OFFICIAL CITY COUNCIL PROCEEDINGS REGULAR SESSION NOVEMBER 18, 2013

A regular session of the Granite Falls City Council was called to order by Mayor David Smiglewski at 7:30 p.m., Monday, November 18th, in the Council Chambers of City Hall. Council Members present: DuWayne Galow, Sarina Otaibi, Steve Schaub, Joe Fagnano and Scott Peterson. Council Member absent: Steve Nordaune. Staff present: City Manager Bill Lavin, Finance Director Michael Betker and City Clerk Joan Taylor. Also in attendance were City Attorney Greg Holmstrom, City Engineer Dave Berryman, numerous residents relative to the public hearings, members of the Granite Falls Fire Department, Mike Ohliger and Advocate Tribune News Editor Scott Tedrick.

- MINUTES: M/S GALOW/SCHAUB TO APPROVE THE MINUTES OF THE NOVEMBER 4TH REGULAR MEETING. Motion carried unanimously by those present.
- BILLS: M/S SCHAUB/GALOW TO APPROVE BILLS PRESENTED FOR PAYMENT. Motion carried unanimously by those present.
- REPORTS: The following reports were acknowledged at this time: Airport Commission, EDA Board, Finance, Fire Department, Hospital Board, Police Chief, and the Granite Falls Historical Society.
- DONATION: Following discussion Fagnano introduced a resolution accepting the donation received from Reimer Foundation to be presented to the Granite Falls Baseball Association.

RESOLUTION NO. 13-139

RESOLUTION ACCEPTING DONATION AND DESIGNATION OF RECIPIENT

WHEREAS, the city is to receive a donation of \$500 from Reimer Foundation to be presented to the Granite Falls Baseball Association.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNESOTA, accepting the donation in the amount of \$500 from the Reimer Foundation to be presented on behalf of the city to the Granite Falls Baseball Association.

Adopted by the City Council this 18th day of November, 2013.

David Smiglewski Mayor

ATTEST:

Joan M. Taylor City Clerk

With second by Schaub, the resolution was adopted unanimously by those present.

CARI CORP., INC: Galow introduced the following resolution and moved its adoption authorizing execution of an addendum to the Lease Agreement with Cari Corporation, Inc. dba Dallas II for an additional ten years from January 1, 2014 through December 31, 2023 at the same terms and conditions for lease of 4,500 square feet of the Liquor Store Building.

RESOLUTION NO. 13-140

RESOLUTION AUTHORIZING EXECUTION OF ADDENDUM TO LEASE AGREEMENT WITH CARI CORP., INC. dba DALLAS II

WHEREAS, pursuant to Resolution 06-183 council authorized execution of an Addendum to the Lease Agreement with Sharon Barnaal for the lease of 4,500 square feet of the Liquor Store Building with the term of the Addendum being January 1, 2007 through December 31, 2013;

WHEREAS, Sharon Barnaal has proposed to extend the Addendum to the Lease Agreement for an additional ten (10) years beginning January 1, 2014 through December 31, 2023 at the same monthly lease amount of \$1,339.38.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNESOTA, authorizing execution of an Addendum to the Lease Agreement with Cari Corp., Inc. dba Dallas II at the same monthly lease amount of \$1,339.38 to run from January 1, 2014 through December 31, 2023.

Adopted by the City Council this 18th day of November, 2013.

David Smiglewski Mayor

ATTEST:

Joan M. Taylor City Clerk

With second by Schaub, the resolution was adopted unanimously by those present.

ORDINANCE: Following discussion M/S FAGNANO/PETERSON TO HAVE THE SECOND READING OF AN ORDINANCE OF THE CITY OF GRANITE FALLS, MINNESOTA,

ORDINANCE NO. 164, 2ND SERIES

AN ORDINANCE OF THE CITY OF GRANITE FALLS, MINNESOTA, ANNEXING PROPERTY LOCATED IN GRANITE FALLS TOWNSHIP, CHIPPEWA COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUTES 414.033, SUBD. 2(1), PERMITTING ANNEXATION BY ORDINANCE.

