

**FLOOD DIVERSION AUTHORITY  
FINANCE COMMITTEE  
AGENDA FOR SEPTEMBER 12, 2012**

Cass County Commission Room  
9:00 AM

1. Call to Order
2. Approval of the minutes from the previous meeting
3. Approval of Bills
4. Financial Update (Costin)
5. WIK and LERRDS Crediting Status Report (Costin)
6. CH2MHill Contract (Berndt, Vanyo)
7. Discussion of lots in Hayden Heights (Berndt, Montplaisir)
8. Update on Special Assessments (Brodshaug)
9. Other business
10. Next meeting
11. Adjournment

cc: Local Media  
Flood Diversion Board of Authority  
CH2M Hill  
AE2

**FLOOD DIVERSION FINANCE COMMITTEE  
AUGUST 7, 2012—10:30 AM**

**1. MEETING TO ORDER**

A meeting of the Flood Diversion Finance Committee was held on August 7, 2012, at 10:30 AM in the Cass County Commission Room with the following present: Cass County Administrator Keith Berndt; Fargo City Administrator Pat Zavoral; Cass County Auditor Mike Montplaisir; Cass County Commissioner Darrell Vanyo; Mayor Dennis Walaker representing Fargo City Commissioner Brad Wimmer; City of Fargo Finance Director Kent Costin; City of Moorhead Finance Director Wanda Wagner; and Southeast Water Resource District Manager Mark Brodshaug. Absent were Clay County Auditor Lori Johnson and Moorhead City Commissioner Nancy Otto.

Also present were Lisa Beilke, AE2S; Jon Diebel, Martin Nicholson and Thomas O'Hara, CH2MHill; and Jessica Mitchell, PFM Group.

**2. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

*MOTION, passed*

**Mr. Brodshaug moved and Mr. Berndt seconded to approve the minutes from the July 9, 2012 meeting as presented. All members voted in favor. Motion carried.**

**3. APPROVAL OF BILLS, Approved**

*MOTION, passed*

**Mr. Costin moved and Mr. Berndt seconded to approve the bills and forward them to the Flood Diversion Board of Authority. Motion carried.**

**4. FINANCE UPDATE**

Mr. Costin reviewed the financial statement, stating the total obligation is \$15.8 million with \$10.3 million outstanding.

Mr. Diebel distributed an updated spreadsheet outlining the Work-In-Kind and LERRDs from July 1<sup>st</sup> through the 31<sup>st</sup>.

**5. CH2MHILL FUNDING UPDATE**

Mr. O'Hara distributed and explained a handout which outlines a recommendation by the Administrative Advisory Staff for the funding level and path forward for the Diversion. The Administrative Advisory Staff is recommending the \$29 million base budget with the option to increase the investment at mid-year based on authorization status. It allows for \$6 million in design; \$10 million for in-town-flows, levee land purchase and/or construction; another \$6 million for other land purchases such as hardship or diversion alignment; and \$7 million for management which includes the Corps, PMC and the Authority.

He further explained that at the August Board of Authority meeting they will be asked to validate the recommendation from the Finance Committee; the FY13 budget amount is included in the JPA amendment; the JPA amendment will be validated by the Board of Authority at their August meeting; the board members will take the JPA amendment back to the JPA entities for review and approval; and the JPA which includes the FY13 budget level would be voted on and approved at the September meeting of the Diversion Board of Authority.

Mr. Brodshaug said he would like to see a line item included in the Work Plan Scenarios for both risk and overall project cost. He said it can take up to 6 months to set up a special assessment district and is questioning when and if that process should begin. Ms. Mitchell said that short-term funding could be available as quickly as within a month if needed to allow for time to get long-term funding secured and a special assessment district in place. Mr. Berndt said it may be advisable to move forward with the development of a special assessment district so if needed it would be in place. Mr. Zavoral said a special assessment district would make use of the sales tax in the most efficient way.

