

**CITY OF BERTHA
REGULAR MEETING OF THE CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
MONDAY, APRIL 8, 2013**

Members Present: Mayor Klebs, Council Member Zimmerman, Olson, Liemandt and Valley
Staff Present: Clerk Umland, Public Works Templin and Police Berndt
Guest Present:Carolynn Bisel, Pete Wallner, Doug Kapphahn, Bob Larson, Joann Collins, Gerald Berndt, Roger Schahn, Donna Klebs, Joeb Oyster, Darrell Hoemberg & Ray Stach.

Declaring a quorum present Mayor Klebs called the meeting to order at 7:02 p.m. and the citizens recited the *Pledge of Allegiance*.

3. Review and Adopt the Consent Agenda

Note: The Consent Agenda listed those items of business which are considered to be routine and/or which need no discussion. Consent items are acted upon by one motion. If discussion is desired by council, that item may be moved to an appropriate section of the regular agenda for discussion.

Mayor Klebs asked for approval of the agenda as presented. On a motion by Zimmerman, seconded by Valley to approve the agenda which included the following items: With all members present voting in favor, Member Liemandt and Klebs abstaining due to conflict of interest. Member Liemandt abstained due to check #13398 and Klebs abstained due to check #13368.

- A. Approved the March 11, 2013 Regular Council Minutes
- B. Approval of March Disbursements and Authorized Issuance accordance with list provided.
- C. Reviewed bank correspondence – Investments & Bank Statement

4. Public Comment

No one was in attendance to address the council.

5. Consider Business Items

- A. Joeb Oyster, Moore Engineering Inc., was present to submit the bill from Eagle Construction.

Approval of Pay Request #14 includes the following payments:

Partial Payment #6 in the amount of \$53,418.50 to Eagle Construction Inc., work done on the pump house was moved by Valley, seconded by Member Olson contingent upon USDA signing. Carried. Mr. Oyster informed the council that Wagner Construction is not interested in giving a quote for construction of a water line from the water tower to County Road 23 because of the liquated damages that they are penalized with on the recent project. He will work with other contractors about a price to do this project. The council reviewed the contract for “limited” continuing disclosure reporting services from Ehlers & Associates, Inc. and will hold off until we get a little closer to loan closing.

- B. Petition for Detachment – Bob Larson

Mayor Klebs stated that the property was annexed into the city in 1990, but the Larson’s are now petitioning the State for detachment of that property. This is an informational item and the State will contact the City with the proper procedure. The land that is the subject of this petition is legally described as follows: Todd County Parcel No. 29-0003201, owned by Marlowson Real Estate and is only 3.0 acres. Upon receipt of the notice provided in subdivision 1, the city council must submit a resolution to the law judge stating that the city

council supports, opposes, or is neutral to the petition. If the city council opposes the resolution then a hearing is triggered by the receipt of a timely objection as provided by law. The statute requires the state to set a date for a hearing to be held within 30 to 60 days after receipt of initiating documents. A decision will be made within one year from the date of the first hearing by the law judge. Detachment from a municipality can be made according to 2012 Mn Statute 414.06, Subd. 3 if property which is situated within a municipality and abutting the municipal boundary, rural in character and not developed for urban residential or commercial or industrial purposes that the property is within the boundaries of the municipality and abuts a boundary, that the detachment would not unreasonably affect the symmetry of the detaching municipality, and that the land is not needed for reasonably anticipated future development. The property taxes that will be paid in 2013 for the affected parcel is \$1,551.05. The purpose of the annex was to help and increase the economic development of the city and to provide better fire services, provide lending options and better insurance rating for the existing mattress factory. Mr. Wallner questioned him about the reason for the annex originally was to have city water installed and don't you want that service now. The property under the petition only receives city water at the present time. The city council now has to determine whether to do a friendly detachment or to dispute the resolution at their May meeting. If a hearing is needed, upon the completion of the hearing, the Municipal Boundary law judge will make the final decision upon the findings.

- C. Street Lights Agreement - The next item was a discussion with Mr. Larson on the street light agreement that they originally signed on December 15, 2010. At the September 10, 2010 regular council meeting, Mr. Larson approached the council requesting the city to have two street lights installed at the Marlowson Event Center (43368 Cty Rd 23) and at their residence (542 Central Ave S) with the monthly charge be their responsibility. A contract was signed by the Larson's and they would pay an annual fee to the City of Bertha prior to the year of usage. The agreement stated that the city needed a 90 day written notice from the Larson's for cancellation prior to the end of the year. Motion by Zimmerman, seconded by Member Olson not to disconnect the two street lights and the city will prorate the 2013 payment for services rendered until June 1st. Carried. A bill was sent in December charging the Larson's an annual fee of \$600.00 for both street lights. Mr. Larson stressed that the street light at 43368 Cty Rd 23 serve his four businesses plus the Marlowson Event Center.
- D. Wadena Area Amateur Radio Club Agreement – Mayor Klebs briefed the council on the purpose of WAARC is to provide communications services where no established links exist or enhance existing system(s) if they are overloaded or disabled, such services may include intercommunications among county, private and public service organizations. Motion by Liemandt, seconded by Member Valley approving the request from WAARC allowing installation of two antennas upon the top of the newly constructed water tower in Bertha effective upon passage and authorizing City Clerk Umland to sign any documents. Motion carried. WAARC will maintain the radio repeaters(s) equipment, antennas and feed lines up to FCC standards. The City of Bertha will furnish a building to store the equipment, provide electric capabilities for radio operation and location for antennas at no charge.
- E. Nuisance Complaint – Mayor Klebs turned this portion of the meeting over to Acting Mayor Zimmerman. Mayor Klebs acted as a citizen at this point responding to the complaint which involves two of his properties. Mr. Berndt reviewed the findings from the inspection on his property located at 220 Main Street West done by Rick Holt. For the most part the roof canopy needs to be replaced. The steel structure is still in good shape, but the rest of the framing and roofing needs to be removed and replaced. The columns supporting the canopy structure need to be repaired. The roof over the garage area needs to be removed and replaced along with the overhead doors. The siding should be removed and replaced.