WHEREAS, said property is unincorporated and abuts the City of Granite Falls on its northeasterly boundary; and is owned by the City of Granite Falls; and

WHEREAS, the City of Granite Falls was not required to hold a public hearing pursuant to Minnesota Statutes §414.033, Subd. 2(b), as the land is owned by the City, nor was written notice required to be mailed to the Township of Granite Falls; and

WHEREAS, the city council held meetings to review the annexation;

NOW, THEREFORE, the city council of the City of Granite Falls hereby ordains as follows:

- 1. The city council hereby determines that the property as hereinafter described abuts the City limits and is urban or suburban in nature or about to become so pursuant to proposed development by the Granite Falls Municipal Hospital and Manor and said land is currently owned by the City of Granite Falls.
- 2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes §414.0325.
- 3. The corporate limits of the City of Granite Falls, Minnesota, are hereby extended to include the following described property, said land abutting the City of Granite Falls and already owned by said City of Granite Falls and it being necessary and appropriate that the same be annexed within the corporate limits of said City of Granite Falls, Minnesota, to-wit:

That part of the South Half of the Northwest Quarter (S2NW3) of Section Thirty-five (35), Township One Hundred Sixteen (116) North, Range Thirty-nine (39) West, Chippewa County, Minnesota, described as follows:

Commencing at the Southeast corner of the Northwest Quarter (NW3) of said Section Thirty-five (35); thence North 88 degrees 15 minutes 31 seconds West, assumed bearing along the South line of said Northwest Quarter (NW3), a distance of 1190.00 feet; thence North 01 degrees 44 minutes 35 seconds East a distance of 55.45 feet to a point on the North line of Chippewa County Highway Department Right of Way Plat No. 38-2, that point being the point of beginning of the tract to be described; thence North 88 degrees 28 minutes 42 seconds West, along said northerly right of way, a distance of 210.00 feet to a point on the easterly line an existing tract; thence North 01 degrees 44 minutes 29 seconds East, along said easterly line, a distance of 245.36 feet to the Northeast corner of said existing tract; thence North 88 degrees 15 minutes 31 seconds West, along the northerly lines of existing tracts, a distance of 726.00 feet to a point on the easterly line of Skyview East Addition; thence North 01 degrees 44 minutes 38 seconds East, along said easterly line, a distance of 449.91 feet to the Northeast corner of Lot Three (3) of Block One (1) of Skyview East Addition; thence South 88 degrees 15 minutes 31 seconds East a distance of 936.00 feet; thence South 01 degrees 44 minutes 35 seconds West a distance of 694.46 feet to the point of beginning.

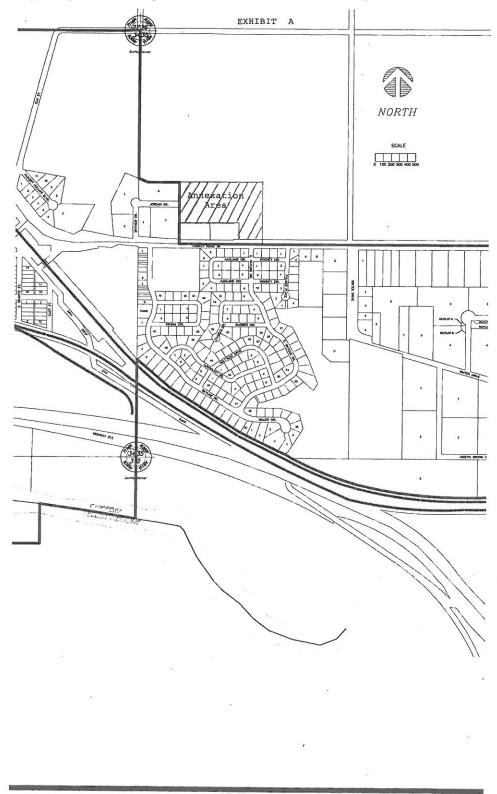
The above-described property consists of a total of 10.85 acres more or less. A copy of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries of the City of Granite Falls is attached hereto as Exhibit A.

