



19 13th Avenue North
Waite Park, MN 56387

City Council Agenda
6:30 P.M. Monday, April 5, 2021

1. COUNCIL MEETING ATTENDANCE GUIDELINES

The City Council meeting on VIA Video Conferencing using Zoom Optional for Elected Officials

The Chief Administrative Officer and the Chief Legal Counsel for the City of Waite Park have deemed an ongoing health pandemic and peacetime emergency by the office of the Governor of Minnesota, that warrants allowing members to choose to attend the meeting by electronic means as a precaution to ensure the health and safety of the other regular attendees of City Council meetings as well as members of the public who might choose to attend the meeting. Members can choose to join the meeting via a Zoom conference or in person. The City Council will adhere to the processes required under State Law:

1. We will ensure that all members of the meeting body, wherever their physical location, can hear one another and can hear all discussion;
2. We will ensure that all members of the public present at the regular meeting location of the body can hear all discussion of the members of the body; and
3. At least one member of the body, chief legal counsel, or chief administrative officer or designee will be physically present at the meeting location.

JOIN ZOOM MEETING

One tap mobile: US: +13126266799,,84294840980#,,,,*438836# or
+19292056099,,84294840980#,,,,*438836#

Meeting URL: [HTTPS://US02WEB.ZOOM.US/J/84294840980?](https://us02web.zoom.us/j/84294840980?pwd=Q1NKZTJ5CE9UM25ICLBVNNLKS0ZUZZ09&FROM=ADDON)
PWD=Q1NKZTJ5CE9UM25ICLBVNNLKS0ZUZZ09&FROM=ADDON

Meeting ID: 842 9484 0980

Passcode: 438836

Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1

346 248 7799 or +1 669 900 6833 or +1 253 215 8782

Meeting ID: 842 9484 0980

Passcode: 438836

INTERNATIONAL NUMBERS

Skype for Business (Lync)

<HTTPS://US02WEB.ZOOM.US/SKYPE/84294840980>

2. CALL TO ORDER

3. PLEDGE OF ALLEGIANCE

4. PUBLIC INPUT

The City Council allows for public input. Citizens are given up to two minutes to provide the Council with their thoughts or concerns regarding any issue they believe is relevant to the City of Waite Park. The City Council will provide any direction needed on issues presented. Depending on the issue raised, City Council may choose to discuss this at a future work session, future City Council Meeting, require staff to follow up, or chose to do nothing at all.

5. REVIEW AND APPROVE COUNCIL AGENDA

Councilmember _____ moved to approve the Council Agenda as presented or with the following additions:

Councilmember _____ seconded the motion.

Documents:

[COUNCIL AGENDA.PDF](#)

6. CONSENT AGENDA ITEMS

Recommended Action: approval of the consent agenda items as presented.

Councilmember _____ moved to approve the consent agenda items as presented.

Councilmember _____ seconded the motion.

A. Approve 3-1-21 City Council Meeting Minutes

Documents:

[3-1-21 COUNCIL MEETING MINUTES - DRAFT.DOCX](#)

B. Approve Resolution Accepting Donations To The City

Documents:

4-5-21 RESOLUTION REGARDING ACCEPTING A DONATION TO
THE CITY.DOCX
RESOLUTION 040521- ACCEPTING A DONATION TO THE CITY.DOC

C. Approve 2021 Street Improvement Projects

Documents:

030521 CONSENT AGENDA - 2021 STREET IMPROVEMENTS
PROJECT.PDF
2021.03.25 SUPPL LETTER AGREEMENT - 2021 STREET IMP.PDF

D. Approve Special Animal License - Auburn Hendrick

Documents:

STAFF REPORT CONSENT AGENDA - SPECIAL ANIMAL LIC -
AUBURN HENDRICK.PDF

7. **REGULAR AGENDA ITEMS**

8. **COUNCIL/MAYOR**

9. **ADMINISTRATOR UPDATE**

Adjourn



City Council Agenda

Monday, April 5, 2021

6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Public Input
4. Review and Approve Council Agenda
5. Consent Agenda Items
 - A. Approve 3/1/21 City Council Meeting Minutes
 - B. Approve Resolution Accepting Donations to the City
 - C. Approve 2021 Street Improvement Projects
 - D. Approve Special Animal License – Auburn Hendrick
6. Regular Agenda Items
7. Council/Mayor
 - A. Approve Bills; Other Business
8. Administrative Update

ADJOURN

1. CALL TO ORDER

A meeting of the Waite Park City Council was held on Monday, March 1, 2021 beginning at 6:30 PM.

