

**METRO FLOOD DIVERSION AUTHORITY**

**Thursday, August 23, 2018**

**3:30 PM**

Fargo City Commission Chambers

Fargo City Hall

200 3<sup>rd</sup> Street North

1. Call to order
2. Approve minutes from previous meetings Item 2. Action
3. Approve order of agenda Action
4. Management Information
  - a. PMC report
  - b. Corps of Engineers update
5. Administrative/Legal Information
6. Public Outreach Information
  - a. Committee report
  - b. Business Leaders Task Force update
7. Land Management Information/action
  - a. Committee report
  - b. Membership – Cass County Commission recommendation Item 7b.
8. Finance Information/action
  - a. Committee report Item 8a.
  - b. Voucher approval Item 8b.
  - c. Fredrickson & Byron contract extension Item 8c.
  - d. Policy – Approval of Contracts Item 8d.
  - e. Recommended contracting actions
9. Other Business
10. Next Meeting – September 27, 2018
11. Adjournment

cc: Local Media

**METRO FLOOD DIVERSION AUTHORITY  
JULY 26, 2018—3:30 PM**

**1. MEETING TO ORDER**

A meeting of the Metro Flood Diversion Authority was held Thursday, July 26, 2018, at 3:30 PM in the Fargo City Commission Room with the following members present: Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; Clay County Commissioner Kevin Campbell; Fargo City Commissioner Dave Piepkorn; Fargo City Commissioner Tony Grindberg; Cass County Commissioner Mary Scherling; Cass County Commissioner Chad Peterson; Cass County Commissioner Rick Steen; Cass County Joint Water Resource District Manager Rodger Olson; and West Fargo City Commissioner Mike Thorstad. Moorhead City Mayor Del Rae Williams; Fargo City Mayor Tim Mahoney; and Clay County Commissioner Grant Weyland were absent.

**2. MINUTES APPROVED**

*MOTION, passed*

**Mr. Steen moved and Mr. Peterson seconded to approve the minutes from the meeting held June 28, 2018, as presented. Motion carried.**

**3. AGENDA ORDER**

*MOTION, passed*

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

**4. MANAGEMENT UPDATE**

Martin Nicholson from CH2M provided an update on activities over the last month, which include continued support to the Corps of Engineers and MDNR to advance the Supplemental Environmental Assessment (SEA) and Supplemental Environmental Impact Statement (SEIS); continued work with the MDNR and other parties to advance the permit application review; and meeting coordination with the Buffalo-Red River Watershed District regarding Plan B and Wolverton Creek.

Priorities for next month include support to publish the draft SEA and draft SEIS and prepare for public meetings on drafts; continued support and development of federal legislation related to the Water Infrastructure Finance and Innovation Act (WIFIA); and conduct workshops to review Plan B cost estimates.

**5. ADMINISTRATIVE/LEGAL UPDATE**

Attorney John Shockley said the board may have to meet in Executive Session in mid-August and will keep the board informed if this is needed.

**6. PUBLIC OUTREACH UPDATE**

*Committee report*

The Public Outreach Committee met on July 25<sup>th</sup>. Mr. Olson said communications have begun with the Buffalo-Red River Watershed District regarding Plan B. The committee saw a new “three-question” video of Ken Veen from Grand Forks with the perspective of someone who lived through the flooding in Grand Forks back in 1997. Mr. Olson said the website includes helpful presentations to answer questions on farming impacts in the staging area for the public to view.

**7. LAND MANAGEMENT**

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

## 8. FINANCE UPDATE

### Committee report

The Finance Committee met on July 25<sup>th</sup>. Mr. Grindberg provided a brief financial update on the overall program status. He said the project cost-to-date is \$440 million, and statement of net position is \$71,516,781.

### Policy on Task Orders signed by Co-Executive Directors

Mr. Grindberg said the committee discussed a task order with CH2M that was submitted to the Co-Executive Directors to sign for work on the integrated program cost estimate and related services for Plan B. The task order was for \$650,000. Mr. Shockley said the board previously approved a policy that allows Co-Executive Directors to sign task orders within a certain cost range, and said the board has the option to change the policy.

Mr. Steen said the committee discussed the policy on approval of task orders by the Co-Executive Directors and suggested it be reviewed for possible changes. The committee also discussed the work to be done by CH2M outlined in this task order. Mr. Nicholson said the goal is to be prepared to answer questions on the cost estimate by the end of the year after a decision is made on the Minnesota permit.

Mr. Shockley suggested the policy be placed on the next agenda for discussion by the board.

### Voucher approval

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

#### ***MOTION, passed***

**Mr. Steen moved and Mr. Grindberg seconded to approve the vouchers received through July 19, 2018, in the amount of \$248,070.10. Motion carried.**

### Recommended Contracting Actions

The Finance Committee approved the following change order:

- Riley Brothers (Change Order 03 – Southern Alignment)—contract termination and unit quantity balancing costs for a cost reduction in the amount of \$2,870,049.13 as a result of the temporary injunction that stopped construction and was impacted by Project Plan B changes along the southern alignment.

#### ***MOTION, passed***

**Mr. Grindberg moved and Mr. Piepkorn seconded to approve the change order as presented. On roll call vote, the motion carried unanimously.**

## 9. NEXT MEETING DATE

The next meeting will be held on Thursday, August 23, 2018.

## 10. ADJOURNMENT

### ***MOTION, passed***

**On motion by Mr. Steen, seconded by Mr. Peterson, and all voting in favor, the meeting was adjourned at 4:05 PM.**

**METRO FLOOD DIVERSION AUTHORITY  
AUGUST 8, 2018—1:10 PM**

**1. MEETING TO ORDER**

A special meeting of the Metro Flood Diversion Authority was held Thursday, August 8, 2018, at 1:10 PM in the Fargo City Commission Room with the following members present: Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Chuck Hendrickson; Clay County Commissioner Grant Weyland; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Tony Grindberg; Fargo City Commissioner Dave Piepkorn; Cass County Commissioner Mary Scherling; Cass County Commissioner Chad Peterson; Cass County Commissioner Rick Steen; Cass County Joint Water Resource District Manager Roger Olson; and West Fargo City Commissioner Mike Thorstad. Moorhead City Council Member Joel Paulsen and Clay County Commissioner Kevin Campbell were absent.

Also present were U.S. Senator John Hoeven; North Dakota Governor Doug Burgum; Colonel Sam Calkins, Commander of the U.S. Army Corps of Engineers, St. Paul District; Judy DeHarnais, Corps of Engineers Deputy District Engineer; Terry Williams, Corps of Engineers Project Manager; Tom Dawson, Chair, Chamber of Commerce Business Leaders Task Force; Garland Eberle, North Dakota State Engineer, State Water Commission; and John Paczkowski, North Dakota Assistant State Engineer, State Water Commission.

**2. AGENDA ORDER**

***MOTION, passed***

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

**3. PROJECT DISCUSSION**

Ms. Williams, Mr. Mahoney, and Mrs. Scherling provided opening remarks regarding the Diversion project.

Senator Hoeven discussed his legislative priorities to help provide comprehensive flood protection for the Red River Valley. The priorities are to resolve easement restrictions for land purchased with Hazard Mitigation Grant (HMGP) funds to accommodate recommended changes in Plan B; implement the Water Infrastructure Finance and Innovation Act (WIFIA) to provide low cost loans and loan guarantees to reduce financing costs; ensure fair treatment of P3 projects and other alternative financing options as part of the Army Corps of Engineers cost benefit analysis; and increase the Corps' construction account to ensure the Red River Valley continues to receive flood protection funding.

Governor Burgum thanked all those involved in working to move forward with the project and provide permanent flood protection for the area.

Colonel Calkins said it has been five months since the project permit was submitted to the Minnesota Department of Natural Resources (MDNR). The Corps of Engineers has finished the draft Supplemental Environmental Assessment (SEA) for Plan B. He said the goal is to coordinate with the MDNR in order for both entities to release their draft environmental assessments at the same time.

**4. LITIGATION REPORT**

Attorney John Shockley provided a brief update on litigation in the Federal and Minnesota State Courts.

**5. NEXT MEETING**

The next meeting will be held Thursday, August 23<sup>rd</sup> at 3:30 PM.

**6. ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Peterson, seconded by Mr. Steen, and all voting in favor,  
the meeting was adjourned at 1:39 PM.**

Minutes prepared by Heather Worden, Cass County Administrative Assistant

***MOTION, failed for lack of a second***

Mr. Bennett moved to reduce the levy for the Capital Projects Fund by 3.3 mills and remove the dollars from this fund that are allocated for the public safety communications system. Motion failed due to lack of a second.

***MOTION, passed***

Mr. Peterson moved and Mr. Rasmussen seconded to approve the 2019 Preliminary Budget of \$124,512,081 with a maximum mill levy of 55.80 and to set September 17, 2018, at 6:00 PM in the Cass County Commission Room at 211 9<sup>th</sup> Street South, Fargo, North Dakota as the time and place to consider constituent comments concerning the 2019 preliminary budget and the mill levy to support the 2019 budget. Discussion: Mrs. Scherling discussed the time to hold the hearing. The board agreed it was important to hold the hearing at 6:00 PM to give an additional opportunity for residents to attend. Mr. Peterson also is struggling with portions of the budget and would also like to make additional cuts, but the board needs to move forward with the preliminary approval today. On roll call vote, the motion carried with Mr. Peterson, Mr. Rasmussen, Mrs. Scherling and Mr. Steen voting "Yes"; Mr. Bennett voting "No".

**12. FLOOD DIVERSION, Kory Peterson recommended for appointment to Land Management Committee**

Mrs. Scherling said under the Metro Flood Diversion Authority Joint Powers Agreement (JPA), the Cass County Commission may recommend three members to serve on the Land Management Committee, who are formally appointed by the Metro Flood Diversion Authority. The current members are Mrs. Scherling, Mr. Peterson, and Oxbow Mayor Jim Nyhof. The City of Horace expressed interest in serving on the committee. She said that with the majority of the work finished in Oxbow, Mr. Nyhof has agreed to relinquish his membership so Horace has the opportunity to participate.

***MOTION, passed***

Mrs. Scherling moved and Mr. Peterson seconded to recommend Kory Peterson, Horace City Mayor, be appointed as a Cass County representative on the Metro Flood Diversion Authority Land Management Committee; and forward the recommendation to the Metro Flood Diversion Authority for consideration. On roll call vote, the motion carried unanimously.

**13. FLOOD DIVERSION, Transfer of sales tax dollars authorized to City of Fargo**

Mr. Montplaisir said for consideration today is a request to transfer 91% of the flood sales tax dollars for July that are dedicated to the FM Metro Flood Diversion project to the City of Fargo.

***MOTION, passed***

Mrs. Scherling moved and Mr. Peterson seconded to authorize the County Auditor to transfer \$948,836.93 to the City of Fargo as the fiscal agent for the FM Diversion Authority. On roll call vote, the motion carried unanimously.

**14. FLOOD CONTROL, State Water Commission reimbursement requests approved for Metro Flood Diversion Authority**

The state legislature approved a total of \$450 million during the last three legislative sessions to be spent on flood control costs. For consideration today is the 70<sup>th</sup> request from the Metro Flood Diversion Authority for eligible costs incurred June 1, 2018, to June 30, 2018, for local matching share requirements outlined in House Bill 1020. The request covers costs for commercial relocation assistance for the Oxbow Country Club.

***MOTION, passed***

Mr. Peterson moved and Mrs. Scherling seconded to authorize the chair to sign reimbursement request #70 in amount of \$1,216,849 to the State Water Commission to distribute funds to the Metro Flood Diversion Authority according to the terms and conditions of House Bill 1020. On roll call vote, the motion carried unanimously.

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**JOINT POWERS AGREEMENT**

**BY AND BETWEEN**

**CITY OF MOORHEAD, MINNESOTA**

**AND**

**CITY OF FARGO, NORTH DAKOTA**

**AND**

**CLAY COUNTY, MINNESOTA**

**AND**

**CASS COUNTY, NORTH DAKOTA**

**AND**

**CASS COUNTY JOINT WATER RESOURCE DISTRICT**

**Dated as of June 1, 2016**

**Relating to:**

**An Agreement establishing and continuing a permanent joint powers entity called the Metro Flood Diversion Authority to provide the Fargo-Moorhead Metropolitan Area with permanent and comprehensive flood protection.**

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

**Section 5.15 QUORUM.** A quorum of the **Metro Flood Diversion Authority** necessary for the transaction of any business shall consist of seven (7) **Diversion Authority Board Members** who may transact business. If vacancies cause the membership of the **Metro Flood Diversion Authority** to be fewer than seven (7) members, the **Metro Flood Diversion Authority** may not conduct any business until such time that there are at least seven (7) **Diversion Authority Board Members**, provided, however, that if a quorum of **Diversion Authority Board Members** is not present, the **Members** who are present shall be authorized to adjourn the meeting to such date, time and place as they shall determine and announce at the time of adjournment. The failure of the **Diversion Authority Board** to meet due to a lack of a quorum shall not be construed so as to invalidate the authority of the **Executive Director** to implement all previously approved contracts, **Project Agreements**, or Resolutions of the **Metro Flood Diversion Authority**.

**Section 5.16 BYLAWS.** The **Diversion Authority Board** may adopt bylaws governing its operations that are not inconsistent with this **Agreement** and may amend said bylaws as necessary. The bylaws may provide for sub-committees of the **Diversion Authority Board** as necessary. Any bylaw or modification thereof shall not be effective until approved by a majority vote of the **Diversion Authority Board**. Bylaws shall be reviewed and updated annually by the **Diversion Authority Board**.

**Section 5.17 OFFICIAL NEWSPAPER.** The **Diversion Authority Board** may designate one or more legal newspapers of general circulation in the **Fargo-Moorhead Metropolitan Area** as its official newspaper for whatever purposes as may be required by statute to be published in an official newspaper.

## ARTICLE VI. COMMITTEES

**Section 6.01 BOARDS AND COMMISSIONS.** Except as otherwise provided by law, or Sections 6.02, 6.09 or 6.16 of this **Agreement**, there are no separate administrative boards or commissions. The **Diversion Authority Board** performs the duties and exercises the powers of administrative boards or commissions. The **Diversion Authority Board** may establish boards or committees to advise the **Diversion Authority Board** with respect to a **Project** function or activity, to investigate a subject of interest to the **Metro Flood Diversion Authority**, to perform quasi-judicial functions, or to perform any other task.

**Section 6.02 LAND MANAGEMENT COMMITTEE.** There is hereby created and continued a **Land Management Committee** of the **Metro Flood Diversion Authority** with the powers and duties set forth in this Article.

**Section 6.03 LAND MANAGEMENT COMMITTEE JURISDICTION.** The **Land Management Committee** is responsible for making recommendations to the **Diversion Authority Board** regarding the acquisition and management of **Project Property**.

**Section 6.04 LAND MANAGEMENT COMMITTEE MEMBERSHIP.** The **Land Management Committee** shall consist of:



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

**Section 6.05** LAND MANAGEMENT COMMITTEE CHAIR. The **Land Management Committee** shall select a chair by majority vote of its members. The chair must also be a member of the **Diversion Authority Board**.

**Section 6.06** MEMBER ENTITY STAFF. **Member Entities** may provide support staff and services for the **Land Management Committee**, but **Member Entity** staff may not serve as members of the **Land Management Committee**. 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 this **Agreement** and upon approval by the **Diversion Authority Board**.

**Section 6.07** SUNSET ON LAND MANAGEMENT COMMITTEE. In the event that the **Diversion Authority Board** determines by an affirmative vote of a majority of all **Diversion Authority Board Members** that all land, easements, and rights-of-way have been acquired for the **Project**, the **Diversion Authority Board** 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.

