METRO FLOOD DIVERSION AUTHORITY
Wednesday, January 23, 2019
5:00 PM
Fargo City Commission Room
Fargo City Hall
200 3rd Street North

1.	Call to order		
2.	Election of Vice Chair and Designation of Secretary		Action
3.	Approve minutes from previous meetings	Item 3.	Action
4.	Approve order of agenda		Action
5.	Management		Information
	a. PMC report		
	b. Corps of Engineers update		
6.	Administrative/Legal		Information/action
	a. Adopt meeting schedule for 2019	Item 6a.	
	b. Approve committee appointments	Item 6b.	
	c. Cost share agreement with MetroCOG	Item 6c.	
7.	Public Outreach		Information
	a. Committee report		
	b. Business Leaders Task Force update		
8.	Land Management		Information
	a. Committee report		
9.	Finance		Information/action
	a. Committee report	Item 9a.	
	b. Voucher approval	Item 9b.	
	c. Recommended contracting actions	Item 9c.	
10.	Other Business		
11.	Next Meeting – February 14, 2019		
12.	Adjournment		

cc: Local Media

METRO FLOOD DIVERSION AUTHORITY
DECEMBER 20, 2018—3:30 PM

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, December 20, 2018, at 3:30 PM in the Fargo City Commission Room with the following members present: Moorhead City Mayor Del Rae Williams; Moorhead City Council Member Chuck Hendrickson; Moorhead City Council Member Joel Paulsen; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Tony Grindberg; Fargo City Commissioner Dave Piepkorn; Cass County Commissioner Mary Scherling; Cass County Commissioner Rick Steen; Cass County Commissioner Chad Peterson; West Fargo City Commissioner Mike Thorstad; and Cass County Joint Water Resource District Manager Dan Jacobson. Mark Nisbet from the Chamber Business Leaders Task Force was also present.

2. MINUTES APPROVED

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to approve the minutes from the meetings held October 25, 2018, and December 3, 2018, as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Weyland moved and Mr. Paulsen seconded to approve the order of the agenda with the removal of the cost share agreement with Metropolitan Council of Governments. Motion carried.

4. MANAGEMENT UPDATE

Martin Nicholson from Jacobs provided an update on activities over the last month, which include review and comments on the MDNR Supplemental Environmental Impact Statement (SEIS); continued work with the MDNR and other parties to advance the permit application review; acceptance of Plan B estimated cost and endorsement of financial proposal with direction given to staff and consultants to pursue additional funding; briefing to Business Leaders Task Force on project status; work plans to resume land acquisition and outreach after permit and environmental approvals; and coordination with Diversion Authority leadership on pre-legislative briefings.

Priorities for next month, pending Minnesota permit decision, include coordination with local entities to secure state grants and loans as part of the financing plan; submitting a request to amend the Project Partnership Agreement (PPA) to secure additional federal funding; and resuming land acquisition and impacted property mitigation activities.

5. ADMINISTRATIVE/LEGAL

Memorandum of Understanding – Generator

Attorney John Shockley discussed a Memorandum of Understanding (MOU) between the City of Fargo and the Diversion Authority to share the cost of maintenance and operation of a generator to serve Fargo Storm Sewer Lift Station #23 and backup power for Fargo City Hall. Fargo has approved the MOU. The term is for ten years and will automatically renew for an additional ten years. The Diversion Authority will be responsible for 35% of the cost and Fargo will be responsible for the remaining 65% of the cost.

MOTION, passed

Mr. Mahoney moved and Mr. Paulsen seconded to approve the Memorandum of Understanding between the City of Fargo and Metro Flood Diversion Authority. On roll call vote, the motion carried unanimously.

2019 Meeting Schedule

Eric Dodds from AE2S discussed the 2019 meeting schedule for the board to consider. The Diversion Board is scheduled to meet the fourth Thursday of each month with the exception of November and December.

The board discussed scheduling a meeting on the second Thursday in the event additional business needs to be handled. If there is no business, this meeting would be cancelled.

Mrs. Scherling discussed holding a special meeting on January 14th with an executive session. A final determination on a meeting date will be made after a decision is received regarding the Minnesota permit.

6. PUBLIC OUTREACH UPDATE

Committee report

The Public Outreach Committee met on December 19th. Rocky Schneider from AE2S said the focus is on the funding plan and outreach to legislators.

Business Leaders Task Force

Mr. Nisbet said the task force is prepared to help with lobbying efforts and testimony at the upcoming legislative session in support of the project.

7. LAND MANAGEMENT

The Land Management Committee met on December 19th. Mrs. Scherling said the committee received the results from Phase 1 of the Flowage Easement Study. Phase 2 will review the affected parcels in further detail so the process is done accurately, fairly and scientifically.

8. FINANCE UPDATE

Committee report

The Finance Committee met on December 19th. Mr. Grindberg provided a brief financial update on the overall program status. The project cost-to-date is $450 million and statement of net position is $83.1 million.

Voucher approval

The bills for the month are with Dorsey & Whitney for legal services; North Dakota Water Users Association for membership dues; and Ohnstad Twichell, P.C. for legal services.

MOTION, passed

Mr. Grindberg moved and Mr. Mahoney seconded to approve the vouchers received through December 14, 2018, in the amount of $93,902.43. On roll call vote, the motion carried unanimously.

Recommended Contracting Actions

Mr. Nicholson discussed three task order amendments for $120,290.00 and one change order for a deduction of $228.00 approved by the Co-Executive Directors. He also discussed two task order amendments as follows:

- Houston-Moore Group, LLC (Task Order 1, Amendment 13 – Project Management)—add budget subtasks for 2019 activities, reallocate unused portions of subtask budgets, and extend the period of performance to December 31, 2019, in the amount of $771,640.00;
- Houston-Moore Group, LLC (Task Order 23 Amendment 1 – WP-43 pump station)—reallocate unused portions of subtask budgets, add WP-43CD SDC and PM budget, and extend the period of performance through June 30, 2019, in the amount of $137,188.54.

MOTION, passed

Mr. Jacobson moved and Mr. Piepkorn seconded to approve the task order amendments as outlined. On roll call vote, the motion carried with Ms. Williams, Mr. Hendrickson, Mr. Paulsen, Mr. Campbell, Mr. Weyland, Mr. Mahoney, Mr. Piepkorn, Mrs. Scherling, Mr. Peterson, Mr. Jacobson and Mr. Thorstad voting "Yes"; Mr. Grindberg and Mr. Steen voting "No".

Q1 2019 Budget

Mr. Grindberg said the Finance Committee approved a budget for the first quarter (Q1) of FY 2019 as a placeholder for project funding.

MOTION, passed

Mr. Steen moved and Mr. Grindberg seconded to approve the FY 2019 Q1 Budget in the amount of $8,458,000. On roll call vote, the motion carried unanimously.

9. OTHER BUSINESS, Outgoing board member

Mrs. Scherling and Mr. Mahoney presented gifts to Mayor Del Rae Williams, whose term ends this year. They thanked her for her service on the board the last four years and for her efforts with the Governors' Task Force.

10. NEXT MEETING DATE

The next regular meeting will be held on Thursday, January 24, 2019.

11. EXECUTIVE SESSION

North Dakota state law allows the Board to meet in private session to consult legal counsel to discuss ongoing litigation and contract negotiations.

MOTION, passed

Mr. Piepkorn moved and Mr. Peterson seconded that the Metro Flood Diversion Authority meet in Executive Session pursuant to to N.D.C.C. § 44-04-19.1, subsections 2 and 9, to consult with its Attorneys regarding the ongoing litigation in the matters of Richland/Wilkin JPA and MNDNR v. the United States Army Corps of Engineers and Fargo Moorhead Flood Diversion Authority as Intervenor, Civil File No. 0:13-cv-02262-JRT-LIB and the contested case hearing before the Minnesota Office of Administrative Hearings regarding the MNDNR permit for Metro Flood Diversion Authority.

Diversion Authority Board members, key administrative staff, and Attorney John Shockley moved to the River Room at 4:30 PM.

The Executive Session ended at 5:00 PM, and the meeting was re-opened to the public.

12. ADJOURNMENT

MOTION, passed

On motion by Mr. Campbell, seconded by Mr. Peterson, and all voting in favor, the meeting was adjourned at 5:01 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant

METRO FLOOD DIVERSION AUTHORITY
JANUARY 3, 2019—4:00 PM

1. MEETING TO ORDER

A meeting of the Metro Flood Diversion Authority was held Thursday, January 3, 2019, at 4:00 PM in the River Room at Fargo City Hall with the following members present: Moorhead City Council Member Chuck Hendrickson; Clay County Commissioner Kevin Campbell; Clay County Commissioner Grant Weyland; Fargo City Mayor Tim Mahoney; Cass County Joint Water Resource District Vice Chairman Rodger Olson; West Fargo City Commissioner Mike Thorstad; and Moorhead City Council Member Joel Paulsen. Fargo City Commissioner Dave Piepkorn; Cass County Commissioner Mary Scherling; Cass County Commissioner Rick Steen; Cass County Commissioner Chad Peterson; and Moorhead City Mayor Del Rae Williams were present via teleconference. Fargo City Commissioner Tony Grindberg was absent.

2. EXECUTIVE SESSION

North Dakota state law allows the Board to meet in private session to consult with legal counsel to discuss ongoing litigation.

MOTION*, *passed

Mr. Weyland moved and Mr. Hendrickson seconded that the Metro Flood Diversion Authority meet in executive session, as authorized by North Dakota Century Code, pursuant to N.D.C.C. § 44-04-19.1, subsections 2 and 9, to consult with its Attorneys regarding the ongoing litigation in the matters of Richland/Wilkin JPA and MNDNR v. the United States Army Corps of Engineers and Fargo Moorhead Flood Diversion Authority as Intervenor, Civil File No. 0:13-cv-02262-JRT-LIB and the contested case hearing before the Minnesota Office of Administrative Hearings regarding the MNDNR permit for Metro Flood Diversion Authority. Motion carried.

Diversion Authority Board members and key administrative staff remained in the River Room for the executive session beginning at 4:04 PM.

The executive session ended and the meeting was re-opened to the public at 4:34 PM.

3. EXECUTIVE SESSION REPORT

MOTION*, *passed

Dr. Mahoney moved and Mr. Paulsen seconded to authorize litigation counsel to resolve the current litigation and work with MNDNR. On roll call vote, the motion carried unanimously.

4. ADJOURNMENT

MOTION, passed

On motion by Mr. Olson, seconded by Mr. Hendrickson, and all voting in favor, the meeting was adjourned at 4:34 PM.

Minutes prepared by Brielle Edwards, Cass County HR Assistant

2019 Diversion Authority Board and Committee Meetings

B Board Meeting
3:30 p.m.
* The first board meeting of each month is a placeholder.

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

January 2019

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

February 2019

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

March 2019

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

April 2019

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

May 2019

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

June 2019

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

July 2019

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

August 2019

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

September 2019

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

October 2019

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

November 2019

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

December 2019

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

RESOLUTION CONFIRMING RECOMMENDATIONS AND APPOINTMENTS TO DIVERSION AUTHORITY BOARD, FINANCE COMMITTEE, LAND MANAGEMENT COMMITTEE, AND PUBLIC OUTREACH COMMITTEE

of the

METRO FLOOD DIVERSION AUTHORITY

Approved on _____, 2019

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

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

RESOLUTION CONFIRMING RECOMMENDATIONS AND APPOINTMENTS TO DIVERSION AUTHORITY BOARD, FINANCE COMMITTEE, LAND MANAGEMENT COMMITTEE, AND PUBLIC OUTREACH COMMITTEE

WHEREAS, the Metro Flood Diversion Authority (the "Diversion Authority") was established by five (5) member entities through the execution of a Joint Powers Agreement, dated June 1, 2016 (the "Joint Powers Agreement"), for the purpose of executing the Fargo-Moorhead Metropolitan Area Flood Risk Management Project (the "Project"); and

WHEREAS, Section 5.01 of the JPA establishes the governing body of the Diversion Authority, the Diversion Authority Board, and sets forth its member composition; and

WHEREAS, such member composition consists of individuals appointed by the member entities, as well as two (2) other entities, to the Diversion Authority Board; and

WHEREAS, Section 6.01 of the JPA authorizes the Diversion Authority Board to establish committees to advise the Diversion Authority Board: "The Diversion Authority Board may establish boards and committees to advise the Diversion Authority Board with response 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"; and

WHEREAS, Sections 6.02, 6.09, and 6.16 of the JPA create, or continue the establishment of, the Land Management Committee, the Finance Committee, and the Public Outreach Committee; and

WHEREAS, Section 6.04 of the JPA establishes the member composition of the Land Management Committee, Section 6.11 of the JPA establishes the member composition of the Finance Committee, and Section 6.16 of the JPA establishes the member composition of the Public Outreach Committee; and

WHEREAS, pursuant to Sections 6.04, 6.11, and 6.16 of the JPA, the member entities make recommendations for membership and the Diversion Authority Board appoints such members to their respective committees; and

WHEREAS, pursuant to Sections 5.01, 6.04, 6.11, and 6.16 of the JPA, the Diversion Authority Board desires to appoint and confirm members of the Diversion Authority Board, Finance Committee, Land Management Committee, and the Public Outreach Committee.

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

1. Appointments. The Diversion Authority Board hereby appoints the individuals set forth in Exhibit A attached hereto to the member positions of the Diversion Authority

Board, Land Management Committee, the Finance Committee, and the Public Outreach Committee. These individuals will serve in this capacity until resignation or until further action by their respective member entities or the Diversion Authority Board.

2. Effective Date. The above-described appointments will commence immediately.

Dated: _____, 2019

METRO FLOOD DIVERSION AUTHORITY

APPROVED:

_____
Mary Scherling, Chair

ATTEST:

_____
Heather Worden, Secretary

EXHIBIT A

DIVERSION AUTHORITY BOARD AND COMMITTEES – APPOINTMENTS AND ASSIGNMENTS

[See the following page.]

DA Boards and Committes (appointments and assignments)

Board				Finance*			Lands*			Outreach**	
Appointed by:	**Additional Criteria**	**2018**	**2019**	**Appointed by:***	**2018**	**2019**	**Appointed by:***	**2018**	**2019**	**2018**	**2019**
Fargo	Fargo Mayor	Mahoney	Mahoney	DA	Grindberg	Grindberg	DA	Williams	Judd	John Strand	John Strand
Fargo	Fargo Commissioner	Grindberg	Grindberg	DA	Mahoney	Mahoney	DA	Campbell	Campbell	Rick Steen	Rick Steen
Fargo	Fargo Commissioner	Piepkorn	Piepkorn	Fargo	Gehrig	Gehrig	Fargo	Grubb	Grubb	Jason Benson	Vern Bennett
Moorhead	Moorhead Mayor	Williams	Judd	Fargo	Costin	Costin	Fargo	Boerboom	Boerboom	Rodger Olson	Rodger Olson
Moorhead	Moorhead Council	Paulsen	Paulsen	Fargo	Redlinger	Redlinger	Fargo	Strand	Strand	Jake Gust	Jake Gust
Moorhead	Moorhead Council	Hendrickson	Hendrickson	Moorhead	Hendrickson	Hendrickson	Moorhead	Durand	Hendrickson	Brenda Elmer	Joel Paulsen
Cass County	Cass Commissioner	Scherling	Scherling	Moorhead	Wagner	McCall	Moorhead	Zimmerman	Zimmerman	Mike Thorstad	Mike Thorstad
Cass County	Cass Commissioner	Steen	Steen	Cass	Bennett	Peterson	Cass	Mayor Kory	Mayor Kory	Gerald Van Amburg	N/A
Cass County	Cass Commissioner	Peterson	Peterson	Cass	Steen	Steen	Cass	Scherling	Scherling	Kevin Campbell	Kevin Campbell
Clay County	Clay Commissioner	Campbell	Campbell	Cass	Montplaisir	Montplaisir	Cass	Peterson	Breitling		
Clay County	Clay Commissioner	Weyland	Weyland	Clay	Johnson	Johnson	Clay	Mongeau	Mongeau		
CCJWRD	CCJWRD Manager	Olson	Olson	CCJWRD	Jacobson	Jacobson	CCJWRD	Olson	Olson		
West Fargo	WF Commissioner	Thorstad	Thorstad								
R/W Counties***	R/W Counties	N/A	N/A								

* Membership dictated by the JPA - entity appoints and DA Board confirms.
** No Membership defined in the JPA
*** Board position expires 12-31-20 if no member is appointed

	Chair ***	Vice Chair
2018	**Mayor Williams**	**Mary Scherling**
2019	*Cass County*	*Minnesotan*
2020	**Mayor Mahoney**	*Minnesotan*
2021	**Mayor Judd**	*North Dakotan*
2022	*Cass County*	*Minnesotan*

*** JPA specifies Chair be Mayor of Fargo, Moorhead and Appointed from Cass Commission - VC opposing State

MEMORANDUM

Cost Share Agreement with MetroCOG for the Updated Recreational Plan

PREPARED FOR: Flood Diversion Board of Authority

PREPARED BY: Jason Benson

DATE: January 14, 2019

The local technical and administrative staff have recently coordinated with the Fargo-Moorhead Metropolitan Council of Governments (MetroCOG) to update the Diversion Recreation Plan. MetroCOG has developed a scope of work to update the existing Recreation Plan at an approximate cost of $80,000 in 2019 and $150,000 in 2020. MetroCOG has allocated 50% of this cost and is seeking a 50% cost share from the Flood Diversion Board of Authority (DA). The DA's share will be $40,000 in 2019 and $75,000 in 2020 for a total of $115,000. The study will start in 2019 and be completed by September 2020.