*MOTION, passed*

**Mr. Vanyo moved and Mayor Walaker seconded to have the Finance Committee support the recommendation as set forth by the Administrative Advisory Staff to include the following: to recommend the \$29 million base**

**budget with the option to increase the investment at mid-year based on authorization status; includes the \$6 million design; \$10 million in-town-flows levee land purchase and/or construction; \$6 million other land purchases; and \$7 million for management. Also to have the Board of Authority validate the Finance Committee recommendation at their August meeting; the validated FY13 budget amount is included in the JPA amendment; the JPA amendment is validated by the Board of Authority at their August meeting; Board members will take the JPA amendment to the JPA entities for review/approval; and JPA (including the FY13 Budget level) is voted on and approved at the September meeting of the Diversion Board of Authority. All members voted in favor. Motion carried.**

**6. PAYMENT OPTIONS**

Ms. Mitchell reviewed options for financing including options offered through the State of North Dakota. PFM is working on financial modeling for the project.

**7. FUTURE MEETING DATES/NEXT MEETING DATE**

To allow for travel time for consultants the Finance Committee monthly meetings will be held on Wednesday mornings at 9:00 AM in the Cass County Commission Room. The next meeting is Wednesday, September 12<sup>th</sup> at 9:00 AM.

**8. ADJOURNMENT**

*MOTION, passed*

**On motion by Mr. Vanyo, seconded by Mr. Walaker, and all voting in favor, the meeting was adjourned at 11:22 AM.**

Minutes prepared by Cindy Stoick, Principal Secretary



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 City of Fargo, ND  
Attn: Kent Costin, Finance Director  
City Hall  
201 North 4th Street  
Fargo, ND 58102

August 15, 2012  
Invoice No. 1816978

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

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**For Legal Services Rendered Through July 31, 2012**

**INVOICE TOTAL**

Total For Current Legal Fees	\$32,898.50
Total For Current Disbursements and Service Charges	\$334.21
<b>Total For Current Invoice</b>	<b>\$33,232.71</b>

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: 09100022  
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**

**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

July 30, 2012

**CITY OF FARGO**  
**ATTN KENT COSTIN**  
**200 3RD ST N**  
**FARGO, ND 58103**

Invoice# 115598 JTS  
 Our file# 110005 00005  
 Billing through 07/21/2012

**US ARMY CORPS OF ENGINEERS - RIGHT OF ENTRY/LAND ACQUISITION - MINNESOTA**

Balance forward as of invoice dated	06/20/12	\$410.00
Last payment received	07/09/2012	410.00
Accounts receivable balance carried forward		\$0.00

**PROFESSIONAL SERVICES**

06/20/2012	JTS	Conduct legal research.	
		1.00 hrs	
06/21/2012	JTS	Respond to Mark L. e-mail.	
		0.20 hrs	
07/03/2012	JTS	Redraft access agreement for Wombach.	
		0.30 hrs	
07/03/2012	JTS	Attend ROE meeting with USACE.	
		1.00 hrs	
07/09/2012	JTS	Complete agreements for Wombachs.	
		2.00 hrs	
07/09/2012	JTS	Respond to e-mail from Brad.	
		0.20 hrs	
07/09/2012	JTS	Review e-mail discussion regarding easements.	
		0.20 hrs	
07/12/2012	JTS	Attend land management committee meeting to respond to questions regarding ROE.	
		1.00 hrs	
07/17/2012	JTS	Attend telephone conference with the USACE.	
		0.80 hrs	
		Total fees for this matter	\$1,373.50

**Billing Summary**

Total fees	\$1,373.50
Total expenses	\$0.00
<b>Total of new charges for this invoice</b>	<b>\$1,373.50</b>
<b>Total balance now due</b>	<b>\$1,373.50</b>