**Section 6.08** DISSOLUTION OF LAND MANAGEMENT COMMITTEE. In the event that the **Diversion Authority Board** determines by an affirmative vote of a majority of all **Diversion Authority Board Members** that the **Land Management Committee** is no longer needed, the **Diversion Authority Board** may dissolve the **Land Management Committee**.

**Section 6.09** FINANCE COMMITTEE. There is hereby created and continued a **Finance Committee** of the **Metro Flood Diversion Authority** with the powers and duties set forth in this Article.

FM Metropolitan Area Flood Risk Management Project  
 Fiscal Accountability Report Design Phase (Fund 790)  
 As of 07/28/2018

	2011	2012	2013	2014	2015	2016	2017	2018	Cumulative Totals
<b>Revenues</b>									
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	28,310,373	35,212,877	31,790,784	16,415,015	146,270,961
Cass County	443,138	7,652,681	7,072,961	19,373,131	28,310,373	111,715,540	14,193,826	7,707,742	196,469,392
State Water Commission			3,782,215	602,918	31,056,740	101,436,302	23,650,143	8,801,201	169,329,519
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	6,291,194	(13,260,368)	-	-	706,805
Reimbursements						33,880	49,699	3,638	87,217
Lease/Rental Payments			17,358	154,180	180,341	260,806	350,720	455,066	1,418,471
Asset Sales				616,774	315,892	175,190	117,079	-	1,224,935
Interest Income							505,157	271,002	776,159
Miscellaneous			226	626	427		-	356	1,635
<b>Total Revenues</b>	<b>984,751</b>	<b>17,005,957</b>	<b>19,517,490</b>	<b>44,425,900</b>	<b>94,465,340</b>	<b>235,574,227</b>	<b>70,657,409</b>	<b>33,654,020</b>	<b>516,285,094</b>
<b>Expenditures</b>									
7905 Army Corp Payments	-	-	875,000	1,050,000	2,725,000	47,279,000	1,230,000	-	53,159,000
7910 WIK - Administration	107,301	331,321	77,614	169,019	282,227	545,555	500,885	676,153	2,690,076
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,660,226	2,719,505	2,631,656	1,752,730	29,619,479
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	8,464,392	14,714,801	4,295,116	48,152,767
7925 WIK - Recreation		163,223					-	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	2,763,404	17,013,358	55,948,209	46,717,049	40,728,316	7,646,242	174,708,863
7931 LERRDS - Minnesota		27,996	287,907	13,068	32,452	1,815,566	35,457	3,621	2,216,067
7940 WIK Mitigation - North Dakota				587,180			225,293	50,179	862,652
7941 WIK Mitigation - Minnesota							-	-	-
7950 Construction - North Dakota				1,738,638	19,269,055	42,263,916	5,976,235	360,020	69,607,864
7951 Construction - Minnesota							-	-	-
7952 Construction - O/H/B				11,282,504	5,044,001	776,720	7,365,462	5,183,637	29,652,324
7955 Construction Management				556,209	2,867,422	5,182,366	1,498,050	210,427	10,314,474
7980 Operations & Maintenance							6,403	28,538	34,941
7990 Project Financing		50,000	70,000	216,376	566,600	5,435,289	8,305,600	6,948,200	21,592,065
7995 Project Eligible - Off Formula Costs							-	-	-
7999 Non Federal Participating Costs	116						221,568	-	221,684
<b>Total Expenditures</b>	<b>984,750</b>	<b>17,005,957</b>	<b>11,990,261</b>	<b>45,324,414</b>	<b>95,896,147</b>	<b>161,199,358</b>	<b>83,439,726</b>	<b>27,154,865</b>	<b>442,995,478</b>

**FM Metropolitan Area Flood Risk Management Project**  
**Statement of Net Position**  
**July 31, 2018**

	<b>Amount</b>
<b>Assets</b>	
Cash	\$ 72,824,727
Receivables	
State Water Commission *	1,219,849
Proceeds from Oxbow Lot Sales	796,881
<b>Total assets</b>	<b>74,841,457</b>
 <b>Liabilities</b>	
Vouchers payable	105,704
Retainage payable	1,446,136
<b>Total liabilities</b>	<b>1,551,840</b>
 <b>NET POSITION</b>	<b>\$ 73,289,616</b>

\* Receivable balance is as of 6.30.2018

FM Metropolitan Area Flood Risk Management Project  
FY 2018 Summary Budget Report ( In Thousands)  
As of 28 Jul 2018

	FY 2018 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
<b>Revenue Sources</b>						
City of Fargo	-	2,036	16,415			
Cass County	-	1,040	7,708			
State of ND - 50 % Match	-	1,217	8,578			
State of ND - 100% Match	-	-	223			
State of Minnesota	-	-	-			
Other Agencies	-	-	-			
Financing Proceeds	-	-	105			
Reimbursements	-	-	3			
Sales of Assets	-	-	0			
Property Income	-	7	455			
10-00 & 79 Miscellaneous	-	21	167			
<b>Total Revenue Sources</b>	<b>82,554</b>	<b>4,322</b>	<b>33,654</b>	<b>-</b>	<b>-</b>	<b>48,900</b>
<b>Funds Appropriated</b>						
Diversion Channel & Assoc. Infrastructure	-	63	676	0%	2,892	(3,568)
Southern Embankment & Assoc. Infrastructure	17	-	0	2%	2,336	(2,319)
Other Mitigation Projects	6,139	131	5450	89%	2,831	(2,142)
In-Town Flood Protection	44,227	31	584	1%	247	43,395
Enabling Work / Other	-	4	69	0%	2,927	(2,996)
Land Acquisition & Mitigation	6,881	999	7436	108%	24,599	(25,154)
Engineering & Design Fees	241	285	2256	935%	4,684	(6,699)
Program Management	11,489	746	3987	35%	11,774	(4,272)
Contingency	5,000	-	0	0%	-	5,000
Debt Service	8,460	289	6668	79%	681	1,111
Maintenance	100	-	29	29%	-	71
<b>Total Appropriations</b>	<b>82,554</b>	<b>2,549</b>	<b>27,155</b>	<b>33%</b>	<b>52,971</b>	<b>2,428</b>

**METRO FLOOD DIVERSION AUTHORITY**

Wednesday, 6 August 2018

Data Through Date: July 28, 2018

**Summary of Expenses**

**EXP-2018-07**

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
790-0000-206.10-00	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$22,702.64	Pay Retainage	V01203	Cass Joint Water OHB
<b>Other Services / Retainage</b>				<b>\$22,702.64</b>			
790-7910-429.33-20	7/22/2018	JB07180013	CITY OF FARGO-AUDITORS OFFICE	\$4,979.17	CHARGE FOR COF TIME-07/18	V00102	General & Admin. WIK
<b>Other Services / Accounting Services</b>				<b>\$4,979.17</b>			
790-7910-429.33-25	7/5/2018	288314	ERIK R JOHNSON & ASSOCIATES	\$3,037.50	LEGAL MATTERS THRU 4/25	V00102	General & Admin. WIK
	7/5/2018	288314	ERIK R JOHNSON & ASSOCIATES	\$1,192.50	METRO FLOOD PROJECT	V00102	General & Admin. WIK
	7/12/2018	288559	OXBOW, CITY OF	\$6,667.50	TURMAN & LANG	V02407	OXBOW MOU-LEGAL SERVICES
	7/26/2018	288851	ERIK R JOHNSON & ASSOCIATES	\$675.00	LEGAL SERVICES THRU 6/25/	V00102	General & Admin. WIK
	8/3/2018	684	P CARD BMO	\$35,290.68	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
<b>Other Services / Legal Services</b>				<b>\$46,863.18</b>			
790-7910-429.33-98	7/19/2018	288687	LANE, BARRET	\$108.77	REIMB LODGING EXPENSE	V00102	General & Admin. WIK
<b>Other Services / Personnelle Recruitment</b>				<b>\$108.77</b>			
790-7910-429.38-68	7/4/2018	682	P CARD BMO	\$3,500.00	FREDRIKSON AND BYRON P	V00102	General & Admin. WIK
<b>Other Services / Lobbyist</b>				<b>\$3,500.00</b>			
790-7910-429.43-50	7/26/2018	288931	ORACLE AMERICA, INC	\$306,856.00	SERVICE AGREEMENT UPDATE	V01401	8 Year Service Agreement
<b>Repair and Maintenance / Maintenance Service Contracts</b>				<b>\$306,856.00</b>			
790-7915-429.33-05	7/19/2018	288665	HOUSTON-MOORE GROUP LLC	\$41,460.90	TASK ORD #26-WORK IN KIND	V01626	WORK-IN-KIND (WIK)
	7/19/2018	288665	HOUSTON-MOORE GROUP LLC	\$26,469.00	TASK ORDER #27-PLANNING	V01627	RIVER STAGE 37FT PLANNING
	7/26/2018	288872	HOUSTON-MOORE GROUP LLC	\$2,805.50	LEVEE DESIGN & SUPPORT	V01613	LEVEE DESIGN & SUPPORT
	7/26/2018	288872	HOUSTON-MOORE GROUP LLC	\$7,712.75	PERMIT SUBMITTAL PREP	V01616	PERMIT SUBMITTAL PREP
	7/26/2018	288872	HOUSTON-MOORE GROUP LLC	\$4,367.00	UPSTREAM MITIGATION	V01622	MITIGATION SUPPORT SRVCS
	7/26/2018	288872	HOUSTON-MOORE GROUP LLC	\$130,203.83	HYDROLOGY/HYDRAULIC TESTI	V01625	HYDROLOGY/HYDRAULIC MODEL
<b>Other Services / Engineering Services</b>				<b>\$213,018.98</b>			
790-7920-429.33-05	7/26/2018	288872	HOUSTON-MOORE GROUP LLC	\$72,233.38	PROJECT MANAGEMENT	V01601	HMG - PROJECT MANAGEMENT
<b>Other Services / Engineering Services</b>				<b>\$72,233.38</b>			
790-7920-429.33-79	7/12/2018	288559	OXBOW, CITY OF	\$4,647.75	MOORE ENGINEERING, INC.	V02421	OXBOW MOU-MOORE PROJ MGMT
	7/19/2018	288630	CH2M HILL ENGINEERS INC	\$498,047.40	TASK ORD #2-PROGRAM MGMT	V00208	CH2M HILL-4.2.18-10.12.18
<b>Other Services / Construction Management</b>				<b>\$502,695.15</b>			
790-7930-429.33-05	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$16,576.62	HOUSTON-MOORE GROUP	V01201	Cass Joint Water ROE
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$797.00	ULTEIG ENGINEERING	V01201	Cass Joint Water ROE

**METRO FLOOD DIVERSION AUTHORITY**

Wednesday, 6 August 2018

Data Through Date: July 28, 2018

**Summary of Expenses**

EXP-2018-07

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$2,933.50	HOUSTON-MOORE GROUP	V01201	Cass Joint Water ROE
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$2,227.50	PROSOURCE TECHNOLOGIES LL	V01203	Cass Joint Water OHB
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$4,001.90	PROSOURCE TECHNOLOGIES LL	V01203	Cass Joint Water OHB
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$24,329.79	HOUSTON-MOORE GROUP	V01201	Cass Joint Water ROE
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$3,261.25	ULTEIG ENGINEERING	V01201	Cass Joint Water ROE
<b>Other Services / Engineering Services</b>				<b>\$54,127.56</b>			
790-7930-429.33-25	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$1,845.39	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$10,968.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$2,774.00	OHNSTAD TWICHELL, P.C.	V01203	Cass Joint Water OHB
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$247.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$3,181.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$2,578.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$639.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$2,716.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$5,935.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	8/3/2018	684	P CARD BMO	\$599.00	OHNSTAD TWICHELL ATTOR	V00103	General & Admin. LERRDS
	8/3/2018	684	P CARD BMO	\$66,841.70	DORSEY AND WHITNEY LLP	V00101	Dorsey Whitney Legal
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$114.00	OHNSTAD TWICHELL, P.C.	V01202	Cass Joint Water DPAC
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$9,423.81	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$3,097.00	OHNSTAD TWICHELL, P.C.	V01203	Cass Joint Water OHB
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$475.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$2,288.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$3,105.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$144.00	LARKIN HOFFMAN ATTORNEYS	V01201	Cass Joint Water ROE
<b>Other Services / Appraisal Services</b>				<b>\$116,973.40</b>			
790-7930-429.33-32	7/19/2018	288634	CROWN APPRAISALS INC	\$50,000.00	FLOWAGE EASEMENTS VALUATN	V05101	FLOWAGE EASEMNT VALUAITON
<b>Other Services / Water and Sewer</b>				<b>\$50,000.00</b>			
790-7930-429.34-65	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$500.00	GARAAS LAW FIRM	V01201	Cass Joint Water ROE
<b>Technical Services / Right of Entry Requests</b>				<b>\$500.00</b>			
790-7930-429.38-99	7/19/2018	288624	CASS COUNTY TREASURER	\$425.50	WEED SPRAYING INV 277	V04202	WEED CONTROL
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$314.00	S.A. MECHANICAL INC	V01701	ND LAND PURCH-OUT OF TOWN
<b>Other Services / Other Services</b>				<b>\$739.50</b>			
790-7930-429.41-05	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$101.40	CITY OF FARGO	V01703	ND LAND PURCH - IN TOWN

**METRO FLOOD DIVERSION AUTHORITY**

Wednesday, 6 August 2018

Data Through Date: July 28, 2018

**Summary of Expenses**

EXP-2018-07

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$32.00	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$34.70	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$27.11	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$32.00	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$34.70	CASS RURAL WATER USERS	V01701	ND LAND PURCH-OUT OF TOWN
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$101.40	CITY OF FARGO	V01703	ND LAND PURCH - IN TOWN
<b>Utility Services / Water and Sewer</b>				<b>\$363.31</b>			
790-7930-429.62-50	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$231.38	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$193.38	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
<b>Energy / Natural Gas</b>				<b>\$424.76</b>			
790-7930-429.62-51	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$169.36	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$43.00	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$247.37	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$42.52	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$39.89	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$193.07	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
<b>Energy / Electricity</b>				<b>\$735.21</b>			
790-7930-429.67-11	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$5,196.55	DAVID & SHANNON CAMPBELL	V01701	ND LAND PURCH-OUT OF TOWN
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$7,389.56	ROGER & MELISSA CAMPBELL	V01701	ND LAND PURCH-OUT OF TOWN
	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$6,039.00	MIKE & BRENDA PODOLAK	V02411	OXBOW MOU-RESIDENT RLCTN
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$3,590.00	BRAD AND LINDA BERNHARDT	V01701	ND LAND PURCH-OUT OF TOWN
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$21,679.47	CHRIS AND SHERI CHAMP	V02411	OXBOW MOU-RESIDENT RLCTN
<b>Relocation / Residential Buildings</b>				<b>\$43,894.58</b>			
790-7930-429.67-12	7/12/2018	288559	OXBOW, CITY OF	\$200,000.00	OXBOW PARK RELOCATION	V02422	OXBOW MOU-PARK RELOCATION
<b>Relocation /Commercial Buildings</b>				<b>\$200,000.00</b>			
790-7930-429.71-30	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$504,925.73	THE TITLE COMPANY	V01701	ND LAND PURCH-OUT OF TOWN
	8/1/2018	JB07180028	CITY OF FARGO-AUDITORS OFFICE	\$1,000.00	OIN 9387-ADDITIONAL EXP	V01701	ND LAND PURCH-OUT OF TOWN
<b>Land / Land Purchases</b>				<b>\$505,925.73</b>			
790-7931-429.38-95	8/2/2018	289035	HEARTLAND SEEDS, INC.	\$600.00	MAY & JUNE MOWING	V02302	MN LAND PURCHASE-HARDSHIP
<b>Other Services / Mowing Services</b>				<b>\$600.00</b>			
790-7931-429.62-51	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$253.38	RED RIVER VALLEY COOP POW	V02302	MN LAND PURCHASE-HARDSHIP

