

METRO FLOOD DIVERSION AUTHORITY

Thursday, December 20, 2018

3:30 PM

Fargo City Commission Chambers

Fargo City Hall

200 3rd Street North

1. Call to order
2. Approve minutes from previous meetings Item 2. Action
3. Approve order of agenda Action
4. Management Information
 - a. PMC report
5. Administrative/Legal Information/action
 - a. Generator MOU – Shared Costs with Fargo Item 5a.
 - b. Cost share agreement with MetroCOG Item 5b.
 - c. 2019 meeting schedule Item 5c.
6. Public Outreach Information
 - a. Committee report
 - b. Business Leaders Task Force update
7. Land Management Information/action
 - a. Committee report
8. Finance Information/action
 - a. Committee report Item 8a.
 - b. Voucher approval Item 8b.
 - c. Recommended contracting actions
9. Other Business
10. Next Meeting
11. Adjournment

cc: Local Media

**METRO FLOOD DIVERSION AUTHORITY
OCTOBER 25, 2018—3:30 PM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, October 25, 2018, at 3:30 PM in the Fargo City Commission Room with the following members present: Moorhead City Council Member Chuck Hendrickson; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Dave Piepkorn; Cass County Commissioner Mary Scherling via conference call; Cass County Commissioner Rick Steen; West Fargo City Commissioner Mike Thorstad; and Cass County Joint Water Resource District Manager Dan Jacobson. Tom Dawson, Chair of the Chamber Business Leaders Task Force, was also present. Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Joel Paulsen; Fargo City Commissioner Tony Grindberg; and Cass County Commissioner Chad Peterson were absent.

2. MINUTES APPROVED

MOTION, passed

Mr. Steen moved and Mr. Piepkorn seconded to approve the minutes from the meetings held September 27, 2018, and October 17, 2018, as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Weyland moved and Mr. Steen seconded to approve the order of the agenda. Motion carried.

4. MANAGEMENT UPDATE

Martin Nicholson from Jacobs provided an update on activities over the last month, which include continued support to the Corps of Engineers and MDNR to advance the Supplemental Environmental Assessment (SEA) and Supplemental Environmental Impact Statement (SEIS); continued work with the MDNR and other parties to advance the permit application review; hosting a tour of flood protection projects and a special meeting with Major General Scott Spellmon, Corps of Engineers Deputy Commanding General for Civil Works; project briefing to Cass County legislators and legislative candidates; and initial development of a financial and funding strategy for Plan B.

Priorities for next month include initiating a plan to resume land acquisitions pending a decision on the Minnesota permit and environmental approval of Plan B; and review of the first phase of the flowage easement valuation study.

Mr. Nicholson said the project cost-to-date is \$439 million and \$30 million has been spent out of the FY2018 cash budget of \$82.6 million.

5. PUBLIC OUTREACH UPDATE

Committee report

The Public Outreach Committee met on October 24th. Rocky Schneider from AE2S said the website includes information on the meeting held last week with Major General Scott Spellmon and Senator John Hoeven. He said outreach continues with legislative candidates, and after the election, he anticipates briefings will be held with newly elected officials regarding the project. The committee discussed preparing an outreach plan regarding land acquisitions in anticipation of a decision from the MDNR on the permit and approval of the environmental reviews.

6. LAND MANAGEMENT

Mrs. Scherling said the Land Management Committee did not meet this month.

7. FINANCE UPDATE

Committee report

The Finance Committee met on October 24th. Mr. Steen provided a brief financial update on the overall program status. The Diversion Authority has \$79,154,745 in cash on hand. The statement of net position is \$79,007,520.

Voucher approval

The bills for the month are with Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion, OHB levee, and in-town levees; Dorsey & Whitney for legal services; Cass County Government for culvert work on Main Street and Bakke Addition in Hickson; and Ohnstad Twichell, P.C. for legal services.

MOTION, passed

Mr. Steen moved and Mr. Jacobson seconded to approve the vouchers received through October 19, 2018, in the amount of \$149,566.55. On roll call vote, the motion carried unanimously.

Financial Audit Subcommittee

Mr. Steen said the committee discussed conducting a financial audit in conjunction with the City of Fargo audit since the city handles the finances for the Diversion Authority. The committee recommended a subcommittee be formed to prepare for an audit for the year ending December 31, 2019.

MOTION, passed

Mr. Campbell moved and Mr. Piepkorn seconded to create an audit subcommittee. Motion carried.

FY 2018 Adjusted Cash Budget and FY 2019 Budget Plan

Mr. Nicholson distributed two handouts regarding the FY 2018 budget. The first handout includes information on the approved cash budget, expenditures through August 31, 2018, remaining fiscal year budget, and proposed revisions. The revisions are a result of the injunction, which changed the project costs expended this year. The second handout includes some of the same information along with estimated expenditures for September through December and a revised FY 2018 cash budget balance.

Mr. Steen said the updated figures will help the Diversion Authority know what is available to prepare for the 2019 budget. The Finance Committee approved a recommendation to prepare the 2019 budget for the first quarter only until the Diversion Authority receives a decision on the Minnesota permit and injunction.

MOTION, passed

Mr. Hendrickson moved and Mr. Steen seconded to prepare the FY 2019 budget through March of 2019. Discussion: Mr. Campbell asked if this will create any issues with federal funding for the project. Mr. Steen does not foresee any issues and said the first quarter budget will serve as a placeholder with the intention to prepare a full budget after a decision is made on permitting for Plan B. On roll call vote, the motion carried unanimously.

Recommended Contracting Actions

Mr. Nicholson discussed two task orders approved by the Co-Executive Directors, and the following contract action for a task order, which was approved by the Finance Committee:

- Houston-Moore Group, LLC (Task Order 17, Amendment 6 – 2nd Street South and Main Avenue Flood Mitigation)—add subtask B for Services During Construction (SDC) scope and budget, and extend the period of performance to June 30, 2020, in the amount of \$777,864.

MOTION, passed

Mr. Steen moved and Mr. Hendrickson seconded to approve the task order amendment as outlined. On roll call vote, the motion carried unanimously.

8. NEXT MEETING DATE

The next meeting will be held on Thursday, November 29, 2018.

9. ADJOURNMENT

MOTION, passed

On motion by Mr. Piepkorn, seconded by Mr. Steen, and all voting in favor, the meeting was adjourned at 3:55 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant

**METRO FLOOD DIVERSION AUTHORITY
DECEMBER 3, 2018—9:00 AM**

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Monday, December 3, 2018, at 9:00 AM in the Fargo City Commission Room with the following members present: Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; Clay County Commissioner Kevin Campbell via conference call; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Dave Piepkorn; Fargo City Commissioner Tony Grindberg; Cass County Commissioner Mary Scherling; Cass County Commissioner Rick Steen; West Fargo City Commissioner Mike Thorstad; and Cass County Joint Water Resource District Manager Dan Jacobson. Moorhead City Mayor Del Rae Williams; Clay County Commissioner Grant Weyland; and Cass County Commissioner Chad Peterson were absent. Tom Dawson, Chair of the Chamber Business Leaders Task Force, was also present.

Also present were U.S. Senator John Hoeven; Colonel Robert Hilliard, Deputy Commander, Mississippi Valley Division; Colonel Sam Calkins, Commander of the Corps of Engineers, St. Paul District; James Bodron, Director Programs Directorate, Mississippi Valley Division; Judy DeHarnais, Corps of Engineers Deputy District Engineer; and Terry Williams, Corps of Engineers Project Manager.

2. COST ESTIMATE PRESENTATION

Mr. Grindberg introduced the cost estimate topic. He said the funding proposal presented today is contingent on the final permit from the Minnesota Department of Natural Resources (MN DNR) and any changes to the project resulting from the new permit.

Martin Nicholson from Jacobs Engineering (formerly CH2M) and Attorney John Shockley provided a presentation on the Plan B cost estimate and financial plan. The objectives today are to update costs to current 2018 dollars, incorporate Plan B changes, utilize existing local sales tax dollars, and avoid special assessments. The current estimated cost is \$2.75 billion compared to the previous cost estimate of \$2.2 billion from 2015 based on Plan A.

The estimate is broken down into costs for land acquisitions and impacted property mitigation (\$502 million); diversion channel and P3 associated infrastructure projects (\$989 million); southern embankment and other Corps of Engineers projects (\$703 million); Fargo and Moorhead in-town projects (\$267 million); and non-construction costs (\$250 million). The non-construction costs include studies, design, procurement, legal and financial services, program and construction management, and general contingency items.

The costs-to-date are \$427 million with remaining costs of \$2.3 billion. The financial plan determines the funding and financing needs to cover costs through construction and through operations and long-term debt repayments. The funding sources to be used during construction include grant funds from the Federal government, State of North Dakota and State of Minnesota; sales tax revenues; short and long-term public financing, and P3 financing.

The reason for the changes to the financial plan are due to increased program costs resulting from Plan B and inflationary costs; decreased sales tax base revenue; decreases

to estimated sales tax growth rate; and increased borrowing rates for short-term and long-term financing. Additional grant funding through the Federal and State governments and low cost, long-term loans will be required to balance the financial plan and avoid special assessments.

The proposal presented today to balance the financial plan and avoid special assessments includes requests for an additional \$300 million from both the Federal government and State of North Dakota. The new financial plan will not be completed until project approvals are received and funding sources are secured.

3. REMARKS FROM SENATOR JOHN HOEVEN

Senator Hoeven said congressional authorization will not be needed for the request of an additional \$300 million from the Federal government. The Corps of Engineers has agreed to renegotiate the PPA to amend the project funding and recognizes the need for comprehensive flood protection for this area. Senator Hoeven said the project involves a partnership at the federal, state and local levels, and he thanked the leadership from all the entities for their work and commitment on this project.

4. U.S. ARMY CORPS OF ENGINEERS UPDATE

Col. Hilliard thanked all the participating entities for their work on this project and said the Corps is committed to being part of the team to work on this project and supports an amendment to the PPA.

Col. Calkins said the Corps will do what is needed on its end to move the amendment to the PPA as expeditiously as possible. He said a decision on the permit from the MN DNR is expected in four to six weeks.

5. APPROVAL OF PROPOSAL

MOTION, passed

Mr. Grindberg moved and Mr. Steen seconded to accept Plan B Opinion of Estimated Cost, endorse the Financial Plan Proposal, and direct Diversion Authority staff and consultants to pursue additional Federal funding through an amendment to the Project Partnership Agreement (PPA); additional State appropriations; and a low interest, long-term loan, each in the amounts proposed. On roll call vote, the motion carried unanimously.

6. RECESS

The board recessed for a short break at 9:55 AM.

7. RECONVENED

The board reconvened at 10:15 AM.

8. FINANCE UPDATE

Voucher approval

The bills for the month are with Cass County Joint Water Resource District (CCJWRD) for costs associated with the Metro Flood Diversion, OHB levee, and in-town levees; Dorsey & Whitney for legal services; and Ohnstad Twichell, P.C. for legal services.

MOTION, passed

Mr. Grindberg moved and Mr. Paulsen seconded to approve the vouchers received through November 28, 2018, in the amount of \$331,907.12. On roll call vote, the motion carried unanimously.

Recommended Contracting Actions

Mr. Nicholson discussed task orders approved by the Co-Executive Directors totaling \$116,378.62, and the following contract action for a task order:

- CH2M Hill Engineers (Task Order 3, Amendment 0)—integrated cost estimate and related services for Plan B in the amount of \$82,000.

MOTION, passed

Mr. Grindberg moved and Mr. Paulsen seconded to approve the task order as outlined. On roll call vote, the motion carried unanimously.

