

**CITY OF BERTHA
REGULAR MEETING OF THE CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
MONDAY, DECEMBER 10, 2012**

Members Present: Mayor Klebs, Council Members Zimmerman, Hoemberg, Shamp & Valley

Staff Present: Clerk Umland, Police Berndt and Public Works Templin

Guest Present:Carolynn Bisel, Bob Larson, Gerald Berndt, Marv Stokes, Job Oyster, Bernie Mumm, Barb Becker, Tim Schettler, Russ Vandenheuvel, Gary Kleen, Mary Leimandt, Roger Schahn, Roland Spychalla, Pam Sarvela and Rory Lenton(Mn Energy Resources).

Declaring a quorum present Mayor Klebs called the meeting to order at 7:00 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, except Mayor Klebs due to conflict of interest. Mayor Klebs abstained due to Check # 13134 for services provided by the Hydraulic Doctor.

- A. Approval of November 13, 2012 Regular Council Minutes
- B. Approval of November Disbursements and Authorized Issuance accordance with list provided.
- C. Reviewed bank correspondence – Investments & Bank Statement
- D. Clerk Umland presented the 2013 cigarette license renewals for Seven Oaks Express, Marlowson Event Center/ Amish Coop & Corner Market.
- E. Each year, the City Clerk's office prepares application packet for businesses seeking the renewal of liquor licenses. Staff has prepared the annual renewal list, which includes certificate of liability insurance, payment of all required fees and completion of application materials. Approved the annual renewal for the 2013 liquor license to Marlowson Event Center/Amish Coop and Long Pines Bar & Grill contingent upon all fees and legal requirements being met as required by the City and State of Minnesota's Liquor Control Board.
- F. Approved the 2013 Ambulance Service Contracts to the area townships and cities that the ambulance serve for a total of \$7,140.00.
- G. Approval to accept the donation from Tasty Treats of \$200.00 to the Bertha Ambulance to the Reserve Capital Fund.

4. Public Comment:

Bob Larson informed the council that the two street lights that he is currently reimbursing the city for should be provided at no cost to him. According to the annexation resolution his lawyer, Matt Vanbruggen, feels that the city is responsible for these services. The council felt we should have our attorney opinion before a decision is made. Motion by Zimmerman, and seconded by Hoemberg approving Clerk Umland to contact Tim Churchwell (city attorney) to get his opinion for the January meeting. Carried. Mr. Larson inquired about the status of the Tri County lease for the old Bertha Medical Clinic.

5. Consider Business Items

- A. Job Oyster, Moore Engineering Inc., presented the council with the next pay request.

Approval of Pay Request #10 includes the following payments:

Partial Payment #8 in the amount of \$291,297.25 to Wagner Construction, Inc. for labor and materials was approved.

Partial Payment #4 in the amount of \$104,500.00 to Maguire Iron, Inc. for labor and materials was approved.

Partial Payment #7 in the amount of \$48,749.25 to Blombeck Construction, Inc. for labor and materials was approved.

Partial Payment #9 in the amount of \$7,080.00 to Moore Engineering, Inc. for engineering and basic services was approved.

Partial Payment # 8 in the amount of \$5,067.00 to Braun Intertec for soil observations and testing was approved.

Change Order #6 increased \$4,203.35 to the contract with Wagner Construction, Inc. for a clean out installed on a dead end sewer was approved.

Change Order #7 decreased \$77,167.75 to the contract with Wagner Construction, Inc. was a balancing order to materials supplied by the contractor was approved.

Council member Zimmerman moved and Member Valley seconded the motion to approve the above partial payments and change orders ,except Blombeck Construction, Inc. contingent upon USDA signing.

Council Member Hoemberg moved and Member Shamp seconded the motion to approve partial payment to Blombeck Construction. Carried.

B. Approving the Final Budget & Levy

Member Shamp introduced the following resolution and moved for its adoption:

Resolution No. 2012-31
**CERTIFYING THE 2013 FINAL BUDGET AND ADOPTING FINAL 2012 LEVY
FOR TAXES COLLECTIBLE IN 2013**

BE IT RESOLVED by the City Council of the City of Bertha, County of Todd, Minnesota that the following sum of money be levied for the current year, collectible in 2013, upon the taxable property in the City of Bertha, for the following purposes:

General Levy	\$73,000.
Fire Levy	\$ 8,500.
Ambulance Levy	<u>\$ 1,000.</u>
Total	\$82,500.

The final budget for the City of Bertha for 2013 was approved with the expenditures to different funds allocated in the following ways:

General	\$240,700.
Fire	\$244,370.
Revolving	\$ 1,390.
Water	\$119,054.
Sewer	\$115,260.
Ambulance	<u>\$ 81,000</u>
Total	\$801,774.

