

Finance Committee Agenda



Diversion Authority Finance Committee

July 27, 2022 @ 4:00p.m. CST

This meeting will be in-person at Fargo City Hall Commission Chambers (225 4th St N, Fargo, ND 58102) and online.

1. Call to Order
 - a. Roll call of Members
2. Approve minutes from June 22, 2022
[Attachment 00.01] (Pg. 3)
3. Approve Order of Agenda
4. Approval of Bills
[Attachment 00.02] (Pg. 5)
5. Finance Report
[Attachment 01.00] (Pg. 19)
6. Executive Director Financial Report
[Attachment 02.00] (Pg. 43)
7. Contracting Actions
 - a. DA Board Approval Contract Actions
[Attachment 03.00] (Pg. 50)
 - i. Sprint Communications Company, L.P., Task Order 1 Amendment 0
[Attachment 03.01] (Pg. 52)
 - ii. Schmidt and Sons, WP50F, Change Order 01
[Attachment 03.02] (Pg. 54)
 - iii. Affinitext, New Agreement
[Attachment 03.03] (Pg. 56)
 - b. DA Board Approval 2022 Cash Budget Changes
8. Other Business
 - a. Updated City of Fargo Work Plan for Projects Bid in 2022
[Attachment 04.00] (Pg. 58)
 - b. MFDA 2021 Audit Report and Governance Letter
[Attachment 05.00] (Pg. 66)

- c. BNSF, Preliminary Engineering Agreement Amendment 1
[Attachment 06.00] (Pg. 97)

9. Next Meeting: August 24, 2022

10. Adjournment

MEDIA AND PUBLIC PARTICIPATION INFORMATION

There are multiple ways to attend or watch this public meeting.

- View the Meeting on Fargo TV or at www.TVFargo.com
- View the Meeting on the City of Fargo's Facebook or Twitter feed.
- View the Meeting at FMDiversion.com/Meeting
- View the Meeting at [Twitter.com/FMDiversion](https://twitter.com/FMDiversion)



Metro Flood Diversion Authority Finance Committee Meeting Minutes

4:00 P.M. – June 22, 2022

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Finance Committee was held on June 22, 2022. The following members were present: Bernie Dardis, Mayor, City of West Fargo; Dr. Tim Mahoney, Mayor, City of Fargo; Dan Jacobson, Chairman, Cass County Joint Water Resource District; Steve Sprague, City of Fargo Interim Finance Director; Lori Johnson, Clay County Auditor/Treasurer; Mike Redlinger, City of Fargo Interim City Administrator; Rick Steen, Cass County Commissioner and Dave Piepkorn, Fargo City Commissioner.

Members absent: Chad Peterson, Cass County Commissioner; Shelly Carlson, Mayor, City of Moorhead; Mike Rietz, City of Moorhead Assistant City Manager and Brandy Madrigga, Cass County Finance Director.

1. CALL TO ORDER

Mayor Dardis called the meeting to order at 4:01 PM. Roll call was taken, and a quorum was present.

2. APPROVE MINUTES FROM THE MAY 2022 MEETING

MOTION PASSED

Mr. Piepkorn moved to approve the minutes from the May 2022, meeting and Dr. Mahoney seconded the motion. On a voice vote, the motion carried.

3. APPROVE ORDER OF AGENDA

MOTION PASSED

Dr. Mahoney moved to approve the order of the agenda as amended, removing item 7 a. ii, Schmidt and Sons WP50F Change Order 01, and Mr. Steen seconded the motion. On a voice vote, the motion carried.

4. APPROVAL OF BILLS

Mr. Sprague reported that the three bills payable through June 14, 2022, total \$2,243,174.38 and are payable to the usual vendors, Cass County Joint Water Resource District, Ohnstad Twichell, P.C. and Cass County.

MOTION PASSED

Dr. Mahoney moved to approve the bills as presented and Mr. Steen seconded the motion. On a roll call vote, the motion carried.

5. FINANCIAL REPORT

Mr. Sprague reported that our current net position is \$135,793,993.

MOTION PASSED

Mr. Piepkorn moved to approve the financial report and Mr. Redlinger seconded the motion. On a voice vote, the motion carried.

6. EXECUTIVE DIRECTOR FINANCIAL REPORT

Mr. Paulsen reported that city and county sales tax revenues have been coming in as anticipated and there was a \$2.2 million draw from the Legacy Funds. Mr. Paulsen stated that there are no concerns with the cash budget, and everything is tracking well.

Mr. Paulsen also reported that an offer has been made for the senior construction manager position. This position was budgeted for, and the salary will come out of the administrative budget.

7. CONTRACTING ACTIONS

a. DA Board Approval Contracting Action

Mr. Paulsen provided an overview of the following contracting action:

Minnkota Power Cooperative, Inc., Task Order 03, Amendment 0 – Oxbow Substation Relocation – Land acquisition to relocate Minnkota Power’s Oxbow substation that is located approximately one mile north of the town of Oxbow and will be located in the backwater flowage easement area of the Southern Embankment - \$275,000.

MOTION PASSED

Mr. Sprague moved to approve the contracting action as presented and Mr. Steen seconded the motion. On a roll call vote, the motion carried.

b. 2022 Cash Budget Changes

There were no changes to report.

8. OTHER BUSINESS

a. DA Board Approved MOU and Agreement Actions

Mr. Shockley provided an overview and summary outlining the purpose and necessity for the following MOU and MURA:

i. Red River Valley Cooperative Power Association (RRVCPA) & MFDA MURA

ii. SBA Towers X, LLC & MFDA MOU

MOTION PASSED

Dr. Mahoney moved to collectively approve the MOU and MURA as presented, and Mr. Jacobson seconded the motion. On a roll call vote, the motion carried.

b. Program Information Points

Mr. Paulsen noted that the program information points document has been updated as of June 15, 2022.

9. NEXT MEETING

The next meeting will be July 27, 2022.

10. ADJOURNMENT

The meeting adjourned at 4:18 PM.

Finance Committee Bills from July 2022

Vendor	Description		
Cass County Joint Water Resource District	Diversion bills – Request #98 CCJWRD	\$	6,938,876.73
City of Fargo	Reimburse complementary in-town flood projects	\$	2,539,624.27
Clay County	Diversion bills – Request #19 MCCJPA	\$	471,016.01
Cass County	Cass Co Hwy Dept – Roadway Reshaping & Aggregate Surfacing	\$	226,235.21
Ohnstad Twichell, P.C.	Legal services rendered through June 21, 2022	\$	120,944.43
Cass County	Reimburse misc expenses from Diversion Authority office	\$	14,394.96
Clay County	Clay Co Hwy Dept – Hwy 2 Reconstruction – Braun Intertec	\$	5,334.25
Total Bills Received through July 20, 2022		\$	10,316,425.86



Cass County
Joint Water
Resource
District

SENT VIA EMAIL

July 1, 2022

Dan Jacobson
Chairman
West Fargo, North Dakota

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

Rodger Olson
Manager
Leonard, North Dakota

Greetings:

Ken Loughheed
Manager
Gardner, North Dakota

RE: Metro Flood Diversion Project
Oxbow-Hickson-Bakke Ring Levee Project

Jacob Gust
Manager
Fargo, North Dakota

Enclosed please find copies of bills totaling \$6,938,876.73 regarding the above referenced projects. The breakdown is as follows:

Keith Weston
Manager
Fargo, North Dakota

Metro Flood Diversion	\$6,938,747.73
DPAC	129.00

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

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

Enclosures

701-298-2381
FAX 701-298-2397
wrld@casscountynnd.gov
casscountynnd.gov

METRO FLOOD DIVERSION RIGHT OF ENTRY/LAND ACQUISITION COST SHARE INVOICES						7/1/2022
Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
6/21/2022	6/6/2022	182609	130007	26,217.50	Ohnstad Twichell, P.C.	Legal-Diversion Right of Way Acquisition
6/21/2022	6/6/2022	182610	160007	817.00	Ohnstad Twichell, P.C.	Legal-Diversion Authority Agreements - Drains
6/21/2022	6/6/2022	182611	160007	1,964.66	Ohnstad Twichell, P.C.	Legal-Channel Phase I
6/21/2022	6/6/2022	182612	160007	2,380.00	Ohnstad Twichell, P.C.	Legal-Channel Phase II
6/21/2022	6/6/2022	182613	160007	90.00	Ohnstad Twichell, P.C.	Legal-Channel Phase III
6/21/2022	6/6/2022	182614	170007	75,756.90	Ohnstad Twichell, P.C.	Legal-Upstream Mitigation Area
6/21/2022	6/6/2022	182615	187007	6,760.00	Ohnstad Twichell, P.C.	Legal-Diversion - Southern Embankment
6/21/2022	6/6/2022	182616	207007	91.00	Ohnstad Twichell, P.C.	Legal-I-29 Grade Raise
6/21/2022	6/6/2022	182760	207007	370.00	Ohnstad Twichell, P.C.	Legal-Wetland Mitigation Drain 27
6/21/2022	6/6/2022	182618	187007	91.00	Ohnstad Twichell, P.C.	Legal-Bio/Geo Easements
6/21/2022	6/13/2022	182759	207007	29,586.72	Ohnstad Twichell, P.C.	Legal-Delaney (OIN 1202) Quick Take Eminent Domain
6/21/2022	6/6/2022	182620	207007	2,952.50	Ohnstad Twichell, P.C.	Legal-Kvalvog/Nyquist (OIN 9400) quick take eminent domain
6/21/2022	6/6/2022	182621	207007	1,776.50	Ohnstad Twichell, P.C.	Legal-Larson (OIN 1199) QTED
6/21/2022	6/6/2022	182622	207007	27,696.50	Ohnstad Twichell, P.C.	Legal-Cossette (OIN 722, 723) quick take eminent domain
6/21/2022	6/6/2022	182623	207007	3,019.50	Ohnstad Twichell, P.C.	Legal-Loberg (OIN 716) quick take eminent domain
6/21/2022	6/6/2022	182624	207007	8,767.85	Ohnstad Twichell, P.C.	Legal-Thunberg Living Trust (OIN 720) QTED
6/21/2022	6/6/2022	182625	207007	122.00	Ohnstad Twichell, P.C.	Legal-Larry A Brant RLT (OIN 9348) QTED
6/21/2022	6/6/2022	182626	207007	274.50	Ohnstad Twichell, P.C.	Legal-Germanson (OIN 5004/5009-5012/9054-9056) QTED
6/21/2022	6/6/2022	182627	207007	1,372.50	Ohnstad Twichell, P.C.	Legal-Janet Wanzek Estate (OIN 8672-8675, 9747) QTED
6/21/2022	6/6/2022	182628	207007	396.50	Ohnstad Twichell, P.C.	Legal-Libbrecht, Glen (OIN 698, 9756-9759) QTED
6/21/2022	6/6/2022	182629	207007	915.00	Ohnstad Twichell, P.C.	Legal-Perhus (OIN 747, 751, 5014-5015, 5277) QTED
6/21/2022	6/6/2022	182630	207007	701.50	Ohnstad Twichell, P.C.	Legal-Thue Living Trust (OIN 1169, 1200) QTED
6/21/2022	6/6/2022	182631	207007	91.50	Ohnstad Twichell, P.C.	Legal-Samuelson RLT (OIN 1181/1182) QTED
6/21/2022	6/6/2022	182632	207007	366.00	Ohnstad Twichell, P.C.	Legal-Jameson (OIN 9749) QTED
6/21/2022	6/6/2022	182633	217007	918.00	Ohnstad Twichell, P.C.	Legal-Coster RET (OIN 9736-9737) QTED
6/21/2022	6/6/2022	182634	217007	9,397.76	Ohnstad Twichell, P.C.	Legal-Sauvageau (OIN 1107) QTED
6/21/2022	6/6/2022	182635	217007	91.50	Ohnstad Twichell, P.C.	Legal-Richard Farm (OIN 1087/1093/1095/5002) QTED
6/21/2022	6/6/2022	182636	217007	1,159.00	Ohnstad Twichell, P.C.	Legal-Brunelle LE (OIN 1108-1110) QTED
6/21/2022	6/6/2022	182637	227007	1,037.00	Ohnstad Twichell, P.C.	Legal-Roseen QTED (OIN 25)
6/21/2022	6/6/2022	182638	227007	4,198.73	Ohnstad Twichell, P.C.	Legal-Sauvageau - Relocation appeal (OIN 1107)
6/21/2022	6/6/2022	182639	227007	91.50	Ohnstad Twichell, P.C.	Legal-Brei Estate LLLP (OIN 843) QTED
5/27/2022	5/27/2022	1200435217		46,622.87	HDR Engineering Inc	TO 1 Property Acquisition Services
6/21/2022	6/9/2022			19,313.00	Realty Value Consultants	Appraisals Review Report
				1,750.00	Schmid Larson LLC	EME on OIN 5276
6/21/2022	6/6/2022			2,525.00	Fettes Transportation Systems	relocation claim for OIN 1102 Rheault
6/21/2022	6/8/2022	805696	38810.00007	1,777.50	Larkin Hoffman Attorneys	Legal-CCJT v Daniel Flaten
6/21/2022	6/8/2022	805698	38810.0001	237.00	Larkin Hoffman Attorneys	Legal-CCJT v Derek Flaten
6/21/2022	6/8/2022	805697	38810.00009	671.50	Larkin Hoffman Attorneys	Legal-CCJT v Steve and Lisa Loberg
6/21/2022	6/8/2022	805695	38810.00005	276.50	Larkin Hoffman Attorneys	Legal-CCJT v Newman Signs/Newman Trust Condemnation
6/21/2022	6/8/2022	805694	38810.00004	5,530.00	Larkin Hoffman Attorneys	Legal-Richland/Cass Cos/apps for Permit to Enter Land
6/10/2022	6/10/2022			435,017.94	The Title Company	Larson property purchase
6/9/2022	6/9/2022			437,447.00	The Title Company	Grangaard etal flowage easement
6/17/2022	6/17/2022			18,185.00	The Title Company	Minch flowage easement
6/24/2022	4/20/2022	803378	38810.00001	3,171.00	Larkin Hoffman Attorneys	Legal-Acquisition of Property from Sauvageaus
6/24/2022	6/13/2022	124202	R12.00049	11,630.40	Ulteig Engineers	Task Order 2 - Proj management and acquisition
6/24/2022	5/31/2022	13783.00-25		50,373.79	SRF Consulting Group, Inc.	Project mgmt, ROW Services and relocation services
6/24/2022	4/30/2022	46746	3283-00	14,822.75	ProSource Technologies, LLC	TO 2 Project Mgmt and Acquisition
6/24/2022	5/31/2022	46788	3283-00	14,478.83	ProSource Technologies, LLC	TO 2 Project Mgmt and Acquisition
6/24/2022	6/14/2022	1135809		149.69	Cass County Electric Cooperative	Service to 4946 170 AV SE OIN 837
6/24/2022	6/24/2022			1,100,180.00	The Title Company	Kvalvog flowage easement
6/24/2022	6/24/2022			325,185.00	The Title Company	Weisser, etal flowage easement
6/24/2022	6/24/2022			4,239,757.99	The Title Company	Brunelle property purchase and easements
6/27/2022	6/25/2022			174.35	UPS	Diversion mailings for rental properties
			Total	6,938,747.73		
DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES						
Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
6/21/2022	6/6/2022	182608	120007	129.00	Ohnstad Twichell, P.C.	Legal-DPAC
			Total	129.00		
OXBOW-HICKSON-BAKKE RING LEVEE INVOICES						
Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor
						Description
				Total	0.00	
				Grand Total	6,938,876.73	

**FINANCE OFFICE**

PO Box 2083

225 4th Street North

Fargo, ND 58102

Phone: 701.241.1333 | Fax: 701.476.4188

www.FargoND.gov

July 20, 2022

Metro Flood Diversion Board of Authority
PO Box 2806
Fargo, ND 58108-2806

Dear Metro Flood Diversion Board of Authority,

The City of Fargo is submitting for reimbursement invoices paid totaling \$2,539,624.27. These costs are for work on complementary in-town flood protection projects for the period January 1, 2022 through April 30, 2022.

Project Narrative, this request:

Project Number	Project Description	Amount
FLDADM	Flood Administration Expense	1,144.00
FLDBUY	Flood Buyouts - Property Acquisition Expense	9,734.21
FLDSPC	Tax Payments on Flood Buyout Properties	40,837.85
FM1471	Drain 27 Lift Station #56 Flood Risk Management	108,356.75
FM15F	Harwood, Hackberry, & River Drive - Flood Risk	1,135,603.16
FM15J	Belmont Flood Risk Management Project	37,274.65
FM16A	North Side - Flood Risk Management	464,698.34
FM19A	Riverwood Addition Area - Flood Risk Management	156,312.41
FM19B	Royal Oaks Area - Flood Risk Management	1,542.53
FM19C	Woodcrest Drive Area - Flood Risk Management	321,737.43
FM19E	Elm Circle Area - Flood Risk Management	2,240.75
FM19F	Oak Grove Area - Flood Risk Management	210,393.83
FM19H	University Drive Floodwall - Geotechnical Evaluation	7,406.50
FM21A	Red River Erosion Protection & Bank Stabilization	34,297.75
FM22B	Geotechnical Design - Flood Mitigation	6,088.75
FM22C	Lift Station 55 & 56 - Flood Mitigation	41.86
NR23A	Storm Lift Rehab - #27 & 38	1,913.50
Total Expense for Period		\$2,539,624.27

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

Sincerely,

Terri Gayhart
Director of Finance, City of Fargo

City of Fargo, North Dakota
Schedule of Complementary In-Town Flood Protection Costs
January 1, 2022 - April 30, 2022

Project Number	AP Project Description	Account Number	Description	AP Transaction Amount	Payment Number	AP Invoice Number	Payment Date	Vendor Name	Descriptions
FLDADM	FLOOD ADMINISTRATION	46035305103899	MHB GUARDIAN ADO PLA	900.00	WP03220012	WP03220012	03/31/2022	City of Fargo	Plat & Zoning Fees
FLDADM	FLOOD ADMINISTRATION	46035305103899	ABSTRACT CONTINUATIO	215.00	318937	606307	04/14/2022	RED RIVER TITLE SERVICES INC	Abstract Continuation
			460-3530-510.35-99 - Total	1,115.00					
FLDADM	FLOOD ADMINISTRATION	46035305105230	ADDL INS-METRO FLOOD	29.00	318863	6364	04/14/2022	BELL INSURANCE SERVICES LLC	Insurance
			460-3530-510.52-30 - Total	29.00					
FLDADM - Total				1,144.00					
FLDBUY	FLOOD ACQUISITION	46035305103325	SERKLAND LAW FIRM	817.53	906	01/01-01/14/22	02/05/2022	P CARD BMO	Legal Services - Acquisition-Sales Tax
FLDBUY	FLOOD ACQUISITION	46035305103325	SERKLAND LAW FIRM	2,558.50	913	01/28-2/14/22	03/05/2022	P CARD BMO	Legal Services - Acquisition-Sales Tax
FLDBUY	FLOOD ACQUISITION	46035305103325	SERKLAND LAW FIRM	1,551.00	920	02/28-03/14/22	04/05/2022	P CARD BMO	Legal Services - Acquisition-Sales Tax
FLDBUY	FLOOD ACQUISITION	46035305103325	SERKLAND LAW FIRM	4,183.00	929	03/28-04/14/22	05/05/2022	P CARD BMO	Legal Services - Acquisition-Sales Tax
			460-3530-510.33-25 - Total	9,110.03					
FLDBUY	FLOOD ACQUISITION	46035305104105	IN HOUSE WATER PAYME	130.03	WP02220014	WP02220014	03/04/2022	City of Fargo	Water Payments - 419 3rd St N Unit 2
			460-3530-510.41-05 - Total	130.03					
FLDBUY	FLOOD ACQUISITION	46035305106250	51-4341057-3 DIVERSION	39.73	317829	766195037	02/17/2022	XCEL ENERGY	419 3rd St N - Gas
FLDBUY	FLOOD ACQUISITION	46035305106250	51-4341057-3 DIVERSION	39.73	318439	770300624	03/17/2022	XCEL ENERGY	419 3rd St N - Gas
			460-3530-510.62-60 - Total	79.46					
FLDBUY	FLOOD ACQUISITION	46035305106251	51-4341057-3 DIVERSION	210.67	317829	766195037	02/17/2022	XCEL ENERGY	419 3rd St N - Electric
FLDBUY	FLOOD ACQUISITION	46035305106251	51-4341057-3 DIVERSION	204.02	318439	770300624	03/17/2022	XCEL ENERGY	419 3rd St N - Electric
			460-3530-510.62-51 - Total	414.69					
FLDBUY - Total				9,734.21					
FLDSPC	FLOOD SPECIALS PAYOFF	46035305208012	2021 TXS/2022 SPEC PAY	38,179.83	WP01220012	WP01220012	01/26/2022	City of Fargo	Taxes/Specials
			460-3530-520.80-12 - Total	38,179.83					
FLDSPC	FLOOD SPECIALS PAYOFF	46035305208016	2021 TXS/2022 SPEC PAY	2,658.02	WP01220012	WP01220012	01/26/2022	City of Fargo	Taxes/Specials
			460-3530-520.80-16 - Total	2,658.02					
FLDSPC - Total				40,837.85					
FM1471	FLOOD MIT-Dr 27 42st-I29	46035305103305	DRAIN 27 PROJECT 6228	24,246.75	318020	0058292	03/03/2022	HOUSTON ENGINEERING INC	Drain 27 - 2022 Rebid Preparation
			460-3530-510.33-05 - Total	24,246.75					
FM1471	FLOOD MIT-Dr 27 42st-I29	46035305107110	EASEMENT	84,110.00	318814	4/1/2022	04/07/2022	SWANSON HEALTH PRODUCTS, INC	Swanson Health Products - Easement
			460-3530-510.71-10 - Total	84,110.00					
FM1471 - Total				108,356.75					
FM15F3	FLOOD RISK-Harwd Hack Rvr	46035305107110	RECORD LAND PURCHAS	1,135,603.16	ES04220010	ES04220010	04/25/2022	City of Fargo	714 Hackberry Dr S - Land Purchase
			460-3530-510.71-10 - Total	1,135,603.16					
FM15F3 - Total				1,135,603.16					
FM15J2	FLOOD MIT-Belmont Park	46000002062000	Retainage and Retainage R	20,964.30	317423	FM15J2 Est #8	02/03/2022	INDUSTRIAL BUILDERS' INC	Belmont Flood Risk Management Project Phase 2 - Pay App #8
			460-0000-206.20-00 - Total	20,964.30					
FM15J2 - Total				20,964.30					
FM15J5	FLOOD MIT-Belmnt Prk/Intk	46035305107362	REVERSE AP PORTION OI	-61,818.75	ES02220003	ES02220003	02/09/2022	City of Fargo	Red River Pump Station - AP portion
FM15J5	FLOOD MIT-Belmnt Prk/Intk	46035305107362	FEMA LOCAL SHARE REQ	77,726.25	ES14210011	ES14210011	02/09/2022	City of Fargo	Red River Pump Station - FEMA Portion
			460-3530-510.73-62 - Total	15,907.50					
FM15J5 - Total				15,907.50					
FM15J6	FLOOD MIT-Belmont Park	46035305103332	FLOOD MITIGATION BELM	230.20	317940	13448.03-1	02/24/2022	SRF CONSULTING GROUP, INC	Flood Mitigation - Belmont - TO #4 - Professional Personnel
FM15J6	FLOOD MIT-Belmont Park	46035305103332	FLOOD MITIGATION	57.55	318241	13448.03-2	03/10/2022	SRF CONSULTING GROUP, INC	Flood Mitigation - Belmont - TO #4 - Professional Personnel
FM15J6	FLOOD MIT-Belmont Park	46035305103332	FLOOD MITIGATION	115.10	318809	13448.03-3	04/07/2022	SRF CONSULTING GROUP, INC	Flood Mitigation - Belmont - TO #4 - Professional Personnel
			460-3530-510.33-32 - Total	402.85					
FM15J6 - Total				402.85					
FM16A0	FLOOD MIT-N Cass 20/I29	46035305103305	CASS CNTY 20 AREA FLO	1,423.14	317779	29227	02/17/2022	MOORE ENGINEERING INC	AO Cass County 20 Area Flood Mitigation - Engineering
FM16A0	FLOOD MIT-N Cass 20/I29	46035305103305	CASS COUNTY FLOOD 20	5,954.32	318511	29420	03/24/2022	MOORE ENGINEERING INC	AO Cass County 20 Area Flood Mitigation - Engineering
FM16A0	FLOOD MIT-N Cass 20/I29	46035305103305	COUNTY 20 AREA FLOOD	1,725.00	319152	29657	04/28/2022	MOORE ENGINEERING INC	AO Cass County 20 Area Flood Mitigation - Engineering
FM16A0	FLOOD MIT-N Cass 20/I29	46035305103305	COUNTY 20 AREA FLOOD	12,331.78	319152	29658	04/28/2022	MOORE ENGINEERING INC	AO Cass County 20 Area Flood Mitigation - Engineering
			460-3530-510.33-06 - Total	21,434.24					
FM16A0 - Total				21,434.24					
FM16A1	FLOOD MIT-N Cass 20/I29	46000002062000	Retainage and Retainage R	-20,863.90	318749	FM16A1 Est #12	04/07/2022	KEY CONTRACTING INC	North Side Flood Risk Management Levee - Pay App #12
			460-0000-206.20-00 - Total	-20,863.90					
FM16A1	FLOOD MIT-N Cass 20/I29	46035305103899	AID TO CONSTRUCTION	46,850.00	317847	39428	02/24/2022	CASS COUNTY ELECTRIC-4100 32 AVE SW	Pumping Station Project - Aid to Construction
			460-3530-510.35-99 - Total	46,850.00					
FM16A1	FLOOD MIT-N Cass 20/I29	46035305107352	Miscellaneous	-390.00	318749	FM16A1 Est #12	04/07/2022	KEY CONTRACTING INC	North Side Flood Risk Management Levee - Pay App #12
FM16A1	FLOOD MIT-N Cass 20/I29	46035305107352	Storm Sewer	-9,400.00	318749	FM16A1 Est #12	04/07/2022	KEY CONTRACTING INC	North Side Flood Risk Management Levee - Pay App #12
			460-3530-510.73-52 - Total	-9,790.00					
FM16A1	FLOOD MIT-N Cass 20/I29	46035305107358	Miscellaneous	6,741.00	318749	FM16A1 Est #12	04/07/2022	KEY CONTRACTING INC	North Side Flood Risk Management Levee - Pay App #12
FM16A1	FLOOD MIT-N Cass 20/I29	46035305107358	Storm Sewer - Electrical	389,350.00	318749	FM16A1 Est #12	04/07/2022	KEY CONTRACTING INC	North Side Flood Risk Management Levee - Pay App #12
FM16A1	FLOOD MIT-N Cass 20/I29	46035305107358	Storm Sewer	19,384.00	318749	FM16A1 Est #12	04/07/2022	KEY CONTRACTING INC	North Side Flood Risk Management Levee - Pay App #12
			460-3530-510.73-58 - Total	415,475.00					
FM16A1	FLOOD MIT-N Cass 20/I29	46035305107359	Pavement	-3,472.00	318749	FM16A1 Est #12	04/07/2022	KEY CONTRACTING INC	North Side Flood Risk Management Levee - Pay App #12
			460-3530-510.73-59 - Total	-3,472.00					
FM16A1	FLOOD MIT-N Cass 20/I29	46035305107361	Miscellaneous	1,265.00	318749	FM16A1 Est #12	04/07/2022	KEY CONTRACTING INC	North Side Flood Risk Management Levee - Pay App #12
			460-3530-510.73-61 - Total	1,265.00					
FM16A1	FLOOD MIT-N Cass 20/I29	46035305107369	Erosion and Sediment Cont	600.00	318749	FM16A1 Est #12	04/07/2022	KEY CONTRACTING INC	North Side Flood Risk Management Levee - Pay App #12
FM16A1	FLOOD MIT-N Cass 20/I29	46035305107369	Flood Mitigation	13,200.00	318749	FM16A1 Est #12	04/07/2022	KEY CONTRACTING INC	North Side Flood Risk Management Levee - Pay App #12
			460-3530-510.73-69 - Total	13,800.00					

