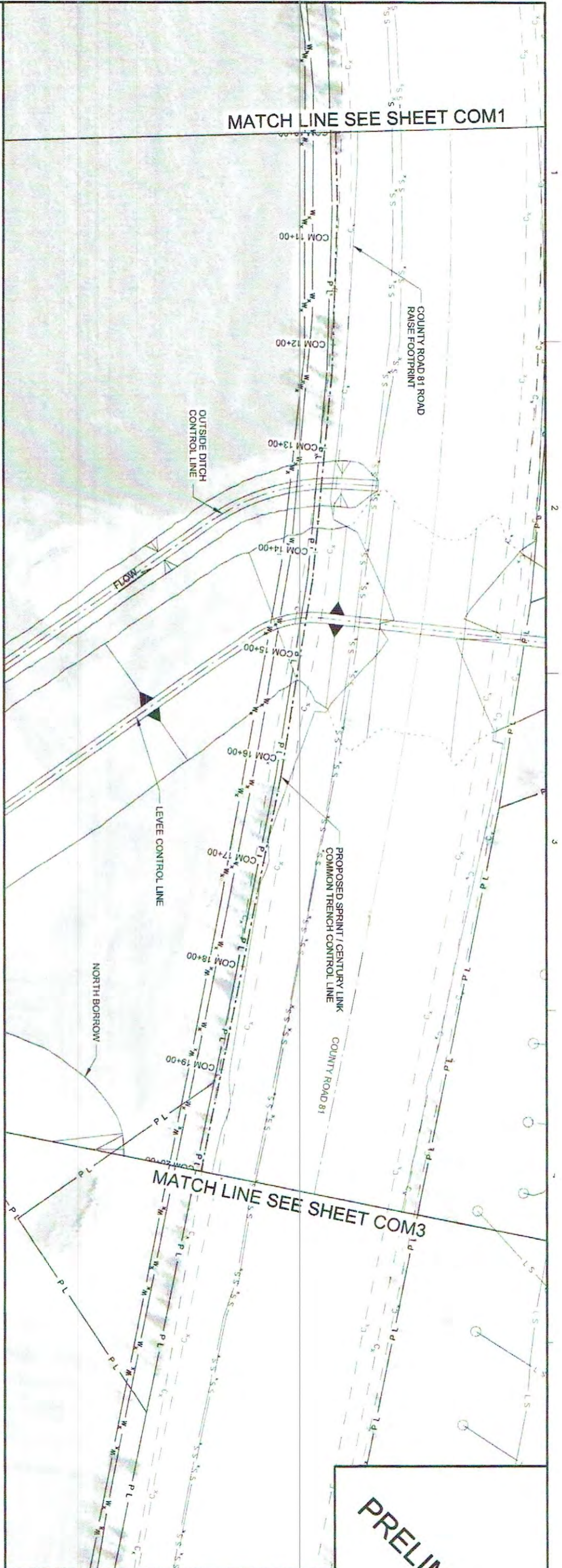


SPRINT DOES NOT WARRANT OR
GUARANTEE IN ANY MANNER THE
ACCURACY OF THIS MAP. ANY INTENDED
EXCAVATION REQUIRES NOTIFICATION OF
THE LOCAL ONE CALL CENTER OR CALL
SPRINT'S CALL-BEFORE-YOU-DIG CENTER
AT 1-800-521-0579, AT LEAST 48 HOURS
PRIOR TO COMMENCING ACTIVITY.

NORTH	OLD DRAWING NUMBER
WBS: XXX	
PRINT NO: XX	
ENG. CO: XX	
APPD DATE:	

FIBER OPTIC WORK ORDER DRAWING
 CABLE ROUTE DETAIL
 ST CLOUD, MN - FARGO, ND
 927066106 DWG # 12
 SHEET 11 OF 11
 NTRKR310-00-000-890-00293

XREF: PROPOSED LAYOUT
 COORDINATES: NAD 83, ND STATE PLANES, SOUTH ZONE, US FT
 PRINTED SHEET SIZE/DRAWING SCALE
 11" x 17" (B) 1" = 100'
 22" x 34" (D) 1" = 50'
 RELEASE DATE: ISSUE NUMBER: 01



PLAN AND PROFILE VIEW

SPRINT / CENTURY LINK
 VERTICAL SCALE
 HORIZONTAL SCALE



- NOTES:**
1. CONDUIT SHALL NOT BE PLACED WITHIN LEVEE PRISM WITH 3ft OF COVER.
 2. SPRINT - 2in CONDUIT OF HDPE ORANGE SDR11
 3. 2 - 2in CONDUITS FOR CENTURY LINK LINES.
 4. CONDUIT ALONG COUNTY ROAD 81 WILL BE PLACED AT MINIMUM OF 3ft BELOW SURFACE.

92766E106
 DWG # 13

PRELIMINARY



ELEVATION DATUM (VERTICAL CONTROL)
 NAVD 88
 GEOID09

COORDINATE SYSTEM (HORIZONTAL CONTROL)
 NAD 83 (2007)
 NO SPCS. SOUTH ZONE - US SURVEY FEET
 COMBINED SCALE FACTOR (CSF): 0.999900290

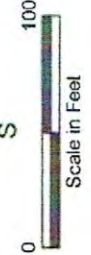
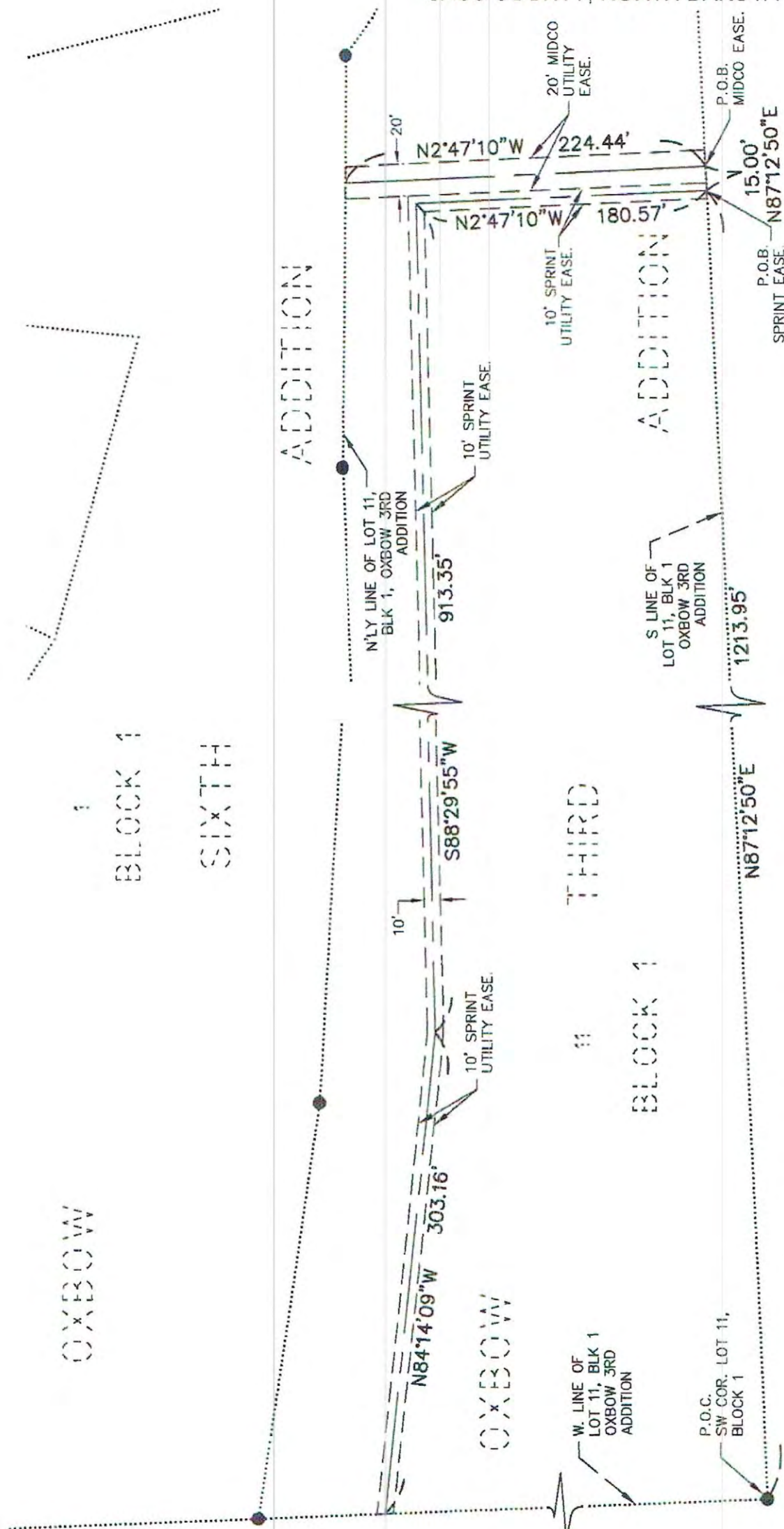
OXBOW - HICKSON - BAKKE RING LEVEE
 WORK PACKAGE 43A
 CASS COUNTY, NORTH DAKOTA

COM2

DATE:	06/22/21
REVISION:	
REVISION:	
REVISION:	
REVISION:	
REVISION:	
REVISION:	
FILE NAME:	FMMXXX_COM2--.d
PROJECT NO.:	10
DRAWN BY:	
CHECKED BY:	
PROJ. MANAGER:	
PROJ. ENGINEER:	

EASEMENT EXHIBIT

OVER PART OF LOT 11, BLOCK 1, OXBOW THIRD
ADDITION TO THE CITY OF OXBOW
CASS COUNTY, NORTH DAKOTA



LEGEND

- IRON MONUMENT FOUND
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

BASIS OF BEARINGS:
THE SOUTH LINE OF LOT 11, BLOCK 1, OXBOW THIRD ADDITION HAS A RECORD BEARING OF N87°12'50"E

OXBOW
BLOCK 1
SIXTH

THIRD
BLOCK 1

COUNTY HIGHWAY NO. 18

COUNTY HIGHWAY 81

92766E106
DWG # 14



EASEMENT EXHIBIT

DATE	LAST DAY ON SITE	CH'D BY	PROJECT NO.
04/05/16		SWH	17033-280
REVISED	SCALE	DRAWN BY	SHEET
	1" = 100'	MPL	1 OF 2

EASEMENT EXHIBIT

OVER PART OF LOT 11, BLOCK 1, OXBOW THIRD
ADDITION TO THE CITY OF OXBOW
CASS COUNTY, NORTH DAKOTA

DESCRIPTION (SPRINT UTILITY EASEMENT)

That part of Lot 11, Block 1, OXBOW THIRD ADDITION to the City of Oxbow, according to the recorded plat thereof on file and of record in the office of the Recorder, Cass County, North Dakota, being a strip on land 10.00 feet wide, lying 5.00 feet on each side of the following described centerline:

Commencing at the southwest corner of said Lot 11; thence North 87 degrees 12 minutes 50 seconds East on a record bearing along the south line of said Lot 11 for a distance of 1,213.95 feet to the point of beginning of the centerline to be described; thence North 02 degrees 47 minutes 10 seconds West for a distance of 180.57 feet; thence South 88 degrees 29 minutes 55 seconds West for a distance of 913.35 feet; thence North 84 degrees 14 minutes 09 seconds West for a distance of 303.16 feet to the west line of said Lot 11 and said centerline there terminates.

