

**CITY OF BERTHA  
REGULAR MEETING OF CITY OF BERTHA  
HELD AT THE BERTHA COMMUNITY CENTER  
MONDAY, OCTOBER 9, 2017**

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

**Absent:** None

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

**Guest:** Lori Mcknight/Grewe, Birch Pettow, Gerald Berndt, Pete Wallner, Trinity Gruenberg, Joann Collins, Marv Strokes, Ken Ashbaugh, Mark Fay and Amy Botzet.

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

**3. Public Hearing**

**A. Amending Chapter 13 Planning & Zoning Concerning Storage and Parking of Recreational Vehicles** – Public hearing and introductory ordinance amending the Zoning Ordinance of the City of Bertha was opened at 6:35 p.m. by Acting Mayor K. Nelson. There were three different options provided for the council. The biggest issue was that all recreational vehicles must use the established and licensed campground when visiting any friends and relatives within the city limits. There were no comments from the audience; Acting Mayor K. Nelson closed the public hearing at 6:38 p.m.

**B. A Public Hearing was opened at 6:40 p.m. to determine the existence of a public nuisance**

**1. 205 1<sup>st</sup> Street NW** – The owner was not in attendance of the hearing. The vacant property has inadequate maintenance of the interior and exterior of the structure, fire hazard, dilapidation, unsanitary conditions, and other known and unknown conditions to public health and safety. A complete list of the findings is listed on Resolution 2017-37.

**2. 206 Main Street East** – The owner was not in attendance of the hearing. The residence has been abandoned by the owner and the exterior /interior of the house are not properly secured. There are gaping holes in the siding and foundation of the residence. The city has photographs documenting the violations on the premise on file. The complete list of the violations is listed in Resolution 2017-38.

**3. 119 2<sup>nd</sup> Ave NW** – The owner was not present at the public hearing. The grounds for the determination of the premise being hazardous to public safety and health is inadequate maintenance of the exterior of the structure, dilapidation, and other known or unknown hazardous conditions. The owner stopped by the City Clerk's Office prior to the meeting and stated she has hired a contractor to demolish the building. This is the second time she has stated that she has hired someone. Clerk Umland will verify with contractor to see when the demolition is planned. A complete list of violations is listed in Resolution 2017-39.

**4. 109 4<sup>th</sup> Street NW** – The current owner was not present but sent a note stating that she is in the process of selling the property. The vacant property has been inadequately maintained by the owner both exterior and interior. The vacant house is a hazard to public safety and health of our residents. The complete findings, conclusion and order are stated in Resolution 2017-40.

***Motion by Bowman, seconded by Member Olson to close the public hearing determining the existence of a public nuisance on all four properties. Carried. Action will be taken under Item B of Consider Business Items.***

#### **4. Public Comment:**

Joann Collins, 409 2<sup>nd</sup> Ave NW – questioned the council to who owns the boulevards – who has the authority to trim trees. It was explained to her that the city owns the right a way but the property owner is responsible for maintaining it.

Amy Botzet, 205 4<sup>th</sup> Street NW - inquired if the council addressed her complaint from the September meeting since she hasn't heard from them. Acting Mayor K. Nelson did talk to the family of the party involved. Acting Mayor K. Nelson informed Amy if she ever has problems again to please call him.

#### **5. Communications Reports**

**A. Enterprise Reports** – September reports were reviewed.

**B. Fire/Ambulance Reports** – Mr. Wallner informed the council that he has contacted DNR and was able to change the equipment that they had designated on the grant. He must fill out new paperwork so they can purchase a new pump with the grant money. **Motion** by Member Bowman, seconded by Member D. Nelson to approve David Hershberger as a new member of the Bertha Fire Department roster October 2, 2017. Carried. This week is designated as Fire Prevention Week and the three area fire department will work together to put on the presentation at the Bertha Hewitt School.

Ambulance Department – Lori Mcknight/Grewe represented the ambulance department and stated they are in the process of getting two new recruits. Amy Botzet questioned what could be done to designate parking for the ambulance personnel in the back parking lot. This issue will be addressed and presented at the next meeting.