**METRO FLOOD DIVERSION AUTHORITY**

Wednesday, 6 August 2018

Data Through Date: July 28, 2018

**Summary of Expenses**

EXP-2018-07

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
	8/2/2018	289005	CASS COUNTY JOINT WATER RESOURCE DI	\$185.81	RED RIVER VALLEY COOP POW	V02302	MN LAND PURCHASE-HARDSHIP
<b>Energy / Electricity</b>				<b>\$439.19</b>			
790-7931-429.80-17	7/5/2018	288304	CASS COUNTY JOINT WATER RESOURCE DI	\$1,328.00	CLAY COUNTY	V02302	MN LAND PURCHASE-HARDSHIP
<b>Debt Service / Property Tax - FMDA</b>				<b>\$1,328.00</b>			
790-7940-429.33-06	7/12/2018	288446	BRAUN INTERTEC CORP	\$18,350.25	TESTING SERVICES	V00402	TESTING - WP-43 & WP-28A
<b>Other Services / Quality Control Testing</b>				<b>\$18,350.25</b>			
790-7950-429.33-05	7/26/2018	288872	HOUSTON-MOORE GROUP LLC	\$4,470.18	SEAI PROJECTS	V01624	CONSTRUCTN/BID SVCS WP28A
<b>Other Services / Engineering Services</b>				<b>\$4,470.18</b>			
790-7950-429.73-66	7/12/2018	288486	HOFFMAN & MCNAMARA NURSERY&LANDSC	\$5,688.00	LANDSCAPING & PLANTINGS	V02823	LANDSCAPING & PLANTINGS
	7/12/2018	288486	HOFFMAN & MCNAMARA NURSERY&LANDSC	\$9,515.00	LANDSCAPING & PLANTINGS	V02823	LANDSCAPING & PLANTINGS
<b>Infrastructure / Landscaping</b>				<b>\$15,203.00</b>			
790-7952-429.33-05	7/26/2018	288872	HOUSTON-MOORE GROUP LLC	\$72,072.42	SERVICES DURING CONST #43	V01623	CONSTRUCTN/BID SVCS WP43
<b>Other Services / Engineering Services</b>				<b>\$72,072.42</b>			
790-7955-429.33-05	7/26/2018	288872	HOUSTON-MOORE GROUP LLC	\$15,700.62	CONST WORK PKG 42	V02806	CONSTRUCTION SVCS WP42
<b>Other Services / Engineering Services</b>				<b>\$15,700.62</b>			
790-7990-429.33-25	7/19/2018	288607	ASHURST LLP	\$5,779.80	PPP LEGAL COUNSEL	V03001	P3 LEGAL COUNSEL-ASHURST
	8/3/2018	684	P CARD BMO	\$2,070.33	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
<b>Other Services / Legal Services</b>				<b>\$7,850.13</b>			
790-7990-520.80-20	7/12/2018	288452	CASS COUNTY TREASURER	\$192,332.61	WELLS FARGO INTEREST	V02906	\$100M 2017 CASS WF ADVANC
	7/18/2018	JB07180011	CITY OF FARGO-AUDITORS OFFICE	\$96,647.14	7.2.18 WF INTEREST PMT	V02905	\$100M 2017 COF WF ADVANCE
<b>Debt Service / Interest on Bonds</b>				<b>\$288,979.75</b>			
<b>Total Amount Invoiced this period</b>				<b>\$2,571,634.86</b>			
				<u>\$22,702.64</u>	Less Paid Retainage		
				<b>\$2,548,932.22</b>	<b>Total Less Paid Retainage</b>		



FM Metropolitan Area Flood Risk Management Project  
Cumulative Vendor Payments Since Inception  
As of **July 28**, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	\$ 195,089,558.84	\$ 170,740,084.35	\$ 24,349,474.49	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
CH2M HILL ENGINEERS INC	\$ 54,550,594.31	\$ 43,485,199.43	\$ 11,065,394.88	Program, Project, Construction and Land Management
ARMY CORP OF ENGINEERS	\$ 53,159,000.00	\$ 53,159,000.00	\$ -	Local Share
HOUSTON-MOORE GROUP LLC	\$ 45,986,351.08	\$ 39,487,456.22	\$ 6,498,894.86	Engineering Services
INDUSTRIAL BUILDERS INC	\$ 39,516,601.93	\$ 39,484,817.78	\$ 31,784.15	Const - 2nd St North Pump Station
INDUSTRIAL CONTRACT SERVICES I	\$ 17,576,871.19	\$ 17,493,762.16	\$ 83,109.03	Project and 2nd Street Floodwall
OXBOW, CITY OF	\$ 15,728,948.85	\$ 15,095,193.36	\$ 633,755.49	Const - 4th St Pump Station and 2nd Street Floodwall
MEYER CONTRACTING INC	\$ 11,932,004.45	\$ 9,988,091.32	\$ 1,943,913.13	MOU Agreement
				Construction/Demolition Services
CITY OF FARGO	\$ 7,612,877.74	\$ 7,612,877.74	\$ -	Digital Imagery Project, Utility Relocation, Accounting Svcs, and Bank Loan Advance DS Payments
ASHURST LLP	\$ 6,715,133.70	\$ 3,895,542.81	\$ 2,819,590.89	PPP (P3) Legal Counsel
DORSEY & WHITNEY LLP	\$ 6,144,493.23	\$ 6,144,493.23	\$ -	Legal Services
RILEY BROTHERS CONSTRUCTION	\$ 3,677,920.95	\$ 751,409.95	\$ 2,926,511.00	Construction - County Roads 16 & 17 Realignment
JP MORGAN CHASE-LOCKBOX PROCES	\$ 3,377,000.00	\$ 2,696,185.03	\$ 680,814.97	Financial Advisor
CASS COUNTY TREASURER	\$ 3,291,072.27	\$ 3,291,072.27	\$ -	Property Taxes and Bank Loan Advance DS Payments
MINNESOTA DNR	\$ 2,776,684.35	\$ 2,551,078.35	\$ 225,606.00	EIS Scoping
CENTURYLINK	\$ 2,586,742.00	\$ 2,586,742.00	\$ -	Utility Relocation
OHNSTAD TWICHELL PC	\$ 2,494,963.40	\$ 2,494,963.40	\$ -	ROE and Bonding Legal Fees
LANDWEHR CONSTRUCTION INC	\$ 2,305,627.66	\$ 2,285,697.16	\$ 19,930.50	Const - In-Town Demolition Contracts
URS CORPORATION	\$ 1,922,118.42	\$ 1,805,670.90	\$ 116,447.52	Engineering Services
KENNELLY & OKEEFFE	\$ 1,729,110.56	\$ 1,729,110.56	\$ -	Home Buyouts
HOUGH INCORPORATED	\$ 1,726,847.35	\$ 1,634,666.45	\$ 92,180.90	Const - 2nd Street South Flood Control
REINER CONTRACTING INC	\$ 1,599,646.21	\$ 1,599,646.21	\$ -	Const - El Zagal Flood Risk Management
CONSOLIDATED COMMUNICATIONS	\$ 1,063,096.11	\$ 1,063,096.11	\$ -	Utility Relocation
ORACLE AMERICA, INC	\$ 1,015,290.00	\$ 306,856.00	\$ 708,434.00	Electronic Data Mgmt and Record Storage System
TERRACON CONSULTING ENGINEERS	\$ 830,792.49	\$ 830,520.16	\$ 272.33	Materials Testing
XCEL ENERGY	\$ 753,515.88	\$ 753,515.88	\$ -	Utility Relocation
MOORE ENGINEERING INC	\$ 662,468.17	\$ 662,468.17	\$ -	Engineering Services
US BANK	\$ 626,849.03	\$ 626,849.03	\$ -	Loan Advance DS Payments
DUCKS UNLIMITED	\$ 587,180.00	\$ 587,180.00	\$ -	Wetland Mitigation Credits
HOUSTON ENGINEERING INC	\$ 576,669.57	\$ 576,669.57	\$ -	Engineering Services
ERIK R JOHNSON & ASSOCIATES	\$ 550,613.18	\$ 550,613.18	\$ -	Legal Services
CROWN APPRAISALS INC	\$ 500,000.00	\$ 250,000.00	\$ 250,000.00	Flowage Easements Valuation
RED RIVER BASIN COMMISSION	\$ 500,000.00	\$ 500,000.00	\$ -	Retention Projects - Engineering Services
HOFFMAN & MCNAMARA NURSERY&LAN	\$ 495,801.98	\$ 455,836.49	\$ 39,965.49	Construction - Landscape
NORTHERN TITLE CO	\$ 484,016.00	\$ 484,016.00	\$ -	Land Purchases
AT & T	\$ 461,031.30	\$ 461,031.30	\$ -	Utility Relocation
BRAUN INTERTEC CORP	\$ 384,389.25	\$ 322,505.25	\$ 61,884.00	Quality Testing
SCHMIDT AND SONS CONSTRUCTION	\$ 351,178.00	\$ 335,906.00	\$ 15,272.00	Oxbow Housing Relocation
ACONEX (NORTH AMERICA) INC	\$ 306,856.00	\$ 306,856.00	\$ -	Electronic Data Mgmt and Record Storage System
BEAVER CREEK ARCHAEOLOGY	\$ 276,990.00	\$ 146,109.77	\$ 130,880.23	Engineering Services
702 COMMUNICATIONS	\$ 266,892.07	\$ 266,892.07	\$ -	Utility Relocation
SPRINT	\$ 256,409.37	\$ 256,409.37	\$ -	Utility Relocation

FM Metropolitan Area Flood Risk Management Project  
Cumulative Vendor Payments Since Inception  
As of **July 28**, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
FARGO MOORHEAD METROPOLITAN	\$ 253,858.35	\$ 253,858.35	\$ -	Lidar Imaging
AON RISK SERVICES CENTRAL, INC	\$ 240,000.00	\$ 183,813.50	\$ 56,186.50	P3 Risk Advisory Services
NDSU BUSINESS OFFICE	\$ 231,650.00	\$ 183,408.50	\$ 48,241.50	Ag Risk Study Services
BUFFALO-RED RIVER WATERSHED DI	\$ 221,568.00	\$ 221,568.00	\$ -	Retention Projects - Engineering Services
CASS RURAL WATER USERS DIST	\$ 213,335.00	\$ 213,335.00	\$ -	Utilities and Utility Relocation
ROBERT TRENT JONES	\$ 200,000.00	\$ 200,000.00	\$ -	Oxbow MOU - Golf Course Consulting Agreement
SPRINGSTED INCORPORATED	\$ 178,010.15	\$ 178,010.15	\$ -	Financial Advisor
S & S LANDSCAPING CO INC	\$ 150,528.50	\$ -	\$ 150,528.50	Construction - Landscape
FREDRIKSON & BYRON, PA	\$ 148,230.06	\$ 148,230.06	\$ -	Lobbying Services
PFM PUBLIC FINANCIAL MANAGEMEN	\$ 146,460.00	\$ 146,460.00	\$ -	Financial Advisor
GRAY PANNELL & WOODWARD LLP	\$ 143,800.68	\$ 143,800.68	\$ -	Legal Services
AT&T NETWORK OPERATIONS	\$ 125,238.30	\$ 125,238.30	\$ -	Utility Relocation
CENTURYLINK ASSET ACCOUNTING-B	\$ 118,871.82	\$ 102,773.54	\$ 16,098.28	Utility Relocation
ENVENTIS	\$ 115,685.62	\$ 115,685.62	\$ -	Utility Relocation
UNITED STATES GEOLOGICAL SURVE	\$ 104,600.00	\$ 104,600.00	\$ -	Stage Gage Installation
CASS COUNTY ELECTRIC-4100 32 A	\$ 104,195.00	\$ 97,995.00	\$ 6,200.00	Utility Services / Relocation
EL ZAGAL TEMPLE HOLDING CO	\$ 76,000.00	\$ 76,000.00	\$ -	Easement Purchase for El Zagal Levee
HKA GLOBAL, INC	\$ 74,353.00	\$ 74,353.00	\$ -	Professional Services
GERSON LEHRMAN GROUP, INC.	\$ 60,819.00	\$ 60,819.00	\$ -	Legal Services
NIXON PEABODY LLC	\$ 60,000.00	\$ 60,000.00	\$ -	Legal Services
ADVANCED ENGINEERING INC	\$ 50,000.00	\$ 50,000.00	\$ -	Public Outreach
IN SITU ENGINEERING	\$ 47,973.00	\$ 47,973.00	\$ -	Quality Testing
US GEOLOGICAL SURVEY	\$ 46,920.00	\$ 46,920.00	\$ -	Stage Gage Installation
MIDCONTINENT COMMUNICATIONS	\$ 37,318.95	\$ 37,318.95	\$ -	Utility Relocation
WARNER & CO	\$ 35,308.00	\$ 35,308.00	\$ -	General Liability Insurance
CLAY COUNTY AUDITOR	\$ 34,538.71	\$ 34,538.71	\$ -	Property Tax, Home Buyout Demo
AMERICAN ENTERPRISES INC	\$ 34,000.00	\$ 34,000.00	\$ -	Test Pits
GEOKON INC	\$ 33,815.36	\$ 33,815.36	\$ -	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	\$ 33,066.02	\$ 33,066.02	\$ -	Property Management Services
CPS HR CONSULTING	\$ 32,793.22	\$ 32,793.22	\$ -	HR Consulting
WESTERN AREA POWER ADMINISTRAT	\$ 30,000.00	\$ 30,000.00	\$ -	P3 Support Services
ND WATER USERS ASSOCIATN	\$ 20,000.00	\$ 20,000.00	\$ -	Membership Dues
XCEL ENERGY-FARGO	\$ 16,275.85	\$ 16,275.85	\$ -	Utility Relocation
PRIMORIS AEVENIA INC	\$ 16,230.00	\$ 16,230.00	\$ -	Utility Relocation
MOORHEAD, CITY OF	\$ 15,062.90	\$ 15,062.90	\$ -	ROE Legal Fees
BRIGGS & MORGAN PA	\$ 12,727.56	\$ 12,727.56	\$ -	Legal Services
PROSOURCE TECHNOLOGIES, INC	\$ 8,324.94	\$ 8,324.94	\$ -	Vibrating Wire Piezometer Equipment
MAP SERVICE CENTER	\$ 7,250.00	\$ 7,250.00	\$ -	Permit fee
NEWMAN SIGNS INC	\$ 5,816.00	\$ 5,816.00	\$ -	Sinage
ONE	\$ 3,575.00	\$ 3,575.00	\$ -	Legal Services
MCKINZIE METRO APPRAISAL	\$ 3,200.00	\$ 3,200.00	\$ -	Appraisal Services
STUDIO 7 PRODUCTIONS	\$ 3,170.00	\$ 3,170.00	\$ -	Video Productions
SEIGEL COMMUNICATIONS SERVICE	\$ 2,345.00	\$ 2,345.00	\$ -	Public Outreach
BNSF RAILWAY CO	\$ 2,325.00	\$ 2,325.00	\$ -	Permits for In-Town Levee Projects

