

Board Agenda



Diversion Board of Authority

October 23, 2025 @ 3:30 p.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 September 25, 2025
[Attachment 01.00] (Pg. 3)
3. Approve Order of Agenda
4. **CONSENT AGENDA – APPROVE THE FOLLOWING:**
 - a. Finance Report [Attachment 02.00] (Pg. 8)
 - b. Voucher Approval [Attachment 03.00] (Pg. 32)
 - c. Budget Change Request 023 from P3 Contingency for Drain Transitions to the Diversion Channel [Attachment 04.00] (Pg. 61)
 - d. DA Board Approval Contracting Actions [Attachment 05.00] (Pg. 62)
 - i. Horizon Real Estate Group Agreement [Attachment 05.01] (Pg. 64)
 - ii. Eide Bailly New MSA [Attachment 05.02] (Pg. 66)
 - e. Sale of Excess Land Recommendations
 - i. OINs 831 Sale of Excess Land [Attachment 06.01] (Pg. 68)
 - ii. OIN 9258 Sale of Excess Land [Attachment 06.02] (Pg. 75)
 - iii. OIN 9182Y Sale of Excess Land Recommendation [Attachment 06.03] (Pg. 83)

REGULAR AGENDA:

5. Executive Director Update
 - a. Governance Policy Amendment
[Attachment 07.00] (Pg. 90)
6. General Counsel Update
7. Project Updates
 - a. USACE Project Update [Attachment 08.00] (Pg. 141)
 - b. SWDCAI Project Update [Attachment 09.00] (Pg. 143)

- c. Project Safety Update [Attachment 10.00] (Pg. 144)
 - d. P3 Monthly Update [Attachment 11.00] (Pg. 145)
 - e. Monthly Drone Footage Video
 - 8. Communications Team Update
 - 9. Land Management Update
 - a. Property Acquisition Status Report [Attachment 12.00] (Pg. 184)
 - b. Horace Elevator Site Update
 - 10. Finance Update
 - a. 2026 Draft Cash Budget – Version 2
[Attachment 13.00] (Pg. 191)
 - b. Sales Tax Update
[Attachment 14.00] (Pg. 192)
 - 11. Other Business
 - 12. Public Comment – 15 minutes maximum. Each speaker is limited to three minutes.
 - 13. Next Meeting: November 20, 2025
 - 14. 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 YouTube

Metro Flood Diversion Authority Board of Authority Meeting Minutes

3:30 PM – September 25, 2025
City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Board of Authority was held on September 25, 2025. The following members were present: Bernie Dardis, Mayor, City of West Fargo; Dr. Tim Mahoney, Mayor, City of Fargo; Chuck Hendrickson, Moorhead City Council; David Ebinger, Clay County Commissioner; Tony Grindberg, Cass County Commissioner; Rick Steen, Cass County Joint Water Resource District; Kevin Campbell, Clay County Commissioner; Denise Kolpack, Fargo City Commissioner; Shelly Carlson, Mayor, City of Moorhead; Dave Piepkorn, Fargo City Commissioner and Jim Kapitan, Cass County Commissioner.

Member(s) absent: Lisa Borgen, Moorhead City Council and Duane Breitling, Cass County Commissioner.

1. CALL TO ORDER

Mr. Grindberg called the meeting to order at 3:30 PM. Roll call was taken, and a quorum was present.

2. APPROVE THE MINUTES FROM AUGUST 2025, MEETING

MOTION PASSED

Mayor Dardis moved to approve the minutes from the August 2025, meeting and Mr. Kapitan seconded the motion. On a voice vote, the motion carried.

3. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

Ms. Kolpack moved to approve the order of the agenda as presented and Mayor Carlson seconded the motion. On a voice vote, the motion carried.

4. APPROVE THE CONSENT AGENDA

MOTION PASSED

Mr. Hendrickson moved to approve the consent agenda as presented and Mr. Ebinger seconded the motion. On a roll call vote, the motion carried.

5. EXECUTIVE DIRECTOR UPDATE

a. Compliance Specialist Position Update

Mr. Benson reported that the compliance specialist position will close on September 29. Interviews will be held in mid-October with an anticipated start date of the end of October or early November.

b. Project Tours

Mr. Benson reported that tours were hosted this month with the Red River Basin Commission, the MFDA Board of Authority and the Minnesota House Capital Investment Committee. Congresswoman Julie Fedorchak also toured the project during a separate visit.

6. GENERAL COUNSEL UPDATE

a. Resolution to Assume Planning, Design & Construction of the Sheyenne River Mitigation Project

Mr. Shockley provided an overview and summary of the Sheyenne River Mitigation Project and the benefits realized by the Diversion Authority assuming leadership and management of the Project. He also noted that this will be the final environmental mitigation project.

MOTION PASSED

Mayor Carlson moved to approve the Resolution as presented and Mr. Hendrickson seconded the motion. On a roll call vote, the motion carried.

b. Technical Dispute Review Board Update

Mr. Shockley reported that the TDRB held their first in-person quarterly meeting on September 23, at the MFDA office. The next meeting will be held virtually on December 3, and the first 2026 meeting is anticipated to be in March or April. It has been requested that the meetings be held virtually to limit expenses.

c. Settlement Agreement Implementation Update

Mr. Shockley reported that the leadership team continues to meet bi-weekly, to address any pending or current issues. Mr. Shockley also noted that the final settlement agreement will go to lenders relatively soon.

7. PROJECT UPDATES

a. USACE Project Update

Ms. Williams provided the following USACE update:

1 Diversion Inlet Structure (DIS) – Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 99% complete. Completion date is 28 Oct 2025. Training held 19 June. Final inspections upcoming. Turnover to Sponsors for OMRRR anticipated in November 2025.

2 Wild Rice River Structure (WRRS) – Construction

Structure includes 2-40 ft. wide Tainter gates. Construction is 99% complete. Completion date is 28 November 2025. Final inspections and training upcoming. Turnover to Sponsors for OMRRR anticipated in December 2025.

3 Red River Structure (RRS) - Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 88% complete. Construction completion date is 30 April 2026. East dam wall and embankment construction ongoing. Cofferdam construction ongoing which will allow dam embankment construction in Red River channel.

4 Southern Embankment – Reach SE-2A - Construction

Construction is 76% complete but continues to be behind schedule. Scheduled completion date of 13 October 2024 was not met. Revised schedule and completion date pending.

5 Drain 27 Wetland Mitigation Project Plantings - Construction

Native plantings 5-year contract for wetland establishment. Completion date is 1 December 2027.

Contractor replanted areas disturbed by adjacent producers.

6 FY2024 Contract Awards - Construction

OHB Ring Levee: 86% complete. Levee construction ongoing and is 60% complete. Contract completion date is 17 October 2025. Reach SE-1B: 49% complete. Anticipate opening CR16/17 in early October 2025. Contract completion date is 13 March 2026. Reach SE-2B: 65% complete. Embankment construction and TRM installation ongoing. CR16 crossing final paving in late September (no closure to traffic). Contract completion date is 23 August 2026. Forest Mitigation #1: Contractor is planting. Contract completion date is 31 Dec 2028. Reach SE-4: 18% complete. Embankment and road raise construction continues. Contract completion date is 30 September 2026.

7 FY2025 Contract Awards – Construction

SE-3: 20% complete. Embankment construction and utility install ongoing. Contract completion date is 11 September 2026. SE-5: 22% complete. Wolverton Creek crossing must be complete by 15 Nov 2025. Contract completion date is 8 September 2026. Forest Mitigation #2: Contractor is planting. Contract completion date is 31 Dec 2029.

8 I-29 Raise – Operations and Maintenance (OMRRR)

Turnover to MFDA occurred on 20 December and preparation of O&M documents is ongoing.

9 Drayton Dam Mitigation Project Design - Operations and Maintenance (OMRRR)

Turnover to MFDA for O&M occurred on 28 Nov 2023. OMRRR manual coordination continues.

b. SWDCAI Project Update

Mr. Bakkegard provided an update of the construction map that shows the current work in progress, and the 30 and 60 day projected progress:

Progress Map Updates

- I-29 NB
- I-94 WB

30 to 60 Day Outlook

- I-29 & I-94
- BNSF Hillsboro, CR-81, CR-22, BNSF Prosper, 38th
- St W, 32nd Ave W, CR-14, CR-16/17
- SE-1B
- SE-4
- Misc. Highlights
- BNSF
- Sheyenne Aqueduct

c. Project Safety Update

Mr. Bakkegard provided the safety update for the period August 1 to August 31, 2025. He reported that there were two minor recordable incidents with no significant injury. Overall, it was a good month and there were no other incidents to report.

d. P3 Monthly Update

Mr. Bakkegard highlighted the upcoming advanced payments to the developer in the September P3 monthly update.

Payments to RRVA July 3rd marked execution of the settlement agreement Statement of Principles (SoP) between the Developer and the Authority. The SoP allows the Developer to submit and request advance payment invoices for relative Pay Units provided the works for the specific Interim Completion Element(s) be substantially complete with 120 days of each advance payment request. The table below has been updated to reflect payments made to the Developer under this agreement. Section 22 of the SoP also allows for payments to the Developer regarding settling outstanding claims.

The following includes all payments to RRVA through August 2025:

Diversion Channel Reach 2	\$13,018,175	Paid 8/6/2025
Legal Drain 29	\$1,373,906	Paid 8/6/2025
CR 32 Crossing	\$6,662,245	Paid 8/22/2025
Combined CR 4 and CR 31 Crossing	\$7,211,621	Paid 8/22/2025
Drain Inlet associated with Legal Drain 30	\$2,554,405	Paid 8/6/2025
Diversion Channel Reach 1	\$29,781,551	Paid 8/6/2025

CR 20 Crossing	\$5,187,908	Paid 8/22/2025
CR 10 Crossing	\$5,267,792	Paid 8/22/2025
38th Street W Crossing and improvements	\$5,205,660	Paid 8/22/2025
CR 22 Crossing	\$4,789,423	In Review Due 9/23/2025
Sub-Total \$81,052,686		

The payment tables can be viewed in their entirety on the website at www.fmdiversion.gov. Please reach out to Mr. Barthel if you have any questions regarding the report.

e. Monthly Drone Video

A video highlighting the progress that has been achieved in August 2025 was viewed.

8. COMMUNICATIONS TEAM UPDATE

Ms. Wieser Willson provided the following communications update:

Newsletter:

- Faces of the Diversion: Jeremy Fenske
- The Diversion Current: Aqueducts

Outreach:

- MnDOT conference
- RRBC tour
- FEMA tour
- Bonding Bus

Media Relations:

- August construction update
- Road closures & bridge/lane openings

National Recognition:

- Construction flyover video
- Website editing/management
- MFDA LinkedIn
- External communications (Lands)
- YIR infographic
- Specialty articles (environment)
- Year-end release
- News release series
- Editorial
- Specialty articles (ag)

9. LAND MANAGEMENT UPDATE

a. Property Acquisition Status Report

Mr. Fisher provided the following property acquisition status report:

- 98.4% completion in the Construction Footprint
- 62.5% completion in the UMA Footprint
- 95.3% of the parcels in the Southern Embankment have been acquired
- 62.5% of the parcels in the Upstream Mitigation Area have been acquired
- 79.1% of the Environmental Easements have been signed
- 100.0% completed: Stormwater Diversion Channel; Oxbow-Hickson-Bakke levee; in-town levees and the Drayton Dam mitigation

Key Activities:

- Continued negotiating settlement agreements for existing eminent domain actions
 - Completed the first eminent domain trial in early August
 - Negotiated many settlements since completing the first trial

- 7 pending settlement offers with property owners
- In the last month, successfully closed 3 parcels / 2 owners in the UMA and along the Sheyenne River Benching area
- Continuing the process of disposing of Excess Lands
 - 46 parcels / 760.41 acres have been approved as Excess Lands
 - 6 parcels / 30.29 acres are moving through the Policy
 - 40 parcels / 730.12 acres have been sold or pending closing
 - Continuing efforts to dispose of the abandoned Rail Corridor in Horace, ND
- Circulated final PRAM to state agencies and USACE

10. FINANCE UPDATE

Mayor Dardis reported that the Finance Committee approved the bills payable through September 16, 2025, in the amount of \$353,113, and the net cash position is \$292,318,725. Mayor Dardis reported that an analysis of sales tax collections reflects receipts received from Cass County are down -1.4% and receipts from the City are down -3.1%.

The *DRAFT* 2026 cash budget is \$931,239,143, which includes anticipated milestone payments to the developer of \$730,039,775. Mayor Dardis noted that all the Legacy funds have been received from the State of North Dakota and the Budget Change Request to add an additional \$53,000,000, was approved as was the HMG Task Order for \$1,500,000.

MOTION PASSED

Mayor Dardis moved to approve the finance report Mr. Kapitan seconded the motion. On a roll call vote, the motion carried.

a. Budget Change Request 022

Mr. Barthel provided the rational for the Budget Change Request to add an additional \$53,000,000, to the Program Budget. Funds will be transferred from the USACE budget in a PPA amendment to the MFDA Program Budget and allocated under Work Package 41, Future Stream Mitigations, to fund the Sheyenne River Mitigation Project (SRMP). The Program budget will increase from \$2.892 billion to \$2.945 billion.

MOTION PASSED

Mr. Steen moved to approve the additional \$53,000,000, addition to the 2026 Program Budget and Mayor Dardis seconded the motion. On a roll call vote, the motion carried.

b. HMG Task Order 101 Amendment 15

Mr. Barthel provided an overview and summary of the above-referenced task order for HMG to provide design and construction support for the Sheyenne River Mitigation Project.

MOTION PASSED

Mayor Mahoney moved to approve the task order as presented and Mr. Kapitan seconded the motion. On a roll call vote, the motion carried.

11. OTHER BUSINESS

There was no other business to discuss.

12. PUBLIC COMMENT

There were no public comments.

13. NEXT MEETING

The next meeting will be on October 23, 2025.

14. ADJOURNMENT

The meeting adjourned at 4:06 PM.

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FM Metropolitan Area Flood Risk Management Project
Fiscal Accountability Report Design Phase
As of 09/30/25

	790: FM Diversion Project Fund							770: Budget Fund				773: Excess Capital Fund			
	2011-2020	2021	2022	2023	2024	2025	Total	2021-2023	2024	2025	Total	2024	2025	Total	Grand Total
Revenues															
City of Fargo	229,263,214	39,900,525	41,606,950	43,281,539	43,640,465	23,248,726	420,941,419		-	-	-	-	-	-	420,941,419
Cass County	238,074,113	20,605,468	20,077,388	21,720,075	21,906,084	11,849,961	334,233,090		-	-	-	-	-	-	334,233,090
State Water Commission	270,967,976	44,928,872	21,249,909				337,146,758		-	-	-	-	-	-	337,146,758
State of ND - Legacy Fund	-	-	105,992,160	129,134,268	134,294,754	66,078,817	435,500,000		-	-	-	-	-	-	435,500,000
State of ND - SRF	-	-	1,272,652	8,316,726	9,745,091	13,930,939	33,265,408		-	-	-	-	-	-	33,265,408
Cass County Joint Water Resource District		28,630,991					28,630,991		-	-	-	-	-	-	28,630,991
Other Agencies	706,805	-					706,805		-	-	-	-	-	-	706,805
City of Oxbow MOU Repayment	2,822,634	122,038					2,944,671		-	-	-	-	-	-	2,944,671
Reimbursements	168,602	52,055	18,930	15,735	19,631		274,953		-	-	-	-	-	-	274,953
Lease/Rental Payments	2,951,681	622,459	743,700	744,622	47,300	817,251	5,927,013		-	-	-	-	-	-	5,927,013
Asset Sales	1,235,569	1,802,265	1,348,132	4,125,699	518,843	990,327	10,020,837		-	-	-	-	-	-	10,020,837
Interest Income	4,790,772	1,011,554	1,377,312	7,208,616	11,822,032	8,927,088	35,137,373		-	-	-	-	-	-	35,137,373
Miscellaneous	4,886	7,336	1,987	70,350	76,997	2,341	163,898	3,320,850	1,665,282	1,253,417	6,239,549	-	-	-	6,403,447
Total Revenues	750,986,254	137,683,563	193,689,120	214,617,631	222,071,198	125,845,451	1,644,893,216	3,320,850	1,665,282	1,253,417	6,239,549	-	-	-	1,651,132,765
Expenditures															
7905 Army Corp Payments	53,159,000	-	-	24,800	-	990,600	54,174,400	-	-	-	-	-	-	-	54,174,400
7910 WIK - Administration	6,125,744	2,650,150	1,994,938	3,221,009	6,053,234	3,388,367	23,433,442	3,249,868	1,462,847	878,701	5,591,416	-	-	-	29,024,858
7915 WIK - Project Design	36,316,433	2,261,337	2,491,982	4,347,833	4,375,148	3,131,022	52,923,755		-	-	-	-	-	-	52,923,755
7920 WIK - Project Management	70,718,325	13,629,756	14,935,064	14,936,935	16,269,917	10,147,914	140,637,911		-	-	-	-	-	-	140,637,911
7925 WIK - Recreation	278,223	-	-	-	-	-	278,223		-	-	-	-	-	-	278,223
7930 LERRDS - North Dakota	275,657,728	42,321,398	53,946,968	73,284,991	51,715,442	16,764,089	513,690,617		-	-	-	-	-	-	513,690,617
7931 LERRDS - Minnesota	4,982,754	3,832,060	5,722,668	5,714,157	21,930,147	4,174,733	46,356,509		-	-	-	-	-	-	46,356,509
7940 WIK Mitigation - North Dakota	1,022,658	35,279,546	57,777	1,039,229	166,142	98,365	37,663,717		-	-	-	-	-	-	37,663,717
7941 WIK Mitigation - Minnesota	-	112,271	357,080	933,799	586,522	577,189	2,566,861		-	-	-	-	-	-	2,566,861
7950 Construction - North Dakota	104,100,296	25,488,649	17,899,069	17,767,981	34,006,877	92,845,816	292,108,687		-	-	-	-	-	-	292,108,687
7951 Construction - Minnesota	-	-	210,000	669,048	182,594	92,078	1,153,719		-	-	-	-	-	-	1,153,719
7952 Construction - O/H/B	33,612,243	2,070,541	646,144	118,976	628,480	50,660	37,127,045		-	-	-	-	-	-	37,127,045
7955 Construction Management	11,598,799	180,481	137,041	1,062	5,322	40,127	11,962,832		-	-	-	-	-	-	11,962,832
7959 SRF Construction	-	-	5,936,985	7,781,266	16,519,945	3,526,167	33,764,363		-	-	-	-	-	-	33,764,363
7980 Operations & Maintenance	190,811	2,971	138,066	83,898	85,983		501,729		-	-	-	-	-	-	501,729
7990 Project Financing	48,092,864	14,236,187	9,053,457	9,422,840	12,415,903	10,163,307	103,384,558		-	-	-	-	-	-	103,384,558
7995 Project Eligible - Off Formula Costs	-	-	-	-	-	-	-		-	-	-	-	-	-	-
7999 Non Federal Participating Costs	221,686	-	-	-	-	-	221,686		-	-	-	-	-	-	221,686
Total Expenditures	646,077,564	142,065,337	113,527,239	139,347,823	164,941,656	145,990,435	1,351,950,054	3,249,868	1,462,847	878,701	5,591,416	-	-	-	1,357,541,470
Other Financing Sources (Uses)															
Transfers From Other Diversion Funds	-	-							-	-	-			-	
Transfers to Other Diversion Funds	-	659,566	1,250,000	1,395,000	1,650,000	1,237,500	6,192,066		-	-	-	-	-	-	6,192,066
Total Other Financing Sources (Uses)	-	659,566	1,250,000	1,395,000	1,650,000	1,237,500	6,192,066		-	-	-	-	-	-	6,192,066

FM Metropolitan Area Flood Risk Management Project
Statement of Net Position
September 30, 2025

	FM Diversion Project Fund	Budget Fund	Excess Capital Fund	Grand Total
Assets				
Cash	\$ 249,175,987	\$ 651,354	\$ -	\$ 249,827,341
Cash Horace 3.01 MIT	4,540,690	-	-	4,540,690
Cash BRRWD	9,228,342	-	-	9,228,342
Cash Held In Trust at BND				
Excess Revenue Fund	728,795	-	-	728,795
Temp Debt Obligation Fund	3,102,833	-	-	3,102,833
Authority Loan Fund	355,347	-	-	355,347
P3 Reserve Fund	16,793,482	-	-	16,793,482
SRF Loan Reserve Fund	2,379,455	-	-	2,379,455
Revenue Fund	3,898	-	-	3,898
Receivables				-
State Water Commission *	-	-	-	-
City of Fargo	-	-	-	-
City of Moorhead	-	-	-	-
Cass County	-	-	-	-
Legacy	-	-	-	-
Misc	-	-	-	-
Interest Receivable	-	-	-	-
Proceeds from Oxbow Lot Sales	-	-	-	-
Prepaid Expense	2,270,319	-	-	2,270,319
Refundable Deposit	50,000	-	-	50,000
Total assets	288,629,149	651,354	-	289,280,504
Liabilities				
Vouchers payable	1,732,028	3,221	-	1,735,249
Retainage payable	126,770	-	-	126,770
Rent Deposit	19,250	-	-	19,250
Deferred Revenue	-	-	-	-
Total liabilities	1,878,048	3,221	-	1,881,269
NET POSITION	\$ 286,751,101	\$ 648,133	\$ -	\$ 287,399,234

Summary Of Expenses
EXP-2025-09

14 October 2025

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
770-7910-429.11-00	04/09/2025	347256	Cass County Government	\$77,378.44	DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
	25/09/2025	347775	Cass County Government	\$77,378.45	AUGUST DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
Full Time Staff / Salaries				\$154,756.89			
770-7910-429.20-01	04/09/2025	347256	Cass County Government	\$13,335.18	DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
	25/09/2025	347775	Cass County Government	\$12,194.68	AUGUST DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
Employee Benefits / Health Insurance				\$25,529.86			
770-7910-429.20-03	04/09/2025	347256	Cass County Government	\$220.00	DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
	25/09/2025	347775	Cass County Government	\$200.00	AUGUST DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
Employee Benefits / Dental Insurance				\$420.00			
770-7910-429.20-06	04/09/2025	347256	Cass County Government	\$43.80	DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
	25/09/2025	347775	Cass County Government	\$43.80	AUGUST DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
Employee Benefits / Vision Insurance				\$87.60			
770-7910-429.21-01	04/09/2025	347256	Cass County Government	\$4,573.67	DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
	25/09/2025	347775	Cass County Government	\$4,592.33	AUGUST DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
Employee Benefits / Social Security				\$9,166.00			
770-7910-429.21-02	04/09/2025	347256	Cass County Government	\$1,069.65	DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
	25/09/2025	347775	Cass County Government	\$1,074.01	AUGUST DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
Employee Benefits / Medicare				\$2,143.66			
770-7910-429.22-07	04/09/2025	347256	Cass County Government	\$10,154.28	DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
	25/09/2025	347775	Cass County Government	\$10,154.28	AUGUST DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
Pension Benefits / Retirement				\$20,308.56			
770-7910-429.33-37	18/09/2025	347655	HighRoad Partners, LLC	\$600.00	HR SERVICES	V09701	HR SERVICES
Other Services / HR Services				\$600.00			
770-7910-429.34-15	11/09/2025	347514	Marco Technologies	\$736.00	DIVERSION IT SERVICES	V10301	SERVICE AGREEMENT - IT
	25/09/2025	347780	CONSOLIDATED COMMUNI	\$470.00	ACCT #701-150-0113/0	V00106	EXECUTIVE DIRECTOR
	02/10/2025	348061	Network Center Inc.	\$3,221.25	DIVERSION IT SERVICES	V13801	IT SERVICE AGREEMENT
Technical Services / Computer Services				\$4,427.25			

Summary Of Expenses
EXP-2025-09

14 October 2025

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
770-7910-429.38-99	04/09/2025	347256	Cass County Government	(\$4,282.00)	DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
Other Services / Other Services				(\$4,282.00)			
770-7910-429.53-20	04/09/2025	347256	Cass County Government	\$472.61	DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
	25/09/2025	347775	Cass County Government	\$380.49	DIVERSION MISC EXPENSES	V00106	EXECUTIVE DIRECTOR
Communications / Cellular Phone Service				\$853.10			
770-7910-429.56-60	04/09/2025	347256	Cass County Government	\$336.70	DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
	25/09/2025	347775	Cass County Government	\$315.10	DIVERSION MISC EXPENSES	V00106	EXECUTIVE DIRECTOR
In State Travel / In State Travel Expenses				\$651.80			
770-7910-429.57-60	04/09/2025	347256	Cass County Government	\$402.51	DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
	25/09/2025	347775	Cass County Government	\$495.80	DIVERSION MISC EXPENSES	V00106	EXECUTIVE DIRECTOR
Out of State Travel / Out of State Travel Exp				\$898.31			
770-7910-429.61-10	04/09/2025	347256	Cass County Government	\$86.38	DIVERSION PAYROLL	V00106	EXECUTIVE DIRECTOR
	25/09/2025	347775	Cass County Government	\$105.88	DIVERSION MISC EXPENSES	V00106	EXECUTIVE DIRECTOR
General Supplies / Office Supplies				\$192.26			
770 Subtotal				\$215,753.29			
790-0000-206.10-00	02/10/2025	348091	Schmidt and Sons Inc.	\$9,715.00	Retainage	V03818	TO04-WP38C-OIN 1665
Retainage				\$9,715.00			
790-7910-429.33-25	04/09/2025	347331	OHNSTAD TWICHELL PC	\$41,263.40	DIVERSION LEGAL SERVICES	V00102	General & Admin. WIK
	25/09/2025	347798	DORSEY & WHITNEY LLP	\$440.00	DIVERSION LEGAL SERVICES	V00101	Dorsey Whitney Legal
	02/10/2025	348078	OHNSTAD TWICHELL PC	\$92,402.62	DIVERSION LEGAL SERVICES	V00102	General & Admin. WIK
Other Services / Legal Services				\$134,106.02			
790-7910-429.34-20	11/09/2025	347430	C THREE MEDIA, LLC	\$15,546.48	VIDEOGRAPHY SERVICES	V08601	VIDEOGRAPHY
	25/09/2025	347904	Neon Loon Communications, LL	\$10,248.75	COMMUNICATIONS SUPPORT	V09601	COMMUNICATIONS SUPPORT
	02/10/2025	347992	C THREE MEDIA, LLC	\$14,142.94	VIDEOGRAPHY SERVICES	V08601	VIDEOGRAPHY
Technical Services / Marketing / Public Relat.				\$39,938.17			
790-7910-429.34-56	23/09/2025	EK09250	City of Fargo	\$18,007.50	FISCAL AGENT FEE - 09/25	V05902	MONTHLY FISCAL AGENT FEE
Technical Services / FMDA Fiscal Agent Fees				\$18,007.50			

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Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description	Project Number	Project Description
790-7910-429.42-05	18/09/2025	347606	Ambassador, Inc.	\$925.00	DIVERSION OFFICE CLEANING	V10501	JANITORIAL SERVICES
Cleaning Services / Custodial Services				\$925.00			
790-7915-429.33-05	04/09/2025	347263	MOORE ENGINEERING INC	\$1,067.50	MOORE ENGINEERING	V01201	Cass Joint Water OHB
	04/09/2025	347294	HOUSTON-MOORE GROUP L	\$194,077.50	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	11/09/2025	347483	HOUSTON-MOORE GROUP L	\$111,749.80	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	11/09/2025	347483	HOUSTON-MOORE GROUP L	\$209,715.50	DIVERSION PROJECT	V01634	H&H MITIG. & PERMIT SUPPO
	02/10/2025	348024	HOUSTON-MOORE GROUP L	\$254,485.31	DIVERSION PROJECT	V01634	H&H MITIG. & PERMIT SUPPO
	02/10/2025	348025	HOUSTON-MOORE GROUP L	\$155,904.15	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
Other Services / Engineering Services				\$926,999.76			
790-7920-429.33-05	04/09/2025	347294	HOUSTON-MOORE GROUP L	\$35,546.08	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	11/09/2025	347483	HOUSTON-MOORE GROUP L	\$49,340.20	DIVERSION PROJECT	V01634	H&H MITIG. & PERMIT SUPPO
	11/09/2025	347483	HOUSTON-MOORE GROUP L	\$49,520.66	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	02/10/2025	348024	HOUSTON-MOORE GROUP L	\$72,292.00	DIVERSION PROJECT	V01634	H&H MITIG. & PERMIT SUPPO
	02/10/2025	348025	HOUSTON-MOORE GROUP L	\$41,175.15	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
Other Services / Engineering Services				\$247,874.09			
790-7920-429.33-79	25/09/2025	347778	CH2M Hill Engineers Inc	\$483,234.29	PROGRAM MGMT	V00211	CH2M HILL-6/2019-12/2021
	25/09/2025	347778	CH2M Hill Engineers Inc	\$718,021.66	SUPPORT SERVICES	V00212	P3 PROCUREMENT SUPPORT
Other Services / Construction Management				\$1,201,255.95			
790-7930-429.33-05	04/09/2025	347263	HDR Engineering, Inc.	\$3,046.25	HDR ENGINEERING	V01201	Cass Joint Water OHB
	04/09/2025	347263	SRF Consulting Group	\$29,589.58	SRF CONSULTING GROUP	V01201	Cass Joint Water OHB
	04/09/2025	347294	HOUSTON-MOORE GROUP L	\$179,146.65	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	11/09/2025	347483	HOUSTON-MOORE GROUP L	\$204,721.90	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	11/09/2025	347483	HOUSTON-MOORE GROUP L	\$856.21	DIVERSION PROJECT	V01634	H&H MITIG. & PERMIT SUPPO
	25/09/2025	347753	ADVANCED ENGINEERING I	\$171,356.75	DIVERSION PROJECT	V00302	PROGRAM MGMT SERVICES
	02/10/2025	348024	HOUSTON-MOORE GROUP L	\$12,652.75	DIVERSION PROJECT	V01634	H&H MITIG. & PERMIT SUPPO
	02/10/2025	348025	HOUSTON-MOORE GROUP L	\$166,279.45	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
Other Services / Engineering Services				\$767,649.54			

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790-7930-429.33-25	04/09/2025	347263	Larkin Hoffman Attorneys	\$48,084.33	LARKIN HOFFMAN	V01201	Cass Joint Water OHB
	04/09/2025	347263	OHNSTAD TWICHELL PC	\$177,440.14	OHNSTAD TWICHELL PC	V01201	Cass Joint Water OHB
	25/09/2025	347874	Larkin Hoffman Attorneys	\$765.00	DIVERSION LEGAL SERVICES	V14801	LEGAL SERVICES
Other Services / Legal Services				\$226,289.47			
790-7930-429.33-32	04/09/2025	347263	CROWN APPRAISALS	\$35,000.00	CROWN APPRAISALS INC	V01201	Cass Joint Water OHB
Other Services / Appraisal Services				\$35,000.00			
790-7930-429.33-47	25/09/2025	347947	Jodi Smith	\$3,900.00	MFDA CONSULTING	V13701	LAND ACQUISITION CONSULTIN
Other Services / Consulting Services				\$3,900.00			
790-7930-429.33-79	25/09/2025	347778	CH2M Hill Engineers Inc	\$5,945.88	PROPERTY ACQUISITION	V00210	CH2M HILL-LAND ACQUISITON
Other Services / Construction Management				\$5,945.88			
790-7930-429.38-95	04/09/2025	347303	JT LAWN SERVICE LLC	\$36,860.00	JULY MOWING	V10401	MOWING/WEED CONTROL MGM
	02/10/2025	348033	JT LAWN SERVICE LLC	\$65,842.00	MOWING/WEED CONTROL	V10401	MOWING/WEED CONTROL MGM
Other Services / Mowing Services				\$102,702.00			
790-7930-429.38-99	04/09/2025	347263	Title Company	\$50.00	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
Other Services / Other Services				\$50.00			
790-7930-429.52-70	25/09/2025	347967	Watts and Associates, Inc.	\$12,903.39	CROP INS PROJJECT	V06901	CROP INSURANCE DEVELOPMN
Insurance / Crop Insurance				\$12,903.39			
790-7930-429.62-51	04/09/2025	347263	Cass County Electric Cooperativ	\$46.45	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	25/09/2025	347773	Cass County Electric Cooperativ	\$113.00	ACCT #1184422-DIVERSION	V01701	ND LAND PURCH-OUT OF TOWN
Energy / Electricity				\$159.45			
790-7930-429.62-52	04/09/2025	347263	Fevig Oil Company, Inc.	\$2,200.00	FEVIG OIL	V01701	ND LAND PURCH-OUT OF TOWN
Energy / Propane				\$2,200.00			
790-7930-429.67-11	04/09/2025	347263	8359 - STEVEN D SCHULTZ E	\$21,830.70	STEVE SCHULTZ	V01701	ND LAND PURCH-OUT OF TOWN
Relocation / Residential Buildings				\$21,830.70			

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790-7930-429.67-12	04/09/2025	347263	1112 - TERRY M & KRISTIE	\$2,470.75	JOSEPH & JOLENE SAUVAGEAU	V01701	ND LAND PURCH-OUT OF TOWN
	04/09/2025	347263	1113 - TERRY M & KRISTIE	\$2,470.75	JOSEPH & JOLENE SAUVAGEAU	V01701	ND LAND PURCH-OUT OF TOWN
	04/09/2025	347263	8359 - STEVEN D SCHULTZ E	\$88,500.00	STEVE SCHULTS	V01701	ND LAND PURCH-OUT OF TOWN
Relocation / Commercial Buildings				\$93,441.50			
790-7930-429.71-30	04/09/2025	347263	0872 - RICKER	\$301,419.44	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	04/09/2025	347263	0873 - RICKER	\$301,419.44	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	04/09/2025	347263	0874 - RICKER	\$301,419.43	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	04/09/2025	347263	0875 - RICKER	\$301,419.43	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	04/09/2025	347263	5214Y - CASS COUNTY JOIN	(\$7,227.00)	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
Land / Land Purchases				\$1,198,450.74			
790-7930-429.71-31	04/09/2025	347263	2006N - ALICE J MATHISON	\$19,379.21	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
Land / Easements				\$19,379.21			
790-7930-429.73-20	04/09/2025	347296	INDUSTRIAL BUILDERS INC	\$114,649.50	PROPERTY MITIGATION	V06014	TO 9 - OIN 8386
	04/09/2025	347358	Schmidt and Sons Inc.	\$34,606.95	PROPERTY MITIGATION	V03821	TO34 - OIN 856 & 1972
	25/09/2025	347878	Linnco, Inc.	\$120,425.00	PROPERTY MITIGATION	V14002	TO15-WP38C OIN 1992
Infrastructure / Site Improvements				\$269,681.45			
790-7931-429.33-05	04/09/2025	347265	SRF Consulting Group	\$11,869.32	SRF CONSULTING GROUP	V06201	MCCJPA - MN ROE
	02/10/2025	347998	SRF Consulting Group	\$10,105.87	SRF CONSULTING GROUP	V06201	MCCJPA - MN ROE
	02/10/2025	347998	SRF Consulting Group	\$3,654.71	SRF CONULTING GROUP	V06201	MCCJPA - MN ROE
Other Services / Engineering Services				\$25,629.90			
790-7931-429.33-25	04/09/2025	347265	OHNSTAD TWICHELL PC	\$23,459.33	OHNSTAD TWICHELL	V06201	MCCJPA - MN ROE
	02/10/2025	347998	OHNSTAD TWICHELL PC	\$10,450.64	OHNSTAD TWICHELL	V06201	MCCJPA - MN ROE
Other Services / Legal Services				\$33,909.97			
790-7931-429.52-10	02/10/2025	347998	DAWSON INSURANCE AGEN	\$6,234.95	MARSH & MCLENNAN	V02301	MN LAND PURCHASES
Insurance / Property Insurance				\$6,234.95			
790-7931-429.54-10	04/09/2025	347265	New Century Press	\$7.43	NEW CENTURY PRESS	V06201	MCCJPA - MN ROE
	02/10/2025	347998	New Century Press	\$7.43	NEW CENTURY PRESS	V06201	MCCJPA - MN ROE
Advertising / Legal Publications				\$14.86			

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790-7931-429.61-50	02/10/2025	347998	FORUM COMMUNICATIONS	\$58.20	FORUM COMMUNICATIONS	V06201	MCCJPA - MN ROE
General Supplies / Postage				\$58.20			
790-7931-429.67-11	04/09/2025	347265	1305 - CITIMORTGAGE, INC	\$8,225.00	MICHELE MORTENSON	V02301	MN LAND PURCHASES
Relocation / Residential Buildings				\$8,225.00			
790-7931-429.71-30	04/09/2025	347265	1879N - MOORHEAD CLAY C	(\$1,000.00)	BCSS, LLC	V02301	MN LAND PURCHASES
Land / Land Purchases				(\$1,000.00)			
790-7931-429.71-31	04/09/2025	347265	5177 - DEUTSCHER/LEROY V	\$46,623.50	THE TITLE CO	V02301	MN LAND PURCHASES
Land / Easements				\$46,623.50			
790-7940-429.33-06	02/10/2025	347989	BRAUN INTERTEC CORP	\$20,605.20	MATERIRAL TESTING	V00407	TASK ORDER #5
Other Services / Quality Testing				\$20,605.20			
790-7940-429.34-50	07/10/2025	JH092500	City of Horace	\$29.23	SEP 25 DIVIDEND/ADMIN FEE	V11602	HORACE-ESCROW PFM FEES
Technical Services / Investment Management Svc				\$29.23			
790-7941-429.34-50	07/10/2025	JH092500	BUFFALO-RED RIVER WATE	\$42.19	SEP 25 INT/ADMIN FEES	V08304	BRRWD-ESCROW PFM FEES
Technical Services / Investment Management Svc				\$42.19			
790-7950-429.33-05	04/09/2025	347294	HOUSTON-MOORE GROUP L	\$10,577.40	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	11/09/2025	347483	HOUSTON-MOORE GROUP L	\$11,504.25	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	25/09/2025	347884	MOORE ENGINEERING INC	\$9,565.00	REIMB MOORE ENGINEERING	V08901	MAPLE RIVER-DRAIN EXPENSE
	25/09/2025	347937	MOORE ENGINEERING INC	\$20,513.75	REIMB MOORE ENGINEERING	V08801	RUSH RIVER-DRAIN EXPENSE
	25/09/2025	347948	MOORE ENGINEERING INC	\$24,761.25	REIMB MOORE ENGINEERING	V12201	SE CASS WRD MOU
	02/10/2025	348025	HOUSTON-MOORE GROUP L	\$2,852.00	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	26/09/2025	EK09250	HOUSTON ENGINEERING IN	\$463.64	HOUSTON ENGINEERING INC	V05426	RR EROSION-UNIV & 52ND AV
Other Services / Engineering Services				\$80,237.29			
790-7950-429.33-06	11/09/2025	347427	BRAUN INTERTEC CORP	\$7,092.00	MATERIALS TESTING	V00405	ENVIRO. CONSULTING SERV
	11/09/2025	347427	BRAUN INTERTEC CORP	\$120,011.00	MATERIALS TESTING	V00406	TASK ORDER #4
Other Services / Quality Testing				\$127,103.00			

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790-7950-429.33-25	25/09/2025	347884	OHNSTAD TWICHELL PC	\$975.00	REIMB OHNSTAD TWICHELL	V08901	MAPLE RIVER-DRAIN EXPENSE
	25/09/2025	347937	OHNSTAD TWICHELL PC	\$96.00	REIMB OHNSTAD TWICHELL	V08801	RUSH RIVER-DRAIN EXPENSE
	26/09/2025	EK09250	Serkland Law Firm	\$2,204.15	SERKLAND LAW FIRM	V05418	FLOOD ACQUISITIONS
Other Services / Legal Services				\$3,275.15			
790-7950-429.38-99	25/09/2025	347922	Pleasant Township	\$9,029.75	REIMB GLACIER ENTERPRISES	V06801	PLEASANT TOWNSHIP MOU
	02/10/2025	348106	3D Specialties Inc.	\$16,665.00	OXBOW SIGNAGE	V14401	WP06B-OXBOW SIGNAGE
Other Services / Other Services				\$25,694.75			
790-7950-429.73-52	16/09/2025	EK09250	Red River Valley Alliance LLC	\$4,789,423.20	RECORD WIRE MILESTONE PMT	V11402	MILESTONE PAYMENTS
Infrastructure / Flood Control				\$4,789,423.20			
790-7950-429.73-70	11/09/2025	347586	XCEL ENERGY-FARGO	\$7,657.64	LINE MODIFICATION	V07704	TO1-MONTICELLO-BISON TRAN
	25/09/2025	347774	Cass County Electric Cooperativ	\$735,027.60	DIVERSION AID TO CONSTRUC	V04727	TO25-RECONNECT RELOC SUBS
	25/09/2025	347776	Cass Rural Water	\$14,753.16	CASS RURAL WATER TO #9	V05016	TO 9 - WP38C DISCONNECTS
	02/10/2025	347995	Cass County Electric Cooperativ	\$22,600.81	REMOVE ABANDONED LINES	V04728	TO26-RMV ABANDON LINES
	02/10/2025	347997	Cass Rural Water	\$11,294.38	WATER TO 9	V05016	TO 9 - WP38C DISCONNECTS
Infrastructure / Utilities				\$791,333.59			
790-7951-429.73-70	11/09/2025	347550	RED RIVER VALLEY COOPE	\$25,137.64	UNDERGROUND CABLE	V10706	WOLVERTON CREEK OHD LINES
Infrastructure / Utilities				\$25,137.64			
790-7952-429.33-05	04/09/2025	347294	HOUSTON-MOORE GROUP L	\$1,921.00	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	11/09/2025	347483	HOUSTON-MOORE GROUP L	\$11,991.10	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	02/10/2025	348025	HOUSTON-MOORE GROUP L	\$525.40	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
Other Services / Engineering Services				\$14,437.50			
790-7955-429.33-05	04/09/2025	347294	HOUSTON-MOORE GROUP L	\$3,835.00	DIVERSION PROJECT	V02827	IN TOWN LEVY MAINTENANCE
	11/09/2025	347483	HOUSTON-MOORE GROUP L	\$24,380.75	DIVERSION PROJECT	V02827	IN TOWN LEVY MAINTENANCE
	02/10/2025	348025	HOUSTON-MOORE GROUP L	\$3,135.00	DIVERSION PROJECT	V02827	IN TOWN LEVY MAINTENANCE
Other Services / Engineering Services				\$31,350.75			
790-7959-429.33-05	26/09/2025	EK09250	HOUSTON ENGINEERING IN	\$24,982.50	HOUSTON ENGINEERING INC	V05438	NR25D-STRM LFT RHB #41,42
Other Services / Engineering Services				\$24,982.50			

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790-7959-429.73-52	26/09/2025	EK09250	MASTER CONSTRUCTION C	\$73,379.03	OLD REPUBLIC SURETY COMPA	V05435	WM REP ST RCN-WOODCREST
Infrastructure / Flood Control				\$73,379.03			
790-7990-429.33-05	04/09/2025	347294	HOUSTON-MOORE GROUP L	\$35,193.43	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	11/09/2025	347483	HOUSTON-MOORE GROUP L	\$58,170.20	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
	02/10/2025	348025	HOUSTON-MOORE GROUP L	\$40,339.03	DIVERSION PROJECT	V01633	DESIGN & CONST. SUPPORT
Other Services / Engineering Services				\$133,702.66			
790-7990-429.33-25	04/09/2025	347331	OHNSTAD TWICHELL PC	\$91,922.10	DIVERSION LEGAL SERVICES	V00102	General & Admin. WIK
	25/09/2025	347953	Swanson & Warcup	\$900.00	DIVERSION LEGAL SERVICES	V14501	LEGAL SERVICES
	02/10/2025	348078	OHNSTAD TWICHELL PC	\$60,006.60	DIVERSION LEGAL SERVICES	V00102	General & Admin. WIK
Other Services / Legal Services				\$152,828.70			
790-7990-429.33-47	11/09/2025	347545	Program Advisor Services, LLC	\$31,312.00	DIVERSION CONSULTING	V05801	CONSULTING SERVICES
Other Services / Consulting Services				\$31,312.00			
790-7990-429.34-57	29/09/2025	23508	BANK OF NORTH DAKOTA	\$18,007.50	BND TRUSTEE FEE 9.2025	V08502	MONTHLY TRUSTEE FEE
Technical Services / FMDA Trustee Fees BND				\$18,007.50			
790-7998-555.90-81	23/09/2025	EK09250	Diversion Admin Budget Transfe	\$0.00	ANNUAL ADMIN BDGT - SEPT	VADMIN	Diversion Administration
FMDA Admin. Budget Fund				\$0.00			
790 Subtotal				\$11,800,983.08			

Total Amount Invoiced this period:	\$12,016,736.37	
	\$9,715.00	Less Paid Retainage
	\$12,007,021.37	Total Less Paid Retainage