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

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

MetroCOG Scope of Work:

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

Planning Activities:

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

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

SUGGESTED MOTION: Approve the cost share agreement with Fargo-Moorhead Metropolitan Council of Governments to updated the FM Area Diversion Project Recreation Plan with a 50% cost share estimate at $115,000.

COST REIMBURSEMENT AGREEMENT

BY AND BETWEEN

METRO FLOOD DIVERSION AUTHORITY
as Diversion Authority

and

FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS
as Metro COG

Related to:

Fargo-Moorhead Diversion Recreation Plan (2019-2020)

Approved by the Diversion Authority Board on December 20, 2018

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

COST REIMBURSEMENT AGREEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the estimated cost of the Project is TWO HUNDRED THIRTY THOUSAND AND 00/100 DOLLARS ($230,000.00), with the Diversion Authority's reimbursement being fifty percent (50%) of the total cost; and

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

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

1. THE PROJECT. Metro COG will be responsible for work associated with and related to the Project. Metro COG will act as the Project Manager and intermediary to the Diversion Authority. The Project will start in 2019, and is estimated to be completed in 2020.

2. COMPENSATION. The estimated cost of the Project is TWO HUNDRED THIRTY THOUSAND AND 00/100 DOLLARS ($230,000.00). The Diversion Authority will be responsible for fifty percent (50%) of the total cost of the Project. Metro COG will submit invoices to the Diversion Authority as they are received, in accordance with the terms of this Agreement.

3. DELIVERABLES. The Diversion Authority will receive Project documents in accordance with deadlines and formats and set forth in the Project Contract. Metro COG agrees to provide the Diversion Authority with any Project documents within fifteen (15) days of Metro COG's receipt of final documents from the Consultant.

4. PROJECT DOCUMENT USE AND OWNERSHIP. The use and ownership of documents produced by the Project will be governed by the terms of the Project Contract.

5. TERM. The term of this Agreement will begin on the Effective Date and continue through December 31, 2021.

6. EXTENSION OF TERM. The parties will have the right to extend this Agreement for such additional period as determined by both parties. Any extension must be in writing pursuant to the modification terms of this Agreement.

7. NO REIMBURSEMENT OF EXPENSES. The Diversion Authority will not be responsible for reimbursing Metro COG for any expenses incurred by Metro COG related to the Project, except as set forth in this Agreement.

8. INVOICING AND PAYMENT.

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

NBoerboom@cityoffargo.com

OR

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

B. Metro COG's invoice must clearly indicate fees incurred for the current related period and include at least the following information:
(1) Metro COG's name and address;
(2) Metro COG's federal employer identification number;
(3) Name of the matter and number of the file; and
(4) Unique invoice number.

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

9. TERMINATION.

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

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

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

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

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

D. All rights and duties with respect to services performed prior to the expiration or termination of this Agreement, and continuing obligations specified in this Agreement to be performed following expiration or termination of this Agreement, will survive the expiration or termination of this Agreement.

10. NOTICE. Any notice or election required or permitted to be given or served by any party to this Agreement upon any other will be deemed given or served in accordance with the provisions of this Agreement if said notice or election is (i) delivered personally, or (ii) mailed by United States certified mail, return receipt requested, postage prepaid and in any case properly addressed as follows:

If to Metro COG:	Attn: Chair, Metro COG Policy Board F-M Metropolitan Council of Governments 1 2nd St. N, Suite 232 Fargo, ND 58102
If to Diversion Authority:	Attn: Chair Metro Flood Diversion Authority P.O. Box 2806 Fargo, ND 58108

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

11. PROHIBITION AGAINST ASSIGNMENT. Except as otherwise expressly provided in this Agreement, Metro COG agrees on behalf of itself, its officers and partners and the personal representatives of the same, and any other person or persons claiming any benefits under Metro COG by virtue of this Agreement, that this Agreement and the rights, interests, and benefits hereunder shall not be assigned, transferred, pledged or hypothecated in any way by Metro COG or by any other person claiming under it by virtue of this Agreement, and shall not be subject to execution, attachment or similar process. Any attempt at assignment, transfer, or of pledge or hypothecation or other disposition of this Agreement or of such rights, interests, and benefits contrary to the foregoing provisions or the levy of any attachment or similar process shall be null and void and without affect.

12. MODIFICATION. This Agreement contains the entire understanding of the parties. It may not be changed orally, but only upon an agreement in writing approved by both parties' governing bodies. It may be modified as to terms and conditions from time to time upon the mutual consent of the parties; however, such modification shall be reduced to writing, signed by the parties and the document appended to and made a part of this Agreement.

13. WAIVER. A party's waiver of enforcement of any of this Agreement's terms or conditions will be effective only if it is in writing. A party's specific waiver will not constitute a waiver by that party of any earlier, concurrent, or later breach or default.

14. BINDING EFFECT. This Agreement shall be binding upon and inure to the benefit of the Diversion Authority, its successors and assigns, and any such successor shall be deemed substituted for the Diversion Authority under the terms of this Agreement. This Agreement shall likewise be binding upon Metro COG, its successors and assigns. As used in this Agreement, the term "successor" shall include any person, firm, corporation or other business entity which at any time whether by merger, purchase or otherwise acquires all or substantially all of the assets or business of the corporation.

15. NEGOTIATED AGREEMENT. This Agreement has been reached through negotiation between the parties.

16. SEVERABILITY. If any court of competent jurisdiction declares any provision or part of this Agreement to be invalid or unenforceable, all remaining terms and provisions of this Agreement will remain binding and enforceable.

17. CONTROLLING LAW AND VENUE. This Agreement will be controlled by the laws of the State of North Dakota, and any action brought as a result of any claim, demand or cause of action arising under the terms of this Agreement must be brought in an appropriate venue in the State of North Dakota.

18. COUNTERPARTS. This Agreement may be executed in two or more counterparts, each of which together will be deemed an original, but all of which together will constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a ".pdf" format data file, such signature will create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof.

[Signatures included on the following pages.]

DIVERSION AUTHORITY:

Metro Flood Diversion Authority

By:_____ Date signed:_____
Del Rae Williams, Chair

By:_____ Date signed:_____
Michael Redlinger, Co-Executive Director

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

METRO COG:

Fargo-Moorhead Metropolitan Council of Governments

By:_____ Date signed:_____
Jenny Mongeau, Chair
Metro COG Policy Board

By:_____ Date signed:_____
Cindy Gray, Executive Director

FM Metropolitan Area Flood Risk Management Project
Fiscal Accountability Report Design Phase (Fund 790)
As of 12/31/2018

	2011	2012	2013	2014	2015	2016	2017	2018	Cumulative Totals
Revenues									
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	28,310,373	35,212,877	31,790,784	30,068,553	159,924,498
Cass County	443,138	7,652,681	7,072,961	19,373,131	28,310,373	111,715,540	14,193,826	14,066,719	202,828,368
State Water Commission			3,782,215	602,918	31,056,740	101,436,302	23,650,143	10,229,504	170,757,822
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	6,291,194	(13,260,368)	-		706,805
Reimbursements						33,880	49,699	31,034	114,613
Lease/Rental Payments			17,358	154,180	180,341	260,806	350,720	466,494	1,429,899
Asset Sales				616,774	315,892	175,190	117,079	-	1,224,935
Interest Income							505,157	1,072,937	1,578,094
Miscellaneous			226	626	427		-	356	1,635
Total Revenues	984,751	17,005,957	19,517,490	44,425,900	94,465,340	235,574,227	70,657,409	55,935,597	538,566,670
Expenditures									
7905 Army Corp Payments	-	-	875,000	1,050,000	2,725,000	47,279,000	1,230,000	-	53,159,000
7910 WIK - Administration	107,301	331,321	77,614	169,019	282,227	545,555	500,885	958,066	2,971,988
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,660,226	2,719,505	2,631,656	2,426,701	30,293,449
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	8,464,392	14,714,801	7,061,890	50,919,541
7925 WIK - Recreation		163,223					-	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	2,763,404	17,013,358	55,948,209	46,717,049	40,728,316	8,758,761	175,821,381
7931 LERRDS - Minnesota		27,996	287,907	13,068	32,452	1,815,566	35,457	4,354	2,216,799
7940 WIK Mitigation - North Dakota				587,180			225,293	100,316	912,789
7941 WIK Mitigation - Minnesota							-	-	-
7950 Construction - North Dakota				1,738,638	19,269,055	42,263,916	5,976,235	805,378	70,053,222
7951 Construction - Minnesota							-	-	-
7952 Construction - O/H/B				11,282,504	5,044,001	776,720	7,365,462	7,478,270	31,946,957
7955 Construction Management				556,209	2,867,422	5,182,366	1,498,050	294,744	10,398,791
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	9,975,391	24,619,256
7995 Project Eligible - Off Formula Costs						-	-	-	-
7999 Non Federal Participating Costs	116					-	221,568	-	221,684
Total Expenditures	984,750	17,005,957	11,990,261	45,324,414	95,896,147	161,199,358	83,439,726	37,892,409	453,733,022

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

		Amount
Assets		
Cash	$	84,884,182
Receivables		
State Water Commission *		512,105
Proceeds from Oxbow Lot Sales		796,881
Total assets		**86,193,168**
Liabilities		
Retainage payable		1,358,520
Rent Deposit		1,000
Total liabilities		**1,359,520**
NET POSITION	**$**	**84,833,649**

***** Receivable balance is as of 11.30.2018

FM Metropolitan Area Flood Risk Management Project
FY 2018 Summary Budget Report (In Thousands)
As of 31 Dec 2018

	FY 2018 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
Revenue Sources						
City of Fargo	-	2,571	30,069			
Cass County	-	1,564	14,067			
State of ND - 50 % Match	-	256	10,007			
State of ND - 100% Match	-		223			
State of Minnesota	-		-			
Other Agencies	-		-			
Financing Proceeds	-	643	1,072			
Reimbursements	-		31			
Sales of Assets	-		0			
Property Income	-	6	466			
Miscellaneous	-		0			
Total Revenue Sources	**82,554**	**5,040**	**55,935**	**-**	**-**	**26,620**
Funds Appropriated						
Diversion Channel & Assoc. Infrastructure	-	183	1408	0%	2,892	(4,300)
Southern Embankment & Assoc. Infrastructure	17	-	1	6%	2,336	(2,320)
Other Mitigation Projects	6,139	216	8019	131%	924	(2,804)
In-Town Flood Protection	44,227	284	940	2%	8,745	34,542
Enabling Work / Other	-	-	176	0%	-	(176)
Land Acquisition & Mitigation	6,881	384	8623	125%	24,241	(25,983)
Engineering & Design Fees	241	155	3240	1342%	4,387	(7,386)
Program Management	11,489	381	5830	51%	2,023	3,635
Contingency	5,000	-	0	0%		5,000
Debt Service	8,460	1,755	9627	114%	639	(1,805)
Maintenance	100	-	29	29%	-	71
Total Appropriations	**82,554**	**3,359**	**37,892**	**46%**	**46,187**	**(1,525)**

METRO FLOOD DIVERSION AUTHORITY — Monday, 07 January 2019

Data Through Date: Monday, December 31, 2018

Summary of Expenses

EXP-2018-09

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
790-0000-206.10-00	12/13/2018	293129	SCHMIDT AND SONS CONSTRUCTION INC	$15,558.90	Retainage PO 193314	V03801	DEMO SCHNELL DR & OCC
			Retainage	**$15,558.90**			
790-7910-429.33-20	12/27/2018	JB12180019	CITY OF FARGO-AUDITORS OFFICE	$4,979.17	CHARGE FOR COF TIME-12/18	V00102	General & Admin. WIK
			Other Services / Accounting Services	**$4,979.17**			
790-7910-429.33-25	12/13/2018	293113	OXBOW, CITY OF	$130.00	TURMAN & LANG	V02407	OXBOW MOU-LEGAL SERVICES
	1/4/2019	711	P CARD BMO	$58,214.52	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
			Other Services / Legal Services	**$58,344.52**			
790-7910-429.59-10	12/27/2018	293495	ND WATER USERS ASSOCIATN	$5,000.00	2019 DUES	V00102	General & Admin. WIK
			Education / Due & Membership Instate	**$5,000.00**			
790-7915-429.33-05	12/13/2018	293050	HOUSTON-MOORE GROUP LLC	$7,308.25	PERMIT SUBMITTAL	V01616	PERMIT SUBMITTAL PREP
	12/13/2018	293050	HOUSTON-MOORE GROUP LLC	$39,099.95	DEVELOP DRAFT OPERATIONS	V01615	DRAFT OPERATIONS PLAN
	12/13/2018	293050	HOUSTON-MOORE GROUP LLC	$2,382.00	UPSTREAM MITIGATION	V01622	MITIGATION SUPPORT SRVCS
	12/13/2018	293050	HOUSTON-MOORE GROUP LLC	$48,617.00	HYDROLOGY/HYDRAULIC MODEL	V01625	HYDROLOGY/HYDRAULIC MODEL
	12/13/2018	293050	HOUSTON-MOORE GROUP LLC	$2,547.00	WORK IN KIND	V01626	WORK-IN-KIND (WIK)
			Other Services / Engineering Services	**$99,954.20**			
790-7920-429.33-05	12/13/2018	293050	HOUSTON-MOORE GROUP LLC	$54,706.93	PROJECT MANAGEMENT	V01601	HMG - PROJECT MANAGEMENT
			Other Services / Engineering Services	**$54,706.93**			
790-7920-429.33-79	12/13/2018	293113	OXBOW, CITY OF	$2,452.75	MOORE ENGINEERING, INC.	V02421	OXBOW MOU-MOORE PROJ MGMT
	12/20/2018	293197	CH2M HILL ENGINEERS INC	$442,874.78	INTERIM PROGRAM MGMT	V00208	CH2M HILL-4.2.18-10.12.18
	12/20/2018	293197	CH2M HILL ENGINEERS INC	$101,927.00	COST ESTIMATE & PLAN B	V00209	CH2M HILL-7/27-12/28/18
			Other Services / Construction Management	**$547,254.53**			
790-7930-429.33-05	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$5,341.50	HOUSTON-MOORE GROUP	V01201	Cass Joint Water ROE
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$4,927.77	HOUSTON-MOORE GROUP	V01201	Cass Joint Water ROE
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$2,119.00	ULTEIG ENGINEERS	V01201	Cass Joint Water ROE
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$1,648.00	PROSOURCE TECHNOLOGIES	V01201	Cass Joint Water ROE
	12/13/2018	293050	HOUSTON-MOORE GROUP LLC	$2,337.00	LAND MANAGEMENT SERVICES	V01606	LAND MANAGEMENT SERVICES
	12/13/2018	293050	HOUSTON-MOORE GROUP LLC	$40,087.64	BOUNDARY SURVEYING	V01628	BOUNDARY SURVEYING SRVCS
			Other Services / Engineering Services	**$56,460.91**			
790-7930-429.33-25	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$2,907.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$9,500.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$3,534.00	OHNSTAD TWICHELL, P.C.	V01203	Cass Joint Water OHB

METRO FLOOD DIVERSION AUTHORITY **Monday, 07 January 2019**

Data Through Date: Monday, December 31, 2018

Summary of Expenses

EXP-2018-09

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$411.50	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$4,858.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$1,748.00	OHNSTAD TWICHELL, P.C.	V01201	Cass Joint Water ROE
	12/13/2018	293021	ERIK R JOHNSON & ASSOCIATES	$180.00	LEERDS LEGAL MATTERS	V00103	General & Admin. LERRDS
	1/4/2019	711	P CARD BMO	$48,669.60	DORSEY AND WHITNEY LLP	V00101	Dorsey Whitney Legal
	1/4/2019	711	P CARD BMO	$2,228.00	OHNSTAD TWICHELL ATTOR	V00103	General & Admin. LERRDS
			Other Services / Legal Services	**$74,036.10**			
790-7930-429.33-32	12/13/2018	293000	CROWN APPRAISALS INC	$25,000.00	FLOWAGE EASEMENT	V05101	FLOWAGE EASEMNT VALUAITON
			Other Services / Appraisal Services	**$25,000.00**			
790-7930-429.41-05	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$101.40	CITY OF FARGO	V01703	ND LAND PURCH - IN TOWN
			Utility Services / Water and Sewer	**$101.40**			
790-7930-429.52-30	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$74.00	DAWSON INSURANCE	V01701	ND LAND PURCH-OUT OF TOWN
			Insurance / General Liability	**$74.00**			
790-7930-429.62-50	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$153.10	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
			Energy / Natural Gas	**$153.10**			
790-7930-429.62-51	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$41.50	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$306.88	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$62.82	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$41.27	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$76.02	CASS COUNTY ELECTRIC COOP	V01701	ND LAND PURCH-OUT OF TOWN
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$228.33	XCEL ENERGY	V01703	ND LAND PURCH - IN TOWN
			Energy / Electricity	**$756.82**			
790-7930-429.71-30	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$121,941.38	ANDERSON, BOTTRELL, SANDE	V01701	ND LAND PURCH-OUT OF TOWN
	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$58,095.68	ANDERSON, BOTTRELL, SANDE	V01701	ND LAND PURCH-OUT OF TOWN
			Land / Land Purchases	**$180,037.06**			
790-7930-429.73-20	12/13/2018	293129	SCHMIDT AND SONS CONSTRUCTION INC	$15,272.00	SCHNELL DR & C CLUB DEMO	V03801	DEMO SCHNELL DR & OCC
			Infrastructure / Site Improvements	**$15,272.00**			
790-7931-429.62-51	12/6/2018	292768	CASS COUNTY JOINT WATER RESOURCE DI	$182.16	RED RIVER VALLEY COOP POW	V02302	MN LAND PURCHASE-HARDSHIP
			Energy / Electricity	**$182.16**			
790-7950-429.33-05	12/13/2018	293050	HOUSTON-MOORE GROUP LLC	$4,622.20	COMPLIANCE OBSERVATION	V01629	WORK COMPLIANCE OBSERV.

