

/

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

Members Present: Mayor Klebs, Councilmembers Zimmerman, Liemandt, Olson & Hammond

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

Guest Present: Marv Stokes, Carolyn Bisel, Pete Wallner, Cody Olson and Joeb Oyster

Declaring a quorum, Mayor Klebs called the meeting to order at 7:01 p.m. and the citizens recited the Pledge of Allegiance.

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.

Motion by Zimmerman, seconded by Hammond, and passed by unanimous vote to approve the consent agenda as follows:

- A. Approval of the June 10th Regular Meeting Minutes
- B. Reviewed June Financial Reports – Investments & Bank Statement
- C. Approved Zoning(Building) Permits
 1. Gary Kleen (214 1st St NW) 10X12 Deck – Zoning(Building Permit 2013-03)
 2. Gary Kleen (214 1st St NW) 10X16 shed – Zoning (Building Permit 2013-04)
- D. Approval to adopt Resolution 2013-16 certifying delinquent utility bills by the City of Bertha to the assessment roll. Parcel 29-0027000-Allen Burrows for \$336.76 and Parcel 29-0021300-Mary Liemandt for \$88.40. All property owners were notified that their delinquent utility accounts if not paid would be certified to their property taxes.
- E. 2014 Initiative Foundation- Kathy Gaalswyk from the Foundation presented a letter to each council member personally thanking them for their past support and requesting consideration for an investment of \$400.00 in 2014. Each year the Foundation requests a contribution from the City to help provide Community and Economic Development services to greater Minnesota and to help support the Foundation's programs and operations.

Bills Payable

Motion by Council Member Hammond, second by Member Olson to approve June Disbursements and Authorized Issuance in accordance with list provided. Carried. There was a brief discussion opposing purchasing parade candy and throwing it from the city vehicles at area parades. They would prefer if they wanted to do candy that they would walk and hand it out.

5. Public Comment

At this time, Member Zimmerman acted as a citizen responding to concerns that he had on the price paid for the land that the pond system was constructed on. He expressed his feeling that a gate should not be installed on the easement to the ponds. Mayor Klebs informed him there was a verbal agreement with the Greenwaldt's to install a gate. Mr. Oyster said it would cost approximately \$750.00 to have one installed. **Motion** by Olson, seconded by Member Hammond to install a gate at the entrance on the easement to the lagoons not to exceed \$300.00. Carried.

Mayor Klebs asked Clerk Umland to research if a home that received a community development grant to improve their house is eventually foreclosed upon, what type of repayment would the city receive from the sale of the home, if any.

6. Consider Business Items

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

Approval of Pay Request #18 which includes the following payments;

Partial Payment #11 in the amount of \$176,388.43 to Wagner Construction, Inc., for labor and materials was approved.

Partial Payment #5 in the amount of \$22,800.00 to Maquire Iron, Inc., for labor and materials was approved.

Partial Payment #9 in the amount of \$3,790.50 to Eagle Construction, Inc., for labor and materials was approved.

Partial Payment #12 in the amount of \$2,985.00 to Moore Engineering, Inc., for engineering and basic services was approved.

Partial Payment #11 in the amount of \$7,142.53 to Braun Intertec, for observations and testing was approved.

Council Member Zimmerman moved and Member Hammond seconded the motion to approve the above partial payment requests contingent upon USDA signing. with all members present in favor.

B. D-509 Detachment Petition

Mayor Klebs briefed the council on the first hearing that convened at 9:00 a.m. on June 17, 2013, in the Clerk's Office with Mike Lewis. The parties have two options now to choose from:

1. The parties may choose a mediator on their own
2. If the parties wish, or if they can't agree on a mediator, Municipal Boundary Adjustment Unit can assign one of our administrative law judges to be the mediator for this matter.

Clerk Umland informed the council that she has contacted Mary Larson asking her if she had anyone in mind for a mediator. She has not responded back with any suggestions.

C. Public Nuisance Update

Police Berndt informed the council there is sign of improvement of the public nuisance property located at 215 2nd Ave NW. The big area of concern is what plan he has for the bus and the barrels. Mr. Berndt suggested installing a fence. The committee suggested extending the timeframe for the clean up due to medical reasons of the owner. Council Zimmerman voiced his opinion not to extend the time since originally he was given 180 days. The property owner will submit 4 options at the August meeting for plans on the bus. Mayor Klebs updated the council on the nuisance property located at 220 Main Street East. A.W. Research Laboratories, Inc., will complete a Phase I Investigation of the property in the City of Bertha located at 220 Main St. West for \$1,200.00. Mr. Klebs will be billed for the service. Phase I is a site visit and document review of the surrounding area to determine if further investigation is advised from an environmental stand point. If Phase II is ordered this would involve testing of the site and taking samples of the soil along with testing it to determine what is in the soil with a cost of approximately \$4,500.00.