Vendor Name	Approved Contract/Invoiced Amount	Liquidated	Outstanding Encumbrance	Purpose
LAND PURCHASE	\$439,041,396.77	\$439,041,396.77	\$0.00	Land Purchase
CH2M HILL ENGINEERS INC	\$169,823,404.31	\$139,953,210.37	\$29,870,193.94	Project & Construction Management
RED RIVER VALLEY ALLIANCE LLC	\$114,488,954.46	\$114,488,954.46	\$0.00	P3 Developer payments
HOUSTON-MOORE GROUP LLC	\$98,627,631.93	\$83,990,846.00	\$14,636,785.93	Engineering Services
INDUSTRIAL BUILDERS INC	\$67,584,314.76	\$66,951,919.76	\$632,395.00	2nd St N Pump Station Project and 2nd St Floodwall, South of Pu
ARMY CORP OF ENGINEERS	\$54,174,400.00	\$54,174,400.00	\$0.00	Local Share
NORTH DAKOTA PUBLIC FINANCE AUTHORIT	\$49,551,760.00	\$49,551,760.00	\$0.00	Debt Service
KEY CONTRACTING INC	\$36,679,385.73	\$36,679,385.73	\$0.00	Flood Protection Services
RICHLAND-WILKIN JPA	\$35,000,000.00	\$35,000,000.00	\$0.00	Economic Impact Relief Fund
OHNSTAD TWICHELL PC	\$28,186,281.16	\$28,186,281.16	\$0.00	Legal Services
MEYER CONTRACTING	\$19,244,280.80	\$19,244,280.80	\$0.00	WP-43CD and Gatewell - PVD & Surcharge Installation
INDUSTRIAL CONTRACT SERVICES INC	\$18,419,743.64	\$18,419,743.64	\$0.00	4th St Pump Station and 2nd Street Floodwall
ADVANCED ENGINEERING INC	\$16,046,097.25	\$15,088,120.64	\$957,976.61	Lands Management and Public Outreach
DORSEY & WHITNEY LLP	\$14,025,075.82	\$14,025,075.82	\$0.00	Legal Services
WELLS FARGO	\$11,607,080.05	\$11,607,080.05	\$0.00	Debt Service
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
MOORE ENGINEERING INC	\$9,262,166.99	\$7,051,240.05	\$2,210,926.94	Engineering Services
CITY OF FARGO	\$8,935,505.36	\$8,929,866.61	\$5,638.75	Utility Relocation, Accounting Svcs, Interest on Deficit Funds
CASS COUNTY JOINT WATER RESOURCE DI	\$8,916,503.76	\$8,916,503.76	\$0.00	O/H/B Ring Levee, DPAC, Postage, Miscellaneous
HOUSTON ENGINEERING INC	\$7,592,110.63	\$7,592,110.63	\$0.00	Engineering Services
CASS RURAL WATER	\$7,268,494.07	\$7,215,898.64	\$52,595.43	Utilities and Utility Relocation
SCHMIDT AND SONS INC.	\$6,447,104.98	\$5,637,495.38	\$809,609.60	Residential Demolition in Oxbow
ASHURST LLP	\$6,352,853.01	\$6,352,853.01	\$0.00	PPP Legal Counsel
SRF CONSULTING GROUP	\$6,341,707.43	\$3,972,695.20	\$2,369,012.23	Engineering Services
CASS COUNTY GOVERNMENT	\$6,339,447.34	\$6,339,447.34	\$0.00	Gravel on County Rd 17 Bypass
CASS COUNTY ELECTRIC COOPERATIVE	\$5,877,294.95	\$4,347,397.91	\$1,529,897.04	Electrical Services

Vendor Name	Approved Contract/Invoiced Amount	Liquidated	Outstanding Encumbrance	Purpose
NUSTAR PIPELINE OPERATING PARTNERSHIP	\$5,867,251.62	\$5,867,251.62	\$0.00	Utility Relocation
BRAUN INTERTEC CORP	\$5,717,050.56	\$3,461,771.96	\$2,255,278.60	Materials Testing
MINNKOTA POWER COOPERATIVE	\$5,536,919.68	\$1,698,465.67	\$3,838,454.01	Utility Relocation
ERNST & YOUNG	\$5,377,000.00	\$5,082,525.00	\$294,475.00	P3 Financial Advisory Services
SELLIN BROS INC	\$4,487,126.94	\$4,487,126.94	\$0.00	Riverwood Flood Risk Project - Construction
XCEL ENERGY-FARGO	\$4,004,762.30	\$2,927,810.94	\$1,076,951.36	Utility Relocation
PROSOURCE TECHNOLOGIES, INC	\$3,873,908.66	\$3,557,364.40	\$316,544.26	Land Acquisition Services
CENTURYLINK COMMUNICATIONS	\$3,735,004.62	\$3,710,251.68	\$24,752.94	Utility Relocation
RILEY BROS	\$3,656,841.67	\$3,656,841.67	\$0.00	Construction - OHB Ring Levee & WP-28A
RED RIVER VALLEY & WESTERN RAILROAD C	\$3,589,388.46	\$3,589,388.46	\$0.00	Railroad Facilities and the Rail Property
BNSF RAILWAY CO	\$3,585,747.80	\$3,585,747.80	\$0.00	Permits for In-Town Levee Projects
AON RISK SERVICES CENTRAL INC	\$3,508,446.49	\$3,429,509.99	\$78,936.50	Risk Advisory Services P3 Pre-Award
CHS INC.	\$3,049,153.37	\$3,049,153.37	\$0.00	Purchase Agreement (DB-1011)
PLENARY AMERICAS USA LTD	\$3,000,000.00	\$3,000,000.00	\$0.00	Stipend Payment for P3 RFP
PROGRAM ADVISOR SERVICES, LLC	\$2,977,982.87	\$2,765,852.39	\$212,130.48	Program Consulting Services
CROWN APPRAISALS	\$2,972,730.00	\$2,658,030.00	\$314,700.00	Flowage Easements Valuation and Appraisal Services
MAGELLAN PIPELINE	\$2,852,375.85	\$2,852,375.85	\$0.00	Utility Relocation
HDR ENGINEERING, INC.	\$2,671,901.12	\$2,208,490.70	\$463,410.42	Engineering Services
MINNESOTA DNR	\$2,636,755.60	\$2,617,681.40	\$19,074.20	EIS Scoping and Permit Application
MASTER CONSTRUCTION CO INC	\$2,490,751.67	\$2,490,751.67	\$0.00	Flood Mitigation - Royal Oaks Area - Construction
OXBOW, CITY OF	\$2,383,317.16	\$2,383,317.16	\$0.00	OXBOW MOU - LAND ADVANCE
EXCAVATING INC - FARGO	\$2,328,298.24	\$2,328,298.24	\$0.00	Excavation and Utilities
LANDWEHR CONSTRUCTION INC	\$2,304,622.16	\$2,304,622.16	\$0.00	In-Town and WP-43 Demolition Contracts
HOUGH INC	\$2,299,556.83	\$2,280,719.33	\$18,837.50	Construction WP-42F.2 and Oxbow River Intake & Pumping Syst
ACONEX (NORTH AMERICA) INC	\$2,194,655.43	\$2,039,939.46	\$154,715.97	Electronic Data Mgmt and Record Storage System
URS CORPORATION	\$1,805,670.90	\$1,805,670.90	\$0.00	Cultural Resources Investigations
AECOM	\$1,692,603.43	\$1,380,755.41	\$311,848.02	Cultural Resources Investigations
REINER CONTRACTING INC	\$1,599,646.21	\$1,599,646.21	\$0.00	El Zagal Flood Risk Management

Vendor Name	Approved Contract/Invoiced Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY TREASURER	\$1,582,695.56	\$1,582,695.56	\$0.00	Property Taxes
ULTEIG ENGINEERS INC	\$1,540,037.09	\$1,493,586.09	\$46,451.00	Land Acquisition Services
WAGNER CONSTRUCTION INC.	\$1,417,840.62	\$1,417,840.62	\$0.00	Utility Relocation
BANK OF NORTH DAKOTA	\$1,376,296.85	\$1,376,296.85	\$0.00	Legal review fees
LARKIN HOFFMAN ATTORNEYS	\$1,355,243.89	\$1,355,243.89	\$0.00	Legal Services
UNITED STATES GEOLOGICAL SURVEY	\$1,343,840.00	\$887,465.00	\$456,375.00	Water Level Discharge Collection & Stage Gage Installation
US BANK	\$1,205,546.13	\$1,205,546.13	\$0.00	Loan Advance Debt Service Payments
ANKURA CONSULTING GROUP LLC	\$1,157,597.56	\$1,157,597.56	\$0.00	Scheduling Services
CONSOLIDATED COMMUNICATIONS	\$1,090,079.17	\$1,090,079.17	\$0.00	Utility Relocation
CITY OF HORACE	\$1,080,041.79	\$1,080,041.79	\$0.00	Infrastructure Fund
KPH, INC.	\$1,025,640.12	\$1,025,640.12	\$0.00	WP-43D5 Construction
CLERK OF DISTRICT COURT	\$939,044.32	\$939,044.32	\$0.00	FLDBUY - COF Flood Home Buyouts
LINNCO, INC.	\$934,355.77	\$912,828.11	\$21,527.66	House Demo and Removal
SPRINT COMMUNICATIONS COMPANY L.P.	\$933,509.79	\$812,034.58	\$121,475.21	Fiber Optic Relocation
TERRACON CONSULTING ENGINEERS	\$890,924.41	\$890,924.41	\$0.00	Materials Testing
SBA COMMUNICATIONS	\$851,648.91	\$851,648.91	\$0.00	Utility Relocation
JT LAWN SERVICE LLC	\$843,285.10	\$582,179.00	\$261,106.10	Mowing and weed control
COMPASS LAND CONSULTANTS, INC	\$804,820.00	\$643,189.43	\$161,630.57	Property Appraisal Services
UNITED STATES ENVIRONMENTAL PROTECTI	\$799,086.35	\$799,086.35	\$0.00	WIFIA LOAN APPLCATION FEE
BORDER STATES PAVING, INC	\$762,980.64	\$762,980.64	\$0.00	Street repairs
RED RIVER VALLEY COOPERATIVE ASSOC	\$759,075.26	\$691,535.26	\$67,540.00	Electricity - Home Buyouts
CC STEEL, LLC	\$755,550.09	\$755,550.09	\$0.00	Lift Station Improvements
DAKOTA CARRIER NETWORK	\$727,348.58	\$727,348.58	\$0.00	Utility Relocation
CLAY COUNTY AUDITOR	\$704,233.05	\$704,233.05	\$0.00	Property Taxes - MN
PATCHIN MESSNER VALUATION COUNSELORS	\$687,462.50	\$526,383.75	\$161,078.75	Property Appraisal Services
ERIK R JOHNSON & ASSOCIATES	\$686,572.23	\$686,572.23	\$0.00	Legal Services
C THREE MEDIA, LLC	\$685,639.35	\$558,325.83	\$127,313.52	Videography Services
NORTHERN IMPROVEMENT COMPANY	\$682,385.59	\$682,385.59	\$0.00	CR-17 asphalt paving

Data Through Date: 26 September 2025

Vendor Name	Approved Contract/Invoiced Amount	Liquidated	Outstanding Encumbrance	Purpose
APEX ENGINEERING GROUP INC	\$670,280.12	\$670,280.12	\$0.00	Engineering
NEON LOON COMMUNICATIONS, LLC	\$666,006.80	\$576,926.87	\$89,079.93	Communications Support
METROPOLITAN COUNCIL OF GOVERNMENTS	\$637,390.01	\$637,390.01	\$0.00	Digital Aerial Photography
NDSU BUSINESS OFFICE-BOX 6050	\$606,145.00	\$606,145.00	\$0.00	Ag Risk Study Services
LTP ENTERPRISES INC.	\$605,472.00	\$605,472.00	\$0.00	Test Holes and Test Well Drilling
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
RJ ZAVORAL & SONS INC.	\$579,297.51	\$0.00	\$579,297.51	Raymond Township Mobility Improvements
MIDCONTINENT COMMUNICATIONS	\$566,425.77	\$531,170.41	\$35,255.36	Utility Relocation
RED RIVER BASIN COMMISSION	\$501,000.00	\$501,000.00	\$0.00	Retention Projects - Engineering Services
HOFFMAN & MCNAMARA CO.	\$491,334.67	\$491,334.67	\$0.00	General Landscaping and Planting (WP-42G)
BUFFALO-RED RIVER WATERSHED DISTRICT	\$484,511.50	\$484,511.50	\$0.00	Retention Projects - Engineering Services
WATTS AND ASSOCIATES, INC.	\$460,000.00	\$454,550.23	\$5,449.77	Crop insurance product development services
RICK ELECTRIC INC	\$455,200.00	\$455,200.00	\$0.00	Riverwood Flood Risk Project - Electrical
TINJUM APPRAISAL COMPANY, INC.	\$443,600.00	\$252,600.00	\$191,000.00	Property Appraisal Services
ROBERT TRENT JONES	\$440,431.73	\$440,431.73	\$0.00	Oxbow MOU - Golf Course Consulting Agreement
BEAVER CREEK ARCHAEOLOGY	\$396,970.25	\$396,970.25	\$0.00	Engineering Services
MOODYS INVESTORS SERVICE, INC.	\$382,375.00	\$382,375.00	\$0.00	WIFIA loan fees
MBA	\$380,636.36	\$380,636.36	\$0.00	Golf course and pump house - Oxbow Country Club
DAWSON INSURANCE AGENCY	\$368,300.36	\$368,300.36	\$0.00	Property Insurance - Home Buyouts
MVM CONTRACTING	\$339,448.03	\$339,448.03	\$0.00	Fiber Relocation
SWANSON HEALTH PRODUCTS, INC.	\$337,059.00	\$337,059.00	\$0.00	FM1471 - Storm Lift Stations #55 and #56 - Drain 27
INTEGRA REALTY RESOURCES	\$320,750.00	\$260,725.00	\$60,025.00	Property Appraisal Services
DFI BRIDGE CORPORATION	\$316,211.21	\$316,211.21	\$0.00	Bridge Construction - Oxbow Country Club
KLJ ENGINEERING, LLC	\$314,693.05	\$314,693.05	\$0.00	Lift Station Improvements
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
GARY KILLEBREW	\$279,500.00	\$279,500.00	\$0.00	Project Manager Services - Oxbow Country Club

Vendor Name	Approved Contract/Invoiced Amount	Liquidated	Outstanding Encumbrance	Purpose
TURMAN & LANG	\$277,139.55	\$277,139.55	\$0.00	Legal Services
JR FERCHE INC.	\$277,004.58	\$277,004.58	\$0.00	Water System Improvements
PLEASANT TOWNSHIP	\$276,716.74	\$276,716.74	\$0.00	Building Permit Application
FUSION AUTOMATION INC.	\$269,698.82	\$269,698.82	\$0.00	Electrical
702 COMMUNICATIONS	\$266,892.07	\$266,892.07	\$0.00	Utility Relocation
MLGC	\$255,160.03	\$142,052.49	\$113,107.54	Utility Relocation
CDM SMITH INC.	\$255,000.00	\$5,514.38	\$249,485.62	Financial Dispute Resolution Board
FORUM COMMUNICATIONS	\$249,720.98	\$249,720.98	\$0.00	Advertising 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
GRAY PANNELL & WOODWARD LLP	\$231,300.68	\$231,300.68	\$0.00	Legal Services
GA GROUP, PC	\$228,229.32	\$228,229.32	\$0.00	Government Relations
WILLIAM D. SCEPANIAK, INC.	\$226,235.21	\$226,235.21	\$0.00	ROADWAY RESHAPING & AGGREGATE SURFACING
SERKLAND LAW FIRM	\$212,632.21	\$212,632.21	\$0.00	Legal services
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
HOLY CROSS TOWNSHIP	\$188,000.00	\$188,000.00	\$0.00	MOU payments
RED RIVER COMMUNICATIONS	\$181,365.42	\$181,365.42	\$0.00	Fiber Relocation
MAPLETON, CITY OF	\$179,605.00	\$97,082.13	\$82,522.87	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
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
LANDVEST, INC.	\$160,000.00	\$0.00	\$160,000.00	Appraisal services
EIDE BAILLY LLP	\$156,171.00	\$151,894.32	\$4,276.68	Audit Services
SUN ELECTRIC INC.	\$148,238.00	\$148,238.00	\$0.00	Lift Station Electrical Services
PFM PUBLIC FINANCIAL MANAGEMENT	\$146,460.00	\$146,460.00	\$0.00	Financial Advisor

Vendor Name	Approved Contract/Invoiced Amount	Liquidated	Outstanding Encumbrance	Purpose
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
MARCO TECHNOLOGIES	\$135,554.72	\$126,978.41	\$8,576.31	IT Services
FUGRO USA LAND, INC.	\$130,396.52	\$130,396.52	\$0.00	Digital Aerial Photography
BALLARD SPAHR	\$121,500.00	\$121,500.00	\$0.00	Fiscal Agent
SENTRY SECURITY, INC.	\$121,212.85	\$121,212.85	\$0.00	Security Services
AFFINITEXT INC	\$118,630.00	\$80,966.26	\$37,663.74	Document Management Services
ENVENTIS	\$115,685.62	\$115,685.62	\$0.00	Utility Relocation
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
JORGE PAGAN	\$109,500.00	\$109,500.00	\$0.00	Appraisal services
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
WARREN TOWNSHIP	\$101,604.72	\$101,604.72	\$0.00	SEEDING, ROAD REPAIR, DUST CONTROL

156 Vendors

Report Totals:

\$1,418,504,633.50

\$1,353,009,254.63

\$65,495,378.87

Data Through Date: 26 September 2025

Parcel (OIN) Physical Location Summary

Project / Physical Location	Parcels	Acquired / Sold	Cancelled OIN's (HC)	PCT Acquired / Cancelled	Remaining OIN's	Cost To Date
BIOGEO	431	267	131	92%	33	\$1,673,857
BIOGEO	300	266	1	89%	33	\$900,422
HC	131	1	130	100%	0	\$773,435
CHANNEL	720	500	217	100%	3	\$99,122,854
DA_MOB_HORACE	4	2	0	50%	2	\$0
ENV	1	0	0	0%	1	\$0
HC	267	50	217	100%	0	\$3,568,166
LAP01	114	114	0	100%	0	\$7,872,311
LAP02	96	96	0	100%	0	\$13,519,297
LAP03	81	81	0	100%	0	\$23,021,827
LEGACY	157	157	0	100%	0	\$51,141,254
DOWNSTREAM	7	0	7	100%	0	\$0
HC	7	0	7	100%	0	\$0
Habitat Improvem	23	14	8	96%	1	\$119,984
ENV	5	5	0	100%	0	\$0
Habitat_Shey	10	9	0	90%	1	\$119,984
HC	8	0	8	100%	0	\$0
MOBILITY	123	0	1	1%	122	\$0
DA_MOB37_MN	51	0	0	0%	51	\$0
DA_MOB37_ND	19	0	0	0%	19	\$0
DA_MOB38TH	52	0	0	0%	52	\$0
HC	1	0	1	100%	0	\$0

Data Through Date: 26 September 2025

Parcel (OIN) Physical Location Summary

Project / Physical Location	Parcels	Acquired / Sold	Cancelled OIN's (HC)	PCT Acquired / Cancelled	Remaining OIN's	Cost To Date
SEAILAND	536	474	52	98%	10	\$102,319,308
DRAIN 27	43	43	0	100%	0	\$23,877,374
HC	60	8	52	100%	0	\$458,806
LEGACY	138	138	0	100%	0	\$24,523,991
SE_I29	6	6	0	100%	0	\$2,990,158
SE-1	20	20	0	100%	0	\$6,259,028
SE-1B	6	6	0	100%	0	\$4,276
SE-2A	11	11	0	100%	0	\$3,978,681
SE-2B	84	84	0	100%	0	\$13,278,000
SE-3	14	14	0	100%	0	\$1,078,007
SE-4	70	63	0	90%	7	\$10,716,370
SE-5	24	21	0	88%	3	\$973,621
SE-INLET	8	8	0	100%	0	\$2,952,107
SE-RRCS	37	37	0	100%	0	\$7,707,431
SE-WRCS	10	10	0	100%	0	\$438,958
WP43B	5	5	0	100%	0	\$3,082,500
Sheyenne Mitigatio	10	1	0	10%	9	\$3,000
SheyMit	10	1	0	10%	9	\$3,000
WP36	2	2	0	100%	0	\$2,750
WRDAM	2	2	0	100%	0	\$2,750
WP38	1,050	455	376	79%	219	\$140,128,438
HC	380	4	376	100%	0	\$1,283,123
LEGACY	5	5	0	100%	0	\$457,563
UMA	579	439	0	76%	140	\$138,294,666
UMA-C	59	4	0	7%	55	\$0
UMA-W	14	3	0	21%	11	\$93,086
UMA-W2	13	0	0	0%	13	\$0
WP40	18	8	10	100%	0	\$48,923
DRAYTON	7	7	0	100%	0	\$48,923
HC	10	0	10	100%	0	\$0
LEGACY	1	1	0	100%	0	\$0
WP42	66	49	4	80%	13	\$37,850,061
HC	4	0	4	100%	0	\$0
LEGACY	6	6	0	100%	0	\$18,014,935
WP42	56	43	0	77%	13	\$19,835,126

Data Through Date: 26 September 2025

Parcel (OIN) Physical Location Summary

Project / Physical Location	Parcels	Acquired / Sold	Cancelled OIN's (HC)	PCT Acquired / Cancelled	Remaining OIN's	Cost To Date
WP43	267	121	146	100%	0	\$80,370,769
Non-OIN Hard Land Cost	0	0	0	0%	0	\$22,598,547
HC	147	1	146	100%	0	\$500
LEGACY	6	6	0	100%	0	\$3,589,519
WP43A	1	1	0	100%	0	\$0
WP43B	11	11	0	100%	0	\$2,505,237
WP43C	74	74	0	100%	0	\$45,142,769
WP43D	14	14	0	100%	0	\$5,271,226
WP43D5	5	5	0	100%	0	\$1,175,055
WP43G	9	9	0	100%	0	\$87,915
Totals	3,253	1,891	952	87%	410	\$461,639,944

FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of September 30, 2025

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		7,604,598.67	-	595,320.88	-	8,199,919.55
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		4,302,787.22	-	-	-	4,302,787.22
Easements - Piezometer		259,765.00	-	-	-	259,765.00
Easements - Minnesota		1,542,370.79	-	-	-	1,542,370.79
Farmland Purchases		326,369,160.53	-	5,109,571.44	(19,812,793.89)	184,138,034.96

FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of September 30, 2025

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
Land Purchases		191,109,842.94	-	2,563,701.41	(9,562,509.39)	184,138,034.96
That part of the Northwest Quarter of Section 16, Township 137 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota	1/30/2025	718,704.29				
That part of the NE 1/4 of Section 5 in Township 137 North of Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota	1/30/2025	431,999.39				
Part of the Southeast quarter (SE1/4) of Section 26, Township 137 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota	4/24/2025	1,275,344.43				
A certain tract of land situated in the Southwest Quarter (SW1/4) of Section 34 Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows: Commencing at a point which is 926 feet East of the Southwest corner of the Southwest Quarter of Section 34, and which point is the true point of beginning of the tract hereinafter described; thence North and parallel to the West section line of Section 34 a distance of 445 feet; thence East and parallel to the South section line of Section 34 a distance of 587 feet; thence South and parallel to the West section line of Section 34 a distance of 445 feet, more or less, to the South section line of Section 34; thence West and along the South section line a distance of 587 feet, more or less, to the point of beginning.	4/24/2025	1,000.00				
Lots 5, 7, and 8, Block 2 of River Shore Subdivision a part of Government Lots 5, 6, and 7 of Section 7, Township 137 North, Range 48 West, Cass County, North Dakota	9/4/2025	1,205,677.74				
		391,204,139.96	-	39,880,699.23	(20,190,501.76)	410,894,337.43
				Property Management Expense		11,324,861.42
				Grand Total	\$	422,219,198.85

FM Metropolitan Area Flood Risk Management Project
In-Town Levee Work
as of September 30, 2025

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	\$ 3,756,545.64	\$ 3,756,545.64
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	\$ 406,921.54	\$ 406,921.54
V02823	Hoffman & McNamara	WP-42G General Landscaping and Planting	\$ 491,334.67	\$ 491,334.67
V02824	City of Fargo	COF – In-Town Flood Protection Debt Payments	\$ 42,050,175.00	\$ 42,050,175.00
V01703	Various	In-Town Property Purchases	\$ 21,176,116.94	\$ 19,958,677.43
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>\$ 193,138,327.72</u>	<u>\$ 191,920,888.21</u>

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Legacy Bond Fund Balance Report As of 09/30/2025

Total Authorized \$ 435,500,000.00

Current Allocation \$ 435,500,000.00

Available funds remaining \$ -

Funds Requested						
	2021	2022	2023	2024	2025	Total
January	\$ -	\$ 2,942,906.60	\$ 9,981,188.76	\$ 6,088,699.53	\$ 7,591,501.50	\$ 26,604,296.39
February	\$ -	\$ 4,564,036.17	\$ 8,921,227.42	\$ 9,838,208.63	\$ 5,372,470.13	\$ 28,695,942.35
March	\$ -	\$ 5,302,899.35	\$ 17,730,945.56	\$ 14,687,498.12	\$ 17,503,738.94	\$ 55,225,081.97
April	\$ -	\$ 1,472,504.37	\$ 11,046,323.21	\$ 5,988,392.71	\$ 7,896,954.93	\$ 26,404,175.22
May	\$ -	\$ 1,450,140.38	\$ 4,548,883.57	\$ 12,454,283.82	\$ 6,424,778.04	\$ 24,878,085.81
June	\$ -	\$ 4,423,864.76	\$ 14,466,204.50	\$ 5,422,661.00	\$ 6,699,273.15	\$ 31,012,003.41
July	\$ -	\$ 2,663,992.40	\$ 3,974,515.98	\$ 21,445,843.31	\$ 24,006,527.81	\$ 52,090,879.50
August	\$ 5,059,974.19	\$ 13,491,974.29	\$ 13,633,750.92	\$ 8,503,630.42		\$ 40,689,329.82
September	\$ 2,970,327.95	\$ 8,406,666.33	\$ 965,586.18	\$ 6,578,118.55		\$ 18,920,699.01
October	\$ 6,089,707.34	\$ 4,618,116.80	\$ 23,248,333.49	\$ 9,048,118.93		\$ 43,004,276.56
November	\$ 6,415,461.09	\$ 11,768,061.46	\$ 8,921,783.21	\$ 13,053,267.13		\$ 40,158,572.89
December	\$ 6,854,966.95	\$ 17,496,559.97	\$ 11,695,525.26	\$ 11,769,604.90		\$ 47,816,657.08
Total	\$ 27,390,437.51	\$ 78,601,722.88	\$ 129,134,268.06	\$ 124,878,327.05	\$ 75,495,244.50	\$ 435,500,000.00

Funds Received						
May 2022	\$ 27,390,437.51					\$ 27,390,437.51
Jul 2022		\$ 12,809,842.12				\$ 12,809,842.12
Sep 2022		\$ 7,346,509.51				\$ 7,346,509.51
Dec 2022		\$ 29,180,749.82				\$ 29,180,749.82
Jan 2023			\$ 29,264,621.43			\$ 29,264,621.43
Apr 2023			\$ 18,902,416.18			\$ 18,902,416.18
Aug 2023			\$ 47,792,356.84			\$ 47,792,356.84
Nov 2023			\$ 18,573,853.08			\$ 18,573,853.08
Feb 2024				\$ 43,865,641.96		\$ 43,865,641.96
May 2024				\$ 30,614,406.28		\$ 30,614,406.28
Jun 2024				\$ 18,442,676.53		\$ 18,442,676.53
Aug 2024				\$ 20,891,430.30		\$ 20,891,430.30
Sep 2024				\$ 10,260,000.00		\$ 10,260,000.00
Oct 2024				\$ 10,798,822.98		\$ 10,798,822.98
Dec 2024				\$ 9,048,118.93		\$ 9,048,118.93
Dec 2024				\$ 13,053,267.13		\$ 13,053,267.13
Jan 2025				\$ 11,769,605.10		\$ 11,769,605.10
Mar 2025				\$ 7,385,444.15		\$ 7,385,444.15
Mar 2025				\$ 206,057.35		\$ 206,057.35
Apr 2025				\$ 5,372,470.13		\$ 5,372,470.13
Apr 2025				\$ 17,503,738.94		\$ 17,503,738.94
May 2025				\$ 7,896,954.93		\$ 7,896,954.93
Jun 2025				\$ 6,424,778.04		\$ 6,424,778.04
Jul 2025				\$ 6,699,272.95		\$ 6,699,272.95
Aug 2025				\$ 24,006,527.81		\$ 24,006,527.81
						\$ -
Total	\$ 27,390,437.51	\$ 49,337,101.45	\$ 114,533,247.53	\$ 156,974,364.11	\$ 87,264,849.40	\$ 435,500,000.00

State Revolving Fund (SRF) Status Report
As of 09/30/2025

Total Authorized	\$	51,634,000.00
Funds Received to Date	\$	33,265,414.16
Available Balance Remaining	\$	18,368,585.84

Funds Requested			
Draw Request Number	Period Covered	Amount	Date Submitted
1	12-Aug through 17-Oct-2022	\$ 1,272,651.90	19-Dec-22
2	09-Dec through 16-Dec-2022	\$ 2,125,033.67	17-Jan-23
3	03-Feb through 10-Feb-2023	\$ 2,539,298.51	03-Apr-23
4	11-Feb through 30-Apr. 2023	\$ 1,600,122.00	25-Jul-23
5	11-July through 28-Sept. 2023	\$ 2,052,271.94	24-Oct-23
6	11-July through 28-Sept. 2023	\$ 2,731,423.54	07-Feb-24
7	1-Nov 2023 through 31-Jan. 2024	\$ 1,112,125.48	23-May-24
8	1-Jan 2024 through 31-May 2024	\$ 2,561,871.66	25-Jul-24
9	1-June 2024 through 30-June 2024	\$ 1,217,202.33	26-Aug-24
10	1-July 2024 through 31-July 2024	\$ 187,381.78	26-Sep-24
11	1-July 2024 through 31-July 2024	\$ 1,935,077.29	26-Sep-24
12	1-July 2024 through 31-July 2024	\$ 6,413,118.48	20-Dec-24
13	1-Nov 2024 through 31-Dec 2024	\$ 2,273,331.00	25-Feb-25
14	1-Nov 2024 through 31-May 2025	\$ 3,883,134.33	16-Jul-25
15	1-JUN 2025 through 30-JUN 2025	\$ 1,361,370.25	05-Sep-25
		\$ 33,265,414.16	

Funds Received			
Draw Request Number	Period Covered	Amount	Date Received
1	12-Aug through 17-Oct-2022	\$ 1,272,651.90	23-Dec-22
2	09-Dec through 16-Dec-2022	\$ 2,125,033.67	10-Feb-23
3	03-Feb through 10-Feb-2023	\$ 2,539,299.19	21-Apr-23
4	11-Feb through 30-Apr. 2023	\$ 1,600,121.65	21-Aug-23
5	11-July through 28-Sept. 2023	\$ 2,052,271.94	08-Nov-23
6	11-July through 28-Sept. 2023	\$ 2,731,423.54	22-Feb-24
7	1-Nov 2023 through 31-Jan. 2024	\$ 1,112,125.48	06-Jun-24
8	1-Jan 2024 through 31-May 2024	\$ 2,561,871.66	26-Aug-24
9	1-June 2024 through 30-June 2024	\$ 1,217,202.33	25-Sep-24
10	1-July 2024 through 31-July 2024	\$ 187,381.78	14-Oct-24
11	1-July 2024 through 31-July 2024	\$ 1,935,077.29	07-Nov-24
12	1-July 2024 through 31-July 2024	\$ 6,413,118.48	21-Jan-25
13	1-Nov 2024 through 31-Dec 2024	\$ 2,273,331.00	02-Jul-25
14	1-Nov 2024 through 31-May 2025	\$ 3,883,134.00	11-Aug-25
15	1-JUN 2025 through 30-JUN 2025	\$ 1,361,370.25	18-Sep-25
Total		\$ 33,265,414.16	

Finance Committee Bills from October 2025

Vendor	Description		
Clay County	Comstock Reconstruction – Hwy 2 Reconstruction	\$	1,894,830.44
City of Fargo	Reimburse complementary in-town flood projects	\$	1,517,469.39
Cass County Joint Water Resource District	Diversion bills – Request #135 CCJWRD	\$	245,015.10
Ohnstad Twichell, P.C.	Legal services rendered through September 21, 2025	\$	128,565.55
Clay County	Diversion bills – Request #58 MCCJPA	\$	71,198.67
Southeast Cass Water Resource District	Reimburse engineering and insurance costs related to MOU	\$	66,044.67
City of Comstock	Reimburse BNSF and MPAC permit costs related to MOU	\$	22,266.00
Rush River Water Resource District	Reimburse legal and engineering costs related to MOU	\$	19,379.30
Marsh & McLennan Agency	Diversion Authority general liability insurance premium	\$	13,161.00
P3 Collaborative LLC, Christopher Kane	Technical Dispute Review Board (TDRB)	\$	10,782.75
Maple River Water Resource District	Reimburse legal and engineering costs related to MOU	\$	7,550.50
Vogel Law firm	Reimburse legal costs related to AP Wireless	\$	7,312.00
Watts and Associates	Farmland Crop Loss Compensation Program	\$	6,624.57
Swanson & Warcup	Legal services rendered through September 21, 2025	\$	6,431.29
Cass County	Reimburse misc expenses from Diversion Authority office	\$	6,260.78
P3 Collaborative LLC, Christopher Kane	Technical Dispute Review Board (TDRB)	\$	5,225.00
Jodi Smith	Consulting costs September 2025	\$	3,770.00
Larkin Hoffman	Legal services rendered through September 30, 2025	\$	2,550.00
Karen Klein	Mediation services	\$	2,200.00
City of Christine	Reimburse legal costs related to MOU	\$	1,221.04
Total Bills Received through October 14, 2025		\$	<u>4,037,858.05</u>

HIGHWAY DEPARTMENT

JUSTIN SORUM, Engineer

Office: (218) 299-5099

ALEX SOYRING, Assistant Engineer

Fax: 1-888-259-8757



City of Fargo

Attn: FM Diversion Authority

225 4 St N

Fargo, ND 58102

BILLING DATE: SEPTEMBER 26, 2025

Acct # 90

ACCOUNT CHARGES	AMOUNT
County State Aid Highway 2 Reconstruction (SAP 14-602-031) Contractor Services through September 18, 2025 Sellin Brothers Inc. - Total work certified as of 09/18/25 1,994,558.36 Less: Retainage Withheld @ 5% (99,727.92) Total Contractor Services <i>* Partial Payment Documents attached</i>	\$ 1,894,830.44

BALANCE DUE

\$

1,894,830.44

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



FINANCE OFFICE
225 4th Street North
Fargo, ND 58102
Phone: (701) 241-1333
E-Mail: Finance@FargoND.gov
www.FargoND.gov

October 14, 2025

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 request #48 for reimbursement of invoices paid totaling \$1,517,469.39. These costs are for work on complementary in-town flood protection projects for costs paid in September 2025.

Project Narrative, this request:

Project Number	Project Description	Amount
FLDBUY	Flood Buyouts - Property Acquisition Expense	1,580.00
NR24A	Storm Lift Rehab - #27	940,281.56
NR24B	Storm Lift Rehab - #11 & 57	39,970.75
NR25B	Storm Lift Rehab - #27	535,637.08
	Total Expense for Period	\$1,517,469.39

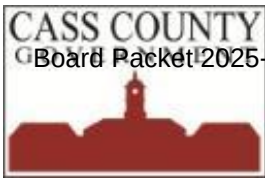
If you have any questions relating to our request, please feel free to contact us. Thank you.

Sincerely,

Wyatt Papenfuss
Finance Manager

City of Fargo, North Dakota
Schedule of Complementary In-Town Flood Protection Costs
September 1, 2025 - September 30, 2025

Project Number	AP Project Description	Account Number	Description	AP Transaction Amount	Payment Number	AP Invoice Number	Payment Date	Vendor Name	Accounting Period	Accounting Period Y	Bookmarked Invoice
FLDBUY	FLOOD ACQUISITION	46035305103325	LEGAL SERVICES-EDNA HOLM	140.00	348092	326370	10/02/2025	SERKLAND LAW FIRM	9	2025	5
FLDBUY	FLOOD ACQUISITION	46035305103325	LEGAL SERVICES-CURTIS & D	1,265.00	348092	326369	10/02/2025	SERKLAND LAW FIRM	9	2025	5
FLDBUY	FLOOD ACQUISITION	46035305103325	LEGAL SERVICES-JOYCE COLE	175.00	348092	326368	10/02/2025	SERKLAND LAW FIRM	9	2025	5
460-3530-510.33-25 - Total				1,580.00							
FLDBUY - Total				1,580.00							
NR24A0	STRM LFT RHAB	46035305103305	ENG SERVICES	14,792.70	347754	21990	09/25/2025	APEX ENGINEERING GROUP INC	9	2025	3
460-3530-510.33-05 - Total				14,792.70							
NR24A0 - Total				14,792.70							
NR24A1	STRM LFT RHAB-#27	46000002062000	Retainage and Retainage R	-48,709.94	347864	NR24A1 #8 084	09/25/2025	KEY CONTRACTING INC	9	2025	4
460-0000-206.20-00 - Total				-48,709.94							
NR24A1	STRM LFT RHAB-#27	46035305107358	Change Order 1	24,450.00	347864	NR24A1 #8 001	09/25/2025	KEY CONTRACTING INC	9	2025	4
NR24A1	STRM LFT RHAB-#27	46035305107358	Storm Sewer	900,660.00	347864	NR24A1 #8 002	09/25/2025	KEY CONTRACTING INC	9	2025	4
460-3530-510.73-58 - Total				925,110.00							
NR24A1	STRM LFT RHAB-#27	46035305107359	Paving	3,844.80	347864	NR24A1 #8 004	09/25/2025	KEY CONTRACTING INC	9	2025	4
460-3530-510.73-59 - Total				3,844.80							
NR24A1	STRM LFT RHAB-#27	46035305107363	Sanitary Sewer	-4,950.00	347864	NR24A1 #8 005	09/25/2025	KEY CONTRACTING INC	9	2025	4
460-3530-510.73-63 - Total				-4,950.00							
NR24A1	STRM LFT RHAB-#27	46035305107366	Flood Mitigation	1,800.00	347864	NR24A1 #8 003	09/25/2025	KEY CONTRACTING INC	9	2025	4
460-3530-510.73-66 - Total				1,800.00							
NR24A1	STRM LFT RHAB-#27	46035305107369	Flood Mitigation	94.00	347864	NR24A1 #8 006	09/25/2025	KEY CONTRACTING INC	9	2025	4
NR24A1	STRM LFT RHAB-#27	46035305107369	Miscellaneous	3,500.00	347864	NR24A1 #8 007	09/25/2025	KEY CONTRACTING INC	9	2025	4
NR24A1	STRM LFT RHAB-#27	46035305107369	Storm Sewer	44,800.00	347864	NR24A1 #8 008	09/25/2025	KEY CONTRACTING INC	9	2025	4
460-3530-510.73-69 - Total				48,394.00							
NR24A1 - Total				925,488.86							
NR24B0	STRM LFT RHAB-#11 & 57	46035305103305	ENG SERVICES STORM SEWER	39,970.75	347293	77816	09/04/2025	HOUSTON ENGINEERING INC	9	2025	1
460-3530-510.33-05 - Total				39,970.75							
NR24B0 - Total				39,970.75							
NR24B2	STRM LFT RHAB-#11 & 57	46000002062000	Retainage and Retainage R	180,843.48	347664	NR24B2 #9 046	09/18/2025	KEY CONTRACTING INC	9	2025	2
460-0000-206.20-00 - Total				180,843.48							
NR24B2	STRM LFT RHAB-#11 & 57	46035305107356	Paving	18,390.00	347664	NR24B2 #9 005	09/18/2025	KEY CONTRACTING INC	9	2025	2
460-3530-510.73-56 - Total				18,390.00							
NR24B2	STRM LFT RHAB-#11 & 57	46035305107358	Storm Sewer	75,500.60	347664	NR24B2 #9 001	09/18/2025	KEY CONTRACTING INC	9	2025	2
460-3530-510.73-58 - Total				75,500.60							
NR24B2	STRM LFT RHAB-#11 & 57	46035305107359	Miscellaneous	7,000.00	347664	NR24B2 #9 003	09/18/2025	KEY CONTRACTING INC	9	2025	2
NR24B2	STRM LFT RHAB-#11 & 57	46035305107359	Paving	15,282.00	347664	NR24B2 #9 004	09/18/2025	KEY CONTRACTING INC	9	2025	2
460-3530-510.73-59 - Total				22,282.00							
NR24B2	STRM LFT RHAB-#11 & 57	46035305107361	Miscellaneous	4,125.00	347664	NR24B2 #9 009	09/18/2025	KEY CONTRACTING INC	9	2025	2
460-3530-510.73-61 - Total				4,125.00							
NR24B2	STRM LFT RHAB-#11 & 57	46035305107366	Miscellaneous	24,750.00	347664	NR24B2 #9 002	09/18/2025	KEY CONTRACTING INC	9	2025	2
460-3530-510.73-66 - Total				24,750.00							
NR24B2	STRM LFT RHAB-#11 & 57	46035305107368	Paving	27,162.00	347664	NR24B2 #9 008	09/18/2025	KEY CONTRACTING INC	9	2025	2
460-3530-510.73-68 - Total				27,162.00							
NR24B2	STRM LFT RHAB-#11 & 57	46035305107369	Miscellaneous	6,289.00	347664	NR24B2 #9 006	09/18/2025	KEY CONTRACTING INC	9	2025	2
NR24B2	STRM LFT RHAB-#11 & 57	46035305107369	Paving	176,295.00	347664	NR24B2 #9 007	09/18/2025	KEY CONTRACTING INC	9	2025	2
460-3530-510.73-69 - Total				182,584.00							
NR24B2 - Total				535,637.08							
Overall - Total				1,517,469.39							



SENT VIA EMAIL

**Cass County
Joint Water
Resource
District**

October 7, 2025

Ken Lougheed
Chairman
Leonard, North
Dakota

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

Keith Weston
Manager
Gardner, North Dakota

Greetings:

RE: Metro Flood Diversion Project

Gerald Melvin
Manager
Fargo, North Dakota

Enclosed please find copies of bills totaling \$245,015.10 regarding the above reference project.

Jacob Gust
Manager
Fargo, North Dakota

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.

Rick Steen
Manager
Fargo, North Dakota

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

Thank you.