**FM Diversion Authority**  
**Fiscal Accountability Report Design Phase (Fund 790)**  
**As of 08/31/2012**

	2011	2012	Cumulative Totals
<b>Revenues</b>			
City of Fargo	443,138	2,379,845	2,822,983
Cass County	443,138	2,379,845	2,822,983
City of Moorhead / Clay County	98,475	528,854	627,329
State Water Commission (10% Cap)	-	-	-
<b>Total Revenues</b>	<b>984,750</b>	<b>5,288,544</b>	<b>6,273,294</b>
<b>Expenditures</b>			
7905 Army Corp Payments	-	-	-
7910 WIK - Administration	107,301	93,857	201,159
7915 WIK - Project Design	149,632	1,451,350	1,600,982
7920 WIK - Project Management	679,037	3,171,740	3,850,777
7925 WIK - Recreation	-	162,718	162,718
7930 LERRDS - North Dakota	48,664	387,967	436,631
7931 LERRDS - Minnesota	-	20,911	20,911
7940 WIK Mitigation - North Dakota	-	-	-
7941 WIK Mitigation - Minnesota	-	-	-
7950 Construction - North Dakota	-	-	-
7951 Construction - Minnesota	-	-	-
7955 Construction Management	-	-	-
7990 Project Financing	-	-	-
7995 Project Eligible - Off Formula Costs	-	-	-
7999 Non Federal Participating Costs	116	-	116
<b>Total Expenditures</b>	<b>984,750</b>	<b>5,288,544</b>	<b>6,273,294</b>

**FM Diversion Authority  
Summary of Cash Disbursements  
Period August 2012**

Period/Year: 08/2012

Date: 8/30/2012

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-20	7/27/2012	JB07120019	CITY OF FARGO	280.00	FISCAL SERVICES	V00102	General & Admin. WIK
<b>Total Accounting Services \$</b>				<b>280.00</b>			
790-7910-429.33-25	8/1/2012	228800	OHNSTAD TWICHELL PC	728.50	BONDING ISSUES	V00102	General & Admin. WIK
	8/1/2012	228684	DORSEY & WHITNEY LLP	16,216.36	JUN 2012 SERVICES	V00101	Dorsey Whitney Legal WIK
<b>Total Legal Services \$</b>				<b>16,944.86</b>			
790-7910-429.38-99	8/15/2012	229408	NORTH DAKOTA TELEPHONE CO	71.60	SETUP FEE 6/29/12	V00102	General & Admin. WIK
	8/29/2012	230000	NORTH DAKOTA TELEPHONE CO	90.60	JULY CONFERENCE CALL 7/19	V00102	General & Admin. WIK
<b>Total Other Services \$</b>				<b>162.20</b>			
790-7915-429.33-05	8/1/2012	228719	HOUSTON ENGINEERING INC	6,626.00	4/23-5/20/12	V00803	Transportation Master Plan
	8/1/2012	228719	HOUSTON ENGINEERING INC	8,908.75	5/21-6/24/12	V00803	Transportation Master Plan
	8/1/2012	228719	HOUSTON ENGINEERING INC	28,357.00	4/23-5/20/12	V00805	Extreme Rainfall-Houston
	8/1/2012	228719	HOUSTON ENGINEERING INC	15,205.25	5/21-6/24/12	V00805	Extreme Rainfall-Houston
	8/1/2012	228779	MOORE ENGINEERING INC	7,970.00	4/7-6/22/12	V00901	HEC-RAS Modeling Moore
	8/1/2012	228779	MOORE ENGINEERING INC	2,241.90	4/7-6/22/12	V00902	Lower Rush/ Rush Connect
	8/1/2012	228779	MOORE ENGINEERING INC	62,060.00	4/7-6/22/12	V00903	Local Drainage Plan
	8/1/2012	228779	MOORE ENGINEERING INC	1,760.62	4/7-6/22/12	V00907	Post Feasibility - Moore
<b>Total Engineering Services \$</b>				<b>133,329.72</b>			