9. NEXT MEETING DATE

The next meeting will be held on Thursday, December 20, 2018.

10. ADJOURNMENT

Vice Chairwoman Mary Scherling declared the meeting adjourned at 10:20 AM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant

MEMORANDUM

TO: Diversion Authority Board
FROM: John T. Shockley
DATE: December 13, 2018
RE: Generator MOU
OT File No. 151395



Attached to this memo, please find a copy of the Memorandum of Understanding (MOU) between the City of Fargo and the Diversion Authority for sharing the cost of maintenance and operation of a generator constructed by the Diversion Authority. Also attached to the MOU is a memo from Nathan Boerboom to the City of Fargo's Public Works Projects Evaluation Committee, which contains more information on the generator project, including background information.

The MOU has been approved and signed by the City of Fargo. It is now on the agenda for the Diversion Authority's review and decision on December 20, 2018. I plan to be in attendance at this meeting to answer any questions.

JTS:ajr



Memorandum

To: PWPEC
From: Nathan Boerboom, Division Engineer *NAB*
Date: 11/17/2017
Re: STS LS #18 & #23 Generator MOUs
Project No. FM-14-81 & FM-14-92

Over the past few years, the City and the Diversion Authority have reconstructed storm sewer lift stations #18 (4th Street S) and #23 (2nd Street N) under larger flood mitigation projects. A component of each of these projects was the installation of stand-by generator systems to provide backup power for the lift stations when power is lost. Adjacent to each of these storm sewer lift stations was other City infrastructure that require backup power as well. Due to the close proximity of this other City infrastructure and as a cost decreasing measure, it was determined during the design phase of the flood mitigation projects that the generators for the storm lift stations should be upsized appropriately to provide backup power to this other infrastructure.

The other City infrastructure served is new City Hall (generator shared with STS LS #23) and Sanitary Sewer Lift Station #1 (generator shared with STS LS #18).

Since the storm sewer lift stations are a necessary component of the overall Fargo-Moorhead Diversion project, the Diversion Authority is responsible to pay for the costs associated with the operation and maintenance (O&M) of the storm sewer lift stations. Due to this responsibility, the attached memorandum of understandings (MOU) between the City of Fargo and the Diversion Authority are being proposed to designate which party is responsible to complete the O&M on the generators and associated buildings as well as what the appropriate cost share is between the two parties.

As can be seen in the MOUs, it is proposed that the City of Fargo completes the O&M for each generator and is reimbursed by the DA for the DA's share of the costs. The cost share proposed is based on the power needs for each item being served by the generators. The split at STS LS #18 and SAN LS #1, is 60/40, respectively. The split at STS #23 and City Hall is 35/65, respectively.

A copy of the two MOUs are attached for review.

Recommend Motion:

Approve the MOUs between the City and the Diversion Authority, which specifies O&M and cost share responsibilities for the two standby generator systems.

COPY

MEMORANDUM OF UNDERSTANDING GENERATOR

THIS AGREEMENT, made and entered into by and between the City of Fargo, North Dakota, a North Dakota municipal corporation, whose address is 200 N 3rd St., Fargo, ND 58102 (“Fargo”), and the Metro Flood Diversion Authority (“Diversion Authority”), whose address is Post Office Box 2806, 211 Ninth Street South, Fargo, ND 58108 (collectively referred to hereinafter as the “Parties”).

WHEREAS, Fargo and the Diversion Authority wish to share the cost of maintenance and operation of a Generator constructed by the Diversion Authority to serve the City of Fargo Storm Sewer Lift Station #23, as well as backup power for City of Fargo City Hall; and

WHEREAS, Fargo will construct the building to house the Generator, and make the necessary arrangements for fuel for the Generator; and

WHEREAS, that coordination of the two entities’ construction efforts will foster efficiency and may result in cost savings for both entities; and

WHEREAS, Fargo and Diversion Authority have agreed on a cost-sharing basis for this Project;

WHEREAS, Fargo and Diversion Authority have agreed that Fargo will own, operate and maintain the Generator except as to major repairs and maintenance items; and

WHEREAS, Fargo and Diversion Authority will work in a cooperative manner to construct and maintain the Generator and appurtenances (hereinafter collectively referred to as the “Project”) pursuant to the terms and conditions of this Agreement.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. Purpose. This Agreement is made pursuant to N.D.C.C. § 54-40-01(1), which authorizes the joint and cooperative exercise of power common to the contracting parties. The intent of this Agreement is to increase efficiencies with respect to the construction oversight of the Project, and to prevent delays with respect to the scheduling of work for the Project. This Agreement does not create a separate political subdivision.
2. Project. The Project encompassed by this Agreement consists of the Maintenance and Operation of a Generator to provide needed backup power to City of Fargo City Hall and City of Fargo Storm Sewer Lift Station #23, constructed by the Diversion Authority.
3. Term. The term of this Agreement shall be ten (10) years, or the useful life of the Generator, whichever comes first. This Agreement will automatically renew for an additional 10 year term, unless otherwise modified or terminated in accordance with the terms stated herein.

4. Cost Share. The total operation and maintenance costs associated with the Project shall be split and apportioned between Fargo and the Diversion Authority in the following manner:

The Diversion Authority shall be responsible for thirty-five percent (35%) of the Project costs, Fargo shall be responsible for sixty-five percent (65%) of the Project costs. Fargo shall take primary responsibility for oversight and maintenance, and shall invoice the Diversion Authority its share of the incurred costs.

5. Workers Compensation. Each party shall be responsible for injuries or death of its own personnel.
6. Damage to Equipment. Each party shall be responsible for damages to or loss of its own equipment. As pertains to the Generator, the parties shall share the costs of damages to or loss of the Generator before completion of the Project in accordance with the cost share formula established in Section 4 of this Agreement.
7. Liability. For the purposes of N.D.C.C. § 32-12.1-03 the employees and officers of a party are deemed to be employees of that party. Under no circumstances shall a party, irrespective of whether it may have waived the limit on liability set forth in N.D.C.C. § 32-12.1-03, be required to pay on behalf of itself or the other party, any amounts in excess of the limits on liability established in N.D.C.C. § 32-12.1-03 applicable to any one party. The limits of liability for some or all of the parties may not be added together to determine the maximum amount of liability for each party .
8. Continuing Obligations. Upon completion of the Project:
 - A. Fargo will own, operate and maintain the Generator.
 - B. Fargo will maintain the Generator to a minimum level that will ensure the 2nd Street Levee System will continue to meet USACE minimum requirements for acceptance in the USACE Levee Safety Program.
 - C. Fargo shall own, operate and maintain the building as an integral part to the Project.
 - D. Major repairs and/or maintenance shall be cost shared between Fargo and Diversion Authority in accordance with the cost share formula established in Section 4 of this Agreement, and all applicable Policies and Procedures. Major repairs and/or maintenance items are those items which are estimated to exceed the sum of ten thousand dollars (\$10,000.00).
 - E. Any enhancements or expansions shall be assessed to the entity requesting or requiring the enhancement or expansion.
 - F. Fargo shall track costs and expenses of maintenance of the Generator, and shall submit a yearly invoice for payment for 35% of the total operational and maintenance costs to the Diversion Authority for payment within thirty (30) days of invoice.

9. Merger Clause. This Agreement constitutes the entire agreement by and between the parties, and any other prior representations or agreements are deemed merged herein, and those not specified herein do not represent any agreements or promises or covenants or representations on the part of either party hereto.
10. Written Amendment Required. No amendment, modification, or waiver of any condition, provision or term shall be valid or of any effect unless made in writing signed by the party or parties to be bound, or a duly authorized representative, and specifying with particularity the extent and nature of such amendment, modification or waiver. Any waiver by any party of any default of another party shall not affect or impair any right arising from any subsequent default. Except as expressly and specifically stated otherwise, nothing herein shall limit the remedies and rights of the parties thereto under and pursuant to this Agreement.
11. Grammatical Construction. Whenever the singular number is used herein, the same shall include the plural where appropriate, and the words of any gender shall include any other genders where appropriate.
12. Severability Clause. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is held by a court with jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.
13. Force Majeure. Neither party shall be liable to the other party during any period in which its performance is delayed or prevented, in whole or in part, by circumstance beyond its reasonable control. Circumstances include, but are not limited to, the following: act of God (e.g., flood, earthquake, wind), fire, war, act of a public enemy or terrorist, act of sabotage, strike or other labor dispute, riot, misadventure of the sea, inability to secure materials and/or transportation, or a restriction imposed by legislation, an order or a rule or regulation of a governmental entity. If such a circumstance occurs, the Party claiming the delay shall undertake reasonable action to notify the other Party of the same.
14. Agreement Binding on Successors. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, successors and assigns.
15. North Dakota Law Applies. This Agreement shall be controlled by the laws of the State of North Dakota, and any action brought as a result of any claim, demand or cause of action arising under the terms of this Agreement shall be brought in an appropriate venue in the State of North Dakota.

16. Notice. All notices, certificates or other communications required under this Agreement will be deemed sufficiently given when delivered or deposited in the United States mail in certified form with postage fully prepaid and addressed as follows:

If to Fargo:

City Administrator
City of Fargo
200 3rd Street North
Fargo, ND 58102

If to the Diversion Authority

Executive Director
Flood Diversion Board of Authority
Box 2806
211 Ninth Street South
Fargo, ND 58108

IN WITNESS WHEREOF, the Parties hereby execute this Agreement on the Effective Date first above written.

City of Fargo, a North Dakota municipal corporation



Timothy J. Mahoney
Its: Mayor

ATTEST:



Steve Sprague
Its: City Auditor

Metro Flood Diversion Authority

COPY

Del Rae Williams, Vice Chair
Diversion Authority Board

MEMORANDUM

Cost Share Agreement with MetroCOG for the Updated Recreational Plan

PREPARED FOR: Flood Diversion Board of Authority
PREPARED BY: Jason Benson
DATE: December 17, 2018

The local technical and administrative staff have recently coordinated with the Fargo-Moorhead Metropolitan Council of Governments (MetroCOG) to update the Diversion Recreation Plan. MetroCOG has developed a scope of work to update the existing Recreation Plan at an approximate cost of \$150,000. MetroCOG has allocated 50% of this cost and is seeking a 50% cost share from the Flood Diversion Board of Authority (DA). The study will start in 2019 and be completed by September 2020.

The Flood Diversion Board of Authority completed a Recreation Plan back in 2012. This plan was developed to identify potential recreation and land use opportunities that could be incorporated into the channel and associated Diversion lands. The plan identified the potential to create a significant, interconnected system of recreation features, cultural resource interpretation, and natural and agricultural landscapes that will link communities, expand the regional trail networks, and improve access to local rivers.

MetroCOG has identified the Recreational Plan as a critical component of Diversion Project in designing and construction recreation features that tie together existing trails and parks within the FM Metro Area. Updating the existing plan now will ensure involvement of both community leaders and the public to identify the best recreation alternatives. With significant growth in the metro area since 2012, this updated plan will help coordinate the recreation plan with other area comprehensive plans, parks, and trail networks. It will also help inform the DA of opportunities, recreation grants/funding, and other potential recreational project partners.

MetroCOG Scope of Work:

The Fargo-Moorhead Diversion presents a significant opportunity for trails and associated recreational features on the banks of the channel. A trail system could be the most continuous feature of the plan. Connections to the metropolitan trail network would be an important feature that would increase use of the facilities and ensure access for local users. The purpose of the plan is to facilitate recreational concepts into the design and construction of the diversion project. In addition, these concepts would be developed so they can be constructed in phases both during and after the diversion construction as funding is available. The plan would prepare concepts for trails, trail connections, and recreational features, and would allow for the preparation of planning level cost estimates. Given the route of the diversion channel, the recreation plan would involve multiple jurisdictions, including Fargo, West Fargo, Cass County, Horace, and possibly others within the metropolitan planning area.

