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minneapolis
city of lakes

October 15, 2007

The Honorable Sandy Colvin Roy, Chair
Transportation & Public Works Committee
City of Minneapolis
307 City Hall
Minneapolis, MN 55415

Dear Council Member Colvin Roy:

The enclosed report, "Review of City of Minneapolis Impound Lot – Phase One Report" was presented to the Board of Estimate and Taxation (BET) on October10, 2007 and is transmitted to you for your review.

Because of the inherit limitations in any system of internal accounting controls, errors or irregularities may occur and not be detected. Also, projection of any evaluation of the system to future periods is subject to the risk that procedures may become inadequate because of changes in conditions or that the degree of compliance with the procedures may deteriorate.

Mr. Bjorklund, the Director of Internal Audit, will be available upon notice, telephone 673-2863, to respond to your questions concerning the audit.

Sincerely,

Carol Becker
President – Board of Estimate & Taxation

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REVIEW OF CITY OF MINNEAPOLIS IMPOUND LOT – PHASE ONE REPORT ADMINISTRATION, TOWING, SECURITY

SEPTEMBER 2007

INTERNAL AUDIT
CITY OF MINNEAPOLIS
ROBERT BJORKLUND, DIRECTOR OF INTERNAL AUDIT

CITY OF MINNEAPOLIS
IMPOUND LOT

PURPOSE: To review, analyze, and assess the procedures and related internal controls for the City of Minneapolis Impound Lot facility.

OBJECTIVE: To determine if current procedures and internal controls are in place, working as intended and effective for the Citys Impound Lot.

SCOPE: Current procedures and processes using added information such as claims, etc. from the 2005, 2006 and through June 2007 time frame.

METHODOLOGY: Once the initial review and planning stage was underway the audit was divided into six main functional areas. These were Administration, Security, Towing, Inventory, Auctions and Cash Receipting.

In order to present information gathered in a more timely manner, Internal Audit then decided to prepare a Phase One report, which would include Administration, Security and begin to examine the Towing area, an area which also intertwines itself in the auctions, inventory and cash receipting areas.

CONCLUSIONS & RECOMMENDATIONS:

- **The Impound Lot should continue to proceed with implementation of the draft procedures in the areas of public auctions, vehicle preparation, and removal of contents from vehicles and make every effort to have these procedures in place and functioning by the end of third quarter 2007.**

- **Internal Audit recommends all background checks for towing companies be conducted by the Minneapolis Police Department backgrounds unit.**

- **The Impound Lot should require all tow companies to submit an annual listing of background checks on all employees, and owners, as per contract, to the appropriate Public Works/Impound Lot official(s).**

- **Public Works Administration should continue to work with the City Attorneys Office in the review of towing contracts and background checks to resolve inconsistencies between contract background requirements and MPD requisites.**

- **An overall action plan for security at the Impound Lot needs to be developed.**

- **More effective communication between the Impound Lot supervisor and Impound Lot employees, guards is needed. Internal Audit recommends weekly meetings be established and documented to discuss current Impound Lot issues.**

- **Procedures should be established whereby the MPD K-9 squad can be used to patrol the Impound Lot.**

BACKGROUND:

The impetus and ultimate request for this audit began in the Risk Management area. Numerous claims were being filed by individuals whose vehicles were towed to the Impound Lot. The primary two reasons given for these claims were missing property from the vehicle, and a general category called Impound Lot operation. The topic was then reviewed by the Audit Management Committee and placed on the Internal Audit work plan as a special project with a high priority.

Claims involving the Impound Lot for the 2005, 2006 and the first six months of 2007 totaled 98 cases; having an original total dollar claim amount in excess of $230,500. Of those 98 cases over 60% were brought because of either missing property or Impound Lot Operation problems.

The total breakdown for these 98 claims for the 30 month period of 1/1/05-6/30/07 was: Paid 46, Denied 33, Pending 7, Referred 6, Accepted 5, and Closed 1.

These claims are then reviewed by the Staff Claims Committee (made up of representatives from Risk Management, Minneapolis Police Department (MPD), MPD-Traffic, City Attorneys Office, Public Works, and Minneapolis Fire Department.) on a monthly basis. Of the $230,500 in claims, just under 29%, or $66,953 were denied by the committee.

On the Public Works/Impound Lot side Internal Audit met and worked with Jon Wertjes – Director of Parking & Traffic Services; Mike Sachi – Parking and Skyway Systems Engineer; Steve Hengel – Parking Systems Analyst; Don Pedlar – Impound Lot Supervisor.

Internal Audit was informed that Don Pedlar oversees the security and physical aspects of the Impound Lot while Steve Hengel provides technical assistance for the monitoring equipment, reviewing and analyzing practices, and cost/benefit processes with respective vendor best practices. Additionally during this review Internal Audit spoke with Art Thomas, Public Works security who maintains a consulting role in Impound Lot security.

ADMINISTRATION:

In June 2006 Public Works received correspondence from the Minneapolis Police Department, specifically the Forensics Unit at the City Impound Lot, expressing concerns regarding procedures and guidelines at the Impound Lot. The primary concerns were the public auctions, associated preparations and the removal of contents from vehicles.

As Internal Audit (IA) began this review in latter part of June, 2007, no formal procedures for addressing these concerns could be found. Internal Audit did find a memo from Jon Wertjes to Don Pedlar and Mike Sachi listing the various areas of concern, an accompanying Action Plan and Timeline, however there was no due dates for any of the individual plan items/action description listed, but a request for a meeting by January 31, 2007 to go over the draft procedures.

At that point in the review IA scheduled a meeting with Mr. Wertjes to determine the status of any procedures developed. The meeting was subsequently held on July 18, 2007. At that meeting IA was given a draft of the procedures developed to date, which had a noted due date of March 1, 2007. In addition to IA and Risk Management copies of those procedures were given to Deputy Chief Scott Gerlicher and Sgt. Ryan Lynch of the Minneapolis Police Department for review. Sgt. Lynch was previously involved in this area and familiar with the process; the current reporting structure within the MPD is now better facilitated by having Deputy Chief Gerlicher reviewing this material.

These procedures reference the following areas: Public Auction car determination (ordinary/premium) as well as Junk Car determination; public/ junk vehicle preparations; contents procedure; contents procedures; safety training; supervisory; trunk opening; inspection of vehicles prior to auction; notice for auction vehicles; auction bay security; best practices; cost/benefit analysis; communication process; additional resources.

CONCLUSION/RECOMMENDATION:

The procedures represent a good initial start if successfully implemented, with communication, both initial and followup being a key. Additionally, these measures appear to be thorough, have adequate internal controls, and outline the issues that have been problematic in the past. Internal Audit recommends Public Works Impound Lot strive for implementation of these procedures by the end of third quarter 2007.

Public Works (PW) Response: The procedures mentioned above (see attached file "Impound Lot Auction Procedures") are already implemented and being monitored for additional improvements.

TOWING:

The City of Minneapolis has contracts with five main tow companies which do towing for the Impound Lot. These are Corgan Transport, Inc., Chiefs Towing, Schmit Towing Inc., Wrecker Services Inc., and Shorty's Heavy Duty Wrecker Service Inc.