FM Metropolitan Area Flood Risk Management Project  
Cumulative Vendor Payments Since Inception  
As of **July 28**, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
FORUM COMMUNICATIONS (LEGALS)	\$ 2,224.20	\$ 2,224.20	\$ -	Advertising Services
FORUM COMMUNICATIONS (ADVERT)	\$ 1,743.77	\$ 1,743.77	\$ -	Advertising Services
NORTH DAKOTA TELEPHONE CO	\$ 1,697.00	\$ 1,697.00	\$ -	Communication
ERBERT & GERBERTS SUBS	\$ 1,232.29	\$ 1,232.29	\$ -	lunches for the task force meetings
HUBER, STEVE	\$ 1,056.43	\$ 1,056.43	\$ -	Home Buyouts
WARREN TOWNSHIP	\$ 1,023.72	\$ 1,023.72	\$ -	SEEDING, ROAD REPAIR, DUST CONTROL
DEPT OF NATURAL RESOUR	\$ 1,000.00	\$ 1,000.00	\$ -	DNR Dam Safety Permit Application Fee
TRIO ENVIRONMENTAL CONSULTING	\$ 747.60	\$ 747.60	\$ -	Asbestos and LBP Testing - Home Buyouts
NDSU-DINING-STORE 685	\$ 701.75	\$ 701.75	\$ -	Meeting Incidentals
RED RIVER TITLE SERVICES INC	\$ 675.00	\$ 675.00	\$ -	Abstract Updates
HEARTLAND SEEDS, INC.	\$ 600.00	\$ 600.00	\$ -	Lawn Mowing Services
BNSF RAILWAY COMPANY	\$ 600.00	\$ 600.00	\$ -	MOU Agreement
CIVIL DESIGN INC	\$ 595.00	\$ 595.00	\$ -	MOU Agreement
RED RIVER VALLEY COOPERATIVE A	\$ 536.96	\$ 536.96	\$ -	Electricity - Home Buyouts
FERRELLGAS	\$ 496.00	\$ 496.00	\$ -	Propane - Home Buyouts
BROKERAGE PRINTING	\$ 473.33	\$ 473.33	\$ -	Custom Printed Forms
DAWSON INSURANCE AGENCY	\$ 388.52	\$ 388.52	\$ -	Property Insurance - Home Buyouts
KOCHMANN, CARTER	\$ 315.00	\$ 315.00	\$ -	Lawn Mowing Services
GALLAGHER BENEFIT SERVICES INC	\$ 250.00	\$ 250.00	\$ -	Job Description Review
DONS PLUMBING	\$ 240.00	\$ 240.00	\$ -	Winterize - Home Buyouts
HARWOOD TOWNSHIP, CASS, ND	\$ 208.91	\$ 208.91	\$ -	Township Meeting Expenses
WALMART STORE #4352	\$ 161.97	\$ 161.97	\$ -	Meeting Incidentals
CURTS LOCK & KEY SERVICE INC	\$ 138.10	\$ 138.10	\$ -	Service Call - Home Buyouts
GOOGLE LOVEINTHEOVEN	\$ 116.00	\$ 116.00	\$ -	Meeting Incidentals
LANE, BARRET	\$ 108.77	\$ 108.77	\$ -	Lodging Expense
FEDERAL EXPRESS CORPORATION	\$ 71.89	\$ 71.89	\$ -	Postage
AEVENIA, INC	\$ -	\$ -	\$ -	Utility Relocation
CENTURYLINK COMMUNICATIONS	\$ -	\$ -	\$ -	Utility Relocation
AON RISK SERVICES CENTRAL INC	\$ -	\$ -	\$ -	P3 Risk Advisory Services
ULTEIG ENGINEERS INC	\$ -	\$ -	\$ -	Engineering Services
CABLE ONE (FARGO)	\$ -	\$ -	\$ -	Utility Relocation
BOIS DE SIOUX WATERSHED DISTRI	\$ -	\$ -	\$ -	Retention Projects - Engineering Services
<b>Grand Total</b>	<b>\$ 495,966,848.09</b>	<b>\$ 442,995,477.45</b>	<b>\$ 52,971,370.64</b>	

**FM Metropolitan Area Flood Risk Management Project**  
**Lands Expense - Life To Date**  
**As of July31, 2018**

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
<b>Commercial Relocations - Fargo</b>						
Park East Apartments - 1 2nd St S	6/23/2015	9,240,246.10	-	708,126.94	-	9,948,373.04
Howard Johnson - 301 3rd Ave N	11/2/2015	3,266,079.60	-	3,752,607.61	(1,100.00)	7,017,587.21
Fargo Public School District - 419 3rd St N	3/16/2016	1,903,475.78	-	6,469,727.55	-	8,373,203.33
Mid America Steel - NP Ave, North	6/21/2016	437,371.41	-	5,370,000.00	-	5,807,371.41
Case Plaza - 117 NP Ave N	1/12/2017	250,449.12	-	-	-	250,449.12
Shakey's Pizza - DFI AP LLC - 203 4th Ave N	3/21/2017	1,002,367.69	-	-	-	1,002,367.69
<b>Home Buyouts - Fargo</b>						
1322 Elm St N	11/19/2014	347,270.27	-	47,168.14	-	394,438.41
1326 Elm St N	12/23/2014	230,196.41	-	8,001.02	-	238,197.43
1341 N Oak St	1/29/2015	309,888.24	-	78,889.24	-	388,777.48
1330 Elm St N	2/12/2015	229,982.44	-	62,362.63	-	292,345.07
18 North Terrace N	4/2/2015	129,698.25	-	44,688.72	-	174,386.97
1318 Elm St N	5/29/2015	229,012.67	-	55,452.01	-	284,464.68
724 North River Road	6/8/2015	194,457.83	-	35,615.30	-	230,073.13
1333 Oak Street N	6/24/2015	238,513.23	-	5,249.00	-	243,762.23
26 North Terrace N	9/11/2015	138,619.58	-	12,620.00	-	151,239.58
16 North Terrace N	9/24/2015	227,987.50	-	96,717.14	-	324,704.64
24 North Terrace N	11/25/2015	182,437.38	-	29,269.60	-	211,706.98
1314 Elm Street N	12/18/2015	225,800.09	-	42,025.00	-	267,825.09
12 North Terrace N	2/9/2016	10,191.00	-	-	-	10,191.00
1313 Elm Street N	1/23/2017	350,000.00	-	3,360.00	-	353,360.00
<b>Home Buyouts - Moorhead</b>						
387 170th Ave SW	11/1/2013	281,809.91	-	-	(8,440.00)	273,369.91
16678 3rd St S		214,000.00	-	84,060.80	-	298,060.80
<b>Home Buyouts - Oxbow</b>						
105 Oxbow Drive	11/28/2012	216,651.85	-	-	(181,249.54)	35,402.31
744 Riverbend Rd	12/3/2012	343,828.30	-	2,435.00	-	346,263.30
121 Oxbow Drive	7/31/2013	375,581.20	-	-	(186,918.33)	188,662.87
333 Schnell Drive	9/20/2013	104,087.79	-	-	-	104,087.79
346 Schnell Drive	2/13/2014	512,970.73	-	7,200.00	-	520,170.73
345 Schnell Drive	10/24/2014	478,702.98	-	6,869.44	-	485,572.42
336 Schnell Drive	1/29/2015	310,888.51	-	185,620.00	-	496,508.51
5059 Makenzie Circle	5/21/2015	2,698,226.97	-	10,549.70	-	2,708,776.67
357 Schnell Dr / 760 River Bend Rd	6/18/2015	466,720.80	-	176,524.79	-	643,245.59
349 Schnell Dr / 761 River Bend Rd	6/26/2015	306,725.20	-	309,992.53	-	616,717.73
748 Riverbend Rd / 755 River Bend Rd	9/1/2015	480,783.92	-	205,699.82	-	686,483.74
361 Schnell Dr / 764 River Bend Rd	9/2/2015	490,091.32	-	267,757.65	-	757,848.97
752 Riverbend Rd / 768 River Bend Rd	9/4/2015	469,078.13	-	507,103.56	-	976,181.69
353 Schnell Dr / 772 River Bend Rd	9/11/2015	494,342.87	-	312,212.95	-	806,555.82
SE 1/4-23-137-49 & NW 1/4 SW 1/4 24-137-49 - Heitman	9/30/2015	1,328,151.00	-	-	-	1,328,151.00
350 Schnell Dr / 769 River Bend Rd	12/15/2015	491,024.01	-	279,237.35	-	770,261.36
365 Schnell Drive	1/7/2016	125,077.88	-	-	-	125,077.88
852, 856, 860, & 864 Riverbend Rd	1/11/2016	1,222,608.19	-	10,891.60	-	1,233,499.79
334 Schnell Dr / 751 River Bend Rd	1/15/2016	321,089.77	-	284,349.88	-	605,439.65
749 Riverbend Rd / 433 Trent Jones Dr	2/1/2016	598,885.43	-	469,875.64	-	1,068,761.07
326 Schnell Drive	2/19/2016	326,842.17	-	225,073.09	-	551,915.26
309 Schnell Dr / 325 Trent Jones Dr	5/12/2016	539,895.97	-	574,412.28	-	1,114,308.25
810 Riverbend Rd / 787 River Bend Rd	6/6/2016	672,125.84	-	640,625.43	-	1,312,751.27
833 Riverbend Rd / 446 Trent Jones Dr	7/14/2016	801,671.69	-	590,292.66	-	1,391,964.35
328 Schnell Dr / 347 Trent Jones Dr	7/14/2016	320,803.64	-	329,117.70	-	649,921.34
839 Riverbend Road	7/20/2016	1,775,311.60	-	10,631.50	-	1,785,943.10
332 Schnell Dr / 335 Trent Jones Dr	8/2/2016	328,639.47	-	356,643.81	-	685,283.28
317 Schnell Dr / 409 Trent Jones Dr	9/7/2016	548,393.52	-	558,413.52	-	1,106,807.04
330 Schnell Drive	10/4/2016	328,134.82	-	125,072.50	-	453,207.32
329 Schnell Dr / 417 Trent Jones Dr	10/4/2016	549,277.00	-	499,811.00	-	1,049,088.00
321 Schnell Dr / 410 Trent Jones Dr	10/7/2016	471,534.69	-	514,952.53	-	986,487.22
813 Riverbend Rd / 449 Trent Jones Dr	10/14/2016	660,997.62	-	797,937.65	-	1,458,935.27
325 Schnell Drive / 426 Trent Jones Dr	11/3/2016	403,498.66	-	402,935.97	-	806,434.63
844 Riverbend Road	11/11/2016	716,599.40	-	15,118.84	-	731,718.24
828 Riverbend Rd	11/30/2016	955,928.53	-	-	-	955,928.53
341 Schnell Dr / 343 Trent Jones Dr	12/8/2016	480,921.52	-	673,954.16	-	1,154,875.68
840 Riverbend Rd / 442 Trent Jones Dr	12/21/2016	547,075.19	-	423,662.02	-	970,737.21
816 Riverbend Rd / 441 Trent Jones Dr	12/27/2016	567,413.07	-	338,694.70	-	906,107.77
821 Riverbend Rd / 438 Trent Jones Dr	1/13/2017	580,617.35	-	331,100.87	-	911,718.22
805 Riverbend Rd / 776 River Bend Rd	2/10/2017	508,203.01	-	395,757.84	-	903,960.85
808 Riverbend Road / 254 South Schnell Dr	2/24/2017	713,814.95	-	533,475.96	-	1,247,290.91
338 Schnell Dr / 775 River Bend Rd	2/28/2017	560,402.15	-	407,961.34	-	968,363.49
313 Schnell Drive/ 413 Trent Jones Dr	4/7/2017	389,370.50	-	357,043.95	-	746,414.45
809 Riverbend Rd	5/3/2017	112,304.99	-	-	-	112,304.99
337 Schnell Dr / 353 Trent Jones Dr	5/17/2017	456,146.62	-	524,447.89	-	980,594.51
829 Riverbend Rd / 788 River Bend Rd	7/7/2017	1,056,438.13	-	1,369,587.89	-	2,426,026.02
848 Riverbend Rd / 783 River Bend Rd	7/27/2017	781,361.81	-	1,410,330.68	-	2,191,692.49
817 Riverbend Road / 421 Trent Jones Dr	7/18/2017	445,728.05	-	465,264.50	-	910,992.55
843 Riverbend Rd / 445 Trent Jones Dr	9/21/2017	978,292.23	-	1,207,474.57	-	2,185,766.80