MEMBERS PRESENT

Members present were Mayor Miller, Councilmembers Linquist, Schmitt, Schulz, and Theisen

CITY REPRESENTATIVES PRESENT

City Representatives present or on the call were City Administrator Johnson, Deputy Clerk-Treasurer Virnig, Chief of Police Bentrud, Public Works Director Schluenz, Planning and Community Development Director Noerenberg, City Attorney Storm, and SEH Engineer Halter

OTHERS PRESENT

None

2. PLEDGE OF ALLEGIANCE**3. PUBLIC INPUT**

No public comment was given.

4. COUNCIL AGENDA

Member Linquist asked to add an item to the agenda; he stated he wanted to discuss the opening of the Community Park Pavilion. Members agreed to add it under #8. Member Theisen moved to approve the agenda with the addition, seconded by Member Schmitt. Motion carried unanimously.

5. CONSENT AGENDA

- 5.A. Approve 12-9-20 City Council Special Meeting Minutes
- 5.B. Approve 1-4-21 City Council Meeting Minutes
- 5.C. Approve 1-25-21 City Council Meeting Minutes
- 5.D. Approve Conditional Job Offer Pathways to Policing Candidate
- 5.E. Approve Landscape Coordinator Contract
- 5.F. Approve the Application Process for Police Officer
- 5.G. Approve 2021 Renewal of 2 Tobacco Licenses for MOLO-Twin LLC

Member Linquist asked to pull item D. Approve Conditional Job Offer Pathways to Policing Candidate.

Member Schulz moved to approve the other items, excluding item D. Approve Conditional Job Offer Pathways to Policing Candidate. Motion seconded by Member Theisen. Motion carried unanimously.

Member Linquist stated he would like to move to approve the hiring of Quaylon Crawford, with the conditions on a successful completion of the required background check, medical assessment, psychological exam, along with a successful completion of the Hennepin Technical College course and pass the MN POST Licensing exam; with a rate of pay at \$22.50 per hour. Motion seconded by Member Theisen. Motion carried unanimously.

6. REGULAR AGENDA ITEMS**6.A. PRELIMINARY AND FINAL PLAT – MOLITOR PARK PLAT 2**

Planning and Community Development Director Noerenberg explained that this request was previously reviewed in January 2019 but was not acted on by the applicants in the time since. The applicants now want to move forward again with the request, but as more than a year took place before recording, the plat must be reviewed and approved by the City again per ordinance. No details have changed. Drainage/utility easements were vacated by previous Council action.

The request has been submitted by Ed & Brenda Molitor and Rock On Properties, LLC (both property owners) for review of preliminary and final plat of Molitor Industrial Park Plat 2. The proposed subdivision

6.A. PRELIMINARY AND FINAL PLAT – MOLITOR PARK PLAT 2 (Cont.)

is a three-lot, single block subdivision and partial replat of Molitor Industrial Park Plat at the Molitor and Rock On Truck properties on 7th Street South and 28th Ave South.

The reason for the request is a pending arrangement for the Molitors to buy a small portion of property from Rock On Properties, LLC, located on the eastern side of the Rock On parcel. The Rock On property has not been previously platted, and the proposed sale parcel is too small to perform via an administrative lot split, and as such a plat would be required to convey the property.

The proposed plat/replat will create a 3-lot subdivision with a total area of 14.22 acres. There is no specific development or construction proposed with the plat at this time. Access to the properties will remain the same.

An issue was identified with the easements during the survey and plat design process by the survey firm. The easements are being proposed for vacation and then rededication with the final plat and are included as an attachment. The newly created easements will be dedicated with the final plat. City staff and City engineer have reviewed the requests and do not have an issue with the proposed vacation and rededication. Staff would note that there is a public hearing component associated with the easement request that must be done with this request as vacation requests are not reviewed by the Planning Commission.

