

**CITY OF BERTHA
REGULAR MEETING OF THE CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
MONDAY, JANUARY 14, 2013**

Members Present: Mayor Klebs, Council Members Zimmerman, Olson, Liemandt & Valley
Staff Present: Clerk Umland, Police Berndt & Public Works Templin
Guest Present: Doug Kapphahn,Carolynn Bisel, Gerald Berndt, Pete Wallner, Marv Stokes & Joeb Oyster.

Oaths of Office was administered by Clerk Umland prior to the January 2013 council meeting to newly elected officials' Klebs, Liemandt & Olson.

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, with Liemandt and Klebs abstain due to the conflict of interest. Mayor Klebs abstained due to Check #13177 and Liemandt Check #13199.

- A. Approval of December 10, 2012 Regular Council Minutes
- B. Approval of December Disbursements and Authorized Issuance accordance with list provided.
- C. Reviewed bank correspondence – Investments & Bank Statements
- D. Reviewed and approved the 2012 annual wellhead protection plan evaluation
- E. Approved Resolution 2013-05 – entitled “A Resolution Amending Resolution 2012-20 of the Terms to Long Pines Bar & Restaurant Revolving Loan”. Mayor Klebs stated the EDA approved a \$15,000.00 loan in April of 2012. The loan to Long Pines Bars & Restaurant was used to finance the remodeling of the Old Municipal Liquor. The note was to be repaid by December 31, 2012. The Becker’s requested that the City extend the note for five years.
- F. The council approved Resolution 2013-03 that acknowledges a conflict of interest for Council Member Liemandt when or in the event that business is done with Mary Liemandt Internet Consulting. The resolution does not give preference to the business but strictly shows that the council is aware of the Council Member financial interest in a company that the city does business with to maintain our website.
- G. Approving Resolution 2013-04 setting pay increase of 1.7 percent to all city employees. The salary boost represents a cost-of-living increase.
- H. Accepted the insurance settlement of \$15,000 (pre loss market value) from the LMCIT for the fire truck that was damaged in the summer of 2012. The salvage value of the damaged truck is \$1,256.00 which the department will purchase and transfer some of the equipment to the new pumper.
- I. Accepted the offer of \$15,250.00 for the police squad from Thief River Falls Police Department. This was the only offer received for the vehicle. The city advertised the vehicle in the LMC Bulletin, Chief of Police newsletter and on Craig’s List.

- J. Approval authorizing the Mayor and City Clerk to enter into a Lease Agreement with Tri-County Hospital for the old Bertha Medical Center with parcel description as follows: East 21.7 feet of Lot 14 and the West 18.4 feet of Lot 15, Kilburn's 2nd Addition, City of Bertha for a period of five years commencing January 1, 2013. Lessee hereby agrees to pay to Lessors an annual rent of 0. This Lease is a triple net Lease and lessor shall not be required to make any expenditure whatsoever in connection with this lease or to make any repairs to or maintain this premise in any way during term of lease except any major expense over \$2,500.00. The entire lease is on file at the City Clerk's Office under Tri County Hospital.

4. Public Comment:

No one was in attendance to address the council.

5. Consider Business Items

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

Approval of Pay Request #11 includes the following payments:

Partial Payment #3 in the amount of \$63,555.00 to Eagle Construction, Inc. for labor and materials was moved by Zimmerman, seconded by Valley. Carried

Partial Payment #10 in the amount of \$1,080.00 to Moore Engineering, Inc. for engineering and basic services was approved.

Partial Payment #9 in the amount of \$84.00 to Braun Intertec for soil observations and testing was approved.

Councilmember Valley moved, seconded by Zimmerman to approve partial payments to Moore Engineering and Braun Intertec. Carried.

Change Order #3 increased \$8,400 to the contract with Eagle Construction, Inc. for rehabilitation of both wells #2 and #3 with work being done by Thein Well. Both wells have decreased in specific capacity to a point which they need rehabilitation. This work was included in the first round of bidding and was removed for budgetary purposes the second round of bidding. This work will be done prior to installation of new pump. The work includes televising, jetting and bail well if necessary. Zimmerman moved, seconded by Member Valley to approve Change #3 to Eagle Construction Contract. All partial payments and change order are contingent upon USDA signing.

Mr. Wallner inquired again about what will be done with his entrance into the parking lot located at 216 2nd Ave NW. He was informed they will decide this spring what will be done to correct the problem.

- B. Todd County Public Works – requested the acquisition of purchasing .52 acre for a permanent easement for the reconstruction of County Road 23 to a 9-ton facility, with 6 foot shoulders and a 24-foot wide driving surface. The Todd County Public Works Department has offered the city the sum of \$800.80 to compensate for such property and rights based upon fair market value. The permanent easement for highway purposes over, under and across the Westerly 50.00 feet of the West Half of the Southwest Quarter that lies West of Bear Creek section 2, Township 132 North, Range 35 West. Moved by Klebs, seconded by Olson supported to enter into a permanent easement with Todd County Public Works for land located in the above description , contingent on Mr. Templin's phone call. Carried.
- C. Reviewed the correspondence from Mayer, Porter & Nelson, LTD for service concerning the single audit for the year ended December 31, 2012. It states that the fee for the audit

will be \$11,000.00. Upon acceptance, a signed copy must be returned to them. Motion by Valley, seconded by Member Zimmerman to hire Mayer, Porter & Nelson, LTD to do the 2012 audit.

