FLOOD DIVERSION BOARD OF AUTHORITY
Thursday, December 17, 2015
3:30 PM
Fargo City Commission Room
Fargo City Hall
200 3rd Street North

1.	Call to order		
2.	Approve minutes from previous meeting	Item 2.	Action
3.	Approve order of agenda		Action
4.	Management		Information
	a. PMC report		
	b. Corps of Engineers report	Item 4b.	
	i. Remarks from Colonel Koprowski		
5.	Administrative/Legal		Information/action
	a. P3 Legal Services		
6.	Technical		Information/action
	a. Recommended Policy Actions	Item 6a.	
	b. Recommended Contracting Actions	Item 6b.	
7.	Public Outreach		Information/action
	a. Committee report		
	b. Business Leaders Task Force update		
8.	Land Management		Information/action
	a. Committee report		
	b. CCJWRD update		
9.	Finance		Information/action
	a. Committee report		
	b. 2016 Budget	Item 9b.	
	c. Voucher approval	Item 9c.	
10.	Other Business		
11.	Next Meeting – January 14, 2016		
12.	Adjournment		

cc: Local Media

FLOOD DIVERSION BOARD OF AUTHORITY
NOVEMBER 12, 2015—3:30 PM

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held Thursday, November 12, 2015, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commission representative Darrell Vanyo; Cass County Commissioner Mary Scherling; West Fargo City Commissioner Mike Thorstad; Fargo City Mayor Tim Mahoney; Fargo City Commissioner Mike Williams; Fargo City Commissioner Melissa Sobolik; Cass County Joint Water Resource District Manager Mark Brodshaug; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Nancy Otto. Also present was ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District.

Staff members and others present: Cass County Administrator Keith Berndt; Interim Fargo City Administrator Bruce Grubb; Moorhead City Manager Michael Redlinger; Cass County Engineer Jason Benson; Fargo City Director of Engineering Mark Bittner; Fargo City Engineer April Walker; Moorhead City Engineer Bob Zimmerman; Tom Dawson, Chairman; Chamber of Commerce Business Leaders Taskforce; Bruce Spiller, CH2M; and Terry Williams, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed
Mr. Mahoney moved and Mr. Williams seconded to approve the minutes from the October 8, 2015, meeting as presented. Motion carried.

3. AGENDA ORDER

MOTION, passed
Mr. Mahoney moved and Mr. Campbell seconded to approve the order of the agenda. Motion carried.

4. MANAGEMENT UPDATE

Program management consultant (PMC) report

Bruce Spiller provided an update on activities over the last month including work on in-town levees and the bid schedule for 2016; ongoing construction on 15 homes in Oxbow; preparation for the 404 and dam safety permits; and development of procurement documents for the Public-Private Partnership (P3). Mr. Spiller said the public comment period closed on the draft MN EIS and 340 valid comments are currently under review by the Minnesota DNR.

Corps of Engineers report

Terry Williams provided an update of activities by Corps of Engineers staff which includes continued review of in-town levee designs; final technical review of the diversion inlet structure; completion of flume study on the Maple River aqueduct; assist with development of RFP and reference documents on alternate financing and split delivery plan; and continued design of southern embankment elements.

5. ADMINISTRATIVE/LEGAL UPDATE

P3 Legal Services

Attorney John Shockley said Request for Qualifications (RFQ's) were sent out for P3 legal services. A subcommittee is in the process of narrowing down the candidates and is looking for a firm with significant P3 experience. He said once a firm is selected, a specific scope of services will be defined.

Lawsuit update

Attorney Erik Johnson provided an update regarding the lawsuit filed by the Richland-Wilkin Joint Powers Authority. A hearing is scheduled for Monday, November 16th at 10:00 AM at the Federal

Courthouse in Minneapolis to hear final arguments from both sides on the merits of the lawsuit. He said the court will most likely take the case under advisement after the hearing.

Amendment to Oxbow MOU

Mr. Johnson said the Diversion Authority and Oxbow entered into a Memorandum of Understanding (MOU) in 2013 to deal with property transactions. For consideration today is an amendment to address lot sale proceeds. The Diversion Authority will receive 100% of proceeds from replacement lot sales to Oxbow residents whose existing homes and lots were acquired by the Diversion Authority and 75% from replacement lot sales to anyone else with 25% going to the City of Oxbow. The MOU has been approved by Fargo, Cass County, CCJWRD and Oxbow.

MOTION, passed

Mr. Mahoney moved and Mr. Brodshaug seconded to approve the amendment to the Oxbow Memorandum of Understanding. On roll call vote, the motion carried unanimously.

6. TECHNICAL UPDATE

Recommended Policy Actions

Mr. Spiller said the final draft of the detention policy funding manual is complete, which outlines criteria to qualify for upstream retention funding through the Diversion Authority. Mr. Vanyo said the policy outlines the process and procedures for project sponsors to apply for funds.

MOTION, passed

Mr. Williams moved and Mr. Campbell seconded to approve the FMDA Detention Funding Policy Manual. Motion carried.

Recommended Contract Actions Summary

Mr. Spiller discussed Utility Relocation Agreements, Change Orders, Authority Work Directives and Retention Phase I Funding as follows:

Utility Relocation Agreements

- Century Link—relocation along 1st Avenue in Fargo and under the Red River as part of the 2nd Street floodwall project in the amount of $2,586,742.
- Xcel Energy—transformer and distribution lines as part of the 4th Street pump station and floodwall project in the amount of $65,613.11.

Change Orders

- Industrial Builders, Inc. Change Order No. 4—addition of baffle wall to wet well, cut and leave sheeting, and 2nd Street North closure in the amount of $238,871.75.
- ICS Change Order No. 3—deduct exterior electrical work, installation of fence, bollards and lighting at Fargo High Rise at a cost savings of $10,570.93.
- Industrial Builders, Inc. Change Order No. 3—change water main size, paint traffic signal poles, and revise traffic control plan in the amount of $96,806.17.

Authority Work Directive

- HMG AWD-00052—design and permitting services during bidding and construction of Park East demolition and Howard Johnson Hotel, Shakey's and Fargo Public Schools building demolition in the amount of $50,000.

Retention Phase 1 Project Funding

- Stoney Creek Retention for $86,000
- Brandrup 9 Retention for $32,980
- Redpath Retention for $90,000
- Western 32 Retention for $22,400

MOTION, passed
Mr. Mahoney moved and Mr. Williams seconded to approve the appropriation of funds for the above listed Utility Relocation Agreements, Change Orders, Authority Work Directive, and Retention Phase 1 Funding; and recommend approval of the appropriation of funds by the Dakota Metro Flood Board for the Diversion Authority. On roll call vote, the motion carried unanimously.

7. PUBLIC OUTREACH UPDATE

Committee report

Mr. Campbell said the Public Outreach Committee met on November 10th and discussed community outreach efforts including a presentation given to Horace Lions Club and Moorhead Business Association (MBA). Mr. Campbell said the MBA has officially endorsed the diversion project. Mr. Vanyo and Mr. Mahoney gave a project update to the North Dakota Water Topics Overview Committee earlier this month and also discussed the MN EIS and NDSU Ag Study. The diversion project will be discussed at the Minnesota Association of Floodplain Managers' annual conference next week, North Dakota State Water Convention in December, and Red River Basin Commission conference in January.

Daron Selvig from AE2S provided an update on the newsletter and website. The new version of the website went live in October, which is fully mobile compatible and organized to provide better access to information on the site. He said for the first time, the website has more mobile users than desktop users.

Business Leaders Task Force

Mr. Dawson said a press conference was held on October 14th before the MN EIS public hearing, which some members attended. The task force continues to work on marketing strategies, including a new bumper sticker that has been developed.

8. LAND MANAGEMENT UPDATE

Committee report

Mr. Mahoney said the Land Management Committee met on November 10th and approved seven land acquisitions. One hardship acquisition for a property in Moorhead was tabled because of concerns with the comparable properties used to determine the amount offered for the property. Mr. Campbell encouraged this property be reviewed again as soon as possible and does not believe the purchase conflicts with the MN EIS process. Mr. Brodshaug said the acquisition team is looking for other comps, and the legal team is reviewing it as well.

CCJWRD update

Mr. Brodshaug referred to the handout regarding land acquisitions completed through October 31, 2015, which includes completed acquisitions, budget figures, and completed negotiations. He said fifteen homes are under construction and six homes have been completed in Oxbow; Sidestreet Bar & Grille has been relocated and acquisition of the Howard Johnson is complete; bids were awarded for the demolition of the Park East Apartments and for two homes in Oxbow; critical in-town property negotiations continue with Fargo Public Schools, Mid-America Steel, Case Plaza, Shakey's and MEPS properties.

Mr. Brodshaug said the CCJWRD hired a private security company to help control vandalism at the Park East Apartments and Howard Johnson properties in Fargo. He said the CCJWRD also discussed the need for private security and increased patrol in the Oxbow area until homes are demolished or moved. The Diversion Authority has been reimbursing the CCJWRD for security costs associated with the Fargo properties. Mr. Vanyo suggested the issue of whether to hire security for Oxbow properties be discussed by the Finance Committee.

9. FINANCE UPDATE

Committee report

Michael Montplaisir Cass County Auditor, said the Finance Committee met on November 10th. The committee approved seven property acquisitions in Oxbow. One hardship property acquisition was not approved and will be considered at a later date after additional information is obtained on comparable properties. He said with two months of the fiscal year remaining, the Diversion Authority has spent $173.7 million of the $224 million budget. The committee discussed the 2016 budget and different financing options for next year. He said about $60 million of loan and sales tax funds are available. The committee received a draft of the cost accounting management system that will connect data between the City of Fargo and CCJWRD systems to improve the timeliness of data and provide more complete project accounting.

Voucher approval

The bills for the month are with Fredrikson & Byron, P.A. for government relations services; U.S. Army Corps of Engineers for FY15/16 cost share funding; Aevenia for 2nd Street project fiber relocation; Dorsey & Whitney, LLP for legal services; Erik R. Johnson & Associates, Ltd. for legal services; CCJWRD for costs associated with right of entry work, in-town levees, OHB ring levee, Diversion Project Assessment Committee (DPAC) work, OHB levee, and Oxbow Country Club golf course construction; and Clay County Highway Department for demolition and clean of property located at 387 170th Avenue SW in rural Moorhead.

MOTION, passed

Mr. Mahoney moved and Ms. Sobolik seconded to approve the vouchers in the amount of $6,608,089.68 for October, 2015. On roll call vote, the motion carried unanimously.

10. CHANGE IN NEXT MEETING DATE

The next meeting will be held on Thursday, December 17, 2015, at 3:30 PM.

11. ADJOURNMENT

MOTION, passed

On motion by Ms. Sobolik, seconded by Mr. Williams, and all voting in favor, the meeting was adjourned at 4:38 PM.

Minutes prepared by Heather Worden, Cass County Administrative Assistant

US Army Corps of Engineers
St. Paul District

Monthly Update

December 17, 2015

Since the last Diversion Authority meeting, the following project-related activities were worked on:

1. **Minnesota EIS**: Awaiting word from the DNR on assistance required for public comment response and resolution.

2. **Reach 7/Maple River Aqueduct**: Flume study completed which analyzed velocity conditions across aqueduct. Final report anticipated by 30 November.

3. **Diversion Inlet Structure**: Resolution of Final Technical Review (FTR) comments for this gated structure in the works. Final plans and specifications anticipated in April 2016.

4. **Optimization of Diversion Channel and Low Flow Channel**: Continuing this work upstream of the Maple River to the Diversion Inlet Structure. Complete this year.

5. **Cemetery Mitigation Plan**: Will address Cemetery POC comments on the Draft Plan as part of DA subcommittee work to be performed after MnEIS is complete. Sent follow-up letters to all Cemetery POCs on 13 August and 3 November.

6. **In-Town Levees**: Continue to support design and construction to assure features can be incorporated into FMM Project. Includes ATR and IEPR reviews.

7. **Alternate Financing/Split Delivery Plan**: Assisting with development of RFP and reference documents. Team attended workshop with Sponsors on 3 December. Continued reporting/coordination up our chain of command.

8. **Rights-of-Entry and Surveys**: Cultural surveys and borings have been completed for this season. Boring crew demobilizing this week.

9. **Real Estate**: Continue to review appraisals and support land acquisition activities.

10. **Mitigation**: Continue work to identify additional environmental mitigation sites.

11. **Met with the NDSWC** on Wednesday, December 16 to discuss the Project.

12. **Met with the MnDNR** on Friday, December 11 to discuss the dam safety permitting process.

Technical Staff Recommendation

Meeting Date: 12/9/2015

RECOMMENDATION FOR ACTION:

The Technical Staff have reviewed and recommends approval of the following Action(s).

SUMMARY OF CONTRACTING ACTION:

The Owner's Representative has reviewed and recommends the following Action(s):

List description of Action(s):

MFDA Detention Funding Policy Manual, Revision 1 Approval

Policy for evaluating MFDA funding eligibility for distributed upstream retention proposals

BACKGROUND:

The Metro Flood Diversion Authority approved the MFDA Detention Funding Policy on November 12, 2015 with a 2-year duration for the plan development process (Phase I submittal). The NRCS RCPP Watershed Planning Process allows up to 3 years to complete the plan development process. To be consistent with NRCS, it is recommended that the MFDA Detention Funding Policy be amended to match the NRCS duration for the watershed plan development process.

DISCUSSION:

The attached MFDA Detention Funding Policy, Revision 1, manual has been updated to:

- Match the NRCS 3-year duration for the watershed plan development process
- Diversion Authority contact information has been added
- Diversion Authority name throughout the document has been changed from "Fargo-Moorhead Diversion Authority (FMDA)" to "Metro Flood Diversion Authority (MFDA)

ATTACHMENT(S):

1. Draft Metro Flood Diversion Authority Detention Funding Proposed Policy Manual, Revision 1 (December 17, 2015)

Submitted by:

Bruce J. Spiller, P.E.
CH2M HILL
Project Manager
Metro Flood Diversion Project

09-DEC-2015
Date

Keith Berndt, Cass County Administrator
Concur: 11-DEC-2015 *Non-Concur:* _____

April Walker, Fargo City Engineer
Concur: _____ *Non-Concur* _____

Mark Bittner, Fargo Director of Engineering
Concur: 11-DEC-2015 *Non-Concur:* _____

Jason Benson, Cass County Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

David Overbo, Clay County Engineer
Concur: 11-DEC-2015 *Non-Concur:* _____

Robert Zimmerman, Moorhead City Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

~~FARGO-MOORHEAD~~METRO FLOOD DIVERSION AUTHORITY

DETENTION FUNDING

POLICY MANUAL

FINAL

Revision 1

(12/17/2015)

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PHASE I SUBMITTAL FORM I-1

PHASE II SUBMITTAL FORM II-1

PHASE III SUBMITTAL FORM III-3

INTRODUCTION

Distributed upstream retention is established by the Red River Basin Commission's Long Term Flood Solutions Report (RRBC LTFS) as one component of the overall strategy to provide flood protection for the Red River Basin. The RRBC completed the Halstad Upstream Retention (HUR) Study to analyze regional impacts of locally identified impoundment locations on the Red River mainstem above Halstad, MN.

Since completion of the HUR Study, the ~~Fargo-Moorhead~~Metro Flood Diversion Authority (~~FMDA~~MFDA) has allocated a total $24.5 million to further incentivize development and implementation of impoundments located in the Red River Basin above Halstad, MN. This document establishes the criteria and procedure for determining funding eligibility for ~~FMDA~~MFDA funds.

Funding proposals should be sent to:

Fargo-Moorhead Diversion Authority
Attention: Keith Berndt, County Administrator
Cass County, ND
211 9th Street S
PO Box 2806
Fargo, ND 58108-2806
berndtk@casscountynd.gov

SECTION I – General Criteria

Below lists general criteria to qualify for ~~FMDA~~MFDA funds. Proposed impoundments must meet all of listed items to meet eligibility for ~~FMDA~~MFDA funding:

- Qualifying impoundments must detain flood waters within the Red River Basin above USGS Gage 05064500 (Red River of the North at Halstad, MN).
- Qualifying Project Sponsors include:
    - Watershed Districts (Minnesota)
    - County Water Resource Districts (North Dakota)
    - Joint Powers Authorities which include membership from Watershed Districts and/or Water Resource Districts
- The proposed impoundment site must be identified prior to submission.
- Proposed Impoundments must provide a minimum of 1,000 acre-feet of combined gated storage and un-gated storage during the HUR Study Standardized Melt Progression Event.

A summary of ~~FMDA~~MFDA Funding Eligibility and Process is provided on the next page, as well as discussed in greater detail in the following sections.

FMDA FUNDING SUMMARY TABLE

Category	Phase I *Preliminary Design*	Phase II *Land Acquisition and/or Final Design*	Plase III *Construction*
Eligible Applicants	Watershed Districts and Water Resource Districts, or Joint Power Authorities comprised of local governing bodies from the area of the basin above Halstad, MN		
Modeling Requirements	Initial estimated 8-Day prioritized flood volume reduction in acre-feet (± 4 days from the peak discharge) at the following locations: - *USGS Gage 05054000 (Red River at Fargo, ND)* - *USGS Gage 05064500 (Red River at Halstad, MN)* *(Fill and Spill Methodology)*	Preliminary estimated 8-Day prioritized flood volume reduction in acre-feet (± 4 days from the peak discharge) at the following locations: - *USGS Gage 05054000 (Red River at Fargo, ND)* - *USGS Gage 05064500 (Red River at Halstad, MN)* *(Operation based on results of Feasibility Study)*	Final 8-Day prioritized flood volume reduction in acre-feet (± 4 days from the peak discharge) at the following locations: - *USGS Gage 05054000 (Red River at Fargo, ND)* - *USGS Gage 05064500 (Red River at Halstad, MN)* *(Operation based on Final O&M Plan)*
Maximum Funding	Up to 5% of $400 / Acre-foot reduced from the initially estimated 8-day prioritized flood volume.	Up to 90% of $400 / Acre-foot reduced from the preliminary estimated 8-day prioritized flood volume, less FMDA funds advanced during Phase I.	Up to 100% of $400 / Acre-foot reduced from the final estimated 8-day prioritized flood volume, less FMDA funds advanced during Phases I & II.
Match Requirements	50% of Non-Federal/Non-State	50% (Federal/State/Local may be used as match)	No Match Required
Eligible Activities	- Preliminary Design - Geotechnical Review	- Final Design Report & Plans/Specs - O&M Plan - Permitting - Land Acquisition	- Land Acquisition - Construction
Timeline Requirements	Maximum of 3-years to complete: - *Feasibility Report* - *Geotechnical Review* - *Approved Phase II Submittal*	Maximum of 3-years to complete: - *Final Design Report & Plans/Specs* - *O&M Plan* - *Permitting* - *Approved Phase III Submittal*	Maximum of 1-year to award construction contract.
Application Deadline	Applications must be provided to the FMDA a minimum of 60 days prior to a determination on FMDA funding commitment. RRRA will provide funding commitment recommendations during FMDA regularly scheduled meetings.		
Application Review Process	All submittals will undergo technical review by the FMDA upon receipt of application.		
Available Funding	Total of $24.5 million to be allocated over a 10-year period. Annual amount expected to vary depending on eligible applications and prior year funding levels.		
Progress Reporting	Quarterly progress reports required to FMDA for all Phases of funding.		

SECTION II – Procedures for Review and Approval

Impoundments qualifying for ~~FMDA~~MFDA Funds are required to provide submittals at three phases during the development of the proposed impoundment. The proposed impoundment will be reviewed and funding determinations will be made at each Submittal Phase. Each submittal and the general activities are listed below. Eligible activities are defined in greater detail in the following sections.

- Phase I Submittal – Preliminary Design
- Phase II Submittal – Land Acquisition and Final Design
- Phase III Submittal – Construction

Each submittal will be used to reaffirm ~~FMDA~~MFDA Funding commitment to the proposed impoundment. Information required of the applicant during each submittal phase will undergo technical review including, but not limited to, an assessment of the following criteria:

- All eligibility requirements are fulfilled.
- Anticipated timeline for implementation.
- Potential adverse impacts.
- Flood damage reduction benefit downstream.
- Other funding sources.
- Technical modeling data to determine estimated ~~FMDA~~MFDA funding.

Review of each phase of submittals will be used to provide a recommendation to the ~~FMDA~~MFDA to approve or disapprove a continued commitment to the proposed impoundment. Final determinations on ~~FMDA~~MFDA funding commitment to proposed impoundments will be made the ~~FMDA~~MFDA during regularly scheduled meetings. Applications must be submitted a minimum of 60 days prior to determination on ~~FMDA~~MFDA commitment to the proposed impoundment.

SECTION III – Timeline for Project Implementation

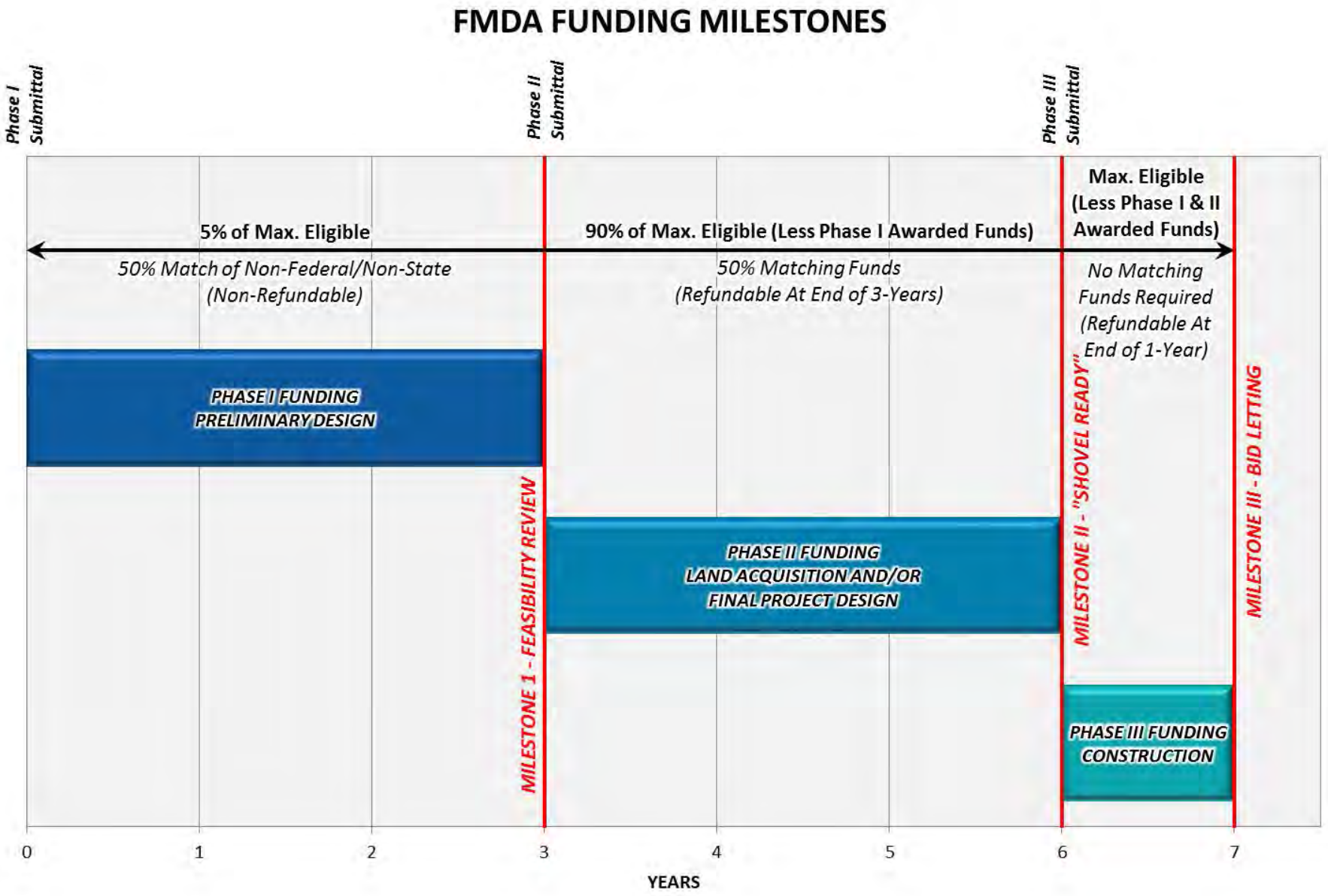
~~FMDA~~MFDA Funds provided to successful Project Applicants are intended to, in part, assist in expediting project development for impoundments proposed above Halstad, MN. As such, successful applicants are required to progress from preliminary project development to construction in over a maximum 6-year timeframe. Specific milestones for each Phase of ~~FMDA~~MFDA Funding are discussed below. Also, refer to the chart below for an illustration of required milestones for ~~FMDA~~MFDA funded projects.

- PHASE I Submittal – All eligible activities under the Phase I Submittal must be completed within ~~two~~ three years of an approved ~~FMDA~~MFDA Phase I Submittal.

- PHASE II Submittal –The following eligible Phase II Submittal activities must be completed within three years of an approved ~~FMDA~~MFDA Phase II Submittal:
    - Development of Final Design Report
    - Construction Plans and Specifications
    - Development of Operation and Maintenance Plan
    - Permitting

- PHASE III Submittal – Bid letting must occur within one year of an approved ~~FMDA~~MFDA Phase III Submittal.

Regardless of whether funds are requested at each Phase, a successful submittal will be required for all three Phases to reaffirm ~~FMDA~~MFDA commitment. A detailed explanation to the ~~FMDA~~MFDA is required in the event that any of the milestones discussed above are unable to be met. This explanation must include reason for the delayed timeline, and how the project sponsor proposes to get the project back on the required timeline. Failure to meet any of the milestone timelines presented above may require funds allocated as a result of successful Phase II & III Submittals to be reimbursed to the ~~FMDA~~MFDA over a maximum period of 10-years.


FMDA FUNDING MILESTONES
Phase I Submittal
Phase II Submittal
Phase III Submittal
5% of Max. Eligible
50% Match of Non-Federal/Non-State (Non-Refundable)
90% of Max. Eligible (Less Phase I Awarded Funds)
50% Matching Funds (Refundable At End of 3-Years)
Max. Eligible (Less Phase I & II Awarded Funds)
No Matching Funds Required (Refundable At End of 1-Year)
PHASE I FUNDING PRELIMINARY DESIGN
PHASE II FUNDING LAND ACQUISITION AND/OR FINAL PROJECT DESIGN
PHASE III FUNDING CONSTRUCTION
MILESTONE 1 - FEASIBILITY REVIEW
MILESTONE II - "SHOVEL READY"
MILESTONE III - BID LETTING
0
1
2
3
4
5
6
7
YEARS

SECTION IV - PHASE I Submittal – Preliminary Design

~~FMDA~~MFDA Phase I funding is intended to provide assistance to complete preliminary design on the proposed impoundment, including geotechnical evaluation. A project concept must already be identified in order to qualify for Phase I ~~FMDA~~MFDA Funding. Eligible activities and applicant requirements for Phase I ~~FMDA~~MFDA Funding are summarized below.

Eligible Activities

- Preliminary Design
- Geotechnical Review

Applicant Requirements

- Meet general criteria requirements in **SECTION I** of this policy manual.
- Project concept identified.
- Quarterly reporting on project status. *(Attached Form)*
- ~~Two~~ Three year maximum to apply for Phase II ~~FMDA~~MFDA Funding.

Application Procedure

- Complete & Provide *~~FMDA~~MFDA PHASE I Submittal*.
- Complete & Provide *Phase I Estimated ~~FMDA~~MFDA Funding Allocation Worksheet* based on conceptual assumptions for dam or impoundment operation.

Funding Level

The amount of ~~FMDA~~MFDA Funds available for successful Phase I Applicants will be the lesser of:

- 5% of total eligible funding, as determined from *~~FMDA~~MFDA Funding Calculation* Spreadsheet.
- 50% of the portion of project costs not eligible for Federal or State Cost-Share.

~~FMDA~~MFDA Phase I Submittals will be reviewed and recommended for ~~FMDA~~MFDA Funding based on criteria described is **SECTION III** of this policy manual.

SECTION V - PHASE II Submittal - Land Acquisition and/or Final Design

Phase II ~~FMDA~~MFDA Funding is to reaffirm funding commitment level based on additional project development and design data completed since the Phase I Submittal. A Feasibility Study, including a geotechnical evaluation, is required for Phase II Submittals. Eligible activities and applicant requirements for Phase II ~~FMDA~~MFDA Funding are summarized below.

Eligible Activities

- Development of Final Design Report
- Construction Plans and Specifications
- Development of Operation and Maintenance Plan
- Permitting
- Land appraisals
- Preparation of Purchase and/or Easement Agreements
- Land Acquisition

Applicant Requirements

- Successful PHASE I ~~FMDA~~MFDA Submittal
- Meet general criteria requirements in **SECTION I** of this policy manual.
- Feasibility Study Complete (Including Geotechnical Evaluation).
- Quarterly reporting on project status. *(Attached Form)*
- Three year maximum to apply for Phase III ~~FMDA~~MFDA Funding.

Application Procedure

- Complete & Provide *~~FMDA~~MFDA PHASE II Submittal*.
- Update & Provide *Estimated ~~FMDA~~MFDA Funding Allocation Worksheet* based on assumed operation in Preliminary Engineer's Report.

Funding Level

The amount of ~~FMDA~~MFDA Funds available for successful Phase II Applicants will be the lesser of:

- 90% Total Eligible Funding, as determined from *Phase II ~~FMDA~~MFDA Funding Calculation* Spreadsheet, less Funds awarded during Phase I ~~FMDA~~MFDA Funding.
- 50% of total costs.

~~FMDA~~MFDA Phase II Submittals will be reviewed and recommended for ~~FMDA~~MFDA Funding based on criteria described is **SECTION III** of this policy manual.

SECTION VI - PHASE III Submittal - Construction

Phase III ~~FMDA~~MFDA Funding determines the final level of funding commitment. All final design documents and a copy of any completed easement/purchase agreements are required to be included in Phase III submittals. Eligible activities and applicant requirements for Phase II ~~FMDA~~MFDA Funding are summarized below.

Eligible Activities

- Land appraisals
- Preparation of Purchase and/or Easement Agreements
- Land Acquisition
- Construction Administration

Applicant Requirements

- Successful PHASE II ~~FMDA~~MFDA Submittal
- Meet general criteria requirements in **SECTION I** of this policy manual.
- Meet technical requirements described in **SECTION VII** of this policy manual.
- All Phase I Eligible Activities Complete.
- The following Phase II Eligible Activities Complete:
    - Development of Final Design Report
    - Construction Plans and Specifications
    - Development of Operation and Maintenance Plan
    - Permitting
- Quarterly reporting on project status. *(Attached Form)*
- Three year maximum to apply for Phase III ~~FMDA~~MFDA Funding.

Application Procedure

- Complete & Provide *~~FMDA~~MFDA PHASE III Submittal*.
- Update & Provide *Estimated ~~FMDA~~MFDA Funding Allocation Worksheet* based on final operation plan.

Funding Level

The amount of ~~FMDA~~MFDA Funds available for successful Phase III Applicants will be the lesser of:

- Total Eligible Funding, as determined from *Phase III ~~FMDA~~MFDA Funding Calculation* Spreadsheet, less Funds awarded during Phase I and Phase II ~~FMDA~~MFDA Funding.
- Project costs less other available funding sources.

~~FMDA~~MFDA Phase III Submittals will be reviewed and recommended for ~~FMDA~~MFDA Funding based on criteria described is **SECTION III** of this policy manual.

SECTION VII – Final Design Technical Criteria for Dams and Impoundments

The following summarizes technical requirements for eligibility for ~~FMDA~~MFDA funding. The *Final Design Report* summarizing how the following considerations are met before ~~FMDA~~MFDA funds can be used for project construction.

- Engineering Design: Structural and hydraulic design of all dams and impoundments considered for ~~FMDA~~MFDA funding must be performed by a registered professional engineer of the State of Minnesota and/or North Dakota, depending on project location.

- Hydrologic and Hydraulic Adequacy: Dams and impoundments considered for ~~FMDA~~MFDA funding must be sized in accordance the appropriate governing Dam Safety Rules for Minnesota or North Dakota, depending on the location of the proposed project location. These factors include, but are not limited to, the following:

    - Appropriate determination of Dam Safety Classification.
    - Appropriate capacity principal spillway and emergency spillway components based on Dam Safety Classification.
    - Appropriate capacity principal spillway and emergency spillway components based on Dam Safety Classification.
    - Ability of the proposed dam or impoundment to provide sufficient freeboard before overtopping based on Dam Safety Classification.
    - Erosion protection for dam or impoundment earthen embankments and spillways.
    - Adequate measures to control downstream channel erosion.
    - Considerations for sediment yield over the project life.
    - Site drawdown procedures for projects featuring gated storage.

- Structural Stability: The structural design of the proposed dams or impoundments must consider the following:

    - Gravity forces; Hydrostatic pressure; Uplift forces; Overturning moment; Resistance to sliding; Ice pressures; Earthquake forces; Slope stability including consolidation and pore pressures; Seepage collection or prevention; Foundation conditions including appropriate borings and determination of the strength of foundation materials; Specifications for materials of construction and their placement or installation; Adequate construction inspection to assure conformance with design assumptions; and Adequacy of the cofferdam, if any.

In addition to items listed above, the ~~FMDA~~MFDA reserves the right to request additional information from the Project Sponsor for any other technical considerations relevant to the project.

Metro Flood Diversion Authority

Detention Funding

Phase I Submittal

Instructions:

1) Complete and provide *Phase I MFDA Funding Allocation Worksheet* based on conceptual assumptions for dam or impoundment operation to determine maximum MFDA Funding.
2) Provide supporting documentation detailing the development of the overall concept.
3) Fill out this Application Form.
4) Provide map illustrating the proposed dam or impoundment location and drainage area.
5) Provide models used to complete the *Phase I MFDA Funding Allocation Worksheet*.

Application Date:_____

Project Name:_____

Project Location: *(Provide Location Map)*

HUC12 Watershed Code:_____ State:_____

County:_____ Legal Description:_____

Project Sponsor:_____

Mailing Address:_____

Phone No: (____)_____E-Mail:_____

Authorized Agent:_____

Mailing Address:_____

Phone No: (____)_____E-Mail:_____

CONCEPT BACKGROUND

1) Describe the general project purpose:

2) Is proposed concept identified in Comprehensive Detention Plans (ND) or Expanded Distributed Detention Strategies (MN)?

   □ Yes □ No

   If Yes, indicate the *Report Name* and *Storage Site ID* as defined in the Detention Plan/Strategy:

   Report Name:_____

   Storage Site ID:_____

3) Is proposed concept included other Local, Regional, or State Water Plans?

   □ Yes □ No

   If yes, indicate which Plan(s) below:

4) Have impacted landowners been made aware of the proposed concept?

   □ Yes □ No If yes, indicate any potential issues as concept develops:

CONCEPT TECHNICAL/MODELING INFORMATION

1) Drainage Area:_____Mi^2 *(As determined from Standardized Modeling Approach contributing areas)*

2) Maximum Gated Storage Capacity:_____Acre-Feet _____Inches

3) Maximum Un-gated Storage Capacity:_____Acre-Feet _____Inches

4) Maximum Pool Depth:_____Feet

5) Maximum Gated Pool Inundation Area:_____Acres

6) Maximum Un-gated Pool Inundation Area:_____Acres

7) Red River Mainstem Analysis Results:

   Gated Storage Utilized:_____Acre-Feet _____Inches

   Un-gated Storage Utilized:_____Acre-Feet _____Inches

   Impacted area a peak pool elevation:_____Acre-Feet

   Describe the operational assumptions used to determine Red River impacts.