METRO FLOOD DIVERSION AUTHORITY — Monday, 07 January 2019

Data Through Date: Monday, December 31, 2018

Summary of Expenses

EXP-2018-09

Account_Number	Check Date	Check Number	Vendor_Name	Transaction Amount	Description	Project Number	Project_Description
			Other Services / Engineering Services	**$4,622.20**			
790-7950-429.33-25	1/4/2019	711	P CARD BMO	$231.00	OHNSTAD TWICHELL ATTOR		
			Other Services / Legal Services	**$231.00**			
790-7950-429.73-52	12/20/2018	293241	INDUSTRIAL BUILDERS INC	$262,142.75	FLOOD MITIGATION	V02825	2ND ST S FLOOD MITIGATION
			Infrastructure / Flood Control	**$262,142.75**			
790-7950-429.73-66	12/13/2018	293045	HOFFMAN & MCNAMARA NURSERY&LANDSC/	$8,304.67	LANDSCAPE & PLANTING	V02823	LANDSCAPING & PLANTINGS
			Infrastructure / Landscaping	**$8,304.67**			
790-7952-429.33-05	12/27/2018	293450	HOUSTON-MOORE GROUP LLC	$76,610.07	WORK PKG 43 SERVICES	V01623	CONSTRUCTN/BID SVCS WP43
	12/27/2018	293450	HOUSTON-MOORE GROUP LLC	$86,228.68	WORK PKG 43 SERVICES	V01623	CONSTRUCTN/BID SVCS WP43
			Other Services / Engineering Services	**$162,838.75**			
790-7955-429.33-05	12/13/2018	293050	HOUSTON-MOORE GROUP LLC	$14,014.89	WORK PKG 42	V02806	CONSTRUCTION SVCS WP42
			Other Services / Engineering Services	**$14,014.89**			
790-7990-429.33-25	1/4/2019	711	P CARD BMO	$4,264.69	OHNSTAD TWICHELL ATTOR	V00102	General & Admin. WIK
			Other Services / Legal Services	**$4,264.69**			
790-7990-429.34-55	12/13/2018	293058	JP MORGAN CHASE-LOCKBOX PROCESSING	$19,437.20	FINANCIAL ADVISERY SERVIC	V03301	PPP FINANCL ADVISORY SVCS
	12/13/2018	293058	JP MORGAN CHASE-LOCKBOX PROCESSING	$5,473.40	FINANCIAL ADVISERY SERVIC	V03301	PPP FINANCL ADVISORY SVCS
			Other Services / Financial Advisor	**$24,910.60**			
790-7990-520.80-20	12/13/2018	292990	CASS COUNTY TREASURER	$222,503.11	WELLS FARGO INTEREST	V02906	$100M 2017 CASS WF ADVANC
	12/12/2018	JB12180007	CITY OF FARGO-AUDITORS OFFICE	$111,807.82	12.3.18 WF INTEREST PMT	V02905	$100M 2017 COF WF ADVANCE
	12/19/2018	JB12180012	CITY OF FARGO-AUDITORS OFFICE	$1,420,470.00	12.1.18 CFP DEBT PAYMENT	V02824	COF - CFP BOND PAYMENTS
			Debt Service / Interest on Bonds	**$1,754,780.93**			
790-7990-520.80-32	12/19/2018	JB12180012	CITY OF FARGO-AUDITORS OFFICE	$300.00	12.1.18 CFP DEBT PAYMENT	V02824	COF - CFP BOND PAYMENTS
			Debt Service / Paying Agent & Trustee	**$300.00**			
			Total Amount Invoiced this period	**$3,374,282.28**			
				$15,558.90	**Less Paid Retainage**		
				$3,358,723.38	**Total Less Paid Retainage**		

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of December 31, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	$ 195,347,040.03	$ 171,106,002.87	$ 24,241,037.16	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
ARMY CORP OF ENGINEERS	$ 53,159,000.00	$ 53,159,000.00	$ -	Local Share
INDUSTRIAL BUILDERS INC	$ 48,286,047.16	$ 39,748,037.20	$ 8,538,009.96	Const - 2nd St North Pump Station Project and 2nd Street Floodwall
HOUSTON-MOORE GROUP LLC	$ 47,361,296.90	$ 41,237,578.34	$ 6,123,718.56	Engineering Services
CH2M HILL ENGINEERS INC	$ 47,239,115.97	$ 45,927,944.88	$ 1,311,171.09	Program, Project, Construction and Land Management
INDUSTRIAL CONTRACT SERVICES I	$ 17,576,871.19	$ 17,493,762.16	$ 83,109.03	Const - 4th St Pump Station and 2nd Street Floodwall
OXBOW, CITY OF	$ 15,729,728.85	$ 15,112,892.31	$ 616,836.54	MOU Agreement
MEYER CONTRACTING INC	$ 11,945,893.15	$ 11,829,278.08	$ 116,615.07	Construction/Demolition Services
CITY OF FARGO	$ 9,572,889.30	$ 9,572,889.30	$ -	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	$ 6,441,719.33	$ 6,441,719.33	$ -	Legal Services
CASS COUNTY TREASURER	$ 4,331,916.57	$ 4,331,741.97	$ 174.60	Property Taxes and Bank Loan Advance DS Payments
JP MORGAN CHASE-LOCKBOX PROCES	$ 3,377,000.00	$ 2,738,483.53	$ 638,516.47	Financial Advisor
MINNESOTA DNR	$ 2,776,684.35	$ 2,551,078.35	$ 225,606.00	EIS Scoping
OHNSTAD TWICHELL PC	$ 2,750,993.97	$ 2,750,993.97	$ -	ROE and Bonding Legal Fees
CENTURYLINK	$ 2,586,742.00	$ 2,586,742.00	$ -	Utility Relocation
LANDWEHR CONSTRUCTION INC	$ 2,316,627.66	$ 2,305,622.16	$ 11,005.50	Const - In-Town Demolition Contracts
URS CORPORATION	$ 1,922,118.42	$ 1,805,670.90	$ 116,447.52	Engineering Services
KENNELLY & OKEEFFE	$ 1,729,110.56	$ 1,729,110.56	$ -	Home Buyouts
HOUGH INCORPORATED	$ 1,726,847.35	$ 1,634,666.45	$ 92,180.90	Const - 2nd Street South Flood Control
REINER CONTRACTING INC	$ 1,599,646.21	$ 1,599,646.21	$ -	Const - El Zagal Flood Risk Management
CONSOLIDATED COMMUNICATIONS	$ 1,063,096.11	$ 1,063,096.11	$ -	Utility Relocation
ORACLE AMERICA, INC	$ 1,015,290.00	$ 306,856.00	$ 708,434.00	Electronic Data Mgmt and Record Storage System
TERRACON CONSULTING ENGINEERS	$ 909,149.49	$ 830,520.16	$ 78,629.33	Materials Testing
RILEY BROTHERS CONSTRUCTION	$ 807,871.82	$ 807,871.82	$ -	Construction - County Roads 16 & 17 Realignment
XCEL ENERGY	$ 753,515.88	$ 753,515.88	$ -	Utility Relocation
MOORE ENGINEERING INC	$ 662,468.17	$ 662,468.17	$ -	Engineering Services
US BANK	$ 626,849.03	$ 626,849.03	$ -	Loan Advance DS Payments
DUCKS UNLIMITED	$ 587,180.00	$ 587,180.00	$ -	Wetland Mitigation Credits
HOUSTON ENGINEERING INC	$ 576,669.57	$ 576,669.57	$ -	Engineering Services
ERIK R JOHNSON & ASSOCIATES	$ 552,413.18	$ 552,413.18	$ -	Legal Services
CROWN APPRAISALS INC	$ 500,000.00	$ 500,000.00	$ -	Flowage Easements Valuation
RED RIVER BASIN COMMISSION	$ 500,000.00	$ 500,000.00	$ -	Retention Projects - Engineering Services
HOFFMAN & MCNAMARA NURSERY&LAN	$ 495,801.98	$ 464,141.16	$ 31,660.82	Construction - Landscape
NORTHERN TITLE CO	$ 484,016.00	$ 484,016.00	$ -	Land Purchases
AT & T	$ 461,031.30	$ 461,031.30	$ -	Utility Relocation
BRAUN INTERTEC CORP	$ 395,389.25	$ 372,643.04	$ 22,746.21	Quality Testing
SCHMIDT AND SONS CONSTRUCTION	$ 351,178.00	$ 351,178.00	$ -	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 December 31, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
FARGO MOORHEAD METROPOLITAN	$ 253,858.35	$ 253,858.35	$ -	Lidar Imaging
AON RISK SERVICES CENTRAL, INC	$ 240,000.00	$ 183,813.50	$ 56,186.50	P3 Risk Advisory Services
NDSU BUSINESS OFFICE	$ 231,650.00	$ 183,408.50	$ 48,241.50	Ag Risk Study Services
BUFFALO-RED RIVER WATERSHED DI	$ 221,568.00	$ 221,568.00	$ -	Retention Projects - Engineering Services
CASS RURAL WATER USERS DIST	$ 213,335.00	$ 213,335.00	$ -	Utilities and Utility Relocation
ROBERT TRENT JONES	$ 200,000.00	$ 200,000.00	$ -	Oxbow MOU - Golf Course Consulting Agreement
SPRINGSTED INCORPORATED	$ 178,010.15	$ 178,010.15	$ -	Financial Advisor
FREDRIKSON & BYRON, PA	$ 169,230.06	$ 165,730.06	$ 3,500.00	Lobbying Services
S & S LANDSCAPING CO INC	$ 150,528.50	$ 31,123.00	$ 119,405.50	Construction - Landscape
PFM PUBLIC FINANCIAL MANAGEMEN	$ 146,460.00	$ 146,460.00	$ -	Financial Advisor
GRAY PANNELL & WOODWARD LLP	$ 143,800.68	$ 143,800.68	$ -	Legal Services
AT&T NETWORK OPERATIONS	$ 125,238.30	$ 125,238.30	$ -	Utility Relocation
CENTURYLINK ASSET ACCOUNTING-B	$ 118,871.82	$ 102,773.54	$ 16,098.28	Utility Relocation
ENVENTIS	$ 115,685.62	$ 115,685.62	$ -	Utility Relocation
UNITED STATES GEOLOGICAL SURVE	$ 104,600.00	$ 104,600.00	$ -	Stage Gage Installation
CASS COUNTY ELECTRIC-4100 32 A	$ 104,195.00	$ 97,995.00	$ 6,200.00	Utility Services / Relocation
EL ZAGAL TEMPLE HOLDING CO	$ 76,000.00	$ 76,000.00	$ -	Easement Purchase for El Zagal Levee
HKA GLOBAL, INC	$ 74,353.00	$ 74,353.00	$ -	Professional Services
GERSON LEHRMAN GROUP, INC.	$ 60,819.00	$ 60,819.00	$ -	Legal Services
NIXON PEABODY LLC	$ 60,000.00	$ 60,000.00	$ -	Legal Services
ADVANCED ENGINEERING INC	$ 50,000.00	$ 50,000.00	$ -	Public Outreach
IN SITU ENGINEERING	$ 47,973.00	$ 47,973.00	$ -	Quality Testing
US GEOLOGICAL SURVEY	$ 46,920.00	$ 46,920.00	$ -	Stage Gage Installation
MIDCONTINENT COMMUNICATIONS	$ 37,318.95	$ 37,318.95	$ -	Utility Relocation
WARNER & CO	$ 35,308.00	$ 35,308.00	$ -	General Liability Insurance
CLAY COUNTY AUDITOR	$ 34,538.71	$ 34,538.71	$ -	Property Tax, Home Buyout Demo
AMERICAN ENTERPRISES INC	$ 34,000.00	$ 34,000.00	$ -	Test Pits
GEOKON INC	$ 33,815.36	$ 33,815.36	$ -	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	$ 33,066.02	$ 33,066.02	$ -	Property Management Services
CPS HR CONSULTING	$ 32,793.22	$ 32,793.22	$ -	HR Consulting
NAASTAD BROTHERS, INC	$ 30,856.40	$ -	$ 30,856.40	Roadway Ditch Work
WESTERN AREA POWER ADMINISTRAT	$ 30,000.00	$ 30,000.00	$ -	P3 Support Services
ND WATER USERS ASSOCIATN	$ 25,000.00	$ 25,000.00	$ -	Membership Dues
XCEL ENERGY-FARGO	$ 16,275.85	$ 16,275.85	$ -	Utility Relocation
PRIMORIS AEVENIA INC	$ 16,230.00	$ 16,230.00	$ -	Utility Relocation
MOORHEAD, CITY OF	$ 15,062.90	$ 15,062.90	$ -	ROE Legal Fees
BRIGGS & MORGAN PA	$ 12,727.56	$ 12,727.56	$ -	Legal Services
PROSOURCE TECHNOLOGIES, INC	$ 8,324.94	$ 8,324.94	$ -	Vibrating Wire Piezometer Equipment
MAP SERVICE CENTER	$ 7,250.00	$ 7,250.00	$ -	Permit fee
NEWMAN SIGNS INC	$ 5,816.00	$ 5,816.00	$ -	Sinage
ONE	$ 3,575.00	$ 3,575.00	$ -	Legal Services
MCKINZIE METRO APPRAISAL	$ 3,200.00	$ 3,200.00	$ -	Appraisal Services
STUDIO 7 PRODUCTIONS	$ 3,170.00	$ 3,170.00	$ -	Video Productions
BUILDING & GROUNDS MANAGEMENT	$ 2,592.50	$ 2,592.50	$ -	Lawn Mowing Services

FM Metropolitan Area Flood Risk Management Project
Cumulative Vendor Payments Since Inception
As of December 31, 2018

