

**CITY OF BERTHA**  
**REGULAR MEETING OF THE CITY OF BERTHA**  
**HELD AT THE BERTHA COMMUNITY CENTER**  
**MONDAY, DECEMBER 9, 2013**

**Members Present:** Councilmembers Zimmerman, Hammond, Olson, Hoemberg & Mayor Klebs  
**Staff Present:** Clerk Umland, Public Works Templin & Police Berndt  
**Guest Present:**Carolynn Bisel, Randy Chock, Pete Wallner, Elverna Gossell, Lois Greenwaldt and Marv Stokes.

***Declaring a quorum, 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.

***Hammond moved, Hoemberg seconded, to approve the Consent Agenda as presented with one correction to the November 7<sup>th</sup> regular council minutes. Carried.***

- A.** The following correction was made to the November 7<sup>th</sup> regular council minutes:  
Page 3, under Law Enforcement should read, "Police Berndt presented his **October** monthly activity report.
- B.** Approved November Disbursements and Authorize Issuance in accordance with list provided. Authorized the Preauthorized Debit payment to USDA Rural Development on Loan 93 01 for \$27,417.12 for interest with \$ 13,434.39 from water fund and \$13,982.73 from sewer fund.
- C.** Reviewed November Financial Reports – Investments & Bank Statement
- D.** Approval of 2014 Tobacco License Renewals for Seven Oaks Express, Marlowson Event Center/Amish Co-op and The Corner Market.
- E.** 2014 Liquor License Renewal for the Long Pine Bar & Restaurant and the Marlowson Event Center/Brown Bear Pub. Clerk Umland has forwarded the renewal forms to the applicants. She will submit the forms to the State of Minnesota once the forms are returned with the appropriate insurance certificates. All licenses are pending upon all fees and legal requirements being met as required by the City and State of Minnesota's Liquor Control Board.
- F.** Approved the 2014 Ambulance Service Contracts to the area townships/cities that the ambulance serves for a total of \$7,042.00.
- G.** Approved the Lutheran Social Services (LSS) Senior Nutrition Program Site Use Agreement for the Bertha Community Center and authorize the City Clerk to sign on behalf of the City with the fee of 112.00 per year.
- H.** Approved Continuing Disclosure Reporting Services with Ehlers & Associates, Inc.  
-Continuing Disclosure of Municipal Bonds is a requirement of the Securities and Exchange Commission. By signing the agreement this allows Ehlers & Associates, Inc. to prepare, and file on the City's behalf, the City's annual report. Description of services & fees are listed on the signed contract. Option 1 was checked to allow them to file the reports needed for 2013.
- I.** Approved 2013 unused misc. capital outlay for 2013 to be designated to the following line item expenditure to a committed Funds as follows: General Misc. Capital \$6,000, General Clerk \$1,000 for equipment, General Street \$6,000 for repairs of streets or alleys, General Park \$5,000 for equipment or restroom repairs, Ambulance Misc. Capital \$8,500.

#### **4. Public Comment**

Mr. Wallner inquired if the city crew could sweep his sidewalk with the brush when we get just a dusting of snow. In turn, in the past he has helped the city crew remove snow with his bobcat when snow amounts are more.

Elverna Gossell and Lois Greenwaldt were in attendance to present an idea on how to identify the City of Bertha. They suggested the city was known for baseball (John Donaldson). They have attended meetings in Clarissa about using rocks for artwork. They will get the size needed for this project so Clerk Umland can contact the DOT for permission to use their right-of-way. They informed the council that a grant would be written for the area to help defray the cost of this county wide project.

#### **5. Consider Business Items**

##### **A. Bertha Authority Project**

No one was in attendance from Moore Engineering, Inc. Clerk Umland sent a letter to Blombeck Construction after the November meeting asking him to correct the problem he created in Ditch 15 during the Bertha Improvement Project. During the month, he responded by removing the debris. Randy Chock addressed the council that the approach (easement access) on County Road 23 was removed at the time of the Bertha Improvement Authority Project. The council informed him that this did not have anything to do with the city and he should contact Loren Fellbaum at Todd County since this is a county road.

##### **B. Public Nuisance**

Mayor Klebs provided correspondence to the council stating that he has reached a firm commitment with a party to purchase his property at 220 Main Street West. The abstract has been completed with no liens or judgment issues. He will hire an attorney to do a title opinion to be able to give the purchaser a clear title. The council has put this issue on hold until he has time to have a title attorney's opinion to get a clear title for the purchaser.

##### **C. Welcome Sign**

Clerk Umland indicated she has located two rocks for engraving the city name on. More information was discussed in the public comments section of the meeting. It was suggested that a committee be formed and work out details for the project. There was some discussion on if we should promote a business.

##### **D. City Code Update**

Each member of the council was given a rough draft of the new ordinances. Everyone will have a chance to review them until the January meeting, when the council will meet at 6:00 prior to the start of the meeting to discuss changes that they feel are needed.