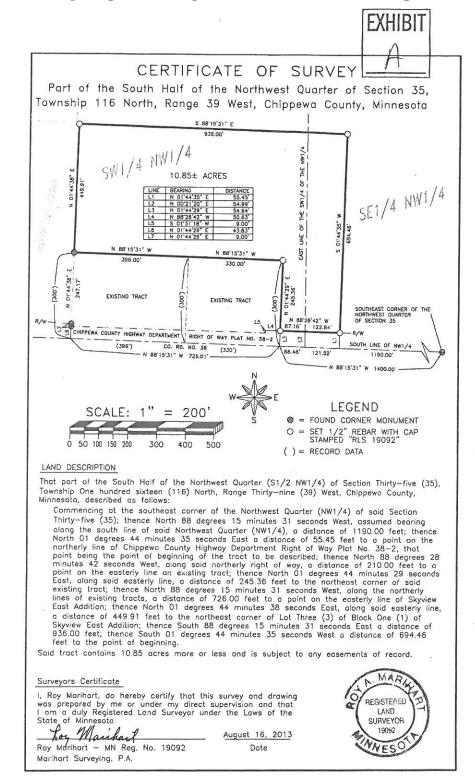
- 4. That the area legally described herein is vacant and will not affect the population of the City at this time.
- 5. The City of Granite Falls will make no cash payment to Granite Falls Township pursuant to Minnesota Statutes §414.036, since the land being annexed is City owned.
- 6. That pursuant to Minnesota Statutes §414.036 there are no special assessments assigned by the town to the annexed property.
- 7. That the city manager of the City of Granite Falls is hereby authorized and directed to file a copy of this ordinance with the Municipal Boundary Adjustment Unit of the Office of the Administrative Hearings, the Minnesota Secretary of State, the Chippewa County Auditor/Treasurer and the Granite Falls Township clerk.
- 8. That this ordinance shall be in full force and effect and final upon the date this ordinance is approved by the Office of Administrative Hearings.

Passed and ado	pted by the city cound	cil of the City	of Granite F	alls,
Minnesota, this 18 th day	of November, 2013.			

ATTEST:

Joan M. Taylor, City Clerk	David Smiglewski, Mayor





Motion was adopted unanimously.

ORDINANCE: Following discussion M/S SCHAUB/GALOW TO HAVE THE FIRST READING OF AN ORDINANCE OF THE CITY OF GRANITE FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 2 ENTITLED "ADMINISTRATION AND GENERAL GOVERNMENT" BY ADOPTING ORDINANCE NO. 2 44 ENTITLED "AN ORDINANCE RELATING TO

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 FLOOD MITIGATION: Staff advised council that the revised plans submitted to the
 Minnesota State Historical Preservation Office relative to rehabilitation of the
 pedestrian bridge have now been approved and the 90% plan can move forward.
- WATER TREATMENT PLANT: Council reviewed correspondence received from USDA Rural Development relative to Change Order 4 for the construction of the new Water Treatment Plant.
- HEARING/2013 UTILITY IMPROVEMENT PROJECT: Mayor Smiglewski opened a duly advertised public hearing at 7:45 p.m. to consider the proposed final assessments of the 2013 Utility Improvement Program. With residents in attendance City Engineer Berryman discussed the projects completed in this year's program.

Following questions from the residents and council, Mayor Smiglewski closed the public hearing at 7:57 p.m.

Following discussion Fagnano introduced the following resolution and moved its adoption approving the final assessment roll as presented for the 2013 Utility Improvement Project.

RESOLUTION NO. 13-141

RESOLUTION ADOPTING FINAL ASSESSMENTS ON 2013 UTILITY IMPROVEMENT PROJECT

WHEREAS, pursuant to proper notice duly given as required by law, the Granite Falls City Council has met and heard and passed upon all objections to the proposed assessment for the 2013 Utility Improvement Project as follows:

- Storm sewer outlet Industrial Park
- Storm sewer in alley between 8th Avenue and 9th Avenue from 15th Street to 16th Street
- Storm sewer replacement from 7th Street and 7th Avenue and north through the running track and tennis courts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNESOTA:

- 1. Such proposed assessments (copies of which are on file in the office of the city clerk) are hereby accepted and shall constitute the special assessments against the lands named herein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
- 2. The assessment for utility improvements shall be payable in equal annual installments extending over a period of fifteen (15) years, the first installment to be payable on or before May 15, 2014, and shall bear interest at the rate of 3.85% per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution

5. The clerk shall forthwith transmit a certified duplication of this assessment to the county auditor to be extended on the property tax lists of the county, and such assessment shall be collected and paid over time in the same manner as other municipal taxes.