The sidelines of said 10.00 foot wide strip are to be lengthened or shortened to terminate on the west and south lines of said Lot 11.

Containing 13,971 sq. ft., more or less, and is subject to all easements, reservations, restrictions, and right-of-ways of record, if any.

DESCRIPTION (MIDCO UTILITY EASEMENT)

That part of Lot 11, Block 1, OXBOW THIRD ADDITION to the City of Oxbow, according to the recorded plat thereof on file and of record in the office of the Recorder, Cass County, North Dakota, being a strip on land 20.00 feet wide, lying 10.00 feet on each side of the following described centerline:

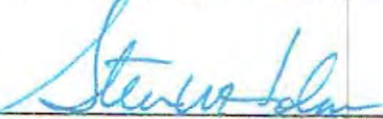
Commencing at the southwest corner of said Lot 11; thence North 87 degrees 12 minutes 50 seconds East on a record bearing along the south line of said Lot 11 for a distance of 1,228.95 feet to the point of beginning of the centerline to be described; thence North 02 degrees 47 minutes 10 seconds West for a distance of 224.44 feet to the northerly line of said Lot 11 and said centerline there terminates.

The sidelines of said 20.00 foot wide strip are to be lengthened or shortened to terminate on the south line and the northerly line of said Lot 11.

Containing 4,489 sq. ft., more or less and is subject to easements, reservations, restrictions, and right-of-ways of record, if any.

CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota.



Steven W. Holm, R.L.S.
N.D. License No. LS-6571

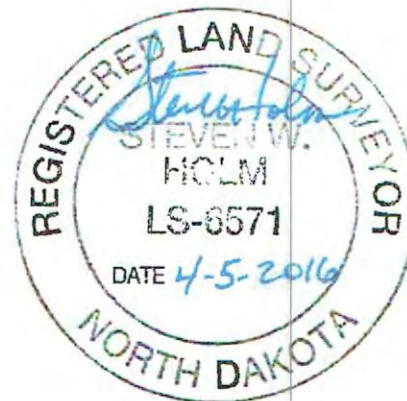
Date: 4-5-2016

State of North Dakota)
County of Cass)

On this 5th day of April, 2016, before me, a Notary Public in and for said county and state, personally appeared Steven W. Holm, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing certificate and acknowledged to me that he executed the same as his free act and deed.

BRENDA JO KOSKI
Notary Public
State of North Dakota
My Commission Expires May 9, 2018


Notary Public, Cass County, North Dakota
My Commission Expires: May 9, 2018



92766E106
DWG # 15

	EASEMENT EXHIBIT	DATE	LAST DAY ON SITE	CH'D BY	PROJECT NO.
		04/05/16		SWH	17033-260
		REVISED	SCALE	DRAWN BY	SHEET
			1" = 100'	MPL	2 OF 2

Exhibit B - Scope of Work - Oxbow Levee 2017

WORK ORDER NUMBER:	9.28E+110
WORK ORDER NAME:	Oxbow Levee cable relocation
WORK LOCATION:	
MILESTONE DATES	
PRE-BID DATE REQUESTED:	
BID CLOSING DATE REQUESTED:	
AWARD DATE REQUESTED:	
EXECUTE DATE REQUESTED:	
SCOPE OF WORK:	
<p>This project is starting work on 160th Avenue just west of the Red River where Sprint has an existing splice point. The project would then build west toward HWY81 and jump the Levee to place conduit between pond and Levee. Conduit would go north along pond private easement to Schnell Road into Oxbow where conduit would jump back into HWY 81 RW. Sprint would build north along the east side of 81 all the way up to about 700 feet north of Oxbow Drive. It will then pick up CL and jump to the west side of HWY 81 joint with CL. From this point the build will go north joint with CL on the west side of HWY 81. At the point where the existing Levee is built we will intercept two existing 2" HDPE conduits placed by the contractor building the Levee. North of the Levee two 2" HDPE conduits will again start building north about 1100 feet then bore the road to the east side again and both Sprint and CL will tie into existing conduits and cable with cut overs to be scheduled when all work is complete and cable is ready. This Cut over is to happen about September.</p>	
CONTRACT INSTALLATION ESTIMATE	\$ 99,360.00
SPRINT MATERIAL ESTIMATE	\$ 51,974.00
COST OF REMOVAL ESTIMATE	17.101
ESTIMATED RETIREMENT COSTS	-
ESTIMATED SALVAGE COSTS	
CONTRACT LABOR ESTIMATE	
RAILROAD LABOR ESTIMATE	-
SPRINT LABOR ESTIMATE	\$ 48,100.00
G&A Overhead 27.63%	\$ 59,828.62
TOTAL WORK ORDER ESTIMATE	\$ 276,363.62
ENGINEER:	SIGNATURE:
MANAGER:	SIGNATURE:
DIRECTOR:	SIGNATURE:

Exhibit C - Oxbow Levee 2017

COST ESTIMATE CONTRACTOR

CODE	DESCRIPTION	U/M	AMOUNT	UNIT COST	COST	
	Mobilize	LT	1	\$ 5,000.00	5,000.00	
	place 2" HDPE bore	FT	2600	\$ 11.00	28,600.00	
	place 2" HDPE plow/place/trench	FT	12,500	\$ 2.35	29,375.00	
	Place warning sign posts 10 per mile	EA	35	\$ 125.00	4,375.00	
	Hand holes Placed	EA	10	\$ 850.00	8,500.00	
	Remove dead sprint fiber from RW	FT	15,576	\$ 1.00	15,576.00	
	Remove old sign posts from RW	EA	15	\$ 75.00	1,125.00	
	Remove old HH/s and restore	EA	2	\$ 200.00	400.00	
	Install ground grids at splice points	EA	1	\$ 1,250.00	1,250.00	
	Splice 90 splices, per burn	EA	56	\$ 80.00	4,480.00	
	Install splice cases	EA	2	\$ 200.00	400.00	
	Place cable in 2" HDPE conduit	FT	15,800	\$ 1.10	17,380.00	
	Contract locating for construction	LT	0	\$ -	-	
	Install one 4x4x4 MH for slack cable	EA	0	\$ -	-	
		DAY	0	\$ -	-	
		FT	0	\$ -	-	
	SUBTOTAL				116,461.00	

COST ESTIMATE SPRINT MATERIAL

CODE	DESCRIPTION	U/M	AMOUNT	UNIT COST	COST	
	TYCO SPLICE Cases	EA	2	\$ 250.00	\$ 500.00	
	36 count fiber price per meter	MTR	5000	\$ 2.10	\$ 10,500.00	
	3x5x18" Hand holes	EA	10	\$ 1,650.00	\$ 16,500.00	
	warning ribbon	EA	15,000	\$ 0.07	\$ 1,050.00	
	Wood post 14 Foot green for splice locations	EA	1	\$ 50.00	\$ 50.00	
	Tall BD3 ped for splice locations	EA	1	\$ 75.00	\$ 75.00	
	Ground rods	EA	3	\$ 18.00	\$ 54.00	
	# 2 ground wire Bare	FT	120	\$ 1.00	\$ 120.00	
	# 6 heavy coated for splice to sip	FT	200	\$ 1.00	\$ 200.00	
	bags of sack crete for HH setting	EA	40	\$ 10.00	\$ 400.00	
	Stainless steel mesh for HH where gopher is issue	EA	10	\$ 150.00	\$ 1,500.00	
	2" HDPE conduit, with 2500 pound mule tape in side	FT	15,500	\$ 1.30	\$ 20,150.00	
	Warning sign posts	ea	35	\$ 25.00	\$ 875.00	
	4x4x4 precast MH	EA	0	\$ -	-	
		LT	0	\$ -	-	
	#N/A			#N/A		
	SUBTOTAL				\$ 51,974.00	

COST ESTIMATE SPRINT LABOR

CODE	DESCRIPTION	U/M	AMOUNT	UNIT COST	COST	
	Sprint Engineering, time tracked since beginning	HR	160	\$ 125.00	\$ 20,000.00	
	Sprint ADMIN	HR	40	\$ 125.00	\$ 5,000.00	
	Permit HRS	HR	20	\$ 125.00	\$ 2,500.00	
	Contract drafting	HR	26	\$ 100.00	\$ 2,600.00	
	HOT Sprint employee testing	LT	1	\$ 8,000.00	\$ 8,000.00	
	Contract Engineering inspection if required	LT	1	\$ 10,000.00	\$ 10,000.00	
	#N/A			#N/A		
	#N/A			#N/A		
	#N/A			#N/A		
	#N/A			#N/A		
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	#N/A			#N/A		
	#N/A			#N/A		
	#N/A			#N/A		
	#N/A			#N/A		
	SUBTOTAL				\$ 48,100.00	
	TOTALS				\$ 216,535.00	

G&A Overhead 27.63% 59,828.62
 Total This Page 276,363.62



Recommended Contracting Actions

Date: August 24, 2017

Description	Company	Budget Estimate (\$)
<i>Reimbursement Agreements – Diversion Authority</i>		
RA-CL-004 – Communications Cable Relocation <ul style="list-style-type: none">• WP-43CD (OHB copper communications cable levee crossing)	CenturyLink Communications	\$28,577.62

Technical Advisory Recommendation

Date: August 8, 2017

RECOMMENDATION FOR ACTION:

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

SUMMARY OF AGREEMENT ACTION:

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

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

CenturyLink Communications

\$28,577.62

WP-43CD Utility Relocation Reimbursement Agreement

- WP-43CD OHB copper communications cable levee crossing

BACKGROUND AND DISCUSSION:

This Utility Relocation Reimbursement Agreement is for the proposed 2017 CenturyLink copper communication cable levee crossing that is required for the WP-43CD OHB Ring Levee – Phases C and D construction project.