Planning Activities:

- Corridor Analysis
- Diversion Authority and Multijurisdictional Coordination
- Organize and attend SRC meetings and other SRC coordination
- Conceptual layout alternatives
- Visualizations

- Planning level cost estimates
- Project management and oversight
- Document Development
- Review of draft and final plan
- Public engagement events
- Coordinate Diversion Authority and jurisdictional review of the plan
- Present to TTC and Policy Board for final approval

SUGGESTED MOTION: Approve the cost share agreement with Fargo-Moorhead Metropolitan Council of Governments to update the FM Area Diversion Project Recreation Plan with a 50% cost share estimate at \$75,000.

COST REIMBURSEMENT AGREEMENT

BY AND BETWEEN

**METRO FLOOD DIVERSION AUTHORITY
as Diversion Authority**

and

**FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS
as Metro COG**

Related to:

Fargo-Moorhead Diversion Recreation Plan (2019-2020)

Approved by the Diversion Authority Board on December 20, 2018

This instrument was drafted by:
John T. Shockley
Ohnstad Twichell, P.C.
P.O. Box 458
West Fargo, ND 58078-0458

COST REIMBURSEMENT AGREEMENT

THIS AGREEMENT (the “Agreement”) is made and entered into as of the date of the last signature below (the “Effective Date”), by and between the Metro Flood Diversion Authority (“Diversion Authority”) and the Fargo-Moorhead Metropolitan Council of Governments (“Metro COG”).

WHEREAS, the Fargo-Moorhead Diversion presents a significant opportunity for trails and associated recreational features on the banks of the channel; and

WHEREAS, the Fargo-Moorhead Diversion completed a Recreation Plan in 2012 (the “Plan”) to develop and identify potential recreation and land use opportunities that could be incorporated into the channel and associated Diversion lands; and

WHEREAS, the Plan identified the potential to create a significant, interconnected system of recreation features, cultural resource interpretation, and cultural and agricultural landscapes that will link communities, expand the regional trail networks, and improve access to local rivers; and

WHEREAS, Metro COG has identified the Plan as a critical component of the Diversion Project in designing and construction of recreation features that tie together existing trails and parks within the FM Metro Area; and

WHEREAS, it has been determined that now is the appropriate time to update the Plan to ensure involvement from both community leaders and the public to help identify the best recreation alternatives and help coordinate the Plan with other area comprehensive plans, parks and trail networks, and to inform the Diversion Authority of opportunities, recreation grants/funding, and other potential recreational project partners (the “Project”); and

WHEREAS, the Project will work to facilitate recreational concepts into the design and construction of the diversion project; and

WHEREAS, the Project will prepare concepts for trails, trail connections, and recreational features, and would allow for the preparation of planning level cost estimates; and

WHEREAS, these concepts will be developed so they can be constructed in phases both during and after the diversion construction, as funding is available; and

WHEREAS, given the route of the diversion channel, the Project will involve multiple jurisdictions, including Fargo, West Fargo, Cass County, Horace, and possibly others within the metropolitan planning area; and

WHEREAS, activities involved in the Project will include, but not be limited to: corridor analysis; Diversion Authority and multijurisdictional coordination; SRC meeting participation and other SRC coordination; conceptual layout alternatives; visualizations; determining planning level cost estimates; project management and oversight; document development; draft and final plan review; public engagement events; coordinating Diversion Authority and jurisdictional review of the Project; and presentation to the TTC and Policy Board for final approval; and

WHEREAS, Metro COG will be the Project Manager for the Project by issuing an RFP, selecting and contracting with a consultant to perform the work (the “Consultant”), receiving the federal and local funds, overseeing payments to the Consultant and distributing the work product to the local governmental entities, all under an agreement between Metro COG and the Consultant (the “Project Contract”); and

WHEREAS, the Diversion Authority desires to participate and receive Project documents pursuant to the Project Contract, and has agreed to provide reimbursement payments of non-federal funds to Metro COG for the Consultant’s services; and

WHEREAS, the estimated cost of the Project is ONE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$150,000.00), with the Diversion Authority’s reimbursement being fifty percent (50%) of the total cost; and

WHEREAS, the parties desire to enter into this Agreement to set forth terms for which the Diversion Authority will provide reimbursement for the Project.

NOW THEREFORE, it is agreed by and between the parties as follows:

1. THE PROJECT. Metro COG will be responsible for work associated with and related to the Project. Metro COG will act as the Project Manager and intermediary to the Diversion Authority. The Project will start in 2019, and is estimated to be completed in 2020.
2. COMPENSATION. The estimated cost of the Project is ONE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$150,000.00). The Diversion Authority will be responsible for fifty percent (50%) of the total cost of the Project. Metro COG will submit invoices to the Diversion Authority as they are received, in accordance with the terms of this Agreement.
3. DELIVERABLES. The Diversion Authority will receive Project documents in accordance with deadlines and formats and set forth in the Project Contract. Metro COG agrees to provide the Diversion Authority with any Project documents within fifteen (15) days of Metro COG’s receipt of final documents from the Consultant.
4. PROJECT DOCUMENT USE AND OWNERSHIP. The use and ownership of documents produced by the Project will be governed by the terms of the Project Contract.
5. TERM. The term of this Agreement will begin on the Effective Date and continue through December 31, 2021.
6. EXTENSION OF TERM. The parties will have the right to extend this Agreement for such additional period as determined by both parties. Any extension must be in writing pursuant to the modification terms of this Agreement.
7. NO REIMBURSEMENT OF EXPENSES. The Diversion Authority will not be responsible for reimbursing Metro COG for any expenses incurred by Metro COG related to the Project, except as set forth in this Agreement.

8. INVOICING AND PAYMENT.

A. Metro COG must submit a copy of each invoice to:

NBoerboom@cityoffargo.com

OR

Nathan Boerboom, Division Engineer
Metro Flood Diversion Authority
c/o City of Fargo
225 4th St. N
Fargo, ND 58102

B. Metro COG's invoice must clearly indicate fees incurred for the current related period and include at least the following information:

- (1) Metro COG's name and address;
- (2) Metro COG's federal employer identification number;
- (3) Name of the matter and number of the file; and
- (4) Unique invoice number.

C. Each invoice will be paid to Metro COG within thirty (30) days of the Diversion Authority's receipt of the invoice from Metro COG.

9. TERMINATION.

A. Either party may terminate this Agreement upon fourteen (14) days' written notice, in whole or in part, if:

- (1) The Diversion Authority determines that having Metro COG provide services has become infeasible due to changes in applicable laws or regulations, or
- (2) Expected or actual funding to compensate Metro COG is withdrawn, reduced, or limited.

B. Upon receipt of any termination notice from the Diversion Authority, Metro COG must promptly discontinue all affected services unless the notice specifies otherwise. Metro COG must deliver all Project documents and materials to the Diversion Authority within seven (7) days of the Metro COG's receipt of any termination notice.

C. Upon the end date of this Agreement, which is the later of the date when this Agreement as a whole expires or is terminated pursuant to its terms:

- (1) The Diversion Authority will be released from compensating Metro COG for services other than those performed in accordance with this Agreement.
- (2) Metro COG will be released from performing services, except for services in any non-terminated portion of this Agreement.

- D. All rights and duties with respect to services performed prior to the expiration or termination of this Agreement, and continuing obligations specified in this Agreement to be performed following expiration or termination of this Agreement, will survive the expiration or termination of this Agreement.
10. NOTICE. Any notice or election required or permitted to be given or served by any party to this Agreement upon any other will be deemed given or served in accordance with the provisions of this Agreement if said notice or election is (i) delivered personally, or (ii) mailed by United States certified mail, return receipt requested, postage prepaid and in any case properly addressed as follows:

If to Metro COG: Attn: Chair, Metro COG Policy Board
 F-M Metropolitan Council of Governments
 1 2nd St. N, Suite 232
 Fargo, ND 58102

If to Diversion Authority: Attn: Chair
 Metro Flood Diversion Authority
 P.O. Box 2806
 Fargo, ND 58108

Each such mailed notice or communication will be deemed to have been given on the date the same is deposited in the United States mail. Each such delivered notice or communication will be deemed to have been given upon the delivery. Any party may change its address for service of notice in the manner specified in this Agreement.

11. PROHIBITION AGAINST ASSIGNMENT. Except as otherwise expressly provided in this Agreement, Metro COG agrees on behalf of itself, its officers and partners and the personal representatives of the same, and any other person or persons claiming any benefits under Metro COG by virtue of this Agreement, that this Agreement and the rights, interests, and benefits hereunder shall not be assigned, transferred, pledged or hypothecated in any way by Metro COG or by any other person claiming under it by virtue of this Agreement, and shall not be subject to execution, attachment or similar process. Any attempt at assignment, transfer, or of pledge or hypothecation or other disposition of this Agreement or of such rights, interests, and benefits contrary to the foregoing provisions or the levy of any attachment or similar process shall be null and void and without affect.
12. MODIFICATION. This Agreement contains the entire understanding of the parties. It may not be changed orally, but only upon an agreement in writing approved by both parties' governing bodies. It may be modified as to terms and conditions from time to time upon the mutual consent of the parties; however, such modification shall be reduced to writing, signed by the parties and the document appended to and made a part of this Agreement.
13. WAIVER. A party's waiver of enforcement of any of this Agreement's terms or conditions will be effective only if it is in writing. A party's specific waiver will not constitute a waiver by that party of any earlier, concurrent, or later breach or default.

14. BINDING EFFECT. This Agreement shall be binding upon and inure to the benefit of the Diversion Authority, its successors and assigns, and any such successor shall be deemed substituted for the Diversion Authority under the terms of this Agreement. This Agreement shall likewise be binding upon Metro COG, its successors and assigns. As used in this Agreement, the term “successor” shall include any person, firm, corporation or other business entity which at any time whether by merger, purchase or otherwise acquires all or substantially all of the assets or business of the corporation.
15. NEGOTIATED AGREEMENT. This Agreement has been reached through negotiation between the parties.
16. SEVERABILITY. If any court of competent jurisdiction declares any provision or part of this Agreement to be invalid or unenforceable, all remaining terms and provisions of this Agreement will remain binding and enforceable.
17. CONTROLLING LAW AND VENUE. This Agreement will be controlled by the laws of the State of North Dakota, and any action brought as a result of any claim, demand or cause of action arising under the terms of this Agreement must be brought in an appropriate venue in the State of North Dakota.
18. COUNTERPARTS. This Agreement may be executed in two or more counterparts, each of which together will be deemed an original, but all of which together will constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a ".pdf" format data file, such signature will create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof.

[Signatures included on the following pages.]

DIVERSION AUTHORITY:

Metro Flood Diversion Authority

By: _____
Del Rae Williams, Chair

Date signed: _____

By: _____
Michael Redlinger, Co-Executive Director

Date signed: _____

By: _____
Robert W. Wilson, Co-Executive Director

Date signed: _____

METRO COG:

Fargo-Moorhead Metropolitan Council of Governments

By: _____
Jenny Mongeau, Chair
Metro COG Policy Board

Date signed: _____

By: _____
Cindy Gray, Executive Director

Date signed: _____



2019 Diversion Authority Board and Committee Meetings

B Board Meeting
3:30 p.m.

