

**CITY OF GILBERT
CITY COUNCIL MEETING
Tuesday, February 23, 2016**

6:30 P.M. REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Approve Agenda

2. PUBLIC INPUT

3. APPROVE CITY COUNCIL MINUTES

- A. February 9, 2016

4. NEW BUSINESS

- A. Final Pay Estimate No 9 for 2013 Street/Infrastructure Project
- B. Fire Department Water Heater Replacement
- C. Electric Arc Safety Equipment
- D. Recommendation from League of MN Cities

5. REPORTS

- A. City Councilors
- B. City Attorney
- C. City Engineer
- D. Chief of Police
- E. Public Works Operations Director
- F. Library Director

6. APPROVE PAYMENT OF BILLS AND PAYROLL

7. ACKNOWLEDGE

- A. Police Commission Minutes December 8, 2015
- B. EFGSD Joint Powers Rec Board Minutes January 13, 2016

8. ADJOURN

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**CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, FEBRUARY 9, 2016
COUNCIL CHAMBERS**

Mayor Kutsi called the meeting to order at 6:30 p.m.

Present: Mayor Kutsi, Councilors Pontinen, Skalko, Bol & Liimatta.

Absent: None.

Staff Present: City Attorney Michael Kearney, Chief Techar, Public Works Operations Director Lautigar and City Clerk/Treasurer Sakrison.

Staff Absent: City Engineer Jammick & Library Director Miller (both w/notice).

Mayor Kutsi led the audience in the Pledge of Allegiance to the Flag.

Motion by Liimatta second by Bol to approve the agenda. All approved.

Public Input: None.

Motion by Skalko second by Liimatta to approve January 26, 2016 Regular City Council Minutes. Approved.

Motion by Liimatta second by Skalko to approve Resolution 2016-03 making application to the IRRRB for the Kansas Plat Site Preparation under the Job Stimulus Program. Approved. Roll Call – Liimatta – Aye; Bol – Aye; Kutsi – Aye; Skalko – Aye; Pontinen – Aye.

Motion by Skalko second by Liimatta to approve Resolution 2016-04 authorizing the City to make application to and accept funds from the IRRRB Public Works Stimulus Grant Program. Approved. Roll Call – Liimatta – Aye; Bol – Aye; Kutsi – Aye; Skalko – Aye; Pontinen – Aye.

Motion by Liimatta second by Skalko to approve Resolution 2016-05 Requesting Funding from the State Bonding Bill in the amount of \$8,000,000 to fund construction of public infrastructure to comply with the new clean water initiatives. Approved. Roll Call – Liimatta – Aye; Bol – Aye; Kutsi – Aye; Skalko – Aye; Pontinen – Aye.

Motion by Skalko second by Liimatta to approve the contract for January 1 – December 31, 2016 with MacNeil Environmental, Inc. for administration of the Environmental/Occupational Health & Safety Compliance Management Program for \$3,183.00. Approved.

Motion by Skalko second by Liimatta to approve paying the registration fee of \$20 for any city staff member or public official that would like to attend the 2016 Safety & Loss Control Workshops. Approved.

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CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, FEBRUARY 9, 2016
COUNCIL CHAMBERS

Councilor Pontinen questioned what the box on the building was. Public Works Operations Director Lautigar stated that it is for an LED screen/sign that will be put up that can put up notices to the public about hiring, garbage pick-up changes, council meeting notices, etc. as an additional service to the public.

Councilor Skalko stated that there is progress being made with the wastewater funding through Senator Tomassoni and hopes it goes through.

Mayor Kutsi will be inviting Tomassoni to tour the wastewater treatment plant. Congratulated resident Mike Peterson for the nice article in the Duluth Paper for his business Range Tool, and thanked him for staying in Gilbert.

Councilor Bol mentioned the IRRRB Recharge the Range Summit meeting being held on February 29.

City Attorney Thayer is working on the Second Addition property.

Public Works Operations Director Lautigar

- Met with City of Eveleth regarding the collaboration of waste water. They would have to do major upgrades to their system to handle Gilbert's high flows. Does not look good to upgrade their facility and add the piping from Gilbert to Eveleth. Their current facility would not work.
- Met with Joel Peck, from MPCA, the new municipal liaison. It is his job to look at cities wastewater facilities and to help answer questions about compliance, etc.

Mayor Kutsi noted the following regarding the Library:

- Library will be closed February 15, 2016. City Hall will also be closed.
- Love your Library month, stop in and tell the Library why you love them.

Motion by Skalko second by Liimatta to approve bills and payroll subject to audit by Mayor and Clerk. Approved 4 - 1. Roll Call – Pontinen – Nay; Skalko – Aye; Kutsi – Aye; Bol – Aye; Liimatta – Aye.

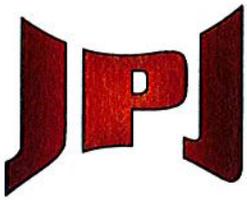
Motion by Liimatta second by Skalko to acknowledge the Library Board Minutes of December 7, 2015 & January 4, 2016, and the Planning & Zoning Commission Meeting Minutes of December 7, 2015. Approved.

Motion by Skalko second by Bol to adjourn the meeting at 6:58 p.m.


Debra Sakrison, City Clerk

ATTEST:

Robert Kutsi, Mayor



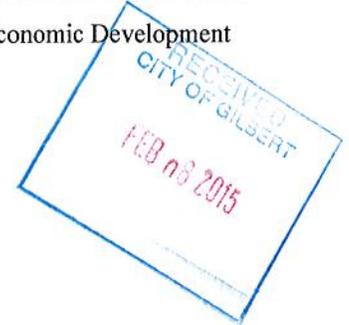
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Engineering

Land Surveying

Economic Development

February 3, 2016



Ms. Debra Sakrison, Clerk
City of Gilbert
P.O. Box 548
Gilbert, MN 55741

**Re: 2013 Street / Infrastructure
Project No. 12-664**

Dear Ms. Sakrison:

Enclosed please find three copies of Final Payment Estimate No. 9 for the 2013 Street / Infrastructure project. We recommend payment of \$57,986.64 to Utility Systems of America, Inc., P.O. Box 706, Eveleth, MN 55734.

After your review and approval, please sign and date all three copies of the final payment estimate, retain one copy for your files and return the remaining two copies to our office.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

JPJ Engineering, Inc.

John P. Jarnick, P.E.