FM19A1 - Total				443,264.10					
FM19A0	FLOOD MIT-Riverwood Addn	46035305103305	RIVERWOOD FLOOD MITG	2,993.57	318176	0058253	03/10/2022	HOUSTON ENGINEERING INC	Riverwood Flood Mitigation Project - Engineering
			460-3530-510.33-05 - Total	2,993.57					
FM19A0 - Total				2,993.57					
FM19A2	FLOOD MIT-Riverwood Addn	46035305103899	MASTER PADLOCK	177.12	318320	2-61276	03/17/2022	CURTS LOCK & KEY SERVICE INC	Master padlocks for Lift Station
			460-3530-510.38-99 - Total	177.12					
FM19A2 - Total				177.12					
FM19A3	FLOOD MIT-Riverwood Addn	46000002062000	Retainage and Retainage R	-4,208.05	318669	FM19A3 Est #8	03/31/2022	SELLIN BROS INC	Riverwood Flood Risk Management Project - General - Pmt #8
FM19A3	FLOOD MIT-Riverwood Addn	46000002062000	Retainage and Retainage R	69,925.52	319289	FM19A3 Est #9	05/05/2022	SELLIN BROS INC	Riverwood Flood Risk Management Project - General - Pmt #9
			460-0000-206.20-00 - Total	65,717.47					
FM19A3	FLOOD MIT-Riverwood Addn	46035305107358	Miscellaneous	1,301.00	318669	FM19A3 Est #8	03/31/2022	SELLIN BROS INC	Riverwood Flood Risk Management Project - General - Pmt #8
FM19A3	FLOOD MIT-Riverwood Addn	46035305107358	Storm Sewer	82,860.00	318669	FM19A3 Est #8	03/31/2022	SELLIN BROS INC	Riverwood Flood Risk Management Project - General - Pmt #8
			460-3530-510.73-58 - Total	84,161.00					
FM19A3 - Total				149,878.47					
FM19A4	FLOOD MIT-Riverwood Addn	46000002062000	Retainage and Retainage R	-171.75	318665	FM19A4 Est #6	03/31/2022	RICK ELECTRIC INC	Riverwood Flood Risk Management Project - Electrical - Pmt #6
			460-0000-206.20-00 - Total	-171.75					
FM19A4	FLOOD MIT-Riverwood Addn	46035305107358	Electrical	3,435.00	318665	FM19A4 Est #6	03/31/2022	RICK ELECTRIC INC	Riverwood Flood Risk Management Project - Electrical - Pmt #6
			460-3530-510.73-58 - Total	3,435.00					
FM19A4 - Total				3,263.25					
FM19B0	FLOOD MIT-Royal Oaks Dr	46035305103305	ROYAL OAKS FLOOD MITG	1,542.53	318176	0058254	03/10/2022	HOUSTON ENGINEERING INC	Royal Oaks Flood Mitigation Project - Engineering
			460-3530-510.33-05 - Total	1,542.53					
FM19B0 - Total				1,542.53					
FM19C0	FLOOD MIT-Woodcrest	46035305103305	WOODCREST FLOOD MIT	26,084.25	318176	0058262	03/10/2022	HOUSTON ENGINEERING INC	Woodcrest Flood Mitigation Project - Engineering
			460-3530-510.33-05 - Total	26,084.25					
FM19C0 - Total				26,084.25					
FM19C1	FLOOD MIT-Woodcrest Dr N	46035305103899	SUBMISS/RECORD FEE	46.50	318239	15004419306	03/10/2022	SIMPLIFILE LC	Submission/Recording Fees
FM19C1	FLOOD MIT-Woodcrest Dr N	46035305103899	SUBMISS/RECORD FEE	46.50	318539	15004453227	03/24/2022	SIMPLIFILE LC	Submission/Recording Fees
FM19C1	FLOOD MIT-Woodcrest Dr N	46035305103899	SUBMISS/RECORD FEE	46.50	318539	15004469934	03/24/2022	SIMPLIFILE LC	Submission/Recording Fees
FM19C1	FLOOD MIT-Woodcrest Dr N	46035305103899	SUBMISS/RECORD FEE	46.50	318949	15004556402	04/14/2022	SIMPLIFILE LC	Submission/Recording Fees
FM19C1	FLOOD MIT-Woodcrest Dr N	46035305103899	51-0818715-7	95,589.32	319195	769175663	04/28/2022	XCEL ENERGY	Utility Fees
FM19C1	FLOOD MIT-Woodcrest Dr N	46035305103899	51-0818715-7	10,636.86	319195	769378385	04/28/2022	XCEL ENERGY	Utility Fees
			460-3530-510.38-99 - Total	106,412.18					
FM19C1	FLOOD MIT-Woodcrest Dr N	46035305107110	EASEMENT	70,777.00	318201	3/8/2022	03/10/2022	MCCOURT, MARK	Mark & Barbara McCourt Easement
FM19C1	FLOOD MIT-Woodcrest Dr N	46035305107110	EASEMENT	35,455.00	318301	3/11/2022	03/17/2022	BJERKE, MARY C.	Mary Bjerke Easement
FM19C1	FLOOD MIT-Woodcrest Dr N	46035305107110	EASEMENT	2,891.00	318878	4/11/2022	04/14/2022	ERICKSON, SADIE	Jonathan & Sadie Erickson Easement
FM19C1	FLOOD MIT-Woodcrest Dr N	46035305107110	EASEMENT	80,118.00	318905	4/11/2022	04/14/2022	JOHNSON, JESSICA L & DARRELL R	Jessica & Darrel Johnson Easement
			460-3530-510.71-10 - Total	189,241.00					
FM19C1 - Total				295,653.18					
FM19E0	FLOOD MIT-Elm Circle	46035305103305	ELM CIRCLE FLOOD MITG	267.00	318176	0058255	03/10/2022	HOUSTON ENGINEERING INC	Elm Circle Flood Mitigation Project - Engineering
			460-3530-510.33-05 - Total	267.00					
FM19E0 - Total				267.00					
FM19E1	FLOOD MIT-Elm Circle	46035305103899	IRRIGATION REPAIR REIM	1,973.75	317454	10597	02/03/2022	NORDSTROM, JASON & ONNOLEE	Irrigation System Repair
			460-3530-510.38-99 - Total	1,973.75					
FM19E1 - Total				1,973.75					
FM19F0	FLOOD MIT-Oak Grove Area	46035305103305	OAK GROVE FLOOD MITG	14,673.00	318176	0058263	03/10/2022	HOUSTON ENGINEERING INC	Oak Grove Flood Mitigation Project - Engineering
			460-3530-510.33-05 - Total	14,673.00					
FM19F0 - Total				14,673.00					
FM19F1	FLOOD MIT-Oak Grove Area	46000002062000	Retainage and Retainage R	-10,301.10	318042	FM19F1 Est #8	03/03/2022	MEYER CONTRACTING INC	Oak Grove Flood Risk Management Project - Pay App #8
			460-0000-206.20-00 - Total	-10,301.10					
FM19F1	FLOOD MIT-Oak Grove Area	46035305107352	Flood Mitigation	136,648.50	318042	FM19F1 Est #8	03/03/2022	MEYER CONTRACTING INC	Oak Grove Flood Risk Management Project - Pay App #8
			460-3530-510.73-52 - Total	136,648.50					
FM19F1	FLOOD MIT-Oak Grove Area	46035305107358	Storm Sewer	53,426.78	318042	FM19F1 Est #8	03/03/2022	MEYER CONTRACTING INC	Oak Grove Flood Risk Management Project - Pay App #8
			460-3530-510.73-58 - Total	53,426.78					
FM19F1	FLOOD MIT-Oak Grove Area	46035305107359	Paving	15,426.25	318042	FM19F1 Est #8	03/03/2022	MEYER CONTRACTING INC	Oak Grove Flood Risk Management Project - Pay App #8
			460-3530-510.73-59 - Total	15,426.25					
FM19F1	FLOOD MIT-Oak Grove Area	46035305107368	Paving	520.40	318042	FM19F1 Est #8	03/03/2022	MEYER CONTRACTING INC	Oak Grove Flood Risk Management Project - Pay App #8
			460-3530-510.73-68 - Total	520.40					
FM19F1 - Total				195,720.83					
FM19H0	FLOOD MIT-52 Ave S/Univ	46035305103899	BRAUN INTERTEC CORP	7,406.50	913	01/28-2/14/22	03/05/2022	P CARD BMO	University Avenue Flood Wall - Geotech Evaluation
			460-3530-510.38-99 - Total	7,406.50					
FM19H0 - Total				7,406.50					
FM21A0	FLOOD MIT-RR Erosion Slnw	46035305103305	RED RIVER EROSION PRO	2,157.75	318176	0058256	03/10/2022	HOUSTON ENGINEERING INC	Red River Erosion Protection & Bank Stabilization - Engineering
FM21A0	FLOOD MIT-RR Erosion Slnw	46035305103305	RED RIVER EROSION PRO	32,140.00	319135	0059165	04/28/2022	HOUSTON ENGINEERING INC	Red River Erosion Protection & Bank Stabilization - Engineering
			460-3530-510.33-05 - Total	34,297.75					
FM21A0 - Total				34,297.75					
FM22B0	FLOOD MIT-Geo Tech Design	46035305103899	BRAUN INTERTEC CORP	6,088.75	915	02/15-02/27/22	03/05/2022	P CARD BMO	Geotechnical Evaluation
			460-3530-510.38-99 - Total	6,088.75					
FM22B0 - Total				6,088.75					
FM22C1	FLOOD MIT-Lift Stn#55/56	46035305103899	FEDEX 99790480	41.86	931	04/15-04/27/22	05/05/2022	P CARD BMO	ND Dept of Environmental Health - Plan Sets
			460-3530-510.38-99 - Total	41.86					
FM22C1 - Total				41.86					
NR23A0	STRM LFT RHAB DR 27 /38 S	46035305103305	STORM SEWER LIFT #47 & #48	1,913.50	318176	0058257	03/10/2022	HOUSTON ENGINEERING INC	Storm Sewer Lift Stations #47 & #48 - Engineering
			460-3530-510.33-05 - Total	1,913.50					
NR23A0 - Total				1,913.50					
Overall - Total				2,539,624.27					

May 27, 2022

9:45:19 AM



COUNTY AUDITOR
LORI J. JOHNSON
Office Telephone (218) 299-5006

July 6, 2022
Diversion Authority
P.O. Box 2806
Fargo, ND 58108-2806

RE: Metro Flood Diversion Project

Greetings:

Attached to this email, please find a spreadsheet summary of invoices/expense and all documentation for invoices paid by Clay County for the FM Flood Diversion project. All requests were approved or authorized by the Diversion Authority. Current invoice/expense reimbursement request total is as follows:

Metro Flood Diversion	\$471,016.01
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We respectfully request 100% reimbursement as per the Joint Powers Agreement.

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

Sincerely,

Lori J. Johnson
Clay County Auditor

Enclosures

Clay County Government Center
3510 12th Ave S
PO Box 280
Moorhead, MN 56560

FM Diversion MCCJPA invoices					Processed			
Vendor	Invoice Date		Invoice Amount	Invoice #	Date Approved	Date Paid	Check #	Reimb Request
ProSource Technologies	3/31/22	prof svcs thru 4/2/22	\$23,289.96	46594	5/2/22	5/11/22	107816	7/6/2022
Clay County Court Administration	10/28/21	reimb by MCCJPA 12/28, refunded by court admin 5/17	-\$85,374.41			5/17/22		7/6/2022
Odegard/Thomas		enviro easement oin 9172	\$1,750.00		5/11/22	5/18/22	107933	7/6/2022
Clay County Union	4/18/22	JPA meeting	\$27.50	2428	5/11/22	5/18/22	526126	7/6/2022
Ohnstad Twichell	5/5/22	Environmental monitoring	\$148.00	181971	5/17/22	5/25/22	108013	7/6/2022
Ohnstad Twichell	5/5/22	Upstream mitigation	\$19,139.50	181972	5/17/22	5/25/22	108013	7/6/2022
Ohnstad Twichell	5/5/22	Southern embankment	\$11,911.00	181973	5/17/22	5/25/22	108013	7/6/2022
Ohnstad Twichell	5/5/22	Blilie oin 249 rrccs eminent	\$2,737.50	181974	5/17/22	5/25/22	108013	7/6/2022
Ohnstad Twichell	5/5/22	general 2022	\$1,612.50	181975	5/17/22	5/25/22	108013	7/6/2022
Ohnstad Twichell	5/5/22	relocation appeal kragerud	\$937.50	181976	5/17/22	5/25/22	108013	7/6/2022
Ohnstad Twichell	5/5/22	relocation appeal dubois & buth	\$1,575.00	181977	5/17/22	5/25/22	108013	7/6/2022
Ohnstad Twichell	5/5/22	relocation appeal buth	\$1,425.00	181978	5/17/22	5/25/22	108013	7/6/2022
Ohnstad Twichell	5/5/22	relocaton appeal leech	\$1,612.50	181979	5/17/22	5/25/22	108013	7/6/2022
State of Minnesota	4/30/22	prehearing prep dobis & buth	\$107.50	517144	5/17/22	5/25/22	108024	7/6/2022
State of Minnesota	4/30/22	prehearing prep buth	\$107.50	517145	5/17/22	5/25/22	108025	7/6/2022
State of Minnesota	4/30/22	prehearing prep kragerud	\$344.00	517143	5/17/22	5/25/22	108026	7/6/2022
State of Minnesota	4/30/22	prehearing prep leach	\$107.50	517146	5/17/22	5/25/22	108027	7/6/2022
Red River Valley Coop	5/4/22	a#9980003 svc 13689 3rd st s	\$56.24		5/16/22	5/25/22	526232	7/6/2022
Red River Valley Coop	5/4/22	a#9980006 svc 803 140th ave s	\$99.31		5/16/22	5/25/22	526232	7/6/2022
Red River Valley Coop	5/4/22	a#9980004 svc 15253 3rd st w	\$464.40		5/16/22	5/25/22	526232	7/6/2022
Lake Region Electric Coop		svc 184 180th Ave S	\$400.12			6/8/22	108185	7/6/2022
SRF Consulting Group	4/30/22	Prof svcs thru 4/30/22	\$14,366.00	13820.00-19	5/24/22	6/8/22	108226	7/6/2022
Midwest Pest Control	5/17/22	svc oin 9170	\$107.38	96440	6/10/22	6/15/22	108310	7/6/2022
ProSource Technologies	4/30/22	Professional svcs	\$16,813.88	46747	6/10/22	6/15/22	526478	7/6/2022
Lake Region Electric Coop	6/7/22	svc 184 180th Ave S	\$243.11		6/16/22	6/22/22	108390	7/6/2022
Ohnstad Twichell	6/7/22	Environmental monitoring	\$900.00	182647	6/13/22	6/22/22	108399	7/6/2022
Ohnstad Twichell	6/7/22	Upstream mitigation	\$12,952.30	182648	6/13/22	6/22/22	108399	7/6/2022
Ohnstad Twichell	6/7/22	Southern embankment	\$2,445.00	182649	6/13/22	6/22/22	108399	7/6/2022
Ohnstad Twichell	6/7/22	rrccs eminent domain	\$187.50	182650	6/13/22	6/22/22	108399	7/6/2022
Ohnstad Twichell	6/7/22	general 2022	\$1,417.50	182651	6/13/22	6/22/22	108399	7/6/2022
Ohnstad Twichell	6/7/22	relocation appeal kragerud	\$1,237.50	182652	6/13/22	6/22/22	108399	7/6/2022
Ohnstad Twichell	6/7/22	relocation appeal dubois & buth	\$1,312.50	182653	6/13/22	6/22/22	108399	7/6/2022
Ohnstad Twichell	6/7/22	relocation appeal buth	\$1,312.50	182654	6/13/22	6/22/22	108399	7/6/2022
Ohnstad Twichell	6/7/22	relocaton appeal leech	\$1,162.50	182655	6/13/22	6/22/22	108399	7/6/2022
SRF Consulting Group	5/31/22	prof svcs thru 5/31/22	\$21,303.49	13820.00-20	6/16/22	6/22/22	108410	7/6/2022
Clay County Union	5/16/22	JPA meeting	\$33.00	2464	6/16/22	6/22/22	526506	7/6/2022
Red River Valley Coop	6/3/22	svc 13689 3rd st s	\$61.14		6/16/22	6/22/22	526530	7/6/2022
Red River Valley Coop	6/3/22	svc 15253 3rd st w	\$349.28		6/16/22	6/22/22	526530	7/6/2022
Red River Valley Coop	6/3/22	svc 803 140th ave s	\$48.02		6/16/22	6/22/22	526530	7/6/2022
The Title Co	6/24/22	Kvalvog closing	\$400,161.00		6/24/22	6/24/22	906424	7/6/2022
All American Plumbing & Heating	2/3/22	svc 1021 100th ave	\$359.57	404729	6/16/22	6/29/22	108458	7/6/2022
All American Plumbing & Heating	2/3/22	svc 184 180th Ave S	\$514.16	404730	6/16/22	6/29/22	108458	7/6/2022
Building & Grounds Management	6/6/22	svc oin 9170	\$261.00	8097	6/16/22	6/29/22	108463	7/6/2022
ProSource Technologies	5/31/22	prof svcs thru 5/28/22	\$10,989.56	46789	6/16/22	6/29/22	526657	7/6/2022

\$471,016.01

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

(701) 241-5600

DATE: 7/10/22

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
	12/20/18	BEGINNING BALANCE			174.60
	1/22/19	PAYMENT			174.60-
6050	6/16/22	MS2103 FINAL PROGRESSIVE			226,235.21
WO#/JOBO#/Project - / 0 / MS2103					
ESTIMATE REIMB REQUEST					

Note: Work completed on 45th St in Stanley Township. The Stanley Township executed MOU required MFDA to perform the roadwork. Per the JPA - Section 4.13 - the MFDA is responsible for the non-Federal work through their member entities, which includes Cass County.

Current	30 days	60 days	90 days
226235.21			

DUE DATE: 8/09/22

PAYMENT DUE: 226,235.21
TOTAL DUE: \$226,235.21

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 7/10/22 DUE DATE: 8/09/22 NAME: DIVERSION AUTHORITY
CUSTOMER NO: 3252/3308 TYPE: CE - COUNTY ENGINEER

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

TOTAL DUE: \$226,235.21

COUNTY PROJECT MS2103

ROADWAY RESHAPING & AGGREGATE SURFACING

45TH St S/172ND Ave SE from 76th Ave S to Cass County Highway 16,
in Cass County, North Dakota

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

Jason P. Benson /s/
Jason P. Benson
ND Reg. No. 7490

Date: 09/01/2021

GOVERNING SPECIFICATIONS:

2020 STANDARD SPECIFICATIONS ADOPTED BY THE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION AND THE SUPPLEMENTAL SPECIFICATIONS EFFECTIVE ON THE DATE THE PROJECT IS ADVERTISED.