A summary of CenturyLink’s contracting history for the project is listed below.

SUMMARY OF CONTRACTING HISTORY AND CURRENT CONTRACT ACTION:

Original Agreement or Amendment	Original Project Cost	Budget Change	Revised Project Cost	Contract or Amendment Date	Project Completion	Comments
Previously encumbered CenturyLink WP-43 Utility Relocations	\$505,043.10	\$0	\$505,043.10	July-2014	10-Oct-14	CenturyLink utility relocations in 2014: Abandon service along CR-25, fiber and copper service placement along CR-18 and Hwy-81, fiber service placement in CR-25, two remote terminal placements, and central office modifications.
Reimbursement Agreement RA-CL002		\$73,177.53	\$578,220.63		01-Dec-15	Relocate copper cable facilities for 39 homes and golf course club house in Oxbow development.
Reimbursement Agreement RA-CL004		\$28,577.62	\$606,798.25	24-Aug-17	01-Nov-17	WP-43CD OHB copper communications cable levee crossing.

FINANCIAL CONSIDERATIONS:

The PMC requests that the requirement for multiple quotes for this work be waived. CenturyLink is performing (or contracting for) the work, and therefore multiple quotes were not sought by the EOR.

CenturyLink provided the attached Special Construction Proposal in the amount of \$28,577.62 along with Exhibit A (Route Plan Drawings) for the planned 2017 copper line relocation and levee crossing associated with the construction of WP-43CD.

The work will include tying into the existing copper line on the east side of Highway 81, crossing under Hwy 81 to the west and then continuing north along the west side of Highway 81 until it intersects and crosses over the levee in a conduit installed by the OHB WP-43CD contractor (Meyer Contracting), then continuing north until it crosses back to the east under Highway 81 tying back into the existing line. The CenturyLink work will be done in a shared trench with Sprint Communications (a separate utility relocation agreement) to save on excavation costs.

This amount of \$28,577.62 is included in the FY-2017 FMDA budget. The PMC has reviewed this cost proposal and finds it acceptable.

ATTACHMENT(S):

1. DRAFT CenturyLink Reimbursement Agreement
2. CenturyLink Special Construction Proposal
3. Exhibit A (Route Plan Drawings)

Submitted by:

John W. Glatzmaier

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

August 8, 2017

Date

Nathan Boerboom, City of Fargo – Metro Flood
 Diversion Authority Project Manager

Concur: August 9, 2017 Non-Concur: _____

Jason Benson, Cass County Engineer

Concur: _____ Non-Concur _____

Mark Bittner, Fargo Director of Engineering

Concur: August 16, 2017 Non-Concur: _____

Jeff Ebsch, Assistant County Engineer – Metro Flood
 Diversion Authority Project Manager

Concur: August 9, 2017 Non-Concur _____

David Overbo, Clay County Engineer

Concur: August 9, 2017 Non-Concur: _____

Robert Zimmerman, Moorhead City Engineer

Concur: August 9, 2017 Non-Concur _____

August 24, 2017

CenturyLink Communications
CenturyLink Asset Accounting – BART
700 W Mineral Ave
Room NM P29.34
Littleton, CO 80120

Attn: Mrs. Marcella Apodaca

Subject: RA-CL004; WP-43CD – Oxbow Reimbursement Agreement

Dear Mrs. Apodaca:

Thank you for providing the attached Proposal presenting the cost to relocate copper cable facilities in the east side of Hwy 81 to the west side of Hwy 81 in Oxbow, ND. The work will include tying into the existing line on the east side of Highway 81, crossing under Hwy 81 to the west and then continuing north along the west side of Highway 81 until it intersects and crosses over the levee in a conduit installed by the OHB WP43CD contractor (Meyer Contracting), then continuing north until it crosses back to the east under Highway 81 tying back into the existing line. The CenturyLink work will be done in a shared trench with Sprint Communications to save on excavation costs.

The Diversion Authority understands that this Proposal is anticipated to cover all labor, materials, and commissioning necessary to install the new facilities and removed old facilities as described in attached Proposal.

The Diversion Authority agrees to reimburse CenturyLink the total proposed cost of \$28,577.62 for this work. Attached is the signed agreement.

To ensure prompt processing and payment, please submit all invoices for this work to the following email inbox for processing: APIInvoicesFMDiv@ch2m.com.

Sincerely,

Timothy J. Mahoney, Chairman
Flood Diversion Board of Authority
200 3rd Street North
Fargo, ND 58102

RA-CL004_WP-43CD_OHBReimbursementAgreement

c: Mr. Michael J. Redlinger, Fargo Assistant City Administrator
Mr. Robert W. Wilson, Cass County Administrator

Attachments:

CenturyLink Special Construction Proposal
Exhibit A: Route Plan Drawings



7/18/2017

Flood Diversion Authority
Attn: Pat Downs
211 ninthStreet South Box 2806
Fargo, ND 58108

Re: OXBOW, ND

BAN Number N261940

Pat Downs,

Please review the attached Special Construction Proposal. If acceptable, return a signed copy and a form of payment for the total charges in the amount of \$28,577.62. Please note, your job will not be scheduled until we are in receipt of the above.

Send all documents and payments to:

CenturyLink Asset Accounting - BART
700 W Mineral Ave
Room NM P29.34
Littleton, CO 80120

Documents to include:

- **Signed Proposal**
- **Payment**

After we have received the above from you, we will return one fully executed copy for your records. The fully executed Special Construction Proposal will constitute the agreement between you and Centurylink for the Work. NO ADDITIONAL TERMS AND CONDITIONS WILL BE ACCEPTED.

Checks should be made payable to CenturyLink. If you are providing a Purchase Order as a form of payment, please sign, date and return the Purchase Order for the amount of \$28,577.62. Please note that any terms and conditions set forth on a Purchase Order will not become part of the agreement for the Work, which is governed solely by the Special Construction Proposal. If you are interested in an electronic payment option, Electronic Funds Transfer (EFT) is available and instructions will be provided to you upon request. CenturyLink is unable to accept credit card payments for Special Construction projects.

Any questions regarding the scheduling of the work to be performed or decisions to cancel the work, please contact CenturyLink representative, Donna Olson at +17634252199.

Asset Accounting Operations
Email: sconstr@CenturyLink.com
720-578-8671
303-707-9971 fax

enclosures

Special Construction Proposal

Date: 7/18/2017

Billing Address:

Work Location:

Customer: Flood Diversion AuthorityHighway 81 on the north side of Oxbow, ND**Attention:** Timothy J. MahoneyCounty CASS200 3rd Street NorthOXBOW, NDFargo, ND 58102

This Special Construction Proposal ("Proposal") is governed by the terms and conditions set forth herein as well as any applicable state or federal tariffs and/or rates and services schedules on file with the applicable regulatory authorities. Description and/or specifications of work, along with the bill amount, of work to be performed by an operating affiliate of CenturyLink, Inc. ("CenturyLink") under this Proposal ("Work") is as follows:

CenturyLink will be relocating buried copper cable from the SE side of Highway 81 in preparation for the next phase of OHB Ring levee project. CenturyLink will be combing the two existing cables into a single cable and relocating to the NW side of Highway 81 on the north side of Oxbow, ND

Advance Payment (required before work begins): \$28,577.62

Total Charges: Twenty-Eight Thousand Five Hundred Seventy-Seven Dollars and 62/100

This Proposal may be withdrawn by CenturyLink if not accepted by the Customer within 30 days. Upon execution by both parties, this Proposal and the terms and conditions of any applicable tariffs and/or rates and services schedules on file with the applicable regulatory authorities shall constitute a binding agreement upon the parties. In no event will the terms and conditions of another document, including but not limited to a purchase order, be construed to in any way govern the Work or otherwise bind the parties to this Proposal. The parties acknowledge and agree that the terms and conditions set forth in this Proposal and the applicable tariffs and/or applicable rates and services schedules shall be the only controlling terms and conditions binding the parties for the Work and that commencement of Work by CenturyLink is conditioned upon agreement in writing to these terms.

For the Work performed hereunder, Customer will be responsible for the above charges only, unless (i) the above-stated amount is expressed as an estimate; (ii) otherwise stated above; or (iii) a change order is signed by both parties. All charges shall be paid prior to commencement of the Work ("Advance Payment") unless an alternative payment method is set forth above. All past due undisputed accounts will be assessed a late fee at 14% APR. Where applicable, and notwithstanding the foregoing, Customer shall also be responsible for foreign, federal, state and local taxes assessed in connection with the Work, including, without limitation, all use, sales, value added, surcharges, excise, franchises, commercial, gross receipts, license, privilege or other similar charges, whether charged to or against CenturyLink or Customer, but excluding any taxes based on CenturyLink's net income.

*Note If applicable, the Work proposed here is separate from any work that may be performed pursuant to any other order or agreement, including but not limited to a Pre-Service Request for cell site provisioning.

For **Governmental Customers only**, CenturyLink will submit an invoice of charges upon completion of the Work, payable within forty five (45) days of receipt. Past due undisputed amounts will be assessed a late fee of 14% APR or such lesser amount if required under applicable state and/or federal law.

