

## Finance Committee Bills through November 13, 2017

Vendor	Description		
Dorsey & Whitney LLP	Legal services rendered through September 30, 2017	\$	217,640.46
Ohnstad Twichell, P.C.	Professional services rendered	\$	47,447.95
Cass County Joint Water Resource District	Diversion bills	\$	2,441,413.36
			<hr/>
Total Bills Received through November 13, 2017			<hr/> <u>\$ 2,706,501.77</u>



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

October 11, 2017  
Invoice No. 3380511

**RECEIVED**  
BY \_\_\_\_\_ DATE 10-16-17

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

For Legal Services Rendered Through September 30, 2017

**INVOICE TOTAL**

Total For Current Legal Fees	\$212,535.00
Total For Current Disbursements and Service Charges	\$5,105.46
<b>Total For Current Invoice</b>	<b>\$217,640.46</b>

**Summary of Account**

*Prior Balance Due	\$197,895.01
Total Amount Due	\$415,535.47

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

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

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

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

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

Please make reference to the invoice number

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

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



October 1, 2017

Valued Client,

Standard hourly billing rates for many Dorsey lawyers are increasing effective October 1, 2017. The median standard hourly billing rate increase for attorneys across all of our offices and practice areas is 3.2%. In addition to this rate increase, certain associates may also have a step-up in their standard billing rate as a result of normal class-year promotion.

The actual change in hourly billing rates for timekeepers working on your specific matters is likely to vary from the median. This increase may or may not apply to specific engagements you have with the Firm depending on whether a particular engagement is based on the Firm's standard hourly billing rates or on some other fee arrangement.

Dorsey's domestic average lawyer billing rates have historically been among the lowest for firms of our size and caliber. We pride ourselves on delivering real value to our clients and believe our rates are very competitive with peer firms in our offices' locations. We strive to continue being one of the best values among all comparable law firms.

As you know, billing rates are just one component of the total cost of legal services. We provide our services to you in the most effective and efficient manner appropriate for the engagement. We staff matters based on thoughtful consideration of your needs, and we always strive to deliver maximum value to the client from every minute devoted to your matters. We have a Legal Project Management team and matter management software that help ensure our engagements are planned well, staffed correctly and managed efficiently. We do not charge clients for costs of copying or computerized legal research services.

Dorsey also enhances value delivered to clients by offering superb training and continuing legal education opportunities to client personnel at no additional cost.

We are notifying you of this change in standard billing rates as part of our normal custom and practice with respect to periodic billing rate increases.

We are thankful for our relationship and look forward to continuing to serve you in your current and future legal needs. We would be happy to discuss any aspect of this letter with you at your convenience.

Sincerely,

Dorsey & Whitney LLP



Office of the City Attorney

City Attorney  
Erik R. Johnson

Assistant City Attorney  
Nancy J. Morris

October 23, 2017

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

**Re: Metro Flood Diversion Project**

Dear Kent:

I am enclosing a Summary Invoice dated October 11, 2017 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through September 30, 2017 on the Metro Flood Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to Dorsey Whitney.

Sincerely,

A handwritten signature in black ink, appearing to be "Erik R. Johnson", written over a circular scribble.

Erik R. Johnson

ERJ/lmw  
Enclosure  
cc: Bruce Grubb



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

901 13th Avenue East, P.O Box 458  
 West Fargo, ND 58078-0458  
 701-282-3249

15-1395 JTS Invoice # 152957  
 Flood Diversion Board  
 Bond Counsel Work - PPP

Date: November 3, 2017

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

<b>PROFESSIONAL SERVICES RENDERED</b>			
	<b>Hours</b>	<b>Hourly Rate</b>	<b>Totals</b>
JTS	35	\$300.00	\$10,500.00
CMM	16.7	\$300.00	\$5,010.00
ADC	0.1	\$300.00	\$30.00
KJB	62	\$265.00	\$16,430.00
TJL	41.3	\$250.00	\$10,325.00
CBC	7	\$200.00	\$1,400.00
MPS	0.9	\$175.00	\$157.50
JDR	2.6	\$155.00	\$403.00
AJM	19.3	\$150.00	\$2,895.00
HCG	1.4	\$130.00	\$182.00
<b>Total Fees:</b>	<b>186.3</b>		<b>\$47,332.50</b>
Westlaw Charges			\$76.84
UPS Charges			\$38.61
<b>Total Expenses:</b>			<b>\$115.45</b>
<b>Grand Total</b>			<b>\$47,447.95</b>

