

CITY OF BERTHA
REGULAR MEETING OF THE CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
MONDAY, SEPTEMBER 8, 2014

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

Staff Present: Clerk Umland, Public Works Templin and Police Berndt.

Guest Present: Trinity Gruenberg, Chad Kilbury, Randy Chock, Roger Schahn, Jeff Collins, Joann Collins, Barb Mares, Donna Klebs, Dr. Bridgette King, Pete Wallner, Ken Nelson and Marv Stokes.

Declaring a quorum, 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 if there were any additions, corrections or deletions to be made to the Consent Agenda. **Zimmerman moved, Hammond seconded, to approve the Consent Agenda as presented which included the following items with one word correction to the August 11, 2014 minutes: with all members present voting in favor.**

- A.** Approval of the August 11, 2014 Public Hearing and Regular Council Minutes with the word change from PAWS to LuvChin. The correction was on page 2 the first paragraph and the last sentence. The sentence should read: The City of Bertha has only one licensed hobby kennel in which time she is working with LuvChin.
- B.** Approval of August Disbursements and Authorized Issuance in accordance with list provided including all electronic payments. Void check 14246 – Greiman Silk Screen – was Bertha Firemen Relief Association bill
- C.** Reviewed bank correspondence – Investments & Bank Statement
- D.** Approved Resolution 2014-16 authorizing participation with the Community Concern for Youth Program with Todd/Wadena Community Corrections. The city council agreed to contribute \$226.00 for the year 2015. The request for 2014 was \$237.00.
- E.** A petition submitted by Roger Schahn and signed by other adjoining property owners has been accepted by the City Council to “vacate” a 14 foot alley that runs between Lots 13-18/1-12 of Original Townsite of Bertha. A public hearing on the alley vacation request has been scheduled for the October 13th regular City Council meeting at 6:45 p.m. at the Bertha Community Center.
- F.** Authorizing the City Clerk to execute and deliver an agreement between the City of Bertha and Bertha Hewitt School District #786 for Police/School Liaison Officer services at a cost of \$700.00 per month.
- G.** Adopted Resolution 2014-19 authorizing the fire department to submit a grant application to the MN DNR for a Rural Fire Department Volunteer Fire Assistance Matching Grant to assist with the purchase of a leaf blower, 6- cloth backpacks and 17 pairs of wildland gloves for approximate cost of \$1,922.55 with local match of \$961.25.
- H.** Approval to send a letter of support to Anna Gruber, NJPA, for funding to create a feasibility study for a multi-purpose trail connecting cities along Highway 71.
- I.** Resolution 2014-21 adopting assessment for a current service: This current service assessment is for lawn mowing and removal of weeds charges at 103 Main St East (Parcel # 29-0021300). The amount to be assessed to the property tax roll is \$80.00. No written objections have been received. To date, there has been no prepayment.
- J.** Approved the following building permits:
2014-03- Peter Tranvik – 302 3rd Ave NE, 28X28 Garage
2014-04 – Peter Tranvik – 302 3rd Ave NE, 10X16 4 season porch

- K. Resolution 2014-22 adjusting Ambulance Accounts Receivable by \$1,453.66 since collection efforts have been exhausted and there is no need to keep it on the books at this time per request of Working 4 Professionals. The City Clerk was directed to remove the following delinquent accounts from the active account receivables and submit them to the collection agency:

Charlie Allen - \$623.05, Harvey Erickson - \$122.46 and Keri Monson - \$708.15

4. Public Comment – None at this time reconvened the public hearing at 7:04 p.m. from August 11th to discuss the full approval and adoption of the updated City of Bertha Ordinances, Series Three. The final approval will be made as part of the September regular council meeting. The major discussion on the draft city code copy centered on Chapter 10 entitled, “Animals”.

Chapter 10.5, Subdivision 1 stating, “To allow animal to run at large” was discussed at length. The council decided to change the word animal to dog.

Chad Kilbury tried to convince the council to allow more than two dogs per household or allow him to purchase a kennel license which would allow more than two dogs per household. After a long discussion, council decided to leave the number of dogs allowed per household to be two. Barb Mares explained the foster care organization of Luv-a-Chin that she is currently working with. The requirements for doing foster care are: 1-Fenced –in-yard, 2. Current vaccinations as required by the rescue organization based on vet. recommendation, 3-Licensed Veterinary reference/ one year prior working relationship and 4-2 or 3 personal references. Dr. King complimented her for not having any complaints on her foster care service. The expenses for making the dogs adoptable are her own. The dogs that Barb Mares takes in mostly have medical issues and that why they are seldom adopted by other people. It was suggested that when residents purchase their new dog license for 2015 they would provide a photo ID of the dog. After the end of the discussion, the council decided that the new city code should not allow anymore kennel license in the city and the one currently licensed be grandfathered in.