Combined contracts for these five total nearly $3.3 million annually. The initial contract period ran from 10/1/03 through 9/30/05 with the sole option of the City of Minneapolis to extend the contract for the three year period 10/1/05 through 9/30/08.

For purposes of procuring its Impound towing services, the City of Minneapolis divides itself into two categories: districts and zones – districts being the larger. There are two districts and six zones, see illustrations on pages **A and B** at the back of this report. Districts describe the city during those normal business periods when the demand for tow services is low. In contrast zones describe the city in unusual business periods when towing demands are known to be high: snow emergencies and street sweeping.

Total tows for the five towing companies which the City of Minneapolis contracts with totaled 42,017 and 38,642 for 2005 and 2006 respectively. Tows are classified as red tag, white tag, and inspection tows.

A "Red Tag" tow applies to vehicles on which an enforcement officer has placed a tag displaying the word "tow" directing the towing and impounding of a vehicle for a traffic, parking or equipment violation. Red Tag offenses are varied, they include snow emergencies, street sweeps, time zone violations, fire hydrants or other parking violations.

The "White Tag" tow applies only to district contractors and is used when a Police or another enforcement officer calls the Impound Lot for a tow on a particular vehicle and personally stays with the vehicle until it is towed or removed. The towing contractor must arrive at the location of the vehicle to be towed within 30 minutes of notification of a Whit Tag tow.

The Minneapolis Department of Inspections has the authority to order cars towed (i.e. Inspection Tows) from private property. These vehicles are marked with placards.

As an initial test in this area IA decided to verify the background checks for each of the five tow companies. Each tow company was contacted and asked for a listing of all drivers in 2007 that towed a car on behalf of the City of Minneapolis/Impound Lot. The listing was to consist of all drivers for a given company, even those who may have left or been fired.

There are two background checks: Civil service and police checks. The Civil service and police checks have separate requirements due to different exposures and business purposes. There are different liability exposures with different tows and some police tows have requirements from criminal evidence and due process.

The contract states "Background checks for drivers performing white tag tows will be provided by the Minneapolis Police Department. Other background checks performed to detect criminal and driving history....are the responsibility of the Contractor. Checks must be conducted by a business following the Fair Credit Report Act and passing results provided to the City annually for each driver."

These lists were then given to Sgt. Mark Koenig of the Minneapolis Police Department backgrounds unit to verify a background check was conducted. As explained to Internal audit, these background checks consist of checking for convictions and any pending court cases. If an individual has a pending court case, they will be denied on their background check until resolution of that court case.

The results noted were:

- Corgan Towing – Fourteen employees passed the background check while two employees during 2007 that had been denied on their background checks and had used other companies background checks rather than always conducting their own – one going back to 1996;

- Wrecker Services Inc. – Had two employees with no background checks and two with denied checks – one being a convicted felon; three employees passed the check;

- Chiefs Towing – Had eleven current/former 2007 employees with no background checks, two with denied status and seven were found to have passed;

- Schmit Towing – Three were found to have had no background check, two of those being sub-contractors, 18 were found to have passed;

- Shorty's Towing – no background checks for five current/former employees, one was denied and four were found to be okay. Additionally, a current employee was described as a career criminal by the MPD backgrounds Unit.

Additionally no annual reports on background checks from tow companies to the City of Minneapolis could be found. Hence, the potential liability to the City for these omissions remain.

After initially discussing these findings with Public Works personnel, two important aspects came to light. The first is that the Minneapolis Police Department requires all oft their background checks be conducted at the "CJIS level Criminal Justice Information System)." Using this system provides an in-depth detailed check. Secondly, the current towing contracts allow for more lenient background checks than the MPD requires.

Given this set of circumstances, Internal Audit was informed that Public Works – Impound Lot personnel have contacted the Minneapolis City Attorneys Office and an attorney (Carol Bachum) has been assigned to review towing contract language and CJIS requirements in order to provide guidance and an opinion on how top proceed.

CONCLUSIONS/RECOMMENDATIONS:

Internal Audit recommends all background checks for all towing company employees be provided by the Minneapolis Police Department backgrounds unit. Audit feels this will provide the most complete check as well as coordinating and centralizing results.

PW Response: The Tow companies will be informed that all employees must pass the CJIS level background check.

Secondly, Internal Audit recommends Public Works administration require all tow companies to submit the annual listing of background checks to appropriate personnel who will continue to monitor this area.

PW Response: All Tow companies will be notified that they must submit to Impound Supervisor a listing of all employees and verify that they have passed the CJIS level background check at the beginning of each new contract year.

Finally, it is recommended that Public Works Administration continue to work with the Minneapolis City Attorneys Office in an effort to remedy the contract language/background checks situation in a consistent manner.

PW Response: Attached is a memo (see "Background Check Tow Drivers Memo") and the draft language (See "Background Check Tow Drivers Draft Language") from City Attorney's office that will be considered for incorporation into a new or amended Tow Contract, depending upon how soon the contract is put out for bid.

SECURITY:

Since 2006 the Minneapolis Impound lot has used Twin City Security (TCS), via a price agreement through the State of Minnesota, as their security provider, paying an estimated annual expenditure of $275,000.

The Impound Lot has two guard positions on "regular duty" – that being manning the exit booth 24 hours/day and another in the TCS van working two shifts of 9:00 a.m. to 5:00 p.m. and 5:00 p.m. to 1:00 a.m. Additionally for the auctions, during the public auctions there are an additional eight guards on duty; for the dealer auctions an additional two.

Internal Audit also conducted a review of background checks for TCS, although the process used here is a bit different. When TCS has interviewed an applicant and the decision is made to hire, that individual is sent to the Bureau of Criminal Apprehension (BCA) in St. Paul where a background check is conducted based on name and date of birth. If the applicant "passes" they are given a notification letter by the BCA which they then bring back to TCS. At that point, per MS 326.336, they may be placed on the TCS payroll.

TCS administration then takes two sets of fingerprints from the new hire, with one set being sent to the FBI and the other back to the BCA. The new hires are now background using the criteria of name, DOB and finger prints. Both the FBI and BCA will contact TCS by mail on these results. Any new hire failing to pass is dismissed. It should also be noted that a prospective TCS employee may have been charged with a crime, but if not convicted – may still be hired. This was the case with two of the individuals tested in the sample.

Internal Audit selected a payroll from December 2006 and tested 16 employees for background checks, both the initial check test as well as the followup fingerprint check. Only one exception was noted and that was for a veteran TCS employee who did not have his fingerprint results on file. TCS administration then had the employee come in and the fingerprint test was administered. When the written results from the BCA and the FBI came back, TCS called Internal Audit, who then revisited the TCS offices and verified those results.

Upon one of Internal Audit's visits to the Impound Lot, IA toured the lot, both on foot an in a City vehicle, with lot supervisor Don Pedlar. Points noted during that tour included:

- While visiting the guard (exit) booth we asked the TCS guard to show us how the surveillance camera worked. She told us that she was not familiar with the camera operation, was given no training and was learning on her own via a manual she downloaded off the internet.

- During the visit Internal Audit was told the recording feature of the camera was not currently working, they were not sure how long it had been since it was working and that there were plans to fix the camera but not sure when.