C Committee Meetings
1:30 p.m. Outreach
3:00 p.m. Land Management
4:00 p.m. Finance

January 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23 C	24 B	25	26
27	28	29	30	31		

April 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21 <i>Easter</i>	22	23	24 C	25 B	26 <i>Good Friday</i>	27
28	29	30				

July 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4 <i>Independence Day</i>	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24 C	25 B	26	27
28	29	30	31			

October 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23 C	24 B	25	26
27	28	29	30	31 <i>Halloween</i>		

February 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27 C	28 B		

May 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22 C	23 B	24	25
26	27 <i>Memorial Day</i>	28	29	30	31	

August 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21 C	22 B	23	24
25	26	27	28	29	30	31

November 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11 <i>Veteran's Day</i>	12	13	14	15	16
17	18	19	20 C	21 B	22	23
24	25	26	27	28	29	30

March 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27 C	28 B	29	30
31						

June 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26 C	27 B	28	29
30						

September 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 <i>Labor Day</i>	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25 C	26 B	27	28
29	30					

December 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18 C	19 B	20	21
22	23	24	25 <i>Christmas</i>	26	27	28
29	30	31				

FM Metropolitan Area Flood Risk Management Project
 Fiscal Accountability Report Design Phase (Fund 790)
 As of 11/30/2018

	2011	2012	2013	2014	2015	2016	2017	2018	Cumulative Totals
Revenues									
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	28,310,373	35,212,877	31,790,784	27,497,346	157,353,292
Cass County	443,138	7,652,681	7,072,961	19,373,131	28,310,373	111,715,540	14,193,826	12,502,716	201,264,365
State Water Commission			3,782,215	602,918	31,056,740	101,436,302	23,650,143	9,973,812	170,502,130
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	6,291,194	(13,260,368)	-	-	706,805
Reimbursements						33,880	49,699	31,034	114,613
Lease/Rental Payments			17,358	154,180	180,341	260,806	350,720	460,872	1,424,277
Asset Sales				616,774	315,892	175,190	117,079	-	1,224,935
Interest Income							505,157	429,795	934,952
Miscellaneous			226	626	427		-	356	1,635
Total Revenues	984,751	17,005,957	19,517,490	44,425,900	94,465,340	235,574,227	70,657,409	50,895,932	533,527,005
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	500,885	889,742	2,903,664
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,660,226	2,719,505	2,631,656	2,326,747	30,193,495
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	8,464,392	14,714,801	6,459,929	50,317,580
7925 WIK - Recreation		163,223					-	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	2,763,404	17,013,358	55,948,209	46,717,049	40,728,316	8,406,869	175,469,490
7931 LERRDS - Minnesota		27,996	287,907	13,068	32,452	1,815,566	35,457	4,171	2,216,617
7940 WIK Mitigation - North Dakota				587,180			225,293	100,316	912,789
7941 WIK Mitigation - Minnesota							-	-	-
7950 Construction - North Dakota				1,738,638	19,269,055	42,263,916	5,976,235	530,077	69,777,921
7951 Construction - Minnesota							-	-	-
7952 Construction - O/H/B				11,282,504	5,044,001	776,720	7,365,462	7,315,432	31,784,118
7955 Construction Management				556,209	2,867,422	5,182,366	1,498,050	280,729	10,384,776
7980 Operations & Maintenance							6,403	28,538	34,941
7990 Project Financing		50,000	70,000	216,376	566,600	5,435,289	8,305,600	8,191,135	22,835,000
7995 Project Eligible - Off Formula Costs							-	-	-
7999 Non Federal Participating Costs	116						221,568	-	221,684
Total Expenditures	984,750	17,005,957	11,990,261	45,324,414	95,896,147	161,199,358	83,439,726	34,533,686	450,374,299

FM Metropolitan Area Flood Risk Management Project
Statement of Net Position
November 30, 2018

	<u>Amount</u>
Assets	
Cash	\$ 83,447,861
Receivables	
State Water Commission *	256,414
Proceeds from Oxbow Lot Sales	796,881
Total assets	<u>84,501,156</u>
Liabilities	
Retainage payable	1,347,449
Rent Deposit	1,000
Total liabilities	<u>1,348,449</u>
NET POSITION	<u>\$ 83,152,707</u>

* Receivable balance is as of 10.31.2018

FM Metropolitan Area Flood Risk Management Project
 FY 2018 Summary Budget Report (In Thousands)
 As of 30 Nov 2018

	FY 2018 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
Revenue Sources						
City of Fargo	-	3,159	27,497			
Cass County	-	902	12,503			
State of ND - 50 % Match	-	256	9,751			
State of ND - 100% Match	-		223			
State of Minnesota	-		-			
Other Agencies	-		-			
Financing Proceeds	-		105			
Reimbursements	-		31			
Sales of Assets	-		0			
Property Income	-		461			
Miscellaneous	-	41	325			
Total Revenue Sources	82,554	4,359	50,896	-	-	31,659
Funds Appropriated						
Diversion Channel & Assoc. Infrastructure	-	199	1224	0%	2,892	(4,116)
Southern Embankment & Assoc. Infrastructure	17	0	1	6%	2,336	(2,320)
Other Mitigation Projects	6,139	541	7804	127%	944	(2,608)
In-Town Flood Protection	44,227	25	656	1%	9,015	34,556
Enabling Work / Other	-	2	176	0%	-	(176)
Land Acquisition & Mitigation	6,881	148	8239	120%	24,484	(25,842)
Engineering & Design Fees	241	192	3085	1278%	4,527	(7,371)
Program Management	11,489	343	5449	47%	2,568	3,471
Contingency	5,000	-	0	0%	-	5,000
Debt Service	8,460	407	7872	93%	663	(75)
Maintenance	100	-	29	29%	-	71
Total Appropriations	82,554	1,857	34,534	42%	47,430	591

METRO FLOOD DIVERSION AUTHORITY

Monday, 10 December 2018

Data Through Date: Friday, November 30, 2018

Summary of Expenses

EXP-2018-09

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
790-0000-206.10-00	11/21/2018	292480	LANDWEHR CONSTRUCTION INC	\$6,239.82	Retainage PO #193316	V03901	DEMO RIVERBEND ROAD
Retainage				\$6,239.82			
790-7910-429.33-20	11/27/2018	JB11180025	CITY OF FARGO-AUDITORS OFFICE	\$4,979.17	CHARGE FOR COF TIME-11/18	V00102	General & Admin. WIK
Other Services / Accounting Services				\$4,979.17			
790-7910-429.33-25	12/4/2018	706	P CARD BMO	\$124.00	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
	12/4/2018	706	P CARD BMO	\$56,998.00	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
	11/29/2018	292610	ERIK R JOHNSON & ASSOCIATES	\$337.50	LEGAL SERVICES THRU 10/25	V00102	General & Admin. WIK
Other Services / Legal Services				\$57,459.50			
790-7910-429.38-68	12/4/2018	706	P CARD BMO	\$3,500.00	FREDRIKSON AND BYRON P	V00102	General & Admin. WIK
	12/4/2018	709	P CARD BMO	\$3,500.00	FREDRIKSON AND BYRON P	V00102	General & Admin. WIK
Other Services / Lobbyist				\$7,000.00			
790-7915-429.33-05	11/21/2018	292454	HOUSTON-MOORE GROUP LLC	\$15,343.39	LEEVE DESIGN & SUPPORT	V01613	LEEVE DESIGN & SUPPORT
	11/21/2018	292454	HOUSTON-MOORE GROUP LLC	\$36,138.75	DRAFT OPERATIONS PLAN	V01615	DRAFT OPERATIONS PLAN
	11/29/2018	292628	HOUSTON-MOORE GROUP LLC	\$23,962.77	PERMIT SUBMITTAL	V01616	PERMIT SUBMITTAL PREP
	11/29/2018	292628	HOUSTON-MOORE GROUP LLC	\$1,475.50	UPSTREAM MITIGATION	V01622	MITIGATION SUPPORT SRVCS
	11/29/2018	292628	HOUSTON-MOORE GROUP LLC	\$16,694.25	HYDROLOGY/HYDRAULIC MODEL	V01625	HYDROLOGY/HYDRAULIC MODEL
	11/29/2018	292628	HOUSTON-MOORE GROUP LLC	\$10,492.25	TASK 26 WORK IN KIND	V01626	WORK-IN-KIND (WIK)
	11/29/2018	292628	HOUSTON-MOORE GROUP LLC	\$33,158.25	RIVER STAGE 37 FT PLANNIN	V01627	RIVER STAGE 37FT PLANNING
Other Services / Engineering Services				\$137,265.16			
790-7920-429.33-05	11/21/2018	292454	HOUSTON-MOORE GROUP LLC	\$54,553.60	PROJECT MANAGEMENT	V01601	HMG - PROJECT MANAGEMENT
Other Services / Engineering Services				\$54,553.60			
790-7920-429.33-79	11/29/2018	292593	CH2M HILL ENGINEERS INC	\$375,434.84	INTERIM PROGRAM MGMT	V00208	CH2M HILL-4.2.18-10.12.18
	11/29/2018	292593	CH2M HILL ENGINEERS INC	\$148,312.60	COST ESTIMATE & PLAN B	V00209	CH2M HILL-7/27-12/28/18
Other Services / Construction Management				\$523,747.44			
790-7930-429.33-05	11/29/2018	292628	HOUSTON-MOORE GROUP LLC	\$48,387.91	BOUNDRY SURVEYING	V01628	BOUNDARY SURVEYING SRVCS
Other Services / Engineering Services				\$48,387.91			
790-7930-429.33-25	12/4/2018	706	P CARD BMO	\$37,173.18	DORSEY AND WHITNEY LLP	V00101	Dorsey Whitney Legal
	12/4/2018	706	P CARD BMO	\$363.00	OHNSTAD TWICHELL ATTOR	V00103	General & Admin. LERRDS
Other Services / Legal Services				\$37,536.18			
790-7930-429.38-95	11/29/2018	292587	BUILDING & GROUNDS MANAGEMENT	\$140.00	OCTOBER LAWN SERVICES	V01701	ND LAND PURCH-OUT OF TOWN