**FM Metropolitan Area Flood Risk Management Project  
Lands Expense - Life To Date  
As of July31, 2018**

<b>Property Address</b>	<b>Purchase Date</b>	<b>Purchase Price</b>	<b>Earnest Deposit</b>	<b>Relocation Assistance</b>	<b>Sale Proceeds</b>	<b>Total</b>
477 Oxbow Drive - OIN 9614 - Henry & Suzanne Mertz	10/27/2017	25,020.58	-	-	-	25,020.58
<b>Home Buyouts - Hickson</b>						
17495 52nd St SE	4/28/2015	785,747.66	-	27,604.74	-	813,352.40
4985 and 4989 Klitzke Drive, Pleasant Twp	7/20/2016	245,926.71	-	92,817.44	-	338,744.15
<b>Home Buyouts - Horace</b>						
2914 124th Ave S	12/29/2016	50,981.00	-	-	-	50,981.00
17471 49th St SE - Campbell - OIN 9403	2/16/2017	883,581.00	-	154,196.55	-	1,037,777.55
17465 49th St SE - Campbell - OIN 9411	2/21/2017	828,561.00	-	190,389.56	-	1,018,950.56
17474 52nd St SE - Leher - OIN 1889/1990/2182	7/11/2017	909,905.00	-	-	-	909,905.00
17449 50th Street SE - Scott Young	9/1/2017	398,936.66	-	-	-	398,936.66
4848 CR 81 S, Horace, ND _ OIN 9405	9/15/2017	451,185.00	-	36,153.08	-	487,338.08
17568 Pfiffer Drive - OIN 9387	3/6/2018	505,925.70	-	3,590.00	-	509,515.70
15-0000-02690-010 & 15-0000-02690-020 - Cossette _ OIN 229 & 230	11/29/2017	2,433,020.59	-	-	-	2,433,020.59
5021 171st Ave. Southeast, Horace, ND _ OIN 1955	12/18/2017	248,677.89	-	-	-	248,677.89
<b>Home Buyouts - Argusville</b>						
2351 173rd Ave SE - Johnson - OIN 1222	2/6/2017	215,030.91	-	6,912.57	-	221,943.48
<b>Easements - Fargo</b>						
Part of Lot 5 El Zagal Park	10/9/2014	76,000.00	-	-	-	76,000.00
72 2nd St N - Bortnem	4/13/2016	37,020.00	-	-	-	37,020.00
Oak Terrace Condos - 2 N Terrace N	3/30/2016	5,588.00	-	-	-	5,588.00
Fercho Family Farms,	3/25/2015	50,000.00	-	-	-	50,000.00
Part of Lot 3 Block 4 R2 Urban Renewal Addition	3/15/2018	336,108.00	-	-	-	336,108.00
<b>Easements - Hickson</b>						
Hickson Village Lot 8 BLK 11	5/11/2016	500.00	-	-	-	500.00
<b>Easements - Oxbow</b>						
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-	-	-	55,500.00
<b>Easements - Diversion Inlet Control Structure</b>						
15-0000-02690-020 - Cossette	6/1/2016	-	-	-	-	-
64-0000-02730-000 - Sauvageau	6/1/2016	1,113,101.57	-	-	-	1,113,101.57
64-0000-027400-000 - Duboard	9/15/2016	177,399.29	-	-	-	177,399.29
64-0000-02700-010 - Rheault	1/31/2017	2,243.06	-	-	-	2,243.06
15-141-49 NW1/4 160.00 AC **12-31-98 COMB FRM 44-0000-00580-000 & 44-0000-00570-000 - Larson Trust (Nygren)	6/20/2017	32,340.00	-	-	-	32,340.00
Southwest corner of County Road 17 S and 112th Avenue S (condemnation) - SAUVAGEAU LIFE EST.		373,437.00	-	-	-	373,437.00
16835 47 ST SE - Buster Farms LLLP		1,755.00	-	-	-	1,755.00
<b>Easements - Piezometer</b>						
67-0000-12719-010 - Adams - OIN-1201	3/13/2017	1,500.00	-	-	-	1,500.00
<b>Easements - Minnesota</b>						
Askegaard Hope Partnership	10/14/2016	1,542,370.79	-	-	-	1,542,370.79
<b>Farmland Purchases</b>						
SE 1/4 11-140-50 (Raymond Twp, ND) - Ueland	1/20/2014	959,840.00	-	-	-	959,840.00
2 Tracts in the E 1/2-2-137-49 - Sorby/Maier	1/24/2014	1,636,230.00	-	-	-	1,636,230.00
3 Tracts NW1/4 1-140-50, NW1/4 11-140-50, & S1/2 25-141-50 - Rust (OINs 0511,0512,0880,0897)	2/18/2014	3,458,980.70	-	-	-	3,458,980.70
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	991,128.19
NW 1/4 36-141-50 - Monson	5/7/2014	943,560.05	-	-	-	943,560.05
W 1/2 SE 1/4 SW 1/4 & SW 1/4 SW 1/4 2-137-49 - Gorder	5/13/2014	321,386.00	-	-	-	321,386.00
SW 1/4-11-140-50 - Hoglelund	7/21/2014	989,706.03	-	-	-	989,706.03
NW 1/4 14-140-50 - Hoglelund	10/23/2014	948,782.22	-	-	-	948,782.22
SW 1/4 2-140-50 -Rust	10/29/2014	955,901.00	-	-	-	955,901.00
2-140-50 S 1/2 of NW 1/4 & Lot 4A - Pile	3/4/2015	594,108.00	-	-	-	594,108.00
Fercho Family Farms,	3/25/2015	464,600.00	-	-	-	464,600.00
W 1/2 NW 1/4 2-141-49 - Heiden	4/24/2015	433,409.00	-	-	-	433,409.00
(Raymond Twp) - Subdivision: Part of 23-140-50, 155.82 acres - Henke (Raymond Twp) - Subdivision: Part of Sec. 23., Less Gust Sub and Jason Sub	6/17/2015	857,144.00	-	-	-	857,144.00
T140N R50W - Henke	6/17/2015	339,071.00	-	-	-	339,071.00
15-141-49 NW1/4 160.00 AC **12-31-98 COMB FRM 44-0000-00580-000 & 44-0000-00570-000 - Larson Trust (Nygren)	6/20/2017	291,840.00	-	-	-	291,840.00
64-0000-02720-000 - Ulstad (Condemnation)	11/10/2016	1,221,931.50	-	-	-	1,221,931.50
Peter Biegler, Jr - OIN 9748	7/17/2017	250,185.00	-	-	-	250,185.00
19-141-49 NE 1/4 A 160.00 - Schoenberg Farms	7/18/2017	3,470,167.12	-	-	-	3,470,167.12
SHEY RIV - Chose	7/28/2017	60,128.07	-	-	-	60,128.07
W 1/2d 1/2 10-141-49 & NW 1/4 10-141-49 - Larson Family Farm Trust	8/1/2017	1,402,847.99	-	-	-	1,402,847.99
S1/2 W1/2 NW1/4 - Conyers	8/3/2017	33,150.00	-	-	-	33,150.00
27th St SE, between 169th Ave SE and I-29 - Nelson	8/3/2017	1,024,189.50	-	-	-	1,024,189.50
Meridian, Cass County, ND - Heiden Family, LLLP	8/4/2017	1,326,882.11	-	-	-	1,326,882.11

**FM Metropolitan Area Flood Risk Management Project  
Lands Expense - Life To Date  
As of July31, 2018**

<b>Property Address</b>	<b>Purchase Date</b>	<b>Purchase Price</b>	<b>Earnest Deposit</b>	<b>Relocation Assistance</b>	<b>Sale Proceeds</b>	<b>Total</b>
2368 173rd Ave SE & Rural Land Part of SE1/4 35-142-49, Wiser, ND - Kevin & Pamela Heiden	8/4/2017	614,439.02	-	-	-	614,439.02
20-141-49 SW 1/4 A 160.00 - Lloyd & Alice Amundson	8/9/2017	123,563.38	-	-	-	123,563.38
5251 174 1/2 Ave SE, Pleasant Township, ND 58047	8/18/2017	254,354.28	-	-	-	254,354.28
35-142-49 SW 1/4 A 160.00 - Burley _ OIN 1218	8/31/2017	167,091.47	-	-	-	167,091.47
S-1/2 of N1/2 of Section 36-142-49, Wayne & Gary Ohnstad_OIN 1223	12/13/2017	200,135.00	-	-	-	200,135.00
2-141-49 S 1/2 OF NE 1/4 & N 1/2 OF SE 1/4	12/20/2017	251,668.74	-	-	-	251,668.74
County Rd 32 between 167th Ave SE and 169th Ave SE, 25-141-50 NE 1/4	1/19/2018	831,853.08	-	-	-	831,853.08
County Rd 32 between 167th Ave SE and 169th Ave SE, 30-141-50 NW 1/4	3/23/2018	831,535.25	-	-	-	831,535.25
NE 1/4 Section 14 Township 140 North of Range 50 West of 5th Principle Meridian LESS the East 85 feet of said NE Quarter	2/22/2018	707,530.88	-	-	-	707,530.88
<b>Land Purchases</b>						
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	-	(730,148.14)	(246,132.14)
Lot 4, Block 4, ND R-2 Urban Renewal Addition, Fargo ND - Professional Associates	5/14/2015	39,900.00	-	-	-	39,900.00
BNSF Railway Company	10/28/2015	27,000.00	-	-	-	27,000.00
City of Fargo - OIN 2366 & OIN 2367	3/9/2017	1,022,533.30	-	-	-	1,022,533.30
Edwin and Margaret Ployhart OIN 8852	4/5/2017	5,121.18	-	-	-	5,121.18
Arthur Mathison RT OIN 1994	5/19/2017	750.00	-	-	-	750.00
Ideal Ag Corp OIN 9789 / 9790	5/25/2017	30,120.68	-	-	-	30,120.68
OIN 1195 / 1196 - Mark Thorson	9/15/2017	203,678.32	-	-	-	203,678.32
		<u>89,610,936.01</u>	-	<u>34,533,719.40</u>	<u>(1,107,856.01)</u>	<u>123,036,799.40</u>
			(32,000.00)		10,000.00	
				<b>Property Management Expense</b>		1,988,271.39
					<b>Grand Total</b>	<b><u>\$ 125,025,070.79</u></b>

**FM Metropolitan Area Flood Risk Management Project  
In-Town Levee Work  
as of July 28, 2018**

<b>Vcode #</b>	<b>Vendor Name</b>	<b>Descriptions</b>	<b>Contract Amount</b>	<b>Amount Paid</b>
V02801	Industrial Builders	WP42.A2 - 2nd Street North Pump Station	\$ 8,696,548.46	\$ 8,695,471.79
V02802	Terracon Consulting	WP-42 (In Town Levees) Materials Testing	\$ 830,792.49	\$ 830,520.16
V02803	Consolidated Communications	2nd Street Utility Relocation	\$ 1,178,781.73	\$ 1,178,781.73
V02804	702 Communications	2nd Street Utility Relocation	\$ 266,892.07	\$ 266,892.07
V02805	ICS	WP-42A.1/A.3 - 4th St Pump Station & Gatewell and 2nd St Floodwall S	\$ 17,583,287.19	\$ 17,500,178.16
V02806	HMG	WP42 - Services During Construction	\$ 5,343,413.00	\$ 5,188,630.77
V02807	CCJWRD	In-Town Levee Work	\$ 6,212,413.40	\$ 5,886,140.36
V02808	City of Fargo	Relocation of fiber optic along 2nd Street North	\$ 397,906.52	\$ 397,906.52
V02809	AT & T	2nd Street Utility Relocation	\$ 586,269.60	\$ 586,269.60
V02811	Xcel Energy	2nd Street & 4th Street Utility Relocations	\$ 769,791.73	\$ 769,791.73
V02812	Industrial Builders	WP-42F.1S - 2nd Street North Floodwall, South of Pump Station	\$ 16,720,591.15	\$ 16,689,883.67
V02813	Landwehr Construction	Park East Apartments Demolition	\$ 1,169,651.74	\$ 1,169,651.74
V02814	Primoris Aevenia	2nd Street Utility Relocation	\$ 16,230.00	\$ 16,230.00
V02815	Centurylink Communications	2nd Street Utility Relocation	\$ 2,660,937.92	\$ 2,660,937.92
V02816	Landwehr Construction	WP-42C.1 - In-Town Levees 2nd Street/Downtown Area Demo	\$ 907,999.08	\$ 907,999.08
V02817	Reiner Contracting, Inc	WP-42H.2 - El Zagal Area Flood Risk Management	\$ 1,599,646.21	\$ 1,599,646.21
V02818	Industrial Builders	WP-42I.1 - Mickelson Levee Extension	\$ 738,880.50	\$ 738,880.50
V02819	Industrial Builders	WP42F.1N - 2nd Street North	\$ 13,362,906.82	\$ 13,362,906.82
V02820	CH2M Hill	WP42 - Construction Management Services	\$ 851,775.30	\$ 851,775.30
V02821	Hough Incorporated	WP42F.2 - 2nd Street South	\$ 1,726,847.35	\$ 1,634,666.45
V02822	City of Fargo	COF - 2016 O&M on Lifts	\$ 34,941.05	\$ 34,941.05
V02823	Hoffman & McNamara Nursery & Lan	WP-42G General Landscaping and Planting	\$ 495,801.98	\$ 455,836.49
V02824	City of Fargo	COF – In-Town Flood Protection Debt Payments	\$ 4,875,880.00	\$ 4,875,880.00
V01703	Various	In-Town Property Purchases	\$ 39,421,258.39	\$ 38,174,772.37
			<u>\$ 126,449,443.68</u>	<u>\$ 124,474,590.49</u>

**Fargo-Moorhead Metropolitan Area Flood Risk Management Project  
State Water Commission Funds Reimbursement Worksheet  
Fargo Flood Control Project Costs - HB1020 & SB2020**

Time Period for This Request: June 1, 2018 - June 30, 2018 - OHB Levee Related

Drawdown Request No: 70	
Requested Amount:	\$ 1,216,849
Total Funds Expended This Period:	\$ 2,433,697
SB 2020 Matching Requirements	50%
Total Funds Requested at 50% Match	1,216,849
<b>Total Funds Requested:</b>	<b>\$ 1,216,849</b>

STATE AID SUMMARY:		
Summary of State Funds Appropriated		
Appropriations from 2009 Legislative Session	\$	45,000,000
Appropriations from 2011 Legislative Session		30,000,000
Appropriations from 2013 Legislative Session		100,000,000
Appropriations from 2015 Legislative Session		69,000,000
Appropriations from 2015 Legislative Session - Interior Flood Control		60,000,000
Anticipated appropriations to be funded in 2017 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2019 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2021 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2023 Legislative Session	66,500,000	
<b>Total State Funds</b>	<b>266,000,000</b>	<b>304,000,000</b>
Less: Payment #1 through #35 - City of Fargo		(55,510,209)
Less: Payment #1 - Cass County		(136,039)
Less: Payment #1 through #7 - Interior Flood Control		(60,000,000)
Less: Payment #1 through #28 - FM Diversion Authority		(38,049,107)
Less: Payment #29 through #50 - FM Metro Area Flood Risk Management Project		(76,542,741)
Less: Payment #51 - FM Metro Area Flood Risk Management Project		(1,501,080)
Less: Payment #52 - FM Metro Area Flood Risk Management Project		(1,565,228)
Less: Payment #53 - FM Metro Area Flood Risk Management Project		(708,163)
Less: Payment #54 - FM Metro Area Flood Risk Management Project		(897,057)
Less: Payment #55 - FM Metro Area Flood Risk Management Project		(488,613)
Less: Payment #56 - FM Metro Area Flood Risk Management Project		(1,105,872)
Less: Payment #57 - FM Metro Area Flood Risk Management Project		(1,377,451)
Less: Payment #58 - FM Metro Area Flood Risk Management Project		(1,792,502)
Less: Payment #59 - FM Metro Area Flood Risk Management Project		(1,625,005)
Less: Payment #60 - FM Metro Area Flood Risk Management Project		(65,355)
Less: Payment #61 - FM Metro Area Flood Risk Management Project		(780,105)
Less: Payment #62 - FM Metro Area Flood Risk Management Project		(772,390)
Less: Payment #63 - FM Metro Area Flood Risk Management Project		(901,954)
Less: Payment #64 - FM Metro Area Flood Risk Management Project		(7,127)
Less: Payment #65 - FM Metro Area Flood Risk Management Project		(31,576)
Less: Payment #66 - FM Metro Area Flood Risk Management Project		(476,342)
Less: Payment #67 - FM Metro Area Flood Risk Management Project		(43,032)
Less: Payment #68 - FM Metro Area Flood Risk Management Project		(521,819)
Less: Payment #69 - FM Metro Area Flood Risk Management Project		(567,145)
Less: Payment #70 - FM Metro Area Flood Risk Management Project		(1,216,849)
<b>Total Funds Reimbursed</b>		<b>(246,682,761)</b>
<b>Total State Fund Balances Remaining</b>	<b>\$</b>	<b>57,317,239</b>



Fargo-Moorhead Metropolitan Area Flood Risk Management Project  
 State Water Commission Funds Reimbursement Worksheet  
 Fargo Flood Control Project Costs - HB1020 & SB2020

LOCAL MATCHING FUNDS SUMMARY:	
Matching Funds Expended To Date - FM Metro Area Flood Risk Management Project	\$ 78,689,391
Less: Match Used on Payment #1 through #35 - City of Fargo	(41,506,620)
Less: Match used on Payment #1 - Cass County	(136,039)
Less: Match Used on Payment #1-28 - FM Diversion Authority	(11,052,710)
Less: Match Used on Payment #29-50 - FM Metro Area Flood Risk Management Project	(18,968,395)
Less: Match Used on Payment #51 - FM Metro Area Flood Risk Management Project	(1,336,028)
Less: Match Used on Payment #52 - FM Metro Area Flood Risk Management Project	(294,854)
Less: Match Used on Payment #54 - FM Metro Area Flood Risk Management Project	(595,622)
Less: Match Used on Payment #55 - FM Metro Area Flood Risk Management Project	(278,292)
Less: Match Used on Payment #58 - FM Metro Area Flood Risk Management Project	(222,923)
<b>Balance of Local Matching Funds Available</b>	<b>\$ 4,297,908</b>

Finance Committee Bills through August 17, 2018

Vendor	Description		
Cass County Joint Water Resource District	Diversion bills	\$	69,524.07
Dorsey & Whitney	Legal services rendered through June 30, 2018	\$	47,752.12
Ohnstad Twichell, P.C.	Professional services rendered through July 21, 2018	\$	30,806.00
Cass County Government	Dust control reimbursement for County Highway 17	\$	5,390.24
Buildings & Grounds Management	Lawn service on diversion-owned lots	\$	1,932.50
Total Bills Received through August 17, 2018		\$	<u>155,404.93</u>