The council instructed Clerk Umland to contact the city attorney and make the following changes to Chapter 10 and have council approval before final copy.

10.1 Definitions

H. Running at large should be expanded- It was suggested possibly using the one from our current ordinance that states: It is unlawful for the owner of any animal to permit such animal to run at large. Any dog shall be deemed to be running at large with the permission of the owner unless it is on a durable leash secured to an object which it cannot move and on the premises of the owner, or on a leash or under the control of an accompanying person of suitable age and discretion, or effectively confined within a motor vehicle, building, or enclosure. The other suggestion was “At Large” shall mean an animal is off the property of the owner and not otherwise restrained or /and confined.

10.5 Prohibitions:

Sub. 1 -To read, “To allow any dog to run at large.

Subd. 3 – To read-No kennels shall be permitted within the City. This section does not apply to licensed veterinary clinics or to currently licensed individuals who are providing temporary foster care to a domestic animal. This section shall specifically prohibit the use of kennels to facilitate the breeding and selling of domestic animals.

One other subject that was brought up was not allowing outdoor furnaces in the city. The council felt the smell was the issue not to allow outdoor furnaces.

Motion by Hammond, seconded by Member Hoemberg to close the hearing. **Mayor Klebs closed the Public Hearing at 8:10 p.m. and re-opened the regular City Council Meeting.**

5. Consider Business Items

A. Ordinance No. 1, 3rd Series, Re-Adoption of New City Code & Repeal of Old Ordinances

The public hearing to consider adopting an ordinance enacting a code of ordinances for the City of Bertha amending, restating, revising, updating, codifying and compiling certain ordinances of the City dealing with the subjects embraced in the code of ordinances and providing penalties for the violation of

the code of ordinances was presented at the August 11th council meeting and reconvened at the September 8th council meeting. The council answered any questions the public had regarding the proposed codification. The major issue was concerning dog regulations in Chapter 10.

Hoemberg moved and Zimmerman seconded the motion to adopt the following ordinances and resolution upon necessary changes to Chapter 10 and its corresponding summary resolution for publication:

*** Bertha City Code, Ordinance No. 1 – Third Series, “Re Adoption of New City Code and Repeal of Old Ordinances”.**

*** Resolution 2014-12 A Resolution Authorizing the Publication of a Summary of Ordinance No. 1, Third Series, Re-Adoption of New City Code & Repeal Old Ordinances.**

*** Bertha City Code, Ordinance No. 2 –Third Series, “An Ordinance summarizing the outline of chapters for publication for the newly enacted third series of ordinances”.**

Ordinance s and Resolution passed by the following roll call vote:

Aye: Council Members Zimmerman, Hammond, Olson and Hoemberg.

No: No one

B. City Entrance Sign – Sentence to Serve will help the Garden Club with finishing touches to the sign area.

C. Alley Petition – Klimek’s Revised Addition – The residents in the 300 block of 1st Street SE petitioned the city on the ineffective drainage issue for the alley behind their homes at the August meeting. Korblick Construction viewed the sight and informed the council they could correct the drainage issue. The Korblick’s estimated the cost not to exceed \$1,500.00 so the city portion should be around \$300.00. Motion by Zimmerman, seconded by Member Hammond to proceed with the alley improvements. Carried. Clerk Umland has sent a letter to each landowner involved asking them if they approve and informing them their share of the cost. She has received replies back from all residents but one with the permission to go ahead and they will reimburse the city once the project is completed. She will contact the party that hasn’t replied back and see what their response is.

D. Resolution 2014-20 revising the water/sewer rate plus increase the late charge fee.

Clerk Umland, utilizing the Rural Water Worksheet available from MRWA online, compared water and sewer from neighboring communities to ascertain how Bertha’ utility rates measured up. The worksheet allowed for budget and project cost figures to be input and configured into a projected rate. It is important to note that no increase has been implemented for more than the last two years which includes no increase to keep pace with inflation.