8) Are copies of the models used complete the *Phase I Estimated MFDA Funding Allocation Worksheet* included?

   □ Yes □ No

   Explain naming conventions used for the proposed impoundments within the model:

FUNDING INFORMATION

1) Total Estimated Eligible MFDA Funding Amount: $_____

2) Total Requested Phase I Submittal Advancement Amount: $_____
(Not to exceed 5% of item No. 1 above)

3) Indicate Anticipated Funding Sources:

FUNDING SOURCE	ANTICIPATED FUNDS AVAILABLE
Federal	$
State	$
Regional/Joint Boards	$
Local	$
Other	$
MFDA Amount	$
Total	$

4) Describe any potential issues or complications that may arise based on previously completed analysis on the proposed concept?

PHASE I

ESTIMATED MFDA FUNDING

ALLOCATION WORKSHEET

Project Name:	
Project Sponsor:	
Date:	

Instructions:

1. Populate *Project Name* , *Project Sponsor* , and *Date* fields above.
2. Model the dam or impoundment to determine Red River mainstem impacts.
3. Use Step 2 results to determine the 8-day volume reduction (Acre-Feet) at USGS Gage No. 05064500 (Red River at Halstad, MN) based on ±4 Days from the present day (2013) peak discharge. Populate volume in [2] below.
4. Use Step 2 results to determine the 8-day volume reduction (Acre-Feet) at USGS Gage No. 05054000 (Red River at Fargo, ND) based on ±4 Days from the present day (2013) peak discharge. Populate volume in [3] below.
6. [6] indicates maximum potential MFDA Funding available for eligible Phase I activities.

Metro Flood Diversion Authority Funding			
MFDA Funding Rate (8-Day Volume Removal)	**$ 400 Per Ac-Ft**	[1]	

Proposed Project Information			
Proposed Impoundment Funded 8-Day Runoff Volume Removed			
USGS Gage No. 05064500 (Red River at Halstad, MN)		[2]	
USGS Gage No. 05054000 (Red River at Fargo, ND)		[3]	
Total		[4]	= [2] + [3]

Maximum Eligible MFDA Funds		[5]	= [1] × [4]
Max. Eligible MFDA Advancement Available for Phase I Activities		[6]	[5] × 5%

Metro Flood Diversion Authority

Detention Funding

Phase II Submittal

Instructions:

1) Update and provide *Phase II MFDA Funding Allocation Worksheet* based on preliminary assumptions for dam or impoundment operation to determine maximum MFDA Funding.
2) Provide Feasibility Study including Geotechnical Evaluation. *(Eligible Phase I Activities)*
3) Fill out this Application Form.
4) Provide map illustrating the proposed dam or impoundment location and drainage area.
5) Provide models used to complete the *Phase II MFDA Funding Allocation Worksheet*.

Application Date:_____

Project Name:_____

Project Location: *(Provide Location Map)*

HUC12 Watershed Code:_____ State:_____

County:_____ Legal Description:_____

Project Sponsor:_____

Mailing Address:_____

Phone No: (____)_____E-Mail:_____

Authorized Agent:_____

Mailing Address:_____

Phone No: (____)_____E-Mail:_____

PROJECT TECHNICAL/MODELING INFORMATION

1) Drainage Area:_____Mi^2 *(As determined from Standardized Modeling Approach contributing areas)*

2) Maximum Gated Storage Capacity:_____Acre-Feet _____Inches

3) Maximum Un-gated Storage Capacity:_____Acre-Feet _____Inches

4) Maximum Pool Depth:_____Feet

5) Maximum Gated Pool Inundation Area:_____Acres

6) Maximum Un-gated Pool Inundation Area:_____Acres

7) Red River Mainstem Analysis Results:

   Gated Storage Utilized:_____Acre-Feet _____Inches

   Un-gated Storage Utilized:_____Acre-Feet _____Inches

   Impacted area a peak pool elevation:_____Acre-Feet

   Describe the operational assumptions used to determine Red River impacts.

8) Are copies of the models used complete the *Phase II Estimated MFDA Funding Allocation Worksheet* included?

   □ Yes □ No

   Explain naming conventions used for the proposed impoundments within the model:

LAND ACQUISITION/FINAL DESIGN FUNDING REQUESTS

1) Have impacted landowners been made aware of the proposed project?

   □ Yes □ No If yes, indicate any potential issues as concept develops:

2) How much area requires an easement agreement and/or to be purchased in order to implement the proposed project?

   _____Acres _____% Complete To Date

3) Will MFDA Funds be requested to purchase land or acquire easements in order to implement the proposed project?

   □ Yes □ No If yes, indicate anticipated methods and amount requested:

4) Will MFDA Funds be requested for final design of the proposed project?

   □ Yes □ No

5) Do you understand that an funding for land acquisition and/or final design must be refunded in whole to the MFDA in the event that the project doesn't advance to Phase III Approval within three years?

   □ Yes □ No

FUNDING INFORMATION

1) Total Estimated Eligible MFDA Funding Amount: $_____

2) Total Requested Phase II Submittal Advancement Amount: $_____
(Not to exceed 90% of item No. 1 above)

3) Indicate Other Anticipated Funding Sources:

FUNDING SOURCE	ANTICIPATED FUNDS AVAILABLE
Federal	$
State	$
Regional/Joint Boards	$
Local	$
Other	$
MFDA Phase I *(Previously Awarded)*	$
MFDA Phase II & III	$
Total	$

4) Is the Maximum Available MFDA Phase II Funds requested? □ Yes □ No

If no, indicate the amount requested for MFDA Phase II Funding: $_____

5) Describe any potential issues or complications that may arise based on previously completed analysis on the proposed concept?

PHASE II

ESTIMATED MFDA FUNDING

ALLOCATION WORKSHEET

Project Name:	
Project Sponsor:	
Date:	

Instructions:

1. Populate *Project Name* , *Project Sponsor* , and *Date* fields above.
2. Model the dam or impoundment to determine Red River mainstem impacts.
3. Use Step 2 results to determine the 8-day volume reduction (Acre-Feet) at USGS Gage No. 05064500 (Red River at Halstad, MN) based on ±4 Days from the present day (2013) peak discharge. Populate volume in [2] below.
4. Use Step 2 results to determine the 8-day volume reduction (Acre-Feet) at USGS Gage No. 05054000 (Red River at Fargo, ND) based on ±4 Days from the present day (2013) peak discharge. Populate volume in [3] below.
5. [6] indicates maximum potential MFDA Funding available for eligible Phase I activities.
6. [7] indicates maximum potential MFDA Funding available for eligible Phase II activities.

Metro Flood Diversion Authority Funding			
MFDA Funding Rate (8-Day Volume Removal)	**$ 400 Per Ac-Ft**	[1]	

Proposed Project Information			
Proposed Impoundment Funded 8-Day Runoff Volume Removed			
USGS Gage No. 05064500 (Red River at Halstad, MN)		[2]	
USGS Gage No. 05054000 (Red River at Fargo, ND)		[3]	
Total		[4]	= [2] + [3]

Maximum Eligible MFDA Funds		[5]	= [1] × [4]
MFDA Funds Advanced During for Phase I Activities		[6]	
Max. Eligible MFDA Advancement Available for Phase II Activities		[7]	= ([5] × 90%) - [6]

Metro Flood Diversion Authority

Detention Funding

Phase III Submittal

Instructions:

1) Update and provide *Phase III MFDA Funding Allocation Worksheet* based on final Operation and Maintenance Plan for dam or impoundment operation to determine maximum MFDA Funding.
2) Provide Final Design Report and Construction Plans and Specifications.
3) Provide copies of easement and/or purchase agreements for land acquired for the project.
4) Fill out this Application Form.
5) Provide map illustrating the proposed dam or impoundment location and drainage area.
6) Provide models used to complete the *Phase III MFDA Funding Allocation Worksheet*.

Application Date:_____

Project Name:_____

Project Location: *(Provide Location Map)*

HUC12 Watershed Code:_____ State:_____

County:_____ Legal Description:_____

Project Sponsor:_____

Mailing Address:_____

Phone No: (____)_____ E-Mail:_____

Authorized Agent:_____

Mailing Address:_____

Phone No: (____)_____ E-Mail:_____

PROJECT TECHNICAL/MODELING INFORMATION

1) Drainage Area:_____Mi^2 *(As determined from Standardized Modeling Approach contributing areas)*

2) Maximum Gated Storage Capacity:_____Acre-Feet _____Inches

3) Maximum Un-gated Storage Capacity:_____Acre-Feet _____Inches

4) Maximum Pool Depth:_____Feet

5) Maximum Gated Pool Inundation Area:_____Acres

6) Maximum Un-gated Pool Inundation Area:_____Acres

7) Red River Mainstem Analysis Results:

   Gated Storage Utilized:_____Acre-Feet _____Inches

   Un-gated Storage Utilized:_____Acre-Feet _____Inches

   Impacted area a peak pool elevation:_____Acre-Feet

   Describe the operational assumptions used to determine Red River impacts.

8) Are copies of the models used complete the *Phase III Final MFDA Funding Allocation Worksheet* included?

   □ Yes □ No

   Explain naming conventions used for the proposed impoundments within the model:

FUNDING INFORMATION

1) Total Estimated Eligible MFDA Funding Amount: $_____

2) Total Requested Phase III Submittal Funding Amount: $_____
(Not to exceed item No. 1 above, less MFDA Funds expended in Phases I &II)

3) Indicate Other Anticipated Funding Sources:

FUNDING SOURCE	ANTICIPATED FUNDS AVAILABLE
Federal	$
State	$
Regional/Joint Boards	$
Local	$
Other	$
MFDA Phase I & II *(Previously Awarded)*	$
MFDA Phase III	$
Total	$

4) Provide the estimated Month and Year in which each activity listed below will begin:

Bid Letting:_____

Construction Start:_____

Construction Completion:_____

PHASE III

FINAL MFDA FUNDING

ALLOCATION WORKSHEET

Project Name:	
Project Sponsor:	
Date:	

Instructions:

1. Populate *Project Name* , *Project Sponsor* , and *Date* fields above.
2. Model the dam or impoundment to determine Red River mainstem impacts.
3. Use Step 2 results to determine the 8-day volume reduction (Acre-Feet) at USGS Gage No. 05064500 (Red River at Halstad, MN) based on ±4 Days from the present day (2013) peak discharge. Populate volume in [2] below.
4. Use Step 2 results to determine the 8-day volume reduction (Acre-Feet) at USGS Gage No. 05054000 (Red River at Fargo, ND) based on ±4 Days from the present day (2013) peak discharge. Populate volume in [3] below.
5. [6] indicates maximum potential MFDA Funding available for eligible Phase I activities.
6. [8] indicates maximum potential MFDA Funding available for eligible Phase II activities.

Metro Flood Diversion Authority Funding			
MFDA Funding Rate (8-Day Volume Removal)	**$ 400 Per Ac-Ft**	[1]	

Proposed Project Information			
Proposed Impoundment Funded 8-Day Runoff Volume Removed			
USGS Gage No. 05064500 (Red River at Halstad, MN)		[2]	
USGS Gage No. 05054000 (Red River at Fargo, ND)		[3]	
Total		[4]	= [2] + [3]

Maximum Eligible MFDA Funds		[5]	= [1] × [4]
MFDA Funds Advanced During for Phase I Activities		[6]	
MFDA Funds Advanced During for Phase II Activities		[7]	
Max. Eligible MFDA Funds Available for Phase III Activities		[8]	= [5] - ([6] + [7])

Recommended Contracting Actions Summary

Date: December 17, 2015

Description	Company	Budget Estimate ($)
Retention Phase 1 Funding		
Buffalo Red River Watershed District – Retention Funding: Upper South Branch Water Resource Management Project, Phase 1	BRRWD	74,022.00
Buffalo Red River Watershed District – Retention Funding: Barnesville Township Water Resource Management Project, Phase 1	BRRWD	60,746.00
Change Orders		
WP-42.A2, Change Order No. 5 (2nd Street North Pump Station) – Additional physical model test runs to accommodate wet well modification design, reduction in wet well vacuum line size, change in pump station veneer, and costs to accommodate cold weather construction.	IBI	7,614.93
WP-42F.1S, Change Order No. 4 (Flood Control, 2nd St N, South of Pump Station) – Connect bridge lighting, dispose excavated concrete, modify interim milestone A to remove 4th Street signaling and lighting.	IBI	6,985.96
Authority Work Directives		
AWD-00053 Materials Testing Services, Task Order No. 1 - Perform asbestos abatement monitoring and Quality Assurance services for Work Package 42C.2, Demolition of Park East Apartments.	Terracon	$32,920.00
AWD-00054 Levee Design and Design Support - Provide engineering services to combined WP-43 Phase B (USACE Levee) with Phase D work package, including design update for of a portion of the pump station and gatewell facilities.	HMG	$100,000.00

Technical Staff Recommendation

Meeting Date: 12/8/2015

RECOMMENDATION FOR ACTION:

The Technical Staff have reviewed and recommends approval of the following Action(s).

SUMMARY OF CONTRACTING ACTION:

The Owner's Representative has reviewed and recommends the following Action(s):

List description of Action(s):

Buffalo Red River Watershed District – Retention Funding

Phase 1 Submittal – Upper South Branch Water Resource Management Project

74,022

BACKGROUND:
Enclosed is a copy of the Buffalo Red River Watershed District's (BRRWD's) proposal for Phase 1 funding for the above referenced Project. This is a grant request for a portion of the Metro Flood Diversion Authority's (MFDA's) $25,000,000 commitment to fund upstream retention projects.

The BRRWD estimated an 8-day volume reduction of 3,701 acre-feet at the Halstad gage and 0 acre-feet at the Fargo gage for the Project. The Project's estimated cost is $21,100,000 and the BRRWD proposes to request a total grant from the DA of $1,480,440 (approximately 7% of the estimated Project cost), of which five percent, or $74,022 is the Phase I funding request.

DISCUSSION:
Houston Moore Group, Inc. (HMG) conducted a technical review of the above mentioned Project proposal against the criteria in the Metro Flood Diversion Authority's Detention Funding Policy Manual. HMG determined the proposal meets the criteria of the Funding Policy Manual and is eligible for MFDA Phase I Detention Funding. The HMG review is summarized in the attached memorandum.

The MFDA's Technical Staff have reviewed the funding request and cost share calculations, and recommends granting the requested Phase 1 amount of $74,022. Table 1 shows budget to date information for upstream retention projects.

As of this recommendation, the total anticipated volume reduction is 13,661 and 4,686 acre-feet at the USGS Halstad and Fargo gages, respectively. The total proposed and/or approved Phase 1 funding is $367,000. The total maximum eligible MFDA Funding commitment to date is $7,339,000 or approximately 30% of the upstream retention budget.

Table 1

Upstream Retention Funding Status

Projects	Volume Reduction at USGS Gage No. 05064500, Halstad (Acre-Feet)	Volume Reduction at USGS Gage No. 05054000, Fargo (Acre-Feet)	Committed Budget ($)	Proposed Phase 1 Funding ($)	Spent to Date ($)	Remaining Project Budget ($)	Maximum Eligible FMDA Funding ($)	Estimated Total Project Cost	Remaining Retention Budget ($)[1]
Upstream Retention Commitment									$25,000,000
RRBC – HUR Study			$500,000		$447,747	$52,253			$24,500,000
BRRWD: Stony Creek FDR and Restoration	4,340	-		$86,800	0	$86,800	$1,736,000	$10,000,000	$22,764,000
BdSWD: Brandrup 9 Impoundment	592	1,057		$32,980	0	$32,980	$659,600	$6,500,000	$22,104,400
BdSWD: Redpath	1,517	2,983		$90,000	0	$90,000	$1,800,000	$34,600,000	$20,304,400
BdSWD: Western 32	474	646		$22,400	0	$22,400	$448,000	$5,600,000	$19,856,400
BRRWD: Upper South Branch	3,701	-		$74,022	0	$74,022	$1,480,440	$21,100,000	$18,375,960
BRRWD: Barnesville Township	3,037	-		$60,746	0	$60,746	$1,214,920	$15,200,000	$17,161,040
Total	13,661	4,686	$500,000	$366,948	$447,747	$419,201	$7,338,960	$93,000,000	

[a] Table Notes: 1. Based on Committed and Proposed Maximum Eligible FMDA project funding

ATTACHMENT(S):

1. BRRWD Upper South Branch Water Resource Management Project – Phase I Funding Submittal, dated November 25, 2015
2. HMG Technical Memo – Upper South Branch Phase I Submittal Review, dated December 8, 2015
3. Draft Upper South Branch Agreement between Metro Flood Diversion Authority and Buffalo Red River Watershed District

Submitted by:

Bruce J. Spiller, P.E.
CH2M HILL
Project Manager
Metro Flood Diversion Project

09-DEC-2015
Date

Keith Berndt, Cass County Administrator
Concur: 11-DEC-2015 *Non-Concur:* _____

April Walker, Fargo City Engineer
Concur: _____ *Non-Concur* _____

Mark Bittner, Fargo Director of Engineering
Concur: 11-DEC-2015 *Non-Concur:* _____

Jason Benson, Cass County Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

David Overbo, Clay County Engineer
Concur: 11-DEC-2015 *Non-Concur:* _____

Robert Zimmerman, Moorhead City Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

Fargo-Moorhead Diversion Authority

Detention Funding

Phase I Submittal

Instructions:

1) Complete and provide *Phase I FMDA Funding Allocation Worksheet* based on conceptual assumptions for dam or impoundment operation to determine maximum FMDA Funding.
2) Provide supporting documentation detailing the development of the overall concept.
3) Fill out this Application Form.
4) Provide map illustrating the proposed dam or impoundment location and drainage area.
5) Provide models used to complete the *Phase I FMDA Funding Allocation Worksheet*.

Application Date: 11/25/15

Project Name: Upper South Branch Water Resource Management Project

Project Location: *(Provide Location Map)*

HUC12 Watershed Code: 090201060523 State: Minnesota

County: Wilkin Legal Description: Sec 4 & 5 T135 R46, Sec 32 & 33, T136 R46

Project Sponsor: Buffalo-Red River Watershed District

Mailing Address: PO Box 341 Barnesville, MN 56514

Phone No: (218) 354-7710 E-Mail: brrwd@bvillemn.net

Authorized Agent: Houston Engineering, Inc.

Mailing Address: 1401 21st Ave N Fargo, ND 58102

Phone No: (701) 237-5065 E-Mail: ejones@houstoneng.com

CONCEPT BACKGROUND

1) Describe the general project purpose:

The purpose of this project is to address Flood Damage Reduction (FDR) goals and provide Natural Resource Enhancement (NRE) in the upper region of the South Branch of the Buffalo River watershed upstream of the Clay/Wilkin County border. This regional retention project also has the potential to provide FDR benefits along the lower portion of the South Branch, as well as further downstream. The project is envisioned to include regional retention (4,695 acre-feet of gated storage is currently under consideration), channel restoration and buffer expansion along the South Branch of the Buffalo River between Minnesota Highway 9 and the Clay/Wilkin County border. Water quality improvement and improved aquatic and terrestrial habitat would be a secondary benefit that would be expected from the project.

2) Is proposed concept identified in Comprehensive Detention Plans (ND) or Expanded Distributed Detention Strategies (MN)?

□ Yes ☒ No

If Yes, indicate the *Report Name* and *Storage Site ID* as defined in the Detention Plan/Strategy:

Report Name:_____

Storage Site ID:_____

3) Is proposed concept included other Local, Regional, or State Water Plans?

☒ Yes □ No

If yes, indicate which Plan(s) below:

Buffalo-Red River Watershed District Revised Watershed Management Plan.

Buffalo River Watershed Restoration and Protection Strategy

4) Have impacted landowners been made aware of the proposed concept?

☒ Yes □ No If yes, indicate any potential issues as concept develops:

The Watershed District has communicated with several landowners in the project area and will continue to work with all landowners as the project develops.

CONCEPT TECHNICAL/MODELING INFORMATION

1) Drainage Area: 31.1 Mi^2 *(As determined from Standardized Modeling Approach contributing areas)*

2) Maximum Gated Storage Capacity: 4,695 Acre-Feet 2.83 Inches

3) Maximum Un-gated Storage Capacity: 3,837 Acre-Feet 2.31 Inches

4) Maximum Pool Depth: 14 Feet

5) Maximum Gated Pool Inundation Area: 1,144 Acres

6) Maximum Un-gated Pool Inundation Area: 1,403 Acres

7) Red River Mainstem Analysis Results:

   Gated Storage Utilized: 4,695 Acre-Feet 2.83 Inches

   Un-gated Storage Utilized: 921 Acre-Feet 0.56 Inches

   Impacted area at peak pool elevation: 1,220 Acres

   Describe the operational assumptions used to determine Red River impacts.

   Gated storage operated using “fill and spill” methods.

8) Are copies of the models used to complete the *Phase I Estimated FMDA Funding Allocation Worksheet* included?

   ☒ Yes □ No (Due to file size, available as requested).

   Explain naming conventions used for the proposed impoundments within the model:

   Basin Model: 2014 USBBR WRMP – 24hr MeltP
   HEC-HMS Storage node ID: SEC4_5_32_33_Impoundment

FUNDING INFORMATION

1) Total Estimated Eligible FMDA Funding Amount: $ 1,480,440

2) Total Requested Phase I Submittal Advancement Amount: $ 74,022
(Not to exceed 5% of item No. 1 above)

3) Indicate Anticipated Funding Sources:

FUNDING SOURCE	ANTICIPATED FUNDS AVAILABLE
Federal	30%
State	43%
Regional/Joint Boards	0%
Local	10%
Other	10%
FMDA Amount	7%
Total	100%

4) Describe any potential issues or complications that may arise based on previously completed analysis on the proposed concept?

The proposed site is still in the planning phase with many unknown variables. It is anticipated the proposed planning will resolve these issues. Potential problems include:

-Local Acceptance

-Technical Feasibility

-Environmental Impacts

PHASE I

ESTIMATED FMDA FUNDING

ALLOCATION WORKSHEET

Project Name:	**Upper South Branch Water Resource Management Project**
Project Sponsor:	**Buffalo - Red River Watershed District**
Date:	**12/2/2015**

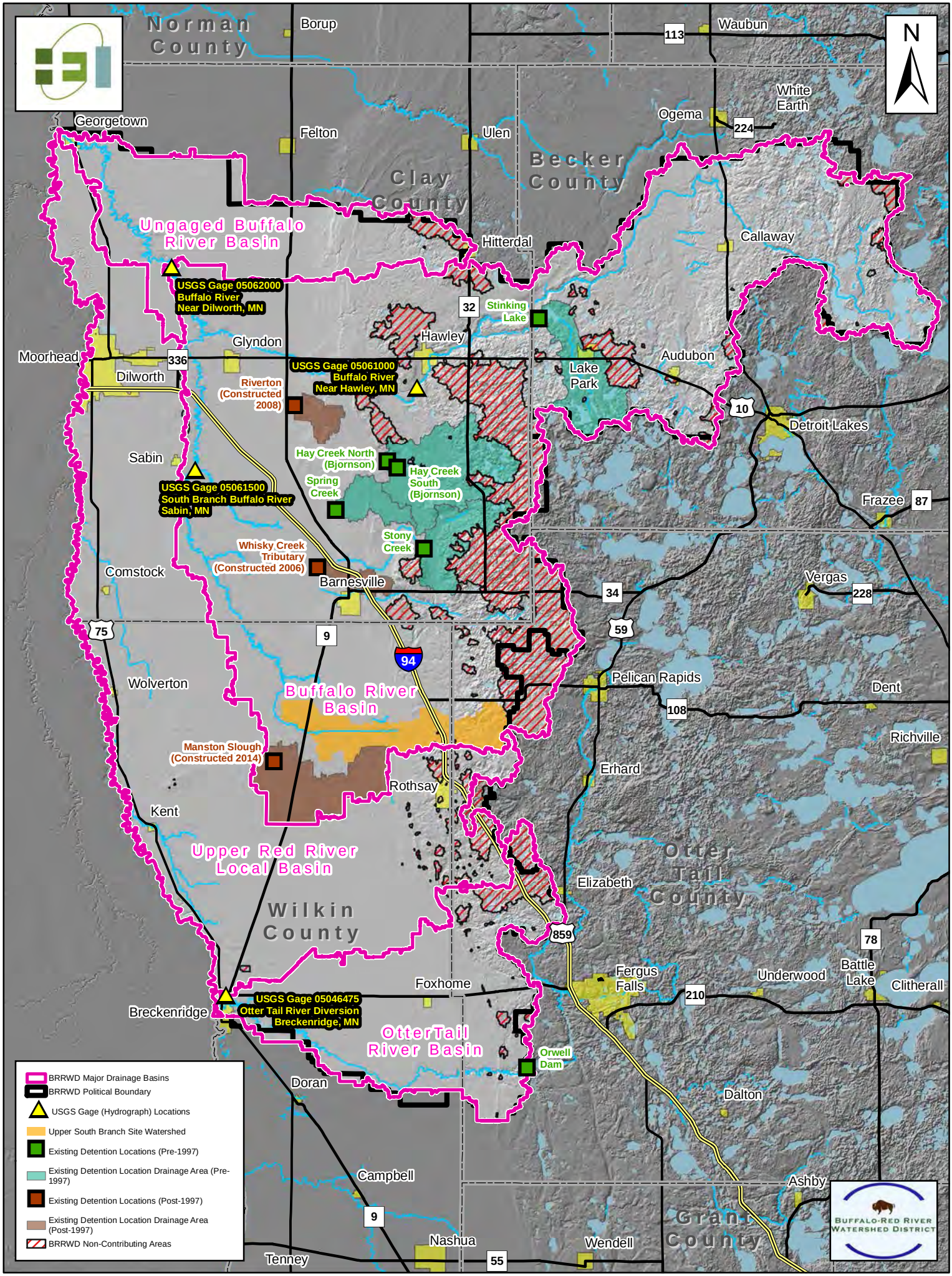
Instructions:

1. Populate *Project Name* , *Project Sponsor* , and *Date* fields above.
2. Model the dam or impoundment to determine Red River mainstem impacts.
3. Use Step 2 results to determine the 8-day volume reduction (Acre-Feet) at USGS Gage No. 05064500 (Red River at Halstad, MN) based on ±4 Days from the present day (2013) peak discharge. Populate volume in [2] below.
4. Use Step 2 results to determine the 8-day volume reduction (Acre-Feet) at USGS Gage No. 05054000 (Red River at Fargo, ND) based on ±4 Days from the present day (2013) peak discharge. Populate volume in [3] below.
6. [6] indicates maximum potential FMDA Funding available for eligible Phase I activities.

Fargo-Moorhead Diversion Authority Funding			
FMDA Funding Rate (8-Day Volume Removal)	**$ 400 Per Ac-Ft**	[1]	

Proposed Project Information			
Proposed Impoundment Funded 8-Day Runoff Volume Removed			
USGS Gage No. 05064500 (Red River at Halstad, MN)	3,701 Ac-Ft	[2]	
USGS Gage No. 05054000 (Red River at Fargo, ND)	0 Ac-Ft	[3]	
Total	3,701 Ac-Ft	[4]	= [2] + [3]

Maximum Eligible FMDA Funds	**$ 1,480,440**	[5]	= [1] × [4]
Max. Eligible FMDA Advancement Available for Phase I Activities	**$ 74,022**	[6]	[5] × 5%


Norman County
Borup
Waubun
113
N
White Earth
Ogema
224
Georgetown
Felton
Ulen
Becker County
Clay County
Ungaged Buffalo River Basin
Hitterdal
Callaway
USGS Gage 05062000
Buffalo River
Near Dilworth, MN
32
Stinking Lake
Hawley
Glyndon
Moorhead
336
Dilworth
USGS Gage 05061000
Buffalo River
Near Hawley, MN
Lake Park
Audubon
10
Detroit Lakes
Riverton (Constructed 2008)
Hay Creek North (Bjornson)
Hay Creek South (Bjornson)
Spring Creek
Sabin
USGS Gage 05061500
South Branch Buffalo River
Sabin, MN
Frazee
87
Stony Creek
Whisky Creek Tributary (Constructed 2006)
Comstock
Barnesville
34
Vergas
228
75
9
59
94
Wolverton
Buffalo River Basin
Pelican Rapids
Dent
108
Richville
Manston Slough (Constructed 2014)
Erhard
Rothsay
Kent
Upper Red River Local Basin
Otter Tail County
Elizabeth
Wilkin County
859
78
Fergus Falls
Underwood
Battle Lake
Clitherall
210
Foxhome
USGS Gage 05046475
Otter Tail River Diversion
Breckenridge, MN
Breckenridge
OtterTail River Basin
Orwell Dam
Doran
Dalton
Campbell
Ashby
9
Grant County
Nashua
Wendell
Tenney
55
BRRWD Major Drainage Basins
BRRWD Political Boundary
USGS Gage (Hydrograph) Locations
Upper South Branch Site Watershed
Existing Detention Locations (Pre-1997)
Existing Detention Location Drainage Area (Pre-1997)
Existing Detention Locations (Post-1997)
Existing Detention Location Drainage Area (Post-1997)
BRRWD Non-Contributing Areas
Buffalo-Red River Watershed District

Impoundment Location
Section 32 and West ½ of Section 33 (Atherton Twp.)
North ½ of Section 5 and West ½ of Section 4 (Manston Twp.)

Riser Elevation = 975.0
Gated Storage = 4,695 Acre-Feet (2.86" Runoff)
Drainage Area = 31.1 Square Miles

Proposed Setback Levees

Proposed Channel Restoration
MN Highway 9 - County Border

Manston Slough Project
100-Year Flood Inundation

BRRWD Project 56
(Manston Slough
Restoration Project)

Barnesville

Clay Co.

Wilkin Co.

Otter Tail Co.

Rothsay

Erhard

Holy Cross twp.
Alliance twp.
Barnesville twp.
Humboldt twp.
Tansem twp.
Wolverton twp.
Deerhorn twp.
Atherton twp.
Prairie View twp.
Norwegian Grove twp.
Roberts twp.
Mitchell twp.
Manston twp.
Tanberg twp.
Trondhjem twp.
Erhards Grove twp.
Nordick twp.
Meadows twp.
Akron twp.

Clay Co. Ditch No. 34
Clay Co. Ditch No. 54
Judicial Ditch No. 1 Lateral A
Judicial Ditch No. 1 Lateral B
Judicial Ditch No. 1 Lateral C
South Branch
Wilkin Co. Ditch No. 13
Wilkin Co. Ditch No. 13 Lateral
Wilkin Co. Ditch No. 41 Branch 3
Wilkin Co. Ditch No. 42
Deerhorn Creek
Lawndale Creek
Wilkin Co. Ditch No. 43
Wilkin Co. Ditch No. 40
Wilkin Co. Ditch No. 44 Lateral A
Wilkin Co. Ditch No. 44 Lateral B
Wilkin Co. Ditch No. 22
Wilkin Co. Ditch No. 26

N
W E
S

1.5 0.75 0 1.5 Mile

Legend

- Interstate
- US Highway
- State Highway
- Railway
- County Road
- Township Road
- Watershed Political Boundary
- Storage Drainage Boundary
- Major Drainage Boundary
- BRRWD Proj. 56 Drainage Boundary
- Deerhorn Creek Set-Back Levee
- BRRWD Lakes
- National Wetlands Inventory
- Gated Storage
- Ungated Storage
- Non-Contributing Area
- MN State Funded Easements
- State Wildlife Management Area
- Federal Land (USFWS)
- The Nature Conservancy
- County Boundary
- Township Boundary
- Section Boundary

N

Upper South Branch Detention Site

Project Concept Plan
Buffalo - Red River Watershed District
Upper South Branch of Buffalo River

Scale:	Drawn by:	Checked by:	Project No.:	Date:	Sheet:
AS SHOWN	TME	ESJ	1915-172	12/2/2015	1

701.237.5065
HoustonEngineering Inc.
1401 21st Avenue North Fargo ND 58102

H:\Fargo\JBN\1900\1915\09_1915_172\Engineering\Storage Analysis May 2015\FMDA Funding\USB Project Site Map.mxd

To: Fargo-Moorhead Technical Advisory Team

From: Jim Guler, PE
Moore Engineering, Inc.

Subject: Fargo-Moorhead Diversion Authority Detention Funding
Upper South Branch Water Resource Management Project
Phase I Submittal Review
Buffalo-Red River Watershed District

Date: December 8, 2015

We have completed a review of the Buffalo-Red River Watershed District's (BRRWD) Detention Funding Phase I Submittal for the Upper South Branch Water Resource Management Project. As currently designed, the proposed project will provide 4,695 acre-feet of gated storage across 31.1 square miles of contributing area (2.83 inches). The application indicates that the proposed project would address local flood damage reduction goals within the upper region of the South Branch of the Buffalo River watershed and downstream. Additionally, as a secondary benefit, the project would include channel restoration and grass buffer expansions to improve aquatic and terrestrial habitats.

The BRRWD indicates that the project concept is identified in the BRRWD's Revised Watershed Management Plan and the Buffalo River Watershed Restoration and Protection Strategy, however the proposed impoundment is not included in a comprehensive detention plan. The application notes that communication has already began with impacted landowners. The application also indicates that the project is in the planning phase with unknown variables, however it is anticipated the planning process will resolve these issues as they arise during project development.

Our review consisted of ensuring that criteria defined in the *Fargo-Moorhead Diversion Authority Detention Funding Proposed Policy Manual – Final 11/12/2015* document are met. Based on our review of the Upper South Branch Water Resource Management Project Phase I Submittal, all eligibility requirements are met, and listed below:

- As indicated in the application, the proposed impoundment is located in a HUC12 watershed that is a contributing watershed to the Red River Basin.
- The applicant (BRRWD) is an eligible local government unit.
- The proposed impoundment area is identified in the application.
- A total of 5,616 acre-feet (3.39 inches) of gate and ungated storage is estimated occupied within the proposed Upper South Branch impoundment during the HUR

Study Standardized Melt Progression. This meets the minimum occupied total storage of 1,000 acre-feet defined in the eligibility requirements.

The Standardized Melt Progression Event was analyzed using Standardized Modeling Approach from the HUR Study to determine maximum funding eligibility for the proposed Upper South Branch impoundment. This analysis focuses on determining the volume removed from the flood hydrograph +/-4 days from the peak flow for the USGS Gage along the Red River at Fargo, ND and USGS along the Red River at Halstad, MN. The applicant indicated that the proposed Upper South Branch impoundment has the following volume reduction at each location:

- USGS Gage No. 05054000 (Red River at Fargo, ND) 0 acre-feet
- USGS Gage No. 05064500 (Red River at Halstad, MN) 3,701 acre-feet

As specified in the *Fargo-Moorhead Diversion Authority Detention Funding Proposed Policy Manual – Final 11/12/2015* document, these volume removals are added together, and multiplied by $400 per acre foot to determine a maximum eligible level of funding. For the proposed Upper South Branch impoundment, this sets a maximum funding level of $1,480,440 for the project. During the Phase I Submittal, the applicant is only allowed 5% of the total funding level, or $74,022 for the planning phase of the proposed impoundment.