JPJ/dj

Enclosures

FINAL PAYMENT ESTIMATE

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PROJECT: 2013 Street / Infrastructure		PROJECT NO.: 12-664	DATE: January 19, 2016 PAY ESTIMATE NO.: 9 PAGE 1 OF 4
OWNER: City of Gilbert P.O. Box 548 Gilbert, MN 55741		CONTRACTOR: Utility Systems of America, Inc. P.O. Box 706 Eveleth, MN 55734	PERIOD OF ESTIMATE FROM: June 8, 2015 TO: September 5, 2015

CONTRACT CHANGE ORDER SUMMARY			ESTIMATE	
No.	Amount			
	Additions	Deductions		
CO #1	\$0.00	\$0.00	1. Original Contract	\$1,033,939.30
CO #2	\$111,671.60		2. Change Orders	\$111,671.60
			3. Revised Contract (1+2)	\$1,145,610.90
			4. Work Completed*	\$1,145,610.90
			5. Stored Materials	\$0.00
			6. Subtotal (4+5)	\$1,145,610.90
			7. Retainage	\$0.00
			7A. Liquidated Damages	(\$10,625.00)
			8. Previous Payments	(\$1,076,999.26)
TOTALS	\$111,671.60	\$0.00	9. Amount Due (6-7-8)	\$57,986.64
NET CHANGE	\$111,671.60		*Detailed breakdown attached	

CONTRACT TIME		
Original (days): Revised:	On Schedule <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Starting Date: September 5, 2013 Substantial Completion: October 31, 2013
		Projected Completions: Circle Drive: June 20, 2014; New Jersey/Ohio: June 30, 2014; Michigan/Minnesota: July 15, 2014

<p>CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payment received from the Owner, and that current payment shown herein is now due.</p> <p>Contractor: Utility Systems of America, Inc.</p> <p>By <u>J. [Signature]</u></p> <p>Date <u>2-1-16</u></p>	<p>ENGINEER'S CERTIFICATION: The undersigned certifies that to the best of their knowledge and belief and to the extent of their assigned Contract responsibilities, the quantities shown in this estimate are correct and that the work has been performed in accordance with the Contract Documents.</p> <p>Engineer: JPJ Engineering, Inc.</p> <p>By <u>[Signature]</u></p> <p>Date <u>1-19-16</u></p> <p>APPROVED BY OWNER:</p> <p>Owner: City of Gilbert</p> <p>By _____</p> <p>Date _____</p>
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FINAL PAY ESTIMATE NO. 9

DATE: January 19, 2016
 OWNER: City of Gilbert
 PROJECT: 2013 Street / Infrastructure
 CONTRACTOR: Utility Systems of America, Inc., P.O. Box 706, Eveleth, MN 55734

PART A - MINNESOTA / MICHIGAN AVENUE ALLEY

ITEM NO.	DESCRIPTION	QUAN. BID	UNIT	UNIT PRICE	QUANTITY THIS PERIOD	AMOUNT THIS PERIOD	QUANTITY TO DATE	AMOUNT TO DATE
2104	REMOVE CURB & GUTTER	151	L.F.	\$3.00	0	\$0.00	195	\$585.00
2104	REMOVE WATER MAIN	1,049	L.F.	\$15.00	0	\$0.00	906	\$13,590.00
2104	REMOVE SANITARY SEWER	997	L.F.	\$2.00	0	\$0.00	1,003	\$2,006.00
2104	REMOVE STORM SEWER	89	L.F.	\$3.00	0	\$0.00	44	\$132.00
2104	REMOVE BIT PAVEMENT	1,698	S.Y.	\$2.00	0	\$0.00	1,592	\$3,184.00
2104	REMOVE CONC DRIVEWAY	20	S.Y.	\$7.00	0	\$0.00	151	\$1,057.00
2104	REMOVE STORM MANHOLE	1	EACH	\$175.00	0	\$0.00	1	\$175.00
2104	REMOVE CATCH BASIN	3	EACH	\$150.00	0	\$0.00	3	\$450.00
2104	REMOVE SANITARY MANHOLE	3	EACH	\$250.00	0	\$0.00	4	\$1,000.00
2104	REMOVE GATE VALVE & BOX	4	EACH	\$150.00	0	\$0.00	7	\$1,050.00
2105	COMMON EXCAVATION	400	C.Y.	\$7.00	0	\$0.00	393	\$2,751.00
2105	ROCK EXCAVATION - BOULDER	20	C.Y.	\$15.00	0	\$0.00	55	\$825.00
2211	AGG BASE, CL 5 (CV)	400	C.Y.	\$24.00	0	\$0.00	393	\$9,432.00
2360	TYPE SP WEARING COURSE MIX	170	TON	\$75.00	4.6	\$345.00	318.09	\$23,856.75
2360	TYPE SP NON-WEARING COURSE	170	TON	\$75.00	0	\$0.00	74.61	\$5,595.75
2451	GRAN FOUND MTRL (LV)	50	C.Y.	\$18.00	0	\$0.00	50	\$900.00
2503	12" RCP STORM SEWER	60	L.F.	\$55.00	0	\$0.00	36	\$1,980.00
2503	18" RCP STORM SEWER	32	L.F.	\$60.00	0	\$0.00	0	\$0.00
2503	CON TO EX STORM MANHOLE	1	EACH	\$750.00	0	\$0.00	1	\$750.00
2503	CON TO EX STORM SEWER	2	EACH	\$250.00	0	\$0.00	2	\$500.00
2506	CONSTRUCT STORM MANHOLE	1	EACH	\$3,000.00	0	\$0.00	0	\$0.00
2506	CONSTRUCT CATCH BASIN	2	EACH	\$2,850.00	0	\$0.00	1	\$2,850.00
2506	CONSTRUCT SAN MANHOLE	3	EACH	\$3,800.00	0	\$0.00	4	\$15,200.00
2531	CONC C&G, DES B618	151	L.F.	\$21.00	0	\$0.00	195	\$4,095.00
2531	6" CONC DRIVEWAY PAVEMENT	20	S.Y.	\$50.00	0	\$0.00	156	\$7,800.00
2573	STORM DRAIN INLET PROTECT	4	EACH	\$200.00	0	\$0.00	4	\$800.00
2575	SODDING, LAWN TYPE	722	S.Y.	\$6.50	783	\$5,089.50	783	\$5,089.50
2611	6" DIP WATER MAIN & FITTINGS	1,049	L.F.	\$60.00	0	\$0.00	1,131	\$67,860.00
2611	3/4" COPPER WTR SERVICE PIPE	184	L.F.	\$20.00	0	\$0.00	259	\$5,180.00
2611	3/4" CORPORATION STOP	17	EACH	\$200.00	0	\$0.00	24	\$4,800.00
2611	3/4" CURB STOP AND BOX	17	EACH	\$250.00	0	\$0.00	24	\$6,000.00
2611	6" GATE VALVE & BOX	8	EACH	\$1,400.00	0	\$0.00	8	\$11,200.00
2611	CON TO EX WATER MAIN	7	EACH	\$1,000.00	0	\$0.00	7	\$7,000.00
2611	CON TO EX WATER SERVICE	17	EACH	\$200.00	0	\$0.00	24	\$4,800.00
2621	8" PVC SANITARY SEWER (C-900)	997	L.F.	\$55.00	0	\$0.00	1,042	\$57,310.00
2621	6" PVC SAN SERVICE LINE	273	L.F.	\$30.00	0	\$0.00	300	\$9,000.00
2621	8" X 6" SAN SERVICE WYE	23	EACH	\$450.00	0	\$0.00	23	\$10,350.00
2621	CON TO EX SAN SEWER	3	EACH	\$500.00	0	\$0.00	2	\$1,000.00
2621	CON TO EX SAN MANHOLE	1	EACH	\$1,000.00	0	\$0.00	1	\$1,000.00
2621	RECON EX SAN SERVICE	23	EACH	\$250.00	0	\$0.00	23	\$5,750.00
CO	SERVICE MASTER / A1	0	L.S.	(\$557.03)	1	(\$557.03)	1	(\$557.03)

TOTAL WORK COMPLETED THIS PERIOD - Part A.....

