CITY OF BERTHA

PUBLIC HEARING AT 6:00 P.M. AND

REGULAR MEETING OF THE CITY OF BERTHA

HELD AT THE BERTHA COMMUNITY CENTER

JUNE 14, 2021

***Members Present:*** Mayor Olson, Members Captain, Nelson & Hoffman

***Members Absent:*** Member Winkler

***Staff Present:*** Clerk Umland and Public Works Graba

***Guests Present:*** Yvonne Jahrus, Lynn Hanson, Gene Lorentz, Mark Turner, Pete Mikkelson, Charles Leyh, Russ Vandenheuvel, Pete Wallner, Brenda Roberts, Christine Pierce, Leona Bowman, Amy Botzet, Kaitlyn Dyhoff

***Public Hearing – Big Bear Self Storage – Rezoning & Possibly Conditional Use Permit***

Mayor Olson called the public hearing to order at 6:00 p.m. to consider a request for rezoning a parcel and if approved a conditional use permit for Parcel 29-0005300 off County Road 23. All property owners within 350 feet of the property included in the request received written notice of the public hearing’s time, place and the purpose for the opportunity to comment on the request. A list of property owners that received letters is on file at the city office. Mark Turner explained the property is currently zoned as residential and would need it rezoned to commercial to install self-storage unit on the property. The first phase of the project would consist of building an access approach off of County Road 23. He would then install around 6 weather tight containers on a gravel base starting at the highest point and adding more as demand dictates.

 Mayor Olson opening the hearing to all residents to voice their comments:

 Yvonne Jahrus – Inquired how many units would be installed and if there would be an entrance from the alley.

 Leona Bowman stated she would be in favor of a structure not shipping container. He suggested down the road he would consider building.

 Gene Lorentz stated that he was not interested at looking at them from his backyard.

 Amy Botzet stated that in a contract the city could give him so many years to build and at the present time allow shipping containers.

 Lavonne Jahrus stated she moved from the big cities to not have to look at this.

Generally most were negative comments about looking at the shipping containers, spot zoning, and no tax benefits since they are not on a permanent foundation.

 Member Hoffman spoke in favor and suggested that a fence could be installed.

Mr. Turner stated if the council denies the rezoning the land deal would be off.

 The public hearing was closed at 6:27 p.m.

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

***4. Communications Reports***

 ***A. Review the enterprise reports for May – No comments***

 ***B. Public Safety Reports –***Chief Wallner suggested that the mayor have a set of keys for all city buildings. Mr. Graba mention about getting a wrench for the department so they have the capability of turning off resident water in case of a fire.

 Director Vandenheuvel stated that they recognized all volunteers for their years of service during EMT week and also had a potluck supper. The lap top for the rig needs to be replaced. The grant submitted to Todd-Wadena Round Up was not among those approved for funding at this time. Clerk Umland will try to get funding for a television from Eagle Bend Lion’s Club.

 ***C. Law Enforcement –*** Todd County Sheriff Department provided a May activity report which summarizes the 18 calls received in their department during the month of May: 2-animal complaints, 2-fire, 1-juvenile issue, 1-public assist, 2 animal complaints, 1-suicide, 1-traffic stop and 8 miscellaneous.

 ***D. Public Works Report –*** Mr. Graba provided the council with his May activity report which summarizes work done within his department.

 \* Spring discharge complete

 \* J & J completed all 3 dig sites

 \* crack sealing complete

 \* Concrete work – will be done in July

 \* Kobliska will be in town in July after concrete is done to do the tar patching

 \* John Deere Z730m zero turn – Motion by Nelson, seconded by Member Hoffman to approve the purchase of the 2021 John Deere Z730M Z Trak Lawn mower from Midwest Machinery for $7,199.00. Carried.

 \* Dennis Zimmerman has agreed to do week-end checks a couple times a month for $20.00 a day.

Other items of discussion:

* Locking of the dump ground- It was decided to install signage at the dump for residents to place items.
* City truck needs major repairs – He will make arrangements with Sharp Garage to get new tires, tie rods and other items done there. Then will make an appointment elsewhere for an alignment.
* Map file, safe for firearms and a cabinet to store all hazardous items
* Seasonal workers will be allowed to put in more than 20 hours until September to help Chase get caught up.
* Walking Bridge – will discuss with Pete Wallner
* Pull well and repair make arrangement to have done since $9,000 was included in the budget.
* Will have alley graded prior to Bertha Days in back of Seven Oak Express – also will attend the committee meeting to see what is expected of him for the summer festival.
* Plow truck DOT inspected in July
* Water testing equipment – Motion by Nelson, seconded by Captain to purchase a Hach DR1900 Spectrophotometer for testing our water samples for $3,993.00. This will allow city personnel to test resident’s water for different nitrates and hardness.
* The old lawn mower will be put up for bids

***5. Unscheduled Public Appearance –***

 Amy Botzet will provide flyers of Bertha Days to be at the Wadena County Fair at no cost to promote our summer festival.