METRO FLOOD DIVERSION AUTHORITY

Monday, 10 December 2018

Data Through Date: Friday, November 30, 2018

Summary of Expenses

EXP-2018-09

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
Other Services / Mowing Services				\$140.00			
790-7930-429.38-99	11/15/2018	292248	CASS COUNTY TREASURER	\$1,290.00	JET 8 CULVERTS ALONG MAIN	V04203	CULVERT CLEANING
Other Services / Other Services				\$1,290.00			
790-7930-429.71-30	11/21/2018	JB11180022	CITY OF FARGO-AUDITORS OFFICE	\$1,385.00	RCLS 9748-UNUSED ESCROW	V01701	ND LAND PURCH-OUT OF TOWN
Land / Land Purchases				\$1,385.00			
790-7930-429.73-20	11/21/2018	292480	LANDWEHR CONSTRUCTION INC	\$11,000.00	PAYOUT LIQUIDATED DAMAGES	V03901	DEMO RIVERBEND ROAD
	11/21/2018	292480	LANDWEHR CONSTRUCTION INC	\$8,925.00	RIVERBEND ROAD DEMO	V03901	DEMO RIVERBEND ROAD
Infrastructure / Site Improvements				\$19,925.00			
790-7930-429.80-17	11/21/2018	JB11180022	CITY OF FARGO-AUDITORS OFFICE	-\$1,385.00	RCLS 9748-UNUSED ESCROW	V01701	ND LAND PURCH-OUT OF TOWN
Debt Service / Property Tax - FMDA				-\$1,385.00			
790-7940-429.33-06	11/29/2018	292585	BRAUN INTERTEC CORP	\$332.00	TESTING SERVICES	V00402	TESTING - WP-43 & WP-28A
	11/29/2018	292585	BRAUN INTERTEC CORP	\$9,614.29	TESTING SERVICES	V00402	TESTING - WP-43 & WP-28A
Other Services / Quality Control Testing				\$9,946.29			
790-7930-429.52-10	11/29/2018	292628	HOUSTON-MOORE GROUP LLC	\$2,186.70	SDB & SDC SEAI PROJECTS	V01624	CONSTRUCTN/BID SVCS WP28A
	11/29/2018	292628	HOUSTON-MOORE GROUP LLC	\$24,917.03	COMPLIANCE OBSERVATION	V01629	WORK COMPLIANCE OBSERV.
Insurance / Property Insurance				\$27,103.73			
790-7950-429.38-99	11/29/2018	292591	CASS COUNTY TREASURER	\$284.76	SIGNAGE-NO DUMPING ORDER	V04201	DUST/TRAFFIC CONTRL-INLET
Other Services / Other Services				\$284.76			
790-7952-429.73-52	11/29/2018	292661	MEYER CONTRACTING INC	\$485,217.75	OHB RING LEVEE	V04401	OHB RING LEVEE PHASES C&D
Infrastructure / Flood Control				\$485,217.75			
790-7955-429.33-05	11/21/2018	292454	HOUSTON-MOORE GROUP LLC	\$24,743.59	WORK PKG 42	V02806	CONSTRUCTION SVCS WP42
Other Services / Engineering Services				\$24,743.59			
790-7990-429.33-05	11/29/2018	292628	HOUSTON-MOORE GROUP LLC	\$3,662.00	PROCUREMENT SUPPORT	V01621	P3 RFP PROCUREMENT SUPPRT
Other Services / Engineering Services				\$3,662.00			
790-7990-429.33-25	12/4/2018	706	P CARD BMO	\$6,642.13	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
Other Services / Legal Services				\$6,642.13			
790-7990-520.80-20	11/21/2018	292415	CASS COUNTY TREASURER	\$212,371.53	WELLS FARGO INTEREST	V02906	\$100M 2017 CASS WF ADVANC
	11/6/2018	JB10180015	CITY OF FARGO-AUDITORS OFFICE	\$88,385.85	10.1.2018 WF INTEREST PMT	V02905	\$100M 2017 COF WF ADVANCE
	11/20/2018	JB11180019	CITY OF FARGO-AUDITORS OFFICE	\$106,716.69	11.1.18 WF INTEREST PMT	V02905	\$100M 2017 COF WF ADVANCE

METRO FLOOD DIVERSION AUTHORITY

Monday, 10 December 2018

Data Through Date: Friday, November 30, 2018

Summary of Expenses

EXP-2018-09

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
			Debt Service / Interest on Bonds	\$407,474.07			
			Total Amount Invoiced this period	\$1,863,598.10			
				<u>\$6,239.82</u>	Less Paid Retainage		
				\$1,857,358.28	Total Less Paid Retainage		

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of November 30, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	\$ 195,347,040.03	\$ 170,887,703.56	\$ 24,459,336.47	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
ARMY CORP OF ENGINEERS	\$ 53,159,000.00	\$ 53,159,000.00	\$ -	Local Share
INDUSTRIAL BUILDERS INC	\$ 48,286,047.16	\$ 39,485,894.45	\$ 8,800,152.71	Const - 2nd St North Pump Station Project and 2nd Street Floodwall
CH2M HILL ENGINEERS INC	\$ 47,239,115.97	\$ 45,383,143.10	\$ 1,855,972.87	Program, Project, Construction and Land Management
HOUSTON-MOORE GROUP LLC	\$ 47,124,628.08	\$ 40,861,481.58	\$ 6,263,146.50	Engineering Services
INDUSTRIAL CONTRACT SERVICES I	\$ 17,576,871.19	\$ 17,493,762.16	\$ 83,109.03	Const - 4th St Pump Station and 2nd Street Floodwall
OXBOW, CITY OF	\$ 15,729,728.85	\$ 15,107,844.71	\$ 621,884.14	MOU Agreement
MEYER CONTRACTING INC	\$ 11,945,893.15	\$ 11,829,278.08	\$ 116,615.07	Construction/Demolition Services
CITY OF FARGO	\$ 8,035,332.31	\$ 8,035,332.31	\$ -	Digital Imagery Project, Utility Relocation, Accounting Svcs, and Bank Loan Advance DS Payments
ASHURST LLP	\$ 6,715,133.70	\$ 3,895,542.81	\$ 2,819,590.89	PPP (P3) Legal Counsel
DORSEY & WHITNEY LLP	\$ 6,393,049.73	\$ 6,393,049.73	\$ -	Legal Services
CASS COUNTY TREASURER	\$ 4,109,238.86	\$ 4,109,238.86	\$ -	Property Taxes and Bank Loan Advance DS Payments
JP MORGAN CHASE-LOCKBOX PROCES	\$ 3,377,000.00	\$ 2,713,572.93	\$ 663,427.07	Financial Advisor
MINNESOTA DNR	\$ 2,776,684.35	\$ 2,551,078.35	\$ 225,606.00	EIS Scoping
OHNSTAD TWICHELL PC	\$ 2,686,055.76	\$ 2,686,055.76	\$ -	ROE and Bonding Legal Fees
CENTURYLINK	\$ 2,586,742.00	\$ 2,586,742.00	\$ -	Utility Relocation
LANDWEHR CONSTRUCTION INC	\$ 2,316,627.66	\$ 2,305,622.16	\$ 11,005.50	Const - In-Town Demolition Contracts
URS CORPORATION	\$ 1,922,118.42	\$ 1,805,670.90	\$ 116,447.52	Engineering Services
KENNELLY & OKEEFFE	\$ 1,729,110.56	\$ 1,729,110.56	\$ -	Home Buyouts
HOUGH INCORPORATED	\$ 1,726,847.35	\$ 1,634,666.45	\$ 92,180.90	Const - 2nd Street South Flood Control
REINER CONTRACTING INC	\$ 1,599,646.21	\$ 1,599,646.21	\$ -	Const - El Zagal Flood Risk Management
CONSOLIDATED COMMUNICATIONS	\$ 1,063,096.11	\$ 1,063,096.11	\$ -	Utility Relocation
ORACLE AMERICA, INC	\$ 1,015,290.00	\$ 306,856.00	\$ 708,434.00	Electronic Data Mgmt and Record Storage System
TERRACON CONSULTING ENGINEERS	\$ 909,149.49	\$ 830,520.16	\$ 78,629.33	Materials Testing
RILEY BROTHERS CONSTRUCTION	\$ 807,871.82	\$ 807,871.82	\$ -	Construction - County Roads 16 & 17 Realignment
XCEL ENERGY	\$ 753,515.88	\$ 753,515.88	\$ -	Utility Relocation
MOORE ENGINEERING INC	\$ 662,468.17	\$ 662,468.17	\$ -	Engineering Services
US BANK	\$ 626,849.03	\$ 626,849.03	\$ -	Loan Advance DS Payments
DUCKS UNLIMITED	\$ 587,180.00	\$ 587,180.00	\$ -	Wetland Mitigation Credits
HOUSTON ENGINEERING INC	\$ 576,669.57	\$ 576,669.57	\$ -	Engineering Services
ERIK R JOHNSON & ASSOCIATES	\$ 552,233.18	\$ 552,233.18	\$ -	Legal Services
CROWN APPRAISALS INC	\$ 500,000.00	\$ 475,000.00	\$ 25,000.00	Flowage Easements Valuation
RED RIVER BASIN COMMISSION	\$ 500,000.00	\$ 500,000.00	\$ -	Retention Projects - Engineering Services
HOFFMAN & MCNAMARA NURSERY&LAN	\$ 495,801.98	\$ 455,836.49	\$ 39,965.49	Construction - Landscape
NORTHERN TITLE CO	\$ 484,016.00	\$ 484,016.00	\$ -	Land Purchases
AT & T	\$ 461,031.30	\$ 461,031.30	\$ -	Utility Relocation
BRAUN INTERTEC CORP	\$ 395,389.25	\$ 372,643.04	\$ 22,746.21	Quality Testing
SCHMIDT AND SONS CONSTRUCTION	\$ 351,178.00	\$ 335,906.00	\$ 15,272.00	Oxbow Housing Relocation
ACONEX (NORTH AMERICA) INC	\$ 306,856.00	\$ 306,856.00	\$ -	Electronic Data Mgmt and Record Storage System
BEAVER CREEK ARCHAEOLOGY	\$ 276,990.00	\$ 146,109.77	\$ 130,880.23	Engineering Services
702 COMMUNICATIONS	\$ 266,892.07	\$ 266,892.07	\$ -	Utility Relocation
SPRINT	\$ 256,409.37	\$ 256,409.37	\$ -	Utility Relocation

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of November 30, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
FARGO MOORHEAD METROPOLITAN	\$ 253,858.35	\$ 253,858.35	\$ -	Lidar Imaging
AON RISK SERVICES CENTRAL, INC	\$ 240,000.00	\$ 183,813.50	\$ 56,186.50	P3 Risk Advisory Services
NDSU BUSINESS OFFICE	\$ 231,650.00	\$ 183,408.50	\$ 48,241.50	Ag Risk Study Services
BUFFALO-RED RIVER WATERSHED DI	\$ 221,568.00	\$ 221,568.00	\$ -	Retention Projects - Engineering Services
CASS RURAL WATER USERS DIST	\$ 213,335.00	\$ 213,335.00	\$ -	Utilities and Utility Relocation
ROBERT TRENT JONES	\$ 200,000.00	\$ 200,000.00	\$ -	Oxbow MOU - Golf Course Consulting Agreement
SPRINGSTED INCORPORATED	\$ 178,010.15	\$ 178,010.15	\$ -	Financial Advisor
FREDRIKSON & BYRON, PA	\$ 169,230.06	\$ 165,730.06	\$ 3,500.00	Lobbying Services
S & S LANDSCAPING CO INC	\$ 150,528.50	\$ 31,123.00	\$ 119,405.50	Construction - Landscape
PFM PUBLIC FINANCIAL MANAGEMEN	\$ 146,460.00	\$ 146,460.00	\$ -	Financial Advisor
GRAY PANNELL & WOODWARD LLP	\$ 143,800.68	\$ 143,800.68	\$ -	Legal Services
AT&T NETWORK OPERATIONS	\$ 125,238.30	\$ 125,238.30	\$ -	Utility Relocation
CENTURYLINK ASSET ACCOUNTING-B	\$ 118,871.82	\$ 102,773.54	\$ 16,098.28	Utility Relocation
ENVENTIS	\$ 115,685.62	\$ 115,685.62	\$ -	Utility Relocation
UNITED STATES GEOLOGICAL SURVE	\$ 104,600.00	\$ 104,600.00	\$ -	Stage Gage Installation
CASS COUNTY ELECTRIC-4100 32 A	\$ 104,195.00	\$ 97,995.00	\$ 6,200.00	Utility Services / Relocation
EL ZAGAL TEMPLE HOLDING CO	\$ 76,000.00	\$ 76,000.00	\$ -	Easement Purchase for El Zagal Levee
HKA GLOBAL, INC	\$ 74,353.00	\$ 74,353.00	\$ -	Professional Services
GERSON LEHRMAN GROUP, INC.	\$ 60,819.00	\$ 60,819.00	\$ -	Legal Services
NIXON PEABODY LLC	\$ 60,000.00	\$ 60,000.00	\$ -	Legal Services
ADVANCED ENGINEERING INC	\$ 50,000.00	\$ 50,000.00	\$ -	Public Outreach
IN SITU ENGINEERING	\$ 47,973.00	\$ 47,973.00	\$ -	Quality Testing
US GEOLOGICAL SURVEY	\$ 46,920.00	\$ 46,920.00	\$ -	Stage Gage Installation
MIDCONTINENT COMMUNICATIONS	\$ 37,318.95	\$ 37,318.95	\$ -	Utility Relocation
WARNER & CO	\$ 35,308.00	\$ 35,308.00	\$ -	General Liability Insurance
CLAY COUNTY AUDITOR	\$ 34,538.71	\$ 34,538.71	\$ -	Property Tax, Home Buyout Demo
AMERICAN ENTERPRISES INC	\$ 34,000.00	\$ 34,000.00	\$ -	Test Pits
GEOKON INC	\$ 33,815.36	\$ 33,815.36	\$ -	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	\$ 33,066.02	\$ 33,066.02	\$ -	Property Management Services
CPS HR CONSULTING	\$ 32,793.22	\$ 32,793.22	\$ -	HR Consulting
NAASTAD BROTHERS, INC	\$ 30,856.40	\$ -	\$ 30,856.40	Roadway Ditch Work
WESTERN AREA POWER ADMINISTRAT	\$ 30,000.00	\$ 30,000.00	\$ -	P3 Support Services
ND WATER USERS ASSOCIATN	\$ 20,000.00	\$ 20,000.00	\$ -	Membership Dues
XCEL ENERGY-FARGO	\$ 16,275.85	\$ 16,275.85	\$ -	Utility Relocation
PRIMORIS AEVENIA INC	\$ 16,230.00	\$ 16,230.00	\$ -	Utility Relocation
MOORHEAD, CITY OF	\$ 15,062.90	\$ 15,062.90	\$ -	ROE Legal Fees
BRIGGS & MORGAN PA	\$ 12,727.56	\$ 12,727.56	\$ -	Legal Services
PROSOURCE TECHNOLOGIES, INC	\$ 8,324.94	\$ 8,324.94	\$ -	Vibrating Wire Piezometer Equipment
MAP SERVICE CENTER	\$ 7,250.00	\$ 7,250.00	\$ -	Permit fee
NEWMAN SIGNS INC	\$ 5,816.00	\$ 5,816.00	\$ -	Sinage
ONE	\$ 3,575.00	\$ 3,575.00	\$ -	Legal Services
MCKINZIE METRO APPRAISAL	\$ 3,200.00	\$ 3,200.00	\$ -	Appraisal Services
STUDIO 7 PRODUCTIONS	\$ 3,170.00	\$ 3,170.00	\$ -	Video Productions
BUILDING & GROUNDS MANAGEMENT	\$ 2,592.50	\$ 2,592.50	\$ -	Lawn Mowing Services

