

**CITY OF BERTHA
REGULAR MEETING OF THE CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
AUGUST 10, 2015**

Members Present: Zimmerman, Hoemberg, Bowman, Olson & Nelson

Workers Present: Umland, Berndt and Templin

Guest Present: Barb Mares, Marv Stokes, Trinity Gruenberg, Pete Wallner, Dean Klebs, Roger Schahn, Randy Chock, Jeff Kuhn (WSN) and Lyle & Ethan Hanes.

Declaring a quorum, Mayor Zimmerman called the meeting to order at 6:30 p.m. and the citizens recited the Pledge of Allegiance.

3. Public Comment

Randy Chock – Mr. Chock voiced his displeasure on how the council operates city business. He feels they are violating the laws on how they handle different situations. Mr. Chock was upset that his five minutes to speak were interrupted. Mr. Berndt asked Mr. Chock to calm down and lower his tone otherwise he would be escorted out. Mr. Chock also stated that Officer Berndt was in violation of his first amendment right to freedom of speech. Chock continued to inform the council that they continue to violate laws without knowing it. Mr. Chock added he has not filed a lawsuit because he did not want the taxpayers to pay for the council's mistakes. He felt that the current issues could be worked out, but none of the councilmembers have attempted to discuss the issues with him personally only by phone. He informed the council that it is their responsibility to address complaints and follow through by checking the codes. He still feels that the council is business unfriendly.

Dean Klebs – expressed his concerns that mediation would no longer be possible and he believes the settlement that Mr. Chock proposed is blackmail and extortion and he will no longer take part in helping to clear up the matter.

4. Communications Reports

A. Enterprise Reports – Review the reports for July – no questions

B. Fire/Ambulance Reports – No one in attendance to represent the ambulance department. Mr. Wallner informed the council that the Bertha and Hewitt Fire Departments will do joint training for the next year. **Fire Relief Association – Certify/Approve Annual Benefit Level & Authorize Signatures on Annual Reports –** The Bertha's Firefighters' Relief Association is the administer of a single-employer defined benefit pension plan available to firefighters, which operates under the provisions of Minnesota state statute. It is governed by a board elected by members of the association. The majority of the pension funding comes from the State of Minnesota's 2% premium tax. The City receives this and is required to pass it on to the association. Benefits are payable in a lump sum based on years of service, with the current benefit level of \$1,000.00 per year of service. The council reviewed reports projecting the retirement amount based on \$1,100.00 and \$1,200 per year of service. Based on latest actuarial, a copy of which is included in their agenda package, the Board recently voted to increase the benefit level up to \$1,200 per year of service effective January 1, 2016. This will bring their department up closer to the level paid by other departments in this area. This increase will give firefighters some motivation to stick it out to earn that pension. Mayor Zimmerman reviewed with the other Council the Form SC-15 "Schedule Form for Lump Sum Pension Plans Reporting Year of 2015" for the Bertha Fire Relief Association. Contained within this schedule form is the City's required municipal contribution for 2016 to the firemen's pension fund. For 2016, the City's contribution is projected to be zero. A motion was made by Hoemberg and seconded by Nelson to approve Resolution 2015-20 to increase the pension payment from \$1,000.00 per year of service to \$1,100.00 per year of service effective the 1st of January, 2016 and authorize signatures on the annual reports. The motion carried without a dissenting vote. The council suggested that they should come back next year to possibly increase to \$1,200.00.

C. Law Enforcement – Mr. Berndt presented the council with his July activity report. The monthly report showed violations for Bertha as follows: 9-citations, 2-warnings, 1-public assist, 6-assist other agencies, 1-alarm, 1-accident and 22-citizen calls. Mr. Berndt updated the council with information on the upcoming purchase of a new 2015 Tahoe with the cost increasing by \$4,600.00. It will be end of October before the vehicle will be equipped and ready for use. He informed the council that Eagle Bend council does not have a problem with the suggestion for the signage on his new vehicle. The City of Eagle Bend provided the council with the actual cost for 2014 police service and issued a refund to the City of Bertha for \$4,726.50.

D. Public Works Report – Council reviewed the July Public Works maintenance activity report submitted by Mr. Templin. Some of the highlights on his report included;

- ISO Inspection -flow tests were done hoping the rating will go up
- Braaten Aggregate -new culvert installed in the road to the pond
- Brent Lenz should be able to fix the floor scrubber
- Quality Flow Systems did their annual pump check

A brief discussion on the Artic Cat 4-wheeler that the city obtained as a result of a DUI. Mr. Berndt will check with the county attorney what the next step he must take to obtain it for city use. Mr. Templin supplied the council with the cost to repair several problem streets with hot patch in the city and fix the drainage problem by the Barb Mares residence. The council was in agreement this would only be a band aid fix for now. **Motion** by Nelson, seconded by Bowman to approve hiring Koblisha to repair the problem streets in the northeast part of town by the senior housing units. Carried. Nelson amended his motion to include the cost of the repairs not to exceed \$6,500 for the project. Bowman seconded the amendment and it was unanimously carried. Mr. Templin will work with the public works committee when the repairs are being done.

