

**CITY OF BERTHA
REGULAR MEETING OF THE CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
MONDAY, OCTOBER 14, 2013**

Members Present: Mayor Klebs, Councilmembers Zimmerman, Hammond, Hoemberg & Olson

Staff Present: Clerk Umland, Public Works Templin

Guest Present:Carolynn Bisel, Pete Wallner, Roger Schahn, Randy Chock, Ray Stach, Joeb Oyster, Marv Stokes and Gerald Berndt.

Declaring a quorum, Mayor Klebs called the meeting to order at 7:00 p.m. and the citizens recited the Pledge of Alliance.

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.

Moved by Hammond, seconded by Olson to add Item 3F to the Consent Agenda.

Zimmerman moved, Hammond seconded, to approve the Consent Agenda as amended.

- A.** Approval of the September 9, 2013 Regular Meeting Minutes
- B.** Approved September Disbursements and Authorize Issuance in accordance with list provided.
- C.** Reviewed September Financial Reports – Investments & Bank Statement
- D.** Acknowledged the MN Lawful Gambling LG220 Application for Exempt Permit – submitted by Bertha Hewitt Sports Booster for a raffle to be held at Bertha Hewitt School on January 31, 2014 with no waiting week.
- E.** Resolution 2013-28 Adjusting Ambulance Account receivable by \$ 133.70 since the collection efforts has been exhausted and there is no need to keep it on the books at this time per request of Working 4 Professionals.
- F.** Approving Building Permit 2013-08 – Ray Stach - 8X 26 deck

4. Public Comment

Mayor Klebs introduced Randy Chock the new owner of the Bertha Enterprise buildings. Mayor Klebs reviewed to the council the existing outstanding taxes and special assessments owing on these five parcels which is \$24,443.51 valid through October 31, 2013. Randy Chock was inquiring if the city could waiver their share of outstanding taxes. He wanted some clarity on the ordinances and what was the difference between a commercial versus an industrial business. Mayor Klebs read correspondence from the Todd County Auditor Karen Busch stating the only thing that the city can forgive is the special assessments from the Bertha Authority Project. The letter stated that taxes cannot be forgiven. Mr. Chock briefed the council on his plans for the Bertha Enterprise buildings.. Gerald Berndt addressed the council concerning the letter he received about removing cars that were parked in his front yard. He explained that the cars were licensed and had current tabs, so he planned on keeping them parked there. Council Member Hoemberg explained to him and other residents that had received letters that a committee had toured the town and compiled a list of property owners that were not in compliance with the ordinance concerning the issue of junk or old vehicles parked on their property and were an “eye sore” or possibly a safety hazard. Police Berndt sent a letter to those who were in violation and they were given two weeks to clean up their property. Mr. Wallner questioned why some residents

received letters and others that were in violation did not. The council agreed to extend the deadline to those residents that received letters. Mr. Templin will contact Todd County Solid Waste and have a dumpster delivered to Bertha for the residents within the city to put their nuisance in. The council set the official clean up days for residents for November 1st and 2nd. The hours for Friday was set from 8:00 a.m. until 4:00 p.m. on Saturday they will be able to utilize the dumpster from 8:00 a.m. until noon. The residents will have to pay for disposing of their items according to Todd County product price list.

5. Consider Business Items

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

Approval of Pay Request #22 which includes the following payments;

Motion by Zimmerman, seconded by Member Hammond approving – Partial Payment #8 in the amount of \$20,175.00 to Maguire Iron, Inc., for labor and materials, plus approved certificate of final completion (7/31/2013) contingent of USDA signing. The final completion certificate is for improvements for Part 1A- Water Tower Improvements.

Motion by Zimmerman, seconded by Member Hoemberg approving Amendment No. 2 to owner-engineer agreement for the Bertha Authority Improvement Project in additional compensation in the amount of liquidated damages of \$44,332.35 to Moore Engineering, Inc., for additional engineering and basic services pending USDA signing. The Part 2 Construction Contract had a milestone date of completion of October 15, 2012. The actual date for this milestone completion was November 21, 2012; a difference of 37 days. Additional compensation is necessary because of the additional time required to provide engineering services during this period. The contractor worked fully and continuously before and after the October 15, 2012 milestone date. However, the engineering contract did not consider or anticipate providing the additional services to the Part 2 Construction Contract during this time period. A review of the time accounting was made to determine what amount of time during the period from October 15, 2012 to November 21, 2012 was required to provide Construction Phase Services to Part 2 Construction Contract. Based on this review, Moore Engineering Inc., estimated 50 extra hours was required. They provided the city with itemized attachments to account for the additional compensation.

One other area of concern was the obstruction left to County Ditch 15 by Blombeck Construction created during the construction of the pond system. The obstruction on County Ditch 15 is just north of the City waste water plant on Parcel 29-4001200. Todd County Ditch Inspector Nancy Uhlenkamp sent a letter suggesting that the obstruction be removed as soon as possible since it is the responsibility of the landowner. The estimate size of the ridge is approximate 35 feet long and 3 feet wide. Currently it is under water and is hard to know the exact size. The natural flow of water is not being hindered at this time by the ridge. This matter will be reviewed in spring prior to closing the bond. Blombeck Construction has not taken any action to correct this concern at this time. Mayor Klebs will contact Commissioner Kneisl and discuss this issue with him to get his permission to proceed. Mayor Zimmerman suggested to Mr. Templin that the hydrants should be flushed once a month and monitor the chlorine better.

