

**CITY OF BERTHA
REGULAR MEETING OF CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
MONDAY, JULY 10, 2017**

Present: Mayor Zimmerman, Members Olson, Nelson, Nelson and Bowman

Staff: Clerk Umland, Police Berndt and Public Works Templin & Ashbaugh

Guest: Jason Murray (David Drown Associates), Gerald Berndt, Mitchell Bechtold, Russ Vandeneuvel, Mark Fay, Birch Pettow, Shaun Nelson, Amy Botzet, Linda & Kerry Nelson, Trinity Gruenberg and Marv Stokes.

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

Oath of Office

Mayor Zimmerman announced that City Clerk Umland administered the Oath of Office to newly appointed Member Deb Nelson on June 30, 2017. She will fill the vacancy of Member Hoemberg due to his relocation and will fill the vacancy until December 31, 2018. The Oath of Office was administered by Clerk Umland, with due authority, noting that Member Nelson taking the oath raised her right hand while reciting the oath. She also signed a copy of the oath in the presence of the administering official, which was acknowledged and notarized and filed with the office of the city clerk per MN Stat 358.11(3).

3. TIF District Hearing

Pursuant to Notice of Public Hearing for the creation of Tax Increment Financing District No. 1-1, Mayor Zimmerman closed the regular meeting and opened the public hearing at 6:31 p.m. Jason Murray of David Drown and Associates was on hand for the TIF District Public Hearing. Jason has been working with setting up the plan and approving the resolution for the TIF District.

Mayor Zimmerman asked three times if there were any public comments and/or questions. No public comments were expressed.

Mayor Zimmerman closed the public hearing and re-opened the regular meeting at 6:33 p.m.

Member Bowman introduced ***Resolution 2017-25*** and moved its adoption, ***“RESOLUTION APPROVING THE ESTABLISHMENT OF MUNICIPAL DEVELOPMENT DISTRICT NO. 1, THE ADOPTION OF THE DEVELOPMENT PLAN RELATING THERETO, THE ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 1-1 WITHIN MUNICIPAL DEVELOPMENT DISTRICT NO. 1, AND THE ADOPTION OF THE TAX INCREMENT FINANCING PLAN RELATING THERETO”***

Mr. Nelson, the developer, had a few questions clarified on the terms of assistance. He was informed that he would be provided with 1” water meter at no cost. The connection fee of \$3,965.35 per unit will be payable prior to hook-up to the city main. The developer must make payment of \$2.00 prior to construction for the purchase of Lot 2 & 3 of Hope Addition One. The developer has engaged in the option to purchase Lots 6 & 7 of Parcel 29-4005400 prior to December 31, 2018.

It was duly seconded by Member K. Nelson. Upon a voice vote the following members voted:
AYES: Councilmembers Bowman, Olson, Ken Nelson, Deb Nelson and Dennis Zimmerman
NAYS: None.

Whereupon Mayor Zimmerman declared said Resolution 2017-25 to be duly passed.

4. 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 may be deferred to staff or committee for research and future agenda, if appropriated.

Mark Fay, owner of Traditions Bar & Grill, shared that one business was upset about having the street closed in front of their business. He said most vendors were pleased with their sales. Items that need to be addressed next year: closing the street in the business district, porta potties being pumped Saturday morning and placement of the dumpster.

Mitchell Bechtold, the Catholic Priest, introduced himself to the council.

5. Communications Report:

A. Enterprise Reports – June reports were reviewed.

B. Fire/Ambulance Reports – Asst. Chief Shaun Nelson gave recognition to all volunteers that helped make Bertha Bear Days successful and helped put Bertha back on the map. His only complaint was that the street wasn't swept to remove all the cigarette buds on Saturday morning. Mr. Vandeneuvel, Bertha Ambulance Service, stated that the ambulance rig was out of service today to get the fuel pump regulator replaced. New tires will be installed on the rig. He informed the council that a new EMT, Amanda Hanson, was added to the roster.

