***City of Bertha***

***Todd County, Minnesota***

***Regular Council Meeting***

***Held at the Bertha Community Center***

***Monday, May 8, 2017***

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

***Members Absent:*** Member Hoemberg

***Staff Present:*** Clerk Umland & Public Works Templin

***Guest Present:*** Bill Peltow, Pete Wallner, Ken Ashbaugh, Brenda Roberts, Trinity Gruenberg,

Jason Murray, Jean Schuster, Karen Winkler, Amy Botzet, Roland Gilbert, Gerald

Berndt, Mark Fay & Marv Stokes

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

***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 appropriated.***

***Jean Schuster -*** 208 1st Ave NE- inquired about a nuisance property located at 104 Main Street East- she was informed that local law enforcement will be doing a city wide drive around and all residents not in compliance will be sent a letter.

Mark Fay – Traditions Bar and Grill - request closing a part of 2nd Ave NW in front of his business (from Kapp’s Kafe to the Bertha Historical Museum) on May 27th. ***Motion by Olson, seconded by Member Bowman allowing Mark Fay to close part of 2nd St NW in front of his business on May 27th between the hours of 7:00 p.m. until midnight for a special event. Carried.***

***4. Communications Reports***

***A. Enterprise Reports – April reports reviewed***

***B. Fire/Ambulance Reports –*** Mr. Wallner informed the council that the fire department received the new air mask which was used for training. Clerk Umland informed him a check was issued to the Relief Association for $2,825.00 to help with cost associated with the summer festival. Of that amount, $750.00 is designated for 2018 expenses.

**C. Law Enforcement –** Mr. Berndt was unable to attend due to the DARE graduation which was held at the school. Mr. Berndt provided the council with his April activity report to review. The monthly report showed the following violations for Bertha: 13- citizen calls, 6-state citations, 2-warnings, 4-public assists, 1-investagation, 1-assist other agencies and 2-vehicle unlocks. Mr. Berndt and Member Bowman will be doing a city wide inspection and make a list of property not in compliance with our city nuisance ordinance. All residents in violation will have a specified date to come in compliance prior to enforcement.

***D. Public Works Report –***Mr. Templin supplied the council with his April activity report. The monthly report included getting different city building available for summer use. The crew got the city streets swept, hauled brush and removal of some trees at the park. Clerk Umland will make a new poster with the new rates for the park camping rates. The council complimented the public works department for the good job that they did at the park. Motion by Bowman, seconded by Member Olson to hire Korblick Excavating to replace the curb stop at 106 3rd Ave NE and allowing them to correct the drainage on the south ditch and do the seeding. Carried.

***E. CLERK OVERVIEW – Information only***

***5. Consider Business Items***

***A. Hope Addition One –*** Jason Murray (David Drown & Associates) gave a brief presentation to the audience on what a TIF District is. Tax Increment District is being pursued for the lots still available at Hope Addition One. The request is for establishing a tax increment financing district for up to 15 years. A contractor is interested in constructing 2 four plexs. This would be a “pay as you go” TIF with the property owner up fronting the costs for the eligible expenses on the property and being reimbursed after taxes are paid each year. The amount of property taxes currently paid on the property will continue to be split between city/county/school. Only the tax increment from the added value on the new construction on the site will be used for this project. The City will contract with DDA to make sure we comply with the law for using tax increment financing. They are responsible for preparing all documents including plan, resolutions and filing the documents. Mr. Murray will attend all meetings and public hearings, making sure TIF is explained in simple terms. He will negotiate with the contractor, and prepare a letter of understanding. He will file all legal documents with the County, School District and the State. The TIF District will not be an expense to the city since NJPA will pay 50% and the contractor picking up the other 50%. Each four plex unit must have one unit occupied by a low/median household.

***EXTRACT OF MINUTES OF A MEETING OF THE***

***City Council of the City Of Bertha, Minnesota***

***Held: May 8, 2017***

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Bertha, Todd County, Minnesota, was duly held at the Bertha Community Center on Monday, the 8th day of May, 2017, at 6:30 o’clock p.m. for the purpose in part, of calling a public hearing on the establishment of Municipal Development District No. 1, and the Development Program for related thereto, the establishment of Tax Increment Financing District 1-1 within Municipal Development District No. 1, and the Tax Increment Financing Plan related thereto.

The following Councilmembers were present: Zimmerman, Olson, Bowman and Nelson and the following were absent Hoemberg.

Councilmember Nelson introduced the following resolution and moved its adoption:

**Resolution No. 2017-17**

**Calling for a Public Hearing on the Establishment of Municipal Development District 1**

**the Approval of the Development Program related thereto, the Establishment of Tax Increment Financing District No. 1-1 and the Adoption of Tax Increment Financing Plan relating thereto**

**BE IT RESOLVED** by the City Council (the “Council”) of the City of Bertha, Minnesota (the “City”), as follows:

1. **Public Hearing.** The City Council shall meet on Monday, July 10, 2017, at approximately 6:30 p.m. to hold a public hearing on the following matter: (a) the proposed establishment of Municipal Development District No. 1, (b) the proposed approval of the Development Program related thereto, (c) the proposed establishment of Tax Increment Financing District No. 1-1, and (d) the proposed adoption of the Tax Increment Financing plan relating thereto, all pursuant to and in accordance with Minnesota Statutes, Sections 469.124 to 469.174 to 469.17942 inclusive, as amended (the “Act”).
2. **Notice of Hearing Filing of Program and Plan.** The City Clerk is hereby authorized to cause a notice of the hearing, substantially in the form attached hereto to Exhibit A, to be published as required by the Act and to place a copy of the Development Program and Tax Increment Financing Plan, as proposed to be adopted, on file in the City Clerk’s Office at City Hall and to make such copies available for inspection by the public.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Olson and upon vote being taken thereon, the following voted in favor: Olson, Zimmerman, Bowman and Nelson and the following voted against the same-None.