			<b>2017 Hourly Rates</b>
JTS	John T. Shockley, Partner, Supervising Attorney		\$300.00
CMM	Christopher M. McShane, Partner		\$300.00
ADC	Andrew D. Cook, Partner		\$300.00
SNW	Sarah M. Wear, Partner		\$300.00
KJB	Katie J. Bertsch, Associate		\$265.00
TJL	Tyler J. Leverington, Associate		\$250.00
CBC	Calley B. Campbell, Associate		\$200.00
MPS	Michael P. Sly, Associate		\$175.00
JDR	Josh D. Roaldson, Paralegal		\$155.00
AJM	Andrea J. Murphy, Paralegal		\$150.00
HCG	Hannah C. Gilbert, Paralegal		\$130.00

**OHNSTAD TWICHELL, P.C.**  
 WEST FARGO, NORTH DAKOTA 58078

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

152957

**PROFESSIONAL SERVICES RENDERED**

<b>15-1395 JTS Invoice # 152490</b>		<b>Flood Diversion Board</b>	<b>Bond Counsel Work - PPP</b>
<b>FILE NUMBER</b>	<b>MATTER DESCRIPTION</b>	<b>INVOICE - TOTAL FEES</b>	
151395-0	Bond Counsel Work – PPP	\$0.00	
151395-1	General Topics (Includes General Governance Questions, Notices, ETC.)	\$6,718.50	
151395-2	Executive Director	\$3,549.00	
151395-3	P3 Procurement	\$2,081.50	
151395-4	Public Finance Issues	\$285.00	
151395-5	Consultant Contract Review/Development	\$285.00	
151395-6	Support of External Litigation Counsel	\$5,152.50	
151395-10	Insurance Issues	\$75.00	
151395-12	USACE Interface/Questions	\$1,140.00	
151395-13	Third Party Utility MOU's	\$22,588.00	
151395-14	ICS Issues	\$5,458.00	
<b>TOTAL</b>		<b>\$47,332.50</b>	



November 9, 2017

Cass County  
Joint Water  
Resource  
District

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

Mark Brodshaug  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Dan Jacobson  
Manager  
West Fargo, North Dakota

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Greetings:

RE: Metro Flood Diversion Project  
DPAC  
Oxbow-Hickson-Bakke Ring Levee Project  
Oxbow Golf and Country Club  
In-Town Levees Project

Enclosed please find copies of bills totaling \$2,441,413.36 regarding the above referenced projects. The breakdown is as follows:

Metro Flood Diversion	\$1,886,029.36
DPAC	21,171.44
Oxbow-Hickson-Bakke Ring Levee	105,698.97
Oxbow Golf and Country Club	427,495.49
In-Town Levees	1,018.10

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

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis  
Secretary-Treasurer

Enclosures

Carol Harbeke Lewis  
Secretary-Treasurer  
  
1201 Main Avenue West  
West Fargo, ND 58078-1301

701-298-2381  
FAX 701-298-2397  
[wrд@casscountynd.gov](mailto:wrд@casscountynd.gov)  
[casscountygov.com](http://casscountygov.com)

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

Updated 11/09/17

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
10/26/2017	9/29/2017	975028		574.70	Dawson Insurance	Liability insurance for added properties
10/26/2017	10/6/2017	720744	38810	272.00	Larkin Hoffman	Legal-Johnson, Monson, Tines and Anderson property acquisition
10/26/2017	10/6/2017	720745	38810.00001	1,360.00	Larkin Hoffman	Legal-Sauvageau property acquisition
10/26/2017	10/6/2017	720746	38810.00002	476.00	Larkin Hoffman	Legal-Richland County ROE agreements
11/9/2017		152730	130007	14,370.50	Ohnstad Twichell, P.C.	Legal-Diversion ROW Acquisition
11/9/2017		152734	160007	4,100.50	Ohnstad Twichell, P.C.	Legal-Channel Phase I
11/9/2017		152735	160007	198.00	Ohnstad Twichell, P.C.	Legal-Channel Phase II
11/9/2017		152736	160007	203.50	Ohnstad Twichell, P.C.	Legal-Channel Phase III
11/9/2017		152732	160007	6,651.50	Ohnstad Twichell, P.C.	Legal-Basin Project 2009 - Inlet Structure
11/9/2017		152753	170007	3,065.75	Ohnstad Twichell, P.C.	Legal-Upstream Mitigation Area
10/10/2017	10/10/2017			845,081.57	The Title Company	Property purchase - Terry Sauvageau
10/16/2017	10/13/2017			752,057.50	The Title Company	Property purchase - Ulstad
10/26/2017	10/4/2017	850.04		56.78	Red River Valley Coop Power Assoc	Service to 16678 3rd St S
11/9/2017		850.04		86.58	Red River Valley Coop Power Assoc	Service to 16678 3rd St S
11/9/2017	10/24/2017			1,500.00	Mark Hiatt	crop damage
11/9/2017	10/24/2017			1,000.00	Terry Sauvageau	crop damage
10/26/2017	9/29/2017	1536	2001	2,560.00	Houston-Moore Group	Engineering - Right-of-entry services thru 8-31-17
10/26/2017	9/14/2017	1523	2004	66,398.79	Houston-Moore Group	Engineering - Project mgmt, ROW services, appraisal rev thru 7-31-17
10/26/2017	9/29/2017	1537	2004	88,873.73	Houston-Moore Group	Engineering - Project mgmt, ROW services, appraisal rev thru 8-31-17
10/26/2017	10/5/2017	68130	R12.00049	28,429.00	Ulteig Engineering	Task Order 2 - project mgmt, ROW, appraisal and on-call services
11/9/2017			2001	2,780.91	Houston-Moore Group	Engineering - Right-of-entry services thru 9-30-17
11/9/2017			2004	65,932.05	Houston-Moore Group	Engineering - Project mgmt, Row services, Appraisal rev thru 9-30-17
<b>Total</b>				<b>1,886,029.36</b>		