CenturyLink

Authorized Signature: _____

Name Printed/Typed: _____

Title: _____

Date: _____

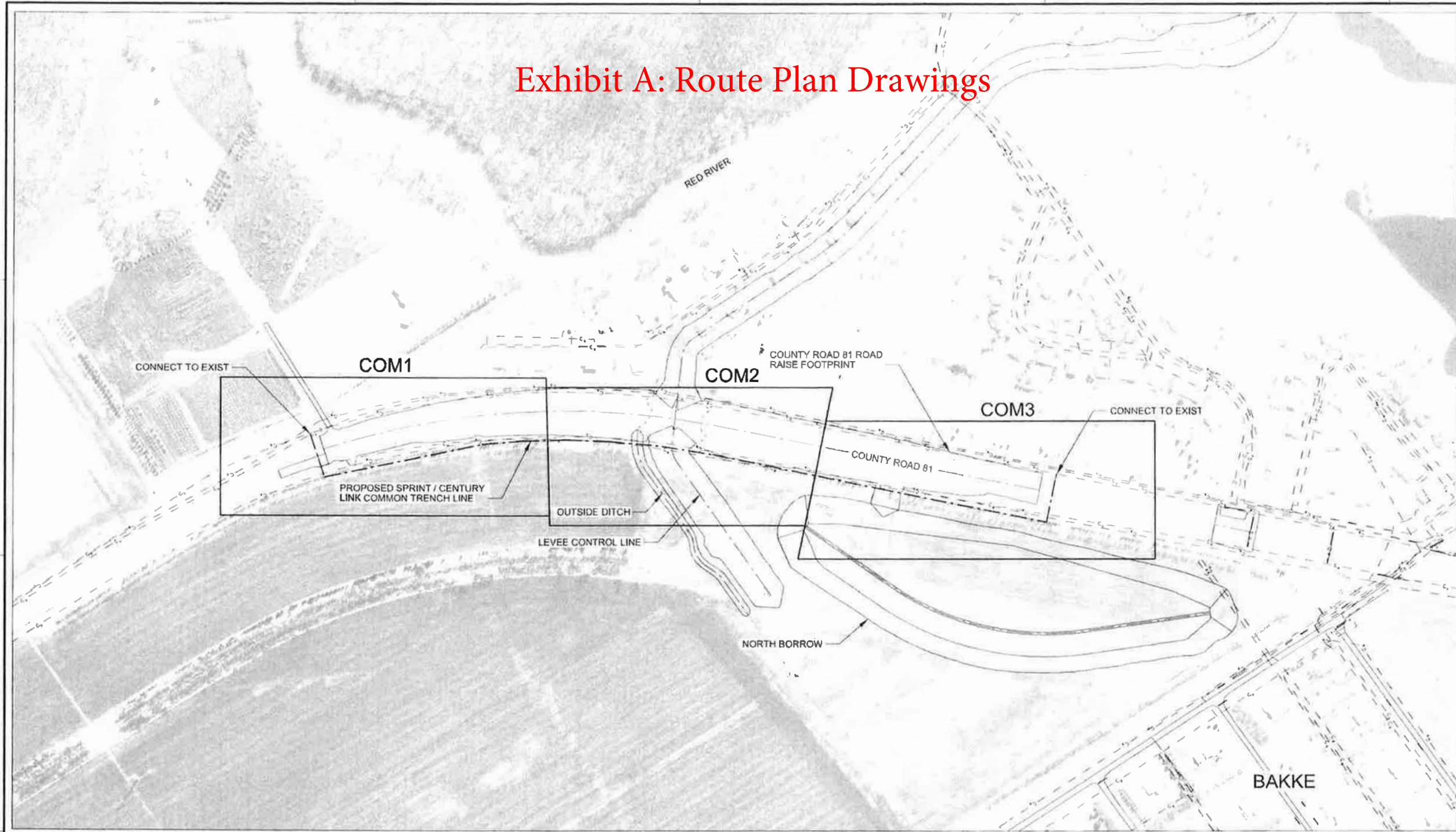
Customer

Authorized Signature: _____

Name Printed/Typed: Timothy J. MahoneyTitle: Chairman, Flood Diversion Board of Authority

Date: _____

Exhibit A: Route Plan Drawings



PRELIMINARY

HMG

HOUSTON - MOORE GROUP

OXBOW - HICKSON - BAKKE RING LEVEE
 WORK PACKAGE 43A
 CASS COUNTY, NORTH DAKOTA
 GENERAL PLAN - SPRINT / CENTURY LINK

COORDINATE SYSTEM (HORIZONTAL CONTROL)
 NAD 83 (2007)
 NO SPCS - SOUTH ZONE - US SURVEY FEET
 COMBINED SCALE FACTOR (CSF): 0.999990290

ELEVATION DATUM (VERTICAL CONTROL)
 NAVD 88
 GEOID08

DATE:	05/22/2017
REVISED:	
REVISED:	
REVISED:	
RECORD:	
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PROJECT No.	1014-210
DRAWN BY:	JDE
CHECKED BY:	CMG
PROJ. MANAGER:	CMG
PROJ. ENGINEER:	MV

COM

TABLE OF CONTENTS:

COM	GENERAL PLAN - SPRINT / CENTURY LINK
COM1	PLAN AND PROFILE - SPRINT / CENTURY LINK
COM2	PLAN AND PROFILE - SPRINT / CENTURY LINK
COM3	PLAN AND PROFILE - SPRINT / CENTURY LINK
CS101	PLAN AND PROFILE - CASS COUNTY RURAL WATER
CS102	PLAN AND PROFILE - CASS COUNTY ELECTRIC LINE

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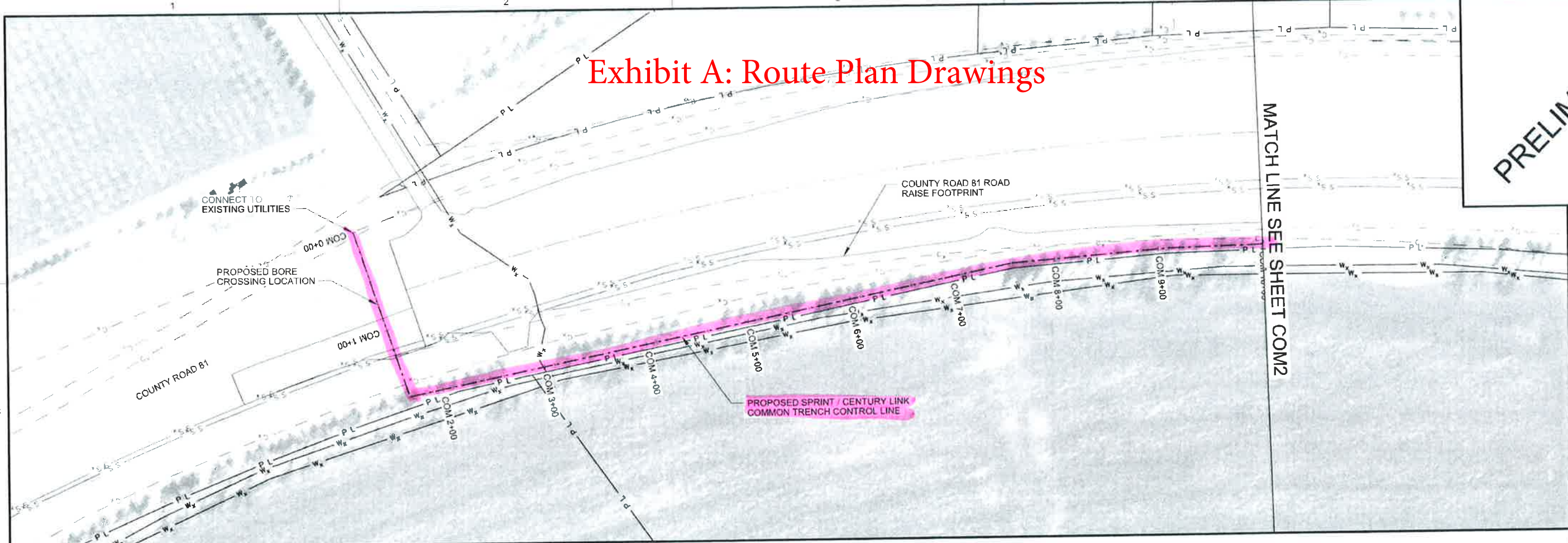
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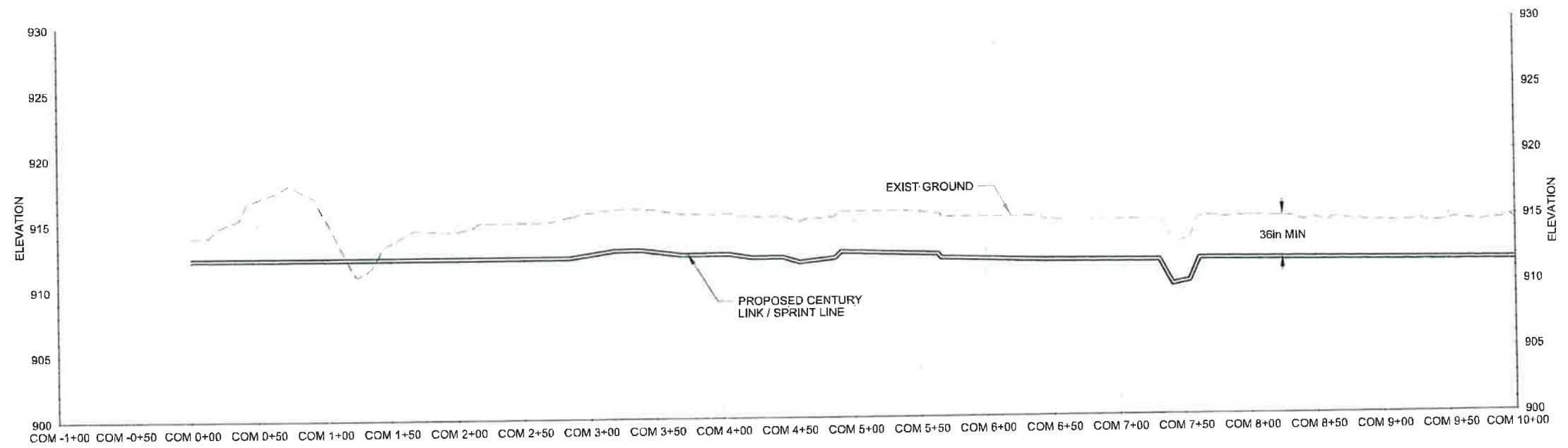
Exhibit A: Route Plan Drawings

PRELIMINARY



HMG

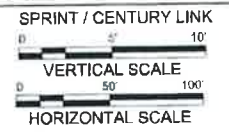
HOUSTON - MOORE GROUP



NOTES:

1. CONDUIT SHALL NOT BE PLACED WITHIN LEVEL PRISM WITH 3R OF COVER.
2. SPRINT - 2in CONDUIT OF HDPE ORANGE SDR11
3. 2 - 2in CONDUITS FOR CENTURY LINK LINES.
4. CONDUIT ALONG COUNTY ROAD 81 WILL BE PLACED AT MINIMUM OF 3R BELOW SURFACE.