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the auditor of Todd County, Minnesota.

Adopted this 10th day of December, 2012.

Council Member Hoemberg seconded the foregoing motion and passed unanimously.

Motion by Zimmerman, seconded by Shamp approving the unused misc. capital outlay for 2012 to be designated to the following line item expenditure to a committed Funds as follows: \$1,000.- city pickup, \$6,200- to misc capital outlay, \$1,500. street and alley , \$1,000 lawn mower, \$9,100. fire pumper truck, \$8,600. ambulance vehicle, \$2,000. city pickup and \$5,000. for lawn mower. Carried. Council Member Zimmerman moved, seconded by Member Hoemberg to designate the money received from the sale of the scrap iron and equipment sold to be used when the city purchases a different city pickup. The total amount for scrap iron so far this year is \$8,501.80 and the equipment sold which includes: loader, generator and sludge truck is \$10,864. Carried.

C. 2013 Insurance Package

Council Member Valley introduced the following resolution and moved for its adoption:

A RESOLUTION REGARDING WAIVER OF TORT LIABILITY LIMITS FOR LMCIT PROGRAM

The motion for the adoption of the foregoing resolution was duly seconded by Member Shamp, and motion passed unanimously. The Bertha City Council hereby approves waiving the monetary limits on tort liability established by Mn Statutes 466.04 to the extent of the limits of the liability coverage obtained from the LMCIT this is done on an annual basis. If the city waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could potentially recover up to \$1,500,000 on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,500,000. Regardless of the number of claimants.

D. Ordinance 2012-15 Repealing Lawful Gambling within the City of Bertha, MN.

Representatives from the Todd Area Trail Association attended the monthly meeting regarding Ordinance 12 that was adopted on October 8, 2012. The ordinance states every organization which conducts lawful gambling within the city shall contribute 10% of its net profits derived from lawful gambling in the City to a fund administered and regulated by the City without cost to the fund. Tim Schletter stated that monthly payments would not be feasible because some months the association loses money. They would like to be able to donate upon request by the city. **Motion by Zimmerman, seconded by Member Valley to approve Ordinance No. 15 Repealing Ordinance No. 12** authorizing lawful gambling within the City of Bertha, Minnesota. Umland will contact the city attorney and see what the correct procedures are to repeal an ordinance.

E. Minnesota Energy Resources Franchise Ordinance

The City does not desire Mn Energy Resources to collect a franchise fee from its customers in the city at this time. If in the future the City desires Mn Energy Resources to collect a franchise fee, the City may give them notice to amend this franchise ordinance to authorize collection in an amount and upon terms and conditions as Mn Energy Resources is willing to incorporate in its gas franchise ordinance like other cities. Pam Sarvela and Roy Lenton , representing Mn Energy Resources, received complaints from some of the citizens of Bertha concerning bad customer service they have received. They will follow up on some of the complaints. **Motion** by Council Member Zimmerman, second by Shamp to adopt Ordinance No. 14, adopting the Minnesota Energy Resources natural gas franchise Ordinance/Agreement for additional 25 years and authorizing the clerk and mayor to sign the said ordinance/agreement. Motion carried. The complete ordinance is filed in the city code book.

Resolution 2012-46 Motion by Zimmerman, seconded by Hoemberg to accept a donation of \$4,500 from Wisconsin Public Service Foundation to be used towards the purchase of our new 2012 Freightliner truck pumper. Carried.

6. Communications Reports

- A. Reviewed the enterprise reports
- B. Fire/Ambulance Reports No fire report since Mr. Wallner was not in attendance.

Adopt Resolution – Approve Fire Truck Purchase – Fire Department

The Fire Department is requesting approval of the purchase of a Fire truck. Consideration of bid from Rosenbauer America, LLC – South Dakota , for a demo fire pumper truck was discussed.

Zimmerman moved and Hoemberg seconded that the following Resolution be adopted:

RESOLUTION 2012-44
A RESOLUTION APPROVING THE PURCHASE OF A 2012 PUMPER

WHEREAS; the City of Bertha Volunteer Fire Department has confirmed the 1985 GMC Pumper Truck was a total loss when involved in a vehicle accident.

The complete resolution is on file at the City Clerk’s Office. The council accepted the bid for the pumper truck from Rosenbauer America, LLC –South Dakota in the amount of \$208,495.00 to be paid out of fire fund upon delivery. Since the old pumper was a total loss the department did not have to get bids but they looked at several companies and feel this used demo will replace the unrepairable one. Minnesota Statute 471.3455, Subd. 2 allows local government to acquire by purchase demo public safety equipment without competitive bidding if the equipment is clearly and legitimately limited to a single source and the contract price may be best established by direct negotiation and in an emergency case.

