

**CITY OF BERTHA  
REGULAR MEETING OF THE CITY OF BERTHA  
HELD AT THE BERTHA COMMUNITY CENTER  
THURSDAY, NOVEMBER 7, 2013**

**Members Present:** Mayor Klebs, Councilmembers Zimmerman, Hoemberg, Olson, Hammond  
**Staff Present:** Clerk Umland, Public Works Templin & Police Berndt  
**Guest Present:**Carolynn Bisel, Pete Wallner, Joeb Oyster, Joann Collins, Marv Stokes, Ray Stach and Randy Chock.

**Declaring a quorum, Mayor Klebs called the meeting to order at 5:30 p.m. and the citizens recited the Pledge of Allegiance. Member Hammond arrived at 6:00 p.m. because of other commitments.**

**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.

**Zimmerman moved, Hoemberg seconded, to approve the Consent Agenda as presented with one correction to the October 14<sup>th</sup> regular council minutes. Carried**

- A. The following correction was made to the October 14<sup>th</sup> regular council minutes:  
Page 1, under Public Comment one sentence was deleted on the request by the City Council which stated: **He had some concern about the alley on his newly acquired property.**
- B. Approved October Disbursements and Authorize Issuance in accordance with list provided.
- C. Reviewed October Financial Reports – Investments & Bank Statements
- D. Approval of the 2013 ambulance donation to Reserve Capital Fund from Lorraine Sellnow for \$25.00.

**4. Public Comment**

**There was no one under unscheduled business 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 #23 which includes the following payment;**

**Motion by Zimmerman, seconded by Member Olson approving Partial Payment #14 in the amount of \$45,805.44 Moore Engineering, Inc., for basic services and engineering was approved contingent of USDA signing.** Amendment No.2 to owner-engineer agreement for the Bertha Authority Improvement Project was approved at the October 14<sup>th</sup> meeting for the amount of \$44,332.35 for the additional engineering and basic services added to the contract as liquidated damages because the actual date for the completion of the project was not met by Wagner Construction. The liquidated damages are dollars that the engineer can account for his services which is additional costs to the City. The balance of the partial payment would come from the grant money for services supplied by Moore Engineering, Inc.

Mayor Klebs read the correspondence about Ditch 15 that the city received from Nancy Uhlenkamp, Todd County Ditch Inspector. Mr. Kurt Deter stated the “dam/blockage” created by Blombeck Construction was part of the Bertha Authority Improvement Project and is City’s responsibility. The dispute is between the City and the contractor and does not involve the county drainage authority. A

letter will be sent to Mr. Blombeck requesting him to correct the problem by returning dirt to its original placement. Ms. Collins informed the council of the problem with the alley abutting her property ever since the project.

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

Mayor Klebs summarized the letter dated November 2, 2013, he submitted to the Bertha City Council for property owned at 220 Main Street West. At the October regular council meeting Mr. Klebs requested another 180 day extension for cleaning up his property. The council asked Mr. Klebs for a plan and timeline to be submitted to the city office prior to the November meeting. Mr. Klebs informed the council that he received an offer from a potential buyer. At this time, he feels that the building is not a public safety hazard. Mr. Berndt stated the building is considered a hazardous building according to Bertha City Code Chapter 4, Section 4.03. The definition of a "Hazardous Building or Premise" is any building or premises which, because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitute a fire hazard or a hazard to public safety or health. Now that the 180 days are up the city can move to the next phase which would be abatement. Nuisance abatement is a very cumbersome and time consuming process. The council would need to hold a public hearing/meeting, with notice to Mr. Klebs, advising him of the nature and purpose of the hearing and would have to have the city attorney involved. The council didn't want the cost associated with this phase. Mr. Chock asked the Council how code violations on business properties should be addressed. Chock states this question is particularly difficult since some items that are declared a nuisance may be necessary to the operation of a business. Where do you draw the line between public nuisance and business nuisance? Each member of the council gave their opinion about this parcel. All the members felt the cost of proceeding with the next phase would cost the city a bundle of money and they felt the council should set a standard for the appearance. The council decided to hold off until the December meeting and see if Mr. Klebs reaches an agreement to sell the property to the potential interested party. If not, the council requested that he put a plan and timeline together on correcting the nuisance before they will consider approving the extension. He must also state in the letter what improvements would be made. Motion by Hammond, seconded by member Hoemberg to delay the request from Mr. Klebs for an extension until the December meeting and they will review the plan Mr. Klebs submits prior to the December on the property at 220 Main St. West. Carried. Mr. Klebs abstained.