**C. Law Enforcement** – Mr. Berndt presented the council with his September activity report. The monthly report showed the following violations for Bertha: 4-citations, 2-investigations, 2-alarms, 1-vehicle unlock, 3-assist other agencies, 1-public assist, 4-warnings and 17-citizen calls.

**D. Public Works Report** – Mr. Templin supplied the council with his September report to review. Mr. Templin informed the council about the amount of groundwater that is going down the floor drains and how much it is costing the city. The city code states that it is illegal to pump into the sewer system. The handicap closure for the door at the Community Center is not working. **Motion** by D. Nelson, seconded by Member Olson to install a new closure on handicap accessible door for \$2,500.00 installation included. Carried. Public Works Supervisor presented a proposal from Eagle Valley Paving & Sealcoating for street repairs. On a motion by Councilperson D. Nelson, seconded by Member Bowman the Council approved the bid from Eagle Valley Paving Sealcoating in the amount of \$6,000.00 for four inches of tar. Upon voice vote it was unanimous. The funds received from MN Municipal State Street Aid will be used to cover the cost. The first bid was for \$4,963.00 which would have been for 3 inches only. The repairs will be done on the street adjacent to Glenn Johnson Memorial Park, alley next to Pete's Lumber and patchwork on the west side of the Lion's Building.

**E. Clerk's Overview – review only**

#### **6. Consider Business Items**

**A. Ordinance No. 7 Amending Chapter 13 – Storage & Parking of Recreational Vehicles**

The council had three options- draft copies I / II or not amend Zoning & Planning Ordinance at all. The last several months this topic has been discussed on how to regulate recreational vehicles being used for living quarters on residential properties. A few months ago, the council decided to have the City Attorney draft an ordinance that would prohibit people to occupy or use recreational vehicle for living or sleeping purposes on residential property. The council held a public hearing prior to the regular meeting tonight. The council consensus was they did not want to regulate recreational vehicle parking only at a licensed campground and not allow visitors to park at private residence. **Motion** by D. Nelson,

seconded by Member Bowman to deny amending Chapter 13 of the Zoning and Planning Ordinance and leave as it was originally approved. Upon voice vote it was unanimous.

**B. Nuisance Property Updates –**

- 1. Resolution 2017-37 -205 1<sup>st</sup> Street NW**
- 2. Resolution 2017-38-206 Main Street East**
- 3. Resolution 2017- 39 -119 2<sup>nd</sup> Ave NW**
- 4. Resolution 2017-40-109 4<sup>th</sup> Street NW**

Mr. Wallner voiced his opinion by stating that the city should use funds for street repairs instead of demolition of building. He would rather see them eventually be classified as tax-forfeit and let them go to auction and let the new owner remove the structures.

The council wanted to move forward with the abatement process. The abatement process is a quicker solution. The city is allowing them until October 31<sup>st</sup> to remedy the nuisance. If they do not remedy the problem, the city could begin the process to file abatement and provide pictures, letters and ordinance sent to the property owners to the City Attorney. **Motion by Bowman, seconded by Olson** to move forward with #1, #2 and #3 if property owner does not remedy the nuisance conditions or provide the Council with a schedule by 5:00 p.m. on October 31, 2017. Carried. The City Clerk will authorize the City Attorney to start the abatement process on the property if they don't contact the city office by November 1st. Property #4 is in the process of being sold and Clerk Umland will contact the parties involved and have them provide her with a schedule of what going on. If the sale does not happen then we will turn it over to the City Attorney.