D. Welcome Sign

Clerk Umland reviewed and discussed with the council options on a new entrance sign. She informed them that the one she explained to them would cost approximately \$3,500.00 with the installation being done by Sentence to Serve. Mr. Wallner suggested using the big rock dug out during construction. Clerk Umland will check into having the city name engraved in the stone and the cost to have it done. Council noted that they desire to see the sign made of more durable and long-lasting

components especially that the sign either be lettering or some type of metal not wood. This sign would replace the current one along side Hwy 71.

E. City Code Update

The council discussed briefly if the current code should be updated. The current city code was approved on August 18, 1999. Motion by Zimmerman, seconded by Member Hammond approving Tim Churchwell, City Attorney, to sit down with the City Clerk/or Council and go over the types of provisions and issues which need to be addressed. Carried. The council suggested the sections that deal with animals, parking and zoning should be addressed. Mr. Churchwell has helped other cities keep the cost down and gave the city an estimate of approximately \$1,500.00. He has found it financially advantageous to his clients to simply use the hourly rate.

F. Larson Street Lights

Resolution 2013-17, Approving Certification of Delinquent Utility Charge to Todd County.

Mayor Klebs read the letter out loud to the citizens that was sent to the Larson's on June 24th. The letter stated if they were interested in renegotiating the agreement to contact the City Clerk's Office by July 8.th Otherwise, the streets lights will be removed and the delinquent charge will be assessed to their 2014 property tax payable. The council has been dealing with the Larson's since January on this issue. A motion was made at the April 8, 2013, council meeting not to disconnect the two street lights and the city would prorate the utility charge until June 1st per request of Mr. Larson. The city has not received payment for the utility fee like Mr. Larson said he would. **Councilmember Hammond moved to approve Resolution 2013-17, assessing penalties and certifying unpaid delinquent utilities to Todd County for placement on the property taxes. Councilmember Olson seconded the motion. Motion carried 5-0.**

7. Communications Reports

A. Reviewed the enterprise reports

B. Fire/Ambulance Reports- Mr. Wallner asked if the city would have the outside electrical box upgraded to 60 amp service for the band at Bear Country Days. No ambulance report.

C. Law Enforcement – Police Chief Berndt presented the June activity report for Bertha which included: 0-arrests, 20-citizen calls, 7-citations, 23-warnings, 2-arrests, 3-public assists, 0-investigations, 1-vehicle unlock and 9-assisted other agencies. Mr. Berndt did not have any other business to discuss.

D. Public Works Report – Mr. Templin did not submit a June monthly report. Mr. Templin provided the council with some estimates to have the sewer plant winterize. He had contacted five contractors for labor and only received a quote back from one. He also had an estimate from Pete's Lumber for materials. **Motion** by Zimmerman, seconded by Member Olson accepting the estimates for labor and materials to winterize the current sewer plant building and install a new steel roof. Carried. The estimate for the windows and door is \$3,158.12 and steel roof is \$1,720.18. The cost estimate from Almqvist Construction for labor to install windows, door and new roof is \$7,000.

E. Clerk's Report – overview of July Agenda

Clerk Umland gave an update on a few upcoming events relating to the Bertha Wellness Center. The committee will begin promoting the new facility with a small float in the Bertha and Hewitt parades. They are waiting for final branding/logo design, the sign for the float will only contain "Bertha Wellness Facility – Opening in Late 2013." They will hand out granola bars.

8. Personnel – Worker Comp Claim – No report this month

9. Meetings/Conference/Correspondence

A. Todd County Soil & Water Conservation- they are in the process of planning the 19th annual Enviro-fest. This is an all day environmental education experience for 6th grade students in Todd County. They requested donation to help defray the cost of bringing in Science Museum of MN to this event. The donation request was denied due to a lack of a motion.

B. 2012 Audit – Clerk Umland informed the council the audit will be finished in a few days.

C. Lion's Bldg. Rental Agreement – Reviewed the agreement and made one minor addition. As a condition of the rental of said space I herewith agree as follows: Under line 2 the following sentence was added: ***In the event Owner fails to remove the stored property prior to April 15th, owner shall be responsible to pay the city the sum of \$8.00 per day for each and every day the item remains in the building.*** Motion by Hammond, seconded by Olson to approve the Lion's Bldg Storage Agreement with the above addition to the agreement. Carried.

10. Adjournment

There was no further 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 adjourned at 9:03 p.m.