The council felt that the city was getting a handle on eliminating some of the stray cats in the city.

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

Clerk Umland informed the council that she was unable to attend the meeting in Clarissa. Another meeting is planned for November 20<sup>th</sup> and she is unavailable that night also. She will check with Brad Braaten about a rock.

### ***D. CITY CODE – No report***

***E. BERTHA WELLNESS CENTER*** Work continues to progress on the building with the demo of the existing interior complete. Bids are due back to Nate by November 6<sup>th</sup>. The Facility Manager is reviewing the bids. Hopefully, Kathy Kleen will be able to report more definitive at the Advisory Committee meeting on November 14<sup>th</sup>. Then the Tri County Hospital board will need to review the bids at their November 25<sup>th</sup> meeting and award the bid.

**F.Approving the Final Budget & Levy**

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

**Resolution 2013-20  
CERTIFYING THE 2014 FINAL BUDGET AND ADOPTING FINAL 2013 LEVY  
FOR TAXES COLLECTIBLE IN 2014**

**BE IT RESOLVED** by the City Council of the City of Bertha, County of Todd, Minnesota that the following sum of money is levied for the current year, collectible in 2014, upon the taxable property in the City of Bertha, for the following purpose:

General Levy	\$73,000.00
Fire	\$ 8,500.00
Ambulance	<u>\$ 1,000.00</u>
Total	\$82,500.00

The final budget for the City of Bertha for 2014 was approved with the expenditures to different funds allocated in the following ways:

General	\$251,900.
Fire	\$ 44,320.
Revolving Loan	\$ 1,400.
Water	\$135,000.
Sewer	\$110,570.
Ambulance	<u>\$97,290.</u>
Total	\$640,480.

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the auditor of Todd County, Minnesota.

Adopted this 7<sup>th</sup> day of November, 2013.

Council Member Hammond seconded the foregoing motion and passed unanimously. Member Zimmerman informed the council that the city will be able to get out of the Friendly Rider contract for 2014.

**6. Communications Reports**

**A.** Reviewed the enterprise reports

**B. Fire/Ambulance Report** - Mr. Wallner informed the council that he is working with Peterson Insurance Agency in putting a value on the fire vehicle for 2014. Authorization for the Bertha Ambulance Service to submit the necessary application for a grant to the American Heart Association for \$25,000. On a motion by Olson, seconded by Hoemberg the council voted granting Clerk Umland to sign the grant application authorization form for the ambulance grant . Upon a roll call vote taken and all present voting in favor, motion carried.

C. **Law Enforcement** – Police Berndt presented his October monthly activity report. The report showed violations as follows: citizen calls – 17, citations- 1, warnings-2, public assist-1, investigations-1, assisting other agencies-9 and vehicle unlock-1. The council will allow the semi-trailer at the McKnight resident to be parked there one more week.

D. **Public Works** – Supervisor Templin presented the public works October monthly activity report. Member Zimmerman questioned him on how many meters needed to be replaced yet. He inquired about purchasing some new heaters for his office and insulating the ceiling. There was a brief discussion on algae in the ponds. He reported on the overall city clean up.

E. **Clerk Report – no business**

## **7. Committee Report**

- A. Personnel – reviewed the information about the partial disability on the volunteer fire employee.

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

Member Zimmerman discussed the question about Randy Chock using the old well on the property he purchased. Mr. Templin will be researching about the legality and if it needs to be inspected. The other question was what rate to charge him for sewer since he wouldn't be using water. This will be discussed further at the December meeting.

## **9. Adjournment**

There was no more business to come before the City Council. Councilmember Zimmerman moved, Member Hoemberg seconded the motion to adjourn. With all members in favor motion was carried. The meeting was adjourned at 8:20 p.m.