\$4,877.47

TOTAL WORK COMPLETED TO DATE - Part A.....

\$296,346.97

PART B - NEW JERSEY / OHIO AVENUE

ITEM NO.	DESCRIPTION	QUAN. BID	UNIT	UNIT PRICE	QUANTITY THIS PERIOD	AMOUNT THIS PERIOD	QUANTITY TO DATE	AMOUNT TO DATE
2101	CLEAR TREE	4	EACH	\$200.00	0	\$0.00	3	\$600.00
2101	GRUB TREE	4	EACH	\$200.00	0	\$0.00	3	\$600.00
2104	REMOVE CURB & GUTTER	3,350	L.F.	\$2.50	0	\$0.00	3,180	\$7,950.00
2104	REMOVE SANITARY SEWER	345	L.F.	\$3.00	0	\$0.00	331	\$993.00
2104	REMOVE STORM SEWER	264	L.F.	\$3.00	0	\$0.00	342	\$1,026.00
2104	REMOVE BIT PAVEMENT	2,125	S.Y.	\$2.00	0	\$0.00	2,371	\$4,742.00
2104	REMOVE SIDEWALK	815	S.Y.	\$6.00	0	\$0.00	819	\$4,914.00
2104	REMOVE CONC DRIVEWAY	276	S.Y.	\$7.00	0	\$0.00	314	\$2,198.00
2104	REMOVE SAN MANHOLE	2	EACH	\$400.00	0	\$0.00	2	\$800.00
2104	REMOVE HYDRANT	2	EACH	\$400.00	0	\$0.00	2	\$800.00
2104	REMOVE GATE VALVE & BOX	1	EACH	\$1,200.00	0	\$0.00	2	\$2,400.00
2105	COMMON EXCAVATION	1,920	C.Y.	\$8.00	0	\$0.00	1,629	\$13,032.00
2105	SELECT GRAN BORROW (CV)	483	C.Y.	\$16.50	0	\$0.00	390	\$6,435.00
2211	GEOTEXTILE SEP FABRIC	1,450	S.Y.	\$1.70	0	\$0.00	1,334	\$2,267.80
2211	AGG BASE, CLASS 5 (CV)	1,132	C.Y.	\$21.00	0	\$0.00	1,288	\$27,048.00
2232	MILL PAVEMENT SURFACE	4,610	S.Y.	\$1.75	0	\$0.00	3,600	\$6,300.00
2360	TYPE SP WEARING COURSE MIX	743	TON	\$73.00	0	\$0.00	605.97	\$44,235.81
2360	TYPE SP NON-WEARING COURSE	248	TON	\$85.00	0	\$0.00	580.15	\$49,312.75
2451	GRAN BACKFILL MTRL (LV)	50	C.Y.	\$15.00	0	\$0.00	30	\$450.00
2451	GRAN FOUND MTRL (LV)	30	C.Y.	\$20.00	0	\$0.00	30	\$600.00
2503	15" RCP STORM SEWER	264	L.F.	\$50.00	0	\$0.00	264	\$13,200.00
2503	CON TO EX STORM MANHOLE	4	EACH	\$1,000.00	0	\$0.00	4	\$4,000.00
2506	CONSTRUCT SAN MANHOLE	2	EACH	\$3,600.00	0	\$0.00	2	\$7,200.00
2506	ADJUST FRAME & RING CASTING	3	EACH	\$200.00	0	\$0.00	3	\$600.00
2506	ADJUST GATE VALVE BOX	7	EACH	\$150.00	0	\$0.00	3	\$450.00
2521	4" CONCRETE WALK	7,317	S.F.	\$4.50	0	\$0.00	6,813	\$30,658.50
2521	6" CONC SIDEWALK (PCR)	240	S.F.	\$4.75	0	\$0.00	311	\$1,477.25
2521	DETECTABLE WARNING SURF	6	EACH	\$300.00	0	\$0.00	6	\$1,800.00
2531	CONC C&G, D ES B618	3,350	L.F.	\$11.00	0	\$0.00	3,210	\$35,310.00
2531	36" VALLEY GUTTER	40	L.F.	\$35.00	0	\$0.00	76	\$2,660.00
2531	6" CONC DRIVEWAY PAVEMENT	276	S.Y.	\$43.00	0	\$0.00	314	\$13,502.00
2573	STORM DRAIN INLET PROTECT	12	EACH	\$150.00	0	\$0.00	12	\$1,800.00
2575	SODDING, LAWN TYPE	1,850	S.Y.	\$5.25	0	\$0.00	2,055	\$10,788.75
2611	6" GATE VALVE & BOX	1	EACH	\$1,500.00	0	\$0.00	1	\$1,500.00
2621	10" PVC SANITARY SEWER	345	L.F.	\$60.00	0	\$0.00	315	\$18,900.00
2621	4" PVC SAN SERVICE LINE	50	L.F.	\$30.00	0	\$0.00	16	\$480.00
2621	10" X 4" SAN SERVICE WYE	2	EACH	\$300.00	0	\$0.00	2	\$600.00
2621	PIPE LOCATOR	1	EACH	\$14,000.00	0	\$0.00	1	\$14,000.00
2621	CON TO EX SAN SEWER	3	EACH	\$1,000.00	0	\$0.00	3	\$3,000.00
2621	CON TO EX SAN MANHOLE	1	EACH	\$1,000.00	0	\$0.00	1	\$1,000.00
CO1-2	CURB STOPS	0	L.S.	\$8,550.00	1	\$8,550.00	1	\$8,550.00

TOTAL WORK COMPLETED THIS PERIOD - Part B.....

\$8,550.00

TOTAL WORK COMPLETED TO DATE - Part B.....

