

**CITY OF BERTHA
TODD COUNTY, MINNESOTA
REGULAR MEETING OF CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
MONDAY, APRIL 11, 2016**

Members Present: Zimmerman, Olson, Hoemberg, Nelson & Bowman
Staff Present: Umland, Berndt & Templin
Guest Present: Mark Turner, Pete Wallner, Marv Stokes, Ron Bastian, Trinity Gruenberg, Barb Mares, Mark Fay and Glenn Winters.

Declaring a quorum, Mayor Zimmerman called the meeting to order at 6:30 p.m. and the citizens recited the Pledge of Allegiance.

Public Comments:

An opportunity for members of the public to address the City Council on items not on the current agenda. Items requiring Council action maybe deferred to staff or committees for research and future agenda, if appropriate. There was no one under unscheduled business to address the Council.

Two concerned residents voiced their opinions on the increase in their 2016 property taxes.

Ron Bastian, 204 Cherry Street & Glenn Winters, Highway 71 North both expressed concerns about the high increase that property taxes took is going to hurt the homeowners. They were informed that the money is intended to be used for street improvement projects and repairs to a catch basin by the housing intersection. Mr. Winter stressed that he receives no benefits from the city. Mr. Winters questioned why his evaluation went down and his taxes went up significantly. Mr. Zimmerman informed the residents that the State of Minnesota has two property tax refund programs for homeowners. The regular Homeowner's Homestead Credit Refund is based on the increase of your property taxes paid on your principal place of residence. The special Homeowner's Homestead Credit Refund is based on the increase of your property tax over the previous year with no income limitation. Property owners may qualify for either or both of these refunds. If your net property tax on your homestead increased by more than 12% from 2015 to 2016 you may qualify. The maximum special refund would be \$1,000.00. The council suggested to Trinity Gruenberg, reporter for Independent News Herald, to contact a tax accountant and do a special article for the local newspaper.

4. Communications Reports

A Enterprise Reports – March reports were reviewed

B. Fire/Ambulance Reports – No one was present on behalf of the Bertha Ambulance.

Mr. Wallner informed the council that the south garage door at the fire hall was installed. Mayor Zimmerman asked Mr. Wallner if the fire department could do a control burn on Ditch 15. Also, it was suggested that Ditch 24 east of the creamery be burned but questioned who they should contact. Brief discussion on the house burn for the Eckel's house located at 109 4th ST NW.

C. Law Enforcement – Mr. Berndt presented his March activity report. The monthly report showed the following violations for Bertha: 11-citizen calls, 3-citations, 2-warnings, 5-public assists, 2-investigations and 3 assist other agencies. Mr. Berndt handed out an outline he put together that showed the steps for the abatement process.

D. Public Works Report – Mr. Templin stressed the importance of having residence submit a picture of their dog when applying for their annual license. The Council reviewed the March Public Works activity report submitted by Mr. Templin. Some highlights for the month included: sweeping streets, grading alley and street behind manor, attended two out of town meetings and picking up brush/branches around town. Mr. Templin will get some quotes for marking the streets for parallel/angle parking in the business area. They stressed the importance of him doing the work instead of hiring it done. He suggested that it was cheaper to have it hired out since they can purchase supplies in a larger quantity. It was also suggested to go to Wadena and purchase hot mix to fill some of the bad potholes. Mr. Templin asked to have a new door installed on the city shop on the south end. He will provide some quotes at the May meeting. Clerk Umland will provide an estimate to add wood fiber under the playground equipment area at the park for the meeting in May. The existing wood fiber has settled and to meet OSHA standards to prevent an injury we must install some more to bring it up to regulations.

5. Consider Business Items

- A. Nuisance Property** - Mayor Zimmerman summarized the letter from City Attorney Churchwell informing the council that he had documents at his office ready to serve Mr. Gerald Berndt. Once the documents are served an Affidavit of Service will need to be completed. The Affidavit must be returned to his office so he can file it with court. Additionally, the city must provide a check made payable to Todd County Court Administration in the amount of \$327.00 to cover filing fee. The court system will then set a date for the hearing. If Mr. Berndt fails to appear or contest the matter, the City will receive an order allowing them to hire the nuisance removed.
- B. Street Improvements** – Reviewed an estimate from Ideal Construction LLC to install 1.5 inch overlay on 2nd St SE which includes raising low area to get proper drainage, milling edges, tack and leveling bad spots in street with fines for a cost of \$25,960.00. Mr. Templin will try to provide more estimates for the May meeting.
- C. Bids received on the Impounded ATV**-Clerk Umland accepted bids until noon on April 4, 2016 for a 2000 Artic Cat ATV. Two bids were received at the City Clerk's Office and were presented to the council with the following bids:
- Ken Snook - \$512.00
 - Ron Elgin - \$500.00
- Motion** by Hoemberg, seconded by Member Olson to accept the bid from Ken Snook for the Artic Cat ATV as a result of a driving after revocation violation. Carried. The proceeds are required to go towards a drug/alcohol enforcement program.
- D. Traditions Bar & Grill** – Fay, owner of Traditional Bar & Grill, raised the question of allowing intoxicating liquor sales until 2:00 A.M. and Sunday on-sale intoxicating liquor for liquor-licensed establishment.
- a.** 2:00 a.m. closing- He raised the question of allowing 2:00 a.m. closing for six special events during the year. The current city code states the sale of intoxicating liquor until 2:00 a.m. on Friday and Saturday upon approval of

