CITY OF BERTHA

TODD COUNTY, MINNESOTA

REGULAR MEETING OF THE CITY OF BERTHA

HELD AT THE BERTHA COMMUNITY CENTER

MONDAY, JULY 9, 2018

***Present:*** Mayor K. Nelson, Members Bowman, Olson, D. Nelson and Captain

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

***Guest:*** Brenda Roberts, Amy Botzet, Mark Fay, Cori Wightman, Birch Pettow, Karen Winkler, Russ Vandenheuvel, Trinity Gruenberg, Yvonne Willis, Ken Ashbaugh and Annette Schmidlin.

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

***Public Hearing –*** Mayor K. Nelson opened the hearing at 6:32 p.m. to recertify an assessment on Bertha Authority Water Improvement Project. The collection of special assessment for street improvements in the City of Bertha on a parcel forfeited for taxes is required to be paid to the city after the parcel is returned to private ownership. The street assessment on Parcel 29-0005400 was canceled because of delinquent taxes and now has to be recertified to the county auditor. It was moved by D. Nelson and seconded by Member Bowman to approve ***Resolution*** 2018-25 to recertify Parcel # 29-0005400 street assessment to the Bertha Authority Water Improvement Project List that was certified in 2012. The amount specially assessed is hereby declared to be $6,651.58 or a yearly payment of $377.66 for 24 years. With no public comments, it was moved to close the Public Hearing at 6:34 p.m. All voted in favor to approve the resolution.

***3. 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 appropriate.

Brenda Roberts, 307 1st Street NE, questioned Mr. Templin if her lawn would be restored back to its original way prior to installation of the new catch basins. She was informed once the dirt settles they will install more dirt and it will be seeded into grass.

Mark Fay, Traditions Bar & Grill owner, informed the council that Birch Pettow has generously agreed to spray for mosquito prior to the summer festival events. He will spray in several areas where the events will take place to help control the mosquito population. He purchased spray that was recommended for mosquito from Leaf River Ag. He requested that the grass be mowed by Wednesday so it gives him time to possibly spray some areas twice. The council offered to reimburse Mr. Pettow but he denied the offer. Mr. Fay also stated that Mr. Pettow has rented a sweeper to help clean the streets after the dances. Mayor K. Nelson and Member Captain have offered to help with the clean-up. Mr. Fay stated that there would be no outside alcohol allowed. The committee had a brief discussion on different events that are planned for the week-end. A big concern was the parking on Friday night with all the events taking place in the downtown area. Mr. Fay also informed the council that he had two events planned in August. On August 11th he has an outdoor event planned and on August 18th the Krusin for Kids will have a stop in Bertha. Also, there was a discussion about the power supply for the campground not being sufficient, especially for some of the larger motorhomes. Mr. Templin stated that with the new electrical codes it would cost approximately $1,000 per site to correct the problem of blowing breakers. It was suggested that the city clerk check into grants for upgrading the electrical at the campground to be able to accommodate for the larger campers.

***4. Communications Reports***

***A. Enterprise Reports –*** June reports – review only

**B. Fire/Ambulance Reports –** No fire report since the fire chief was not in attendance. The council was informed that insurance coverage was secured for the summer festival.

Ambulance Report – Mr. Vandenheuvel informed the council the raffle drawing for the John Deere Tractor is scheduled for September 29th and ticket sales have started with only 600 tickets being sold.

**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, 9-citations, 3-warnings, 1-public assist, 2-investigations and 3 assist other agencies.

**D.** Mr. Templin supplied the council with his June Maintenance Report to review and give comments. The four new catch basin have been installed at the intersection of 2nd Ave NE and 1st Street NE by J & J Excavating. Once the dirt settles the area will be seeded with grass. Mr. Templin didn’t have any other business to bring before the council.

**E. Clerk’s review –review only**

**5. Consider Business Items**

**A. Nuisance Property Update –** The council was informed that theabestos siding from the vacant building was removed last week. The Small Project Partnership Grant (Source Well) was approved for the City of Bertha in the amount of $2,500. The funds will be used to help with the cost of removal of a structure at 205 First Street NW. Mayor K. Nelson felt overall that a majority of the residents made an effort to improve the looks of their property. At this time, no further action will be taken on any nuisance property for this year. A brief discussion on what to do with residents that haven’t licensed their dogs this year. The council felt that they should be penalized for not purchasing a license for 2018. Mr. Berndt was instructed that they be served with an administrative fine.