THIS DOCUMENT WAS ORIGINALLY ISSUED AND SEALED BY JASON P. BENSON, ND REG. NO. 7490 ON 09/01/2021 AND THE ORIGINAL DOCUMENT IS STORED AT THE CASS COUNTY HIGHWAY DEPARTMENT, WEST FARGO, ND.

OHNSTAD TWICHELL, P.C.
Attorneys at Law

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

15-1395

JTS Invoice # 183119

Flood Diversion Board
 Bond Counsel Work - PPP

Date: July 8, 2022

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

PROFESSIONAL SERVICES RENDERED			
	Hours	Rate	Totals
JTS	81.7	\$375.00	\$30,637.50
CMM	3.3	\$375.00	\$1,237.50
ADC	3.7	\$375.00	\$1,387.50
LDA	3.5	\$375.00	\$1,312.50
KJS	80.6	\$375.00	\$30,225.00
TJL	27.9	\$375.00	\$10,462.50
JRS	2.0	\$310.00	\$620.00
KJD	36.0	\$300.00	\$10,800.00
DCP	6.7	\$320.00	\$2,144.00
AJR	45.3	\$205.00	\$9,286.50
TWS	1.1	\$190.00	\$209.00
KMM	1.6	\$95.00	\$152.00
Total Fees:	293.4		\$98,474.00
Westlaw			\$61.67
NDRIN			\$323.00
Prof Service Fee Gwendolyn			\$13,875.00
*Credit Card Processing Fee - 3%			\$416.25
UPS			\$13.34
Travel/Mileage			\$7,711.17
Recording Fees			\$70.00
Total Expenses:			\$22,470.43
Grand Total			\$120,944.43

		Rates
JTS	John T. Shockley, Partner, Supervising Attorney	\$375.00
CMM	Christopher M. McShane, Partner	\$375.00
ADC	Andrew D. Cook, Partner	\$375.00
SNW	Sarah M. Wear, Partner	\$375.00
LDA	Lukas D. Andrud, Partner	\$375.00
RGH	Robert G. Hoy, Partner	\$375.00
KJS	Katie J. Schmidt, Partner	\$375.00
MWM	Marshall W. McCullough, Partner	\$375.00
TJL	Tyler J. Leverington, Partner	\$375.00
LWC	Lukas W. Croaker, Associate	\$330.00
ABG	Bo Gruchala, Associate	\$320.00
JRS	J.R. Strom, Associate	\$310.00
KJD	Kathryn J. DelZoppo, Associate	\$300.00
LRC	Leah R. Carlson, Associate	\$320.00
BTB	Brent T. Boeddeker, Associate	\$330.00
DCP	David C. Piper, Associate	\$320.00
JAM	Jenna A. McPherson, Associate	\$275.00
SIH	Stephen J. Hilfer, Associate	\$225.00
CAS	Carol A. Stillwell, Paralegal	\$205.00
AJR	Andrea J. Roman, Paralegal	\$205.00
CRD	Christie R. Dettling, Paralegal	\$185.00
KK	Kiara J. Klinkhammer, Paralegal	\$185.00
TWS	Tim W. Steuber, Paralegal	\$190.00
MRH	Meghan R. Hockert, Paralegal	\$185.00
ATW	Amy T. White, Paralegal	\$185.00
DLR	Dena L. Ranum, Legal Administrative Assistant	\$160.00
KMM	Karla M. Maertens, Legal Administrative Assistant	\$95.00
SAR	Stephanie A. Ruth, Legal Administrative Assistant	\$100.00

OHNSTAD TWICHELL, P.C.

COST ADVANCES BY US FOR YOUR ACCOUNT, FOR WHICH WE HAVE NOT

WEST FARGO, NORTH DAKOTA 58078

BEEN BILLED, WILL APPEAR ON YOUR NEXT STATEMENT.

Page 2 of 2

PROFESSIONAL SERVICES RENDERED

15-1395 JTS Invoice # 183119 Flood Diversion Board		Bond Counsel Work - PPP
FILE NUMBER	MATTER DESCRIPTION	INVOICE - TOTAL FEES
151395-1	General Topics (Includes General Governance Questions, Notices, etc.)	\$32,136.00
151395-4	Public Finance Issues	\$645.00
151395-5	Consultant Contract Review/Development	\$5,782.00
151395-7	Coordination with Member Entities	\$82.00
151395-8	MNDNR Permit Issues	\$102.50
151395-9	Environmental Permitting Issues/NEPA	\$0.00
151395-10	Insurance Issues	\$41.00
151395-12	USACE Interface/Questions	\$546.00
151395-13	Third Party Utility MOU's	\$41,722.00
151395-18	SRF Loan Application	\$112.50
151395-22	SRF Loans	\$150.00
151395-23	PRAM	\$82.00
151395-24	P3 Implementation	\$17,073.00
TOTAL		\$98,474.00

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

(701) 241-5600

DATE: 7/06/22

TO: CITY OF FARGO
PO BOX 2083
FARGO, ND 58107

CUSTOMER NO: 198/294

TYPE: CA - FINANCE OFFICE

CHARGE	DATE	DESCRIPTION	REF-NUMBER	DUE DATE	TOTAL AMOUNT
	6/03/22	BEGINNING BALANCE			176,848.45
	6/14/22	PAYMENT			96,198.89
	7/05/22	PAYMENT			80,649.56
AUDIT	7/06/22	FM DIVERSION			71,253.86
		PAYROLL EXPENSES	Employee agreements in place		
AUDIT	7/06/22	FM DIVERSION			14,394.96
		MISC EXPENSES	Submitted for approval at July board mtg		
			Total		\$85,648.82

Current	30 days	60 days	90 days
85648.82			

DUE DATE: 8/05/22

PAYMENT DUE: 85,648.82

TOTAL DUE: \$85,648.82

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 7/06/22 DUE DATE: 8/05/22
CUSTOMER NO: 198/294

NAME: CITY OF FARGO
TYPE: CA - FINANCE OFFICE

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

TOTAL DUE: \$85,648.82

HIGHWAY DEPARTMENT

JUSTIN SORUM, Engineer

Office: (218) 299-5099

Fax: 1-888-259-8757



City of Fargo

Attn: FM Diversion Authority

225 4 St N

Fargo, ND 58102

BILLING DATE: JUNE 30, 2022

Acct # 90

ACCOUNT CHARGES	AMOUNT
County State Aid Highway 2 Reconstruction (SAP 14-602-031) Geotechnical Evaluation Services through May 15, 2021	
Braun Intertec - Geotechnical Services	2,714.50
Braun Intertec - Geotechnical Services	2,619.75
Total Engineering Services	\$ 5,334.25
* Braun Intertec invoices attached.	
BALANCE DUE	\$ 5,334.25

Approved:

Clay County Highway Engineer

Please make check payable to: CLAY COUNTY HIGHWAY DEPARTMENT

Please send remittance to: Clay County Auditor
 3510 12th Ave S
 PO Box 280
 Moorhead, Minnesota 56560

[illegible]

FM Metropolitan Area Flood Risk Management Project
Statement of Net Position
June 30, 2022

	FM Diversion Project Fund	Budget Fund	Grand Total
Assets			
Cash	\$ 108,845,290	\$ 200,889	\$ 109,046,179
Cash Horace 3.01 MIT	2,501,919	-	2,501,919
Cash Held In Trust at BND			
Excess Revenue Fund	190,722	-	190,722
Temp Debt Obligation Fund	647,970	-	647,970
Authority Loan Fund	17,935	-	17,935
P3 Reserve Fund	16,121,009	-	16,121,009
Revenue Fund	8	-	8
Receivables			-
State Water Commission *	6,454,299	-	6,454,299
Prepaid Expense	223,728	-	223,728
Total assets	135,002,879	200,889	135,203,768
Liabilities			
Vouchers payable	-	-	-
Retainage payable	170,668	-	170,668
Rent Deposit	19,600	-	19,600
Total liabilities	190,268	-	190,268
NET POSITION	\$ 134,812,612	\$ 200,889	\$ 135,013,500

* Receivable balance is as of 5/31/2022

FM Metropolitan Area Flood Risk Management Project
FY 2022 Summary Financial Budget Report (In Thousands)
As of June 30, 2022

Revenue Sources	2022 Approved Budget (Thousands)	Current Month (Thousands)	Fiscal Year To Date (Thousands)
City of Fargo		\$0	\$0
City of Fargo Sales Tax	\$38,800	\$3,787	\$12,243
Cass County		\$0	\$0
Cass County Sales Tax	\$19,968	\$1,853	\$5,213
Cass County Joint Water Resource District	\$0	\$0	\$0
State of ND - 50 % Match	\$97,419	\$1,391	\$13,153
State of ND - Legacy Bond Fund Draws	\$0	\$0	\$27,390
State of Minnesota	\$0	\$0	\$0
Other Agencies	\$0	\$0	\$0
City of Oxbow MOU Reimbursement	\$0	\$0	\$0
Financing Proceeds	\$100	\$99	\$276
Reimbursements	\$0	\$0	\$2
Sales of Assets	\$0	\$0	\$0
Property Income	\$200	\$10	\$48
Miscellaneous	\$38,352	\$65	\$65
MIT Inter-Fund Transfers		\$100	\$650
Total Revenue Sources	\$194,839	\$7,307	\$59,042

Data Through Date: Friday, June 24, 2022

Summary Of Expenses
EXP-2022-06

Wednesday, July 20, 2022

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
770-7910-429.11-00	6/9/2022	319911	Cass County Government	\$55,171.78	DIVERSION PAYROLL EXP	V00106	ED & STAFF-PR/ADMIN EXP
	6/30/2022	320333	Cass County Government	\$55,171.78	DIVERSION PAYROLL EXPENSE	V00106	ED & STAFF-PR/ADMIN EXP
Full Time Staff / Salaries				\$110,343.56			
770-7910-429.20-01	6/9/2022	319911	Cass County Government	\$4,274.00	DIVERSION PAYROLL EXP	V00106	ED & STAFF-PR/ADMIN EXP
	6/30/2022	320333	Cass County Government	\$4,274.00	DIVERSION PAYROLL EXPENSE	V00106	ED & STAFF-PR/ADMIN EXP
Employee Benefits / Health Insurance				\$8,548.00			
770-7910-429.20-03	6/9/2022	319911	Cass County Government	\$160.00	DIVERSION PAYROLL EXP	V00106	ED & STAFF-PR/ADMIN EXP
	6/30/2022	320333	Cass County Government	\$160.00	DIVERSION PAYROLL EXPENSE	V00106	ED & STAFF-PR/ADMIN EXP
Employee Benefits / Dental Insurance				\$320.00			
770-7910-429.21-01	6/9/2022	319911	Cass County Government	\$3,340.89	DIVERSION PAYROLL EXP	V00106	ED & STAFF-PR/ADMIN EXP
	6/30/2022	320333	Cass County Government	\$3,340.88	DIVERSION PAYROLL EXPENSE	V00106	ED & STAFF-PR/ADMIN EXP
Employee Benefits / Social Security				\$6,681.77			
770-7910-429.21-02	6/9/2022	319911	Cass County Government	\$781.33	DIVERSION PAYROLL EXP	V00106	ED & STAFF-PR/ADMIN EXP
	6/30/2022	320333	Cass County Government	\$781.34	DIVERSION PAYROLL EXPENSE	V00106	ED & STAFF-PR/ADMIN EXP
Employee Benefits / Medicare				\$1,562.67			
770-7910-429.22-07	6/9/2022	319911	Cass County Government	\$6,764.06	DIVERSION PAYROLL EXP	V00106	ED & STAFF-PR/ADMIN EXP
	6/30/2022	320333	Cass County Government	\$6,764.06	DIVERSION PAYROLL EXPENSE	V00106	ED & STAFF-PR/ADMIN EXP
Pension Benefits / Retirement				\$13,528.12			
770-7910-429.25-00	6/30/2022	320333	Cass County Government	\$544.00	DIVERSION PAYROLL EXPENSE	V00106	ED & STAFF-PR/ADMIN EXP
Workers Compensation Benefits / Workers Compensation				\$544.00			
770-7910-429.33-37	6/9/2022	319951	HighRoad Partners, LLC	\$400.00	HR SERVICES	V09701	HR SERVICES
Other Services / HR Services				\$400.00			
770-7910-429.34-20	6/9/2022	319911	Cass County Government	\$71.98	DIVERSION EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
Technical Services / Marketing / Public Relat.				\$71.98			
770-7910-429.43-50	6/9/2022	319911	Cass County Government	\$867.33	DIVERSION EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
Repair and Maintenance / Maintenance Service Contract				\$867.33			

Data Through Date: Friday, June 24, 2022

Summary Of Expenses
EXP-2022-06

Wednesday, July 20, 2022

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
770-7910-429.53-20	6/9/2022	319911	Cass County Government	\$263.15	DIVERSION EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
	6/30/2022	320333	Cass County Government	\$347.59	REIMB DIRECTORS EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
Communications / Cellular Phone Service				\$610.74			
770-7910-429.56-60	6/9/2022	319911	Cass County Government	\$13.06	DIVERSION EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
In State Travel / In State Travel Expenses				\$13.06			
770-7910-429.57-60	6/9/2022	319911	Cass County Government	\$2,996.24	DIVERSION EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
	6/30/2022	320333	Cass County Government	\$6,803.25	REIMB DIRECTORS EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
Out of State Travel / Out of State Travel Exp				\$9,799.49			
770-7910-429.59-20	6/9/2022	319911	Cass County Government	\$170.00	DIVERSION EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
Education / Seminar & Conf. Instate				\$170.00			
770-7910-429.61-10	6/9/2022	319911	Cass County Government	\$509.34	DIVERSION EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
	6/30/2022	320333	Cass County Government	\$716.12	REIMB DIRECTORS EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
General Supplies / Office Supplies				\$1,225.46			
770-7910-429.68-30	6/9/2022	319911	Cass County Government	\$99.62	DIVERSION EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
	6/30/2022	320333	Cass County Government	\$161.43	REIMB DIRECTORS EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
Miscellaneous / Meeting Incidentals				\$261.05			
770-7910-429.74-11	6/30/2022	320333	Cass County Government	\$1,569.00	REIMB DIRECTORS EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
Capital Outlay / Computer Equipment				\$1,569.00			
770-7910-429.74-12	6/9/2022	319911	Cass County Government	\$16.11	DIVERSION EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
	6/30/2022	320333	Cass County Government	\$16.11	REIMB DIRECTORS EXPENSES	V00106	ED & STAFF-PR/ADMIN EXP
Capital Outlay / Computer Software				\$32.22			
770 Subtotal				\$156,548.45			
790-7910-429.33-47	6/9/2022	319911	Schatz & Associates, LLC	\$20,700.00	SCHATZ & ASSOC POLICY DEV	V09102	POLICY DEVELOPMNET SUPPO
Other Services / Consulting Services				\$20,700.00			

Data Through Date: Friday, June 24, 2022

Summary Of Expenses
EXP-2022-06

Wednesday, July 20, 2022

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
790-7910-429.34-20	6/9/2022	319908	C THREE MEDIA, LLC	\$8,025.00	VIDEOGRAPHY SERVICES	V08601	VIDEOGRAPHY
	6/16/2022	320100	Michael H Klein	\$2,780.09	PUBLIC OUTREACH/COMM	V07201	COMMUNICATION CONSULTING
	6/16/2022	320118	Neon Loon Communications, LL	\$8,988.75	COMMUNICATIONS SUPPORT	V09601	COMMUNICATIONS SUPPORT
Technical Services / Marketing / Public Relat.				\$19,793.84			
790-7910-429.34-56	6/23/2022	ES062200	City of Fargo	\$16,480.00	FISCAL AGENT FEE - 06/22	V05902	MONTHLY FISCAL AGENT FEE
				\$16,480.00			
790-7910-429.38-68	6/9/2022	319941	GA Group, PC	\$4,000.00	JUNE GOVT RELATIONS SERV	V07601	2021 GOVERNMENT RELATIONS
Other Services / Lobbyist				\$4,000.00			
790-7910-429.42-05	6/23/2022	320187	Ambassador, Inc.	\$925.00	DIVERSION OFFICE CLEANING	V10501	JANITORIAL SERVICES
Cleaning Services / Custodial Services				\$925.00			
790-7910-429.68-10	6/16/2022	320067	CASS COUNTY JOINT WATE	\$44.00	CASS COUNTY JOINT WRD	V01201	Cass Joint Water ROE
Miscellaneous / Miscellaneous				\$44.00			
790-7915-429.33-05	6/16/2022	320048	AECOM	\$15,890.00	CULTURAL RESOURCES INVEST	V01004	SEAI CULTURAL RES INVEST
	6/16/2022	320092	HOUSTON-MOORE GROUP L	\$116,840.28	PROJECT MANAGEMENT	V01633	DESIGN & CONST. SUPPORT
Other Services / Engineering Services				\$132,730.28			
790-7920-429.33-05	6/16/2022	320092	HOUSTON-MOORE GROUP L	\$32,794.17	PROJECT MANAGEMENT	V01633	DESIGN & CONST. SUPPORT
Other Services / Engineering Services				\$32,794.17			
790-7920-429.33-79	6/9/2022	319918	CH2M Hill Engineers Inc	\$758,695.45	P3 SUPPORT SERVICES	V00212	P3 PROCUREMENT SUPPORT
	6/9/2022	319918	CH2M Hill Engineers Inc	\$702,760.61	PROGRAM MGMT	V00211	CH2M HILL-6/2019-12/2021
	6/16/2022	320124	MOORE ENGINEERING INC	\$1,660.48	REIMB MOORE ENG SERVICES	V02421	OXBOW MOU-MOORE PROJ MG
Other Services / Construction Management				\$1,463,116.54			

Data Through Date: Friday, June 24, 2022

Summary Of Expenses
EXP-2022-06

Wednesday, July 20, 2022

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
790-7930-429.33-05	6/16/2022	320067	HDR Engineering, Inc.	\$56,617.11	HDR ENGINEERING INC	V01201	Cass Joint Water ROE
	6/16/2022	320067	Prosource Technologies, Inc	\$20,475.65	PROSOURCE TECHNOLOGIES	V01201	Cass Joint Water ROE
	6/16/2022	320067	SRF Consulting Group	\$72,940.74	SRF CONSULTING GROUP INC	V01201	Cass Joint Water ROE
	6/16/2022	320067	ULTEIG ENGINEERS INC	\$13,772.01	ULTEIG ENGINEERS	V01201	Cass Joint Water ROE
	6/16/2022	320092	HOUSTON-MOORE GROUP L	\$17,630.85	PROJECT MANAGEMENT	V01633	DESIGN & CONST. SUPPORT
	6/30/2022	320320	ADVANCED ENGINEERING I	\$246,890.29	FM AREA DIVERSION SERVICE	V00302	PROGRAM MGMT SERVICES
	6/30/2022	320338	HDR Engineering, Inc.	\$50,035.78	HDR ENGINEERING INC	V01201	Cass Joint Water ROE
	6/30/2022	320338	SRF Consulting Group	\$65,810.32	SRF CONSULTING GROUP INC	V01201	Cass Joint Water ROE
	6/30/2022	320338	ULTEIG ENGINEERS INC	\$11,131.50	ULTEIG ENGINEERS	V01201	Cass Joint Water ROE
Other Services / Engineering Services				\$555,304.25			
790-7930-429.33-25	6/16/2022	320067	OHNSTAD TWICHELL PC	\$176,991.56	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	6/16/2022	320067	OHNSTAD TWICHELL PC	\$1,065.00	OHNSTAD TWICHELL, P.C.	V01203	Cass Joint Water OHB
	6/30/2022	320338	Larkin Hoffman Attorneys	\$25,986.50	LARKIN HOFFMAN ATTORNEYS	V01201	Cass Joint Water ROE
	6/30/2022	320338	OHNSTAD TWICHELL PC	\$152.50	OHNSTAD TWICHELL, P.C.	V01203	Cass Joint Water OHB
	6/30/2022	320338	OHNSTAD TWICHELL PC	\$197,474.89	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
Other Services / Legal Services				\$401,670.45			
790-7930-429.33-32	6/16/2022	320067	CROWN APPRAISALS	\$22,500.00	CROWN APPRAISALS, INC.	V01201	Cass Joint Water ROE
	6/16/2022	320067	INTEGRA REALTY RESOURC	\$10,000.00	INTEGRA REALTY RESOURCES	V01201	Cass Joint Water ROE
	6/16/2022	320067	Tinjum Appraisal Company, Inc.	\$6,300.00	TINJUM APPRAISAL COMPANY	V01201	Cass Joint Water ROE
	6/30/2022	320338	Tinjum Appraisal Company, Inc.	\$6,300.00	TINJUM APPRAISAL COMPANY	V01201	Cass Joint Water ROE
Other Services / Appraisal Services				\$45,100.00			
790-7930-429.33-79	6/9/2022	319918	CH2M Hill Engineers Inc	\$20,332.08	PROPERTY ACQUISITION	V00210	CH2M HILL-LAND ACQUISITON
Other Services / Construction Management				\$20,332.08			
790-7930-429.34-65	6/16/2022	320067	0995 - CHERYL MS & GLEN	\$1,750.00	GLEN MEYER	V01701	ND LAND PURCH-OUT OF TOWN
	6/16/2022	320067	0996 - BRENT & MELISSA QU	\$1,150.00	BRENT QUERN	V01701	ND LAND PURCH-OUT OF TOWN
	6/16/2022	320067	1014 - KEITH & TIFFANY KN	\$2,650.00	KEITH KNOKE	V01701	ND LAND PURCH-OUT OF TOWN
Technical Services / Right of Entry Requests				\$5,550.00			

Data Through Date: Friday, June 24, 2022

Summary Of Expenses
EXP-2022-06

Wednesday, July 20, 2022

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
790-7930-429.38-99	6/16/2022	320067	Title Company	\$200.00	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	6/30/2022	320338	KAREN KLEIN MEDIATION,	\$1,350.00	KAREN KLEIN MEDIATION	V01201	Cass Joint Water ROE
Other Services / Other Services				\$1,550.00			
790-7930-429.52-10	6/30/2022	320338	DAWSON INSURANCE AGEN	\$432.00	MARSH & MCLENNAN AGENCY	V01701	ND LAND PURCH-OUT OF TOWN
Insurance / Property Insurance				\$432.00			
790-7930-429.62-51	6/16/2022	320067	Cass County Electric Cooperativ	\$167.41	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	6/30/2022	320338	Cass County Electric Cooperativ	\$130.97	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
Energy / Electricity				\$298.38			
790-7930-429.62-52	6/16/2022	320067	Dakota Plains AG	\$896.83	CHS DAKOTA PLAINS AG	V01701	ND LAND PURCH-OUT OF TOWN
				\$896.83			
790-7930-429.67-12	6/16/2022	320067	0220 - ANDERSON 2	\$516,200.00	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
Relocation / Commercial Buildings				\$516,200.00			
790-7930-429.71-30	6/16/2022	320067	0028 - TERRY M & KRISTIE	\$892,600.50	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	6/16/2022	320067	1086N - TERRY M & KRISTIE	\$892,600.50	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	6/30/2022	320338	8874N - MARY E NEWMAN R	\$53,026.27	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	6/30/2022	320338	8875N - MARY E NEWMAN R	\$53,026.27	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	6/30/2022	320338	8876N - MARY E NEWMAN R	\$53,026.28	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	6/30/2022	320338	9400 - KVALVOG 2	\$893,327.58	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	6/30/2022	320338	9753N - MARY E NEWMAN	\$53,026.28	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
Land / Land Purchases				\$2,890,633.68			
790-7930-429.71-31	6/16/2022	320067	1218X - DONNA BAKER	\$16,210.00	DONNA BURLEY	V01701	ND LAND PURCH-OUT OF TOWN
	6/16/2022	320067	8922 - FERCHO	\$1,120.00	FERCHO FAMILY FARMS LLLP	V01701	ND LAND PURCH-OUT OF TOWN
	6/30/2022	320338	0544X - JOAN CHOSE	\$1,870.00	JOAN CHOSE	V01701	ND LAND PURCH-OUT OF TOWN
	6/30/2022	320338	0859 - BACKLUND 1	\$124,955.00	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	6/30/2022	320338	1897 - BACKLUND 1	\$124,955.00	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	6/30/2022	320338	2048 - BACKLUND 1	\$124,955.00	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	6/30/2022	320338	2049 - BACKLUND 3	\$269,610.00	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
Land / Easements				\$663,675.00			