Vendors	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
SEIGEL COMMUNICATIONS SERVICE	$ 2,345.00	$ 2,345.00	$ -	Public Outreach
BNSF RAILWAY CO	$ 2,325.00	$ 2,325.00	$ -	Permits for In-Town Levee Projects
COUGAR TREE CARE INC	$ 2,300.00	$ 2,300.00	$ -	Tree Removal
FORUM COMMUNICATIONS (LEGALS)	$ 2,224.20	$ 2,224.20	$ -	Advertising Services
FORUM COMMUNICATIONS (ADVERT)	$ 1,743.77	$ 1,743.77	$ -	Advertising Services
NORTH DAKOTA TELEPHONE CO	$ 1,697.00	$ 1,697.00	$ -	Communication
ERBERT & GERBERTS SUBS	$ 1,232.29	$ 1,232.29	$ -	lunches for the task force meetings
HUBER, STEVE	$ 1,056.43	$ 1,056.43	$ -	Home Buyouts
WARREN TOWNSHIP	$ 1,023.72	$ 1,023.72	$ -	SEEDING, ROAD REPAIR, DUST CONTROL
DEPT OF NATURAL RESOUR	$ 1,000.00	$ 1,000.00	$ -	DNR Dam Safety Permit Application Fee
TRIO ENVIRONMENTAL CONSULTING	$ 747.60	$ 747.60	$ -	Asbestos and LBP Testing - Home Buyouts
NDSU-DINING-STORE 685	$ 701.75	$ 701.75	$ -	Meeting Incidentals
RED RIVER TITLE SERVICES INC	$ 675.00	$ 675.00	$ -	Abstract Updates
HEARTLAND SEEDS, INC.	$ 600.00	$ 600.00	$ -	Lawn Mowing Services
BNSF RAILWAY COMPANY	$ 600.00	$ 600.00	$ -	MOU Agreement
CIVIL DESIGN INC	$ 595.00	$ 595.00	$ -	MOU Agreement
RED RIVER VALLEY COOPERATIVE A	$ 536.96	$ 536.96	$ -	Electricity - Home Buyouts
FERRELLGAS	$ 496.00	$ 496.00	$ -	Propane - Home Buyouts
BROKERAGE PRINTING	$ 473.33	$ 473.33	$ -	Custom Printed Forms
DAWSON INSURANCE AGENCY	$ 388.52	$ 388.52	$ -	Property Insurance - Home Buyouts
KOCHMANN, CARTER	$ 315.00	$ 315.00	$ -	Lawn Mowing Services
GALLAGHER BENEFIT SERVICES INC	$ 250.00	$ 250.00	$ -	Job Description Review
DONS PLUMBING	$ 240.00	$ 240.00	$ -	Winterize - Home Buyouts
HARWOOD TOWNSHIP, CASS, ND	$ 208.91	$ 208.91	$ -	Township Meeting Expenses
WALMART STORE #4352	161.97	$ 161.97	$ -	Meeting Incidentals
CURTS LOCK & KEY SERVICE INC	138.1	$ 138.10	$ -	Service Call - Home Buyouts
GOOGLE LOVEINTHEOVEN	116	$ 116.00	$ -	Meeting Incidentals
LANE, BARRET	108.77	$ 108.77	$ -	Lodging Expense
FEDERAL EXPRESS CORPORATION	71.89	$ 71.89	$ -	Postage
Grand Total	**$ 499,919,879.99**	**$ 453,733,021.93**	**$ 46,186,858.06**	

FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of December 31, 2018

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

FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of December 31, 2018

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
477 Oxbow Drive - OIN 9614 - Henry & Suzanne Mertz	10/27/2017	25,020.58	-	-	-	25,020.58
354 &358 Schnell Drive	12/6/2018	180,037.06	-	-	-	180,037.06
Home Buyouts - Hickson						
17495 52nd St SE	4/28/2015	785,747.66	-	27,604.74	-	813,352.40
4985 and 4989 Klitzke Drive, Pleasant Twp	7/20/2016	245,926.71	-	92,817.44	-	338,744.15
Home Buyouts - Horace						
2914 124th Ave S	12/29/2016	50,981.00	-	-	-	50,981.00
17471 49th St SE - Campbell - OIN 9403	2/16/2017	883,581.00	-	154,196.55	-	1,037,777.55
17465 49th St SE - Campbell - OIN 9411	2/21/2017	828,561.00	-	190,389.56	-	1,018,950.56
17474 52nd St SE - Leher - OIN 1889/1990/2182	7/11/2017	909,905.00	-	5,482.81	-	915,387.81
17449 50th Street SE - Scott Young	9/1/2017	398,936.66	-	-	-	398,936.66
4848 CR 81 S, Horace, ND _ OIN 9405	9/15/2017	451,185.00	-	36,153.08	-	487,338.08
17568 Pfiffer Drive - OIN 9387	3/6/2018	505,925.70	-	3,590.00	-	509,515.70
15-0000-02690-010 & 15-0000-02690-020 - Cossette _ OIN 229 & 230	11/29/2017	2,433,020.59	-	-	-	2,433,020.59
5021 171st Ave. Southeast, Horace, ND _ OIN 1955	12/18/2017	248,677.89	-	-	-	248,677.89
Home Buyouts - Argusville						
2351 173rd Ave SE - Johnson - OIN 1222	2/6/2017	215,030.91	-	6,912.57	-	221,943.48
Easements - Fargo						
Part of Lot 5 El Zagal Park	10/9/2014	76,000.00	-	-	-	76,000.00
72 2nd St N - Bortnem	4/13/2016	37,020.00	-	-	-	37,020.00
Oak Terrace Condos - 2 N Terrace N	3/30/2016	5,588.00	-	-	-	5,588.00
Fercho Family Farms,	3/25/2015	50,000.00	-	-	-	50,000.00
Part of Lot 3 Block 4 R2 Urban Renewal Addition	3/15/2018	336,108.00				336,108.00
Easements - Hickson						
Hickson Village Lot 8 BLK 11	5/11/2016	500.00				500.00
Easements - Oxbow						
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-	-	-	55,500.00
Easements - Diversion Inlet Control Structure						
15-0000-02690-020 - Cossette	6/1/2016	-	-	-	-	-
64-0000-02730-000 - Sauvageau	6/1/2016	1,113,101.57	-	-	-	1,113,101.57
64-0000-027400-000 - Duboard	9/15/2016	177,399.29	-	-	-	177,399.29
64-0000-02700-010 - Rheault	1/31/2017	2,243.06	-	-	-	2,243.06
15-141-49 NW1/4 160.00 AC **12-31-98 COMB FRM 44-0000-00580-000 & 44-0000-00570-000 - Larson Trust (Nygren)	6/20/2017	32,340.00	-	-	-	32,340.00
Southwest corner of County Road 17 S and 112th Avenue S (comdemnation) - SAUVAGEAU LIFE EST.		373,437.00	-	-	-	373,437.00
16835 47 ST SE - Buster Farms LLLP		1,755.00	-	-	-	1,755.00
Easements - Piezometer						
67-0000-12719-010 - Adams - OIN-1201	3/13/2017	1,500.00	-	-	-	1,500.00
Easements - Minesota						
Askegaard Hope Partnership	10/14/2016	1,542,370.79	-	-	-	1,542,370.79
Farmland Purchases						
SE 1/4 11-140-50 (Raymond Twp, ND) - Ueland	1/20/2014	959,840.00	-	-	-	959,840.00
2 Tracts in the E 1/2-2-137-49 - Sorby/Maier	1/24/2014	1,636,230.00	-	-	-	1,636,230.00
3 Tracts NW1/4 1-140-50, NW1/4 11-140-50, & S1/2 25-141-50 - Rust (OINs 0511,0512,0880,0897)	2/18/2014	3,458,980.70	-	-	-	3,458,980.70
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	991,128.19
NW 1/4 36-141-50 - Monson	5/7/2014	943,560.05	-	-	-	943,560.05
W 1/2 SE 1/4 SW 1/4 & SW 1/4 SW 1/4 2-137-49 - Gorder	5/13/2014	321,386.00	-	-	-	321,386.00
SW 1/4-11-140-50 - Hoglund	7/21/2014	989,706.03	-	-	-	989,706.03
NW 1/4 14-140-50 - Hoglund	10/23/2014	948,782.22	-	-	-	948,782.22
SW 1/4 2-140-50 -Rust	10/29/2014	955,901.00	-	-	-	955,901.00
2-140-50 S 1/2 of NW 1/4 & Lot 4A - Pile	3/4/2015	594,108.00	-	-	-	594,108.00
Fercho Family Farms,	3/25/2015	464,600.00	-	-	-	464,600.00
W 1/2 NW 1/4 2-141-49 - Heiden	4/24/2015	433,409.00	-	-	-	433,409.00
(Raymond Twp) - Subdivision: Part of 23-140-50, 155.82 acres - Henke	6/17/2015	857,144.00	-	-	-	857,144.00
(Raymond Twp) - Subdivision: Part of Sec. 23., Less Gust Sub and Jason Sub T140N R50W - Henke	6/17/2015	339,071.00	-	-	-	339,071.00
15-141-49 NW1/4 160.00 AC **12-31-98 COMB FRM 44-0000-00580-000 & 44-0000-00570-000 - Larson Trust (Nygren)	6/20/2017	291,840.00	-	-	-	291,840.00
64-0000-02720-000 - Ulstad (Condemnation)	11/10/2016	1,221,931.50	-	-	-	1,221,931.50
Peter Biegler, Jr - OIN 9748	7/17/2017	250,185.00	-	3,175.00	-	253,360.00
19-141-49 NE 1/4 A 160.00 - Schoenberg Farms	7/18/2017	3,470,167.12	-	-	-	3,470,167.12
SHEY RIV - Chose	7/28/2017	60,128.07	-	-	-	60,128.07
W 1/2d 1/2 10-141-49 & NW 1/4 10-141-49 - Larson Family Farm Trust	8/1/2017	1,402,847.99	-	-	-	1,402,847.99
S1/2 W1/2 NW1/4 - Conyers	8/3/2017	33,150.00	-	-	-	33,150.00
27th St SE, between 169th Ave SE and I-29 - Nelson	8/3/2017	1,024,189.50	-	-	-	1,024,189.50
Meridian, Cass County, ND - Heiden Family, LLLP	8/4/2017	1,326,882.11	-	-	-	1,326,882.11

FM Metropolitan Area Flood Risk Management Project
Lands Expense - Life To Date
As of December 31, 2018

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Relocation Assistance	Sale Proceeds	Total
2368 173rd Ave SE & Rural Land Part of SE1/4 35-142-49, Wiser, ND - Kevin & Pamela Heiden	8/4/2017	614,439.02	-	-	-	614,439.02
20-141-49 SW 1/4 A 160.00 - Lloyd & Alice Amundson	8/9/2017	123,563.38	-	-	-	123,563.38
5251 174 1/2 Ave SE, Pleasant Township, ND 58047	8/18/2017	254,354.28	-	-	-	254,354.28
35-142-49 SW 1/4 A 160.00 - Burley _ OIN 1218	8/31/2017	167,091.47	-	-	-	167,091.47
S-1/2 of N1/2 of Section 36-142-49, Wayne & Gary Ohnstad_OIN 1223	12/13/2017	200,135.00	-	-	-	200,135.00
2-141-49 S 1/2 OF NE 1/4 & N 1/2 OF SE 1/4	12/20/2017	251,668.74	-	-	-	251,668.74
County Rd 32 between 167th Ave SE and 169th Ave SE, 25-141-50 NE 1/4	1/19/2018	831,853.08	-	-	-	831,853.08
County Rd 32 between 167th Ave SE and 169th Ave SE, 30-141-50 NW 1/4	3/23/2018	831,535.25				831,535.25
NE 1/4 Section 14 Township 140 North of Range 50 West of 5th Principle Meridian LESS the East 85 feet of said NE Quarter	2/22/2018	707,530.88				707,530.88
Land Purchases						
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	-	(730,148.14)	(246,132.14)
Lot 4, Block 4, ND R-2 Urban Renewal Addition, Fargo ND - Professional Associates	5/14/2015	39,900.00	-	-	-	39,900.00
BNSF Railway Company	10/28/2015	27,000.00	-	-	-	27,000.00
City of Fargo - OIN 2366 & OIN 2367	3/9/2017	1,022,533.30	-	-	-	1,022,533.30
Edwin and Margaret Ployhart OIN 8852	4/5/2017	5,121.18	-	-	-	5,121.18
Arthur Mathison RT OIN 1994	5/19/2017	750.00	-	-	-	750.00
Ideal Ag Corp OIN 9789 / 9790	5/25/2017	30,120.68	-	-	-	30,120.68
OIN 1195 / 1196 - Mark Thorson	9/15/2017	203,678.32	-	-	-	203,678.32
		89,790,973.07	-	34,542,377.21	(1,107,856.01)	123,225,494.27
			(32,000.00)		10,000.00	
					Property Management Expense	2,032,928.62
					Grand Total	**$ 125,258,422.89**

FM Metropolitan Area Flood Risk Management Project
In-Town Levee Work
as of December 31, 2018

Vcode #	Vendor Name	Descriptions	Contract Amount	Amount Paid
V02801	Industrial Builders	WP42.A2 - 2nd Street North Pump Station	$ 8,696,548.46	$ 8,696,548.46
V02802	Terracon Consulting	WP-42 (In Town Levees) Materials Testing	$ 909,149.49	$ 830,520.16
V02803	Consolidated Communications	2nd Street Utility Relocation	$ 1,178,781.73	$ 1,178,781.73
V02804	702 Communications	2nd Street Utility Relocation	$ 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	$ 6,130,655.82	$ 5,272,947.36
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	$ 464,141.16
V02824	City of Fargo	COF – In-Town Flood Protection Debt Payments	$ 6,296,650.00	$ 6,296,650.00
V01703	Various	In-Town Property Purchases	$ 39,425,438.45	$ 38,178,952.43
V02825	Industrial Builders	WP-42E - 2nd Street South and Main Avenue Flood Mitigation	$ 8,769,445.23	$ 262,142.75
			$ 137,509,438.79	$ 126,255,381.23

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: November 1, 2018 - November 30, 2018 - OHB Levee Related

Drawdown Request No: 79		
Requested Amount:		**$ 255,691.15**
Total Funds Expended This Period:		511,382.29
SB 2020 Matching Requirements		50%
Total Funds Requested at 50% Match		255,691.15
Total Funds Requested:		**255,691.15**

STATE AID SUMMARY:

Summary of State Funds Appropriated		
Appropriations from 2009 Legislative Session		$ 45,000,000
Appropriations from 2011 Legislative Session		30,000,000
Appropriations from 2013 Legislative Session		100,000,000
Appropriations from 2015 Legislative Session		69,000,000
Appropriations from 2015 Legislative Session - Interior Flood Control		60,000,000
Anticipated appropriations to be funded in 2017 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2019 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2021 Legislative Session	66,500,000	
Anticipated appropriations to be funded in 2023 Legislative Session	66,500,000	
Total State Funds	266,000,000	304,000,000
Less: Payment #1 through #35 - City of Fargo		(55,510,209.00)
Less: Payment #1 - Cass County		(136,039.36)
Less: Payment #1 through #7 - Interior Flood Control		(60,000,000.00)
Less: Payment #1 through #28 - FM Diversion Authority		(38,049,107.00)
Less: Payment #29 through #75 - FM Metro Area Flood Risk Management Project		(93,470,290.00)
Less: Payment #76 - FM Metro Area Flood Risk Management Project		(433,312.97)
Less: Payment #77 - FM Metro Area Flood Risk Management Project		(11,892.35)
Less: Payment #78 - FM Metro Area Flood Risk Management Project		(244,521.99)
Less: Payment #79 - FM Metro Area Flood Risk Management Project		(255,691.15)
Total Funds Reimbursed		(248,111,063.82)
Total State Fund Balances Remaining		**55,888,936.19**

LOCAL MATCHING FUNDS SUMMARY:

Matching Funds Expended To Date - FM Metro Area Flood Risk Management Project		$ 79,166,117
Less: Match Used on Payment #1 through #35 - City of Fargo		(41,506,620)
Less: Match used on Payment #1 - Cass County		(136,039)
Less: Match Used on Payment #1-28 - FM Diversion Authority		(11,052,710)
Less: Match Used on Payment #29 - 75 - FM Metro Area Flood Risk Management Project		(22,172,839)
Balance of Local Matching Funds Available		**$ 4,297,909**

Finance Committee Bills through January 18, 2019

Vendor	Description		
Cass County Joint Water Resource District	Diversion Bills	$	167,532.19
Dorsey & Whitney	Legal services rendered through November 30, 2018	$	13,775.18
Erik R. Johnson & Associates, Ltd.	Legal services rendered through December 31, 2018	$	1,811.25
Ohnstad Twichell, P.C.	Professional services rendered	$	61,549.18
Total Bills Received through January 18, 2019		$	244,667.80

CASS COUNTY GOVERNMENT

Cass County
Joint Water
Resource
District

December 18, 2018

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

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

Greetings:

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

Enclosed please find copies of bills totaling $167,532.19 regarding the above referenced projects. The breakdown is as follows:

Metro Flood Diversion	$145,348.10
Oxbow-Hickson-Bakke Ring Levee	20,753.60
In-Town Levees	1,430.49

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

Enclosures

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrd@casscountynd.gov
casscountygov.com