- D. 2013 Insurance Package – No information was submitted prior to the meeting.
- E. Street Lights - Bob Larson approached the Council at their December meeting and stated that his attorney felt he was not financially responsible for the electrical service to the street lights due to the annexation in 1990. On behalf of the city, our attorney contacted Matthew VanBruggen by phone and sent materials in regards to this matter. Attorney Churchwell has not received any acknowledgement back from Mr. Larson's attorney. Mr. Churchwell is not aware of any legal basis for them to challenge the agreement and, in his opinion, it is valid and they are responsible for reimbursing the city. Originally, Mr. Larson approached the council in September 2010 requesting that street lights be installed for safety reasons at his business and he would be willing annually to reimburse the city for this charge. The council expressed concerns that the city is not receiving any benefits for having streets lights at these two locations and not willing to negotiate a new agreement. Clerk Umland was instructed to send a bill to the Larson's for this service.

Communications Reports

A. Reviewed the enterprise reports

B. Fire/Ambulance Reports

Mr. Wallner has scheduled an informational meeting on January 29th at the Bertha Community Center with the townships just in case they have any questions.

The delivery date for the new pumper is the end of February. Mr. Wallner will have the new firefighters approved at the February meeting.

C. *Law Enforcement* – Police Berndt presented the December activity report which included: 1-accident, 19-citizen calls, 3-citations, 16-warnings, 1-DWI, 11-Public assists, 11-assist other agencies 1-alarm and 1-vehicle unlock.

D. *Public Works Report* – The council reviewed the December report outlining activities for the last month. Mayor Klebs reported that Mr. Nelson is willing to work on an as needed basis for the city. There was a lengthy discussion if the city should clear the business sidewalks. Mr. Templin informed the council the new power brush does a great job. Motion by Zimmerman, seconded by Valley to approve purchasing the 9 horsepower 2012 Gravely – 36 PB Power Brush from NAPA of Perham for \$3,632.68. Carried. Mr. Templin will talk with the area businesses about clearing snow from their sidewalks. Clerk Umland will send a bill to Christine Meech for salt and clearing her sidewalk. She will be billed \$120.00. and if not paid will be an assessment to her taxes. There was a discussion about who is responsible for cleaning the community center. Mr. Templin will put together a check list for the renters and their responsibilities when they are done using the center. Motion by Zimmerman, seconded by Valley to approve the purchase of a used automatic scrubber from Hillyard for \$1,800.00 plus tax. Carried. Motion by Zimmerman, seconded by Member Liemandt approving the purchase of 10 new meters from Fargo Water with a cost of \$108.00. each. Carried. Council Member Zimmerman researched and submitted to the council a list of different options for a different public works vehicle. The council felt we should consider getting at least a ¾ ton so it would be able to have a snow blow installed on it. Motion by Valley, seconded by Olson to approve purchasing a 2013 Fleet/Retail Chevrolet Silverado 2500HD 4WD Reg Cab from Thielen Motors Inc. of Park Rapids, with a

Boss V-Plow 8.2 VXT smart locks and deflector. The cost of the truck with snow plow installed is \$28,990.00 Carried.

E. Clerk Umland Report – No comments

7. Committee Report

- A. Personnel** – Reviewed the annual report from Worker Comp and Clerk Umland informed the council the status of the firefighter that was injured in January, 2012.

8. Meeting/Conference/Correspondence

- A. 2013 Fee Schedule** – The Council reviewed the proposed 2013 Fee Schedule. After some discussion, the only change was to add impoundment fee for vehicles stored at the city shop. A MOTION was made by Council Member Valley and seconded by Member Liemandt to approve Resolution 2013-01 adopting the 2013 fee schedule and charges for various services, licenses and permits with the additional fee for impoundment. Motion carried 5/0.

B. 2013 Conferences

Templin would like the Council's approval to attend Mn Rural Water School on March 5-7, 2013 at the River's Edge in St. Cloud, MN. The cost for a MRWA Associate member is \$195.00 per person for full registration. Motion by Zimmerman, seconded by Valley, to approve Mr. Templin to attend the Rural Water School on March 5-7, 2013. All ayes.

Consider Request from City Clerk for Registration and Lodging fees for MCFOA Annual Conference attendance. City Clerk Umland explained that this is a budgeted item and that the conference registration fee is the same as 2012. She informed the council she will share a room with the Verndale City Clerk to save money on lodging. She explained that she believes the conference provides excellent educational benefits for clerks.

Councilmember Zimmerman moved to authorize the reimbursement of registration, mileage and lodging expenses for the City Clerk to attend the MCFOA Conference on March 19-22, 2013 at the Civic Center in St. Cloud in an amount of approximately \$400.00, seconded by Council Member Valley and carried.

- C.** Reviewed the correspondence from Jack's Second Chance Rescue
- D.** On February 8th there will be a fundraiser for a local resident. The committee is recommending the city allow Long Pines Bar & Restaurant to set up a bar at the Bertha Community Center during the dance. The Bertha City Council has approved that Long Pines Bar & Restaurant be allowed to serve liquor at the Bertha Community Center at 127 2nd Ave NW upon proof of insurance on February 8th from 8:00 p.m. until 12:00 a.m. All in favor

9 Adjournment

There was no further business to come before the City Council. Council Member Valley moved, Member Liemandt seconded the motion to adjourn. With all members in favor the motion was carried. The meeting adjourned at 9:38 p.m.