PLAN AND PROFILE VIEW



COORDINATE SYSTEM (HORIZONTAL CONTROL)
 NAD 83 (2007)
 ND SPCS, SOUTH ZONE - US SURVEY FEET
 COMBINED SCALE FACTOR (CSF): 0.999900290

ELEVATION DATUM (VERTICAL CONTROL)
 NAVD 86
 GEOID09

OXBOW - HICKSON - BAKKE RING LEVEE
 WORK PACKAGE 43A
 CASS COUNTY, NORTH DAKOTA
 PLAN AND PROFILE - SPRINT / CENTURY LINK

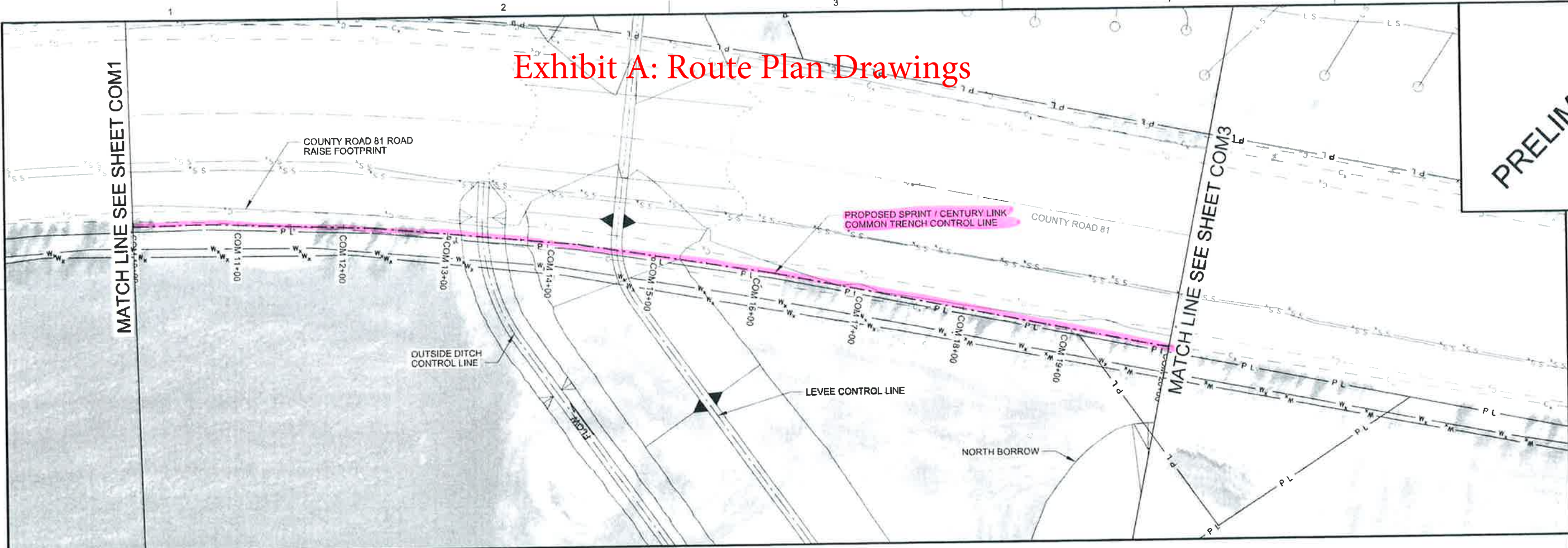
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CHECKED BY:	CMG
PROJ. MANAGER:	CMG
PROJ. ENGINEER:	MV

COM1

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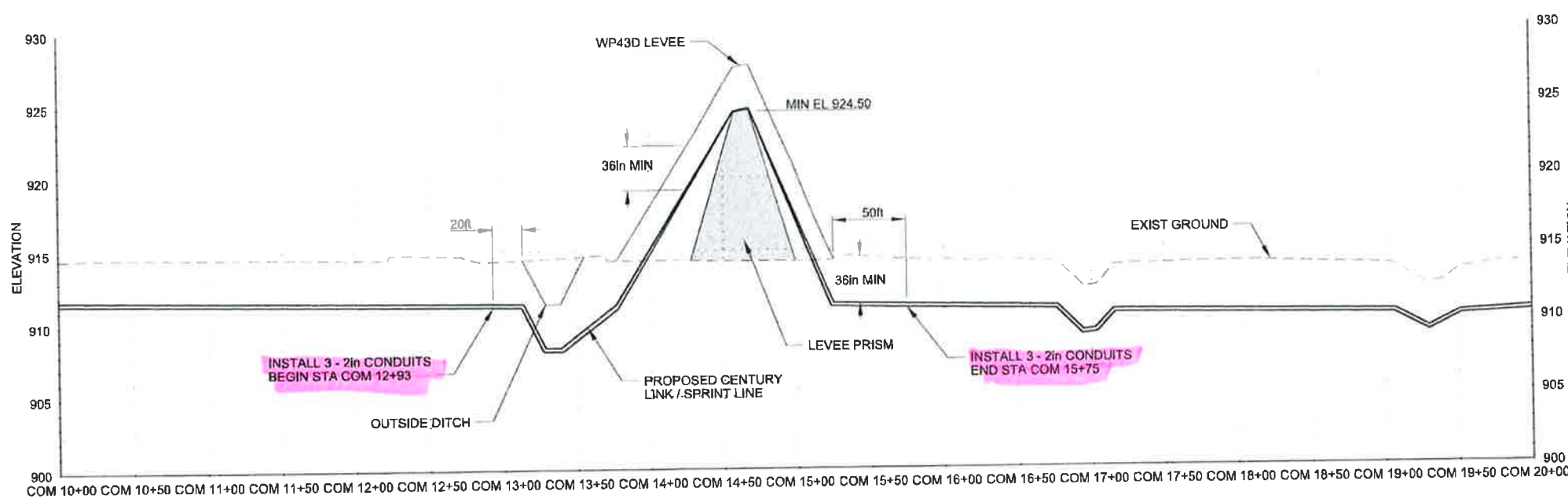
Exhibit A: Route Plan Drawings

PRELIMINARY

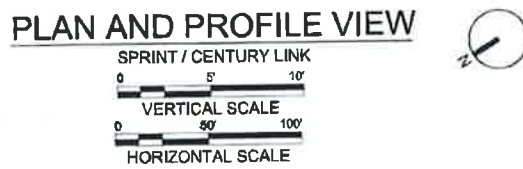


HMG

HOUSTON - MOORE GROUP



- NOTES:**
1. CONDUIT SHALL NOT BE PLACED WITHIN LEVEE PRISM WITH 3ft OF COVER.
 2. SPRINT - 2in CONDUIT OF HDPE ORANGE SDR11
 3. 2 - 2in CONDUITS FOR CENTURY LINK LINES.
 4. CONDUIT ALONG COUNTY ROAD 81 WILL BE PLACED AT MINIMUM OF 3ft BELOW SURFACE.



<p>COORDINATE SYSTEM (HORIZONTAL CONTROL) NAD 83 (2007) ND SPCS, SOUTH ZONE - US SURVEY FEET COMBINED SCALE FACTOR (CSF): 0.999900290</p> <p>ELEVATION DATUM (VERTICAL CONTROL) NAVD 88 GEOID98</p>	<p>DATE: 05/22/2017</p> <p>REVISIONS:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50px; border-bottom: 1px solid black;"> </td><td style="border-bottom: 1px solid black;"> </td></tr> <tr><td style="border-bottom: 1px solid black;"> </td><td style="border-bottom: 1px solid black;"> </td></tr> <tr><td style="border-bottom: 1px solid black;"> </td><td style="border-bottom: 1px solid black;"> </td></tr> <tr><td style="border-bottom: 1px solid black;"> </td><td style="border-bottom: 1px solid black;"> </td></tr> <tr><td style="border-bottom: 1px solid black;"> </td><td style="border-bottom: 1px solid black;"> </td></tr> </table> <p>FILE NAME: FMXXXX_COM2.dgn</p> <p>PROJECT No. 1014-210</p> <p>DRAWN BY: JDE</p> <p>CHECKED BY: CMG</p> <p>PROJ. MANAGER: CMG</p> <p>PROJ. ENGINEER: MV</p> <p style="font-size: 24px; font-weight: bold; text-align: center;">COM2</p>										
<p>OXBOW - HICKSON - BAKKE RING LEVEE</p> <p>WORK PACKAGE 43A</p> <p>CASS COUNTY, NORTH DAKOTA</p> <p>PLAN AND PROFILE - SPRINT / CENTURY LINK</p>											