- The fence security consists of a cable running through the middle portion of the fence (installed by the security firm Sonitrol). In theory, when the fence is shaken, cut, etc the alarm in the guard booth and in the Impound Lot office is to go off. During the drive around portion of the tour, we entered, through an open gate, the overflow lot area, the cable fence security does not extend into this area. Mr. Pedlar called back to the lot offices to ensure the gate was locked at closing and was informed it was usually not locked. He then instructed them to make sure that gate was locked at closing.

- During our tour, Sonitrol employees were on sight adjusting the sensitivity (down to less sensitive) of one section of fencing security. They said guards had complained that this section of the fence always had the alarm going off and needed to be checked often. Internal Audit asked one Sonitrol employee who has the authority to call them and was told the guards usually call. At that point the Impound lot supervisor told then that they should only adjust the fencing sensitivity based on his directive.

- Internal Audit was copied on an email from Lori Green of Corgan Transport to Don Pedlar of the Impound Lot. In the email Ms. Green stated she was at the Impound Lot on 7/18/07 and watched a vehicle with two persons in simply drive into "C" Lot and proceed to jump start the passengers vehicle with no security present for this. One day later she witnessed one of the TCS guards, with the TCS vehicle attempt to jump start a vehicle in the lot.

- In light of security concerns at the impound lot, an early May email correspondence from Deputy Police Chief Scott Gerlicher to Jon Wertjes of Public Works, offering the MPD K-9 squads to exercise their dogs as well as patrol the interior of the Impound Lot at night, went unanswered and apparently "fell through the cracks."

- In a conversation with City Security Manager Art Thomas, Internal Audit was told that the Impound Lot surveillance camera does not "hit" all areas of the lot, this is, in part, because of the Vann White highway project which placed a (future) overpass/low bridge virtually in the middle of the Impound Lot. Additionally, according to Mr. Thomas, a lack of funding has also placed difficulties on Impound Lot improvements to perimeter security.

CONCLUSIONS/RECOMMENDATIONS:

There appears to be a general lack of effective communication and understanding between the Impound Lot supervisor and employees as to exactly what current security procedures and protocol are in place.

The new draft procedures reviewed in the initial portion of this report regarding vehicle auctions, contents, etc. include the potential for numerous discussions and meetings, basically constant communication among involved parties. Internal Audit recommends weekly meetings between the Impound Lot supervisor and staff to discuss security issues, policies, etc.

PW Response: Effective August of 2007, the Impound Lot has implemented the attached policy (see attached file "Impound Lot Customer Assistance Policy") regarding procedures for providing customer assistance for jump starts, tire changes, and stolen vehicle recovery. Additionally, The Impound Lot will establish regular weekly meeting with supervisors and key staff to provide a forum for addressing the types of issues listed above.

Internal Audit agrees with Minneapolis Police Deputy Chief Scott Gerlicher and recommends that there needs to be an overall action plan for security at the Impound Lot. Integrity of the fencing system, camera malfunctions not repaired in a timely manner, lack of training on how to use the surveillance camera, no one actively monitoring the cameras on a consistent basis are all current problems. Also security over individuals going in and out of the lot is suspect. This would involve a tightening of security procedures and personnel to ensure that anyone entering or leaving the lot go through security with appropriate documentation as well as instituting a sign-in sheet.

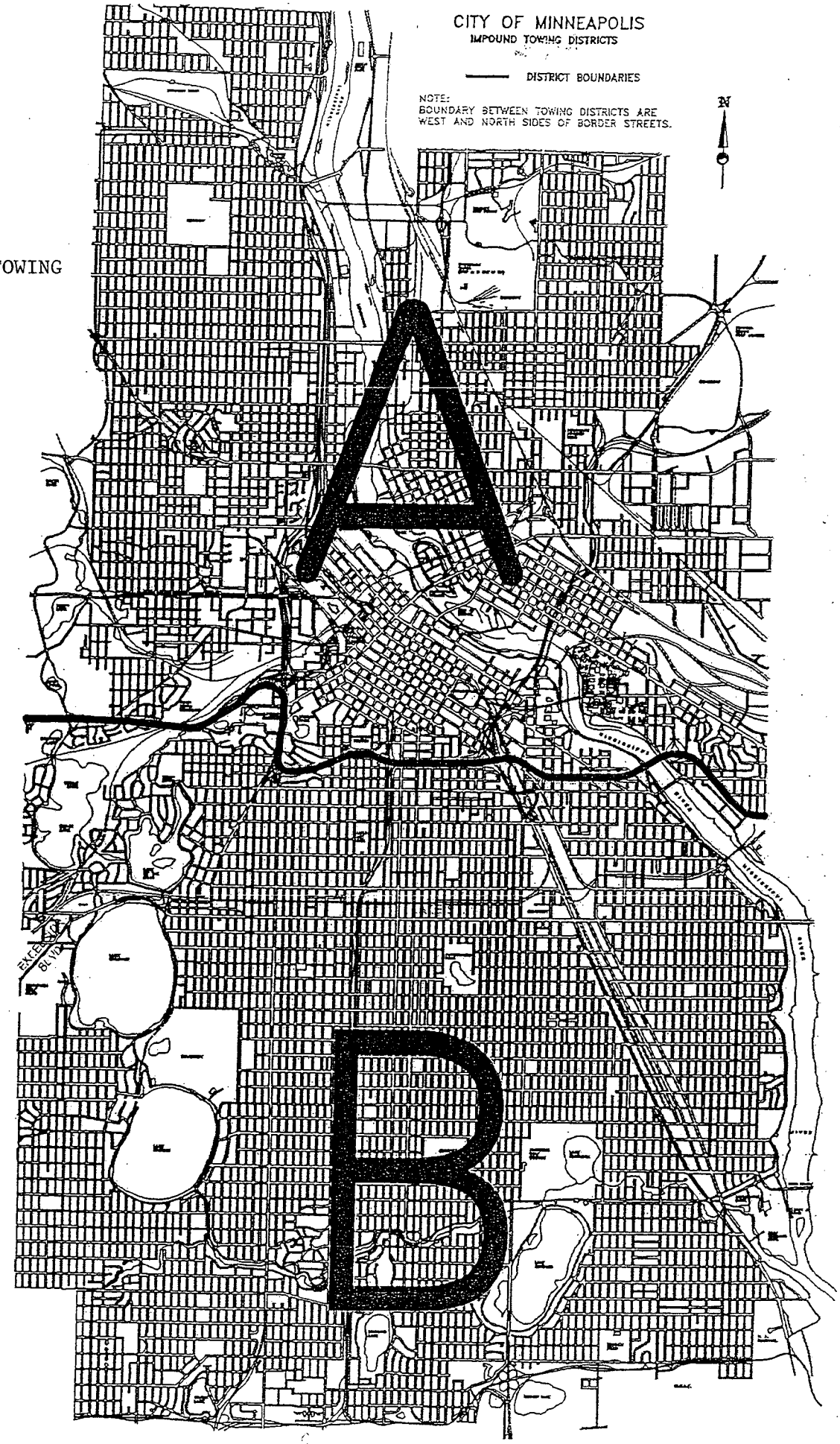
PW Response: **See the attached file ("Security Action Plan") for an outline of the procedures that are being implemented to address these issues.**