The HEC-RAS and HEC-HMS models used to develop funding allocations were reviewed to verify consistency with the HUR modeling approach. The review primarily consisted of verifying HEC-RAS inflow locations as compared to the HUR modeling approach. Volumes used to calculate the requested funding amounts were also verified with the provided HEC-RAS model. Our review found that the modeling approach used to determine FMDA funding allocations is consistent with the HUR modeling approach, and that volumes provided in the Phase I Submittal are consistent with volumes from the provided HEC-RAS model.

Based on our findings, the requested funding allocations appear to be consistent with procedures defined in the *Fargo-Moorhead Diversion Authority Detention Funding Proposed Policy Manual – Final 11/12/2015* document.

If you have any questions, do not hesitate to get in touch with me at 701.551.1061 or via e-mail at jguler@mooreengineeringinc.com.

AGREEMENT
BETWEEN DIVERSION AUTHORITY AND PROJECT DEVELOPER

THIS IS AN AGREEMENT effective as of _____ ("Effective Date")

between **Metro Flood Diversion Authority** ("Authority") and **Buffalo Red River Watershed District**

("Project Developer").

Developer's Project, of which the scope under this Agreement is a part, is generally identified as follows:

Upper South Branch Water Resource Management Project – Phase I ("Project")

Project Developer's Scope under this Agreement are generally identified as follows: Phase I Project funding is being provided to assist with the completion of the Preliminary Design Report including the geotechnical evaluation for the Project.

Phase I Deliverable: Preliminary Design Report.

Authority and Project Developer further agree as follows:

1.01 *Basic Agreement and Period of Service*

A. Project Developer shall provide, or cause to be provided, the scope set forth in this Agreement. If authorized by Authority, Project Developer may perform scope in addition to that set forth above. Authority shall pay Project Developer for the scope as set forth in Paragraphs 7.01.

B. Project Developer shall comply with the general criteria requirements in SECTION I of the Fargo-Moorhead Retention Study Policy Manual.

C. Project Developer shall submit quarterly reports on Project status using the form in the Fargo-Moorhead Retention Study Policy Manual.

D. Project Developer shall complete its scope within the following specific time period:

1. Within 3 years of approved Phase I Submittal, complete the following activities:

    a. Preliminary Design Report

2. Within 3 years of approved Phase II Submittal, complete the following activities:

    a. Final Design Report
    b. Construction Plans and Specifications
    c. Develop Operation and Maintenance Plan
    d. Permitting

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3. Within 1 year of approved Phase III Submittal, complete the following activities:

    a. Bid Letting

E. In the event that any of the milestones listed above are unable to be met, Project Developer shall provide an explanation to Authority. This explanation must include reason for the delayed timeline, and how Project Developer proposes to get the Project back on the required timeline. Failure to meet the milestone timelines presented above may require funds allocated as a result of successful Phase II & III Submittals to be reimbursed by Project Developer to Authority over a maximum period of 10-years.

F. Project Developer will be responsible for the following additional obligations regarding the Project:

1. procuring a licensed engineer for purposes of preparing plans and specifications;

2. designing and constructing the Project, including selection of project components and features;

3. submitting Project designs, plans, and specifications to Authority for review, if requested by Authority;

4. demonstrating compliance with applicable engineering and technical criteria, including requirements of the North Dakota State Water Commission or the North Dakota State Engineer's Office (collectively, the "SWC") or the Minnesota Department of Natural Resources ("DNR");

5. acquiring and owning all requisite right of way, including the necessary title to all land, easements, and other property interests, as well as any fixtures, equipment, or personal property necessary for the Project;

6. administering and constructing the Project, including all Project bidding, contract administration, and other duties necessary for purposes of construction of the Project;

7. owning, maintaining, operating, and insuring the Project;

8. securing funding from various federal, state, and other sources to contribute to the financing of the Project to defray Project costs, if available;

9. and paying all costs and expenses associated with and regarding the Project, less any cost participation received from any other entity, including the SWC or DNR, and less any cost participation received from Authority as described below.

2.01 *Payment Procedures*

A. Authority has approved cost-share for the Project up to a maximum of $74,022.00. Authority will contribute up to a maximum cost-share of $74,022.00, all in accordance with the general criteria

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requirements in SECTION I of the Fargo-Moorhead Retention Study Policy Manual. Cost-share from Authority is contingent upon availability of funds. Authority has sole discretion to determine eligible costs and availability of funds. Upon execution of this Agreement by both parties, Authority will issue payment to Project Developer in the amount of $74,022.00. Following completion of the Project, Project Developer will submit the following items to Authority by submitting all requisite information to APInvoicesFMDiv@ch2m.com, all in accordance with the general criteria requirements in SECTION I of the Fargo-Moorhead Retention Study Policy Manual: a) a detailed description of Project Developer's costs (item-by-item); b) invoices associated with the Project; and c) a written statement identifying all other cost-share received or anticipated from other entities. Authority will review Project Developer's submissions to ensure compliance with this Agreement and with the general criteria requirements in SECTION I of the Fargo-Moorhead Retention Study Policy Manual; if Project Developer fails to complete the Project, defaults under this Agreement, or fails to meet the milestones identified in Section 1.01 above, Project Developer will reimburse Authority for cost-share provided by Authority in accordance with Section 1.01 of this Agreement. Authority's cost-share under this Agreement does not include any cost-share for additional repairs or improvements to the Project or any other future costs regarding the Project. Project Developer is solely responsible for any Project costs that are not eligible items under this Agreement and in accordance with the general criteria requirements in SECTION I of the Fargo-Moorhead Retention Study Policy Manual.

3.01 *Termination*

A. The obligation to continue performance under this Agreement may be terminated:

1. For cause,

a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party

b. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

c. Authority may terminate this Agreement if Authority does not have sufficient funds to provide the cost-share identified in this Agreement.

d. Authority may terminate the whole or any part of this Agreement if Project Developer, or any of Project Developer's agents, representatives, or contractors, fails to perform Project Developer's obligations.

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e. Any termination of this contract will be without prejudice to any obligations or liabilities of Project Developer already accrued prior to termination.

4.01 *Successors, Assigns, and Beneficiaries*

A. Authority and Project Developer are hereby bound and the successors, executors, administrators, and legal representatives of Authority and Project Developer (and to the extent permitted by Paragraph 4.01.B the assigns of Authority and Project Developer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

B. Neither Authority nor Project Developer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Authority and Project Developer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Authority and Project Developer and not for the benefit of any other party.

5.01 *General Considerations*

A. This Agreement will be construed and enforced in accordance with North Dakota law. Any litigation arising out of this Agreement will be venued in State District Court in Cass County, North Dakota, and the parties waive any objection to venue or personal jurisdiction.

B. Project Developer waives any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project against Authority and Authority's employees, officers, directors, agents, insurers, partners, and consultants.

C. Authority and Project Developer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.

D. This Agreement will be construed as if prepared by both parties.

6.01 *Total Agreement*

A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Authority and Project Developer and supersedes all prior written or oral

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understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

7.01 *Waiver of Warranties and Future Costs*

A. Authority and its officers, agents, representatives, employees, and contractors disclaim any warranties, express or implied, regarding the Project. The parties specifically agree neither Authority nor any of its officers, agents, representatives, employees, consultants, or contractors have made any representations or warranties regarding the Project, nor regarding the potential success of the Project. None of the following will create or impose any obligations, representations, or warranties on behalf of Authority: this Agreement; any review of any of Project Developer's designs, plans, or specifications by Authority; Authority's cost-share to Project Developer; any inspections or review of the Project conducted by Authority; or any of Authority's other obligations under this Agreement. None of Authority's obligations specifically identified in this Agreement will create or impose any additional obligations, representations, or warranties on behalf of Authority.

B. Project Developer is solely responsible for constructing, owning, operating, and maintaining the Project; Authority's cost-share under this Agreement does not include any cost-share for maintenance or any other future costs regarding the Project, and does not create any other future obligations regarding the Project on behalf of Authority.

Attachments:

1. Fargo-Moorhead Retention Study Policy Manual, Revision 1, dated December 17, 2015
2. Upper South Branch Water Resource Management Project – Phase I Submittal, Buffalo Red River Watershed District, November 25, 2015

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

AUTHORITY:	PROJECT DEVELOPER:
Metro Flood Diversion Authority	**Buffalo Red River Watershed District**
By: Darrell Vanyo	By:
Title: Chairman	Title:
Date Signed:	Date Signed:
Address for giving notices:	Address for giving notices:
211 Ninth Street South	
Box 2806	
Fargo, ND 58108-2806	

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Technical Staff Recommendation

Meeting Date: 12/8/2015

RECOMMENDATION FOR ACTION:

The Technical Staff have reviewed and recommends approval of the following Action(s).

SUMMARY OF CONTRACTING ACTION:

The Owner's Representative has reviewed and recommends the following Action(s):

List description of Action(s):

Buffalo Red River Watershed District – Retention Funding

Phase 1 Submittal – Barnesville Township Water Resource Management Project

60,746

BACKGROUND:
Enclosed is a copy of the Buffalo Red River Watershed District's (BRRWD's) proposal for Phase 1 funding for the above referenced Project. This is a grant request for a portion of the Metro Flood Diversion Authority's (MFDA's) $25,000,000 commitment to fund upstream retention projects.

The BRRWD estimated an 8-day volume reduction of 3,037 acre-feet at the Halstad gage and 0 acre-feet at the Fargo gage for the Project. The Project's estimated cost is $15,200,000 and the BRRWD proposes to request a total grant from the DA of $1,214,920 (approximately 8% of the estimated Project cost), of which five percent, or $60,746 is the Phase I funding request.

DISCUSSION:
Houston Moore Group, Inc. (HMG) conducted a technical review of the above mentioned Project proposal against the criteria in the Metro Flood Diversion Authority's Detention Funding Policy Manual. HMG determined the proposal meets the criteria of the Funding Policy Manual and is eligible for MFDA Phase I Detention Funding. The HMG review is summarized in the attached memorandum.

The MFDA's Technical Staff have reviewed the funding request and cost share calculations, and recommends granting the requested Phase 1 amount of $60,746. Table 1 shows budget to date information for upstream retention projects.

As of this recommendation, the total anticipated volume reduction is 13,661 and 4,686 acre-feet at the USGS Halstad and Fargo gages, respectively. The total proposed and/or approved Phase 1 funding is $367,000. The total maximum eligible MFDA Funding commitment to date is $7,339,000 or approximately 30% of the upstream retention budget.

Table 1

Upstream Retention Funding Status

Projects	Volume Reduction at USGS Gage No. 05064500, Halstad (Acre-Feet)	Volume Reduction at USGS Gage No. 05054000, Fargo (Acre-Feet)	Committed Budget ($)	Proposed Phase 1 Funding ($)	Spent to Date ($)	Remaining Project Budget ($)	Maximum Eligible FMDA Funding ($)	Estimated Total Project Cost	Remaining Retention Budget ($)[1]
Upstream Retention Commitment									$25,000,000
RRBC – HUR Study			$500,000		$447,747	$52,253			$24,500,000
BRRWD: Stony Creek FDR and Restoration	4,340	-		$86,800	0	$86,800	$1,736,000	$10,000,000	$22,764,000
BdSWD: Brandrup 9 Impoundment	592	1,057		$32,980	0	$32,980	$659,600	$6,500,000	$22,104,400
BdSWD: Redpath	1,517	2,983		$90,000	0	$90,000	$1,800,000	$34,600,000	$20,304,400
BdSWD: Western 32	474	646		$22,400	0	$22,400	$448,000	$5,600,000	$19,856,400
BRRWD: Upper South Branch	3,701	-		$74,022	0	$74,022	$1,480,440	$21,100,000	$18,375,960
BRRWD: Barnesville Township	3,037	-		$60,746	0	$60,746	$1,214,920	$15,200,000	$17,161,040
Total	13,661	4,686	$500,000	$366,948	$447,747	$419,201	$7,338,960	$93,000,000	

[a] Table Notes: 1. Based on Committed and Proposed Maximum Eligible FMDA project funding

ATTACHMENT(S):

1. BRRWD Barnesville Township Water Resource Management Project – Phase I Funding Submittal, dated November 24, 2015
2. HMG Technical Memo – Barnesville Township Phase I Submittal Review, dated December 8, 2015
3. Draft Barnesville Township Agreement between Metro Flood Diversion Authority and Buffalo Red River Watershed District

Submitted by:

Bruce J. Spiller, P.E.
CH2M HILL
Project Manager
Metro Flood Diversion Project

09-DEC-2015
Date

Keith Berndt, Cass County Administrator
Concur: 11-DEC-2015 *Non-Concur:* _____

April Walker, Fargo City Engineer
Concur: _____ *Non-Concur* _____

Mark Bittner, Fargo Director of Engineering
Concur: 11-DEC-2015 *Non-Concur:* _____

Jason Benson, Cass County Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

David Overbo, Clay County Engineer
Concur: 11-DEC-2015 *Non-Concur:* _____

Robert Zimmerman, Moorhead City Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

Fargo-Moorhead Diversion Authority

Detention Funding

Phase I Submittal

Instructions:

1) Complete and provide *Phase I FMDA Funding Allocation Worksheet* based on conceptual assumptions for dam or impoundment operation to determine maximum FMDA Funding.
2) Provide supporting documentation detailing the development of the overall concept.
3) Fill out this Application Form.
4) Provide map illustrating the proposed dam or impoundment location and drainage area.
5) Provide models used to complete the *Phase I FMDA Funding Allocation Worksheet*.

Application Date: 11/24/15

Project Name: Barnesville Township Water Resource Management Project

Project Location: *(Provide Location Map)*

HUC12 Watershed Code: 090201060523 State: Minnesota

County: Clay Legal Description: Sec 27, 28, 33 & 34, T137 R46

Project Sponsor: Buffalo-Red River Watershed District

Mailing Address: PO Box 341 Barnesville, MN 56514

Phone No: (218) 354-7710 E-Mail: brrwd@bvillemn.net

Authorized Agent: Houston Engineering, Inc.

Mailing Address: 1401 21st Ave N Fargo, ND 58102

Phone No: (701) 237-5065 E-Mail: ejones@houstoneng.com

CONCEPT BACKGROUND

1) Describe the general project purpose:

The purpose of this project is to address Flood Damage Reduction (FDR) goals and provide Natural Resource Enhancement (NRE) in the 72 sq. mile Whisky Creek watershed. This regional retention project also has the potential to provide FDR benefits along the South Branch of the Buffalo River, as well as further downstream. The project is envisioned to include regional retention (7,025 acre-feet of gated storage is currently under consideration), channel restoration, and buffer expansion along waterways in the project area. Water quality improvements and improved aquatic and terrestrial habitat would be a secondary benefit that would be expected from the project.

2) Is proposed concept identified in Comprehensive Detention Plans (ND) or Expanded Distributed Detention Strategies (MN)?

☒ Yes □ No

If Yes, indicate the *Report Name* and *Storage Site ID* as defined in the Detention Plan/Strategy:

Report Name: Buffalo-Red River Watershed District Expanded Distributed Detention Strategy

Storage Site ID: Barnesville Twp.

3) Is proposed concept included other Local, Regional, or State Water Plans?

☒ Yes □ No

If yes, indicate which Plan(s) below:

Buffalo-Red River Watershed District Revised Watershed Management Plan.

Buffalo River Watershed Restoration and Protection Strategy

4) Have impacted landowners been made aware of the proposed concept?

☒ Yes □ No If yes, indicate any potential issues as concept develops:

The Watershed District has communicated individually with a number of landowners in the project area. The project concept was discussed with project area landowners.

CONCEPT TECHNICAL/MODELING INFORMATION

1) Drainage Area: 32.4 Mi^2 *(As determined from Standardized Modeling Approach contributing areas)*

2) Maximum Gated Storage Capacity: 7,025 Acre-Feet 4.07 Inches

3) Maximum Un-gated Storage Capacity: 9,291 Acre-Feet 5.38 Inches

4) Maximum Pool Depth: 14 Feet

5) Maximum Gated Pool Inundation Area: 1,612 Acres

6) Maximum Un-gated Pool Inundation Area: 2,057 Acres

7) Red River Mainstem Analysis Results:

   Gated Storage Utilized: 6,295 Acre-Feet 3.64 Inches

   Un-gated Storage Utilized: 0 Acre-Feet 0.00 Inches

   Impacted area at peak pool elevation: 1,564 Acres

   Describe the operational assumptions used to determine Red River impacts.

   Gated storage operated using “fill and spill” methods.

8) Are copies of the models used to complete the *Phase I Estimated FMDA Funding Allocation Worksheet* included?

   ☒ Yes □ No (Due to file size, available as requested).

   Explain naming conventions used for the proposed impoundments within the model:

   Basin Model: BTWNSHP_24hr_MeltProg_Alt2
   HEC-HMS Storage node ID: BTWNSHP_ALT2

FUNDING INFORMATION

1) Total Estimated Eligible FMDA Funding Amount: $ 1,214,920

2) Total Requested Phase I Submittal Advancement Amount: $ 60,746
(Not to exceed 5% of item No. 1 above)

3) Indicate Anticipated Funding Sources:

FUNDING SOURCE	ANTICIPATED FUNDS AVAILABLE
Federal	30%
State	42%
Regional/Joint Boards	0%
Local	10%
Other	10%
FMDA Amount	8%
Total	100%

4) Describe any potential issues or complications that may arise based on previously completed analysis on the proposed concept?

The proposed site is still in the planning phase with many unknown variables. It is anticipated the proposed planning will resolve these issues. Potential problems include:

-Local Acceptance

-Technical Feasibility

-Environmental Impacts

PHASE I

ESTIMATED FMDA FUNDING

ALLOCATION WORKSHEET

Project Name:	**Barnesville Township Water Resource Management Project**
Project Sponsor:	**Buffalo - Red River Watershed District**
Date:	**12/1/2015**

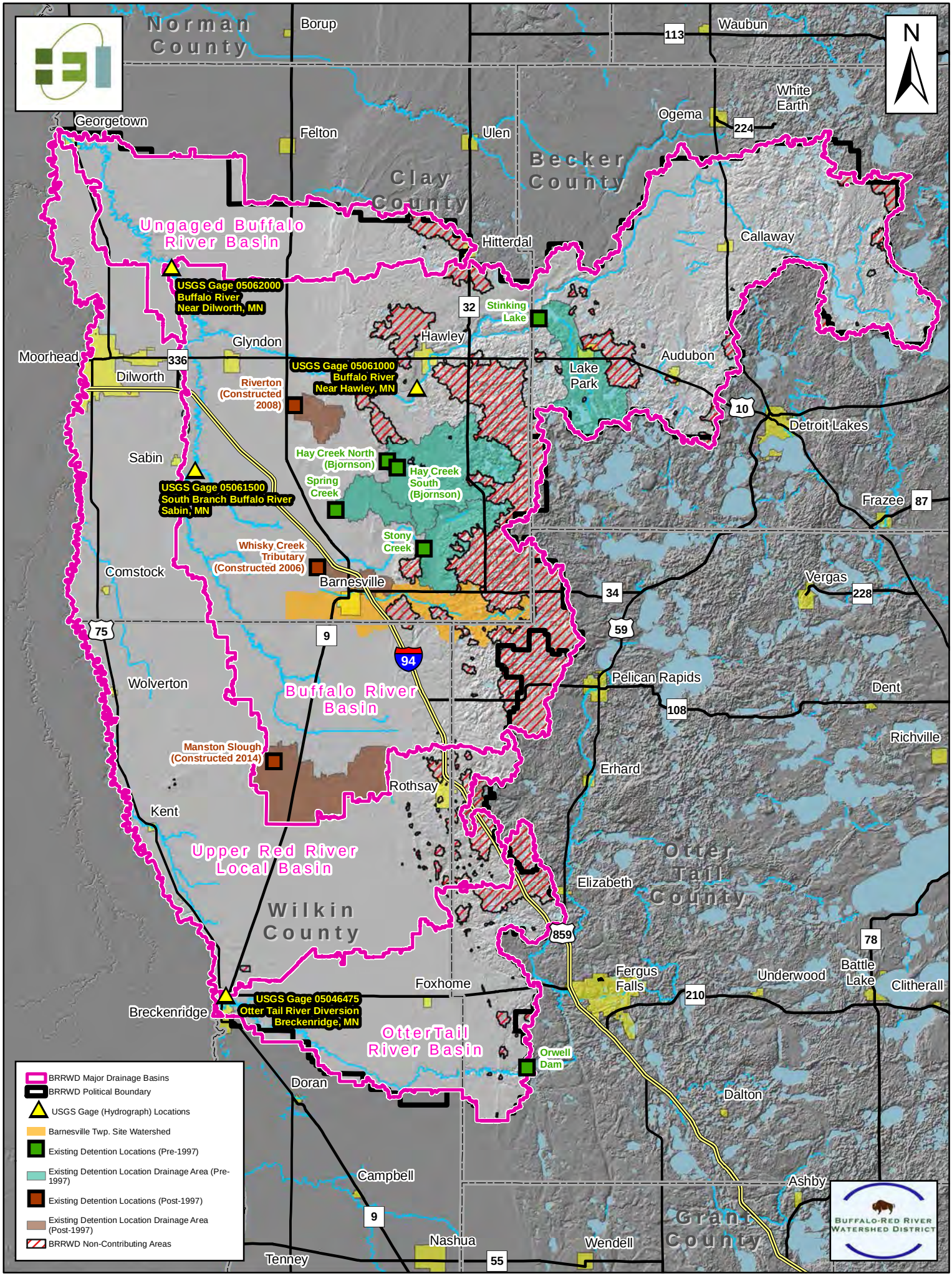
Instructions:

1. Populate *Project Name* , *Project Sponsor* , and *Date* fields above.
2. Model the dam or impoundment to determine Red River mainstem impacts.
3. Use Step 2 results to determine the 8-day volume reduction (Acre-Feet) at USGS Gage No. 05064500 (Red River at Halstad, MN) based on ±4 Days from the present day (2013) peak discharge. Populate volume in [2] below.
4. Use Step 2 results to determine the 8-day volume reduction (Acre-Feet) at USGS Gage No. 05054000 (Red River at Fargo, ND) based on ±4 Days from the present day (2013) peak discharge. Populate volume in [3] below.
6. [6] indicates maximum potential FMDA Funding available for eligible Phase I activities.

Fargo-Moorhead Diversion Authority Funding			
FMDA Funding Rate (8-Day Volume Removal)	**$ 400 Per Ac-Ft**	[1]	

Proposed Project Information			
Proposed Impoundment Funded 8-Day Runoff Volume Removed			
USGS Gage No. 05064500 (Red River at Halstad, MN)	3,037 Ac-Ft	[2]	
USGS Gage No. 05054000 (Red River at Fargo, ND)	0 Ac-Ft	[3]	
Total	3,037 Ac-Ft	[4]	= [2] + [3]

Maximum Eligible FMDA Funds	**$ 1,214,920**	[5]	= [1] × [4]
Max. Eligible FMDA Advancement Available for Phase I Activities	**$ 60,746**	[6]	[5] × 5%


Norman County
Borup
Waubun
113
N
White Earth
Ogema
224
Georgetown
Felton
Ulen
Becker County
Clay County
Ungaged Buffalo River Basin
Hitterdal
Callaway
USGS Gage 05062000
Buffalo River
Near Dilworth, MN
32
Stinking Lake
Hawley
Glyndon
Moorhead
336
Audubon
Dilworth
USGS Gage 05061000
Buffalo River
Near Hawley, MN
Lake Park
Riverton (Constructed 2008)
10
Detroit Lakes
Sabin
Hay Creek North (Bjornson)
Hay Creek South (Bjornson)
Spring Creek
USGS Gage 05061500
South Branch Buffalo River
Sabin, MN
Frazee
87
Stony Creek
Whisky Creek Tributary (Constructed 2006)
Comstock
Barnesville
Vergas
34
228
75
9
59
94
Wolverton
Buffalo River Basin
Pelican Rapids
Dent
108
Richville
Manston Slough (Constructed 2014)
Erhard
Rothsay
Kent
Upper Red River Local Basin
Otter Tail County
Elizabeth
Wilkin County
859
78
Fergus Falls
Underwood
Battle Lake
Clitherall
Foxhome
210
USGS Gage 05046475
Otter Tail River Diversion
Breckenridge, MN
Breckenridge
OtterTail River Basin
Orwell Dam
Doran
Dalton
Campbell
Ashby
9
Grant County
Nashua
Wendell
Tenney
55
BRRWD Major Drainage Basins
BRRWD Political Boundary
USGS Gage (Hydrograph) Locations
Barnesville Twp. Site Watershed
Existing Detention Locations (Pre-1997)
Existing Detention Location Drainage Area (Pre-1997)
Existing Detention Locations (Post-1997)
Existing Detention Location Drainage Area (Post-1997)
BRRWD Non-Contributing Areas
Buffalo-Red River Watershed District

Channel Restoration and Expanded Buffer Strips
Sections 15, 14, 23, 24, 25, and 36
Alliance Township, Clay County

Setting Back Existing Levees
Sections 18, 19, 20, 21, and 22
Barnesville Township, Clay County

Storage Site Inflow Diversion

Impoundment Location
Sections 27, 28, 33 and West 1/2 of Section 34
Riser Elevation = 956.0
Gated Storage = 7,025 Acre-Feet (4.07" Runoff)
Drainage Area = 32.4 Square Miles

N
W
E
S

1.5 0.75 0 1.5 Mile

Legend

- Interstate
- US Highway
- State Highway
- Railway
- County Road
- Township Road
- Watershed Political Boundary
- Storage Drainage Boundary
- South Tributary Restoration
- Whisky Creek Drainage Boundary
- MN PWI
- BRRWD Lakes
- National Wetlands Inventory
- Gated Storage
- Ungated Storage
- Setback Existing Levees
- Non-Contributing Area
- MN State Funded Easements
- State Wildlife Management Area
- Federal Land (USFWS)
- The Nature Conservancy
- County Boundary
- Township Boundary
- Section Boundary

Barnesville Twp. Detention Site

Project Concept Plan
Buffalo - Red River Watershed District
Whisky Creek

Scale:	Drawn by:	Checked by:	Project No.:	Date:	Sheet:
AS SHOWN	TME	ESJ	1915-219	12/1/2015	1

701.237.5065
Houston Engineering Inc.
1401 21st Avenue North Fargo ND 58102

H:\Fargo\JBN\1900\1915\14 1915 219\Deliverables\FMDA Funding\December 2015\B Twp Project Site Map.mxd

To: Fargo-Moorhead Technical Advisory Team

From: Jim Guler, PE
Moore Engineering, Inc.

Subject: Fargo-Moorhead Diversion Authority Detention Funding
Barnesville Township Water Resource Management Project
Phase I Submittal Review
Buffalo-Red River Watershed District

Date: December 8, 2015

We have completed a review of the Buffalo-Red River Watershed District's (BRRWD) Detention Funding Phase I Submittal for the Barnesville Township Water Resource Management Project. As currently designed, the proposed project will provide 7,025 acre-feet of gated storage across 32.4 square miles of contributing area (4.07 inches). The application indicates that the proposed project would address local flood damage reduction goals within the Whiskey Creek watershed and downstream. Additionally, as a secondary benefit, the project would include channel restoration and grass buffer expansions to improve aquatic and terrestrial habitats.

The BRRWD indicates that the proposed impoundment is included in the BRRWD Expanded Distributed Detention Strategy as well as the BRRWD's Revised Watershed Management Plan and the Buffalo River Watershed Restoration and Protection Strategy. Additionally, the application notes that communication has already began with impacted landowners. The application also indicates that the project is in the planning phase with unknown variables; however, it is anticipated the planning process will resolve these issues as they arise during project development.

Our review consisted of ensuring that criteria defined in the *Fargo-Moorhead Diversion Authority Detention Funding Proposed Policy Manual – Final 11/12/2015* document are met. Based on our review of the Barnesville Township Water Resource Management Project Phase I Submittal, all eligibility requirements are met, and listed below:

- As indicated in the application, the proposed impoundment is located in a HUC12 watershed that is identified as a contributing watershed to the Red River Basin.
- The applicant (BRRWD) is an eligible local government unit.
- The proposed impoundment area is identified in the application.
- A total of 6,295 acre-feet (3.64 inches) of storage is estimated occupied within the proposed Barnesville Township impoundment during the HUR Study Standardized

Melt Progression. This meets the minimum occupied total storage of 1,000 acre-feet defined in the eligibility requirements.

The Standardized Melt Progression Event was analyzed using the Standardized Modeling Approach from the HUR Study to determine maximum funding eligibility for the proposed Barnesville Township impoundment. This analysis focuses on determining the 8-day volume removed from the flood hydrograph +/-4 days from the peak flow for the USGS Gage along the Red River at Fargo, ND and USGS along the Red River at Halstad, MN. The applicant indicated that the proposed Barnesville Township impoundment has the following volume reduction at each location:

- USGS Gage No. 05054000 (Red River at Fargo, ND) 0 acre-feet
- USGS Gage No. 05064500 (Red River at Halstad, MN) 3,037.3+/- acre-feet

As specified in the *Fargo-Moorhead Diversion Authority Detention Funding Proposed Policy Manual – Final 11/12/2015* document, these volume removals are added together, and multiplied by $400 per acre foot to determine a maximum eligible level of funding. For the proposed Barnesville Township impoundment, this sets a maximum funding level of $1,214,920 for the project. During the Phase I Submittal, the applicant is only allowed 5% of the total funding level, or $60,746 for the planning phase of the proposed impoundment.

The HEC-RAS and HEC-HMS models used to develop funding allocations were reviewed to verify consistency with the HUR modeling approach. The review primarily consisted of verifying HEC-RAS inflow locations as compared to the HUR modeling approach. Volumes used to calculate the requested funding amounts were also verified with the provided HEC-RAS model. Our review found that the modeling approach used to determine FMDA funding allocations is consistent with the HUR modeling approach, and that volumes provided in the Phase I Submittal are consistent with volumes from the provided HEC-RAS model.

Based on our findings, the requested funding allocations appear to be consistent with procedures defined in the *Fargo-Moorhead Diversion Authority Detention Funding Proposed Policy Manual – Final 11/12/2015* document.

If you have any questions, do not hesitate to get in touch with me at 701.551.1061 or via e-mail at jguler@mooreengineeringinc.com.

AGREEMENT
BETWEEN DIVERSION AUTHORITY AND PROJECT DEVELOPER

THIS IS AN AGREEMENT effective as of _____ ("Effective Date")

between **Metro Flood Diversion Authority** ("Authority") and **Buffalo Red River Watershed District**

("Project Developer").

Developer's Project, of which the scope under this Agreement is a part, is generally identified as follows:

Barnesville Township Water Resource Management Project – Phase I ("Project")

Project Developer's Scope under this Agreement are generally identified as follows: Phase I Project funding is being provided to assist with the completion of the Preliminary Design Report including the geotechnical evaluation for the Project.

Phase I Deliverable: Preliminary Design Report.

Authority and Project Developer further agree as follows:

1.01 *Basic Agreement and Period of Service*

A. Project Developer shall provide, or cause to be provided, the scope set forth in this Agreement. If authorized by Authority, Project Developer may perform scope in addition to that set forth above. Authority shall pay Project Developer for the scope as set forth in Paragraphs 7.01.

B. Project Developer shall comply with the general criteria requirements in SECTION I of the Fargo-Moorhead Retention Study Policy Manual.

C. Project Developer shall submit quarterly reports on Project status using the form in the Fargo-Moorhead Retention Study Policy Manual.

D. Project Developer shall complete its scope within the following specific time period:

1. Within 3 years of approved Phase I Submittal, complete the following activities:

    a. Preliminary Design Report

2. Within 3 years of approved Phase II Submittal, complete the following activities:

    a. Final Design Report
    b. Construction Plans and Specifications
    c. Develop Operation and Maintenance Plan
    d. Permitting

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3. Within 1 year of approved Phase III Submittal, complete the following activities:

    a. Bid Letting

E. In the event that any of the milestones listed above are unable to be met, Project Developer shall provide an explanation to Authority. This explanation must include reason for the delayed timeline, and how Project Developer proposes to get the Project back on the required timeline. Failure to meet the milestone timelines presented above may require funds allocated as a result of successful Phase II & III Submittals to be reimbursed by Project Developer to Authority over a maximum period of 10-years.

F. Project Developer will be responsible for the following additional obligations regarding the Project:

1. procuring a licensed engineer for purposes of preparing plans and specifications;

2. designing and constructing the Project, including selection of project components and features;

3. submitting Project designs, plans, and specifications to Authority for review, if requested by Authority;

4. demonstrating compliance with applicable engineering and technical criteria, including requirements of the North Dakota State Water Commission or the North Dakota State Engineer's Office (collectively, the "SWC") or the Minnesota Department of Natural Resources ("DNR");

5. acquiring and owning all requisite right of way, including the necessary title to all land, easements, and other property interests, as well as any fixtures, equipment, or personal property necessary for the Project;

6. administering and constructing the Project, including all Project bidding, contract administration, and other duties necessary for purposes of construction of the Project;

7. owning, maintaining, operating, and insuring the Project;

8. securing funding from various federal, state, and other sources to contribute to the financing of the Project to defray Project costs, if available;

9. and paying all costs and expenses associated with and regarding the Project, less any cost participation received from any other entity, including the SWC or DNR, and less any cost participation received from Authority as described below.

2.01 *Payment Procedures*

A. Authority has approved cost-share for the Project up to a maximum of $60,746.00. Authority will contribute up to a maximum cost-share of $60,746.00, all in accordance with the general criteria

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requirements in SECTION I of the Fargo-Moorhead Retention Study Policy Manual. Cost-share from Authority is contingent upon availability of funds. Authority has sole discretion to determine eligible costs and availability of funds. Upon execution of this Agreement by both parties, Authority will issue payment to Project Developer in the amount of $60,746.00. Following completion of the Project, Project Developer will submit the following items to Authority by submitting all requisite information to APInvoicesFMDiv@ch2m.com, all in accordance with the general criteria requirements in SECTION I of the Fargo-Moorhead Retention Study Policy Manual: a) a detailed description of Project Developer's costs (item-by-item); b) invoices associated with the Project; and c) a written statement identifying all other cost-share received or anticipated from other entities. Authority will review Project Developer's submissions to ensure compliance with this Agreement and with the general criteria requirements in SECTION I of the Fargo-Moorhead Retention Study Policy Manual; if Project Developer fails to complete the Project, defaults under this Agreement, or fails to meet the milestones identified in Section 1.01 above, Project Developer will reimburse Authority for cost-share provided by Authority in accordance with Section 1.01 of this Agreement. Authority's cost-share under this Agreement does not include any cost-share for additional repairs or improvements to the Project or any other future costs regarding the Project. Project Developer is solely responsible for any Project costs that are not eligible items under this Agreement and in accordance with the general criteria requirements in SECTION I of the Fargo-Moorhead Retention Study Policy Manual.

3.01 *Termination*

A. The obligation to continue performance under this Agreement may be terminated:

1. For cause,

a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party

b. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

c. Authority may terminate this Agreement if Authority does not have sufficient funds to provide the cost-share identified in this Agreement.

d. Authority may terminate the whole or any part of this Agreement if Project Developer, or any of Project Developer's agents, representatives, or contractors, fails to perform Project Developer's obligations.

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e. Any termination of this contract will be without prejudice to any obligations or liabilities of Project Developer already accrued prior to termination.

4.01 *Successors, Assigns, and Beneficiaries*

A. Authority and Project Developer are hereby bound and the successors, executors, administrators, and legal representatives of Authority and Project Developer (and to the extent permitted by Paragraph 4.01.B the assigns of Authority and Project Developer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

B. Neither Authority nor Project Developer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Authority and Project Developer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Authority and Project Developer and not for the benefit of any other party.