Data Through Date: Friday, June 24, 2022

Summary Of Expenses
EXP-2022-06

Wednesday, July 20, 2022

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
790-7930-429.73-20	6/9/2022	320012	Schmidt and Sons Inc.	\$36,200.00	PROPERTY STRUCTURE MITIGA	V03805	WP50F-STRUCTURE MITIGATIO
	6/23/2022	320293	Schmidt and Sons Inc.	\$19,300.00	PROP STRUCTURE MITIGATION	V03804	WP50E-STRUCTURE REMOVALS
Infrastructure / Site Improvements				\$55,500.00			
790-7931-429.33-05	6/2/2022	319786	SRF Consulting Group	\$19,992.48	SRF CONSULTING GROUP	V06201	MCCJPA - MN ROE
Other Services / Engineering Services				\$19,992.48			
790-7931-429.33-25	6/2/2022	319786	Minnesota Office of Administrati	\$221.50	STATE OF MINNESOTA	V06201	MCCJPA - MN ROE
	6/2/2022	319786	OHNSTAD TWICHELL PC	\$28,178.50	OHNSTAD TWICHELL	V06201	MCCJPA - MN ROE
Other Services / Legal Services				\$28,400.00			
790-7931-429.33-32	6/2/2022	319786	INTEGRA REALTY RESOURC	\$4,500.00	INTEGRA REALTY RESOURCES	V06201	MCCJPA - MN ROE
Other Services / Appraisal Services				\$4,500.00			
790-7931-429.38-95	6/23/2022	320242	Heartland Seeds, Inc.	\$1,000.00	MOWING	V02302	MN LAND PURCHASE-HARDSHIP
Other Services / Mowing Services				\$1,000.00			
790-7931-429.62-51	6/2/2022	319786	LAKE REGION ELECTRIC CO	\$508.70	LAKE REGION ELECTRIC COOP	V02301	MN LAND PURCHASES
	6/2/2022	319786	RED RIVER VALLEY COOPE	\$768.34	RED RIVER VALLEY COOP	V02301	MN LAND PURCHASES
Energy / Electricity				\$1,277.04			
790-7931-429.71-30	6/2/2022	319786	0249N - SCOTT D & RUTH I B	\$11,762.00	THE TITLE CO	V02301	MN LAND PURCHASES
	6/2/2022	319786	0257N - SCOTT D & RUTH I B	\$11,762.00	THE TITLE CO	V02301	MN LAND PURCHASES
	6/2/2022	319786	1793 - LIVDAHL 1	\$400,000.00	THOMAS & LAURIE LIVDAHL	V02301	MN LAND PURCHASES
Land / Land Purchases				\$423,524.00			
790-7931-429.71-31	6/2/2022	319786	1835 - LIAN DALE	\$159,226.00	THE TITLE CO	V02301	MN LAND PURCHASES
Land / Easements				\$159,226.00			
790-7931-429.80-17	6/2/2022	319786	CLAY COUNTY AUDITOR	\$15,516.00	CLAY COUNTY AUDITOR	V02301	MN LAND PURCHASES
Debt Service / Property Tax - FMDA				\$15,516.00			
790-7940-429.33-06	6/9/2022	319906	BRAUN INTERTEC CORP	\$10,750.03	MATERIALS TESTING	V00402	TESTING - WP-43 & WP-28A
	6/16/2022	320061	BRAUN INTERTEC CORP	\$18,460.00	MATERIALS TESTING	V00402	TESTING - WP-43 & WP-28A
Other Services / Quality Testing				\$29,210.03			

Data Through Date: Friday, June 24, 2022

Summary Of Expenses
EXP-2022-06

Wednesday, July 20, 2022

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
790-7950-429.33-05	6/16/2022	320092	HOUSTON-MOORE GROUP L	\$61,261.32	PROJECT MANAGEMENT	V01633	DESIGN & CONST. SUPPORT
Other Services / Engineering Services				\$61,261.32			
790-7950-429.33-06	6/9/2022	319906	BRAUN INTERTEC CORP	\$8,898.50	MATERIALS TESTING	V00405	ENVIRO. CONSULTING SERVICE
	6/23/2022	320204	BRAUN INTERTEC CORP	\$1,402.50	MATERIALS TESTING	V00404	TESTING - NUSTAR PIPELINE
Other Services / Quality Testing				\$10,301.00			
790-7950-429.38-99	6/16/2022	320129	Pleasant Township	\$5,000.00	REIMB PERMIT 2022-1	V06801	WILD RICE STUC-BLDG PRMT
Other Services / Other Services				\$5,000.00			
790-7950-429.73-70	6/23/2022	320207	CENTURYLINK COMMUNIC	\$17,363.00	COPPER LINE AT 174 AVE	V04805	25 PAIR COPPER LINE
Infrastructure / Utilities				\$17,363.00			
790-7952-429.33-05	6/16/2022	320092	HOUSTON-MOORE GROUP L	\$6,342.19	PROJECT MANAGEMENT	V01633	DESIGN & CONST. SUPPORT
Other Services / Engineering Services				\$6,342.19			
790-7955-429.33-05	6/16/2022	320092	HOUSTON-MOORE GROUP L	\$12,733.83	PROJECT MANAGEMENT	V02827	IN TOWN LEVY MAINTENANCE
Other Services / Engineering Services				\$12,733.83			
790-7990-429.33-05	6/16/2022	320092	HOUSTON-MOORE GROUP L	\$35,728.81	PROJECT MANAGEMENT	V01633	DESIGN & CONST. SUPPORT
	6/30/2022	320338	MOORE ENGINEERING INC	\$665.00	MOORE ENGINEERING, INC	V01201	Cass Joint Water ROE
Other Services / Engineering Services				\$36,393.81			
790-7990-429.33-25	6/23/2022	320191	ASHURST LLP	\$25,852.40	LEGAL SERVICES	V03001	P3 LEGAL COUNSEL-ASHURST
Other Services / Legal Services				\$25,852.40			
790-7990-429.33-47	6/16/2022	320132	Program Advisor Services, LLC	\$108,574.66	PROGRAM CONSULTING	V05801	CONSULTING SERVICES
Other Services / Consulting Services				\$108,574.66			
790-7990-429.34-57	6/30/2022	14888	BANK OF NORTH DAKOTA	\$16,480.00	BND TRUSTEE FEE - 6/2022	V08502	MONTHLY TRUSTEE FEE
Technical Services / FMDA Trustee Fees BND				\$16,480.00			
790-7998-555.90-81	6/23/2022	ES062200	Diversion Admin Budget Transfe	\$0.00	ANNUAL ADMIN BDGT TRF-JUN	VADMIN	Diversion Administration
FMDA Admin. Budget Fund				\$0.00			
790 Subtotal				\$7,830,674.26			

Data Through Date: Friday, June 24, 2022

Summary Of Expenses
 EXP-2022-06

Wednesday, July 20, 2022

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
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Total Amount Invoiced this period:	\$7,987,222.71	
	\$0.00	Less Paid Retainage
	\$7,987,222.71	Total Less Paid Retainage

Data Through Date: Friday, June 24, 2022

Cummulative Vendor Payments Since Inception (Paid Only)

Vendor Name	Approved Contract/Invoiced Amount	Liquidated	Outstanding Encumbrance	Purpose
LAND PURCHASE	\$264,208,235.75	\$264,208,235.75	\$0.00	Land Purchase
CH2M HILL ENGINEERS INC	\$152,663,307.12	\$92,052,240.87	\$60,611,066.25	Project & Construction Management
HOUSTON-MOORE GROUP LLC	\$86,838,161.73	\$62,332,418.47	\$24,505,743.26	Engineering Services
INDUSTRIAL BUILDERS INC	\$58,129,514.54	\$57,513,846.20	\$615,668.34	2nd St N Pump Station Project and 2nd St Floodwall, South of Pu
ARMY CORP OF ENGINEERS	\$53,159,000.00	\$53,159,000.00	\$0.00	Local Share
RICHLAND-WILKIN JPA	\$35,000,000.00	\$35,000,000.00	\$0.00	Economic Impact Relief Fund
NORTH DAKOTA PUBLIC FINANCE AUTHORIT	\$25,193,620.00	\$25,193,620.00	\$0.00	Debt Service
INDUSTRIAL CONTRACT SERVICES INC	\$18,419,743.64	\$18,419,743.64	\$0.00	4th St Pump Station and 2nd Street Floodwall
MEYER CONTRACTING	\$18,303,354.99	\$18,303,354.99	\$0.00	WP-43CD and Gatewell - PVD & Surcharge Installation
OHNSTAD TWICHELL PC	\$15,806,802.17	\$15,806,802.17	\$0.00	Legal Services
ADVANCED ENGINEERING INC	\$14,665,462.81	\$7,836,028.36	\$6,829,434.45	Lands Management and Public Outreach
WELLS FARGO	\$11,607,080.05	\$11,607,080.05	\$0.00	Debt Service
DORSEY & WHITNEY LLP	\$11,166,442.49	\$11,166,442.49	\$0.00	Legal Services
DAKOTA UNDERGROUND	\$11,141,625.69	\$11,141,625.69	\$0.00	Utility Relocation
LANDSCAPES UNLIMITED	\$11,007,612.78	\$11,007,612.78	\$0.00	Golf Course Construction - Oxbow Country Club
OKEEFE, OBRIAN, LYSON & FOSS LTD	\$9,962,512.68	\$9,962,512.68	\$0.00	FLDBUY - COF Flood Home Buyouts
KEY CONTRACTING INC	\$9,659,606.48	\$9,659,606.48	\$0.00	FM1413 - Oakcreek and Copperfield Court Levee
ASHURST LLP	\$7,769,668.21	\$6,352,853.01	\$1,416,815.20	PPP Legal Counsel
SRF CONSULTING GROUP	\$5,952,675.84	\$1,785,598.44	\$4,167,077.40	Engineering Services
MOORE ENGINEERING INC	\$5,475,656.13	\$5,409,392.11	\$66,264.02	Engineering Services
ERNST & YOUNG	\$5,377,000.00	\$4,982,146.10	\$394,853.90	P3 Financial Advisory Services
CITY OF FARGO	\$4,876,306.12	\$4,844,806.12	\$31,500.00	Utility Relocation, Accounting Svcs, Interest on Deficit Funds
PROSOURCE TECHNOLOGIES, INC	\$4,198,291.71	\$2,708,350.43	\$1,489,941.28	Land Acquisition Services
RILEY BROS	\$3,656,841.67	\$3,656,841.67	\$0.00	Construction - OHB Ring Levee & WP-28A
CENTURYLINK COMMUNICATIONS	\$3,577,812.07	\$3,502,046.41	\$75,765.66	Utility Relocation
PLENARY AMERICAS USA LTD	\$3,000,000.00	\$3,000,000.00	\$0.00	Stipend Payment for P3 RFP
HOUSTON ENGINEERING INC	\$2,886,143.94	\$2,886,143.94	\$0.00	Engineering Services

Data Through Date: Friday, June 24, 2022

Cummulative Vendor Payments Since Inception (Paid Only)

Vendor Name	Approved Contract/Invoiced Amount	Liquidated	Outstanding Encumbrance	Purpose
MINNESOTA DNR	\$2,636,755.60	\$2,617,681.40	\$19,074.20	EIS Scoping and Permit Application
SELLIN BROS INC	\$2,577,216.97	\$2,577,216.97	\$0.00	Riverwood Flood Risk Project - Construction
OXBOW, CITY OF	\$2,383,317.16	\$2,383,317.16	\$0.00	OXBOW MOU - LAND ADVANCE
LANDWEHR CONSTRUCTION INC	\$2,304,622.16	\$2,304,622.16	\$0.00	In-Town and WP-43 Demolition Contracts
HDR ENGINEERING, INC.	\$2,192,783.68	\$1,238,416.65	\$954,367.03	Engineering Services
HOUGH INC	\$2,088,832.83	\$2,088,832.83	\$0.00	Construction WP-42F.2 and Oxbow River Intake & Pumping Syst
CASS COUNTY GOVERNMENT	\$2,038,772.19	\$2,038,772.19	\$0.00	Gravel on County Rd 17 Bypass
ACONEX (NORTH AMERICA) INC	\$1,970,927.50	\$928,559.82	\$1,042,367.68	Electronic Data Mgmt and Record Storage System
CROWN APPRAISALS	\$1,935,455.00	\$1,569,230.00	\$366,225.00	Flowage Easements Valuation and Appraisal Services
URS CORPORATION	\$1,805,670.90	\$1,805,670.90	\$0.00	Cultural Resources Investigations
ULTEIG ENGINEERS INC	\$1,744,157.63	\$1,255,264.16	\$488,893.47	Land Acquisition Services
REINER CONTRACTING INC	\$1,599,646.21	\$1,599,646.21	\$0.00	El Zagal Flood Risk Management
PROGRAM ADVISOR SERVICES, LLC	\$1,505,000.00	\$1,234,852.01	\$270,147.99	Program Consulting Services
SCHMIDT AND SONS INC.	\$1,459,920.61	\$1,123,251.86	\$336,668.75	Residential Demolition in Oxbow
CASS COUNTY ELECTRIC COOPERATIVE	\$1,282,208.44	\$1,068,258.44	\$213,950.00	Electrical Services
CASS COUNTY TREASURER	\$1,223,588.71	\$1,223,588.71	\$0.00	Property Taxes
US BANK	\$1,205,546.13	\$1,205,546.13	\$0.00	Loan Advance Debt Service Payments
CONSOLIDATED COMMUNICATIONS	\$1,073,621.75	\$1,073,621.75	\$0.00	Utility Relocation
XCEL ENERGY-FARGO	\$1,058,209.21	\$1,011,609.21	\$46,600.00	Utility Relocation
KPH, INC.	\$1,048,093.28	\$1,025,640.12	\$22,453.16	WP-43D5 Construction
AECOM	\$1,037,594.64	\$448,865.59	\$588,729.05	Cultural Resources Investigations
CASS RURAL WATER	\$949,908.71	\$941,238.71	\$8,670.00	Utilities and Utility Relocation
CLERK OF DISTRICT COURT	\$939,044.32	\$939,044.32	\$0.00	FLDBUY - COF Flood Home Buyouts
BRAUN INTERTEC CORP	\$914,944.63	\$808,952.26	\$105,992.37	Materials Testing
TERRACON CONSULTING ENGINEERS	\$887,718.41	\$887,718.41	\$0.00	Materials Testing
COMPASS LAND CONSULTANTS, INC	\$805,247.50	\$512,007.50	\$293,240.00	Property Appraisal Services
RED RIVER VALLEY & WESTERN RAILROAD C	\$800,000.00	\$800,000.00	\$0.00	Railroad Facilities and the Rail Property

Data Through Date: Friday, June 24, 2022

Cummulative Vendor Payments Since Inception (Paid Only)

Vendor Name	Approved Contract/Invoiced Amount	Liquidated	Outstanding Encumbrance	Purpose
DAKOTA CARRIER NETWORK	\$727,348.58	\$727,348.58	\$0.00	Utility Relocation
UNITED STATES ENVIRONMENTAL PROTECTI	\$707,886.35	\$707,886.35	\$0.00	WIFIA LOAN APPLCATION FEE
ERIK R JOHNSON & ASSOCIATES	\$664,472.23	\$664,472.23	\$0.00	Legal Services
CITY OF CHRISTINE	\$651,260.00	\$0.00	\$651,260.00	Flood Control Project - MOU
METROPOLITAN COUNCIL OF GOVERNMENTS	\$637,390.01	\$637,390.01	\$0.00	Digital Aerial Photography
MASTER CONSTRUCTION CO INC	\$623,953.29	\$623,953.29	\$0.00	Flood Mitigation - Royal Oaks Area - Construction
DUCKS UNLIMITED	\$587,180.00	\$587,180.00	\$0.00	Wetland Mitigation Credits
AT&T	\$586,269.60	\$586,269.60	\$0.00	Utility Relocation
RED RIVER BASIN COMMISSION	\$501,000.00	\$501,000.00	\$0.00	Retention Projects - Engineering Services
HOFFMAN & MCNAMARA CO.	\$493,179.39	\$487,184.67	\$5,994.72	General Landscaping and Planting (WP-42G)
LINNCO, INC.	\$485,221.25	\$485,221.25	\$0.00	House Demo and Removal
BUFFALO-RED RIVER WATERSHED DISTRICT	\$471,568.00	\$471,568.00	\$0.00	Retention Projects - Engineering Services
PATCHIN MESSNER VALUATION COUNSELORS	\$468,887.50	\$349,925.00	\$118,962.50	Property Appraisal Services
MIDCONTINENT COMMUNICATIONS	\$462,379.87	\$462,379.87	\$0.00	Utility Relocation
NUSTAR PIPELINE OPERATING PARTNERSHIP	\$459,693.17	\$442,844.05	\$16,849.12	Utility Relocation
LARKIN HOFFMAN ATTORNEYS	\$457,274.97	\$457,274.97	\$0.00	Legal Services
ROBERT TRENT JONES	\$440,431.73	\$440,431.73	\$0.00	Oxbow MOU - Golf Course Consulting Agreement
NDSU BUSINESS OFFICE-BOX 6050	\$391,989.00	\$356,145.00	\$35,844.00	Ag Risk Study Services
BEAVER CREEK ARCHAEOLOGY	\$391,529.14	\$341,408.20	\$50,120.94	Engineering Services
MBA	\$380,636.36	\$380,636.36	\$0.00	Golf course and pump house - Oxbow Country Club
MVM CONTRACTING	\$339,448.03	\$339,448.03	\$0.00	Fiber Relocation
AON RISK SERVICES CENTRAL INC	\$330,000.00	\$246,101.00	\$83,899.00	Risk Advisory Services P3 Pre-Award
CASS COUNTY JOINT WATER RESOURCE DI	\$320,469.02	\$320,469.02	\$0.00	O/H/B Ring Levee, DPAC, Postage, Miscellaneous
DFI BRIDGE CORPORATION	\$316,211.21	\$316,211.21	\$0.00	Bridge Construction - Oxbow Country Club
FEDERAL STEEL SUPPLY, INC.	\$307,378.00	\$307,378.00	\$0.00	OHB - 42 inch steel pipe
DIRT DYNAMICS	\$301,332.37	\$301,332.37	\$0.00	HD18A1 - Oakcreek, Copperfield & Univerisy - Demo
C THREE MEDIA, LLC	\$294,510.00	\$108,232.36	\$186,277.64	Videography Services

Data Through Date: Friday, June 24, 2022

Cummulative Vendor Payments Since Inception (Paid Only)

Vendor Name	Approved Contract/Invoiced Amount	Liquidated	Outstanding Encumbrance	Purpose
MAGELLAN PIPELINE	\$285,900.00	\$0.00	\$285,900.00	Utility Relocation
GARY KILLEBREW	\$279,500.00	\$279,500.00	\$0.00	Project Manager Services - Oxbow Country Club
TURMAN & LANG	\$277,139.55	\$277,139.55	\$0.00	Legal Services
MOODYS INVESTORS SERVICE, INC.	\$274,375.00	\$274,375.00	\$0.00	WIFIA loan fees
MINNKOTA POWER COOPERATIVE	\$268,393.07	\$73,393.07	\$195,000.00	Utility Relocation
INTEGRA REALTY RESOURCES	\$268,062.50	\$257,750.00	\$10,312.50	Property Appraisal Services
702 COMMUNICATIONS	\$266,892.07	\$266,892.07	\$0.00	Utility Relocation
SPRINT COMMUNICATIONS COMPANY L.P.	\$256,409.37	\$256,409.37	\$0.00	Fiber Optic Relocation for WP-43CD
SWANSON HEALTH PRODUCTS, INC.	\$252,949.00	\$252,949.00	\$0.00	FM1471 - Storm Lift Stations #55 and #56 - Drain 27
WATTS AND ASSOCIATES, INC.	\$250,000.00	\$172,610.03	\$77,389.97	Crop insurance product development services
PR FOR GOOD, INC	\$242,482.28	\$242,482.28	\$0.00	Communications Support Services
FREDRIKSON & BYRON, PA	\$241,881.28	\$241,881.28	\$0.00	Lobbying Services
NEON LOON COMMUNICATIONS, LLC	\$236,400.00	\$84,422.50	\$151,977.50	Communications Support
NORTHERN IMPROVEMENT COMPANY	\$235,531.95	\$235,531.95	\$0.00	CR-17 asphalt paving
GRAY PANNELL & WOODWARD LLP	\$231,300.68	\$231,300.68	\$0.00	Legal Services
FORUM COMMUNICATIONS	\$221,991.96	\$221,991.96	\$0.00	Advertising Services
BANK OF NORTH DAKOTA	\$217,805.04	\$217,805.04	\$0.00	Legal review fees
AMERICAN ENTERPRISES, INC.	\$200,281.00	\$200,281.00	\$0.00	Construction/Demolition
CITY OF OXBOW MOU	\$200,000.00	\$200,000.00	\$0.00	Oxbow Park Relocation MOU Amendment
EXECUTIVE MANAGEMENT SYSTEMS, INC.	\$196,763.96	\$196,763.96	\$0.00	Executive Coaching
MAPLETON, CITY OF	\$179,605.00	\$61,416.07	\$118,188.93	Prelim Engineering Services
SPRINGSTED INCORPORATED	\$178,010.15	\$178,010.15	\$0.00	Financial Advisor
KADRMAS LEE & JACKSON, INC.	\$176,164.00	\$176,164.00	\$0.00	Engineering Services
CLAY COUNTY AUDITOR	\$175,161.09	\$175,161.09	\$0.00	Property Taxes - MN
SERKLAND LAW FIRM	\$173,826.18	\$173,826.18	\$0.00	Legal services
MUNICIPAL AIRPORT AUTHORITY	\$166,981.00	\$166,981.00	\$0.00	Easement for Airport
SOIL BORINGS	\$166,232.50	\$166,232.50	\$0.00	Soil Borings

Data Through Date: Friday, June 24, 2022

Cummulative Vendor Payments Since Inception (Paid Only)