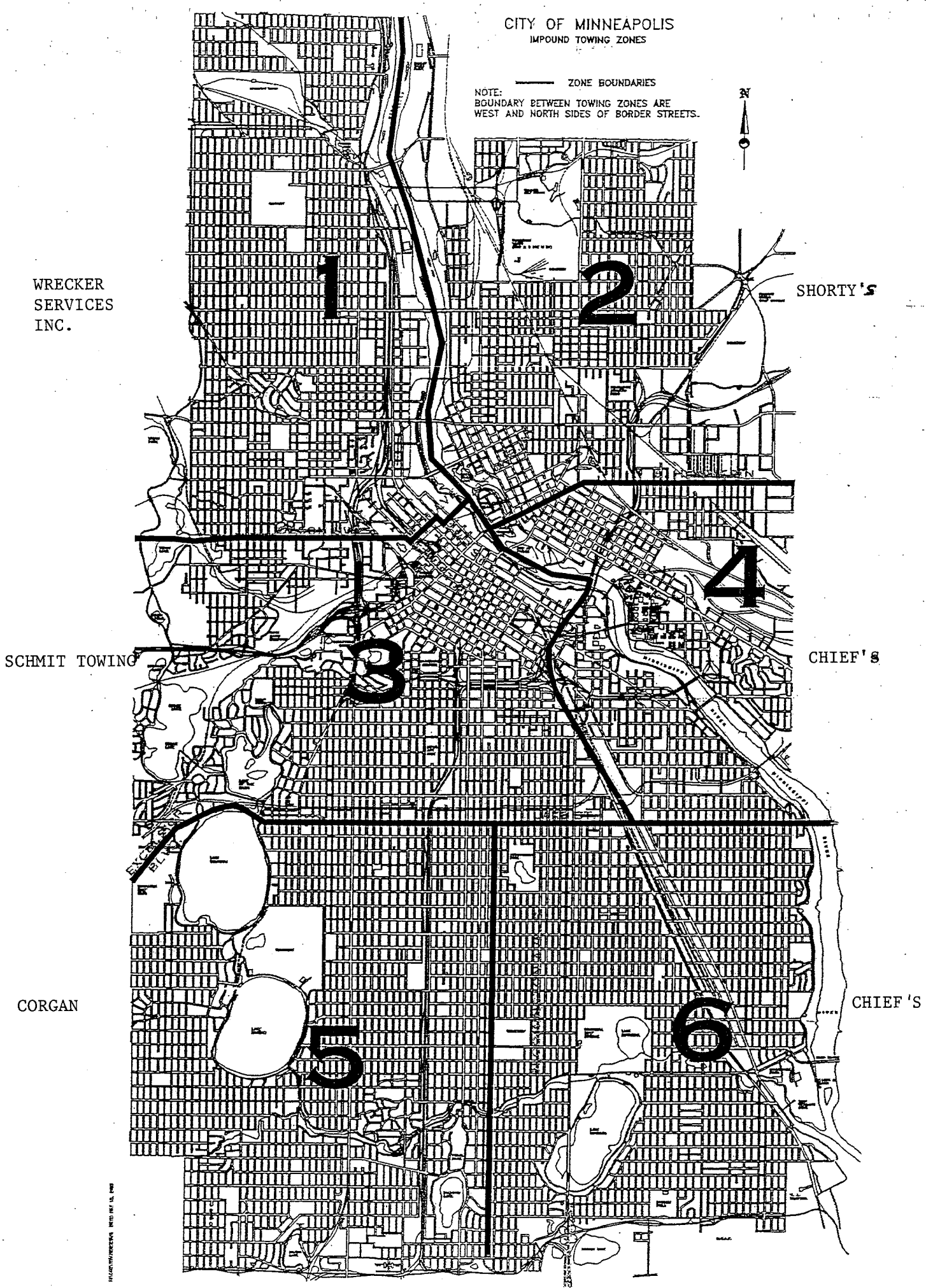
Finally, Internal Audit recommends procedures be established whereby the MPD K-9 squad may be used to patrol the Impound Lot and further enhance security controls.

PW Response: **We have been in contact with MPD and Risk Management to develop procedures for regular patrolling of the Impound Lot by MPD K9 Unit (See attached e-mail "K9 patrol of Impound Lot grounds"), and are proceeding with implementing the steps necessary to accomplish this task. We anticipate implementation within the next 30 days.**

SCHMIT TOWING

CORGAN




CITY OF MINNEAPOLIS
IMPOUND TOWING ZONES
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BOUNDARY BETWEEN TOWING ZONES ARE
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WRECKER SERVICES INC.
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The following pages document the various attachments mentioned throughout this report in the Pubic Works Responses.

- **Impound Lot Auction procedures (10 pages)**
- **Background check tow drivers memo from City Attorneys Office (3 pages)**
- **Background Check tow drivers Draft Language (one page)**
- **Impound Lot Customer Assistance policy (one page)**
- **Impound Lot Security Action Plan (one page)**
- **E-mail regarding K9 Patrol of Impound Lot Grounds (2 pages)**

Item 1: Auction Auto Definitions/Selection Criteria

Due Date: March 1, 2007

Definition of vehicle

The responsibility for determination of disposition of abandoned vehicles via sale/auction should rest jointly with the Shift Supervisor and the Yard Foreman. Documentation will be collected based on criteria listed below along with a picture of the vehicle. A vehicle will be classified as junk or premium based on an evaluation of the following criteria:

Public Auction Car Determinations: Two categories of vehicles are included for public auctions- Ordinary and Premium.

Ordinary Public Cars (90%):

1) Does it have 4 wheels/tires?
2) Is it physically intact – e.g. no broken windows, minimal to some damage, no missing doors, fenders, bumpers, average rust for age.
3) Is the interior generally intact and not appear harmful to health?
4) Is the engine/transmission intact?
5) Are emission control systems intact
6) Is the steering column intact?
7) Does it have valuable/desirable parts e.g. custom wheels, rare model?
8) Is it in average/good general condition?

Premium Cars (10%);

1) Is it a high demand year/model e.g. three years old or less Cadillac, Lincoln
2) Is it in exceptional to very good condition e.g. no rust, little to no damage,
3) Does it have keys, can we make keys?
4) Does it start?
5) (optional) Does it move?

Junk Car Determination

1) Not drivable, or inoperable
2) Missing vital parts essential for car survival, e.g wheels, drivetrain, transmission, motor
3) Extensive body damage that could create liability if re-titled
4) Is in poor general condition, or total loss, value equal to scrap

Steps for procedure implementation

1. Meeting with Shift Supervisor & Yard Foreman
2. Discuss how vehicles will be classified and what criteria will be used

3. Create a **Vehicle Classification form** (based on previously listed criteria) to be used for each vehicle that can be attached to the Tow sheet to demonstrate the decision making process.

Item 2: Public Car Preparations

Due Date: March 1, 2007

Public Vehicle Preparations

After vehicle has been determined to be of public status, then the Yard crew will begin preparations for the auction. This will begin approximately 1 week prior to the date of the auction. The vehicle will be cleaned, according to general cleaning criteria. The fate of the contents of the vehicle will be discussed in detail in the Contents Procedure section (Item 3).

Vehicle Preparation Checklist

1 – Vehicle is moved/towed into auction bay
2 – All tires inflated
3 – Doors unlocked, trunk opened if possible
3 – Contents inventoried and removed
4 – Vehicle may be rinsed off if possible/necessary

The vehicle is now finalized for the next public auction.

