

**CITY OF BERTHA
REGULAR MEETING OF THE CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
TUESDAY, NOVEMBER 13, 2012**

Members Present: Mayor Klebs, Council Members Zimmerman, Valley, Shamp and Hoemberg
Staff Present: Clerk Umland and Public Works Templin
Guest Present:Carolynn Bisel, Paul Olson, Marvin Stokes, Peter Wallner, Gerald Berndt, Bobby Berndt, Joel Beiswinger, Joeb Oyster and Roger Schahn.

Declaring a quorum present Mayor Klebs called the meeting to order at 7:01 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 Claim No. 13091 for services provided by the Hydraulic Doctor.

- A. Approval of Minutes – October 8, 2012 Regular Council Minutes & October 4, 2012 Public Hearing Minutes.
- B. Approval of October Disbursements & Claim No. 13091 and authorized Issuance accordance with list provided.
- C. Reviewed bank correspondence – Investments & Bank Statement
- D. Approval of Building Permit 2012-11 Corner Market to enclose the existing lean to.
- E. Resolution 2012-42 adjusting Ambulance Account receivable by \$2,387.62 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.
- F. Approval of LSS Senior Nutrition Program site use Agreement for 2013 for annual fee of \$111.00 per year.
- G. Approval of the 2012 ambulance donations to Reserve Capital Fund
Bertha Seniors Citizens - \$500.00 & Bertha Community Chest - \$350.00

4. Public Comment:

There was no one under unscheduled business to address the Council.

5. Consider Business Items

- A. Canvassing the returns of the City Election
Clerk Umland presented the results from the General Election held on November 6, 2012. Total number of persons voting in the City of Bertha were 231 persons voting, includes 9 absentee ballots.

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

Resolution 2012-41

A Resolution Certifying the Election Returns of the November 6, 2012 General Municipal Election for the purpose of electing a Mayor and Two Council members for the City of Bertha.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member Hoemberg and upon a roll call vote being taken thereon they all voted in favor. (A copy of Resolution 2012-41 is attached and made part of the minutes.) Mayor Klebs was re-elected to a two year term. Candidate Liemandt received 151 votes and Paul Olson received the highest number of write-in votes with 10. Ms. Liemandt and Paul Olson will serve the 2 open council positions for the term of 2012-2016.

B. Joeb Oyster, (Moore Engineering, Inc.) gave a progress report on the Bertha Authority Improvement Project.

Approval of Pay Request #9 includes the following payments:

Partial Payment #7 in the amount of \$447,937.19 to Wagner Construction, Inc. for labor and materials was approved pending signature of Dylan Thorson.

Partial Payment #3 in the amount of \$31,572.16 to Eagle Construction, Inc. for labor and material was approved.

Partial Payment #3 in the amount of \$139,175.00 to Maguire Iron, Inc. for labor and materials was approved.

Partial Payment #6 in the amount of \$203,102.16 to Blombeck Construction, Inc. for labor and materials was approved.

Partial Payment #8 in the amount of \$60,501.60 to Moore Engineering, Inc. for engineering and basic services was approved.

Partial Payment #7 in the amount of \$4,434.50 to Braun Intertec for soil observation and testing was approved.

No change orders were presented. Council Member Zimmerman moved and Member Shamp seconded the motion to approve the above partial payment requests contingent upon USDA signing. With all members present in favor.

Mayor Klebs reported that the final draft of the special assessment policy will be submitted to the Todd County Auditor once approved. He stated that the council has only to approve how to assess the commercial property that has corner lots. Moore Engineering figured four different options and how much it would reduce the yearly payment. Motion by Zimmerman, seconded by Member Hoemberg approving that the commercial property (includes churches and school) footage for street improvement be assessed using 100 % short side and 50% long side. Carried

Member Zimmerman introduced the following resolution and moved its adoption:

Resolution 2012-40 Adopting Assessments for Bertha Authority Water & Street Improvement t Project

The motion for the adoption of the foregoing resolution was duly seconded by member Hoemberg and upon vote being taken thereon, all voted in favor with Klebs abstaining. The assessment shall be payable in equal annual installments extending over a period of 30 years at a 2.64% per annum.

Motion by Valley, seconded by Member Zimmerman to adopt Ordinance No. 13, all voted in favor. The ordinance will take place effective January 1, 2013 upon the publication of the summary of this ordinance.

The Bertha City Council has adopted Ordinance No. 13, Second Series, an amendment to Chapter 3 by adding Section 3.21 establishing a water system availability charge. The ordinance establishes a water system availability charge (WAC). It shall be unlawful for any person to connect any structure, property or building addition to the municipal water system of the City, either directly or indirectly, or to install or alter any water supply plumbing system that is subject to the provision of this ordinance, without making an application. The complete Ordinance is on file at the Bertha City Clerk Office.

C. Insurance Information – Reviewed the renewal data for 2013. The council had several questions concerning the value placed on the different vehicles. Clerk Umland handed a copy to Chief Wallner to review the fire department equipment. Council Member Hoemberg reported on the claim on the damage pumper amount that the adjuster is willing to settle with is in line. The most any company would give was approximately \$13,000 the reason was it had a gas engine and manual transmission. Clerk Umland will contact Steve Peterson and inform him to attend the December meeting.