During review, a recommendation was noted during review by the City Engineer and Public Works Director to request that the new drainage and utility easement that runs north/south between Lot 1 and Lots 2 and 3 (along property lines) be expanded to a total 30-foot width, 15 feet on either side of the property lines, to allow additional area for drainage for property to the north to 7th Street South.

Since a portion of the property has not been previously platted, the aspect of parkland dedication, or payment-in-lieu thereof is required. Based on the established value of the unplatted Rock On land (not including buildings) per Stearns County, and 5% of that value as established by ordinance for payment-in-lieu of parkland dedication, an estimated payment-in-lieu of parkland dedication suggested by staff would be \$14,710.00. The Park Board has submitted their consensus that they agree with this amount.

Staff is supportive of the preliminary and final plats as submitted. The Planning Commission reviewed the request at their February 9, 2021 meeting and recommended approval. No concerns or comments regarding the plat were raised during the public hearing.

Staff recommends approval of the preliminary plat with the following conditions:

1. Property is subject to requirement for payment-in-lieu of parkland dedication in the amount of \$14,710.00. This fee must be paid prior to affixing of City signatures upon the plat.
2. The proposed drainage and utility easement running north/south between Lot 1 and Lots 2 and 3 shall be expanded to 30-foot total width (15 feet either side of property boundary).
3. Rededication of vacated utility easements performed under separate previous City Council action shall be reflected on final plat for City signatures and recording.

Provided that conditions of the preliminary plat are satisfied, Staff recommends approval of the final plat.

Member Theisen moved to approve the preliminary and final plat of Molitor Industrial Park Plat 2, seconded by Member Schulz with the following conditions:

1. Property is subject to requirement for payment-in-lieu of parkland dedication in the amount of \$14,710.00. This fee must be paid prior to affixing of City signatures upon the plat.
2. The proposed drainage and utility easement running north/south between Lot 1 and Lots 2 and 3 shall be expanded to 30-foot total width (15 feet either side of property boundary).
3. Rededication of vacated utility easements performed under separate previous City Council action shall be reflected on final plat for City signatures and recording.

Motion carried unanimously.

6.B. VENDOR FEES FOR THE LEDGE

Public Works Director Schluenz explained to the Council that to maintain integrity and consistency in the services being offered at The Ledge Amphitheater by contactors such as, but not limited to, caterers, decorators and rental companies, Staff will be accepting applications from companies that want to be approved vendors. These fees will help cover the costs of processing applications. Also, Staff will want to

6.B. VENDOR FEES FOR THE LEDGE (Cont.)

have the option to charge approved vendors a commission fee which is a standard practice for event facilities.

Proposed Fees for vendors at The Ledge, to be added to the Fee Schedule:

\$150 Approved Vendor/Contractor Application Fee

\$75 Vendor/Contractor Criminal Background Check and Investigation Fee (In-State – per person)

\$110 Vendor/Contractor Criminal Background Check and Investigation Fee (Out-of-State – per person)

Up to 15% Approved Vendor Commission Fee

Member Linquist asked if they were driving up the cost to rent the facility with these types of fees. City Administrator Johnson and Public Works Director Schluenz stated that these fees are an industry standard and not out of line. City Administrator Johnson also stated that depending on events they would have the flexibility to work with applicants and adjust fees.

Member Theisen asked if the 15% fee was standard. City Administrator Johnson explained that it was very standard for the surrounding area, and the fee schedule would state, “up to 15%” so there would be an area of flexibility.

Member Theisen moved to approve adding the Proposed Fees for vendors at The Ledge, to the Fee Schedule as presented, seconded by Member Schmitt. Motion carried unanimously.

7. COUNCIL/MAYOR

7.A. REVIEW AND APPROVE BILLS

Member Theisen moved to approve the 1-4-2021 to 2-19-2021 bills as presented, seconded by Member Schmitt. Motion carried unanimously.