\$348,180.86

PART C - CIRCLE DRIVE

ITEM NO	DESCRIPTION	QUAN. BID	UNIT	UNIT PRICE	QUANTITY THIS PERIOD	AMOUNT THIS PERIOD	QUANTITY TO DATE	AMOUNT TO DATE
2104	REMOVE CURB & GUTTER	13	L.F.	\$4.00	0	\$0.00	20	\$80.00
2104	REMOVE WATER MAIN	10	L.F.	\$4.00	0	\$0.00	40	\$160.00
2104	REMOVE PIPE CULVERT	411	L.F.	\$4.00	0	\$0.00	712	\$2,848.00
2104	REMOVE BIT PAVEMENT	3,715	L.F.	\$2.00	0	\$0.00	4,940	\$9,880.00
2104	REMOVE CONC DRIVEWAY	49	S.Y.	\$7.00	0	\$0.00	280	\$1,960.00
2105	COMMON EXCAVATION	2,689	C.Y.	\$8.00	0	\$0.00	3,056	\$24,448.00
2105	SELECT GRAN BORROW (CV)	1,610	C.Y.	\$16.50	0	\$0.00	1,645	\$27,142.50
2112	GEOTEXTILE SEP FABRIC	4,934	S.Y.	\$1.70	0	\$0.00	6,819	\$11,592.30
2211	AGG BASE, CLASS 5 (CV)	950	C.Y.	\$21.00	0	\$0.00	1,521	\$31,941.00
2232	MILL PAVEMENT SURFACE	1,340	S.Y.	\$1.75	0	\$0.00	0	\$0.00
2360	TYPE SP WEARING COURSE MIX	570	TON	\$73.00	0	\$0.00	573.45	\$41,861.85
2360	TYPE SP NON-WEARING COURSE	410	TON	\$76.00	0	\$0.00	637.09	\$48,418.84
2451	GRAN BACKFILL MTRL (LV)	50	C.Y.	\$17.00	0	\$0.00	12	\$204.00
2451	GRAN FOUND MTRL (LV)	50	C.Y.	\$25.00	0	\$0.00	0	\$0.00
2503	12" RCP STORM SEWER	248	L.F.	\$50.00	0	\$0.00	229	\$11,450.00
2503	15" RCP STORM SEWER	804	L.F.	\$52.00	0	\$0.00	802	\$41,704.00
2503	18" RCP STORM SEWER	588	L.F.	\$55.00	0	\$0.00	654	\$35,970.00
2506	CONST STORM MANHOLE	3	EACH	\$3,000.00	0	\$0.00	3	\$9,000.00
2506	CONST CATCH BASIN	15	EACH	\$2,800.00	0	\$0.00	16	\$44,800.00
2506	ADJUST FRAME & RING CASTING	7	EACH	\$225.00	0	\$0.00	7	\$1,575.00
2506	ADJUST GATE VALVE & BOX	3	EACH	\$150.00	0	\$0.00	3	\$450.00
2531	CONC C&G, DES S518	3,143	L.F.	\$11.50	0	\$0.00	3,576	\$41,124.00
2531	6" CONC DRIVEWAY PAVEMENT	49	S.Y.	\$50.00	0	\$0.00	280	\$14,000.00
2573	STORM DRAIN INLET PROTECT	22	EACH	\$150.00	0	\$0.00	22	\$3,300.00
2573	SILT FENCE	1,800	L.F.	\$3.50	0	\$0.00	1,465	\$5,127.50
2575	SODDING, LAWN TYPE	4,022	S.Y.	\$5.00	0	\$0.00	4,970	\$24,850.00
2611	6" DIP WTR MAIN & FITTINGS	710	L.F.	\$50.00	0	\$0.00	744	\$37,200.00
2611	3/4" COPPER WATER SERVICE	315	L.F.	\$30.00	0	\$0.00	333	\$9,990.00
2611	3/4" CORPORATION STOP	9	EACH	\$200.00	0	\$0.00	11	\$2,200.00
2611	6" GATE VALVE & BOX	3	EACH	\$1,600.00	0	\$0.00	3.75	\$6,000.00
2611	HYDRANT	1	EACH	\$4,000.00	0	\$0.00	1	\$4,000.00
2611	CON TO EX WATER MAIN	2	EACH	\$1,000.00	0	\$0.00	4	\$4,000.00
2611	CON TO EX WATER SERVICE	9	EACH	\$200.00	0	\$0.00	10	\$2,000.00
2625	PIPE INSULATION	30	S.Y.	\$32.00	0	\$0.00	84	\$2,688.00
COI-1	REPAIR WATER MAIN BREAK TEMPORARILY ON CIRCLE DRIVE	0	L.S.	\$618.08	0	\$0.00	1	\$618.08
CO	MN POWER REIMBURSEMENT	0	L.S.	(\$1,500.00)	1	(\$1,500.00)	1	(\$1,500.00)

TOTAL WORK COMPLETED THIS PERIOD - Part C..... (\$1,500.00)

TOTAL WORK COMPLETED TO DATE - Part C..... \$501,083.07

TOTAL WORK COMPLETED THIS PERIOD - Parts A, B and C..... \$11,927.47

TOTAL WORK COMPLETED TO DATE - Parts A, B and C..... \$1,145,610.90

City of Gilbert
Request for City Council Action

4B
1/2

Date: February 12, 2016

Issue: Replace the water heater in the fire department with a tank less hot water heater

Background: Because the water is used so infrequently at the fire hall, water sits in the tank and is being constantly reheated which is extremely energy inefficient. The current water heater is also vented incorrectly. Several years ago when the city buildings energy audit was conducted it was recommended at that time to switch to a tank less hot water heater.

There is money budgeted in the City Hall building budget for capital improvements.

Attached is a quote from Carlson Company for \$3144.47 to remove the old water heater and install a tank less water heater. It would be more energy efficient, it would save valuable floor and the improper venting issue would be solved.

Council Action:

City Council action is requested on this issue.

Proposal

Page No. _____

of _____

Pages _____



CARLSON DULUTH COMPANY

2901 HELM ST. • DULUTH, MN 55806
Virginia 218-741-2130 • Duluth 218-727-0063
www.carlsonduluth.com

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PROPOSAL SUBMITTED TO <i>Gilbert Fire Dept</i>		PHONE	DATE <i>2-5-16</i>
STREET		JOB NAME	
CITY, STATE AND ZIP CODE		JOB LOCATION	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We hereby submit specifications and estimates for:

<i>1- Bosch C1050 ESN Tankless Waterheater</i>	<i>1736.00</i>
<i>3" PVC Venting</i>	<i>33.90</i>
<i>Condensate pump + Drain line</i>	<i>136.88</i>
<i>Gas Piping</i>	<i>48.70</i>
<i>Screws, Hangers + Supplies</i>	<i>62.00</i>
<i>1- Plumb Easy Kit</i>	<i>121.40</i>
<i>Copper + Fitting</i>	<i>81.61</i>
	<i>Parts 2,220.69</i>
	<i>Tax 163.78</i>
	<i>Labor 760.00</i>
	<i>Total 3,144.47</i>

We Propose hereby to furnish material and labor – complete in accordance with above specifications, for the sum of:

_____ dollars (\$ _____).

Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. 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 Workman's Compensation Insurance.

Authorized
Signature _____

Note: This proposal may be
withdrawn by us if not accepted within _____ days.

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.

Signature _____

Date of Acceptance _____

Signature _____

City of Gilbert
Request for City Council Action

4c
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Date: February 18, 2016

Issue: Safety gear for electric arc flash

Background: The city applied for a safety grant to purchase safety gear to protect from injury in the event of an electric arc flash event. The grant was not approved. The gear is still needed.

Attached are two quotes. Graybar is just for one set, the Sim Supply quote is for two sets – one large and one small to accommodate the operators' different sizes.

Council Action:

City Council action is requested on this item.