Melissa Hinkemeyer
Director, Secretary

Sincerely,

Amy Hepper
Treasurer

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Melissa Hinkemeyer

Melissa Hinkemeyer
Director, Secretary

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrđ@casscountynđ.gov
casscountynđ.gov

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METRO FLOOD DIVERSION RIGHT OF ENTRY/LAND ACQUISITION COST SHARE INVOICES							10/7/2025
Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description	
	9/8/2025			(48,916.79)	The Title Company	RIMP Closeout OIN's 818X & 1916 Lawrence & Susan Richard Living Trust	
	9/11/2025	281941		(11,402.97)	The Title Company	Seller's Settlement Statement OIN 877 John P. Hertsgaard Family LLLP & Carig L Hertsgaard Family LLLP	
	9/11/2025	281942		(28,853.50)	The Title Company	Seller's Settlement Statement OIN 8385Y - Julie Ann Hoffman/Steven Robert Brunelle	
	9/11/2025	281995		(254,315.02)	The Title Company	Seller's Settlement Statement OIN 546Y - Matthew Peterson	
	9/12/2025	282319		(67,650.00)	The Title Company	Seller's Settlement Statement OIN 1099Y - Terry & Kristie Sauvageau	
	8/1/2025	280765		(792,963.40)	The Title Company	Seller's Settlement Statement OIN 507Y - DP Rust Family LLLP	
	6/2/2025	279118		(14,480.50)	Jesse & Sarah Ouse	Seller's Settlement Statement -Tract E1-1 Arrowwood Lot 1 Blk 1 Arrowwood 4th Addition, Horace, ND	
	6/2/2025	279118B		(12,422.00)	TCC Development, LLC	Seller's Settlement Statement -Tract E1-2 Arrowwood Lot 2 Blk 1 Arrowwood 4th Addition, Horace, ND	
	6/2/2025	279118C		(3,684.00)	Alec & Alicia Winmill	Seller's Settlement Statement -Tract E3-1 Arrowwood Lot 11 Blk 1 Arrowwood 4th Addition, Horace, ND	
	6/2/2025	279118D		(11,277.00)	Trent & Dana Duba	Seller's Settlement Statement -Tract E3-19 Arrowwood Lot 3 Blk 1 Arrowwood 4th Addition, Horace, ND	
	6/2/2025	279118E		(9,134.50)	Robert & Becky Hoffman	Seller's Settlement Statement -Tract E3-20 Arrowwood Lot 20 Blk 2 Arrowwood 4th Addition, Horace, ND	
	6/2/2025	279118F		(3,174.50)	Matthew & Tania Sayler	Seller's Settlement Statement -Tract E3-21 Arrowwood Lot 5 Blk 1 Arrowwood 4th Addition, Horace, ND	
	6/2/2025	279118G		(3,468.50)	Jacob & Emily Dahl	Seller's Settlement Statement -Tract E3-22 Arrowwood Lot 6 Blk 1 Arrowwood 4th Addition, Horace, ND	
	6/2/2025	279118H		(3,444.50)	Christopher & Christina Schmaltz	Seller's Settlement Statement -Tract E3-23 Arrowwood Lot 7 Blk 1 Arrowwood 4th Addition, Horace, ND	
	6/2/2025	279118I		(3,194.50)	Wade & Allison Frank	Seller's Settlement Statement -Tract E3-24 Arrowwood Lot 7 Blk 1 Arrowwood 4th Addition, Horace, ND	
	6/2/2025	279118J		(3,194.50)	Daniel & Jennifer Janes	Seller's Settlement Statement -Tract E3-25 Arrowwood Lot 9 Blk 1 Arrowwood 4th Addition, Horace, ND	
	6/2/2025	279118K		(5,659.00)	Dustin & Laura Roberge	Seller's Settlement Statement -Tract E3-26 Arrowwood Lot 10 Blk 1 Arrowwood 4th Addition, Horace, ND	
8/15/2025	7/24/2025	204521	120007	1,029.00	Ohnstad Twichell, PC	Diversion Project, Assessment District	
8/15/2025	7/24/2025	204522	130007	13,797.50	Ohnstad Twichell, PC	Diversion Right of Way Acquisition	
8/15/2025	7/24/2025	204523	160007	6,468.00	Ohnstad Twichell, PC	Diversion Authority Agreement - Drains	
8/15/2025	7/24/2025	204524	170007	18,656.00	Ohnstad Twichell, PC	Diversion Upstream Mitigation Area	
8/15/2025	7/24/2025	204526	207007	3,244.00	Ohnstad Twichell, PC	Wetland Mitigation Drain 27	
8/15/2025	7/24/2025	204527	247007	1,666.50	Ohnstad Twichell, PC	FM Diversion - Sheyenne Benching Project	
8/18/2025	8/4/2025	204778	207007	305.50	Ohnstad Twichell, PC	Larry A. Brandt RLT (OIN9348) Eminent Domain Action	
8/18/2025	8/4/2025	204779	217007	2,713.50	Ohnstad Twichell, PC	Ricker, Allen M & Diane M. (OIN 872 873 874 875) Relocation Appeal	
8/18/2025	8/4/2025	204780	227007	1,873.00	Ohnstad Twichell, PC	Ricker, Allen M & Diane M. (OIN 872 873 874 875) Eminent Domain Action	
8/18/2025	8/4/2025	204781	227007	1,493.50	Ohnstad Twichell, PC	Anderson, Stanley D & Terri Rae (OIN 1896 & 2052) Eminent Domain Action	
8/18/2025	8/4/2025	204782	227007	795.50	Ohnstad Twichell, PC	Brakke, Michael D. ET ALL (OIN 1964) Eminent Domain Action	
8/18/2025	8/4/2025	204783	227007	5,164.50	Ohnstad Twichell, PC	MKRM Trust, ET AL (OIN 1997) Eminent Domain Action	
8/18/2025	8/4/2025	204784	227007	3,456.00	Ohnstad Twichell, PC	Askegaard, Patricia N. (OIN 2051) Eminent Domain Action	
8/18/2025	8/4/2025	204785	227007	1,810.50	Ohnstad Twichell, PC	Cossette, Donald Robert (OIN 2361) Eminent Domain Action	
8/18/2025	8/4/2025	204786	227007	4,729.00	Ohnstad Twichell, PC	Brakke, Michael & Laurie (OIN 845) Eminent Domain Action	
8/18/2025	8/4/2025	204787	227007	482.50	Ohnstad Twichell, PC	Brakke Family (OIN 1938, 1977, 1978) Eminent Domain Action	
8/18/2025	8/4/2025	204788	227007	25,788.00	Ohnstad Twichell, PC	Cossette, Lawrence Wayne (OIN 1946) Eminent Domain Action	
8/18/2025	8/4/2025	204789	227007	4,486.00	Ohnstad Twichell, PC	Askegarde Robert, R. (OIN 1950, 1963, 1966) Eminent Domian Action	
8/18/2025	8/4/2025	204790	227007	1,299.50	Ohnstad Twichell, PC	Brakke, Paul E. (OIN 1974 & 1976) Eminent Domain Action	
8/18/2025	8/4/2025	204791	227007	4,926.00	Ohnstad Twichell, PC	Hertsgaard Family LLLP (OIN 2042) Eminent Domain Action	
8/18/2025	8/4/2025	204792	227007	7,952.00	Ohnstad Twichell, PC	Braaten, Riley D. (OIN 5032) Eminent Domain Action	
8/18/2025	8/4/2025	204793	237007	4,984.50	Ohnstad Twichell, PC	Erickson, Jeff & Jaye (OIN 2025) Eminent Domian Action	
8/18/2025	8/4/2025	204794	237007	334.50	Ohnstad Twichell, PC	Evert, Charles & Ruth (OIN 1895, 1991) Eminent Domain Action	
8/18/2025	8/4/2025	204795	237007	256.50	Ohnstad Twichell, PC	Cossette, Marjorie Ann (OIN 1947, 1948) Eminent Domain Action	
8/18/2025	8/4/2025	204796	237007	136.50	Ohnstad Twichell, PC	Duchscherer, Brian & Kelly (OIN 9416, 1885) Eminent Domain Action	
8/18/2025	8/4/2025	204797	237007	4,087.00	Ohnstad Twichell, PC	2023 Consolidated ED Actions	
8/18/2025	8/4/2025	204798	237007	323.50	Ohnstad Twichell, PC	Turner, Scott & Vicki (OIN 5028) Eminent Domain Action	
8/18/2025	8/4/2025	204799	237007	402.50	Ohnstad Twichell, PC	Brakke, Steve & Colleen (OIN 1920, 1933, 1934 & 1939) Eminent Domain Action	
8/18/2025	8/4/2025	204800	237007	1,791.00	Ohnstad Twichell, PC	Boyer, Stuart & Pat (OIN 1967, 1968) Eminent Domain Action	
8/18/2025	8/4/2025	204801	237007	1,256.50	Ohnstad Twichell, PC	Richard, George & Sharon/Richard, Leo & Shirley (OINs 1903, 1905, 1907, 1908, 1910, 1913, 1914, 1957 & 1960) Eminent Domain Action	
8/18/2025	8/4/2025	204802	237007	826.00	Ohnstad Twichell, PC	Rupp, Tyler & Kim (OINs 9231, 9232) Eminent Domain Action	
8/18/2025	8/4/2025	204803	247007	3,419.54	Ohnstad Twichell, PC	Aaland Law Open Records Reqeust	
8/18/2025	8/4/2025	204804	247007	156.00	Ohnstad Twichell, PC	Cose, Paul & Margaret (OIN 2044, 2045) Eminent Domain Action	
8/18/2025	8/4/2025	204805	247007	156.00	Ohnstad Twichell, PC	Carlson, Aaron & Katie J. (OIN 2040, 2184) Eminent Domain Action	
8/18/2025	8/4/2025	204806	257007	7,529.80	Ohnstad Twichell, PC	Sheyenne Benching Project	
9/12/2025	9/2/2025	205854		441.00	Ohnstad Twichell, PC	Basin Project 2009- Diversion	
9/12/2025	9/2/2025	205855		20,547.28	Ohnstad Twichell, PC	Diversion Right of Way Acquisition	
9/12/2025	9/2/2025	205858		808.50	Ohnstad Twichell, PC	Diversion Authority Agreement - Drains	
9/12/2025	9/2/2025	205859		128.00	Ohnstad Twichell, PC	Channel Phase II	
9/12/2025	9/2/2025	205862		25,757.50	Ohnstad Twichell, PC	Upstream Mitigation Area	
9/12/2025	9/2/2025	205887	18010	496.00	Ohnstad Twichell, PC	Diversion - Southern Embankment	

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Invoice	Invoice	Invoice	Project				
Paid	Date	No.	No.	Amount	Vendor	Description	
9/12/2025	9/2/2025	205889	24162	1,824.00	Ohnstad Twichell, PC	FM Diversion - Sheyenne Benching Project	
9/29/2025	9/16/2025	205022	22091	3,308.00	Ohnstad Twichell, PC	Ricker, Allen & Diane (OIN 872 873 874 875) Eminent Domain Action	
9/29/2025	9/16/2025	205023	22093	603.00	Ohnstad Twichell, PC	Anderson, Stanley D & Terri Rae (OIN 1896 & 2052) Eminent Domain Action	
9/29/2025	9/16/2025	205024	22094	67.00	Ohnstad Twichell, PC	Brakke, Michael (OIN 1964)	
9/29/2025	9/16/2025	205025	22095	3,172.00	Ohnstad Twichell, PC	MCRM Trust, ET AL (OIN 1997) Eminent Domain Action	
9/29/2025	9/16/2025	205026	22096	33,116.10	Ohnstad Twichell, PC	Askegaard, Patricia N. (OIN 2051) Eminent Domain Action	
9/29/2025	9/16/2025	205027	22097	201.00	Ohnstad Twichell, PC	Cossette, Donald Robert (OIN 2361) Eminent Domain Action	
9/29/2025	9/16/2025	205028	22100	9,476.76	Ohnstad Twichell, PC	Brakke, Michael & Laurie (OIN 845) Eminent Domain Action	
9/29/2025	9/16/2025	205029	22103	1,072.00	Ohnstad Twichell, PC	Brakke Family (OIN 1938, 1977, 1978) Eminent Domain Action	
9/29/2025	9/16/2025	205030	22104	72,464.90	Ohnstad Twichell, PC	Cossette, Lawrence Wayne (OIN 1946) Eminent Domain Action	
9/29/2025	9/16/2025	205031	22106	9,299.70	Ohnstad Twichell, PC	Askegaarde Robert, R. (OIN 1950, 1963, 1966) Eminent Domian Action	
9/29/2025	9/16/2025	205032	22107	2,110.50	Ohnstad Twichell, PC	Brakke, Paul E. (OIN 1974 & 1976) Eminent Domain Action	
9/29/2025	9/16/2025	205033	22110	3,004.50	Ohnstad Twichell, PC	Hertsgaard Family LLLP (OIN 2042) Eminent Domain Action	
9/29/2025	9/16/2025	205034	22111	335.00	Ohnstad Twichell, PC	Braaten, Riley D. (OIN 5032) Eminent Domain Action	
9/29/2025	9/16/2025	205035	23114	6,532.50	Ohnstad Twichell, PC	Erickson, Jeff & Jaye (OIN 2025) Eminent Domian Action	
9/29/2025	9/16/2025	205036	23122	971.50	Ohnstad Twichell, PC	Evert, Charles & Ruth (OIN 1895, 1991) Eminent Domain Action	
9/29/2025	9/16/2025	205037	23137	837.50	Ohnstad Twichell, PC	Cossette, Marjorie Ann (OIN 1947, 1948) Eminent Domain Action	
9/29/2025	9/16/2025	205038	23139	92.00	Ohnstad Twichell, PC	Redlin, Gary & Patricia (OIN 2002) Eminent Domain Action	
9/29/2025	9/16/2025	205039	23140	167.50	Ohnstad Twichell, PC	Duchscherer, Brian & Kelly (OIN 9416 1885) Eminent Domain Action	
9/29/2025	9/16/2025	205041	23144	5,186.00	Ohnstad Twichell, PC	2023 Consolidated ED Actions	
9/29/2025	9/16/2025	205042	23147	309.38	Ohnstad Twichell, PC	Turner, Scott & Vicki (OIN 5028) Eminent Domain Action	
9/29/2025	9/16/2025	205043	23148	703.50	Ohnstad Twichell, PC	Brakke, Steve & Colleen (OIN 1920, 1933, 1934 & 1939) Eminent Domain Action	
9/29/2025	9/16/2025	205044	23150	479.96	Ohnstad Twichell, PC	Boyer, Stuart & Pat (OIN 1967,1968) Eminent Domain Action	
9/29/2025	9/16/2025	205045	23151	919.74	Ohnstad Twichell, PC	Richard, George & Sharon/Richard, Leo & Shirley (OINs 1903, 1905, 1907, 1908, 1910, 1913, 1914, 1957 & 1960) Eminent Domain Action	
9/29/2025	9/16/2025	205046	23154	1,537.64	Ohnstad Twichell, PC	Rupp, Tyler & Kim (OINs 9231, 9232) Eminent Domain Action	
9/29/2025	9/16/2025	205047	24160	3,549.98	Ohnstad Twichell, PC	Aaland Law Open Records Reqeust	
9/29/2025	9/16/2025	205048	24163	2,077.60	Ohnstad Twichell, PC	Cose, Paul & Margaret (OIN 2044, 2045) Eminent Domain Action	
9/29/2025	9/16/2025	205049	24164	1,926.66	Ohnstad Twichell, PC	Carlson, Aaron & Katie J. (OIN 2040, 2184) Eminent Domain Action	
9/29/2025	9/16/2025	205051	25169	7,502.50	Ohnstad Twichell, PC	Sheyenne Benching Project	
8/15/2025	8/4/2025	861066	38810.00012	14,240.00	Larkin Hoffman	Hanson Flowage Easement Acquisition	
8/15/2025	8/4/2025	861065	38810.00004	8,680.00	Larkin Hoffman	Richland/Cass Cos./Application for Permit to Enter Land	
8/15/2025	8/4/2025	861067	38810.00020	480.00	Larkin Hoffman	Kopp, Alan & June Flowage Easement Acquisition	
8/15/2025	8/4/2025	861072	38810.00056	380.50	Larkin Hoffman	Ron & Melissa Heesch ED	
8/15/2025	8/4/2025	861073	38810.00059	880.00	Larkin Hoffman	Michael and Darla Rufer	
8/15/2025	8/4/2025	861069	38810.00044	4,200.00	Larkin Hoffman	Timothy & Sharon Schultz	
8/15/2025	8/4/2025	861070	38810.00045	600.00	Larkin Hoffman	Becca Saunders	
8/15/2025	8/4/2025	861068	38810.00028	26,080.00	Larkin Hoffman	Alm, Melvin (John) and Ricky Flowage Easement Acquisition	
8/15/2025	8/4/2025	861071	33810.00048	160.00	Larkin Hoffman	Michele K Johnson	
9/16/2025	9/4/2025	862642	38810.00012	2,600.00	Larkin Hoffman	Hanson Flowage Easement Acquisition	
9/16/2025	9/4/2025	862640	38810.00002	584.53	Larkin Hoffman	Richland/Cass Cos./Right of Entry Agreements	
9/16/2025	9/4/2025	862641	38810.00004	17,680.00	Larkin Hoffman	Richland/Cass Cos./Application for Permit to Enter Land	
9/16/2025	9/4/2025	862643	38810.00002	680.00	Larkin Hoffman	Kopp, Alan & June Flowage Easement Acquisition	
9/16/2025	9/4/2025	862647	38810.00056	1,500.40	Larkin Hoffman	Ron & Melissa Heesch ED	
9/16/2025	9/4/2025	862645	38810.00044	6,840.00	Larkin Hoffman	Timothy & Sharon Schultz	
9/16/2025	9/4/2025	862644	38810.00028	11,120.00	Larkin Hoffman	Alm, Melvin (John) and Ricky Flowage Easement Acquisition	
9/16/2025	9/4/2025	862646	38810.00048	520.00	Larkin Hoffman	Michele K Johnson	
9/16/2025	9/4/2025	862649	38810.00066	513.50	Larkin Hoffman	Stuart T and Laverna Ystebo LLLP OIN's 1451-53, 1466, 1494	
9/16/2025	9/4/2025	862648	38810.00063	200.00	Larkin Hoffman	Hayes	
9/4/2025	8/22/2025	SIN004043	19706	418.75	Moore Engineering	FM Diversion - Design Coordination	
9/30/2025	9/18/2025	SIN004709	19706	1,672.50	Moore Engineering	FM Diversion - Design Coordination	
8/26/2025	8/4/2025	1200744544		6,357.50	HDR Engineering	ROW Acquisitions Kjenstad, Jason L, Moran, William H, Davis, Brooke Josephina, Henze, Christina Kaye (Christy) Lee, Kelsey Ann, Olafson, Stefan H (Oly) Whitworth, Wade G, Kaffar, Lee W.	
9/16/2025	9/3/2025	1200753158		5,077.50	HDR Engineering	ROW Acquisitions Davis, Brooke Josephina, Lee Kelsey Ann, Olafson Stefan H (Oly) Whitworth, Wade, G Kaffar, Lee W	
8/26/2025	7/31/2025	13783.00-63		24,742.07	SRF Consulting Group, Inc.	Task Order 1 Amendments 1,2,3,4,5 & 6	
10/2/2025	8/31/2025	13783.00-64		18,773.32	SRF Consulting Group, Inc.	Task Order 1 Amendments 1,2,3,4,5 & 6	
8/15/2025	8/15/2025	281673		30,346.50	The Title Company	Buyer's Settlement Statement OIN 1461 & 1463	
8/29/2025	8/29/2025	282133		23,046.50	The Title Company	Buyer's Settlement Statement OIN 7235	
8/29/2025	8/29/2025			53,500.00	Jon & Julie Larson	Buyer's Settlement Statement OIN 1199X	

Invoice Paid	Invoice Date	Invoice No.		Project No.	Amount	Vendor	Description
9/12/2025	9/12/2025	282318			75,800.75	The Title Company	Buyer's Settlement Statement OIN 1205 & 1209
9/12/2025	9/12/2025	282247			8,220.75	The Title Company	Settlement Statement OIN 8710, 8711
9/26/2025	9/26/2025	282735			587,087.91	The Title Company	Buyer's Settlement OIN 2051
8/25/2025					99,500.00	Lawrence Cossette	Judgement of Condemnation OIN 1946
9/29/2025	9/23/2025				24,800.00	Cass County Clerk of Courts	OIN 1206 Eminent Domain Filing Deposit
8/29/2025	8/4/2025	5230			23,600.00	Crown Appraisals, Inc.	FM Diversion Project Trial and Deposition Perparation
8/14/2025	8/14/2025				17,543.03	Kent Westby	OIN 8386 RHDP Reimbursement
8/14/2025	8/14/2025				6,111.49	Kent Westby	OIN 822Y1 Actual Moving Costs
8/14/2025	8/14/2025				9,750.00	Gary & Patricia Redlin	OIN 2002 Residentail Move Claim
8/14/2025	8/14/2025				11,000.00	Redlin Engine Design	OIN 2002 Commercial Move Claim
8/14/2025	8/14/2025				2,500.00	Larry Richards	OIN 820 Residential Move Claim
8/14/2025	8/14/2025				17,353.00	Keith's Electric	OIN 820 Commercial Move Claim
10/2/2025	9/25/2025				3,909.62	Daniel & Kathi Trottier	OIN 1958 Relocation Reimbursement
10/2/2025	9/25/2025				13,007.40	Redlin Engine Design	OIN 2002 Business Actual Move Payment Claim
8/28/2025	8/14/2025				98.20	Cass County Electric Cooperative	OIN 2016 Address 5281 172 Ave SE
8/28/2025	8/14/2025				23.23	Cass County Electric Cooperative	OIN 1992 Address 5251 174 1/2 Ave SE
8/28/2025	8/14/2025				16.55	Cass County Electric Cooperative	OIN 1891 Address 5298 174 1/2 Ave SE
9/25/2025	9/12/2025				182.15	Cass County Electric Cooperative	OIN 2016 Address 5281 172 Ave SE
9/25/2025	9/12/2025				50.09	Cass County Electric Cooperative	OIN 1891 Address 5298 174 1/2 Ave SE
9/16/2025	9/2/2025				1,000.00	JRD Campbell	Return of security deposit OIN 9404
				Total	245,015.10		
				Grand Total	245,015.10		

Attorneys at Law

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

15-1395 (JTS) Invoice # 206967

Flood Diversion Board
Bond Counsel Work - PPP

Date: October 6, 2025

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

PROFESSIONAL SERVICES RENDERED			
	Hours	Rate	Totals
JTS	196.5	\$416.00	\$81,744.00
CMM	22.4	\$410.00	\$9,184.00
LDA	1.4	\$410.00	\$574.00
KJS	25.3	\$410.00	\$10,373.00
KJM	9.8	\$385.00	\$3,773.00
TJF	2.7	\$300.00	\$810.00
ASM	46.0	\$270.00	\$12,420.00
CAS	0.7	\$270.00	\$189.00
AJR	13.0	\$270.00	\$3,510.00
CRR	7.4	\$235.00	\$1,739.00
LDS	0.5	\$235.00	\$117.50
Total Fees:	325.7		\$124,433.50
Postage			\$7.05
Prof Service Fee Gwendolyn			\$4,125.00
Total Expenses:			\$4,132.05
Grand Total			\$128,565.55

		Rates
JTS	John T. Shockley, Partner, Supervising Attorney	\$416.00
CMM	Christopher M. McShane, Partner	\$410.00
ADC	Andrew D. Cook, Partner	\$410.00
SNW	Sarah M. Wear, Partner	\$410.00
LDA	Lukas D. Andrud, Partner	\$410.00
KJS	Katie J. Schmidt, Partner	\$410.00
MWM	Marshall W. McCullough, Partner	\$410.00
TJL	Tyler J. Leverington, Partner	\$410.00
LWC	Lukas W. Croaker, Partner	\$410.00
BTB	Brent T. Boeddeker, Partner	\$410.00
DCP	David C. Piper, Partner	\$410.00
JRS	J.R. Strom, Partner	\$410.00
ABG	Alexander B. Gruchala, Associate	\$375.00
KJM	Kathryn J. McNamara, Associate	\$385.00
SJH	Stephen J. Hilfer, Associate	\$340.00
TJF	Tiffany J. Findlay, Associate	\$300.00
MAN	Morgan A. Nyquist, Associate	\$300.00
CRM	Cassandra R. Molivigny, Associate	\$270.00
RAK	Roman A. Knudsvig, Associate	\$270.00
ASM	Avi S. Mann, Associate	\$270.00
CA	Camila Almonacid, Law Clerk	\$190.00
KGB	Keigan G. Bannerman, Law Clerk	\$190.00
CAS	Carol A. Stillwell, Paralegal	\$270.00
AJR	Andrea J. Roman, Paralegal	\$270.00
CRR	Christie R. Rust, Paralegal	\$235.00
TWS	Tim W. Steuber, Paralegal	\$235.00
MRH	Meghan R. Hockert, Paralegal	\$235.00
DLR	Dena L. Ranum, Paralegal	\$190.00
ATW	Amy T. White, Paralegal	\$220.00
LDS	Lynne D. Spaeth, Paralegal	\$235.00
DMS	Dawn M. Schaefer, Legal Administrative Assistant	\$160.00

OHNSTAD TWICHELL, P.C.

WEST FARGO, NORTH DAKOTA 58078

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

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PROFESSIONAL SERVICES RENDERED

15-1395 JTS Invoice # 0007/205491 Flood Diversion Board		Bond Counsel Work - P3
FILE NUMBER	MATTER DESCRIPTION	INVOICE - TOTAL FEES
151395-1	General Topics	\$44,921.20
151395-4	Public Finance Issues	\$416.00
151395-5	Consultant Contract Review/Development	\$1,248.00
151395-9	Environmental Permitting Issues/NEPA	
151395-12	USACE Interface/Questions	\$1,478.20
151395-13	Third Party Utility MOU's	\$18,129.70
151395-17	EPA WIFIA Loan	\$81.00
151395-23	PRAM	\$457.60
151395-24	P3 Implementation	\$50,644.60
151395-27	UMA/Utility Review	\$533.00
151395-30	Dispute Review Board Matters	\$5,783.80
151395-31	2027 Definitive Refunding Improvement Bond	\$574.00
151395-32	2027 Subord Sales Tax Bond	\$166.40
TOTAL		\$124,433.50

*exp only



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

October 13, 2025
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 documentation for invoices paid by Clay County for the FM Flood Diversion project. Also included is a credit for MCCJPA rent received by Clay County. All requests were approved or authorized by the Diversion Authority. The current invoice/expense reimbursement request is as follows:

Metro Flood Diversion Expense	\$71,698.67
Rent Received credit	<u>\$ 500.00</u>
Total Reimbursement Request	\$71,198.67

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



Southeast Cass
Water Resource
District

SENT VIA EMAIL

Keith Weston
Chairman
Fargo, North Dakota

Dave Branson
Manager
Fargo, North Dakota

Rick Steen
Manager
Fargo, North Dakota

September 25, 2025

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

Greetings:

RE: Metro Flood Diversion Project

Enclosed please find a copy of invoices totaling \$66,044.67 regarding the above referenced project.

At this time, we respectfully request 100% reimbursement per the *Memorandum of Understanding* between the Metro Flood Diversion Authority and Southeast Cass Water Resource District dated February 25, 2021.

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

Sincerely,

SOUTHEAST CASS WATER RESOURCE DISTRICT

Melissa Hinkemeyer

Melissa Hinkemeyer
Director

Enclosure

Melissa Hinkemeyer
Director, Secretary

Amy Hepper
Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

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

10/3/2025

City of Comstock, MN - SUMMARY OF INVOICING				
Comstock Lagoon Project			Reimbursement Request #17	
October 3, 2025				
<u>Vendor</u>	<u>Invoice Date</u>	<u>Invoice #</u>	<u>Invoice Amount</u>	<u>Notes</u>
Moore Engineering, Inc.	10/3/2025	SIN005153	\$149,047.75	2024
Moore Engineering, Inc.	10/3/2025	SIN005174	\$134,157.75	2025
Total Moore Engineering, Inc.			\$283,205.50	
<u>Permit Fees</u>				
BNSF Permit Application Fee			\$2,000.00	
BNSF Pipeline License Fee & Blanket RFI Policy Fee			\$10,966.00	
MPCA Permit Fee			\$9,300.00	
Total Permitting Fees			\$22,266.00	
Total Invoiced This Reimbursement Request			\$305,471.50	

Q:\Projects\21000\21500\21571 ComstockMN Lagoon\120-Funding\01-Funding-Permanent (Rp)\Request for Reimbursement from DA\
 21571City of Comstock Lagoon Summary for MFDA.xlsx
 10-03-2025 (#17)



Rush River
Water Resource
District

SENT VIA EMAIL

William A. Hejl
Chairman
Amenia, North Dakota

September 25, 2025

Dick Sundberg
Manager
Harwood, North Dakota

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

Jacob Gust
Manager
Fargo, North Dakota

Greetings:

RE: Metro Flood Diversion Project

Enclosed please find a copy of invoices totaling \$19,379.30 regarding the Metro Flood Diversion Project.

At this time, we respectfully request 100% reimbursement per the Memorandum of Understanding between Metro Flood Diversion Authority and Rush River Water Resource District dated December 21, 2020.

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

Sincerely,

RUSH RIVER WATER RESOURCE DISTRICT

Melissa Hinkemeyer

Melissa Hinkemeyer
Director, Secretary

Melissa Hinkemeyer
Director

Amy Hepper
Treasurer

Enclosure

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrld@casscountynynd.gov
www.casscountynynd.gov



Marsh McLennan Agency

Marsh & McLennan Agency, LLC
United States of America
New York, NY 10036

Metro Flood Diversion Authority
Metro Flood Diversion Authority
PO Box 2806
Fargo, ND 58108

Invoice #	35566
Account Number	Date
METRFLO-01	10/2/2025
Amount Paid	Amount Due
	\$13,161.00

If you are enrolled in AutoPay, no further action is required.
To enroll in AutoPay, visit <https://marshmma.appliedpay.com/flow/hppv2?openAccount=true>
If you are not enrolled in AutoPay, kindly remit payment using one of the methods listed below.

PLEASE INCLUDE INVOICE NUMBER WITH PAYMENT

Credit Card/echeck:

<https://marshmma.appliedpay.com>

*Credit Card : Transactions via Applied Pay have a 3.5% fee on total paid

*echeck/ACH: Transactions via Applied Pay have a flat fee of \$4.00 per transaction

Check Payable to:

Marsh & McLennan Agency, LLC
62886 Collection Center Drive
Chicago, IL 60693-0628

ACH/Wire:

Routing #: 071000039 (ACH) or 026009593 (Wire)
Account Name: Marsh & McLennan Agency LLC
Account #: 8188193262
Bank Address:
Bank of America
222 Broadway St.
New York, NY 10038

General Liability Policy #: GL345507 Effective: 10/3/2025 to 10/3/2026

Invoice #	Transaction Eff Date	Due Date	Trans	Description	Amount
35566	10/3/2025	10/3/2025	RENB	Renewal of CL General Liability Effective 10/3/2025	\$13,161.00

Total Invoice Balance: \$13,161.00



P3 Collaborative LLC, Christopher Kane

17-F Hulfish Street
Princeton, New Jersey 08542

Metro Flood Diversion Authority
4748 Amber Valley Pkwy S Ste 100
Fargo, North Dakota 58104

INVOICE

Invoice # 117
Date: 10/07/2025
Due On: 11/06/2025

00030-Metro Flood Diversion Authority

Technical DRB

Type	Date	Notes	Quantity	Rate	Total
Service	09/06/2025	Review agenda and email from Counsel: Prep for site visit.	0.60	\$550.00	\$330.00
Service	09/22/2025	Travel from Princeton NJ to Fargo North Dakota. Depart Princeton 4:30am ET. Arrive Hotel in Fargo 1:30pmCT. Travel time total 10 hours, but max billable is 8 hours at 50% pay.	8.00	\$275.00	\$2,200.00
Service	09/23/2025	Meet with Legal counsel and TDRB prior to site visit; Meet with project office with staff; Conduct tour of the project site; Meet with project team for briefing.	8.00	\$550.00	\$4,400.00
Service	09/24/2025	Travel to Princeton NJ from Fargo North Dakota. Depart Fargo ND Hotel 10am CT. Arrive Princeton NJ 8:15pmET. Travel time total 9 hr 15 min, but max billable is 8 hours at 50% pay.	8.00	\$275.00	\$2,200.00
Expense	09/26/2025	Reimbursable expenses: Airlines - \$683.27 Hotel - \$477.11 Meals - \$145.13 Uber Trips (3) - \$347.24 TOTAL \$1652.75	1.00	\$1,652.75	\$1,652.75

Quantity Subtotal 24.6

Quantity Total 24.6

Total \$10,782.75



Maple River
Water Resource
District

SENT VIA EMAIL

October 7, 2025

Gerald Melvin
Chairman
Buffalo, North Dakota

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

Chad Miller
Manager
Buffalo, North Dakota

Greetings:

Dallas Hoffmann
Manager
Wheatland, North Dakota

RE: Maple River WRD Reimbursements

Enclosed please find a copy of an invoice totaling \$7550.50 regarding the Metro Flood Diversion project.

At this time, we respectfully request 100% reimbursement per the *Memorandum of Understanding* between the Metro Flood Diversion Authority and Maple River Water Resource District dated December 21, 2020.

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

Sincerely,

MAPLE RIVER WATER RESOURCE DISTRICT

Melissa Hinkemeyer

Melissa Hinkemeyer
Director, Secretary

Melissa Hinkemeyer
Director

Amy Hepper
Treasurer

Enclosure

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrđ@casscountynđ.gov
www.casscountynđ.gov

VOGEL
Law FirmP.O. Box 1389
Fargo, ND 58107-1389
Phone: 701-237-6983 | Fax: 701-356-6395
Federal Tax I.D. No.: 45-0348495
www.vogellaw.comAP Wireless Investments I, LLC
4250 Executive Square, Suite 900
La Jolla, CA 92037**Attention: Mary Ann May**

September 19, 2024

Client: 060348

Matter: 24000

Invoice #: 808419

Resp. Atty: JBW

Page: 1

RE: AP Wireless Investments I, LLC - Contract dispute
Authority

For Professional Services Rendered Through August 31, 2024

SERVICES

Date	Person	Description of Services	Hours
08/14/2024	JBW		1.00
08/14/2024	JBW		0.50
08/20/2024	JBW		3.00
08/21/2024	JBW		1.50
Total Professional Services			6.00
			\$2,400.00

PERSON RECAP

Person		Hours	Rate	Amount
JBW	Jordan B. Weir	6.00	\$400.00	\$2,400.00
Total Services				\$2,400.00
Total Current Charges				\$2,400.00
PAY THIS AMOUNT				\$2,400.00

VOGEL

Law Firm

P.O. Box 1389
 Fargo, ND 58107-1389
 Phone: 701-237-6983 | Fax: 701-356-6395
 Federal Tax I.D. No.: 45-0348495
www.vogellaw.com

AP Wireless Investments I, LLC
 4250 Executive Square, Suite 900
 La Jolla, CA 92037

Attention: Mary Ann May

February 26, 2025

Client: 060348

Matter: 24000

Invoice #: 814406

Resp. Atty: JBW

Page: 1

RE: AP Wireless Investments I, LLC - Contract dispute
 Authority

For Professional Services Rendered Through January 31, 2025

SERVICES

Date	Person	Description of Services	Hours	
01/07/2025	JBW		2.00	
01/08/2025	JBW		0.80	
01/09/2025	JBW		1.00	
01/24/2025	JBW		0.30	
01/31/2025	JBW		0.60	
Total Professional Services			4.70	\$1,880.00

PERSON RECAP

Person		Hours	Rate	Amount
JBW	Jordan B. Weir	4.70	\$400.00	\$1,880.00

VOGEL
Law FirmP.O. Box 1389
Fargo, ND 58107-1389
Phone: 701-237-6983 | Fax: 701-356-6395
Federal Tax I.D. No.: 45-0348495
www.vogellaw.comAP Wireless Investments I, LLC
4250 Executive Square, Suite 900
La Jolla, CA 92037**Attention: Mary Ann May**

May 22, 2025

Client: 060348

Matter: 24000

Invoice #: 817893

Resp. Atty: JBW

Page: 1

RE: AP Wireless Investments I, LLC - Contract dispute
Authority #apwip-9205911

For Professional Services Rendered Through April 30, 2025

SERVICES

Date	Person	Description of Services	Hours	
04/15/2025	JBW		0.50	
Total Professional Services			0.50	\$200.00

PERSON RECAP

Person	Hours	Rate	Amount
JBW Jordan B. Weir	0.50	\$400.00	\$200.00
Total Services			\$200.00
Total Current Charges			\$200.00
Previous Balance			\$4,480.00
Less Payments			(\$4,480.00)
PAY THIS AMOUNT			\$200.00

VOGEL
Law FirmP.O. Box 1389
Fargo, ND 58107-1389
Phone: 701-237-6983 | Fax: 701-356-6395
Federal Tax I.D. No.: 45-0348495
www.vogellaw.comAP Wireless Investments I, LLC
4250 Executive Square, Suite 900
La Jolla, CA 92037**Attention: Mary Ann May**

September 25, 2025

Client: 060348

Matter: 24000

Invoice #: 822665

Resp. Atty: JBW

Page: 1

RE: AP Wireless Investments I, LLC - Contract dispute
Authority #apwip-9205911

For Professional Services Rendered Through August 31, 2025

SERVICES

Date	Person	Description of Services	Hours	
08/01/2025	JBW		3.00	
08/01/2025	TAO		0.10	
08/20/2025	TAO		0.10	
08/21/2025	TAO		0.10	
08/22/2025	JBW		1.00	
08/22/2025	TAO		0.10	
Total Professional Services			4.40	\$1,668.00

PERSON RECAP

Person		Hours	Rate	Amount
JBW	Jordan B. Weir	4.00	\$400.00	\$1,600.00
TAO	Tracy Ottum	0.40	\$170.00	\$68.00

AP Wireless Investments I, LLC
4250 Executive Square, Suite 900
La Jolla, CA 92037

Attention: Mary Ann May

October 08, 2025

Client: 060348
Matter: 24000
Invoice #: 823220
Resp. Atty: JBW
Page: 1

RE: AP Wireless Investments I, LLC - Contract dispute
Authority #apwip-9205911

For Professional Services Rendered Through October 08, 2025

Total Services	\$1,164.00
Total Current Charges	\$1,164.00
Previous Balance	\$1,668.00
PAY THIS AMOUNT	\$2,832.00

Remittance Advice

Payment is due within 30 days of receipt. A finance charge of .5% (6% annually) may apply if payment is not received timely.

Check Payable To:

Vogel Law Firm
Attn.: Accounts Receivable
P.O. Box 1389
Fargo, ND 58107

If paying by check, please return this remittance page with your payment. Thank you.

Credit Card:

Payments can be made by American Express, Discover, MasterCard & VISA. To make a secure payment online, please [click here](https://www.vogellaw.com/billing/).
or type the following information into your browser: <https://www.vogellaw.com/billing/>



Watts and Associates, Inc.
4331 Hillcrest Road, Billings MT 59101
406-252-7776 Fax: 406-252-9753

October 3, 2025

Metro Flood Diversion Authority
Attn: Jodi Smith
207 4th Street N, Suite A
Fargo, ND 58102
SmithJ@fmdiversion.gov
APIInvoicesFMDiv@jacobs.com

Invoice # 13707

Reference: Development and Implementation of Crop Loss Compensation Program for Farmland
Impacted by the Fargo – Moorhead Metropolitan Area Flood Risk Management Project

Please consider this an invoice for the work performed in September 2025. Full detail of the summary below is contained in Attachment 1. Note, there were an additional 23.62 hours (\$9,575.91) in building out the draft of SOW 2 that are unbilled since that is not what was contracted for in SOW 1.

Employee	CLIN	Rate	Hours	Cost
Allen, Richard	Research Analyst III	413.57	1.00	413.57
Edwardson, Steve	Research Analyst III	413.57	6.00	2,481.42
Helle, Caroline	Research Analyst I	165.43	0.67	110.84
Jore, Kyle	Research Analyst III	413.57	8.75	3,618.74
Labor Total			16.42	6,624.57

Current Invoice Total: **\$6,624.57**

Payment Terms: Invoice due upon receipt.

Sincerely,

Alex Offerdahl
President

**INVOICE: INV012254**

Date
Invoice account

10/06/2025
198

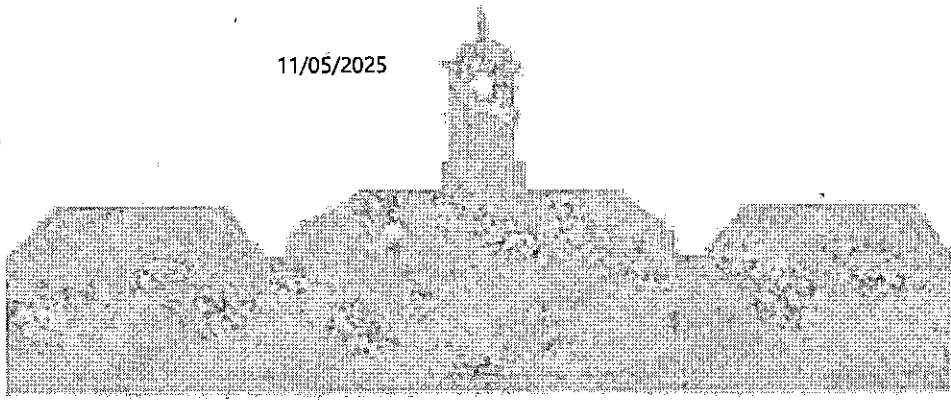
CITY OF FARGO
PO BOX 2083
FARGO, ND 58107-2083

Description	Quantity	Unit price	Amount
DIVERSION PAYROLL EXPENSES 9-30-25	1.00	105,637.57	105,637.57
DIVERSION- MISCELLANEOUS EXPENSES 9-30-25	1.00	6,260.78	6,260.78

Sales subtotal amount	Total discount	Total charges	Net amount	Sales tax	Round-off	Currency	Total
111,898.35	0.00	0.00	111,898.35	0.00	0.00	USD	111,898.35

Due date

11/05/2025



Please detach and send this copy with remittance.

MAKE CHECK
PAYABLE TO:

Cass County Government
211 9th Street South
P.O Box 2806
Fargo, ND 58108-2806

Invoice: INV012254

Date: 10/06/2025

Total: 111,898.35

Name: CITY OF FARGO

Account #: 198

Due date 11/05/2025



P3 Collaborative LLC, Christopher Kane

17-F Hulfish Street
Princeton, New Jersey 08542

Metro Flood Diversion Authority
4748 Amber Valley Pkwy S Ste 100
Fargo, North Dakota 58104

INVOICE

Invoice # 116
Date: 09/08/2025
Due On: 10/08/2025

00030-Metro Flood Diversion Authority

Technical DRB

Type	Date	Notes	Quantity	Rate	Total
Service	08/11/2025	Review new documents on sharepoint; review monthly progress report.	1.00	\$550.00	\$550.00
Service	08/12/2025	Review new documents on sharepoint; review monthly progress report.	2.00	\$550.00	\$1,100.00
Service	08/15/2025	Review Monthly work progress reports, videos and board committee meetings; Review Claims Settlement Agreement.	3.50	\$550.00	\$1,925.00
Service	08/18/2025	Continue review Monthly work progress reports, videos and board committee meetings; Review Claims Settlement Agreement; Review and make suggestions for upcoming DRB quarterly meeting agenda.	1.50	\$550.00	\$825.00
Service	08/19/2025	Review progress documents and reports; Correspond with team and prepare for site visit.	0.30	\$550.00	\$165.00
Service	08/20/2025	Review progress documents and prepare for site visit.	0.30	\$550.00	\$165.00
Service	08/21/2025	Review progress documents and prepare for site visit.	0.40	\$550.00	\$220.00
Service	08/25/2025	Review project photos and monthly report.	0.50	\$550.00	\$275.00
Quantity Subtotal					9.5
Quantity Total					9.5
Total					\$5,225.00



Metro Flood Diversion Authority
Attn: John T. Schockley
4784 Amber Valley Parkway South, Suite 100
Fargo, ND 58104

Invoice Date: October 2, 2025
Invoice Number: 864212
Matter Number: 49352.00000

*For Professional Services through **September 30, 2025***

Client: Metro Flood Diversion Authority and Cass County Joint Water Resource District
Matter: Daniel S. Flaten

Total Current Fees	\$	<u>2,550.00</u>
Total Current Due Upon Receipt	\$	2,550.00

Please Remit To:

Mail To:
Larkin Hoffman
8300 Norman Center Drive
Suite 1000
Minneapolis, MN 55437-1060
Phone: 952-835-3800
Tax ID: 41-0953357

Wire Instructions:
BMO Bank N.A.
111 W. Monroe Street
Chicago, IL 60603
ABA #071000288
Swift Code: HATRUS44
Account #0033972422
(Please Reference Invoice Number)

Pay Electronically Online:
Pay Online Now:
[PayMyBill.larkinhoffman.com](https://www.larkinhoffman.com/PayMyBill.larkinhoffman.com)
For Questions Contact:
Phone: 952-896-3271
Email: accounting@larkinhoffman.com
www.larkinhoffman.com/bill-pay

KAREN KLEIN MEDIATION, LLC

**3523 45th Street South Fargo, ND 58104
(701) 715-4629 kklein@kkleinmediation.com**

Invoice No. 2515

Date: May 24, 2025

Re: Joel Paulsen v. Metro Flood Diversion Authority

Services:

Schedule mediation session.

Review party submissions.

Participate in mediation conference; confer separately with parties and counsel.

Confirm impasse between the parties.

Time:

5.50 hours at \$800.00/hr = \$4400.00

Expenses:

None

Total Amount Due:

\$4400.00 (To be equally split by the parties)

BALANCE DUE from Joel Paulson/O’Keeffe O’Brien Lyson: \$2200.00

BALANCE DUE from Metro Flood Diversion Authority/Dorsey + Whitney: \$2200.00

Tax ID: 47-3562553

Please make checks payable to: Karen Klein Mediation, LLC

Thank you.

City of Christine - SUMMARY OF INVOICING**Reimbursement Request #19****October 3, 2025**

<u>Vendor</u>	<u>Invoice Date</u>	<u>Invoice #</u>	<u>Invoice Amount</u>
Moore Engineering, Inc.	10/3/2025	SIN005170	\$428,634.50
Total Moore Engineering, Inc.			\$428,634.50
Swanson & Warcup	4/30/2025	3219	\$610.04
Swanson & Warcup	6/30/2025	3352	\$256.75
Swanson & Warcup	7/31/2025	3533	\$174.25
Total Swanson & Warcup			\$1,041.04
Lies, Bullis & Hatting	4/24/2025	70286	\$120.00
Lies, Bullis & Hatting	8/25/2025	71093	\$60.00
Total Lies, Bullis & Hatting			\$180.00
Total Invoiced This Reimbursement Request			\$429,855.54

Budget Change Request

Document Control No. SWMLFC-CH2-FA-RFC-00014	Originator: D. Brown
Budget Change No. 023	Date: 10/15/2025
Title: Local Drainage Transitions to Mitigate P3 Channel Construction Impacts	
Project: FM-Diversion	

The purpose of this form is for budget management by requesting approval to transfer program contingency budget to the current fiscal year; or make budget transfers within the fiscal year budget; or both.

Request Description:

Allocate \$550,000 of System Wide P3 Contingency to cover costs associated with legal drains outside of the P3 channel transitioning to tie into the P3 channel right of way.
The FY 2025 cash budget will increase from \$447,555,689 to \$ 448,105,689.

Request Justification:

The scope of work is a result of impacts to drainage configurations caused by the construction of the Storm Water Diversion Channel and Associated Infrastructure (SWDCAI) project. This work is required to complete legal drainage transition tie-ins that are adjacent to the P3 work but fall outside the Work Limits and the 404 Permit. This work is being done by the local Water Resource Districts in coordination with the P3 Developer and the Diversion Authority.