Vendor Name	Approved Contract/Invoiced Amount	Liquidated	Outstanding Encumbrance	Purpose
PLEASANT TOWNSHIP	\$162,660.10	\$162,660.10	\$0.00	Building Permit Application
DAWSON INSURANCE AGENCY	\$158,383.15	\$158,383.15	\$0.00	Property Insurance - Home Buyouts
UNITED STATES GEOLOGICAL SURVEY	\$151,520.00	\$151,520.00	\$0.00	Water Level Discharge Collection & Stage Gage Installation
PFM PUBLIC FINANCIAL MANAGEMENT	\$146,460.00	\$146,460.00	\$0.00	Financial Advisor
S&P GLOBAL RATINGS	\$145,625.00	\$145,625.00	\$0.00	Ratings Evaluation Service
DAILY NEWS	\$143,075.16	\$143,075.16	\$0.00	Advertising Services
CHAPMAN AND CUTLER	\$140,000.00	\$140,000.00	\$0.00	Legal Services
QUANTUM SPATIAL, INC.	\$139,061.35	\$139,061.35	\$0.00	Digital Aerial Photography
SENTRY SECURITY, INC.	\$121,212.85	\$121,212.85	\$0.00	Security Services
ENVENTIS	\$115,685.62	\$115,685.62	\$0.00	Utility Relocation
TINJUM APPRAISAL COMPANY, INC.	\$113,450.00	\$73,100.00	\$40,350.00	Property Appraisal Services
GE BOCK REAL ESTATE, LLC	\$112,590.00	\$112,590.00	\$0.00	Property Appraisal Services
OXBOW COUNTRY CLUB	\$110,391.68	\$110,391.68	\$0.00	Golf Course - Oxbow
EIDE BAILLY LLP	\$108,373.00	\$67,664.25	\$40,708.75	Audit Services
GA GROUP, PC	\$108,229.32	\$84,229.32	\$24,000.00	Government Relations
MAPLETON TOWNSHIP	\$108,030.00	\$108,030.00	\$0.00	Lost tax revenue and attorney fees
DAVID CLARDY	\$105,215.05	\$105,215.05	\$0.00	Home buyouts - easement

125 Vendors

Report Totals:

\$916,280,182.76

\$809,225,638.73

\$107,054,544.03

METRO FLOOD DIVERSION AUTHORITY

Wednesday, July 20, 2022

Data Through Date: Friday, June 24, 2022

Parcel (OIN) Physical Location Summary

Project / Physical Location	Parcels	Acquired	Cancelled OIN's (HC)	PCT Acquired / Cancelled	Remaining OIN's	Cost To Date
BIOGEO	423	212	131	81%	80	\$1,021,481
BIOGEO	293	211	2	73%	80	\$249,796
HC	130	1	129	100%	0	\$771,685
CHANNEL	682	436	214	95%	32	\$91,653,190
ENV	2	0	0	0%	2	\$1,250
HC	217	3	214	100%	0	\$2,402,417
LAP01	130	120	0	92%	10	\$6,610,799
LAP02	97	92	0	95%	5	\$12,714,611
LAP03	81	66	0	81%	15	\$18,573,078
LEGACY	155	155	0	100%	0	\$51,351,036
MOBILITY	123	1	1	2%	121	\$0
DA_MOB37_MN	51	0	0	0%	51	\$0
DA_MOB37_ND	19	0	0	0%	19	\$0
DA_MOB38TH	52	1	0	2%	51	\$0
HC	1	0	1	100%	0	\$0
NA	7	0	7	100%	0	\$0
HC	7	0	7	100%	0	\$0
SEAILAND	341	263	34	87%	44	\$48,742,953
DRAIN 27	37	37	0	100%	0	\$12,398,250
HC	35	1	34	100%	0	\$195,421
LEGACY	62	62	0	100%	0	\$10,166,116
SE_I29	11	11	0	100%	0	\$1,961,828
SE-1	43	43	0	100%	0	\$2,675,351
SE-2A	13	13	0	100%	0	\$3,369,529
SE-2B	44	28	0	64%	16	\$6,646,389
SE-3	6	5	0	83%	1	\$25,000
SE-4	28	11	0	39%	17	\$1,801,232
SE-5	7	0	0	0%	7	\$2,750
UMA	2	0	0	0%	2	\$0
WP26	9	8	0	89%	1	\$2,952,107
WP30	8	8	0	100%	0	\$0
WP35	36	36	0	100%	0	\$6,548,979
WP36	2	0	0	0%	2	\$2,750
WRDAM	2	0	0	0%	2	\$2,750

METRO FLOOD DIVERSION AUTHORITY

Wednesday, July 20, 2022

Data Through Date: Friday, June 24, 2022

Parcel (OIN) Physical Location Summary

Project / Physical Location	Parcels	Acquired	Cancelled OIN's (HC)	PCT Acquired / Cancelled	Remaining OIN's	Cost To Date
WP38	1,021	121	358	47%	542	\$28,993,863
BIOGEO	2	2	0	100%	0	\$4,500
HC	360	2	358	100%	0	\$1,283,123
LEGACY	1	1	0	100%	0	\$750
SE-5	2	0	0	0%	2	\$0
UMA	567	116	0	20%	451	\$27,705,490
UMA-C	34	0	0	0%	34	\$0
UMA-C2	14	0	0	0%	14	\$0
UMA-C3	3	0	0	0%	3	\$0
UMA-W	24	0	0	0%	24	\$0
UMA-W2	7	0	0	0%	7	\$0
UMA-W3	7	0	0	0%	7	\$0
WP40	18	6	10	89%	2	\$0
DRAYTON	7	5	0	71%	2	\$0
HC	10	0	10	100%	0	\$0
LEGACY	1	1	0	100%	0	\$0
WP42	66	51	3	82%	12	\$37,850,061
HC	4	1	3	100%	0	\$0
LEGACY	6	6	0	100%	0	\$18,014,935
WP42A1A3	8	5	0	63%	3	\$376,008
WP42A2	2	2	0	100%	0	\$0
WP42C1	4	3	0	75%	1	\$0
WP42C2	2	1	0	50%	1	\$9,948,373
WP42F1N	2	2	0	100%	0	\$27,000
WP42F1S	13	12	0	92%	1	\$5,852,463
WP42H1	4	4	0	100%	0	\$76,000
WP42H2	8	8	0	100%	0	\$2,463,170
WP42I2	13	7	0	54%	6	\$1,092,111

METRO FLOOD DIVERSION AUTHORITY

Wednesday, July 20, 2022

Data Through Date: Friday, June 24, 2022

Parcel (OIN) Physical Location Summary

Project / Physical Location	Parcels	Acquired	Cancelled OIN's (HC)	PCT Acquired / Cancelled	Remaining OIN's	Cost To Date
WP43	265	116	146	99%	3	\$78,542,485
Non-OIN Hard Land Cost	0	0	0	0%	0	\$22,598,547
HC	146	0	146	100%	0	\$500
LEGACY	4	4	0	100%	0	\$2,422,914
WP43A	1	1	0	100%	0	\$0
WP43B	6	6	0	100%	0	\$676,953
WP43C	74	74	0	100%	0	\$45,142,769
WP43D	20	20	0	100%	0	\$6,437,831
WP43D5	5	5	0	100%	0	\$1,175,055
WP43G	9	6	0	67%	3	\$87,915
Totals	2,948	1,206	904	72%	838	\$286,806,783

**FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of June 30, 2022**

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
Commercial Relocations - Fargo		16,099,989.70	-	16,300,462.10	(1,100.00)	32,399,351.80
Home Buyouts - Fargo		3,044,054.89	-	521,417.80	-	3,565,472.69
Home Buyouts - Moorhead		495,809.91	-	84,060.80	(8,440.00)	571,430.71
Home Buyouts - Oxbow		29,678,181.97	-	17,142,531.46	(368,167.87)	46,452,545.56
Home Buyouts - Hickson		1,031,674.37	-	120,422.18	-	1,152,096.55
Home Buyouts - Horace		7,602,598.67	-	595,320.88	-	8,197,919.55
Home Buyouts - Argusville		215,030.91	-	6,912.57	-	221,943.48
Easements - Fargo		504,716.00	-	-	-	504,716.00
Easements - Hickson		500.00	-	-	-	500.00
Easements - Oxbow		55,500.00	-	-	-	55,500.00
Easements - Diversion Inlet Control Structure		4,234,581.90	-	-	-	4,234,581.90
Easements - Piezometer		259,765.00	-	-	-	259,765.00
Easements - Minesota		1,542,370.79	-	-	-	1,542,370.79
Farmland Purchases		225,862,124.03	-	5,109,571.44	(1,460,296.28)	112,756,593.86
Land Purchases		110,896,040.59	-	2,563,701.41	(730,148.14)	112,756,593.86
North One-half of the SW Quarter of Section 8, Township 137, Range 48	2/3/2022	291,600.62				
East half of the SW Quarter of Section 29, Township 138 Norht of Range 49 West of the Fifth Principal Meridian	2/3/2022	1,412,649.00				

FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of June 30, 2022

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
The South Half of Government Lot 2 and all of Government Lots 3 and 5 of Section 18, in Township 137 North of Range 48 West of the Fifth Principal Meridian, Cass County, North Dakota, including all of Paul Bunyan Subdivision, part of Government Lots 2 and 3, Section 18, Township 137 North of Range 48 West AND Lot 5 Block 1, Babes's Addition, part of government lots 2 and 3 Section 18, Township 137 North, Range 48 West AND Lot 4, Block 1 Babe's Addition, part of Government lots 2 and 3, Section 18, Township 137 North, Range 48 West	2/3/2022	1,534,029.19				
The Northeast Quarter of Section Three, in Township One Hundred Thirty-seven North of Range Forty-nine West of the Fifth Principal Meridian	2/3/2022	1,711,111.25				
That part of the East Half of the East Half of the Northwest Quarter of section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian	3/10/2022	646,140.00				
That part of Auditor's Lot No. 1 of the Southeast Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian	3/10/2022	241,950.00				
East half o the NW Quarter Section 11 in Township 137 North of Range 49 West of the Fifth Principal Meridian	3/10/2022	420,165.00				
Part of Section 17, Township 137 North, Range 48 West of the Fifth Principal	3/31/2022	500.00				
North Half of the Southeast Quarter, of Section 32, Township 138, Range 49, Cass County, North Dakota	5/12/2022	538,600.00				
Southwest Quarter of Section 28, Township 138, Range 49 West of Fifth Principle Meridian, in the City of Fargo, Cass County North Dakota	6/16/2022	1,785,201.00				
NW1/4 SW1/4 of Section 29, Township 137, Range 48, Cass County, Minnesota	6/2/2022	400,000.00				
Government Lots 4 and 5 in Section 6, Township 137, Range 48, Clay County, Minnesota	6/2/2022	23,524.00				
		290,626,898.14	-	39,880,699.23	(1,838,004.15)	328,669,593.22
Property Management Expense						4,045,199.81
Grand Total					\$	332,714,793.03

**FM Metropolitan Area Flood Risk Management Project
In-Town Levee Work
as of June 30, 2022**

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	\$ 884,070.41	\$ 884,070.41
V02803	Consolidated Communications	2nd Street Utility Relocation	\$ 1,178,781.73	\$ 1,178,781.73
V02804	702 Communications	2nd Street Utility Relocation	\$ 266,892.07	\$ 266,892.07
V02805	ICS	WP-42A.1/A.3 - 4th St Pump Station & Gatewell and 2nd St Floodwall S	\$ 18,365,229.13	\$ 18,365,229.13
V02806	HMG	WP42 - Services During Construction	\$ 6,513,429.90	\$ 6,513,429.90
V02807	CCJWRD	In-Town Levee Work	\$ 5,886,140.36	\$ 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	\$ 16,720,591.15
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	\$ 1,639,524.33	\$ 1,639,524.33
V02822	City of Fargo	COF - 2016 O&M on Lifts	\$ 184,958.12	\$ 184,958.12
V02823	Hoffman & McNamara	WP-42G General Landscaping and Planting	\$ 493,179.39	\$ 487,184.67
V02824	City of Fargo	COF – In-Town Flood Protection Debt Payments	\$ 23,989,850.00	\$ 25,193,620.00
V01703	Various	In-Town Property Purchases	\$ 39,409,623.22	\$ 38,192,183.71
V02825	Industrial Builders	WP-42E - 2nd Street South and Main Avenue Flood Mitigation	\$ 8,632,103.73	\$ 8,632,103.73
V02826	City of Fargo	In-Town Levee Maintenance	\$ 8,823.82	\$ 8,823.82
V054XX	City of Fargo	In-Town Complementary Work - Reimbursements	\$ 39,289,243.78	\$ 39,289,243.78
			<u>\$ 195,220,985.02</u>	<u>\$ 195,201,320.79</u>

**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: April 1, 2022 - April 30, 2022

Drawdown Request No: 124	
Requested Amount:	\$ 1,391,419.51
Total Funds Expended This Period:	2,782,839.02
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	1,391,419.51
Total Funds Requested:	1,391,419.51

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
Appropriations from 2017 Legislative Session		66,500,000
Appropriations from 2019 Legislative Session		44,000,000
Anticipated appropriations to be deferred from 2019 Legislative Session	22,500,000	
Anticipated appropriations to be funded in 2021 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2023 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2025 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2027 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2029 Legislative Session	47,000,000	
Total State Funds	335,500,000	414,500,000
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 #115 - FM Metro Area Flood Risk Management Project		(209,838,261.15)
Less: Payment #116 - FM Metro Area Flood Risk Management Project		(5,862,311.78)
Less: Payment #117 - FM Metro Area Flood Risk Management Project		(5,543,347.82)
Less: Payment #118 - FM Metro Area Flood Risk Management Project		(2,268,176.69)
Less: Payment #119 - FM Metro Area Flood Risk Management Project		(5,734,800.64)
Less: Payment #120 - FM Metro Area Flood Risk Management Project		(5,380,812.43)
Less: Payment #121 - FM Metro Area Flood Risk Management Project		(4,927,025.23)
Less: Payment #122 - FM Metro Area Flood Risk Management Project		(2,753,630.08)
Less: Payment #123 - FM Metro Area Flood Risk Management Project		(3,945,477.58)
Less: Payment #124 - FM Metro Area Flood Risk Management Project		(5,062,879.53)
Less: Payment #125 - FM Metro Area Flood Risk Management Project		(1,391,419.51)
Total Funds Reimbursed		(406,403,497.80)
Total State Fund Balances Remaining		8,096,502.20

LOCAL MATCHING FUNDS SUMMARY:

Matching Funds Expended To Date - FM Metro Area Flood Risk Management Project	\$	101,279,533
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 - 114 - FM Metro Area Flood Risk Management Project		(59,636,874)
Balance of Local Matching Funds Available	\$	(0)

Legacy Bond Fund Balance Report
As of 04/30/2022

Total Authorized \$ 435,500,000.00

Current Allocation \$ 219,000,000.00

Available funds remaining \$ 191,609,562.00

Funds Requested

	2021	2022	Total
January	\$ -	\$ 3,162,608.21	\$ 3,162,608.21
February	\$ -	\$ 4,564,036.17	\$ 4,564,036.17
March	\$ -	\$ 5,302,899.35	\$ 5,302,899.35
April	\$ -	\$ -	\$ -
May	\$ -	\$ -	\$ -
June	\$ -	\$ -	\$ -
July	\$ -	\$ -	\$ -
August	\$ 5,059,974.19	\$ -	\$ 5,059,974.19
September	\$ 2,970,327.95	\$ -	\$ 2,970,327.95
October	\$ 6,089,707.34	\$ -	\$ 6,089,707.34
November	\$ 6,415,461.09	\$ -	\$ 6,415,461.09
December	\$ 8,365,936.95	\$ -	\$ 8,365,936.95
Total	\$ 28,901,407.51	\$ 13,029,543.72	\$ 41,930,951.23

Funds Received

May 2022	\$27,390,438	\$ -	\$ 27,390,438.00
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
Total	\$ 27,390,438.00	\$ -	\$ 27,390,438.00



Diversion Authority Finance Committee Meeting

July 27, 2022

Financial Report
Joel Paulsen



Annual Revenue Status

Revenue Sources	2022 Approved Budget (Thousands)	Current Month (Thousands)	Fiscal Year To Date (Thousands)
City of Fargo		\$0	\$0
City of Fargo Sales Tax	\$38,800	\$3,787	\$12,243
Cass County		\$0	\$0
Cass County Sales Tax	\$19,968	\$1,853	\$5,213
Cass County Joint Water Resource District	\$0	\$0	\$0
State of ND - 50 % Match	\$97,419	\$1,391	\$13,153
State of ND - Legacy Bond Fund Draws	\$0	\$0	\$27,390
State of Minnesota	\$0	\$0	\$0
Other Agencies	\$0	\$0	\$0
City of Oxbow MOU Reimbursement	\$0	\$0	\$0
Financing Proceeds	\$100	\$99	\$276
Reimbursements	\$0	\$0	\$2
Sales of Assets	\$0	\$0	\$0
Property Income	\$200	\$10	\$48
Miscellaneous	\$38,352	\$65	\$65
MIT Inter-Fund Transfers		\$100	\$650
Total Revenue Sources	\$194,839	\$7,307	\$59,042



Overall Status – Level 1 Summary

2022 Financial Plan Program Categories Non-Federal Work	Program Level (Millions)			Fiscal Year as of 6/24/2022		
	Financial Plan	Cost to Date	Balance Remaining	Budget	Cost to Date	Balance Remaining
Channel / P3	96.40	35.65	60.75	15,097,481	458,460	14,639,021
Milestone Payments to the Developer	865.80	-	865.80	-	-	-
Other/Mitigation Construction	54.67	34.76	19.91	1,618,000	80,740	1,537,260
ND / MN River Stage 37' Projects	213.30	138.51	59.79	25,006,000	4,175,029	20,830,971
Lands and Impacted Property Mitigation	571.70	331.50	240.20	77,860,539	19,593,179	58,267,360
Non-Construction Costs	263.93	137.84	126.09	23,827,000	8,357,837	15,469,163
DA Construction Contingency	163.90	-	163.90	-	-	-
3rd Party MOU Mitigation	139.50	46.62	92.88	44,152,070	5,891,639	38,260,431
Net Current Interest / Financing Fees Paid	75.70	-	75.70			
P3 Reserve Fund	16.10	-	16.10			
WIFIA/ SRF DSRA Funding	15.10	-	15.10			
DA Payment to USACE	70.70	53.16	17.54			
DA O&M (pre-SC)	14.90	0.18	14.72	84,000	-	84,000
Debt Service Total	330.30	37.64	292.66	7,194,000	-	7,194,000
Sub-Total	2,892.00	815.86	2,098.78	194,839,090	38,556,884	149,088,206
Less Outstanding Accounts Payable	N/A	(3.82)		-	-	-
Actual Expenses to Date	N/A	812.05	2,098.78	194,839,090	38,556,884	149,088,206

Overall Status – Level 2 Detail

2022 Financial Plan Program Categories Non-Federal Work	Program Level (Millions)			Fiscal Year as of 6/24/2022		
	Financial Plan	Cost to Date	Balance Remaining	Budget	Cost to Date	Balance Remaining
Channel / P3	96.40	35.65	60.75	15,097,481	458,460	14,639,021
Management, Legal, Financial, Procurement	96.40	35.65	60.75	15,097,481	458,460	14,639,021
Milestone Payments to the Developer	865.80	-	865.80	-	-	-
Other/Mitigation Construction	54.67	34.76	19.91	1,618,000	80,740	1,537,260
WP-43 Oxbow-Hickson-Bakke	46.70	28.47	18.23	1,027,000	14,490	1,012,510
WP-28 - Cass County Road 16 and 17 Bridge	1.40	1.40	0.00	-	-	-
WP-26 Diversion Inlet	0.07	0.07	0.00	-	-	-
WP-27 Red River - West Embankment	-	-	-	-	-	-
WP-29 Red River - East Embankment	-	-	-	-	-	-
WP-30 Wild Rice River Control Structure	-	-	-	-	-	-
WP-31 I-29 Grade Raise	3.20	2.86	0.34	-	-	-
WP-35 Red River Control Structure	-	-	-	-	-	-
WP-50 Phase II Demo	3.30	1.97	1.33	591,000	66,250	524,750
ND / MN River Stage 37' Projects	213.30	138.51	59.79	25,006,000	4,175,029	20,830,971
WP-42 In-Town Levees	91.00	90.94	0.06	6,000	10,900	(4,900)
Fargo- River Stage 37' Projects	107.30	47.57	59.73	25,000,000	4,164,129	20,835,871
Clay County - River Stage 37' Project	6.00	-	-	-	-	-
Cass County - River stage 37' Projects	9.00	-	-	-	-	-
Lands and Impacted Property Mitigation	571.70	331.50	240.20	77,860,539	19,593,179	58,267,360
Management, Legal, Financial, Procurement	87.20	36.17	51.03	12,950,000	3,071,570	9,878,430
Diversion Channel & Assoc. Infrastructure	150.00	91.65	58.35	6,000,000	1,341,221	4,658,779
Southern Embankment & Assoc. Infrastructure	47.50	46.55	0.95	25,100,539	11,939,939	13,160,600
Mitigation & Assoc. Infrastructure (OHB)	108.20	87.07	21.13	1,360,000	38,595	1,321,405
WP-38 Upstream Staging	139.80	32.04	107.76	32,450,000	3,201,854	29,248,146
In-Town Flood Protection	39.00	38.02	0.98	-	-	-



Overall Status – Level 2 Detail

2022 Financial Plan Program Categories Non-Federal Work	Program Level (Millions)			Fiscal Year as of 6/24/2022		
	Financial Plan	Cost to Date	Balance Remaining	Budget	Cost to Date	Balance Remaining
Non-Construction Costs	263.93	137.84	126.09	23,827,000	8,357,837	15,469,163
Engineering & Design Fees	98.50	48.95	49.55	6,983,000	2,118,936	4,864,064
Prog. Management/Legal/Financial/Procurement	165.43	88.90	76.53	16,844,000	6,238,901	10,605,099
DA Construction Contingency	163.90	-	163.90	-	-	-
System Wide Contingency	95.90	-	95.90	-	-	-
Diversion Channel & Assoc. Infrastructure	15.50	-	15.50	-	-	-
Southern Embankment & Assoc. Infrastructure			-			-
Other Mitigation Projects	2.00	-	2.00	-	-	-
In-Town Flood Protection	13.10	-	13.10	-	-	-
Land Acquisition	37.40	-	37.40	-	-	-
3rd Party MOU Mitigation	139.50	46.62	92.88	44,152,070	5,891,639	38,260,431
Channel - Utility Relocations & Other Mitigations	35.10	8.83	26.27	30,510,500	4,250,054	26,260,446
WP-46 SEAI / UMA Utility Relos	6.30	1.95	4.35	8,000,000	1,498,378	6,501,622
WP-47 Contracted Utility Relocations		-	-	-	-	-
WP-51 - Recreation SEAI (Metro-COG)		-	-	-	-	-
WP-36 Wild Rice Dam Mitigation		-	-	-	-	-
WP-40 Drayton Dam Mitigation		-	-	-	-	-
WP-41 Richland/Wilkin County JPA (During Construction)	36.00	35.36	0.64	-	-	-
WP-49 Cultural Remediation		-	-	-	-	-
WP-52 Township & City MOU Agreements	62.10	0.48	61.62	5,641,570	143,207	5,498,363



Overall Status – Level 2 Detail

2022 Financial Plan Program Categories Non-Federal Work	Program Level (Millions)			Fiscal Year as of 6/24/2022		
	Financial Plan	Cost to Date	Balance Remaining	Budget	Cost to Date	Balance Remaining
Net Current Interest / Financing Fees Paid	75.70	-	75.70			
P3 Reserve Fund	16.10	-	16.10			
WIFIA/ SRF DSRA Funding	15.10	-	15.10			
DA Payment to USACE	70.70	53.16	17.54			
DA O&M (pre-SC)	14.90	0.18	14.72	84,000	-	84,000
Maintenance	14.90	0.18	14.72	84,000	-	84,000
Debt Service Total	330.30	37.64	292.66	7,194,000	-	7,194,000
Well Fargo Loan Repayment	150.30	-	150.30	-	-	-
Temporary Refunding Improvement Bonds Repayment	180.00	-	180.00	-	-	-
Other Debt Service Payments (WF, USEPA, SPGR, NDFA)		37.64	(37.64)	7,194,000	-	7,194,000
Sub-Total	2,892.00	815.86	2,098.78	194,839,090	38,556,884	149,088,206
Less Outstanding Accounts Payable	N/A	(3.82)		-	-	-
Actual Expenses to Date	N/A	812.05	2,098.78	194,839,090	38,556,884	149,088,206

Diversion Authority Operations – Budget Summary



Expense Category	FY2022 Budget	Cost to Date	Remining Budget
Salary	\$901,148	\$331,876	\$569,272
Benefits	\$175,510	\$93,360	\$82,150
Office	\$59,727	\$18,147	\$41,580
Other	\$118,615	\$54,285	\$64,330
Totals *	\$1,255,000	\$497,668	\$757,333

* Includes pending costs



Diversion Authority Finance Committee Meeting

July 27, 2022

Contracting Actions
Joel Paulsen

DA Board Approval Contract Actions

(ACTION)



Description	Company	Budget/ Estimate (\$)
Task Order 1, Amendment 0 - This project consists of the work required to relocate the exiting Sprint 36 count fiber that now runs north/south on the west side of Highway 75 south of Comstock, Mn to the Clay county line to be clear of the SE-4 embankment along highway 75, and also be clear of any crossings of the SE-4 embankment by moving our cable west of the project.	Sprint Communications Company, L.P.	\$540,321.36
Change Order 01, WP50F Property Mitigation – Additional cost due to property OIN 826 and OIN 2185 being demolished due to winterization issues of the structures and removal of OIN 25 from the contract.	Schmidt and Sons Construction Inc.	\$111,655
New Agreement – Document management services through July 31, 2025	Affinitext Inc.	\$118,630

Executive Director Contracting Recommendation

Date: 7/18/2022

RECOMMENDATION FOR ACTION:

The Executive Director has reviewed and recommends approval of the following Contract Action(s).