5.01 *General Considerations*

A. This Agreement will be construed and enforced in accordance with North Dakota law. Any litigation arising out of this Agreement will be venued in State District Court in Cass County, North Dakota, and the parties waive any objection to venue or personal jurisdiction.

B. Project Developer waives any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project against Authority and Authority's employees, officers, directors, agents, insurers, partners, and consultants.

C. Authority and Project Developer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.

D. This Agreement will be construed as if prepared by both parties.

6.01 *Total Agreement*

A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Authority and Project Developer and supersedes all prior written or oral

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understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

7.01 *Waiver of Warranties and Future Costs*

A. Authority and its officers, agents, representatives, employees, and contractors disclaim any warranties, express or implied, regarding the Project. The parties specifically agree neither Authority nor any of its officers, agents, representatives, employees, consultants, or contractors have made any representations or warranties regarding the Project, nor regarding the potential success of the Project. None of the following will create or impose any obligations, representations, or warranties on behalf of Authority: this Agreement; any review of any of Project Developer's designs, plans, or specifications by Authority; Authority's cost-share to Project Developer; any inspections or review of the Project conducted by Authority; or any of Authority's other obligations under this Agreement. None of Authority's obligations specifically identified in this Agreement will create or impose any additional obligations, representations, or warranties on behalf of Authority.

B. Project Developer is solely responsible for constructing, owning, operating, and maintaining the Project; Authority's cost-share under this Agreement does not include any cost-share for maintenance or any other future costs regarding the Project, and does not create any other future obligations regarding the Project on behalf of Authority.

Attachments:

1. Fargo-Moorhead Retention Study Policy Manual, Revision 1, dated December 17, 2015
2. Barnesville Township Water Resource Management Project – Phase I Submittal, Buffalo Red River Watershed District, November 24, 2015

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

AUTHORITY: **Metro Flood Diversion Authority**	PROJECT DEVELOPER: **Buffalo Red River Watershed District**
By: Darrell Vanyo	By:
Title: Chairman	Title:
Date Signed:	Date Signed:
Address for giving notices: 211 Ninth Street South Box 2806 Fargo, ND 58108-2806	Address for giving notices:

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Technical Staff Recommendation

Meeting Date: 12/11/2015

RECOMMENDATION FOR ACTION:

The Technical Staff have reviewed and recommend approval of the following Contract Action(s).

SUMMARY OF CONTRACTING ACTION:

The Owner's Representative has reviewed and recommends the following Contract Action(s):

List description of Contract Action(s):

Description	Budget Estimate ($)
Industrial Builders, Inc.	
Change Order #5	***7,614.93***

- WP-42A.2, 2nd Street North Pump Station – Additional physical model test runs to accommodate wet well modification design, reduction in wet well vacuum line size, change in pump station veneer, and costs to accommodate cold weather.

Summary of Contracting History and Current Contract Action:

Original Agreement or Amendment	Budget ($) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	$8,069,000.00	$0.00	$8,069,000.00	9-Oct-14	31-Jan-16	Contract Award recommended to lowest responsive bidder, Industrial Builders, Inc.
Change Order No. 1	$66,920.00	$8,069,000.00	$8,135,920.00	9-Oct-14	31-Jan-16	Revisions to traffic control
Change Order No. 2	$67,397.00	$8,135,920.00	$8,203,317.00	9-Oct-14	31-Jan-16	Accommodate unforeseen subsurface conditions (remove concrete structure and dispose of contaminated soil)
Change Order No. 3	$225,056.00	$8,203,317.00	$8,428,373.00	9-Oct-14	16-Feb-16	Change in design requirements for backfill of structure
Change Order No. 4	$238,871.75	$8,428,373.00	$8,667,244.75	9-Oct-14	25-Apr-16	Baffle wall, sheeting, and 2nd Street road closure
Change Order No. 5	$7,614.93	$8,667,244.75	$8,674,859.68	9-Oct-14	25-Apr-16	Physical model tests, vacuum line, pump station veneer, and cold weather construction costs.

DISCUSSION

1. Change Order No. 5 modifies multiple scope elements to total an increase of $7,614.93 to the Contract Price. The Change Order consists of the following items:

a. **Additional Physical Model Tests** – Wet well mofications included in approved Change Order No. 4 (installation of baffle wall) required additional "model runs" of the wet well physical model for HMG to finalize the design. At HMG's request, the contractor performed two new model runs at $3,025 each for a total additional cost of $6,050.

b. **Reduce Vacuum Line Size** – The contractor recommended the as-designed 10" clean-out vacuum line in the wet well of the pump station be reduced to 8" to better fit the City of Fargo vacuum truck connections resulting in a net cost deduction of $516.99. HMG and CH2M agreed with this approach and worked with the City of Fargo maintenance staff as well as a local fitting supplier to ensure the Contractor scoped the proper fittings.

c. **Change Brick Type** – The architect/City of Fargo changed the type and color of brick to be installed on the pump station to better match the proposed City Hall architecture, resulting in a net cost deduction of $12,750.

d. **Accommodate Winter Work** – Approved Change Order 4 adjusted project substantial completion which lead to certain work items needing to be conducted over the winter months. This change results in a total of $14,831.92 in additional cost for cold weather construction for two items:

   i. Heating and enclosures during brick installation for an increase of $9,421.20. Waiting until spring to conduct this work would stall other portions of the pump station that could not be installed until the brick is in place, primarily doors, wall louvers, and roof flashing. Waiting until spring to do these other elements increases the risk of quality issues resulting from weather exposure. As a result, HMG and CH2M recommend proceeding with brick installation using cold weather accommodations. Please note that the Contractor originally planned to complete brick installation before winter; however, the architect/City of Fargo decision to change the brick type (see item c above) necessitated a temporary pause on brick installation during their review process. This therefore pushed completion into colder weather than the Contractor planned for.

   ii. Temporary power to the pump station to heat the building and provide power to the electrical equipment for proper storage for an increase of $5,410.72. Heating of electrical equipment is required to protect sensitive electrical parts such as the programmable logic controller. Permanent power to the pump station cannot be connected because the area designated for the transformer and transformer pad is still under construction by the F.1S project. CH2M and HMG have reviewed the proposed pricing and find them acceptable.

ATTACHMENT(S):

1. Draft Change Order No. 5
2. Contractor Change Proposals for physical model tests, reduced vacuum line size, pump station veneer, cold weather brick installation, and temporary power.

Submitted by:

Bruce J. Spiller, P.E.
CH2M HILL
Project Manager
Metro Flood Diversion Project

11-DEC-2015
Date

Keith Berndt, Cass County Administrator
Concur: 11-DEC-2015 *Non-Concur:* _____

April Walker, Fargo City Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

Mark Bittner, Fargo Director of Engineering
Concur: 11-DEC-2015 *Non-Concur:* _____

Jason Benson, Cass County Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

David Overbo, Clay County Engineer
Concur: 11-DEC-2015 *Non-Concur:* _____

Robert Zimmerman, Moorhead City Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

Change Order No. 05

Date of Issuance:	12/17/2015	Effective Date:	12/17/2015
Owner:	Metro Flood Diversion Authority	Owner's Contract No.:	WP-42A.2
Owner's Representative:	CH2M HILL Engineers, Inc.	Owner's Representative Project No.:	435534
Contractor:	Industrial Builders, Inc.	Contractor's Project No.:	
Engineer:	Houston-Moore Group, LLC	Work Package No.:	WP-42A.2
Project:	Fargo-Moorhead Area Diversion	Contract Name:	2nd Street/Downtown – In-Town Levees, 2nd Street N Pump Station, Fargo ND

The Contract is modified as follows upon execution of this Change Order:

Description:

1. ADDITIONAL PHYSICAL MODEL TESTS
    a. Increase Contract Price to accommodate additional physical model tests necessary to support design of the wet well modifications included in Change Order 4 by adjusting line item *0031, Install Baffle Wall* as shown in attached Change Order 5 Unit Price Schedule dated 12/17/15.
2. REDUCED VACUUM LINE SIZE
    a. Decrease Contract Price to change the wet well's clean-out vacuum line from 10" to 8" by adding line item *0034, Reduced Vacuum Line Size* as shown in attached Change Order 5 Unit Price Schedule dated 12/17/15.
3. PUMP STATION VENEER
    a. Decrease Contract Price to change to type and color of the pump station's exterior veneer by adding line item *0035, Substitute Utility Brick Veneer for Stone Veneer* as shown in attached Change Order 5 Unit Price Schedule dated 12/17/15.
4. COLD WEATHER CONSTRUCTION
    a. Increase Contract Price to accommodate cold weather construction accommodations resulting from the new substantial completion date in Change Order 4 by adding line item *0036, Cold Weather Construction and Temporary Power* as shown in attached Change Order 5 Unit Price Schedule dated 12/17/15.

Attachments:

- Change Order 5 Unit Price Schedule dated 12/17/15

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES *[note changes in Milestones if applicable]*
Original Contract Price: **8,069,000.00**	Original Contract Times: Substantial Completion: November 30, 2015 Ready for Final Payment: January 31, 2016 days or dates
[Increase] [~~Decrease~~] from previously approved Change Orders No. 01 thru 04: **598,244.75**	[Increase] [~~Decrease~~] from previously approved Change Orders No. 01 thru 04: Substantial Completion: February 25, 2015 Ready for Final Payment: April 25, 2015 days or dates
Contract Price prior to this Change Order: **8,667,244.75**	Contract Times prior to this Change Order: Substantial Completion: February 25, 2015 Ready for Final Payment: April 25, 2015 days or dates
[Increase] [~~Decrease~~] of this Change Order: **7,614.93**	[Increase] [Decrease] of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: **8,674,859.68**	Contract Times with all approved Change Orders: Substantial Completion: February 25, 2015 Ready for Final Payment: April 25, 2015 days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: _____
Owner's Representative (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Name: Tyler Smith, P.E.	Name: Darrell Vanyo	Name: David Goulet
Title: Construction Manager	Title: Chairman	Title: Project Manager
Date: _____	Date: _____	Date: _____

WP-42A.2
2nd Street N Pump Station

Change Order 5 Unit Price Schedule
DATE: 12/17/2015

WP-42A.2 - 2nd Street N Pump Station												
ITEM	DESCRIPTION	UNIT	Current Budget (thru CO-04)			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0001	Mobilization	LS	1	400,200.00	$ 400,200.00				1	400,200.00	$ 400,200.00	
0002	Demolition – Pavement Removal, Miscellaneous	LS	1	20,000.00	$ 20,000.00				1	20,000.00	$ 20,000.00	
0003	Site Civil	LS	1	500.00	$ 500.00				1	500.00	$ 500.00	
0004	Erosion and Sediment Control	LS	1	8,000.00	$ 8,000.00				1	8,000.00	$ 8,000.00	
0005	Traffic Control	LS	1	116,920.00	$ 116,920.00				1	116,920.00	$ 116,920.00	
0006	Fencing	LF	800	25.00	$ 20,000.00				800	25.00	$ 20,000.00	
0007	Pump Station – Structural and Architectural	LS	1	3,645,000.00	$ 3,645,000.00				1	3,645,000.00	$ 3,645,000.00	
0008	Stormwater Pumps and Motors	LS	1	1,300,000.00	$ 1,300,000.00				1	1,300,000.00	$ 1,300,000.00	
0009	Sump Pumps	LS	1	90,000.00	$ 90,000.00				1	90,000.00	$ 90,000.00	
0010	Trash Racks and Miscellaneous Metals	LS	1	350,000.00	$ 350,000.00				1	350,000.00	$ 350,000.00	
0011	Sluice Gates and Wall Thimbles	LS	1	200,000.00	$ 200,000.00				1	200,000.00	$ 200,000.00	
0012	F&I Floodwall Reinforced Bars - Steel	LB	13,000	2.30	$ 29,900.00				13,000	2.30	$ 29,900.00	
0013	F&I Floodwall Reinforced Bars - Epoxy Coated Steel	LB	12,000	1.80	$ 21,600.00				12,000	1.80	$ 21,600.00	
0014	F&I Floodwall - Structural Concrete	CY	165	1,200.00	$ 198,000.00				165	1,200.00	$ 198,000.00	
0015	F&I Floodwall – Misc.	LS	1	50,000.00	$ 50,000.00				1	50,000.00	$ 50,000.00	
0016	Sheetpiling	LS	1	1,125,000.00	$ 1,125,000.00				1	1,125,000.00	$ 1,125,000.00	
0017	Switchboard SWBDA, Motor Control Center MCCA, Automatic Transfer Switch, Panel LP1	LS	1	128,000.00	$ 128,000.00				1	128,000.00	$ 128,000.00	
0018	Electrical-Interior	LS	1	156,000.00	$ 156,000.00				1	156,000.00	$ 156,000.00	
0019	Electrical-Exterior	LS	1	27,000.00	$ 27,000.00				1	27,000.00	$ 27,000.00	
0020	Instrumentation and Controls	LS	1	99,000.00	$ 99,000.00				1	99,000.00	$ 99,000.00	
0021	Programming	LS	1	5,500.00	$ 5,500.00				1	5,500.00	$ 5,500.00	
0022	HVAC – General	LS	1	90,000.00	$ 90,000.00				1	90,000.00	$ 90,000.00	

WP-42A.2 - 2nd Street N Pump Station												
ITEM	DESCRIPTION	UNIT	Current Budget (thru CO-04)			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0023	Plumbing General	LS	1	5,300.00	$ 5,300.00				1	5,300.00	$ 5,300.00	
0024	Health and Safety	LS	1	50,000.00	$ 50,000.00				1	50,000.00	$ 50,000.00	
0025	Remove Subsurface Concrete Structure	LS	1	7,397.00	$ 7,397.00				1	7,397.00	$ 7,397.00	
0026	Hazardous Fill Removal and Disposal - T&M, Not to Exceed	LS	1	60,000.00	$ 60,000.00				1	60,000.00	$ 60,000.00	
0027	Backfill Below 882'	LS	1	158,293.32	$ 158,293.32				1	158,293.32	$ 158,293.32	
0028	Backfill Above 882'	LS	1	61,324.68	$ 61,324.68				1	61,324.68	$ 61,324.68	
0029	Electric Unit Heater (RFI-029A)	LS	1	1,472.00	$ 1,472.00				1	1,472.00	$ 1,472.00	
0030	Louvers (RFI-043)	LS	1	3,966.00	$ 3,966.00				1	3,966.00	$ 3,966.00	
0031	Install Baffle Wall	LS	1	$ 170,742.50	$ 170,742.50		6,050.00	$ 6,050.00	1	176,792.50	$ 176,792.50	
0032	Leave Sheeting in Place	LS	1	$ 64,179.25	$ 64,179.25				1	64,179.25	$ 64,179.25	
0033	Close 2nd Street North	LS	1	$ 3,950.00	$ 3,950.00				1	3,950.00	$ 3,950.00	
0034	Reduced Vacuum Line Size	LS	0	$ -	$ -	1	(516.99)	$ (516.99)	1	(516.99)	$ (516.99)	
0036	Substitute Utility Brick Veneer for Stone Veneer	LS	0	$ -	$ -	1	(12,750.00)	$ (12,750.00)	1	(12,750.00)	$ (12,750.00)	
0037	Cold Weather Construction	LS	0	$ -	$ -	1	14,831.92	$ 14,831.92	1	14,831.92	$ 14,831.92	
WP-42A.2 - TOTAL AMOUNT			**CURRENT BUDGET**		**$ 8,667,244.75**	**NET CHANGE**		**$ 7,614.93**	**NEW BUDGET**		**$ 8,674,859.68**	

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CHANGE ORDER REQUEST

Industrial Builders Inc.
14321- - WP42A.2 - Metro Flood/2nd St. Pump Station

DATE: 8/11/2015
PCO#: 8

To:	Tyler Smith CH2M Hill Engineer's Inc 657 2nd Ave N Fargo, ND 58105-5405	**From:**	David Goulet Industrial Builders Inc. PO Box 406 Fargo, ND 58107-0406
Phone:	701-566-5470	**Phone:**	701-356-9827
Fax:		**Fax:**	
Email:	tyler.smith@ch2m.com	**Email:**	dgoulet@industrialbuilders.com
CC:			

Below is the detail for our proposal to complete the following changes in contract work:

- Additional Model Tests Proposed Scope of Work:
  - Attached is the change order to add two additional physical model test runs.
    - 1) Add veins into the FSI.
    - 2) Add larger diameter holes in the bottom of the baffle wall.

PCO Item	Status	Change (in Days)	Quantity	UM	Unit Price	Amount
1 : Additional Model Tests	Pending		2.000	EA	3025.00000	6050.00

Submitted By:

8/11/2015
David Goulet Date

Approved By:

Tyler Smith Date
CH2M Hill Engineer's Inc

Your Logo Here

CHANGE ORDER REQUEST

Industrial Builders Inc.
14321- - WP42A.2 - Metro Flood/2nd St. Pump Station

DATE: 11/18/2015
PCO#: 12

To:	Tyler Smith CH2M Hill Engineer's Inc 657 2nd Ave N Fargo, ND 58105-5405	**From:**	David Goulet Industrial Builders Inc. PO Box 406 Fargo, ND 58107-0406
Phone:	701-566-5470	**Phone:**	701-356-9827
Fax:		**Fax:**	
Email:	tyler.smith@ch2m.com	**Email:**	dgoulet@industrialbuilders.com
CC:			

Below is the detail for our proposal to complete the following changes in contract work:

- Reduced Vac Line
  - Proposed Scope of Work: The attached change order is a result of the reduced 10" to 8" vacuum line.

PCO Item	Status	Change (in Days)	Quantity	UM	Unit Price	Amount
1 : Reduced Vac Line	Pending		1.000	L S	-516.99000	-516.99

Submitted By:

11/18/2015
David Goulet Date

Approved By:

Tyler Smith Date
CH2M Hill Engineer's Inc

Items affected by changing 10" to 8" Vac Line

	Qty	Units	Current Price	Bid Price of replacement	Total
Link Seal to cover 10" opening for 8 " pipe	1	EA	$330.12	$83.64	$246.48
COF Vac adaptor	1	EA	$219.82	$159.30	$60.52
Extra fitting for connection to addaptor (8 EBAA Mega flange ADP)	1	LS	$168.17	$0.00	$168.17
Pipe and flanges.	1	LS	$2,774.19	$3,698.92	($924.73)
				Total	($449.56)
				Plus 15% Mark Up	($67.43)
				Grand Total:	($516.99)

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CHANGE ORDER REQUEST

Industrial Builders Inc.
14321- - WP42A.2 - Metro Flood/2nd St. Pump Station

DATE: 11/25/2015
PCO#: 13

To:	Tyler Smith CH2M Hill Engineer's Inc 657 2nd Ave N Fargo, ND 58105-5405
Phone:	701-566-5470
Fax:	
Email:	tyler.smith@ch2m.com
CC:	

From:	David Goulet Industrial Builders Inc. PO Box 406 Fargo, ND 58107-0406
Phone:	701-356-9827
Fax:	
Email:	dgoulet@industrialbuilders.com

Below is the detail for our proposal to complete the following changes in contract work:

- **Brick Veneer**
  - Proposed Scope of Work: Change order to substitute utility brick veneer for stone veneer per draft drawing email on 11/13/15. Stone veneer base and band shall remain Heritage Cast Stone. This change order also includes the additional price to construct and maintain a shelter and keep the area heated.
  - Stone veneer shall be Heritage Cast Stone as indicated in the revised submittal.
  - ***Scheduling to complete this work will be seven (7) working weeks after approved submittals and change order.***

PCO Item	Status	Change (in Days)	Quantity	UM	Unit Price	Amount
1 : Substitute Utility Brick Veneer for Stone Veneer	Pending		1.000	L S	-12,750.00	-12,750.00
2 : Construct and Maintain Heat and Shelter	Pending		1.000	L S	9,421.20	9,421.20
					TOTAL:	$ -3,328.80

Submitted By:

11/25/2015
David Goulet Date

Approved By:

Tyler Smith Date
CH2M Hill Engineer's Inc

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CHANGE ORDER REQUEST

Industrial Builders Inc.
14321- - WP42A.2 - Metro Flood/2nd St. Pump Station

DATE: 12/03/2015
PCO#: 14

To:	Tyler Smith CH2M Hill Engineer's Inc 657 2nd Ave N Fargo, ND 58105-5405
Phone:	701-566-5470
Fax:	
Email:	tyler.smith@ch2m.com
CC:	

From:	David Goulet Industrial Builders Inc. PO Box 406 Fargo, ND 58107-0406
Phone:	701-356-9827
Fax:	
Email:	dgoulet@industrialbuilders.com

Below is the detail for our proposal to complete the following changes in contract work:

- **Temporary Power**
  - Proposed Scope of Work: Attached is MEI's change order to add temporary wiring from a power source to the building for heaters, lights, receptacles and gates. This price also includes the cost in the spring to disconnect the temporary wiring ~~as well as extend the warranty for the square D material and Sweeney Controls.~~
  - Please see attached backup sheets.

- All spring work will depend on exterior civil work, weather, final power source, and water supply to test the pumps. This timeframe will affect the final completion date.

PCO Item	Status	Change (in Days)	Quantity	UM	Unit Price	Amount
1 : Temporary Power	Pending		1.000	L S	~~15,098.86~~	~~$15,098.86~~

$5,410.72 after removing extended warranties.

Submitted By:

12/03/2015

David Goulet — Date

Approved By:

Tyler Smith — Date
CH2M Hill Engineer's Inc

MOORHEAD
ELECTRIC

INDUSTRIAL BUILDERS

ATTN: DAVID GOULET

PROJECT: 2 ND STREET PUMP

M.E.I. CHANGE PROPOSAL C14424-801

Temporary wire building for heaters and lights.
We ran a so cord from our temporary service over to the building.
Temporary hook the heaters and transformer to get lights, receptacles and gates to get power to them to test.
Materials

200' – 6/4 so cord	$ 445.42	
1 – 60 amp disconnect	235.96	3 phase fusible
6' – 1" sealtight flex	14.70	
2 – 1 " sealtight connectors	9.24	
64' - # 6 thhn wire	27.52	
1 – 6/4 so cord connector	1.75	
60' – 12/4 so cord	81.00	
3 – 12/4 so cord conn	8.55	
Sub total	$ 824.14	
	Tax	
	885.95	
Markup	15 %	
Material total	$ 1018.84	

		$ 1,018.84
Labor to hook up temporary service	30 hrs. x 65 =	$ 1950.00
Labor to Disc. temporary service next summer	10 Hrs. x 65 =	$ 650.00
Labor to remob next spring	20 hrs. x 65 =	$ 1,300.00
~~Sweeney control to extend warranty~~	~~$ 4,500.00 x 5 % =~~	~~4,725.00~~
~~Dakota Electric extended warranty~~	~~$ 3,888.00x 5 % =~~	~~4,082.40~~
Total		~~$ 13,726.24~~

$4,918.84 after removing extended warranties.

Respectfully submitted

James Baltes

James Baltes
Date 12/3/15

If any questions please call.

2805 3RD AVE N
FARGO ND 58102-4020
Phone: 701-298-2014
Fax: 701-237-9261

To: MEI
3320 15TH ST SOUTH
FARGO ND 58104-6225
Attn: JIM BALTES
Phone: 701-364-5678
Fax: 701-364-5686
Email: DAVE.DURFEE@GRAYBAR.COM

Date: 11/19/2015
Proj Name: 2ND ST PUMP
GB Quote #: 0223978311
Valid From: 11/19/2015
Valid To: 12/19/2015
Contact: DAVID DURFEE
Email: dave.durfee@graybar.com

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

Item	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100	**200 EA**	**CORD & CABLE**	**SOOW-6-4-BLK-CUT REEL**	90 DEGREE C 600V	**$2,227.08**	**1000**	**$445.42**
GB Part #: 22061486	Cust Mat #: WIR-SO6/4	UPC #:					
200	**1 EA**	**SQUARE D CO.**	**H362NRB**	SWITCH FUSIBLE HD 600V 60A 3P NEUTRAL	**$235.96**	**1**	**$235.96**
GB Part #: 88240632	UPC #: 78590112249						

Total in USD (Tax not included): $681.38

F O B: FREIGHT ALLOWED
Delivery: NEXT DAY

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at www.graybar.com **24-Hour Emergency Phone#: 1-800-GRAYBAR**

Subject to the standard terms and conditions set forth in this document. Unless otherwise noted,freight terms are F.O.B. shipping point prepaid and bill. Unless noted the estimated ship date will be determined at the time of order placement.

Technical Staff Recommendation

Meeting Date: 12/11/2015

RECOMMENDATION FOR ACTION:

The Technical Staff have reviewed and recommend approval of the following Contract Action(s).

SUMMARY OF CONTRACTING ACTION:

The Owner's Representative has reviewed and recommends the following Contract Action(s):

List description of Contract Action(s):

Description	Budget Estimate ($)
Industrial Builders, Inc.	
Change Order #4	***6,985.96***
• WP-42F.1S Flood Control, 2nd St N, South of Pump Station – Connect bridge lighting, disposal of excavated concrete, winter traffic control, extend completion requirement for 4th Street signaling and lighting	

Summary of Contracting History and Current Contract Action:

Original Agreement or Amendment	Budget ($) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Original Contract	$16,184,905.85	$0.00	$16,184,905.85	08-Oct-15	15-Jun-17	Contract Award recommended to lowest responsive bidder, Industrial Builders, Inc.
Change Order No. 1	$0.00	$16,184,905.85	$16,184,905.85	08-Oct-15	15-Jul-17	Adds 30 days to the Contract Time, revises Interim Milestone A work items, and adds an option for descoping a portion of the Work
Change Order No. 2	$169,490.20	$16,184,905.85	$16,354,396.05	08-Oct-15	15-Jul-17	Incorporates Work revisions to allow work around utility lines
Change Order No. 3	$96,806.17	$16,354,396.05	$16,451,202.22	08-Oct-15	15-Jul-17	Water main, traffic poles, traffic control plan, Milestone A scope
Change Order No. 4	$6,985.96	$16,451,202.22	$16,458,188.18	08-Oct-15	15-Jul-17	Bridge Lighting, concrete disposal, winter traffic control, extend 4th St signal mods requirement

DISCUSSION

1. Change Order No. 4 incorporates various scope adjustments totaling an increase of $6,985.96 to the Contract Price and deletion of one completion item from Interim Milestone A work scope. The Change Order consists of the following items:

    a. **Reconnect Bridge Lighting** – 1st Avenue bridge lights went out following Xcel Energy's removal of a power pole in support of utility relocation for this project. Xcel Energy, HMG, and the City were

not aware that the bridge lights were supplied power from this pole. The project team (Contractor, HMG, CH2M, and City rep) determined that the cheapest and fastest means of restoring power to the lights appeared to be through the F.1S contractor at a cost of $1,815.00. CH2M directed the contractor accordingly.

b. **Excavated Concrete Disposal** – This change incorporates a cost of $1,443.46 to dispose of unexpected concrete within the excavation area of the project. CH2M reviewed the concrete and determined that it qualifies as a differing subsurface condition as described in the General Conditions. Additionally, the concrete was mixed with abandoned conduit, wire, and wood debris, and therefore could not be recycled without additional labor for separation. Contractor and CH2M estimated these labor costs would exceed the cost of simply disposing of the waste in the landfill.

c. **Winter Traffic Control** – Addition of post-mounted signage to provide robust traffic control during the winter months at City of Fargo's request. The proposed cost of $3,727.50 accounts for a deduction for the labor the Contractor would have spent tending to skid-mounted signs. HMG, CH2M, and City rep have reviewed this cost and finds it acceptable.

d. **Modify Interim Milestone A** – This change removes the 4th Street signal modifications from Interim Milestone A. Design calls for Contractor to install signal poles furnished by the City of Fargo. Prior to these poles being turned over to the Contractor, it was discovered that they needed to be painted. Approved Change Order 3 provided Contractor scope and budget to paint the poles; however, the time required to obtain pricing and execute this Change Order resulted in a delay in starting the 4th Street signal modifications. The Contractor will continue to push hard to do the work this year, but would like an extension to the completion requirement in the event winter weather makes that unattainable. Proposed extension is to May 31, 2016, which accommodates approximately 30 days of effort after an assumed "frost free" start date of May 1, 2016. CH2M, HMG, and City of Fargo rep have reviewed this proposal and feels it is appropriate.

ATTACHMENT(S):

1. Draft Change Order No. 4
2. Contractor Change Proposals for bridge lighting, concrete disposal, and traffic control

Submitted by:

Bruce J. Spiller, P.E.
CH2M HILL
Project Manager
Metro Flood Diversion Project

10-DEC-2015
Date

Keith Berndt, Cass County Administrator
Concur: 11-DEC-2015 *Non-Concur:* _____

April Walker, Fargo City Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

Mark Bittner, Fargo Director of Engineering
Concur: 11-DEC-2015 *Non-Concur:* _____

Jason Benson, Cass County Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

David Overbo, Clay County Engineer
Concur: 11-DEC-2015 *Non-Concur:* _____

Robert Zimmerman, Moorhead City Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

Change Order No. 04

Date of Issuance:	12/17/2015	Effective Date:	12/17/2015
Owner:	Metro Flood Diversion Authority	Owner's Contract No.:	WP-42F.1S
Owner's Representative:	CH2M HILL Engineers, Inc.	Owner's Representative Project No.:	435534
Contractor:	Industrial Builders, Inc.	Contractor's Project No.:	
Engineer:	Houston-Moore Group, LLC	Work Package No.:	WP-42F.1S
Project:	Fargo-Moorhead Area Diversion	Contract Name:	Flood Control, 2nd Street North, South of Pump Station

The Contract is modified as follows upon execution of this Change Order:

Description:

1. RECONNECT BRIDGE LIGHTING
    a. Increase Contract Price for reconnecting power to the 1st Avenue bridge lighting by adding line item *0221, Bridge Lighting* as shown in attached Change Order 4 Unit Price Schedule dated 12/17/15.
2. EXCAVATED CONCRETE DISPOSAL
    a. Increase Contract Price for disposal of unforeseen concrete debris by adding line item *0222, Excavated Concrete Disposal* as shown in attached Change Order 4 Unit Price Schedule dated 12/17/15.
3. WINTER TRAFFIC CONTROL
    a. Increase Contract Price for providing post-mounted traffic control signage by adding line item *0223, Winter Traffic Control* as shown in attached Change Order 4 Unit Price Schedule dated 12/17/15.
4. INTERIM MILESTONE A
    a. Remove 4th Street signal modifications from the Interim Milestone A scope requirements by deleting Agreement paragraph 4.03.1.a.1.vii.
    b. Create new milestone for 4th Street signal modifications with completion requirement of May 31, 2016.