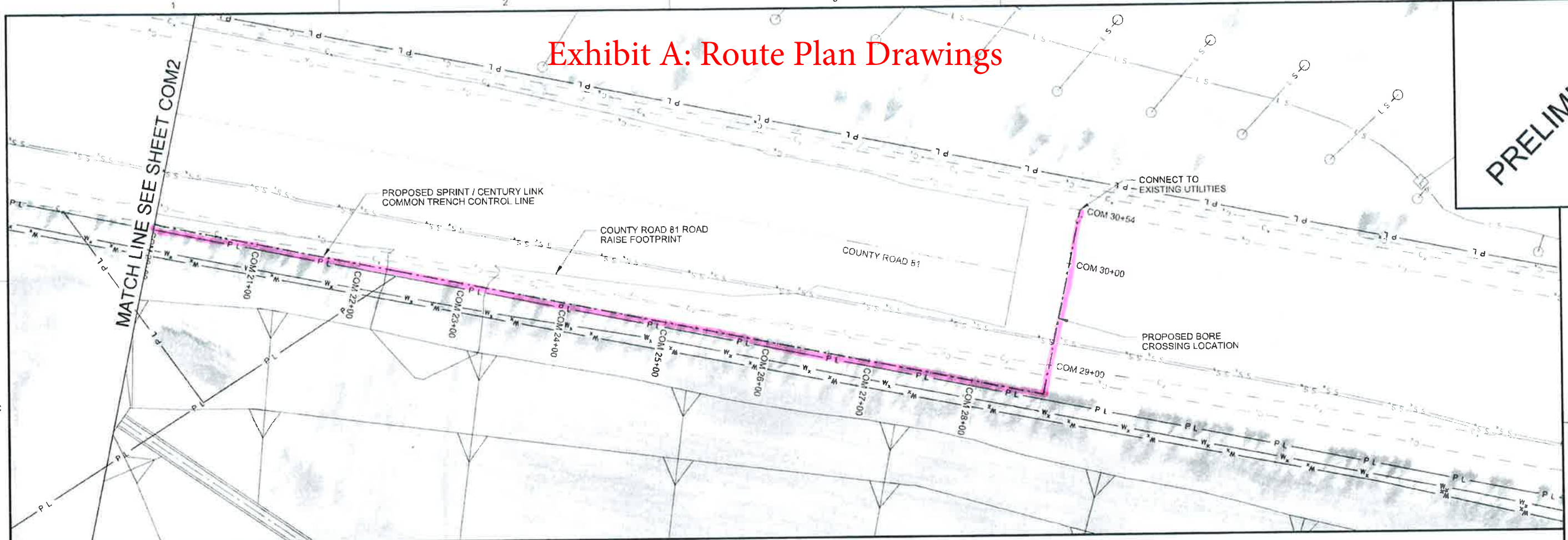
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Exhibit A: Route Plan Drawings

PRELIMINARY

HMG

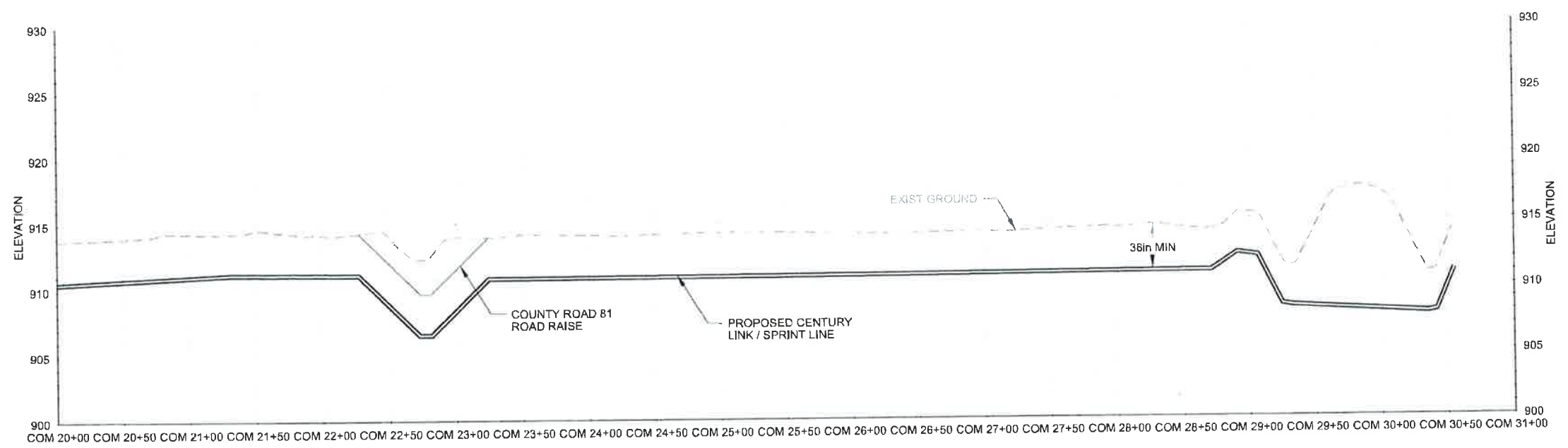
HOUSTON - MOORE GROUP



OXBOW - HICKSON - BAKKE RING LEVEE
 WORK PACKAGE 43A
 CASS COUNTY, NORTH DAKOTA
 PLAN AND PROFILE - SPRINT / CENTURY LINK

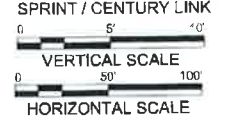
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DRAWN BY:	JDE
CHECKED BY:	CMG
PROJ. MANAGER:	CMG
PROJ. ENGINEER:	MV

COM3



- NOTES:**
1. CONDUIT SHALL NOT BE PLACED WITHIN LEVEE PRISM WITH 3ft OF COVER.
 2. SPRINT - 2in CONDUIT OF HDPE ORANGE SDR11
 3. 2- 2in CONDUITS FOR CENTURY LINK LINES.
 4. CONDUIT ALONG COUNTY ROAD 81 WILL BE PLACED AT MINIMUM OF 3ft BELOW SURFACE.

PLAN AND PROFILE VIEW



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ELEVATION DATUM (VERTICAL CONTROL)
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 COORDINATE SYSTEM (HORIZONTAL CONTROL)
 NAD 83 (2007)
 ND SPCS, SOUTH ZONE - US SURVEY FEET
 COMBINED SCALE FACTOR (CSF): 0.999990290



Recommended Contracting Actions

Date: August 24, 2017

Description	Company	Budget Estimate (\$)
<i>Construction Change Orders – Diversion Authority</i>		
WP 42H.2 – El Zagal Area Flood Risk Mgmt. Phase 2 Change Order 06 <ul style="list-style-type: none">Balance final quantities of unit rate items	Reiner Contracting Inc.	(\$1,720.78)

Technical Advisory Group Recommendation

Meeting Date: 08/15/2017

RECOMMENDATION FOR ACTION:

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

SUMMARY OF CONTRACTING ACTION:

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

List description of Contract Action(s):

Description	Budget Estimate (\$)
Reiner Contracting Inc.	
<i>Change Order #06</i>	<i>\$(1,720.78)</i>
<ul style="list-style-type: none"> WP-42H.2, El Zagal Area Flood Risk Mgmt-Phase 2 – Balance Final Quantities of Unit Rate Items 	

Summary of Contracting History and Current Contract Action:

Original Agreement or Amendment	Previous Project Cost	Budget (\$) Change	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	0.00	1,515,798.64	1,515,798.64	7-Mar-16	31-Oct-16	Contract Award recommended to lowest responsive bidder, Reiner Contracting Inc.
Change Order No. 1	1,515,798.64	26,997.30	1,542,795.94	7-Mar-16	7-Nov-16	Additional asbestos containing materials abatement.
Change order No. 2	1,542,795.94	34,568.20	1,577,364.14	7-Mar-16	11-Nov-16	Plugged sanitary gravity line, tree removal, storm manhole repair, and standby time due to lift station/force main problem
Change Order No. 3	1,577,364.14	9,401.21	1,586,765.35	7-Mar-16	21-Nov-16	Floodwall pier caps, sanitary lift station start-up, sidewalk tree removal, storm inlet structure casting, and property drainage adjustment.
Change Order No. 4	1,586,765.35	420.50	1,587,185.85	7-Mar-16	1-Jun-17	Additional Stop Sign, Milestone Adjustment for Final Seeding
Change Order No. 5	1,587,185.85	14,181.14	1,601,366.99	7-Mar-16	1-Jun-17	Authorize Executive Director(s) to settle Claim and approve subsequent Change Order
Change Order No. 6	1,601,366.99	(1,720.78)	1,599,646.21	7-Mar-16	1-Jun-17	Balance Unit Rate Quantities

DISCUSSION

- 1. Unit Rate Bid Item Quantity Adjustments** – This item establishes the final balancing for 35 unit rate bid items by adjusting the contracted quantities to match the installed quantities as verified by HMG field staff. The net change to the Contract Price is a deduct of \$(1,720.78).

ATTACHMENT(S):

Draft Change Order 06

Submitted by:



Tyler Smith, P.E.
CH2M HILL
Construction Manager
Metro Flood Diversion Project

08/15/2017

Date

Nathan Boerboom, City of Fargo – Metro Flood
Diversion Authority Project Manager

Concur: _____ Non-Concur: _____

Jason Benson, Cass County Engineer

Concur: _____ Non-Concur _____

Mark Bittner, Fargo Director of Engineering

Concur: 08/16/2017 Non-Concur: _____

Jeff Ebsch, Assitant County Engineer – Metro Flood
Diversion Authority Project Manager

Concur: 08/15/2017 Non-Concur _____

David Overbo, Clay County Engineer

Concur: 08/15/2017 Non-Concur: _____

Robert Zimmerman, Moorhead City Engineer

Concur: 08/15/2017 Non-Concur _____



Change Order No. 06

Date of Issuance:	<u>08/24/2017</u>	Effective Date:	<u>08/24/2017</u>
Owner:	<u>Metro Flood Diversion Authority</u>	Owner's Contract No.:	<u>WP-42H.2</u>
Owner's Representative:	<u>CH2M HILL Engineers, Inc.</u>	Owner's Representative Project No.:	<u>435534</u>
Contractor:	<u>Reiner Contracting Inc.</u>	Contractor's Project No.:	<u></u>
Engineer:	<u>Houston-Moore Group, LLC</u>	Work Package No.:	<u>WP-42H.2</u>
Project:	<u>Fargo-Moorhead Area Diversion</u>	Contract Name:	<u>El Zagal Area Flood Risk Mgmt-Phase 2</u>

The Contract is modified as follows upon execution of this Change Order:

Description:

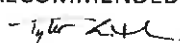

1. UNIT RATE BID ITEM QUANTITY ADJUSTMENTS

Adjust the quantities of the 35 unit rate bid items as shown in the attached Change Order No. 6 Unit Price Schedule dated 8/15/2017. The purpose of these adjustments is the balance the final quantities of these items by matching the contracted amounts to the actual installed quantities as verified by the Engineer. The net change to the Contract Price is a deduct of\$(1,720.78). There is no change to the Contract Times for these adjustments.