DIVERSION PROJECT ASSESSMENT DISTRICT (DPAC) INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
10/26/2017	10/13/2017	16912	15043	1,107.15	Moore Engineering, Inc.	Engineering - DPAC
10/26/2017	9/30/2017	55223	P11473-2012-000	20,064.29	AE2S	Engineering - DPAC development and implementation
<b>Total</b>				<b>21,171.44</b>		

OXBOW-HICKSON-BAKKE RING LEVEE INVOICES

Invoice Paid	Invoice Date	Invoice No.	Purchase Order No.	Project No.	Amount	Vendor	Description
10/26/2017	9/29/2017	975028			44.20	Dawson Insurance	Liability insurance for added properties
11/9/2017		152731			3,838.50	Ohnstad Twichell, P.C.	Legal - ROW
10/26/2017	6/8/2017	2		43E.2.C	5,327.25	American Enterprises Inc.	Demolish homes for OHB - final invoice
10/26/2017	10/16/2017				958.00	Braaten Cabinets	moving cabinets for Jeff and Cathy Anderson
10/26/2017	10/19/2017				39,450.00	Aaction Movers	moving costs for Chris and Sheri Champ
10/26/2017	10/18/2017				9,326.68	A to Z Moving	moving costs for Mike & Brenda Podolak
10/27/2017	10/27/2017				25,020.58	The Title Company	Property purchase of Susanne Mertz
11/9/2017					2,376.00	Aaction Movers	storage costs for Chris and Sheri Champ
10/26/2017	10/12/2017	1140519			187.97	Cass County Electric Cooperative	Service to 829 Riverbend Rd
10/26/2017	10/5/2017	1108711			25.00	Cass County Electric Cooperative	Service to 833 Riverbend Rd
10/26/2017	10/12/2017	1121701			44.30	Cass County Electric Cooperative	Service to 840 Riverbend Rd
10/26/2017	10/5/2017	1122561			51.27	Cass County Electric Cooperative	Service to 848 Riverbend Rd
10/26/2017	10/5/2017	1132078			19.32	Cass County Electric Cooperative	Service to 17449 50 St SE
10/26/17	09/30/17	18407		2830-00	14,122.40	ProSource Technologies LLC	Acquisition, relocation, condemnation and const draw for OHB
10/26/17	10/13/17	B107917		B14-04209.05	897.00	Braun Intertec Corporation	Environmental and CMT services County Rd 18 and County Rd 81
11/09/17				B14-04209.07	4,010.50	Braun Intertec Corporation	Environmental and CMT services County Rd 18 and County Rd 81
<b>Total</b>				<b>105,698.97</b>			



OXBOW GOLF AND COUNTRY CLUB INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
11/9/2017				573.40	Oxbow Golf & Country Club	engineering - construction staking
11/9/2017				244.57	Oxbow Golf & Country Club	architect expenses
11/9/2017		20		13,000.00	Oxbow Golf & Country Club	Gary Killebrew - consultant fees
11/9/2017		24		413,677.52	Oxbow Golf & Country Club	Landscapes Unlimited LLC - construction costs
<b>Total</b>				<b>427,495.49</b>		

IN-TOWN LEVEES INVOICES

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
10/26/2017	9/29/2017	975028		22.10	Dawson Insurance	Liability insurance for added properties
10/26/2017	10/19/2017			200.00	Mark Schultz	winterizing FPS building downtown
10/26/2017	9/28/2017	563670893		121.98	Xcel Energy	Electricity service to 419 3rd St N
10/26/2017	9/28/2017	563693502		33.66	Xcel Energy	Gas Service to 419 3rd St N
11/9/2017		567291686		410.38	Xcel Energy	Electricity service to 419 3rd St N
11/9/2017		567295750		229.98	Xcel Energy	Gas Service to 419 3rd St N
<b>Total</b>				<b>1,018.10</b>		

**Grand Total      2,441,413.36**