Junk Vehicle Preparations

Other than the removal of the contents from the vehicle, there will be no additional preparation of these vehicles other than towing into auction bay.

Steps for implementation

1. Discuss with Yard Foreman & Shift Supervisor
2. Have Yard Foreman relay new procedures to Yard attendants
3. Move vehicle into Auction Bay according to classification
4. Remove contents from vehicle according to previous discussions (inventoried and appropriate parties present)
5. Prepare vehicle according to classification (Premium, Ordinary, or Junk)

Item 3: Contents Procedure

Due Date: March 15, 2007

Contents Procedures

I am working closely with James Dykes, Public Works Safety on procedures for handling the contents. Contents will be inspected and inventoried by the Shift Supervisor. The removal of the contents will be done by the Yard crew after a complete inventory has been done. Once it has been determined that the vehicle has been set aside for auction, the trunk will be opened in the presence of the Yard Supervisor or Shift Supervisor. The trunk will be opened starting with the least invasive way (keys) to most invasive way (physically prying open). The contents of the trunk will be subjected to the same classification criteria as the rest of the vehicle. Hazardous materials will be disposed of using whatever methods to insure the safety of the employees of the Impound Lot.

Items that can be disposed in the normal trash waste stream are defined as:

Any food/perishables, Empty drink/food containers, Clothing, Shoes, Furniture, Lumber, Carpet

Items that should be recycled:

Scrap metal, Paper, cardboard

Items that need to be treated as household hazardous waste;

Adhesives, Aerosols, Auto wastes (fuel additives, starter fluid, waxes, etc. but no motor oil) , Household batteries, Cleaning solvents, Consumer electronics (computers, TVs, radios, VCRs, etc.), Drain cleaners, Driveway sealers, Fluorescent and HID lamps, Fuels, Mercury items, Rechargeable appliances (cordless tools, weed whips, etc.), Paint, Paint thinners and solvents, Pesticides, Photographic and hobby chemicals, Vehicle lead-acid batteries, Wood preservatives, Pool chemicals

Note: when securing these items:

Make sure containers are not leaking, Place wastes upright in a plastic-lined cardboard box ,Place incompatible wastes in different boxes Secure wastes so they do not spill

Items that may be salvaged for future resale:

Jewelry
Tools
DVD's - CD's
Electronic devices
Money
TV/VCR's
Portable car speakers
Personal gaming devices (Playstation, gameboy, etc)

Items that will be disposed of at transfer station:

Major appliances (refrigerators, air conditioners, washers, dryers, etc.), Asbestos, Compressed gas cylinders and tanks, Motor oil, oil filters, Tires, Radioactive waste (e.g., smoke detectors)

Salvaged items will be inventoried and stored at the Impound lot and specifically identified with the tracking number of the vehicle from which they were removed. Such items as deemed valuable in nature and will be checked against the police stolen property records if they have a serial number. The length of time the contents should be stored at the Impound lot is something that still needs to be determined. However, the length of time should be similar to that of the policies for storing impounded vehicles.

Any cash recovered from the vehicle will be put into an account after an inventory is completed. Use of the money will have to be determined at a later date.

All items of value recovered from the vehicle will be recorded on an inventory sheet will be attached to the Tow Sheet and stored for future documentation purposes.

Any dangerous or illegal items found such as weapons, drugs, explosives, medical waste, etc will be reported to MPD for processing and disposal.

Steps for implementation

1. Discuss with Yard Forman & Shift Supervisor
2. Create **Master inventory form** for each vehicle which includes all items found
3. Create **Time log form** for tracking time spent emptying and inventory procedure
4. Create separate **Valuable items form** for valuable items with serial numbers (to be cross-checked by Police for stolen)
5. Create separate **Currency form** for logging any money found in the vehicle
6. Indicate on vehicle master inventory form how trunk was opened (by force or by key)
7. List contents for each vehicle on Master Inventory log form
8. Dispose of items previously classified as garbage
9. Recycle items classified as recyclables
10. Indicate on Inventory form where contents will be stored at the Impound lot

Item 4: Safety Training

Due Date: March 1, 2007

James Dykes is working closely with us on this matter. Safety procedures will be revisited on an annual basis to insure they are up-to-date. Also, all employees should also revisit procedures on an annual basis.

Steps for implementation

1. Set meeting with James Dykes

2. Discuss policies and propose changes

Item 5: Supervisory

Due Date: March 15, 2007

Impound Lot Supervisor:
The duties of the Impound Lot Supervisor are to oversee the auction process by delegating duties to the Yard Foreman and Shift Supervisor. The Impound Lot Supervisor will have input into any disputes that may arise from the sale of the auction vehicles or the removal of the contents of the vehicles.

Yard Foreman:
Main responsibility is maintaining the overall appearance of the auction lot/vehicles which includes: delegating tasks to the Yard attendants as needed (cleaning vehicles, emptying vehicles, moving vehicles into place in the auction bay). Tasks also include an inspection of the vehicles (with the Shift Supervisor) to determine if they will be auctioned as premium or junk. The Yard Foreman will also conduct an inventory of the contents with the Shift Supervisor. Finally, the vehicle will be verified as auction-ready vehicle.

Yard Attendants:
The responsibility of the Yard attendants is preparation and parking of the vehicles for auction as directed by the Yard Foreman.

Day Shift Supervisor:
The duties of the Day Shift Supervisor are to assist the Yard foreman in determining the classification of the vehicle as junk or premium and to assist in conducting the inventory of the contents of the vehicles.

Steps for implementation

1. New duties or changes to current duties discussed as indicated above
2. Re-visit changes with Shift Supervisor and Yard Foreman weekly to measure progress and to make additions/subtractions to new procedures, etc.
3. Report progress up chain of command

Item 6: Trunk Opening

Due Date: March 1, 2007

The trunk of the vehicle will be opened as stated in Item 3 (Contents Procedures). The trunk is to remain closed until the vehicle has been set for auction and other auction preparations have begun unless it has been determined or suspected that the trunk contains materials that may be hazardous or unsafe. The opening of the trunk will be in

the presence of the Yard Foreman or the Day Shift Supervisor with an inventory of the contents being conducted at the same time.

The trunk will be opened on all vehicles before they are auctioned to determine the vehicles are safe for sale and to remove any valuable or illegal items in the trunk.

Steps for implementation

1. Discuss with Yard Foreman and Shift Supervisor
2. Put items on appropriate lists as discussed in contents section

Item 7: Inspection of vehicles

Due Date: March 1, 2007

When possible, a general description of the vehicles being auctioned will be listed on a Web site so that the public has an opportunity to view the list. However, it should be noted that the list is not comprehensive and can change at any time.

At 0900 hours the vehicles may be inspected by the public with supervision from security.

A handout will be provided to the potential buyer that provides a checklist for the buyer of all the vehicles in the public auction describing if the vehicle has keys, starts, and/or moves. The customer may create a list of items onto his/her checklist for future reference in the auction, allow them access to and inspect the interior, and open the hood and the trunk.

Steps for implementation

1. Discuss with Yard Foreman and Shift Supervisor
2. Discuss with Security
3. Create or modify buyer checklist

Item 8: Notice for Auction Vehicles

Due Date: April 1, 2007

Follow procedures established pending a review with city attorney and police to identify pitfalls and improvements.