Cass County  
Joint Water  
Resource  
District

July 31, 2018

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Lance Yohe  
Manager  
West Fargo, North Dakota

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

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

Greetings:

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

Enclosed please find revised request #55 totaling \$69,524.07 regarding the above referenced projects. The breakdown is as follows:

Metro Flood Diversion	\$ 51,252.89
Oxbow-Hickson-Bakke Ring Levee	17,802.64
In-Town Levees	468.54

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

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis  
Secretary-Treasurer

Carol Harbeke Lewis  
Secretary-Treasurer

1201 Main Avenue West  
West Fargo, ND 58078-1301

Enclosures

701-298-2381  
FAX 701-298-2397  
[wrđ@casscountynđ.gov](mailto:wrđ@casscountynđ.gov)  
[casscountynđ.gov](http://casscountynđ.gov)

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

Updated 7/31/18

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
7/12/2018	7/2/2018	157024	130007	6,432.50	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
7/12/2018	7/2/2018	157038	170007	392.50	Ohnstad Twichell, P.C.	Legal-Upstream Mitigation Area
7/12/2018	7/2/2018	157031	160007	5,886.50	Ohnstad Twichell, P.C.	Legal-Channel Phase I
7/12/2018	7/2/2018	157032	160007	7,440.50	Ohnstad Twichell, P.C.	Legal-Channel Phase II
7/12/2018	7/3/2018	850.04		179.13	Red River Valley Coop Power Assoc	Service to 16678 3rd St S Moorehead
7/12/2018	7/5/2018	1132078		38.23	Cass County Electric Cooperative	Service to 17449 50 St SE, 17568 Pfiffer Dr
7/12/2018	7/5/2018	1122560		199.39	Cass County Electric Cooperative	Service to 17471 49 St S
7/12/2018	7/5/2018	1123339		26.40	Cass County Electric Cooperative	Service to 17465 49 St S
7/12/2018	6/27/2018	1638		741.50	Houston-Moore Group	Engineering - Right-of-Entry Services 2018
7/12/2018	6/27/2018	1639		14,876.66	Houston-Moore Group	Engineering - Property Acquisition Services
7/26/2018	7/13/2018	157248	187007	11,133.65	Ohnstad Twichell, P.C.	Legal-Right of Entry 2018
7/26/2018	7/13/2018	157240	170007	3,128.50	Ohnstad Twichell, P.C.	Legal-Sauvagea Eminent Domain
7/26/2018	7/18/2018	736531	38810.00002	936.00	Larkin Hoffman Attorneys	Legal-Richland County Right Of Entry Agreements
7/26/2018	7/16/2018	1129748		41.43	Cass County Electric Cooperative	Service to 5021 171 Ave SE
<b>Total</b>				<b>51,252.89</b>		

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
<b>Total</b>				<b>0.00</b>		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
7/12/2018	7/2/2018	157025		140007	1,028.00	Ohnstad Twichell, P.C.	Legal-Oxbow-Hickson-Bakke Levee project
7/26/2018	7/13/2018	157238		160007	12,076.04	Ohnstad Twichell, P.C.	Legal-Eminent Domain Erickson, Curtis & Karen
7/26/2018	6/30/2018	19186		2830-00	4,700.60	ProSource Technologies LLC	Project mgmt and relocation
<b>Total</b>				<b>17,802.64</b>			

OXBOW GOLF AND COUNTRY CLUB INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
<b>Total</b>				<b>0.00</b>		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
7/12/2018	6/28/2018	597745685		224.78	Xcel Energy	Electric service to 419 3rd St N
7/12/2018	6/28/2018	597743913		142.36	Xcel Energy	Gas service to 419 3rd St N
7/26/2018	7/6/2018	6000052129		101.40	City of Fargo	Service to 419 3 St N
<b>Total</b>				<b>468.54</b>		
<b>Grand Total</b>				<b>69,524.07</b>		



Office of the City Attorney

City Attorney  
Erik R. Johnson

Assistant City Attorney  
Nancy J. Morris

August 2, 2018

Kent Costin  
Finance Director  
City of Fargo  
200 North Third Street  
Fargo, ND 58102

**Re: Metro Flood Diversion Project**

Dear Kent:

I am enclosing a Summary Invoice dated July 25, 2018 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through June 30, 2018 on the Metro Flood Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to Dorsey Whitney.

Sincerely,

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

Erik R. Johnson

ERJ/lmw  
Enclosure  
cc: Bruce Grubb





**RECEIVED**  
BY \_\_\_\_\_ DATE 7/27/18

MINNEAPOLIS OFFICE  
612-340-2600

(Tax Identification No. 41-0223337)

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

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

July 25, 2018  
Invoice No. 3437002

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

**For Legal Services Rendered Through June 30, 2018**

**INVOICE TOTAL**

Total For Current Legal Fees	\$47,576.50
Total For Current Disbursements and Service Charges	\$175.62
<b>Total For Current Invoice</b>	<b>\$47,752.12</b>

**Summary of Account**

*Prior Balance Due	\$109,362.66
Total Amount Due	\$157,114.78

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

For your convenience, please remit payment to the address below or we offer the option of remitting payment electronically by wire transfer. If you have any questions regarding this information, please contact the lawyer you are working with on this project or Dorsey's Accounts Receivable Department at 1-800-861-0760. Thank you.

Mailing Instructions:  
Dorsey & Whitney LLP  
P.O. Box 1680  
Minneapolis, MN 55480-1680

Wire Instructions:  
U.S. Bank National Association  
800 Nicollet Mall  
Minneapolis, MN 55402

(This account is only for Wire/ACH payments)  
ABA Routing Number: 09100022  
Account Number: 1047-8339-8282  
Swift Code: USBKUS44INT

Please make reference to the invoice number

Service charges are based on rates established by Dorsey & Whitney. A schedule of those rates has been provided and is available upon request. Disbursements and service charges, which either have not been received or processed, will appear on a later statement

ALL INVOICES ARE DUE 30 DAYS FROM DATE OF INVOICE UNLESS OTHERWISE EXPRESSLY AGREED BY DORSEY & WHITNEY

**OHNSTAD TWICHELL, P.C.****Attorneys at Law**

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

15-1395 JTS Invoice # 157611

Flood Diversion Board  
 Bond Counsel Work - PPP

Date: August 3, 2018

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

**PROFESSIONAL SERVICES RENDERED**

	Hours	Hourly Rate	Totals
JTS	21.5	\$310.00	\$6,665.00
CMM	8.3	\$310.00	\$2,573.00
KJB	25.5	\$285.00	\$7,267.50
TJL	32	\$250.00	\$8,000.00
MPS	0.4	\$200.00	\$80.00
AJM	37.7	\$165.00	\$6,220.50
<b>Total Fees:</b>	<b>125.40</b>		<b>\$30,806.00</b>

**Total Expenses:** \$0.00

**Grand Total** **\$30,806.00**

**2018 Hourly Rates**

JTS	John T. Shockley, Partner, Supervising Attorney	\$310.00
CMM	Christopher M. McShane, Partner	\$310.00
ADC	Andrew D. Cook, Partner	\$310.00
SNW	Sarah M. Wear, Partner	\$310.00
KJB	Katie J. Bertsch, Associate	\$285.00
TJL	Tyler J. Leverington, Associate	\$250.00
CBC	Calley B. Campbell, Associate	\$225.00
LWC	Lukas W. Croaker, Associate	\$225.00
MPS	Michael P. Sly, Associate	\$200.00
CAS	Carol A. Stillwell, Paralegal	\$165.00
JDR	Joshua D. Roaldson, Paralegal	\$165.00
AJM	Andrea J. Murphy, Paralegal	\$165.00
LRK	Lisa R. Kilde, Paralegal	\$155.00
HCG	Hannah C. Gilbert, Paralegal	\$140.00

**OHNSTAD TWICHELL, P.C.**

WEST FARGO, NORTH DAKOTA 58078

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

## PROFESSIONAL SERVICES RENDERED

15-1395 JTS Invoice # 157611		Flood Diversion Board	Bond Counsel Work - PPP
FILE NUMBER	MATTER DESCRIPTION	INVOICE - TOTAL FEES	
151395-1	General Topics (Includes General Governance Questions, Notices, etc.)	\$8,395.50	
151395-3	P3 Procurement	\$531.00	
151395-4	Public Finance Issues	\$968.00	
151395-5	Consultant Contract Review/Development	\$1,345.00	
151395-6	Support of External Litigation Counsel	\$1,153.50	
151395-7	Coordination With Member Entities	\$693.00	
151395-8	MNDNR Permit Issues	\$3,336.50	
151395-9	Environmental Permiing Issues/NEPA	\$124.00	
151395-12	USACE Interface/Questions	\$668.50	
151395-13	Third Party Utility MOU's	\$12,685.00	
151395-14	ICS Issues	\$580.00	
151395-16	Riley Bros. Construction Claim	\$326.00	
<b>TOTAL</b>		<b>\$30,806.00</b>	



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

DATE: 8/16/18

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

CUSTOMER NO: 3252/3308

TYPE: CE - COUNTY ENGINEER

CHARGE	DATE	DESCRIPTION	REF-NUMBER	DUE DATE	TOTAL AMOUNT
	4/11/18	BEGINNING BALANCE			307.90
	4/23/18	PAYMENT			307.90-
6050	5/22/18	DUST CONTROL APPLIED			3,654.46
6050	7/24/18	DUST CONTROL APPLIED			1,735.78

Current	30 days	60 days	90 days
5390.24			

DUE DATE: 9/17/18

PAYMENT DUE: 5,390.24  
 TOTAL DUE: \$5,390.24

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 8/16/18 DUE DATE: 9/17/18 NAME: DIVERSION AUTHORITY  
 CUSTOMER NO: 3252/3308 TYPE: CE - COUNTY ENGINEER

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

TOTAL DUE: \$5,390.24

3252



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

**BILL TO**

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

**INVOICE 1232**

**DATE 05/22/2018**

DATE	ACTIVITY	QTY	RATE	AMOUNT
05/22/2018	Dust Control Applied Dust Control Product/ Applied Calcium Chloride 38% @ Horace Hyw	3,097	1.18	3,654.46

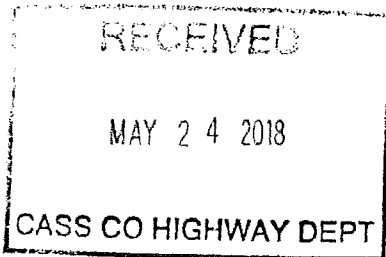
Glacier Dust Control charges off the gallon meter, not by the running foot. This way you know what you're paying for. We use 38% Calcium Chloride at a standard rate of .30 gallons/square yard.

**TOTAL DUE \$3,654.46**

MS 1002  
WR # 5812 / 98  
211-4001-431.45-01 5-29-18 BTJ

PO # 135067

Bill:  
Diversion





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

**BILL TO**

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

**INVOICE 1428**

**DATE 07/24/2018**

DATE	ACTIVITY	QTY	RATE	AMOUNT
07/24/2018	<b>Dust Control Applied</b> Dust Control Product/ Applied Calcium Chloride 38% @ CR17 South of Horace, ND (We sprayed 2400')	1,471	1.18	1,735.78

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

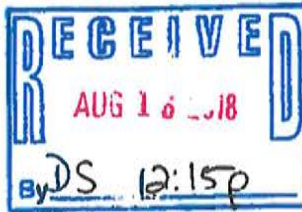
**TOTAL DUE \$1,735.78**

MS 1002  
 WR 5812 / 98  
 211-4001-431.45-01 7-27-18  
 BOL

Bill Diversion

PO #  
 135870

Building & Grounds Management  
 PO Box 6583  
 Fargo, ND 58109 US  
 (218) 585-4529  
 buildingandgroundsmgmt@gmail.com



# INVOICE

**BILL TO**

FM Diverson Authority  
 C/O Jacobs  
 64 4th St. N. Suite 300  
 Fargo, ND 58102

**INVOICE # 3621**

**DATE 08/06/2018**  
**DUE DATE 08/21/2018**  
**TERMS Net 15**

DATE	ACTIVITY	QTY	RATE	AMOUNT
07/02/2018	Lawn Service OIN# 1926 17449 50th St. SE- Mowed			200.00
07/03/2018	Lawn Service OIN #9403 & 9411 17471 & 17465 49th St. SE.- Mowed 1st time (Very long)			200.00
07/03/2018	Lawn Service OIN# 9387 17568 Pfiefer Dr. So.- Mowed (Very long)			60.00
07/15/2018	Equipment:Kioti Tractor Cty 16 & 17- Mowed	2.50	90.00	225.00
07/15/2018	Equipment:Payloader Pulled tractor out of ditch	1	140.00	140.00
07/18/2018	Equipment:Kioti Tractor Cty 16 & 17- Mowed	7.25	90.00	652.50
07/23/2018	Lawn Service OIN# 9387 17568 Pfiefer Dr. So.- Mowed			40.00
07/24/2018	Lawn Service OIN #9403 & 9411 17471 & 17465 49th St. SE.- Mowed			100.00
07/26/2018	Lawn Service OIN# 1955			135.00

DATE	ACTIVITY	QTY	RATE	AMOUNT
	5021 171st Ave SE.- Mowed			
07/26/2018	Equipment:Kioti Tractor Cty 16 & 17- Mowed	2	90.00	180.00

BALANCE DUE

**\$1,932.50**



May 14, 2018

Rocky Schneider  
Advanced Engineering and  
Environmental Services, Inc. (AE2S)  
4170 28th Ave. So.  
Fargo, ND 58104

Re: Six Month Extension of Engagement Letter for Minnesota  
Government Relations Services 2017-2018

Dear Rocky:

Thank you for extending the representation by Fredrikson & Byron, P.A. of the Diversion Board of Authority, also known as, FM Flood Diversion Authority ("Authority") for an additional six months.

This letter confirms that the Engagement Letter for Minnesota Government Relations Services 2017-2018 dated July 6, 2017 ("Prior Agreement") between Fredrikson & Byron P.A. and the Authority is modified as follows:

The end of the Term of Agreement shall be changed from June 30, 2018, to December 31, 2018;

The monthly flat fee of \$3,500 shall be continued to paid on a monthly basis under the same terms of the Prior Agreement; and,

All other terms of the Prior Agreement shall continue in full force through December 31, 2018.

Please sign and return to us the enclosed copy of this letter in order to confirm that it accurately reflects the scope, terms and conditions with respect to this extension.

Attorneys & Advisors  
main 612.492.7000  
fax 612.492.7077  
www.fredlaw.com

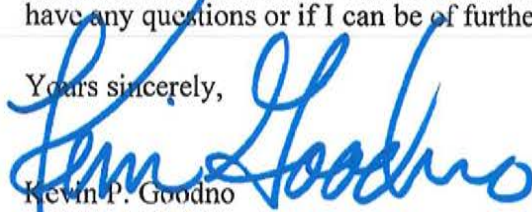
Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota  
55402-1425

May 14, 2018

Page 2

Again, thank you for the opportunity to assist you. Please do not hesitate to contact me if you have any questions or if I can be of further assistance.

Yours sincerely,



Kevin P. Goodno

Direct Dial: 612.492.7348

Email: kgoodno@fredlaw.com

Enclosure

Agreed: **Diversion Board of Authority**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Its: \_\_\_\_\_

## Executive Summary of Procedure for Approval of Metro Flood Diversion Authority Contracts

### **I. Introduction**

This Executive Summary provides a synopsis of the various changes that may occur following the entry of a contract between the Diversion Authority and a contractor or a service provider. Additionally, it provides the processes for approving of such changes.