METRO FLOOD DIVERSION RIGHT OF ENTRY/LAND ACQUISITION COST SHARE INVOICES Updated 12/18/18

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/8/2018	10/30/2018	158955	130007	9,842.00	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
11/8/2018	10/30/2018	158973	170007	1,754.50	Ohnstad Twichell, P.C.	Legal-Upstream Mitigation Area
11/8/2018	10/30/2018	158950	90007	133.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009
11/8/2018	10/30/2018	158967	160007	577.50	Ohnstad Twichell, P.C.	Legal-Channel Phase I
11/8/2018	10/30/2018	158968	160007	4,153.50	Ohnstad Twichell, P.C.	Legal-Channel Phase II
11/8/2018	10/30/2018	158969	160007	1,712.00	Ohnstad Twichell, P.C.	Legal-Channel Phase III
11/8/2018	10/25/2018	13618		32.00	Cass Rural Water Users District	Service to 5021 171st Ave SE
11/8/2018	10/25/2018	14321		27.00	Cass Rural Water Users District	Service to 16657 38th St SE
11/8/2018	10/25/2018	14028		32.00	Cass Rural Water Users District	Service to 17465 49th St SE
11/8/2018	10/25/2018	14044		32.00	Cass Rural Water Users District	Service to 17471 49th St SE
11/8/2018	10/25/2018	14110		32.00	Cass Rural Water Users District	Service to 17568 Pfiffer Dr
11/8/2018	11/5/2018	850.04		223.38	Red River Valley Coop Power Assoc	Service to 16678 3rd St S Moorehead
11/8/2018	11/1/2018	1711	2001	1,630.00	Houston-Moore Group	Engineering - Right-of-Entry Services 2018
11/8/2018	11/1/2018	1712	2004	10,044.32	Houston-Moore Group	Engineering - Property Acquisition Services
11/16/2018	11/5/2018	1108711		70.38	Cass County Electric Cooperative	Service to 16657 38 St SE
11/16/2018	11/5/2018	1123339		320.93	Cass County Electric Cooperative	Service to 17465 49th St SE
11/16/2018	11/5/2018	1122560		328.02	Cass County Electric Cooperative	Service to 17471 49 St S
11/16/2018	11/5/2018	1132078		330.20	Cass County Electric Cooperative	Service to 17568 Pfiffer Dr
12/14/2018	11/30/2018	159386		1,121.00	Ohnstad Twichell, P.C.	Legal-NDDOT Right of Way 2018
12/14/2018	11/30/2018	159349		11,625.50	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
12/14/2018	11/30/2018	159359		475.00	Ohnstad Twichell, P.C.	Legal-Diversion Authority Agreement - Drains
12/14/2018	11/30/2018	159366		2,943.21	Ohnstad Twichell, P.C.	Legal-Upstream Mitigation Area
12/14/2018	11/30/2018	159346		798.00	Ohnstad Twichell, P.C.	Legal-Basin Project 2009
12/14/2018	11/30/2018	159360		337.00	Ohnstad Twichell, P.C.	Legal-Channel Phase I
12/14/2018	11/30/2018	159361		2,314.50	Ohnstad Twichell, P.C.	Legal-Channel Phase II
12/14/2018	11/30/2018	159362		4,472.00	Ohnstad Twichell, P.C.	Legal-Channel Phase III
12/14/2018	11/30/2018	1725	2001	2,825.00	Houston-Moore Group	Engineering - Right-of-Entry Services 2018
12/14/2018	11/30/2018	1726		5,341.27	Houston-Moore Group	Engineering - Property Acquisition Services
12/14/2018	11/7/2018	78947	R12.00049	4,163.00	Ultieg Engineers	Engineering - project management, ROW and appraisal services
12/14/2018				75,750.00	Many individuals	monument installation payments
12/14/2018	12/6/2018	401156		127.50	All American Plumbing & Heating Inc	furnace repair at OIN 9387
12/14/2018	12/5/2018	850.04		337.04	Red River Valley Coop Power Assoc	Service to 16678 3rd St S Moorehead
12/14/2018	11/15/2018	1129748		52.22	Cass County Electric Cooperative	Service to 5021 171 Ave SE
12/14/2018	12/5/2018	1108711		163.03	Cass County Electric Cooperative	Service to 16657 38 St SE
12/14/2018	12/5/2018	1123339		514.80	Cass County Electric Cooperative	Service to 17465 49 St S
12/14/2018	12/5/2018	1122560		527.13	Cass County Electric Cooperative	Service to 17471 49 St S
12/14/2018	12/5/2018	1132078		31.12	Cass County Electric Cooperative	Service to 17568 Pfiffer Dr
12/14/2018	11/25/2018	13618		32.00	Cass Rural Water Users District	Service to 5021 171st Ave SE
12/14/2018	11/25/2018	14321		27.05	Cass Rural Water Users District	Service to 16657 38th St SE
12/14/2018	11/25/2018	14028		32.00	Cass Rural Water Users District	Service to 17465 49th St SE
12/14/2018	11/25/2018	14044		32.00	Cass Rural Water Users District	Service to 17471 49th St SE
12/14/2018	11/25/2018	14110		32.00	Cass Rural Water Users District	Service to 17568 Pfiffer Dr
			Total	**145,348.10**		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
11/8/2018	10/30/2018	158958		140007	3,016.50	Ohnstad Twichell, P.C.	Legal-Oxbow-Hickson-Bakke Levee project
11/8/2018	11/5/2018				13,901.70	Aaction Movers and Chris Champ	Champ moving costs claim
12/14/2018	11/30/2018	159350			2,846.00	Ohnstad Twichell, P.C.	Legal-Oxbow-Hickson-Bakke Levee project
12/14/2018	10/31/2018	19546		2830-00	939.90	ProSource Technologies	Project management and acquisition
12/14/2018	11/30/2018	19651		2830-00	49.50	ProSource Technologies	Project management
				Total	**20,753.60**		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/8/2018	10/26/2018	613102730		218.17	Xcel Energy	Electric service to 419 3rd St N
11/8/2018	10/26/2018	613133881		293.09	Xcel Energy	Gas service to 419 3rd St N
11/16/2018	11/7/2018	6000052129		101.40	City of Fargo	Service to 419 3 St N
12/14/2018	11/28/2018	616952228		214.58	Xcel Energy	Electric service to 419 3rd St N
12/14/2018	11/28/2018	616983761		501.85	Xcel Energy	Gas service to 419 3rd St N
12/17/2018	12/7/2018	6000052129		101.40	City of Fargo	Service to 419 3 St N
			Total	**1,430.49**		
			Grand Total	**167,532.19**		

DORSEY
DORSEY & WHITNEY LLP

MINNEAPOLIS OFFICE
612-340-2600

received
1-4-19

(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

December 31, 2018
Invoice No. 3468949

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

For Legal Services Rendered Through November 30, 2018

INVOICE TOTAL

Total For Current Legal Fees	$13,635.50
Total For Current Disbursements and Service Charges	$139.68
Total For Current Invoice	**$13,775.18**

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

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

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

(This account is only for Wire/ACH payments)
ABA Routing Number: 091000022
Account Number: 1047-8339-8282
Swift Code: USBKUS44IMT

Please make reference to the invoice number

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

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

CITY OF Fargo

Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

January 10, 2019

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

Re: Metro Flood Diversion Project

Dear Kent:

I am enclosing a Summary Invoice dated December 31, 2018 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through November 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,

Erik R. Johnson

ERJ/lmw
Enclosure
cc: Bruce Grubb

Erik R. Johnson & Associates, Ltd.

Attorneys at Law

December 31, 2018
Invoice No. 2722

City of Fargo-Auditor's Office
Attn: Kent Costin
225 4th Street North
Fargo, ND 58102

RE: Metro Flood Project-General Legal Matters

For Legal Services Rendered Through December 31, 2018

INVOICE TOTAL

Total for Current Legal Fees	$1,811.25
Total for Current Disbursements and Service Charges	$
Total for Current Invoice	**$1,811.25**

Summary of Account

*Prior Balance Due	$
Total Amount Due	$1,811.25

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

We appreciate your business.

505 Broadway Street North • Suite 206 • Fargo, ND 58102
Phone: (701) 280-1901 • Fax: (701) 280-1902

Erik R. Johnson & Associates, Ltd
Attorneys at Law
Erik R. Johnson - Nancy J. Morris
505 Broadway - Suite 206
Fargo, ND 58102
(701) 280-1901

Invoice

City of Fargo -- Auditor's Office
Attn: Kent Costin
225 4th Street North
Fargo, ND 58102

Date	12/31/2018
Invoice #	2722-

Description	Amount
METRO FLOOD PROJECT -- GENERAL LEGAL MATTERS:	225.00
Erik Johnson-Nov 26 thru Dec 31, 2018-itemization enclosed	
Nancy J. Morris-Nov 26 thru Dec 31, 2018-itemization enclosed	1,586.25

We appreciate your business.	**TOTAL:**	**$1,811.25**

OHNSTAD TWICHELL, P.C.

Attorneys at Law

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

15-1395 JTS Invoice # 160382

Flood Diversion Board

Bond Counsel Work - PPP

Date: January 16, 2019

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

PROFESSIONAL SERVICES RENDERED			
	Hours	**Hourly Rate**	**Totals**
JTS	51.3	$310.00	$15,903.00
ADC	22.2	$310.00	$6,882.00
SNW	3.4	$310.00	$1,054.00
RGH	8.8	$310.00	$2,728.00
KJB	37.2	$285.00	$10,602.00
TJL	57.9	$250.00	$14,475.00
CBC	0.3	$225.00	$67.50
JDR	0.5	$165.00	$82.50
AJR	34.2	$165.00	$5,643.00
KJS	11.2	$100.00	$1,120.00
Total Fees:	**227.0**		**$58,557.00**

Mediation Fee paid to Karen Klein Mediation, LLC	$2,424.33
Filing Fee	$50.00
AT&T	$17.85
Westlaw (max charge $500)	$500.00
Total Expenses:	**$2,992.18**
Grand Total	**$61,549.18**

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

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 # 160382	Flood Diversion Board	Bond Counsel Work - PPP
FILE NUMBER	**MATTER DESCRIPTION**	**INVOICE - TOTAL FEES**
151395-1	General Topics (Includes General Governance Questions, Notices, etc.)	$15,150.50
151395-2	Executive Director	$33.00
151395-3	P3 Procurement	$1,076.00
151395-4	Public Finance Issues	$4,474.50
151395-5	Consultant Contract Review/Development	$2,366.50
151395-6	Support of External Litigation Counsel	$2,328.50
151395-8	MNDNR Permit Issues	$1,257.50
151395-11	Legislative Interface/Lobbying Support	$159.00
151395-12	USACE Interface/Questions	$2,483.00
151395-13	Third Party Utility MOU's	$19,041.00
151395-14	ICS Issues	$9,890.50
151395-15	Schmidt and Sons Litigation	$33.00
151395-16	Riley Bros. Construction Claim	$264.00
TOTAL		**$58,557.00**

January 2019 Recommended Contracting Actions

Presented By:

Program Management Consultant

Contracting Actions for Approval

Description	Company	Budget Estimate ($)
Task Orders – Diversion Authority		
Task Order 02, Amendment 02 – Interim Program Management Services • Extend Period of Performance to April 30,2019 • Modify Task C – Develop an overall program schedule	CH2M Hill Engineers, Inc.	**$1,750,000**
Task Order 04, Amendment 00 – Property Acquisition Services • Manage the acquisition of property rights • Period of Performance: January 24, 2019 to December 31, 2026	CH2M Hill Engineers, Inc.	**$21,200,800**
Total		**$22,950,800**

Contracting Actions for Approval

Description	Company	Budget Estimate ($)
Task Orders – Diversion Authority		
Task Order 02, Amendment 02 – Interim Program Management Services • Extend Period of Performance to April 30,2019 • Modify Task C – Develop an overall program schedule	CH2M Hill Engineers, Inc.	**$1,750,000**

AMENDMENT NO. 2 to Task Order 2
Metro Flood Diversion Authority
Fargo-Moorhead Area Diversion Project
Interim Program Management and Related Services

This Amendment No. 2 is to CH2M Hill's Task Order 2 - Interim Program Management and Related Services for the Fargo-Moorhead Metro Flood Diversion Project.

The purpose of this Amendment No. 2 is to extend the period of performance for services and increase the total budget amount by $1,750,000 for services under Task Order 2, and other revisions as described in this Amendment.

1. Modify Term as follows:
   a. In the first sentence, replace "terminate on January 31, 2019" with "terminate on April 30, 2019."

2. Modify Task C as follows:
   a. Add as the second sentence to item 3, "Develop an overall program schedule of activities aligned with the program scope and monitor program schedule to track potential schedule changes and impacts to the program's critical path."
   b. Revise item 4.a by adding "schedule," after "expenditures".
3. Modify Task K as follows:
   a. In the first paragraph, replace "May 1, 2018" with "February 1, 2019."

4. Modify the Budget and Payments to CONSULTANT as follows:
   a. Replace "$4,100,000" with "$5,850,000."

This Amendment and the services covered by this Amendment will be performed in accordance with the Provisions and any attachments or schedules of the Agreement. This Amendment will become a part of the referenced Agreement when executed by both parties. All other terms and conditions of Task Order 2 not otherwise modified, superseded or replaced by this Amendment shall continue to be in full force and effect.

Metro Flood Diversion Authority:		**Metro Flood Diversion Authority:**	
Signature		Signature	
Name	Michael Redlinger	Name	Robert W. Wilson
Title	Co-Executive Director, DA	Title	Co-Executive Director, DA
Date		Date	

CH2M HILL ENGINEERS, INC.:

Signature	
Name	Kevin Boggs
Title	Operations Manager
Date	

Contracting Actions for Approval

Description	Company	Budget Estimate ($)
Task Orders – Diversion Authority		
Task Order 04, Amendment 00 – Property Acquisition Services • Manage the acquisition of property rights • Period of Performance: January 24, 2019 to December 31, 2026	CH2M Hill Engineers, Inc.	**$21,200,800**

JACOBS

AE2S

January 17, 2019

Michael Redlinger
Co-Executive Director, Diversion Authority
Assistant City Administrator, City of Fargo

Robert Wilson
Co-Executive Director, Diversion Authority
Administrator, Cass County

RE Lands Program Task Order

Mr. Redlinger and Mr. Wilson,

The FM Area Diversion Project requires the acquisition of approximately $500 Million of property rights to fully implement the Project. The Diversion Authority retained CH2M, now Jacobs, along with AE2S to serve as its Program Management Consultant (PMC) in November of 2011. The PMC is tasked with primary responsibilities to plan and implement the Project. It has been recognized that acquiring the necessary property rights and mitigating the impacted properties is a critical path activity to implementing the Project. As such, the Diversion Authority has requested a task order agreement with Jacobs and AE2S focused on managing the acquisition of all property rights and mitigation of all impacted properties. Jacobs and AE2S are pleased to present the attached Task Order 4 for consideration by the Diversion Authority.

The attached Task Order 4 is between the Diversion Authority and Jacobs. However, the Task Order is developed based on the condition that the Cass County Joint Water Resource District (CCJWRD) has assumed the role of acquiring the necessary property rights in North Dakota. In addition, the Task Order is also based on the assumption that the City of Moorhead and Clay County will form a new joint powers authority, the Moorhead Clay County Joint Powers Authority (MCCJPA) to assume the role of acquiring the necessary property rights in Minnesota.

The attached Task Order 4 includes the functions and activities to enable Jacobs and AE2S to assist the Diversion Authority, along with CCJWRD and MCCJPA, to manage the acquisition of all property rights and mitigation of all impacted properties required for the Project. The services in this Task Order will position the Diversion Authority to deliver the property rights necessary for the Public Private Partnership (P3) developer as well as for the USACE constructed features of the Project. The scope of services included in Task Order 4 have been categorized into five tasks, which are summarized in the following table.

Task	Title	Summary
4.A	Program Administrative Services	Administrative services as required to support the property acquisition and mitigation program. Maintain and utilize a cost-loaded schedule, document controls systems, and cost management tools to support the property acquisition and mitigation program.
4.B	Public Involvement and Outreach Services	Manage public outreach, involvement, and education program as required for property acquisition and mitigation.
4.C	Property Rights Acquisition Management	Manage the acquisition and mitigation of approximately $500 Million in property rights required for the PROJECT.
4.D	Property Surveying Services	Manage and perform property surveying services for the PROJECT.
4.E	Property Management	Manage the properties acquired by the PROJECT.

It is estimated that it will take several years to acquire all of the necessary property rights and mitigate all of the impacted properties for the Project. As such, Task Order 4 is based on providing services starting in 2019 and continuing through 2026. The level of effort necessary to perform the scope of services is expected to vary over the course of this timeframe. Resuming the lands program will require a ramp-up of effort in 2019, including outreach to impacted property owners, issuing an RFP for appraisal services, focusing on acquisitions for the channel, developing policies for upstream structure acquisitions, and advancing the property mitigation plans such as the Phase 2 flowage easement study. It is expected that the acquisition of flowage easements will begin in 2020, along with completion of acquisition for the channel. Property surveying is expected to be complete by 2021. A schedule of acquisitions for all of the key features of the Project is included in the Task Order. It is expected that significant progress will be made through 2021 and the acquisitions and relocations of properties in the upstream mitigation area will require a focused, but reducing level of effort from 2022 through 2026.

The proposed fees for Task Order 4 are commensurate with the anticipated schedule and level of effort described above. For the eight year Task Order, the total estimated fees are $21,180,600. The estimated annual fees are presented in the attached table. In addition, the annual level of effort is defined by full-time-equivalent (FTE) staff in the attached graph. It is expected that the Diversion Authority will review the annual fee estimates as part of the annual program budget development and approval process.

We appreciate the opportunity to provide services to implement the FM Area Diversion Project.