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3404 15TH AVE E STE 3
HIBBING MN 55746-3561
Phone: 218-262-5858
Fax: 218-262-5854

To: GILBERT, CITY OF
16 S BROADWAY
GILBERT MN 55741-5184

Date: 09/25/2015

Attn:
Phone: 218-748-2232
Fax:
Email:

Proj Name:
GB Inquiry #: 114248636

Contact: CHRISTOPHER EGAN
Email: christopher.egan@graybar.com

Inquiry

Pricing and Availability are Based on Information at Time of Request

Item	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100	1	WH SALISBURY	GK011B/10	LINEMAN GLOVE KIT BLK CLASS 0	89.00	1	89.00
GB Part #: 25401516 UPC #:							
300	1	WH SALISBURY	SK40PLTL-LFH40-FL	40 CAL PLT KIT W/LIFT FRONT HOOD LARGE	1,552.79	1	1,552.79
GB Part #: 25632456 UPC #:							

Total (Tax not included): 1,641.79

SIM SUPPLY, INC.

1001 7TH AVE.
HIBBING, MN 55746

Tel#: (218)262-6125

Fax#: (218)262-6474

Quote # 52066

Quote Date: 27-Aug-15

Expires: 27-Sep-15

Shipping WHSE: MAIN

Quote taken by: MIKE

Quoted To: Client account number: GILBERT

GILBERT, CITY OF
CITY CLERKS OFFICE
16 BROADWAY SOUTH
GILBERT, MN 55741
US

Tel: (218)748-2232

Fax: (218)748-2234

Shipping Location: GILBERT

GILBERT, CITY OF
CITY CLERKS OFFICE
16 BROADWAY SOUTH
GILBERT, MN 55741
US

Tel: (218)748-2232

Fax: (218)748-2234

Ship by Date	Customer Department	Customer PO Number	Customer Release#	Terms of Sale	Inside Salesrep	Outside Salesrep
9/1/2015				Net 30	RRS	BARB
Ordered By	Currency	Exchange Rate	Carrier	Service Code	Frt Method	
	US	1	VENDOR DEL		M	

Seq#	Line Typ	Item Number	Manufacturer	Description	Qty Ordered	Qty UM	Unit Price	Amt UM	Extended Price
1	N	SW-WVCK	CHICAGO PROTECTI	FACE SHIELD UNIT ATPV 12CAL/CM2	2	KT	\$81.38	KT	\$162.76
2	N	KN-51-NFPA	CHICAGO PROTECTI	NOMEX KNIT HOOD 2 PLY CAT 2	2	EA	\$20.32	EA	\$40.64
3	N	SWJ-43-SMALL	CHICAGO PROTECTI	ARC JACKET 43 CAL RATING 35"	1	EA	\$129.07	EA	\$129.07
4	N	SWJ-43-LARGE	CHICAGO PROTECTI	ARC JACKET 43 CAL RATING 35"	1	EA	\$129.07	EA	\$129.07
5	N	SWB-43-SMALL	CHICAGO PROTECTI	ARC BIB OVERALLS 43 CAL RATING	1	EA	\$160.94	EA	\$160.94
6	N	SWB-43-LARGE	CHICAGO PROTECTI	ARC BIB OVERALLS 43 CAL RATING	1	EA	\$160.94	EA	\$160.94
7	N	LRIG-0-11-8	CHICAGO PROTECTI	RUBBER INSULATED CLASS 0 LINEMAN GLOVES 11"	1	PR	\$69.19	PR	\$69.19
8	N	LRIG-0-11-10	CHICAGO PROTECTI	RUBBER INSULATED CLASS 0 LINEMAN GLOVES 11"	1	PR	\$69.19	PR	\$69.19

THANK YOU FOR THE OPPORTUNITY TO QUOTE! Please visit us at: www.simsupply.com	Subtotal:	\$921.80
	Sales Tax	
	Total:	\$921.80

City of Gilbert
Request for City Council Action

4
D
1/9

Date: February 18, 2016

Issue: The City of Gilbert has received written complaints from City employees about a City Councilor. Pursuant to City policy those complaints were forwarded to the City Attorney. The City Attorney reviewed those complaints and consulted with the League of Minnesota Cities. Pursuant to the advice of the League of Minnesota Cities, the City Attorney is recommending that the City hire an independent, impartial investigator to investigate said complaints.

The League of Minnesota Cities recommended the services of Attorney Dyan J. Ebert to conduct an independent investigation. For your information, attached is a biography of Ms. Ebert and an email containing her fee structure. The City Attorney is recommending that the City Council approve the hiring of Ms. Ebert to conduct an independent investigation of these complaints received by the City of Gilbert.

Council Action:

City Council is requested to take action on this issue.



Quinlivan & Hughes, P.A.
 1740 West St. Germain Street | St Cloud, MN 56301
 Phone: (320) 251-1414 | Fax: (320) 251-1415



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HOME OUR ATTORNEYS PRACTICE AREAS ABOUT CONTACT LOCATION NEWS

DYAN J. EBERT



Direct Dial: (320) 258-7846
 Email: debert@quinlivan.com

[Download V-Card](#) | [Printable Bio](#)

Dyan works with the following staff:
 Lisa M. Schroeder, Paralegal
 Rachel A. Ramthun, Secretary



Ms. Ebert joined the firm in 1994, becoming a Shareholder in 1998. She was the first woman to serve as the firm's Chief Executive Officer and was on the firm's Board of Directors between 2003 to 2010, and again beginning in 2014 to the present. Ms. Ebert is active and holds, or has held, leadership roles in national, state and local professional organizations including the Association of Defense Trial Attorneys, the Minnesota State Bar Association, the Minnesota Defense Lawyers Association, Minnesota Women Lawyers, and the Seventh District Bar Association. Ms. Ebert served as President of the Minnesota Defense Lawyers Association in 2014-2015, and is currently the Minnesota State Chair for the Association of Defense Trial Attorneys and also serves on ADTA's Executive Council, and is the Outstate Representative on the Minnesota State Bar Association's Governing Council. She is an AV Rated attorney by Martindale-Hubbell, a Minnesota Super Lawyer, and was named to the list of *Top 50 Women Attorneys* in Minnesota in 2014.

Ms. Ebert practices in the area of civil litigation, with a focus on employment and government liability, insurance coverage, and general casualty law. Ms. Ebert represents government entities, corporations, and individuals at all stages of the litigation process, including before appellate courts. She counsels employers on policies and procedures, conducts employment-related investigations, and represents employers in conjunction with charges of discrimination filed with state and federal investigatory agencies. Ms. Ebert is a frequent lecturer to colleagues, as well as employees, supervisors, and human resource professionals, on employment-related matters including hiring, firing and discipline, workplace behavior, employee evaluations, the Family and Medical Leave Act, the Americans with Disabilities Act, and antidiscrimination legislation. Ms. Ebert also represents individuals and businesses in matters involving personal injuries, premises liability, wrongful death, and insurance coverage.