General Impacts:			Additional Information: <u>2025 Projects & Costs</u> Drain 30 = \$17,118. Lower Rush River Cass Drain #2 = \$210,000. Drain 50 = \$205,000. Drain 14B = \$115,000. Total 2025 Costs = \$547,118																										
Authority Board Approval Required? Yes ☒ No ☐	Contract Types ☐ LS ☐ TM ☐ MOU ☒ Task Order ☐ N/A	Request Type ☐ Project Initialization ☐ Project Change ☒ Contingency Release																											
Change Impacts To: Scope/Technical ☐ Direction ☒ Schedule ☐ Budget ☒ Subcontract ☐																													
<u>Budget Request Summary</u> <table> <tr> <td>Budget Increase:</td> <td>Added Scope: \$550,000</td> <td>Over Runs: \$0</td> </tr> <tr> <td>Budget Decrease:</td> <td>Deferred Scope \$0</td> <td>Deleted Scope \$0</td> </tr> <tr> <td>Internal Transfers:</td> <td colspan="2">From: Cost Account To: Cost Account</td> </tr> </table>			Budget Increase:	Added Scope: \$550,000	Over Runs: \$0	Budget Decrease:	Deferred Scope \$0	Deleted Scope \$0	Internal Transfers:	From: Cost Account To: Cost Account		<table border="1"> <tr> <th align="center" colspan="3">Budget Request and Status</th> </tr> <tr> <th></th> <th>Cost Account</th> <th>Amount</th> </tr> <tr> <td>Current Authorization (SOURCE)</td> <td>SWCT-1345</td> <td align="right">20,344,850</td> </tr> <tr> <td>Current Request (Net Change)</td> <td>SWCT-1345</td> <td align="right">550,000</td> </tr> <tr> <td>Budget after Change</td> <td>SWCT-1345</td> <td align="right">20,894,850</td> </tr> </table>			Budget Request and Status				Cost Account	Amount	Current Authorization (SOURCE)	SWCT-1345	20,344,850	Current Request (Net Change)	SWCT-1345	550,000	Budget after Change	SWCT-1345	20,894,850
Budget Increase:	Added Scope: \$550,000	Over Runs: \$0																											
Budget Decrease:	Deferred Scope \$0	Deleted Scope \$0																											
Internal Transfers:	From: Cost Account To: Cost Account																												
Budget Request and Status																													
	Cost Account	Amount																											
Current Authorization (SOURCE)	SWCT-1345	20,344,850																											
Current Request (Net Change)	SWCT-1345	550,000																											
Budget after Change	SWCT-1345	20,894,850																											

Authorization Level	Approval / Concurrence	NOTE: Approval will be documented via ACONEX Workflow; or during Finance and Authority Board meetings		
5	Client – Jason Benson			
4	Program Manager			
3	Project Controls			
2	Contracts Manager			
1	Originator			



METRO
FLOOD
DIVERSION
AUTHORITY

Diversion Board of Authority Meeting

October 23, 2025

Contracting Actions

DA Board Approval Contract Actions

(ACTION)



Description	Company	Budget/ Estimate (\$)
Exclusive Authorization to Sell Agreement – Horace Elevator site – This Agreement is granting the exclusive right to negotiate the sale of the Horace Elevator site located in Cass County, North Dakota. No budget will come from the program or cash budget as this is a commission-based compensation, with 6% commission being split between the buying and selling agent at the time of closing.	Horizon Real Estate Group	\$0.00
Master Services Agreement (MSA) – Auditing Service – The Standard terms and conditions governing the delivery of its professional services. Each engagement will be further defined by a corresponding Statement of Work (SOW), which will specify the scope, timeline, and budget applicable to that project.	Eide Bailly, LLP	\$0.00

Executive Director

Contracting Recommendation



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

Horizon Real Estate Group Exclusive Authorization to Sell Agreement Horace Elevator Site	\$0.00
• Exclusive Authorization to Sell Agreement for the Horace Elevator site.	

1 Recommendation for action:

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

2 Summary of Contracting action:

Per the contract review and approval procedures that were adopted by the **Metro Flood 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 an Exclusive Authorization to Sell Agreement and submit them to the Deputy Executive Directors and the Executive Director. Deputy Executive Directors 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. The Executive Director shall thereafter submit the Exclusive Authorization to Sell Agreement along with the recommendation to the Finance Committee for review. The Finance Committee will submit its recommendation to the Diversion Authority Board for review and approval.

3 Reason why it is required:

This is an Exclusive Authorization to Sell Agreement between the Metro Flood Diversion Authority and Horizon Real Estate Group. Horizon Real Estate Group is being granted the exclusive right to negotiate sale of the Horace Elevator site located in Cass County, North Dakota.

Nine (9) real estate agencies we solicited, and three (3) RFQ submittals were received with Horizon Real Estate Group being selected based on their qualifications, comparable successful commercial sales and their proposed marketing strategy. No budget will come from the program or cash budget as this is a commission-based compensation, with 6% commission being split between the buying and selling agent at the time of closing.

4 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 AGENT have agreed to enter into an Agreement focused on marketing and negotiating the sale of the Horace Elevator site. The PMC reports directly to the Executive Director.

In accordance with the Exclusive Authorization to Sell Agreement by and between the Metro Flood Diversion Authority (the “Authority”) and Horizon Real Estate Group (the “Agent”) dated November 1, 2025 (the “Agreement”), the Authority and the Agent agree to the above services.

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

Table 1 - Summary of Contracting History and Current Contract Action

Original Agreement or Amendment	Contract Change \$	Original or Revised Contract \$	Agreement Execution Date	Project Completion	Comments
Agreement	0.00	0.00	11/1/2026	3/31/2026	Commission based compensation

5 Financial considerations:

The Budget Cost Proposal is attached or in the Task Order document.

Cost account code is required for accounting purposes to match the invoicing in Source for the Diversion Authority to reconcile.

Table 2 – Summary of Annual Budget Allocation – Per Year

Year	Cost Account Code	Estimated Cost (\$)	Budget Allocated (\$)	Actual paid to date (\$)	Budget Remaining (\$_)	Comments
2026	SW-1170	0.00	0.00	0.00	0.00	Commission based compensation
Totals		0.00	0.00	0.00	0.00	

6 Attachments:

- Commercial Real Estate Agreement

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

Recommendation: Kris Bakkegard, Director of Engineering, recommends approval of this contract.

The Executive Director has approved in Workflow and granted permission to add his name to the document.

Approved by: Jason Benson, Executive Director

Date: 10/14/2025

Executive Director

Contracting Recommendation



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

Eide Bailly, LLP Master Services Agreement	\$0.00
• Master Services Agreement	

1 Recommendation for action:

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

2 Summary of Contracting action:

Per the contract review and approval procedures that were adopted by the **Metro Flood 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 Agreements and Agreement Amendments and submit them to the Executive Directors and Co-Deputy Executive Director for review. The Deputy Executive Directors will provide comments to the PMC who will combine the comments for the Director of Engineering. The Director of Engineering (DOR) will review and provide recommendations to the Executive Director for review and action.

3 Reason why it is required

This Master Services Agreement (MSA) outlines Eide Bailly's standard terms and conditions governing the delivery of its professional services. Each engagement will be further defined by a corresponding Statement of Work (SOW), which will specify the scope, timeline, and budget applicable to that project.

Three quotes were not obtained because Eide Bailly was used in previous years to perform the MFDA audits and are therefore familiar with MDFA finances and financial procedures.

4 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.

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

Table 1 - Summary of Contracting History and Current Contract Action

Original Agreement or Amendment	Budget Change \$	Original or Revised Budget \$	Agreement Execution Date	Project Completion	Comments
MSA	0.00	0.00	TBD	TBD	Master Services Agreement.

5 Financial considerations:

The Budget Cost Proposal is attached or in the Task Order document.

Cost account code is required for accounting purposes to match the invoicing in Source for the Diversion Authority to reconcile.

Table 2 - Summary of Annual Budget Allocation – Per Year

Original Agreement or Amendment	Cost account code	Estimated Cost (\$)	Budget Allocated (\$)	Actual Paid to date (\$)	Budget Remaining (\$)	Comments
2026	SW-1150	0.00	0.00	0.00	0.00	
Totals		0.00	0.00	0.00	0.00	

6 Attachments:

- Master Services Agreement

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

Recommendation: Kris Bakkegard, Director of Engineering recommends approval of this contract.

The Executive Director has approved in Workflow and granted permission to add his name to the document.

Approved by: Jason Benson, Executive Director

Date: 10/14/2025

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: October 22, 2025
Re: OIN 831 Excess Land Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 831 (8.40 acres) to begin the process to dispose of the Excess Land per the Policy on the Disposition and Management of Comprehensive Project Lands.

Background/Key Points:

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Executive Director may be made available for sale, lease, or exchange in accordance with this Policy.

ATTACHMENTS:

- Excess Lands Recommendation – OIN 831



Memorandum

TO: Jason Benson, Executive Director

FROM: Justin Fisher, Director of Lands and Compliance

DATE: October 10, 2025

RE: Excess Lands Recommendation – OIN 831, subject to Flowage Easement

1. Introduction

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Executive Director may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Executive Director to declare OIN 831 as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 831

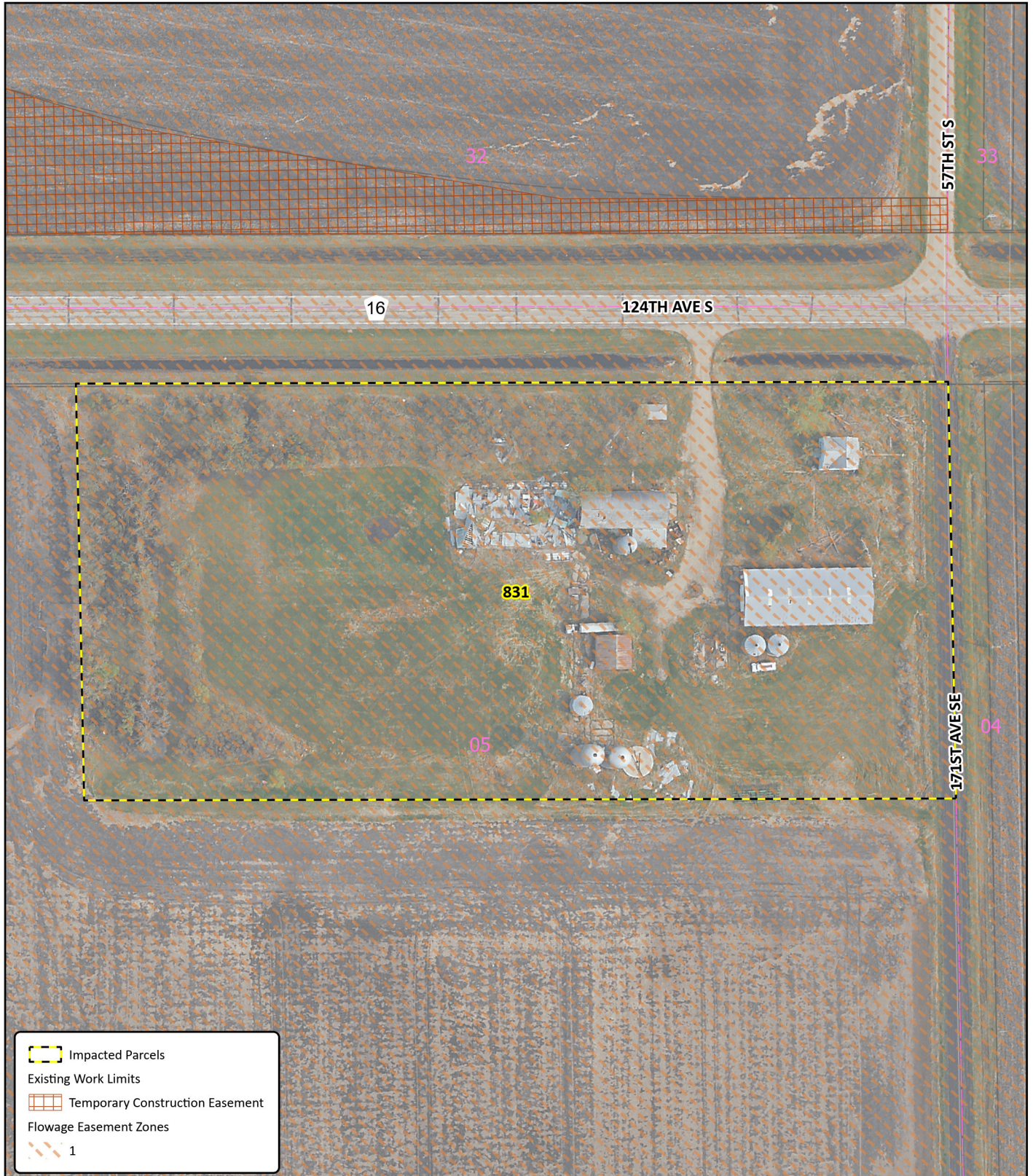
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	8.40 acres

Narrative Description of Parcel(s)	OIN 831 is located in North Dakota on the corner of County Road 16 and 171 st Ave SE in the Upstream Mitigation Area associated with the Comprehensive Project.
Purchase Date	December 19, 2024
Purchase Price	\$400,000
Proposed Sale Price	\$42,000 Based on \$5,000/acre for flowage easement encumbered recreational land.
Former Owner	John Loffelmacher
Adjacent Owners	OIN 830 – Karen Offutt Trust OIN 827, 1112, & 1099X – Terry & Kristie Sauvageau
Property Management Approach	This property has been maintained through a weed control and mowing contract with JT Lawn Services.
Property Taxes	In 2024 this property had \$1,957.36 in taxes.
Relation to Construction	This parcel is in the UMA and not impacted by construction of the Comprehensive Project. The former owner desired a full-take buyout of the property. The former buildings on the parcel have been removed from the site, and the site has been restored. Any future sale will need to reserve a flowage easement to ensure no future development.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

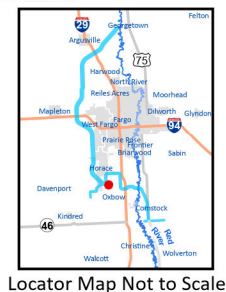
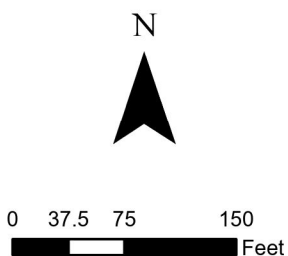
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 831 as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit C).

Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



Information depicted may include data unverified by AE2S. Any reliance upon such data is at the user's own risk. AE2S does not warrant this map or its features are either spatially or temporally accurate.
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: cwickenheiser, AE2S, LLC | C:\Data\Projects\GIS Projects\FM Area Division\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps.aprx | Individual Layout Not Data Driven



OIN: 831
Owner: CASS COUNTY JOINT
WATER RESOURCE DISTRICT
Parcel ID: 57-0000-10245-010

Cass County, ND
FM AREA DIVERSION
Date: 10/1/2025



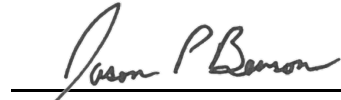
Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The following legal description is from the Purchase Agreement dated December 19, 2024.

That part of the NE¼ of Section 5 in Township 137 North of Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, included within the following metes and bounds description: Beginning at the Northeast corner of Section 5 in Township 137 North of Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota; thence Westerly along the North line of said Section 5, a distance of 800.00 feet; thence Southerly along a line which is parallel with the East line of said Section 5, a distance of 455.00 feet; thence Easterly along a line which is parallel with the aforementioned North Section line a distance of 800.00 feet more or less, to a point of intersection with the aforementioned East Section line; thence Northerly along said East Section line a distance of 455.00 feet, more or less, to the Point of Beginning.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 831 as noted in Exhibit A (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.



Jason Benson
Executive Director

10/14/2025

Date

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: October 22, 2025
Re: OIN 9258 Excess Land Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 9258 (12.37 acres) to begin the process to dispose of the Excess Land per the Policy on the Disposition and Management of Comprehensive Project Lands.

Background/Key Points:

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Executive Director may be made available for sale, lease, or exchange in accordance with this Policy.

ATTACHMENTS:

- Excess Lands Recommendation – OIN 9258



Memorandum

TO: Jason Benson, Executive Director

FROM: Justin Fisher, Director of Lands and Compliance

DATE: October 10, 2025

RE: Excess Lands Recommendation – OIN 9258, subject to Flowage Easement

1. Introduction

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Executive Director may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Executive Director to declare OIN 9258 as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 9258

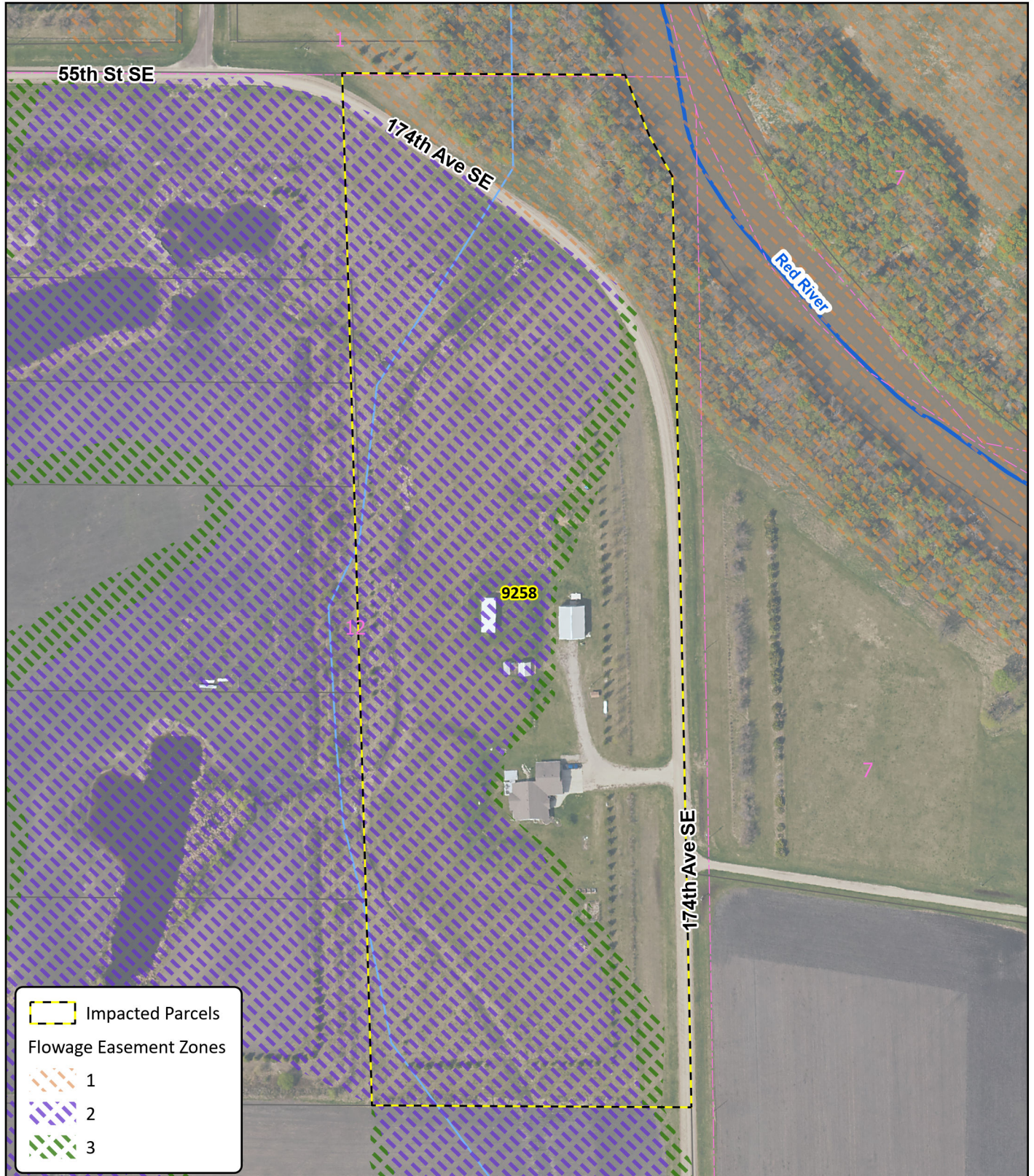
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	12.37 acres

Narrative Description of Parcel(s)	OIN 9258 is located in North Dakota along 174 th Ave SE right at the section where it merges with 55 th St SE in the Upstream Mitigation Area associated with the Comprehensive Project.
Purchase Date	January 11, 2024
Purchase Price	\$940,000
Proposed Sale Price	\$180,000 Based on recent sales in the area.
Former Owner	Thomas & Penny Cirks
Adjacent Owners	OIN 7206 – Cody & Sara Ernst OIN 7208 – Troy & Toni Deberg OIN 7209 & 7210 – Zachary & Heidi Pfingsten OIN 176 – High Plains Properties LLC OIN 1585 – Ness family Farm, LLP OIN 9257 – Sheyenne Stables LLC
Property Management Approach	To date there has been no maintenance on the property as it was recently demoed and mitigated.
Property Taxes	For 2024 this property had roughly \$4,000 in taxes, which was due to the structures on site that have since been removed.
Relation to Construction	This parcel is in the UMA and not impacted by construction of the Comprehensive Project. The former owner desired a full-take buyout of the property. The former buildings on the parcel have been removed from the site, and the site has been restored. Any future sale will need to reserve a flowage easement over 9.58 acres to ensure no future development.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 9258 as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit C).

Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands

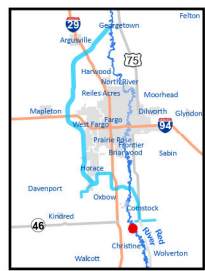
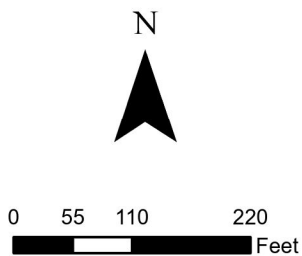


Impacted Parcels

Flowage Easement Zones

- 1
- 2
- 3

Information depicted may include data unverified by AE2S. Any reliance upon such data is at the user's own risk. AE2S does not warrant this map or its features are either spatially or temporally accurate.
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: cwickenheiser | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps.aprx | Individual Layout Not Data Driven



OIN: 9258
Owner: CASS COUNTY JOINT
WATER RESOURCE DISTRICT
Parcel ID: 01-0000-00088.100

Richland County, ND

FM AREA DIVERSION

Date: 10/1/2025



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The following legal description is from the Title Opinion dated February 21, 2024.

All of Government Lot 1 and the NW¼NE¼ EXCEPT the Westerly 2,265.94 feet thereof, all in Section 12 of Township 136 North, of Range 49, West of the Fifth Principal Meridian, Richland County, North Dakota.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 9258 as noted in Exhibit A (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.



Jason Benson
Executive Director

10/14/2025

Date

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: October 22, 2025
Re: OIN 9182Y Excess Land Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 9182Y (0.56 acres) to begin the process to dispose of the Excess Land per the Policy on the Disposition and Management of Comprehensive Project Lands.

Background/Key Points:

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Executive Director may be made available for sale, lease, or exchange in accordance with this Policy.

The Prior Owner of OIN 9182Y is entitled to a Right of First Refusal (ROFO). Upon approval of this recommendation Project staff will check with the Prior Owner on whether or not that want to utilize that (ROFO) before following the steps outlined in the Policy.

ATTACHMENTS:

- Excess Lands Recommendation – OIN 9182Y



Memorandum

TO: Jason Benson, Executive Director

FROM: Justin Fisher, Director of Lands and Compliance

DATE: October 14, 2025

RE: Excess Lands Recommendation – OIN 9182Y

1. Introduction

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Executive Director may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Executive Director to declare OIN 9182Y as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 9182Y

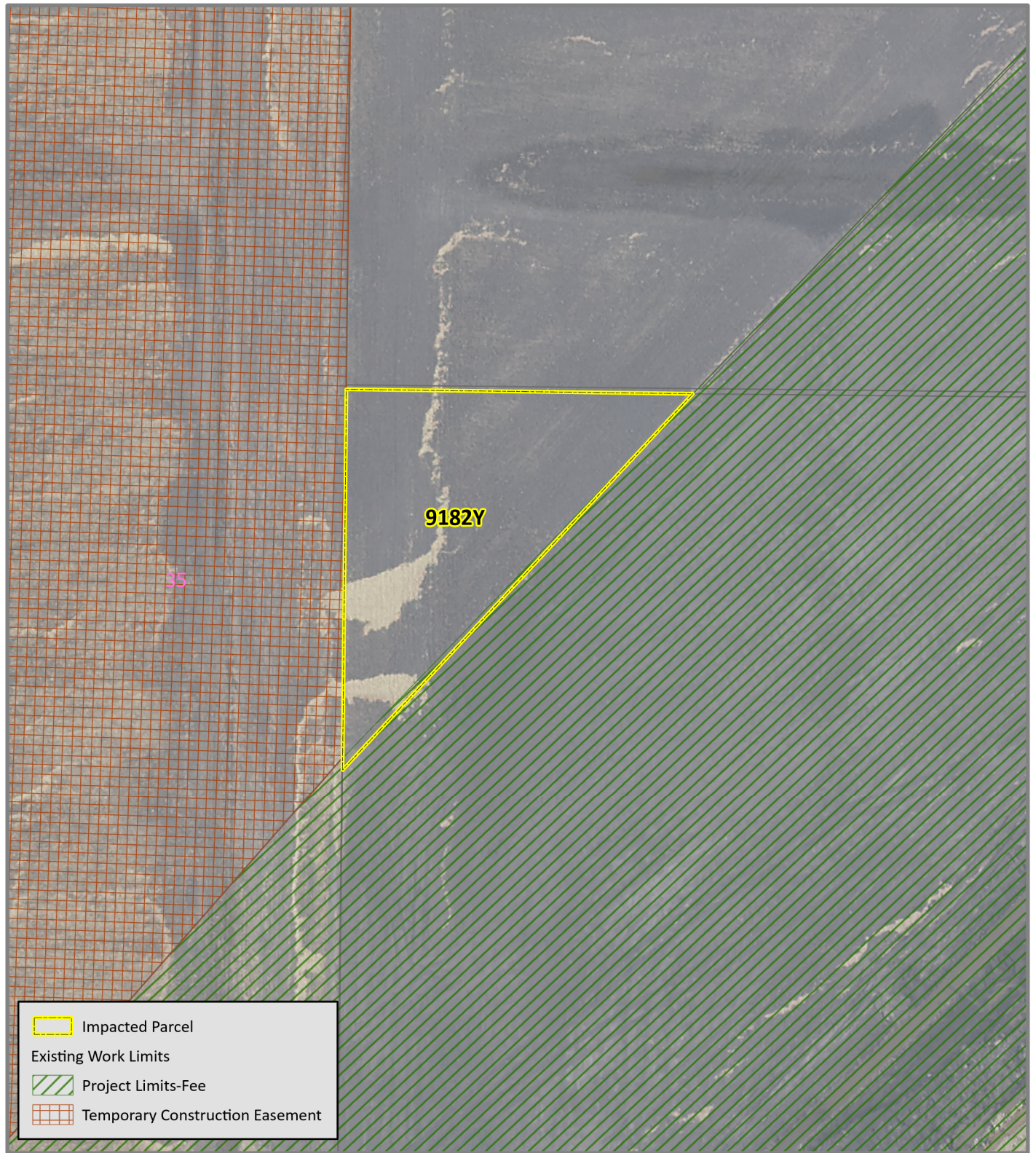
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	0.56 acres

Narrative Description of Parcel(s)	OIN 9182Y is located along the Diversion Channel and Associated Infrastructure (DCAI) roughly 1 mile from the northern most portion of the DCAI where flood waters would flow back into the Red River. The former owner desired a full buyout of OINs 9182 and 1220.
Purchase Date	August 4, 2017
Purchase Price	\$399,000 For the full 74.94 acres associated with OIN 9182.
Proposed Sale Price	\$3,000 Based on roughly \$5,300/acre due to the irregular parcel shape and limited buyer pool.
Former Owner	Kevin Heiden
Adjacent Owners	OIN 1218X – Donna Burley OIN 9183X – Heiden Family, LLLP
Property Management Approach	This property has been maintained through a farmland lease with Pifer’s Land Management since 2018.
Property Taxes	In 2024 this property had \$120.51 in taxes.
Relation to Construction	OIN 9182Y is located on the northern most edge of the DCAI. This parcel is a remnant of larger parcel OIN 9182 which was directly impacted by construction. This remnant is not impacted by construction and is no longer needed by the Project.
Right of First Refusal	The prior landowner has a ROFO through August 3, 2027.

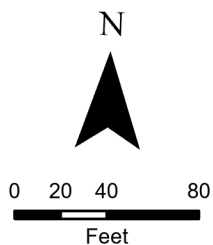
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 9182Y as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit C).

Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



Information depicted may include data unverified by AE2S. Any reliance upon such data is at the user's own risk. AE2S does not warrant this map or its features are either spatially or temporally accurate.
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: hrecords | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps.aprx | Individual Layout



Locator Map Not to Scale

OIN: 9182Y
CASS COUNTY JOINT WATER RESOURCE
DISTRICT
Parcel ID: 70-0300-00010-000
Cass County, ND
 FM AREA DIVERSION
 Date: 10/13/2025



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

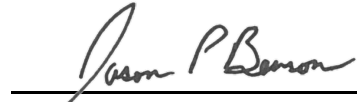
The following legal description is from the warranty deed dated August 4, 2017. This description is specific to the larger parcel OIN 9182, which was apart of the Wiser Subdivision Plat. The area associated with OIN 9182Y is subject to survey.

That part of the Southeast Quarter of Section 35, Township 142 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows: Beginning at the southeast corner of said Southeast Quarter; thence North 01 degree 16 minutes 54 seconds West along the east line of said Southeast Quarter a distance of 1235.20 feet; thence South 88 degrees 32 minutes 35 seconds West parallel with the south line of said Southeast Quarter a distance of 2643.62 feet to a point on the west line of said Southeast Quarter; thence South 01 degree 21 minutes 38 seconds East along the west line of said Southeast Quarter a distance of 1235.19 feet to the southwest corner of said Southeast Quarter; thence North 88 degrees 32 minutes 35 seconds East along the south line of said Southeast Quarter a distance of 2641.92 feet to the point of beginning.

Subject to easements, reservations, restrictions, and rights-of-way of record, if any.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 9182Y as noted in Exhibit A (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.



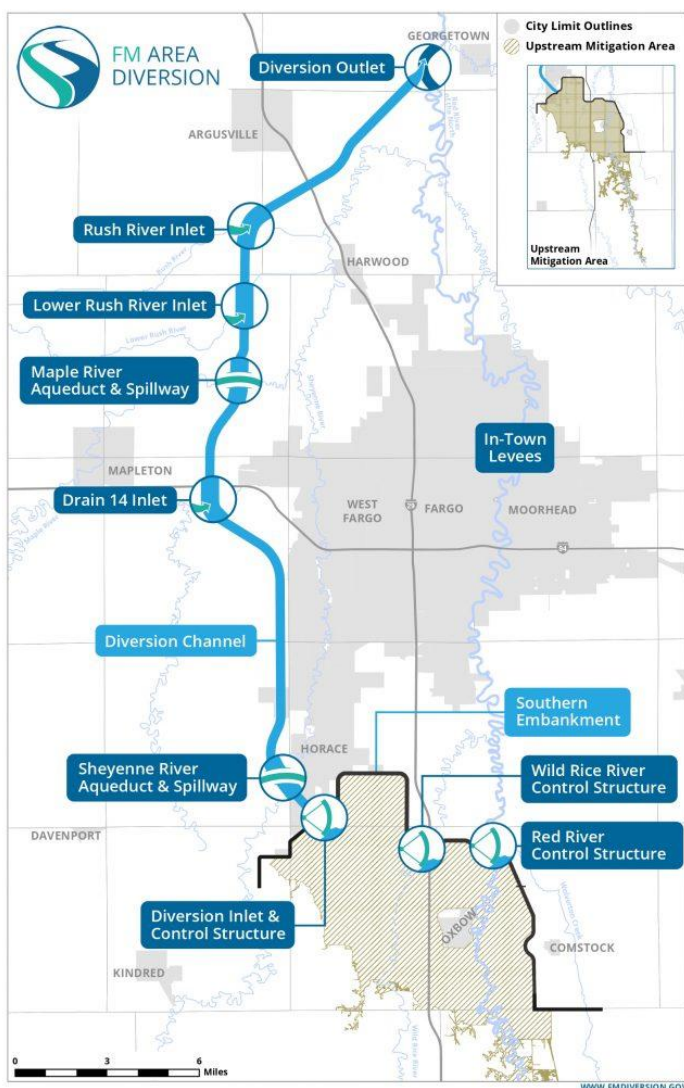
Jason Benson
Executive Director

10/14/2025

Date

~~2022~~2025

MFDA Governance Policies



Metro Flood Diversion Authority

Schatz & Associates, LLC

7/11/202210/1/2025



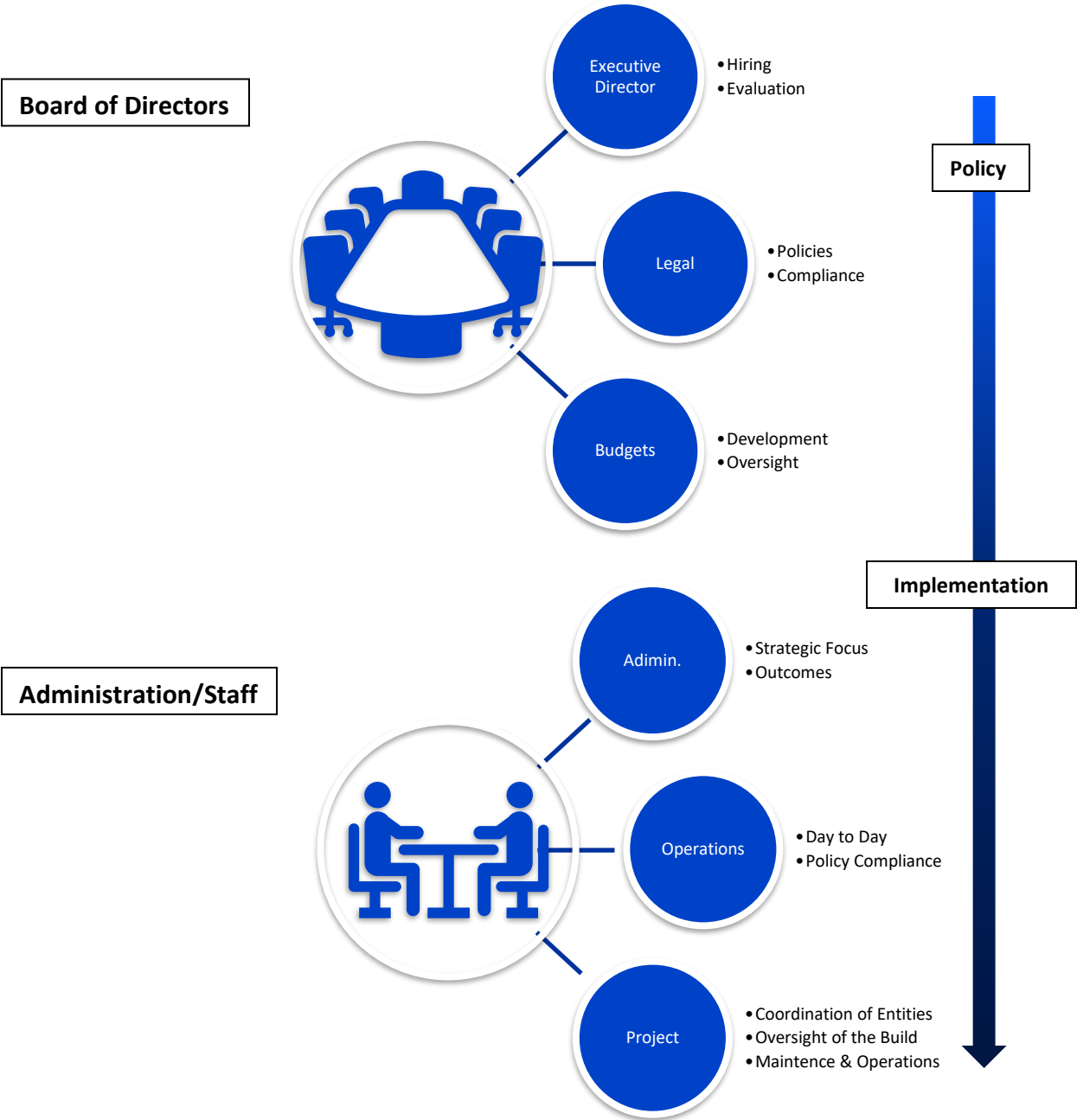
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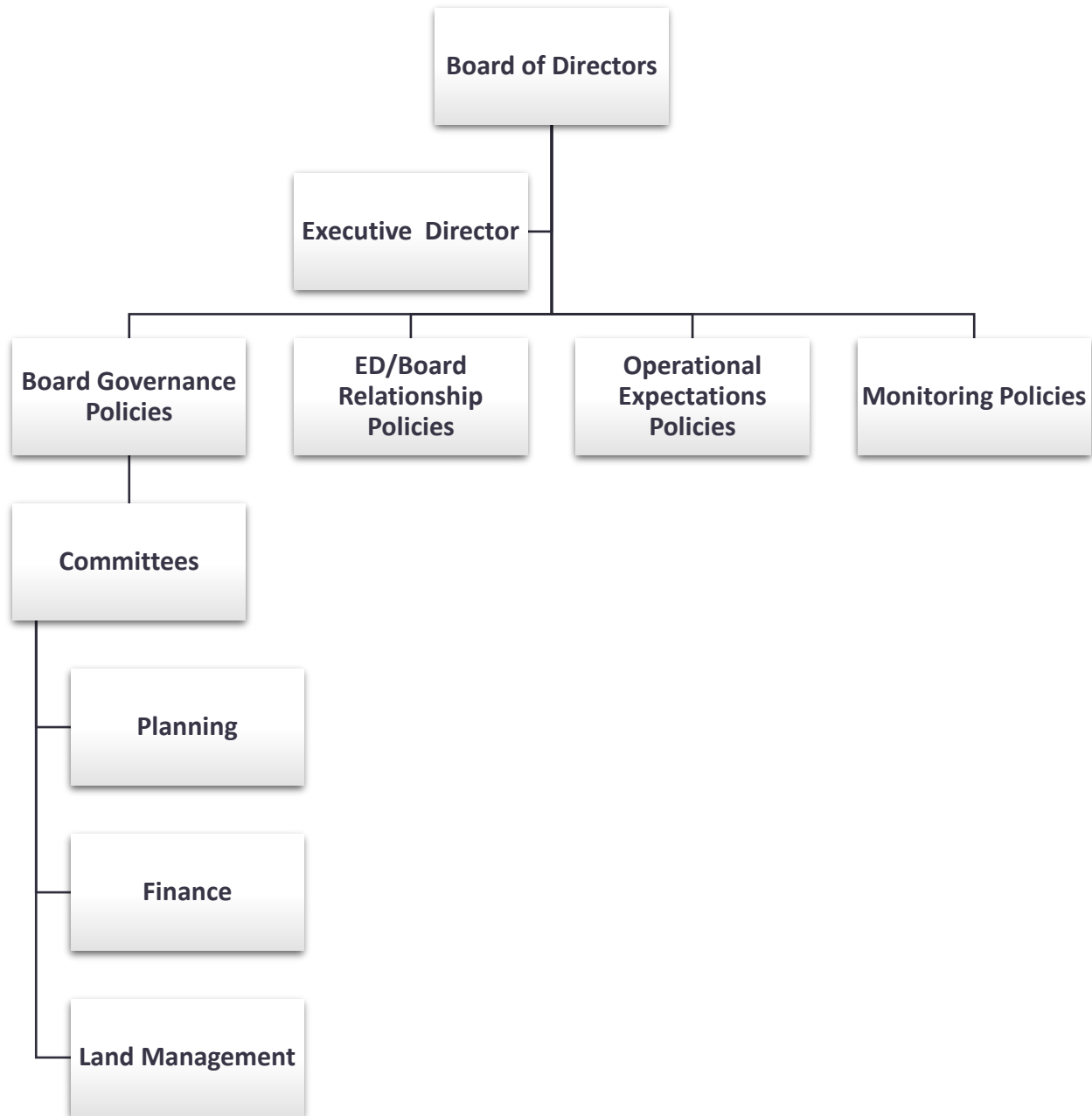
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Board of Directors Governance Policies Introduction

The purpose of the following governance policies is to assure that the Metro Flood Diversion Authority Board of Directors (MFDA) is accomplishing its mission by developing policies that guide the operation of MFDA and by monitoring the role of the Executive Director. The following diagram and subsequence policies provide the framework and structure of the relationship and expectations between the MFDA Board of Directors and the Executive Director.



METRO FLOOD DIVERSION AUTHORITY GOVERNANCE POLICIES FRAMEWORK



BOARD GOVERNANCE POLICIES – GP'S

Policies designed to govern the behavior of the Board.

GP 1 – Commitments

GP 2 - Board Culture

GP 3 - Board Functions and Responsibilities

GP 4 - Officers Roles

GP 5 - Board Committees

GP 6 - Board Members Code of Conduct

GP 7 - Board Members Conflict of Interest

GP 8 - Process for Addressing Board Member Violations

Policy Type: Governance Policies

Commitments

The Metro Flood Diversion Authority (MFDA), supporting the work of staff, and the community's interest, holds itself accountable to the citizens of the Fargo - Moorhead Metropolitan Area by ensuring that all action it takes is consistent with the Authority Boards organization's policies and beliefs.

The MFDA is committed to governing efficiently and will be guided in its decisions by the following:

General Purpose

The Joint Powers Agreement (“JPA”) is made pursuant to N.D.C.C. § 54-40.3-01 and Minn. Stat. § 471.59, which authorizes the joint and cooperative exercise of power common to the contracting parties. The contracting parties (“Member Entities”) to the JPA are: the City of Fargo, the City of Moorhead, Cass County (ND), Clay County (MN), and the Cass County Joint Water Resource District (“CCJWRD”). The purpose of the JPA is to allow the Member Entities to work collaboratively to avoid the duplication of required approvals and actions with respect to the Project (as defined therein), to maximize efficiencies of the Member Entities with respect to flood control projects, to have the Member Entities' employees, engineers, attorneys, and professional consultants cooperate in the design, financing, construction, operation, and maintenance of the Project. The Member Entities desire to establish and continue a joint powers structure to design, finance, construct, operate and maintain the Project consistent with the provisions of the JPA, N.D.C.C. § 54-40.3-01, and Minn. Stat. § 471.59.

~~The Joint Powers Agreement (JPA) is made pursuant to N.D.C.C. § 54-40.3-01 and Minn. Stat. § 471.59, which authorizes the joint and cooperative exercise of power common to the contracting parties. The purpose of this Agreement is to allow the Member Entities to work collaboratively to avoid the duplication of required approvals and actions with respect to the project, to maximize efficiencies of the Member Entities with respect to flood control projects, to have the Member Entities' employees, engineers, attorneys, and professional consultants cooperate in the design, financing, construction, operation, and maintenance of the project. The Member Entities desire to establish and continue a joint powers structure to design, finance, construct, operate and maintain the project consistent with the provisions of this Agreement, NDCC § 54-40.3-01, and Minn. Stat. § 471.59.~~

Intent

The Member Entities have extensive jurisdiction over water resources management within their respective geographic jurisdictions. Each Member Entity has the power to adopt rules and regulations governing water management. Nonetheless, the Member Entities recognize there is

mutual benefit to the Member Entities working cooperatively concerning the Project. The JPA intends to increase efficiencies concerning designing, constructing, financing, operating, and maintaining the Project by allowing the Member Entities to cooperate in the bidding and letting of contracts, by cross-pledging sales taxes, special assessment levies, by entering into a Project Agreement with a P3 Developer ("Project Agreement"), collaborating in the administration of the Project and to reimburse the Member Entities for expenses incurred in connection with the Project.

~~The Member Entities have extensive jurisdiction over water resources management within their respective geographic jurisdictions. Each Member Entity has the power to adopt rules and regulations governing water management. Nonetheless, the Member Entities recognize there is mutual benefit to the Member Entities working cooperatively concerning the project. This Agreement intends to increase efficiencies concerning designing, constructing, financing, operating, and maintaining the project by allowing the Member Entities to cooperate in the bidding and letting of contracts, by cross-pledging sales taxes, special assessment levies, by entering into a Project Agreement with a P3 Developer, collaborating in the administration of the project and to reimburse the Member Entities for expenses incurred in connection with the project.~~

Separate Political Subdivision

The JPA is Agreement is expressly intended to confirm the ongoing existence and operation of a separate political subdivision named the Metro Flood Diversion Authority. The Member Entities recognize that pursuant to and conformance with NDCC § 54-40.3-01 and Minn. Stat. §471.59, the Metro Flood Diversion Authority may not exercise power unless this Agreement expressly grants that power. As a result, the Metro Flood Diversion Authority will, from the time-to-time request that one or several of the Member Entities use their Best Efforts to exercise their respective furtherance of the project.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board

Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

Monitoring Method: Board assessment

Monitoring Frequency: TBD.

~~Metro Flood Diversion Authority~~

~~Adopted:~~

Policy Type: Governance Policies

Board Culture

The Board will govern lawfully and make all official decisions by a formal vote of the Board and govern with a long-term vision.

1. The Board will function as a single unit. Individual members' opinions and personal strengths will be used to the Board's best advantage, but the Board faithfully will make decisions as a group by a formal vote. No officer, individual, or committee of the Board will be permitted to limit the Board's performance or prevent the Board from fulfilling its commitments.
2. The Board is responsible for its performance and commits itself to continuous improvement. The Board will ensure that its members receive the training and professional support necessary to govern effectively.
3. To ensure that the Board's business meetings are conducted with maximum effectiveness and efficiency by members will:
 - a. Appoint a parliamentarian
 - b. Use Roberts Rule of Order as the basis for the format and structure of all Board meetings.
 - b-c. Inform the Chair and Executive Director when the member is unable to attend a meeting.
 - c-d. Come to meetings adequately prepared.
 - d-e. Support the Chair's efforts to facilitate an orderly meeting.
 - e-f. Communicate openly and actively in conversation and dialog.
 - f-g. Encourage balanced participation of all members.
4. The Board will use a consent agenda to expedite the disposition of routine matters. For example, matters delegated to the Executive Director required to be approved by the Board will be acted upon via the consent agenda. An item may be removed from the consent agenda. The Chair will place the removed item on the regular agenda.
5. The Board may revise or amend its governance policies at any time. However, as a customary practice, a proposed policy revision will be discussed at one session of the Board before being approved at a subsequent Board meeting.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board

Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

~~Monitoring Method: Board assessment~~
~~Monitoring Frequency: TBD,~~
~~Metro Flood Diversion Authority~~

~~Adopted:~~

GP-3

Policy Type: Governance Policies

Board Functions and Responsibilities

A Board member's responsibilities include:

- Planning and policy decisions
- To perform its legal responsibility.
- To establish bylaws, operating and financial policies.
- To select, employ, and provide periodic performance appraisals and salary reviews and, if necessary, dismiss the Executive Director.
- To adopt and monitor the operating budget and fiscal policies.
- To protect the assets of the organization.
- To ensure effective and efficient use of taxpayers' dollars.
- To ensure the fulfillment of the organization's Purpose/Intent.
- To ensure sound human resource policies as prescribed by law and maintain the employee handbook's integrity.
- To project a positive image in the community.
- To appoint, commission, supervise and monitor committees.

