

**CITY OF BERTHA  
REGULAR MEETING OF THE CITY OF BERTHA  
HELD AT THE BERTHA COMMUNITY CENTER  
MONDAY, MAY 13, 2013**

**Members Present:** Mayor Klebs, Council Member Zimmerman, Liemandt, Olson & Valley  
**Staff Present:** Clerk Umland, Police Berndt & Public Works Templin  
**Guest Present:** Pete Wallner, Joann Collins, Gerald Berndt, Joeb Oyster, Kristina Cronk, Ray Stach, Donna Klebs and Roger Schahn.

***Declaring a quorum Mayor Klebs called the meeting to order at 7:03 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.

Addition to the consent agenda was Zoning Permit 2013-01 - proposed ramp to the Schuller Family Funeral Home. Mayor Klebs asked for approval of the agenda as proposed with the addition of 3G. On a motion by Valley, seconded by Zimmerman to approve the agenda with all members present voting in favor, with Member Liemandt and Mayor Klebs abstaining due to conflict of interest. Member Liemandt abstained due to check # 13441 and Dean Klebs check #13446.

- A. Approved the April 8, 2013 Regular Council Minutes and the April 18<sup>th</sup> Board of Review Minutes
- B. Approval of April Disbursements and Authorized Issuance accordance with list provided.
- C. Reviewed bank correspondence – Investments & Bank Statement
- D. Resolution 2013-13 Authorizing the write-off of uncollectible ambulance service rendered by the City of Bertha during the year of 2010 for the following accounts: Inv. 1882-\$121.18, Inv. 1895 - \$107.40, Inv. 1905 - \$242.85, Inv. 1923-\$667.00, Inv. 1945 - \$914.50 and Inv. 1950 - \$667.00. The total adjustment to the ambulance account receivable is \$2,719.93.
- E. Resolution 2013-14 – certifying a past-due snow removal bill to the Todd County Auditor to be put on the real estate taxes.
- F. Resolution 2013-15 adjusting Ambulance Account Receivable by \$1,016.19 since collection efforts have been exhausted and there is no need to keep it on the books at this time per request of Working 4 Professionals.
- G. Zoning Permit 2013-01 – Joe Schuller – replace sidewalks and add ramp to East entrance to Schuller Funeral Home.

**4. Public Comment**

Kristina Cronk addressed the council about concerns of a neighbor dog. She was concerned for her children if they are outside playing that the dog could leave its yard and approach her children. According to our ordinance, it states as long as the dog is under the control of accompanying person of suitable age it does not have to be leashed. Clerk Umland will check with area cities on how their ordinance state dogs running at large. A citizen inquired if we could just regulate by type of dog.

## 5. Consider Business Items

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

**Approval of Pay Request #15 includes the following payment:**

**Partial Payment #9 in the amount of \$8,322.61 to Wagner Construction, Inc., for labor and materials.**

**Change Order #7 decreased \$77,167.75 to the contract with Wagner Construction, Inc., was a balancing change order.**

Zimmerman moved, seconded by Member Valley to approve partial payment #9 and Change Order #7 to Wagner Construction Contract contingent upon USDA signing. Carried. Mr. Oyster informed the council that the pond system water balance test is in progress and could take up to three weeks. A construction meeting is scheduled for Wednesday, May 15<sup>th</sup> at the Community Center. Council quizzed Mr. Oyster if the sidewalk would be replaced as the existing one.

### **B. Council opposes petition to detach property within the city from Bob and Mary Larson**

The Bertha City Council voted 4-0 to oppose a petition to detach 3.0 acres from the city, with Council Member Liemandt abstaining due to conflict of interest. The petition for detachment was filed at the end of April with the Municipal Boundary Adjustment Office under Minnesota State Statute 414.06. This statute has been used for property detachments and states that properties may detach if they are rural in nature and are not developed for urban, residential or commercial use and if those properties abut a different municipal boundary. Resolution 2013-12 states the following reasons for opposing the petition for detachment :

1. The property owned by the Larson's is not rural in character.
2. The number and character of buildings on said property is: 1 building that houses 4 businesses and an event center .
3. Currently, this property is zoned commercial.
4. The City of Bertha has incurred significant expense in extending municipal water improvements in 1990 when annexed into the city to provide better fire service and better insurance rating.

### **C. Public Nuisance Update**

Police Berndt explained the progress that has been taken on the two parcels in the city. The committee put together a list and pictures were taken of items located at 215 2<sup>nd</sup> Ave NW that need to be removed. There was a lengthy discussions how to interpret the statute about what constitutes a public nuisance. Police Berndt highly suggested getting a lawyer to help with the process. Some of the council felt it was a good idea but it would cost around \$1,000.00 and didn't want to spend city funds in this situation. Mr. Klebs informed the council at this time the other parcel has a clean lien and he possibly has a buyer for it.

### **D. Welcome Sign**

The council reviewed information submitted by Brian Koslofsky (Bertha-Hewitt School) from Stewart Premier Sign Company on purchasing a new welcome sign and the cost would be shared between the school and city. This sign would be an electronic Message Sign that would be wireless and controlled from the school. The cost was estimated to be \$15,600.00. This does not include installation or wiring. It would be installed at the current location or on the abutting parcel. The council felt at this time to have the current sign replaced or updated. Clerk Umland will contact Joan Wallner and get ideas from her on what could be done to enhance the current sign. Clerk Umland will contact Lee the supervisor for Sentence to Serve to see if we could get a crew in Bertha to do some volunteer work and possibly help with the sign.

## **6. Communications Reports**

- A.** Reviewed the enterprise reports
- B. Fire/Ambulance Reports** – No report from the ambulance department  
Pete gave an update on the status of the fire burn house.
- C. Law Enforcement** – Police Berndt presented the April activity report which included: 18-citizen calls, 2-citations, 11-warnings, 4-public assists, 5-assisted other agencies and 1-vehicle unlock.
- D. Public Works Report** – the council reviewed the April monthly report submitted by Mr. Templin. He has received his certification for his Class C license and he will receive an increase of \$1.00 per hour on next period.
- E. Clerk's Report – overview of May Agenda**

## **Committee Report**

- A.** Reviewed the League of Mn Cities Insurance Trust Workers Comp. open claims report.

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

- A.** Clerk Umland informed the council on the status of the Wellness Center.
- B.** Council reviewed correspondence from our local senator on the estimated senate LGA 2014 proposal.

## **9. Adjournment**

***There was no further business to come before the City Council. Councilmember Liemandt moved, Member Valley second the motion to adjourn. With all members in favor motion was carried. The meeting adjourned at 9:05 p.m.***