Adopted by the City Council this 18th day of November, 2013.

David Smiglewski Mayor

ATTEST:

Joan M. Taylor City Clerk

With second by Schaub, the resolution was adopted unanimously by those present.

BOARDS & COMMISSIONS: Council reviewed the list of boards and commissions relative to council appointments that will be done at the December 2nd meeting.

MEMORIAL PARK: Council was advised that a staff meeting has been set with Tom Whitlock a landscape architect with Damon Farber & Associates to discuss needed improvements in Memorial Park.

HEARING/2013 STREET IMPROVEMENT PROJECT: Mayor Smiglewski opened a duly advertised public hearing at 8:01 p.m. to consider the proposed final assessments of the 2013 Street Improvement Program. With residents in attendance City Engineer Berryman discussed the projects completed in this year's program. Following questions from the residents and council, Mayor Smiglewski closed the public hearing at 8:26 p.m.

Following discussion Peterson introduced the following resolution and moved its adoption approving the final assessment roll as presented for the 2013 Street Improvement Project.

RESOLUTION NO. 13-142

RESOLUTION ADOPTING FINAL ASSESSMENTS ON 2013 STREET IMPROVEMENT PROJECT

WHEREAS, pursuant to proper notice duly given as required by law, the Granite Falls City Council has met and heard and passed upon all objections to the proposed assessment for the 2013 Street Improvement Project as follows:

- Complete street reconstruction and reducing street width to 36' 8th Street from 7th Avenue to 10th Avenue
- Complete street reconstruction Bergeson Drive

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- 2. The assessment for street improvements shall be payable in equal annual installments extending over a period of eight (8) years, the first installment to be payable on or before May 15, 2014, and shall bear interest at the rate of 3.85% per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2013. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
- 4. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the city finance director, except that no interest shall be charged if the entire assessment is paid within 43 days from the adoption of this resolution, and they may, at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid, with interest accrued to December 31st in the year in which such payment is made. Such payment must be made before November 15th or interest will be charged through December 31st of the next succeeding year.
- 5. The clerk shall forthwith transmit a certified duplication of this assessment to the county auditor to be extended on the property tax lists of the county, and such assessment shall be collected and paid over time in the same manner as other municipal taxes.

Adopted by the City Council this 18th day of November, 2013.

David Smiglewski Mayor

ATTEST:

Joan M. Taylor City Clerk

With second by Schaub, the resolution was adopted unanimously by those present.

FIRE DEPARTMENT: With representatives from the Fire Department and Mike Ohliger in attendance council discussed the contract submitted by Pierce Manufacturing, Inc. for the purchase of a Pierce Manufacturing Impel Top Mount Pumper truck. Following discussion with those present Schaub introduced a resolution and moved its adoption authorizing execution of a contract with Pierce Manufacturing for the purchase of one Pierce Manufacturing Impel Top Mount Pumper at the prepayment option price of \$459,499 contingent upon clarification of paragraph 5 relative to future changes and paragraph 8 Delivery, Inspection and Acceptance included in the contract.

RESOLUTION NO. 13-143

Official City Council Proceedings, Regular Meeting November 18, 2013 Pg. 10 deciding on a vendor and then to work the H-GAC for the purchase of a replacement pumper truck; and

WHEREAS, the Fire Department is now recommending the purchase of one Pierce Manufacturing Impel Top Mount Pumper at the full pre-payment option for a total contract price of \$459,499; contingent upon clarification of paragraph 5 relative to future changes and paragraph 8 Delivery, Inspection and Acceptance included in the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNNESOTA, authorizing execution of a contract with Pierce Manufacturing for the purchase of one Pierce Manufacturing Impel Top Mount Pumper at the pre-payment option price of \$459,499 contingent upon clarifications as referenced above.

Adopted by the City Council this 18th day of November, 2013.

David Smiglewski Mayor

ATTEST:

Joan M. Taylor City Clerk

With second by Galow, the resolution was adopted unanimously by those present.

Following execution of the contract with Pierce Manufacturing, Inc. Galow introduced a resolution and moved its adoption approving the terms of an internal loan in connection with the purchase of the pumper truck; said interfund loan to be as follows: 50% from the 804 Fund and 50% from 601 Fund.