Ms. Ebert is on the American Arbitration Association's no-fault arbitration panel. On November 24, 2010, the Minnesota Supreme Court appointed Ms. Ebert to serve on the Civil Justice Reform Task Force. The Task Force reviewed the Civil Justice Forum Report and civil justice reform initiatives undertaken in other jurisdictions and

DYAN J. EBERT

DYAN J. EBERT - BIO

BAR RELATED ACTIVITIES

APPEALS

TRIALS

CONTACT NOTICE

While we would like to hear from you, we cannot represent you until we know that a conflict-of-interest will not be created by doing so. Please do not send us any information about any matter that may involve personal information.

The best way to initiate a possible representation is to contact our St Cloud, MN office at (320) 251-1414.

We will take you through a conflict-of-interest procedure and see that you are put in touch with the lawyer best suited to handle your matter.

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recommended to the Supreme Court changes to facilitate more cost effective and efficient civil case proceedings.

Since 1994, Ms. Ebert has served as coordinator of the Apollo High School Mock Trial Invitational Tournament.

Education

- Augustana College (B.A., cum laude, 1990)
- William Mitchell College of Law (J.D., magna cum laude, 1993)
 - William Mitchell Law Review (Executive Editor, 1992-93; Staff Member, 1991-92)

Bar Admissions

- Minnesota, 1993
- U.S. District Court (Minnesota), 1994
- South Dakota, 1994
- Eighth Circuit Court of Appeals, 2003

Certifications

- Arbitrator, American Arbitration Association (No-Fault)

Practice Areas

- Appeals
- Automobile Law
- Employment Law
- Civil Litigation
- Construction Law
- Dram Shop
- General Casualty Litigation
- Government Liability
- Insurance Coverage
- Municipal Liability
- Premises Liability

Professional Organizations:

- Association of Defense Trial Attorneys
 - State Chair (2009-present)
 - Executive Council, Class of 2016
- DRI
 - Minnesota's representative to Women in the Law Committee
- John E. Simonett American Inn of Court
 - President (2007-2008)
- Minnesota Defense Lawyers Association
 - Board of Directors (2006-present)
 - Secretary (2011-2012)
 - Treasurer (2012-2013)
 - Vice President (2013-2014)
 - President (2014-2015)
 - President Emeritus (2015-2016)
- Minnesota State Bar Association
 - Ms. Ebert is currently serving as the Outstate Representative to the MSBA's 15 member Council and the Chair of the Association's Governance Committee. Ms.

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Ebert served as the Minnesota Women Lawyers Association's representative to the Council from 2006 until 2012. In conjunction with these positions, she is also a member of the MSBA Assembly and has served on the Association's Operations Committee, the Elections and Appointments Committee, the Judicial Elections Committee and the Mock Trial Advisory Committee. In 2004-05, Ms. Ebert served as a co-chair of the Association's Women and the Legal Profession Committee. Additionally, Ms. Ebert served as the Chair of the Association's Elections and Appointments Committee from 2011-2013.

- South Dakota Bar Association
- Minnesota Women Lawyers Association
 - Organizer, Central Minnesota Chapter
 - President, Central Minnesota Chapter, 1999
 - Chapter Liaison to Board of Directors, 2004-2010
 - Advisory Board, 2013-present
- Minnesota CLE
 - Board of Directors (2012-present)
- Seventh Judicial District Bar Association
 - Secretary/Treasurer (2002-present)
- Stearns/Benton County Bar Association
 - Program Committee Chair, 1996-97; 1997-98
 - Secretary/Treasurer, 1998-99
 - Vice President, 1999-00
 - President, 2000-01
 - Editor, Association Newsletter, 1998-99

Civic

- Volunteer Attorney Coach, Apollo High School Mock Trial Team, 1994 - 1999
- Organizer, Apollo Invitational Mock Trial Tournament, 1994- present Volunteer Judge, MSBA Mock Trial State Tournament, 1997 - present
- Coordinator, Caritas Adopt-a-Family "Share the Spirit" Drive (QSST), 1994-97
- Coordinator, Woman House Christmas Gift Drive (Q&H), 1998
- William Mitchell College of Law, Mentor Program, 1996-97
- Central Minnesota Emergency Services Chaplaincy, Board Member 2003 - 2008
- William Mitchell College of Law, Alumni Board Member, 2006-2009

Publications

- "Reallocation and the Severally Liable Defendant: Applying Minnesota Statute Section 604.02 after Staab v. Diocese of St. Cloud," Minnesota Defense, Volume 35, Issue 3, Fall 2014

EXPERIENCE

Trials: Ms. Ebert has handled numerous jury and court trials involving claims of negligence, personal injury, governmental liability and premises liability. Below is a sampling of her trial experience:

- Mordini v. Rongstead, Stearns County, September 11-12, 1995, court trial (motor vehicle negligence; property damage)
- Souhrada v. Tri County Electric, Fillmore County, 1995, court trial (negligence; property damage)
- Hammerlund v. Itasca County Engineer, Itasca County, May 16-18, 1996, jury trial (governmental liability, negligence; property damage)

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- Kramer v. ISD # 742, Minnesota Federal District Court, jury trial, 1996 (second chair) (employment law)
- Voigt v. Fingerhut Corporation, Stearns County, jury trial, 1996 (second chair) (negligence; personal injury)
- Arneson v. Derby 4-Wheel Drive, Benton County, court trial, 1996 (negligence; property damage)
- Kerksen v. Polk County, Polk County, jury trial, December 2-4, 1997 (negligence; personal injury; governmental immunity)
- Sarff v. Morrison County, Morrison County, jury trial, August 26-28, 1998 (negligence; premises liability; governmental liability; personal injury)
- Olson v. Goodhue County, Goodhue County, court trial, June 26, 2000 (planning and zoning)
- Collins v. Hoefer and Larson, Swift County, jury trial, September 18- 20, 2000 (motor vehicle liability; personal injury)
- Zamora v. Coborns, Kandiyohi County, jury trial, September 26 - 28, 2000 (premises liability; personal injury)
- Loretta Hanson v. Progressive, Isanti County, Isanti County, 2002, summary jury trial (motor vehicle negligence; personal injury)
- Robldeau v. State Farm, Anoka County, jury trial, April 28 - May 1, 2003, (personal injury, UIM)
- Northway v. Reiland, et. al., Stearns County, jury trial, November 29 - December 3, 2004 (wrongful death; negligence)
- Bundy v. Lamm, Todd County, jury trial, January 12-14, 2005 (premises liability; personal injury)
- Dellwo v. Hennepin Cooperative Seed Exchange, Hennepin County, jury trial, April 8-11, 2005 (motor vehicle negligence; personal injury)
- Kemper v. Western National, Stearns County, jury trial, July 10-13, 2006 (personal injury, UIM)
- Kern v. Gaige, Stearns County, jury trial, May 22-24, 2007 (motor vehicle negligence; personal injury)
- Olson v. Morrell Transfer, Sherburne County, jury trial, February 24- 27, 2009 (motor vehicle negligence; personal injury)
- Dunn v. Coborn's, et al., McLeod County, jury trial, January 31, February 1-2, 2012 (personal injury; premises liability)
- Sisco v. Fisher, Crow Wing County, jury trial, March 27-28, 2012 (personal injury; motor vehicle negligence)
- Theil v. Sletton and Blakeman, Pope County, jury trial, January 23- 24, 2013 (motor vehicle negligence)
- Nelson v. Phoenix, Castenada and Western National Mutual Insurance Company, Kandiyohi County, jury trial, March 26-27, 2013 (motor vehicle negligence)
- Davids v. Boroski, Sherburne County, jury trial, July 22-23, 2013 (wrongful death)
- Sinna v. Anderson, Otter Tail County, jury trial, March 25-27, 2014 (motor vehicle negligence)
- Strodtman v. Voss Plumbing and Heating, Stearns County, jury trial, April 1-3, 2014 (property damage resulting from sewage backup)
- Doucette v. Morrison County, Morrison County, jury trial, April 27- May 6, 2015 (employment retaliation)
- Johnson v. City of Cold Spring, Stearns County, jury trial, August 3-5, 2015 (contract; promissory estoppel)