Attachments:

Change Order 6 Unit Price Schedule dated 08/15/2017

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: 1,515,798.64	Original Contract Times: Milestone #1: <u>May 1, 2016</u> Milestone #2: <u>August 1, 2016</u> Substantial Completion: <u>October 1, 2016</u> Ready for Final Payment: <u>October 31, 2016</u>
[Increase] [Decrease] from previously approved Change Orders No. 1 thru 5: 85,568.35	[Increase] [Decrease] from previously approved Change Orders No. 1 thru 4: Milestone #1: <u>5 days</u> Milestone #2: <u>9 days</u> Substantial Completion: <u>19 days</u> Ready for Final Payment: <u>June 1, 2017</u>
Contract Price prior to this Change Order: 1,601,366.99	Contract Times prior to this Change Order: Milestone #1: <u>May 8, 2016</u> Milestone #2: <u>August 12, 2016</u> Substantial Completion: <u>October 23, 2016</u> Ready for Final Payment: <u>June 1, 2017</u>
[Increase] [Decrease] of this Change Order: 1,720.78	[Increase] [Decrease] of this Change Order: Milestone #2: Substantial Completion: Ready for Final Payment:
Contract Price incorporating this Change Order: 1,599,646.21	Contract Times with all approved Change Orders: Milestone #1: <u>May 8, 2016</u> Milestone #2: <u>August 22, 2016</u> Substantial Completion: <u>October 23, 2016</u> Ready for Final Payment: <u>June 1, 2017</u>

<p>RECOMMENDED:</p> <p>By: <u></u> Owner's Representative (Authorized Signature)</p> <p>Name: <u>Tyler Smith, P.E.</u> Title: <u>Construction Manager</u> Date: <u>08/15/2017</u></p>	<p>ACCEPTED:</p> <p>By: _____ Owner (Authorized Signature)</p> <p>Name: <u>Tim Mahoney</u> Title: <u>Chairman</u> Date: _____</p>	<p>ACCEPTED:</p> <p>By: <u></u> Contractor (Authorized Signature)</p> <p>Name: <u>Frank Little</u> Title: <u>Project Manager</u> Date: <u>8/16/17</u></p>
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**WP-42H.2
El Zagal Area Flood Risk Mgmt - Phase 2**

Change Order 6 Unit Price Schedule
DATE: 8/15/2017



WP-42H.2 - El Zagal Area Flood Risk Mgmt - Phase 2											
ITEM	DESCRIPTION	UNIT	Current Budget (Thru CO #5)			Net Change			New Budget		
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	UNIT PRICE	AMOUNT
0001	Abandon Manhole	EA	4	430.34	\$ 1,721.36	0	\$ -	\$ -	4	430.34	\$ 1,721.36
0002	F&I Manhole 4' Dia Reinf Conc	EA	2	5,447.97	\$ 10,895.94	0	\$ -	\$ -	2	5,447.97	\$ 10,895.94
0003	F&I Manhole 6' Dia Reinf Conc	EA	1	8,215.58	\$ 8,215.58	0	\$ -	\$ -	1	8,215.58	\$ 8,215.58
0004	Remove Manhole	EA	1	872.26	\$ 872.26	0	\$ -	\$ -	1	872.26	\$ 872.26
0005	Plug Pipe 8" Dia	EA	2	293.06	\$ 586.12	0	\$ -	\$ -	2	293.06	\$ 586.12
0006	Plug Pipe 10" Dia	EA	4	293.07	\$ 1,172.28	0	\$ -	\$ -	4	293.07	\$ 1,172.28
0007	Plug Pipe 16" Dia	EA	7	293.19	\$ 2,052.33	0	\$ -	\$ -	7	293.19	\$ 2,052.33
0008	Plug Pipe 30" Dia	EA	2	350.07	\$ 700.14	0	\$ -	\$ -	2	350.07	\$ 700.14
0009	F&I Pipe SDR 26 - 10" Dia PVC	LF	542	67.00	\$ 36,314.00	0	\$ -	\$ -	542	67.00	\$ 36,314.00
0010	Remove Pipe All Sizes All Types	LF	215	33.57	\$ 7,217.55	15	\$ -	\$ 503.55	230	33.57	\$ 7,721.10
0011	F&I Lift Station	LS	1	366,475.00	\$ 366,475.00	0	\$ -	\$ -	1	366,475.00	\$ 366,475.00
0012	F&I Forcemain 6" Dia	LF	12	89.18	\$ 1,070.16	0	\$ -	\$ -	12	89.18	\$ 1,070.16
0013	F&I Fittings Ductile Iron	LB	105	6.67	\$ 700.35	0	\$ -	\$ -	105	6.67	\$ 700.35
0014	F&I Fittings Ductile Iron	LB	115	5.75	\$ 661.25	0	\$ -	\$ -	115	5.75	\$ 661.25
0015	F&I Hydrant	EA	1	5,701.78	\$ 5,701.78	0	\$ -	\$ -	1	5,701.78	\$ 5,701.78
0016	Plug Pipe 6" Dia	EA	2	405.05	\$ 810.10	0	\$ -	\$ -	2	405.05	\$ 810.10
0017	F&I Pipe C900 DR18 - 6" Dia PVC	LF	11	53.55	\$ 589.05	7	\$ -	\$ 374.85	18	53.55	\$ 963.90
0018	Connect Pipe to Exist Pipe	EA	1	716.25	\$ 716.25	0	\$ -	\$ -	1	716.25	\$ 716.25
0019	Remove Pipe All Sizes All Types	LF	350	12.16	\$ 4,256.00	20	\$ -	\$ 243.20	370	12.16	\$ 4,499.20
0020	Abandon Manhole	EA	1	358.11	\$ 358.11	1	\$ -	\$ 358.11	2	358.11	\$ 716.22
0021	F&I Manhole 4' Dia Reinf Conc	EA	4	3,044.06	\$ 12,176.24	0	\$ -	\$ -	4	3,044.06	\$ 12,176.24
0022	F&I Manhole 5' Dia Reinf Conc	EA	1	4,644.60	\$ 4,644.60	0	\$ -	\$ -	1	4,644.60	\$ 4,644.60

WP-42H.2 - El Zagal Area Flood Risk Mgmt - Phase 2											
ITEM	DESCRIPTION	UNIT	Current Budget (Thru CO #5)			Net Change			New Budget		
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	UNIT PRICE	AMOUNT
0023	F&I Manhole 6' Dia Reinf Conc	EA	2	5,637.56	\$ 11,275.12	0	\$ -	\$ -	2	5,637.56	\$ 11,275.12
0024	F&I Inlet - Manhole (MHI) 4' Dia Reinf Conc	EA	1	2,352.05	\$ 2,352.05	0	\$ -	\$ -	1	2,352.05	\$ 2,352.05
0025	F&I Inlet - Manhole (MHI) Type E Reinf Conc	EA	1	22,079.52	\$ 22,079.52	0	\$ -	\$ -	1	22,079.52	\$ 22,079.52
0026	F&I Inlet - Round (RDI) Reinf Conc	EA	1	1,187.63	\$ 1,187.63	0	\$ -	\$ -	1	1,187.63	\$ 1,187.63
0027	F&I Gatewell	EA	1	101,383.76	\$ 101,383.76	0	\$ -	\$ -	1	101,383.76	\$ 101,383.76
0028	Plug Pipe 18" Dia	EA	3	381.26	\$ 1,143.78	0	\$ -	\$ -	3	381.26	\$ 1,143.78
0029	Connect Pipe to Existing Structure	EA	1	1,701.18	\$ 1,701.18	0	\$ -	\$ -	1	1,701.18	\$ 1,701.18
0030	F&I Pipe 30" Dia Reinf Conc	LF	153	79.98	\$ 12,236.94	0	\$ -	\$ -	153	79.98	\$ 12,236.94
0031	F&I Pipe 30" Dia Reinf Conc - CL5	LF	203	103.54	\$ 21,018.62	0	\$ -	\$ -	203	103.54	\$ 21,018.62
0032	F&I Pipe 12" Dia Polypropylene	LF	49	39.75	\$ 1,947.75	0	\$ -	\$ -	49	39.75	\$ 1,947.75
0033	F&I Pipe 15" Dia Polypropylene	LF	148	42.52	\$ 6,292.96	0	\$ -	\$ -	148	42.52	\$ 6,292.96
0034	F&I Pipe 18" Dia Polypropylene	LF	227	51.13	\$ 11,606.51	0	\$ -	\$ -	227	51.13	\$ 11,606.51
0035	F&I Pipe 30" Dia Polypropylene	LF	108	99.87	\$ 10,785.96	0	\$ -	\$ -	108	99.87	\$ 10,785.96
0036	Remove Pipe All Sizes All Types	LF	142	17.06	\$ 2,422.52	8	\$ -	\$ 136.48	150	17.06	\$ 2,559.00
0037	Subgrade Preparation	SY	1,392	1.62	\$ 2,255.04	27	\$ -	\$ 43.74	1,419	1.62	\$ 2,298.78
0038	F&I Nonwoven Geotextile	SY	1,392	2.08	\$ 2,895.36	778	\$ -	\$ 1,618.24	2,170	2.08	\$ 4,513.60
0039	Remove Sidewalk 4" Thick Conc	SY	185	4.09	\$ 756.65	136	\$ -	\$ 556.24	321	4.09	\$ 1,312.89
0040	F&I Sidewalk 4" Thick Reinf Conc	SY	1,065	50.65	\$ 53,942.25	83	\$ -	\$ 4,203.95	1,148	50.65	\$ 58,146.20
0041	F&I Det Warn Panels Cast Iron	SF	56	51.14	\$ 2,863.84	0	\$ -	\$ -	56	51.14	\$ 2,863.84
0042	Remove Curb and Gutter	LF	605	3.26	\$ 1,972.30	19	\$ -	\$ 61.94	624	3.26	\$ 2,034.24
0043	F&I Curb & Gutter Standard (Type I)	LF	95	37.29	\$ 3,542.55	1	\$ -	\$ 37.29	96	37.29	\$ 3,579.84
0044	F&I Curb & Gutter Standard (Type II)	LF	607	26.10	\$ 15,842.70	66	\$ -	\$ 1,722.60	673	26.10	\$ 17,565.30
0045	F&I Class 5 Agg - 6" Thick	SY	255	9.10	\$ 2,320.50	5	\$ -	\$ 45.50	260	9.10	\$ 2,366.00
0046	F&I Class 5 Agg - 8" Thick	SY	317	10.60	\$ 3,360.20	78	\$ -	\$ 826.80	395	10.60	\$ 4,187.00
0047	F&I Class 5 Agg - 9" Thick	SY	1,025	11.29	\$ 11,572.25	52	\$ -	\$ 587.08	1,077	11.29	\$ 12,159.33
0048	F&I Pavement Mix Base Course Asphalt - 6"	SY	1,025	31.45	\$ 32,236.25	-80	\$ -	\$ (2,516.00)	945	31.45	\$ 29,720.25