B. Public Nuisance

Council Member Zimmerman reminded Mayor Klebs that his 180 days will be up in November to have his one parcel cleaned up and repaired. Mayor Klebs asked for another extension and what violations he was in. Before an extension is granted, the council demanded that Mayor Klebs bring a plan to the November meeting stating his goals and timeframe he had in mind for his parcel at 220 Main Street West.

C. Welcome Sign –

Clerk Umland informed the council on estimates that she received from two businesses on the cost to have a rock engraved with the city name. As long as the rock is smooth enough for engraving the cost would be approximate \$550 if they come on-site and \$400.00 if you took the rock to them. If the rock needed to be ground for smoothness this would increase the cost up to possibly \$800.00. At this time, the council wanted to hold off and have Clerk Umland attend a meeting at the Clarissa City Hall on October 25, 2013 trying to promote area towns. The focus of this meeting is to begin a rock art project along Highway 71, beginning in Clarissa and fanning out down the roadway in both directions to encompass the cities in our county and beyond. The objective is to use rock, primarily field stone, found in abundance, to create rock sculptures in each areas community to bring in tourist traffic. The planning committee is in the process of writing grants and hiring artists to promote this project.

D. City Code Update

Mr. Churchwell, city attorney, has finished a draft of the new basic ordinances. Now, he will go through all of the City's existing ordinances and start putting the two together. This will take some time and then will be sending proposed chapters to the council for review.

E Bertha Wellness Center

Tri County Hospital has contracted Dave Chaffin to begin demolition to roof/ceiling area so the contractors can clearly bid on the building with most of the roof exposed. This should not only save time but also give the contractors a more definitive idea of the renovation costs as the contractors will know the extent of the roof repairs/changes.

6. Communication Reports

A. Reviewed the enterprise reports

B. Fire/Ambulance Report – No business to bring forth from either department. The council briefly reviewed the 2012 Investment Report Card issued by the Minnesota State Auditor Office.

C. Law Enforcement – Police Berndt was not in attendance. The council reviewed his monthly activity report which included the following for the month of September. The report showed violations as follows: citizen calls (21), citations (4), warnings (4), assist agencies (12), alarms (1) and vehicle unlock (1). The joint law enforcement committee met in Eagle Bend with Mr. Berndt to discuss how the agreement is working out.

D. Public Works – Supervisor Templin presented the public works September monthly activity report. After considerable discussion, council members agreed some action needs to be taken to eliminate some of the stray cats in town. We've had this problem for a long time and it's going to take some time to deal with this issue. The city has two cat traps available for residents to hire, free of charge. Residents must complete a hire form and agree to the conditions of hire and pay a fully refundable deposit of \$50.00. The cage can be hired for up to 7 days after which time it must be returned. Residents who fail to return a hired cage within the required time frame or damage the trap may lose their deposit. Mr. Templin supplied the council with information from Team Lab on mega bugs plus for municipal ponds. These bugs are a sludge reduction program. It will reduce sludge build-up, reduce odors, defers dredging cost, improves settling and provides competitive organisms to reduce algae and duckweed activity. Mr. Templin will supply more information at the November meeting. Motion by Hoemberg, seconded by Member Hammond to approve a lawn mowing and snow removal agreement with Tegrete Integrity with Ease. Complete agreement is on file at the City Clerk's Office with the contractor criteria that are required in order to work for Tegrete Corporation with the pricing schedule attached. Carried. Mr. Templin was asked to hold off ordering high-visibility utility markers for the fire hydrants.

E. Clerk Report – no business

Mayor Klebs has ordered that the November regular council meeting be rescheduled to November 7, 2013 at 5:30 p.m. due to Veteran's Holiday falling on the second Monday of the month. Veteran's Day is a legal holiday and is mandated by the government that no business can be conducted.

7. Committee Report

Volunteer firefighter is still on partial disability and should be able to go back to work full-time by the end of the month.

Councilmember Zimmerman will contact George Behl, Friendly Rider, to see if its possible to discontinue our agreement with them. Residents are using the county volunteer program instead of the Friendly Rider because it is cheaper.

Council Member Zimmerman and Hammond met and reviewed the 2014 budget and felt there is no place to reduce the budget at this time.

8. Meeting/Conference/Correspondence

A. Invitation to the Groundbreaking Ceremony for Maslowski Wellness & Research Center- Clerk Umland will attend in Wadena on October 22th at 10:00 a.m. and represent the city.

B. Sales Tax meeting in St. Cloud on October 24th was denied

9. Adjournment

There was no more business to come before the City Council. Councilmember Hoemberg moved, Member Hammond seconded the motion to adjourn. With all members in favor motion was carried. The meeting was adjourned at 9:40 p.m.