

**CITY OF BERTHA
REGULAR MEETING OF THE CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
MONDAY, OCTOBER 8, 2012**

Members Present: Mayor Klebs, Council Members Zimmerman, Valley and Hoemberg.

Members Absent: Council Member Shamp

Staff Present: Clerk Umland and Public Works Templin

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

Declaring a quorum present Mayor Klebs called the meeting to order at 7:00 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 motion by Zimmerman, seconded by Council Member Valley to approve the agenda which included the following items: With all members present voting in favor.

- A. Approval of Minutes – September 10, 2012 Regular Minutes
- B. Approval of September Disbursements and Issuance accordance with list provided.
- C. Reviewed bank correspondence – Investments & Bank Statements
- D. Approval of advertising in the Independent News Herald for sponsorship and support of the Bertha-Hewitt School Calendar and Photo Pages at a cost of \$192.00 per year.

Public Comment:

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

Consider Business Items

- A. Mayor Klebs briefly reviewed the Bertha-Hewitt Housing Rehabilitation Program report from the Public Hearing that was submitted by Kathy Sletto. Clerk Umland provided information received from Kathy Sletto that 36 of the 44 homes rehabbed through the Bertha-Hewitt grant had some type of lead paint.
- B. Mayor Klebs reported on the public hearing on the assessment roll that needs to be certified to the county. He questioned some of the parcel in town to see if the EDU were correct. The Foresight Development was discussed about if it should be changed from 2 EDU to 4 EDU since they receive four billings. The issue concerning corner lots for businesses, school and churches was brought forward for discussion. Mayor Klebs questioned if it was fair and equitable to assess commercial property for actual frontage on both sides if on a corner lot. Joeb will discuss this with Mr. Veit and have him figure the assessment for commercial businesses using three other options: 100% long side and 50% short side, 50% long side and 100% short side or just 100% long side to see if this would generate enough revenue. Mr. Oyster presented the council with a sample ordinance establishing water system availability charges. This would allow the city to collect an assess fee to any property that applies for a building permit and wants to connect to the municipal water system.

Approval of Pay Request #7 includes the following payments:

Payment #2 in the amount of \$273.89 to Ehlers Investment Partner, for June monthly management fee was approved.

Payment #3 in the amount of \$218.31 to Ehlers Investment Partner, for July monthly management fee was approved.

Payment #4 in the amount of \$174.63 to Ehlers Investment Partner, for August monthly management fee was approved.

Payment #1 in the amount of \$13,850.63 to Bond Trust Service Corporation, for interest on the \$3,735,00.00 General Obligation Temporary Bond was approved.

Payment #2 in the amount of 450.00 to Bond Trust Service Corporation, annual agent service fee was approved.

Payment #4 in the amount of \$5,000.00 to Thurlow Planning Office, for general administration of the SCDP Grant was approved.

Approval of Pay Request #8 includes the following payments:

Partial Payment #2 in the amount of \$28,500.00 to Maguire Iron, Inc. for labor and materials was approved.

Partial Payment #2 in the amount of \$5,700.0 to Eagle Construction, Inc. for labor and materials was approved.

Partial Payment #6 in the amount of \$611,098.87 to Wagner Construction, Inc. for labor and materials was approved.

Partial Payment #7 in the amount of \$76,049.38 to Moore Engineering, Inc. for engineering and basic services was approved.

Partial Payment #6 in the amount of \$3,299.50 to Braun Intertec for soil observation and testing was approved.

Payment #5 in the amount of \$93.16 to Ehlers Investment Partner, for September monthly management fee was approved.

Partial Payment 5 in the amount of \$235,920.23 to Blombeck Construction, Inc. for labor and materials was approved.

No change orders presented at this meeting. Council Member Hoemberg moved and Member Valley seconded the motion to approve the above partial payments requests contingent upon USDA signing. With all members present in favor.

There was a brief discussion on the water balance test that needs to be done and approved by Mn Pollution Control before the pond system will be operational. Blombeck has contacted the owner of the old Sunopta building inquiring about using the existing well to pump water into the pond for testing. The council felt it might be too late in the year to have it approved.