RESOLUTION NO. 13-144

RESOLUTION APPROVING THE TERMS OF AN INTERNAL LOAN IN CONNECTION WITH MUNICIPAL EQUIPMENT PURCHASE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, MINNESOTA ("CITY") AS FOLLOWS:

Section 1. Background.

- 1.01. The City determined a need to incur certain costs in connection with the acquisition of a municipal fire truck (the "Equipment").
- 1.02. The City has determined to finance the Equipment on a temporary basis from the 804 and 601 Fund(s) (collectively, the "Fund"), which fund is administered by the City and has a balance that is legally available for such purposes.
- 1.03. The City intends to reimburse the Fund for the Equipment from future tax levies or other available City funds in accordance with the terms

Payment Date after receipt of the first tax levy proceeds after disbursements from the Fund and continuing through the date the principal and accrued interest of the Internal Loan is paid in full.

- 2.03. The principal sum and all accrued interest payable under this Internal Loan are pre-payable in whole or in part at any time by the City without premium or penalty.
- 2.04. This resolution is evidence of an internal borrowing by the City and shall not be deemed to constitute a general obligation of the State of Minnesota or any political subdivision thereof, including, without limitation, the City. Neither the State of Minnesota, nor any political subdivision thereof shall be obligated to pay the principal of or interest on this Internal Loan or other costs, and neither the full faith and credit nor the taxing power of the State of Minnesota or any political subdivision thereof is pledged to the payment of the principal of or interest on this Internal Loan or other costs incident hereto. The City shall have no obligation to pay any principal amount of the Internal Loan or accrued interest thereon, which may remain unpaid after the final Payment Date.
- 2.05. The City may amend the terms of this Internal Loan at any time by resolution of the City Council, including a determination to forgive the outstanding principal amount and accrued interest to the extent permissible under law.
- Section 3. <u>Effective Date</u>. This resolution is effective upon the date of its approval.

Adopted this 18th day of November, 2013.

	Mayo	or	
ATTEST:			
City Manager			

With second by Schaub, the resolution was adopted unanimously by those present.

Following the adoption of the previous resolution, Fagnano introduced a resolution and moved its adoption declaring the intent of the city to reimburse the interfund loans relative to the purchase of the pumper truck from proceeds of bonds to be issued by the city.

RESOLUTION NO. 13-145

RESOLUTION DECLARING THE OFFICIAL INTENT OF GRANITE FALLS
TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS
OF BONDS TO BE ISSUED BY THE CITY

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the "Reimbursement Regulations") providing that proceeds of

- 1. The City proposes to undertake the acquisition of a municipal fire truck for the City in 2013 (the "Equipment").
- 2. The City reasonably expects to reimburse the expenditures made for certain costs of the Equipment from the proceeds of bonds in an estimated maximum principal amount of \$459,499. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.
- 3. This Declaration has been made not later than 60 days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of bonds, except for the following expenditures: (a) costs of issuance of bonds; (b) costs in an amount not in excess of \$100,000 or 5 percent of the proceeds of an issue; or (c) "preliminary expenditures" up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the City to finance the Equipment for which the preliminary expenditures were incurred. The term "preliminary expenditures" includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of an Equipment, other than land acquisition, site preparation, and similar costs incident to commencement of construction.
- 4. This Declaration is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof. The anticipated original expenditures for the Equipment and the principal amount of the bonds described in paragraph 2 are consistent with the City's budgetary and financial circumstances. No sources other than proceeds of bonds to be issued by the City are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the City's budget or financial policies to pay such Equipment expenditures.
- 5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

Approved by the City Council of Granite Falls this 18th day of November, 2013.

GRANITE FALLS, MINNESOTA

	Mayor	
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Attest:

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PERSONNEL: The Wage & Salary Committee will be meeting relative to on-going negotiations with the unions.

ADJOURN: M/S/P PETERSON/SCHAUB TO ADJOURN at 9:00 p.m.