**Whereupon said resolution was declared duly passed and adopted.**

***B. Encroachment B-H Transportation-*** Still waiting to hear back from Attorney VanBruggen so Mr. Kruger can draw up an agreement and resolution

**C. Gambling –** There was a brief discussion if the council should require organizations to contribute up to 10% per year of their net profits derived from lawful gambling to a fund administered by the city. These funds could be used to fund park and youth activity within the city. This was tabled until the June meeting when we have a full council and gives them more time to weigh the pros and cons out.

***6. 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 Consent Agenda. Motion by Nelson, seconded by Bowman to approve the Consent Agenda as presented with all members voting in favor. The agenda items include the following:

1. Approval of April 10, 2017 Regular Council Minutes & April 19th Board of Appeal & Equalization Minutes.
2. Approval of April Disbursements & Authorize Issuance in accordance with the list provided including all electronic payments.
3. Review bank correspondence – Bank Statement & Investment Report
4. Zoning Permits
5. Bill Peltow – 2017-06 – Fence Permit Application

Bill Peltow – 2017-07 – Zoning Permit – Install a 12X23 ft. new deck

Bill Peltow – 2017-01 – Variance Request- The variance would allow the property owner to construct a new deck to his home within one foot of the side yard line, (code call for 10 feet setback). The current structure is within setback requirements. The variance will allow the property owner to increase the size of the deck which it could not accomplish without the variance. The setback variance does not harm the use and enjoyment of any of the adjoining property owners. Variance 2017-01 is pending waiting for a waiver from Larry Tobin which would allow Mr. Peltow to rebuild a larger deck within one foot of the adjoining property owner.

Bill Peltow inquired about installing a cement drop pad at his expense at the semi parking lot. The council gave their approval after he explained the project. He just asked if the area could be closed for a few days to let the cement cure. The area will be barricaded to warn truckers not to use the area for parking.

1. Roland Gilbert – Zoning Permit 2017-05 – construct a 8X21 foot addition on the south side of his house. He would remove the present deck to construct the new addition and then install a new deck onto the new addition. In front of the house the existing deck would be replaced with a smaller deck.
2. Sidewalk Application – Gail & Jana Donarski submitted an application to replace their current sidewalk. The city will reimburse the landowner $4.00 per running foot up to 47 feet. Once the landowner does the work Mr. Templin will do a final inspection prior to payment being made.
3. Resolution 2017-13 – The MN Lawful Gambling LG240B Application to Conduct Excluded Bingo for Bertha Area Sportsman Club to hold a Bingo event on July 7, 2017 at 127 2nd Ave NW at the Bertha Community Center was presented. The City Clerk is authorized and directed to be able to complete and sign the application on behalf of the City of Bertha prior to submitting it for approval from the state.
4. Adopt Resolution 2017-15 to certify delinquent ambulance bill for inclusion to Mn Revenue Recapture Agency and direct the city clerk to remove the account from active receivables of the City of Bertha, said account being detailed in the official file of the City. The Expert T Billing has determined that the account, shown on the resolution is uncollectible.
5. Resolution 2017-14 adopting an expense report for costs incurred in carrying out and enforcing a public nuisance. The City Clerk has documentation to support the expenses and costs involved to eliminate the hazard. The special assessment will be certified to the Todd County Auditor to place on the real estate taxes.
6. The Bertha Firemen’s Relief Association presented the council with a state application for One to Four Day Temporary On-Sale Liquor License. The application indicates that the organization is obtaining insurance through Ebner Insurance Agency. The Relief Association will be selling intoxicating liquor at the tractor pull and street dance during Bear Country Days (July 7-9) located at the areas designated on the state application form.

***7. Committee Report – None***

***8. Meeting/Conference/Correspondence***

***A.*** Review a letter submitted by Bob & Shari Moller informing the council that they are still interested in purchasing the adjacent vacant lot.

**B.** Review only – MN DOT news release on plans for Highway 10 lanes in Wadena

**C.** Hoemberg will be relocating and will be providing the city council with a letter of resignation.

There was a brief discussion about the camper in Gerald Berndt yard. It was suggested that the yard get clean up better prior to living in the travel trailer. Mr. Berndt said the waste would go into a holding tank and emptied at the RV Park. His son would only live in the travel trailer on week-ends. The council wasn’t in favor at this time and no decision was made.

Prior to adjourning Amy Botzet inquired if it would be possible for the city crew to fix the problem in front of her house with washing out by her steps.

***9. 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 7:30 p.m. Carried.