the Council. Our city attorney recommended that the council would either permit or deny the request for 2 a.m. closing, irrespective of dates or days. There were pros and cons tossed around about allowing the 2 a.m. closing. Mr. Berndt suggested for the festival to only sell liquor until 1:00 a.m. because of public safety reasons. At this time, Mr. Fay has decided not to pursue submitting an application for Optional 2 a.m. to Alcohol and Gambling Enforcement Division of the State of Minnesota. Clerk Umland will check with the AGED to see if they issue temporary permits for the year and if so how many events are allowed.

- b. Resolution 2016-10: Sunday Liquor Ballot Question:** Mr. Fay requested that the city council put the issue on the ballot to have the residents decide on full Sunday liquor. He intends to put up fliers and do visits around town to let people know about the issue. Customers have approached him on opening and having a buffet on Sunday. If he is open and wants to serve liquor with the meal, the city must be authorized to do so by voter approval at a general or special election as provided by State Statute prior to be able to issue a Sunday Liquor License. Sunday on-sale intoxicating liquor license may be issued only to a restaurant which has seating capacity of at least 30 persons, and which already holds an on-sale intoxicating liquor license, and which serves liquor only in conjunction with the service of food. **Motion** was made by Bowman to put the question on the ballot for the next general election on November 8, 2016, seconded by Olson. Carried A sample ballot was provided to the council in their monthly agenda package no action is required. If the voters approve Sunday Liquor before it takes affect the city code must be amended and fee will have to be set.
- c.** Mr. Fay inquired about installing cement barricades in back of his establishment eliminating the parking stalls that presently exist. Mr. Templin will meet with Mr. Fay on Tuesday.

There was a brief discussion about fencing an area adjacent to his establishment to have better control over the public during the summer festival. Clerk Umland will check with Line Building and Eagle Bend Lions to see what is available.

E. Ambulance Claims Processing – Resolution 2016-11

A resolution authorizing city officials to enter into an agreement with Ambulance Claims Processing Services for ambulance billing services. Ambulance Claims Processing will provide billing service with the following fees: onetime fee of \$500.00 waived and \$26.00 per claim fee. Upon roll call vote Aye: all members present. Nay: None.

6. Review and Adopt the Consent Agenda

Note: The Consent Agenda listed those items of business which are considered to be routine which need no discussion. Consent items are acted upon by one motion. If discussion is desired by council, that item may be removed to an appropriate section of the regular agenda for discussion.

- I. Approved Building Permit Application 2016-02 to Mark Turner to construct a 12 unit mini storage building. The new structure will be located 311 Main St West. The dimension of the structure will be 40X60X9 and run north and south. Mr. Turner was in attendance to answer any questions that the council had. Construction start date is slated for May 15th. He has already contacted both the county and state highway department about right-a-way issues prior to construction.

7. Committee Reports

None

8. Meeting/Conferences/Correspondence

A. Board of Appeals and Equalization Meeting will be held at the Bertha Community Center at 10:30 a.m. on April 20th. Mayor Zimmerman reminded members of the council to attend.

B. 2016 Consumer Confidence Report was reviewed - all community water systems must distribute the report annually to their customers before July 1, 2016. Since our population is under 500 we only have to make it available upon request. The city must post a notice that the CCR will not be mailed to residence or published.

C. Todd County Public Works Department – information only

D. City of Hewitt - correspondence from clerk about filling in while she was on maternity leave.

E. Correspondence from City Attorney Churchwell – outlined the steps for the abatement process according to the Bertha City Code.

F. Paid Family Leave Bill – for review only

G. Information on LGA – review only

H. Delinquent ambulance bills concerning not being covered by U-Care

I. Letter from Community Corrections – correspondence from Todd/Wadena Community Corrections requesting that the city consider making a donation to the Sentencing to Service Program to help purchase some needed equipment. Due to the extensive projects the crew completes, they are asking for donations to purchase some safety equipment. They have done several projects within our city. Motion by Nelson, seconded by member Bowman approving a \$100.00 donation to the Sentence to Serve Program. Carried.

Upcoming Events:

TCCA Volunteer Recognition/Healthy Communities Grant Event will be held on April 19th.

Prior to adjournment Mayor Zimmerman briefed the council how over the years the general fund has been depleted and what projects were done.

9. Adjournment

There was no further business to come before the City Council, Member Olson moved; Member Nelson seconded the motion to adjourn. With all members in favor motion was carried. The meeting adjourned at 8:30 p.m.