Attachments:

- Change Order 4 Unit Price Schedule dated 12/17/15

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES *[note changes in Milestones if applicable]*
Original Contract Price: **16,184,905.85**	Original Contract Times: Interim Milestone A: November 30, 2015 Substantial Completion: October 1, 2016 Ready for Final Payment: June 15, 2017
[~~Increase~~] [~~Decrease~~] from previously approved Change Orders No. 01 thru 03: **266,296.37**	[Increase] [~~Decrease~~] from previously approved Change Orders No. 01: Interim Milestone A: 30 days Substantial Completion: 30 days Ready for Final Payment: 30 days
Contract Price prior to this Change Order: **16,451,202.22**	Contract Times prior to this Change Order: Interim Milestone A: December 30, 2015 Substantial Completion: October 31, 2016 Ready for Final Payment: July 15, 2017
[Increase] [~~Decrease~~] of this Change Order: **6,985.96**	[~~Increase~~] [~~Decrease~~] of this Change Order: N/A
Contract Price incorporating this Change Order: **16,458,188.18**	Contract Times with all approved Change Orders: Interim Milestone A: December 30, 2015 Substantial Completion: October 31, 2016 Ready for Final Payment: July 15, 2017

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: _____
Owner's Representative (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Name: Tyler Smith, P.E.	Name: Darrell Vanyo	Name: David Goulet
Title: Construction Manager	Title: Chairman	Title: Project Manager
Date: _____	Date: _____	Date: _____

WP-42F.1S
2nd Street/Downtown Area - In-Town Levees

Change Order 4 Unit Price Schedule
DATE: 12/17/2015

WP-42F.1S - 2nd Street/Downtown Area - In-Town Levees												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0001	Remove Sanitary Manhole	EA	15	2,000.00	$ 30,000.00			$ -	15	2,000.00	$ 30,000.00	
0002	Remove Sanitary Lift Station	LS	1	23,000.00	$ 23,000.00			$ -	1	23,000.00	$ 23,000.00	
0003	Remove 10x10 Clay Filled Regulator Pit	EA	1	16,000.00	$ 16,000.00			$ -	1	16,000.00	$ 16,000.00	
0004	Remove 12x10 Sanitary Junction Vault	EA	1	14,000.00	$ 14,000.00			$ -	1	14,000.00	$ 14,000.00	
0005	F&I Sanitary Manhole 4' Dia Reinf Conc	EA	12	5,800.00	$ 69,600.00			$ -	12	5,800.00	$ 69,600.00	
0006	F&I Sanitary Manhole w/Ext Drop 4' Dia Reinf Conc	EA	3	7,100.00	$ 21,300.00			$ -	3	7,100.00	$ 21,300.00	
0007	F&I Sanitary Manhole SS-1	EA	1	27,000.00	$ 27,000.00			$ -	1	27,000.00	$ 27,000.00	
0008	F&I Sanitary Manhole SS-8	EA	1	18,000.00	$ 18,000.00			$ -	1	18,000.00	$ 18,000.00	
0009	F&I Sanitary Manhole Type E Reinf Conc	EA	3	25,500.00	$ 76,500.00			$ -	3	25,500.00	$ 76,500.00	
0010	F&I 2-Way Cleanout	EA	1	3,000.00	$ 3,000.00			$ -	1	3,000.00	$ 3,000.00	
0011	F&I Casting - Floating Manhole	EA	1	1,800.00	$ 1,800.00			$ -	1	1,800.00	$ 1,800.00	
0012	Connect Sanitary Pipe to Exist Pipe	EA	1	2,500.00	$ 2,500.00			$ -	1	2,500.00	$ 2,500.00	
0013	F&I Insulation 2" Thick	SY	425	20.00	$ 8,500.00			$ -	425	20.00	$ 8,500.00	
0014	F&I Sanitary Pipe Sch 40 - 4" Dia PVC	LF	21	200.00	$ 4,200.00			$ -	21	200.00	$ 4,200.00	
0015	F&I Sanitary Pipe SDR 26 - 6" Dia PVC	LF	42	120.00	$ 5,040.00			$ -	42	120.00	$ 5,040.00	
0016	F&I Sanitary Pipe SDR 26 - 12" Dia PVC	LF	185	206.00	$ 38,110.00			$ -	185	206.00	$ 38,110.00	
0017	F&I Sanitary Pipe SDR 26 - 18" Dia PVC	LF	157	180.00	$ 28,260.00			$ -	157	180.00	$ 28,260.00	
0018	F&I Sanitary Pipe SDR 26 - 36" Dia PVC	LF	38	350.00	$ 13,300.00			$ -	38	350.00	$ 13,300.00	
0019	F&I Sanitary Pipe w/GB Sch 40 - 4" Dia PVC	LF	38	275.00	$ 10,450.00			$ -	38	275.00	$ 10,450.00	
0020	F&I Sanitary Pipe w/GB SDR 26 - 6" Dia PVC	LF	82	261.00	$ 21,402.00			$ -	82	261.00	$ 21,402.00	
0021	F&I Sanitary Pipe w/GB SDR 26 - 12" Dia PVC	LF	865	470.00	$ 406,550.00			$ -	865	470.00	$ 406,550.00	
0022	F&I Sanitary Pipe w/GB SDR 35 - 12" Dia PVC	LF	49	300.00	$ 14,700.00			$ -	49	300.00	$ 14,700.00	

WP-42F.1S - 2nd Street/Downtown Area - In-Town Levees												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0023	F&I Sanitary Pipe w/GB SDR 26 - 15" Dia PVC	LF	95	290.00	$ 27,550.00			$ -	95	290.00	$ 27,550.00	
0024	F&I Sanitary Pipe w/GB SDR 35 - 15" Dia PVC	LF	6	415.00	$ 2,490.00			$ -	6	415.00	$ 2,490.00	
0025	F&I Sanitary Pipe w/GB SDR 26 - 18" Dia PVC	LF	529	420.00	$ 222,180.00			$ -	529	420.00	$ 222,180.00	
0026	F&I Sanitary Pipe w/GB SDR 26 - 36" Dia PVC	LF	30	810.00	$ 24,300.00			$ -	30	810.00	$ 24,300.00	
0027	F&I DI Fittings-Sanitary Force Main	LB	11965	7.00	$ 83,755.00			$ -	11965	7.00	$ 83,755.00	
0028	F&I Sanitary Valve 8" Dia-Plug Valve	EA	1	4,300.00	$ 4,300.00			$ -	1	4,300.00	$ 4,300.00	
0029	F&I Sanitary Valve 16" Dia-Plug Valve	EA	1	9,000.00	$ 9,000.00			$ -	1	9,000.00	$ 9,000.00	
0030	F&I Sanitary Valve 24" Dia-Plug Valve	EA	1	27,000.00	$ 27,000.00			$ -	1	27,000.00	$ 27,000.00	
0031	F&I Sanitary Valve 30" Dia-Plug Valve	EA	1	41,000.00	$ 41,000.00			$ -	1	41,000.00	$ 41,000.00	
0032	F&I Pipe w/GB Class 53-8" Dia DIP (Protecto 401)	LF	10	355.00	$ 3,550.00			$ -	10	355.00	$ 3,550.00	
0033	F&I Sanitary Pipe w/GB DR 25 - 16" Dia PVC	LF	310	330.00	$ 102,300.00			$ -	310	330.00	$ 102,300.00	
0034	F&I Sanitary Pipe w/GB DR 25 - 24" Dia PVC	LF	125	500.00	$ 62,500.00			$ -	125	500.00	$ 62,500.00	
0035	F&I Sanitary Pipe w/GB DR 25 - 30" Dia PVC	LF	795	400.00	$ 318,000.00			$ -	795	400.00	$ 318,000.00	
0036	Remove Sanitary Pipe All Sizes All Types	LF	2249	$ 15.00	$ 33,735.00			$ -	2249	$ 15.00	$ 33,735.00	
0037	Plug Sanitary Pipe 10" Diameter	EA	3	$ 1,150.00	$ 3,450.00			$ -	3	$ 1,150.00	$ 3,450.00	
0038	Plug Sanitary Pipe 12" Diameter	EA	6	$ 1,270.00	$ 7,620.00			$ -	6	$ 1,270.00	$ 7,620.00	
0039	Plug Sanitary Pipe 16" Diameter	EA	1	$ 1,465.00	$ 1,465.00			$ -	1	$ 1,465.00	$ 1,465.00	
0040	Plug Sanitary Pipe 18" Diameter	EA	3	$ 1,660.00	$ 4,980.00			$ -	3	$ 1,660.00	$ 4,980.00	
0041	Abandon Sanitary Manhole	EA	1	$ 2,000.00	$ 2,000.00			$ -	1	$ 2,000.00	$ 2,000.00	
0042	F&I Emergency Overflow Manhole Equipment	LS	1	$ 15,200.00	$ 15,200.00			$ -	1	$ 15,200.00	$ 15,200.00	
0043	F&I 5" Hydrant	EA	5	$ 4,600.00	$ 23,000.00			$ -	5	$ 4,600.00	$ 23,000.00	
0044	Remove Hydrant	EA	4	$ 1,000.00	$ 4,000.00			$ -	4	$ 1,000.00	$ 4,000.00	
0045	F&I Insulation 4" Thick	SY	10	$ 72.00	$ 720.00			$ -	10	$ 72.00	$ 720.00	
0046	Connect Water Service	EA	2	$ 900.00	$ 1,800.00			$ -	2	$ 900.00	$ 1,800.00	
0047	F&I Watermain Pipe C900 DR 18 - 4" Dia PVC	LF	21	$ 70.00	$ 1,470.00			$ -	21	$ 70.00	$ 1,470.00	
0048	F&I Watermain Pipe C900 DR 18 - 6" Dia PVC	LF	95	$ 55.00	$ 5,225.00			$ -	95	$ 55.00	$ 5,225.00	

WP-42F.1S - 2nd Street/Downtown Area - In-Town Levees												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0049	F&I Watermain Pipe C900 DR 18 - 8" Dia PVC	LF	193	$ 44.00	$ 8,492.00			$ -	193	$ 44.00	$ 8,492.00	
0050	F&I Watermain Pipe w/GB C900 DR 18 - 6" Dia PVC	LF	22	$ 183.00	$ 4,026.00			$ -	22	$ 183.00	$ 4,026.00	
0051	F&I Watermain Pipe w/GB C900 DR 18 - 8" Dia PVC	LF	333	$ 185.00	$ 61,605.00			$ -	333	$ 185.00	$ 61,605.00	
0052	F&I Gate Valve 4" Dia	EA	1	$ 1,350.00	$ 1,350.00			$ -	1	$ 1,350.00	$ 1,350.00	
0053	F&I Gate Valve 6" Dia	EA	10	$ 1,750.00	$ 17,500.00			$ -	10	$ 1,750.00	$ 17,500.00	
0054	F&I Gate Valve 8" Dia	EA	1	$ 2,370.00	$ 2,370.00			$ -	1	$ 2,370.00	$ 2,370.00	
0055	F&I Watermain Pipe 1" Dia Copper	LF	39	$ 75.00	$ 2,925.00			$ -	39	$ 75.00	$ 2,925.00	
0056	F&I Watermain Pipe w/GB 1" Dia Copper	LF	84	$ 180.00	$ 15,120.00			$ -	84	$ 180.00	$ 15,120.00	
0057	Remove Watermain Pipe All Sizes All Types	LF	1765	$ 17.00	$ 30,005.00			$ -	1765	$ 17.00	$ 30,005.00	
0058	Temporary Water Service (Howard Johnson Hotel)	LS	1	$ 28,000.00	$ 28,000.00			$ -	1	$ 28,000.00	$ 28,000.00	
0059	Plug Watermain Pipe 6" Dia	EA	4	$ 900.00	$ 3,600.00			$ -	4	$ 900.00	$ 3,600.00	
0060	F&I Watermain Fittings Ductile Iron	LBS	6550	$ 8.51	$ 55,740.50			$ -	6550	$ 8.51	$ 55,740.50	
0061	F&I Storm Manhole 4' Dia Reinf Conc	EA	5	$ 2,675.00	$ 13,375.00			$ -	5	$ 2,675.00	$ 13,375.00	
0062	F&I Storm Manhole 7' Dia Reinf Conc	EA	3	$ 15,300.00	$ 45,900.00			$ -	3	$ 15,300.00	$ 45,900.00	
0063	F&I Storm Manhole 8.1	EA	1	$ 22,000.00	$ 22,000.00			$ -	1	$ 22,000.00	$ 22,000.00	
0064	F&I Storm Manhole 8' Dia Reinf Conc	EA	3	$ 16,700.00	$ 50,100.00			$ -	3	$ 16,700.00	$ 50,100.00	
0065	F&I Storm Manhole Type E Reinf Conc	EA	8	$ 54,000.00	$ 432,000.00			$ -	8	$ 54,000.00	$ 432,000.00	
0066	F&I Storm Manhole ST-2 Special Manhole	EA	1	$ 2,465.00	$ 2,465.00			$ -	1	$ 2,465.00	$ 2,465.00	
0067	F&I Inlet - Manhole (MHI) 4' Dia Reinf Conc	EA	4	$ 2,365.00	$ 9,460.00			$ -	4	$ 2,365.00	$ 9,460.00	
0068	F&I Inlet - Manhole (MHI) 6' Dia Reinf Conc	EA	1	$ 4,000.00	$ 4,000.00			$ -	1	$ 4,000.00	$ 4,000.00	
0069	Raise Storm Sewer Structure	EA	2	$ 3,530.00	$ 7,060.00			$ -	2	$ 3,530.00	$ 7,060.00	
0070	F&I Inlet - Single Box (SBI) Reinf Conc	EA	9	$ 2,000.00	$ 18,000.00			$ -	9	$ 2,000.00	$ 18,000.00	
0071	F&I Inlet - Triple Box Reinf Conc	EA	2	$ 5,900.00	$ 11,800.00			$ -	2	$ 5,900.00	$ 11,800.00	
0072	F&I Inlet - Bridge Drain	EA	1	$ 5,500.00	$ 5,500.00			$ -	1	$ 5,500.00	$ 5,500.00	
0073	F&I Storm Manhole Type E Crossing Chamber	EA	1	$ 11,000.00	$ 11,000.00			$ -	1	$ 11,000.00	$ 11,000.00	
0074	Connect Storm Pipe to Exist Structure	EA	2	$ 17,000.00	$ 34,000.00			$ -	2	$ 17,000.00	$ 34,000.00	

WP-42F.1S - 2nd Street/Downtown Area - In-Town Levees												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0075	Connect Storm Pipe to Exist Pipe	EA	1	$ 4,000.00	$ 4,000.00			$ -	1	$ 4,000.00	$ 4,000.00	
0076	Remove Storm Manhole	EA	8	$ 900.00	$ 7,200.00			$ -	8	$ 900.00	$ 7,200.00	
0077	Remove Storm Inlet	EA	22	$ 1,200.00	$ 26,400.00			$ -	22	$ 1,200.00	$ 26,400.00	
0078	Remove Existing Storm Lift Station	LS	1	$ 48,000.00	$ 48,000.00			$ -	1	$ 48,000.00	$ 48,000.00	
0079	Riprap (Outlet)	CY	695	$ 180.00	$ 125,100.00			$ -	695	$ 180.00	$ 125,100.00	
0080	Remove Storm Pipe All Sizes All Types	LF	2283	$ 17.00	$ 38,811.00			$ -	2283	$ 17.00	$ 38,811.00	
0081	F&I Flared End Section 12" Dia Corr Steel	EA	1	$ 272.00	$ 272.00			$ -	1	$ 272.00	$ 272.00	
0082	Box Culvert End Section with Grate	EA	1	$ 160,000.00	$ 160,000.00			$ -	1	$ 160,000.00	$ 160,000.00	
0083	Plug Storm Pipe 4" thru 12" Dia	EA	2	$ 1,600.00	$ 3,200.00			$ -	2	$ 1,600.00	$ 3,200.00	
0084	Plug Storm Pipe 14" thru 24" Dia	EA	1	$ 1,980.00	$ 1,980.00			$ -	1	$ 1,980.00	$ 1,980.00	
0085	Plug Storm Pipe 42" thru 54" Dia	EA	2	$ 3,000.00	$ 6,000.00			$ -	2	$ 3,000.00	$ 6,000.00	
0086	F&I Storm Pipe 12" Dia Reinf Conc	LF	25	$ 64.00	$ 1,600.00			$ -	25	$ 64.00	$ 1,600.00	
0087	F&I Storm Pipe 15" Dia Reinf Conc	LF	49	$ 64.00	$ 3,136.00			$ -	49	$ 64.00	$ 3,136.00	
0088	F&I Storm Pipe 18" Dia Reinf Conc	LF	182	$ 66.00	$ 12,012.00			$ -	182	$ 66.00	$ 12,012.00	
0089	F&I Storm Pipe 24" Dia Reinf Conc	LF	70	$ 77.00	$ 5,390.00			$ -	70	$ 77.00	$ 5,390.00	
0090	F&I Storm Pipe 48" Dia Reinf Conc	LF	47	$ 177.00	$ 8,319.00			$ -	47	$ 177.00	$ 8,319.00	
0091	F&I Storm Pipe 54" Dia Reinf Conc	LF	22	$ 222.00	$ 4,884.00			$ -	22	$ 222.00	$ 4,884.00	
0092	F&I Storm Box Culvert 6'x6' Wide Reinf Conc Cast In Place	LF	100	$ 2,400.00	$ 240,000.00			$ -	100	$ 2,400.00	$ 240,000.00	
0093	F&I Storm Pipe 12" Dia PVC	LF	223	$ 60.00	$ 13,380.00			$ -	223	$ 60.00	$ 13,380.00	
0094	F&I Storm Pipe w/GB 12" Dia Reinf Conc	LF	42	$ 190.00	$ 7,980.00			$ -	42	$ 190.00	$ 7,980.00	
0095	F&I Storm Pipe w/GB 15" Dia Reinf Conc	LF	123	$ 190.00	$ 23,370.00			$ -	123	$ 190.00	$ 23,370.00	
0096	F&I Storm Pipe w/GB 18" Dia Reinf Conc	LF	167	$ 192.00	$ 32,064.00			$ -	167	$ 192.00	$ 32,064.00	
0097	F&I Storm Pipe w/GB 24" Dia Reinf Conc	LF	424	$ 204.00	$ 86,496.00			$ -	424	$ 204.00	$ 86,496.00	
0098	F&I Storm Pipe w/GB 48" Dia Reinf Conc	LF	155	$ 575.00	$ 89,125.00			$ -	155	$ 575.00	$ 89,125.00	
0099	F&I Storm Pipe w/GB 54" Dia Reinf Conc	LF	598	$ 710.00	$ 424,580.00			$ -	598	$ 710.00	$ 424,580.00	
0100	F&I Storm Pipe w/GB 60" Dia Reinf Conc	LF	10	$ 785.00	$ 7,850.00			$ -	10	$ 785.00	$ 7,850.00	

WP-42F.1S - 2nd Street/Downtown Area - In-Town Levees												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0101	F&I Storm Box Culvert w/GB 6'x6' Wide Reinf Conc Precast	LF	658	$ 1,440.00	$ 947,520.00			$ -	658	$ 1,440.00	$ 947,520.00	
0102	Remove Pavement All Thicknesses All Types	SY	24159	$ 5.00	$ 120,795.00			$ -	24159	$ 5.00	$ 120,795.00	
0103	Remove Sidewalk All Thicknesses All Types	SY	5375	$ 4.00	$ 21,500.00			$ -	5375	$ 4.00	$ 21,500.00	
0104	Excavation (Roadway)	CY	906	$ 4.00	$ 3,624.00			$ -	906	$ 4.00	$ 3,624.00	
0105	Fill - Import (Roadway)	CY	3910	$ 15.00	$ 58,650.00			$ -	3910	$ 15.00	$ 58,650.00	
0106	Subgrade Preparation	SY	12740	$ 0.70	$ 8,918.00			$ -	12740	$ 0.70	$ 8,918.00	
0107	F&I Woven Geotextile	SY	12740	$ 2.00	$ 25,480.00			$ -	12740	$ 2.00	$ 25,480.00	
0108	F&I Class 5 Agg - 6" Thick	SY	2521	$ 10.00	$ 25,210.00			$ -	2521	$ 10.00	$ 25,210.00	
0109	F&I Class 5 Agg - 8" Thick	SY	1593	$ 11.00	$ 17,523.00			$ -	1593	$ 11.00	$ 17,523.00	
0110	F&I Class 5 Agg - 12" Thick	SY	8626	$ 14.00	$ 120,764.00			$ -	8626	$ 14.00	$ 120,764.00	
0111	F&I Edge Drain 4" Dia PVC	LF	3571	$ 11.00	$ 39,281.00			$ -	3571	$ 11.00	$ 39,281.00	
0112	F&I Curb & Gutter Standard (Type II)	LF	3888	$ 36.00	$ 139,968.00			$ -	3888	$ 36.00	$ 139,968.00	
0113	Remove Curb & Gutter	LF	4528	$ 5.00	$ 22,640.00			$ -	4528	$ 5.00	$ 22,640.00	
0114	F&I Pavement 9" Thick Doweled Conc	SY	7490	$ 98.00	$ 734,020.00			$ -	7490	$ 98.00	$ 734,020.00	
0115	F&I Crushed Conc - 6" Thick	SY	1063	$ 12.00	$ 12,756.00			$ -	1063	$ 12.00	$ 12,756.00	
0116	F&I Aggregate for Asph Pavement FAA 43	TON	1386	$ 83.00	$ 115,038.00			$ -	1386	$ 83.00	$ 115,038.00	
0117	F&I Asphalt Cement PG 58-28	GAL	11644	$ 2.50	$ 29,110.00			$ -	11644	$ 2.50	$ 29,110.00	
0118	F&I Asphalt Cement PG 58-34	GAL	8296	$ 3.00	$ 24,888.00			$ -	8296	$ 3.00	$ 24,888.00	
0119	F&I Median Nose - Conc	SY	23	$ 112.00	$ 2,576.00			$ -	23	$ 112.00	$ 2,576.00	
0120	F&I Sidewalk 4" Thick Reinf Conc	SY	3260	$ 73.00	$ 237,980.00			$ -	3260	$ 73.00	$ 237,980.00	
0121	F&I Sidewalk 6" Thick Reinf Conc	SY	2765	$ 85.00	$ 235,025.00			$ -	2765	$ 85.00	$ 235,025.00	
0122	Temp Construction Entrance	EA	4	$ 3,500.00	$ 14,000.00			$ -	4	$ 3,500.00	$ 14,000.00	
0123	F&I Impressioned 4" Thick Reinf Conc	SY	659	$ 230.00	$ 151,570.00			$ -	659	$ 230.00	$ 151,570.00	
0124	F&I Driveway 6" Thick Reinf Conc	SY	197	$ 85.00	$ 16,745.00			$ -	197	$ 85.00	$ 16,745.00	
0125	F&I Det Warn Panels Cast Iron	SF	316	$ 62.00	$ 19,592.00			$ -	316	$ 62.00	$ 19,592.00	
0126	F&I Sign Assembly	EA	26	$ 260.00	$ 6,760.00			$ -	26	$ 260.00	$ 6,760.00	

WP-42F.1S - 2nd Street/Downtown Area - In-Town Levees												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0127	F&I Engineering Grade	SF	47	$ 32.00	$ 1,491.20			$ -	47	$ 32.00	$ 1,491.20	
0128	F&I Diamond Grade Cubed	SF	39	$ 80.00	$ 3,136.00			$ -	39	$ 80.00	$ 3,136.00	
0129	F&I High Intensity Prismatic	SF	49	$ 74.00	$ 3,648.20			$ -	49	$ 74.00	$ 3,648.20	
0130	F&I Flexible Delineator	EA	24	$ 80.00	$ 1,920.00			$ -	24	$ 80.00	$ 1,920.00	
0131	F&I Grooved Plastic Film Message	SF	352	$ 31.50	$ 11,088.00			$ -	352	$ 31.50	$ 11,088.00	
0132	F&I Grooved Plastic Film 4" Wide	LF	5737	$ 5.20	$ 29,832.40			$ -	5737	$ 5.20	$ 29,832.40	
0133	F&I Grooved Plastic Film 8" Wide	LF	1219	$ 10.40	$ 12,677.60			$ -	1219	$ 10.40	$ 12,677.60	
0134	F&I Grooved Contrast Film 7" Wide	LF	744	$ 9.40	$ 6,993.60			$ -	744	$ 9.40	$ 6,993.60	
0135	Paint Epoxy Line 4" Wide	LF	786	$ 8.40	$ 6,602.40			$ -	786	$ 8.40	$ 6,602.40	
0136	F&I Methacrylate 6" Wide	LF	1040	$ 21.00	$ 21,840.00			$ -	1040	$ 21.00	$ 21,840.00	
0137	F&I Methacrylate 16" Wide	LF	264	$ 36.00	$ 9,504.00			$ -	264	$ 36.00	$ 9,504.00	
0138	F&I Methacrylate 24" Wide	LF	56	$ 53.00	$ 2,968.00			$ -	56	$ 53.00	$ 2,968.00	
0139	Traffic Control - Type 2	LS	1	$ 175,000.00	$ 175,000.00			$ -	1	$ 175,000.00	$ 175,000.00	
0140	Obliterate Pavement Markings	SF	18	$ 8.40	$ 151.20			$ -	18	$ 8.40	$ 151.20	
0141	4" Special Concrete 1	SY	318	$ 152.00	$ 48,336.00			$ -	318	$ 152.00	$ 48,336.00	
0142	4" Special Concrete 3	SY	48	$ 265.00	$ 12,720.00			$ -	48	$ 265.00	$ 12,720.00	
0143	6" Special Concrete 1	SY	536	$ 165.00	$ 88,440.00			$ -	536	$ 165.00	$ 88,440.00	
0144	6" Special Concrete 2	SY	172	$ 265.00	$ 45,580.00			$ -	172	$ 265.00	$ 45,580.00	
0145	Sloped Planter Edge	LF	309	$ 132.00	$ 40,788.00			$ -	309	$ 132.00	$ 40,788.00	
0146	Rolled Planter Edge	LF	198	$ 130.00	$ 25,740.00			$ -	198	$ 130.00	$ 25,740.00	
0147	Mobilization	LS	1	$ 744,700.00	$ 744,700.00			$ -	1	$ 744,700.00	$ 744,700.00	
0148	Temp Fence - Safety	LF	1929	$ 6.00	$ 11,574.00			$ -	1929	$ 6.00	$ 11,574.00	
0149	F&I Chain Link Fence	LF	1124	$ 16.00	$ 17,984.00			$ -	1124	$ 16.00	$ 17,984.00	
0150	F&I Construction Entrance Gate	EA	4	$ 600.00	$ 2,400.00			$ -	4	$ 600.00	$ 2,400.00	
0151	Temp Pumping	LS	1	$ 90,000.00	$ 90,000.00			$ -	1	$ 90,000.00	$ 90,000.00	
0152	Clear & Grub	LS	1	$ 5,000.00	$ 5,000.00			$ -	1	$ 5,000.00	$ 5,000.00	

WP-42F.1S - 2nd Street/Downtown Area - In-Town Levees												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0153	Remove Tree	EA	113	$ 360.00	$ 40,680.00			$ -	113	$ 360.00	$ 40,680.00	
0154	Silt Fence - Standard	LF	1368	$ 2.70	$ 3,693.60			$ -	1368	$ 2.70	$ 3,693.60	
0155	Floating Silt Fence	LF	149	$ 27.00	$ 4,023.00			$ -	149	$ 27.00	$ 4,023.00	
0156	Sediment Control Log 10" to 15" Dia	LF	1748	$ 3.50	$ 6,118.00			$ -	1748	$ 3.50	$ 6,118.00	
0157	Inlet Protection - New Inlet	EA	17	$ 270.00	$ 4,590.00			$ -	17	$ 270.00	$ 4,590.00	
0158	Inlet Protection - Existing Inlet	EA	16	$ 160.00	$ 2,560.00			$ -	16	$ 160.00	$ 2,560.00	
0159	Install Tree Grate	EA	4	$ 2,625.00	$ 10,500.00			$ -	4	$ 2,625.00	$ 10,500.00	
0160	Structural Soil Including Drain Tile	LS	1	$ 25,000.00	$ 25,000.00			$ -	1	$ 25,000.00	$ 25,000.00	
0161	Topsoil Import - Special Including Drain Tile	LS	1	$ 22,000.00	$ 22,000.00			$ -	1	$ 22,000.00	$ 22,000.00	
0162	Gateway Monument	EA	2	$ 28,000.00	$ 56,000.00			$ -	2	$ 28,000.00	$ 56,000.00	
0163	15' Cast Stone Bench	EA	3	$ 9,000.00	$ 27,000.00			$ -	3	$ 9,000.00	$ 27,000.00	
0164	30' Cast Stone Bench	EA	2	$ 15,000.00	$ 30,000.00			$ -	2	$ 15,000.00	$ 30,000.00	
0165	Street Lighting	LS	1	$ 150,000.00	$ 150,000.00			$ -	1	$ 150,000.00	$ 150,000.00	
0166	Plaza Lighting	LS	1	$ 9,000.00	$ 9,000.00			$ -	1	$ 9,000.00	$ 9,000.00	
0167	Remove Fence with Brick Columns (Includes Case Plaza Sign)	LS	1	$ 5,000.00	$ 5,000.00			$ -	1	$ 5,000.00	$ 5,000.00	
0168	Remove and Salvage City of Fargo Sign/Remove Landscaping	LS	1	$ 2,000.00	$ 2,000.00			$ -	1	$ 2,000.00	$ 2,000.00	
0169	Remove Outfall Including Adjacent Concrete Structures	EA	2	$ 21,000.00	$ 42,000.00			$ -	2	$ 21,000.00	$ 42,000.00	
0170	Remove Crosswalk Pavement Markings and Signal from NP Avenue	LS	1	$ 2,000.00	$ 2,000.00			$ -	1	$ 2,000.00	$ 2,000.00	
0171	Remove and Salvage Parking Lot Concrete Stops	EA	120	$ 60.00	$ 7,200.00			$ -	120	$ 60.00	$ 7,200.00	
0172	Remove Landscaped Area (Howard Johnson Hotel)	LS	1	$ 6,500.00	$ 6,500.00			$ -	1	$ 6,500.00	$ 6,500.00	
0173	Remove Concrete Planter	EA	8	$ 80.00	$ 640.00			$ -	8	$ 80.00	$ 640.00	
0174	Remove Sidestreet Grill Sign	LS	1	$ 4,000.00	$ 4,000.00			$ -	1	$ 4,000.00	$ 4,000.00	
0175	Remove Building (Parking Lot Attendant Building)	LS	1	$ 5,000.00	$ 5,000.00			$ -	1	$ 5,000.00	$ 5,000.00	
0176	Remove and Salvage Traffic Signal Equipment - System "A" (2ND ST/4TH AVE N)	LS	1	$ 6,000.00	$ 6,000.00			$ -	1	$ 6,000.00	$ 6,000.00	
0177	Traffic Signal System "A" (2 ST / 1 AVE N)	LS	1	$ 260,000.00	$ 260,000.00			$ -	1	$ 260,000.00	$ 260,000.00	
0178	Traffic Signal System "B" (3 ST / 1 AVE N)	LS	1	$ 235,000.00	$ 235,000.00			$ -	1	$ 235,000.00	$ 235,000.00	

WP-42F.1S - 2nd Street/Downtown Area - In-Town Levees												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0179	Modify Traffic Signal System "C" (2 ST / NP AVE)	LS	1	$ 105,000.00	$ 105,000.00			$ -	1	$ 105,000.00	$ 105,000.00	
0180	Modify Traffic Signal System "D" (4 ST / 2 AVE N)	LS	1	$ 36,000.00	$ 36,000.00			$ -	1	$ 36,000.00	$ 36,000.00	
0181	Modify Traffic Signal System "E" (4 ST / 3 AVE N)	LS	1	$ 26,000.00	$ 26,000.00			$ -	1	$ 26,000.00	$ 26,000.00	
0182	Modify Traffic Signal System "F" (4 ST / 4 AVE N)	LS	1	$ 38,000.00	$ 38,000.00			$ -	1	$ 38,000.00	$ 38,000.00	
0183	Class 1 Overlay	SY	25	$ 600.00	$ 15,000.00			$ -	25	$ 600.00	$ 15,000.00	
0184	Bridge Concrete Removal	LS	1	$ 45,000.00	$ 45,000.00			$ -	1	$ 45,000.00	$ 45,000.00	
0185	Jersey Barrier Formed or Slipformed	LF	42	$ 230.00	$ 9,660.00			$ -	42	$ 230.00	$ 9,660.00	
0186	Bridge Curb	LF	20	$ 65.00	$ 1,300.00			$ -	20	$ 65.00	$ 1,300.00	
0187	Class AAE-3 Concrete	CY	54	$ 1,500.00	$ 81,000.00			$ -	54	$ 1,500.00	$ 81,000.00	
0188	Compression Seal	LF	180	$ 65.00	$ 11,700.00			$ -	180	$ 65.00	$ 11,700.00	
0189	Structural Steel	LS	1	$ 75,000.00	$ 75,000.00			$ -	1	$ 75,000.00	$ 75,000.00	
0190	Remove Foundation (Case Plaza and Mid America Steel, Inc.)	LS	1	$ 40,000.00	$ 40,000.00			$ -	1	$ 40,000.00	$ 40,000.00	
0191	F&I Sheet Piling - Steel	SF	470	$ 60.00	$ 28,200.00			$ -	470	$ 60.00	$ 28,200.00	
0192	Topsoil - Strip	CY	4085	$ 2.00	$ 8,170.00			$ -	4085	$ 2.00	$ 8,170.00	
0193	Topsoil - Spread	CY	2690	$ 2.00	$ 5,380.00			$ -	2690	$ 2.00	$ 5,380.00	
0194	Embankment	CY	3210	$ 4.00	$ 12,840.00			$ -	3210	$ 4.00	$ 12,840.00	
0195	Fill - Haul	CY	8370	$ 8.00	$ 66,960.00			$ -	8370	$ 8.00	$ 66,960.00	
0196	Inspection Trench	CY	175	$ 12.00	$ 2,100.00			$ -	175	$ 12.00	$ 2,100.00	
0197	Subcut	CY	500	$ 15.00	$ 7,500.00			$ -	500	$ 15.00	$ 7,500.00	
0198	Excavation	CY	1815	$ 9.00	$ 16,335.00			$ -	1815	$ 9.00	$ 16,335.00	
0199	Removal of Contaminated Soil	CY	4220	$ 155.00	$ 654,100.00			$ -	4220	$ 155.00	$ 654,100.00	
0200	Removal of Highly Contaminated Soil	CY	200	$ 160.00	$ 32,000.00			$ -	200	$ 160.00	$ 32,000.00	
0201	Mulching Type 1 - Hydro	SY	19700	$ 0.42	$ 8,274.00			$ -	19700	$ 0.42	$ 8,274.00	
0202	Seeding Type B	SY	19700	$ 0.42	$ 8,274.00			$ -	19700	$ 0.42	$ 8,274.00	
0203	Overseeding	SY	19700	$ 0.11	$ 2,167.00			$ -	19700	$ 0.11	$ 2,167.00	
0204	Weed Control Type B	SY	19700	$ 0.07	$ 1,379.00			$ -	19700	$ 0.07	$ 1,379.00	

WP-42F.1S - 2nd Street/Downtown Area - In-Town Levees												
ITEM	DESCRIPTION	UNIT	Current Budget			Net Change			New Budget			
			QUANTITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	QUANITY	UNIT PRICE	AMOUNT	
0205	Removable Floodwall	SF	1475	$ 110.00	$ 162,250.00			$ -	1475	$ 110.00	$ 162,250.00	
0206	F&I Floodwall Reinf Bars - Steel	LB	484642	$ 1.15	$ 557,338.30			$ -	484642	$ 1.15	$ 557,338.30	
0207	F&I Floodwall Reinf Bars - Epoxy Coated Steel	LB	209152	$ 1.30	$ 271,897.60			$ -	209152	$ 1.30	$ 271,897.60	
0208	F&I Floodwall - Structural Conc	CY	3780	$ 888.00	$ 3,356,640.00			$ -	3780	$ 888.00	$ 3,356,640.00	
0209	Not Used				$ -			$ -			$ -	
0210	Diesel Generator	LS	1	$ 410,000.00	$ 410,000.00			$ -	1	$ 410,000.00	$ 410,000.00	
0211	Generator Foundation Pad	LS	1	$ 40,000.00	$ 40,000.00			$ -	1	$ 40,000.00	$ 40,000.00	
0212	Misc. (fence, etc.)	LS	1	$ 25,000.00	$ 25,000.00			$ -	1	$ 25,000.00	$ 25,000.00	
0213	Health and Safety	LS	1	$ 20,000.00	$ 20,000.00			$ -	1	$ 20,000.00	$ 20,000.00	
0214	Incentive	LS	1	$ 150,000.00	$ 150,000.00			$ -	1	$ 150,000.00	$ 150,000.00	
0215	Small Utility Work-Around	LS	1	$ 169,490.20	$ 169,490.20			$ -	1	$ 169,490.20	$ 169,490.20	
0216	F&I Watermain Pipe C900 DR 18 - 10" Dia PVC	LF	792	$ 52.50	$ 41,580.00			$ -	792	$ 52.50	$ 41,580.00	
0217	F&I Watermain Pipe w/GB C900 DR 18 - 10" Dia PVC	LF	682	$ 204.20	$ 139,264.40			$ -	682	$ 204.20	$ 139,264.40	
0218	F&I Gate Valve 10" Dia.	EA	4	$ 4,041.50	$ 16,166.00			$ -	4	$ 4,041.50	$ 16,166.00	
0219	Paint Traffic Signal Poles	EA	9	$ 4,235.00	$ 38,115.00			$ -	9	$ 4,235.00	$ 38,115.00	
0220	Traffic Control Revisions and Concrete Barriers for Xcel Lines	LS	1	$ 13,225.02	$ 13,225.02			$ -	1	$ 13,225.02	$ 13,225.02	
0221	Bridge Lighting	LS	0	$ -	$ -	1	$ 1,815.00	$ 1,815.00	1	$ 1,815.00	$ 1,815.00	
0222	Excavated Concrete Disposal	LS	0	$ -	$ -	1	$ 1,443.46	$ 1,443.46	1	$ 1,443.46	$ 1,443.46	
0223	Winter Traffic Control	LS	0	$ -	$ -	1	$ 3,727.50	$ 3,727.50	1	$ 3,727.50	$ 3,727.50	
WP-42F.1S - TOTAL AMOUNT			**CURRENT BUDGET**		**$ 16,451,202.22**	**NET CHANGE**		**$ 6,985.96**	**NEW BUDGET**		**$ 16,458,188.18**	

PO Box 13500
Grand Forks, ND 58208-3500
701.746.7491

Proposal

Proposal Submitted to Address:	Phone:	Date:
Industrial Builders		11/3/2015
		Addendum

Strata Corporation is pleased to submit the following proposal based upon the info. we've received.

2nd street flood wall

Base Bid

Item	Description	Qty	Unit	Price	Total
	Install temporary feed to bridge street lights	1	EA	$ 1,650.00	$ 1,650.00
				Sum	$ 1,650.00

General Notes:

Testing, Erosion Control, Permits and traffic control are not included in items. All Items Tied.

Surveying for the project is not included. Bond not included.

No power company fees

No: Cost Sharing, TERO fees or Tribal Training Fees.

This Proposal shall be included in our contract or agreement.

Proposal valid for 30 days and on approved credit. All permits are by others. Work associated with pavement marking is by others.

Final payment due upon completion of project. All past due accounts assessed a service fee of 18% annually, or 1.5% monthly.

All material is guaranteed to be specified. All work to be completed in workmanlike manner according to standard practices. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workers Compensation Insurance.