Submitted in Services

Kim Daily
Program Manager
Jacobs

Eric C. Dodds
Program Manager
AE2S

Table 1 – Annual Budgetary Summary by Task

Task Order 4 Budget Summary		2019	2020	2021	2022	2023	2024	2025	2026
4.A	Program Administrative Services	$805,800	$720,200	$510,600	$543,400	$413,800	$448,300	$467,300	$451,500
4.B	Public Involvement and Outreach	$393,700	$82,800	$85,300	$41,900	$43,100	$47,700	$49,100	$53,900
4.C	Property Rights Acquisition Management	$1,634,600	$1,778,500	$1,393,700	$1,453,400	$1,456,300	$1,480,600	$1,476,900	$1,395,500
4.D	Property Surveying Services	$739,700	$854,300	$922,100	$-	$-	$-	$-	$-
4.E	Property Management	$144,000	$156,400	$162,600	$174,500	$181,100	$195,100	$204,600	$218,300
	TOTAL	**$3,717,800**	**$3,592,200**	**$3,074,300**	**$2,213,200**	**$2,094,300**	**$2,171,700**	**$2,197,900**	**$2,119,200**

Graph 1 – Annual Estimated Staffing (Full Time Equivalent (FTE))

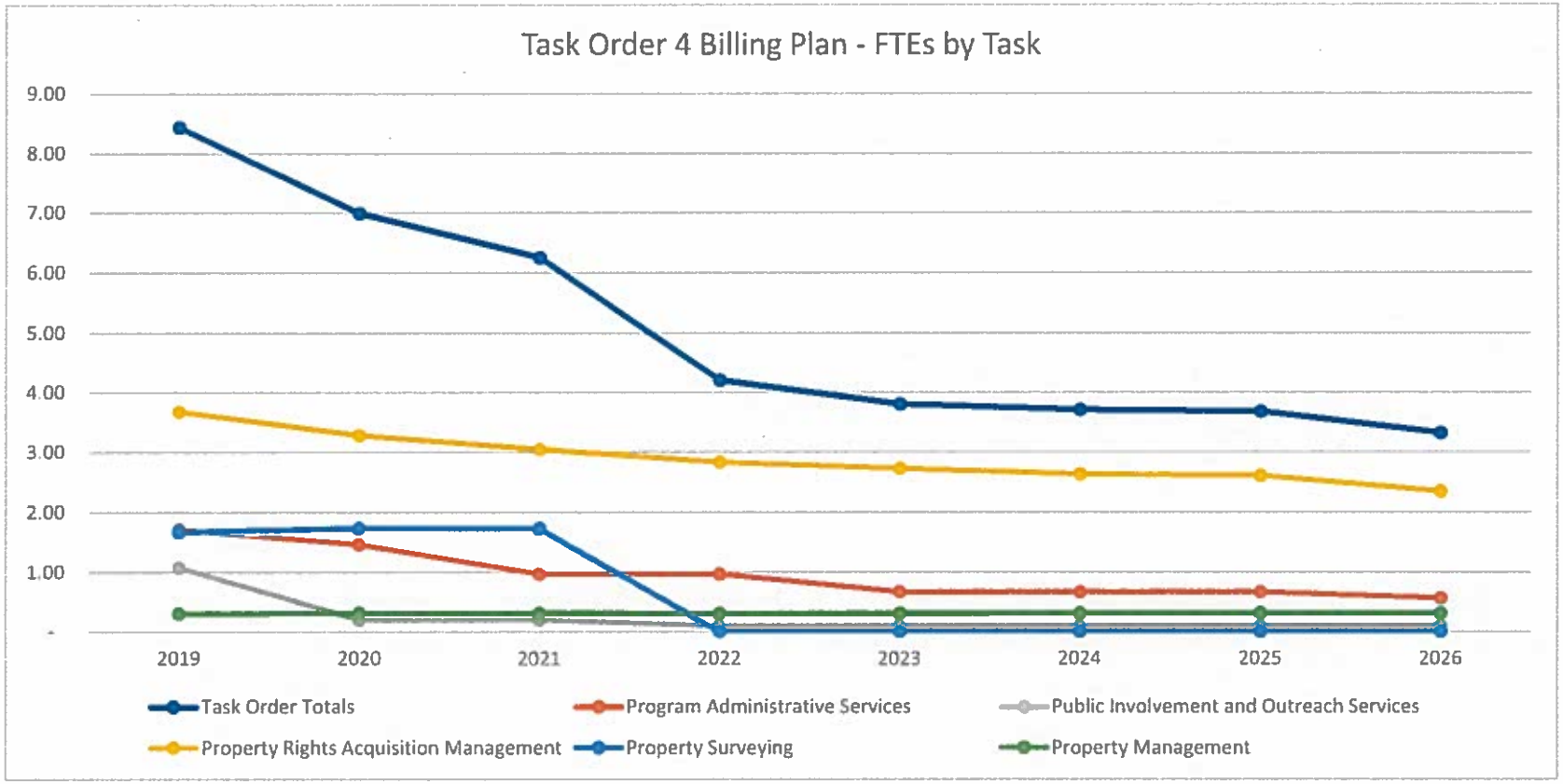


Table 2 – Annual Budgetary and Staffing Level Summary by Task

Task Order 4 Budget and Staffing Level Summary		2019	2020	2021	2022	2023	2024	2025	2026
4.A	**Program Administrative Services**	$805,800	$720,200	$510,600	$543,400	$413,800	$448,300	$467,300	$451,500
	FTEs	1.72	1.47	0.97	0.97	0.67	0.67	0.67	0.57
4.B	**Public Involvement and Outreach**	$393,700	$82,800	$85,300	$41,900	$43,100	$47,700	$49,100	$53,900
	FTEs	1.07	0.20	0.20	0.10	0.10	0.10	0.10	0.10
4.C	**Property Rights Acquisition Management**	$1,634,600	$1,778,500	$1,393,700	$1,453,400	$1,456,300	$1,480,600	$1,476,900	$1,395,500
	FTEs	3.68	3.28	3.05	2.83	2.73	2.63	2.61	2.35
4.D	**Property Surveying Services**	$739,700	$854,300	$922,100	$-	$-	$-	$-	$-
	FTEs	1.67	1.74	1.73					
4.E	**Property Management**	$144,000	$156,400	$162,600	$174,500	$181,100	$195,100	$204,600	$218,300
	FTEs	0.31	0.31	0.31	0.31	0.31	0.31	0.31	0.31
	TOTAL	**$3,717,800**	**$3,592,200**	**$3,074,300**	**$2,213,200**	**$2,094,300**	**$2,171,700**	**$2,197,900**	**$2,119,200**
	FTEs	**8.45**	**7.00**	**6.25**	**4.21**	**3.80**	**3.71**	**3.68**	**3.32**

Summary of Anticipated Focus Areas by Year

2019	2020	2021	2022	2023	2024	2025	2026
Buyout Program re-start	Buyout focus on Channel	Southern Embankment Buyouts	Southern Embankment Buyouts	Southern Embankment Buyouts	Southern Embankment Buyouts	Flowage Easements	Flowage Easements
Policy development	Southern Embankment Buyouts	Flowage Easements	Flowage Easements	Flowage Easements	Flowage Easements	Upstream structures	Upstream structures
Schedule building	Flowage Easements	Upstream structures	Upstream structures	Upstream structures	Upstream structures	Property Management	Property Management
Initial outreach	Upstream structures	Property surveying	Property Management	Property Management	Property Management		
Property surveying	Property surveying	Property Management					
Buyout focus on Channel	Property Management						
Early upstream buyouts							

Task Order 4
Metro Flood Diversion Authority
Fargo-Moorhead Area Diversion Project

MFDA Purchase Order No. _____

In accordance with Article 1 of the *MASTER AGREEMENT FOR PROFESSIONAL SERVICES* ("AGREEMENT"), between the Metro Flood Diversion Authority ("OWNER") and CH2M HILL ENGINEERS, INC. ("CONSULTANT"), a wholly owned subsidiary of Jacobs Engineering, Inc., dated January 13, 2017, OWNER and CONSULTANT agree to the scope of services, work schedule, and compensation as follows:

Task Order Title: Property Acquisition Management Services

Term: This Task Order shall commence on January 24, 2019, and terminate on December 31, 2026, unless terminated sooner in accordance with the AGREEMENT and/or as set forth in this Task Order.

Preamble:

CH2M, now Jacobs, along with SUBCONSULTANT (Advanced Engineering and Environmental Services, Inc. (AE2S)) has served as the Program Management Consultant (PMC) to the Diversion Authority since November of 2011, with primary responsibilities to plan and implement the Fargo-Moorhead Area Diversion Project ("PROJECT"). It has been recognized that acquiring the necessary property rights and mitigating the impacted properties is a critical path activity. As such, the OWNER, CONSULTANT, and SUBCONSULTANT have agreed to enter into a Task Order focused on managing the acquisition of property rights and mitigation of impacted properties.

This Task Order is based on the condition that OWNER has assigned the role of acquiring property rights in North Dakota to the Cass County Joint Water Resource District ("CCJWRD"). In addition, this Task Order is also based on the assumption that the City of Moorhead and Clay County will form a new joint powers authority, the Moorhead Clay County Joint Powers Authority (MCCJPA). It is assumed that the Diversion Authority will assign the role of acquiring property rights in Minnesota to the MCCJPA.

The scope of services for this Task Order 4 includes the functions and activities of the CONSULTANT's and SUBCONSULTANT's team to assist the OWNER, CCJWRD, and MCCJPA with managing the acquisition of property rights and mitigation of impacted properties required for the PROJECT. The property acquisition management services in this Task Order will position the OWNER to deliver the property rights necessary for the Public Private Partnership (P3) developer as well as for the USACE constructed features of the PROJECT.

CONSULTANT and SUBCONSULTANT have developed the Property Rights Acquisition and Mitigation (PRAM) Plan, version 4, dated August 31, 2018. The processes, procedures, and policies included in the PRAM Plan shall be utilized for the property acquisition program for the PROJECT. The PRAM Plan may be updated from time to time, as necessary, with input, review, and approval by OWNER.

In performing services under this Task Order, CONSULTANT and SUBCONSULTANT will answer to and comply with all work directives of the CCJWRD and MCCJPA to manage property rights acquisitions, relocations, property management, and related issues.

OWNER will provide recommendations to CCJWRD, MCCJPA, CONSULTANT, and SUBCONSULTANT at the regular Land Coordination meetings and OWNER's monthly Land Management Committee meetings. OWNER will advise CCJWRD, MCCJPA, CONSULTANT, and SUBCONSULTANT on OWNER's policy decisions regarding acquisition of property rights, property management, and impacted property mitigation.

To facilitate property acquisitions in North Dakota, CCJWRD shall contract with land acquisition firms. To facilitate property acquisitions in Minnesota, MCCJPA shall also contract with one or more land acquisition firms. The land acquisition firms will conduct activities, such as serving as the primary point of contact with property owners, developing and maintaining relationships with property owners, sending notices to property owners, obtaining rights of entry for performing surveys and inspections, presenting initial purchase offers to property owners, negotiating with property owners, developing term sheets to assist legal counsel for OWNER, CCJWRD, and MCCJPA with developing purchase agreements, coordinating and attending property closings, providing and coordinating relocation assistance for displaced persons. CCJWRD and MCCJPA will maintain or enter into contracts with land acquisition firms Houston-Moore Group, Inc., ProSource Technologies, and Ulteig Engineers, Inc., and other land acquisition firms, as deemed necessary by the Diversion Authority ("land acquisition firms").

In addition, CCJWRD and MCCJPA shall contract directly with appraisal firms for the purposes of determining the market value of the property rights needed for the PROJECT. It is anticipated that appraisal firms will be selected through a request for proposals (RFP) process.

Description:

The AGREEMENT establishes the terms and conditions for the CONSULTANT to assist the OWNER with the management and implementation of the Fargo-Moorhead Area Diversion Project ("PROJECT"). OWNER responsibilities as PROJECT Non-Federal Sponsors are described in several agreements with the US Army Corps of Engineers (USACE), including the *Project Partnership Agreement* signed July 11, 2016.

The functions and activities to be provided by the CONSULTANT and SUBCONSULTANT to assist the OWNER with managing the acquisition of property rights and mitigation of impacted properties required for the PROJECT are described in this Task Order 4. The level of activity included in Task Order 4 is for managing the remaining portions of the OWNER's approximate $500 Million property acquisition program to completion, based on the current understanding of the property rights needed for the PROJECT.

CONSULTANT and SUBCONSULTANT have committed and will provide staff and resources to support the anticipated activities and deliver the work described in the Scope of Services of this Task Order 4. The proposed schedule of deliverables included in this Task Order 4 is based on the best knowledge available at the time of executing the Task Order. CONSULTANT and/or SUBCONSULTANT may contract with additional subconsultants as necessary to meet the needs of the PROJECT, provided that any contract with additional subconsultants shall be approved by the OWNER.

Scope of Services:

The general scope of services are summarized in Table 1, and described in detail by task following the table.

Table 1 – Summary of Scope of Work Tasks

Task	Title	Summary
4.A	Program Administrative Services	Administrative services as required to support the property acquisition and mitigation program. Maintain and utilize a cost-loaded schedule, document controls systems, and cost management tools to support the property acquisition and mitigation program.
4.B	Public Involvement and Outreach Services	Manage public outreach, involvement, and education program as required for property acquisition and mitigation.
4.C	Property Rights Acquisition Management	Manage the acquisition and mitigation of approximately $500 Million in property rights required for the PROJECT.
4.D	Property Surveying Services	Manage and perform property surveying services for the PROJECT.
4.E	Property Management	Manage the properties acquired by the PROJECT.

Task 4.A-Program Administrative Services

The scope of services for Task A generally includes the following:

1. Program Direction, Strategy Assistance, Coordination, and Governance support services to help implementation of the PROJECT.
2. Prepare for and attend OWNER's Board and Committee (Finance, Land, and Outreach) meetings and report on property acquisition program activities. CONSULTANT shall limit the number of its staff attending each meeting.
3. Develop, update, and maintain a cost-loaded schedule of activities (Primavera P6) to monitor and track costs by categories associated with the property acquisition program for the PROJECT through completion. Review Land Acquisition expenses to ensure they are properly tracked to the Work Package & OIN level.
4. Utilize, update, and maintain the cost management tool (Source) relating to program budget, fiscal year budget, contract budget, and invoiced costs. Develop and prepare reports for OWNER on program expenditures, budget status, and projected cash flows.
5. Support the development of an annual cash budget, in addition to an anticipated 5-year budget, based on projected expenditures for the property acquisition program.
6. Monitor compliance of contract terms and conditions and support program delivery with respect to scope, schedule, and budget performance. Maintain compliance records for contract terms and conditions on third-party contracts including insurance certifications and related items.
7. Develop, maintain, and facilitate use of document control systems, processes, and tools, including an OWNER provided Electronic Data Management System (EDMS) for management of Program documents, including processing of invoices for land acquisition firms, appraisers, and other service providers for the property acquisition program.
8. Review and process third-party contract invoices from land acquisition firms, appraisal firms, and land management firms for payment by OWNER, CCJWRD, and MCCJPA.

Deliverables and Schedule

i. Decision papers, presentation materials, meeting agendas, conference calls, and policy papers as requested.

ii. Agenda and materials for Land Management Committee packet the Wednesday prior to Committee meeting.

iii. Materials for USACE coordination meetings as requested.

iv. Input for development of annual cash budgets in September.

Task 4.B-Public Involvement and Outreach Services

The scope of services for Task B generally includes the following:

1. Develop, and assist OWNER to implement, a fully comprehensive Outreach Plan related to the Property Rights Acquisition and Mitigation Plan. The Outreach Plan shall include:
    a. An initial outreach phase to all impacted landowners following approval order from the Owner to resume land acquisition activities.
    b. A follow up outreach phase to upstream landowners following FEMA approval of the CLOMR.
    c. Creation and maintenance of a web portal for landowners to easily access information related to their parcel and other general land acquisition related education documents.
    d. A proposal for an initial public meeting hosted by the CCJWRD; and as needed follow up public meetings related to the implementation of the Plan.
    e. Production of a quarterly newsletter to impacted property owners to share news and updates about the PROJECT and property acquisition program.
2. Advise, provide input, and assist OWNER with public outreach, involvement, and education related to property acquisition and mitigation. Such assistance is anticipated to include:
    a. Coordinate and facilitate public meetings.
    b. Organize materials for and/or present at meetings with individuals or agencies.
    c. Produce and update maps and other documents, including educational materials related to the property acquisition program for distribution to the public.

Deliverables and Schedule

i. Initial outreach to impacted property owners within a month after receiving authorization from OWNER.

ii. Follow-up outreach to impacted upstream landowners within a month after receiving a CLOMR.

iii. The web portal related to land acquisition within a month after receiving authorization from OWNER.

iv. A public meeting proposal within a month after receiving authorization from OWNER.

v. Newsletter to impacted property owners quarterly.

vi. Online interactive GIS and mapping as needed.

vii. Presentations, maps, and educational materials related to property acquisition program. Deliverables shall be prepared in coordination with others, as appropriate.