To fulfill these responsibilities well, a board member should attend seventy-five percent of regular meetings, be knowledgeable about the organization, participate constructively in deliberations, and vote according to one's conviction.

Individual Board members have no legal authority outside of official Board meetings, except when the Board expressly directs it. Provided, the Chair has the express authority to place the Executive Director on a paid administrative leave at any time for a period of up to five business days if the Chair determines such action is necessary. In the event the Chair places the Executive Director on a paid administrative leave, the Chair will call a special or regular Board meeting within three business days of his/her action placing the Executive Director on a paid administrative leave to inform the Board that the Executive Director has been placed on a paid administrative leave along with his/her recommendations regarding the Executive Director's employment with the MFDA. Such recommendations may include but are not limited to placing the Executive Director on a performance improvement plan and disciplinary action up to and including termination. Power is given to committees to conduct a study or negotiate on the Board's behalf. Individual Board members or committees must be mindful not to appear to commit the Board to any position in a private or public statement. Likewise, Board members should carefully avoid interfering with the efficient operation of the MFDA. Their interest, suggestions, and helpfulness should be freely given, yet neither in a manner that appears dictatorial nor encroaches upon staff lines of authority and responsibility.

It is not the function of individual Board members or Board committees to supervise the Executive Director administratively. Provided, the Chair shall receive weekly updates and

~~reports from the Executive Director and shall have the express power to ensure that the Board's direction and votes on matters are implemented by the Executive Director. Full accounting for their actions and management should be made in Board meetings. Board members have no legal authority outside of sessions, except when the Board expressly directs it. Power is given to committees to conduct a study or negotiate on the Board's behalf. Individual Board members or committees must be mindful not to appear to commit the Board to any position in a private or public statement. Likewise, Board members should carefully avoid interfering with the efficient operation of the MFDA. Their interest, suggestions, and helpfulness should be freely given, yet neither in a manner that appears dictatorial nor encroaches upon staff lines of authority and responsibility.~~

~~It is not the function of individual Board members or Board committees to supervise the Executive Director administratively. Full accounting for their actions and management should be made in Board meetings.~~

~~**Monitoring Method:** Monitored by the Planning Committee and reviewed by the Board
Monitoring Frequency: Annually, per the Annual Work Plan
Metro Flood Diversion Authority~~

~~Adopted:~~

~~**Monitoring Method:** Board assessment~~

~~**Monitoring Frequency:** TBD.~~

~~Metro Flood Diversion Authority~~

~~Adopted:~~

Policy Type: Governance Policies

Officers Roles

The City of Fargo Members, the City of Moorhead Members, the Cass County Members, the Clay County Members, the CCJWRD. Members and West Fargo Members shall serve at the discretion of the Governing Body of their respective organization from which they were appointed. The MFDA Board will be structured using the following officers and roles.

Board Chair

The Chair is the head of the MFDA for ceremonial purposes and the purpose of service of civil process. The Chair is a member of the Diversion Authority Board for purposes of presiding at its meetings. The Chair may vote on all matters before the Board, but may not cast an additional vote in the event of a tie vote of the Board. The Chair does not have the authority to veto decisions of the Board.

The Chair may execute all contracts, Project Agreements, notes, indentures, warrants, and other instruments on behalf of the MFDA and perform any other duties assigned by the MFDA. No Project Agreement, note, indenture, warrant, or other instrument executed by the Chair, or Vice-Chair acting as Chair pursuant to Section 5.07 of the JPA, shall become valid and binding upon the MFDA until countersigned by the Executive Director or the Deputy Executive Director acting as Executive Director pursuant to Section 14.03 of the JPA.

The Executive Director shall provide the Chair with regular weekly updates. The Chair has the authority to both direct and monitor the Executive Director to ensure that the Executive Director is implementing Board direction and policy. The Chair has the express authority to place the Executive Director on a paid administrative leave at any time for a period of up to five business days if the Chair determines such action is necessary. In the event the Chair places the Executive Director on a paid administrative leave, the Chair will call a special or regular Board meeting within three business days of his/her action placing the Executive Director on a paid administrative leave to inform the Board that the Executive Director has been placed on a paid administrative leave, along with his/her recommendations regarding the Executive Director's employment with the MFDA. Such recommendations may include but are not limited to placing the Executive Director on a performance improvement plan and disciplinary action up to and including termination.

The Chair position shall rotate between the Mayor of the City of Fargo, the Mayor of the City of Moorhead, and a Cass County Commissioner, respectively. Each Chair shall serve a one (1) year term, beginning January 1 and ending December 31. This rotational schedule shall continue for the remainder of the term of the JPA. Individuals may serve as Chair multiple times if they remain in their respective elected or appointed positions. Provided, the Chair must not be from a Member Entity from the same state as the Vice Chair's Member Entity (i.e., if the Chair is from

a Minnesota Member Entity, the Vice-Chair shall be from a North Dakota Member Entity). The term of the Chair shall cease if their position as Mayor or as a Cass County Commissioner has ceased for any reason provided; however, that Member Entity is permitted to replace the Chair with the individual filling the vacancy of the outgoing Chair position within the Governing Body of the Member Entity (i.e., if a new mayor is elected in the City of Fargo while the City of Fargo's Mayor is serving as Chair, then the newly elected Mayor of the City of Fargo will serve the remainder of the Chair's term).

The Board is authorized to elect an acting Chair under such circumstances when a vacancy occurs in a manner not contemplated by this section.

~~The Chair is the head of the Metro Flood Diversion Authority for ceremonial purposes and the purpose of service of civil process. The Chair is a member of the Metro Flood Diversion Authority for purposes of presiding at its meeting. The Chair may vote on all matters before the Metro Flood Diversion Authority but may not cast an additional vote in the event of a tie vote of the Metro Flood Diversion Authority. The Chair does not have the authority to veto decisions of the Metro Flood Diversion Authority.~~

~~The Chair may execute all contracts, Project Agreements, notes, indentures, warrants, and other instruments on behalf of the MFDA and perform any other duties assigned by the Diversion Authority project Agreement, note, indenture, warrant, or other instrument executed by the Chair, or Vice-Chair acting as Chair pursuant to Section 5.07 of the JPA Agreement, shall become valid and binding upon the MFDA until countersigned by the Executive Director or the Deputy Executive Director acting as Executive Director pursuant to Section 14.03 of the JPA.~~

~~The Chair position shall rotate between the Mayor of the City of Fargo, the Mayor of the City of Moorhead, and a member of the Cass County Commission, respectively. Each Chair shall serve a one (1) year term, beginning January 1 and ending December 31. This rotational schedule shall continue for the remainder of the term of the JPA. Individuals may serve as Chair multiple times if they remain in their respective Elected or appointed positions. Provided, the Chair must not be from a Member Entity from the same state as the Vice Chair's Member Entity (i.e., if the Chair is from a Minnesota Member Entity, the Vice-Chair shall be from a North Dakota Member Entity). The term of the Chair shall cease if their position as Mayor or as a Cass County Commission member has ceased for any reason provided; however, that the Member Entity is permitted to replace the Chair with the individual filling the vacancy of the outgoing Chair position within the Governing Body of the Member Entity (i.e., if a new mayor is Elected in the City of Fargo while the City of Fargo's Mayor is serving as Chair, then the newly elected Mayor of the City of Fargo will serve the remainder of the Chair's term).~~

~~The MFDA is authorized to Elect an acting Chair under such circumstances when a vacancy occurs in a manner not contemplated by this section.~~

Vice-Chair

A Vice-Chair must be elected at the Annual Meeting of the MFDA by a majority vote of all members of the Board. The Vice-Chair must be a Metro Flood Diversion Authority Member and must not be a member from the same state as the Chair. The Vice-Chair serves as the Chair in the Chair's disability or absence from the Board or when a vacancy in the office of Chair exists. When presiding over a meeting in the absence of the Chair, the Vice-Chair may vote on all matters before the Board but may not cast an additional vote in the event of a tie vote of the Board. The Board must elect a Vice-Chair at the organizational meeting. Each Vice-Chair shall serve a one (1) year term beginning the second Thursday in January and ending the day before the second Thursday in January of the following year, or until a successor Vice-Chair is appointed.

Secretary

At the Annual Meeting of the MFDA, the ~~Board~~~~Metro Flood Diversion Authority Members shall~~ appoint a Secretary. An employee of one of the Member Entities, an employee of the MFDA, an individual or contractor, may be appointed as the ~~Board~~~~Metro Flood Diversion Authority~~ Secretary. The Secretary shall be responsible for ensuring that minutes are prepared for all ~~Board~~~~MFDA~~ meetings. The Secretary shall also keep all books and records of the MFDA, give all notices required by law, and may have other duties assigned from time to time by the MFDA. The Secretary shall also be responsible for compliance with North Dakota open Records Law requirements.

~~Monitoring Method: Monitored by the Planning Committee and reviewed by the Board~~

~~Monitoring Frequency: Annually, per the Annual Work Plan~~

~~Metro Flood Diversion Authority~~

Adopted:

~~Monitoring Method:~~ **Board assessment**

~~Monitoring Frequency:~~ **TBD.**

~~Metro Flood Diversion Authority~~

~~Adopted:~~

Policy Type: Governance Policies

Committee Structure

Except as otherwise provided by law, or Sections 6.02, 6.09, or 6.16 of the JPA, there are no separate administrative boards or commissions. The Board performs the duties and exercises the powers of administrative boards or commissions. The ~~M.Metro Flood Diversion Authority~~FDA may establish boards or committees to advise the Board with respect to a Project function or activity, investigate a subject of interest to the MFDA, perform quasi-judicial functions, or perform any other task.

A committee is a Board committee only if its existence and charge come from the Board, and its work is intended to support the Board's work. The only Board committees are those listed in this policy. All Board members are welcome to attend committee meetings as audience members. Board members may add an item to a committee agenda by contacting the committee chair. The Executive Director and staff members serve as resources for the committees. The following is a list of current committees:

- **Planning Committee**
- **Land Management Committee**
- **Finance Committee**

Planning Committee

The Planning Committee is responsible and shall have the power, when the ~~MFDA Metro Flood Diversion Authority~~MFDA is not in session, to address all the affairs of the ~~Metro Flood Diversion Authority~~MFDA in such a manner as such committee shall deem to be in the ~~Diversion Authority~~MFDA's interest. Planning committee authority does not supersede the full board's final decisions. Duties of the committee include:

- The Board Chair shall compile and finalize the yearly Executive Director evaluation.
- The Planning Committee shall work with the Executive Director on board development, orientation, and project planning efforts.
- Legislative planning.
- Agenda and planning for Board Meetings.
- Serve as a mechanism for the Board and management of emerging issues, problems, and initiatives.
- Governance Policy monitoring as set per the Annual Work Plan and in collaboration with full Board of Directors input.
- Have such other authority and perform such other duties as may be delegated to it by the Metro Flood Diversion Authority.

Minutes of the Planning Committee's meeting shall be recorded by the MFDA Board Secretary and provided at the next meeting of the Board ~~of Directors~~.

Membership

The Planning Committee shall consist of one member from each member entity and West Fargo. Additional Ad Hoc Members may include chairs of other committees.

Committee Chair

The Planning Committee Chair shall be the ~~Metro Flood~~ Diversion Authority Board Chair.

Diversion Authority Staff Support

Provided by Executive Director and appropriate staff members.

Sunset

If the ~~Metro Flood Diversion Authority~~Board determines by an affirmative vote of a majority of all ~~Metro Flood Diversion~~Board Authority Members that the Planning Committee is no longer needed, the ~~Metro Flood Diversion Authority~~MFDA may vote to suspend regular meetings of the Planning Committee and allow the Planning Committee to meet only on an as-needed basis.

Dissolution

If the ~~Metro Flood Diversion Authority~~Board determines by an affirmative vote of a majority of all ~~Board~~Metro Flood Diversion Authority Members that the Planning Committee is no longer needed, the MFDA ~~Metro Flood Diversion Authority~~ may dissolve the Planning Committee.

Land Management Committee

The Land Management Committee is responsible for making recommendations to the Board regarding the acquisition and management of Project Property.

Membership

The Land Management Committee shall consist of:

- a) Two (2) Members of the ~~Metro Flood~~ Diversion Authority Board appointed by the Board.
- b) Three (3) Members recommended by the Fargo City Commission and appointed by the Board.
- c) Two (2) Members recommended by the Moorhead City Council and appointed by the Board.
- d) Three (3) Members recommended by the Cass County Commission and appointed by the Board.
- e) One (1) Member recommended by the Clay County Commission and appointed by the Board; and
- f) One (1) Member recommended by the CCJWRD. Board and appointed by the Board.

Committee Chair

The Land Management Committee shall select a chair by a majority vote of its members. The Chair must also be a member of the- ~~Board~~~~Metro Flood Diversion Authority~~.

Diversion Authority Staff Support

Provided by Executive Director and appropriate staff members.

Member Entity Staff

Member Entities may provide support staff and services for the Land Management Committee, but Member Entity staff may not serve as the Land Management Committee members. However, the City of Fargo City Administrator, the City of Fargo City Engineer, the City of Moorhead City Manager, the City of Moorhead City Engineer, the Cass County Administrator, and the Cass County Engineer may serve as members of the Land Management Committee upon appointment, pursuant to Section 6.04 of the JPA and upon approval by the Board.

Sunset

If the ~~Metro Flood Diversion Authority~~~~Board~~ determines by an affirmative vote of a majority of all ~~Board~~~~Metro Flood Diversion Authority~~ Members that all land, easements, and rights-of-way have been acquired for the project, the ~~MFD~~~~Aetro Flood Diversion Authority~~ may vote to suspend regular meetings of the Land Management Committee and allow the Land Management Committee to meet only on an as-needed basis.

Dissolution

If the ~~Metro Flood Diversion Authority~~~~Board~~ determines by an affirmative vote of a majority of all ~~Metro Flood Diversion~~~~Board Authority~~ Members that the Land Management Committee is no longer needed, the Metro Flood Diversion Authority may dissolve the Land Management Committee.

Finance Committee

The Finance Committee is responsible for making recommendations to the Metro Flood Diversion Authority regarding the budgets, expenses, funds, and all other financial matters related to the project.

Membership

The Finance Committee shall consist of:

- a) Two (2) Members of the Metro Flood Diversion Authority appointed by the Board.
- b) Three (3) Members recommended by the Fargo City Commission and appointed by the Board.
- c) Two (2) Members recommended by the Moorhead City Council and appointed

- by the Board.
- d) Three (3) Members recommended by the Cass County Commission and appointed by the Board.
 - e) One (1) Member recommended by the Clay County Commission and appointed by the Board; and
 - f) One (1) Member recommended by the CCJWRD. Board and appointed by the Board.

Committee Chair

The Finance Committee shall select a chair by a majority vote of its members. The Chair must also be a member of the Board~~Metro Flood Diversion Authority~~.

Diversion Authority Staff Support

Provided by Executive Director and appropriate staff members.

Member Entity Staff

Member Entities may provide support staff and services for the Finance Committee, but Member Entity staff may not serve as members of the Finance Committee. However, the Cass County Finance Director~~Auditor~~, the Cass County Administrator, the City of Fargo City Administrator, the City of Moorhead City Manager, the City of Fargo Finance Director, the Clay County Auditor, and the City of Moorhead Finance Director may serve as members of the Finance Committee upon appointment, pursuant to Section 6.04 of this JPA upon approval by the Board.

Sunset

If the Board~~Metro Flood Diversion Authority~~ determines by an affirmative vote of a majority of all Board~~Metro Flood Diversion Authority~~ Members that the Finance Committee is no longer needed, the MFDA~~Metro Flood Diversion Authority~~ may vote to suspend regular meetings of the Finance Committee and allow the Finance Committee to meet only on an as-needed basis.

Dissolution

If the Metro Flood Diversion Authority~~Board~~ determines by an affirmative vote of a majority of all Board~~Metro Flood Diversion Authority~~ Members that the Finance Committee is no longer needed, the MFDA~~Metro Flood Diversion Authority~~ may dissolve the Finance Committee.

**** Each committee will determine the frequency of regular meetings based upon tasks and their annual work plan and forward board meeting agenda items to the Board Chair and Executive Director.**

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board
Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

~~Monitoring Method: Board assessment~~

~~Monitoring Frequency: TBD.~~

~~Metro Flood Diversion Authority~~

~~Adopted:~~

GP-6

Policy Type: Governance Policies

Annual Work Plan

Annual Work Plan

The Board will follow an annual work plan that includes continual monitoring and review of all policies, and activities to improve Board performance.

1. The Board's annual work plan for the next year will include:
 - a. Governance process improvement activities, including orientation and training of new Board members in the Board's governance process, and other discussions by the Board about means to improve its performance, especially Board member knowledge and skills.
 - b. ~~The Planning Committee~~ Scheduled ~~ds the~~ monitoring of all governance policies by the Planning Committee.
 - c. Other events and activities that are part of the Board's responsibilities and interests.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board

Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

~~Monitoring Method: Board assessment~~

~~Monitoring Frequency: TBD.~~

~~Metro Flood Diversion Authority~~

~~Adopted:~~

Policy Type: Governance Policies

Board Member Code of Ethics/Conflict of Interest

The purpose of "A Matter of Trust: Our Code of Ethics" is to help ensure that all Board Members of ~~Metro Flood~~ Diversion Authority Board adhere to and promote proper ethical standards, abide by the law, and preserve the organization's integrity reputation, professional and business relationships.

Before taking any action or casting a vote regarding a matter before the Board, which would constitute a conflict of interest under North Dakota law or as set forth in this Agreement, Board ~~Metro Flood Diversion Authority~~ Member(s) must disclose such conflict(s) and abstain from voting on the matter involving the conflict of interest and from participating in Board discussions and deliberations on the matter involving the conflict of interest. Conflicts of interest include but are not limited to all conflicts of interest under North Dakota and Minnesota law and membership on a Governing Body and status as a controlling officer, member of a board, Mayor, president, or chief executive of a political subdivision, a public entity, and private entity engaged in legal or administrative action, pending litigation and active litigation in which the MFDA is an adverse party. Any Board member with a conflict of interest shall not be entitled to participate in an executive session of the Board held pursuant to Section 5.11 of the JPA.

Recognizing it is not possible to address all ways in which ethical issues may arise, the following principles are intended to guide making sound judgments and decisions on behalf of MFDA~~Metro Flood Diversion Authority~~ and its Purpose.

Pledge of Personal and Professional Conduct

- **Integrity** -- I will demonstrate the highest standards of individual conduct, personal accountability, trustworthiness, fair dealings, considerations of the rights of others, and the highest principles of good business relationships.
- **Excellence** -- I will strive to meet the highest performance, quality, service, and achievement standards.
- **Honesty** -- I will communicate directly, respectfully, honestly, and openly and avoid misrepresentation, including misrepresentation through omission.
- **Diversity** -- I will support and value diversity -- promoting an environment that embraces all people's similarities and differences to the organization.
- **Respect** -- I will respect and act fairly toward all those I encounter and refuse to engage in or tolerate any form of discrimination or harassment.
- **Responsibility** -- I will take responsibility for my actions and decisions and remain a careful steward of funds and resources.
- **Compliance** -- I will comply with the MFDA Code of Ethics and all laws and regulations.



A Matter of Trust: The MFDA Code of Ethics Board Members Certificate

I acknowledge that I have received and read my copy of the Metro Flood Diversion Authority Code of Ethics for Board Members. I understand that I am responsible for adhering to the Code of Ethics principles, and I confirm that I will conduct myself in accordance with the Code of Ethics principles. The certificate process is mandatory for all Board Members.

I am in compliance with the policy.

Printed Name

Signature

Date

Please sign and date this certificate and return it to Board Secretary



A Matter of Trust: The MFDA Code of Ethics Disclosure Statement

I acknowledge that I have received and read my copy of the Metro Flood Diversion Authority Code of Ethics for Board Members. I understand that each member of the Board is responsible for adhering to the Code of Ethics principles, and I confirm that I will conduct myself in accordance with the Code of Ethics principles.

I may not be in compliance with such policy due to:

Print Name

Signature

Date

Please sign and date this certificate and return it to Board Secretary.

Review and Comments

- ☐ You are in compliance with the Code of Ethics Policy.
- ☐ You are not in compliance with the Code of Ethics Policy. To be in compliance:

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board

Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

Monitoring Method: Board assessment

Monitoring Frequency: TBD

Metro Flood Diversion Authority

Adopted:

GP-8

Policy Type: Governance Policies

Process for Addressing Board Member Violations

The Board and its members are committed to faithful compliance with the provisions of the Board's policies.

A Board member will inform the Board Chair if, in the Board member's opinion, the Board or individual members are not in compliance with the Board's policies on Governance and Board-Executive Director Relations. If the Board Chair is the board member who feels is not acting in compliance with policy, the Board member will inform the Board Vice-Chair.

In the event of a member's willful and continuing violation of policy, the Board will seek a remedy in the following order:

1. Conversation in a private setting between the offending member and the Board Chair or other individual member.
2. Discussion in a public meeting between the offending member and the full Board.
3. Public censure of the offending member of the Board as set forth in Roberts Rules of Order.

Monitoring Method: **Monitored by the Planning Committee and reviewed by the Board**

Monitoring Frequency: **Annually, per the Annual Work Plan**

Metro Flood Diversion Authority

Adopted:

Monitoring Method: **Board assessment**

Monitoring Frequency: **TBD.**

Metro Flood Diversion Authority

Adopted:

EXECUTIVE DIRECTOR/BOARD RELATIONSHIP POLICIES ED/BRP'S

Policies are designed to guide the relationship between the Metro Flood Diversion Authority and the Executive Director.

ED/BRP 1 - Single Point of Contact

ED/BRP 2 - Single Unit Control

ED/BRP 3 - Staff Accountability

ED/BRP 4 - Authority of the CEO

ED/BRP 5 - CEO Accountability

ED/BRP 6 - Annual Evaluation of CEO

ED/BRP-1

Policy Type: Executive Director Board Relationship Policies

Single Point of Contact

According to a written employment agreement, the Metro Flood Diversion Authority Board employs the Executive Director. The Board's sole direction of the operational organization is through the Executive Director functioning as the Executive Director.

The Executive Director shall:

1. Implement the Diversion Authority Board's policies regarding the project's construction, operation, and maintenance.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board

Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

Monitoring Method: Board assessment

Monitoring Frequency: TBD.

Metro Flood Diversion Authority

Adopted:

ED/BRP-2

Policy Type: Executive Director Board Relationship Policies

Single Unit Control

The Board will direct the Executive Director only through official decisions of the Board.

1. The Board will make decisions by formal, recorded vote to avoid ambiguity about whether direction has been given.
2. The Executive Director is neither obligated nor expected to follow the directions or instructions of individual Board members, officers, or committees unless the Board has specifically delegated such exercise of authority.
3. If the Executive Director determines that an information request received from an individual Board member or a committee is unreasonable or requires a material amount of staff time, the Executive Director shall ask the committee or the member to refer such requests to the full Board for authorization.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board

Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

Monitoring Method: Board assessment

Monitoring Frequency: TBD.

Metro Flood Diversion Authority

Adopted:

Policy Type: Executive Director Board Relationship Policies

Authority of the Executive Director

The Board will provide direction to the Executive Director through written policies (Operational Expectations and Monitoring Policies) that define the organizational results to be accomplished through the MFDA's ~~Diversion Authorities~~ objectives. The Chair may also provide the Executive Director verbal direction to implement a Board decision or policy.

1. Through a reasonable interpretation of the Operational Expectations policies, the Executive Director is authorized to make decisions and establish practices deemed appropriate to achieve the MFDA's~~Diversion Authorities~~ objectives.
2. The Executive Director is not expected to seek Board approval for any decisions falling within the Executive Director area of delegated authority.
3. The Board may change its Operational Expectations and Monitoring Policies, and in so doing, shift the boundary between Board's and Executive Director's areas of responsibility. The Board will respect and support any reasonable interpretation of its policies by the Executive Director.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board

Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

~~Monitoring Method:~~ **Board assessment**

~~Monitoring Frequency:~~ **TBD.**

~~Metro Flood Diversion Authority~~

~~Adopted:~~

ED/BRP-4

Policy Type: Executive Director Board Relationship Policies

Staff Accountability

The Executive Directors is responsible for all matters related to the ~~MFDA~~organization's day-to-day operation, within the values expressed by the Board. All staff shall report directly or indirectly to the Executive Director.

1. The Board will never give direction to any employee other than the Executive Director.
2. The Board will not formally or informally evaluate any staff member other than the Executive Director.
3. Except as required by law, the Board will not participate in decisions or actions involving the hiring, evaluating, disciplining, or dismissal of any employee other than the Executive Director.

Monitoring Method: **Monitored by the Planning Committee and reviewed by the Board**

Monitoring Frequency: **Annually, per the Annual Work Plan**

Metro Flood Diversion Authority

Adopted:

Monitoring Method: **Board assessment**

Monitoring Frequency: **TBD.**

Metro Flood Diversion Authority

Adopted:

Policy Type: Executive Director Board Relationship Policies

Executive Director Accountability

The Board considers the Executive Director's performance to be identical to the organization's performance. The accomplishment of the Board's Operational Expectations and Monitoring of Policies will be regarded as successful Executive Director performance.

1. The Board will determine organizational performance based upon its defined systematic monitoring process, as outlined in its Annual Work Plan.
2. All policies that instruct the Executive Director (Operational Expectations and Monitoring of Policies) will be monitored according to a schedule and by a method determined by the Board and included in the Board's annual work plan. The Board may monitor any policy if it is decided that conditions warrant monitoring at times other than those specified by the annual schedule.
3. The Board will acquire monitoring data from Operational Expectations and Monitoring of Policies by one or more of three methods:
 - a. By Internal Report, the Executive Director submits information that certifies and documents to the Board compliance or reasonable progress.
 - b. Board Inspection: The whole Board, or a committee duly charged by the Board, formally assesses compliance or reasonable progress based upon specific policy criteria.
 - c. The consistent performance standard for Operational Expectations policies shall be whether the Executive Director has reasonably interpreted and followed the policies.
4. The Board will determine whether the Executive Director's interpretation of Operational Policies and Monitoring of Policies is reasonable, whether the Executive Director has complied, and whether reasonable progress has been made in meeting the MFDA's~~Metro Flood Diversion Authorities~~ objectives.
5. Annually, the Board will conduct a formal summative evaluation of the Executive Director. The summative evaluation will be based upon data collected and decisions made by the ~~Metro Flood Diversion Authority~~ Board during the year related to

monitoring Operational Expectations and Monitoring of Policies. The Cass County Employee Performance Review format will serve as the standard format for the annual review. The Board will prepare a written evaluation document consisting of:

- a. A summary of the data derived during the year from monitoring the Board's Operational Expectations and Monitoring Policies.
- b. Conclusions are based upon the Board's monitoring of the Executive Director and have reasonably interpreted and operated according to the provisions of the Operational Expectations and Monitoring of Policies.
- c. The Board Chair and Vice-Chair will conduct the Executive Director's annual review.
- b.d. The annual review will be completed in December by the outgoing Board Chair and Vice Chair.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board

Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

Monitoring Method: Board assessment

Monitoring Frequency: TBD.

Metro Flood Diversion Authority

Adopted:

OPERATIONAL EXPECTATIONS POLICIES

Operational expectations are policies that define the parameters or power given to the Executive Director to make decisions and carry out the role's duties. The operational expectations are also policies used to monitor the Executive Directors' performance.

OE - 1 Executive Director – Head of Administrative Branch of the MFDA

OE - 2 Emergency Succession

OE - 3 Treatment of Community Members

OE - 4 Personnel Administration

OE - 5 Personnel Administration - Program Management Consultant

OE - 6 Financial Planning and Administration

OE - 7 Asset Protection

OE – 8 Communication with the Board

Policy Type: Operational Expectations Policies

Executive Director – Head of Administrative Branch of the MFDA

The Executive Director is the head of the administrative branch of the ~~MFDA~~Metro Flood
~~Diversion Authority~~ and is responsible to the ~~Diversion Authority~~ Board for the administration
of the ~~MFDA~~Metro Flood ~~Diversion Authority~~'s affairs.

The Executive Director shall:

1. Be responsible for compliance with and enforcement of the Diversion Flood Authority
Joint Powers Agreement and subsequent resolutions approved by the ~~Metro Flood~~
~~Diversion Authority~~Board.
2. Ensure the ~~MFDA~~Metro Flood ~~Diversion Authority~~ is governed by a set of Governance
Policies and a Code of Ethics.
3. Implement and comply with the policies and procedures of the MFDA as approved by
the Board.
- ~~2.4.~~ Report weekly to the Board Chair.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board

Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

Monitoring Method: Board Assessment

Monitoring Frequency: TBD

~~Metro Flood~~ Diversion Authority

Adopted:

Policy Type: Operational Expectations Policies

Emergency Succession

To protect the ~~MFDAMetro Flood Diversion Authority~~ in the event of an unexpected loss of Executive Directors services, the Executive Director shall assure that at least one other executive staff member and the Deputy Executive Directors are familiar with Board and Executive Director issues and processes and can assume those responsibilities on an emergency basis, should the need arise.

1. The Cass County Administrator and the City of Fargo City Administrator shall serve jointly as the Deputy Executive Director to the Metro Flood Diversion Authority. The Deputy Executive Director shall serve as the Executive Director when the office of the Executive Director is vacant and unfilled.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board
Monitoring Frequency: Annually, per the Annual Work Plan
Metro Flood Diversion Authority

Adopted:

Monitoring Method: Board Assessment

Monitoring Frequency: TBD

~~Metro Flood Diversion Authority~~

~~Adopted:~~

Policy Type: Operational Expectations Policies

Treatment of Community Members

Concerning interactions with the community, the Executive Director shall not cause or knowingly allow conditions, procedures, and actions that are unlawful, unethical, unsafe, disrespectful, disruptive, or undignified.

The Executive Director shall:

1. Protect confidential information.
2. Effectively handle concerns or complaints.
3. Maintain an organizational culture that values individual differences in opinion.
4. Protect against wrongful or illegal conditions.
5. Establish policies and procedures to ensure compliance with all federal and state laws, provided that such policies shall be approved by the Board.
6. ~~Establish~~ Follow Cass County Human Resource policies and procedures to protect against discrimination, bullying, hazing, and harassment, which explicitly include everyone but are not limited to the following characteristics: race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, gender expression/identity, genetic information, or status concerning marriage or public assistance, or standing in any group protected by federal, state, or local law.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board

Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

Monitoring Method: Board Assessment

Monitoring Frequency: TBD

~~Metro Flood Diversion Authority~~

~~Adopted:~~

Policy Type: Operational Expectations Policies

Personnel Administration

The Executive Director shall recruit, employ, and evaluate ~~MFDA~~Metro Flood Diversion Authority employees.

1. The Executive Director appoints employees based on merit and fitness and is subject to the applicable personnel policies or rules of the Metro Flood Diversion Authority and the budgetary constraints.
2. The Executive Director may remove or suspend appointed employees subject to Cass County and other applicable personnel policies or rules.
3. The Executive Director may delegate tasks and projects to Metro Flood Diversion Authority employees or Member Entity staff.

The Executive Director shall:

1. Administer clear personnel rules and procedures for employees.
2. Effectively handle complaints and concerns.
3. Maintain adequate job descriptions for all staff positions.
4. Protect confidential information.
- ~~5.~~ Ensure that compensation and benefit plans, as per Cass County Human Resources, are in place to attract and retain the highest quality employees by compensating employees, within available resources, in a manner consistent with the applicable marketplace, including but not limited to organizations of comparable size and type, provide that the Executive Director shall inform the Board of any wage scales and metrics for Board review and approval. Cost of living adjustments will follow the approved Cass County cost of living adjustment.
- ~~6-5.~~ ~~Ensure that the designated entity as the HR facilitator establishes policies that provide marketplace guidance when considering compensation for staff.~~
- ~~7-6.~~ Ensure that all staff members are qualified and trained to perform their responsibilities.
- ~~8-7.~~ Maintain an organizational culture that positively impacts the ability of staff to responsibly perform their jobs and allows them to work in an environment of professional support and courtesy.
- ~~9-8.~~ Evaluate all employee performance according to their contribution toward achieving the organization's goals and policies and their compliance with the Metro Flood Diversion Authority Operational Expectations policies.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board

Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted: ~~Monitoring Method: Board Assessment~~ Monitoring Frequency: TBD

~~Metro Flood Diversion Authority~~

Adopted:

OE-5

Policy Type: Operational Expectations Policies

Personnel Administration - Program Management Consultant

The ~~Metro Flood~~ Diversion Authority ~~Board's executive director~~ shall hire and ~~direct the~~ ~~Execute Director regarding oversight of a~~ ~~oversee a~~ program management consultant, who will lead the design and construction of the ~~diversion p~~Project.

1. The Executive Director shall consult with the ~~Chair, Vice Chair,~~ -Deputy Executive Director(s) and the Member Entities' staff as needed and administer/enforce the Metro Flood Diversion Authority's supervision, removal, and termination of the services of the Program Management Consultant.

~~Monitoring Method:~~ ~~Monitored by the Planning Committee and reviewed by the Board~~

~~Monitoring Frequency:~~ ~~Annually, per the Annual Work Plan~~

~~Metro Flood Diversion Authority~~

~~Adopted:~~

~~Monitoring Method:~~ ~~Board Assessment~~

~~Monitoring Frequency:~~ ~~TBD~~

~~Metro Flood Diversion Authority~~

~~Adopted:~~

Policy Type: Operational Expectations Policies

Financial Planning and Administration

The Executive Director must keep the Diversion Authority Board fully advised of the financial condition of the ~~informed of the~~ Metro Flood Diversion Authority ~~'s financial condition.~~

Financial Planning

The Executive Director shall develop an annual budget with the ~~MFDA's Metro Flood Diversion Authority~~ Finance Committee.

The Executive Director shall develop a budget that:

1. In a summary format understandable to the ~~Metro Diversion Authority~~ Board and presented to allow the Board to understand the relationship between the budget and the ~~Metro Flood Diversion Authority's~~ priorities of the MFDA.
2. Assures fiscal soundness in future years.
- ~~2-3.~~ Detail all administrative costs, including but not limited to travel, education, training, and other administrative costs.

Financial Administration

The Executive Director is the chief purchasing agent of the ~~MFDA Metro Flood Diversion Authority~~. The Executive Director makes purchases and contracts in accordance with procedures specified by ~~the Diversion Authority~~ Board resolution.

The Executive Director shall:

1. Not cause or allow any financial activity or condition that deviates from the budget adopted by the ~~Metro Flood Diversion Authority~~ Board.
2. Assure Contracts and bonds, instruments, and documents to which the ~~MFDA Metro Flood Diversion Authority~~ is a party is signed by the Chair and the Executive Director on behalf of the ~~MFDA Metro Flood Diversion Authority~~.
3. Assure that payroll and legitimate debts are paid promptly when due.
4. Assure that all purchases are based upon:
 - a. reasonable precaution against conflict of interest.
 - b. comparative prices based on items of similar quality.

c. a balance between long-term quality and cost.

5. Coordinate with the ~~MFDA~~~~Metro Flood Diversion Authority~~'s appointed financial auditor for an annual audit of all funds and accounts.
6. Keep complete and accurate financial records by funds and accounts following Generally Accepted Accounting Principles (~~GAAP~~).

The Executive Director shall NOT:

1. Expend more funds than have been received in the fiscal year unless revenues are made available through other legal means, including the use of fund balances or the authorization by the ~~Metro Flood Diversion Authority~~~~Board~~ to transfer funds from reserve funds.
2. In debt, the ~~MFDA~~~~organization~~, without the approval of the ~~Metro Flood Diversion Authority~~~~Board~~. *
3. Enter a purchase or contract in excess of the amount ~~as per resolution~~ approved by the Board on behalf of the ~~MFDA~~~~Metro Flood Diversion Authority~~, without the approval of the ~~Metro Flood Diversion Authority~~~~Board~~.
4. Transfer budget line items from one fund to another unless authorized by the Metro Flood Diversion Authority Board.
5. Allow any required reports to be overdue or inaccurately filed.
6. Receive, process, or disburse funds under controls that are insufficient under ~~generally accepted accounting principles~~~~GAAP~~.
7. Suspend or remove the project's Fiscal Agent**.

** The Diversion Authority Board chooses the Fiscal Agent solely based on cost, experience, and fiscal management qualifications. The Fiscal Agent is appointed by the ~~Diversion Authority~~~~Board~~ for an indefinite term and may only be removed by the Diversion Authority Board.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board
Monitoring Frequency: Annually, per the Annual Work Plan
Metro Flood Diversion Authority

Adopted:

Monitoring Method: Board Assessment
Monitoring Frequency: TBD

Metro Flood Diversion Authority **Adopted**

OE-7

Policy Type: Operational Expectations Policies

Asset Protection

The Executive Director shall not allow assets to be unprotected, inadequately maintained, inappropriately used, or unnecessarily risked.

The Executive Director shall:

1. Obtain insurance coverage complying with the Metro Flood Diversion Authority Joint Powers Agreement requirements.
2. Take reasonable steps to ensure that the facilities and equipment are sufficiently maintained.
3. Ensure that any actions do not knowingly, recklessly, or negligently expose the organization, its Board, or staff to legal liability.
4. Make purchases by weighing:
 - a. a reasonable precaution against conflict of interest,
 - b. comparative prices based on items of similar quality, and
 - c. a balance between long-term quality and cost.
5. Protect intellectual property.
6. Protect information and files from loss or significant damage.
7. Preserve and dispose of all records related to affairs or business of the Metro Flood Diversion Authority in accordance with all applicable state and federal law.
8. Preserve and dispose of all records related to affairs or business of the organization following state and federal law.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board

Monitoring Frequency: Annually, per the Annual Work Plan

Metro Flood Diversion Authority

Adopted:

~~Monitoring Method:~~ ~~Board Assessment~~

~~Monitoring Frequency:~~ ~~TBD~~

~~Metro Flood Diversion Authority~~

~~Adopted:~~

Policy Type: Operational Expectations Policies

Communication with the Board

The Executive Director shall assure that the ~~Chair and the Metro Flood~~ Diversion Authority Board ~~are~~ fully and adequately informed about matters relating to the ~~MFDA~~ Authority's work and significant organizational concerns.

The Executive Director shall:

1. Attend meetings of the ~~Metro Flood Diversion Authority~~ Board. The Executive Director may participate in discussions at ~~Diversion Authority~~ Board meetings, but may not vote.
- ~~1.2.~~ Meet weekly with the Board Chair.
- ~~2.3.~~ Recommend ~~to the Diversion Authority Board for adoption~~ procedures or actions to the Board for adoption that are necessary to efficiently administrate the ~~MFDA~~ ~~Metro Flood Diversion Authority~~'s affairs.
- ~~3.4.~~ Consult with staff members of the Member Entities and hold and conduct staff meetings as the Executive Director deems necessary.
- ~~4.5.~~ At least four (4) times per year, the Executive Director shall call and meet with all the Member Entities' chief administrative officers.
- ~~5.6.~~ Promptly provide ~~for the B~~ board information about trends, facts, and other information relevant to the ~~Metro Flood Diversion Authority diversion P~~ project.
- ~~6.7.~~ Inform the ~~Metro Flood Diversion Authority~~ Board of significant money transfers within funds or other changes substantially affecting the organizational financial condition.
- ~~7.8.~~ Assure that the ~~Metro Flood Diversion Authority~~ Board has adequate information from various internal and external viewpoints to assure informed Board decisions.

8.9. Inform the ~~Metro Flood Diversion Authority~~ Board of anticipated significant media coverage.

9.10. Present information in simple and concise form, indicating clearly whether the information is incidental, intended for decision preparation, or formal monitoring.

10.11. Treat all members impartially and assure that all members have equal access to information.

11.12. Inform the ~~Metro Flood Diversion Authority~~ Board, the Board Chair, or individual Board members if, in the Executive Director's opinion, the Board or individual members have encroached into areas of responsibility assigned to the Executive Director or if the Board or its members are non-compliant with any Governance Culture or Board/Executive Director Relations policies.

12.13. Inform the Board and Board Chair of any actual or anticipated noncompliance with any Board Operational Expectation policy or any expected failure to achieve reasonable progress toward compliance with these policies.

13.14. Inform the ~~Metro Flood Diversion Authority~~ Board or member entity, as necessary, the administrative disposition of complaints referred to the Executive Director.

15. Submit required monitoring data (see policy ED/BRP-5 Executive Director Accountability) in a thorough, accurate, and understandable fashion, according to the Board's annual work plan schedule. This includes both Executive Director interpretations and relevant data to substantiate compliance or reasonable progress.

14.16. Submit requests for travel to conferences, meetings, and other events outside of Minnesota or North Dakota to the Chair and Vice-Chair for review and approval. If the Chair and Vice-Chair do not approve the travel request, the Executive Director may request approval from the Board.

Monitoring Method: Monitored by the Planning Committee and reviewed by the Board
Monitoring Frequency: Annually, per the Annual Work Plan
Metro Flood Diversion Authority

Adopted:

Monitoring Method: Board Assessment

Monitoring Frequency: TBD

~~Metro Flood Diversion Authority~~

~~Adopted:~~

MONITORING OF GOVERNANCE POLICIES

Monitoring of Governance policies occurs through a detailed annual work plan.

Purpose of Work Plan

A built-in feature of the governance policies that logically outlines and guides the work of the ~~Metro Flood~~ Diversion Authority Board and Executive Director is an annual work plan. By developing an annual work plan, the Board:

- Empowers the Board to exercise leadership.
- Prioritizes the work of the Board.
- Regulates workflow.
- Establishes a monitoring schedule of policies.
- Demonstrates accountability.

Work is scheduled in these areas:

- GP monitoring
- ED/BRP monitoring
- Operational Expectations monitoring
- Board and Committee meetings
- Any other work the Board should plan its workaround.

Questions to consider:

- When should the board self-assess? Should GP and ED/BRP policies be monitored all at once in a retreat or scheduled in quarterly meetings?
- When should Operational Expectations policies be monitored, (i.e., in line during the year with budget adoption or financial audit)?
- When should committee meetings be scheduled, (i.e., in alignment with Board meeting times and dates)?
- What other commitments will the Board have, (i.e., training, public engagement, etc.)?

MFDA Governance Annual Work Plan (Draft)

Month	Governance Policies	ED/ Board Relationships	Operational Expectations	Board/Planning Committee Meetings	Other Meetings
January	GP 1-2-3	ED/BRP 1-2	OE 1-2-3	Board Meeting Planning CMTE Lands CMTE Finance CMTE	New Board Member Orientation
February				Board Meeting Planning CMTE Lands CMTE Finance CMTE	
March				Board Meeting Planning CMTE Lands CMTE Finance CMTE	
April	GP 4-5	ED/BRP 3	OE 4 - 5	Board Meeting Planning CMTE Lands CMTE Finance CMTE	
May				Board Meeting Planning CMTE Lands CMTE Finance CMTE	
June				Board Meeting Planning CMTE Lands CMTE Finance CMTE	
July	GP 6	ED/BRP 4	OE 6 - 7	Board Meeting Planning CMTE Lands CMTE Finance CMTE	<u>New Board Member Orientation</u>
August				Board Meeting Planning CMTE Lands CMTE Finance CMTE	
September				Board Meeting Planning CMTE Lands CMTE Finance CMTE	Fall Retreat

October	GP 7-8	ED/BRP 5-6	OE 8	Board Meeting Planning CMTE Lands CMTE Finance CMTE	
November				Board Meeting Planning CMTE Lands CMTE Finance CMTE	
December				Board Meeting Planning CMTE Lands CMTE Finance CMTE	<u>Outgoing Board Chair completes the Executive Director Annual Review</u>

Policy Monitoring Form (Template)

(Name of Policy being Monitored)

Summary of Compliance Status (Date)

Executive Director Certification

With respect to (Name of Policy) taken as a whole, the Executive Director certifies that the proceeding information is accurate and complete:

_____ In Compliance

_____ In compliance with Exception (as noted in the evidence)

_____ Not in Compliance

Summary Statement by Executive Director

Signed: _____ Date _____

Planning Committee Recommendation for Compliance

With respect to (Name of Policy), the Board:

_____ Accepts the report as fully compliant.

_____ Accepts the report as compliant with noted exceptions.

_____ Finds the Executive Director to be non-compliant.

Summary statement/motion of the Board

Signed: _____ Date _____



FARGO MOORHEAD DIVERSION PROJECT MONTHLY UPDATE

15 Oct 2025

1 Diversion Inlet Structure (DIS) – Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 99% complete. Completion date is 28 Oct 2025. Training held 19 June. Final inspections upcoming. Turnover to Sponsors for OMRRR likely delayed into 2026.

2 Wild Rice River Structure (WRRS) – Construction

Structure includes 2-40 ft. wide Tainter gates. Construction is 99% complete. Completion date is 28 November 2025. Final inspections and training upcoming. Turnover to Sponsors for OMRRR likely delayed into 2026.

3 Red River Structure (RRS) - Construction

Structure includes 3-50 ft. wide Tainter gates. Construction is 90% complete. Construction completion date is 30 April 2026. East dam wall and embankment construction ongoing including across the Red River channel.

4 Southern Embankment – Reach SE-2A - Construction

Construction is 76% complete but continues to be behind schedule. Scheduled completion date of 13 October 2024 was not met. Revised schedule and completion date pending.

5 Drain 27 Wetland Mitigation Project Plantings - Construction

Native plantings 5-year contract for wetland establishment. Completion date is 1 December 2027. Contractor replanted areas disturbed by adjacent producers.

6 FY2024 Contract Awards - Construction:

OHB Ring Levee: 94% complete. All levee has been constructed to full height. Contract completion date is 10 November 2025.

Reach SE-1B: 51% complete. Paving of CR16/17 pending. Contract completion date is 13 March 2026.

Reach SE-2B: 74% complete. Embankment construction and TRM installation ongoing. Contract completion date is 23 August 2026.

Forest Mitigation #1: Planting/maintenance ongoing. Contract completion date is 31 Dec 2028.