Proposal By: Keith Wolter
Cell No. 701-741-0901
Office No. 701-775-4205

Authorized Signature

Acceptance of Proposal- The above prices, specifications, and conditions are satisfactory and are hereby accepted. you are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: X Signature X

Your Logo Here

CHANGE ORDER REQUEST

Industrial Builders Inc.
15274- - 2nd Street Floodwall and Road Relocation

DATE: 12/04/2015
PCO#: 5

To:	Tyler Smith CH2M Hill Engineer's Inc 657 2nd Ave N Fargo, ND 58105-5405	**From:**	David Goulet Industrial Builders Inc. PO Box 406 Fargo, ND 58107-0406
Phone:	701-566-5470	**Phone:**	701-356-9827
Fax:		**Fax:**	
Email:	tyler.smith@ch2m.com	**Email:**	dgoulet@industrialbuilders.com
CC:			

Below is the detail for our proposal to complete the following changes in contract work:

- **Concrete/ Disposal/ Winter TC**
  - Proposed Scope of Work: Below are the current change orders for the concrete and fill inside of the pump station, disposal of differing site material, and winter traffic control.
  - This change order also will include deducting the interim milestone of "4th street signal modifications" for the 2015 work. This is due to the changes made to the traffic signals and the late start.

PCO Item	Status	Change (in Days)	Quantity	UM	Unit Price	Amount
1 : Pump Station Concrete	Initiated		1.000	L S	26101.40	$26,101.40
This includes #4 rebar @ 24" OC, 4000 psi concrete, 5' of fill, and expansion joint around the perimeter. This price does not include any dowels into the screen wall or pump station.						
2 : Differing Site Condition - Disposal	Initiated		1.000	L S	1443.460	$1,443.46
Please see attached disposal receipts from the landfill.						
3 : Winter Traffic Control	Initiated		1.000	L S	3727.50	$3,727.50
Traffic Control is a subcontractor item. During the bidding phase the maintaining traffic control throughout the winter months was excluding due to no work taking place. See attached original quote that states "35 weeks of maintenance, not including winter suspension" IBI is willing to split the cost with the owner to have signs properly mounted for the winter months.						

Submitted By:

12/04/2015
David Goulet — Date

Approved By:

Tyler Smith — Date
CH2M Hill Engineer's Inc

Disposal

David Goulet

From: Frank Little <flittle@reinercontracting.com>
Sent: Thursday, December 03, 2015 4:57 PM
To: David Goulet
Cc: Lance Grobe
Subject: Change order for Buried Material
Attachments: SKMBT_C28015120317530.pdf

Dave,

Please see attached the receipts for the buried material that was haul to landfill

Trucking to landfill $115.00 hour for 2 hours= $230.00
Landfill disposal fee $1082.24
Total for this change$1,312.24

Thank you
Frank Little

Project Manager/Estimator

Reiner Contracting Inc
21541 Hwy 7 West
Hutchinson, MN 55350

P 320-587-9886
F 320-587-4847

CITY OF FARGO SOLID WASTE
2301 8TH AVE N
FARGO ND 58102
701-241-1449

Terminal ID: 01470985 4572

11/12/15 8:28 AM

Visa Credit - INSERT
AID: A0000000031010
ACCT #: **********2080
CREDIT SALE
UID: 531645313540 REF #: 3149
BATCH #: 107 AUTH #: 012287

AMOUNT $683.62

APPROVED

TC - CA8F663548C705BD

Truck 20
CUSTOMER COPY

Truck 20

City of Fargo Landfill

TICKET NUMBER:
950157

2301 8th Ave. N.
Fargo ND 58102
(701)[illegible]

CUSTOMER#65
CASH
FARGO ND

DATE: 11/12/2015
TIME: 8:17 am
[illegible]: 8:28 am

MATERIAL: COMMERCIAL/IN CITY
GROSS WGT.LB. 70660
TARE WGT.LB. 36680
NET WGT.LB. 33980
NET TONS: 17.99 RATE($/Ton) 38.00 683.62
ADDED FEE 0.00

TOTAL DUE: 683.62

DRIVER:
REMARKS: EMPTY

CITY OF FARGO SOLID WASTE
2301 8TH AVE N
FARGO ND 58102
701-241-1449

Terminal ID: 01470985 4572

11/4/15 3:34 PM

Visa Credit - INSERT
AID: A0000000031010
ACCT #: **********2080
CREDIT SALE
UID: 530842804398 REF #: 2972
BATCH #: 100 AUTH #: 004602

AMOUNT $398.62

APPROVED

TC - A7BC2A6789576941

CUSTOMER COPY

City of Fargo Landfill

TICKET NUMBER: 246719

2301 8th Ave. N.
Fargo ND 58102
(701)282-3400

CUSTOMER #65
CASH
FARGO ND

DATE: 11/04/2015
TIME IN: 3:25 pm
TIME OUT: 3:34 pm

MATERIAL: COMMERCIAL OR CITY
GROSS WGHT. 50360
TARE WGHT. 35400
NET WGHT. 20960
NET TONS: 10.49 RATE ($/Ton) 38.00 398.62
ADDED FEE 0.00

TOTAL DUE: 398.62

DRIVER
DRIVER'S INITIAL

Original TC bid

NorthStar Safety, Inc.
794 West Main Avenue
West Fargo, ND 58078
Tel: 701-282-2110
Fax: 701-281-1400
www.northstarsafety.com

Project	Work Package	Location	State	Bid Date
Flood Control, 2nd Street North South of Pump Station-Phase 42F.1S	**42F.1S**	**Fargo**	**North Dakota**	**7/17/2015**

NorthStar Safety, Inc. (NSI) will supply and install all signs, barricades and channelization devices as per plan sheet(s) C-100-1 - C-100-39. All daily maintenance and providing a Traffic Control Supervisor / Watch Person would be NSI's responsibility for 35 weeks, not including winter suspension.

Payments are to be made by progress payments. If a bond is required, add $4.50/M. Our quote does NOT include Railway Protection Insurance, TERO or any other contract charges. This proposal may be withdrawn if not accepted within 30 days.

Authorized Acceptance Signature _____

Print Name _____

Authorized Signature _____

Technical Staff Recommendation

Meeting Date: 12/4/2015

RECOMMENDATION FOR ACTION:

The Technical Staff have reviewed and recommend approval of the following Contract Action(s).

SUMMARY OF CONTRACTING ACTION:

The Owner's Representative has reviewed and recommends the following Contract Action(s):

List description of Contract Action(s):

Terracon – Materials Testing Services, Task Order No. 1 — $32,920

Authority Work Directive No. 00053

- Perform asbestos abatement monitoring and Quality Assurance services for Work Package 42C.2, Demolition of Park East Apartments.

Summary of Contracting History and Current Contract Action:

Original Agreement or Amendment	Budget ($) Change	Original Project Cost	Revised Project Cost	Project Start	Project Completion	Comments
Task Order No. 1, Amendment 0	$50,000	$0	$50,000	12-Sep-14	31-Dec-16	Provide materials testing services per Owner's QA testing requirements for Owner awarded construction contracts associated with the In Town Levees (WP- 42A.2 and WP-42A.1/A.3).
Task order No. 1, Amendment 1	$400,000	$50,000	$450,000	12-Sep-14	31-Dec-16	Amend testing services for WP-42A.2 and WP-42A.1/A.3, and add materials testing services for WP's: 42C.1, 42C.2, 42F.1S, 42F.1N, 42H.2, and 42I.1
AWD-00053	$32,920	$450,000	$482,920	12-Sep-14	31-Dec-16	Add asbestos abatement monitoring services for WP-42C.2

DISCUSSION

1. Authority Work Directive (AWD) No. 00053 provides authorization for Terracon, the Owner's materials testing firm for the In-Town Levees projects, to perform asbestos abatement monitoring and Quality Assurance services in support of WP-42C.2, Demolition of Park East Apartments. This project requires the contractor to remove asbestos containing material throughout the facility. This is a highly regulated activity that requires specialized oversight personnel. Terracon is the appropriate firm for providing this expertise.
2. The amount of AWD-00053 is based on agreement for a scope of services developed by CH2M and proposed pricing from Terracon. The scope, pricing, and budget will be incorporated into Terracon's Task Order No. 1 through future review and approval of Amendment 2. In the meantime, AWD-00053 provides Terracon the contractual ability to perform these services to support the demolition project schedule.

ATTACHMENT(S):

1. Draft AWD-00053

Submitted by:

Bruce J. Spiller, P.E.
CH2M HILL
Project Manager
Metro Flood Diversion Project

04-DEC-2015
Date

Keith Berndt, Cass County Administrator
Concur: 11-DEC-2015 *Non-Concur:* _____

April Walker, Fargo City Engineer
Concur: _____ *Non-Concur* _____

Mark Bittner, Fargo Director of Engineering
Concur: 11-DEC-2015 *Non-Concur:* _____

Jason Benson, Cass County Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

David Overbo, Clay County Engineer
Concur: 11-DEC-2015 *Non-Concur:* _____

Robert Zimmerman, Moorhead City Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

METRO FLOOD DIVERSION PROJECT

AUTHORITY WORK DIRECTIVE AWD-00053 REV-0

WP-42C.2 Park East Demolition - Asbestos Abatement Monitoring

		WORK TYPE:	OTHER CREDITABLE
TO:	Terracon Consultants, Inc.	DATE INITIATED:	11/23/2015
PROJECT:	WP-42C.2 Park East Demolition		
OWNER:	Metro Flood Diversion Authority		

The following additions, deletions, or revisions to the Work have been ordered and authorized:

OBJECTIVE:

Provide asbestos abatement monitoring services throughout the duration of the asbestos abatement phase of the project to ensure contractor's abatement activities comply with project specifications, local, state and federal regulations.

BACKGROUND:

Cass County Joint Water Resource District retained the services of Techtron Engineering to perform a pre-demolition asbestos and regulated materials inspection at three apartment buildings located at 2nd Street South, Fargo, North Dakota from May 26, 2015 through June 1, 2015. The inspection detected the presence of asbestos in sheetrock joint compound throughout the site at levels greater than 1 percent asbestos. Asbestos was also found on linoleum flooring backing paper underneath the existing flooring. Both friable and non-friable asbestos containing materials were identified in the apartment buildings. Friable materials must be removed by a State certified asbestos abatement contractor prior to demolition.

SCOPE:

Terracon shall provide the following:

Task 1: Asbestos Abatement Monitoring - Terracon will serve as the project consultant as it relates to asbestos abatement for the Park East Demolition project. This will include review of all necessary notices and submittals. Terracon shall provide a State of North Dakota accredited asbestos professional who will be on site for the duration of the abatement. The asbestos professional shall also meet the North Dakota Department of Health requirements for an Asbestos Abatement Project Monitor. Terracon will ensure contractor's abatement activities is in compliance with project specifications, local, state and federal regulations.

Task 2: Reports – prepare daily reports including documentation of all abatement activities by the certified asbestos abatement contractor and weekly summaries with estimated amounts of materials removed from the project site.

Task 3: On site Air Monitoring – conduct ambient air monitoring as needed.

Task 4: Final Closeout Report – prepare a closeout report that will include a description of the work completed, results of air sampling, documentation of final clearances and waste disposal.

DELIVERABLES:

Terracon shall monitor the asbestos activities abatement and provide weekly reports, summary reports and project closeout report.

SCHEDULE:

Throughout the duration of the asbestos abatement phase.

HOW WORK IS PERFORMED:

This work will be performed on a time and material basis.

COST:

Cost incurred under this AWD is not to exceed $32,920.00

REASON FOR CHANGE(S):

Not part of original scope.

ATTACHMENTS (List Supporting Documents):

None

It is understood that this Authority Work Directive will not change the Contract Price or Times, but is evidence that the parties expect a Contract Amendment to be subsequently issued reflecting the changes.

Recommended by: CH2M HILL
Program Management Consultant

Bruce Spiller, P.E.	Program Manager
Name	Title
Bruce J Spiller	04-DEC-2015
Signature	Date

Ordered by: Board of Authority
Owner

Darrell Vanyo	Board Chair
Name	Title
Darrell Vanyo	12/7/2015
Signature	Date

Technical Staff Recommendation

Meeting Date: 12/10/2015

RECOMMENDATION FOR ACTION:

The Technical Staff have reviewed and recommend approval of the following Contract Action(s).

SUMMARY OF CONTRACTING ACTION:

The Owner's Representative has reviewed and recommends the following Contract Action(s):

List description of Contract Action(s):

HMG – AWD-00054 WP-43 OHB Ring Levee **Budget: $ 100,000**

2016 Bid Package Development

Summary of Contracting History and Current Contract Action:

Original Agreement or Amendment	Budget Change ($)	Original Project Cost ($)	Revised Project Cost ($)	Project Start	Project Completion	Comments
Task Order No. 13, Amendment 0	0	425,000	425,000	11/08/2012	09/30/2013	Levee Design and Design Support
Task Order No. 13, Amendment 1	150,000	425,000	575,000	12/13/2012	09/30/2013	Added Design - Ring levee and non-structural improvement evaluations in the upstream staging area.
Task Order No. 13, Amendment 2	4,090,000	576,000	4,665,000	08/08/2013	05/31/2015	Added Design - Phase 1 and 2, and Value Engineering Study
Task Order No. 13, Amendment 3	135,000	4,665,000	4,800,000	11/14/2013	09/30/2014	Added Landscape Architecture and Master Planning Services
Task Order No. 13, Amendment 4	600,000	4,800,000	5,400,000	03/12/2014	09/30/2014	4th St Levee Pump Station Design
Task Order No. 13, Amendment 5	55,000	5,400,000	5,455,000	05/08/2014	09/30/2014	Geotechnical Testing
Task Order No. 13, Amendment 6	549,000	5,455,000	6,004,000	08/14/2014	09/30/2015	Added Design - In Town Levees, 2nd St N Pump Station - Pump station size, computational modeling, floodwall and coordination with City Hall project; In Town Levees, 4th St Pump Station – Emergency generator; OHB Ring Levee; WP-42 and WP-43 Right of Way surveying for Land Acquisition
Task Order No. 13, Amendment 7	115,000	6,004,000	6,119,000	10/09/2014	09/30/2015	OHB Ring Levee Design Modification – 100-year Elevation; WP-42H (El Zagal) Real Estate Drawings
Task Order No. 13, Amendment 8	450,000	6,119,000	6,569,000	02/05/2015	03/31/2016	Phase II ESA 2nd Street/Downtown; 2nd Street N Pedestrian Crossing Evaluation; Mickelson Levee Extension Design
Task Order No. 13, Amendment 9	190,000	6,569,000	6,759,000	03/12/2015	03/31/2016	El Zagal Phase 2 Levee Design
Task Order No. 13, Amendment 10	602,000	6,759,000	7,361,000	06/11/2015	03/31/2016	In Town Levees Design
Task Order No. 13, Amendment 11	418,000	7,361,000	7,779,000	08/13/2016	03/31/2016	OHB Design
AWD 00054, R0 WP-43D Re-Design	100,000	7,779,000	7,879,000	12/17/2015		WP-43 (OHB Ring Levee) – 2016 Bid Package Development

Discussion:

1. HMG is the Engineer of record for the Oxbow-Hickson-Bakke (OHB) Ring Levee (WP-43), and has provided design, bidding, and construction engineering services up to the May 13, 2015 preliminary injunction ordering a stop to all physical construction activities related to the OHB ring levee. The WP-43D construction was delayed due to the preliminary injunction.
2. The MN Draft EIS was completed and the public comment period closed on October 28, 2015. A Final EIS with determination of adequacy and lifting of the injunction is anticipated in 2016. In preparation for the 2016 construction season, this AWD will provide engineering services for the development of a 2016 bid package, including a design update for of a portion of the pump station and gatewell facilities.

Attachments:

1. Draft AWD-00054

Submitted by:

Bruce J. Spiller, P.E.
CH2M HILL
Project Manager
Metro Flood Diversion Project

10 NOV 2015
Date

Keith Berndt, Cass County Administrator
Concur: 11-DEC-2015 *Non-Concur:* _____

April Walker, Fargo City Engineer
Concur: _____ *Non-Concur* _____

Mark Bittner, Fargo Director of Engineering
Concur: _____ *Non-Concur:* _____

Jason Benson, Cass County Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

David Overbo, Clay County Engineer
Concur: 11-DEC-2015 *Non-Concur:* _____

Robert Zimmerman, Moorhead City Engineer
Concur: 11-DEC-2015 *Non-Concur* _____

METRO FLOOD DIVERSION PROJECT

AUTHORITY WORK DIRECTIVE

AWD-00054 REV-0

WP-43D Design Work

		WORK TYPE:	WIK
TO:	Houston-Moore Group, LLC	DATE INITIATED:	12/17/2015
PROJECT:	WP-43 OHB Ring Levee		
OWNER:	Metro Flood Diversion Authority		

The following additions, deletions, or revisions to the Work have been ordered and authorized:

OBJECTIVE:

Provide engineering services to combine the southern half of WP-43 Phase B (USACE Levee) with WP-43 Phase D work package and south Highway 81 and Highway 18 road raises, incorporate review changes, and provide final bid documents.

BACKGROUND:

HMG is the Engineer of record for the Oxbow-Hickson-Bakke (OHB) Ring Levee (WP-43), and has provided design, bidding, and construction engineering services up to the May 13, 2015 preliminary injunction ordering a stop to all physical construction activities related to the OHB ring levee. The WP-43D construction was delayed due to the preliminary injunction.

The MN Draft EIS was completed and the public comment period closed on October 28, 2015. A Final EIS with determination of adequacy and lifting of the injunction is anticipated in 2016. In preparation for the 2016 construction season, this AWD will provide engineering services for the development of a 2016 bid package, including design update for of a portion of the pump station and gatewell facilities.

SCOPE:

Scope of work includes: coordination with the USACE and PMC to combine portions of the WP-43B, WP-43D, and road raise designs into a single construction bid package, design updates for portion of the pump station and gatewell facilities and levee, incorporating USACE and PMC review comment changes into the design, and preparing the final set of bid documents.

DELIVERABLES:

Construction package review set and final bid documents.

SCHEDULE:

Begin upon receipt of AWD.

HOW WORK IS PERFORMED:

This work will be performed on a time and material basis.

COST:

Cost incurred under this AWD is not to exceed $100,000.00. This limit will not be exceeded without further written approval. The above scope of work will be incorporated into a future Task Order No. 13 amendment, which will supersede this AWD. Costs associated with this AWD will be invoiced under existing Task Order No. 13, Levee Design and Design Support.

REASON FOR CHANGE(S):

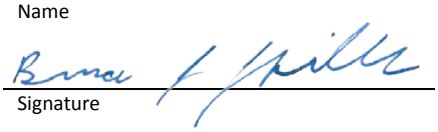
Due to the preliminary injunction, WP-43 (OHB Ring Levee) design and construction work was postponed in 2015. For the 2016 construction package, WP-43B and WP-43D, along with the southern road raises will be combined into a single bid package to decrease the construction schedule. Changes are also needed for the pump station and gatewell structures.

ATTACHMENTS (List Supporting Documents):

None

It is understood that this Authority Work Directive will not change the Contract Price or Times, but is evidence that the parties expect a Contract Amendment to be subsequently issued reflecting the changes.

Recommended by: CH2M HILL
Program Management Consultant

Bruce Spiller, P.E.	Program Manager
Name	Title
	10-DEC-2015
Signature	Date

Ordered by: Board of Authority
Owner

Darrell Vanyo	Board Chair
Name	Title
Signature	Date

Land Management Summary

December 17, 2015

Acquisitions Completed Through November 30, 2015

Property Type	Complete	
	Properties	Acreage
Single-Family Residential	28	35
Subset: Medical Hardship	*5*	*27*
Agricultural	22	2,457
Commercial	4	298
Multi-Family Residential	--	--
Public	3	3
Other	--	--

Acquisition Budget Through November 30, 2015

Fiscal Year	No. Properties Acquired	Lands Budget ($000)	Lands Expenses ($000)	Outstanding Encumbrances ($000)	Remaining Budget ($000)
FY13	4	$28,000	$1,628		n/a
FY14	15	$37,700	$20,006		n/a
FY15	30	$106,700	$58,216	$26,600	$21,884

Other News for month of November:

- There are eighteen (18) homes currently under construction in Oxbow. Six (6) homes have been completed and the owners have been relocated.
- Asbestos abatement activities are ongoing for the Park East property. Demolition activities will commence the week of December 14th.
- Demolition of 345 Schnell Drive, Oxbow, is complete.
- Home move activities for 744 Riverbend Rd, Oxbow, will commence the week of December 14th.
- Closed one (2) residential In-Town properties.
- Did not receive any reviews from USACE on properties that had been previously submitted.
- Several appraisals are awaiting review and approval by USACE, including:
  - Ulteig has two (2) appraisals with USACE for review.
  - HMG has four (4) appraisals with USACE for review.
- Critical In-town property negotiations are continuing with Mid-America Steel, Case Plaza, and the Shakey's & MEPS properties.
- Right of Entry letters have been sent to property owners affected by WP 1-7 Diversion Channel alignment. Team to begin survey and pre acquisition work on these properties once right of entry's received.

Land Management Summary

December 17, 2015

Appraisals Complete or In Negotiation (sorted by closing date)

Street Address	USACE Orig ID No.	Type	Activity[1]	Land Acq Firm/ Appraiser	Est.Closing Date
1314 Elm St N	9125	Residential	Closed	HMG/Britton	
24 North Terrace	9195	Residential	Closed	HMG/Britton	
16678 3rd St S	1802	Residential	Purchase Agreement Signed	HMG/Britton	
Agricultural property *266ac – S23, T137, R49; S24, T137, R49*	1975, 1985	Agricultural	Purchase Agreement Signed	Ulteig/Bock	
1313 Elm St N	9126	Residential	Purchase Agreement Signed	HMG/Britton	
833 Riverbend Road	9504	Residential	Purchase Agreement Signed	ProSource/McKinzie	
821 Riverbend Road	9506	Residential	Purchase Agreement Signed	ProSource/Hraba	
813 Riverbend Road	9508	Residential	Purchase Agreement Signed	ProSource/Hraba	
805 Riverbend Road	9510	Residential	Purchase Agreement Signed	ProSource/Hraba	
749 Riverbend Road	9511	Residential	Purchase Agreement Signed	ProSource/McKinzie	
810 Riverbend Road	9595	Residential	Purchase Agreement Signed	ProSource/Hraba	
828 Riverbend Road	9599	Residential	Purchase Agreement Signed	ProSource/Hraba	
840 Riverbend Road	9600	Residential	Purchase Agreement Signed	ProSource/Hraba	
852 Riverbend Road (owner of 3 other parcels)	9603	Residential	Purchase Agreement Signed	ProSource/McKinzie	
326 Schnell Drive	9641	Residential	Purchase Agreement Signed	ProSource/Hraba	
328 Schnell Drive	9642	Residential	Purchase Agreement Signed	ProSource/Hraba	
332 Schnell Drive	9644	Residential	Purchase Agreement Signed	ProSource/Hraba	
334 Schnell Drive	9645	Residential	Purchase Agreement Signed	ProSource/Hraba	December, 2015
350 Schnell Drive	9649	Residential	Purchase Agreement Signed	ProSource/Hraba	December, 2015
330 Schnell Drive	9643	Vacant Lot	Purchase Agreement Signed	ProSource/Hraba	
309 Schnell Drive (owner of 2 other parcels)	9654	Residential	Purchase Agreement Signed	ProSource/McKinzie	

Land Management Summary

December 17, 2015

Street Address	USACE Orig ID No.	Type	Activity[1]	Land Acq Firm/ Appraiser	Est.Closing Date
317 Schnell Drive	9656	Residential	Purchase Agreement Signed	ProSource/Hraba	
321 Schnell Drive	9657	Residential	Purchase Agreement Signed	ProSource/Hraba	
325 Schnell Drive	9658	Residential	Purchase Agreement Signed	ProSource/McKinzie	
329 Schnell Drive	9659	Residential	Purchase Agreement Signed	ProSource/Hraba	
337 Schnell Drive	9661	Residential	Purchase Agreement Signed	ProSource/Hraba	
341 Schnell Drive	9662	Residential	Purchase Agreement Signed	ProSource/McKinzie	
365 Schnell Drive	9668	Vacant Lot	Purchase Agreement Signed	Ulteig/Bock	
City of Fargo - School District 1	9777	Commercial	Purchase Agreement Signed	HMG/Britton	
Agricultural property *157ac – S10, T141, R49; S10, T141, R49*	0547, 0548	Agricultural	In Negotiation	Ulteig/Bock	
Agricultural property *45ac – S25, T138, R50*	1201	Agricultural	In Negotiation	Direct negotiations	
Agricultural property *214ac – S13, T137, R49; S14, T137, R49*	1930, 1940, 1941	Agricultural	In Negotiation	Ulteig/Bock	
5302 174 ½ Ave SE	1898	Residential	In Negotiation	HMG/Britton	
5017 171 Ave SE	1953	Residential	In Negotiation	Ulteig/Bock	
6 North Terrace #6	8926	Residential	In Negotiation	HMG/Britton	
6 North Terrace #5	8927	Residential	In Negotiation	HMG/Britton	
6 North Terrace #4	8928	Residential	In Negotiation	HMG/Britton	
6 North Terrace #3	8929	Residential	In Negotiation	HMG/Britton	
2 North Terrace #2	8930	Residential	In Negotiation	HMG/Britton	
2 North Terrace #1	8931	Residential	In Negotiation	HMG/Britton	
12 North Terrace	9168	Residential	In Negotiation	HMG/Britton	
Mid America Steel	9215, 9216, 9217, 9218, 9783	Commercial	In Negotiation	HMG/Britton	
17556 Pfiffer Dr	9383	Residential	In Negotiation	Ulteig/Bock	
17465 49th St SE	9403	Residential	In Negotiation	Ulteig/Bock	
839 Riverbend Road	9503	Residential	In Negotiation	Ulteig/Bock	
829 Riverbend Road	9505	Residential	In Negotiation	ProSource/Hraba	

Land Management Summary

December 17, 2015

Street Address	USACE Orig ID No.	Type	Activity[1]	Land Acq Firm/ Appraiser	Est.Closing Date
817 Riverbend Road	9507	Residential	In Negotiation	ProSource/McKinzie	
809 Riverbend Road	9509	Vacant Lot	In Negotiation	Ulteig/Bock	
808 Riverbend Road (2 parcels at this address)	9593, 9594	Residential	In Negotiation	ProSource/McKinzie	
816 Riverbend Road	9596	Residential	In Negotiation	ProSource/Hraba	
844 Riverbend Road	9601	Residential	In Negotiation	ProSource/Hraba	
856 Riverbend Road (owner at 852 Riverbend)	9604	Vacant Lot	In Negotiation	ProSource /Bock	
860 Riverbend Road (owner at 852 Riverbend)	9605	Vacant Lot	In Negotiation	ProSource /Bock	
864 Riverbend Road (owner at 852 Riverbend)	9606	Vacant Lot	In Negotiation	ProSource /Bock	
872 Riverbend Road	9607	Vacant Lot	In Negotiation	ProSource /Bock	
869 Riverbend Road	9608	Vacant Lot	In Negotiation	ProSource /Bock	
873 Riverbend Road	9609	Vacant Lot	In Negotiation	ProSource /Bock	
477 Oxbow Drive	9614	Vacant Lot	In Negotiation	ProSource /Bock	
473 Oxbow Drive	9615	Vacant Lot	In Negotiation	ProSource /Bock	
469 Oxbow Drive	9616	Vacant Lot	In Negotiation	ProSource /Bock	
465 Oxbow Drive	9617	Vacant Lot	In Negotiation	ProSource /Bock	
461 Oxbow Drive	9618	Vacant Lot	In Negotiation	ProSource /Bock	
457 Oxbow Drive	9619	Vacant Lot	In Negotiation	ProSource /Bock	
455 Oxbow Drive	9620	Vacant Lot	In Negotiation	ProSource /Bock	
425 Oxbow Drive	9628	Vacant Lot	In Negotiation	ProSource /Bock	
338 Schnell Drive	9647	Residential	In Negotiation	ProSource/Hraba	
354 Schnell Drive	9650	Vacant Lot	In Negotiation	Ulteig/Bock	
358 Schnell Drive	9651	Vacant Lot	In Negotiation	Ulteig/Bock	
313 Schnell Drive	9655	Residential	In Negotiation	ProSource/Hraba	
Case Plaza LLC	9770	Commercial	In Negotiation	HMG/Britton	
5059 Makenzie Cir, Horace	9672	Residential	In Negotiation	ProSource/Hraba	
Feder Realty Co.	9776	Commercial	In Negotiation	HMG/Britton	
BNSF	9259, 9779, 9780	Commercial	In Negotiation	HMG/Britton	
4989 Klitzke Dr	9440	Residential	In Negotiation	Ulteig/Bock	

Land Management Summary

December 17, 2015

Street Address	USACE Orig ID No.	Type	Activity[1]	Land Acq Firm/ Appraiser	Est.Closing Date
Agricultural Property *320ac – S28, T137, R48; S37, T137, R48*	1790,1811	Agricultural	In Negotiation	Crown/Berg	
City of Fargo	9772	Commercial	Appraisal in Review	HMG/Britton	

[1] Activity sequence: 1) Appraisal in Review; 2) In Negotiation; 3) Purchase Agreement Signed, 4) Closed

Appraisals in Progress (sorted by Activity, then Original ID Number)

Street Address	USACE Orig ID No.	Type	Activity[1]	Land Acq Firm/ Appraiser
843 Riverbend Road	9502	Residential	Appraisal Initiated	ProSource/Bock
848 Riverbend Road	9602	Residential	Appraisal Initiated	ProSource/Bock
Rural address	9670, 9671	Residential	Appraisal Initiated	Ulteig/Bock
City of Fargo	9768	Commercial	Appraisal Initiated	HMG/Britton
City of Fargo - Housing Authority	9769	Commercial	Appraisal Initiated	HMG/Britton
17471 49th St SE	9411	Residential	Appraisal Assigned	Ulteig/Bock
Easement - 16 1st Avenue	9464	Commercial	Appraisal Assigned	Ulteig/Bock
Easement - 308 Main Ave	9469, 9495, 9496	Commercial	Appraisal Assigned	Ulteig/Bock
Easement - 182 Main Ave	9470	Residential	Appraisal Assigned	Ulteig/Bock
Easement - Horace Rural Fire Dept.	9472, 9473	Commercial	Appraisal Assigned	Ulteig/Bock
Easement - PO Box 203	9474	Commercial	Appraisal Assigned	Ulteig/Bock
Easement - Pleasant Twp	9475, 9476, 9477	Commercial	Appraisal Assigned	Ulteig/Bock
Easement - 626 Evergreen	9494	Commercial	Appraisal Assigned	Ulteig/Bock
Easement - Jack Nick LLC	9497, 9498, 9501	Commercial	Appraisal Assigned	Ulteig/Bock
Easement - PO Box 367	9576, 9579	Commercial	Appraisal Assigned	Ulteig/Bock
Easement - Hickson Grain Company	9577, 9578	Commercial	Appraisal Assigned	Ulteig/Bock

[1] Activity stages: 1) Appraisal Assigned 2) Owner notified; 3) Appraisal Initiated

[2] Easements are being acquired for an internal drainage project

Easements in Progress on Publicly Owned Parcels (sorted by Activity, then Original ID Number)

Street Address	USACE Orig ID No.	Type	Activity[1]
City of Fargo - Park District	9212. 9771, 9781, 9784	Commercial	Easements Obtained
Oxbow Job Development Authority *Permanent easement*	9581	Residential	Easement Identified

[1] Activity stages: 1) Easement Identified; 2) Easement in Process; 3) Easement Secured

[2] These Publicly Owned Parcels have entered into a MOU with the DA, therefore not requiring the parcels go through the appraisal process.

Fiscal Year 2016 Budget Summary

December 15, 2015

Overview

The Diversion Authority Fiscal Year 2016 (FY16) budget is presented to continue to implement permanent flood protection for the metro area and achieve the following:

1. Continue On-Going Activities
    a. Support MN DNR through completion of its EIS
    b. Complete substantial portions of in-town flood protection for downtown Fargo, El Zagal, and Mickelson
    c. Support Corps and Local Design and Construction Projects
    d. Advance Mitigation Projects
    e. Support Diversion Commitment to Retention Projects
    f. Fulfill Non-Federal Sponsor Requirements

2. Prepare for Split Delivery Project Implementation
    a. Negotiate the Project Partnership Agreement with the Corps
    b. Complete a Financial Plan to support P3 delivery
    c. Initiate the procurement of a P3 contractor
    d. Amend Diversion Authority JPA
    e. Acquire lands along the channel and diversion inlet
    f. Support Corps construction contracts on Southern Embankment and Associated Infrastructure split delivery

Background

The Diversion Authority FY16 is on a calendar year basis, which will begin January 1, 2016 and end December 31, 2016. Previously, fiscal years paralleled the federal fiscal year basis, October 1 through September 30. The fiscal year basis was changed by the Diversion Authority Board in 2015 and FY15 was changed to a 15-month fiscal year ending on December 31, 2015.

Summary of previous budgets:

FY12 -- $13M

FY13 -- $32M

FY14 -- $70M

FY15 -- $224M ($13M carryover from FY2014 and $211M new)

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Fiscal Year 2016

The proposed FY16 Budget is $237.5M, including $96.3M in FY2015 committed costs, and $141.2M in new allocations.

The proposed FY16 budget assumes the following will occur in Q1/Q2 2016:

- MN DNR will issue its Final EIS,
- The Preliminary Injunction for construction of the OHB Ring Levee will be lifted, and
- Federal appropriations will be identified.

The budget consists of seven main categories:

Design/Permitting	**$ 7.5 M**
Land Acquisition	**$ 109.9 M**
Construction	**$ 88.0 M**
Management/Legal/Finance	**$ 12.9 M**
Mitigation	**$ 0.8 M**
Utility Relocates	**$ 17.0 M**
Retention	**$ 1.4 M**
Total	**$ 237.5 M**

Design/Permitting

The budget includes completion of designs for In-Town Levees (WP-42) and OHB Ring Levee (WP-43), as well as support for Corps design of the Southern Embankment and Associated Infrastructure, support for procurement of the P3 Developer, and permit preparation. Also included is carry-over funding, along with additional funding, for the DNR to complete its EIS.

This portion of the budget also includes engineering services during construction.

Land Acquisition

The budget for land acquisition includes the completion of acquisitions for In-Town Levees (WP-42), and OHB Ring Levee (WP-43). It also assumes acquisitions for CR16/17 bridge and road project (WP-28), which is required to be under construction before the Corps can begin construction of Diversion Gated Inlet (WP-26), for which the land is also included. Land acquisition also includes planning for additional medical hardship acquisitions and other opportunistic land purchases.

Land acquisition for the Public-Private Partnership (P3) project, the Diversion Channel and Associated Infrastructure (DCAI), is planned to be completed in three phases to be spread over 3 fiscal years, FY2016, FY2017, and FY2018. The FY2016 budget includes 50 percent of the Phase 1 acquisitions.

This portion of the budget also includes land acquisition services.

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Construction

The budget for construction includes continued construction of In-Town Levees (WP-42) (including completion of the 2nd Street and 4th Street pump stations), construction of the 2nd Street floodwall and road relocation, levee construction in El Zagal and Mickelson, demolition of Howard Johnson's and Fargo Public Schools (partial) and demolition or removal of houses. The budget also includes resuming construction of the OHB Ring Levee (WP-43), including portions of the levee, storm water pump station, ponds and piping, and road raises, as well as demolition or relocation of houses in Oxbow. Also included in the budget is CR 16/17 bridge and road project (WP-28).

This portion of the budget also includes construction management, materials testing, and construction surveying.