***6. Consider the 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 Olson asked if there were any additions, deletions, or corrections to be made to the Consent Agenda. Clerk Umland amended the Consent Agenda by adding Item G –Resolution 2021-25 to Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for the Bertha Firemen’s Relief Association to hold a raffle. It was moved by Nelson, and seconded by Captain to approve the amended Consent Agenda. All voted in favor of the motion except Winkler who was absent. The consent agenda included the following:

1. Approval of the May 10, 2021 Regular Council Minutes
2. Approval of the May Disbursements & Authorize Issuance in accordance with the list provided including all electronic payments plus Check Nos. 18552 thru 18578 in the amount of $37,178.83 which includes 2nd quarter ambulance payroll checks.
3. Review Bank Correspondence – Bank Statement & Investment Reports
4. Resolution 2021-20 authorizing the Bertha Fire Department to apply for and, if awarded, accept a 50-50 matching grant up to $6,400.00 through the Minnesota Department of Natural Resources. The grant would assist the department with the purchase of water movement items and 2 sets of structural turnout gear.
5. Approve Resolution 2021-23 –Certifying charges for repairs for Sanitary Sewer Service Line-Two residents requested the city’s financial assistance in repairing their service line. The two residents signed a petition and waiver agreement to have the cost split between each party and certify to their property taxes.
6. Resolution 2021-24-A Resolution Accepting a Donation from Todd Area Trail Association for $1,000.00 to assist the Bertha Days Committee in funding the summer festival activities.
7. Consider Approval of a Minnesota Lawful Gambling LG220 Application for Exempt Permit with no waiting period submitted by Bertha Firemen’s Relief Association for August 3, 2021 to conduct a raffle.

**7. Consider Business Items**

 **A. *Nuisance Properties*** – 26 letters were sent out to residents that were not in compliance with our Public Nuisance Code and were given until June 11, 2021 to clean up. The committee will now re-inspect all 26 properties to see if they are in compliance. If not, they will work with law enforcement and the owner could receive a fine.

 **B. Broadband –**Mr. Weego provided a copy of a Resolution for our Broadband agreement. The agreement was okayed by the council to have the city attorney review. Hometown Fiber will be helping Bertha, Hewitt and Eagle Bend solve the internet challenges that they face. This process will empower city leaders with the information they need to confidently decide the best path forward for their communities. The three cities will have no upfront costs.

 **C. Big Bear Self Storage – Zoning Inquiry – from residential to Commercial**

A public hearing was held prior to the regular meeting giving area residents the opportunity to comment on the request to change Parcel 29-0005300 from residential to commercial. Residents within 350 feet of the parcel were mailed written notices of the pending public hearing 10 days prior to the hearing.

 \*It was clear from area residents in attendance that they were not in favor of the reclassification

 \* City Attorney advised the council to be careful in reviewing this request and carefully analyze the spot zoning material he sent since he does not advise the council to start.

 \*Some residents were concerned about the traffic in the alley but the only to access the property would be a driveway off of County Road 23.

 \*The residents were against the shipping containers but would consider a structure like his exiting one.

 \* One member of the council was in favor and would love to see growth and see business happen especially in a small town.

***Motion*** by Nelson, seconded by Olson to deny the request to rezone Parcel No. 29-0005300 along Central Ave N. from residential to commercial due to the above findings. Vote 3-1 Carried.

 ***D.*** Sewer Problem in front of Eggert Trucking on Main Street – This project was completed.

 **E.** Tax Forfeit Property – The council received a letter on tax forfeit property within the city limits. The county is preparing to have an auction the first part of August, 2021. The Marlowski Event Center have forfeited to the State of Minnesota for nonpayment of property taxes. The city must approve the parcel for public auction, purchase the parcel or request a conveyance for public use. If the council feels that the value of the property should be lowered, they are to contact their Commissioner. Upon written request from the city, a parcel of unsold tax-forfeited land must be withheld from sale. Authorized public use means a use that allows an indefinite segment of the public to physically use and enjoy the property in numbers appropriate to its size and use, or is for public service facility. No monetary compensation is required for the conveyance. The council will have until the July meeting to decide what way to go. Clerk Umland will gather more information for the next meeting.

 **F.** Resolution 2021-22 ARP Funds – The estimate dollar amount the city will receive is $54,890.09 over the next two years. The council has until the end of 2024 to spend the funds. Cities under 50,000 in population will have to make a certification to MMBA prior to accepting their allocation of funds. The LMC is recommending that the council pass this resolution as soon as possible so staff is given authority to take steps as soon as available.

**Councilmember Nelson introduced the following resolution and moved for its adoption**

**Resolution 2021-22**

**A RESOLUTION TO ACCEPT THE CORONAVIRUS LOCAL FISCAL RECOVERY**

**FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT**

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Captain and upon vote taken unanimously carried.

***8. Committee Reports –*** none

**9. Correspondence/Meeting/Conference**

 **A.** Clerk’s Conference this week

**10. Adjournment**

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