**B. Hope Addition One –** Mayor K. Nelson informed the council that the Nelson will construct another four-plex this summer. Our city attorney drew up a Notice of Declaratory Cancellation of Residential Property Purchase Agreement and served the Dukowitz’s. They had fifteen days after service of this notice to obtain a court order. If they did not obtain a court order with the time period specified in the notice, the confirmation of cancellation of their purchase agreement will be final at the end of the period. The Dukowitz’s will lose all earnest money they paid on the purchase agreement and the right to assert any claims or defenses that they might have. The City Council received a letter from the Dukowitz's stating concerns of the cancellation of the Purchase Agreement.

a. They questioned if the Hope Addition One had been rezoned to allow rental units to be built.

b. They felt rental units would diminish their investment throughout their life time.

c. They were troubled that the city would keep their earnest money.

Since they did not file a petition, the purchase agreement is cancelled, and the city is free to sell it to another buyer. The city had two parties interested in purchasing the lots. The city attorney suggested provided each party with a blank agreement form and asks them to provide a letter outlining their plans. Both parties were in attendance at the regular meeting. The one party was not prepared to purchase the lot and build at this time. Birch Pettow asked to have first option to purchase any of the six undeveloped lots when the city decide to sell them. The council felt we should contact the city attorney for advice on how to handle this.

**C. Zoning Permit**

At the June regular council meeting, the council felt that we should allow building permit to be issued prior to the meeting each month. The city attorney reviewed our current code and informed the council they are not required to amend the zoning ordinance to change how building permits are issued for ***permitted uses.***  He suggested to simply adopting a resolution indicating the process for issuing building permits for permitted uses.

***Resolution No. 2018-23***

Member D. Nelson introduced the following resolution and moved its adoption:

***Resolution 2018-23 allowing building permits be approved and issued for permitted uses upon the signature of the Mayor, City Clerk and Public Works Supervisor.***

The motion for the adoption of the foregoing resolution was duly seconded by Member Olson, and the motion passed unanimously. The previous process sometimes caused unnecessary delays in the issuance of routine construction. The new process will provide for a more expedient and efficient process by allowing the Mayor and staff members to approve them prior to the monthly meeting. Zoning Permit 2018-09 was issued to Linda Nelson for construction of a 4-Plex Housing Unit at 319 3rd Ave NE.

***6. Consider Consent Agenda***

***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 K. Nelson asked if there were any additions, corrections, or deletions to be made to the Consent Agenda. Motion by D. Nelson, seconded by Bowman to approve the Consent Agenda as presented, with all members voting in favor. The following agenda items include the following:

1. Approval of the June 11, 2018 Regular Meeting Minutes
2. Approval of the June Disbursements & Authorize Issuance in accordance with the list.

July Claims – Bertram Asphalt -$5,216.00(Check 16739), J & J Excavating -$15,410.00(Check 16740) and D. Shingledecker Concrete - $2,850.00 (Check 16741)

This project was approved at the May meeting to correct the storm sewer problem at the intersection by the senior housing. Funds that were transferred from the Revolving Loan Fund to General Fund to be used for lawful governmental expenditures.

1. Review Bank Correspondence –Bank Statement & Investment Report
2. *Resolution 2018-24 Accepting Donations and Designating its Use- $1,200.00 for ambulance equipment and $200.00 for fire equipment.*
3. *Consider Donation to Initiative Foundation – The foundation provided 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 2019. 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.*

**7. Committee Reports –None**

**8. Correspondence/Meeting/Conferences**

**A.** Regional Meetings - Clerk Umland will attend either the one in Fergus Falls on October 3rd or October 11 in Brainerd.

B. R5 Summit will be held in Staples on October 24th at SourceWell .

C. Mn Department of Health – Sanitary Survey for Bertha Public Water System PWSID 1770001

A copy of the survey report summarizing an on-site inspection of your Community Public Water System was provided to each council member. The report includes a review of the system’s water source, facilities, equipment and operation, maintenance and monitoring compliance for the purpose of evaluating the adequacy of the facility for producing and distributing safe drinking water. A copy of the report is on file and will be available for public review for the next ten years.

D. 2018 Small Cities Assistance – The Small Cities Assistance Program was created in 2015 to provide funding for construction and maintenance of roadways in cities. Eligible cities that do not receive municipal state aid under Statute 162.09 to 162.14. This primarily includes all cities that have population less than 5,000. The City of Bertha is estimated to get $7,009.00 in 2018, but it does not provide a dedicated revenue source for future years. Payments will be made concurrently with local government aid payments from the Minnesota Department of Revenue.

A brief discussion was held if hand dryers should be installed in the Community Center. A quote from Kirby’s Electric to do the electrical work was $400.00. Motion by Member D. Nelson, seconded by Member Captain to spend up to $1,200.00 for installation of hand dryers in the bathrooms of the Community Center . Carried.

***9. Adjournment***

There was no further business to come before the City Council. Member Bowman moved; Member D. Nelson seconded the motion to adjourn. With all members in favor, motion was carried. The meeting adjourned at 7:40 p.m.