

**CITY OF BERTHA
REGULAR MEETING OF CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
MONDAY, NOVEMBER 10, 2014**

Present: Mayor Klebs, Members Zimmerman, Wanner, Olson and Hoemberg

Staff: Clerk Umland, Public Works Templin and Police Berndt

Guest: Randy Chock, Trinity Gruenberg, Barb Mares, Russ Vandenheuvel, Leona Wiese and Ken Nelson.

Declaring a quorum, Mayor Klebs called the meeting to order at 6:32 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 if there were any additions, corrections or deletions to be made to the Consent Agenda. **Zimmerman moved, Wanner seconded, to approve the Consent Agenda as presented which included the following items; with all members present voting in favor.**

- A.** Approval of October 13, 2014 regular Council Minutes.
- B.** Approval of October disbursements and Authorized Issuance in accordance with list provided including all electronic payments.
- C.** Reviewed bank correspondence – Investments & Bank Statement
- D.** Approved Resolution 2014-24 accepting \$25.00 from Pete & Mona Truax- donation designated for reserve Capital Fund.
- E.** Approved the 2014 Site Use Agreement with LSS for the Senior Nutrition Program and the Nutrition Program agrees to pay a yearly fee of \$121.00, to help offset the costs of operation. Authorize the City Clerk to sign on behalf of the City of Bertha.
- F.** Accepted the letter of resignation/transition to when available status from part-time maintenance worker Shaun Nelson.

4. Consider a resolution canvassing the returns and declaring the results of the general election held on November 4, 2014, for the purpose of electing a mayor and three council members.

Council member Wanner moved to adopt Resolution 2014-15. The motion, seconded by Council Member Olson, passed with a unanimous vote. The resolution as passed and approved is captioned as follows:

Resolution 2014-15

A Resolution Certifying the Election Returns of the November 4, 2014 General Municipal Election

(A copy of Resolution 2014-15 is filed in the city minute book in entirety.)

Dennis Zimmerman was elected as mayor to a two year term. Council member Darrell Hoemberg was elected to fill in the two year term that was created when Mary Liemandt moved out of town. Leona Wiese/Bowman and Ken Nelson were elected to a four year term. Issuance of Certificate of Election to newly elected members of the council will be mailed to Mayor Zimmerman and Members Hoemberg, Bowman and Nelson. A total number of persons voting in the City of Bertha were 172 which include 4 absentee ballots.

5. Public Comment - Barb Mares discussed that there should be some revisions to foster care permit. Mares suggested that the city should consider issuing a waiver for residents who want to do foster care for dogs. She explained that organizations like (PAWS) have put a lot of money into the community to help pay for spaying/neutering pets, feed for impounded dogs, and other things. Currently, our new city code only allows two dogs per dwelling unit. Should the city issue a permit-license or a waiver? She felt the city must carefully do it so it won't come back to haunt them later. Zimmerman questioned her on what she recommended. Ms. Mares felt that she would like to have the city issue a waiver and have guidelines that residents had to meet prior to council approval to allow foster care. With a waiver, applicants would have to be associated with a 501(c) 3 organization, and meet other guidelines the council sets. The council could limit the number of dogs allowed to foster. Ms. Mares suggested contacting the city attorney to find out the difference between waiver-license-permit. After receiving information, city would have to determine what would be the best.

6. Consider Business Items

A. Petition to correct the drainage issue at Klimek Rev. Addition the 300 Block area from rain water – Korblick Construction has not done the work yet and will be scheduled for spring.

B. Bertha Authority Project – Clerk Umland will contact Jeff at USDA and see how much retainage is held against Moore Engineering. Mayor Klebs explained to the council the plan from Moore Engineering to solve the problem at 1st St NW/1st Ave NW with water run-off. Clerk Umland will send a letter to Moore Engineering and have them state how they will correct the problem at their expense and date that it will be completed. They must reply in writing by December 31, 2014.

**Approval of Pay Request #28 which include the following:
Pay Request #1 in the amount of \$12,777.10 to Infratech Infrastructure Technologies, Inc., for a locator and camera kit was approved.**

Council Member Zimmerman moved and Member Hoemberg seconded the motion to approve the above payment request that was already signed by Jeff from the USDA office. With all members present in favor.