**FM Diversion Authority  
Summary of Cash Disbursements  
Period August 2012**

Period/Year: 08/2012

Date: 8/30/2012

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7920-429.33-79	8/1/2012	228664	CH2M HILL ENGINEERS INC	2,170.88	THRU 5/25/12	V00201	CH2M Hill Management
	8/1/2012	228664	CH2M HILL ENGINEERS INC	539,768.49	THRU 6/28/12	V00202	CH2M Hill 3/12-9/30/12
<b>Total Project Management \$</b>				<b>541,939.37</b>			
790-7925-429.33-05	8/1/2012	228719	HOUSTON ENGINEERING INC	390.83	4/23-5/20/12	V00804	Rec. & Use Plan- Houston
	8/1/2012	228719	HOUSTON ENGINEERING INC	1,560.04	5/21-6/24/12	V00804	Rec. & Use Plan- Houston
<b>Total Engineering Services \$</b>				<b>1,950.87</b>			
790-7930-429.33-05	8/1/2012	228779	MOORE ENGINEERING INC	29,443.76	4/7-6/22/12	V00904	194 Bridges - Moore
	8/1/2012	228779	MOORE ENGINEERING INC	14,142.80	4/7-6/22/12	V00905	Maple Rvr Outlet - Moore
<b>Total Engineering Services \$</b>				<b>43,586.56</b>			
<b>Total Disbursed for Period \$</b>				<b>738,193.58</b>			



**FM Diversion Authority  
Outstanding Contracts  
As of August 31, 2012**

Date: 8/30/2012

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor	Encumbered	Liquidated	Balance
V00101	790-7910-429.33-25	F12217	9367	12/31/2011	DORSEY & WHITNEY LLP	52,102.12	52,102.12	-
V00101	790-7910-429.33-25	146629	9367	1/18/2012	DORSEY & WHITNEY LLP	50,000.00	19,446.92	30,553.08
V00101	790-7910-429.33-25	F12289	9367	2/21/2012	DORSEY & WHITNEY LLP	58,693.38	58,693.38	-
V00101	790-7910-429.33-25	F12293	9367	2/21/2012	DORSEY & WHITNEY LLP	1,600.00	1,600.00	-
V00102	790-7910-429.38-99	F11738	20660	11/15/2011	GALLAGHER BENEFIT SERVICES INC	250.00	250.00	-
V00102	790-7910-429.31-10	F11749	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	494.24	494.24	-
V00102	790-7910-429.31-10	F11750	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	345.97	345.97	-
V00102	790-7910-429.31-10	F11751	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	296.56	296.56	-
V00102	790-7910-429.31-10	F11752	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	17.05	17.05	-
V00102	790-7999-729.68-30	PCARD	18009	12/20/2011	GOOGLE LOVEINTHEOVEN	116.00	116.00	-
V00102	790-7910-429.31-10	F12082	647	12/31/2011	FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-
V00102	790-7910-429.38-69	F12079	8645	12/31/2011	SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-
V00102	790-7910-429.53-60	F12218	13981	12/31/2011	NORTH DAKOTA TELEPHONE CO	81.20	81.20	-
V00102	790-7910-429.33-20	AJ	COF	2/1/2012	CITY OF FARGO	1,300.00	1,300.00	-
V00102	790-7910-429.55-10	F12256	20829	2/14/2012	BROKERAGE PRINTING	153.85	153.85	-
V00102	790-7910-429.55-10	F12256	20829	2/14/2012	BROKERAGE PRINTING	202.10	202.10	-
V00102	790-7910-429.52-30	F12595	1772	4/16/2012	WARNER & CO	4,975.00	4,975.00	-
V00102	790-7910-429.33-20	AJ	COF	5/25/2012	CITY OF FARGO	1,850.00	1,850.00	-
V00102	790-7910-429.33-25	151789	16872	6/15/2012	ERIK R JOHNSON & ASSOCIATES	673.20	673.20	-
V00102	790-7910-429.33-25	151876	16872	6/19/2012	ERIK R JOHNSON & ASSOCIATES	1,309.00	1,309.00	-
V00102	790-7910-429.33-20	AJ	COF	6/25/2012	CITY OF FARGO	340.00	340.00	-
V00102	790-7910-429.33-25	152528	1286	7/10/2012	OHNSTAD TWICHELL PC	1,903.50	1,903.50	-
V00102	790-7910-429.34-55	152692	20174	7/16/2012	PFM ASSET MANAGEMENT LLC	140,000.00	-	140,000.00
V00102	790-7910-429.33-20	AJ	COF	7/27/2012	CITY OF FARGO	240.00	240.00	-
V00102	790-7910-429.33-25	153237	1286	7/31/2012	OHNSTAD TWICHELL PC	728.50	728.50	-
V00102	790-7910-429.38-99	153670	13981	8/9/2012	NORTH DAKOTA TELEPHONE CO	71.60	71.60	-
V00102	790-7910-429.38-99	154211	13981	8/23/2012	NORTH DAKOTA TELEPHONE CO	90.60	90.60	-
V00102	790-7910-429.33-20	AJ	COF	8/30/2012	CITY OF FARGO	280.00	280.00	-
V00201	790-7920-429.33-79	144170	20663	11/18/2011	CH2M HILL ENGINEERS INC	1,908,938.41	1,908,938.41	-
V00202	790-7920-429.33-79	148611	20663	3/15/2012	CH2M HILL ENGINEERS INC	3,500,000.00	1,705,350.70	1,794,649.30
V00301	790-7910-429.38-69	143936	11604	11/16/2011	ADVANCED ENGINEERING INC	50,000.00	50,000.00	-