- C.** Clerk Umland informed the council that Veteran's Day will be observed November 12th this year since the 11th falls on a Sunday. November 12th is designated as a mandatory legal holiday where no public business shall be transacted. Mayor Klebs rescheduled our November monthly meeting to the 13th when we can also then canvass our election results. Clerk Umland will post and published the rescheduled date of the November meeting.
- D.** Joel Beiswenger, Tri County Health Foundation, was not in attendance and Clerk Umland will contact him and inform him of the rescheduled November meeting.
- E. Ordinance 2012-12 Authorizing Lawful Gambling Within the City of Bertha, MN.**
The council was presented with the ordinance regulating lawful gambling. The main item with the ordinance was for each organization which conducts lawful gambling within the City shall contribute 10% of its net profits derived from lawful gambling in the City to a fund

administered and regulated by the City without cost to the fund. The funds will be used to help promote the city, such as our festivals.

Motion Zimmerman, second Hoemberg to approve Ordinance 2012-12 Authorizing Lawful Gambling within the City of Bertha, MN. Carried 4-0-1 The ordinance was declared duly passed and adopted. The ordinance becomes effective on the date of its publication, or upon the publication of the summary of this Ordinance 2012-12. Council gave approval of a summary to be printed in the October 23rd edition of the Independent News Herald.

- F. Long Pines Bar & Grill – Clerk Umland read correspondence received from city attorney stating he is still waiting to hear from Mr. Borstad on a closing date.
- G. Review Bids – Loader, generator and sludge truck
Clerk Umland presented each council member with a report on the bids that were received for the above items.

Generator	1975 Sludge Truck	Owatonna Loader
Erv Bueckers – 1,650.60	Erv. Bueckers – 3,560.90	Erv Bueckers – 5,652.50
Kurt Scherping – 627.00	John Friedrichs – 300.00	Darrell Loew – 4,835.07
Steve Wolpert- 375.00		Chris Steele – 4,500.00
John Friedrichs – 300.00		John Friedrichs – 3,125.00

Motion by Hoemberg, seconded by Member Valley to accept the high bid from Erv Bueckers which was the high bidder for all three pieces of equipment. Carried.

6. Communications Reports

- A. Reviewed the enterprise reports.
- B. Fire/Ambulance Report – No report from the ambulance committee. Mr. Wallner noted that no definite decision has been made yet on a purchase of a different pumper truck. The new radios have not yet been installed but all the volunteers are all trained. Still waiting for the contractor to install the new overhead doors. He will instruct the garage to repair the truck to the way it was. Member Hoemberg reported that he did not do any follow-up on the settlement with the fire truck. He explained he received a letter from Steve Peterson informing him that the adjuster supervisor stated that he read over the evaluation of the total loss to the 1985 GMC pumper and would back up the adjuster decision.
- C. **Law Enforcement** – Police Berndt had submitted his September activity report prior to the meeting which included: 1-accident, 20 citizen calls, 4-citations, 0-arrests, 9-public assists, 2-investigations, 1-assist other agency, 1-alarm and 1-vehicle unlock. The council was in agreement that we should try selling the squad car and will inquire first to see if the City of Eagle Bend is at all interested. During the next month Member Hoemberg will check to see what the current value is on the squad.
- D. **Public Works Report** – No report was given out but he touched base with the current construction project. Mr. Templin was concerned about the condition of the old Sunopta Building floor drains. The council will discuss Shawn’s hour at the next meeting and will be cutting his hours back.
- E. **Clerk’s Report** – Reviewed the September report submitted by the clerk.

7. Committee Report

- A. Clerk Umland informed the council on the update to the injured volunteer firefighter .

That her surgery was successful and possibly she will be able to go back to work the middle of January with no restrictions.

B. **Motion** by Zimmerman, seconded by Member Valley approving the police service agreement between the cities of Eagle Bend and Bertha. Carried. This service contract is made and entered into beginning the 1st day of January, 2013. The term of this agreement shall be for two year from the date of enactment. The City of Eagle Bend shall serve as the Fiscal Agent for both parties and will be responsible for the administration of financial and accounting functions. The City of Eagle Bend will send an itemized list of all expenditures for police services performed on a quarterly basis. Police Chief Berndt informed the council the only equipment that is of value in the squad is the laptop computer.

8. Meeting/Conference/Correspondence

A-C Reviewed the resolutions and correspondence from Minnesota Energy Resources will soon change the way they install gas metering equipment for new residential and small commercial customers.

9. Adjournment

There was no further business to come before the City Council. Council Member Zimmerman moved, Member Hoemberg seconded the motion to adjourn. With all members in favor the motion was carried. The meeting was adjourned at 9:00 p.m.