Resolution Setting the Annual Pension Benefit for the Bertha Fire Relief Association: The Bertha Fire Relief Association suggested to the council at the November meeting that they are requesting an increase in their retirement benefit from \$800.00 per year to \$1,000.00. They are eligible for this retirement benefit after 20 years of active service. The last increase was in December 2007. Council Member Hoemberg explained that firefighters don’t become eligible for any retirement proceeds until they reach 10 years of service in good standing. The relief association had another good year with investments and their most recent report to the State of Mn indicates that they did not need the money and no additional contribution which is required by law for 2012. Council Member Hoemberg felt this would help retain and recruit new members. If investments do fall there is one option. The relief association could lower the annual pension amount. Council member Zimmerman moved, seconded by Valley, to adopt Resolution 2012-43, A Resolution Authorizing an Increase in annual Pension Amount from \$800. per firefighter service to \$1,000. per year of service effective January 1, 2013. Upon a roll call vote taken and all present voting in favor, with Hoemberg abstaining, carried.

Gary Kleen and Russ Vandenheuvel (co-chiefs for Bertha Ambulance Service) had a list of items that they would like to purchase in 2013 for the ambulance department. The first item was a tablet for \$1,000.00, stair chair-\$6,000. to eliminate a worker comp. claim, portable suction kit - \$600., tool kit for inside the vehicle and clothing. They are presently doing a comparable worth study with area volunteer ambulance services and will report back in 2013. Motion by Zimmerman, second by Shamp approving the Bertha Ambulance Service to spend up to \$12,500. for the above items. Carried.

Council Member Hoemberg moved, Member Shamp seconded the motion authorizing the write-off of uncollectible ambulance rendered by the Bertha Ambulance Service. Carried. Resolution 2012-42 was adopted adjusting Ambulance Account receivable by \$1,001.10 since the collection efforts have been exhausted and there is no need to keep them on the books at this time per request of Working 4 Professionals. The accounts have been turned over to collection agency.

The Working 4 Professionals have requested a change in the billing contract as of the first of the year. One change was made to the current billing contract. Item 2A was added that states the billing company is guaranteed \$250. per month. Motion by Shamp, seconded by Member Valley to approve adding line 2A which states , "Service shall pay \$250 per month or a flat fee of \$23.80 per call billed, whichever is greater, payable to Working 4 Professionals. Carried.

C. Law Enforcement – Police Berndt presented his November activity report which included: 13-citizens calls, 3-citations, 10-warnings,8-public assists, 9-assists other agencies and one vehicle unlock. Mary Liemandt will help in advertising the police vehicle by putting it on E-bay motors.

D. Public Works Report – No report was submitted by Mr. Templin. There was a brief discussion on snow removal. Member Zimmerman discussed the need for more efficient snow removal on sidewalks. Mr. Templin and Member Zimmerman will get more information on walk behind sweeper for snow removal. The approximate cost to purchase a sweeper is \$3,538.00 which include a cab from Napa in Perham.

E. Clerk Umland Report – No comments

7. Committee Report

A. Personnel - Reviewed correspondence from LMC workers comp. and how much they have paid out on claims from the City of Bertha. Wage increases have been tabled until the January meeting.

8. Meeting/Conference/Correspondence

Reviewed a letter received from Wade Jackson , Todd County Public Works, concerning a mailbox within the city limits that has not been installed on a break away post. They have given the resident until next spring to replace it.

The council reviewed the next year resolution setting the schedule of fees and charges for various services, licenses and permits. Resolution 2013-01 will be tabled until the January meeting.

Council Member Valley offered the following Resolution and moved for its adoption: Resolution 2013-02

A Resolution Stating Annual Designations and Appointments

Appointments

Acting Mayor	Dennis Zimmerman
Official Newspaper	Independent News Herald
City Attorney	Peters, Churchwell Attorney at Law
Official Depository	Star Bank N.A. & First Int'l Bank , Staples
Fire Department	Fire Chief – Pete Wallner

Complete list can be looked at under Resolution 2013-02 on file

2013 Standing Committee Appointments

Personnel Committee	Liemandt & Valley
Public Works	Klebs & Zimmerman
Park & Planning	Olson & Liemandt
Public Safety (fire & amb)	Olson & Klebs
Finance	Zimmerman & Valley

A motion for the adoption of the foregoing resolution was duly seconded by Member Zimmerman, and the motion passed unanimously.

9. Adjournment

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