Reach SE-4: 18% complete. Embankment and road raise construction continues. Contract completion date is 30 September 2026.

7 FY2025 Contract Awards - Construction:

SE-3: 30% complete. Embankment construction and utility install ongoing. Contract completion date is 11 September 2026.

SE-5: 25% complete. Wolverton Creek crossing must be complete by 15 Nov 2025. Contract completion date is 8 September 2026.

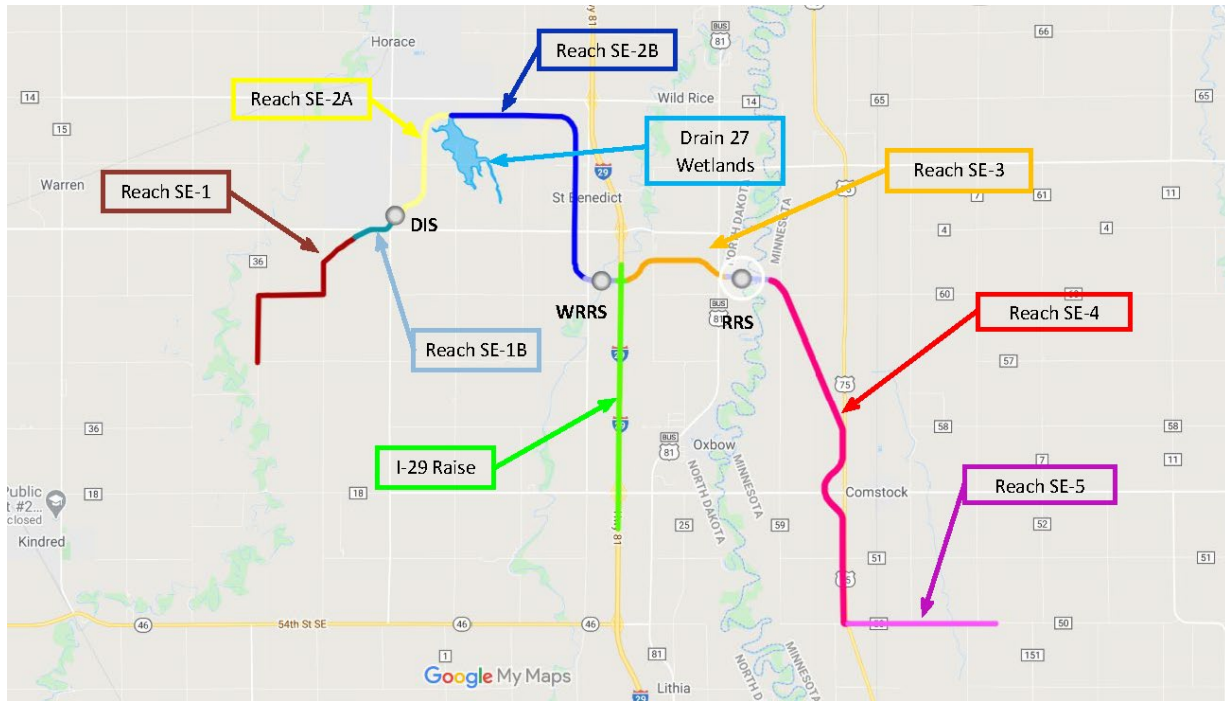
Forest Mitigation #2: Planting/maintenance ongoing. Contract completion date is 31 Dec 2029.

8 I-29 Raise – Operations and Maintenance (OMRRR)

Turnover to MFDA occurred on 20 December and preparation of O&M documents is ongoing.

9 Drayton Dam Mitigation Project Design - Operations and Maintenance (OMRRR)

Turnover to MFDA for O&M occurred on 28 Nov 2023. OMRRR manual coordination continues.

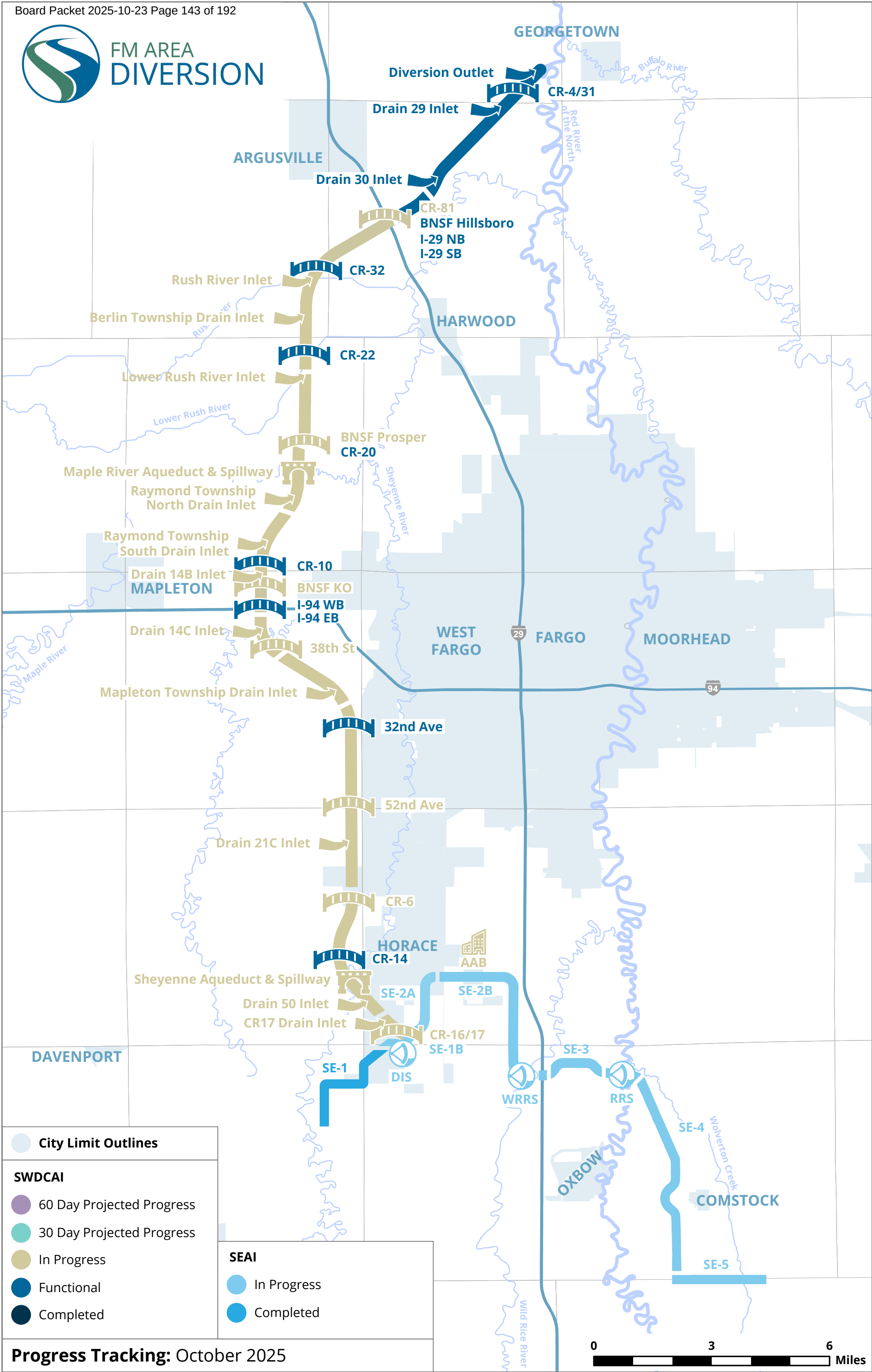


Fargo-Moorhead Metro FRM – Federal Work/Southern Embankment and Control Structures

DIS = Diversion Inlet Control Structure

WRRS = Wild Rice River Control Structure

RRS = Red River Control Structure



City Limit Outlines

SWDCAI

60 Day Projected Progress

30 Day Projected Progress

In Progress

Functional

Completed

SEAI

In Progress

Completed

Progress Tracking: October 2025

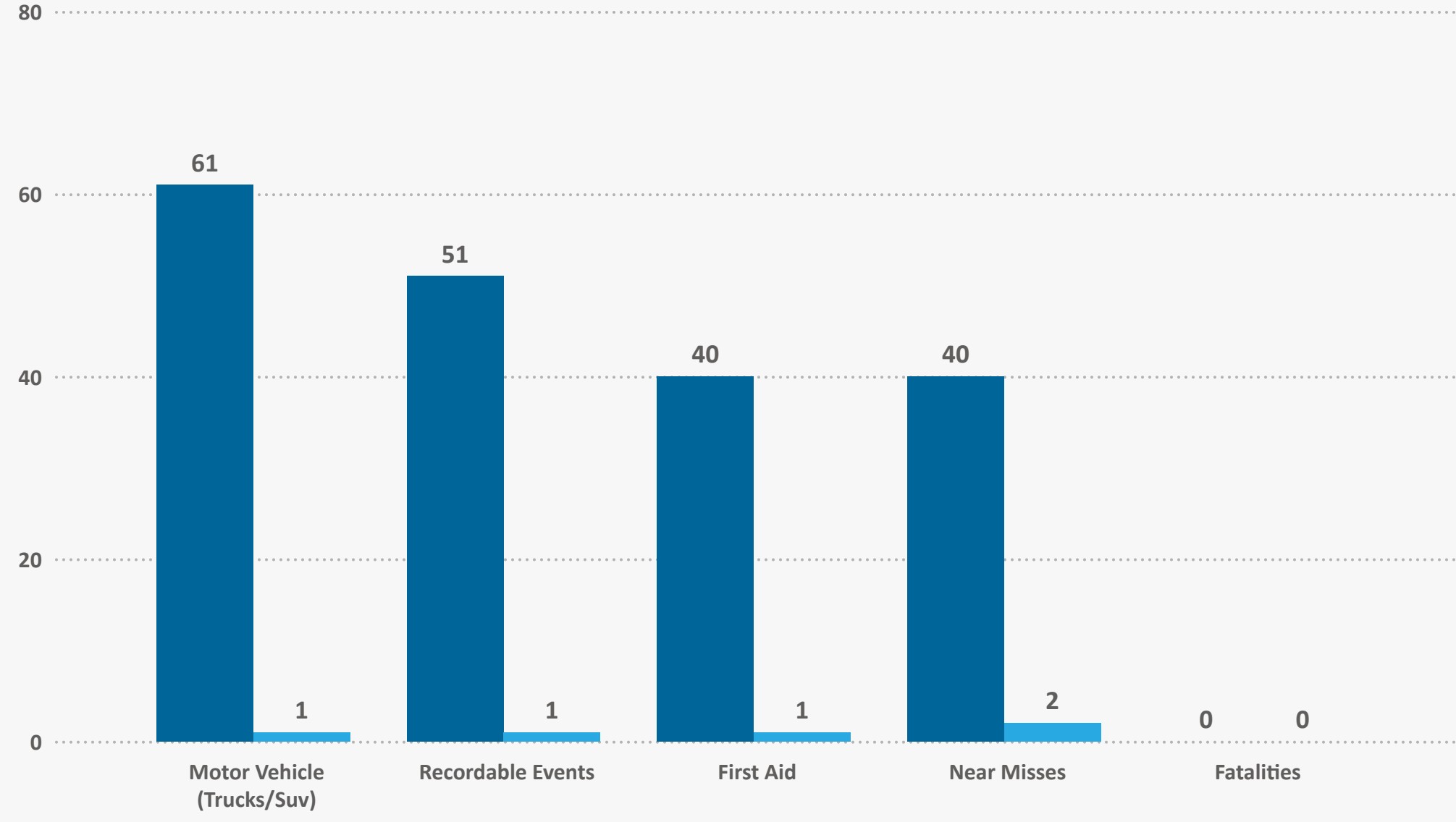
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FM Area Diversion Safety Statistics - September 2025

Current Reporting Period: September 1 - September 30

Developer Led Projects

● Sum to Date ● Sum of Current Reporting Period



City of Fargo Led Projects

Sum of Current Reporting Period	Sum to Date
0	2
Incident	Incidents

Authority Led Projects

Sum of Current Reporting Period	Sum to Date
0	1
Incidents	Incident

PMC P3 SUMMARY REPORT SEPTEMBER 2025

Issue Date – October 15, 2025

PROGRESS

Construction of the SWDCAI is approximately 73%¹ complete based on Earned Value from RRVA's latest Schedule Submittal. The work during the reporting period is summarized below.

- **General:** Work continued Project-wide during the reporting period on almost all areas of the P3 project, although some storms did curtail work on occasions.
- **Aqueducts:** Maple River Aqueduct: Concrete placed to east and west maintenance road bridge approach slabs and abutment, upstream spillway wall north and south, and vertical gate sill beam. Preparation of rebar for connectors and epoxy coated rebar continued in various locations. Formwork erected at the upstream wall south section, the north and south intermediate wall sections, and the upstream cutoff wall of the spillway. Boulders to facilitate fish passage were fixed in the flume. PVC ducting was installed in the spillway. Fill material and geotextile were placed to the spillway. Assembly continues on the transformer and generator. Sheyenne River Aqueduct: H-Piles and sheet piles were driven for spillway wingwall section C1 and D, wingwall #3 sections 3 and 4, cofferdam, wingwalls #7 and #8 sections 1, and section C2. Rebar was installed for wingwall #2 section 2 footing, vertical wall, flume deck slab section 4, flume bypass south sections 3 and 4 of the slab, and flume bypass south section 1 wall and west abutment. Formwork was installed to wingwall #4 sections 2 and 3 footings, flume deck slab section 4, and flume bypass south section 3 slab. Concrete was placed at wingwall #1 section 2, flume deck slab section 4 and flume bypass south section 3 slab, east abutment wingwall section 2-2, flume bypass wall south section 3, and flume slab section 4. Structural backfill and mechanical compaction commenced along the east side of the aqueduct.
- **Stormwater Diversion Channel:** Reach 01: Construction of last section of levee south of Drain 30 was completed. Reach 02: Construction of Reserved Materials stockpile continued. Reach 03: Trees were planted, mulched and watered. Reaches 07 and 11: Mass excavation of the channel continues. Reach 13: Excavation of sand lenses continues.
- **Interstate Crossings:** I-29: Guardrails were installed to north end of southbound crossing. Topsoil was placed in the north median ditch. Milling and excavation of existing road for roadway obliteration continued. Geotextile and salvaged base material were placed in preparation for concrete pavement south of northbound and southbound bridges. I-94: Geotextile, salvaged base and concrete pavement were placed on westbound and eastbound lanes and shoulders. Topsoil was placed to median ditch along westbound at east end of bridge. Asphalt was laid on barrier pads. Remedial work was carried out on the keyways by placing grout.
- **County and Township Road Crossings:** CR 4/31 Crossing: A relocated field access was installed. CR 81 Crossing: Formwork and rebar were installed for Texas Corral barriers. Concrete was placed to sleeper slabs and Texas Corral barriers. Decking falsework was removed. CR 22 Crossing: Concrete surfaces were prepared and Texcote was applied. Guardrails were installed to all four quadrants of the bridge. CR 20 Crossing: Damage caused by a lightning strike is being kept safe and is being assessed. CR 10 Crossing: A field access was installed. The roadway is now fully open. 38th St Crossing: Curb and gutters were installed. Topsoil was placed on the roadside ditches. The existing roadway continued to be excavated. Class 13 aggregate was placed to

¹ Note: Overall Percent Complete is based on the RRVA June 2025 PSSU submitted on July 15, 2025, and is calculated based on Earned Value (EV).

approach tie-ins. Corrugated steel pipe culverts were installed at various locations. Earthwork was completed to final elevations. 32nd Ave Crossing: Formwork was installed for Texas corral barriers. Rebar was placed for west approach slab and north Texas corral barrier. Concrete was placed on the north Texas corral barrier. Class 5 aggregate was placed in preparation for asphalt on the east approach. 52nd Ave Crossing: Concrete was placed to both sleeper slabs and the east approach slab. CR 6 Crossing: Rebar was installed, and concrete was placed, on the deck. Class 5 aggregate and concrete were placed to both approach slabs. CR 14 Crossing: preparation and Texcote applied to concrete surfaces continued. Bedding and riprap were placed on the abutment slopes, pier foundations and the low flow channel. Pedestrian and cycle barriers were installed. CR 16/17 Crossing: Concrete was placed for both approach slabs. Rebar, formwork and concrete were placed for Texas corral barriers and prepared for Texcote. Class 5 aggregate and formwork were installed for curb and gutter on both ends, followed by concrete placement.

- **Hydraulic Structures:** Drain 29: Riprap was pressure washed to remove sediment. Drain 30: Permanent seeding was completed around the downstream headwall area. Rush River Inlet: Placement of rock weirs and infill was completed. Berlin Township Drain Inlet: Minor defects were being addressed in preparation for the Punch List. Lower Rush River Inlet: Flap gates were installed to culverts at the interface with the west toe ditch. Raymond North Township Drain Inlet: Concrete was placed to footing and stage 1 of upstream headwall. Formwork and rebar were installed to downstream headwall. Drain 21C Drain Inlet: Installation of 72" reinforced concrete pipes and CLSM diaphragms and downstream headwall structure continued. CLSM was placed for upstream diaphragm. Excavation was completed and formwork and rebar were installed for upstream and downstream headwalls. Drain 50 Drain Inlet: Formwork was installed for the downstream headwall footing. Rebar was installed for the upstream and downstream headwalls. CLSM was placed to the upstream and downstream diaphragms. Drain 17 Drain Inlet: CLSM was placed to the upstream and downstream diaphragms. Backfill and topsoil were placed behind the downstream headwall.
- **Diversion Outlet**: Investigations continued for remediation of compliance issues.
- **Railroad Crossings:** BNSF Hillsboro Railroad Crossing: Final ballast was placed to the north approach. Topsoil was spread and graded along the mainline embankment. Girder plates continued to be welded to bearing pads and to expansion joints. BNSF commenced installing track panels on the north side of bridge. BNSF Prosper Railroad Crossing: Backfill was placed to the east and west abutments. Formwork and falsework were removed. Waterproofing and protective membrane were applied to the deck. Railings were installed. Girder plates continued to be welded to bearing plates. BNSF K.O. Railroad Crossing: Installation of girders to span 1 was completed followed by falsework and formwork and rebar installation. Rebar, formwork and concrete were placed in spans 2 to 7. Wingwall extensions were placed on the west abutment.
- **Access and Security:** Reach 03: Geotextile and first 4" lift were placed to the RHS Maintenance Road/Trail. Reach 04: Geotextile, first and second 4" lifts were placed to the LHS Maintenance Road/Trail. Reinforcement and concrete were placed to the deck of the Rush River Maintenance Road/Trail Bridge. Reach 05: Formwork and concrete were installed for all sections of Maintenance Road/Trail bridge barriers. Reach 08: Backfill was placed and compacted to the north abutment. Falsework and rebar for decking, and rebar were installed for the end walls of the Drain 14C Maintenance Bridge.
- **Authority Administration Building (AAB)**: Bolts were prepared to receive steel framing. The storm sewer installation was completed. Rebar was installed to foundation footings. Installation of structural steel commenced. Installation of insulation and train tile were completed.

Observed progress during the reporting period and observed percentage complete for each buildable unit (BU) is set forth in *Attachment A – Construction Progress by Buildable Unit*.

General Administration

Significant effort is ongoing for the first Interim Completions including records reviews and walk-throughs for punch lists. Unresolved Nonconformances and Noncompliance Events and submittal of records continue to cause delays in Certification of Interim Completion.

The construction of the Maintenance Roads/Trails continue to give the Authority concern as to fitness for purpose; however, the Statement of Principles (SoP) executed on July 3, 2025, has provisions for addressing this matter.

Discussion continues to find an acceptable solution to remediate the Diversion Outlet. Work to the Rush River Inlet has been aided by site visits by the regulatory agencies.

Disputes

The following disputes have been referred to the Technical Dispute Review Board:

Dispute	Description	Date Referred	Status
Epoxy-Coated Reinforcing Steel	RRVA disagrees that epoxy-coated reinforcing steel is required by the Technical Requirements (TRs) for all reinforced concrete	May 15, 2024	Dispute resolved via the Statement of Principles (SOP)
CE-015 and CE-018 – Failure of a Third Party (BNSF) to Comply with Third-Party MOU	RRVA maintains that BNSF has failed to comply with the Project Baseline Schedule (PBS) in that it failed to carry out the work of installing the track for the shooflies in accordance with the dates set forth in the RRVA's PBS, despite the RRVA not having RFC documents and thus the required Construction & Maintenance (C&M) Agreement in place; RRVA maintains that this has caused delays to its work	June 25, 2024	Dispute resolved via the Statement of Principles (SOP)
CE-014 – Modified Permit Delay Impact	RRVA maintains that modifications to the 404 Permit have led to delays in carrying out its work	July 31, 2024	Dispute resolved via the Statement of Principles (SOP)
CE 023 – Epoxy Coated Rebar Delays	RRVA disagrees that epoxy-coated reinforcing steel is required by the Technical Requirements (TRs) for all reinforced concrete and maintains that the Authority has caused delays as a result	June 5, 2025	Dispute resolved via the Statement of Principles (SOP)
CE 024 – Authority Administration Building (AAB) Material at the AAB Site	RRVA maintains that the Authority did not deliver the quantity of material that is specified by the TR and that it has caused they Developer disruption and delay	April 18, 2025	Dispute resolved via the Statement of Principles (SOP)
CE-026 - Hazardous Environmental Conditions Reach 13	RRVA maintains that it Encountered Hazardous Environmental Conditions on Reach 33	June 20, 2025,	Dispute resolved via the Statement of Principles (SOP)
Noncompliance Points Assessed for RRVA_LL-00207 and RRVA_LL-00222	RRVA disputes and refuses to cure Noncompliance Points Assessed for NCR207 and NCR222	May 8, 2025	Dispute resolved via the Statement of Principles (SOP)
Notice of Interim Completion	Authority disputes the Authority's position to not grant certification of ICEs for Drain 29	April 18, 2025	Dispute resolved via the Statement of Principles (SOP)

Dispute	Description	Date Referred	Status
Package for Legal Drain 29			
Notice of Interim Completion Package for Legal Drain 30	Authority disputes the Authority's position to not grant certification of ICEs for Drain 30	May 9, 2025,	Dispute resolved via the Statement of Principles (SOP)

The Authority and the Developer has re-established the Technical Dispute Review Board and the Parties are working to appoint a new chair of the Financial Dispute Review Board. The members of the TDRB are prepared to participate in the highly unusual approach to conduct Alternative Dispute Resolution meetings in public.

COMMERCIAL

Compensation and Relief Events

By the end of September 2025, RRVA had submitted notices of 33 (thirty-three) Compensation Events and 2 (two) Relief Events. A summary and status of the Compensation Events and Relief Events is in *Attachment B – Submitted Compensation Events (CEs) and Relief Events (REs)*. It should be noted that all Compensation Events and Relief Events are subject of settlement negotiations and the associated 'Statement of Principles' agreement that was executed on July 3, 2025, during this reporting period.

Change Requests

A change request (CR) can be initiated by the Authority or RRVA, and it is the mechanism set out in the Project Agreement to modify the Technical Requirements to resolve issues, clarify requirements, or modify the scope of RRVA's work.

There have been 28 (twenty-eight) Authority-initiated change requests (ACRs) through the end of the reporting period². 14 (fourteen) have been agreed-to and progressed to agreed-upon change orders or directives, totaling a cost to the Authority of \$5,380,700.38³ and a credit to the Authority of \$950,000. 3 (three) ACRs were withdrawn, 8 (eight) have been resolved via the statement of Principles and 3 are pending negotiation with RRVA⁴. A summary of the ACRs is in *Attachment C – Authority Change Requests*.

There were 57 (fifty-seven) developer-initiated change requests (DCRs) through the end of the reporting period. 34 (thirty-four) have been agreed to and progressed to agreed-upon change orders, totaling \$3,712,553.63 cost to the Authority and a credit to the Authority of \$50,000. A summary of the DCRs is in *Attachment D – Developer Change Requests*.

It should be noted that all Change Requests were subject of settlement negotiations and the associated 'Statement of Principles' agreement that was executed on July 3, 2025, during this reporting period.

PROJECT CONTROLS

Schedule

² An additional twenty-eighth ACR (ACR029-2025 -TCE Releases) was issued following the end of the reporting period (October 7, 2025)

³ Does not include the agreed settlement of ACR028-2028 of \$153,092.93 executed following the reporting period.

⁴ One ACR (ACR028-2025 – Highways Improvements) has been executed following the reporting period (October 8) and one ACR (ACR029-2025 - TCE Releases) has been issued following the reporting period. One ACR (ACR027-2025 - Harwood Township Connector Road) remains in negotiation with RRVA.

The Developer submitted the thirty-fifth Project Status Schedule (PSSU) update on September 15, 2025, for the month of August 2025 (01-Sep-25 Data Date). The submittal was accepted for review. To create the PSSU, the Developer reported making approximately 4,027 changes from the PSSU 2025 July submitted on August 15, 2025, including new and deleted activities, changes to logic and relationships between activities, activity description changes, calendar changes, WBS modification and activity duration modifications. The Project Substantial Completion Date in this PSSU is October 1, 2026, which matches the baseline date. The approved PBS Project Substantial Completion Date (Scheduled Project Substantial Completion Date) is October 1, 2026.

PBS3-R2 has been accepted contingent upon all the stated conditions being satisfied in the SOP. Informal comments for schedule concerns have been drafted in the form of a letter and was provided to the Developer on August 22, 2025 (FMAD-TRN-014140).

Invoicing and Payment

BNSF has submitted 119 invoices through the month of August totaling \$11,753,588.22. These have been forwarded to the Developer for payment for work performed by BNSF and its subcontractors at the Prosper, Hillsboro and KO locations. 108 of the 119 were paid for a total of \$11,338,689.63. The unpaid amount falls within the 60-day turnaround period. The BNSF Construction and Maintenance Agreement (C&M Agreement) between the Authority and BNSF is considered a “Third Party Agreement” as administered under Section 11 of the Project Agreement. Therefore, the invoices received by the Authority are transmitted to the Developer for payment directly to BNSF within 60 days of the invoice date according to Section 7 of the C&M agreement. Future invoices received will be handled in a like manner. There are no overdue amounts as of the end of July.

Payments to RRVA

July 3, 2025, marked execution of the settlement agreement Statement of Principles (SoP) between the Developer and the Authority. The SoP allows the Developer to submit and request advance payment invoices for relative Pay Units provided the works for the specific Interim Completion Element(s) be substantially complete with 120 days of each advance payment request. The table below has been updated to reflect payments made to the Developer under this agreement. Section 22 of the SoP also allows for payments to the Developer regarding settling outstanding claims.

Additional Milestone Payments (AMP) for the BNSF shoofly installations at the Hillsboro, Prosper and KO locations were made in March 2025. See attachment E for details.

The following table includes all payments to RRVA through August 2025.

Item Description	Pay Unit	Amount	Notes	
Additional Milestone Payments				
Hillsboro Shoofly Install	29	\$4,249,352	(See Attachment E)	
Prosper Shoofly Install	32	\$3,195,335	(See Attachment E)	
KO EB Shoofly Install	35	\$3,472,708	(See Attachment E)	
KO WB Shoofly Install	38	\$3,472,708	(See Attachment E)	
Legal Drain 29	11	\$343,477	In review Remaining balance of advance payment.	
Sub-Total		\$14,733,580.00		
Additional Milestone Advance Payments				
Description	Pay Unit	Amount	Status	Date Paid
Diversion Channel Reach 2	4	\$13,018,175	Paid	8/6/2025
Legal Drain 29	11	\$1,373,906	Paid	8/6/2025

Item Description	Pay Unit	Amount	Notes	
CR 32 Crossing	26	\$6,662,245	Paid	8/22/2025
Combined CR 4 and CR 31 Crossing	28	\$7,211,621	Paid	8/22/2025
Drain Inlet associated with Legal Drain 30	12	\$2,554,405	Paid	8/6/2025
Diversion Channel Reach 1	2 & 3	\$29,781,551	Paid	8/6/2025
CR 20 Crossing	55	\$5,187,908	Paid	8/22/2025
CR 10 Crossing	54	\$5,267,792	Paid	8/22/2025
38th Street W Crossing and improvements	57	\$5,205,660	Paid	8/22/2025
CR 22 Crossing	25	\$4,789,423	Paid	Due 9/23/2025
Sub-Total		\$81,052,686.00		Sub-Total
Other Payments				
SoP Section 22 Payments		\$20,000,000	Upon execution of the SoP.	
ACRs		\$4,695,010.06	(see Attachment C)	
DCRs		\$3,712,553.80	(See Attachment D)	
DRB Members (50% share)		\$143,675.13	Includes Polsinelli PC cost share.	
Grand Total		\$124,337,506.00		

Other:

The following invoices are forecasted to be submitted in 2025, the amount shown is for the full pay unit amount:

Invoice Name	Pay Unit #	Forecasted Payment Date	Pay Unit /ACR DCR Amount
Drain 30 Inlet	12	Oct-2025	\$3,193,006
Drain 29 Inlet	11	Oct-2025	\$1,717,383
CR 32 Crossing	26	Oct-2025	\$8,327,806
Combined CR 4 and CR 31 Crossing and Collector Roadway Improvements	28	Nov-2025	\$9,014,526
Sheyenne River Aqueduct Changes & Aqueduct Design Maple River - Milestone 2 - RFC Approval of Maple and Sheyenne	ACR016-2023 & ACR022-2023 - 2	Dec-2025	\$750,000
Channel Reach 02 Pay Unit	4	Dec-2025	\$16,272,719
Berlin Township Drain Inlet	14	Dec-2025	\$4,258,118
Channel Reach 01 Pay Unit	2	Dec-2025	\$14,152,593
Channel Reach 01 Pay Unit	3	Dec-2025	\$23,074,346
CR 10 Crossing	54	Dec-2025	\$6,584,740
CR 20 Crossing	55	Dec-2025	\$6,484,885
Channel Reach 05 Pay Unit	7	Dec-2025	\$37,592,373
Total			\$80,760,497

The forecast Payment Dates are from the latest PSSU. In terms of Interim Completion Elements, the actual dates of the receipt of complete ICE Notices have not kept pace with anticipated dates.

CONSTRUCTION AND O&M

Construction

Construction activities by buildable unit (BU) during the reporting period are provided in *Attachment A – Construction Progress by Buildable Unit*.

The summary for Safety for the Month of September is as follows:

9/8/2025 R.J. Zavoral - 38th St W Crossing, an employee was operating an off-road dump truck when the vehicle approached the edge of the road. The road edge gave way, causing the dump truck's box to tip over. No injuries were reported.

9/9/2025 ASN - 38th St W Crossing, employee had physical contact with a goose that appeared to be sick, or injured, in attempt to remove it from the 38th St. bridge. No injury to the employee, but the goose was found to be deceased the next day.

9/11/2025 ASN - Sheyenne River Aqueduct, Employee was driving a bulldozer, backing up from a hill, when he hit the back of a side dump trailer resulting in a bent mud flap.

9/11/2025 ASN - Reach 13, The slash pile, in the previous burn area was disturbed, causing the fire to reignite. It was put out by spreading the pile and covering it with dirt to cut off the oxygen and fully extinguish the flames.

9/11/2025 ASN - Reach 01, Prior to performing a routine flight, the operator became distracted and stepped away from the drone. Upon commencing the flight, he realized the drone was not in full proper operating mode and saw the drone crumble and descend to the ground. Significant damage was caused to the drone.

9/13/2025 ASN - Reach 10, employee was climbing down the dozer after light rain had started. While descending, his left foot slipped on the wet surface, causing him to fall and strike his left elbow and forearm.

9/13/2025 ASN - Sheyenne River Aqueduct, employee's eye lid became infected on a day he was performing cleaning activities at work.

9/15/2025 ASN - Reach 11, Employee was operating an ASN fleet truck with a light plant in tow, trying to place the light plant on a topsoil pile. As he was backing up, the light plant got caught on a large uneven surface of mud, causing it to tip over onto its side.

9/17/2025 ASN - Off-site event, An Employee was stung by a bee and developed an infection requiring medical care.

9/19/2025 ASN - Structures All Hand Safety Meeting.

9/24/2025 ASN - Reach 05, The operator of heavy equipment BD-7107 was pushing rocks when a CO3 code appeared on the dozer. After checking, the grill was found to be pushed in.

9/24/2025 ASN - Sheyenne River Aqueduct, an ASN skid steer got stuck in the mud, and a front-end loader was used to remove the skid steer. Once the skid steer was released, the operator kept backing and collided into the loader. Minor damage to the rear panel of the skid steer. No injuries.

9/26/2025 ASN - CR 22 Crossing, employee was walking to a man-lift and stepped on a nail sticking out of a piece of wood.

9/27/2025 ASN - AAB, Property theft: A Honda 4" Trash pump, was stolen over the weekend from the AAB location. A police report was made.

- 9/28/2025 ASN - Reach 07, employee did a walk around at the end of his shift and observed damage to the front end of the tractor.
- 9/29/2025 ASN - Reach 05, damaged to right GPS mast bracket on grader. No injuries were reported.
- 9/30/2025 ASN - Maple River Aqueduct, employee rolled ankle while walking up the northwest side of the spillway.
- 9/30/2025 ASN - Sheyenne River Aqueduct, while employee was blowing concrete off rebar, debris was blown into the eye causing discomfort. No medical care is necessary.
- 9/30/2025 ASN - Channels All Hand Safety Meeting.

Road Closures for Bridge Construction

Temporary Road Closures	Anticipated Mainline Opening Date
Interstate 29 – Bypass Operational	North bound Driving Lane has been opened. Both bridges will be open by November 2025
County Road 81 - Bypass Operational	October 2025
County Road 22 - Bypass Operational	October 2025
32nd Ave – Traffic Detoured to CR 8 and CR 31	October 2025
52nd Ave – Traffic Detoured to CR 8 and CR 31	November 2025
Interstate 94 – Bypass Operational	November 2025
Interstate 94 – Eastbound Left Lane Closure	Unknown at this time
Interstate 29 - South bound Left Lane closure.	Unknown at this time
County Road 6 - Bypass Operational	November 2025

Roadways currently closed.	Upcoming Permanent Road Closures (Tentative Schedule)
24th St SE – Closed 9/21/2022	32nd Ave. NW – Planned date August 2026 (MRA Access)
172nd Ave. SE – Closed 9/19/2022	40th Ave. / CR 8 – Planned date October 2025
171st Ave. SE – Closed 10/31/2023	81st S – Planned date August 2026 (SRA Access)
170th Ave. SE – Closed 10/31/2023	
169th Ave. SE – Closed 6/21/2023	<u>ACTIVE BYPASSES</u>
29th St. SE – Closed 9/17/2023	CR 81, I-29, CR 22, I-94 and CR6
32nd St. SE – Closed 3/20/2024	<u>ACTIVE BRIDGES</u>
37th St. SE – Closed 9/20/2023	CR 4/31, CR32 Crossing, CR10 Crossing and CR20 Crossing
166th Ave. SE – Closed 5/24/2024	<u>ACTIVE DETOURS</u>
43rd St. SE Closed 10/7/2024	32nd/52nd Ave. W Crossings
38th St. NW – Closed 10/7/2024	<u>UPCOMING DETOURS</u>
112th Ave. S – Closed 10/10/2024	38th St. West and CR 16/17 contingent on USACE work
64th Ave. S – Closed 10/7/2024	
45th St. SE – Closed 10/10/2024	

Roadways currently closed.	Upcoming Permanent Road Closures (Tentative Schedule)
26th St. W – Closed 10/15/2024	
21st Ave. W – Closed 10/15/2024	
21st Ave. W – Closed 10/15/2024	
35th St. SE – Closed 10/7/2027	

O&M

RRVA continued general inspections throughout the ROW, Local Drainage inspections to ensure ditches and culverts are free from debris, and Interim Completion Element inspections. The Developer has stated their primary focus is areas that are submitted for Interim Completion. We continue to remind them the entire project RoW is of concern and will be reported under non-conformance if their efforts are not apparent on project wide.

Monitoring

The PMC carried out the following:

- 1337 Daily Observations; 275 Compliance Checks; 13 Issues written (were noted that the Contractor was able to resolve readily); and 28 new punch list items were conducted by the Authority's Construction Management Team.

For monthly construction activities update, see Appendix A of this document.

Testing

Earthwork field and laboratory tests performed by Braun Intertec are as follows:

- Atterberg 57; Hydrometer 40; Proctor 40; Sieve 11; Field Reports 42; Density Tests 75; Asphalt 1; Concrete 962.
- Additional Liquid Limits split samples obtained for the following Reaches: Reach C05 (12) splits obtained; Reach C04 New Levee splits; Reach C03 (7) splits obtained.

Survey GIS

- CR22 Bridge deck crossing on 9/29;
- Reach C05 Levee top elevation 9/30.

Cass County Monitoring of County Bridges (by HMG)

- HMG monitoring for Cass County presented 79 Field Reports for the month of September.

UTILITIES:

Utility design work is complete. Released for Construction (RFC) documents have been issued for all 105 utility Buildable Units (BUs) in the Developer's scope.

- Utility Submittal Summary:
 - 61 Preliminary Design Reports.
 - 79 Final Design Reports.
 - 83 Construction Document submittals.

- 83 sets of RFC Documents.
- 125 Inspection and Test Plans (ITPs) have been approved for Utility activities.
- 61 Shop Drawing submittals for Developer Managed utility relocations are approved.
- Overall, 58 of 108 identified utility conflicts (53%) have all work including HDD void grouting and removal of abandoned facilities completed.
- Relocations for 56 of the 60 utilities crossing under the channel are tied-in or cut over. Only 4 CenturyLink lines at 38th Street remain to have cable placed/removed.
- Abandoned/retired utility facilities have been removed for 60 Utility BUs. Buried segments of 32 utilities still need to be removed.
- The voids have been grouted on both the entry and exit sides at 35 HDD installations. Six bores still require grouting on both sides and 3 require the HDD void to be grouted on one side only.
- Adjustments for 9 of the 14 overhead electric transmission lines crossing the channel ROW are complete.

SUBMITTALS

The following is a summary of submittals for the P3 project:

Submittal	Reporting Period	To Date
Submittals received for review and comment	111	4,286
Reviews carried out*	128	4,229
Submittals returned with no comment	77	1,564
Submittals in review with the Authority as at end of reporting period	37	n/a
Submittals back with RRVA for resubmission as at end of reporting period		223
rejected as incomplete	6	53
rejected with comments	28	167
number of comments	130	3,078
CDS returned with no comments	1	194
RFC documents	0	193
Relating to utility relocations	0	81
RFCs back in redesign	0	2
Redesigned once (RFC1)	0	29
Redesigned twice (RFC2)	0	6
Redesigned three times (RFC3)	0	1

* Some submittals will have been seen more than once within the reporting period and therefore this section may not tally with the number “back with RRVA” or “no comment” which is a position as at the month-end.

The PMC team has started to receive and review ITP Close-out packages as part of the ICE certification process. These packages are not R&C Submittals as defined by the PA, but are in lieu of PA requirements for access to the ITP content that has proven difficult via Aconex. Their receipt and review will be included in the numbers reported from next month.

The three Interim Completion Element (ICE) Notices relating to the BNSF Shooflies were certified in early February. Updated ICE Notices for Drain 30 and CR32 were received and rejected in the reporting period.

The ICE Notice for Drain 29 was received and accepted in the reporting period (US\$1.7m).

The ICE Notice for CR4/31 was rejected after its first review and sent back to the Developer at the end of May 25, this has not been resubmitted by the Developer.

14 ICE Notices due to be received by the Authority by September 2025 remain undelivered by the Developer. These are Reach 1, Reach 2, Outlet, Mapleton Drain, Drain 14B, Raymond Drain North, Raymond Drain South, Berlin Drain, Lower Rush Inlet, CR10 Crossing, CR20 Crossing, CR22 Crossing, 38th St W Crossing and BNSF Hillsboro Crossing.

15 business day notices were received for BNSF Hillsboro Shoofly Removal and Channel Reach 5 in September 2025.

60-day notices were received for I-29 (NB/SB), Channel Reach 3 and CR16/17 in September 2025.

No ICE Advance Payment requests were made in September 2025.

TECHNICAL

Design Review

- Progress continues to be made with submittal, review, and completion of design documents. Design reviews are primarily associated with revisions to Release for Construction Documents, Shop Drawings, Inspection and Test Place and Record Drawing Deliverables.
- Review of Technical Reports on specific item identified in the recently issued Statement of Principals document is underway.
- Awaiting quarterly H&H model from the Developer. Meetings have taken place with the Developer to discuss the delivery schedule of the H&H Model which includes resolution of outstanding items discussed in a recent H&H Model workshop. Additionally, scheduling and coordination of model delivery dates has been discussed in an attempt to align delivery of model updates with Authority response schedule to FEMA regarding the map revision process.
- Revisions and clarifications to the construction plans via the RFI process (Request for information) continue this reporting period.

Agency Coordination

- Agency specific coordination continues this reporting period. Coordination of inspections and preparation of opening to traffic on several roadways and bridges continues to be the most significant discussion topic. Coordination and management of expectations and requirements for opening up to traffic has been relatively good.
- NDDOT
 - No significant concerns this reporting period

- Standing coordination meetings with NDDOT continue.
- There are no technical issues or concerns to report currently.
- Primary are of focus continues to be coordination as construction nears completion shift to re-alignment of Interstate traffic from temporary to permanent pattern configuration.
- Cass County
 - No significant concerns this reporting period
 - Standing coordination meetings with Cass County continue.
 - There are no technical issues or concerns to report currently.
 - Focus of meetings is similar to that of NDDOT – coordination of final inspections and preparation for opening to traffic of completed structures.
- BNSF
 - Standing coordination meetings with BNSF continue.
 - Meetings focus primarily of schedule availability of BNSF to complete specific portions of work on the structures which is performed by their forces.
 - BNSF has been flexible and accommodating to the best of their ability in aligning with ASN construction progress.

Concern identified with quality of final girder delivered and placed on the KO Line. Developer is preparing proposal for corrective action which will need to be reviewed by BNSF Challenges

Minimal change in slow progress by the Developer towards the resolution of challenges. Previously reported challenges continued to be relatively unresolved. Items include the following

- Finalization of Aqueduct Engineered Channel modifications
- Preparation and delivery of Statement of Principles Technical Reports
- Developer incorporation of comments in the H&H model
- Potential material quality deficiencies in built components of the channel.
- Quality concern of girder for BNSF structure.
- Developers understand their requirements regarding documentation of built work relative to FEMA Certification requirements.

Successes

- Internal planning as to how the Authority would conduct reviews of the Interim Completion process is beginning to pay dividends. The ICE process is the mechanism which allows the Developer to request payment for completed work. The process includes review and verification of numerous documents and reports as well as verification of as-built conditions. This effort requires numerous staff members each focused on their area of expertise, to evaluate the Developers submittal for compliance with all Project agreements. Initial reviews of the first ICE packages from the Developer is underway and Authority process, although not without areas to improve, is underway and relatively successful.

QUALITY

Nonconformances

Following the Authority's audit related to Inspection and Test Plan implementation, there have been 3 (three) Nonconformances reported by the Authority this month. The Developer reported 2 (two) Nonconformances.

The following table summarizes Nonconformances that trigger Noncompliance Points (NCPs) through the end of this month. A summary of Noncompliance Points (NCPs) is in *Attachment F – Noncompliance Points Status Tables*:

Summary of points as of September 30, 2025	Number of Nonconformances	Assessed NCPs
Assessed Noncompliance Points	76	642

Due to lag in the reporting process and the review status of the Monthly Performance Reports for August and September 2025, the numbers reported above are different than what Developer reported as part of their Monthly Performance Report for September 30, 2025.

ENVIRONMENTAL

Environmental Compliance

2024 Section 404 Permit Special Condition M:

- Rush River: has been accepted by USACE
- Maple River: continued preparing draft for internal review which will include RFCs then will submit documentation for USACE approval
- Sheyenne River: awaiting acceptance of RFCs then submit documentation for USACE approval

The eaglets have fledged the nest but are lingering in the area near the Sheyenne River Aqueduct. The annual monitoring report was submitted to USFWS as required.

Permanent Native Vegetation

Permanent planting/seeding continued this month as noted below.

Permanent Seeding/Planting Annual Summary – no change

Year	# of Trees	Reaches	Acres Seeded To Date	Reaches
2024	3,508		1,077	1, 2, & 3
2025	+~2,255	1, 2 & 3	~1,864 acres + <u>168 for Sept</u> ~2,032 acres	Previous: 1, 2, 3, 4, 5, 6, 7, 8, &13 Sep 2025: Reaches 1, 2, 7, 12 and 13 & CR10 (portion)
2026	TBD		TBD	TBD

Permits

Open/Applied For	Closed	Total
94	464	558

2024 404 Permit – Violation: On July 25, 2025, RRVA notified the Authority of a violation of the USACE Section 404 Permit Condition OO due to the disappearance of a brown-headed cowbird nest. On August 29, 2025, USACE issued a Notification of Non-Compliance stating that another event would trigger a civil penalty and requesting the Developer's investigation results which were received, reviewed internally, and an update requested from the Developer; awaiting Developer response.

Sheyenne River Sovereign Lands Permit - RRVA submitted their supplemental information on October 6, 2024. RRVA informed the Authority, during the January 14, 2025, Environmental Biweekly meeting, that NDDWR is waiting for resolution of the maintenance method at the Sheyenne River Aqueduct before issuing this permit. RRVA submitted maintenance documentation to NDDWR including showing a temporary diversion for aqueduct work; this caused confusion at the agency level which was addressed during a meeting. On June 30, 2025, the Authority requested RRVA to provide a work plan, which was received on October 3, 2025, reviewed by the Authority, and additional information requested; awaiting Developer's input before submitting comments to the Developer and, upon resolution, submitting the information for the Sovereign Lands Permit.