Steps for implementation

1. Set meeting with city attorney
2. Discuss with city attorney current procedures for potential short-comings

Item 9: Auction Bay Security

Due Date: March 1, 2007

Install a padlock on the Auction Bay entrance points that can only be opened by the Yard Foreman and the Shift Supervisor. This will insure that access to the Auction Bay will be controlled by those two individuals.

Make the auction bay only accessible during normal business operating hours (8:00 am – 4:30 pm).

No one from the public is allowed in the auction bay unless it is determined that the owner of the vehicle can remove the vehicle from the Impound lot before it is auctioned. Escort must be provided by yard or security personnel.

The public is allowed to preview vehicles starting at 0900 hours. Security staff will be in place at this time in the auction bay.

Employees of the Impound Lot will only have access to the Auction Bay after obtaining authorization from the Shift Supervisor or the Yard Foreman. This will be for purposes of cleaning out vehicles, or to assist during auction.

Contents can only be removed from the vehicle in the Auction Bay in the presence of the Yard Foreman or Shift Supervisor during preparations for the auction.

Steps for implementation

1. Discuss with Yard Foreman and Shift Supervisor
2. Discuss with Security
3. Install padlock to limit access according to Shift Supervisor or Yard Foreman
4. Limit accessibility to Auction bay to normal business hours (8:00 am – 4:30 pm)
5. Security always present during public viewing before Auction

Item 10: Best Practices

Due Date: May 1, 2007

We will be calling other municipalities with similar sized Impound lot facilities to discuss auction procedures. Some of the other cities of interest include: St. Paul, MN.

Steps for implementation

1. Place call to St. Paul Impound

2. Discuss such items as: Public auctions, Security issues, their top concerns with their Lot, etc.

Item 11: Cost/Benefit Analysis

Due Date: July 1, 2007 and January 1, 2008

The main contributor to the costs associated with the removal efforts would be the man hours involved with the procedure. In order to calculate time and cost of labor, the parties involved as described above (Yard Foreman, Shift Supervisor, and Yard attendant) will keep a log of their time used to remove and inventory the contents. Storage costs will not be factored because the contents will be stored on-site. The cost of the removal of the contents from the Impound Lot will be determined by the contractor selected. The supplies needed for the removal will consist of paper for the time sheet log and inventory log. Also, there may be a need for adhesive labels to further identify the objects of value. During the inventory process the high value items will be identified by the vehicle tracking number so that they may be matched with the vehicle from which they were removed. After the costs have been tracked monthly for six months and 12 months, then the costs can be averaged and determined if they are beneficial. The decision of removing the contents in this fashion we be determined beneficial if the sale of the items exceeds the costs.

Steps for implementation

1. Create time log form
2. Keep track of income from items sold
3. Track above items and report at 6 month and 12 month intervals

Item 12: Communication Process

Due Date: March 1, 2007 and ongoing

After the procedures have been finalized, a meeting will take place between the Shift Supervisor, Yard Foreman, and Impound Supervisor. In that meeting, the new responsibilities will be told to the respective parties.

Daily communication will be conducted by the Shift Supervisor and the Police department when the need develops. A monthly summary of vehicles scheduled to be placed in the public auction will be delivered to the Police Department for review.

Steps for implementation

1. Discuss with Yard Foreman and Shift Supervisor
2. Inform of Impound staff of new changes via Memo's and meetings

3. Establish a weekly meeting with Yard Foreman and Shift Supervisor to discuss proposed changes
4. Continually revisit processes and procedures to refine and modify if necessary
5. Open dialog with Police for dealing with valuable item list for checking with stolen properties

Item 13: Additional Resources

Additional resources will be determined at a later date as we go through this process.

.....Breakdown by month.....

March agenda

Meet with city attorney discuss proposed changes before implementing

I) Meeting with Yard Foreman & Shift Supervisor

- A) Discuss Items above
  - (1) Big picture
  - (2) Reasons for making the change
- B) Instruct Yard Foreman & Shift Supervisor new duties
  - (1) Inventory procedures
    - (a) New Forms
      - i. Time log form
      - ii. Master inventory form
      - iii. Valuable items form
      - iv. Currency form
      - v. Vehicle classification form
    - (b) Trunk opening and log
    - (c) Tow sheet attachments
      - i. Master inventory form
      - ii. Valuable items form
      - iii. Vehicle classification form

(2) Auction Bay

(a) Padlocked

(b) Open only during 8:00 am– 4:00pm

C) Security guard enhancements

(1) Presence during public auction

(2) Duties during auction

D) Weekly meetings

(1) Evaluate policy changes

(2) (Possible) Get random input from public auction attendees

II) Meeting with Security to discuss changes

A) Hours of access

B) Public auction procedures

April agenda

Continue to re-evaluate changes and set meeting to go over change process.

May agenda

Best practices evaluation: Set meeting via phone or in person to discuss Impound lot procedures with St. Paul Impound

July & January 2008

Evaluate cost/benefit analysis on sale of vehicle contents

Minneapolis
City of Lakes
Office of the City Attorney
Jay M. Heffern
City Attorney

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TO: Mike Sachi,
Impound Lot

FROM: Caroline Bachun,
Assistant City Attorney

DATE: September 21, 2007

RE: CJIS Backgrounding of Tow Truck Drivers

MEMORANDUM

You requested that I assist with respect to the backgrounding of tow truck drivers. You have provided me with a contract which requires that tow truck drivers that do white tag tows must be CJIS backgrounded by the Minneapolis Police Department. For those drivers that do red tag tows or inspection tows, a background check, which will be performed to detect criminal and driving history, is the responsibility of the tow truck contractors, and passing results must be provided to the City annually.

You have advised me that the tow truck companies are complaining because the MPD is requiring drivers, who do not perform white tag tows, to be CJIS backgrounded, and some of the drivers are not passing that extensive background check. You also advised me that no tow truck drivers enter the impound building and that there are separate bathrooms outside of the building for use of the tow truck drivers.

I spoke with Sgt. Mark Koening. He advised me that when a tow truck company calls the MPD to get the CJIS backgrounds performed, the company goes through Ken Patterson of MPD Police Backgrounds. Mark advised that, from his knowledge, the tow truck company provides a list of names of employees that need to be backgrounded and the background checks are done. Mark believed that Lisa Madsen-Kaupang determines who needs to be CJIS backgrounded.

I spoke with Lisa Madsen-Kaupang. She advised me that there are some reasons why all tow truck drivers should be CJIS backgrounded. First, she provided information on the security of the impound lot. She said that the tow truck drivers do have access to the impound lot building where CJIS terminals are located. She stated that 6-7 months ago she had seen tow truck drivers in the impound lot building. She said that she had been allowed to enter into the impound lot in the past by someone she did not know without that person checking her ID.

Lisa also advised me that an internal audit was being done by the City's internal auditor and she thought it had been completed. She also thought that the auditor found that tow truck drivers were entering the impound lot building. You did not advise me of the ongoing audit.

Second, Lisa said that it is hard to keep track of who should be towing under a CJIS background requirement. She said about three years ago, the MPD did spot checks and sorted the impound sheets by company to see if the employees had passed the proper background checks; the MPD found that there were some drivers that hadn't passed the background check. I don't know if she was using the standard in the contract – CJIS background only for white tag tows and minimal background for other tows – or another standard of every driver being CJIS backgrounded.