### **II. Definitions**

“Authority Work Directive” means a work directive from the Diversion Authority to a service provider to add, delete, or revise the scope of work in a Task Order when the time and/or cost necessary to perform the work has not been agreed upon by the Diversion Authority and the service provider performing the work. An Authority Work Directive is often incorporated into a subsequently issued Task Order following negotiations by the Diversion Authority and a service provider as to its effect, if any, on the contract price or contract terms.

“Change Order” means a written agreement between the Diversion Authority and a contractor authorizing an addition, deletion, or revision in the work set forth in the contract; an adjustment in the contract price or contract times; or any other revision of the contract, issued after the effective date of the contract.

“Field Order” means written instructions from the Diversion Authority to a contractor or service provider for a minor change in the work but which does not involve an adjustment to the contract price or contract times.

“Task Order” means a supplementary contractual and obligating document that usually includes a task description and is used in task-type contracts or master services agreements.

“Work Change Directive” means a directive from the Diversion Authority to a contractor to perform additional work under a contract when the time and/or cost necessary to perform the work has not been agreed upon by the Diversion Authority and the contractor performing the work. A Work Change Directive is often incorporated into a subsequently issued Change Order following negotiations by the Diversion Authority and a contractor as to its effect, if any, on the contract price or contract terms.

### **III. Types of Contracts and Changes**

Generally, the Diversion Authority will enter into two (2) varieties of contracts for work. The first is a master services agreement, which broadly defines the types of services that a service provider will provide for the Diversion Authority but does not include specifics. Specific work subsets of the master services agreement are set forth in Task Orders, which will be negotiated between the Diversion Authority and the service provider. Task Orders may be modified through an Authority Work Directive, which is given by the Diversion Authority to the service provider, or an amendment to the Task Order.



The second type of contract the Diversion Authority may enter is a traditional business contract, which includes all of the specifics of the work that the contractor will perform. This type of contract may be modified through either a Work Change Directive or a Change Order. In a Work Change Directive, the Diversion Authority will give a directive to a contractor to perform work that is not part of the contract and the parties will not yet have agreed upon any changes to contract price or contract terms as a result of the work. To the contrary, a Change Order is an agreed upon amendment to the work and includes any changes to the contract price or contract terms. A Work Change Directive often becomes a Change Order once the parties agree upon changes to the contract price or contract terms.

A field order may be given by the Diversion Authority to a service provider under a master services agreement or to a contractor under a traditional business contract. A field order, however, will not change the contract price or the contract terms of the master services agreement or the contract.

**IV. Approval Process**

Following this paragraph are a number of tables outlining the approved process to enter master services agreements and contracts and to utilize the various means set forth above to modify the same. The following acronyms apply to the tables:

- PMC = Program Management Consultant
- CED = Co-Executive Directors
- TAG = Technical Advisory Group
- CCJWRD = Cass County Joint Water Resource District
- SA = Special Assessments
- FC = Finance Committee
- DAB = Diversion Authority Board
- EOR = Engineer of Record

First are tables related to master services agreements:

1. Approval of Contracts for Engineering, Architectural, and Other Professional Services

<i>Impact to Contract</i>	<i>Approval Process</i>	<i>Final Approval</i>
Any Amount	PMC and/or CED → FC → DAB	DAB

2. Contracts for Services of PMC

<i>Impact to Contract</i>	<i>Approval Process</i>	<i>Final Approval</i>
Any Amount	CED → FC → DAB	DAB

3. Amendments to Master Service Agreements

<i>Impact to Contract</i>	<i>Approval Process</i>	<i>Final Approval</i>
Any Amount	PMC and/or EOR → CED → FC → DAB	DAB

4. New Task Orders and Amendments to Task Orders Under Master Service Agreements

<i>Impact to Contract</i>	<i>Approval Process</i>	<i>Final Approval</i>
≤ \$150,000	PMC and/or EOR → CED	CED
> \$150,000	PMC and/or EOR → CED → FC → DAB	DAB

5. Authority Work Directives

<i>Impact to Contract</i>	<i>Approval Process</i>	<i>Final Approval</i>
≤ \$150,000	PMC and/or EOR → CED	CED
> \$150,000	PMC and/or EOR → CED → FC → DAB	DAB

Second are tables related to traditional business contracts:

1. Approval of Construction Contracts

<i>Impact to Contract</i>	<i>Approval Process</i>	<i>Final Approval</i>
≤ \$10,000	PMC and/or CED → TAG → CED and CCJWRD if SA	CED and CCJWRD if SA
> \$10,000 but < \$100,000	PMC and/or CED → TAG → PMC or CED → FC → DAB and CCJWRD if SA	DAB and CCJWRD if SA
≥ \$100,000	PMC and/or EOR → FC → DAB and CCJWRD if SA	DAB and CCJWRD if SA

2. Change Orders

<i>Impact to Contract</i>	<i>Approval Process</i>	<i>Final Approval</i>
≤ \$10,000	PMC and/or EOR → CED	CED
> \$10,000	PMC and/or EOR → TAG → FC → DAB and CCJWRD if SA and greater than \$100,000	DAB and CCJWRD if SA and

		greater than \$100,000
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3. Work Change Directives

<i>Impact to Contract</i>	<i>Approval Process</i>	<i>Final Approval</i>
No Impact to Amount but Change to Schedule	PMC and/or EOR → TAG → CED and CCJWRD if SA	CED and CCJWRD if SA
≤ \$10,000	PMC and/or EOR → TAG → CED and CCJWRD if SA	CED and CCJWRD if SA
> \$10,000	PMC and/or EOR → TAG → CED → FC → DAB and CCJWRD if SA	DAB and CCJWRD if SA

Third is a table for field orders:

1. Field Orders

<i>Impact to Contract</i>	<i>Approval Process</i>	<i>Final Approval</i>
No Impact to Amount or Schedule	PMC and/or EOR → TAG → CED	CED

**V. Conclusion**

Due to underlying differences in the types of contracts entered by the Diversion Authority, approvals of amendments or modifications to such contracts, or extensions thereof, vary. Accordingly, care must be taken to identify the underlying contract documents and what type of amendment or modification is sought prior to any approval.

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**RESOLUTION AMENDING THE PROCEDURE FOR APPROVAL OF  
CONSTRUCTION CONTRACTS; CONTRACTS FOR ENGINEERING,  
ARCHITECTURAL, AND OTHER PROFESSIONAL SERVICES; AND CHANGE  
ORDERS AND AMENDMENTS**

of the

**METRO FLOOD DIVERSION AUTHORITY**

Approved on \_\_\_\_\_, 2018

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

Member \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION AMENDING THE PROCEDURE FOR APPROVAL OF  
CONSTRUCTION CONTRACTS; CONTRACTS FOR ENGINEERING,  
ARCHITECTURAL, AND OTHER PROFESSIONAL SERVICES; AND CHANGE  
ORDERS AND AMENDMENTS**

**WHEREAS**, on November 10, 2016, the governing body of the Metro Flood Diversion Authority (the “Diversion Authority Board”) adopted the Resolution Confirming the Procedure for Approval of Construction Contracts; Contracts for Engineering, Architectural, and Other Professional Services; and Change Orders and Amendments (“Procedure”); and

**WHEREAS**, a copy of the Procedure is attached hereto as Exhibit A; and

**WHEREAS**, the Diversion Authority Board now desires to amend the Procedure for approving of Change Orders, Work Change Directives, and Authority Work Directives and to construction Contracts and new task orders and amendments to task orders under a master service agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Metro Flood Diversion Authority:

1. Section 2 of the Procedure is amended to add the following definitions:

“Field order” means written instructions from the Diversion Authority to a Contractor or service provider for a minor change in the Work but which does not involve an adjustment to the Contract Price or Contract Times.

“Work” means all work, services, and obligations required to be furnished, performed, and provided under a Contract.

2. Section 5(C)(2) of the Procedure is amended as follows:

The PMC and/or the Engineer of Record shall submit a construction Change Order request for ten thousand dollars (\$10,000.00) or less to the Co-Executive Directors, which the Co-Executive Directors may approve in their discretion, and shall submit a construction Change Order request for greater than ten thousand dollars (\$10,000.00) to the Technical Advisory Group. The Technical Advisory Group shall review the Change Order request during its next regular meeting after receiving the Change Order request, and make a recommendation as to approval or denial of the Change Order request.

3. Section 5(C)(4) of the Procedure is amended as follows:

A Change Order approved by the Co-Executive Directors or the Diversion Authority Board may be approved in whole or in part.

4. Section 5(E)(4) of the Procedure is amended as follows:

If the Work Change Directive changes the costs and/or amounts of the original Contract by greater than ten thousand dollars (\$10,000.00), the Co-Executive Directors shall submit the Work Change Directive and a recommendation to the Finance Committee, along with the recommendation given by the Technical Advisory Group. The Finance Committee will review the Work Change Directive at its next regular meeting, and submit the Work Change Directive and its recommendation to the Diversion Authority Board for approval. If the original Contract utilizes funds generated by special assessments levied and collected by the CCJWRD, the CCJWRD Board must approve the Work Change Directive before being approved by the Co-Executive Directors or the Diversion Authority Board.

5. Section 5(F)(2) of the Procedure is amended as follows:

~~Upon review, each of the Co-Executive Directors may subsequently approve and sign the new task order or amendment to a task order on behalf of the Diversion Authority.~~ The Co-Executive Directors may, within their discretion, approve of a new task order or an amendment to a task order for one hundred fifty thousand dollars (\$150,000.00) or less. If a new task order or an amendment to a task order is greater than one hundred fifty thousand dollars (\$150,000.00), the Co-Executive Directors shall submit the new task order or the amendment to a task order, along with a recommendation, to the Finance Committee. The Finance Committee will review the new task order or the amendment to a task order at its next regular meeting and submit the new task order or the amendment to a task order, and the Finance Committee's recommendation, to the Diversion Authority for approval.

6. Section 5(G)(2) of the Procedure is amended as follows:

If an Authority Written Directive is one hundred fifty thousand dollars (\$150,000.00) or less, the Co-Executive Directors may, in their discretion, approve of the Authority Written Directive. The Co-Executive Directors shall submit ~~the~~ an amendment to a master service agreement or an Authority Work Directive greater than one hundred fifty thousand dollars (\$150,000.00), along with a recommendation, to the Finance Committee. The Finance Committee will review the amendment to a master service agreement or Authority Work Directive at its next regular meeting and submit the amendment to a master service agreement or Authority Work Directive, and the Finance Committee's recommendation, to the Diversion Authority for approval.

7. This amendment of the Procedure shall take effect immediately upon adoption.

*(Remainder of page intentionally left blank.)*

Dated: \_\_\_\_\_, 2018.

**METRO FLOOD DIVERSION AUTHORITY**

APPROVED:

\_\_\_\_\_  
Del Rae Williams, Chair

ATTEST:

\_\_\_\_\_  
Heather Worden, Secretary

The motion for adoption of the foregoing resolution was duly seconded by Member \_\_\_\_\_ and upon roll call vote, the following Members voted in favor thereof: \_\_\_\_\_ . The following Members were absent and not voting: none. The following voted against the same: none. A majority of the Members having voted aye, the resolution was declared duly passed and adopted.

**EXHIBIT "A"**

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**RESOLUTION CONFIRMING THE PROCEDURE FOR APPROVAL OF  
CONSTRUCTION CONTRACTS; CONTRACTS FOR ENGINEERING,  
ARCHITECTURAL, AND OTHER PROFESSIONAL SERVICES; AND CHANGE  
ORDERS AND AMENDMENTS**

of the

**METRO FLOOD DIVERSION AUTHORITY**

Approved on November 10, 2016

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



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Member Mahoney introduced the following resolution and moved for its adoption:

**RESOLUTION CONFIRMING THE PROCEDURE FOR APPROVAL OF  
CONSTRUCTION CONTRACTS; CONTRACTS FOR ENGINEERING,  
ARCHITECTURAL, AND OTHER PROFESSIONAL SERVICES; AND CHANGE  
ORDERS AND AMENDMENTS**

**WHEREAS**, the City of Moorhead, the City of Fargo, Clay County, Cass County, and the Cass County Joint Water Resource District (the “Member Entities”) entered into a Joint Powers Agreement (“JPA”) on June 1, 2016, creating the Metro Flood Diversion Authority (“Diversion Authority”).

**WHEREAS**, Article XII of the JPA contains the general procedures for bidding, contracting, and payment procedures for the Fargo-Moorhead Metropolitan Area Flood Risk Management Project (the “Project”); and

**WHEREAS**, the Member Entities recognize that the size and complexity of the Project requires the adoption of additional operating procedures regarding the bidding, contracting, and payment procedures for the Project; and

**WHEREAS**, the governing body of the Diversion Authority, the Diversion Authority Board (“Diversion Authority Board”), is authorized to adopt by written resolution specific written operating procedures regarding the bidding, contracting, and payment procedures for the Project in accordance with Section 12.05 of the JPA; and

**WHEREAS**, the Co-Executive Directors (or Executive Director, as applicable) are the chief purchasing agents of the Metro Flood Diversion Authority, and purchases and contracts are made by the Co-Executive Directors in accordance with procedures specified by the Diversion Authority Board; and

**WHEREAS**, in accordance with Section 14.06 of the JPA, the Co-Executive Directors may enter into a purchase or contract in an amount up to ten thousand dollars (\$10,000) on behalf of the Metro Flood Diversion Authority without the approval of the Diversion Authority Board; and

**WHEREAS**, the Diversion Authority will follow Chapter 48-01.2 of the North Dakota Century Code regarding traditionally bid public improvement contracts.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Diversion Authority:

**Section 1. Applicability to Member Entities.** Pursuant to Article 12 of the JPA, if a portion of the Project is delegated to a Member Entity, that Member Entity is responsible for developing, approving, and making changes to contracts for that specific portion of the Project. In the event a portion of the Project is delegated to a Member Entity, that Member Entity shall follow the bidding and procurement requirements of the state in which the Member Entity is located, in

accordance with Section 12.09 of the JPA. This resolution shall only apply to contracts that are to be developed and approved by the Diversion Authority.

**Section 2. Definitions.**

All capitalized terms used and not otherwise defined herein shall have the meanings given them in this Resolution and as defined in this Section unless a different meaning clearly applies from the context.

“Addenda” means written or graphic instruments issued prior to the opening of Bids which clarify, correct, or change the Bidding Requirements or the proposed Contract Documents.

“Authority Work Directive” means a work directive given by the Diversion Authority to a Contractor or service provider.

“Best Efforts” means that a Co-Executive Director will act in Good Faith, in accordance with generally accepted commercial practices, and use reasonable due diligence to undertake all action contemplated by this Resolution, in accordance with applicable federal and state laws, regulations, and rules.

“Bid” means the offer of a Bidder submitted on the prescribed form setting forth the prices for the Work to be performed.

“Bidder” means an individual or entity that submits a Bid to the Owner.

“Bidding Documents” means the Bidding Requirements, the proposed Contract Documents, and all Addenda.

“Bidding Requirements” means the advertisement or invitation to bid, Instructions to Bidders, Bid Bond or other Bid security, if any, the Bid Form, and the Bid with any attachments.

“Change Order” means a document that is signed by the Contractor and Owner and authorizes an addition, deletion, or revision in the Work or an adjustment in the Contract Price or the Contract Times, or other revision to the Contract, issued on or after the Effective Date of the Contract.

“Change Proposal” means a written request by Contractor, duly submitted in compliance with the procedural requirements set forth herein, seeking an adjustment in Contract Price or Contract Times, or both; contesting an initial decision by Engineer concerning the requirements of the Contract Documents or the acceptability of Work under the Contract Documents; challenging a set-off against payments due; or seeking other relief with respect to the terms of the Contract.