David Smiglewski Mayor

ATTEST:

Joan M. Taylor City Clerk

BILLS PAID:

Total ACS:	1,700.05
Total ADVOCATE-TRIBUNE:	781.00
Total AMERICAN ENGINEERING TESTING:	516.00
Total AMERICAN WELDING SUPPLIES:	51.68
Total ARNESON DISTRIBUTING INC.:	108.00
Total ARTIC GLACIER INC:	50.14
Total AUS FLOORS & MORE:	6,751.01
Total AUS, JOHN:	600.00
Total AUS, NANCY:	50.00
Total BEASLEY, DAVE:	524.48
Total BEVERAGE WHOLESALERS INC:	105.45
Total BOLTON & MENK INC:	2,793.00
Total BORDER STATES ELECTRIC SUPPLY:	1,156.17
Total BOTTGE, MARJ:	40.06
Total BRINDLEE MOUNTAIN FIRE APPARATUS LLC:	4,950.00
Total CENTRAL MN MUNICIPAL POWER:	124,938.08
Total CENTURYLINK:	1,789.10
Total CHAPMAN METERING LLC:	24.38
Total CITIZENS ALLIANCE BANK:	5,352.85
Total CNH CAPITAL:	150.45
Total COLLECTION BUREAU:	50.00
Total CRUSER, BERNIE:	80.00
Total DAN'S SHOP INC:	15.14
Total DAVIS TYPEWRITER CO:	9.13
Total DEPARTMENT OF ENERGY:	14,565.78
Total DISPLAY SALES CO:	319.56
Total EHLERS & ASSOCIATES INC.:	2,195.00
Total EXCEL OVERHEAD DOOR:	143.81
Total FARMERS COOP OIL CO OF ECHO:	5,757.24
Total FARMERS UNION OIL CO.:	1,954.34
Total FIRE SAFETY U.S.A.:	894.26
Total G & K SERVICES:	166.07
Total GRAHAM TIRE:	541.47
Total GRAINGER INC, WW:	396.49
Total GRANITE FALLS BANK:	4,071.73
Total GRANITE FALLS, CITY OF:	66.48
Total GRANITE TRUE VALUE:	1,735.19
Total GREAT PLAINS GAS CO.:	5,006.61
Total HAWKINS INC:	304.21
Total HOERNEMANN, PAUL:	255.00
Total JOHNSON BROS WHOLESALE LIQUOR:	3,506.26
Total KIWANIS CLUB:	100.00
Total KRANITZ, FRANK:	325.00
Total LEE'S AUTO & DIESEL:	464.80
Total LIGHT FUND:	31.65
Total LOCHER BROTHERS:	8,074.55
Total MADDEN GALANTER HANSON LLP:	264.00

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Total MN DEPT OF HEALTH-WATER:	1,963.00
Total MN VALLEY COOPERATIVE:	1,406.47
Total MN VALLEY TESTING LAB INC.:	529.00
Total PARKVIEW FORD:	53.80
Total PAUSTIS & SONS:	656.65
Total PETERSEN, JODI:	362.50
Total PHILLIPS WINE & SPIRITS CO.:	2,159.94
Total PRENTICE PLACE COMMONS ASSN:	154.58
Total QUAM CONSTRUCTION CO INC:	71,302.54
Total RAMBOW:	166.34
Total RECREATION SUPPLY COMPANY:	118.31
Total RG INC:	301.02
Total RICHTER, NICK:	137.86
Total RJS SOFTWARE SYSTEMS:	142.04
Total RYER PLUMBING & HEATING:	139.17
Total SAWMILL, THE:	520.94
Total SHRED-IT SIOUX FALLS:	33.60
Total SMIGLEWSKI, DAVID:	371.71
Total SNORTUM'S NURSERIES INC.:	2,465.00
Total SOUTHERN WINE & SPIRITS OF MN:	1,521.29
Total SPECIALTY STORE SERVICES:	79.98
Total SYN-TECH SYSTEMS INC:	1,496.25
Total THEIN WELL CO. INC.:	275.00
Total TIMM, DEREK:	368.72
Total UNIVAR USA INC:	9,357.58
Total VELDE, CINDY:	683.45
Total VIKING COCA-COLA BOTTLING CO.:	239.00
Total WBM WINE & SPIRITS:	3,857.34
Total WEST CENTRAL SANITATION:	555.47
Total WINE MERCHANTS:	120.00
Total XCEL ENERGY:	1,243.68
Total XEROX CORPORATION:	29.04
Total ZIESKE, TROY:	25.00
Grand Totals:	321,727.01