Task 4.C-Property Rights Acquisition Management

The scope of services for Task C generally includes the following:

1. Management of Policies, Procedures, and Programs
    a. Assist in the formation of the MCCJPA as the entity responsible for acquiring property rights for the PROJECT in Minnesota.
    b. Monitor, review, and update the Property Rights Acquisition and Mitigation (PRAM) Plan with OWNER, as necessary. The PRAM Plan shall serve to document the policies, procedures, and processes for acquisition of property rights and property mitigation for the PROJECT.
    c. Assist OWNER, CCJWRD, and MCCJPA in implementing operating principles for managing acquisition of property rights for the PROJECT, as defined in the PRAM Plan.
    d. Manage the analysis and development of improved strategies, policies, plans, methods, procedures, and systems of acquisition management programs.
    e. Provide guidance to OWNER, CCJWRD, and MCCJPA on issues that affect property management, acquisitions, appraisals, negotiations, relocations, or transferring title of properties after being acquired. These may include early acquisitions, opportunistic acquisitions, temporary easements, and management and disposition of properties.
    f. Assist in establishing the OWNER's local cemetery mitigation team, and then work with the local cemetery mitigation team to develop/update the OWNER's Cemetery Mitigation Plan. Coordinate with OWNER's Technical Consultant to develop and update the details of the OWNER's Cemetery Mitigation Plan.
    g. Develop the OWNER's supplemental crop loss program for mitigation of impacts to farmland caused by summer operation of the PROJECT.
    h. Develop the OWNER's post-operation private lands clean-up plan.
    i. Develop the OWNER's post-operation public lands repair and clean-up plan.
    j. Manage the review, socializing, and finalization of the sample flowage easement with additional stakeholders such as permitting agencies, agricultural industry representatives, and others.
    k. Develop alternative mitigation options, with assistance from the Diversion Authority's Technical Consultant and staff, other than full acquisition and removal for residential and non-residential structures in the upstream mitigation area.
    l. Manage the Flowage Easement Valuation Study by Crown Appraisals, Inc.
    m. Manage the development of an update to the Ag Impacts report by NDSU Agribusiness and Applied Economics department.

2. Process Management and Reporting

    a. Based on designs and recommendations by others (USACE, P3 Developer, and HMG), identify, assess, and recommend to OWNER the properties to be acquired. Coordinate with designers and others as necessary to provide all necessary affidavits required to establish the necessity of property rights for litigation purposes, if needed.

    b. Prepare and present Land Acquisition Directives (LADs) for approval to the OWNER's Finance Committee. Each LAD shall include parcel map exhibits, area of taking estimates, acquisition schedule, and acquisition budget. The parcel exhibits shall be based on the design and geodatabase files received from the PROJECT designers (OWNER's technical consultant and/or USACE). It is assumed that the design will be completed to a sufficient status to determine the required property rights. The parcel exhibit shall delineate the acquisition type (e.g. easement, fee title, temporary easement, flowage easement etc.).

    c. Recommend, in coordination with others, to CCJWRD and MCCJPA the parcels where a right of entry (ROE) is necessary to conduct boundary surveys for the purposes of acquiring property rights.

    d. Receive and process requests from USACE to obtain ROE for various design, cultural, and environmental surveys.

    e. Coordinate with OWNER's technical consultant to track the status of ROE.

    f. Prepare for and participate in ROE coordination calls with USACE, OWNER's legal and technical consultants.

    g. Manage the selection of qualified appraisal firms through a Request for Proposals (RFP) process.

    h. Develop and recommend appraisal services assignments and Task Orders for CCJWRD and MCCJPA consideration.

    i. Manage and maintain a common set of data and background resources for appraisal firms to utilize in performing property valuations. The resources shall include PROJECT designs and engineering plans, permits, planning documents, zoning requirements, responses to common questions, and other information.

    j. Monitor and measure appraisal firms' activities related to valuing property rights for the PROJECT. Review and analyze weekly progress reports from appraisal firms, and manage the schedule of deliverables. Measure progress against appraiser approved schedules and completeness of appraisal reports.

    k. Coordinate with PROJECT representatives as necessary to gather information and responses to questions from appraiser firms.

    l. Conduct appraisal reviews in accordance with procedures outlined in the PRAM Plan.

    m. Develop and recommend land acquisition services assignments and Task Orders for CCJWRD and MCCJPA consideration.

    n. Coordination with land acquisition firms to monitor and measure the following activities of land acquisition firms: (a) obtaining rights of entry (ROE), (b) communicating and negotiating with property owners, (c) acquiring property rights for the PROJECT, and (d) establishing relocation benefits for displaced persons. Conduct weekly coordination calls with land acquisition firms. Conduct monthly coordination meetings with land acquisition firms.

o. Review and analyze regular progress reports and schedules from land acquisition firms.

p. Organize and conduct training for land acquisition firms in regards to processes, procedures, and policies established for the PROJECT. Training sessions will also include sharing technical information developed for the PROJECT. Training frequency will depend on the needs of the land acquisition firms, but is assumed to be quarterly.

q. Organize and assemble PROJECT information for incorporation into resource binders for land acquisition firms to use in interactions with property owners.

r. Coordinate with PROJECT representatives as necessary to gather information and responses to questions from property owners received through the land acquisition firms.

s. Organize, manage, and conduct bi-weekly lands coordination with PROJECT representatives from OWNER, CCJWRD, and/or MCCJPA. Among other items, the land coordination shall be utilized to review negotiations and acquisition of property rights.

t. Organize, manage, and coordinate with a strategic negotiations team as necessary to discuss sensitive property acquisitions and negotiations.

u. Organize and conduct, as necessary, meetings with Diversion Authority's Technical Consultant and OWNER's staff to discuss property owner requested modifications or adjustments to the proposed property rights acquisitions during negotiations.

v. Monitor the acquisition of property rights, negotiations, and impacted property mitigation to ensure consistency with the PRAM Plan.

w. Coordinate with Appraisers and Relocation Experts to ensure that delineation between buy-out and relocation is handled consistently with each property owner, especially for impacted Commercial and Farmstead properties.

x. Coordinate with relocation specialists from each land acquisition firm regarding the determination of and consistent approach for relocation benefits due to property owners and tenants.

y. Receive and review relocation benefit claims from property owners via relocation specialists, and organize and submit the relocation benefit claims to CCJWRD and MCCJPA for processing.

z. Assist land acquisition firms with negotiations, including preparation and negotiation of Replacement Housing Agreements and Purchase Agreements. CONSULTANT shall not conduct direct negotiations with property owners without prior approval from OWNER.

aa. Manage and monitor property rights acquisition data to track acquisition status and identify acquisition risks.

bb. Report on the progress of the property acquisitions program, including cost, schedule, and performance reporting. Prepare monthly property acquisition status report for presentation at the OWNER's Land Management Committee, Land Coordination, CCJWRD Board, and MCCJPA meetings.

cc. Monitor and update annually the real estate program cost estimate for the PROJECT, including the Project 5-year budget. The updated cost estimate shall take into account actual sales prices of acquired parcels, appraised values and trends, assessed values and trends, and other information. The cost estimate updates shall include comparisons to historical acquisition cost estimates.

dd. Cartographic Production: Prepare maps and exhibits (graphs, maps, educational documents, etc.) for use in property acquisitions. Prepare/extract data for use by CONSULTANT, SUBCONSULTANT, and OWNER.

ee. Prepare for and attend CCJWRD's and MCCJPA's regular board meetings, as well as special board meetings to report on progress and activities, and provide or present informational materials, as requested by OWNER, CCJWRD, or MCCJPA. CONSULTANT shall limit the number of its staff attending each meeting.

ff. Coordinate with OWNER's, CCJWRD's, and MCCJPA's legal counsel, as necessary to address legal questions related to the property acquisition program.

3. Systems and Tools

a. Maintain and manage the ESRI Workflow Manager (WMX) tool to track the progress of property rights acquisition activities and serve as a repository for all property acquisition documents.

b. Coordinate with the City of Fargo IS Department regarding ongoing requirements and/or issues related to ESRI WMX for support, maintenance, and performance of the application.

c. Provide ESRI WMX application access, training, and support to PROJECT representatives, as requested.

d. Perform acquisition audits to verify that required inputs are tracked and noted in ESRI WMX. Audits will ensure proper use of tool, proper population of extended properties with critical schedule and dates, uploading of documents, and comments regarding land owner and other communications.

e. Coordinate weekly ESRI WMX backups and database compressions with City of Fargo staff (Backups and compressions to be performed by City of Fargo).

f. Maintain and manage the Survey123 application to serve as tool to log and track land agent notes and communications with impacted property owners.

g. Provide, maintain, and manage a GIS based web map application (ESRI Web Map App) for graphical display of PROJECT features, construction progress, and parcel acquisition status, and other information. Coordinate the data for display in Web Map with other PROJECT representatives, including designers and construction managers.

h. Data Coordination/Database Management: Coordinate with CLIENT, OWNER, and other PROJECT representatives, including designers and construction managers to obtain and maintain accurate datasets for mapping.

Deliverables and Schedule:

i. Property Rights Acquisition and Mitigation Plan Updates – as required

ii. Update Cemetery Mitigation Plan by February 2020 with assistance from Technical Consultant

iii. Develop supplemental crop loss program by February 2020

iv. Develop post-operation private lands clean-up plan by February 2020

v. Develop post-operation public lands repair and clean-up plan by February 2020

vi. Finalize the sample flowage easement by July 2019

vii. Develop alternative structure mitigation options by February 2020

viii. Maintain the Property Acquisition Schedule – monthly (see Attachment C)

ix. Property Management Summary – monthly, for OWNER's monthly Land Management Committee meeting, for CCJWRD's second board meeting each month, and for MCCJPA's monthly meeting

x. Agenda items for CCJWRD board meetings – twice-monthly

xi. Agenda items for MCCJPA meetings – twice-monthly

xii. Property Acquisition Summary documents – as needed

xiii. Property Rights Acquisition and Mitigation Plan – updates as necessary

xiv. Maps, exhibits, and exported data reports – as needed

xv. Land Acquisition Directives (LADs) – as needed

xvi. Land Acquisition Firm Task Orders and Amendments – as needed

xvii. GIS maintenance and updates – ongoing, as design files are updated and shared, as property boundaries and ownerships change, and as property acquisition progresses

xviii. QA/QC checks of ESRI WMX data – weekly

xix. Prepare draft and final agreements, task orders, and amendments for property acquisition services for OWNER, CCJWRD, and MCCJPA review – as necessary.

xx. Provide Contract Compliance Reports monthly to the Finance Committee, the Diversion Authority Board, and the Co-Executive Directors

xxi. Review and process invoices for payment – monthly, or more frequently if required

Task 4.D – Property Surveying Services

The scope of services for Task D generally includes managing and performing the property surveying work necessary to acquire property rights for the PROJECT. CONSULTANT and SUBCONSULTANT, in conformance with the provisions set forth above, will perform activities to accomplish the scope described herein, as well as other services which may be mutually agreed to by the parties pursuant to the terms of the Agreement. The specific services included in Task D include:

1. Surveying Management. Manage the production of boundary surveys, certificates of survey, and cadastral surveys that are necessary for the PROJECT. Develop and maintain a schedule of survey needs, review of work products by others, coordinate with project leadership, and manage workload.
2. Boundary Surveying. Conduct boundary surveys for parcels impacted by the PROJECT. This may include boundary surveying to support footprint impacted parcels, flowage easements, and easements required for the biotic and geomorphic monitoring program.
3. Boundary Survey Documents. Prepare necessary boundary documents such as certificates of survey and plats for the acquisition of property rights for partial parcels being subdivided and acquired for the PROJECT. Boundary documents may not be required for acquisition of full parcels. Prepare certificates of survey for asset land parcel subdivisions (for subdividing parcels that were acquired in full from willing sellers prior to disposing of the unneeded remnant lands).

4. Cadastral Surveying Services:
    a. Perform cadastral surveying services for the Public Land Survey System (PLSS) sections along the Southern Embankment alignment in Minnesota. Includes researching corner locations, field surveying and establishing corners, setting monuments and associated ties, and preparing and recording corner records for section and one-quarter section corners (not including center quarter corners).
    b. Incorporate the cadastral surveying work completed for the Certificates of Survey.
5. The specific parcels or areas included in this Task Order are identified in the map in Attachment E, and generally include:
    a. Parcels impacted by the Diversion Channel and Associated Infrastructure (DCAI), including the mobility improvements associated with P3.
    b. Parcels impacted by the Minnesota portion of the Southern Embankment and Associated Infrastructure (SEAI), including parcels impacted by mobility improvements in Minnesota.
    c. Parcels in the Minnesota portion of the Upstream Mitigation Area (parcels where the floodway intersects the parcel, and parcels where the flowage easement boundary bisects the parcel).
    d. Biotic and Geomorphic Monitoring Program parcels associated with the Red River of the North.
    e. Parcels impacted by non-P3 mobility improvements adjacent to the Diversion Channel.
    f. Property surveying for parcels not identified in the attached map will generally be split along I-94.
6. Provide Boundary Survey Documents in accordance with PROJECT schedule.
    a. Draft and Preliminary Boundary Survey Documents
        i. The Draft Boundary Survey Documents shall be produced in a format acceptable for recording in the Office of the County Recorder in which the parcel is located.
        ii. Upload the Preliminary Boundary Survey Documents to the FM Diversion WMX site, using the following file naming convention:
            1. Filename format: OIN# Owner's Last Name PRELIM COS [Upload Date]
            2. Example filename: OIN 1234 Smith PRELIM COS 01.01.18
        iii. Deliver the Preliminary Boundary Survey Documents to the land acquisition firms and appraiser assigned to the parcel as a basis for appraising the property rights being taken for the PROJECT.
    b. Final Boundary Survey Documents
        i. The Boundary Survey Documents shall be finalized after the negotiated purchase agreement for the property is finalized, or if eminent domain actions become necessary.
        ii. The Final Boundary Survey Documents shall incorporate any changes or modifications necessary to describe the final taking.
        iii. File the Final Boundary Survey Documents with the County Recorder's office at the same time as the final property acquisition documents, which will be filed by OWNER's Attorney.

iv. Upload the Final Boundary Survey Documents to the FM Diversion WMX site when the county recorder's office has completed the recording of the property acquisition. Use the following file naming convention:
    1. Filename format: OIN# Owner's Last Name SIGNED COS [Survey Stamp Date]
    2. Example filename: OIN 1234 Smith SIGNED COS 03.01.18.

Deliverables and Schedule:

i. Boundary Survey Documents as outlined above, in accordance with Project schedule.

ii. Cadastral survey of section corners for Southern Embankment in Minnesota shall be complete according to a schedule to be agreed with USACE.

Task 4.E – Property Management

The scope of services for Task E generally includes managing the property that has been acquired for the PROJECT, prior to giving control of the property to the P3 Developer or other Contractor(s). CONSULTANT and SUBCONSULTANT will perform activities to accomplish the scope described herein, as well as other services which may be mutually agreed to by the parties pursuant to the terms of the Agreement. CONSULTANT and SUBCONSULTANT will work with OWNER, CCJWRD, and/or MCCJPA to determine which property management services may be better handled by OWNER entity staff (i.e., Cass County, City of Fargo, Clay County, and City of Moorhead) for services such as mowing, weed management, etc. The specific services included in Task E include:

1. Assist in development of recommendations for short term and long term use, salvage, demo, removal, disposal, and/or final disposition for OWNER, CCJWRD, or MCCJPA acquired property. Update the recommendations as needed.
2. Manage the salvage, demo, removal, disposal, and/or final disposition of OWNER, CCJWRD, and MCCJPA acquired property. This may include coordinating the development of removal/demolition plans and specifications (prepared by others), coordinating the solicitation of bids from contractors, coordinating asbestos or other testing as necessary prior to demo/removal of homes, coordinating with Habitat for Humanity for salvage of appliances and other items, coordinating with emergency response teams (fire departments, SWAT, etc.) for training exercises, coordinating public sale of assets, and other activities as necessary.
3. Provide property management support to manage and maintain OWNER's, CCJWRD's, or MCCJPA's residential, commercial, farmstead buildings, and farmland properties prior to their removal, disposal, demolition, auction, or incorporation into the PROJECT.
4. Perform exterior inspections of residential and commercial properties. External inspections include drive by and/or physical check that doors and windows are secure. Inspection frequency for each property will be determined by OWNER's Engineers.
5. Perform interior inspections of residential and commercial properties. Inspection frequency for each property will be determined by OWNER's Engineers.
6. Upon property acquisition, coordinate utility services, including shutting off water service, turning down heat, switching billing, etc.

7. Coordinate with OWNER's farmland management firm (Pifer's) to assist with management and maintenance of OWNER's farmland properties prior to the disposal or use for the PROJECT.

Deliverables & Schedule:

i. Property Management Status Report – Quarterly, for the CCJWRD's and/or MCCJPA's meetings. Include the property status and disposition, including if the property is rented, available for rent, and when the property is anticipated to be needed for the PROJECT.

References:

The following documents are referenced in this Task Order 4.