Mayor Miller read aloud “Thank-You” for donations from the charitable gambling from the following: Salvation Army, Anna Marie’s Alliance, Paramount Center for the Arts, The Initiative Foundation, CentraCare, Boys and Girls Club.

Mayor Miller also read aloud a letter from United States Census 2020 recognizing the City of Waite Park for making the Partnership Program a success and achieving a successful 2020 Census.

8. ADMINISTRATOR UPDATE

Member Linquist stated that he understood Waite Park’s Community Park Pavilion was closed due to Covid. Member Linquist stated that surrounding areas are opening similar venues and is wondering if the City has a plan to open ours. City Administrator Johnson explained that they are currently revisiting that and working with City Attorney Storm to make sure that State guidelines are followed when reopening. Attorney Storm stated he will send out an update based on the new guidelines recently release. Attorney Storm briefly explained that there are options to reopen the Pavilion with less restrictions, but Covid plans are still required for each rental.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 6:50pm.

Richard E. Miller
Mayor

Shaunna Johnson
City Administrator



Staff Report: Resolution Regarding Accepting Donations to the City

Quarterly, the City Council is requested to accept, by resolution, all donations made to the City. Attached is a resolution accepting all donations received by the City for the 1st Quarter of 2021. Staff recommends approval of the resolution.

**RESOLUTION NO. 040521-
CITY OF WAITE PARK**

A RESOLUTION ACCEPTING DONATIONS TO THE CITY

WHEREAS, the City of Waite Park is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 et seq. for the benefit of its citizens and is specifically authorized to accept gifts.

WHEREAS, the following persons and entities have offered to contribute the cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>	<u>Type of Donation</u>
McDowall Company	\$ 500.00	Fire Department
Scheels	\$ 1,500.00	Fire Department
Trisko's Jewelry Sculptures Ltd.	\$ 500.00	Police Department
Kwik Trip, Inc.	\$ 1,000.00	Police Department
Scheels	\$ 5,000.00	Police Department
Linda Fuhrman	\$ 30.00	Police Department
Kwik Trip, Inc.	\$10,000.00	Ball Field Sign Agreement
Rock On Enterprises	\$ 3,500.00	Police Department Infrared Camera
Westside Liquor, Inc.	\$ 3,500.00	Police Department
D.J. Bitzan Jewelers	\$ 200.00	Police Department

WHEREAS, all such donations have been contributed to the City for the benefit of its citizens, as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donations offered.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAITE PARK, MINNESOTA AS FOLLOWS:

1. The donations described above are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.
2. The City Clerk is hereby directed to issue receipts to each donor acknowledging the city's receipt of the donor's donation.

Adopted by the Waite Park City Council on this 5th day of April 2021.

Attest:

Shaunna Johnson
City Administrator-Clerk-Treasurer

Richard E. Miller
Mayor

ACTION ON THIS RESOLUTION:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Waite Park, MN, at a duly authorized meeting held on 04/05/2021.

Shaunna Johnson
City Administrator-Clerk-Treasurer



Staff Report:

Per our council workshop discussion in March, the planned Street Improvement project for 2021 will include the following:

Waite Park 2021 Street Project		
6th Alley (Ed Bauer)	\$30,000	
1st Street South (Culvers)	\$220,000	
Frontage Road (theater)	\$130,000	Design Done, but will need some minor adjustments
Granite View South	\$750,000	Design Done, and will be constructed as a part of the 2020 Project
3rd NE Drainage Ditch	\$100,000	
Misc. Concrete / CB's		If extra budget if left due after bidding
10th Ave Pavement at Division		If extra budget if left due after bidding
Total Estimated Cost	\$1,230,000	
Total Budget	\$1,200,000	

Tentative Schedule	
Design	April - June
Bid Open	July
Construction	August - September

Attached is SEH's proposal for design and construction services related, which are included in the overall budget numbers estimated above.

Staff is requesting approval from the Council to begin the design process for the 2021 Street Improvements Project.