Appellate: Ms. Ebert had handled in excess of 50 appeals. Below is a sampling of her appellate experience:

- Wallin v. Letourneau, 524 N.W.2d 275 (Minn. Ct. App. 1994) (dram shop)
- Reinsurance Association of Minn. v. Hanks, 526 N.W.2d 406 (Minn. Ct. App. 1995) (insurance coverage)

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- Hanson v. Midnorthern Electric, 1995 WL 507628, unpublished opinion, (Minn. Ct. App. 1995) (personal injury; negligence)
- Gertken v. Spee Dee Delivery, 1995 WL 450548, unpublished opinion, (Minn. Ct. App. 1995) (personal injury; negligence)
- Hanson v. Horecka, 1995 WL 46263, unpublished opinion, (Minn. Ct. App. 1995) (wrongful death; medical malpractice)
- Heldt v. Truck Ins. Exchange, 1995 WL 1496, unpublished opinion, (Minn. Ct. App. 1995) (choice of laws; uninsured motorist coverage)
- Norgren v. Winter, 1996 WL 344990, unpublished opinion, (Minn. Ct. App. 1996) (governmental immunity)
- Lang v. Stearns County Sheriff's Department, 1996 WL 310327, unpublished opinion, (Minn. Ct. App. 1996) (governmental immunity)
- Mielke v. Nelson, 1996 WL 509751, unpublished opinion, (Minn. Ct. App. 1996) (personal injury; negligence)
- Fischer v. City of St. Cloud, 1996 WL 622751, unpublished opinion, (Minn. Ct. App. 1996) (governmental immunity)
- Line Construction Benefits Fund v. Skeates, 563 N.W.2d 757 (Minn. Ct. App. 1997) (dram shop)
- Kroning v. State Farm Ins. Co. (MDLA Amicus Brief), 567 N.W.2d 42 (Minn. 1997) (admission of evidence)
- Anders v. Trester, 562 N.W.2d 45 (Minn. Ct. App. 1997) (premises liability; personal injury; negligence)
- Hardwig v. Fingerhut Corp., 1997 WL 769526, unpublished opinion, (Minn. Ct. App. 1997) (reemployment)
- Bergerson v. Geyer Rental, 1997 WL 698460, unpublished opinion, (Minn. Ct. App. 1997) (wrongful death; negligence)
- Colvin v. Ottertail County, 1997 WL 666083, unpublished opinion, (Minn. Ct. App. 1997) (governmental immunity)
- Kemp v. Widmer v. Saxton, et al, 1997 WL 559846, unpublished opinion, (Minn. Ct. App. 1997) (joint enterprise/joint venture)
- Marchetti v. Bechtold, et al, 1997 WL 10524, unpublished opinion (Minn. Ct. App. 1997) (governmental immunity)
- Schwalbe v. Berscheld, 1997 WL 193908, unpublished opinion, (Minn. Ct. App. 1997) (wrongful death; negligence)
- Fuchs v. Schneider, 1998 WL 372809, unpublished opinion, (Minn. Ct. App. 1998) (legal malpractice)
- Chlapuslo v. Marso, 1998 WL 747142, unpublished opinion (Minn. Ct. App. 1998) (legal malpractice)
- Guzzetta v. Mudek, 1999 WL 1897, unpublished opinion, (Minn. Ct. App., January 5, 1999) (land use; easement)
- American Iron v. Dubow, 1999 WL 326210, (Minn. Ct. App. 1999) (defamation; anti-SLAPP)
- Geyer Rental, Inc. v. Landwehr Const., 2000 WL 1146750 (Minn. Ct. App., August 15, 2000) (indemnification)
- In re Silicone Implant Ins. Coverage Litigation, 652 N.W.2d 46 (Minn. Ct. App. 2002) (insurance coverage)
- Longrie v. Luthen, 662 N.W.2d 150 (Minn. Ct. App. 2003) (governmental liability)
- Bundy v. Holmquist, 669 N.W.2d 627, 2003 WL 22290276 (Minn. Ct. App., October 7, 2003) (premises liability)
- In re Silicone Implant Ins. Coverage Litigation, 667 N.W.2d 405 (Minn. 2003) (insurance coverage)
- Bruns v. Pioneer Enterprises, 2003 WL 21790247 (Minn. Ct. App., August 5, 2003) (premises liability)
- Tripp v. RAM Mut. Ins. Co., 2005 WL 3470345 (Minn. Ct. App., December 20, 2005) (no-fault insurance coverage)

