***CITY OF BERTHA***

***REGULAR MEETING OF THE CITY OF BERTHA***

***HELD AT THE BERTHA COMMUNITY CENTER***

***MONDAY, MAY 11, 2015***

**Members Present: Zimmerman, Olson, Hoemberg and Bowman**

**Members Absent: Nelson**

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

***Guest Present:*** Barb Mares, Pete Wallner, Dan Almquist, Tim Churchwell, Randy Chock, Roger Schahn, Trininty Gruenberg, Dean & Donna Klebs and Marv Stokes.

***Declaring a quorum, Mayor Zimmerman called the meeting to order at 6:31 p.m. and the citizens recited the Pledge of Allegiance.***

***3. Public Comment***

Some residents were in attendance to discuss the nuisance letter they received on their properties. Barb Mares stated in her complaint that the letter stated “Due to the number and frequency of complaints” about her yard and yet the city had no complaints on file for her. Officer Berndt stated that it was an ordinance violation and the letter did not originate from a complaint. Mares said the wording of the letter sent out was threatening. The council explained to Mr. Schahn that they were concerned about the tractor on blocks as a liability issue and a safety hazard. Mr. Klebs inquired why the March and April minutes were not on the website. Clerk Umland explained that the city was in the process of transferring the information to a new domain. She will contact the webmaster and get the minutes on the new site.

***4. Communications Reports***

 ***A.*** Reviewed the enterprise reports for April – no questions

 ***B. Fire/Ambulance Reports – No one in attendance from the Ambulance Department***

Mr. Wallner informed the council that the paperwork was submitted to DNR for items purchased and paid for according to the grant rules. Once DNR process the paperwork, the fire department will be reimbursed up to 50% by the state not to exceed grant contract amount. He also stated that the department was disqualified for the FEMA grant. Chief Wallner discussed the band for Bertha Bear Days. He stated that Dan Becker was invited to the next firemen meeting to discuss sharing the cost of the band to move the band closer to the bar. With the band costing $2,000.00 they felt the bar should pay a portion of the band if they want it closer to the bar.

 ***C. Law Enforcement –*** Mr. Berndt presented the council with his April monthly activity report. The monthly report showed violations for Bertha as follows: 18-citizen calls, 5-citations, 3-warnings, 4-public assist, 1-investigations, 1-alarm and 1-vehicle unlock. DARE graduation was held at 2:00 that afternoon at the school.

 ***D. Public Works Report -*** Council reviewed the April Public Works maintenance activity report from Mr. Templin. Mr. Templin informed the council that Korblick Excavating was coming the next day to remove concrete tank. The crack sealing work on the streets should start in a few weeks, depending on the weather.

***Approval of Pay Request #31 which includes the following payments:***

***Payment #2 in the amount of $1,700.00 to Korblick Excavating, LLC for labor and materials was approved.***

***Payment #1 in the amount of $1,471.89 to RDO Water (MVI) for labor and materials was approved.***

***Payment #1 in the amount of $8,050.00 to Municipal Service Co., Inc. for labor and materials was approved.***

 ***Council Member Hoemberg moved and Member Bowman seconded the motion to approve Pay Request #31 contingent upon USDA signing. Carried. This will be the final project disbursement. The city has a remaining balance of $7,041.51 in the Rural Development grant fund.***

Members of the council had concerns about the position of the rock near Hwy. 71. They questioned Mr. Templin if he could take the loader and reposition it for better visibility. He would need help and would be willing to try.

 ***E. Clerk’s report –*** informed the council that all the information from our old website was transferred to the new website.

***5. Consider Business Items***

 ***A.* City Prosecution Service -** Discussion on switching prosecution service from the Todd County attorney to Brown & Krueger Law Firm. The cost is slightly higher but Mr. Berndt felt this law firm would follow through and prosecute a case where the county has thrown out the last two. The pretrial and omnibus hearings are included under flat fee. A trial is considered a court trial or jury trial. The two hours max of trial prep will be at the $120/per hour. Motion by Hoemberg, seconded by Member Olson approving a contract with Brown & Krueger for prosecution services which would include both criminal and the administration of a worthless check program. Carried. Clerk Umland will send a letter informing the county to cancel the contract with the city for prosecution service. The annual fee for 2015 will be $1,250.00 in addition to the flat fee set at $120.00 per hour for trials. The annual fee for 2015 will be pro-rated. Clerk Umland will contact Joe Krueger and have a contract drawn up for the rest of the year.