C. Law Enforcement- Mr. Berndt presented the council with his June activity report. The monthly report showed the following violations for Bertha: 17-citizen calls, 7-citations, 6-warnings, 0-arrest, 1-public assist, 1-investigation, 2-assist other agencies and 1-vehicle unlock. There was a lengthy discussion concerning parking on the side street by the low rent housing. One person was ticketed for parking by the yellow line. He received a complaint from the postal carrier about residents parking by the yellow line. There was a complaint that there was no handicap parking in that area. It was suggested that the tenants use the housing parking lot where they have available special marked handicap parking area. Mr. Berndt also was informed that the clerk received a call from Chad Kilbury stating that he was not going to remove the tires from alongside his building. They will be doing a follow-up inspection and see what residents were not in compliance yet. It was suggested that Mr. Berndt start the process of abating three parcels for dilapidated conditions.

D. Public Works Report – Mr. Templin supplied the council with his June report. The monthly report included: reviewed the repairs done to the equipment, water tower cleaned, spray the ponds for algae and weeds, and kept the grass mowed. He inquired about getting the outside of the water tower cleaned but was told to put it on hold. For next month, he should provide the council with an estimate to upgrade the RV Park electrical outlets.

E. Clerk's Overview – Information only

6. Consider Business Items

A. Hope Addition One – Terms for Assistance – Nelson Housing Development

Mr. Jason Murray, DDA Associates, drew up a terms for assistance letter on the Nelson Housing Development Project. The purpose of this letter is to outline the proposed terms of a development agreement between the City and Kerry/Linda Nelson on the townhomes housing development in the City of Bertha. Both parties, the city and developer, were responsible for signing the agreement. The complete agreement is on file at the City Clerk's Office. Home Town Abstract & Title is presently working on the closing paperwork on these properties.

B. Encroachment B-H Transportation – no change – City Clerk sent an email to their attorney and no response was received back.

C. Gambling – Local Gambling Tax

Member Zimmerman & Nelson met with representative of the Todd County Trail Association and Mark Fay regarding the city receiving up to 10% of the net profit derived from lawful gambling. A fund would need to be set up and administered by the city. Using the figures from 2016, they were informed the amount the city would receive would be approximately only \$900.00. They decided not to pursue this issues at the present time.

D. Tax-Forfeit Property – Bertha Enterprises

The City received a request from the Todd County Auditor seeking the City’s review of tax forfeited land. Minnesota Statute 282.01, subd. 1 requires that cities shall first approve the sale of tax-forfeited land located within their respective boundaries before any land can be offered for sale by the County. These statute further states: “the town board of the town or the governing body of the municipality will be deemed to have approved the classification or reclassification and sale within 60 days of the date of request for approval was transmitted to the town board of the town or governing body of the municipality.” The city may also withhold properties from the sale if it wishes to consider purchasing any parcels for public or economic development purposes or receive it for public use. The council felt there would be some potential uses for this property that would fit the public use requirements, but the cost of bringing it to a usable condition would be expensive. The following are tax forfeited parcels within the city limits that will go up for auction:

29-0004900	Lot 3	Blk 132	Appraised Value	\$15,000.00
29-0005000	Lot 3	Blk 132	Appraised Value	\$ 500.00
29-0005400	Lot 11	Blk 132	Appraised Value	\$ 500.00
29-0018900	Lot 3	Blk 132	Appraised Value	\$15,000.00

A Motion was made by Member K. Nelson with a second being made by Member Olson to approve Resolution 2017-22 of Tax Forfeit Land Sale to the above parcels. Adopted and approved unanimously via voice vote. (5-0) The council discussed trying to get the well sealed prior to the sale. Clerk Umland will do some checking on this matter.

7. Consider Consent Agenda – Action Required

Note: The Consent Agenda list 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 Consent Agenda. Under Item J. the addition of Building Permit 2017-14 for Judy Ellis for a ramp. Motion by K. Nelson, seconded by Member Olson and passed by unanimous vote to approve the consent agenda as amended, adding Building Permit 2017-14 under Item J. The consent agenda included the following items:

- A. Approval of June 12,2017 Regular Council Minutes
- B. Approval of June Disbursements & Authorize Issuance in accordance with the list provided including all electronic payments
- C. Review bank correspondence – Bank Statement & Investment Report
- D. Appointing Member Ken Nelson to serve in absence of the mayor as acting mayor for 2017. Mayor, Acting Mayor and City Clerk are authorized to exercise the powers granted to them for transactions with Star Bank including all orders of payments.