Cultural Monitoring

Cultural excavation and monitoring by the Developer occurred as follows:

- *Site 5/TR-5, Maple River:* September 16-18, 22-26 and 29-30, 2025.
- *Site 14/TR-9, Sheyenne River:* September 3, 5, 8-12 and 15-16, 2025.
- *No significant features to report.*

Mussel Salvage

Mussel salvage work occurred at the Maple River with just under 1200 mussels relocated.

Spills, Contamination and Hazardous Materials

O/N 1199N (near the Sheyenne River) farmstead work completed asbestos removal; additional sampling and lab tests indicated no additional contamination and excavation has proceeded. Sheyenne River Aqueduct Area: One ~10-gallon diesel spill occurred on 09-Sep-25 and clean-up and reporting protocols were followed.

Environmental Nonconformances (NCRs)

This month no new NCRs were opened, and 2 were closed.

NCR's Closed This Month:

- NCR-00355 Rush River Inlet – Rock weir Bedding not Constructed per the RFCs – closed on September 16, 2025
- NCR-00362 Starting Construction Work without Having an Approved ITP – Tree Planting, Reach 02 – closed on September 3, 2025

RESILIENCE AND SUSTAINABILITY

Resilience

The Resilience 2024 Annual Report was returned with comments on May 27, 2025, and is awaiting resubmittal.

- The Resilience Program Plan was resubmitted on July 3, 2025, returned, and rejected incomplete on August 4, 2025, and we are awaiting resubmittal.

Sustainability

RRVA's Sustainability efforts outside of the PA are: 1. Education and Skills; 2. Renewable Energy; and 3. Culture & Heritage. No monthly Sustainability update meeting was held in September.

FEDERAL COMPLIANCE

Reporting

The next annual report (2025) is due by January 31, 2026.

Davis Bacon

For 2025, the Developer appears to have improved their certified payroll quality control process; we continue to monitor.

The Developer has stated that they plan a complete rewrite of the Federal Requirements Compliance Plan which will address quality control processes – awaiting submittal of this update – no change.

EMPLOYEE APPRENTICESHIP PROGRAM

The Q3 EAP Report is due by October 15, 2025.

Attachment A – Construction Progress by Buildable Unit

Buildable Unit	Description	Station	Status observed by the PMC	Progress during reporting period as observed by the PMC – see footnote⁵	Developer's assessment of BU % complete – see footnote⁶
Buildable Unit Group - Aqueducts					
A51	Maple River Aqueduct Flume/Conduit Structure	710+17	Active	Poured Flume Maintenance Bridge decks Poured Flume Maintenance Bridge barriers Poured Flume barriers Poured Wingwall barriers Backfill between the wingwalls Railing Installation on Wingwalls Formwork and Rebar installation for E-house, transformer, generator foundations Poured Cold lead cabinet pads Tex cote on flume and wingwalls LFC heat tray preparation works Boulders preparation works	71.56%
A52	Maple River Aqueduct Spillway	710+17	Active	Installation of sheet piles Structural excavation Geotextile placement	49.72%
A53	Maple River Aqueduct Engineered Channel	710+17	Not Started	No work during reporting period	30.14%
A56	Sheyenne River Aqueduct	1477+50	Active	Flume west abutment formwork and rebar installation Concrete in flume west abutment Flume piers formwork and rebar installation Concrete in flume piers Flume North bypass formwork and rebar installation Concrete in flume north bypass slab Flume slab formwork and rebar installation Wingwalls 1 foundation formwork and rebar installation Concrete in wingwall 1 foundation Wingwalls 1 wall formwork and rebar installation Concrete in wingwall 1 wall Wingwalls 2 foundation formwork and rebar installation Concrete in wingwall 2 foundation Wingwalls 2 wall formwork and rebar installation	37.45%

⁵ Status and progress are as observed by the PMC at the end of August 2025.

⁶ Note: Buildable Unit Percent Complete is based on the RRVA June PSSU submitted on or around July 15, 2025, and is calculated based on Earned Value (EV). This may vary from the status and progress observed by the PMC as one is visual observation, and the latter is derived from the PSSU electronic schedule.

Buildable Unit	Description	Station	Status observed by the PMC	Progress during reporting period as observed by the PMC – see footnote ⁵	Developer's assessment of BU % complete – see footnote ⁶
				Wingwalls 3 wall formwork and rebar installation Concrete in wingwall 3 wall Wingwalls 4 wall formwork and rebar installation Concrete in wingwall 4 wall Backfill for wingwall 1 foundations Backfill for wingwall 2 foundations Backfill between wingwall 3 & 4 Drove H-piles in wingwall 3 section 3 Drove H-piles in wingwall 4 section 3 Welded H-pile tension anchors in wingwalls Excavation for Sheyenne spillway Preparatory works for sheet piles in Sheyenne spillway	
Buildable Unit Group – Local Drainage					
CR1	Local Drainage in Rush River WRD - Reach C01	41+70 to 219+29	Active	Final Grading Activities	98.60%
CR2	Local Drainage in Rush River WRD - Reach C02	219+29 to 302+00	Active	No work during reporting period	96.84%
CR3	Local Drainage in Rush River WRD – Reach C03	302+00 to 428+53	Active	Final Grading Activities	87.77%
CR4	Local Drainage in Rush River WRD - Reach C04	428+53 to 576+00	Active	Final Grading Activities	84.22%
CM1	Local Drainage in Maple River WRD – Reach C05	576+00 to 655+00	Active	Final Grading Activities	85.20%
CM2	Local Drainage in Maple River WRD – Reach C06	655+00 to 762+77	Active	Final Grading Activities	83.72%
CM3	Local Drianage in Maple River WRD – Reach C07	762+77 to 859+53	Active	Final Grading Activities	79.77%
CM4	Local Drainage in Maple River WRD – Reach C08	859+53 to 912+00	Active	No work during the reporting period	68.62%
CM5	Local Drainage in Maple River WRD – Reach C09	912+00 to 968+00	Active	No work during the reporting period	83.41%
CS1	Local Drainage in Southeast Cass WRD - Reach C10	968+00 to 1080+28	Active	No work during the reporting period	91.51%

Buildable Unit	Description	Station	Status observed by the PMC	Progress during reporting period as observed by the PMC – see footnote⁵	Developer's assessment of BU % complete – see footnote⁶
CS3	Local Drainage in Southeast Cass WRD - Reach C12	1235+72 to 1327+00	Active	No work during the reporting period	79.71%
CS4	Local Drainage in Southeast Cass WRD - Reach C13	1327+00 to 1554+59	Active	Final Grading Activities	81.33%
CS5	Local Drainage in Southeast Cass WRD – Reach C14	1554+59 to 1571+70	Active	Prep work for Topsoil Stripping	82.19%
Buildable Unit Group - Diversion Channel					
C01	Diversion Channel, Low Flow Channel (LFC), Engineered Material Berms (EMBs), Diversion Channel Line of Protection in Reach-01	27+63 to 219+29	Active	Channel Excavation, Topsoil Stripping and Placement, Final Grading	93.04%
C02	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection in Reach-02	219+29 to 302+00	Active	No work during the reporting period	97.03%
C03	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection in Reach-03	302+00 to 428+53	Active	Channel Excavation, Levee Placement, Maintenance Road Placement, Topsoil Stripping and Placement, and Final Grading	89.58%
C04	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection in Reach-04	428+53 to 576+00	Active	Channel Excavation, Final Grading as needed	75.15%
C05	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection in Reach-05	576+00 to 655+00	Active	Final Grading as needed	94.43%
C06	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection in Reach-06	655+00 to 762+77	Active	Channel Excavation, Levee Placement, Maintenance Road Placement, Topsoil Stripping and Placement, Cultural Site Excavation, Final grading	56.25%
C07	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection in Reach-07	762+77 to 859+53	Active	Channel Excavation, Levee Placement, Topsoil Stripping and Placement, Final Grading	81.45%
C08	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection, in Reach-08	859+53 to 912+00	Active	No work during reporting period	46.97%
C09	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection in Reach-09	912+00 to 968+00	Active	No work during the reporting period	70.47%
C10	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection in Reach-10	968+00 to 1080+28	Active	No work during the reporting period	68.81%
C11	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection in Reach-11	1080+28 to 1235+72	Active	Channel Excavation, Levee Placement, Maintenance Road Placement, Topsoil Stripping and Placement, Final grading	55.46%

Buildable Unit	Description	Station	Status observed by the PMC	Progress during reporting period as observed by the PMC – see footnote⁵	Developer's assessment of BU % complete – see footnote⁶
C12	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection in Reach-12	1235+72 to 1327+00	Active	No work during the reporting period	76.08%
C13	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection in Reach-13	1327+00 to 1554+59	Active	Channel Excavation, Levee Placement, Maintenance Road Placement, Topsoil Stripping and Placement, Cultural Site Excavation, Final grading	63.36%
C14	Diversion Channel, LFC, EMBs, Diversion Channel Line of Protection in Reach-14	1554+59 to 1571+70	Active	Prep work for Topsoil Stripping	55.62%
Buildable Unit Group - Hydraulic Structures					
S08	Drain 29 Inlet	27+63	Active	Complete Punch list items to be addressed	99.61%
S16	Drain 30 Inlet	213+75	Active	No work during the reporting period	99.73%
S09	Rush River Inlet	431+75	Hold	Re-work began placement of new bedding. Placement of Boulders Placement of riprap and Installation of Infill Wiers 23, 22,21,20	97.37%
S10	Lower Rush River Inlet	578+50	Active	Excavation Installation of Geotextile Installation of bedding Installation of Riprap	92.74%
S03	Berlin Township Drain Inlet	492+84	Active	No work during the reporting period	98.68%
S04	Raymond Township North Drain Inlet	756+00	Active	Formwork and Rebar installation for headwall foundation Formwork and rebar installation for headwall	68.38%
S32	Raymond Township South Drain Inlet	793+00	Active	Worked on punch list items and installation of flap gates	91.54%
S33	Drain 14B Inlet	856+00	Active	No work during reporting period	87.77%
S34	Drain 14C Inlet	929+30	Active	No work performed	88.50%
S15	Mapleton Township Section 24 Drain Inlet	1078+00	Active	Punch lists and Installation of flap gates	89.67%
S55	Mapleton Township Section 9 Drain Inlet	929+00	Complete	Complete	0.00%
S68	Drain Inlet 21C		Not started	Structural excavation has begun	29.57%

Buildable Unit	Description	Station	Status observed by the PMC	Progress during reporting period as observed by the PMC – see footnote⁵	Developer's assessment of BU % complete – see footnote⁶
S69	Drain 50		Active	Excavation RCP installation Backfill under RCP Geotextile installation Backfill under headwall F/R/C headwall foundation	44.77%
S74	Drain Inlet associated with CR17	1548+00	Active	Excavation RCP installation Backfill under RCP Backfill on top of RCP Geotextile installation F/R/C headwall foundations F/R/C headwalls	61.36%
Buildable Unit Group - Diversion Outlet					
O00	Diversion Outlet Structure	27+63 to 41+70	On Hold	ASN is reporting this work as complete, but Boulders is currently under dispute. A preliminary punch list was generated by the Authority.	99.77%
Buildable Unit Group - Roadways					
R19	25th St. Connection Parcel 2368	160+00 LT	Active	Roadway scope of work completed, working in punch list items	94.06%
R20	27th St. Connection to CR81	300+00 LT	On Hold	No work during reporting period	92.71%
R21	35th St. SE to Parcel 938	802+00 RT	On Hold	No work during reporting period	79.30%
R22	37th St. SE, East of Diversion Channel	905+00 LT	On Hold	No work during reporting period	90.41%
R23	37th St. SE, West of Diversion Channel	905+00 RT	On Hold	No work during reporting period	89.57%
R65	15th St. SW from CR 8 to 32nd Ave. W	1146+00 LT	Not Started	No work during reporting period	22.74%
R24	169th Ave. SE Connection to Landlocked Parcel 2363	350+00 LT	Complete	Complete	87.62%
R26	172nd Ave. SE Connection to realigned CR4	114+00 RT	Complete	Complete- Final Inspection conducted	92.68%
R18	24th St. SE Connection to realigned CR4	100+00 RT	Complete	Complete – Final Inspection conducted.	89.91%
M11	County Road 4/31 Crossing (Bridge)	86+91	Complete	Complete. Bridge opened to the public December 4	100.00%

Buildable Unit	Description	Station	Status observed by the PMC	Progress during reporting period as observed by the PMC – see footnote⁵	Developer's assessment of BU % complete – see footnote⁶
M12	County Road 81 Crossing Bridge	310+20	Active	Bridge deck form work completed	80.16%
Z11	County Road 4/31 Crossing (Roadways)	86+91	Active	Curb & Gutter Repairs Completed, pending inspection	100.00%
R25	171st Ave. SE Crossing at Drain 30	215+00 LT	Complete	Complete	94.40%
Y12	County Road 81 Crossing (Bypass)	310+20	Complete	No work during reporting period	96.69%
G12	County Road 81 Crossing (Settlements)	310+20	Complete	Complete	97.60%
M35	Interstate I-29 Northbound & Southbound Crossing (Bridge)	NB 313+75 SB 314+81	Active	N.B. - Tex-cote complete. Punchlist items in progress. S.B. – Tex-cote complete. Punchlist items in progress.	93.40%
Y35	Interstate I-29 Northbound & Southbound Crossing (Bypass)	NB 313+75 SB 314+81	Complete	No work during reporting period	93.84%
G35	Interstate I-29 Northbound & Southbound Crossing (Settlements)	NB 313+75 SB 314+81	Complete	Complete	97.34%
M13	Country Road 32 Crossing (Bridge)	408+08	Complete	Punch list items need to be addressed	100.00%
G13	Country Road 32 Crossing (Settlements)	408+08	Complete	Complete	100.00%
Z13	Country Road 32 Crossing (Roadways)	408+08	Active	Complete	97.78%
R14	Country Road 22 Crossing	571+84	Active	Approach slabs poured. Barriers on approach poured/curing. Subgrade preparation and aggregate placement Geofoam placement and backfill completed	89.21%
R15	CR 20 Crossing	679+37	Complete	Complete	99.93%
R27	CR10 (12th Ave. NW Connection to multiple parcels)	870+00 RT	Not Started	No work during reporting period	23.96%
R17	CR 10 Crossing	852+46	Active	East approach slab concrete placed. S. barrier F/R in progress Sub-grade preparation on mainline and embankment at tie-ins. Geo-grid delivery	94.62%
R36	Interstate I-94 Eastbound & Westbound Crossing	WB 902+89 EB 903+74	Active	EB/WB - Bridges completed. Punchlist items, Tex-cote and riprap in progress. Subgrade preparation of the approaches is in progress	91.73%

Buildable Unit	Description	Station	Status observed by the PMC	Progress during reporting period as observed by the PMC – see footnote⁵	Developer's assessment of BU % complete – see footnote⁶
R58	38th St W Crossing (Township Road)	976+17	Active	Pedestrian rail and Tex-cote installed. Awaiting Texas Corral fabrication and installation. Punchlist items in progress.	85.83%
R59	32nd Avenue W Crossing (Township Road)	1119+06	Active	Took delivery of geofoam. Deck rebar installation in progress	79.09%
R60	52nd Avenue W Crossing (Township Road)	1224+92	Active	Delivery of geofoam. Deck formwork/overhangs/diaphragms in progress. Repair of wind damage for the 2 nd time.	74.41%
R61	County Road 6 Crossing	1330+41	Active	Deck formwork, diaphragm formwork and overhands in progress.	73.24%
R62	County Road 14 Crossing	1438+97	Active	Deck concrete placed. Curing in progress; Sleeper and approach slabs in progress	79.70%
R73	County Road 16/17 Crossing	1558+40	Active	Deck concrete placed, curing in progress	73.66%
R74	24th St. SE Connection to Landlocked Parcel 1222	55+00	Complete	Final walkthrough conducted	96.30%
R75	38th St. NW Connection to the Maintenance Road/Trail	874+00	Not Started	No work during reporting period	45.90%
R76	47th St. SE access to Parcel 1200	1500+00	On Hold	No work during reporting period	87.25%
R77	170th Ave. Xing Drain 13 & Legal Drain 30	250+00	Complete	Complete	100.00%
R3A	Dead-End Termination of Local Roads in Reach-01	27+63 to 219+29	Complete	Complete	75.46%
R3B	Dead-End Termination of Local Roads in Reach-02	219+29 to 302+00	Complete	Complete	90.51%
R3C	Dead-End Termination of Local Roads in Reach-03	302+00 to 428+53	Complete	Complete	60.74%
R3D	Dead-End Termination of Local Roads in Reach-04	428+53 to 576+00	Complete	Complete	92.15%
R3E	Dead-End Termination of Local Roads in Reach-05	576+00 to 655+00	Complete	Complete	81.31%
R3F	Dead-End Termination of Local Roads in Reach-06	655+00 to 762+77	Complete	Complete	82.16%

Buildable Unit	Description	Station	Status observed by the PMC	Progress during reporting period as observed by the PMC – see footnote⁵	Developer's assessment of BU % complete – see footnote⁶
R3G	Dead-End Termination of Local Roads in Reach-07	762+77 to 859+53	Complete	Complete	88.95%
R3J	Dead-End Termination of Local Roads in Reach-09	912+00 to 968+00	Complete	Complete	86.47%
R3K	Dead-End Termination of Local Roads in Reach-10	968+00 to 1080+28	Complete	Complete	89.25%
R3L	Dead-End Termination of Local Roads in Reach 11	1080+28 to 1235+72	On Hold	No work during the reporting period	57.67%
R3M	Dead-End Termination of Local Roads in Reach 12	1235+72 to 1327+00	Complete	Complete	87.74%
R3N	Dead-End Termination of Local Roads in Reach 13	1327+00 to 1554+59	Complete	Complete	97.15%
RA6	Security and Access Reach 1	27+63 to 219+29	Active	No work during reporting period	41.32%
RB6	Security and Access Reach 2	219+29 to 302+00	Active	No work during reporting period	99.89%
RC6	Security and Access Reach 3	302+00 to 428+53	Active	Parking Lot construction has begun	0.49%
RD6	Security and Access Reach 4	428+53 to 576+00	Active	F/R/C North Abutment; Girder installation	32.49%
RE6	Security and Access Reach 5	576+00 to 655+00	Active	Backfill for the approach slab F/R/C approach slab	38.29%
RF6	Security and Access Reach 6	655+00 to 762+77	Active	No work during reporting period	0.44%
RG6	Security and Access Reach 7	762+77 to 859+53	Active	No work during reporting period	1.05%
RA7	Security and Access Reach 9	912+00 to 968+00	Active	No work during the reporting period due to bird nests.	45.11%
Buildable Unit Group – Railroad Crossings					
X71	BNSF Hillsboro crossing – BU1 – Shoofly	311+61	Complete	Complete	99.73%

Buildable Unit	Description	Station	Status observed by the PMC	Progress during reporting period as observed by the PMC – see footnote⁵	Developer's assessment of BU % complete – see footnote⁶
X72	BNSF Hillsboro crossing – BU2 – Tie-in to Shoofly	311+61	Complete	Complete	99.14%
X73	BNSF Hillsboro crossing – BU3 – Bridge and Track	311+61	Active	Completed bridge deck and barrier wall / sidewalk placed	99.08%
X74	BNSF Hillsboro crossing – BU4 – Final Ballast, Tie and Rail	311+61	Not Started	No work during reporting period	13.89%
X75	BNSF Hillsboro crossing – BU5 – Removal of Shoofly	311+61	Not Started	No work during reporting period	11.64%
X81	BNSF Prosper crossing – BU1 – Shoofly	661+59	Complete	Complete	99.77%
X82	BNSF Prosper crossing – BU2 – Tie-in to Shoofly	661+59	Complete	Complete	98.80%
X83	BNSF Prosper crossing – BU3 – Bridge and Track	661+59	Active	Completed Girder installation; bridge deck formwork; Started placing bridge deck rebar.	92.14%
X84	BNSF Prosper crossing – BU4 – Final Ballast, Tie and Rail	661+59	Not Started	No work during reporting period	12.39%
X85	BNSF Prosper crossing – BU5 – Removal of Shoofly	661+59	Not Started	No work during reporting period	15.71%
X91	BNSF K.O. crossing – BU1 – Shoofly	870+87	Complete	Complete	99.80%
X92	BNSF K.O. crossing – BU2 – Tie-in to Shoofly	870+87	Complete	Complete	90.92%
X93	BNSF K.O. crossing – BU3 – Bridge and Track	870+87	Active	Fine filter delivery and slope stabilization Substructure concrete is ongoing. Columns complete pier caps in progress	84.61%
X94	BNSF K.O. crossing – BU4 – Final Ballast, Tie and Rail	870+87	Not Started	No work during reporting period	6.73%
X95	BNSF K.O. crossing – BU5 – Removal of Shoofly	870+87	Not Started	No work during reporting period	13.09%
Utility Adjustments					

Buildable Unit	Description	Station	Status observed by the PMC	Progress during reporting period as observed by the PMC – see footnote⁵	Developer's assessment of BU % complete – see footnote⁶
AT1	AT&T Reach 8 @ Design (COM-ATT-871+00)	871+00	Active	Partial removal of abandoned utility	98.79%
DC1	Dakota Carrier - Reach 7 @ Design (COM-DCN-851+00)	851+00	Active	Utility removal at the levee footprint	99.25%
DC2	Dakota Carrier - Reach 11 @ Design (COM-DCN-1171+00)	1171+00	Active	Utility removal at the east side of the channel	90.35%
F09	CenturyLink - Reach 4 @ Design (COM-CLN-571+50)	571+50	Active	Utility removal at the levee footprint	98.20%
F10	CenturyLink - Reach 4 @ Design (COM-CLN-571+61)	571+61	Active	Utility removal at the levee footprint	98.20%
F12	CenturyLink - Reach 6 @ Design (COM-CLN-679+11)	679+11	Active	Utility removal at the levee footprint	98.90%
F13	CenturyLink - Reach 7 @ Design (COM-CLN-851+00 (1))	851+00	Active	Utility removal at the levee footprint	99.05%
F14	CenturyLink - Reach 7 @ Design (COM-CLN-851+00 (2))	851+00	Active	Utility removal at the levee footprint	99.05%
F15	CenturyLink - Reach 7 @ Design (COM-CLN-852+00)	852+00	Active	Utility removal at the levee footprint	99.05%
F18	CenturyLink - Reach 9 @ Design (COM-CLN-962+00 (1))	962+00	Active	Conduit installation at the bridge abutments	90.36%
F19	CenturyLink - Reach 9 @ Design (COM-CLN-962+00 (2))	962+00	Active	Conduit installation at the bridge abutments	90.36%
F20	CenturyLink - Reach 9 @ Design (COM-CLN-962+00 (3))	962+00	Active	Conduit installation at the bridge abutments	90.36%
F22	CenturyLink - Reach 10 @ Design (COM-CLN-978+00 (1))	978+00	Active	Conduit installation at the bridge abutments	90.39%
F25	CenturyLink - Reach 11 @ Design (COM-CLN-1118+00 (2))	1118+00	Active	Utility removal at the levee footprint	92.65%
F26	CenturyLink - Reach 11 @ Design (COM-CLN-1118+00 (1))	1180+00	Active	Utility removal at the levee footprint	92.65%

Buildable Unit	Description	Station	Status observed by the PMC	Progress during reporting period as observed by the PMC – see footnote⁵	Developer's assessment of BU % complete – see footnote⁶
F27	CenturyLink - Reach 11 @ Design (COM-CLN-1171+00 (2))	1171+00	Active	Utility removal at the levee footprint	96.90%
F28	CenturyLink - Reach 11 @ Design (COM-CLN-1171+00 (1))	1171+00	Active	Utility removal at the levee footprint	96.90%
F34	CenturyLink - Reach 13 @ Design (COM-CLN-1490+00 (1))	1490+00	Active	Cable installation by Third Party	90.04%
MP1	Minnkota Power - Reach 1 @ Design (ELC-MKP-54+12)	54+12	Active	Temporary relocation at CR 4-31 and Drain 29	99.83%
MS2	Midcontinent - Reach 7 @ Design (COM-MCC-851+00)	851+00	Active	Utility removal at the levee footprint	99.21%
MS4	Midcontinent - Reach 10 @ Design (COM-MCC-982+000)	982+00	Active	Conduit installation at the bridge abutments	99.09%
MS5	Midcontinent Reach 11 @ Design (COM-MCC-1171+00)	1171+00	Active	Utility removal at the levee footprint	97.14%
P02	Cass County Electric - Reach 1 @ Design (ELC-CCE-51+84)	51+84	Active	Cable installation, splicing and poles removal by CCE and abandoned utility removal by ASN	99.60%
P09	Cass County Electric - Reach 7 @ Design (ELC-CCE-851+00)	851+00	Active	Utility removal at the levee footprint	99.30%
P14	Cass County Electric Reach 10 @ Design (ELC-CCC-979+00)	979+00	Active	Conduit installation at the bridge abutments	97.57%
W03	Cass Rural Water - Reach 1 @ Design (WAT-CRW-153+81)	153+81	Active	Lowering of the CRW at CR 31	99.29%
W05	Cass Rural Water - Reach 3 @ Design (WAT-CRW-304+98)	304+98	Active	Removal of utility	95.55%
W14	Cass Rural Water - Reach 9 @ Design (WAT-CRW-962+00)	962+00	Active	HDD and plow method installation, hydro pressure and disinfection tests	96.60%
W16	Cass Rural Water - Reach 11 @ Design (WAT-CRW-1119+00)	1119+00	Active	Utility removal at the levee footprint	97.62%
Buildable Unit Group - Administration Building					
AB1	Authority Administration Building - Settlement Works		Complete	No work during reporting period.	100.00%

Buildable Unit	Description	Station	Status observed by the PMC	Progress during reporting period as observed by the PMC – see footnote ⁵	Developer’s assessment of BU % complete – see footnote ⁶
AB2	Authority Administration Building - Building Works		Active	Under slab piping and exterior utilities in progress. Main building foundation completed.	11.91%

Attachment B – Submitted Compensation Events (CEs) and Relief Events (REs)

CE-#/RE-#	Description	Date Initial CE Notice Submitted	Cost / Relief Submitted ⁷	Cost / Relief Agreed	Status
CE 001	Century Link MOU Amendments	March 18, 2022	\$570,337.50	N/A	Withdrawn
CE 002	Cass Rural Water MOU Betterment	March 18, 2022	Not submitted	N/A	Closed – withdrawn by the RRVA
CE 003	City of Mapleton MOU Amendments	March 18, 2022	\$282,000.00	N/A	Withdrawn
CE 004	Drain 14 Design and Construction Amendments due to Others	March 18, 2022	\$96,800.00	N/A	Closed – Transferred to ACR006-2022
CE 005	I-94 NDDOT Bridge Work Interference	March 18, 2022	Not submitted	N/A	Closed – Withdrawn by the RRVA
CE 006	Cass County - Change from Kansas Corral Rail to Texas Corral Rail	April 20, 2022	Not submitted	N/A	Closed – Transferred to ACR002-2022
CE 007-01	Compensatory Wetland Mitigation and Section 404 Permit / Fish Passages – Part 1	May 4, 2022	Not submitted	TBD	Resolved via SOP*
CE 007-02	Compensatory Wetland Mitigation and Section 404 Permit / Fish Passages – Part 2	May 4, 2022	Not submitted	N/A	Closed – Withdrawn by the RRVA
CE 008	Berlin Townships MOU Amendments	May 13, 2022	Not submitted	N/A	Closed – Withdrawn by the RRVA
CE 009	NDDOT MOU Amendments, Expansion Joints	May 24, 2022	Not submitted		Closed – Withdrawn by the RRVA
CE 010	Material Flood Event Sheyenne River on Gol Road Near Kindred	June 6, 2022	Not submitted	N/A	Closed – Withdrawn by the RRVA
CE 011	BNSF Delays	July 25, 2022	\$35,825,167.00* (*Includes CE 011, CE012 & CE 013)	N/A	Closed – Withdrawn by the RRVA – See DCR2023-030
CE 012	BNSF Review Delays Prosper	July 25, 2022	See CE 011	N/A	Closed – Withdrawn by the RRVA – See DCR2023-030
CE 013	BNSF Review Delays KO	July 25, 2022	See CE 011	N/A	Closed – Withdrawn by the RRVA – See DCR2023-030
CE 014	Modified Permit Delay Impact	December 2, 2022	\$69,571,469.40	N/A	Closed – Submitted to TDRB
CE 015	Failure of a Third Party (BNSF) to Comply with Third Party MOU	October 18, 2023	\$25,704,786.00	N/A	Closed – Submitted to TDRB
CE 016	Contamination on Reach 9	November 6, 2023	\$106,844.28	TBD	Closed – Submitted to TDRB
CE 017	Initial-Undisclosed Hazardous Environmental Condition at KO & Prosper	November 21, 2023	Not yet submitted	TBD	Resolved via SOP*
CE 018	Failure of a Third Party (BNSF) to Comply with Third Party MOU	January 24, 2024	\$3,253,991.63	N/A	Closed – Submitted to TDRB

⁷ Costs are required to be submitted with Detailed CE Notices; however, RRVA submits these with its Final Detailed CE Notices.

CE-#/RE-#	Description	Date Initial CE Notice Submitted	Cost / Relief Submitted ⁷	Cost / Relief Agreed	Status
CE 019	Additional Riprap Requirement due to Hydraulic Analysis of DIS	March 20, 2024	\$1,840,509.39	TBD	Withdrawn
CE 020	Updates to Project Agreement, Exhibit 4 (Project Land)	May 20, 2024	Not yet submitted	TBD	Withdrawn
CE 021	Attachment 3-14 Update (related to Exhibit 4)	May 20, 2024	Not yet submitted	TBD	Withdrawn
CE 022	Rush River Excavation - 404 Permit Delay	June 25, 2024	\$829,468.55	TBD	Resolved via SOP*
CE 023	Epoxy Coated Rebar Delays	July 5, 2024	\$40,830,176.27	N/A	Closed – Submitted to TDRB
CE 024	AAB Material Delivery	July 25, 2024	\$438,416.53	TBD	Closed – Subject to dispute provisions of the Project Agreement (Section 54.3)
CE 025	Obstructions Uncovered Hillsboro	July 22, 2024	Not yet submitted	TBD	Withdrawn
CE 026	Hazardous Environmental Conditions in Reach 13	September 20, 2024	\$21,629.47	N/A	Closed – Subject to dispute provisions of the Project Agreement (Section 54.3)
CE 027	Initial Compensation Event Notice – Issuance of Nonconformance Reports by Authority	October 11, 2024	Not yet submitted	TBD	Resolved via SOP*
CE 028	Undisclosed Hazardous Environmental Conditions at County Road 8	December 3, 2024	\$2720.84	TBD	Resolved via SOP*
CE 029	Drain 14C – Mapleton Drain 9	December 24, 2024	\$394,875.56	TBD	Resolved via SOP*
CE 030	Obstructions uncovered in Reach 9	January 10, 2025	\$16,639	TBD	Resolved via SOP*
CE 031	Authority Failure to Use Reasonable Efforts Pursuant to Article 54	January 20, 2025	Not yet submitted	TBD	Resolved via SOP*
CE032	Qualifying Change in Law	January 20, 2025	Not yet submitted	TBD	Resolved via SOP*
CE033	Delay to Certificates of Interim Completion	April 24, 2025	Not yet submitted	TBD	Resolved via SOP*
RE 001	Non-Material Flood - Maple	May 3, 2023	36 calendar days	0 calendar days	Closed – Authority determination provided
RE 002	Non-Material Flood - Sheyenne	May 3, 2023	36 calendar days	0 calendar days	Closed – Authority determination provided

** It should be noted that all Compensation Events and Relief Events are subject of settlement negotiations and the associated ‘Statement of Principles’ agreement that was executed on July 3, 2025, during this reporting period.*

Attachment C – Authority Change Requests (ACRs)

ACR Number	Description	Date Initiated	RRVA Estimate	Agreed Amount	Status
ACR001-2022	Use of local roads	May 31, 2022	No Cost	N/A	Executed
ACR002-2022	Cass County – Change from Kansas Corral Rail to Texas Corral Rail	May 31, 2022	\$450,000.00	\$410,000.00	Paid
ACR003-2022	Attachment 3-25 Update	July 28, 2022	\$1,317,138.95	N/A	Resolved via SOP*
ACR004-2022	EAP Utilization Plan	September 2, 2022	No Cost	N/A	Executed
ACR005-2022	Amend TR Section 2.2.6.1(2) to include re-baselining PBS for Compensation Events and approved Change Orders	October 18, 2022	N/A	N/A	Withdrawn
ACR006-2022	Cass County Drain 14C	October 18, 2022	(\$662,360.00)	(\$950,000.00)	Executed
ACR007-2022	NDDOT Conduits	December 2, 2022	\$337,475.14	\$283,940.32	Executed
ACR008-2022	CCRW connection of waterline from Res B to Res C	November 28, 2022	\$2,259,945.46	\$1,246,760.06	Paid
ACR009-2022	Township Mobility Improvements	December 23, 2022	N/A	N/A	Withdrawn
ACR010-2022	Acceleration of Tree Felling	December 21, 2022	\$1,000,000.00	N/A	Resolved via SOP*
ACR011-2023	MLGC FOC Installation in Mapleton Township	January 20, 2023	\$368,550.67	\$350,000.00	Executed
ACR012-2023	TR Section 3.10.3.1 (10)	January 24, 2023	No Cost	N/A	Executed
ACR013-2023	37th Street SE west of the Diversion Channel	January 26, 2023	(\$62,111.04)	N/A	Resolved via SOP*
ACR014-2023	Relocation of CRWUD waterline	February 2, 2023	\$48,449.58	N/A	Resolved via SOP*
ACR015-2023	Deletion of requirement to establish and maintain Woodland Species (Att 3-21 Woodland Species)	May 10, 2023	N/A	N/A	Withdrawn
ACR016-2023	Aqueduct Design Sheyenne River	August 14, 2023	\$37,535,575.00	\$2,975,000.00	Partially Paid
ACR017-2023	River Inlets and Drain Inlets	August 31, 2023	No Cost	N/A	Executed
ACR018-2022	CR 10 to 166th Ave. Connection	September 27, 2023	\$178,278.79	N/A	Resolved via SOP*
ACR019-2023	38th St. NW connection to the MRT connected to Project ROW (Access south of BNSF KO line)	September 27, 2023	\$37,247.13	N/A	Resolved via SOP*
ACR020-2023	Updates to Project Agreement, Exhibit 4 (Project Land)	October 6, 2023	No Cost	N/A	Directive Letter Issued
ACR021-2023	Attachment 3-14 update (related to Exhibit 4)	October 6, 2023	No Cost	N/A	Directive Letter Issued
ACR022-2023	Aqueduct Design Maple River	December 22, 2023	\$15,459,470.80	\$2,975,000.00	Partially Paid
ACR023-2024	38th Street W Interim Connection (roadway connection south of I-94)	February 7, 2024	\$135,735.28	\$115,000.00	Executed
ACR024-2025	Road Connection in Harwood Township	February 6, 2025*	\$7,468,785.89	TBD	Withdrawn as part of SOP

ACR Number	Description	Date Initiated	RRVA Estimate	Agreed Amount	Status
ACR025-2025	AAB Modifications	May 29, 2025	TBD	TBD	Resolved via SOP*
ACR026-2025	County Road 17 Connection	May 30, 2025 (with revision pending issue)	No Cost	No Cost	Ongoing (almost executed)
ACR027-2025	Road Connection in Harwood Township	Aug 13, 2025	TBD	TBD	Ongoing
ACR028-2025	Highways Improvements	Aug 27, 2025	\$257,129.85	\$153,092.93	Executed ⁸
ACR029-2025 ⁹	TCE Releases	Oct 7, 2025	No Cost	No Cost	Ongoing – ACO in draft

**it should be noted that all Change Requests are subject of settlement negotiations and the associated 'Statement of Principles' agreement that was executed on July 3, 2025, during this reporting period.*

⁸ Executed following the reporting period (October 8, 2025)

⁹ Issued following the reporting period (October 7, 2025)

Attachment D – RRVA Change Requests (DCRs)

DCR Number	Description	Date Initiated	RRVA Estimate	Agreed Amount	Status
DCR2022-001	Deletion of Preliminary Design Report Submission for Diversion Channel Bus/Move to 60% design	March 25, 2022	No Cost	N/A	Executed
DCR2022-002-1	Change Definition of Days – Part 1	April 20, 2022	No Cost	N/A	Executed
DCR2022-002-2	Change Definition of Days – Part 2	April 20, 2022	No Cost	N/A	Executed
DCR2022-003	Change the Calculation Methodology of Designing Sizes of Ripraps	June 3, 2022	N/A	N/A	Rejected
DCR2022-004	Amendment to Re-Submitting to Submit Next Step Buildable Units	July 14, 2022	No Cost	N/A	Executed
DCR2022-005	Amendment to Combine PDF drawing file for Submittals	June 30, 2022	No Cost	N/A	Executed
DCR2022-006	Change Cass County Review Period for Specific Buildable Units Reports and Submittals	July 14, 2022	No Cost	N/A	Executed
DCR2022-007	Deletion of Demolition Buildable Units Reports	July 14, 2022	No Cost	N/A	Executed
DCR2022-008	Change Location of maintenance Road/Trail on the left EMB	July 14, 2022	No Cost	N/A	Executed
DCR2022-009	Maple River Aqueduct Spillway Design and Operational Changes	December 5, 2022	\$3,500,000.00	\$3,500,000.00	Paid
DCR2022-010	Changing Dead End Termination Types for Local Roads at Diversion Channel	October 5, 2022	\$50,000.00	\$17,440.50	Paid
DCR2022-011	Amend Number of Individuals for Cultural Resource/Archaeological Monitoring	July 13, 2022	No Cost	N/A	Executed
DCR2022-012	ITP Submittal Requirement from R&C to FIO	July 28, 2022	N/A	N/A	Rejected
DCR2022-013	Amendment for the Expansion Joint Details of NDDOT	January 24, 2022	N/A	N/A	Withdrawn
DCR2022-014	Project Office	August 10, 2022	No Cost	N/A	Executed
DCR2022-015	Amendment in Submitting Native Files before RFC Documents	August 15, 2022	No Cost	N/A	Executed
DCR2022-016	Amendment O&M QMP Implementation	August 18, 2022	No Cost	N/A	Executed
DCR2022-017	Amendment in Considering Temporary Flow	September 27, 2022	N/A	N/A	Withdrawn
DCR2022-018	Amendment to Design Quality Management Plan Technical Requirements	August 30, 2022	No Cost	N/A	Executed
DCR2022-019	SWPP NPDES	September 7, 2022	No Cost	N/A	Executed
DCR2022-020	Exhibit 5 technical Requirements Volume 4 Wetlands	September 26, 2022	No Cost	N/A	Executed
DCR2022-021	Proposed edits on TR 2.10.1 (Executive Council Meetings)	March 10, 2023	No Cost	N/A	Executed
DCR2022-022	Local Drainage Freeboard Variance	October 27, 2022	No Cost	N/A	Executed
DCR2022-023	Combination of Local Drainage with Diversion Channel Buildable Units	November 2, 2022	N/A	N/A	Withdrawn
DCR2022-024	Key Personnel Project Information Officer and Land Manager	January 24, 2023	No Cost	N/A	Executed
DCR2022-025	Seed Mixes	June 8, 2023	No Cost	N/A	Executed
DCR2022-026	Cultural Resources OIN 936	December 16, 2022	N/A	N/A	Withdrawn

DCR Number	Description	Date Initiated	RRVA Estimate	Agreed Amount	Status
DCR2022-027	BNSF Comments Raised in the Design Review Process	December 19, 2022	N/A	N/A	Rejected
DCR2022-028	Key Personnel RRVA's Project Quality Monitor	February 2, 2023	No Cost	N/A	Executed
DCR2022-029	Design Deliverables Schedule and Electronic Deliverables Tracking Log Submissions	February 1, 2023	No Cost	N/A	Executed
DCR2023-030	Acceleration measures due to BNSF Delays	February 16, 2023	\$195,113.13	\$195,113.13	Paid
DCR2023-031	Amendment to Project Agreement, Exhibit 5 Technical Requirements, Volume 3, Section 3.3.4.4.3(1) – 85% Compaction and Plow Installation of Utilities	March 3, 2023	No Cost	N/A	Executed
DCR2023-032	Amendment to Project Agreement, Exhibit 5 Technical Requirements, Volume 3, Section 3.3.4.4.5(2) – Grouting of HDD	March 3, 2023	(\$154,000.00)	N/A	Rejected
DCR2023-033	Amendment to Project Agreement, Exhibit 5 Technical Requirements, Volume 3, Section 2.5.5(5) – RFC Hardcopies	February 28, 2023	No Cost	N/A	Executed
DCR2023-034	Dispute Resolution Board -Exhibit – Part 1 Clause 2.2	March 21, 2023	No Cost	N/A	Executed
DCR2023-035	Section 2.11.10.2 SWPPP NPDES, (2) & (4)	March 23, 2023	No Cost	N/A	Executed
DCR2023-036	Dispute Resolution Board – Exhibit Part 2 SECTION 1.4	N/A	N/A	N/A	Placeholder - Not submitted
DCR2023-037	Amendment to Project Agreement, Exhibit 5 Technical Requirements, Rs 3.3.1. ("Transitions for Legal Drains")	April 18, 2023	N/A	N/A	Rejected
DCR2023-038	Amendment Exhibit 1 Definitions	April 18, 2023	N/A	N/A	Rejected
DCR2023-039	Vol 1 Art 7 Section 7.3 (b) Definitions ("Discretionary Submittals)	April 18, 2023	N/A	N/A	Rejected
DCR2023-040	Exhibit 1 Definitions Noncompliance Start Date and Time	April 19, 2023	N/A	N/A	Rejected
DCR2023-041	TR Attachment 4-1 Performance and Measurement Table	May 2, 2023	No Cost	N/A	Executed
DCR2023-042	Levee Monitoring	June 28, 2023	N/A	N/A	Rejected
DCR2023-043	Deletion of Dead-End Termination Reach 8 and Reach 14 BU Reports	August 30, 2023	N/A	N/A	Withdrawn
DCR2024-044	H&H Model – Amendment to Section 3.5.1.3 (1) of the Technical Requirements	March 7, 2024	N/A	N/A	Rejected
DCR2024-045	I-29 & I-94 Duration Ramp Closure	March 15, 2024	No Cost	N/A	Executed
DCR2024-046	Interim Completion Element	June 12, 2024	No Cost	N/A	Rejected
DCR2024-047	Section 2.2.4.5 Quarterly As-Built Drawing Update	June 17, 2024	No Cost	N/A	Rejected
DCR2024-048	Aqueduct Gate Considerations in H&H Model – Amendment to Section 3.5.1.3 (2) (d) of the TR	August 23, 2024	No Cost	N/A	Withdrawn
DCR2024-049	Cass County Ditch Requirement	August 7, 2024	\$3,903,546.12	N/A	Rejected
DCR2024-050	Amendment to Project Agreement, Exhibit 5 TR, Volume 3, Section 2.6.3(6) Shop Drawings signed by the Buildable Unit Construction Manager	August 23, 2024	No Cost	No Cost	Executed

DCR Number	Description	Date Initiated	RRVA Estimate	Agreed Amount	Status
DCR2024-051	Amendment to Project Agreement, Exhibit 5 Technical Requirements, Volume 3, Section 2.2.4.5 Quarterly As-Built Drawing Update	October 16, 2024	No Cost	No Cost	Executed
DCR2024-052	H&H Model – Amendment to Section 3.5.1.3 (1) of the Technical Requirements	October 17, 2024	\$243,123.21	N/A	Rejected
DCR2024-053	Aqueduct Gate Considerations in H&H Model - Amendments to Section 2.5.7(2), Section 3.5.1.3(1), Section 3.5.1.3...	October 17, 2024	No Cost	No Cost	Executed
DCR2024-054	DCR-2024-054 - F01 & P01 Abandonment under Right EMB – Reach 1	October 17, 2024	(\$12,000.00)	(\$50,000)	Executed
DCR2024-055	Amendment to Project Agreement Exhibit 1 Definitions, Technical Requirements Section 2.2.2, Technical Requirements Section 2.2.9 (2), Technical Requirements (Definition of Interim Completion Element)	October 22, 2024	No Cost	No Cost	Executed
DCR2025-056	Amendment to Project Agreement Exhibit 1 Definitions - Interim Completion Element	March 7, 2025	No Cost	No Cost	Executed
DCR2025-057	Change to Technical Requirements, Volume 3, Section 3.3.1.13-Local Drainage	April 30, 2025	\$2,442,041.81, (plus \$957,400 O&M)	N/A	Rejected

Attachment E – Pay Unit Summary

ICE No.	Element Description	Pay Unit	Value	Interim Completion Certificate Date	Invoice Date	*Date Paid
ICE32-353802	BNSF KO Shoofly East Bound Crossing	35	\$3,472,708.00	2/7/2025	2/28/2025	3/26/2025
ICE32-353802	BNSF KO Shoofly West Bound Crossing	38	\$3,472,708.00	2/7/2025	2/28/2025	3/26/2025
ICE29-003202	BNSF Proper Shoofly	32	\$3,195,335.00	2/7/2025	2/28/2025	3/26/2025
ICE26-002902	BNSF Hillsboro Shoofly	29	\$4,249,352.00	2/7/2025	2/28/2025	3/26/2025
Total			\$14,390,103.00			

- Additional Milestone payments are due to the Developer within 30 calendar days upon receipt of an approved invoice.