SUMMARY OF CONTRACTING ACTION:

Per the contract review and approval procedures that were adopted by the Diversion Authority on November 10, 2016 and amended December 16, 2021, the Owner's Program Management Consultant (PMC) or Engineer of Record (EOR) is directed to prepare new Task Order and task Order Amendments and submit them to Member Entity Technical Representatives and the Executive Director. The Member Entity Technical Representative will provide comments which will be consolidated in one form by the PMC and provided to the Director of Engineering. The Director of Engineering shall review the comments and provide recommendations to the Executive Director for review and action.

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

Sprint Communications Company, L.P.

Task Order 01 Amendment 0

\$540,321.36

- Relocate Sprint fiber line to clear SE-4 Embankment.

BACKGROUND AND DISCUSSION:

CH2M, now Jacobs, has served as the Program Management Consultant (PMC) to the OWNER since November of 2011, with primary responsibilities to plan and implement the Fargo-Moorhead Area Diversion Project (the PROJECT). As such, the OWNER and CONSULTANT have agreed to enter into a Task Order focused on managing and reporting on the various aspects of the PROJECT. The PMC reports directly to the Executive Director.

In accordance with Section 2.01 of the Master Utility Relocation Agreement by and between the Metro Flood Diversion Authority (the "Authority") and Sprint Communications Company, L.P. (the "Utility") dated January 27, 2022 (the "Agreement"), the Authority and the Utility agree to the following:

Services Provided. The Authority hereby agrees to engage Sprint Communications, Company, L.P. to provide the Authority with the following described list of services (the "Services").

REASON:

Over two (2) miles of Sprint fiber is directly impacted by the levee on the west side of Highway 75. The fiber cannot be moved completely from the flooding area, but it can be relocated out of the impact zone of the Red River Diversion south flowage area. The project consists of OSP work required to relocate existing Sprint 36 count fiber that runs north/south on the west side of Highway 75 south of Comstock, MN to the Clay County line to be clear of the SE-4 embankment, also to clear any crossings of the SE-4 Embankment by moving cable west of the project. All splice points will be moved to non-flood areas of the diversion area and one (1) splice point will be elevated to above flood level.

The table below summarizes the contracting history for this task order and the current contracting action.

Summary of Contracting History and Current Contract Action:

Amendment	Budget (\$)	Budget Change (\$)	Revised Project Cost (\$)	Agreement Date	Project Completion	Comments
TO01-A0	540,321.36	0.00	540,321.36	08/01/2022	12/31/2022	Southern Embankment 69kV Line Modifications

Summary of Annual Budget Allocation

Year	Cost account code	Estimated cost (\$)	Budget Allocated (\$)	Actual Paid To Date	Budget Remaining (\$)	Comments
2022	CN-4010	540,321.36	540,321.36	0.00	0	
Total	CN-4010	540,321.36	540,321.36	0.00	0	Within Allocated Budget

The PMC prepared this contracting action, and feels the information is accurate, complete, and ready for Executive Director review.

ATTACHMENT(S):

1. Sprint Communications Company, L.P. Task Order 01 Amendment 0
2. Sprint Southern Embankment Map

Prepared by: Program Management Consultant

Ian Joynes

Dated: 7/18/2022

Approved by Joel Paulsen, Diversion Authority Executive Director Via Aconex.

Dated: 7/20/2022



METRO FLOOD DIVERSION PROJECT

Executive Director Contracting Recommendation

Date: 7/12/2022

RECOMMENDATION FOR ACTION:

The Executive Director has reviewed and recommended approval of the following Contract Action(s).

SUMMARY OF CONTRACTING ACTION:

Per the contract review and approval procedures that were adopted by the Diversion Authority on November 10, 2016 and amended December 16, 2021, the Owner's Program Management Consultant (PMC) or Engineer of Record (EOR) shall submit construction Change Order requests that are greater than \$50,000 to the Member Entity Technical Representatives for review. Member Entity Representative shall review and provide comments to the PMC who will provide a single form consolidating comments to the Director of Engineering. The Director of Engineering shall review and provide recommendations to the Executive Director. Recommendations of the Director of Engineering and Executive Director, along with comments of the Member Entity Technical Representative will be provided to the Finance Committee for review then submitted to the Diversion Authority Board for approval.

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

Description	Budget Estimate (\$)
WP50F: Schimdt and Sons Construction Inc.	
<i>Change Order #01</i>	\$111,655.00
<ul style="list-style-type: none"> Additional costs due to properties OIN 826 and OIN 2185 being demolished. Remove OIN 25 from WP50F Property Mitigation 	

Summary of Contracting History and Current Contract Action:

The Diversion Authority awarded the WP50F construction contract to Schimdt and Sons Construction Inc. (Contractor). The Effective Date of the Contract was January 12, 2022. Since the start of construction, the Contractor and Owner have executed 0 change orders to this Contract.

Reason:

During the bid phase of this WP, it was assumed that all of the properties could be salvaged. Bids were received on January 12, 2022 and the low bidder, Schmidt & Sons, appeared to include the value of the resale of the houses, since it was significantly lower than the other bids as shown in the table below. During a walk through of the properties in February, it became apparent that two of the houses on OIN 826 and OIN 2185 could not be relocated and had to be demolished. The condition of the properties was different at the Notice To Proceed stage than at the original Bid stage due to maintenance issues which led to failure to winterize the properties. The Diversion Authority is reviewing the procedures with a goal of avoiding these issues in future contracts. The contractor requested a change order that included the loss in resale value, since it was different than bid conditions and since he had buyers already lined up for the buildings, and additional demolition costs, such as hauling and tipping fees, incurred. When compared with the other Bidders on these specific properties, the Authority felt the additional costs were reasonable and the new contract value is still well below the second lowest bidder, refer to the table below.

This Change Order also includes the removal of OIN 25 from the work package due to the ongoing eminent domain process.

Bidder	American Enterprises Inc.	Industrial Builders Inc.	Monsters Contracting	Schmidt & Sons
Bid Cost	\$995,621.50	\$774,697.10	\$675,016.40	\$224,900.75

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

Original Agreement or Amendment	Budget (\$) Change	Previous Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Contract	0.00	0.00	224,900.75	1/12/2022	10/7/2022	Contract award.
Change Order 01	111,655.00	224,900.75	336,555.75	1/12/2022	10/7/2022	Demolish property on OIN 826, OIN 2185 and remove OIN 25

Summary of Annual Budget Allocation

Original Agreement or Amendment	Cost account code	Contract value (\$)	Budget Allocated (\$)	Paid to date (\$)	Budget Remaining (\$)	Comments
2022	CN-4725	336,555.75	336,555.75	36,200.00	300,355.75	Within budget.

Financial Considerations:

Attached for your review and action is Change Order No. 01. This change order increases the total Contract Price \$111,655.00.

The PMC prepared this change order, and feels the information is accurate, complete, and ready for Executive Director review.

ATTACHMENT(S):

1. Change Order No. 01
2. Change Proposal
3. Unit price schedule.

Prepared by: Program Management Consultant

Ian Joynes

Dated: 7/12/2022

Approved by Joel Paulsen, Metro Flood Diversion Authority Executive Director via Aconex.

Dated: 7/20/2022



METRO FLOOD DIVERSION PROJECT

Executive Director Contracting Recommendation

Date: 7/18/2022

RECOMMENDATION FOR ACTION:

The Executive Director has reviewed and recommends approval of the following Contract Action(s).

SUMMARY OF CONTRACTING ACTION:

Per the contract review and approval procedures that were adopted by the Diversion Authority on November 10, 2016 and amended December 16, 2021, the Owner's Program Management Consultant (PMC) or Executive Director is directed to prepare this new Services Agreement and submit them to the Deputy Executive Director's for review and to provide comments to the Executive Director for his or her review and action.

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

Affinix Inc*Service Agreement – Document Management Services***\$118,630.00**

- Document Management Services

BACKGROUND AND DISCUSSION:

The Owner and Affinix Inc (Affinix) is to enter into a Service Agreement to provide Document Management Services for the Metro Flood Diversion Authority.

REASON:

The Project Agreement, Technical Requirements, and volumes of attachments and exhibits are layered with various references and requirements placed upon the MFDA and other parties. Add to this the numerous revisions and amendments over the life of the agreement documents, and it becomes clear the MDFA needs the ability to have fully conformed and up-to-date versions of the contracts. While the document management system (Aconex) allows for storage of static version of these documents, Affinix maintains a real time, cross referenced and linked version of the P3 documents with the digital intelligence to extract and track obligations, tasks, notifications, and other requirement across the life of the concession. The use of Affinix replaces labor intensive and error prone manual updating and cross referencing between documents and revisions, and streamlines review of the documents, enhancing knowledge turnover between individuals and functions within the MDFA organization and ensuring accountability throughout the period of the agreement. Allows for all the project documents to be in one place and provides an amendment tracking tool.

See the table below for a summary of the contracting history for this task order, including this amendment.

SUMMARY OF CONTRACTING HISTORY AND CURRENT CONTRACT ACTION:

Original Agreement or Amendment	Budget Change	Initial or Revised Project Cost	Project Start	Project Completion	Comments
A0	0.00	118,630.00	08/01/2022	07/31/2025	Initial 3 year term.

Budgets by Subtasks:

Ref.	No.	Title	Cost account code	Current Budget (\$)	Change	Revised Budget (\$)
Subtask	1.0	5,000 Page Pack – Professional Plan	SW-1150	90,625.00	0.00	90,625.00
Subtask	2.0	Option for additional 1,000 IDF Page Pack	SW-1150	16,675.00	0.00	16,675.00
Subtask	3.0	Option for 1,000 rows of Task population	SW-1150	8,000.00	0.00	8,000.00
Subtask	4.0	CPI (assume 10%)	SW-1150	3,330.00	0.00	3,330.00
		Total		118,630.00	0.00	118,630.00

Summary of Budget Allocation – Per Year 2022 to 2025

Year	Original Agreement or Amendment	Cost account code	Estimated cost (\$)	Budget Allocated (\$)	Actual Paid to date (\$)	Budget Remaining (\$)	Comments
2022	A0	SW-1150	82,000.00	82,000.00	0.00	82,000.00	Within allocated annual budget.
2023	A0	SW-1150	11,100.00	12,210.00	0.00	12,210.00	Within allocated annual budget.
2024	A0	SW-1150	11,100.00	12,210.00	0.00	12,210.00	Within allocated annual budget.
2025	A0	SW-1150	11,100.00	12,210.00	0.00	12,210.00	Within allocated annual budget.
	Total	SW-1150	118,630.00	118,630.00	0.00	118,630.00	

The PMC prepared this task order amendment, and feels the information is accurate, complete, and ready for Executive Director review.

ATTACHMENT(S):

1. Affinix Service Agreement

Prepared by: Program Management Consultant

Ian Joynes

Dated: 7/18/2022

Approved by Joel Paulsen, Metro Flood Diversion Authority Executive Director via Aconex.

Date: 7/20/2022



City of Fargo Work Plan for Projects Bid in 2022

Executive Summary

July 14, 2022

The following executive summary provides an overview of the status of City of Fargo revised work plan for Local Flood Protection and Associated Infrastructure (LFPAI) component of the FM Area Diversion as of July 2022.

OVERVIEW

Local Flood Protection and Associated Infrastructure, formerly referenced as the In-Kind Work Plan or In-Town Projects, has been developed and approved by the Diversion Authority Board and the Member Entities. The LFPAI summarizes the additional impacts and measures that need to be implemented to accommodate a flow through the Fargo-Moorhead urban area that produces a river stage of 37 feet during a 100-year flood event. Member entities include the - City of Fargo, City of Moorhead, Cass County, Cass County Joint Water Resource District and Clay County. LFPAI project development through construction is led by the member entity jurisdiction where the construction is occurring.

BOARD HISTORY

The Metro Flood Diversion Authority(MFDA) approved the “2022 Cash Budget” at their December 16, 2021, meeting. The 2022 Cash Budget included all costs associated with the City of Fargo 2022 Work Plan for a total approved budget of \$25,000,000 for the City of Fargo Work Plan.

The MFDA then approved the “Resolution Approving the Procedure for Requesting that the City of Fargo Undertake Development of Comprehensive Project In-Kind Work Elements and Authorizing the Reimbursement of Such Development Costs and Expenses” at their January 27, 2022, meeting.

Consistent with the Financial Plan for the Comprehensive Project, the MFDA submitted applications for State Revolving Fund (SRF) Clean Water Loans for all three construction projects to be completed by the City of Fargo in 2022. The MFDA Clean Water SRF loan was approved by the ND Industrial Commission on March 24, 2022. The Diversion Authority Board approved the SRF loan documents at its regular May 2022 meeting.

In April 2022, the MFDA approved an updated work plan for the City of Fargo for three projects to be bid for construction in 2022. The updated work plan revised the budgets for the three projects with an estimated savings or budget reduction of (\$976,940).

CITY OF FARGO 2022 PROJECTS BID WORK PLAN – Revised July 2022

Since the April 2022 MFDA Board meeting, the City of Fargo has received and accepted bids on three of the projects to begin construction in 2022. The results of the bids are summarized below:

FM-19-C (Phases 1 and 2): Bids came in as anticipated. No budget change requested.

FM-22-C1: 2018 Estimate = Bids came in higher than the 2022 Engineer's Estimate.
Requested Budget Increase = \$375,000

FM-22-B1: Bids came in as anticipated. No budget change requested.

The City of Fargo does have one final project that is planned to be bid in 2022 and was included within the approved 2022 Cash Budget. Project FM-21-A1 is an O&M project for erosion protection and bank stabilization of the South University floodwall. The Development Plan Summary Sheet for this project is attached. The City of Fargo recently revised their engineer's estimate for this project due to the following:

- The area of the riverbank to be armored with rock rip rap needed to be expanded due to the riverbank failure area increasing since the original estimate was put together. The area increased was slightly less than double the original area.
- The addition of pavement removal and replacement on 52nd Avenue S to repair the roadway where the bank failure has extended into it. This cost accounts for approximately \$75k of the increased cost.
- The current bidding market and inflation impacts.

FM-21-A1: 2022 Engineer's Estimate including engineering and contingency = \$2,805,000
Request Budget Increase = \$1,292,500

The City of Fargo is currently waiting on the Sovereign Lands Permit for this project before they bid the project. However, we feel that it is important to complete this work in 2022 so that the erosion does not continue to expand.

If the proposed motion below is approved, the four City of Fargo projects to be bid in 2022 will have a collective increase of approximately \$700,000. It is important to note that portions of these projects will carry over into 2023. At this time, we are confident that the work for these four projects to be completed within 2022 are within the approved 2022 cash budget. Therefore, no cash budget amendment is being requested.

PROPOSED MOTION

Per the "Resolution Approving the Procedure for Requesting that the City of Fargo Undertake Development of Comprehensive Project In-Kind Work Elements and Authorizing the Reimbursement of Such Development Costs and Expenses" I move to approve the Revised 2022 Development Plan Summary Sheets and the Estimated Total Project Costs (attached) for the following City of Fargo Projects:

- FM-22-C1 – Storm Sewer Lift Stations #55 & #56 Reconstruction, for an increased budget of \$375,000.
- FM-21-A1 – Erosion Protection & Bank Stabilization, for an increased budget of \$1,292,500

(Remainder of page intentionally left blank.)



Development Plan Summary Sheet

Contract Number FM-22-C1 (Formerly FM-14-71)

Project Name STS LS #55 & #56 Reconstruction

Member Entity City of Fargo

Date Submitted: 4/18/2022 Member Entity Contact Nathan Boerboom

Design Services

Approach: ☒ Competitive ☒ Existing Firm: Houston Engineering Contract value: 570,000.00

Subconsultants

Braun Intertec

JK Engineers, Inc.

Services

Geotechnical Engineering

Electrical Engineering

Estimated Cost for Design Professional Services (A)

Start of Design: 2013

\$ 570,000.00

Design Completion: 3/2022

Percentage Complete : 100 %

Property Acquisition

Estimated Cost for Property Acquisition (B)

\$ 334,000.00

Estimated Cost for Property Acquisition Services (C)

\$ 0

Start of Property Acquisition: 1/1/16

Acquisition Complete: 3/1/22

Property Acquisition Needed by: 4/15/22

Percentage Complete 100 %

Construction

Estimated Cost for Construction (D)*

\$ 7,900,000.00

Start of Construction: 7/11/22

Construction Complete: _____

Percentage Complete: 0 %

* Includes Utility Relocation and Misc. Costs - see attached estimate for additional details.

Construction Services

Approach: ☒ Competitive ☒ Existing Firm: Houston Engineering Contract value: 380,000.00

Subconsultants

Braun Intertec

JK Engineers, Inc.

Services

Material Testing

Electrical Engineering

Estimated Cost for Construction Professional Services (E)

\$ 380,000.00

Percentage Complete: 0 %

ESTIMATED TOTAL PROJECT COST (A+B+C+D+E)
CONTINGENCY (10%)

\$ 9,184,000

\$ 433,000

FY20 22 TOTAL PROJECT BUDGET AMOUNT:

\$ 9,617,000



Compliant with (Member entity) City of Fargo



Compliant with WIFIA requirements.

procurement and/or purchasing procedures.



Development Plan Summary Sheet for Construction

Contract Number FM-22-C1 (Formerly FM-14-71)

Project Name STS LS #55 & #56 Reconstruction

Member Entity City of Fargo

Date Submitted: 3/18/2022 Member Entity Contact Nathan Boerboom

Construction

Contractor Key Contracting & Rick Electric

Contract Value \$ 7,799,149.46

Change Order ___ Value \$ _____ :

Change Order ___ Value \$ _____ :

Change Order ___ Value \$ _____ :

Change Order ___ Value \$ _____ :

Total Cost = Contract Value + All Change Orders = \$ _____

Subconsultants

Dakota Seeding

Dakota Fence

Northern Dewatering

North Star Safety

Braun Intertec

Services

Clear & Grub, ESC, Seeding & Trees

Fence

Dewatering

Pavement Marking & Traffic Control

Structural Inspections

Start of Construction: _____

Construction Complete: _____

FY20___ TOTAL PROJECT BUDGET AMOUNT: \$ _____

_____ Compliant with (Member entity) _____ procurement and/or purchasing procedures.

_____ Compliant with WIFIA requirements.

Additional Notes:

Project design start was originally back in 2013 and the scope of the project included the design of floodwalls, levees and storm sewer lift stations. Project design was delayed as progress of the overall Diversion project progressed and scope of work was ultimately reduced to the two lift stations now scheduled for reconstruction. Original project number was FM-14-71 but has recently been updated to FM-22-C1.



Development Plan Summary Sheet

Contract Number FM-21-A1

Project Name Red River Erosion Protection & Bank Stabilization

Member Entity City of Fargo

Date Submitted: 7/15/2022 Member Entity Contact Nathan Boerboom

Design Services

Approach: ☒ Competitive ☒ Existing Firm: Houston Engineering Contract value: 120,000.00

Subconsultants

Braun Intertec

Services

Geotechnical Engineering

Estimated Cost for Design Professional Services (A)

Start of Design: 2021

\$ 280,000.00

Design Completion: 8/2022

Percentage Complete : 95 %

Property Acquisition

Estimated Cost for Property Acquisition (B)

\$ 0

Estimated Cost for Property Acquisition Services (C)

\$ 0

Start of Property Acquisition: _____

Acquisition Complete: _____

Property Acquisition Needed by: _____

Percentage Complete _____ %

Construction

Estimated Cost for Construction (D)*

\$ 2,300,000.00

Start of Construction: _____

Construction Complete: _____

Percentage Complete: 0 %

* Includes Utility Relocation and Misc. Costs - see attached estimate for additional details.

Construction Services

Approach: ☒ Competitive ☒ Existing Firm: Houston Engineering Contract value: 130,000.00

Subconsultants

Braun Intertec

Services

Material Testing

Estimated Cost for Construction Professional Services (E)

\$ 130,000.00

Percentage Complete: 0 %

ESTIMATED TOTAL PROJECT COST (A+B+C+D+E)
CONTINGENCY (10%)

\$ 2,550,000.00
\$ 255,000.00

FY20 22 TOTAL PROJECT BUDGET AMOUNT:

\$ 2,805,000.00

☐ Compliant with (Member entity) _____ procurement and/or purchasing procedures.

☐ Compliant with WIFIA requirements.

Contract Number	FM-21-A1
Project Name	Red River Erosion Protection & Bank Stabilization
Member Entity	City of Fargo
Member Entity Contact	Nathan Boerboom

Contractor	TBD
Contract Value	\$
Change Order __	Value \$:
Change Order __	Value \$:
Change Order __	Value \$:
Change Order __	Value \$:
Total Cost = Contract Value + All Change Orders = \$	

Services

[illegible]

Construction Complete: _____

_____ Compliant with (Member entity) _____ procurement and/or purchasing procedures.
 _____ Compliant with WIFIA requirements.

Additional Notes:

This project is necessary due to a failure of the river bank along South University Drive north of 52nd Avenue S. The failure of the river bank is due to erosion occurring on the outside meander of the river. The failure has resulted in a portion of the existing floodwall along South University Drive to have moved towards the river. This movement of the floodwall is currently being monitored by Fargo and a repair project will need to occur on it in the next couple of years. This current project, FM-21-A1, is intended to reduce the erosion of the river bank by sloping back portions of the river bank and placing rock rip rap along the bank. By reducing the erosion, the movement on the river bank should be minimized so that the existing floodwall does not experience any additional damage.



June 27, 2022

To the Governing Board of the
Metro Flood Diversion Authority
Metro Flood Diversion Authority
Fargo, North Dakota

We have audited the financial statements of Metro Flood Diversion Authority as of and for the year ended December 31, 2021, and have issued our report thereon dated June 27, 2022. Professional standards require that we advise you of the following matters relating to our audit.