- E. Schedule a Public Hearing - August 14, 2017 at 6:30 p.m. - Liquor Ordinance Amendment.
The purpose of the amendment allowing the city to issue, "Combination on-sale/off-sale intoxicating liquor license.
- F. **Authorizing the Sale of Certain Property-**
- a. **Resolution 2017-23** Authorizing the sale of Lot 5-Block 2-Hope Addition One - \$1.00
Lot 2-Block 2-Hope Addition One - \$2,500.00
The seller has agreed to accept \$501.00 earnest money and the balance will be assessed as a utility assessment the buyer's property taxes.
- b. **Resolution 2017-24** Authorizing the sale of Lot 2 & 3- Block One – Hope Addition One
Lot 6 & 7-Block Two – Hope Addition One
engage in an option to purchase which will terminate December 31, 2018. The buyer has agreed to purchase each lot for \$1.00 each. Complete purchase agreement on file at the city's clerk office.
- G. **Approving a donation** - a letter of thank you from the Hewitt Fire Department for the donation of SCBA units. Hewitt Fire Department accepts the units with no warranties and agrees to inspect the equipment prior to using.
- H. Consider Donation to Initiative Foundation – The foundation submitted literature indicating what the foundation's mission is and all the activities they are involved with. Also, included were recent grants and scholarships awarded by their foundation along with recent business financing investments made by them. They formally ask the Council to support and approve their mission to invest in central Minnesota by making a donation of \$410.00 in 2018. The foundation provides community and economic development through training, grants, and loans. Every donated dollar is matched by the McKnight Foundation, thereby doubling the reach and capacity of committed resources.
- I. Approval of New City Policies
- Accepting a City Internal Control Policy:** This policy seeks to balance its internal accounting control in such a way as to ensure public confidence and maintain the integrity of its financial systems and assets, without unduly inhibiting the ability to efficiently carry out its mission.
- Accepting Social Media Policy:** This policy will establish standards of conduct, rules of use, data ownership, etc. for social media accounts created to provide residents with City information.
- Accepting Fire Department/EMS Social Media and Digital Images Policy:** The purpose of this policy is to protect nonpublic employee data, medical patients, the public, the operations of the Fire/Ambulance Departments, and public confidence in the departments and its employees. This policy supplements the City's general social media policy in order to provide more specific guidance on unique Fire/EMS issues. To the extent that the policies contradict one another, the more specific guidance of the Fire/EMS policy should apply, unless otherwise specified.
- Approving the Procurement Standards Policy for Federal Grants:** This prescribed policy is for when entering into purchasing agreements with outside vendors. This policy will help departments standardize purchasing and payment methods to expedite the purchasing process especially when using FEMA grant money.
- J. Zoning Permits-
- a. **Linda & Kerry Nelson-2017-12** to construct 4 Plex Housing Unit
- b. **Wm & Karla Dukowitz-2017-13** to construct a 52X56 one story house
- c. **Judy Ellis – 2017-14**-erect a 10X18 deck with handicap ramp

- K. Agreement of Understanding between City of Bertha and the Bertha-Hewitt School District for services provided by the liaison officer. A copy was sent to the Bertha Hewitt School for signature. The school has informed us that they want to keep the same hours as previous years.

8. Committee Reports

A. Economic Development/Revolving Loan Committee - reviewed a letter that will be sent to all committee members setting a meeting to be held in August. Items for discussion will be reviewing the current committee and discussing new legislation.

9. Meeting/Conference/Correspondence

A. Small Cities Assistance Account – Reviewed correspondence from LMC on the program created in 2015, which is aimed at providing street funding for cities that do not receive municipal state aid because they do not meet the 5,000 population eligibility threshold for dedicated funds (gas tax, tab fee, and motor vehicle sales tax revenues) established in the state’s constitution. The City of Bertha is expected to be funded by \$7,105.00 for 2017.

Prior to closing the meeting, the council discussed potholes that needed to be filled. Another item of discussion was how to eliminate parking by Diamond Tool. Mr. Templin will work with Russ hopefully to solve the problem by painting a yellow line.

10. 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 7:50 p.m. Carried.