C. Revolving Loan – Down Home Repair Sale & Service LLC
Mayor Klebs turned the meeting over to Acting Mayor Zimmerman due to the conflict of interest on this matter. Acting Mayor Zimmerman reviewed the high lights from the Economic Development/Revolving Loan Committee meeting on November 7, 2014 held at the Bertha Community Center. The committee was informed of some of the changes that involved a grant that the city received in 1986. The City of Bertha is no longer permitted to pay part of administrative wages from this fund. The revolving loan committee can no longer approve funds to be used for retail services. The primary focus is for any person applying for manufacturing. Mr. Chock argued that he is a remanufacturing business and not retail. The pending application from Down Homes Repair Sale & Service LLC was sent to Deed Office for their review and their response was as follows, “as far the current applicant’s potential use of funds, the use described falls under retail and that is not allowed under the current MN MIF statute. So the application from Mr. Chock would have to be denied. So the recommendation presented to council from the committee was to deny this loan because it falls under the ineligible activities set forth by DEED. He was not in attendance at the last committee meeting due to the advice of his lawyer. He asked for a written notice of the meeting by the advice of his lawyer which was provided to him.

Mr. Chock submitted an application for a loan June 2nd and the committee reviewed the application June 9th. After much discussion, the consensus of the committee was that more specific information was needed. Another meeting was held on July 22nd at Diamond Tool and Mr. Chock was in attendance to answer some questions the committee had. After much discussion, the committee’s recommendation was that no funds would be awarded until all back taxes be paid in full and a clear title is granted to the LLC.

He claims the city is not properly handling his loan. Small Business Administration informed him that there are problems in the city. Clerk Umland asked him to compose a letter stating how he felt his business was manufacturing so she could submit it to DEED for review. He also stated since his business was part of a LLC he did not have to provide the committee with a clear title. The information that Mr. Chock was asked to provide to the committee has not yet been provided. Mr. Chock stated that the past city council is considered business unfriendly. Councilmember Hoemberg questioned him and asked him what would make him happy? Mr. Chock also mentioned how they dealt with a recent issue involving the Hydraulic Doctor property. Ms. Mares questioned him how can they change if you don't know what to change. She felt the council was caught in the middle. Member Zimmerman stated that this wasn't the first loan that was denied. Mr. Vandenheuvel questioned him about his LLC.

Nelson stated all we are asking for is proof of LLC ownership & back taxes. Nelson stated it would like to make it right but all you want is to catch us and sue the city. Mr. Chock stated that the city is currently under investigation by Small Business Administration on a state & federal level. Mr. Chock advised the council he would take legal action if that's what it takes to correct the problems. Mr. Berndt suggested to Mr. Chock that he should work with the city to correct the problems. It was suggested that Mr. Chock should change his attitude or his business would not succeed. Mayor Klebs then spoke and told him he had once applied and was turned down. But you must go on. Mr. Klebs stated what was at stake – significant number of job that would be created. He felt at least 30 new jobs would be available. The council and the members of the committee suggested to Mr. Chock he should work with everybody instead of threatening with a law suit.

At this time, the committee recommended that they deny this loan to Down Home Repair Sale & Service due to the findings from DEED. The council has not taken any action on the loan yet. Clerk Umland asked Mr. Chock again to write up a summary of why he thinks his business is not retail and she will submit it to Deed for their opinion.

The meeting was turned back over to Mayor Klebs.

7. Communications Reports

A. Review the enterprise reports – no questions

B. Fire/Ambulance Report – no one in attendance – no report

C. Law Enforcement Report – Mr. Berndt presented the council with his October activity report: The report showed violations as follows: 15-citizen complaints, 2-citations, 5-warnings, 1-investigations, 4-assist other agencies and 1-alarm. He presented to the council how they want to deal with residents babysitting other people dogs.