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of November 30, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
SEIGEL COMMUNICATIONS SERVICE	\$ 2,345.00	\$ 2,345.00	\$ -	Public Outreach
BNSF RAILWAY CO	\$ 2,325.00	\$ 2,325.00	\$ -	Permits for In-Town Levee Projects
COUGAR TREE CARE INC	\$ 2,300.00	\$ 2,300.00	\$ -	Tree Removal
FORUM COMMUNICATIONS (LEGALS)	\$ 2,224.20	\$ 2,224.20	\$ -	Advertising Services
FORUM COMMUNICATIONS (ADVERT)	\$ 1,743.77	\$ 1,743.77	\$ -	Advertising Services
NORTH DAKOTA TELEPHONE CO	\$ 1,697.00	\$ 1,697.00	\$ -	Communication
ERBERT & GERBERTS SUBS	\$ 1,232.29	\$ 1,232.29	\$ -	lunches for the task force meetings
HUBER, STEVE	\$ 1,056.43	\$ 1,056.43	\$ -	Home Buyouts
WARREN TOWNSHIP	\$ 1,023.72	\$ 1,023.72	\$ -	SEEDING, ROAD REPAIR, DUST CONTROL
DEPT OF NATURAL RESOUR	\$ 1,000.00	\$ 1,000.00	\$ -	DNR Dam Safety Permit Application Fee
TRIO ENVIRONMENTAL CONSULTING	\$ 747.60	\$ 747.60	\$ -	Asbestos and LBP Testing - Home Buyouts
NDSU-DINING-STORE 685	\$ 701.75	\$ 701.75	\$ -	Meeting Incidentals
RED RIVER TITLE SERVICES INC	\$ 675.00	\$ 675.00	\$ -	Abstract Updates
HEARTLAND SEEDS, INC.	\$ 600.00	\$ 600.00	\$ -	Lawn Mowing Services
BNSF RAILWAY COMPANY	\$ 600.00	\$ 600.00	\$ -	MOU Agreement
CIVIL DESIGN INC	\$ 595.00	\$ 595.00	\$ -	MOU Agreement
RED RIVER VALLEY COOPERATIVE A	\$ 536.96	\$ 536.96	\$ -	Electricity - Home Buyouts
FERRELLGAS	\$ 496.00	\$ 496.00	\$ -	Propane - Home Buyouts
BROKERAGE PRINTING	\$ 473.33	\$ 473.33	\$ -	Custom Printed Forms
DAWSON INSURANCE AGENCY	\$ 388.52	\$ 388.52	\$ -	Property Insurance - Home Buyouts
KOCHMANN, CARTER	\$ 315.00	\$ 315.00	\$ -	Lawn Mowing Services
GALLAGHER BENEFIT SERVICES INC	\$ 250.00	\$ 250.00	\$ -	Job Description Review
DONS PLUMBING	\$ 240.00	\$ 240.00	\$ -	Winterize - Home Buyouts
HARWOOD TOWNSHIP, CASS, ND	\$ 208.91	\$ 208.91	\$ -	Township Meeting Expenses
WALMART STORE #4352	161.97	\$ 161.97	\$ -	Meeting Incidentals
CURTS LOCK & KEY SERVICE INC	138.1	\$ 138.10	\$ -	Service Call - Home Buyouts
GOOGLE LOVEINTHEOVEN	116	\$ 116.00	\$ -	Meeting Incidentals
LANE, BARRET	108.77	\$ 108.77	\$ -	Lodging Expense
FEDERAL EXPRESS CORPORATION	71.89	\$ 71.89	\$ -	Postage
BOIS DE SIOUX WATERSHED DISTRI	0	\$ -	\$ -	Retention Projects - Engineering Services
CENTURYLINK COMMUNICATIONS	0	\$ -	\$ -	Utility Relocation
AEVENIA, INC	0	\$ -	\$ -	Utility Relocation
CABLE ONE (FARGO)	0	\$ -	\$ -	Utility Relocation
ULTEIG ENGINEERS INC	0	\$ -	\$ -	Engineering Services
ACON RISK SERVICES CENTRAL INC	\$ -	\$ -	\$ -	P3 Risk Advisory Services
Grand Total	\$ 497,804,188.66	\$ 450,374,298.55	\$ 47,429,890.11	

FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of November 30, 2018

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
Commercial Relocations - Fargo						
Park East Apartments - 1 2nd St S	6/23/2015	9,240,246.10	-	708,126.94	-	9,948,373.04
Howard Johnson - 301 3rd Ave N	11/2/2015	3,266,079.60	-	3,752,607.61	(1,100.00)	7,017,587.21
Fargo Public School District - 419 3rd St N	3/16/2016	1,903,475.78	-	6,469,727.55	-	8,373,203.33
Mid America Steel - NP Ave, North	6/21/2016	437,371.41	-	5,370,000.00	-	5,807,371.41
Case Plaza - 117 NP Ave N	1/12/2017	250,449.12	-	-	-	250,449.12
Shakey's Pizza - DFI AP LLC - 203 4th Ave N	3/21/2017	1,002,367.69	-	-	-	1,002,367.69
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	194,457.83	-	35,615.30	-	230,073.13
1333 Oak Street N	6/24/2015	238,513.23	-	5,249.00	-	243,762.23
26 North Terrace N	9/11/2015	138,619.58	-	12,620.00	-	151,239.58
16 North Terrace N	9/24/2015	227,987.50	-	96,717.14	-	324,704.64
24 North Terrace N	11/25/2015	182,437.38	-	29,269.60	-	211,706.98
1314 Elm Street N	12/18/2015	225,800.09	-	42,025.00	-	267,825.09
12 North Terrace N	2/9/2016	10,191.00	-	-	-	10,191.00
1313 Elm Street N	1/23/2017	350,000.00	-	3,360.00	-	353,360.00
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	480,783.92	-	205,699.82	-	686,483.74
361 Schnell Dr / 764 River Bend Rd	9/2/2015	490,091.32	-	267,757.65	-	757,848.97
752 Riverbend Rd / 768 River Bend Rd	9/4/2015	469,078.13	-	507,103.56	-	976,181.69
353 Schnell Dr / 772 River Bend Rd	9/11/2015	494,342.87	-	312,212.95	-	806,555.82
SE 1/4-23-137-49 & NW 1/4 SW 1/4 24-137-49 - Heitman	9/30/2015	1,328,151.00	-	-	-	1,328,151.00
350 Schnell Dr / 769 River Bend Rd	12/15/2015	491,024.01	-	279,237.35	-	770,261.36
365 Schnell Drive	1/7/2016	125,077.88	-	-	-	125,077.88
852, 856, 860, & 864 Riverbend Rd	1/11/2016	1,222,608.19	-	10,891.60	-	1,233,499.79
334 Schnell Dr / 751 River Bend Rd	1/15/2016	321,089.77	-	284,349.88	-	605,439.65
749 Riverbend Rd / 433 Trent Jones Dr	2/1/2016	598,885.43	-	469,875.64	-	1,068,761.07
326 Schnell Drive	2/19/2016	326,842.17	-	225,073.09	-	551,915.26
309 Schnell Dr / 325 Trent Jones Dr	5/12/2016	539,895.97	-	574,412.28	-	1,114,308.25
810 Riverbend Rd / 787 River Bend Rd	6/6/2016	672,125.84	-	640,625.43	-	1,312,751.27
833 Riverbend Rd / 446 Trent Jones Dr	7/14/2016	801,671.69	-	590,292.66	-	1,391,964.35
328 Schnell Dr / 347 Trent Jones Dr	7/14/2016	320,803.64	-	329,117.70	-	649,921.34
839 Riverbend Road	7/20/2016	1,775,311.60	-	10,631.50	-	1,785,943.10
332 Schnell Dr / 335 Trent Jones Dr	8/2/2016	328,639.47	-	356,643.81	-	685,283.28
317 Schnell Dr / 409 Trent Jones Dr	9/7/2016	548,393.52	-	558,413.52	-	1,106,807.04
330 Schnell Drive	10/4/2016	328,134.82	-	125,072.50	-	453,207.32
329 Schnell Dr / 417 Trent Jones Dr	10/4/2016	549,277.00	-	499,811.00	-	1,049,088.00
321 Schnell Dr / 410 Trent Jones Dr	10/7/2016	471,534.69	-	514,952.53	-	986,487.22
813 Riverbend Rd / 449 Trent Jones Dr	10/14/2016	660,997.62	-	797,937.65	-	1,458,935.27
325 Schnell Drive / 426 Trent Jones Dr	11/3/2016	403,498.66	-	402,935.97	-	806,434.63
844 Riverbend Road	11/11/2016	716,599.40	-	15,118.84	-	731,718.24
828 Riverbend Rd	11/30/2016	955,928.53	-	-	-	955,928.53
341 Schnell Dr / 343 Trent Jones Dr	12/8/2016	480,921.52	-	673,954.16	-	1,154,875.68
840 Riverbend Rd / 442 Trent Jones Dr	12/21/2016	547,075.19	-	423,662.02	-	970,737.21
816 Riverbend Rd / 441 Trent Jones Dr	12/27/2016	567,413.07	-	338,694.70	-	906,107.77
821 Riverbend Rd / 438 Trent Jones Dr	1/13/2017	580,617.35	-	331,100.87	-	911,718.22
805 Riverbend Rd / 776 River Bend Rd	2/10/2017	508,203.01	-	395,757.84	-	903,960.85
808 Riverbend Road / 254 South Schnell Dr	2/24/2017	713,814.95	-	533,475.96	-	1,247,290.91
338 Schnell Dr / 775 River Bend Rd	2/28/2017	560,402.15	-	407,961.34	-	968,363.49
313 Schnell Drive/ 413 Trent Jones Dr	4/7/2017	389,370.50	-	357,043.95	-	746,414.45
809 Riverbend Rd	5/3/2017	112,304.99	-	-	-	112,304.99
337 Schnell Dr / 353 Trent Jones Dr	5/17/2017	456,146.62	-	524,447.89	-	980,594.51
829 Riverbend Rd / 788 River Bend Rd	7/7/2017	1,056,438.13	-	1,369,587.89	-	2,426,026.02
848 Riverbend Rd / 783 River Bend Rd	7/27/2017	781,361.81	-	1,410,330.68	-	2,191,692.49
817 Riverbend Road / 421 Trent Jones Dr	7/18/2017	445,728.05	-	465,264.50	-	910,992.55
843 Riverbend Rd / 445 Trent Jones Dr	9/21/2017	978,292.23	-	1,207,474.57	-	2,185,766.80

**FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
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Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
477 Oxbow Drive - OIN 9614 - Henry & Suzanne Mertz	10/27/2017	25,020.58	-	-	-	25,020.58
Home Buyouts - Hickson						
17495 52nd St SE	4/28/2015	785,747.66	-	27,604.74	-	813,352.40
4985 and 4989 Klitzke Drive, Pleasant Twp	7/20/2016	245,926.71	-	92,817.44	-	338,744.15
Home Buyouts - Horace						
2914 124th Ave S	12/29/2016	50,981.00	-	-	-	50,981.00
17471 49th St SE - Campbell - OIN 9403	2/16/2017	883,581.00	-	154,196.55	-	1,037,777.55
17465 49th St SE - Campbell - OIN 9411	2/21/2017	828,561.00	-	190,389.56	-	1,018,950.56
17474 52nd St SE - Leher - OIN 1889/1990/2182	7/11/2017	909,905.00	-	5,482.81	-	915,387.81
17449 50th Street SE - Scott Young	9/1/2017	398,936.66	-	-	-	398,936.66
4848 CR 81 S, Horace, ND _ OIN 9405	9/15/2017	451,185.00	-	36,153.08	-	487,338.08
17568 Pfiffer Drive - OIN 9387	3/6/2018	505,925.70	-	3,590.00	-	509,515.70
15-0000-02690-010 & 15-0000-02690-020 - Cossette _ OIN 229 & 230	11/29/2017	2,433,020.59	-	-	-	2,433,020.59
5021 171st Ave. Southeast, Horace, ND _ OIN 1955	12/18/2017	248,677.89	-	-	-	248,677.89
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
Oak Terrace Condos - 2 N Terrace N	3/30/2016	5,588.00	-	-	-	5,588.00
Fercho Family Farms,	3/25/2015	50,000.00	-	-	-	50,000.00
Part of Lot 3 Block 4 R2 Urban Renewal Addition	3/15/2018	336,108.00	-	-	-	336,108.00
Easements - Hickson						
Hickson Village Lot 8 BLK 11	5/11/2016	500.00	-	-	-	500.00
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	-	-	-	-	-
64-0000-02730-000 - Sauvageau	6/1/2016	1,113,101.57	-	-	-	1,113,101.57
64-0000-027400-000 - Duboard	9/15/2016	177,399.29	-	-	-	177,399.29
64-0000-02700-010 - Rheault	1/31/2017	2,243.06	-	-	-	2,243.06
15-141-49 NW1/4 160.00 AC **12-31-98 COMB FRM 44-0000-00580-000 & 44-0000-00570-000 - Larson Trust (Nygren)	6/20/2017	32,340.00	-	-	-	32,340.00
Southwest corner of County Road 17 S and 112th Avenue S (condemnation) - SAUVAGEAU LIFE EST.		373,437.00	-	-	-	373,437.00
16835 47 ST SE - Buster Farms LLLP		1,755.00	-	-	-	1,755.00
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 (OINs 0511,0512,0880,0897)	2/18/2014	3,458,980.70	-	-	-	3,458,980.70
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	991,128.19
NW 1/4 36-141-50 - Monson	5/7/2014	943,560.05	-	-	-	943,560.05
W 1/2 SE 1/4 SW 1/4 & SW 1/4 SW 1/4 2-137-49 - Gordor	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) - Subdivision: Part of 23-140-50, 155.82 acres - Henke (Raymond Twp) - Subdivision: Part of Sec. 23., Less Gust Sub and Jason Sub	6/17/2015	857,144.00	-	-	-	857,144.00
T140N R50W - Henke	6/17/2015	339,071.00	-	-	-	339,071.00
15-141-49 NW1/4 160.00 AC **12-31-98 COMB FRM 44-0000-00580-000 & 44-0000-00570-000 - Larson Trust (Nygren)	6/20/2017	291,840.00	-	-	-	291,840.00
64-0000-02720-000 - Ulstad (Condemnation)	11/10/2016	1,221,931.50	-	-	-	1,221,931.50
Peter Biegler, Jr - OIN 9748	7/17/2017	250,185.00	-	3,175.00	-	253,360.00
19-141-49 NE 1/4 A 160.00 - Schoenberg Farms	7/18/2017	3,470,167.12	-	-	-	3,470,167.12
SHEY RIV - Chose	7/28/2017	60,128.07	-	-	-	60,128.07
W 1/2d 1/2 10-141-49 & NW 1/4 10-141-49 - Larson Family Farm Trust	8/1/2017	1,402,847.99	-	-	-	1,402,847.99
S1/2 W1/2 NW1/4 - Conyers	8/3/2017	33,150.00	-	-	-	33,150.00
27th St SE, between 169th Ave SE and I-29 - Nelson	8/3/2017	1,024,189.50	-	-	-	1,024,189.50
Meridian, Cass County, ND - Heiden Family, LLLP	8/4/2017	1,326,882.11	-	-	-	1,326,882.11

**FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of November 30, 2018**

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
2368 173rd Ave SE & Rural Land Part of SE1/4 35-142-49, Wiser, ND - Kevin & Pamela Heiden	8/4/2017	614,439.02	-	-	-	614,439.02
20-141-49 SW 1/4 A 160.00 - Lloyd & Alice Amundson	8/9/2017	123,563.38	-	-	-	123,563.38
5251 174 1/2 Ave SE, Pleasant Township, ND 58047	8/18/2017	254,354.28	-	-	-	254,354.28
35-142-49 SW 1/4 A 160.00 - Burley _ OIN 1218	8/31/2017	167,091.47	-	-	-	167,091.47
S-1/2 of N1/2 of Section 36-142-49, Wayne & Gary Ohnstad_OIN 1223	12/13/2017	200,135.00	-	-	-	200,135.00
2-141-49 S 1/2 OF NE 1/4 & N 1/2 OF SE 1/4	12/20/2017	251,668.74	-	-	-	251,668.74
County Rd 32 between 167th Ave SE and 169th Ave SE, 25-141-50 NE 1/4	1/19/2018	831,853.08	-	-	-	831,853.08
County Rd 32 between 167th Ave SE and 169th Ave SE, 30-141-50 NW 1/4	3/23/2018	831,535.25	-	-	-	831,535.25
NE 1/4 Section 14 Township 140 North of Range 50 West of 5th Principle Meridian LESS the East 85 feet of said NE Quarter	2/22/2018	707,530.88	-	-	-	707,530.88
Land Purchases						
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	-	(730,148.14)	(246,132.14)
Lot 4, Block 4, ND R-2 Urban Renewal Addition, Fargo ND - Professional Associates	5/14/2015	39,900.00	-	-	-	39,900.00
BNSF Railway Company	10/28/2015	27,000.00	-	-	-	27,000.00
City of Fargo - OIN 2366 & OIN 2367	3/9/2017	1,022,533.30	-	-	-	1,022,533.30
Edwin and Margaret Ployhart OIN 8852	4/5/2017	5,121.18	-	-	-	5,121.18
Arthur Mathison RT OIN 1994	5/19/2017	750.00	-	-	-	750.00
Ideal Ag Corp OIN 9789 / 9790	5/25/2017	30,120.68	-	-	-	30,120.68
OIN 1195 / 1196 - Mark Thorson	9/15/2017	203,678.32	-	-	-	203,678.32
		<u>89,610,936.01</u>	-	<u>34,542,377.21</u>	<u>(1,107,856.01)</u>	<u>123,045,457.21</u>
			(32,000.00)		10,000.00	
				Property Management Expense		2,016,616.24
					Grand Total	<u>\$ 125,062,073.45</u>

**FM Metropolitan Area Flood Risk Management Project
In-Town Levee Work
as of November 30, 2018**

Vcode #	Vendor Name	Descriptions	Contract Amount	Amount Paid
V02801	Industrial Builders	WP42.A2 - 2nd Street North Pump Station	\$ 8,696,548.46	\$ 8,696,548.46
V02802	Terracon Consulting	WP-42 (In Town Levees) Materials Testing	\$ 909,149.49	\$ 830,520.16
V02803	Consolidated Communications	2nd Street Utility Relocation	\$ 1,178,781.73	\$ 1,178,781.73
V02804	702 Communications	2nd Street Utility Relocation WP-42A.1/A.3 - 4th St Pump Station & Gatewell and 2nd St	\$ 266,892.07	\$ 266,892.07
V02805	ICS	Floodwall S	\$ 17,583,287.19	\$ 17,500,178.16
V02806	HMG	WP42 - Services During Construction	\$ 6,121,277.00	\$ 5,258,932.47
V02807	CCJWRD	In-Town Levee Work	\$ 6,212,413.40	\$ 5,886,140.36
V02808	City of Fargo	Relocation of fiber optic along 2nd Street North	\$ 397,906.52	\$ 397,906.52
V02809	AT & T	2nd Street Utility Relocation	\$ 586,269.60	\$ 586,269.60
V02811	Xcel Energy	2nd Street & 4th Street Utility Relocations	\$ 769,791.73	\$ 769,791.73
V02812	Industrial Builders	WP-42F.1S - 2nd Street North Floodwall, South of Pump Station	\$ 16,720,591.15	\$ 16,689,883.67
V02813	Landwehr Construction	Park East Apartments Demolition	\$ 1,169,651.74	\$ 1,169,651.74
V02814	Primoris Aevenia	2nd Street Utility Relocation	\$ 16,230.00	\$ 16,230.00
V02815	Centurylink Communications	2nd Street Utility Relocation	\$ 2,660,937.92	\$ 2,660,937.92
V02816	Landwehr Construction	WP-42C.1 - In-Town Levees 2nd Street/Downtown Area Demo	\$ 907,999.08	\$ 907,999.08
V02817	Reiner Contracting, Inc	WP-42H.2 - El Zagal Area Flood Risk Management	\$ 1,599,646.21	\$ 1,599,646.21
V02818	Industrial Builders	WP-42I.1 - Mickelson Levee Extension	\$ 738,880.50	\$ 738,880.50
V02819	Industrial Builders	WP42F.1N - 2nd Street North	\$ 13,362,906.82	\$ 13,362,906.82
V02820	CH2M Hill	WP42 - Construction Management Services	\$ 851,775.30	\$ 851,775.30
V02821	Hough Incorporated	WP42F.2 - 2nd Street South	\$ 1,726,847.35	\$ 1,634,666.45
V02822	City of Fargo Hoffman & McNamara Nursery	COF - 2016 O&M on Lifts	\$ 34,941.05	\$ 34,941.05
V02823	& Lan	WP-42G General Landscaping and Planting	\$ 495,801.98	\$ 455,836.49
V02824	City of Fargo	COF – In-Town Flood Protection Debt Payments	\$ 4,875,880.00	\$ 4,875,880.00
V01703	Various	In-Town Property Purchases	\$ 39,424,955.62	\$ 38,178,469.60
V02825	Industrial Builders	WP-42E - 2nd Street South and Main Avenue Flood Mitigation	\$ 8,769,445.23	\$ -
			\$ 136,078,807.14	\$ 124,549,666.09