- Master Agreement for Professional Services between the OWNER and CONSULTANT dated January 13, 2017, and any attachments and executed amendments.
- Property Rights Acquisition and Mitigation Plan, version 4, dated August 31, 2018.

Attachments:

The following documents are attached to this Task Order 4.

- Attachment A – OWNER's Responsibilities
- Attachment B – Annual Budget Summary by Task
- Attachment C – Property Acquisition Schedule
- Attachment D – Map of Major Project Features for Property Acquisition
- Attachment E – Map of Parcels for Boundary Surveying

Obligations of OWNER:

OWNER's responsibilities shall be as shown Sections Thirty-two (32) through Forty (40), inclusive, of the AGREEMENT and Attachment A to this Task Order 1.

SUBCONSULTANTS:

- Advanced Engineering and Environmental Services, Inc. (AE2S)
- No other subconsultants identified at this time

Other Modifications to AGREEMENT:

- None

Conflicts:

- If any part of this Task Order 4 is determined to be in conflict with the terms and conditions of the AGREEMENT, than the terms and conditions of the AGREEMENT shall prevail.

Budget and Payments to CONSULTANT:

The budgetary amount established for services under this Task Order 4 is **$21,200,800**. Compensation and payments are as per the AGREEMENT, including the cost reimbursement provisions. The expected distribution of the budgetary amount by task and by year for the term of this Task Order 4 is presented in Attachment B. OWNER and CONSULTANT agree and acknowledge that Attachment B is an estimate.

As part of the OWNER's Program Budget development, review, and approval, and at least on an annual basis, CONSULTANT shall submit to OWNER a spending curve reflecting costs to date and the anticipated expenditures for the term of this Task Order 4. The spending curve will be adjusted to reflect the Program Budget approved by the OWNER. The initial spending curve will reflect the anticipated expenditures as shown in Attachment B and will be submitted to the OWNER as part of to the first scheduled Program Budget development, review, and approval process after execution of this Task Order 4.

On a monthly basis, CONSULTANT will report on the actual expenditures of this Task Order 4 against the currently approved spending curve.

CONSULTANT will advise OWNER when 80 percent of the budgetary amount for this Task Order 4 is expended. If necessary, CONSULTANT will prepare and submit to OWNER an amendment for additional compensation when 90 percent of the budgetary amount for this Task Order 4 is expended. CONSULTANT will not perform work beyond 100 percent of the budgetary amount for this Task Order 4 without OWNER's written authorization by amendment to this Task Order.

Owner's Rights

The OWNER may suspend services and/or terminate this Task Order 4 upon thirty (30) days' written notice. Suspension and termination provisions shall be in accordance with the AGREEMENT. In the event that the AGREEMENT is terminated, this Task Order 4 shall also terminate.

Effective Date of this Task Order:

January 24, 2019

This Task Order 4 and the services covered by this Task Order 4 will be performed in accordance with the provisions and any attachments or schedules of the AGREEMENT. This Task Order 4 will become a part of the referenced AGREEMENT when executed by both parties.

Approval:

Approval and Acceptance of this Task Order 4, including the references and attachments listed above, shall incorporate this document as part of the AGREEMENT. CONSULTANT is authorized to begin performance as stated herein.

Metro Flood Diversion Authority

Signature:		Signature:	
Name	Michael Redlinger	Name	Robert Wilson
Title:	Co-Executive Director, DA	Title:	Co-Executive Director, DA
Date:		Date:	

CH2M HILL ENGINEERS, INC., a wholly-owned subsidiary of Jacobs Engineering Inc.

Signature:	
Name	Kevin Boggs
Title:	Operations Manager
Date:	

Attachment A – OWNER's Responsibilities

1. Track and report funding status.
2. Track WIKS/LERRDs crediting and report to USACE, if required.
3. Designate OWNER's staff to serve as points of contact for property acquisition program activities.
4. Review, process, and pay invoices for OWNER-held agreements and task orders.
5. Designate OWNER's staff to coordinate Authority governance activities such as JPA extensions, fiscal year budget development, contracting actions, and other agreements.
6. Lead and facilitate Admin Advisory Staff meetings, Executive Leadership Team meetings, and monthly Board and Committee meetings.
7. Execute agreements to implement the PROJECT as approved.
8. Continue the agreement with ACONEX to provide an EDMS platform and host an "ACONEX Local Copy" on the OWNER's IT infrastructure.
9. Continue to own, host, and maintain ESRI software and data on the OWNER's IT infrastructure.
10. Participate in public outreach, legislative support, and engagement activities.
11. Assist with communications with impacted property owners, agencies, and elected leaders.
12. Obtain rights of entry (ROE) in a timely fashion as necessary to complete the property acquisition program.
13. Retain appraisal firms.
14. Retain land acquisition firms.
15. Retain legal counsel to provide legal services as necessary for the property acquisition program.
16. OWNER's Attorney shall produce a memo detailing the quick take processes required in North Dakota and Minnesota.
17. Complete the closing on property rights needed for the PROJECT.

Attachment B – Annual Budgetary Summary by Task

Task Order 4 Budget Summary		**2019**	**2020**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**
4.A	Program Administrative Services	$805,800	$720,200	$510,600	$543,400	$413,800	$448,300	$467,300	$451,500
4.B	Public Involvement and Outreach	$393,700	$82,800	$85,300	$41,900	$43,100	$47,700	$49,100	$53,900
4.C	Property Rights Acquisition Management	$1,634,600	$1,778,500	$1,393,700	$1,453,400	$1,456,300	$1,480,600	$1,476,900	$1,395,500
4.D	Property Surveying Services	$739,700	$854,300	$922,100	$-	$-	$-	$-	$-
4.E	Property Management	$144,000	$156,400	$162,600	$174,500	$181,100	$195,100	$204,600	$218,300
	TOTAL	**$3,717,800**	**$3,592,200**	**$3,074,300**	**$2,213,200**	**$2,094,300**	**$2,171,700**	**$2,197,900**	**$2,119,200**

Attachment C – Property Acquisition Schedule and Milestones

The following schedule is based on the project understanding and best state of knowledge at the time of executing this Task Order, and the assumption that acquisitions will resume by January 1, 2019.

Major Project Feature	**Work Limits Defined**	**Start Acquisition Process**[1]	**Complete Acquisition Process**	**Notes**
Diversion Channel Phase 1	June 2016	January 2019	April 2020	
Diversion Channel Phase 2	June 2017	January 2019	April 2020	
Diversion Channel Phase 3	June 2017	January 2019	April 2020	
CR16 & CR17 Re-Alignment	August 2019	August 2019	March 2020	
Southern Embankment				2
Wild Rice Control Structure	January 2019	January 2019	October 2019	
Red River Control Structure	October 2019	November 2019	October 2020	
I-29 Road Raise	July 2020	August 2020	August 2021	
ND Embankment Reach A	July 2021	August 2021	October 2022	
ND Embankment Reach B	July 2022	August 2022	October 2023	
MN Embankment Reach C	July 2020	August 2020	October 2021	
ND Embankment Reach D	November 2019	December 2019	March 2021	
Upstream Mitigation Area				3
Flowage Easements	April 1, 2019	January 2020	December 2025	4
Structures	April 1, 2019	May 2019	December 2025	5
Drayton Dam Reconstruction	March 2020	April 2020	March 2021	
Off Channel Mobility Improvements	July 2021	August 2021	August 2022	
Biotic & Geomorphic Monitoring Sites	December 2018	January 2019	April 2022	6
In-Town Acquisitions				7

[1] The acquisition schedule for Project Features, such as the CR16/17 Re-alignment, Drayton Dam, and Off Channel Mobility Improvements will depend on the design and construction plan. It is assumed that property acquisitions will begin upon receipt of the 65-percent design submittal.

[2] The acquisition schedule for the components of the Southern Embankment will depend on USACE design schedule. It is assumed that property acquisitions will begin upon receipt of the 65-percent design submittals from USACE.

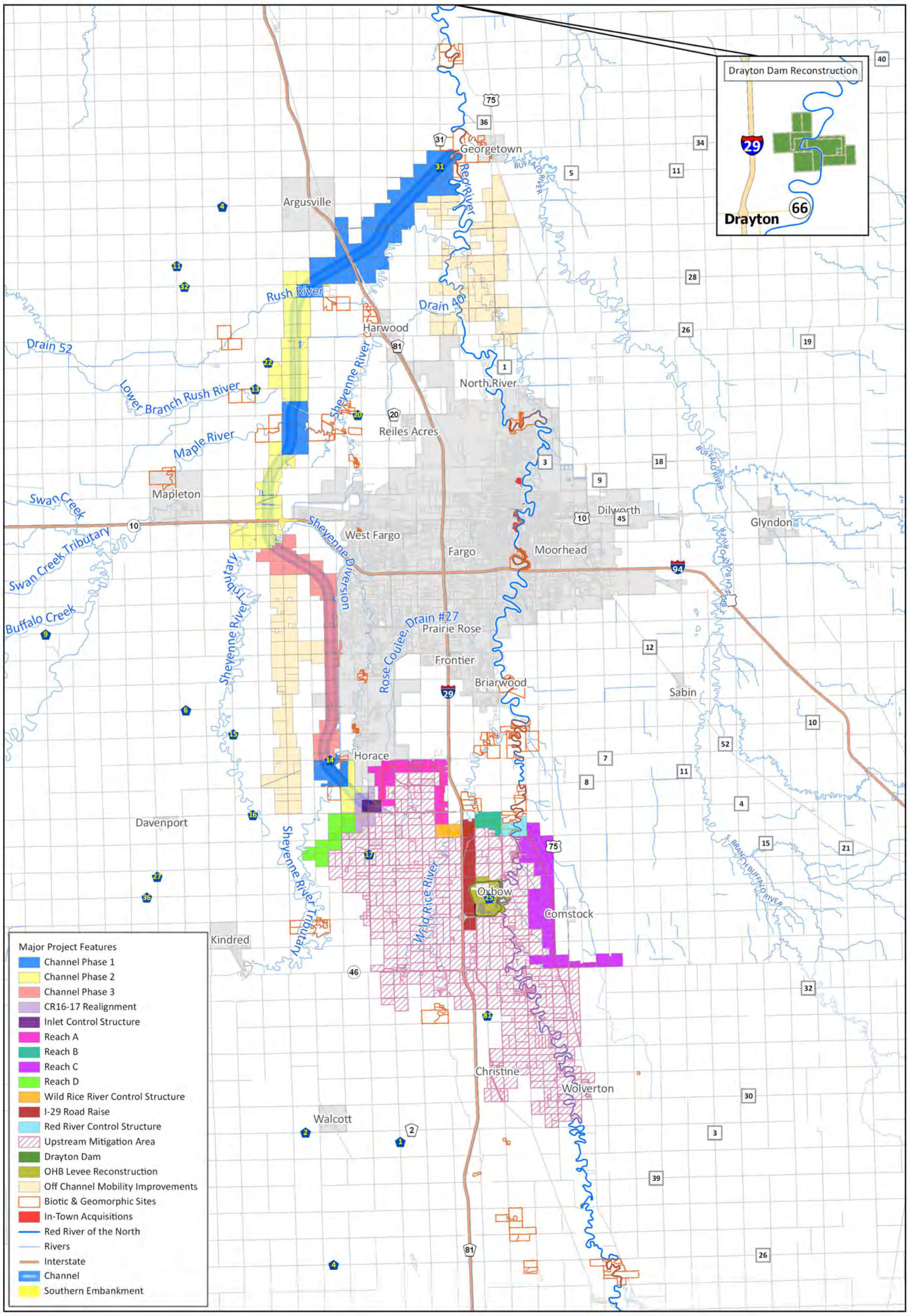
[3] It is assumed that a Conditional Letter of Map Revision (CLOMR) will be obtained from FEMA by April 1, 2019. It is assumed that the Phase 2 Flowage Easement Valuation Study will be started in January 2019, but will be dependent on the CLOMR. It is assumed that the Phase 2 Flowage Easement Valuation Study will be complete by October 2019.

[4] The acquisition of flowage easements will begin after completion of the Phase 2 Flowage Easement Valuation Study.

[5] The acquisition of structure sites in the upstream mitigation area in Cass County and Clay County will begin in May 2019, assuming a conditional letter of map revision (CLOMR) is received by then. The acquisition of structure sites in Richland County and Wilkin County will begin in May 2019 and will be complete as soon as possible.

[6] The acquisition of biotic and geomorphic monitoring site easements in North Dakota will begin in January 2019. The monitoring sites in Minnesota will first require obtaining a right-of-entry, initial monitoring by USACE, and then the acquisition of easements.

[7] It is assumed that the City of Fargo and City of Moorhead will acquire the property rights necessary for construction of future levees.



Information depicted may include data unverified by AE2S. Any reliance upon such data is at the user's own risk. AE2S does not warrant this map or its features are either spatially or temporally accurate.

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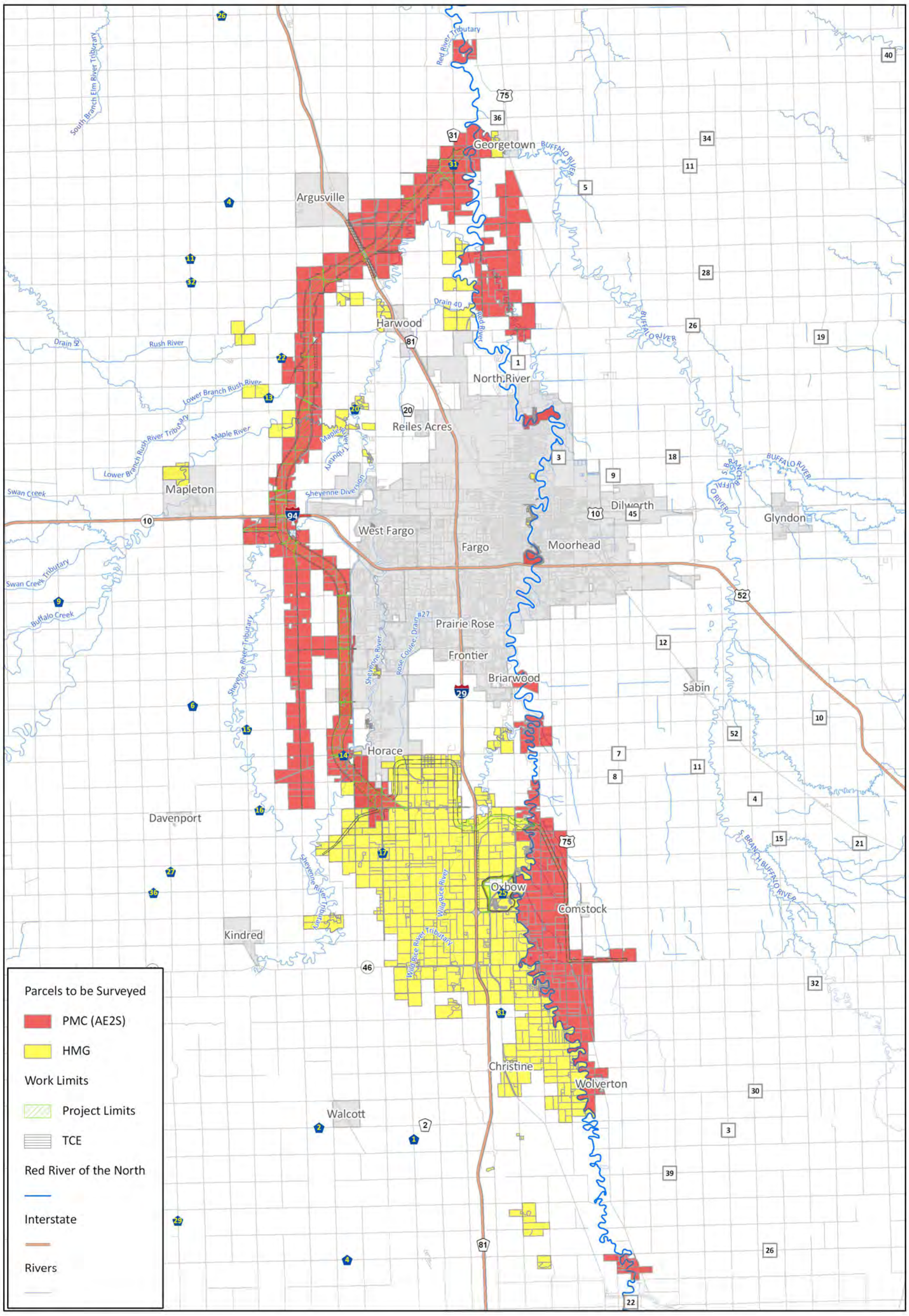
Miles

AE2S

FM AREA FLOOD DIVERSION PROJECT
MAJOR PROJECT FEATURES
FOR PROPERTY ACQUISITION

Date: 12/13/2018

FM AREA DIVERSION PROJECT



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Miles

AE2S

FM AREA FLOOD DIVERSION PROJECT
BOUNDARY SURVEYING RESPONSIBILITY

Date: 12/17/2018

FM AREA DIVERSION PROJECT