Attachment F – Noncompliance Points (NCPs) Status Tables

Assessed Noncompliance Points for Cured Nonconformances					
NCR Number	Title/Description	Accrued NCPs	Accepted to waive NCPs	Assessed NCPs	Status
NCR-00001	MFDA-NCR-0001 – Audit Program scheduling			2	Statement of Principles, July 3, 2025
NCR-00017	MFDA-NCR-0003 – Lack of full-time engagement for key personnel: RRVA's public information officer and D&C contractor's land manager			0	Statement of Principles, July 3, 2025
NCR-00019	MFDA-NCR-0004 – Lack of timely issuance for the May 2022 Monthly Performance Report			0	Statement of Principles, July 3, 2025
NCR-00028	Lack of timely issuance for the July 2022 Monthly Performance Report by Aug. 10, 2022			0	Statement of Principles, July 3, 2025
NCR-00041	MFDA-NCR-0012 – Lack of implementing effective corrective actions to prevent recurrence of Nonconformances associated with late issuance of meeting minutes			0	Statement of Principles, July 3, 2025
NCR-00042	MFDA-NCR-0013 – Start of construction work without RFC documents and without resolving Authority's comments			3	Statement of Principles, July 3, 2025
NCR-00043	MFDA-NCR-0014 – Start of construction work without submitting an Inspection and Test Plan			3	Statement of Principles, July 3, 2025
NCR-00044	Starting construction work on permanent works in Reach 01 without having an approved Inspection and Test Plan			6	Statement of Principles, July 3, 2025
NCR-00045	Start of construction on permanent works in Reach 01 without complete RFC document package			6	Statement of Principles, July 3, 2025
NCR-00046	Starting horizontal directional drilling work without having an approved Inspection and Test Plan for Cass Rural Water (W02) 84+03			3	Statement of Principles, July 3, 2025
NCR-00047	Starting horizontal directional drilling work without having a complete RFC package for Cass Rural Water (W02) 84+03.			0	Statement of Principles, July 3, 2025
NCR-00048	Lack of submitting ECS Certification for Channel Reach 2 prior to commencement of construction			4	Statement of Principles, July 3, 2025
NCR-00051	Identification of Nonconformance in the Sept. 2022 Audit, DQP 3.15			0	Statement of Principles, July 3, 2025
NCR-00053	Identification of Nonconformance in the Sept. 2022 Audit, DQP 3.19			14	Statement of Principles, July 3, 2025
NCR-00072	MFDA-NCR-0015 – Start of construction work without resolving Authority's comments for drilling operations ITP WAT-CRW-309+20			6	Statement of Principles, July 3, 2025
NCR-00073	Starting construction work without having an approved Inspection and Test Plan for Cass Rural Water (W03) 153+81			3	Statement of Principles, July 3, 2025
NCR-00078	MFDA-NCR-0020 – Start of construction work without RFC Documents E40-F04 COM-CLN-156+09/156+20			3	Statement of Principles, July 3, 2025
NCR-00079	MFDA-NCR-0021 – Start of construction work without RFC documents F07 COM- CLN-310+66; P04 – ELE-CCE-309+58			3	Statement of Principles, July 3, 2025
NCR-00080	Start of construction work without approved Inspection and Test Plan documents E40-F04 COM-CN-156+09/156+20			3	Statement of Principles, July 3, 2025
NCR-00081	Start of construction work without approved Inspection and Test Plan documents F07 COM-CLN-310+66; P04 – ELE-CCE-309+58			1	Statement of Principles, July 3, 2025
NCR-00082	MFDA-NCR-0024 – Start of construction work without accepted ITP for wick drains installation at BU-G11 CR 4/31			0	Statement of Principles, July 3, 2025

Assessed Noncompliance Points for Cured Nonconformances					
NCR Number	Title/Description	Accrued NCPs	Accepted to waive NCPs	Assessed NCPs	Status
NCR-00084	MFDA-NCR-0023 – Start construction work without ITP open trench BU-W02			9	Statement of Principles, July 3, 2025
NCR-00086	October 2022 Audit, DQP 3.10(2) – DCS workflows are not used in the returning of shop drawings as outlined in Procedure 4.d			0	Statement of Principles, July 3, 2025
NCR-00087	October 2022 Audit, DQP 3.14(1) – DM hasn't provided the initial review of the RFI per Procedure 1, DJV has a new role, the DSCS who is providing the review			0	Statement of Principles, July 3, 2025
NCR-00088	No signature has been provided on the RFI response per Procedure 4			0	Statement of Principles, July 3, 2025
NCR-00089	Procedure 5, prior notification of the RFI response to ASN was made in some reviews, but not all reviews			0	Statement of Principles, July 3, 2025
NCR-00093	MFDA-NCR-0028 – Incorrect Engineer of Record signing and sealing Design Deliverables E40-W03 – WAT-CRW-153+81			0	Statement of Principles, July 3, 2025
NCR-00094	MFDA-NCR-0029 – Unapproved key personnel, core staff discipline, staff and specialist performing the work			0	Statement of Principles, July 3, 2025
NCR-00096	MFDA-NCR-0032 – Lack of issuance of Schedule of Design Deliverables updates			10	Statement of Principles, July 3, 2025
NCR-00097	MFDA-NCR-0033 – Lack of implementing Design Quality Procedure DQP 3.7			18	Statement of Principles, July 3, 2025
NCR-00098	MFDA-NCR-0031 – Incorrect Engineer of Record signing and sealing Design Deliverables E30-G11 – CR4 31 Crossing			0	Statement of Principles, July 3, 2025
NCR-00099	MFDA-NCR-0034 – Lack of CQMP procedure associated with processes leading into issuance of record drawings			200	Statement of Principles, July 3, 2025
NCR-00100	The Project Quality Monitor did not attend the project office during the Month of November (2022)			0	Statement of Principles, July 3, 2025
NCR-00109	MFDA-NCR-0035 – Lack of issuing updated PBS and WBS as a result of Buildable Unit changes identified in the Project Status Schedule Update for December 2022			10	Statement of Principles, July 3, 2025
NCR-00110	MFDA-NCR-0036 – Lack of issuing Federal Compliance Report for year 2022			14	Statement of Principles, July 3, 2025
NCR-00112	Lack of RRVA not having a RRVA's Local Affairs Project Manager on staff			12	Statement of Principles, July 3, 2025
NCR-00123	MFDA-NCR-0039 – Lack of implementing the process for checking and reviewing design deliverables as described in DQP 3.3 Design Deliverables Drawing Review			50	Statement of Principles, July 3, 2025
NCR-00134	MFDA-NCR-0049 – Lack of implementing the process for checking and reviewing design deliverables			40	Statement of Principles, July 3, 2025
NCR-00147	Starting construction work without having an approved Inspection and Test Plan for CenturyLink Utility Line (F09) at 571+50			6	Statement of Principles, July 3, 2025
NCR-00148	Starting construction work without having an approved Inspection and Test Plan for CenturyLink Utility Line (F10) at 571+61			6	Statement of Principles, July 3, 2025
NCR-00151	MFDA-NCR-0054 – Starting work without accepted ITP (F11)			6	Statement of Principles, July 3, 2025
NCR-00154	Identification of NC in the CQMP May 2023 Audit – Tracking Completion of BUs and PEs			4	Statement of Principles, July 3, 2025
NCR-00155	Identification of NC in the CQMP May 2023 Audit – Coordination of CQM and CM for coordinating completion of each PE and BU			0	Statement of Principles, July 3, 2025

Assessed Noncompliance Points for Cured Nonconformances					
NCR Number	Title/Description	Accrued NCPs	Accepted to waive NCPs	Assessed NCPs	Status
NCR-00171	MFDA-NCR-0056 – Starting work without accepted ITP			3	Statement of Principles, July 3, 2025
NCR-00172	MFDA-NCR-0057 – Starting work without accepted ITP			3	Statement of Principles, July 3, 2025
NCR-00174	MFDA-NCR-0055 – Starting work without accepted ITP			3	Statement of Principles, July 3, 2025
NCR-00180	Lack of RRVA not having a safety coordinator on staff			0	Statement of Principles, July 3, 2025
NCR-00185	MFDA-NCR-0064 – Starting work without accepted revised safety plan			11	Statement of Principles, July 3, 2025
NCR-00199	MFDA-NCR-0075 – Lack of erosion and sedimentation protection			2	Statement of Principles, July 3, 2025
NCR-00207	MFDA-NCR-0076 – Lack of registering Nonconformance			12	Statement of Principles, July 3, 2025
NCR-00208	MFDA-NCR-0077 – Lack of compliance with work zone traffic			1	Statement of Principles, July 3, 2025
NCR-00222	MFDA-NCR-0084 – Lack of conducting audit in accordance with the Audit Program			6	Statement of Principles, July 3, 2025
NCR-00224	MFDA-NCR-0085 – Utilized compaction equipment for levee and EMB fill			2	Statement of Principles, July 3, 2025
NCR-00242	MFDA-NCR-0091 – Performing work without submitting affected Reviewable Submittal (List of Buildable Units)			10	Statement of Principles, July 3, 2025
NCR-00247	Starting construction work without having an approved Inspection and Test Plan for BNSF Prosper settlement activities			0	Statement of Principles, July 3, 2025
NCR-00253	MFDA-NCR-0095 – Failure to provide records related to BNSF notification of Hazardous Environmental Condition			10	Statement of Principles, July 3, 2025
NCR-00254	MFDA-NCR-0096 – Failure to provide timely notification of Hazardous Environmental Condition			0	Statement of Principles, July 3, 2025
NCR-00256	Outlet Structure - Boulders in Rock Weirs not meeting the minimum Diameter Requirements			0	Statement of Principles, July 3, 2025
NCR-00264	MFDA-NCR-0100 – Lack of notifying the occurrence of Noncompliance Event associated with Nonconformance RRVA- QU-NCR-00256 (NCR-00256)			10	Statement of Principles, July 3, 2025
NCR-00309	R36 – I-94 1-Week Ramp Closure			5	Statement of Principles, July 3, 2025
NCR-00323	MFDA-NCR-0108 – Lack of issuing PBS Monthly Updates			10	Statement of Principles, July 3, 2025
NCR-00324	MFDA-NCR-0109 – Lack of Modifying or Adding WBS Elements in PBS			10	Statement of Principles, July 3, 2025
NCR-00325	MFDA-NCR-0110 – Lack of including activities in PBS			10	Statement of Principles, July 3, 2025
NCR-00327	MFDA-NCR-0112 – Starting work without accepted changes to the RRVA Project Management Plan			10	Statement of Principles, July 3, 2025
NCR-00330	MFDA-NCR-0115 – Lack of covering the complete list of Buildable Units in the PBS			10	Statement of Principles, July 3, 2025
NCR-00347	Key Personnel Position – D&CC-CQMP position not filled			9	Statement of Principles, July 3, 2025
NCR-00362	C02 (Tree Planting) – Starting Construction Work without having an approved ITP			0	Statement of Principles, July 3, 2025
NCR-00363	Key Personnel Position – D&CC – CM position not filled			0	Statement of Principles, July 3, 2025
NCR-00380	Lack of updates to the H&S Organizational Chart			10	Statement of Principles, July 3, 2025

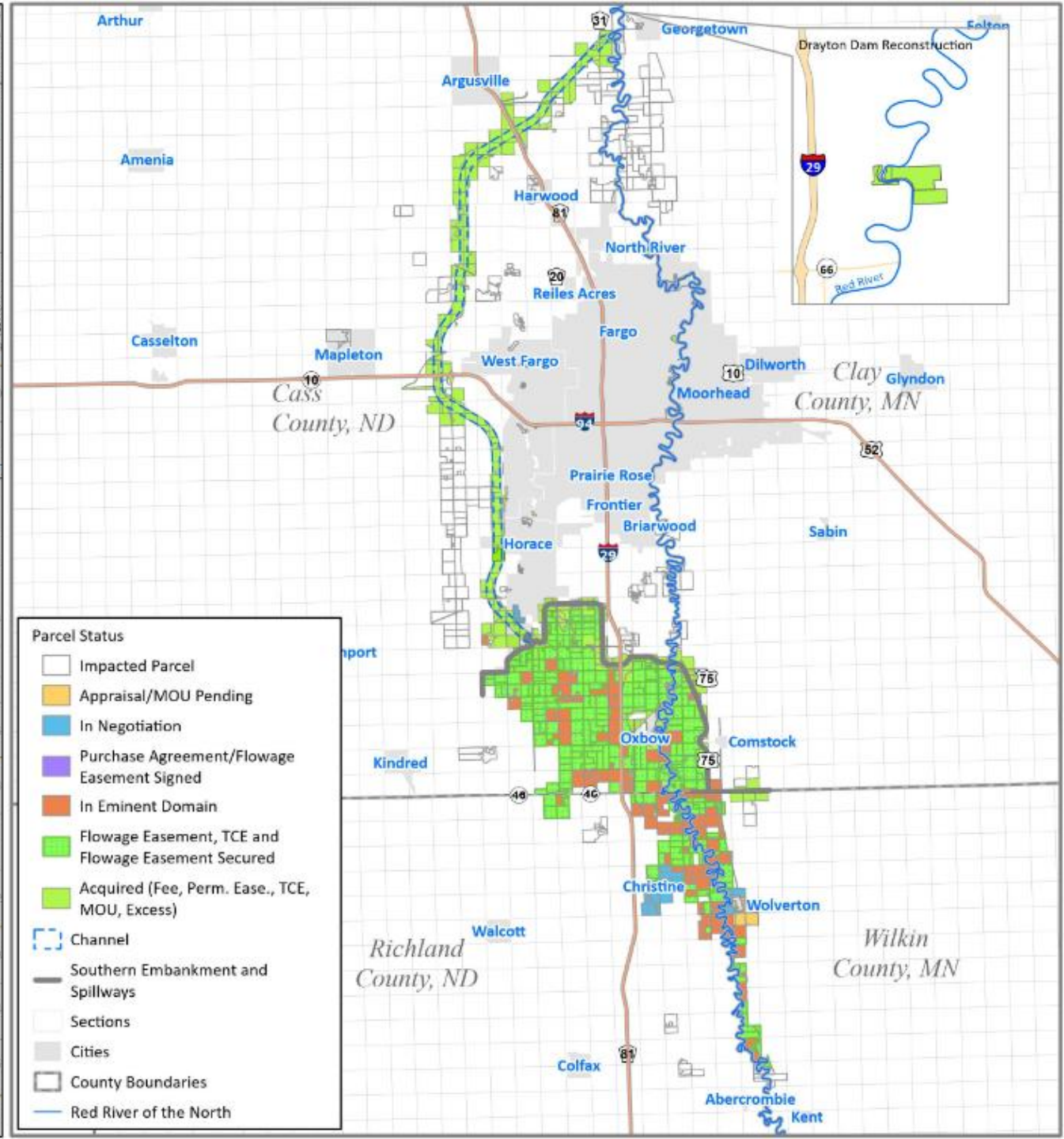
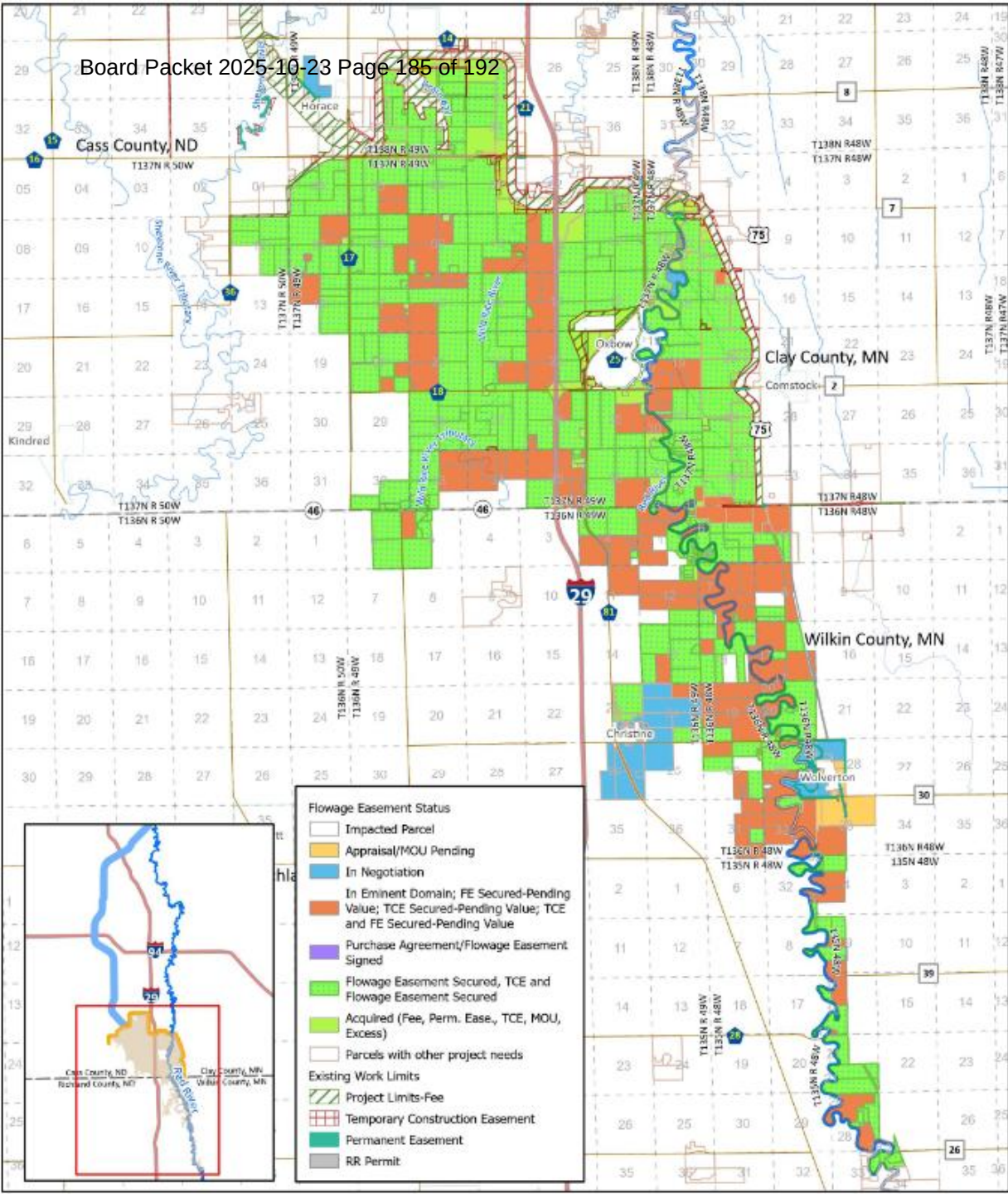
Assessed Noncompliance Points for Cured Nonconformances					
NCR Number	Title/Description	Accrued NCPs	Accepted to waive NCPs	Assessed NCPs	Status
NCR-00421	MFDA-NCR-0130 - Lack of Submitting the Construction GIS Geodatabase Updates on a Quarterly Basis	28		28	
NCR-00432	MFDA-NCR-0131 – Lack of Shop Drawing and Samples approval prior to flap gates installation at Drain 30			0	Statement of Principles, July 3, 2025
NCR-00433	MFDA-NCR-0132 – Lack of listing Design Change on the applicable Construction Certificates for Drain 30			0	Statement of Principles, July 3, 2025
NCR-00434	MFDA-NCR-0133 – Failure to report Nonconformance related to geotextile fabric installation at Drain 30			0	Statement of Principles, July 3, 2025
NCR-00453	MFDA-NCR-0137 - Failure to Stabilize Drainage Features with Appropriate Controls Prior To Surface Water Connection	6		6	
NCR-00462	X93 - Pick Plan Not Approved Prior to Girder Setting	2		2	
NCR-00472	Lack of Shop Drawings approval prior to RCP installation related to Lifting Methods and Devices for Handling Precast Units	14		14	
Total		642		642	



Lands Status Report

October 2025





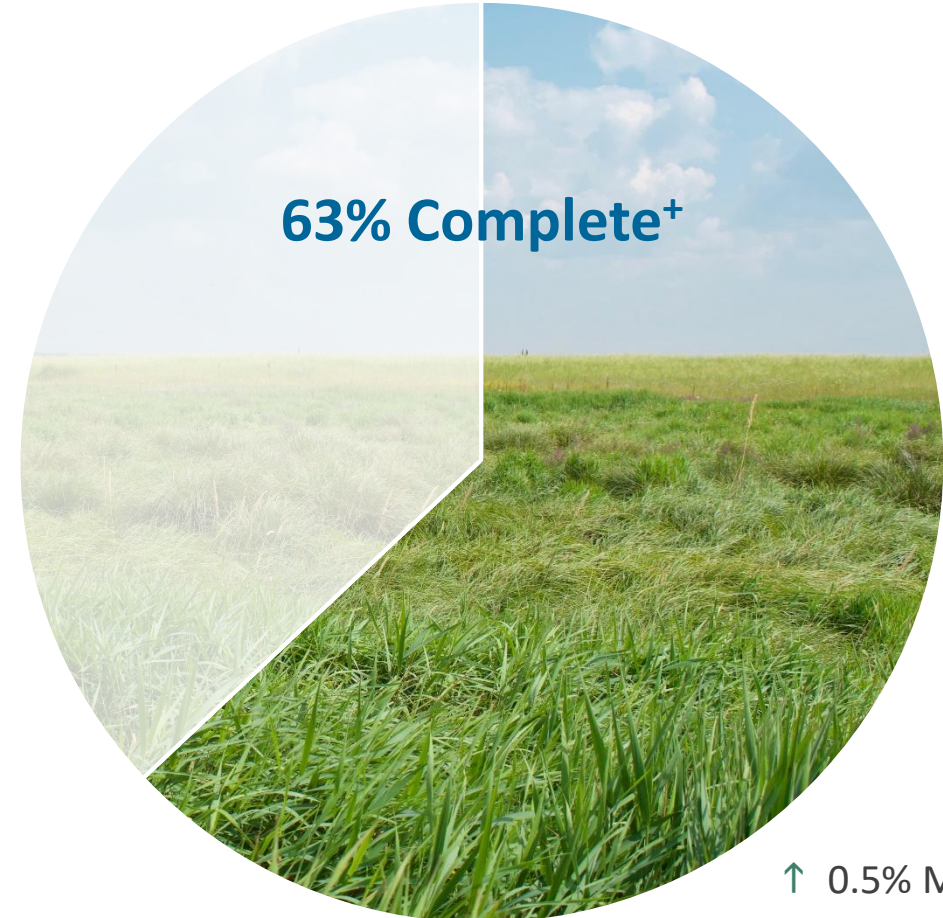
Property Acquisition Progress

Construction Footprint^{*}



No Change

UMA Footprint^{**}

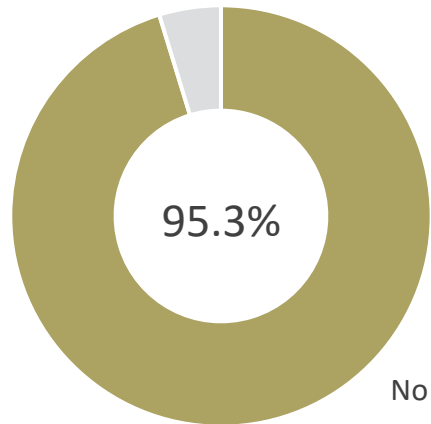


↑ 0.5% MoM

^{*} Includes SWDCAI, SEAI, In-Town, Oxbow and Drayton

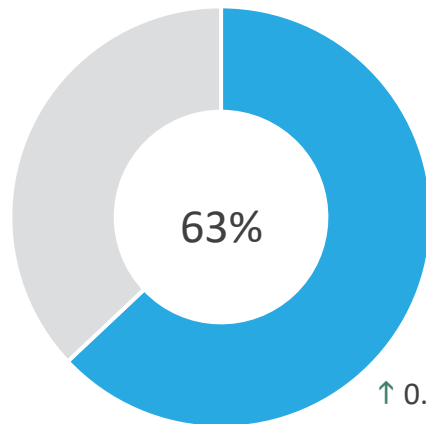
^{**} Includes parcels for Christine and Wolverton
As of October 14, 2025

Property Acquisition Progress by Location



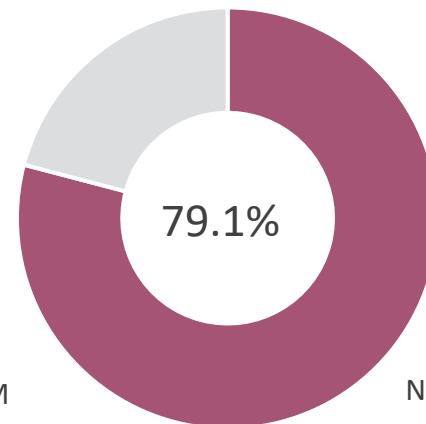
No Change

Southern Embankment &
Associated Infrastructure



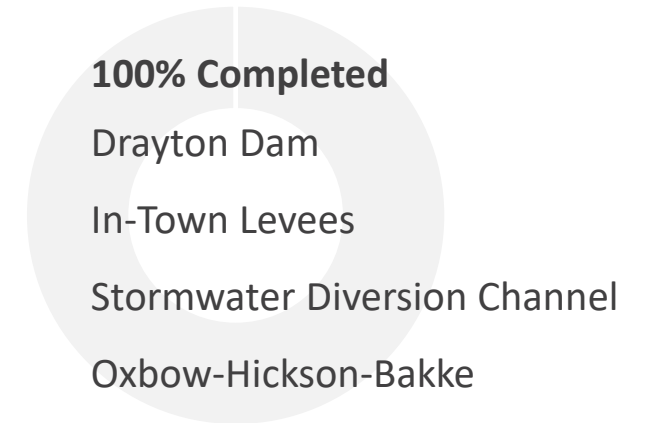
↑ 0.5% MoM

Upstream Mitigation
Area



No Change

Environmental
Monitoring Easements

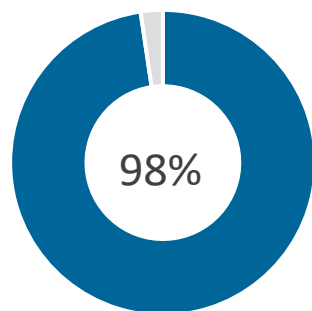


Landowner Overview

Construction Footprint*



Landowners



298 Owner Groups

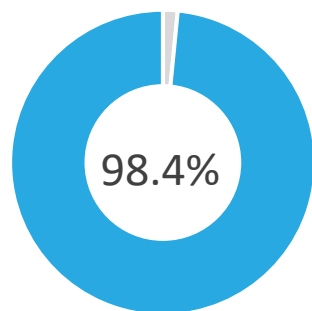
264 in ND & 35 in MN⁺

292 settlements achieved
0 ongoing negotiations
7 in litigation

98% of owner groups have settled



Parcels

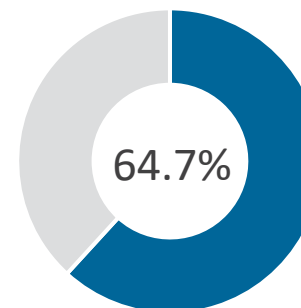


576 Parcels

567 settlements achieved
0 ongoing negotiations
9 in litigation

98.4% of parcels have been acquired

UMA Footprint**

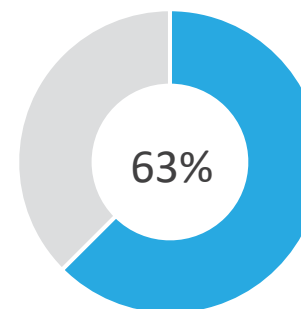


292 Owner Groups

223 in ND & 71 in MN⁺

189 settlements achieved
41 ongoing negotiations
71 in litigation

64.7% of owner groups have settled



651 Parcels

410 settlements achieved
72 ongoing negotiations
169 in litigation

63% of parcels have been acquired

* Includes SWDCAI, SEAI, In-Town, Oxbow and Drayton

⁺ Some owner groups have property in both states

** Includes Christine and Wolverton parcels

Key Activities



- **Continued negotiating settlement agreements for existing eminent domain actions**
 - Completed the first two eminent domain trials in Cass County
 - Negotiated many settlements since completing the first trial
 - 9 pending settlement offers with property owners
- **In the last month, successfully closed 7 parcels / 4 owners in the UMA, Christine, and Sheyenne Benching areas of the Project**
- **Continuing the process of disposing of Excess Lands**
 - 46 parcels / 760.41 acres have been approved as Excess Lands
 - 6 parcels / 30.29 acres are moving through the Policy
 - 40 parcels / 730.12 acres have been sold or pending closing

Land Agent Reports



CCJWRD

- Providing relocation advisory and claim preparation services for people that are moving
- Providing final walk-through assistance as needed
- Processing RIMP reimbursement requests
- Assisting with mediations and settlement negotiations
- Conducting negotiations for Sheyenne River Benching Project, City of Christine flowage easements, and Horace Mobility Improvements
- Working on property acquisition for cemetery mitigation work

MCCJPA

- Providing relocation advisory and claim preparation services to people that are moving
- Providing final walk-through assistance as needed
- Processing RIMP reimbursement requests
- Assisting with mediations and settlement negotiations
- Conducting negotiations for Wolverton flowage easements

Schedule Budget Categories	Program Estimate At Completion (EAC) (2022\$)	Program Actual Cost thru August-2025	Balance Remaining	Current FY 2025 Budget	FY2024 Actual Cost through August-2025	Balance Remaining	DRAFT FY2026 Cash Budget Version 1	DRAFT FY2026 Cash Budget Version 2
Channel / P3	\$ 96,400,001	\$ 76,902,475	\$ 19,497,526	\$ 12,588,000	\$ 8,823,094	\$ 3,764,906	\$ 11,891,500	\$ 11,891,500
Management, Legal, Financial, Procurement	\$ 96,400,001	\$ 76,902,475	\$ 19,497,526	\$ 12,588,000	\$ 8,823,094	\$ 3,764,906	\$ 11,891,500	\$ 11,891,500
Milestone Payments to the Developer	\$ 867,046,760	\$ 92,538,727	\$ 774,508,033	\$ 233,655,150	\$ 91,291,967	\$ 142,363,183	\$ 730,039,775	\$ 730,039,775
Payments to the Developer	\$ 867,046,760	\$ 92,538,727	\$ 774,508,033	\$ 233,655,150	\$ 91,291,967	\$ 142,363,183	\$ 730,039,775	\$ 730,039,775
Other Mitigation / Construction	\$ 37,446,233	\$ 36,670,683	\$ 775,551	\$ -	\$ -	\$ -	\$ 710,000	\$ 710,000
WP-43 Oxbow-Hickson-Bakke	\$ 28,976,326	\$ 28,947,695	\$ 28,631	\$ -	\$ -	\$ -	\$ -	\$ -
WP-28 - Cass County Road 16 and 17 Bridge	\$ 1,637,635	\$ 1,621,370	\$ 16,265	\$ -	\$ -	\$ -	\$ -	\$ -
WP-26 Diversion Inlet	\$ 70,000	\$ 65,026	\$ 4,974	\$ -	\$ -	\$ -	\$ -	\$ -
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	\$ 3,462,273	\$ 2,856,265	\$ 606,007	\$ -	\$ -	\$ -	\$ 710,000	\$ 710,000
WP-35 Red River Control Structure	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WP-50 Phase II Demo	\$ 3,300,000	\$ 3,180,326	\$ 119,674	\$ -	\$ -	\$ -	\$ -	\$ -
ND / MN River Stage 37' Projects	\$ 213,300,001	\$ 185,030,899	\$ 28,269,103	\$ 26,500,000	\$ 8,590,826	\$ 17,909,174	\$ 17,400,000	\$ 17,400,000
WP-42 In-Town Levees	\$ 91,000,000	\$ 90,479,952	\$ 520,049	\$ -	\$ -	\$ -	\$ -	\$ -
Fargo- River Stage 37' Projects	\$ 107,300,001	\$ 94,550,947	\$ 12,749,054	\$ 26,500,000	\$ 8,590,826	\$ 17,909,174	\$ 15,000,000	\$ 15,000,000
Clay County - River Stage 37' Projects	\$ 6,000,000	\$ -	\$ 6,000,000	\$ -	\$ -	\$ -	\$ 2,400,000	\$ 2,400,000
Cass County - River stage 37' Projects	\$ 9,000,000	\$ -	\$ 9,000,000	\$ -	\$ -	\$ -	\$ -	\$ -
Lands and Impacted Property Mitigation	\$ 571,700,001	\$ 527,377,282	\$ 44,322,718	\$ 54,387,500	\$ 19,735,683	\$ 34,651,816	\$ 27,096,465	\$ 27,096,465
Management, Legal, Financial, Procurement	\$ 69,551,513	\$ 53,240,621	\$ 16,310,893	\$ 6,150,000	\$ 3,052,418	\$ 3,097,582	\$ 6,925,000	\$ 6,925,000
Diversion Channel & Assoc. Infrastructure	\$ 100,622,664	\$ 99,235,502	\$ 1,387,163	\$ -	\$ (3,500)	\$ 3,500	\$ -	\$ -
Southern Embankment & Assoc. Infrastructure	\$ 71,677,523	\$ 61,006,258	\$ 10,671,265	\$ 12,000,000	\$ 19,620	\$ 11,980,380	\$ 6,100,000	\$ 6,100,000
Mitigation & Assoc. Infrastructure (OHB)	\$ 106,011,994	\$ 104,236,151	\$ 1,775,844	\$ 211,000	\$ 22,967	\$ 188,033	\$ 201,000	\$ 201,000
WP-38 Upstream Staging	\$ 184,836,305	\$ 171,636,093	\$ 13,200,212	\$ 36,026,499	\$ 16,644,178	\$ 19,382,321	\$ 13,870,465	\$ 13,870,465
In-Town Flood Protection	\$ 39,000,000	\$ 38,022,658	\$ 977,342	\$ -	\$ -	\$ -	\$ -	\$ -
Non-Construction Costs	\$ 263,929,999	\$ 200,128,771	\$ 63,801,228	\$ 27,606,000	\$ 14,159,044	\$ 13,446,956	\$ 26,733,400	\$ 27,733,400
Engineering & Design Fees	\$ 98,500,000	\$ 70,595,495	\$ 27,904,505	\$ 9,680,000	\$ 5,711,107	\$ 3,968,893	\$ 9,900,000	\$ 10,900,000
Management, Legal, Financial, Procurement	\$ 39,467,145	\$ 31,159,248	\$ 8,307,897	\$ 8,650,000	\$ 5,226,564	\$ 3,423,436	\$ 9,520,000	\$ 10,520,000
Work-In-Kind Programs (WIK) Studies	\$ 17,130,931	\$ 15,093,383	\$ 2,037,548	\$ 675,000	\$ 251,017	\$ 423,983	\$ 75,000	\$ 75,000
Indicative Design	\$ 7,185,225	\$ 7,126,537	\$ 58,688	\$ -	\$ -	\$ -	\$ -	\$ -
Land, Easements, ROW, Relocation & Disposal Areas	\$ 468,330	\$ 456,330	\$ 12,000	\$ -	\$ -	\$ -	\$ -	\$ -
Permitting	\$ 7,173,122	\$ 5,198,806	\$ 1,974,316	\$ 5,000	\$ -	\$ 5,000	\$ 5,000	\$ 5,000
Certification	\$ 3,000,000	\$ -	\$ 3,000,000	\$ -	\$ -	\$ -	\$ -	\$ -
FMDA Detention Funding	\$ 721,568	\$ 721,568	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Mitigation Projects	\$ 23,353,680	\$ 10,839,625	\$ 12,514,055	\$ 350,000	\$ 233,527	\$ 116,473	\$ 300,000	\$ 300,000
Prog. Management/Legal/Financial/Procurement	\$ 165,429,999	\$ 129,533,276	\$ 35,896,724	\$ 17,926,000	\$ 8,447,936	\$ 9,478,064	\$ 16,833,400	\$ 16,833,400
Program Management Costs	\$ 103,245,658	\$ 81,155,692	\$ 22,089,966	\$ 8,176,000	\$ 5,703,674	\$ 2,472,326	\$ 8,097,000	\$ 8,097,000
Diversion Authority Operations	\$ 11,454,341	\$ 6,109,580	\$ 5,344,761	\$ 1,650,000	\$ 727,632	\$ 922,368	\$ 1,650,000	\$ 1,650,000
Program Financial Services	\$ 6,520,000	\$ 3,391,211	\$ 3,128,789	\$ 200,000	\$ 213	\$ 199,787	\$ 400	\$ 400
DA Legal Services	\$ 20,350,000	\$ 20,327,598	\$ 22,403	\$ 2,500,000	\$ 784,126	\$ 1,715,874	\$ 2,525,000	\$ 2,525,000
CCJWRD Legal Services	\$ 16,860,000	\$ 12,689,517	\$ 4,170,483	\$ 4,690,000	\$ 937,942	\$ 3,752,058	\$ 4,000,000	\$ 4,000,000
Outreach Costs	\$ 7,000,000	\$ 5,859,678	\$ 1,140,322	\$ 710,000	\$ 294,348	\$ 415,652	\$ 561,000	\$ 561,000
DA Construction Contingency	\$ 163,900,000	\$ 19,503,236	\$ 144,396,764	\$ 20,444,850	\$ 10,353,210	\$ 10,091,640	\$ 51,015,000	\$ 51,015,000
Diversion Channel & Assoc. Infrastructure (MOU's & Utilities)	\$ 17,600,000	\$ -	\$ 17,600,000	\$ -	\$ -	\$ -	\$ -	\$ -
System Wide Contingency and P3 Comp Events	\$ 95,900,000	\$ 17,160,804	\$ 78,739,196	\$ 20,344,850	\$ 10,344,850	\$ 10,000,000	\$ 50,975,000	\$ 50,975,000
Southern Embankment & Assoc. Infrastructure	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Mitigation Projects	\$ 2,000,000	\$ -	\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	\$ -
In-Town Flood Protection	\$ 6,800,000	\$ 2,342,432	\$ 4,457,568	\$ 100,000	\$ 8,360	\$ 91,640	\$ 40,000	\$ 40,000
Land Acquisition	\$ 41,600,000	\$ -	\$ 41,600,000	\$ -	\$ -	\$ -	\$ -	\$ -
3rd Party MOU Mitigation	\$ 208,477,006	\$ 82,526,069	\$ 125,950,937	\$ 59,309,189	\$ 4,813,287	\$ 54,495,902	\$ 51,207,003	\$ 62,941,763
Channel - Utility Relocations & Other Mitigations	\$ 28,713,189	\$ 19,670,044	\$ 9,043,145	\$ 125,000	\$ 71,021	\$ 53,979	\$ 50,000	\$ 9,050,000
WP-40 Drayton Dam Mitigation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WP-41 Future Stream Mitigation- Surrounding Counties	\$ 89,000,000	\$ 35,367,605	\$ 53,632,395	\$ 450,000	\$ -	\$ 450,000	\$ 375,000	\$ 1,175,000
WP-46 SEAI / UMA Utility Relos	\$ 27,943,996	\$ 17,295,764	\$ 10,648,232	\$ 14,699,403	\$ 3,776,946	\$ 10,922,457	\$ 6,851,700	\$ 6,751,700
WP-47 Contracted Utility Relocations	\$ 11,448,964	\$ 4,025,469	\$ 7,423,495	\$ 5,685,000	\$ -	\$ 5,685,000	\$ 7,524,517	\$ 7,524,517
WP-52 Township & City MOU Agreements	\$ 51,370,858	\$ 6,167,188	\$ 45,203,670	\$ 38,349,786	\$ 965,320	\$ 37,384,466	\$ 36,405,786	\$ 38,440,546
Net Current Interest / Financing Fees Paid	\$ 75,700,000	\$ 62,265,530	\$ 13,434,470	\$ 6,540,000	\$ 5,671,378	\$ 868,622	\$ 6,525,000	\$ 6,525,000
P3 Reserve Fund	\$ 16,100,000	\$ -	\$ 16,100,000	\$ -	\$ -	\$ -	\$ -	\$ -
WIFIA/ SRF DSRF Funding	\$ 15,100,000	\$ -	\$ 15,100,000	\$ -	\$ -	\$ -	\$ -	\$ -
DA Payment to USACE	\$ 70,700,000	\$ 53,159,000	\$ 17,541,000	\$ -	\$ -	\$ -	\$ -	\$ -
Operations & Maintenance - MFDA Property	\$ 4,904,654	\$ 534,414	\$ 4,370,240	\$ 325,000	\$ 126,488	\$ 198,512	\$ 321,000	\$ 321,000
Operations & Maintenance - SEAI / OHB / Other Infrastructure	\$ 9,995,346	\$ -	\$ 9,995,346	\$ -	\$ -	\$ -	\$ 3,750,000	\$ 3,750,000
Debt Service Total	\$ 330,300,000	\$ 8,897,363	\$ 171,102,637	\$ 6,200,000	\$ 3,105,000	\$ 3,095,000	\$ 6,200,000	\$ 6,200,000
Well Fargo Loan Repayment	\$ 150,300,000	See Note Below	\$ -	\$ -	\$ -	\$ -		
Temporary Refunding Improvement Bonds Repayment	\$ 180,000,000	\$ 8,897,363	\$ 171,102,637	\$ 6,200,000	\$ 3,105,000	\$ 3,095,000	\$ 6,200,000	\$ 6,200,000
	A	B	C					
Grand Totals	\$ 2,945,000,000	\$ 1,345,534,448	\$ 1,449,165,551	\$ 447,555,689	\$ 166,669,978	\$ 280,885,711	\$ 931,239,143	\$ 943,973,903
	A-B	\$ 1,599,465,551						
	C-(A-B)	\$ (150,300,000)	Wells Fargo Pay off using TRIBS Loan - thus no actual cost incurred					

Funding Sources	FY2026 Budget
Fargo Sales Tax	\$ 44,000,000
Cass County Sales Tax	\$ 22,750,000
Temporary Sales Tax Bonds	\$ 220,000,000
Cash On Hand	\$ 198,157,005
Legacy	\$ -
SRF	\$ 15,000,000
WIFIA Draws	\$ 428,383,198
Reimbursements	\$ 25,000
Farm Lease & Rental Property Payments	\$ 550,000
Asset Sales	\$ 1,000,000
Investment Income	\$ 7,500,000
Miscellaneous	\$ 100,000
Draws from Horace Infrastructure Escrow account	\$ 4,508,700
Draws from BRRWD Escrow account	\$ 2,000,000
Total Sources	\$ 943,973,903
Final - FY2026 Budget	\$ 943,973,903
Check	\$ -

City of Fargo														
Comparative Sales Tax Analysis of All Sales Tax Revenue - ACCRUAL BASIS														
PB: SS/KAC (prior to 2022)														
9/22/2025														
2% Sales Tax														
(1.25% tax)														
(0.75%) tax COF														
Pymt Date	month collected	County Amount	County Collections	County Growth %	Split 94% MFDA	Split 6% County	PSST Amount	Infra & FC Amount	Infra & FC Collections Total Amount	City Total Amount	City Growth %	Split Infra & FC 62.5 % MFDA	Split Infra & FC 37.5% City	Total to MFDA - Annual
			12,606,342.00	-0.78%	11,849,961	756,381			37,197,961.70	39,974,635.53	-3.15%	23,248,726	13,949,236	35,098,688
9/22/2025	Jul-25	Cass County	1,796,292.91				City of Fargo	622,825.54	4,982,604.32					
8/21/2025	Jun-25	Cass County	2,270,466.69				City of Fargo	803,789.60	6,430,316.85					
7/22/2025	May-25	Cass County	2,053,576.19				City of Fargo	749,363.21	5,994,905.70					
6/20/2025	Apr-25	Cass County	1,616,213.54				City of Fargo	600,695.48	4,805,564.00					
5/21/2025	Mar-25	Cass County	1,698,986.33				City of Fargo		5,424,656.49					
4/23/2025	Feb-25	Cass County	1,477,568.31				City of Fargo		4,523,059.23					
3/21/2025	Jan-25	Cass County	1,693,238.03				City of Fargo		5,036,855.11					
2/21/2025	Dec-24	Cass County	2,207,030.88	0.86%	21,906,084	1,398,261	City of Fargo		6,626,714.99	69,824,744.71	0.83%	43,640,465	26,184,279	65,546,550
1/21/2025	Nov-24	Cass County	2,281,112.22				City of Fargo		6,540,733.39					
12/20/2024	Oct-24	Cass County	1,764,529.62				City of Fargo		5,342,358.63					
11/22/2024	Sept-24	Cass County	2,257,740.11				City of Fargo		6,622,406.84					
10/21/2024	Aug-24	Cass County	2,088,361.27				City of Fargo		6,284,633.45					
9/21/2024	July-24	Cass County	1,746,626.42				City of Fargo		5,168,111.30					
8/21/2024	June-24	Cass County	2,659,707.17				City of Fargo		7,859,913.01					
7/22/2024	May-24	Cass County	1,348,902.41				City of Fargo		4,252,926.43					
6/24/2024	Apr-24	Cass County	1,759,660.73				City of Fargo		5,404,517.72					
5/21/2024	Mar-24	Cass County	2,276,388.27				City of Fargo		6,980,911.25					
4/22/2024	Feb-24	Cass County	1,023,591.77				City of Fargo		3,163,097.74					
3/21/2024	Jan-24	Cass County	1,890,694.25				City of Fargo		5,578,419.96					
2023 Collections			23,106,462.71	8.18%	21,720,075	1,386,388			69,250,461.96		4.02%	43,281,539	25,968,923	65,001,614
2022 Collections			21,358,922.89	-2.56%	20,077,388	1,281,535			66,571,120.26		4.28%	41,606,950	24,964,170	61,684,338
2021 Collections			21,920,710.74	31.11%	20,605,468	1,315,243			63,840,810.53		29.90%	39,900,507	23,940,304	60,505,975
2020 Collections			16,719,327.13	0.30%	15,716,168	1,003,160			49,146,842.57		-5.00%	30,716,777	18,430,066	46,432,944
2019 Collections			16,670,136.34	6.04%	15,669,928	1,000,208			51,732,824.69		7.36%	32,333,015	19,399,809	48,002,944
2018 Collections			15,720,221.20		14,777,008	943,213			48,185,965.90			30,116,229	18,069,737	44,893,237
2017 Collections			2,796,024.89		2,628,263	2,628,263								
Totals Since 2019			\$ 154,202,493						\$ 464,792,789					</