 **B.  *Impounded Vehicle***. – Clerk Umland put a notice in the Independent News Herald accepting bids for the Buick Century that was stored at the impound lot. Sealed bids would be accepted until noon on May 7th. No bids were received so Clerk Umland called three parties asking them if they were interested in the vehicle. The following bids were offered: B & W Transmission - $75.00, Steve’s Auto Repair - $100.00 and Greg Samuelson- $165.00. Accepted a $165.00 bid from Greg Samuelson for the Buick Century which the buyer picked up the same day.

***6. 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 may be moved to an appropriate section of the regular agenda for discussion.

 Mayor Zimmerman asked if there were any additions, deletions or corrections to be made to the Consent Agenda. Two permit applications were added under Section D- Building Permits. Bowman moved, Olson seconded, to approve the Consent Agenda as presented with the addition of 2 building permits; with all members present voting in favor.

1. Approval of April 13, 2015, Regular Council Minutes and the April 22, 2015 Board of Review Minutes
2. Approval of April Disbursements & authorized issuance in accordance with the list provided including all electronic payments.
3. Review bank correspondence – Investments & Bank Statements
4. Building Permit – 2015-02 Loretta Coon to install a portable shed on her property

 2015-03 Kenneth Matteson to build a 10X18 deck

 2015-04 Dale Finck to construct and install a privacy fence made of pressure treated wood in accordance with the approved plan that was submitted.

1. Adopt Resolution 2015-13 to certify delinquent ambulance bill for inclusion to the tax roll and directed the city clerk to remove the account from active receivable of the City, said account being detailed in the official files of the City. The City Clerk has determined that certain ambulance billing account, shown on 2015-13 is uncollectible.
2. Adopt Resolution 2015-14 to certify delinquent ambulance bill for inclusion to the tax roll and directed the city clerk to remove the account from active receivable of the City, said account being detailed in the official files of the City. The City Clerk has determined that certain ambulance billing account, shown on 2015-14 is uncollectible.

***7. Committee Report – No Reports***

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

***A. Citizen Complaints***

 Barb Mares-The city office received a citizen complaint from Ms. Mares about how we dealt with nuisance properties. She had three concerns stated on her form: 1-“Due to the number & frequency of complaints.” When she checked with the city clerk there are no complaints on file at the city office. 2. Ordinance says, “the city shall notify in writing the owner of record and occupant.” She stated that the owner of record did not receive a copy of the nuisance letter. 3. Under waste materials – Others was listed a box spring & mattress and recliner on the exterior of the house. She stated there was no box spring or mattress. She felt that the letter was just to threatening. Mr. Berndt tried to explain the nuisance letter to her.

Dean Klebs- indicated after the April 13th meeting three individuals who were still in the Community Center witnessed what they told him was a meeting after adjournment of all 5 members of the council along with Randy Chock and Bobby Berndt. Mayor Zimmerman explained the situation to Mr. Klebs. The only time this is allowed by statutes is if there is an emergency. He was concerned that this was a violation of the open meeting law. Motion by Hoemberg, seconded by Bowman to turn Kleb’s complaint over to the city attorney for investigation of having an unintentional illegal meeting after the regular meeting was adjourned. Carried.

It was suggested that meeting notices be posted on the door of city hall instead of the bulletin board.

Dan Almquist approached the council with a sidewalk application request on behalf of Bob Johnson. Motion by Member Bowman, seconded by Member Hoemberg to approve the application from Bob Johnson, 201 Central Ave South to replace his current sidewalk abutting his property reimbursing him at $4.00 per foot for 104 feet. Carried.

***B. North Star Lumber –*** surface material for playground- Clerk Umland received a quote for 17.95 per yard for wood fiber for surface material at the playground from North Star Lumber. The hauling cost is $4.00 a loaded mile for up to 115 yards. Clerk Umland will inspect to see how much is needed.

***C. Complaint from Thomas Mettler -*** The complaint stated while their camper was stored at the Lion’s Building someone removed the propane tanks and replaced them with some old rusty ones. It was suggested to not allow tanks on campers while stored at the building. Clerk Umland will state on the rental form all propane tanks must be removed prior to storing them in the Lion’s Building for next year.

***D. Flouride Standard Lowered- reviewed correspondence from League of Mn Cities***

***E. OSHA Grant - Reviewed*** letter from Mn Department of Labor & Industry thanking the city for its application for a safety grant. The grant was denied because of overwhelming responses to this program; the number of applicants far exceeded the available funds.

City Streets Funding - the omnibus bill for city street funding has advanced

 ***9. Adjournment***

 There was no further business to come before the City Council, Council Member Hoemberg moved; Member Bowman seconded the motion to adjourn. With all members in favor motion was carried. The meeting adjourned at 7:50 p.m.