Third, she advised that a good reason for backgrounding tow truck drivers who perform white tag tows is to preserve evidence and to cover situations where a tow truck driver may see an officer's CJIS terminal when towing a vehicle.

Lisa advised that she recommends that all tow truck drivers be CJIS backgrounded because there have been some incidents of tow truck drivers entering the impound lot building, where CJIS terminals are located, and because tow truck driver companies have been using drivers who have not passed the proper backgrounding checks. Lisa said that she has not ordered tow truck drivers to be backgrounded as she does not work in Backgrounds.

I spoke with Bob Bjorklund, Director of Internal Audit. He shared with me a draft of an audit report. Bob's report does not address whether he saw tow truck drivers in the impound lot building, and Bob said he hasn't looked into that issue. An audit was commenced on the impound lot because the City's Risk Manager was getting complaints about items missing from towed vehicles. Bob's audit report addresses the first phase of his audit of the impound lot, which includes Administration, Security and beginning to examine the towing area. Bob did an audit of whether the tow truck drivers are being backgrounded. Bob found evidence that some have not passed the CJIS background check and some have not been CJIS backgrounded. The auditor requested the annual reports that are to be filed with the department on the non-CJIS backgrounds, and found that the impound lot has not received such reports. Further, the auditor found that the impound lot does not monitor whether the white tag towers are CJIS backgrounded. The audit report will also address the findings of the auditor related to inadequate security in the impound lot, such as inadequate monitoring of the lots via computer and failure to lock gates. It looks like in the final report, the auditor will be recommending that background checks be performed on all tow truck drivers. It appears that this recommendation is based on the auditor's findings of inadequate physical security of the vehicles in the impound lot; and the lack of monitoring who is backgrounded, including whether the tow truck drivers who are performing white tag tows have passed an MPD background check.

I also spoke with Ken Patterson. Ken is the contact person for the tow truck companies for performing CJIS backgrounding of tow truck drivers. Ken advised that the company gives him the names of the employees that need to be backgrounded and Ken performs such backgrounds. Like Sgt. Koenig and Lisa Madsen-Kaupang, Ken stated that he has not told the tow truck

companies that they have to have all tow truck drivers CJIS backgrounded. Ken merely performs the background checks on those tow truck drivers whose names are provided to him by the tow truck companies. Therefore, I was unable to substantiate the tow truck companies' complaints that the City or MPD was forcing tow truck drivers who are performing red tag or inspection tows to be CJIS backgrounded. Further, the tow truck companies might not be submitting tow truck drivers to background checks and are not submitting passing result to the City annually for each driver; such actions would be violations of the contract.

Ken also stated that he advises the tow truck companies as to whether the tow truck drivers have passed or failed the background check; Ken does not provide such information to Public Works or the Impound Lot. Based on Ken's statement and the auditor's information, it appears like the Impound Lot currently receives no information on who has submitted to a background check, who has passed or failed a background check, whether the background check was through the MPD or through the tow truck company, and whether a background check through the tow truck company has met the contractual requirement that such background checks be conducted by a business following the Fair Credit Report Act. Without, at a minimum, information on who has passed CJIS background checks, spot checking or verifying that white tag tows are being performed by CJIS backgrounded tow truck drivers is impossible, and in realty, has been nonexistent.

If tow truck drivers are currently being allowed to enter into the Impound Lot Building, such a practice should stop. In theory, if all tow truck drivers were verified as having passed CJIS backgrounds, they could have access to the building. However, it would be safer to ban the tow truck drivers from entering into the building altogether. The MPD needs the ability to access CJIS. If there are CJIS violations in the City, the City could lose access to CJIS.

It looks like the auditor will be recommending that all tow truck drivers be CJIS backgrounded. You can also contact Ellen Velasco-Thompson after the first phase audit report comes out to get her recommendation on the issue.

Assuming that the new contract will require all tow truck drivers to be backgrounded, I will assist you with appropriate contract language.

DRAFT CONTRACT LANGUAGE ON BACKGROUND CHECKS
FOR TWO TRUCK COMPANIES
September 21, 2007

Background Checks and Crimes:

1. The Contractor is responsible for ensuring that all drivers who perform towing under this contract do the following:

   a. Each driver shall submit to and pass a background check that is conducted by the Minneapolis Police Department before performing tow truck services under this contract. The Minneapolis Police Department has the discretion to determine the criteria for passing the background check. The Minneapolis Police Department has the discretion to determine who passes and who fails the background check.

   b. The Contractor shall advise the Contract Manager in writing when, during the term of the contract, which includes any extension period of the contract, any driver working for the Contractor has been arrested or convicted of a crime other than a petty misdemeanor. A person so arrested or convicted shall provide information on the crime or related to the crime as requested by the Minneapolis Police Department. The Minneapolis Police Department has the discretion to require that such person submit to a full or supplemental background check to be performed by the Minneapolis Police Department and the person so arrested or convicted shall cooperate with the Minneapolis Police Department in the conducting of the background check. If the driver does not provide requested information or does not cooperate with the Minneapolis Police Department in the conducting of a background check, the driver shall not perform towing under this contract. The Minneapolis Police Department has the sole discretion to determine whether a driver is able to perform tow truck services under this contract.

2. A driver is automatically disqualified from performing towing services under this contract under the following circumstances:

   a. The driver has been convicted of a misdemeanor and less than one year has passed from the expiration of the sentence, where probation is considered part of the sentence.
   b. The driver has been convicted of a gross misdemeanor and less than five years has passed from the expiration of the sentence, where probation is considered part of the sentence.
   c. The driver has been convicted of a felony and less than ten years has passed from the expiration of the sentence, where probation is considered part of the sentence.

3. The Minneapolis Police Department may, at its discretion, change the automatic conviction disqualifiers at any time during the term of this contract, which includes any extension period of the contract, without notice to the Contractor. In addition to the automatic disqualifiers, a driver may be disqualified from performing towing services under this contract for other reasons determined by the Minneapolis Police Department at the discretion of the Minneapolis Police Department. The Minneapolis Police Department may, at its discretion, perform annual background checks of drivers. The Minneapolis Police Department may also perform additional or supplemental background checks when the Minneapolis Police Department determines that such additional or supplemental background checks are needed to comply with CJIS backgrounding requirements. The City will be responsible for the cost of any background check that is performed under this contract by the Minneapolis Police Department.

City of Minneapolis
Department of Public Works

TO: All Impound Lot Employees and Twin City Security Officers
FROM: Don Pedlar, Supervisor
DATE: August 13th, 2007
SUBJECT: Jump Starting, Tire Changing and Recovered Stolens

For security as well as liability reasons, the following procedures will be implemented immediately:

Jump Starting
If a customer informs a CSR that their vehicle will need to be jump started:

- The CSR is to release the vehicle to the customer within CATS
- Then write up a tracking form and label it "JUMP START" and write down the vehicle's plate number that will entering the Impound that will be used for jumping the vehicle- and making a copy of that owner's driver license and attaching that to the tracking form.
- Notify them that they will be allowed up to 10 minutes to jumpstart their vehicle, during which time the security guard will remain with them until the vehicle starts. If the vehicle cannot be started within this time, the customer will be instructed that they will need to have the vehicle towed out of the lot, or return with a new battery.
- The CSR will retain the original owners I.D. u and advise the owner to return to pick up their DL after they drive their vehicle out of the lot.