D. Supervisor Templin presented the October monthly activity report.

* **received** the new cable locator and sewer camera from Infratech

*spray foamed the water tower vault & sewer lift station plant

* flush fire hydrants

*Problem at the well house after a power line was hit

* **Worked** with MPCA about the ponds not meeting permit requirements- hopefully by adding a chemical will fix the problem. Mr. Templin will discuss this problem with other people at the MN Rural Conference in March. The public works committee will be working on a selection of a suitable and qualified candidate for the position that was advertised. Motion by Wanner, seconded by Member Olson approving the public works committee selection of a qualified candidate contingent upon a background check, drug test and pending council approval at \$10.00 per hour. Carried.

E. Clerk's Report – see overview of November agenda

8. Committee Report – None

9. Meeting/Conference/Correspondence

A. Bertha-Hewitt Housing Rehab Grant – A letter sent by Kathryn Sletto stating there will be a payoff on a repayment agreement from the Bertha-Hewitt housing rehab program. The payoff is in the amount of \$6,309.00 from the sale of Florence Hallstrom house in Hewitt.

B. NJPA Innovation Funding Grant - Correspondence from Brenda Thomes, Long Prairie Administrator, informing us that a grant for \$51,000.00 for the Jacob Brower Trail was approved from NJPA to do a feasibility study.

C. 2015 Insurance Package – reviewed the renewal data from LMC workers' compensation program. This renewal data sheet will be used to generate a premium quote for the cities workers' comp. insurance.

D. Dog License - reviewed the brochures that will be sent out in December to all residents that licensed a dog(s) during 2014. Also, there was a copy of the brochure from MN SNAP that will be coming to Bertha on April 18, 2015. This organization is a mobile surgical clinic that travels to pre-scheduled destination that does surgery and services on pets at a reduced rate. Clerk Umland will check with Aaron Botzet about getting sample bags of dog food to hand out that day.

E. Resolution 2014-21 mowing assessment was removed from the 2015 special assessment tax roll.

F. Reviewed Resolution 2014-18 – Denying the request to vacate an alley upon a petition of a majority of abutting property owners that was approved at the October, 2014 regular council meeting. Brief discussion on the alleys that have been vacated within the city limits.

G. USDA – reviewed correspondence on eligible community projects for grants & loans.

H. Website fee increase – Mary Liemandt was notified by email from Homestead which is the City of Bertha website hosting company that they have increased their monthly subscription rate by \$10.00. Motion by Zimmerman, seconded by Hoemberg to approve the monthly maintenance fee of \$60.00 to Mary Liemandt. Carried.

I. Unresolved Issue - At the April, 2009 regular council meeting there was a discussion about why Brad Rach did not replace the entire sidewalk that was removed. Mr. Rach stated at that time there was a problem with drainage and the current public works supervisor gave him the okay that he didn't need to replace part of the existing sidewalk. The council decided to hold off the decision until after the project was completed to eliminate it being replaced twice. ***Motion by Zimmerman, seconded by member Wanner allowing Brad Rach to leave the removed sidewalk area currently as is. Carried.***

One reason they allowed Mr. Rach not to replace it is that the street north of them does not have a sidewalk. There is a sidewalk on the street across from their property that residents can use. At the January 9, 2012, regular council meeting the council approved a temporary permit to Mr. Matt Peterson allowing him to install a storage shed until May 14, 2014 when he would have a permanent structure built. Once the permanent structure was built he was informed he had to remove the temporary storage shed. Clerk Umland contacted Mr. Peterson on November 6th reminded him that the storage shed must be removed. He informed her that he has someone that is in the process of buying the structure and moving it. So she instructed him it had to be removed by November 22nd to avoid a penalty.

Hobby Kennel Permit Application-Chad Kilbury Mr. Kilbury applied for a hobby kennel permit on July 22, 2014 prior to adoption of the new city code. When he received the application he was informed that the new city code was in the process of being adopted and changes might be made not to allow anymore kennel permits. Motion by Hoemberg, seconded by member Olson denying the request for a hobby kennel permit to Mr. Chad Kilbury.

10. Adjournment

There was no further business to come before the City Council, Councilmember Zimmerman moved, Member Wanner seconded the motion to adjourn. With all members in favor motion was carried. The meeting adjourned at 9:10 p.m.