Our Responsibility in Relation to the Financial Statement Audit under *Government Auditing Standards*

As communicated in our letter dated April 29, 2022, our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of Metro Flood Diversion Authority solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our findings regarding significant control deficiencies over financial reporting and material noncompliance, and other matters noted during our audit in a separate letter to you dated June 30, 2022.

Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

Compliance with All Ethics Requirements Regarding Independence

The engagement team, others in our firm, as appropriate, our firm, and other firms utilized in the engagement, if applicable, have complied with all relevant ethical requirements regarding independence.

Significant Risks Identified

As stated in our auditor's report, professional standards require us to design our audit to provide reasonable assurance that the financial statements are free of material misstatement whether caused by fraud or error. In designing our audit procedures, professional standards require us to evaluate the financial statements and assess the risk that a material misstatement could occur. Areas that are potentially more susceptible to misstatements, and thereby require special audit considerations, are designated as "significant risks". We have identified the following as significant risks.

Management Override of Controls – Professional standards require auditors to address the possibility of management overriding controls. Accordingly, we identified as a significant risk that management of the Company may have the ability to override controls that the organization has implemented. Management may override the organization's controls in order to modify the financial records with the intent of manipulating the financial statements to overstate the Company's financial performance or with the intent of concealing fraudulent transactions.

Revenue Recognition – We identified revenue recognition as a significant risk due to financial and operational incentives for the Company to overstate revenues.

Qualitative Aspects of the Entity's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by Metro Flood Diversion Authority is included in Note 1 to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during 2021. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments. No such significant accounting estimates were identified.

Financial Statement Disclosures

The financial statement disclosures are neutral, consistent, and clear.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. Uncorrected misstatements or matters underlying those uncorrected misstatements could potentially cause future-period financial statements to be materially misstated, even though the uncorrected misstatements are immaterial to the financial statements currently under audit. There are no uncorrected misstatements noted. The following misstatement that we identified as a result of our audit procedures were brought to the attention of, and corrected by, management:

To record reimbursement as revenue that was received within 90 days after year-end:

Deferred Revenue	\$4,927,025
Revenue	\$4,927,025

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to Metro Flood Diversion Authority financial statements or the auditor's report. No such disagreements arose during the course of the audit.

Circumstances that Affect the Form and Content of the Auditor's Report

For purposes of this letter, professional standards require that we communicate any circumstances that affect the form and content of our auditor's report. We did not identify and circumstances that affect the form and content of the auditor's report.

Representations Requested from Management

We have requested certain written representations from management which are included in the management representation letter dated June 27, 2022.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with Metro Flood Diversion Authority, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, significant events or transactions that occurred during the year, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as Metro Flood Diversion Authority's auditors.

This report is intended solely for the information and use of the governing Board, and management of Metro Flood Diversion Authority and is not intended to be, and should not be, used by anyone other than these specified parties.

A handwritten signature in black ink that reads "Erik Bailly LLP". The signature is written in a cursive, flowing style.

Mankato, Minnesota



Financial Statements
December 31, 2021

Metro Flood Diversion Authority

Metro Flood Diversion Authority

Table of Contents

December 31, 2021

Board of Authority	1
Independent Auditor's Report	2
Basic Financial Statements	
Government-Wide Financial Statements	
Statement of Net Position	5
Statement of Activities	6
Fund Financial Statements	
Balance Sheet – Governmental Funds	7
Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position	8
Statement of Revenue, Expenditures and Changes in Fund Balances – Governmental Funds	9
Reconciliation of the Changes in Fund Balances of Governmental Funds to the Statement of Activities	10
Notes to Financial Statements	11
Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	23
Schedule of Findings and Responses	25

Metro Flood Diversion Authority

Board of Authority (Unaudited)

December 31, 2021

<u>Name</u>	<u>Title</u>	<u>Appointed By:</u>
Tim Mahoney	Fargo Mayor	City of Fargo
John Strand	Fargo Commissioner	City of Fargo
Dave Piepkorn	Fargo Commissioner	City of Fargo
Shelly Carlson	Moorhead Mayor	City of Moorhead
Chuck Hendrickson	Moorhead Councilor	City of Moorhead
Larry Seljevold	Moorhead Councilor	City of Moorhead
Mary Scherling	Cass Commissioner	Cass County
Rick Steen	Cass Commissioner	Cass County
Chad Peterson	Cass Commissioner	Cass County
Kevin Campbell	Clay Commissioner	Clay County
David Ebinger	Clay Commissioner	Clay County
Rodger Olson	CCJWRD Manager	CCJWRD
Bernie Dardis	West Fargo Mayor	City of West Fargo

All board members are annual appointments by each entity.



Independent Auditor's Report

To the Governing Board
of the Metro Flood Diversion Authority
Fargo, North Dakota

Report on the Audit of the Financial Statements

Opinions

We have audited the financial statements of the governmental activities and the major fund of the Metro Flood Diversion Authority ("the Authority"), as of and for the year ended December 31, 2021, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the major fund of the Authority as of December 31, 2021, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Authority, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America; and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinions on the basic financial statements are not affected by the missing information.

Other Information

Management is responsible for the other information included in the annual report. The other information comprises the listing of the board of authority but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated June 27, 2022 on our consideration of the Authority's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Authority's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Authority's internal control over financial reporting and compliance.

A handwritten signature in black ink that reads "Erik Bailey LLP". The signature is written in a cursive, flowing style.

Mankato, Minnesota
June 27, 2022

Metro Flood Diversion Authority

Statement of Net Position

December 31, 2021

Assets	
Cash	\$ 16,562,967
Equity in pooled investments	69,163,825
Accounts receivable	100
Intergovernmental receivables	
North Dakota Public Finance Authority	50,585,791
City of Fargo, North Dakota	7,568,204
Cass County, North Dakota	3,814,880
Other governments	518,320
Interest receivable	88,630
Prepaid items	223,728
	<hr/>
Total assets	148,526,445
	<hr/>
Liabilities	
Vouchers payable	14,104,118
Contract retainage payable	167,048
Deposits payable	19,350
Long-term liabilities	
Accrued interest on settlement payable	800,000
Due in more than one year - settlement payable	40,000,000
	<hr/>
Total liabilities	55,090,516
	<hr/>
Net Position	
Restricted for:	
Public protection	<u>\$ 93,435,929</u>

Metro Flood Diversion Authority
Statement of Activities
Year Ended December 31, 2021

Functions/Programs	Expenses	Program Revenues			Net (Expense) Revenue and Change in Net Position
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities
Governmental Activities					
Public protection	\$ 106,317,663	\$ -	\$ 161,648,177	\$ -	\$ 55,330,514
General Revenues and Transfers					
Investment earnings					(244,120)
Interest expense					(800,000)
Miscellaneous revenue					2,484,123
Total general revenues					1,440,003
Change in Net Position					56,770,517
Net Position - Beginning					36,665,412
Net Position - Ending					<u>\$ 93,435,929</u>

Metro Flood Diversion Authority

Balance Sheet – Governmental Funds

December 31, 2021

	<u>General</u>
Assets	
Cash	\$ 16,562,967
Equity in pooled investments	69,163,825
Accounts receivable	100
Intergovernmental receivables	
North Dakota Public Finance Authority	50,585,791
City of Fargo, North Dakota	7,568,204
Cass County, North Dakota	3,814,880
Other governments	518,320
Interest receivable	88,630
Prepaid items	223,728
	<u> </u>
Total assets	<u>\$ 148,526,445</u>
Liabilities	
Vouchers payable	\$ 14,104,118
Contract retainage payable	167,048
Deposits payable	19,350
	<u> </u>
Total liabilities	<u>14,290,516</u>
Deferred Inflows of Resources	
Unavailable revenue	34,552,153
	<u> </u>
Fund Balance	
Nonspendable	223,728
Restricted	99,460,048
	<u> </u>
Total fund balance	<u>99,683,776</u>
Total liabilities, deferred inflows of resources, and fund balance	<u>\$ 148,526,445</u>

Metro Flood Diversion Authority
Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position
December 31, 2021

Total Funds Balances - Governmental Funds	\$ 99,683,776
Amounts reported for governmental activities in the statement of net position are different because:	
Certain aids from other governments are not considered available for current financial resources and are therefore deferred in the funds. However, they are properly recognized as revenue in the entity-wide statements as soon as the appropriation has been made.	34,552,153
Long-term liabilities are not due and payable in the current period and therefore are not reported as liabilities in the funds.	<u>(40,800,000)</u>
Total Net Position - Governmental Activities	<u><u>\$ 93,435,929</u></u>

Metro Flood Diversion Authority

Statement of Revenue, Expenditures and Changes in Fund Balances – Governmental Funds

Year Ended December 31, 2021

Revenues

Aid from other governments

State of North Dakota Water Commission \$ 44,928,872

Cass County, North Dakota 20,605,468

City of Fargo, North Dakota 39,900,525

City of Oxbow, North Dakota 122,037

Cass County Joint Water Resource District 28,630,991

Investment earnings (244,120)

Miscellaneous 2,484,123

Total revenues 136,427,896

Expenditures

Current

Public protection 106,317,663

Net Change in Fund Balances 30,110,233

Fund Balances, Beginning of Year 69,573,543

Fund Balances, End of Year \$ 99,683,776

Metro Flood Diversion Authority

Reconciliation of the Changes in Fund Balances of Governmental Funds to the Statement of Activities
Year Ended December 31, 2021

Net Change in Funds Balances - Total Governmental Fund	\$ 30,110,233
Amounts reported for governmental activities in the statement of activities are different because	
Certain aids from other governments are not considered available for current financial resources and are therefore deferred in the fund. However, they are properly recognized as revenue in the statement of activities as soon as they have been appropriated. Current year effect	<u>27,460,284</u>
Repayment of long-term debt is reported as an expenditure in governmental funds, but the repayment reduces long-term liabilities on the statement of net position. In the current period these amounts consist of: Accrued interest on settlement payable	<u>(800,000)</u>
Change in Net Position of Governmental Activities	<u><u>\$ 56,770,517</u></u>

Metro Flood Diversion Authority

Notes to Financial Statements

December 31, 2021

Note 1 - Reporting Entity**Definition of Reporting Entity and Governing Board**

The Metro Flood Diversion Authority (Authority) is a political subdivision of the State of North Dakota. It was created June 1, 2016 pursuant to a Joint Powers Agreement. Parties to this agreement are the following member entities: City of Fargo, North Dakota; Cass County, North Dakota; Cass County Joint Water Resource District; the City of Moorhead, Minnesota; and Clay County, Minnesota. The Metro Flood Diversion Authority was formed for the purpose of providing the Fargo-Moorhead Metropolitan Area with permanent and comprehensive flood protection.

The Authority is governed by a thirteen-member governing board, referred to as the Diversion Authority Board. Three members are appointed by the Fargo City Commission, three members by the Moorhead City Council, three members by the Cass County Commission, two members by the Clay County Commission, one member by the Cass County Joint Water Resource District, one member by the West Fargo City Commission and one member appointed jointly by the Wilkin County Commission and the Richland County Commission.

The Comprehensive Project

The Comprehensive Project consists of a southern embankment and associated infrastructure (SEAI) and a storm water diversion channel and associated infrastructure (SWDCAI). The SEAI consists of a Diversion Inlet Control Structure, Wild Rice River Control Structure, Red River Control Structure, one railroad bridge, and a 20-mile earthen embankment. The SWDCAI consists of a 30-mile channel, two four-lane interstate bridges, four railroad bridges, twelve county highway bridges, and two river aqueducts. The Comprehensive Project is designed to protect the Fargo-Moorhead metropolitan area from a 100-year flood event and provide the ability to defend to a 500-year flood event.

United States Army Corps of Engineers (USACE) has led the planning and development of the Comprehensive Project since 2008. USACE has identified the Comprehensive Project as a national pilot project and entered into a unique Project Partnership Agreement (PPA) with the Authority, the City of Fargo, and the City of Moorhead (Non-Federal Sponsors) whereby delivery of the Comprehensive Project is split into two major parts. The SEAI and mitigation features not associated with the Non-Federal Work will be constructed by USACE. The USACE, pursuant to the PPA, will contribute up to \$750,000,000 to the Comprehensive Project to be used primarily to fund the construction of the SEAI. The SWDCAI and associated mitigation, all lands, and easements, for the Comprehensive Project and levees within Fargo and Moorhead will be constructed by the Authority.

Metro Flood Diversion Authority

Notes to Financial Statements

December 31, 2021

Note 2 - Summary of Significant Accounting Policies**Basis of Presentation***Government-wide Financial Statements*

The statement of net position and statement of activities display information about the primary government (Authority). These statements include the financial activities of the overall government. The statement of activities presents direct expenses and program revenues for each function of the Authority's governmental activities. Direct expenses are those that are specifically associated with a program or function and; therefore, are clearly identifiable to a particular function. Program revenues include grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Investment earnings and other items which are excluded from program revenues are reported instead as general revenues.

When both restricted and unrestricted resources are available, restricted resources are used first, then unrestricted resources as needed.

Fund Financial Statements

The fund financial statements provide information about the Authority's funds, which include only a governmental fund. The Authority reports the following major governmental fund: The *General Fund* is the main operating fund and is used to account for all revenues and expenditures necessary to carry out basic governmental activities of the Authority. For the Authority, the General Fund's activities include public protection only.

Measurement Focus and Basis of Accounting

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expense are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized in the accounting period in which they become both measurable and available to finance expenditures of the current period. Intergovernmental revenues are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period to the extent they are collected in 90 days. Expenditures are generally recorded when a liability is incurred, as under accrual accounting.

Metro Flood Diversion Authority

Notes to Financial Statements

December 31, 2021

Equity in Pooled Investments

Pursuant to the joint powers agreement, the City of Fargo, North Dakota, as the fiscal agent of the Authority, has custody of all equity in pooled investments. The Authority's share of the equity in pooled investments is separately accounted for and interest earned is apportioned at the end of each month based upon the relationship of its daily cash balance to the total of the pooled account.

Receivables and Payables

Intergovernmental receivables in the governmental fund consist of aid from other governments related to sales tax dedicated to the Authority by Cass County and the City of Fargo. Reimbursement requests related to appropriated North Dakota State Water Commission funding is also reported as an Intergovernmental receivable.

Payables include work performed and/or goods and services received prior to year-end and paid to vendors subsequent to year end.

Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods (consumption method) and are recorded as prepaid items in both government-wide and fund financial statements.

Deferred Inflows of Resources

In addition to liabilities, the financial statements will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to future period(s) and so will *not* be recognized as an inflow of resources (revenue) until that time. The Authority has one type of item that qualifies for reporting in this category. The Authority reports unavailable revenues from intergovernmental grants on the governmental funds balance sheet. These amounts are deferred and recognized as an inflow of resources in the period that the amounts become available.

Metro Flood Diversion Authority

Notes to Financial Statements

December 31, 2021

Revenue – Aid from Other Governments

Pursuant to a joint powers agreement, the City of Fargo has pledged one and a quarter cent of its sales and use tax as pledged revenue to the Authority. Cass County has pledged 94% of its one-half cent countywide sales and use tax as pledged revenue to the Authority.

Cass County, ND

Pursuant to Cass County Ordinance No. 2010-2, Cass County imposed a one-half of one percent (0.5%) sales and use tax upon the gross receipts of retailers from all sales at retail, including leasing or rental of tangible personal property, within the corporate limits of Cass County ("County 2010-2 Sales Tax"). The proceeds of the County 2010-2 Sales Tax are dedicated for payment of expenses incurred for the planning, engineering, land purchase, construction, and maintenance of a Red River diversion channel and other flood control measures or the payment of special assessments, or debt incurred for a Red River diversion and other flood control measures as authorized by the Board of Cass County Commissioners. Cass County has determined that it will legally pledge not less than ninety-four percent (94%) of the County 2010-2 Sales Tax to Authority Loans, Authority Revenue Bonds and all other expenses of the Authority including but not limited to refunding improvement bonds issued by CCJWRD, and milestone payments, availability payments, and other payments for the Comprehensive Project.

The County 2010-2 Sales Tax was anticipated to expire on March 31, 2031. The Cass County Commission, however, desired to extend the expiration date for the County 2010-2 Sales Tax until 2084, and voted unanimously to place such extension upon the November 8, 2016, ballot. The County 2010-2 Sales Tax was previously approved by sixty-four percent (64%) of the voters. On November 8, 2016, the extension of the County 2010-2 Sales Tax was approved by sixty-three percent (63%) of the voters (in both elections, a simple majority of voters was needed in order to pass). Pursuant to the ballot question presented to the voters, sales and use tax revenue generated by the County 2010-2 Sales Tax may be used for debt obligations including the authority loans, milestone payments, availability payments, and any other costs or charges associated with the SWDCAI and Comprehensive Project.

City of Fargo

The City of Fargo adopted a sales and use tax ("City Flood Control Tax") by enacting Article 3-21 of the City of Fargo Municipal Code. The City Flood Control Tax imposes a one-half of one percent (0.5%) sales and use tax upon the gross receipts of retailers from all retail sales, including the leasing or renting of tangible personal property, within the corporate limits of the City of Fargo. The proceeds of the City Flood Control Tax are dedicated for acquiring property; making, installing, designing, financing, and constructing improvements; engaging in projects that are necessary for the goal of achieving risk reduction and the ability to defend the community against a five hundred (500) year flood event; and servicing bonds or other debt instruments. The City of Fargo has determined that it will dedicate one hundred percent (100%) of its City Flood Control Tax to the Authority.

Metro Flood Diversion Authority

Notes to Financial Statements

December 31, 2021

In 2012, the City of Fargo adopted a second sales and use tax ("City Infrastructure Tax") by enacting Article 3-22 of the City of Fargo Municipal Code. The City Infrastructure Tax imposes a one-half of one percent (0.5%) sales and use tax upon the gross receipts of retailers from all retail sales, including the leasing or renting of tangible personal property, within the corporate limits of the City of Fargo. The proceeds of the City Infrastructure Tax are dedicated for such infrastructure capital improvements as the governing body of the City of Fargo selects, including streets and traffic management; water supply and treatment needs including construction or expansion of water treatment facilities; water distribution system needs; sewerage treatment and collection system needs, including construction or expansion of sewage treatment facilities; and flood protection or flood risk mitigation projects, and related improvements and activities. The City of Fargo has determined that it will dedicate one hundred percent (100%) of its City Infrastructure Tax not being utilized for present infrastructure projects to the Authority.

The City Flood Control Tax and the City Infrastructure Tax was anticipated to expire on December 31, 2029, and December 31, 2032, respectively. The City of Fargo City Commission, however, desired to extend the expiration dates for the City Flood Control Tax and the City Infrastructure Tax until 2084, and as a result, voted to place such extensions upon the November 8, 2016, ballot. The City Flood Control Tax was previously approved by ninety and seven/tenths percent (90.7%) of the vote, and the City Infrastructure Tax was previously approved by sixty and three/tenths percent (60.3%) of the vote. On November 8, 2016, the extension of the City Flood Control Tax and the City Infrastructure Tax was approved by sixty-six percent (66%) of the voters (a super majority, i.e. sixty percent (60%), was needed to pass). Pursuant to the ballot question presented to the voters, sales and use tax revenue generated by the City Flood Control Tax and the City Infrastructure Tax may only be used for debt obligations including authority loans, milestone payments, availability payments, and any and all other costs or charges associated with the Comprehensive Project.

The City of Fargo has additionally imposed a sales and use tax ("City Capital Improvements Tax") by enacting Article 3-20 of the City of Fargo Municipal Code. The City Capital Improvements Tax imposes a one percent (1%) sales and use tax upon the gross receipts of retailers from all retail sales, including the leasing or renting of tangible personal property, within the corporate limits of the City of Fargo. The proceeds of the City Capital Improvements Tax are also dedicated for such infrastructure capital improvements as the governing body of the City of Fargo selects, including streets and traffic management; water supply and treatment needs including construction or expansion of water treatment facilities; water distribution system needs; sewerage treatment and collection system needs, including construction or expansion of sewage treatment facilities; and flood protection or flood risk mitigation projects. The City of Fargo has dedicated and will dedicate, as part of the Fargo Pledge, one quarter of the one percent (0.25%) City Capital Improvement Tax to the Authority until 2028.

Metro Flood Diversion Authority

Notes to Financial Statements

December 31, 2021

North Dakota Legislative Session Appropriations

The Authority has been appropriated from the Legislative Sessions as summarized in the table below.

North Dakota State Water Commission Appropriations from 2009 Legislative Session	\$ 45,000,000
North Dakota State Water Commission Appropriations from 2011 Legislative Session	30,000,000
North Dakota State Water Commission Appropriations from 2013 Legislative Session	100,000,000
North Dakota State Water Commission Appropriations from 2015 Legislative Session	69,000,000
North Dakota State Water Commission Appropriations from 2015 Legislative Session - Interior Flood Control	60,000,000
North Dakota State Water Commission Appropriations from 2017 Legislative Session	66,500,000
North Dakota State Water Commission Appropriations from 2019 Legislative Session	44,000,000
Total North Dakota State Water Commission Appropriations	414,500,000
Legacy Bonds from 2021 Legislative Session	435,500,000
Total	<u>\$ 850,000,000</u>

Funds become appropriated at the legislature when a cost share agreement is approved.

Public Protection Expense

Although the Metro Flood Diversion Authority's sole purpose is to construct permanent and comprehensive flood protection for residents, the infrastructure is ultimately owned or maintained by one of the member entities, and as a result, the public protection costs of the flood protection infrastructure are shown as public protection expenses (not capital assets) in these financial statements.

Net Position and Fund Balances

Net position represents the difference between (a) assets and deferred outflows of resources and (b) liabilities and deferred inflows of resources in the Authority's financial statements. Net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any long-term debt attributable to the acquisition, construction, or improvement of those assets. Restricted net position consists of restricted assets reduced by liabilities related to those assets. Unrestricted net position is the net amount of assets and liabilities that are not included in the determination of net investment in capital assets or the restricted component of net position.

Fund balances are classified based on the spending constraints placed upon them. The following classifications describe the relative strength of the spending constraints:

- Nonspendable fund balance – amounts that are not in spendable form (such as prepaid amounts) or are required to be maintained intact.
- Restricted fund balance – amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation.

Metro Flood Diversion Authority

Notes to Financial Statements

December 31, 2021

- Committed fund balance – amounts constrained to specific purposes by the Authority itself, using its highest level of decision-making authority (i.e. Diversion Authority Board). To be reported as committed, amounts cannot be used for any other purpose unless the Authority takes the same, or higher, level action to remove or change the constraint.
- Assigned fund balance – amounts the Authority intends to use for a specific purpose. Intent can be expressed by the Diversion Authority Board or by an official or body to which the Diversion Authority Board delegates the authority.
- Unassigned fund balance - amounts that are available for any purpose. Positive amounts are reported only in the general fund.

The Diversion Authority Board establishes (and modifies or rescinds) fund balance commitments by passage of a resolution. A resolution is the highest level of authority and requires another resolution to modify or rescind.

Assigned fund balance is established by the Diversion Authority Board through adoption or amendment of the budget as intended for specific purpose (such as the purchase of capital outlay, project construction, debt service, or other purposes).

The Authority's first priority is to utilize the restricted fund balance. Committed funds will be considered second with assigned fund balance third when expenditures are incurred for purposes for which amounts in any of those unrestricted fund balance classifications are eligible to be used.