**C. EAGLE VALLEY PAVING & SEALCOATING** –approved under the Public Works Item 5.D.

**D. Appointments to Fill the Vacancies on the Council**

**Council accepts Resignation and fills the vacancy** – A letter of resignation to the City Council was received by Mayor Zimmerman effective September 11, 2017, due to medical reasons. K. Nelson made the motion, seconded by Bowman, and carried unanimously to approve Resolution 2017-32, **A Resolution accepting the Resignation of Mayor Zimmerman, Expressing the City's Appreciation for his Service, Declaring a Vacancy and Ordering the Council to Appoint a Qualified Person to Fill the Vacancy.**

**Council declares At-Large City Council Seat Vacant** – Member K. Nelson has vacated his at-large Councilmember position in order to assume the Mayor position. In anticipation of the vacancy, the City Council posted the vacancy of the Council position to the community. D. Nelson made the motion, seconded by Bowman, and carried unanimously to approve Resolution 2017-33, **A Resolution declaring a vacancy exist for an at-large city council seat and calling for an appointment of a qualified person to fill the position.**

**Council fills vacant position by appointment** – the council received two applications for vacant position, of whom were determined by the Council to be qualified to fill the position interim period pending the next general election. Olson made the motion, seconded by D. Nelson, and carried unanimously to approve Resolution 2017-35, **A Resolution by the Mayor and City Council Appointing Eugene Captain to fill the vacant seat for the City of Bertha.**

**Elect an Acting Mayor to serve in absence of Mayor Nelson during the remainder of 2017-** Motion was made by Bowman, seconded by Member D. Nelson to appoint Member Olson to serve as Acting Mayor in absence of Mayor K. Nelson for the rest of 2017. Carried.

Oath of Office was not administer at this time and will be given to Member Captain and Mayor K. Nelson prior to the next meeting by Clerk Umland. Mayor, Acting Mayor and City Clerk are authorized to exercise the powers granted to them for transactions with Star Bank including signing all orders of payments.

## **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 appropriated section of the regular agenda for discussion.

Acting Mayor Nelson asked if there were any addition, corrections, and deletions to be made to the Consent Agenda. Motion D. Nelson, seconded by Member Olson to approve the consent agenda as presented. Carried. The consent agenda included the following items;

- A. Approval of September 11, 2017 Regular Council Minutes
- B. Approval of September Disbursements & Authorize Issuance in accordance with the list provided including all electronic payments.
- C. Review Bank Correspondence – Bank Statement and Investment Report
- D. Fire Chief Wallner informed the council at the September meeting that the department was awarded a partial FEMA Grant. They are now in the process of applying for another grant this year since they were not awarded as part of last year grant. The grant they are applying for is approximately \$46,000.00. and would be used for Personal Protective Equipment. The Grant requires a 5% match.
- E. Approved Fence Application 2017-16-Kyle Christenson
- F. Approved Resolution 2017-36 Transferring ownership of Prairie Sanitary Service Franchise Agreement to collect garbage for the City of Bertha . Larry Lanue purchased the business from Mike & Ginny Bruder. The contract will expire September 30, 2025.
- G. Approved Zoning Permit 2017-17 – Bob & Shari Moller-construct 14x18 deck

## **8. Committee Report – None**

## **9. Correspondence/Meeting/Conferences**

A. City Clerk received a phone call from Chad Kilbury who is interested in donating the big rock in his yard. He would provide a bronze plaque to be installed on the rock with information engraved on it at his cost and stating that it was donated by the Kilbury Family. The city would be responsible for moving it to a designated location and for installing electrical service to it. At this time, a motion by Olson, seconded by Member Bowman to deny the request since the city already has one near Hwy 71. Carried.

Brief discussion of cost share of the road going to the sewer plant. The cost is split between the township and the city. The township will be contacted to have the road repaired.

Clerk Umland shared with the council the complaint she received from Bob Larson. He felt the city was responsible for the drainage problems he is encountering at 306 Main Street East. The consensus of the council and audience was the city is not at fault. They felt prior to installing the mobile home in that location was no drainage problem. He could solve the problem by directional drilling and installing drainage pipe into the storm sewer. The cost to correct this problem is the responsibility of the homeowner.

Mayor Nelson read a thank-you from the American Legion for moving the Legion shed to a new location.

## **10 Adjournment**

There was no further business to come before the City Council. Member Olson moved; Member D. Nelson seconded the motion to adjourn. With all members in favor, motion was carried. The meeting adjourned at 7:58 p.m. Carried.