Supplemental Letter Agreement

In accordance with the Master Agreement for Professional Services between City of Waite Park, Minnesota ("Client"), and Short Elliott Hendrickson Inc. ("Consultant"), effective December 18, 2017, this Supplemental Letter Agreement dated March 25, 2021 authorizes and describes the scope, schedule, and payment conditions for Consultant's work on the Project described as: **2021 Street Improvements**.

Client's Authorized Representative: Shaunna Johnson, City Administrator
Address: 19 13th Avenue North, PO Box 339
Waite Park, MN 56387-0339
Telephone: 320.252.6822 email: Shaunna.Johnson@ci.waitepark.mn.us

Project Manager: Jon Halter
Address: 1200 25th Avenue South, PO Box 1717
St. Cloud, MN 56302-1717
Telephone: 320.229.4344 email: jhalter@sehinc.com

Scope: The Basic Services to be provided by Consultant:

Task 1: Design

Consultant's scope of design services includes the following tasks for each of the four project sections. All four project sections will be combined into one plan set:

6th Avenue Alley Removal:

- Topo survey of the two ends of the alley to be abandoned.
- Site plan sheet showing the removal and turf restorations of the alley to be abandoned.
- Design for 6th Avenue restorations and new driveway apron.
- Design for new curb radius and drainage improvements on the east end of the abandoned alley.
- Details sheets.

1st Street South Full Depth Mill and Overlay:

- Plan sheets for the proposed mill and fill of 1st Street South.
- Concrete curb and commercial driveway apron spot repairs and limited replacements.
- Detail sheets.
- Traffic control plan.

Frontage Road (by Theatre) Mill and Overlay:

- This design was completed under a previous agreement but will be modified to show some additional concrete replacements per a walk thru site visit with public works.

3rd Avenue NE Drainage Ditch:

- Topo survey from the centerline of 3rd Ave NE to west right of way line; between 3-1/2 Street NE and the railroad tracks (exact limits to be determined by the design).
- Design flat drainage ditch to direct the water to the north where it is proposed to discharge into the existing railroad ditch.
- Driveway restorations with culverts.
- SWPPP including a turf restoration plan.
- Neighborhood meeting. This will be held at the early stages of design to solicit input from the neighborhood.
- Detail sheets.

Total Project Plan Set:

All 4 sections of the project as described above will be bundled into one plan set to be bid and constructed as one project.

- Estimate.
- Specs.
- Bidding services.
- Permitting.

Task 2: Construction Services

- Attend preconstruction conference with Client, Contractor, utility companies, and City staff.
- Resident Project Representative Services (assumes 350 hours).
- Construction staking (assumes four 4-hour trips).
- Review shop drawing submittals.
- Weekly site meetings (assumes 8).
- Final walk through and prepare punch list.
- Record drawings.

Not Included:

- Geotechnical services.
- permit fees.

Additional Services:

Services from Consultant not listed above, if required or requested, can be provided to the Client at our normal hourly rates.

Payment:

Task 1: Design	\$24,800	Lump Sum including expenses and equipment.
Task 2: Construction Services	\$52,000	Hourly including expenses and equipment.
Total	\$76,800	

The payment method, basis, frequency, and other special conditions are set forth in attached Exhibit A-1 and A-2.

Other Terms and Conditions: Other or additional terms contrary to the Master Agreement for Professional Services that apply solely to this project as specifically agreed to by signature of the Parties and set forth herein: None.

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Short Elliott Hendrickson Inc.

City of Waite Park, Minnesota

By: _____
 Jon Halter
 Title: City Engineer

By: _____
 Title: _____

Exhibit A-1
to Supplemental Letter Agreement
Between City of Waite Park, Minnesota (Client)
and
Short Elliott Hendrickson Inc. (Consultant)
Dated March 25, 2021

Payments to Consultant for Services and Expenses
Using the Hourly Basis Option

The Agreement for Professional Services is amended and supplemented to include the following agreement of the parties:

A. Hourly Basis Option

The Client and Consultant select the hourly basis for payment for services provided by Consultant. Consultant shall be compensated monthly. Monthly charges for services shall be based on Consultant's current billing rates for applicable employees plus charges for expenses and equipment.