WP-42H.2 - El Zagal Area Flood Risk Mgmt - Phase 2											
ITEM	DESCRIPTION	UNIT	Current Budget (Thru CO #5)			Net Change			New Budget		
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	UNIT PRICE	AMOUNT
0049	F&I Pavement Mix Wear Course Asphalt - 2"	SY	1,025	11.19	\$ 11,469.75	-43	\$ -	\$ (481.17)	982	11.19	\$ 10,988.58
0050	F&I Pavement 6" Thick Reinf Conc	SY	255	71.39	\$ 18,204.45	6	\$ -	\$ 428.34	261	71.39	\$ 18,632.79
0051	F&I Pavement 7" Thick Reinf Conc	SY	65	76.71	\$ 4,986.15	0	\$ -	\$ -	65	76.71	\$ 4,986.15
0052	F&I Pavement 8" Thick Reinf Conc	SY	317	83.11	\$ 26,345.87	5	\$ -	\$ 415.55	322	83.11	\$ 26,761.42
0053	Remove Pavement All Thickness Asphalt	SY	85	9.87	\$ 838.95	-68	\$ -	\$ (671.16)	17	9.87	\$ 167.79
0054	Remove Pavement 8" Thick Conc	SY	1,240	6.68	\$ 8,283.20	17	\$ -	\$ 113.56	1,257	6.68	\$ 8,396.76
0055	Rem & Rep Pavement 8" Thick Asphalt	SY	105	62.37	\$ 6,548.85	1	\$ -	\$ 62.37	106	62.37	\$ 6,611.22
0056	Temp Fence -Safety	LF	700	2.82	\$ 1,974.00	903	\$ -	\$ 2,546.46	1,603	2.82	\$ 4,520.46
0057	Excavation	CY	3,000	4.00	\$ 12,000.00	185	\$ -	\$ 740.00	3,185	4.00	\$ 12,740.00
0058	Fill - CL3	CY	3,000	20.10	\$ 60,300.00	0	\$ -	\$ -	3,000	20.10	\$ 60,300.00
0059	Remove Tree	EA	41	178.67	\$ 7,325.47	0	\$ -	\$ -	41	178.67	\$ 7,325.47
0060	Remove Landscaping	LS	1	881.08	\$ 881.08	0	\$ -	\$ -	1	881.08	\$ 881.08
0061	Remove Driveway All Thicknesses All Types	SY	280	4.25	\$ 1,190.00	10	\$ -	\$ 42.50	290	4.25	\$ 1,232.50
0062	Demolition - Structures	EA	8	13,612.66	\$ 108,901.28	0	\$ -	\$ -	8	13,612.66	\$ 108,901.28
0063	Demolition - Foundation	EA	8	7,440.76	\$ 59,526.08	0	\$ -	\$ -	8	7,440.76	\$ 59,526.08
0064	F&I Decid Tree 1.0"	EA	44	202.44	\$ 8,907.36	4	\$ -	\$ 809.76	48	202.44	\$ 9,717.12
0065	F&I Decid Tree 1.5"	EA	66	303.66	\$ 20,041.56	6	\$ -	\$ 1,821.96	72	303.66	\$ 21,863.52
0066	F&I Landscaping	LS	1	1,278.56	\$ 1,278.56	0	\$ -	\$ -	1	1,278.56	\$ 1,278.56
0067	F&I Weed Barrier Geotextile	SY	25	4.26	\$ 106.50	0	\$ -	\$ -	25	4.26	\$ 106.50
0068	F&I Bullet Edging	LF	70	3.20	\$ 224.00	0	\$ -	\$ -	70	3.20	\$ 224.00
0069	Traffic Control - Type 2	LS	1	19,224.58	\$ 19,224.58	0	\$ -	\$ -	1	19,224.58	\$ 19,224.58
0070	Topsoil - Strip and Spread	SY	13,350	1.95	\$ 26,032.50	0	\$ -	\$ -	13,350	1.95	\$ 26,032.50
0071	Inspection Trench	CY	5,000	4.13	\$ 20,650.00	-2724	\$ -	\$ (11,250.12)	2,276	4.13	\$ 9,399.88
0072	Fill - Import	CY	8,500	9.30	\$ 79,050.00	-582	\$ -	\$ (5,412.60)	7,918	9.30	\$ 73,637.40
0073	F&I Floodwall - Structural Concrete	CY	132	750.06	\$ 99,007.92	0	\$ -	\$ -	132	750.06	\$ 99,007.92
0074	F&I Floodwall - Reinf Bars	LB	18,469	1.09	\$ 20,131.21	1425	\$ -	\$ 1,553.25	19,894	1.09	\$ 21,684.46

WP-42H.2 - El Zagal Area Flood Risk Mgmt - Phase 2											
ITEM	DESCRIPTION	UNIT	Current Budget (Thru CO #5)			Net Change			New Budget		
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	UNIT PRICE	AMOUNT
0075	F&I Floodwall - Safety Cap	LF	56	97.04	\$ 5,434.24	-4	\$ -	\$ (388.16)	52	97.04	\$ 5,046.08
0076	F&I Floodwall - Removable	SF	282	174.33	\$ 49,161.06	0	\$ -	\$ -	282	174.33	\$ 49,161.06
0077	Seeding Type B	SY	13,350	0.15	\$ 2,002.50	0	\$ -	\$ -	13,350	0.15	\$ 2,002.50
0078	Mulching Type 1 - Hydro	SY	8,800	0.37	\$ 3,256.00	0	\$ -	\$ -	8,800	0.37	\$ 3,256.00
0079	Weed Control Type B	SY	13,350	0.06	\$ 801.00	0	\$ -	\$ -	13,350	0.06	\$ 801.00
0080	Temp Construction Entrance	EA	3	1,975.00	\$ 5,925.00	-1	\$ -	\$ (1,975.00)	2	1,975.00	\$ 3,950.00
0081	Silt Fence - Standard	LF	2,126	1.76	\$ 3,741.76	237	\$ -	\$ 417.12	2,363	1.76	\$ 4,158.88
0082	Sediment Control Log 6" to 8" Dia	LF	150	2.40	\$ 360.00	213	\$ -	\$ 511.20	363	2.40	\$ 871.20
0083	Inlet Protection - New Inlet	EA	6	213.09	\$ 1,278.54	0	\$ -	\$ -	6	213.09	\$ 1,278.54
0084	Inlet Protection - Existing Inlet	EA	6	191.79	\$ 1,150.74	1	\$ -	\$ 191.79	7	191.79	\$ 1,342.53
0085	F&I Erosion Control Blanket Type 3	SY	4,535	1.60	\$ 7,256.00	0	\$ -	\$ -	4,535	1.60	\$ 7,256.00
0086	Concrete Washout Area	EA	1	611.83	\$ 611.83	0	\$ -	\$ -	1	611.83	\$ 611.83
0087	Storm Water Management	LS	1	2,490.01	\$ 2,490.01	0	\$ -	\$ -	1	2,490.01	\$ 2,490.01
0088	Additional Asbestos Abatement	LS	1	26,997.30	\$ 26,997.30	0	\$ -	\$ -	1	26,997.30	\$ 26,997.30
0089	Plugged Sanitary Gravity Line	LS	1	2,068.82	\$ 2,068.82	0	\$ -	\$ -	1	2,068.82	\$ 2,068.82
0090	Tree Removal	LS	1	2,950.00	\$ 2,950.00	0	\$ -	\$ -	1	2,950.00	\$ 2,950.00
0091	Storm Manhole Repair	LS	1	18,025.25	\$ 18,025.25	0	\$ -	\$ -	1	18,025.25	\$ 18,025.25
0092	Standby Time Due to Lift Station/Forcemain Problem	LS	1	11,524.13	\$ 11,524.13	0	\$ -	\$ -	1	11,524.13	\$ 11,524.13
0093	Floodwall Pier Caps	LS	1	\$ 6,166.29	\$ 6,166.29	0	\$ -	\$ -	1	6,166.29	6,166.29
0094	Sidwalk Tree Removal	LS	1	\$ 735.00	\$ 735.00	0	\$ -	\$ -	1	735.00	735.00
0095	Storm Inlet Structure Casting	LS	1	\$ 449.92	\$ 449.92	0	\$ -	\$ -	1	449.92	449.92
0096	Property Drainage Adjustment	LS	1	\$ 2,050.00	\$ 2,050.00	0	\$ -	\$ -	1	2,050.00	2,050.00
0097	F&I Additional Stop Sign	LS	1	\$ 420.50	\$ 420.50	0	\$ -	\$ -	1	420.50	420.50
0098	Removable Floodwall Claim	LS	1	\$ 14,181.14	\$ 14,181.14	0	\$ -	\$ -	1	14,181.14	14,181.14
WP-42H.2 - TOTAL AMOUNT			CURRENT BUDGET		\$ 1,601,366.99	NET CHANGE		\$ (1,720.78)	NEW BUDGET		\$ 1,599,646.21