**FM Diversion Authority  
Outstanding Contracts  
As of August 31, 2012**

Date: 8/30/2012

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor	Encumbered	Liquidated	Balance
V00401	790-7915-429-33-06	143937	165	11/16/2011	BRAUN INTERTEC CORP	54,060.00	51,888.00	2,172.00
V00501	790-7915-429-33-06	143938	165	11/16/2011	BRAUN INTERTEC CORP	36,150.00	20,391.00	15,759.00
V00601	790-7915-429-33-06	144975	20729	12/13/2011	IN SITU ENGINEERING	54,800.00	47,973.00	6,827.00
V00701	790-7915-429-33-05	144866	20723	12/9/2011	MINNESOTA DNR	230,550.00	230,550.00	-
V00801	790-7915-429-33-05	146973	801	1/27/2012	HOUSTON ENGINEERING INC	99,200.00	92,424.03	6,775.97
V00802	790-7915-429-33-05	146974	801	1/27/2012	HOUSTON ENGINEERING INC	195,000.00	70,742.30	124,257.70
V00803	790-7915-429-33-05	146975	801	1/27/2012	HOUSTON ENGINEERING INC	73,000.00	43,567.71	29,432.29
V00804	790-7925-429-33-05	148054	801	2/29/2012	HOUSTON ENGINEERING INC	175,200.00	162,718.02	12,481.98
V00805	790-7915-429-33-05	148058	801	2/29/2012	HOUSTON ENGINEERING INC	102,340.00	87,188.00	15,152.00
V00806	790-7915-429-33-05	148078	801	2/29/2012	HOUSTON ENGINEERING INC	152,755.51	108,369.87	44,385.64
V00901	790-7915-429-33-05	146976	1118	1/27/2012	MOORE ENGINEERING INC	93,765.00	92,291.55	1,473.45
V00902	790-7915-429-33-05	146977	1118	1/27/2012	MOORE ENGINEERING INC	145,050.00	135,231.99	9,818.01
V00903	790-7915-429-33-05	146978	1118	1/27/2012	MOORE ENGINEERING INC	152,330.00	135,679.27	16,650.73
V00904	790-7930-429-33-05	148055	1118	2/29/2012	MOORE ENGINEERING INC	130,866.00	71,779.62	59,086.38
V00905	790-7930-429-33-05	148056	1118	2/29/2012	MOORE ENGINEERING INC	33,125.00	32,727.08	397.92
V00906	790-7915-429-33-05	148057	1118	2/29/2012	MOORE ENGINEERING INC	8,340.00	8,326.50	13.50
V00907	790-7915-429-33-05	148077	1118	2/29/2012	MOORE ENGINEERING INC	183,920.00	163,703.09	20,216.91
V01001	790-7915-429-33-05	146979	17791	1/27/2012	URS CORPORATION	171,166.67	167,427.92	3,738.75
V01002	790-7915-429-33-05	148086	17791	2/29/2012	URS CORPORATION	192,000.00	-	192,000.00
V01201	790-7930-429-33-25	F12069	19734	12/31/2011	CASS COUNTY JOINT WATER RESOUR	16,708.86	16,708.86	-
V01201	790-7930-429-34-65	F12069	19734	12/31/2011	CASS COUNTY JOINT WATER RESOUR	22,452.50	22,452.50	-
V01201	790-7930-429-33-25	149405	19734	4/10/2012	CASS COUNTY JOINT WATER RESOUR	83,119.09	83,119.09	-
V01301	790-7915-429-33-05	147745	1118	2/17/2012	MOORE ENGINEERING INC	5,558.50	5,558.50	-
V01301	790-7931-429-33-25	F12593	1286	4/16/2012	OHNSTAD TWICHELL PC	1,408.00	1,408.00	-
V01301	790-7931-429-33-05	149869	1118	4/23/2012	MOORE ENGINEERING INC	1,780.00	1,780.00	-
V01301	790-7931-429-33-25	150230	1286	5/3/2012	OHNSTAD TWICHELL PC	2,029.50	2,029.50	-
V01301	790-7931-429-33-25	150961	1286	5/23/2012	OHNSTAD TWICHELL PC	220.50	220.50	-
V01301	790-7931-429-33-25	151790	1122	6/15/2012	MOORHEAD, CITY OF	15,062.90	15,062.90	-
V01301	790-7931-429-33-25	152058	1286	6/27/2012	OHNSTAD TWICHELL PC	410.00	410.00	-
V01501	790-7915-429-74-10	150960	19581	5/23/2012	GEOKON INC	33,815.36	33,815.36	-
V01601	790-7920-429-33-05	151232	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	961,675.00	236,487.96	725,187.04
V01602	790-7930-429-33-05	151233	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	871,000.00	11,342.10	859,657.90