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- Carlson ex rel. Carlson v. Hess, 2005 WL 3372772 (Minn. Ct. App., December 13, 2005) (negligence)
- In Re Continental Casualty Co., 712 N.W.2d 215 (Minn. Ct. App. 2006) (Insurance coverage; jurisdiction and venue)
- Pahnke v. Anderson Moving and Storage, 720 N.W.2d 875 (Minn. Ct. App. 2006) (governmental immunity)
- Haugud v. Isanti County, Minnesota Court of Appeals, A06-0813 (June 13, 2006) (land use)
- Mahoney and Hagberg v. Newgard, 729 N.W.2d 302 (Minn. 2007) (defamation; absolute privilege)
- Granlund v. Lumley, 2007 WL 1412910 (Minn. Ct. App., May 15, 2007) (trespass)
- In Re Continental Casualty Company, 749 N.W.2d 797 (Minn. 2008) (Insurance coverage; jurisdiction and venue)
- Zephier v. Catholic Diocese of Sioux Falls, et al., 752 N.W.2d 658 (SD 2008) (statute of limitations)
- Fayette v. Pennington County, Minnesota Court of Appeals, A08-0740 (June 3, 2008) (Petition for Writ of Certiorari; employment law)
- Lake Carlos Area Ass'n v. Douglas County, 2008 WL 4007023 (Minn. Ct. App., September 2, 2008) (land use)
- Marshall v. Esco Industries, Inc., 2009 WL 2927474 (Minn. Ct. App., September 15, 2009) (premises liability)
- Rau v. Leininger, 2009 WL 2928099 (Minn. Ct. App., September 15, 2009) (premises liability)
- Staab v. Diocese of St. Cloud, 780 N.W.2d 392, (Minn. Ct. App. 2010) (joint and several liability)
- Crew v. Board of Adjustment of Town of Rice Lake, 2010 WL 3000038 (Minn. Ct. App. 2010) (land use)
- Martin v. Martin, 2010 WL 4286217 (Minn. Ct. App. 2010) (collateral estoppel; immunity)
- Kern v. Janson and Torborg, 2010 WL 3546867 (Minn. Ct. App. 2010) (splitting causes of action; collateral estoppel)
- Kelly v. Holt, 2010 WL 3000193 (Minn. Ct. App. 2010) (Inconsistent jury verdict)
- Kern v. Janson and Torborg, 800 N.W.2d 126 (Minn. 2011) (splitting causes of action; collateral estoppel)
- Johnson v. Mid American Auction Co., Inc., Minnesota Court of Appeals, A11-0201 (appeal dismissed) (collateral sources)
- Staab v. Diocese of St. Cloud, 813 N.W.2d 68 (Minn. 2012) (joint and several liability)
- Anderson v. Christopherson, 816 N.W.2d 626 (Minn. 2012) (amicus curiae) (dog owner liability)
- Columbia Casualty Co. v. 3M, et al., 814 N.W.2d 33 (Minn. Ct. App. 2012) (insurance coverage; implied breach of covenant of good faith and fair dealing)
- Bernie v. Catholic Diocese of Sioux Falls, et al., 821 N.W.2d 224 (SD 2012) (statute of limitations)
- Staab v. Diocese of St. Cloud, (second appeal), 830 N.W.2d 40 (Minn. Ct. App. 2013) (reallocation under comparative fault statute)
- Staab v. Diocese of St. Cloud, 853 N.W.2d 713 (Minn. 2014) (reallocation under comparative fault statute)
- Kariniemi v. City of Rockford, Minnesota Supreme Court, A14- 0796, (MDLA Amicus Brief) (immunity) (decision pending).

Federal Appellate:

- Marchetti v. Bechtold, et al, 141 F.3d 1169 (8th Circuit Court of Appeals 1998) (governmental immunity)

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- *Mielke v. MN Douglas County*, 1998 WL 97-2814 (8th Circuit Court of Appeals) (governmental immunity)
- *K.D. v. County of Crow Wing*, 434 F.3d 1051 (8th Cir. 2006) (governmental liability)
- *Hanger v. Lake County*, 390 F.3d 579 (8th Cir. 2004) (FMLA; employment law)
- *Doucette v. Morrison County*, 763 F.3d 978 (8th Cir. 2014) (discrimination under MHRA)

Administrative Law:

- Ms. Ebert has handled in excess of 150 Minnesota Department of Human Rights Complaints and Unemployment Compensation Appeals on behalf of employers.

ADR:

- Ms. Ebert has extensive experience with mediations and arbitrations, and has represented a variety of insurance companies in over 300 nofault arbitrations. Ms. Ebert has also been retained as a mediator in personal injury and employment matters.

Investigations:

- Ms. Ebert is routinely retained by employers to investigate a wide variety of employment-related issues, including complaints of sexual harassment, discrimination and hostile work environment.

Quinlivan & Hughes, P.A.
1740 West St. Germain Street | St Cloud, MN 56301
Phone: (320) 251-1414 | Fax: (320) 251-1415

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9/9**Bonnie**

From: "Dyan J. Ebert" <debert@quinlivan.com>
Date: Wednesday, February 17, 2016 7:14 PM
To: <Bathayer@colosimolaw.com>
Subject: Investigation - City of Gilbert

NOTICE: This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may also contain material protected by the attorney-client privilege. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify us immediately by replying to this e-mail and then delete this e-mail and any attachments from your computer.

Hello, Bonnie - Thank you for the call earlier today. I will ask my office to run a formal conflict check tomorrow; I don't anticipate there being any issues with me being able to handle the investigation for the City of Gilbert. As I mentioned, it is my practice to extend the same rates to cities that I have in place for LMCIT matters. Those rates are \$205 for shareholders (my rate), \$175 for associates, and \$105 for paralegals. Given the nature of the matter, I anticipate that most of the work will be completed by me, although depending on the circumstances some limited assistance may be required of an associate and/or paralegal.

I understand you will be meeting with the Council next Tuesday to recommend the investigation; if you need anything from me in advance of that meeting, please let me know.

Thank you for contacting me and I look forward to working with you. Dyan

Dyan J. Ebert, Attorney at Law
Quinlivan & Hughes, P.A.
Direct: (320) 258-7846
debert@quinlivan.com
www.quinlivan.com

2/18/2016

Gilbert Police Commission Minutes

December 8, 2015

Meeting called to order at 5:00 pm

Present: J. Zupancich, G. Petrich, B. Olson, Chief Techar

Absent: J. Skofich

Old Business:

1. Motion by Petrich, second by Zupancich to accept minutes from last meeting. Motion passed.

New Business:

1. Activity Briefing by the Chief.
2. POST review, passed.
3. Traffic speed graph reviewed.

Meeting adjourned at 6:15 pm

Respectfully,
Brad Olson

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E.F.G.S.D. JOINT POWERS RECREATION BOARD MEETING
Wednesday January 13, 2016

Meeting called to order by Chairperson Maroste @ 5:10 p.m.

Roll Call: Present: Peterson, Hultman, Lindseth, Maroste, Coombe, Torrel, Lautigar and Director Homola. Absent: Forte

Approval of minutes: Motion by Lautigar, 2nd by Lindseth, to approve the minutes of the December 9, 2015 meeting. Motion Carried.

Financial Report: Motion by Hultman, 2nd by Lautigar, to approve the financial report as posted and the December 2015 bills in the amount of \$6,847.67 M.C.

Correspondence: NONE

Old Business: A. Figure Skating: Program is going better with scheduling getting more consistent.

B. Hockey: Mini-mite and Mite levels are going well. Squirt level is getting more ice time now the Gilbert Arena is open. The Peewee's and Bantam's are (4) weeks from District play-offs. The Recreation Department will be hosting the Bantam A North Regional Feb. 26-28, 2016.

C. Basketball: Mark Terrio reported everything is going well. Season is winding down.

D. Outdoor Rinks: The outdoor rinks are all open after a slow start. Weather dictates when the rinks can open. Last (2) weeks have been good for the outdoor ice.

New Business: A. Sweet 16: Motion by Hultman, 2nd by Peterson, to endorse the 2016 Sweet 16 Girls Basketball Tournament. M.C. Tim Thompson and Teresa Jandrey are running the tourney.

B. Rec. Director Annual Review: A subcommittee has been assembled to discuss Rec. Director's review and present to the Rec. Board possibly before the February 2016 meeting.

Other Business: Request from Board member Forte to donate \$100.00 to the Hockey Day Fundraiser. Motion by Hultman, 2nd by Lautigar, to support. M.C.

Motion by Hultman to adjourn, 2nd by Peterson. M.C. Meeting adjourned @ 5:40 p.m.

Respectfully submitted;
Secretary/Treasurer
Jeffery J. Torrel