Management/Legal/Financial

The budget includes services for program management, including oversite of Diversion Authority contracts, coordination with the Corps, coordination with DNR, change management, public involvement, government affairs, schedule and budget control, and document control; legal, including local development and review of contracts and agreements, outside counsel for litigation support, and outside counsel for P3 Developer procurement support; and financial advisor overall P3 funding and procurement support.

Mitigation

The budget includes design of river restorations and riparian wetland mitigation around OHB utilizing the golf course holes outside the ring levee footprint. Initiate additional local cemetery mitigation outreach is included. Also within the budget is funding for additional study of agricultural mitigation, including supplemental income / crop insurance.

Utility Relocates

The budget includes utility relocates for OHB Ring Levee (WP-43), the Diversion Channel and Associated Infrastructure, and In-Town Levees (WP-42).

Retention

The budget includes cost share funding for Phase I retention project upstream of Halstad. Projects proposed and recommended for Phase I funding approval include six projects in Minnesota; including three Buffalo Red River Watershed District projects and three Bois de Sioux Watershed District projects.

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FY2016 Budget

12/15/2015

Program Budget	Remaining Obligated	FY2016 New	FY2016 Total	State Water Commission Eligible
PROGRAM	**96,300,000**	**141,200,000**	**237,500,000**	**150,000,000**
Land Acquisition	**44,100,000**	**65,800,000**	**109,900,000**	**109,900,000**
In Town Levees (WP-42)	11,816,032	1,000,000	12,816,032	12,816,032
OHB Levee (WP-43)	29,132,882	14,554,689	43,687,571	43,687,571
DCAI Phase 1 (50%)	-	10,000,000	10,000,000	10,000,000
Staging Area (WP-38)	1,526,000	7,000,000	8,526,000	8,526,000
CR16/17 and Gated Inlet (WP-26, WP-28)	-	1,228,371	1,228,371	1,228,371
The following USACE projects go to bid April 2018 Wild Rice Control Structure I29 Bridge and Road Raise CR-81 Bridge and Road Raise BNSF Moorhead RR Raise Hwy 75 Bridge and Road Raise Drayton Dam Mitigation Wild Rice Mitigation	-	14,248,217	14,248,217	14,248,217
Hardship	800,900	3,000,000	3,800,900	3,800,900
Opportunistic	865,497	7,000,000	7,865,497	7,865,497
Land Acquisition Mgmt	-	7,755,000	7,755,000	7,755,000
Construction	**39,600,000**	**48,400,000**	**88,000,000**	**42,800,000**
In-Town Levees (WP-42)	30,176,712	22,849,888	53,026,600	25,513,300
WP-42A.1/A.3: 4th St. Pump Station and Floodwall	9,458,410	-	9,458,410	4,729,205
WP-42A.2: 2nd St. N Pump Station	3,231,532	-	3,231,532	1,615,766
WP-42F.1S: Flood Control, 2nd St. N, So. of 3rd	16,396,882	-	16,396,882	8,198,441
WP-42F.1N: Flood Control, 2nd St. N, No. of 3rd	-	16,500,000	16,500,000	8,250,000
WP-42C.1: Demolition, HoJo, Shakey's, FPS	-	2,000,000	-	-
WP-42C.2: Demolition, Park East Apartments	1,089,888	1,089,888	2,179,776	1,089,888
WP-42H.2: El Zagal Phase 2 Levee	-	2,100,000	2,100,000	1,050,000
WP-42I: Mickelson Levee Extension	-	1,160,000	1,160,000	580,000
OHB Levee (WP-43)	432,666	10,207,500	10,640,166	5,128,750
FY 2015 Schnell & Other Demos	50,000	207,500	257,500	128,750
WP-43B/D/E: Pump Station, Gatewell, Road Raise, Levee	-	10,000,000	10,000,000	5,000,000
Other	8,948,152	15,350,000	24,298,152	12,149,076
Oxbow Development (OJDA)	536,000	100,000	636,000	318,000
WP-28: CR16/17 Bridge	-	10,000,000	10,000,000	5,000,000
Oxbow Country Club Golf Course (RTJ II)	7,023,661	-	7,023,661	3,511,830
Construction Management	-	2,750,000	2,750,000	1,375,000
Services During Construction	1,049,491	2,000,000	3,049,491	1,524,746
Materials Testing (Braun [WP43]; Terracon [WP42])	339,000	500,000	839,000	419,500
Design/Permitting	**5,100,000**	**2,400,000**	**7,500,000**	**3,000,000**
HMG	3,574,348	2,145,983	5,720,331	2,855,166
TO-1: Project Management	678,346	450,000	1,128,346	564,173
TO-6: Land Management Services	34,968	200,000	234,968	117,484
TO-8: Work-In-Kind	211,766	400,000	611,766	305,883
TO-9: Hydrology & Hydraulic Modeling	319,935	300,000	619,935	309,968
TO-10: Utility Design	181,602	-	181,602	90,801
TO-13: Levee Design	998,134	-	998,134	499,067
TO-15: Draft Operations Plan	175,309	-	175,309	87,655
TO-16: Permit Submittal Preparation and Other Related Services	127,908	100,000	227,908	113,954
TO-18: CR16/17 Bridge Design	596,380	-	596,380	298,190
TO-19: PPP Development	250,000	500,000	750,000	375,000
Beaver Creek	111,000	-	111,000	55,500
Task Order 01 - Cultural Resources Investigations	111,000	-	111,000	55,500
URS	260,639	-	260,639	130,320
Task Order 01 - Cultural Resources Investigations	260,639	-	260,639	130,320
MN DNR	1,200,000	300,000	1,500,000	
Proj Mgmt/Legal/Financing	**1,000,000**	**11,900,000**	**12,900,000**	**6,400,000**
Corps	-	-	-	-
PMC	840,000	7,000,000	7,840,000	3,920,000
Legal	-	3,500,000	3,500,000	1,750,000
Financing	156,209	1,350,000	1,506,209	753,105
Mitigation	**-**	**800,000**	**800,000**	**400,000**
Riparian / Wetlands	-	-	-	-
Cemeteries	-	-	-	-
Agricultural	-	-	-	-
Utility Relocates	**6,100,000**	**10,900,000**	**17,000,000**	**8,000,000**
In-Town Levee (WP-42) Utility Relocation	5,339,394	1,000,000	6,339,394	2,669,697
CenturyLink	2,586,742	-	2,586,742	1,293,371
CableOne	148,511	-	148,511	74,256
702 Communications	75,953	-	75,953	37,976
Enventis	1,491,567	-	1,491,567	745,783
Xcel	874,255	-	874,255	437,128
AT&T	162,366	-	162,366	81,183
DCAI Utility Relocations	-	7,774,500	7,774,500	3,887,250
Cass Rural Water	-	465,000	465,000	232,500
Cass County Electric	-	696,000	696,000	348,000
Cenex		1,203,000	1,203,000	601,500
Century Link	-	219,000	219,000	109,500
Midcontinent Communications		87,500	87,500	43,750
WAPA		650,000	650,000	325,000
Magellan	-	900,000	900,000	450,000
Minnkota Power	-	3,554,000	3,554,000	1,777,000
OHB Ring Levee (WP-43) Utility Relocations	697,752	2,114,263	2,812,015	1,406,008
Cass Rural Water District	-	761,000	761,000	380,500
Cass County Electric	347,752	458,997	806,749	403,375
Sprint	350,000	-	350,000	175,000
Red River Communications	-	52,230	52,230	26,115
Midcontinent Communications	-	391,036	391,036	195,518
City of Fargo	-	451,000	451,000	225,500
Retention	**400,000**	**1,000,000**	**1,400,000**	**-**
Phase 1 Funding - Bois de Sioux WD, Brandrup 9	32,980	250,000	282,980	-
Phase 1 Funding - Bois de Sioux WD, RedPath	90,000	250,000	340,000	-
Phase 1 Funding - Bois de Sioux WD,Western 32	22,400	250,000	272,400	-
Phase 1 Funding - BRRWD, Stoney Creek	86,000	250,000	336,000	-
Phase 1 Funding - BRRWD, Upper South Branch	74,022	-	74,022	-
Phase 1 Funding - BRRWD, Barnesville Township	60,746	-	60,746	-
Phase 2 Funding - LA / Project Design	-	-	-	-
Phase 3 Funding - Construction	-	-	-	-

Diversion Authority All-Entity Informational Meeting

FY16 Budget Presentation

December 15, 2015

Informational Meeting in support of the FY16 Diversion Authority Budget

- **6 Entities entered into a Joint Powers Agreement**
  - Agreed that a flood risk management project is necessary
  - Agreed to cooperate to plan, design, and manage the Project
- **FY16 Diversion Authority Budget Process**
  - Diversion Authority Finance and Technical Advisory Staff previewed budget in November
  - Each of the six entities and the Diversion Authority will be presented the FY16 Budget for formal consideration
- **This is an informational briefing – no action is being requested at this time**
- **PMC and Corps cost estimates expected in Q1 2016**

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Budget Presentation Proposed Schedule

6-Entity Informational Meeting	December 15
Diversion Authority	December 17
CCJWRD	December 17
Cass County	December 21
Fargo	December 21
Clay County	December 22
Moorhead	January 11
BRRWD	January 11

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Budget Overview

- **FY16 Budget = $237.5 Million (FY15 was $224M)**
  - Includes existing obligations of $96.3 Million
  - New obligations of $141.2 Million
  - $150 Million is eligible for potential ND SWC cost share credit
- **Budget Assumptions for 2016**
  - MN DNR will issue Final EIS
  - Litigation will be resolved
  - Federal appropriations and a new start are obtained

4

Budget Goals:

- Continue On-going Activities
- Prepare for Split Delivery Project Implementation

5

Budget Goal: Continue On-going Activities

- Support MN DNR through completion of its EIS
- Complete substantial portions of in-town protection for downtown Fargo, El Zagal, and Mickelson
- Support Corps and Local Design and Construction Projects
- Advance Mitigation Projects
- Support Diversion Commitment to Retention Projects
- Fulfill Non-Federal Sponsor Requirements

6

Budget Goal: Prepare for Split Delivery Project Implementation

- Negotiate the Project Partnership Agreement with the Corps
- Complete a Financial Plan to support P3 delivery
- Initiate the procurement of a P3 contractor
- Amend Diversion Authority JPA
- Acquire lands along the channel and diversion inlet
- Support Corps construction contracts on Southern Embankment and Associated Infrastructure split delivery

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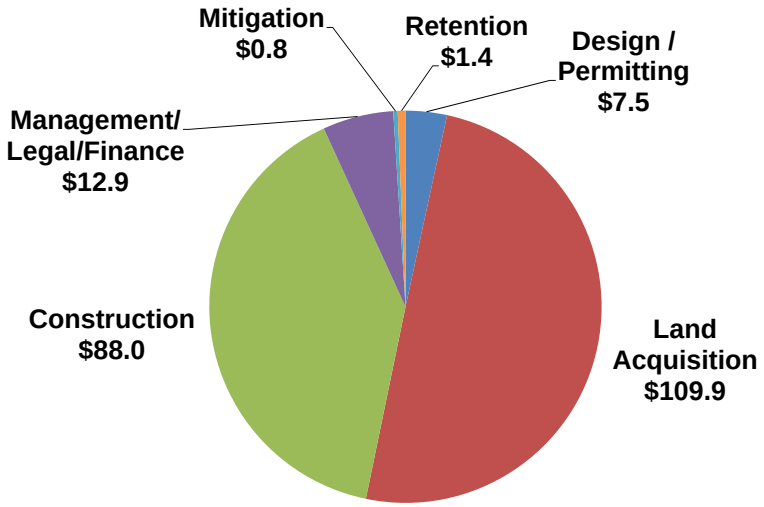
FY16 Budget Components



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FY 2016 Budget = $237.5 Million

Design & Permitting

- **Additional funding for the MN DNR to complete its EIS**
- **Completion of design**
  - In-Town Levees (WP-42)
  - OHB Ring Levee (WP-43)
- **Support for Corps design of the Southern Embankment and Associated Infrastructure (Split Delivery)**
- **Technical support for P3 procurement**
- **Engineering services during construction**

10

Land Acquisition

- **Completion of acquisitions for In-Town Levees (WP-42) and OHB Ring Levee (WP-43)**
- **Acquisitions for CR16/17 bridge and road project (WP-28)**
- **Acquisition for Diversion Inlet (WP-26)**
- **Land acquisition along the Diversion Channel to accommodate P3 delivery**
  - To be completed in three phases spread over 3 years
  - The FY16 budget includes 50 percent of the Phase 1 acquisitions
- **Additional medical hardship acquisitions and other opportunistic land purchases as they arise**
- **Land acquisition services (appraisers, negotiators, closing services, etc.)**

11

Construction

- **In-Town Levees (WP-42)**
  - El Zagal
  - Mickelson
  - 2nd Street and 4th Street pump stations
  - 2nd Street floodwall and road relocation
- **Resume construction of the OHB Ring Levee (WP-43) after MN EIS is complete and legal clearance is obtained**
- **CR 16/17 bridge and road project (WP-28)**
- **Construction management, materials testing, and construction surveying**

12

Management/Legal/Financial

- Manage and support design, construction, and P3 procurement activities
- Provide legal and litigation support
- Engage legal counsel for P3 procurement
- Develop overall financial plan and P3 procurement
- Support Authority's responsibilities as the Non-Federal Sponsor

13

Mitigation

- River restorations and riparian wetland mitigation
- Initiate local cemetery mitigation outreach following the release of MN EIS
- Additional study of agricultural mitigation

Utility Relocates

- Utility relocates
  - OHB Ring Levee (WP-43)
  - Diversion Channel and Associated Infrastructure
  - In-Town Levees (WP-42)

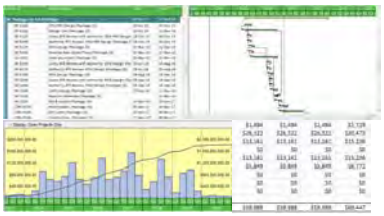
15

Retention (Study and Fund)

Projects	Committed Budget (to date)	Maximum Eligible FMDA Funding	Estimated Total Project Cost	Remaining Retention Budget ($)
Upstream Retention Commitment				$25,000,000
RRBC – HUR Study	$500,000			$24,500,000
BRRWD: Stony Creek FDR and Restoration	$86,800	$1,736,000	$10,000,000	$22,764,000
BdSWD: Brandrup 9 Impoundment	$32,980	$659,600	$6,500,000	$22,104,400
BdSWD: Redpath	$90,000	$1,800,000	$34,600,000	$20,304,400
BdSWD: Western 32	$22,400	$448,000	$5,600,000	$19,856,400
BRRWD: Upper South Branch	$74,022	$1,480,440	$21,100,000	$18,375,960
BRRWD: Barnesville Township	$60,746	$1,214,920	$15,200,000	$17,161,040
Total:	**$866,948**	**$7,338,960**	**$93,000,000**	

2016 Budget Supports Integrating the Cost Estimates, Schedule, and Financial Plan

Cost-loaded Schedule



- Project Activities
- Implementation Logic
- Costs (Capital and O&M)

Financial Model

- Construction Funding
- Long-term Financing Structure
- Revenue Streams (e.g. sales tax)
- Availability Payments

17

Questions?

18

Item 9c.

Finance Committee Bills for December 2015

Vendor	Description	Amount
Fredrikson & Bryon, P.A.	Government Relations Fee - November	$3,500.00
Fredrikson & Bryon, P.A.	Government Relations Fee - December	$3,500.00
Dorsey & Whitney	Legal Services Rendered through 10/31/2015	$84,112.49
Cass County Joint Water Resource District	Reimburse Diversion bills	$3,909,485.93
Erik R. Johnson & Associates, Ltd.	Metro Flood Project - General Legal Matters for November	$8,001.90
Erik R. Johnson & Associates, Ltd.	Metro Flood Project - LEERDS Matters for November	$1,035.30
Nixon Peabody	Legal services for bank loan financing	$30,000.00
Ohnstad Twichell, P.C.	Bond counsel work - PPA Research	$7,209.00
Dorsey & Whitney	Legal Services Rendered through 11/30/2015	$62,694.45
Total Bills Received in November		$4,109,539.07

Fredrikson & BYRON, P.A.

REMITTANCE PAGE

Diversion Board of Authority
211 9th Street South
P.O. Box 2806
Fargo, ND 58108-2806

Please remit this page with your payment. Thank you. We appreciate your business.

Invoice:	1340585
Client Account:	072720.0001
Regarding:	Government Relations LOB 30321
Invoice Date:	November 10, 2015

Total Fees:	$ 3,500.00
Total This Invoice	$ 3,500.00

Payment is due within 30 days from receipt of invoice

If you have any questions please email accounting@fredlaw.com or contact a client representative at 612.492.7574.

Communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to Fredrikson & Byron, PA, Attn: Credit Department, 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402

main 612.492.7000
fax 612.492.7077
www.fredlaw.com
Tax ID No. 41-0971937

Fredrikson & Byron, P.A.
Attorneys & Advisors
P.O. Box 1484
Minneapolis, Minnesota
55480-1484

Fredrikson & BYRON, P.A.

INVOICE DETAIL

Diversion Board of Authority
211 9th Street South
P.O. Box 2806
Fargo, ND 58108-2806

Invoice: **1340585**
Client Account: **072720.0001**
Regarding: **Government Relations LOB 30321**
Invoice Date: **November 10, 2015**

Government Relations flat fee payment 5 of 12.

Total For Fees	**$ 3,500.00**

Total This Invoice	**$ 3,500.00**

Communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to Fredrikson & Byron, PA, Attn: Credit Department, 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402

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Fredrikson & Byron, P.A.
Attorneys & Advisors
P.O. Box 1484
Minneapolis, Minnesota
55480-1484

Fredrikson & BYRON, P.A.

REMITTANCE PAGE

Diversion Board of Authority
211 9th Street South
P.O. Box 2806
Fargo, ND 58108-2806

Please remit this page with your payment. Thank you. We appreciate your business.

Invoice:	1344050
Client Account:	072720.0001
Regarding:	Government Relations LOB 30321
Invoice Date:	December 3, 2015

Total Fees:	$ 3,500.00
Total This Invoice	$ 3,500.00

Payment is due within 30 days from receipt of invoice

If you have any questions please email accounting@fredlaw.com or contact a client representative at 612.492.7574.

Communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to Fredrikson & Byron, PA, Attn: Credit Department, 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402

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Attorneys & Advisors
P.O. Box 1484
Minneapolis, Minnesota
55480-1484

Fredrikson & BYRON, P.A.

INVOICE DETAIL

Diversion Board of Authority
211 9th Street South
P.O. Box 2806
Fargo, ND 58108-2806

Invoice: **1344050**
Client Account: **072720.0001**
Regarding: **Government Relations LOB 30321**
Invoice Date: **December 3, 2015**

Government Relations flat fee payment 6 of 12.

Total For Fees	**$ 3,500.00**

Total This Invoice	**$ 3,500.00**

***Please note that Fredrikson & Byron will be adjusting its standard hourly billing rate schedule for services rendered after January 1, 2016 If you have questions about the billing rates of specific individuals, please feel free to contact your attorney.*

Fredrikson & Byron, P.A.
Attorneys & Advisors
P.O. Box 1484
Minneapolis, Minnesota
55480-1484

main 612.492.7000
fax 612.492.7077
www.fredlaw.com
Tax ID No. 41-0971937

Communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to Fredrikson & Byron, PA, Attn: Credit Department, 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402

DORSEY
DORSEY & WHITNEY LLP

MINNEAPOLIS OFFICE
612-340-2600

(Tax Identification No. 41-0223337)

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

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

November 20, 2015
Invoice No. 3241726

RECEIVED
DATE 11-23-15

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

For Legal Services Rendered Through October 31, 2015

INVOICE TOTAL

Total For Current Legal Fees	$82,905.00
Total For Current Disbursements and Service Charges	$1,207.49
Total For Current Invoice	**$84,112.49**

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

ABA Routing Number: 091000022
Account Number: 1602-3010-8500
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

03053

CITY OF
Fargo

Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorneys
Nancy J. Morris
Jason T. Loos

December 1, 2015

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

Re: Red River Diversion Project

Dear Kent:

I am enclosing a Summary Invoice dated November 20, 2015 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through October 31, 2015 on the Red River 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/jmf
Enclosure
cc: Bruce Grubb

V00101
790-7930-429.33.25

CASS COUNTY GOVERNMENT

Cass County
Joint Water
Resource
District

Mark Brodshaug
Chairman
Fargo, North Dakota

Rodger Olson
Manager
Leonard, North Dakota

Dan Jacobson
Manager
West Fargo, North Dakota

Ken Lougheed
Manager
Gardner, North Dakota

Raymond Wolfer
Manager
Argusville, North Dakota

November 30, 2015

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

Greetings:

RE: Metro Flood Diversion Project
In-Town Levees Project
Access and Diversion Project Assessment Committee (DPAC)
Oxbow-Hickson-Bakke Ring Levee Project
Oxbow Golf and Country Club – Golf Course Construction

Enclosed please find copies of bills totaling $3,909,485.93 regarding the above referenced projects. The breakdown is as follows:

In-Town Levees	1,015,645.14
Access issues	114,082.61
DPAC	565.00
Oxbow-Hickson-Bakke Ring Levee	1,217,054.96
Oxbow Golf and Country Club	1,562,138.22

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 July 7, 2014.

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

METRO FLOOD DIVERSION RIGHT OF ENTRY/LAND ACQUISITION COST SHARE INVOICES 11/30/15

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/12/2015	10/30/2015	138537	140007	1,843.50	Ohnstad Twichell, P.C.	Legal-Diversion Bond
11/12/2015	10/21/2015	138366	100007	1,089.60	Ohnstad Twichell, P.C.	Legal-Diversion Right of Entry
11/12/2015	10/21/2015	138373	130007	28,341.59	Ohnstad Twichell, P.C.	Legal-Diversiono ROW Acquisition
11/12/2015	10/21/2015	138365	90007	272.00	Ohnstad Twichell, P.C.	Legal-PMC open records
11/12/2015	11/4/2015	67876	38810	512.00	Larkin Hoffman Attorneys	Legal-rights of entry
11/12/2015	10/15/2015	1225	2001	63,963.07	Houston-Moore Group	Engineering - Right of entry services
11/12/2015	10/13/2015	54042	R12.00049	13,351.75	Ulteig Engineers	Engineering - Land Management Services, Appraisals, Land acquisition
11/25/2015	11/10/2015	54516	R12.00049	4,709.10	Ulteig Engineers	Engineering - Land Management Services, Appraisals, Land acquisition
			Total	**114,082.61**		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/25/15	11/18/15	381047607	479407	130,000.00	CH2M Hill Engineers, Inc.	Construction Management Services
11/12/15	10/27/15			5,250.00	Thomas Hocking	Rental Assistance claim
11/12/2015	10/20/2015			3,990.00	Martin Coleman	Final rental assistance claim
11/12/2015	9/21/2015			25,700.00	Wayne Haug and The Title Company	Replacement Housing claim
11/12/2015	9/21/2015			3,175.00	Wayne Haug	Replacement Housing claim
11/12/2015	11/2/2015	Draw1-A		288,443.93	Spirit Properties, Inc.	Sidestreet Grille relocation
11/25/2015	11/25/2015			182,437.38	The Title Company	Wayne Haug property purchase
11/12/2015	11/3/2015	478011506		135.33	Xcel Energy	Service to 1330 Elm, 18 N Terrace, 1326 and 1322 Elm
11/25/2015	11/17/2015	479826424		1,450.23	Xcel Energy	Service to 1 2nd St S
11/12/2015	10/27/2015	381045290		28,496.85	CH2M Hill Engineers, Inc.	Land Acquisition Management Services-22%
11/12/2015	10/27/2015	381045294		130,000.00	CH2M Hill Engineers, Inc.	Construction Management Services
11/12/2015	10/19/2015	1226		180,951.80	Houston-Moore Group	Engineering-negotiation and acquisition services
11/25/2015	11/18/2015	381047606		24,689.49	CH2M Hill Engineers, Inc.	Land Acquisition Management Services-22%
11/12/2015	10/31/2015	4877		2,474.00	Sentry Security Inc	Security Patrol services for Park East Apt
11/25/2015	11/14/2015	4899		5,015.38	Sentry Security Inc	Security Patrol services for Howard Johnson
11/25/2015	11/14/2015	4904		3,435.75	Sentry Security Inc	Security Patrol services for Park East Apt
			Total	**1,015,645.14**		

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/12/2015	10/21/2015	138369	120007	340.00	Ohnstad Twichell, P.C.	Legal-DPAC
11/12/2015	10/21/2015	138405	150007	225.00	Ohnstad Twichell, P.C.	Legal-Garaas appeal
			Total	**565.00**		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/12/2015	10/21/2015	138379	140007	9,206.97	Ohnstad Twichell, P.C.	Legal - OHB property purchases
11/17/2015	11/17/2015			124,000.00	Jeffrey and Catherine Anderson	lot purchase
11/17/2015	11/17/2015			82,021.00	Jeffrey and Catherine Anderson	builder down payment
11/18/2015	11/18/2015			148,000.00	Marie B. Talley	lot purchase
11/18/2015	11/18/2015			81,366.00	Marie B. Talley	builder down payment
11/19/2015	11/19/2015			108,000.00	Kent and Melissa Rademacher	lot purchase
11/19/2015	11/19/2015			77,000.00	Kent and Melissa Rademacher	builder down payment
11/24/2015	11/23/2015			139,000.00	Paul and Valerie Benson	lot purchase
11/24/2015	11/23/2015			50,000.00	Paul and Valerie Benson	builder down payment
11/5/2015	10/25/2015			94.79	Cass Rural Water Users District	Service to 17495 52 St SE
11/12/2015	11/5/2015			26.29	Cass County Electric Cooperative	Service to 336 Schnell Dr
11/12/2015	11/5/2015			185.40	Cass County Electric Cooperative	Service to 346 Schnell Dr
11/12/2015	11/5/2015			32.35	Cass County Electric Cooperative	Service to 345 Schnell Dr
11/12/2015	11/5/2015			55.10	Cass County Electric Cooperative	Service to 349 Schnell Dr
11/12/2015	11/5/2015			126.18	Cass County Electric Cooperative	Service to 353 Schnell Dr
11/12/2015	11/5/2015			35.82	Cass County Electric Cooperative	Service to 357 Schnell Dr
11/12/2015	11/5/2015			87.31	Cass County Electric Cooperative	Service to 361 Schnell Dr
11/12/2015	11/5/2015			33.48	Cass County Electric Cooperative	Service to 748 Riverbend Rd
11/12/2015	11/5/2015			49.83	Cass County Electric Cooperative	Service to 752 Riverbend Rd
11/12/2015	11/5/2015			356.82	Cass County Electric Cooperative	Service to 5059 Mackenzie Cir
11/25/2015	11/12/2015			45.86	Cass County Electric Cooperative	Service to 17495 52 St SE
11/12/2015	9/30/2015	16600	2830-00	49,262.03	ProSource Technologoies, LLC	Project management, acquisition and relocation services

11/12/2015	10/27/2015	381045290		101,034.27	CH2M Hill Engineers, Inc.	Land Acquisition Management Services-78%
11/25/2015	11/18/2015	381047606		87,535.46	CH2M Hill Engineers, Inc.	Land Acquisition Management Services-78%
11/27/2015	9/24/2015	9738	17525	60,000.00	City of Oxbow	Utility relocation - engineering services
11/27/2015	9/24/2015	10524	18007	99,500.00	City of Oxbow	Sewer relocation - engineering services
			Total	**1,217,054.96**		

OXBOW COUNTRY CLUB INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/12/2015	10/9/2015		60691	2,578.57	Oxbow Golf and Country Club	reimbursement of equipment rental
11/12/2015	10/12/2015	1784		1,794.78	Oxbow Golf and Country Club	reimbursement of diesel fuel for pumps
11/12/2015	10/9/2015	15013-PH5	15013	11,648.49	Oxbow Golf and Country Club	reimbursement MBA construction services
11/12/2015	9/30/2015	9		919,922.62	Oxbow Golf and Country Club	reimbursement of golf course construction
11/12/2015	9/28/2015	11166	18229	689.05	Oxbow Golf and Country Club	reimbursement of engineering construction staking
11/13/2015	11/9/2015			100,000.00	Oxbow Golf and Country Club	reimbursement of cart path
11/25/2015	10/7/2015	9		13,000.00	Oxbow Golf and Country Club	reimbursement of consultant fees
11/25/2015	10/23/2015		60691	1,786.41	Oxbow Golf and Country Club	reimbursement of equipment rental
11/25/2015	10/29/2015			1,431.00	Oxbow Golf and Country Club	reimbursement of diesel fuel for pumps
11/25/2015	10/31/2015	10		495,848.75	Oxbow Golf and Country Club	reimbursement of golf course construction
11/25/2015	11/2/2015	10		13,000.00	Oxbow Golf and Country Club	reimbursement of consultant fees
11/25/2015	10/22/2015	11364	18229	438.55	Oxbow Golf and Country Club	reimbursement of engineering construction staking
			Total	**1,562,138.22**		
			Grand Total	**3,909,485.93**		

Erik R. Johnson & Associates, Ltd.
Attorneys at Law
505 Broadway Street North – Suite 206
Fargo, ND 58102
Phone: (701) 280-1901
Fax: (701) 280-1902

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

City of Fargo – Auditor's Office
Attn: Kent Costin
200 North Third Street
Fargo, ND 58102

November 25, 2015
Invoice No. 2356

RE: Metro Flood Project – General Legal Matters

For Legal Services Rendered Through November 25, 2015

INVOICE TOTAL

Total for Current Legal Fees	$ 8,001.90
Total for Current Disbursements and Service Charges	$ 0
Total for Current Invoice	**$ 8,001.90**

Summary of Account

*Prior Balance Due	$ 0
Total Amount Due	$ 8,001.90

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

790-7910-4129.33-25 V00102

We appreciate your business.

Erik R. Johnson & Associates, Ltd.
Attorneys at Law
505 Broadway Street North – Suite 206
Fargo, ND 58102
Phone: (701) 280-1901
Fax: (701) 280-1902

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

City of Fargo – Auditor's Office
Attn: Kent Costin
200 North Third Street
Fargo, ND 58102

November 25, 2015
Invoice No. 2355

RE: Metro Flood Project – LEERDS Matters

For Legal Services Rendered Through November 25, 2015

INVOICE TOTAL

Total for Current Legal Fees	$ 1,035.30
Total for Current Disbursements and Service Charges	$ 0
Total for Current Invoice	**$ 1,035.30**

Summary of Account

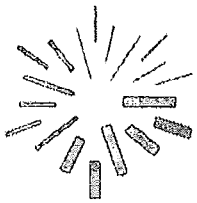
*Prior Balance Due	$ 0
Total Amount Due	$ 1,035.30

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

790-7930-429.33-25

V00103

We appreciate your business.



NIXON PEABODY

FEDERAL I.D. NO. 16-0764720

NIXON PEABODY LLP
ATTORNEYS AT LAW

NIXONPEABODY.COM
@NIXONPEABODYLLP

437 Madison Avenue
New York, NY 10022
TEL: (212) 940-3000
FAX: (212) 940-3111

May 29, 2015

City of Fargo, North Dakota
200 3rd Street, N.
Fargo, North Dakota 58108
Attention: Director of Finance

FOR **LEGAL SERVICES RENDERED AND DISBURSEMENTS INCURRED** as counsel to U.S. Bank National Association (the "Bank") in connection with the preparation, execution and delivery of, among other documents, the Loan Agreement, dated as of May 1, 2015 (the "Agreement"), between the City of Fargo, North Dakota (the "City") and the Bank, pursuant to which Agreement the Bank will agree to make available up to $50,000,000 to the City.

TOTAL FEES AND DISBURSEMENTS.....$30,000.00

Bank Name:	**JPMorgan Chase Bank, Rochester, NY 14643**
ABA Routing #:	**021000021**
Account Name:	**Nixon Peabody LLP**
Account #:	**938761475**
SWIFT Code:	**CHASUS33**
Invoice Number:	***9663394***

190-7990429-33-25
V00102

OHNSTAD TWICHELL, P.C.
901 13TH AVENUE EAST
PO BOX 458
WEST FARGO ND 58078-0458
WK 701-282-3249 FAX 701-282-0825
Federal I.D. #45-0310621

November 30, 2015

FLOOD DIVERSION BOARD
PO BOX 2806
FARGO, ND 58108-2806

Invoice# 139158 JTS
Our file# 151395 00000
Billing through 11/21/2015

BOND COUNSEL WORK - PPA RESEARCH 1

Balance forward as of invoice dated	01/01/00	$0.00
Last payment received	01/01/1900	$0.00
A/R adjustments made since last invoice		$0.00
Accounts receivable balance carried forward		$0.00

PROFESSIONAL SERVICES

11/02/2015	AJM	(Paralegal Andrea J. Murphy) File organization of Statements of Qualifications received from legal firms; prepare for attorney review.	0.50	hrs	125.00 /hr	62.50
11/03/2015	JTS	(Supervising attorney John Shockley) Review Statements of Qualifications for national law firms; organize; take notes.	0.40	hrs	275.00 /hr	110.00
11/04/2015	JTS	Attend conference call regarding selection of PPP national counsel with Keith Berndt, Bruce, etc.	1.30	hrs	275.00 /hr	357.50
11/06/2015	JTS	Continue review of RFQ responses; e-mail correspondence with Martin regarding submission.	0.50	hrs	275.00 /hr	137.50
11/09/2015	JTS	Work on scope of services for national law firm.	0.30	hrs	275.00 /hr	82.50
11/12/2015	JTS	Attend conference call; interview potential national PPP law firms; extensive questions with various law firm providers.	3.00	hrs	275.00 /hr	825.00
11/12/2015	JTS	Review and respond to e-mail regarding national PPP counsel.	0.20	hrs	275.00 /hr	55.00
11/12/2015	KJS	(Associate attorney Katie J. Stearns) Interoffice conference with attorney John Shockley regarding PPP local research.	0.60	hrs	160.00 /hr	96.00
11/13/2015	JTS	Attend telephone conference regarding interviews with National PPP law firms.	0.50	hrs	275.00 /hr	137.50
11/13/2015	KJS	Research PPP and eminent domain.	4.50	hrs	160.00 /hr	720.00
11/16/2015	KJS	Research eminent domain authority in re: PPP project.	5.80	hrs	160.00 /hr	928.00
11/17/2015	JTS	Attend telephone interviews of RFQ respondents.				

PURSUANT TO SECTION 13-01-14, NDCC, A LATE PAYMENT CHARGE OF 1% PER MONTH IS ASSESSED UPON ACCOUNTS NOT PAID 30 DAYS FROM BILLING DATE. THANK YOU.