The City Attorney suggests once an agreement is reached, the city should draft a short agreement to be signed by both parties. Mr. Klebs stated the first thing that will be done is getting a clear title on the property. Since the repairs are pretty extensive, Mr. Klebs requested 180 days to get the repairs done starting date is April 8, 2013. The first goal is to give notice to the renter. Mr. Klebs will report on a monthly basis on the progress. A lengthy discussion was held on Mr. Kleb's property located at 215 2nd Ave NW about the accusations that the business was more like a salvage yard. Mr. Klebs quizzed the council as what he was in violation of since it is zoned commercial. Mr. Berndt suggested installing a privacy fence. A committee consisting of Darrell Hoemberg, Mary Liemandt, Doug Kappahn and Bobby Berndt will meet with Mr. Klebs to discuss what violations exist and what needs to be done to correct it. They will help him put an action plan together to present at the May meeting. He was asked to put a list together by April 25th.

The meeting was turned over at 8:30 p.m. to Mayor Klebs.

6. Communications Reports

- A.** Reviewed the enterprise reports
- B.** Fire/Ambulance Reports – No report from the ambulance department.
 - Reviewed the final work order and invoice from Swanson's Repair on the fire tanker truck from the insurance company.
 - Reviewed the Form RF-12 submitted to the State Auditor Office. The RF-12 which consists of member, plan, investment, and financial information, is a required form that must be submitted annually.
 - Updated the council on the progress of getting permits to have a fire burn and waiting to hear back from Mn Pollution Control concerning clean up.
- C.** **Law Enforcement** – Police Berndt presented the March activity report which included: 2-accidents, 36-citizens calls, 11-citations, 23-warnings, 1-arrest, 1-public assist, 6-investigations and 6 agencies assist.
- D.** **Public Works Report** – The council reviewed the March monthly report from Mr. Templin. There was a brief discussion on informing property owners that have dead trees on their property. Motion by Olson, seconded by Member Liemandt to approve the purchases of weather tech. floor mats, running boards and bed liner (spray in) with the cost not to exceed \$1,300.00. Carried.
- E.** **Clerk's Report – overview of the agenda**

7. Committee Report

- A. Personnel** – Clerk Umland gave a brief medical report on the worker's comp. claim on a volunteer firefighter that was injured on the way to a call in 2011. She has been reduced to four hours a day pending the outcome of therapy to strengthen her foot. Hopefully, by the end of May she will be permitted to go full time.

Adam Templin-Class C Wastewater License – Mr. Templin has successfully passed his Class C license. Motion by Valley and a second by Liemandt to grant a \$1.00 per hour pay increase, changing his current pay of \$14.75 to \$15.75 per hour effective to being certified with Mn Pollution Control Agency for Mr. Templin. Ayes: 5 Nays: 0 Carried The city will be notified once a check for \$45.00 is received by Mn Pollution Control Agency to have Mr. Templin certified.

8. Meeting/Conference/Correspondence

- A.** Community Concern Youth- correspondence was received asking if the city had any project in the city that the youth could do volunteer work.
- B.** Complaint about the usage of water/will monitor her usage the next month
- C.** Board of review April 19th – Reminded the council to have a quorum
- D.** Review correspondence from the state auditor on the investments of the relief associations
- E.** Welcome Sign-Clerk Umland will contact Brian at the Bertha-Hewitt School and get more information as what they expect from the city. The council will think about it for the May meeting. Clerk Umland will contact the DOT about replacing the current sign on the corner of Hwy 71 & Cty Rd 24.
- F.** City of Hewitt – Reviewed the letter from the City of Hewitt asking for support in creating a park at Mt. Nebo. No action
- G-I.** Reviewed the correspondence –no action taken
- J.** Bear Country Days - Pete Wallner inquired about the city donating money to help sponsor the band. The council suggested contacting first the Todd County Trail Association for a donation first.

9. Adjournment

There was no further business to come before the City Council. Councilmember Valley moved, Member Olson seconded the motion to adjourn. With all members in favor the motion was carried. The meeting adjourned at 9:20 p.m.