Councilmember Hoemberg introduced the following resolution and moved for its adoption:

Resolution 2014-20

A Resolution Revising change in Municipal Rates for Water/Sewer Enterprise Funds

The Bertha City Council authorizes the increase for the base rate for water and sewer as follows:

Base rate for water will increase to \$10.00 bi-monthly

Base rate for sewer will increase to \$22.00 bi-monthly

No increase for consumption of water/sewer

Late fee will increase to \$15.00 if not received before the 15th

The new rate will become effective on the February, 2015 billing and continue until repealed.

Member Olson seconded the foregoing Resolution and the following vote was recorded: Ayes: Zimmerman, Olson, Hoemberg and Hammond. Whereupon the Mayor declared this resolution duly passed and adopted.

E. Resolution 2014-09

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

A Resolution Adopting the Preliminary 2015 Budget and Proposed 2014 Tax Levy for Taxes Collectible 2015.

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 2015, upon the taxable property in the City of Bertha, for the following purpose:

General Purpose	\$70,000.00
Fire Levy	\$ 8,750.00
Street Improvements	\$15,000.00
Ambulance Levy	<u>\$ 1,000.00</u>

Total Levy \$94,750.00

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

Adopted and passed this 8th day of September, 2014.

Member Hoemberg seconded the foregoing motion and passed unanimously.

6. Communication Report

A. Review the enterprise reports

B. Fire/Ambulance Report – Mr. Wallner informed the council that the department is interested in moving the picnic shelter and will do it sometime in October. No vote was taken on fire department responding to ambulance calls.

C. Law Enforcement – Police Berndt presented his August activity report. The report showed violations as follows: 2-accidents, 3-citations, 2-warnings, 21-citizens calls and 3-assist other agencies.

D. Public Works – Supervisor Templin presented the August monthly activity report.

Continue to work on closing out the Bertha Authority Project which includes handrails for 4th St., removal of grit from clarifier and get quotes for locate equipment. Working with the township to repair main road to ponds. Working on getting more quotes for repairs of streets for the 2015 construction season.

Pete Wallner is still having problems with rain run off going into his buildings on 1st Ave NW. He feels that the city should contact their lawyer and get this matter corrected. Clerk Umland was asked to contact Jeff at USDA and see if we can hold Moore Engineering accountable for this problem. It was suggested that maybe the city could hold the retainage until the street is fixed. Joann Collins inquired about when the alley would be fixed by her place. The council reviewed the vacation/comp hour request they received from Mr. Templin. The council felt that they would be willing to pay off the comp. time that accumulated during the Bertha Authority Project and not get paid for his vacation that he has coming. Motion by Zimmerman, seconded by Member Hoemberg to issue Mr. Templin a payroll check for \$1,732.50 for 110 hours at \$15.75 per hour of comp. time that he has accumulated. Carried.

E. Clerk's Report – see overview of agenda

7. Committee Reports – None

8. Correspondence/Meeting/Conferences

A. First Responder Incentive Pilot Program – Todd County has qualified to be a pilot county for the next three years to pay \$500.00 stipends to each volunteer firefighters, ambulance attendants, and emergency medical responders who serve providers headquartered in the pilot area, with the objective

of improving volunteer recruitment and retention. The departments will receive their first payment in 2015.

B. NJPA- two upcoming meetings September 25th they will host an Innovation Funding Review Day where the applications for Innovation Funding will be reviewed and we will make the decision on who will be funded. On October 2nd, they will host the 2nd Annual R5 Summit. This is a one day mini conference for members of Region Five and they will give a brief overview of programs offered.

C. Regional Meeting-Vergas on October 29th.

D. Mn Deed Meeting – Fergus Falls on September 24th – Deed is holding a series of workshops on the management of state MIF revolving loan funds and will help ensure that reuse of these dollars is being done in accordance with state law and guidelines.

E. Annual Enviro Fest. – September 18th at the Dale Katterhagen residence. This event is a great opportunity to educate the 6th grade students from Todd County on environmental issues. Instead of doing a cash donation the city employees were asked to do a water protection presentation with our new sand model that was purchased with Mn Dept. of Health grant.

F. Review the city ballot for 2014

G. USDA email from Jeff - giving the council an update on wrapping up the RD grant

9. Adjournment

There was no further business to come before the City Council, Councilmember Hoemberg moved, Member Zimmerman seconded the motion to adjourn. With all members in favor, motion was carried. The meeting adjourned at 9:35 p.m.