

**CITY OF BERTHA
TODD COUNTY, MINNESOTA
REGULAR MEETING OF CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
MONDAY, AUGUST 8, 2016**

Members Present: Zimmerman, Olson, Hoemberg, Nelson & Bowman

Staff Present: Clerk Umland, Public Works Templin & Police Berndt

Guest Present: Mark Fay, Trinity Gruenberg, Beau Byman, Marv Stokes, Pete Wallner, Barb Mares, Joann Collins, Gerald Berndt and Roger Schahn.

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 committee for research and future agenda, if appropriated.

Mark Fay, owner of Traditions Bar & Grill, discussed plans for his ***Grand Opening celebration*** on August 13th and let them know how he was going to control the public. He asked permission to use the city picnic tables. He would like to install a speed bump in back of his business on his portion of the alley to keep debris down. Mark will work with Adam to see what route to take to correct the problem. He mentioned that he made a proposal to the current owner of the Kapp's Kafe property.

Public Hearing opened at 6:45 p.m.

Consider and hear testimony as to an ordinance amending Chapter 13 adding Section 13.30 Temporary Housing opting-out of Minnesota Statutes, Section 462.3593. Governor Dayton signed into law the creation and regulation of temporary family health care dwellings. The only person to speak was Joann Collins that voiced her opinion in favor of not opting out. Motion by Bowman, seconded by Member Nelson to close the public meeting at 6:52 p.m. and opened the regular Council meeting.

5. Communications Reports

A. Enterprise Report – July reports reviewed.

B. Fire/Ambulance Reports – Pete Wallner informed the council that they are having a background check done on a perspective new member. Two fire trucks are in the process of getting repaired. Mayor Zimmerman questioned Mr. Wallner on the department by-laws concerning how many miles from the station a volunteer can live. He stated the present by-laws state 4 miles, which the department is in the process of changing to response time. Mr. Wallner is in the process of finding someone to remove the existing tower. Mr. Wallner was informed to purchase a new phone and Mr. Templin is checking into a new base station for the fire hall. No one present from the ambulance department

C. Law Enforcement – Mr. Berndt presented his July activity report. The monthly report showed the following violations for Bertha: 4-citations, 2-warnings, 3-public assists, 1-investigatation, and 4-assist other agencies, 2-alarms, 1-vehicle unlock and 18-citizen calls. Mr. Berndt updated the council on how many dogs are licensed and stated that he is in the process of issuing citations to some residents due to not having their dog licensed. Collins shared concerns about cats not having licenses. She was

upset about her neighbor's cats using her yard as a toilet. She was informed that traps are available for use.

D. Public Works Report – Mr. Templin supplied the council with his June activity report. Some of the highlights for the month were; John Deere loader repairs, the streets, alleys and basketball court have been cracked sealed and Adam will be getting the city pickup tomorrow. The city pickup was damaged during an oil change. Ideal Construction will be in town next week to start the street project on the north side of the school.

E. Overview of August Agenda - reviewed prior to the meeting

6. Consider Business Items

A. Nuisance Property Evidentiary Hearing is scheduled for August 16th at 1:30 p.m. Mr. Berndt was questioned on the camper that is parked at the residents. He stated it was usable and road legal. The only thing that needs to be done to make the parcel in compliance is remove a pile of dirt/rocks/concrete. The consensus of the council was not to bury it and have it hauled to the city dump. Ken Nelson & Bobby Berndt will do a final compliance check when authorized by Mr. Gerald Berndt hopefully soon to avoid the hearing.

B. Ordinance No. 3, 3rd Series-Amending Chapter 13 adding Section on Temporary Housing
Governor Dayton signed SF 2555 into law which creates a new process for local government to permit certain types of recreational vehicles as temporary family dwellings. The main reason behind the new law is to provide transitional housing for seniors. The Bertha City Council elected to opt out of the requirements of Minnesota State Statutes 394.307. The bill allows local governments to opt out of the program if they determine that this type of expedited land use permitting is not well-suited to the community. After due discussion at the public hearing, a motion was made by Nelson and seconded by Bowman to recommend to the Council to approve Ordinance 3 an amendment to City Code Series III, adding Section 13.30 to Opt-out of Minnesota Statutes, Section 462.3593. All voted for the motion and it carried. Since the ordinance change was so brief and simple the city didn't have to publish a summary. The amendment was approved by the city attorney.

C. Street Improvements – Ideal Construction will be town next week.

D. Street Light – Minnesota Power & Light has met with officials about the installation of the additional new light at the intersection of Main Street and 2nd Ave.

E. 2017 Budget – review the budget by the next meeting must adopt preliminary levy

7. Consider Consent Agenda – Action Required

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.

Mayor Zimmerman asked if there were any additions, corrections, deletions to be made to the Consent Agenda. Item G was added to the consent agenda. Motion by Hoemberg, seconded by Nelson and passed by unanimous vote to approve the consent agenda as amended, adding Item G, Building Permit 2016-08. The consent agenda included the following items:

- A. Approval of the July 11, 2016 Regular Council Minutes
- B. Approval of July Disbursements & Authorize Issuance in accordance with the list provided including all electronic payments. Checks 15542-15546 were void due to printing the monthly minutes on them.

- C. Review bank correspondence - Bank Investment Statement
- D. Independent News Herald – Approved sponsorship for the annual Bertha-Hewitt School Calendar & BH Photo Page Ads for the 2016-2017 school year. The sponsorship Ad for the calendar is \$50.00 and Photo Page is \$240 per year for 16 times.
- E. Certify/Approve Annual Benefit Level & Authorize Signatures on SC-16 state report. The 2016 Schedule Form is designed to help determine the relief association’s projected assets and liabilities for 2016 and the minimum required contribution for 2017. The majority of the pension funding comes from the State of Minnesota’s 2% premium tax. Benefits are payable in a lump sum based on the number of years of service. Contained in this schedule form is the City’s contribution which is projected to be zero.
- F. **Resolution 2016-21** Approving the Language Access Plan which sets forth the recommended strategy and step-by-step procedures for ensuring that persons with limited English Proficiency have meaningful access to programs and activities receiving Federal financial assistance from the USDA.
- G. Approved Building Permit 2016-08 granting Trudy Gropper the right to construct a 8X10 deck at the resident at 309 Main Street East.

8. Committee Report

None

9. Meeting/Conference/Correspondence

- A. Bertha Township Combining Polling Place** – not interested at this time
- B. Upcoming League Event** – Fall Regional Meeting will be held in Fergus Falls
- C. Board of Appeal & Equalization Training** – encourage council members to train on-line
- D. Correspondence from Eagle Bend showing the refund given for police service**

10. Adjournment

There was no further business to come before the City Council, Member Bowman moved; Member Olson seconded the motion to adjourn. With all members in favor motion was carried. The meeting adjourned at 7:20 p.m.