Consultant will provide an estimate of the costs for services in this Agreement. It is agreed that after 90% of the estimated compensation has been earned and if it appears that completion of the services cannot be accomplished within the remaining 10% of the estimated compensation, Consultant will notify the Client and confer with representatives of the Client to determine the basis for completing the work.

Compensation to Consultant based on the rates is conditioned on completion of the work within the effective period of the rates. Should the time required to complete the work be extended beyond this period, the rates shall be appropriately adjusted.

B. Expenses

The following items involve expenditures made by Consultant employees or professional consultants on behalf of the Client. Their costs are not included in the hourly charges made for services and shall be paid for as described in this Agreement but instead are reimbursable expenses required in addition to hourly charges for services:

1. Transportation and travel expenses.
2. Long distance services, dedicated data and communication services, teleconferences, Project Web sites, and extranets.
3. Lodging and meal expense connected with the Project.
4. Fees paid, in the name of the Client, for securing approval of authorities having jurisdiction over the Project.
5. Plots, Reports, plan and specification reproduction expenses.
6. Postage, handling and delivery.
7. Expense of overtime work requiring higher than regular rates, if authorized in advance by the Client.
8. Renderings, models, mock-ups, professional photography, and presentation materials requested by the Client.
9. All taxes levied on professional services and on reimbursable expenses.
10. Other special expenses required in connection with the Project.
11. The cost of special consultants or technical services as required. The cost of subconsultant services shall include actual expenditure plus 10% markup for the cost of administration and insurance.

The Client shall pay Consultant monthly for expenses.

C. Equipment Utilization

The utilization of specialized equipment, including automation equipment, is recognized as benefiting the Client. The Client, therefore, agrees to pay the cost for the use of such specialized equipment on the project. Consultant invoices to the Client will contain detailed information regarding the use of specialized equipment on the project and charges will be based on the standard rates for the equipment published by Consultant.

The Client shall pay Consultant monthly for equipment utilization.

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Exhibit A-2
to Supplemental Letter Agreement
Between City of Waite Park, Minnesota (Client)
and
Short Elliott Hendrickson Inc. (Consultant)
Dated March 25, 2021

Payments to Consultant for Services and Expenses
Using the Lump Sum Basis Option

The Agreement for Professional Services is amended and supplemented to include the following agreement of the parties:

A. Lump Sum Basis Option

The Client and Consultant select the Lump Sum Basis for Payment for services provided by Consultant. During the course of providing its services, Consultant shall be paid monthly based on Consultant's estimate of the percentage of the work completed. Necessary expenses and equipment are provided as a part of Consultant's services and are included in the initial Lump Sum amount for the agreed upon Scope of Work. Total payments to Consultant for work covered by the Lump Sum Agreement shall not exceed the Lump Sum amount without written authorization from the Client.

The Lump Sum amount includes compensation for Consultant's services and the services of Consultant's Consultants, if any for the agreed upon Scope of Work. Appropriate amounts have been incorporated in the initial Lump Sum to account for labor, overhead, profit, expenses and equipment charges. The Client agrees to pay for other additional services, equipment, and expenses that may become necessary by amendment to complete Consultant's services at their normal charge out rates as published by Consultant or as available commercially.

B. Expenses Not Included in the Lump Sum

The following items involve expenditures made by Consultant employees or professional consultants on behalf of the Client and shall be paid for as described in this Agreement.

1. Expense of overtime work requiring higher than regular rates, if authorized in advance by the Client.
2. Other special expenses required in connection with the Project.
3. The cost of special consultants or technical services as required. The cost of subconsultant services shall include actual expenditure plus 10% markup for the cost of administration and insurance.

The Client shall pay Consultant monthly for expenses not included in the Lump Sum amount.

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Staff Report:

Ms. Auburn Hendrick is asking for permission for a special Animal License regarding a 4th animal license to reside at _____. Auburn and her fiancé are moving from Anoka to Waite Park as of _____ and currently have 2 cats and 2 dogs. One of the dogs is an Emotional Support Animal with intentions of becoming a registered service dog to help with Ms. Hendrick's physical limitations. A letter of recommendation for such ESA from Ms. Hendrick's therapist has also been provided for documentation.