		1.50 hrs	275.00 /hr		412.50
11/17/2015	AJM	Assist with meeting preparations; office conference regarding contacting references of national law firm finalists.			
		0.30 hrs	125.00 /hr		37.50
11/17/2015	KJS	Research and draft memo to attorney John Shockley regarding PPP ability to waive performance and payment bond requirements.			
		4.30 hrs	160.00 /hr		688.00
11/18/2015	JDR	Exchange email with attorney Katie J. Stearns and legislative council.			
		0.30 hrs	150.00 /hr		45.00
11/18/2015	JTS	Attend meeting at Cass County Courthouse to discuss future temporary financing with Kent Kostin and Mike M.			
		0.80 hrs	275.00 /hr		220.00
11/18/2015	AJM	Assist with documents for meeting preparation; review RFQ's of national counsel firms for contact information; contact references for finalist national law firms to schedule calls with attorney John Shockley.			
		0.90 hrs	125.00 /hr		112.50
11/18/2015	KJS	Research and draft memo to attorney John Shockley regarding utilizing market analysis for eminent domain value in re: PPP.			
		4.30 hrs	160.00 /hr		688.00
11/19/2015	JTS	Conference with Katie regarding project research.			
		0.30 hrs	275.00 /hr		82.50
11/19/2015	AJM	Schedule phone conference with a reference listed by a finalist, national law firm for national counsel; research to locate contact information for several references listed; prepare list of client contacts/references that were contacted to schedule phone conferences with attorney John Shockley to discuss the finalist law firms.			
		1.10 hrs	125.00 /hr		137.50
11/19/2015	KJS	Research and draft memo to attorney John Shockley regarding "public use" of diversion channel; interoffice conference with attorney John Shockley regarding bonding.			
		3.10 hrs	160.00 /hr		496.00
11/20/2015	JTS	Review notes from PPA call and summarize topics for work directive.			
		0.50 hrs	275.00 /hr		137.50
11/20/2015	AJM	Emails with reference (MW) for P3 national counsel finalist to schedule phone conference call with attorney John Shockley; telephone call to P3 finalist reference (LB) to schedule phone conference with attorney John Shockley and follow up with emailed meeting invite with contact information; office conference with paralegal Carol Stillwell regarding remaining reference to contact.			
		0.90 hrs	125.00 /hr		112.50
11/20/2015	KJS	Research and draft memo to attorney John Shockley regarding "public use" of right-of-way in re: PPP.			
		3.30 hrs	160.00 /hr		528.00
		Total fees for this matter			$7,209.00

BILLING SUMMARY

Total fees	$7,209.00
Total of new charges for this invoice	**$7,209.00**
Total balance now due	**$7,209.00**

CITY OF Fargo

Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorneys
Nancy J. Morris
Jason T. Loos

December 10, 2015

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

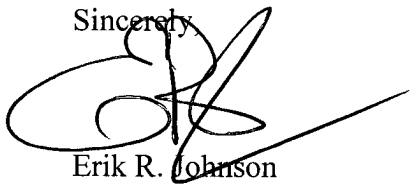
Re: Red River Diversion Project

Dear Kent:

I am enclosing a Summary Invoice dated December 3, 2015 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through November 3, 2015 on the Red River 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/jmf
Enclosure
cc: Bruce Grubb

DORSEY
DORSEY & WHITNEY LLP

MINNEAPOLIS OFFICE
612-340-2600

(Tax Identification No. 41-0223337)

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

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

December 3, 2015
Invoice No. 3244844

RECEIVED
BY DATE 12-7-15

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

For Legal Services Rendered Through November 30, 2015

INVOICE TOTAL

Total For Current Legal Fees	$62,173.50
Total For Current Disbursements and Service Charges	$520.95
Total For Current Invoice	**$62,694.45**
Summary of Account	
*Prior Balance Due	$84,112.49
Total Amount Due	$146,806.94

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

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

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

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

ABA Routing Number: 091000022
Account Number: 1602-3010-8500
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

03053

FM Diversion Authority
Fiscal Accountability Report Design Phase (Fund 790)
As of 11/30/2015

	2011	2012	2013	2014	2015	Cumulative Totals
Revenues						
City of Fargo	443,138	7,652,681	7,072,961	19,373,131	25,488,099	60,030,009
Cass County	443,138	7,652,681	7,072,961	19,373,131	25,488,099	60,030,009
State Water Commission	-	-	3,782,215	602,918	27,057,861	31,442,994
Other Agencies	98,475	1,700,595	1,571,769	4,305,140	5,664,022	13,340,001
Lease/Rental Payments	-	-	17,358	154,180	180,341	351,879
Asset Sales	-	-	-	616,774	280,883	897,657
Miscellaneous	-	-	1,705	626	427	2,758
Total Revenues	**984,750**	**17,005,957**	**19,518,970**	**44,425,900**	**84,159,730**	**166,095,308**
Expenditures						
7905 Army Corp Payments	-	-	875,000	1,050,000	2,725,000	4,650,000
7910 WIK - Administration	107,301	331,321	77,614	169,019	269,525	954,779
7915 WIK - Project Design	149,632	5,366,147	3,220,859	9,118,723	4,607,974	22,463,334
7920 WIK - Project Management	679,037	7,223,650	4,695,477	3,579,339	4,500,955	20,678,459
7925 WIK - Recreation	-	163,223	-	-	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	2,763,404	17,013,358	52,253,938	75,922,983
7931 LERRDS - Minnesota	-	27,996	289,387	13,068	32,452	362,902
7940 WIK Mitigation - North Dakota	-	-	-	587,180	-	587,180
7941 WIK Mitigation - Minnesota	-		-	-	-	-
7950 Construction - North Dakota	-	-	-	1,738,638	12,700,468	14,439,106
7951 Construction - Minnesota	-	-	-	-	-	-
7952 Construction - O/H/B	-	-	-	11,282,504	4,849,783	16,132,287
7955 Construction Management	-	-	-	556,209	2,548,447	3,104,656
7990 Project Financing	-	50,000	70,000	216,376	494,753	831,129
7995 Project Eligible - Off Formula Costs	-	-	-	-	-	-
7999 Non Federal Participating Costs	116	-	-	-	-	116
0000 Advance to City of Oxbow	-	-	7,527,231	630	-	7,527,861
					-	
Total Expenditures	**984,750**	**17,005,957**	**19,518,970**	**45,325,044**	**84,983,294**	**167,818,016**

FM Diversion Authority
FY 2015 Summary Budget Report (In Thousands)
October 1, 2014 through December 31, 2015
As of November 30, 2015

	FY 2015 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
Revenue Sources						
City of Fargo	59,040	2,194	31,616			27,424
Cass County	59,040	2,194	31,616			27,424
State of ND - 50% Match	57,200	2,581	23,906			33,294
State of ND - 100% Match	35,800	-	7,199			28,601
State of Minnesota	-	-	-			-
Other Agencies	13,120	487	7,026			6,094
Financing Proceeds	-	-	-			-
Sale of Assets	-	35	281			(281)
Property Income	-	-	193			(193)
Miscellaneous	-	-	0			(0)
Total Revenue Sources	**224,200**	**7,491**	**101,838**			**122,362**
Funds Appropriated						
Army Corp Local Share	525	-	2,725		2,279	(4,479)
Management Oversight	7,200	765	9,180	128%	3,314	(5,294)
Technical Activities	16,575	772	7,676	46%	3,038	5,861
Land Acquisitions	106,700	5,734	58,216	55%	26,600	21,884
Construction	91,300	20	24,617	27%	43,494	23,189
Mitigation	-	-	-		-	-
Other Costs	1,900	200	610	32%	516	774
Total Appropriations	**224,200**	**7,491**	**103,024**	**46%**	**79,241**	**41,935**

FM Diversion Authority
Summary of Cash Disbursements
November 2015

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-20	11/30/2015	JB11150019	CITY OF FARGO	1,460.00	CHARGE COF TIME - 11/15	V00102	General & Admin. WIK
			Total WIK - General & Admin. - Accounting Services	**1,460.00**			
790-7910-429.33-25	11/18/2015	263371	ERIK R JOHNSON & ASSOCIATES	$ 6,250.05	GENERAL LEGAL MATTERS	V00102	General & Admin. WIK
			Total WIK - General & Admin. - Legal Services	**6,250.05**			
790-7910-429.38-68	11/18/2015	263377	FREDRIKSON & BYRON, PA	3,500.00	GOV RELATIONS LOB 30321	V00102	General & Admin. WIK
			Total WIK - General & Admin. - Lobbyist	**3,500.00**			
790-7915-429.33-05	11/18/2015	263448	MINNESOTA DNR	447,796.36	MN EIS STUDY	V00701	MN DNR EIS
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	723.45	AUG 2015	V01607	RECREATION/USE MASTER PLN
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	29,635.85	AUG 2015	V01608	WORK-IN-KIND (WIK)
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	161,283.20	AUG 2015	V01609	HYDROLOGY/HYDRAULIC MODEL
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	96,324.22	AUG 2015	V01613	LEVEE DESIGN & SUPPORT
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	6,983.50	AUG 2015	V01615	DRAFT OPERATIONS PLAN
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	1,368.00	AUG 2015	V01616	PERMIT SUBMITTAL PREP
	11/18/2015	263511	URS CORPORATION	27,419.47	CULTURAL RESOURCE INVEST	V01003	CULTURAL RESOURCES INVEST
			Total WIK - Project Design - Engineering Services	**771,534.05**			
790-7920-429.33-05	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	48,103.58	AUG 2015	V01601	HMG - PROJECT MANAGEMENT
			Total WIK Construction Mgmt. - Engineering Services	**48,103.58**			
790-7920-429.33-79	11/18/2015	263356	CH2M HILL ENGINEERS INC	425,000.00	TAKS ORDER #5	V00205	CH2M Hill-8.30.14-2.27.15
			Total WIK Construction Mgmt. - Construction Management	**425,000.00**			
790-7930-429.33-05	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	18,374.75	FM DIVERSION	V01201	Cass Joint Water ROE
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	314,312.03	FM DIVERSION	V02807	CASS JOINT WATER IN-TOWN
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	235.50	AUG 2015	V01606	LAND MANAGEMENT SERVICES
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	604.50	AUG 2015	V01611	REACH 6 & CR20 BRIDGE
	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	72,392.05	AUG 2015	V01618	WP28 - CR-16/CR-17 BRIDGE
			Total LERRDS - North Dakota - Engineering Services	**405,918.83**			
790-7930-429.33-25	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	24,155.32	FM DIVERSION	V01201	Cass Joint Water ROE
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	1,627.00	FM DIVERSION	V01202	Cass Joint Water DPAC
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	15,367.28	FM DIVERSION	V01203	Cass Joint Water OHB
	11/18/2015	263371	ERIK R JOHNSON & ASSOCIATES	1,690.65	LEERDS MATTERS	V00103	General & Admin. LERRDS
			Total LERRDS - North Dakota - Legal Services	**42,840.25**			
790-7930-429.33-79	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	66,526.18	FM DIVERSION	V01203	Cass Joint Water OHB

FM Diversion Authority
Summary of Cash Disbursements
November 2015

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	18,763.80	FM DIVERSION	V02807	CASS JOINT WATER IN-TOWN
			Total LERRDS - North Dakota - Construction Management	**85,289.98**			
790-7930-429.38-61	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	7,643.25	FM DIVERSION	V01703	ND LAND PURCH - IN TOWN
			Total LERRDS - North Dakota - Security Services	**7,643.25**			
790-7930-429.38-99	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	142.33	FM DIVERSION	V01203	Cass Joint Water OHB
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	17,900.00	FM DIVERSION	V01703	ND LAND PURCH - IN TOWN
			Total LERRDS - North Dakota - Other Services	**18,042.33**			
790-7930-429.41-05	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	86.23	FM DIVERSION	V01701	ND LAND PURCH-OUT OF TOWN
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	43.50	FM DIVERSION	V01703	ND LAND PURCH - IN TOWN
			Total LERRDS - North Dakota - Water and Sewer	**129.73**			
790-7930-429.62-51	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	569.96	FM DIVERSION	V01701	ND LAND PURCH-OUT OF TOWN
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	151.28	FM DIVERSION	V01703	ND LAND PURCH - IN TOWN
			Total LERRDS - North Dakota - Electricity	**721.24**			
790-7930-429.67-11	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	9,546.14	FM DIVERSION	V01703	ND LAND PURCH - IN TOWN
	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	(357.79)	FM DIVERSION	V02411	OXBOW MOU-RESIDENT RLCTN
			Total LERRDS - North Dakota - Residential Buildings	**9,188.35**			
790-7930-429.67-12	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	5,132,579.60	FM DIVERSION	V01703	ND LAND PURCH - IN TOWN
			Total LERRDS - North Dakota - Commercial Buildings	**5,132,579.60**			
790-7931-429.73-20	11/18/2015	263357	CLAY COUNTY AUDITOR	31,826.71	DEMO 387 170TH AVE SW	V02302	MN LAND PURCHASE-HARDSHIP
			Total LERRDS - Minnesota - Site Improvements	**31,826.71**			
790-7950-429.73-70	11/12/2015	263250	ONE	3,575.00	FIBER RELOCATION-2ND ST	V02808	COF REROUTE FIBER OPTIC
	11/25/2015	263621	PRIMORIS AEVENIA INC	16,230.00	FIBER RELOCATION	V02814	COF FIBER RELOCATION
			Total ND Construction - Utilities	**19,805.00**			
790-7955-429.33-05	11/18/2015	263387	HOUSTON-MOORE GROUP LLC	150,895.36	AUG 2015	V02806	CONSTRUCTION SVCS WP42
			Total Construction Management - Engineering Services	**150,895.36**			
790-7955-429.33-79	11/25/2015	263553	CASS COUNTY JOINT WATER RESOURCE DI	130,000.00	FM DIVERSION	V01203	Cass Joint Water OHB
			Total Construction Management - Construction Management	**130,000.00**			

FM Diversion Authority
Summary of Cash Disbursements
November 2015

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7990-429.34-55	11/25/2015	263587	JP MORGAN CHASE-LOCKBOX PROCESSING	6,562.50	FINANCIAL ADVISORY SERVIC	V03301	PPP FINANCL ADVISORY SVCS
			Total Project Financing - Financial Advisor	**6,562.50**			
790-7990-520.80-20	11/2/2015	JB11150001	US BANK	25,590.28	US BANK INTEREST PAYMENT	V02902	$50M FARGO USBANK ADVANCE
	11/2/2015	JB11150001	US BANK	168,201.15	US BANK INTEREST PAYMENT	V02901	$50M CASS US BANK ADVANCE
			Total ND Construction - Utilities	**193,791.43**			
			Total Disbursed for Period $	**7,491,082.24**			

FM Diversion Authority
Cumulative Vendor Payments Since Inception
As of November 30, 2015

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
CASS COUNTY JOINT WATER RESOUR	$ 105,267,376.30	$ 73,298,271.38	$ 31,969,104.92	Land Purchases, O/H/B Ring Levee, DPAC, & ROE
HOUSTON-MOORE GROUP LLC	28,848,598.10	23,082,244.20	5,766,353.90	Engineering Services
INDUSTRIAL BUILDERS INC	25,118,446.97	5,490,032.89	19,628,414.08	2nd St North Pump Station Project and 2nd Street Floodwall, South of Pump Station
CH2M HILL ENGINEERS INC	18,665,819.01	17,390,819.01	1,275,000.00	Project Management
INDUSTRIAL CONTRACT SERVICES I	17,796,063.63	8,347,624.18	9,448,439.45	4th St Pump Station and 2nd Street Floodwall
OXBOW, CITY OF	14,804,345.96	13,839,776.53	964,569.43	City of Oxbow - MOU
ARMY CORP OF ENGINEERS	6,929,000.00	4,650,000.00	2,279,000.00	Local Share
COMMERCIAL TITLE LLC	3,869,541.00	3,869,541.00	-	Oxbow MOU - Advance for Land Purchase
TITLE COMPANY	3,641,500.00	3,641,500.00	-	Oxbow MOU - Advance for Land Purchase
CENTURYLINK COMMUNICATIONS	2,586,742.00	-	2,586,742.00	Utility Relocation
DORSEY & WHITNEY LLP	2,485,821.43	2,485,821.43	-	Legal Services
MINNESOTA DNR	2,188,007.43	2,188,007.43	-	EIS Scoping
URS CORPORATION	1,775,118.42	1,514,480.05	260,638.37	Engineering Services
KENNELLY & OKEEFFE	1,729,310.56	1,729,310.56	-	Home Buyouts
CONSOLIDATED COMMUNICATIONS	1,324,403.00	214,745.03	1,109,657.97	Utility Relocation
LANDWEHR CONSTRUCTION INC	1,089,888.00	-	1,089,888.00	Demo Park East Apartments
XCEL ENERGY-FARGO	890,530.93	16,275.85	874,255.08	Utility Relocation
MOORE ENGINEERING INC	662,468.17	662,468.17	-	Engineering Services
DUCKS UNLIMITED	587,180.00	587,180.00	-	Wetland Mitigation Credits
HOUSTON ENGINEERING INC	576,669.57	576,669.57	-	Engineering Services
RED RIVER BASIN COMMISSION	500,000.00	447,747.40	52,252.60	Engineering Services
ENVENTIS	497,594.62	115,685.62	381,909.00	Utility Relocation
NORTHERN TITLE CO	484,016.00	484,016.00	-	Land Purchases
US BANK	450,091.39	450,091.39	-	Loan Advance Debt Service Payments
TERRACON CONSULTING ENGINEERS	450,000.00	173,440.91	276,559.09	Materials Testing
AT&T	441,330.44	-	441,330.44	Utility Relocation
ERIK R JOHNSON & ASSOCIATES	408,808.16	408,808.16	-	Legal Services
JP MORGAN CHASE-LOCKBOX PROCES	350,000.00	84,422.39	265,577.61	Financial Advisor
CITY OF FARGO	330,878.71	330,878.71	-	Digital Imagery Project, Utility Relocation & Accounting Svcs
702 COMMUNICATIONS	275,862.91	199,910.18	75,952.73	Utility Relocation
CASS COUNTY TREASURER	245,565.40	245,565.40	-	Property Tax
ROBERT TRENT JONES	200,000.00	200,000.00	-	Oxbow MOU - Golf Course Consulting Agreement
CABLE ONE (FARGO)	148,511.37	-	148,511.37	Utility Relocation
PFM PUBLIC FINANCIAL MANAGEMEN	146,460.00	146,460.00	-	Financial Advisor
NDSU BUSINESS OFFICE-BOX 6050	135,167.00	135,167.00	-	Ag Risk Study Services
BEAVER CREEK ARCHAEOLOGY	111,000.00	-	111,000.00	Engineering Services
UNITED STATES GEOLOGICAL SURVE	104,600.00	104,600.00	-	Water Level Discharge Collection
PROSOURCE TECHNOLOGIES, INC	100,000.00	8,324.94	91,675.06	Engineering Services
ULTEIG ENGINEERS INC	100,000.00	-	100,000.00	Engineering Services
BRAUN INTERTEC CORP	90,210.00	77,629.00	12,581.00	Quality Testing

FM Diversion Authority
Cumulative Vendor Payments Since Inception
As of November 30, 2015

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
EL ZAGAL TEMPLE HOLDING CO	68,040.72	68,040.72	-	Easement Purchase for El Zagal Levee
GRAY PANNELL & WOODWARD LLP	66,300.68	66,300.68	-	Legal Services
OHNSTAD TWICHELL PC	65,035.11	65,035.11	-	ROE and Bonding Legal Fees
FREDRIKSON & BYRON, PA	63,000.00	38,500.00	24,500.00	Lobbying Services
IN SITU ENGINEERING	54,800.00	47,973.00	6,827.00	Quality Testing
ADVANCED ENGINEERING INC	50,000.00	50,000.00	-	Public Outreach
US GEOLOGICAL SURVEY	46,920.00	46,920.00	-	Stage Gage Installation
GEOKON INC	33,815.36	33,815.36	-	Vibrating Wire Piezometer Equipment
CLAY COUNTY AUDITOR	33,796.71	33,796.71	-	Property Tax, Home Buyout Demo
COLDWELL BANKER	33,066.02	33,066.02	-	Property Management Services
NIXON PEABODY LLC	30,000.00	30,000.00	-	Legal Services
WARNER & CO	19,900.00	19,900.00	-	General Liability Insurance
PRIMORIS AEVENIA INC	16,230.00	16,230.00	-	Utility Relocation
INNOVATIVE ABSTRACT & TITLE CO	15,921.53	15,921.53	-	Oxbow MOU - Advance for Land Purchase
MOORHEAD, CITY OF	15,062.90	15,062.90	-	ROE Legal Fees
BRIGGS & MORGAN PA	12,727.56	12,727.56	-	Legal Services
ND WATER USERS ASSOCIATN	5,000.00	5,000.00	-	Membership Dues
ONE	3,575.00	3,575.00	-	Utility Relocation
MCKINZIE METRO APPRAISAL	3,200.00	3,200.00	-	Appraisal Services
FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-	Advertising Services
DAWSON INSURANCE AGENCY	1,867.81	1,867.81	-	Property Insurance - Home Buyouts
FORUM COMMUNICATIONS (ADVERT)	1,743.77	1,743.77	-	Advertising Services
NORTH DAKOTA TELEPHONE CO	1,697.00	1,697.00	-	Communication
SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-	Public Outreach
RED RIVER TITLE SERVICES INC	1,305.00	1,305.00	-	Abstract Updates
HUBER, STEVE	1,056.43	1,056.43	-	Home Buyouts
TRIO ENVIRONMENTAL CONSULTING	747.60	747.60	-	Asbestos and LBP Testing - Home Buyouts
BNSF RAILWAY CO	600.00	600.00	-	Permit for 4th St N Project
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
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
CURTS LOCK & KEY SERVICE INC	138.10	138.10	-	Service Call - Home Buyouts
GOOGLE LOVEINTHEOVEN	116.00	116.00	-	Meeting Incidentals
FEDERAL EXPRESS CORPORATION	71.89	71.89	-	Postage
CASS COUNTY RECORDER	68.00	68.00	-	Oxbow MOU - Advance for Land Purchase
Grand Total	**$ 247,058,755.16**	**$ 167,818,016.06**	**$ 79,240,739.10**	

FM Diversion Authority
In-Town Levee Work
as of November 30, 2015

Vcode #	Vendor Name	Descriptions	Contract Amount	Amount Paid
V02801	Industrial Builders	2nd Street North Pump Station - Work Package 42.A2	$ 8,667,244.75	$ 5,435,712.89
V02802	Terracon Consulting	WP-42 (In Town Levees) Materials Testing	450,000.00	197,957.16
V02803	Enventis	2nd Street Utility Relocation	1,821,997.62	330,430.65
V02804	702 Communications	2nd Street Utility Relocation	275,862.91	199,910.18
V02805	ICS	4th St Pump Station & Gatewell and 2nd St Floodwall S - WP-42A.1/A.3	17,796,663.63	8,348,224.18
V02806	HMG	Services During Construction - Work Package 42	2,243,000.00	1,193,509.42
V02807	CCJWRD	In-Town Levee Work	1,695,311.96	1,695,311.96
V02808	City of Fargo	Relocation of fiber optic along 2nd Street North	38,002.05	38,002.05
V02809	AT & T	2nd Street Utility Relocation	441,330.44	-
V02810	Cable One	2nd Street Utility Relocation	148,511.37	-
V02811	Xcel Energy	2nd Street & 4th Street Utility Relocations	890,530.93	16,275.85
V02812	Industrial Builders	2nd Street North Floodwall, South of Pump Station - WP-42F.1S	16,451,202.22	54,320.00
V02813	Landwehr Construction	Park East Apartments Demolition	1,089,888.00	-
V02814	Primoris Aevenia	2nd Street Utility Relocation	16,230.00	16,230.00
V02815	Centurylink Communications	2nd Street Utility Relocation	2,586,742.00	-
V01703	Various	In-Town Property Purchases	20,708,704.41	19,034,964.96
			$ 75,321,222.29	$ 36,560,849.30

FM Diversion Authority
Lands Expense - Life To Date
As of November 30, 2015

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Tax Payment	Relocation Assistance	Property Management Expense	Property Management Income	Sale Proceeds	Total
Home Buyouts - Fargo									
1322 Elm St N, Fargo ND	11/19/2014	347,270.27	-	2,840.39	47,168.14	2,432.14	-	-	399,710.94
1341 N Oak St, Fargo ND	1/29/2015	309,888.24	-	-	78,889.24	14.79	-	-	388,792.27
1326 Elm St N, Fargo ND	12/23/2014	230,196.41	-	-	8,001.02	36.34	-	-	238,233.77
1330 Elm St N, Fargo ND	2/12/2015	229,982.44	-	-	62,362.63	35.48	-	-	292,380.55
18 North Terrace N, Fargo ND	4/2/2015	129,698.25	-	-	44,688.72	53.36	-	-	174,440.33
Park East Apartments - 1 2nd St S Fargo, ND	6/23/2015	9,002,442.20	-	-	909,965.33	50,033.51	-	-	9,962,441.04
1318 Elm St N, Fargo ND	5/29/2015	229,012.67	-	-	55,452.01	-	-	-	284,464.68
724 North River Road, Fargo, ND	6/8/2015	204,457.83	-	-	2,295.00	34.76	-	(15,000.00)	191,787.59
1333 Oak Street N, Fargo, ND	6/24/2015	238,513.23	-	-	2,700.85	-	-	-	241,214.08
26 North Terrace N, Fargo ND	9/11/2015	138,619.58	-	-	12,620.00	43.50	-	-	151,283.08
16 North Terrace N, Fargo ND	9/24/2015	227,987.50	-	-	96,717.14	-	-	-	324,704.64
301 3rd Ave N, Fargo ND	11/2/2015	3,266,079.60	-	-	2,866,500.00	-	-	-	6,132,579.60
1314 Elm Street N, Fargo ND		-	100,000.00	-	2,512.50	-	-	-	102,512.50
			-						
Home Buyouts - Moorhead			-						
387 170th Ave SW, Moorhead MN	11/1/2013	281,809.91	-	1,970.00	-	34,073.72	-	(8,440.00)	309,413.63
			-						
Home Buyouts - Oxbow			-						
105 Oxbow Drive, Oxbow ND	11/28/2012	216,651.85	-	4,993.72	-	13,695.77	(18,680.72)	(181,249.54)	35,411.08
744 Riverbend, Oxbow ND	12/3/2012	343,828.30	-	10,599.10	-	19,786.48	(37,617.16)	-	336,596.72
121 Oxbow Drive, Oxbow ND	7/31/2013	378,781.20	-	1,581.52	-	19,519.02	-	(186,918.33)	212,963.41
333 Schnell Drive, Oxbow ND	9/20/2013	104,087.79	-	2,781.89	-	30,017.65	-	-	136,887.33
346 Schnell Dr, Oxbow ND	2/13/2014	512,970.73	-	3,143.13	-	13,006.13	(18,000.00)	-	511,119.99
345 Schnell Dr, Oxbow ND	10/24/2014	478,702.98	-	3,055.99	6,869.44	1,851.79	-	-	490,480.20
336 Schnell Dr, Oxbow ND	1/29/2015	310,888.51	-	-	-	31.47	-	-	310,919.98
Lots 1-3, Block 1, Babe's Addition - Bartram	5/21/2015	2,698,226.97	-	-	10,549.70	883.80	-	-	2,709,660.47
748 Riverbend Rd / 755 River Bend Rd	9/1/2015	480,784.30	-	-	205,649.82	27.79	-	-	686,461.91
752 Riverbend Rd / 768 River Bend Rd	9/4/2015	469,078.13	-	-	506,044.10	70.59	-	-	975,192.82
349 Schnell Dr / 761 River Bend Rd	6/26/2015	306,725.20	-	-	309,992.53	164.86	-	-	616,882.59
353 Schnell Dr / 772 River Bend Rd	9/11/2015	494,342.87	-	-	312,212.95	62.81	-	-	806,618.63
357 Schnell Dr / 760 River Bend Rd	6/18/2015	466,720.80	-	-	176,524.79	208.82	-	-	643,454.41
361 Schnell Dr / 764 River Bend Rd	9/2/2015	490,091.32	-	-	267,757.65	52.40	-	-	757,901.37
SE 1/4-23-137-49 & NW 1/4 SW 1/4 24-137-49 - Heitmar	9/30/2015	1,328,151.00	-	-	-	-	-	-	1,328,151.00
326 Schnell Drive, Oxbow, ND		-	130,000.00	-	62,505.89	-	-	-	192,505.89
828 Riverbend Rd, Oxbow ND		-	25,000.00	-	-	-	-	-	25,000.00
330 Schnell Dr, Oxbow ND		-	150,000.00	-	-	-	-	-	150,000.00
749 Riverbend Rd / 433 Trent Jones Dr		-	195,500.00	-	-	-	-	-	195,500.00
334 Schnell Dr / 751 River Bend Rd		-	146,226.00	-	-	-	-	-	146,226.00
350 Schnell Dr / 769 River Bend Rd		-	135,000.00	-	-	-	-	-	135,000.00
829 Riverbend Rd / 788 River Bend Rd		-	-	-	8,000.00	-	-	-	8,000.00
328 Schnell Dr / 347 Trent Jones Dr		-	200,000.00	-	-	-	-	-	200,000.00
338 Schnell Dr / 775 River Bend Rd		-	222,500.00	-	-	-	-	-	222,500.00
813 Riverbend Rd / 449 Trent Jones Dr		-	228,000.00	-	-	-	-	-	228,000.00
341 Schnell Dr / 351 Trent Jones Dr		-	238,500.00	-	-	-	-	-	238,500.00
329 Schnell Dr / 417 Trent Jones Dr		-	180,000.00	-	-	-	-	-	180,000.00
805 Riverbend Rd / 776 River Bend Rd		-	220,855.00	-	-	-	-	-	220,855.00
317 Schnell Dr / 409 Trent Jones Dr		-	222,000.00	-	-	-	-	-	222,000.00
309 Schnell Dr / 261 S Schnell Dr		-	210,000.00	-	-	-	-	-	210,000.00
810 Riverbend Rd / 787 River Bend Rd		-	289,500.00	-	-	-	-	-	289,500.00
332 Schnell Dr / 421 Trent Jones Dr		-	158,000.00	-	-	-	-	-	158,000.00
833 Riverbend Rd / 446 Trent Jones Dr		-	269,000.00	-	-	-	-	-	269,000.00
			-						-
			-						

FM Diversion Authority
Lands Expense - Life To Date
As of November 30, 2015

Property Address	Purchase Date	Purchase Price	Earnest Deposit	Tax Payment	Relocation Assistance	Property Management Expense	Property Management Income	Sale Proceeds	Total
Home Buyouts - Hickson			-						
17495 52nd St SE, Hickson, ND	4/28/2015	785,747.66	-	-	27,604.74	223.38	-	-	813,575.78
			-						
Easements - Fargo			-						
Part of Lot 5 El Zagal Park, Fargo ND	10/9/2014	68,040.72	-	-	-	-	-	-	68,040.72
			-						
Easements - Oxbow			-						
Oxbow Parcel 57-0000-10356-070 - Pearson	10/13/2014	55,500.00	-						55,500.00
			-						
Farmland Purchases			-						
SE 1/4 11-140-50 (Raymond Twp) - Ueland	1/20/2014	959,840.00	-	-	-	-	(27,892.63)	-	931,947.37
2 Tracts in the E 1/2-2-137-49 - Sorby/Maier	1/24/2014	1,636,230.00	-	-	-	-	(56,114.10)	-	1,580,115.90
3 Tracts NW1/4 1-140-50, NW1/4 11-140-50, & S1/2 25-141-50 Rust	2/18/2014	3,458,980.70	-	-	-	-	(121,611.02)	-	3,337,369.68
11-140-50 NE1/4 (Raymond Twp) - Diekrager	4/15/2014	991,128.19	-	-	-	-	(32,244.98)	-	958,883.21
NW 1/4 36-141-50 - Monson	5/7/2014	943,560.05	-	-	-	-	(28,029.64)	-	915,530.41
SW 1/4-11-140-50 - Hoglund	7/21/2014	989,706.03	-	2,566.59	-	-	(3,725.49)	-	988,547.13
NW 1/4 14-140-50 - Hoglund	10/23/2014	948,782.22	-	5,327.10	-	-	(22,249.56)	-	931,859.76
SW 1/4 2-140-50 -Rust	10/29/2014	955,901.00	-	2,265.76	-	-	(11,053.17)	-	947,113.59
Fercho Family Farms, Oxbow ND	3/25/2015	464,600.00	-	-	-	-	-	-	464,600.00
W 1/2 SE 1/4 SW 1/4 & SW 1/4 SW 1/4 2-137-49 - Gorde	5/13/2014	321,386.00	-	-	-	-	(3,786.29)	-	317,599.71
2-140-50 S 1/2 of NW 1/4 & Lot 4A - Pile	3/4/2015	594,108.00	-	-	-	-	-	-	594,108.00
W 1/2 NW 1/4 2-141-49 - Heiden	4/24/2015	433,409.00	-	-	-	-	-	-	433,409.00
(Raymond Twp) - Henke	6/17/2015	1,196,215.00	-	-	-	-	-	-	1,196,215.00
Land Purchases									
Hayden Heights Land, West Fargo ND	10/12/2012	484,016.00	-	219,899.45	-	-	-	(521,049.02)	182,866.43
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		-	27,000.00	-	-	-	-	-	27,000.00
	Total	39,243,040.65	3,347,081.00	261,024.64	6,083,584.19	186,360.36	(381,004.76)	(912,656.89)	47,827,429.19

FM Diversion Authority
State Water Commission Funds Reimbursement Worksheet
Fargo Flood Control Project Costs

Time Period for This Request: November 1, 2015 - November 30, 2015

Drawdown Request No: 21		
Requested Amount:	**$**	**2,580,786**
Total Funds Expended This Period:	$	5,161,573
SB 2020 Matching Requirements		50%
Total Funds Requested at 50% Match		2,580,786
Total Funds Requested:	**$**	**2,580,786**

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
Total State Funds Appropriated		244,000,000
Less: Payment #1 through #35 - City of Fargo		(55,510,209)
Less: Payment #1 - Cass County		(136,039)
Less: Payment #1 through #10 - FM Diversion Authority		(8,524,053)
Less: Payment #11 - FM Diversion Authority		(470,398)
Less: Payment #12 - FM Diversion Authority		(1,231,810)
Less: Payment #13 - FM Diversion Authority		(612,361)
Less: Payment #14 - FM Diversion Authority		(1,182,540)
Less: Payment #15 - FM Diversion Authority		(4,501,221)
Less: Payment #16 - FM Diversion Authority		(3,325,169)
Less: Payment #17 - FM Diversion Authority		(2,833,772)
Less: Payment #18 - FM Diversion Authority		(1,528,056)
Less: Payment #19 - FM Diversion Authority		(885,633)
Less: Payment #20 - FM Diversion Authority		(3,767,195)
Less: Payment #21 - FM Diversion Authority		(2,580,786)
Total Funds Reimbursed		(87,089,243)
Total State Fund Balances Remaining	**$**	**156,910,757**

FM Diversion Authority
State Water Commission Funds Reimbursement Worksheet
Fargo Flood Control Project Costs

LOCAL MATCHING FUNDS SUMMARY:		
Matching Funds Expended To Date - City of Fargo	$	47,629,069
Matching Funds Expended To Date - Cass County		291,500
Matching Funds Expended To Date - FM Diversion Authority		7,199,023
Total Matching Funds Expended To Date		55,119,592
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 - FM Diversion Authority		(18,600)
Less: Match Used on Payment #2 - FM Diversion Authority		(66,888)
Less: Match Used on Payment #6 - FM Diversion Authority		(238,241)
Less: Match Used on Payment #8 - FM Diversion Authority		(346,664)
Less: Match Used on Payment #11 - FM Diversion Authority		(470,398)
Less: Match Used on Payment #12 - FM Diversion Authority		(237,286)
Less: Match Used on Payment #16 - FM Diversion Authority		(3,018,978)
Less: Match Used on Payment #17 - FM Diversion Authority		(1,374,624)
Less: Match Used on Payment #20 - FM Diversion Authority		(1,427,344)
Balance of Local Matching Funds Available	**$**	**6,277,910**