**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: October 1, 2018 - October 31, 2018 - OHB Levee Related

Drawdown Request No: 78	
Requested Amount:	\$ 244,521.99
Total Funds Expended This Period:	489,043.98
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	244,521.99
Total Funds Requested:	244,521.99

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 2015 Legislative Session - Interior Flood Control		60,000,000
Anticipated appropriations to be funded in 2017 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2019 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2021 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2023 Legislative Session	66,500,000	
Total State Funds	266,000,000	304,000,000
Less: Payment #1 through #35 - City of Fargo		(55,510,209.00)
Less: Payment #1 - Cass County		(136,039.36)
Less: Payment #1 through #7 - Interior Flood Control		(60,000,000.00)
Less: Payment #1 through #28 - FM Diversion Authority		(38,049,107.00)
Less: Payment #29 through #50 - FM Metro Area Flood Risk Management Project		(76,542,741.00)
Less: Payment #51 - FM Metro Area Flood Risk Management Project		(1,501,080.00)
Less: Payment #52 - FM Metro Area Flood Risk Management Project		(1,565,228.00)
Less: Payment #53 - FM Metro Area Flood Risk Management Project		(708,163.00)
Less: Payment #54 - FM Metro Area Flood Risk Management Project		(897,057.00)
Less: Payment #55 - FM Metro Area Flood Risk Management Project		(488,613.00)
Less: Payment #56 - FM Metro Area Flood Risk Management Project		(1,105,872.00)
Less: Payment #57 - FM Metro Area Flood Risk Management Project		(1,377,451.00)
Less: Payment #58 - FM Metro Area Flood Risk Management Project		(1,792,502.00)
Less: Payment #59 - FM Metro Area Flood Risk Management Project		(1,625,005.00)
Less: Payment #60 - FM Metro Area Flood Risk Management Project		(65,355.00)
Less: Payment #61 - FM Metro Area Flood Risk Management Project		(780,105.00)
Less: Payment #62 - FM Metro Area Flood Risk Management Project		(772,390.00)
Less: Payment #63 - FM Metro Area Flood Risk Management Project		(901,954.00)
Less: Payment #64 - FM Metro Area Flood Risk Management Project		(7,127.00)
Less: Payment #65 - FM Metro Area Flood Risk Management Project		(31,576.00)
Less: Payment #66 - FM Metro Area Flood Risk Management Project		(476,342.00)
Less: Payment #67 - FM Metro Area Flood Risk Management Project		(43,032.00)
Less: Payment #68 - FM Metro Area Flood Risk Management Project		(521,819.00)
Less: Payment #69 - FM Metro Area Flood Risk Management Project		(567,145.00)
Less: Payment #70 - FM Metro Area Flood Risk Management Project		(1,216,849.00)
Less: Payment #71 - FM Metro Area Flood Risk Management Project		(59,819.00)
Less: Payment #72 - FM Metro Area Flood Risk Management Project		(250,421.00)
Less: Payment #73 - FM Metro Area Flood Risk Management Project		(19,572.00)
Less: Payment #74 - FM Metro Area Flood Risk Management Project		(12,628.00)
Less: Payment #75 - FM Metro Area Flood Risk Management Project		(140,444.00)
Less: Payment #76 - FM Metro Area Flood Risk Management Project		(433,312.97)
Less: Payment #77 - FM Metro Area Flood Risk Management Project		(11,892.35)
Less: Payment #78 - FM Metro Area Flood Risk Management Project		(244,521.99)
Total Funds Reimbursed		(247,855,372.67)
Total State Fund Balances Remaining		56,144,627.33

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	\$	79,166,117
Less: Match Used on Payment #1 through #35 - City of Fargo		(41,506,620)
Less: Match used on Payment #1 - Cass County		(136,039)
Less: Match Used on Payment #1-28 - FM Diversion Authority		(11,052,710)
Less: Match Used on Payment #29-50 - FM Metro Area Flood Risk Management Project		(18,968,395)
Less: Match Used on Payment #51 - FM Metro Area Flood Risk Management Project		(1,336,028)
Less: Match Used on Payment #52 - FM Metro Area Flood Risk Management Project		(294,854)
Less: Match Used on Payment #54 - FM Metro Area Flood Risk Management Project		(595,622)
Less: Match Used on Payment #55 - FM Metro Area Flood Risk Management Project		(278,292)
Less: Match Used on Payment #58 - FM Metro Area Flood Risk Management Project		(222,923)
Less: Match Used on Payment #71 - FM Metro Area Flood Risk Management Project		(59,819)
Less: Match Used on Payment #72 - FM Metro Area Flood Risk Management Project		(250,421)
Less: Match Used on Payment #73 - FM Metro Area Flood Risk Management Project		(19,572)
Less: Match Used on Payment #74 - FM Metro Area Flood Risk Management Project		(12,628)
Less: Match Used on Payment #75 - FM Metro Area Flood Risk Management Project		(134,285)
Balance of Local Matching Funds Available	\$	4,297,909

Finance Committee Bills through December 14, 2018

Vendor	Description		
Dorsey & Whitney	Legal services rendered through October 31, 2018	\$	22,902.78
ND Water Users Association	Membership dues	\$	5,000.00
Ohnstad Twichell, P.C.	Professional services rendered	\$	65,999.65
Total Bills Received through December 14, 2018		\$	<u>93,902.43</u>



received
10-3-18

MINNEAPOLIS OFFICE
612-340-2600

(Tax Identification No. 41-0223337)

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

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

November 30, 2018
Invoice No. 3463623

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

For Legal Services Rendered Through October 31, 2018

INVOICE TOTAL

Total For Current Legal Fees	\$22,762.50
Total For Current Disbursements and Service Charges	\$140.28
Total For Current Invoice	\$22,902.78
Summary of Account	
*Prior Balance Due	\$48,669.60
Total Amount Due	\$71,572.38

*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

December 10, 2018

Kent Costin
Finance Director
City of Fargo
225 4th Street North
Fargo, ND 58102

Re: Metro Flood Diversion Project

Dear Kent:

I am enclosing a Summary Invoice dated November 30, 2018 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through October 31, 2018 on the Metro Flood Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to Dorsey Whitney.

Sincerely,

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

Erik R. Johnson

ERJ/lmw
Enclosure
cc: Bruce Grubb



North Dakota Water Users Association

P.O. Box 2254
Bismarck, North Dakota 58502
(701) 223-4615

*DEDICATED TO THE PROTECTION, DEVELOPMENT, AND
MANAGEMENT OF NORTH DAKOTA'S WATER RESOURCES*

**MEMBERSHIP DUES
STATEMENT**

DARRELL VANYO
F-M AREA DIVERSION AUTHORITY
PO BOX 2806
FARGO ND 58108

DATE DUE: January 1, 2019

<u>COUNTY</u>	<u>MEMBERSHIP CLASSIFICATION</u>	<u>AMOUNT DUE</u>
CASS	SUSTAINING MEMBER	\$5,000.00

The portion of dues paid to the North Dakota Water Users Association, which is attributable to lobbying activities, is 7.5% or less.

Please return this portion with your check payable to ND Water Users Association.

(Please mark address corrections)

DARRELL VANYO
F-M AREA DIVERSION AUTHORITY
PO BOX 2806
FARGO ND 58108

Mail remittance to:
North Dakota Water Users Association
P.O. Box 2254
Bismarck, ND 58502

Amount Due: \$5,000.00

County: CASS

Contact Person: _____

Phone Number: _____

OHNSTAD TWICHELL, P.C.
Attorneys at Law

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

15-1395 JTS Invoice # 159705

Flood Diversion Board
 Bond Counsel Work - PPP

Date: December 12, 2018

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

PROFESSIONAL SERVICES RENDERED			
	Hours	Hourly Rate	Totals
JTS	43.1	\$310.00	\$13,361.00
CMM	7.1	\$310.00	\$2,201.00
ADC	24.2	\$310.00	\$7,502.00
RGH	24.9	\$310.00	\$7,719.00
KJB	34.5	\$285.00	\$9,832.50
TJL	53.6	\$250.00	\$13,400.00
CBC	12.2	\$225.00	\$2,745.00
SRH	4.8	\$225.00	\$1,080.00
AJR	47.1	\$165.00	\$7,771.50
Total Fees:	251.5		\$65,612.00
Westlaw (max charge \$500)			\$387.65
Total Expenses:			\$387.65
Grand Total			\$65,999.65

			2018 Hourly Rates
JTS	John T. Shockley, Partner, Supervising Attorney		\$310.00
CMM	Christopher M. McShane, Partner		\$310.00
ADC	Andrew D. Cook, Partner		\$310.00
SNW	Sarah M. Wear, Partner		\$310.00
RGH	Robert G. Hoy, Partner		\$310.00
KJB	Katie J. Bertsch, Associate		\$285.00
TJL	Tyler J. Leverington, Associate		\$250.00
CBC	Calley B. Campbell, Associate		\$225.00
LWC	Lukas W. Croaker, Associate		\$225.00
SRH	Stephen R. Hanson, Associate		\$225.00
ABG	Bo Gruchala, Associate		\$225.00
MPS	Michael P. Sly, Associate		\$200.00
CAS	Carol A. Stillwell, Paralegal		\$165.00
JDR	Joshua D. Roaldson, Paralegal		\$165.00
AJR	Andrea J. Roman, Paralegal		\$165.00
LRK	Lisa R. Kilde, Paralegal		\$155.00
CRA	Christie R. Axness, Paralegal		\$135.00
KJS	Kelsey J. Stock, Law Clerk		\$100.00

PROFESSIONAL SERVICES RENDERED

15-1395 JTS Invoice # 159705		Flood Diversion Board	Bond Counsel Work - PPP
FILE NUMBER	MATTER DESCRIPTION	INVOICE - TOTAL FEES	
151395-1	General Topics (Includes General Governance Questions, Notices, etc.)	\$11,876.00	
151395-2	Executive Director	\$198.00	
151395-3	P3 Procurement	\$866.50	
151395-4	Public Finance Issues	\$1,870.00	
151395-5	Consultant Contract Review/Development	\$3,686.00	
151395-6	Support of External Litigation Counsel	\$313.50	
151395-7	Coordination with Member Entities	\$840.00	
151395-8	MNDNR Permit Issues	\$2,462.00	
151395-11	Legislative Interface/Lobbying Support	\$679.00	
151395-12	USACE Interface/Questions	\$375.50	
151395-13	Third Party Utility MOU's	\$24,725.00	
151395-14	ICS Issues	\$17,565.50	
151395-15	Schmidt and Sons Litigation	\$155.00	
TOTAL		\$65,612.00	