“Contract” means the entire and integrated written contract between the Owner and Contractor concerning the Work.

“Contract Documents” means those items so designated in the Contract, which together comprise the Contract.

“Contract Price” means the money that Owner has agreed to pay Contractor for completion of the Work in accordance with the Contract Documents.

“Contract Times” means the number of days or the dates by which Contractor shall: (a) achieve Milestones, if any; (b) achieve Substantial Completion; and (c) complete the Work.

“Contractor” means the individual or entity with which the Owner has contracted for performance of the Work.

“Deputy Co-Executive Director” means a position of the Metro Flood Diversion Authority created by Section 14.03 of the JPA.

“Good Faith” means observance of reasonable commercial standards of fair dealing in a given trade of business.

“Member Entities” shall mean the City of Moorhead, the City of Fargo, Clay County, Cass County, and Cass County Joint Water Resource District. The term Member Entity does not include the City of West Fargo, Wilkin County, or Richland County.

“N.D.C.C.” means the North Dakota Century Code.

“Owner” means the individual or entity with which the Contractor has contracted regarding the Work, and which has agreed to pay Contractor for the performance of the Work, pursuant to the terms of the Contract.

“P3 Procurement” means the procurement process being used to bid the Project Agreement for the construction of the Diversion Channel and Associated Infrastructure pursuant to Chapter 48-02.1 of the North Dakota Century Code.

“PMC” (Program Management Consultant) means an individual or firm responsible for planning and implementing the Project, which shall be under the direct supervision of the Executive Director, the Deputy Executive Director, and the Diversion Authority Board, and will consult with Member Entity staff.

“Project” means the LPP Flood Risk Management Features and the Recreation Features as generally described in the Final Feasibility Report and Environmental Impact Statement, Fargo-Moorhead Metropolitan Area Flood Risk Management Project, dated July 2011 and approved by the Chief of Engineers on December 19, 2011, as amended by the Supplemental Environmental Assessment, Fargo-Moorhead Metropolitan Area Flood Risk Management Project, dated September 2013 and approved by the District Engineer, St. Paul District on September 19, 2013.

“Work Change Directives” means a written directive to a Contractor that does not change the Contract Price or the Contract Times, but is evidence that the parties expect that the modification ordered or documented by a Work Change Directive will be incorporated into a subsequently issued Change Order.

**Section 3. Contract Negotiations.** The Co-Executive Directors are the chief purchasing agents for the Diversion Authority. The PMC and the General Counsel may assist the Co-Executive

Directors with the negotiation and development of Contracts and changes to Contracts as described below.

**Section 4. Procedure for Diversion Authority Approval of Construction Contracts and Contracts for Engineering, Architectural, and Other Professional Services.**

- A. All Contracts relating to construction activities and related professional services of the Project shall identify the Diversion Authority as the Owner under the Contract, unless the Contract utilizes funds generated by special assessments levied and collected by the Cass County Joint Water Resource District (“CCJWRD”), in which case the Contract may be held in either name.
- B. All Contracts for construction and related professional services presented to the Diversion Authority Board shall be approved at a public meeting and by either a resolution or a motion approved by the affirmative vote of a majority of the members of the Diversion Authority Board.
- C. Any Contract presented to the Diversion Authority Board for approval will be approved upon a majority vote of all members of the Diversion Authority Board, in accordance with Section 5.09 of the JPA.
- D. For construction Contracts in the amount of ten thousand dollars (\$10,000) or less:
  - (1) The PMC and/or the Co-Executive Directors shall submit a proposed Contract to the Technical Advisory Group. The Technical Advisory Group shall review the Contract and submit its verbal recommendation to the Co-Executive Directors during its next regular meeting after receiving the Contract.
  - (2) Upon receiving a positive recommendation from the Technical Advisory Group, the Co-Executive Directors may approve the Contract. A Contract approved by the Co-Executive Directors must be signed by at least one (1) of the Co-Executive Directors on behalf of the Diversion Authority.
  - (3) Contracts utilizing funds generated by special assessments levied and collected by the CCJWRD shall also be approved by the CCJWRD, as required under N.D.C.C. § 61-16.1-24. Such Contracts shall first be approved by the CCJWRD Board, before being signed by the Co-Executive Directors.
- E. For construction Contracts greater than ten thousand dollars (\$10,000) and less than one hundred thousand dollars (\$100,000):
  - (1) If the estimated cost for the proposed construction project is estimated to be greater than ten thousand dollars (\$10,000) and less than one hundred thousand dollars (\$100,000), the PMC and/or Co-Executive Directors shall use their Best Efforts to request and secure three (3) competitive quotes for the proposed construction work. In the event that the PMC and/or Co-Executive Directors determine that only one Contractor or supplier is capable of providing the construction work or materials, the PMC and/or the Co-Executive Directors shall

provide such recommendation to the Finance Committee. The Finance Committee shall review and make a recommendation to the PMC and/or the Co-Executive Directors to dispense with the requirement to use their Best Efforts to request and secure three (3) competitive quotes.

- (2) The PMC or the Co-Executive Directors shall submit a proposed Contract to the Technical Advisory Group. The Technical Advisory Group shall review the Contract during its next regular meeting after receiving the Contract and then provide its recommendations to the PMC or the Co-Executive Directors.
- (3) The PMC or the Co-Executive Directors shall consolidate the recommendations of the Technical Advisory Group and the Co-Executive Directors regarding the proposed Contract into a single form and submit the written recommendation to the Finance Committee for review and/or approval. The recommendations of the Finance Committee regarding the proposed Contract shall then be submitted by the PMC or the Co-Executive Directors to the Diversion Authority Board for consideration.
- (4) Contracts utilizing funds generated by special assessments levied and collected by the CCJWRD shall also be approved by the CCJWRD, as required under N.D.C.C. § 61-16.1-24. Such Contracts must first be approved by the CCJWRD Board prior to being submitted to the Diversion Authority Board for approval.

F. For construction Contracts in the amount of one hundred thousand dollars (\$100,000) or more:

- (1) If the estimated cost for the proposed construction project meets the public improvement construction threshold of one hundred thousand dollars (\$100,000), as provided for in N.D.C.C. § 48-01.2-02.1, the PMC and/or the Engineer of Record shall advertise for Bids in accordance with North Dakota law and receive all Bids and/or proposals for the Contract.
- (2) The PMC and/or the Engineer of Record shall open the Bids and/or proposals at a public meeting in accordance with N.D.C.C. § 48-01.2-07. The PMC and/or the Engineer of Record will review the Bid and/or proposal of the lowest responsible Bidder in accordance with N.D.C.C. § 48-01.2-07, and make a written recommendation to the Diversion Authority as to the sufficiency of the Bid and/or proposal. The PMC and/or the Engineer of Record shall also submit the Bid and/or proposal to the Finance Committee. Upon reviewing the Bid and/or proposal, the Finance Committee shall submit a written recommendation to the Diversion Authority Board. The Diversion Authority Board may then approve the Contract. The Engineer of Record and the Diversion Authority Board may reject all Bids and/or proposals, and the Diversion Authority may subsequently re-advertise for Bids if no Bids and/or proposals are satisfactory.
- (3) Contracts utilizing funds generated by special assessments levied and collected by the CCJWRD shall also be approved by the CCJWRD Board, as required

under N.D.C.C. § 61-16.1-24. Such Contracts shall first be approved by the CCJWRD, before being presented to the Diversion Authority Board for approval.

G. Contracts for Engineering, Architectural, and Other Professional Services:

- (1) The PMC and/or Co-Executive Directors shall submit a proposed Contract relating to engineering, architectural, and other professional services to the Finance Committee for review. The Finance Committee shall then submit its recommendation and the proposed Contract to the Diversion Authority Board for approval.
- (2) A Contract for engineering, architectural, and other professional services does not require approval by the CCJWRD.
- (3) The Diversion Authority Board, when it determines by affirmative vote or a majority of the Diversion Authority Board members that it is both reasonable and in the best interests of the Project, may deviate from the process outlined above for professional service agreements based upon the advice and recommendation from insurance providers, legal counsel, engineers, and/or the Co-Executive Directors.

H. Contracts for Services of the PMC:

- (1) The Co-Executive Directors shall submit a Contract for the services of a PMC to the Finance Committee for recommendation. The Finance Committee shall then submit its recommendation and the proposed Contract to the Diversion Authority Board for approval.

**Section 5. Procedure for Diversion Authority Approval of Changes and Amendments to Existing Contracts.**

- A. The Diversion Authority Board recognizes and acknowledges that, due to the size and complexity of the Project, situations will arise that require the Co-Executive Directors to authorize Change Orders prior to submitting a Change Order, Work Change Directive, and Authority Work Directive to the Diversion Authority pursuant to the procedure outlined in this section. The Co-Executive Directors will use their Best Efforts to secure Diversion Authority Board approval of all Change Orders, Work Change Directives and Authority Work Directives prior to work being commenced, however, the Diversion Authority Board hereby authorizes the Co-Executive Directors to authorize Change Orders, Work Change Directives and Authority Work Directives, without prior Diversion Authority Board approval, when public safety dictates that Contract actions need to be taken in order to stabilize worksites and/or mitigate costs to the public and/or the Diversion Authority. If the Co-Executive Directors act pursuant to the authority set forth in this section, they shall make a good faith effort to contact the Diversion Authority Board Chair and the Finance Committee Chair prior to authorizing a contractor to proceed. The Co-Executive Directors shall report such actions and/or decisions to the recommendation

to the Finance Committee for review and then to the Diversion Authority Board for formal approval.

B. Any Change Orders, Work Change Directives and Authority Work Directives, or amendment to a master service agreement presented to the Diversion Authority Board will be approved upon a majority vote of all members of the Diversion Authority Board, in accordance with Section 5.09 of the JPA.

C. Change Orders to construction Contracts:

(1) Change Order requests to Diversion Authority construction Contracts shall state in detail the reason for the proposed change and all costs associated with the change. The PMC and/or the Engineer of Record shall be responsible for preparing the Change Order requests with an itemization and narrative explanation of each Change Order. The Fiscal Agent for the Diversion Authority shall provide the PMC and/or Engineer of Record with the requirements for submitting all Project costs.

(2) The PMC and/or the Engineer of Record shall submit a construction Change Order request to the Technical Advisory Group. The Technical Advisory Group shall review the Change Order request during its next regular meeting after receiving the Change Order request, and make a recommendation as to approval or denial of the Change Order request.

(3) The Technical Advisory Group shall submit the Change Order request and its recommendation to the Finance Committee. The Finance Committee will review the Change Order request at its next regular meeting, and submit the request, the Finance Committee's recommendation, and the Technical Advisory Group's recommendation to the Diversion Authority Board for approval. If a Contract with an estimated cost of more than one hundred thousand dollars (\$100,000) utilizes funds generated by special assessments levied and collected by the CCJWRD, the CCJWRD Board must approve the Change Order before being approved by the Diversion Authority Board.

(4) A Change Order approved by the Diversion Authority Board may be approved in whole or in part.

(5) The Diversion Authority Board recognizes that time is of the essence in making Change Orders, and therefore, agrees to approve or deny requests for Change Orders during the next Diversion Authority Board meeting after submittal to the Technical Advisory Group.

D. Field orders under construction Contracts:

(1) Field orders to Diversion Authority Contracts not affecting the cost of the original Contract shall be prepared by the PMC and/or the Engineer of Record and shall state in detail the reason for the change. The PMC and/or the Engineer of Record shall submit a field order to the Technical Advisory Group.



- (2) The Technical Advisory Group shall review the field order during its next regular meeting after receiving the field order, and make a recommendation to the Co-Executive Directors as to approval or denial of the field order. The Co-Executive Directors may then approve and sign the field order.

E. Work Change Directives to construction Contracts:

- (1) Work Change Directives to Diversion Authority construction Contracts shall be prepared by the PMC and/or the Engineer of Record and shall state in detail the reason for the change and, if applicable, the costs associated with the change. The PMC and/or the Engineer of Record shall be responsible for preparing the Work Change Directive with sufficient detail.
- (2) The PMC and/or the Engineer of Record shall submit a construction Work Change Directive to the Technical Advisory Group. The Technical Advisory Group shall review the Work Change Directive during its next regular meeting after receiving the Work Change Directive, and make a recommendation to the Co-Executive Directors as to approval or denial of the Work Change Directive.
- (3) If the Work Change Directive changes the schedule of the original Contract, each Co-Executive Director may approve and sign the Work Change Directive. If the original Contract utilizes funds generated by special assessments levied and collected by the CCJWRD, CCJWRD's engineer must approve the Work Change Directive before it is signed by the Co-Executive Directors.
- (4) If the Work Change Directive changes the costs and/or amounts of the original Contract, the Co-Executive Directors shall submit the Work Change Directive and a recommendation to the Finance Committee, along with the recommendation given by the Technical Advisory Group. The Finance Committee will review the Work Change Directive at its next regular meeting, and submit the Work Change Directive and its recommendation to the Diversion Authority Board for approval. If the original Contract utilizes funds generated by special assessments levied and collected by the CCJWRD, the CCJWRD Board must approve the Work Change Directive before being approved by the Diversion Authority Board.
- (5) The Diversion Authority Board recognizes that time is of the essence in making Work Change Directives, and therefore, agrees to approve or deny Work Change Directives during the next Diversion Authority Board meeting after submittal to the Co-Executive Directors.

F. New task orders and amendments to task orders under a master service agreement:

- (1) New task orders under a master service agreement and amendments to existing task orders shall be prepared by the PMC and/or the Engineer of Record. The PMC and/or the Engineer of Record shall submit the new task order or amendment to a task order to the Co-Executive Directors.

(2) Upon review, each of the Co-Executive Directors may subsequently approve and sign the new task order or amendment to a task order on behalf of the Diversion Authority.

G. Amendments to master service agreements and Authority Work Directives:

(1) Amendments to existing master service agreements and Authority Work Directives shall be prepared by the PMC and/or the Engineer of Record. The PMC and/or the Engineer of Record shall submit an amendment to a master service agreement or Authority Work Directive to the Co-Executive Directors.

(2) The Co-Executive Directors shall submit the amendment to a master service agreement or Authority Work Directive along with a recommendation to the Finance Committee. The Finance Committee will review the amendment to a master service agreement or Authority Work Directive at its next regular meeting, and submit the amendment to a master service agreement or Authority Work Directive and the Finance Committee's recommendation to the Diversion Authority Board for approval.

**Section 6. Applicability of This Resolution.** This resolution will only apply to any traditionally bid Contract for construction and does not apply to the P3 Procurement for the Diversion Channel and Associated Infrastructure.

**Section 7. North Dakota Law Applies.** This Resolution will be controlled by the laws of the State of North Dakota.

**Section 8. Effective Date.** This Resolution will take effect immediately upon adoption.

Dated: November 10, 2016.

**METRO FLOOD DIVERSION  
AUTHORITY**

APPROVED:

\_\_\_\_\_  
Darrell Vanyo, Chair

ATTEST:

\_\_\_\_\_  
Heather Worden, Secretary

The motion for adoption of the foregoing resolution was duly seconded by Member Campbell and upon roll call vote, the following Members voted in favor thereof: Vanyo, Scherling, Pawluk, Mahoney, Piepkorn, Grindberg, Williams, Otto, Hendrickson, Campbell, Weyland, Brodshaug, and Thorstad. The following were absent and not voting: none. The following voted against the same: none. A majority of the Members having voted aye, the resolution was declared duly passed and adopted.