##### **E. Bertha Community Center**

Kathy Kleen was unable to make it to the meeting. Clerk Umland informed the council construction has started and completion is scheduled for the end of February. The committee is waiting for the name of the center to be announced and membership fees so they can begin marketing the wellness center.

##### **F. 2014 Insurance Package**

The LMCIT workers' compensation program is specially designed for Minnesota cities to pick up risks that other insurances don't cover. The program makes standard some unique coverage's. Cities can tailor to their needs of coverage, premium options, deductible and credits. The council had different premium options to weigh – regular premium, retrospective premium and deductible option. The council consensus was to stay with the regular option which calculates a member city's premium based upon that city's payroll, according to payroll class.

Council Member Zimmerman introduced Resolution 2013-29 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 Olson, 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 purchased 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 claims.

***6. Communications Reports***

**A.** Reviewed the enterprise reports

**B. Fire/Ambulance Report** –Mr. Wallner informed the council they responded to one fire for the month. Chief Wallner informed the council the new hydrants were installed with the wrong size steam valve. To correct the mistake, it will cost approximately \$500.00 to make it compatible with the truck.

**C. Law Enforcement** – Police Berndt presented his November monthly activity report. The report showed violations as follows: accidents-2, citizen calls-26, citations – 3, warnings-3, public assist-1, investigations-1, assist other agencies-7 and vehicle unlocks-1. The council listened as Mr. Berndt expressed his interest in becoming DARE certified. Clerk Umland informed the council that the school district has asked the city to consider working with them to have Mr. Berndt certified. The cost could possibly be split between four cities and two school districts. The Eagle Bend Council is split on approving to have him certified as a DARE officer. The total cost would range from \$800.00 to \$1,000 with lodging included in the fee of \$600.00. The training will be held starting January 27 through February 7<sup>th</sup> at the National Guard Center. It was moved by Zimmerman, seconded by Hoemberg and unanimously passed to authorize Mr. Berndt to attend D.A.R.E. training pending approval from the City of Eagle Bend. The cost could be split between the Bertha School district and the two cities up to \$400.00.

**D. Public Works** – Supervisor Templin presented the public works November monthly activity report.

Cleaned out the piping/debris from the old well house/communications building

Put up Christmas decorations

The sewer rehab project is almost completed

Plowed a lot of snow

Inquired about replacing some of the Christmas decorations

Mr. Templin informed the council that two parties are interested in purchasing the three blowers. The council questioned Mr. Templin on the bill from Korblick on installing water/sewer to Eggert Trucking. The council asked Mr. Templin to contact Hugh Veit and confront him why this was not included in the project. There was a lengthy discussion about the utility rates that would be charged on the property that was acquired by Randy Chock and if he would be allowed to use the current well. The biggest potential for danger is having our municipal distribution water system be contaminated. On the consensus of the council they will allow him to currently use his well under the following two conditions at his expense:

- 1- Mr. Chock would completely disconnect from the municipal distribution water system.
- 2- Mr. Chock will be billed sewer rates that are approved by resolution on an annual basis and must install a meter to measure the water usage.

**E. Clerk's Report** – Council agreed to allow Clerk Umland to carry over two days of vacation from 2013 and must be used the first part of 2014.

## **7. Committee Report**

### **A. Personnel – 2014 wages**

Hoemberg informed the council that the personnel committee met with Clerk Umland prior to the meeting. Mayor Klebs received an inquire why the clerk's hours were not reduced since the big project is done and the city no longer has the municipal liquor store. Mr. Hoemberg will check around with cities comparable in size and how many staff members they have and hours. The council tabled salary increase until the January meeting when the personnel committee will bring a recommendation to the council.

### **B. Consideration of approving annual appointments and designations for 2014**

Minnesota Statutes requires cities each year, that certain appointments be made. The following two resolutions were reviewed by the council.

#### ***Resolution 2014-01, A Resolution Adopting the 2014 Schedule of Fees and Charges for various Services, Licenses and Permits.***

*Motion was made by Hoemberg to approve Resolution 2014-01 Setting Fees. Seconded by Hammond and unanimously carried.*

#### ***Resolution 2014-02, A Resolution Approving the Officials Designations and Appointments***

*Motion was made by Council Member Hoemberg and seconded by Member Hammond on the approval of Resolution 2014-02 Annual Appointments and Official Designations. With no further discussion, motion carried 5-0.*

## **8. Meeting/Conference/Correspondence**

**A. Friendly Rider** – A letter from George Behl, Transit Coordinator for Friendly Rider, was received informing the City Council that they will not be requesting the 2014 per capita payment.

**B.** Correspondence from the Mn Health Department was reviewed.

Prior to the adjournment of the meeting, the council decided to advertise the old city truck and possibly purchase a trailer to replace it.

## **9. Adjournment**

There was no more business to come before the City Council. Councilmember Zimmerman moved, Member Hammond seconded the motion to adjourn. With all members in favor motion was carried. The meeting was adjourned at 9:35 p.m.