E. Clerk's Report – see overview of August agenda

5. Consider Business Items

A. Street Project – Jeff Kuhn engineer with WSN- gave different scenarios on the impact to city residents. He stated that the Bertha tax base is small and the impact would be substantial possibly doubling the taxes for most residents. He felt if we did Phase I, a smaller project, that the city would not have to hold a public hearing. The council would deem it as in the best interest of the city. The council was in full agreement something has to be done to the remaining streets but have not decided what option to go with to finance the project. The total cost of repairs to all the problem streets is estimated to be \$855,000.00. They felt they have to be consistent in how they pay for the projects to make it fair to all the residents.

A map was provided in the agenda packets that designated crosswalks that needed to be repainted leading to the school and some in the business district. This would encourage motorists to drive slower and make the streets safer. **Motion** by Hoemberg, seconded by Member Olson to prioritize crosswalks leading to school and a few in the business district and have Lee Truax paint them and not to exceed \$500.00. Carried.

Mayor Zimmerman and Mr. Templin met with Steve Greenwaldt and discussed the problem with the pond road. Mr. Greenwaldt agreed to install a cattle guard and widen the entrance gate.

Short discussion on a local trucker parking his truck/trailer in the business district more than 24 hours at a time.

B. Resolution 2015-18 – Budget 2016 and Setting the 2015 Tax Levy

Mayor Zimmerman asked the council to review the budget by the September meeting and if they had any questions to contact Clerk Umland or himself. The preliminary tax levy must be approved at the September meeting and certified to the county.

C. Water/Sewer Rates Proposals-The council were provided with different scenarios for rate increase for water/sewer to review. Terri, Mn Rural Water, provided different worksheets with different rates. The worksheets allowed for budget and project cost figures to be input and configured into a projected rate. The council was able to see some preliminary figures that would allow them to base the rate increases on for next year to keep pace with inflation. The council postponed increasing the rates until the September meeting when Clerk Umland will have a resolution provided for them.

6. 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 may be moved to an appropriate section of the regular agenda for discussion.

Mayor Zimmerman asked if there were any additions, deletions or corrections to be made to the Consent Agenda. Bowman moved, Nelson seconded, to approve the Consent Agenda as presented, with all members voting in favor. The following agenda items included the following items;

- A.** Approval of July 13, 2015, Regular Council Minutes & Special Meeting
- B.** Approval of July Disbursements & Authorize issuance in accordance with the list provided including all electronic payments – Claim 14929 –Pete’s Lumber
- C.** Review bank correspondence – Investments & Bank Statement
- D. Resolution 2015-21 approving a side yard setback variance to allow an unattached garage to be located within one foot from the east lot line at 218 1st Ave NW, Bertha, Mn.**

Charles Harlow filed an application (2015-01) with the City of Bertha on 7/30/2015, requesting a variance of approximately 1ft from his side yard to construct a garage at the above address. The council approved the request contingent upon approval by Todd County Auditor & Minnesota DNR.

- E.** Approved sponsorship of the photo page & sports calendar printed for the Bertha Hewitt School by the Independent New Herald with the total cost of \$290.00.
- F.** Adopt Resolution 2015-22 to certify delinquent ambulance bill for inclusion to Mn Recapture Agency and direct the city clerk to remove the account from active receivable of the City, said accounts being detailed in the official files of the City. The Working 4 Professionals has determined that certain ambulance accounts, shown on the resolution are uncollectible.

7. Committee Reports

A. Shaun Nelson – Mayor Zimmerman informed the council that Mr. Nelson (casual worker) inquired about getting increase in wages. He informed Dennis he would like a \$3.00 per hour increase. There was brief discussion among the council about how much to increase his wages to but thought \$3.00 was out of line. The council discussed the importance of keeping Mr. Nelson on because of his experience. **Motion** by Hoemberg, seconded by Member Bowman to increase Shaun Nelson wage to \$11.45 per hour. Carried.

8. Meeting/Conference/Correspondence

A. Central Mn Decision Maker Symposium – hosted by the SWCD’s of the Redeye and Long Prairie Watersheds. None of the councilmembers were interested in attending.

B. NJPA Region 5 Summit – September 22th in Brainerd, serve regional communities by providing professional development and educational opportunities. Clerk Umland was interested in attending to find out more about the programs they offer.

C. Regional Meeting – Battle Lake-October 21st – At this time the only one interested in attending is Clerk Umland.

D. Tax-Forfeited Land – Property ID 29-0021500 this parcel is forfeited to the State of Minnesota for non-payment of property taxes. The county auditor is requesting that the city approve the parcel for public auction, auction to adjacent landowners, and request conveyance to the city for public use or purchase the property at the appraised value. A motion was made by Bowman and seconded by Hoemberg to waive acquisition of the property and approve the parcel for public auction. Mayor Zimmerman declared the motion carried.

E. Small Cities Assistance Account Payment- The council was informed that they will receive \$11,282.00 from the state in 2015 to do repairs on the streets. The city has already received the first payment in August.

9. Adjournment

There was no further business to come before the City Council, Council Member Hoemberg moved; Member Nelson seconded the motion to adjourn. With all members in favor motion was carried. The meeting adjourned at 8:25 p.m.