The owner and a single guest will then be allowed to drive another vehicle through the entrance gate and will be instructed to pull forward/aside and wait until their vehicle can be escorted back to their car by the security van. (Security personnel must verify the tracking ID prior to driving out to the vehicle to be jumped)

Once Security escorts the customer back to their vehicle and they get out, that's when the 10 minutes starts. If it is unable to start by jumping it with the vehicle they brought in, they must leave and either have the vehicle towed out of the lot, or return with a new battery.

Security will then escort both vehicles back to the exit gate. The customer will then come inside the office building, return the tracking form, and retrieve their DL from the CSR.

If a vehicle is released and upon being escorted to their vehicle, the customer discovers it will not start, the customer will need to be brought back to the office building so that a tracking form can be filled out and the above procedure will be followed.

Tire Changing
The above policy will also be followed if an owner of an impounded vehicle needs to change (1) tire, and "TIRE CHANGE" will be labeled on the tracking form vs. "JUMP START"

- If more than one tire needs to be changed a tow truck will need to be called to remove the vehicle from the lot. A list of available tow companies will be provided to the customer.

Recovered Stolens

- As the Impound Lot is not aware of the vehicles mechanical condition upon being recovered and towed to the Impound Lot as a result of the theft, we cannot provide any advice or assistance to the customer such as if a vehicle has a punched column. Advise customer that we are unaware of the condition and suggest if the vehicle cannot start or if it has visible damage to contact a mechanic or a tow company for assistance and possibly their insurance may cover a portion or all of the costs associated with it.

Even though we would like to assist our customers in repairing their vehicle we must continue to follow the policy of the Impound Lot **not** to assist in jumping a vehicle, changing a tire, or providing any assistance while the customer is trying to make a mechanical repair to their vehicles. (Due to liability and security reasons)

If you have any questions, please let me know.

Impound Lot Security Action Plan

Effective September 30, 2007

- All security officers are being provided additional training on the CCTV camera operations, and they will be required to sign off on a sheet showing that they have been trained.

- The record and playback monitor will be replaced in the exit booth to improve the quality of images being viewed by the security officers.

- The entrance gates to the E-lot are being repaired in order to be able to secure the gates properly.

- Sonitrol fencing alarm employees have been instructed to only adjust sensitivity at the direction of the impound lot Supervisor.

- New jump start policies have been sent forward for approval which will tighten security. Security escorts are to remain with all customers at all times when they are present in the impound lot yard area.

- The impound lot supervisor will be in contact at least twice weekly with the supervisor of Twin Cities Security, and also meet regularly with impound lot supervisors and security officers.

- Currently in discussions with K-9 Units regarding using K-9 to patrol the yard areas on a regular basis.

- A letter will be sent out to all city towing contractors asking for a list of all tow truck drivers showing that they have successfully passed the required Background Check Investigations.

- Increased enforcement of tracking form procedures will be required of all employees to ensure only authorized personal are allowed in lot.

Bjorklund, Robert H.

From: Velasco-Thompson, Ellen S
Sent: Wednesday, September 19, 2007 3:17 PM
To: Sachi, Mike W
Cc: Pedlar, Don M; McCree, Charles; Wertjes, Jon M; Miller, Thomas J.
Subject: RE: K9 Patrol of impound lot grounds

Mike,
I just talked to Thos. Miller of the CAO. We reviewed our earlier conversation on liability, assumption of claims, concerns of the K-9 Unit, and your written procedure on the K-9 Patrol running off leash at the off hours of the Impound Lot. Tom feels any bite claim filed by an adult, homeless, or teenager can be defendable and a risk that we would take. Minors would be a tough case. But we will cross that bridge when we get there. Crossing a 10 ft fence with barb wire, is not taking a stroll.

We have agreements to the following:
1-Impd Lot will assume any liability the dogs may have if they bite an intruder.
2-K-9 Officers will be walking the lot, while the dogs are off leash.
3-Prior to their off leash run, the Guard will review his documentation to make sure that all tow operators have exited the Impd Lot and no
other City employees are within the lot.
4-K-9 Officers can plan an intermittent time to have the dogs off leash, (from 10PM to 7AM) that is not scheduled with the Impd Lot.
5-Impd Lot will post signs every 100 ft on the fences, and numerous places up front in the customer paying area and by the Guard Desk
That state in English: No Trespassing, patrolled by dogs, picture of a nice dog with teeth, all entries must be at the East? Guard
Desk, etc.
6-Security Guards will be trained and have a written policy
A-to be able to coordinate with the K-9 Patrol,
B-focus cameras if an incident arises,
C-who to call for additional MPD assistance,
D-or for Emergency Response for medical assistance.
7-In any incident, I would ask that your lot supervisor be called in to take pictures of the fence break for evidence, which specific vehicles
were vandelized and to file an incident report with all the known details ready for court. Copies would be faxed or emailed the next morning to Rico Rogers of Risk Mgmt & Claims and Art Thomas of PW.
8-Please include the above in your written procedural practices, I will share it with Tom to get any further recommendations he may have.

Thanks for your attention to these details,
Ellen

Ellen Velasco-Thompson, Director
City of Minneapolis-Risk Mgmt. & Claims
#550 Towle Bldg, 330-2nd Ave. South
Minneapolis, MN 55401-2213

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ellen.velascothompson@ci.minneapolis.mn.us

From: Sachi, Mike W
Sent: Friday, September 14, 2007 8:17 AM
To: Velasco-Thompson, Ellen S
Cc: Pedlar, Don M; Hengel, Steve L.; McCree, Charles; Wertjes, Jon M
Subject: K9 Patrol of impound lot grounds

Hi Ellen,

We met with Sgt. McCree last night regarding the K9 Unit patrol of the impound lot and several issues were raised that I am forwarding to you for your input (Sgt McCree: please let me know if I am misstating any information).

There are several options and possibilities for utilizing the K9 Unit in the impound lot, but they come with some potential liabilities:

1) If we permit the K9 unit to allow the dogs to patrol the impound lot off leash, there is the distinct possibility that if and when the dog locates an individual in the lot that he will bite the individual. This could be a liability issue, since current MPD policy prohibits releasing the dog unless a felony is being committed. It is possible that individuals in the impound lot could range from a homeless individual sleeping in a vehicle, or even a possible thief, but it may be difficult to prove a thief was in the act of committing a felony, and if we could only issue a trespassing violation (misdemeanor), it may lead to a legal suit from the dog bite.

2) The K9 Unit is open to walking the dogs through the lot on leash, but this obviously would be a less effective crime deterrent.

3) Finally, they are willing to perform a regular drive through of the facilities with lights flashing, but again, this would be less of a deterrent than the actual patrol.

Also, should we post signs on our fences, entrances, etc informing people that there is K9 presence? We will also need to insure that prior to any patrols that all customers, employees and tow drivers are not out in the yard, and would need to prevent any trucks and cars from entering the lot during the time dogs are roaming free in the yard until they could be brought under control.

Can you please advise on which option seems most reasonable to you? I appreciate your assistance, Thanks!

Michael W. Sachi, P.E.
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