Use of Estimates

The preparation of the financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Note 3 - Equity in Investments**Authorized Investments**

The Authority follows the City of Fargo's investment policy with respect to the management of cash and investments. As the Authority's cash and investments are held with the City as pooled funds, the disclosures within this report reflect the City's balances overall, which includes the Diversion Authority funds as a portion of them.

The City has an adopted investment policy, conforming to federal, state, and other legal requirements, including the City of Fargo Home Rule Charter, specifically Article 3.B – Powers of the City. This policy sets forth the City's investment objectives as well as authorized and suitable deposits and investments, and serves as a guide to proper diversification, maturity constraints, internal controls, and performance measurement. The foremost objective of the City's investment program as set forth by the investment policy is safety of principal. Investment decisions are made under the assumption that, except under limited circumstances, all investments within the pooled portfolios will be held to maturity.

Metro Flood Diversion Authority

Notes to Financial Statements

December 31, 2021

Allowable deposits and investment include:

- Direct obligations of the United States of America
- Debt securities issued by government sponsored enterprises (GSE's), federal agencies, and federal financing banks
- Direct obligations of the state of North Dakota
- Commercial paper
- Bankers' acceptances
- Negotiable certificates of deposit
- Certificates of deposit and time deposits
- Obligations or notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States
- Investments in money-market funds rated "AAAm" by Standard & Poor's Corporation
- Repurchase agreements that are collateralized only by direct obligation of the U.S. government, GNMA, Fannie Mae, Freddie Mac, FFCB, and FHLB
- Asset-backed securities (ABS) rated a minimum of AA long-term or A-1 short-term, or its equivalent, from any nationally recognized statistical rating organization (NRSRO)

Deposits

In accordance with North Dakota Century Code, the City maintains deposits at those depository banks and brokerages authorized by the City Commission, all of which are covered by Federal Depository Insurance or Securities Investor Protection. Century Code requires that all City deposits be protected by insurance, collateral or surety bond. The market value of the collateral pledged must be equal to or greater than 110% of the deposits not covered by insurance or bonds. As of December 31, 2021, the carrying amount of the City's deposits was \$115,877,120 and the bank balance was \$120,208,909. As noted above, the bank balance is covered by Federal Depository Insurance or Securities Investor Protection.

Custodial Credit Risk

Custodial credit risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. Per the City's investment policy, custodial credit risk will be minimized by using the following techniques; limiting investments to the safest type of securities, pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with which the City will do business; and diversifying the investment portfolio so that potential losses on individual securities will be minimized. As of December 31, 2021, the City's deposits were either fully insured or properly collateralized, were held in the City's name, and have no custodial credit risk.

Interest Rate Risk

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The chart below summarizes the City's investments using segmented time distribution. The City's investment policy, limits investing funds primarily in short-term and intermediate-term liquid securities of high credit quality to ensure adequate liquidity and minimize the impact of changes in interest rates. Portfolios are structured so that securities mature concurrent with cash needs to meet anticipated demands.

Metro Flood Diversion Authority

Notes to Financial Statements

December 31, 2021

Credit Risk

Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. As outlined above, city policy limits the type of investments allowed to reduce the amount of credit risk to the portfolio. The chart below summarizes the credit quality of the City's investment holdings for 2021.

Investment Type	Credit Rating	Fair Value	N/A	Investment Maturities			
				<1 year	1-5 years	5-10 years	>10 years
Corporate bonds	AAA	\$ 16,246,171	\$ -	\$ -	\$ 16,246,171	\$ -	\$ -
Corporate bonds	AA2	337,247	-	-	337,247	-	-
Corporate bonds	AA3	767,335	-	131,578	635,757	-	-
Corporate bonds	A1	6,118,395	-	303,360	5,815,035	-	-
Corporate bonds	A2	5,990,029	-	-	5,990,029	-	-
Corporate bonds	A3	2,255,642	-	-	2,255,642	-	-
Money market funds	N/A	105,579,577	105,579,577	-	-	-	-
Municipal bond	AAA	433,950	-	-	433,950	-	-
Municipal bond	AA1	1,091,451	-	-	1,091,451	-	-
Municipal bond	AA3	795,632	-	-	795,632	-	-
Municipal bond	A1	-	-	-	-	-	-
U.S. agencies	N/A	27,514,333	-	3,380,731	19,059,179	2,099,908	2,974,515
U.S. Treasury notes	N/A	52,591,822	-	2,499,600	50,092,222	-	-
Bond mutual funds	N/A	47,125,814	9,161,822	-	29,107,348	8,856,644	-
Equity mutual funds	N/A	98,722,857	98,722,857	-	-	-	-
Equity exchange traded funds	N/A	7,298,995	7,298,995	-	-	-	-
External investment pool*	N/A	49,685,723	49,685,723	-	-	-	-
Total		<u>\$ 422,554,973</u>	<u>\$ 270,448,974</u>	<u>\$ 6,315,269</u>	<u>\$ 131,859,663</u>	<u>\$ 10,956,552</u>	<u>\$ 2,974,515</u>

*The weighted average maturity of the portion of the external investment pool subject to maturity is 6.64 years

Concentration of Credit Risk

Concentration of credit risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer. The City's investment policy diversifies the portfolios by limiting investments to avoid overconcentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities). Investments in a single issuer shall not exceed 5 percent of the City's portfolio for any of the following types in total: commercial paper, corporate obligations or notes, bankers' acceptances, and negotiable CD's.

The City's investment policy also has limits on the following allowable deposits and investment; direct obligations of the State of North Dakota shall not exceed 5 percent of the City's portfolio, investments in money market funds rated "AAAm" by Standard & Poor's shall not exceed 25 percent of the City's portfolio, repurchase agreements shall not exceed 25 percent of the City's portfolio, and aggregate Asset-backed securities may not exceed 25% of the portfolio at the time of purchase. None of the established limits were exceeded as of December 31, 2021.

Metro Flood Diversion Authority

Notes to Financial Statements

December 31, 2021

Fair Value

The framework for measuring fair value provides a fair value hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1) and the lowest priority to unobservable inputs. The three levels of the fair value hierarchy are described as follows:

Level 1 – Inputs to the valuation methodology are unadjusted quoted prices for identical assets in active markets that the City has the ability to access.

Level 2 – Inputs to the valuation methodology include:

1. Quoted prices for similar assets or liabilities in active markets;
2. Quoted prices for identical or similar assets or liabilities in active markets;
3. Inputs other than quoted prices that are observable for the asset or liability;
4. Inputs that are derived principally from or corroborated by observable market data by correlation or other means.

Level 3 – Inputs to the valuation methodology that are unobservable and significant to the fair value measurement.

The asset's fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Valuation techniques used need to maximize the use of observable inputs and minimize the use of unobservable inputs.

The following table presents the City's assets measure at fair value on a recurring basis, except those measured at cost as identified below, at December 31, 2021.

<u>Investment Type</u>	<u>Total</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
Pooled Investments				
U.S. government and agency securities	\$ 80,106,155	\$ 80,106,155	\$ -	\$ -
Money market mutual funds	105,579,577	105,579,577	-	-
Corporate bonds	31,714,819	-	31,714,819	-
Municipal bonds	2,321,033	-	2,321,033	-
Total	<u>\$ 219,721,584</u>	<u>\$ 185,685,732</u>	<u>\$ 34,035,852</u>	<u>\$ -</u>

U.S. Government and Agency securities, money market mutual funds, and certificates of deposit classified in Level 1 of the fair value hierarchy are valued using prices quoted in active markets for these securities. Corporate bonds, municipal bonds, corporate commercial paper, bond and equity mutual funds classified in Level 2 of the fair value hierarchy are valued using techniques such as quoted prices for similar investments in active and inactive markets as well as inputs other than quoted prices that are observable for these assets.

Metro Flood Diversion Authority

Notes to Financial Statements

December 31, 2021

Note 4 - Commitments

As of December 31, 2021, the Metro Flood Diversion Authority had commitments on various construction contracts totaling approximately \$1,183,908,248.

Note 5 - Affiliated Organizations

The Authority's affiliated organizations include its member entities: the City of Fargo, North Dakota; Cass County, North Dakota; Cass County Joint Water Resource District; the City of Moorhead, Minnesota; and Clay County, Minnesota.

Pursuant to a joint powers agreement, the City of Fargo serves as the fiscal agent for the Authority. The fiscal agent is responsible for the administration of financial and accounting functions for the Authority. Fees paid to the City of Fargo for these services totaled \$138,892 for the year ended December 31, 2021.

Pursuant to an interim memorandum of understanding that went into effect August of 2019, Cass County provides human resource services related to payroll and benefits to the Authority, for which no fees are charged. No amounts were recognized for these donated services in the financial statements.

The City of Fargo and Cass County both issued \$100 million loans to fund costs of the Metro Flood Diversion Authority. Pursuant to various agreements, the Authority is to reimburse these entities for the debt service expense of issuing this debt. Expense reimbursed to the City of Fargo for debt service expense totaled \$165,230 for the year ended December 31, 2021. Expense reimbursed to Cass County for debt service expense totaled \$1,190,203 for the year ended December 31, 2021.

The Authority, pursuant to a joint powers agreement, is to reimburse the City of Fargo for the debt service on \$83.887 million of Capital Financing Program bonds that were issued to finance the construction and installation of flood mitigation projects. Expense reimbursed to the City of Fargo for debt service expense totaled \$6,300,990 for the year ended December 31, 2021.

Note 6 - Contingent Liabilities

The Diversion Project is the first project of the U.S. Army Corps of Engineers to use a public private partnership approach to project delivery. The Project's status carries with it all of the authority, immunities and limitations of liability associated with such federal authorization and implementation. There is a reasonable likelihood that the Authority will be named as a defendant in one or more claims or lawsuits related to the Project, its design, construction, financing, operations and/or maintenance.

Metro Flood Diversion Authority

Notes to Financial Statements

December 31, 2021

Note 7 - Settlement Liability

The Authority approved a Settlement Agreement on February 25, 2021 with the Richland-Wilkin Joint Powers Authority, Buffalo-Red River Watershed District, City of Wolverton, MN and the City of Comstock, MN. The express intent of the Parties per the Settlement Agreement is to acknowledge the Diversion Authority's need, ability, and authority to design, finance, develop, construct, operate, and maintain the Comprehensive Projects; to acknowledge and fairly protect and compensate the Non-Diversion Authority Parties and their constituencies and minimize, protect, and compensate upstream individuals, landowners, entities, and political subdivisions from the impacts of the Comprehensive Project; and, to ensure that the Non-Diversion Authority Parties do not engage in Interference Actions. As approved in the Settlement Agreement, payments of Seventy-five Million Dollars (\$75,000,000) will be provided by the Authority to the Economic Impact Relief Fund held by the Richland County Auditor in its capacity as fiscal agent for the RWJPA, with an initial payment of Thirty-five Million Dollars (\$35,000,000) to be made not later than ten (10) days after the latter of the following events: (1) issuance of a permit by BRRWD for the Plan B project as provided for above, (2) entry of Judgement of Dismissal with Prejudice (or the reasonable equivalent thereof if such a judgement is not available in a Minnesota administrative matter) in the MN CCH and the issuance of the MDNR Permit, (3) entry of Judgment of Dismissal with Prejudice in the Federal Case, and (4) entry of judgement of dismissal with prejudice in the pending appeal to the Eight Circuit Court of Appeals. The initial payment has been made in 2021. The balance of Forty Million Dollars (\$40,000,000) will be paid as follows: (a) interest at the rate of two percent (2%) per annum shall accrue from December 31, 2020; (b) no actual payments shall be made until the first payment as set forth in subsection (c) is due, but in that interim between December 31, 2020, and the first payment date, interest does accrue at the 2% rate; and (c) thirty-three (33) equal annual payments sufficient to pay past accrued interest and all remaining principal and interest as it accrues shall be made with the first payment being made on the date of Substantial Completion of the Comprehensive Project or December 31, 2031, whichever event occurs first. As of December 31, 2021, the Authority has accrued \$800,000 of interest payable on their settlement agreement.



Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

To the Governing Board
of the Metro Flood Diversion Authority
Fargo, North Dakota

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the governmental activities and the major fund of the Metro Flood Diversion Authority ("the Authority"), as of and for the year ended December 31, 2021, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements and have issued our report thereon dated June 27, 2022.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Authority's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, we do not express an opinion on the effectiveness of the Authority's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. We identified certain deficiencies in internal control, described in the accompanying Schedule of Findings and Responses as items 2021-001 and 2021-002 that we consider to be material weaknesses.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Authority's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Authority's Response to Findings

Government Auditing Standards requires the auditor to perform limited procedures on the Authority's response to the findings identified in our audit and described in the accompanying Schedule of Findings and Responses. The Authority's response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Mankato, Minnesota
June 27, 2022

**2021-001 Material Journal Entries
Material Weakness**

Criteria – A good system of internal control contemplates an adequate system for recording and processing entries material to the financial statements.

Condition – During the course of our engagement, we proposed material audit adjustments to reclassify revenues and expenditures, which would not have been identified as a result of the Authority's existing internal controls, and therefore could have resulted in a material misstatement of the Authority's financial statements.

Cause – The Authority does not have an internal control system designed to identify all necessary adjustments.

Effect – This control deficiency could result in a material misstatement to the financial statements that would not be prevented or detected.

Recommendation – A thorough review and reconciliation of accounts in each fund should take place prior to the beginning of the audit. This review should be done at both the accounting staff and accounting supervisory levels.

View of Responsible Officials – Management of the Authority is in agreement with the finding.

**2021-002 Preparation of Financial Statements
Material Weakness**

Condition – The Authority does not have an internal control system designed to provide for the preparation of the financial statements being audited. As auditors, we were requested to draft the financial statements and accompanying notes to the financial statements. This included formulating the proposal of necessary adjusting journal entries to convert the fund financial statements in accordance with GASB Statement No. 34.

Criteria – A good system of internal accounting control contemplates an adequate system for recording and processing entries material to the financial statements.

Effect – This control deficiency could result in a misstatement to the financial statements that would not be prevented or detected.

Cause – The Authority does not have an internal control system designed to provide for the preparation of the financial statements being audited.

Recommendation – This circumstance is not unusual in a city of your size. It is the responsibility of management and those charged with governance to make the decision whether to accept the degree of risk associated with this condition because of cost or other considerations.

View of Responsible Officials – Due to cost constraints, the Authority will continue to have the auditor's draft the financial statements and accompanying notes to the financial statements.



BNSF File No. BF20221202

Fargo, ND – Fargo-Moorhead Flood Diversion Channel

PRELIMINARY ENGINEERING SERVICE AGREEMENT

BNSF File No. BF20221202

Fargo-Moorhead Flood Diversion Channel and Features

KO Subdivision – LS 26, MP 15.90

Prosper Subdivision – LS 34, MP 9.10

Hillsboro Subdivision – LS 220, MP 34.87

This Agreement ("**Agreement**"), is executed to be effective as of _____ ("**Effective Date**"), by and between BNSF RAILWAY COMPANY, a Delaware corporation ("**BNSF**"), and the METRO FLOOD DIVERSION AUTHORITY, a political subdivision of the State of North Dakota and the sponsoring entity of the Fargo-Moorhead Flood Diversion and Flood Control Project ("**Agency**").

RECITALS:

WHEREAS, BNSF owns and operates a line of railroad in and through the City of Fargo, Cass County, State of North Dakota; and

WHEREAS, Agency desires to make improvements for flood mitigation and to enhance flood protection by constructing a Diversion Channel with Associated Features and Improvements ("**Project**"), adjacent to and intersecting with BNSF railroad tracks at separated grades, located at 0026-0015.900, and 0034-0009.100, and 0220-0034.87; and

WHEREAS, Agency has requested that BNSF perform certain services and, with respect to its railroad facilities located at or near the Project site, to facilitate Agency's evaluation of the feasibility of proceeding with the Project ("**Work**"); and

WHEREAS, BNSF is agreeable to performing the Work, subject to the terms and conditions of this Agreement; and

WHEREAS, BNSF will authorize, at Agency expense, a project engineer employee dedicated to complete various design review and research tasks regarding the flood mitigation plan and potential impacts on rail operations and maintenance; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:



1. SCOPE OF WORK

As used herein, the term “**Work**” includes all engineering design review and research work performed by BNSF pursuant to this Agreement, whether performed by BNSF employees or by BNSF’s contractors, consultants, outside counsel, or other agents, including, but not necessarily limited to, on-site visits, preliminary engineering services, developing cost estimates for construction of the Project, contract preparation, and reviewing and/or providing comments on track, environmental, structural layouts or other designs, plans, and/or documents in connection with the Project.

2. PAYMENTS FOR WORK

Agency authorizes and BNSF shall hereby provide a BNSF employed Project Engineer to coordinate the Work, including project schedule, design review, submittal approvals, and contract preparation, to be paid for by the Agency in a lump sum of three hundred thousand dollars and 00/100 (\$300,000.00) upon execution of this agreement, covering no less than two (2) years of project development, facilitation, and construction coordination.

Additionally, Agency shall pay and reimburse BNSF for all actual costs and expenses that BNSF incurs in performing the Work, including but not limited to, labor, supplies, and material; direct and indirect labor or contractor additives; delivery charges; and BNSF additives and overhead, as such are in effect on the date BNSF prepares the final bill; and taxes, such as applicable sales and use taxes, business and occupation taxes, and similar taxes.

In combination with Work under Preliminary Engineering Services Agreement BF10017381, BNSF estimates the total cost for direct and third-party Preliminary Engineering Services Work on this Project to be three hundred and sixty thousand dollars and 00/100 (\$360,000.00), but said estimate shall not be a threshold or limitation on the Work to be performed or costs and expenses which Agency shall pay to BNSF in full. In such event work exceeds said estimate, a revised cost estimate shall be provided to the Agency and may become part of this Agreement by amendment upon written approval of Agency, which approval will not be unreasonably withheld.

BNSF will send Agency a lump sum invoice as set forth herein upon execution of this agreement. Thereafter, during its performance of the Work pursuant to this Agreement, BNSF will send Agency progressive invoices, detailing the costs of the Work performed by BNSF’s contractors, consultants outside counsel, or other agents. Agency must reimburse BNSF for completed work within thirty (60) days of the date of the invoice for such work. Upon completion of the Work, BNSF will send Agency a detailed invoice of final costs. Agency must pay the final invoice within ninety (90) days of the date of the final invoice. BNSF will assess a finance charge of .033% per day (12% per annum) on any unpaid sums or other charges due under this Agreement which are past its credit



terms. The finance charge continues to accrue daily until the date payment is received by BNSF, not the date payment is made or the date postmarked on the payment. Finance charges will be assessed on delinquent sums and other charges as of the end of the month and will be reduced by amounts in dispute and any unposted payments received by the month's end. Finance charges will be noted on invoices sent to Agency under this section.

BNSF will submit copies of the invoice to:

PaulsenJ@FMDiversion.gov

with copy to:

APInvoicesFMDiv@jacobs.com

BNSF's invoices must be detailed and precise. BNSF's invoices must clearly indicate fees and expenses for the current billing period month and include at least the following information:

- i. BNSF's name and address;
- ii. BNSF's federal employer identification number;
- iii. Unique invoice number;
- iv. Billing period;
- v. Work order number; and
- vi. Preferred remittance address, if different from the address on the invoice's coversheet.

After Agency receives BNSF's invoice, Agency will either process the invoice for payment or give BNSF specific reasons, in writing within fifteen (15) business days, why part of all of Agency's payment is being withheld and what actions BNSF must take to receive the withheld amount. In the event of disputed billing, only the disputed portion will be withheld from payment and Agency shall pay the undisputed portion. Payment does not imply acceptance of services or that the invoice is accurate. In the event an error is identified following the receipt of payment, BNSF must credit any payment in error from any payment that is due or that may become due to BNSF under this Agreement or return the overpayment to Agency within thirty (30) calendar days of the identification of the error.

3. SCOPE OF AGREEMENT

The Parties acknowledge that by entering into this Agreement, neither BNSF nor Agency are obligated to authorize or participate in the construction of the Project. If Agency seeks to proceed with development of the Project after the Work is performed, the Project will be subject to further review and approval by BNSF in BNSF's sole discretion. BNSF and Agency shall be required to enter into negotiations for construction of the Project and other activities on terms acceptable to BNSF.



Notwithstanding anything to the contrary in this Agreement, BNSF's review, approval, and/or other participation in the Project or any element thereof, including the Work performed by BNSF or its contractors hereunder, is expressly limited, and intended and understood by the parties to be in furtherance of BNSF's railroad purposes, and not in furtherance of Agency's purposes in undertaking the Project. All of the Work performed hereunder is intended for use in the evaluation of the impact of the Project on BNSF's railroad and the costs to Agency associated therewith. The Work is provided in consideration of the subjective standards of BNSF for its railroad purposes only, and shall in no way be construed or deemed to be a condition or direction to Agency, or an opinion or approval that the plans and specifications or any work intended or completed on the Project is appropriate for any other purpose including highway purposes, is structurally sound, or that such plans, specifications, or intended or completed work meet applicable standards, regulations, laws, statutes, local ordinances, and/or building codes. No benefits to Agency or any third party are provided, intended or implied herein. Agency shall at all times be solely responsible for the adequacy and compliance of all design elements of the Project for highway and other public purposes, and shall waive and release BNSF for any and all claims which may or could result from the Work performed hereunder, and if applicable to the fullest extent permitted by law, indemnity and hold BNSF harmless for the same.

4. DISCLAIMER

BNSF GIVES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY, QUALITY, MERCHANTABILITY, FITNESS FOR ANY PARTICULAR PURPOSE, OR ANY OTHER MATTER, OF THE WORK PERFORMED PURSUANT TO THIS AGREEMENT OR ANY REPORT OR OTHER DELIVERABLE WHICH BNSF MAY FURNISH TO AGENCY PURSUANT TO THIS AGREEMENT. BNSF SHALL BE IN NO WAY RESPONSIBLE FOR THE PROPER RELIANCE UPON, INTERPRETATION OF, OR OTHER USE OF THE WORK BY AGENCY.

5. TERM

This Agreement will terminate upon mutual agreement between the Parties or upon completion of the Work contemplated herein, whichever occurs earlier; provided, however, Agency's payment obligations for Work incurred hereunder prior to termination of this Agreement shall survive termination.

6. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the Parties with regard to the reimbursement of Work performed pursuant to this Agreement and supersedes all prior agreements, written or oral, between the Parties relating to the subject matter hereof.



7. MODIFICATION

Any modifications or amendments to this Agreement must be in writing and signed by both Parties.

8. REPRESENTATION OF AUTHORITY

Each party signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement and that the Agreement is a valid and legal agreement binding on such Party and enforceable in accordance with its terms.

Any notice provided for herein or concerning this Agreement must be in writing and will be deemed sufficiently given when sent by certified mail, return receipt requested, to the parties at the following addresses:

BNSF:

BNSF's Manager of Public Projects, ND
80—44th Avenue NE
Minneapolis, MN 55421

Agency: METRO FLOOD DIVERSION AUTHORITY

Joel Paulsen, PE, CMF
Executive Director Fargo-Moorhead Diversion Project
4784 Amber Valley Parkway South
Suite 100
Fargo, ND 58104
Email: PaulsenJ@FMDiversion.gov

[SIGNATURE PAGE FOLLOWS]



BNSF File No. BF20221202

Fargo, ND – Fargo-Moorhead Flood Diversion Channel

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by its duly qualified and authorized officials as of the day and year first above written.

[SIGNATURE PAGE 1 OF 1]

WITNESS:

BNSF RAILWAY COMPANY

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

WITNESS:

AGENCY

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____