**FM Diversion Authority  
Outstanding Contracts  
As of August 31, 2012**

Date: 8/30/2012

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor	Encumbered	Liquidated	Balance
V01603	790-7915-429-33-05	151234	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	2,333,300.00	118,880.64	2,214,419.36
V01604	790-7930-429-33-05	151235	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	1,421,000.00	55,648.53	1,365,351.47
V01605	790-7915-429-33-05	151236	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	605,000.00	126,722.77	478,277.23
V01606	790-7930-429-33-05	151237	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	197,503.00	3,104.00	194,399.00
V01607	790-7915-429-33-05	152022	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	240,000.00	-	240,000.00
V01608	790-7915-429-33-05	152023	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	669,330.00	-	669,330.00
V01609	790-7915-429-33-05	152024	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	194,341.00	-	194,341.00
V01610	790-7930-429-33-05	152025	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	94,000.00	-	94,000.00
V01611	790-7915-429-33-05	153808	21007	8/14/2012	HOUSTON-MOORE GROUP LLC	15,000.00	-	15,000.00
						15,849,098.87	6,273,294.26	9,575,804.61

# MEMORANDUM

TO: Cass County Joint Water Resource District  
 FROM: SMF  
 DATE: September 10, 2012  
 RE: Cass County Joint WRD --  
 Diversion Assessment District Timeline and Concepts



As the Cass County Joint Water Resource District (the “CCJWRD”) works with the Diversion Authority to develop the Diversion project, the CCJWRD, the Diversion Authority, and our local partners may want to consider a hypothetical assessment district timeline regarding a proposed assessment district for the Diversion project. The following dates are simply hypothetical in nature and assume prior occurrence of several conditions or contingencies, but the timeline should give you an idea of what type of time frame we should anticipate as we prepare for assessment district procedures.