D. Joel Beiswinger, representing Tri-County Health Care, handed diagrams of the layout of the old Bertha Clinic and the future plan of how the new Bertha Wellness Center would be. The Maslowski Charitable Trust will fund the new project. This project is in conjunction with the new Wadena Regional Wellness Center. Tri-County can own property. The mission of the Wellness Center is to bring clients to the clinic. They are not looking to purchase the building at this time. The council instructed Mr. Beiswinger to have their attorney put together a lease agreement. They are willing to pay for the monthly utilities, taxes, insurance and minor repairs but if there is a major repair expense they would like to have the city pay for 50%.

- E. Councilmember Zimmerman introduced the following resolution and moved for its adoption:
Resolution 2012-38

A RESOLUTION TRANSFERRING AND CLOSING FUNDS

The Bertha City Council decided to make the following transfers to help defray our share of the expenses for the Bertha Authority Improvement Project.

\$85,000. – From the Water Fund(601) to the (404) Bertha Authority Improvement Fund
\$115,000. – From the Sewer Fund(602) to the (404) Bertha Authority Improvement Fund
\$50,000. – From the Liquor Fund(609) to the (404) Bertha Authority Improvement Fund

The Liquor Store Fund (609) shall be closed and the remaining fund balance will be transferred into the General Fund (100) at the end of the year.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member Shamp and upon roll call being taken thereon the following voted in favor: Zimmerman, Klebs, Hoemberg, Shamp and Valley. Clerk Umland will implement these actions in the City's financial records.

- F. There was a brief discussion on Ordinance 12 that was passed at the October meeting concerning the city to receive 10% of gross proceeds from all lawful gambling organizations in the city. The summary ordinance has been published and the council decided the effective date would be January 1, 2013. Clerk Umland will contact Long Pine Bar & Grill and inform them and invite them to the December meeting.

6. Communication Reports

- A.** Reviewed the enterprise reports
- B.** Fire/Ambulance Report – No report was submitted from the ambulance committee. They will have a list of equipment they are planning on purchasing in 2013. Mayor Klebs opened for discussion the request from the Fire Department to purchase a new demo pumper and turned the meeting over to Chief Wallner. He informed the council he had found a stock unit from Heiman Equipment that has a purchase price of \$208,495. Mr. Wallner told the council that the fire department has agreed to put \$7,000.00 towards the new pumper from the relief association general checking account. These are funds that were raised from their fund raising events. He has contacted some of the townships and they are willing to pay their contracts early. More information will be available at the December meeting. The truck will be available the first part of 2013. The council has already given the department prior approval to purchase a new truck to replace the one that was damaged (totaled by the insurance adjuster) this summer. Council Member Hoemberg handed out information to increase the lump sum benefit level per year for each member that is 100% vested. The Bertha firefighters relief association is the administrator of a single-employer defined benefit pension plan available to firefighter, which operates under the provision of Mn State Statute. It is governed by a board of officers and trustees elected by members of the association. The majority of the pension funding comes from the State of Minnesota 2% premium tax. The City receives this and is required to pass it on to the association. Benefits are payable in a lump sum based on year's of service, with the current benefit level set at \$800 per year of service. On Monday, November 5th, the Fire Department Relief Association

approved to increase the lump sum benefit level per year for each member that is 100% vested to \$1,000.00 effective January 1, 2013 for the December meeting. At the present time, the city does not contribute to their pension fund. The department wouldn't guarantee down the road if the city would have to make a contribution to help fund the retirement fund. Since the council did not receive the information until prior to the meeting they tabled it until the December meeting because it wouldn't take effect until January 1, 2013.

C. Law Enforcement – Police Berndt had submitted his October activity report prior to the meeting which included: 12-citizens calls, 5-citations, 7-warnings, 6-public assists, 1-investigations and 7 assist other agencies. Chief Berndt asked the council for direction on the procedures they want him to follow when it snows. The concerns with parking rules and violation fees were discussed. The council informed him to give them a verbal warning and if they violate the parking rules the second time issue them an administrative ticket. MOTION by Hoemberg, seconded by Valley to advertise the police squad. Carried. The council have checked area dealers if they were interested in purchasing it but they felt they would be able to get more by receiving bids.

D. Public Works Report - No report was submitted by Mr. Templin. There was a brief discussion on the project.

E. Clerk's Report – No report was submitted except for the overview of the November Agenda.

7. Committee Report

- A.** Personnel Committee informed the council that Shaun Nelson will complete his 12 month probation the 28th of November. Motion by Hoemberg, seconded by Member Valley to approve his permanent part-time status; and to grant a \$.50 per hour pay increase, changing his current pay of \$10.00 per hour to \$10.50 per hour effective the pay period starting November 25, 2012. Mr. Nelson hours were dropped down to not exceed 20 hours per week. Carried.
- B.** Volunteer firefighter workers comp claim – No change

8. Meeting/Conference/Correspondence

- A.** Mayor Klebs informed the council the closing for the liquor store was October 31, 2012.
- B.** Mn Power & Light correspondence concerning high demand will be check out by Clerk Umland.

Council Member Zimmerman briefed the council on information on getting a brush for snow removal on the sidewalks. The cost is \$3,499 for the equipment. Tabled until December meeting.

9. Adjournment

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