As you know, some of the items we may have to address prior to the initiation of an assessment district include identification of a project; identification of requisite right of way (since certain landowners are entitled to votes); timing of alignment decisions; input from funding partners (i.e., Congress, State of North Dakota, and State of Minnesota) regarding their cost share, and preparation of a Preliminary Master Assessment List. The following schedule assumes resolution of these issues, or assumes we can resolve these post-vote without encountering any insurmountable legal challenges. To the extent we proceed in phases, we may not have to resolve all of these issues before we proceed with a vote; just recognize if we seek to utilize assessment dollars to construct project components, we cannot award a construction contract for more than twenty percent over the amount presented for the assessment vote. More specifically, we cannot award a construction contract or contracts “which exceed, by twenty percent or more, the estimated cost of the project as presented to and approved by the affected landowners.” N.D. Cent. Code § 61-16.1-24. With that in mind, we want to ensure we present an accurate estimate when we conduct the assessment vote.

Date	Action	Responsible Party
September 2012 through January 2013	Develop assessment methodology, meet with various entities, conduct public informational meetings, prepare preliminary assessment list	CCJWRD, Diversion Authority, and local partners
January 24	Finalize Preliminary Assessment List (Preliminary Master Assessment List will include votes for benefited landowners, entities with indirect benefits, and landowners from whom we must obtain right of way)	CCJWRD

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Date	Action	Responsible Party
Prior to January 24	Identify final estimate of costs	Diversion Authority and Technical Team
Prior to January 24	Identify "Project description" for purposes of Resolutions (identify components, locations, etc.)	Diversion Authority and Technical Team
Prior to January 24	Prepare Mailing Lists (all members of the proposed assessment district)	CCJWRD and Technical Team
Prior to January 24	Prepare Preliminary Engineer's Report	CCJWRD
Prior to January 24	Prepare initial assessment district documents (e.g., Resolution of Necessity, Resolution Approving Engineer's Report, approval of preliminary assessment list)	CCJWRD
January 24	At the CCJWRD meeting, the Board must approve the initial Resolutions and other documents to commence the assessment district process	CCJWRD
January 24	At its meeting, the CCJWRD will set a date for the preliminary hearing on the Project	CCJWRD
February 11	Mail sample Ballots and cover letters to businesses and public entities to explain voting process, and to provide their governing bodies opportunity to take action on Ballot before 30-day voting period commences (voting members of the assessment district have only 30 days after the date of the initial hearing to file their Ballots with the CCJWRD office)	CCJWRD
February 25	Mail Notice of Hearing (regarding initial hearing), ballots, and other requisite documents; first publication in <i>The Forum</i> ; file assessment list with the Cass County Auditor's Office	CCJWRD

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March 4	Second publication in <i>The Forum</i>	CCJWRD
March 20	Conduct initial public hearing (to present the "Project," to discuss probable costs of the Project, to discuss individual shares of costs for each voting member, to discuss what property and right of way the Board will require for the Project, and to discuss when and where votes must be filed)	CCJWRD, Diversion Authority, and local partners
April 19	Voting concludes at 5:00 p.m. on Friday, April 19 (30 days following the initial hearing)	Members of assessment district
April 22	Tabulate vote	CCJWRD
April 25	Approve Resolutions and other documents regarding vote results	CCJWRD
April 25	Set Assessment Hearing	CCJWRD
May 13	Mail Notice of Hearing (regarding Assessment Hearing) and other requisite documents; first publication in <i>The Forum</i>	CCJWRD
May 20	Second publication in <i>The Forum</i>	CCJWRD
June 5	Conduct Assessment Hearing	CCJWRD, Diversion Authority, and local partners
June 13	Confirm final assessment list	CCJWRD
July 14	Conduct bond sale (at least 30 days after confirming final assessment list)	CCJWRD