

CITY OF BERTHA
REGULAR MEETING OF CITY OF BERTHA
HELD AT THE BERTHA COMMUNITY CENTER
MONDAY, SEPTEMBER 11, 2017

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

Staff: Clerk Umland, Public Works Templin and Police Berndt

Guest: Ginny Bruder, Terry Lanue, Christine Pierce, Ken Ashbaugh, Gerald Berndt, Max Burger, Vance Burger, Ben Harnack, Pete Wallner, Trinity Gruenberg, Keith Porter, Russ Vandenheuvel, Amy Botzet, Karen Winkler, Brenda Roberts, Scott Powers, Mark Fay, Birch Pettow and Lori McKnight

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

3. Public Comment:

Amy Botzet, 205 4th Street NW, addressed two complaints:

- a. Police response time
- b. She expressed concerns she is having an elderly neighbor with the rubbish and compost he is putting on the adjacent lot and driving a golf cart on the sidewalk. She felt the compost pile is attracting shrews.

Member Nelson will discuss these issues with family members.

Brenda Roberts, 307 1st Street NE, inquired when repairs will be done on the street and curbs on First Street NE that runs alongside her property.

Christine Pierce, 313 4th St NW, questioned the council if they had in mind in moving the Bertha Historical Society into larger building. She suggested that the city bring back "Heritage Days" to see how our forefathers used to live.

Vance Burger, 304 Kilburn Street, complained about a ticket he received for not having a dog license. He was not the owner of the dog in question. He felt the ticket should be void due to forgery of the application.

4. Communications Report:

A. Enterprise Reports – August reports were reviewed.

B. Fire/Ambulance Reports – Chief Wallner will be applying for another FEMA Grant for equipment. They are stilling trying to get more volunteers for the department. Karin Anderson will write the grant again this time it will just be for turnout gear that they didn't receive grant money for this last round.

Mr. Vandenheuvel shared some third quarter statistics on the length of the runs, and comparing the origin of the runs and the patient destination between the area hospitals.

C. Law Enforcement – Mr. Berndt presented the council with his August activity report. The monthly report showed the following violations for Bertha: 13-citizen calls, 7-citations, 4-warnings, 4-public assists, 4-investigations, 2 public assist and no vehicle unlocks. Mr. Berndt discussed a noise complaint regarding a dirt bike. Lori McKnight/Grewe expressed that the dirt bike had legal muffler, was being driven during day light hours on private property. The city does not have a good nuisance

ordinance pertaining to noise. Mr. Berndt will be checking into this for the October meeting. The public questioned what noise level and when does this become a problem. The public thought the ordinance should state a time so the police would have a guide line to go by.

D. Public Works Report – Mr. Templin supplied the council with his August report to review. Mr. Templin has received some complaints about weeds in front of businesses and why he wasn't taking care of them. He felt that the business owner should be responsible for removing them. He provided the council with a letter he composed to give the business owner in person. This letter also contains information on snow removal.

E. Clerk's Overview – review only

Ginny Bruder introduced Terry Lanue who is the new owners of Prairie Sanitation and asked the council that they would transfer ownership to them. Clerk Umland will pull out the current agreement and have the transfer of ownership done.

5. Consider Business Items

A. Tax-Forfeit Property Auction – No bids were received on the Bertha Enterprise property at the auction held at the Todd County Commissioner Board Room. A grant was written to the MN Department of Health to cover the cost of sealing an abandon well at the Bertha Enterprise Building.

Bowman moved to approve Resolution 2017-31 authorizing the City of Bertha to submit an application for a MN Department of Health Source Water Protection Implementation Grant and to authorize city officials to execute a grant agreement on behalf of the city of Bertha for sealing an abandon well located on the old Bertha Enterprise Property. Carried.

B. Storage & Parking of Recreational Vehicles. – a public hearing has been scheduled for October 9th and will have a draft copy available for review.

C. 2018 Preliminary Levy Adoption – Resolution 2017-28

Councilmember Ken Nelson introduced the following resolution and moved for its adoption:

A Resolution Adopting the Preliminary 2018 Budget and Proposed 2017 Tax Levy for Taxes Collectible 2018.

BE IT RESOLVED, by the City Council of the City of Bertha, County of Todd, Minnesota that the following sum of money is levied for the current year, collectible in 2018, upon the taxable property in the City of Bertha, for the following purposes:

General	\$77,500.00
Fire	\$ 9,100.00
Ambulance	\$ 1,000.00
Street Improvements	<u>\$ 40,000.00</u>
Total	\$127,600.00

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Todd County, Minnesota.

Adopted and passed this 11th day of September, 2017.

Member Deb Nelson seconded the foregoing motion and passed unanimously. A complete copy of the Resolution 2017-28 filed in the City of Bertha minute book.

D. Keith Porter of Mayer, Porter & Nelson presented the 2016 Audit.

The 2016 audit report contains the Management Discussion and Analysis and the Basic Financial Statements. The audit is reported on the accrual basis with funds accounts. The governmental funds would be the general, fire and revolving loan funds. The business-type funds consist of water, sewer and ambulance. The governmental funds are supported by taxes and government programs and enterprise funds are supported by user fees.

Internal Controls are considered in performing the audit and are considered for financial reporting purposes on material weakness and significant deficiencies.

Compliance – The audit firm performs tests of its compliance with certain provisions of laws, regulations contracts, and grant agreement, non-compliance with which could have a direct and material effect on the determination of financial statement amounts. Testing results disclosed no instances of noncompliance or other matters that are required to be reported under the Government Auditing Standards.

Segregation of Duties – Mr. Porter stated in a smaller city it is financial difficult to maintain a segregation of duties; therefore; it is imperative that Council take an active role, review financial documentation and review bank statements comparing authorized claims to actual cancelled checks. As is the present practice and make sure two signatures are on all checks.

Mr. Porter discussed the importance of revising the budget, if needed. The Fire Fund revenues were higher than budgeted due to an increase in state aid, including the new Volunteer Retention Aid and state grants. Current expenditures were in excess of budget due to high repairs and training/seminars and conferences. Capital outlay was over budget as the fire department purchased self-contained breathing apparatus units at the end of the year that was not budgeted for. He advised that the council review it at the end of the year and make revisions if necessary.

Motion by K. Nelson, second by Member D. Nelson to accept the 2016 Audit for the City of Bertha as prepared by Mayer, Porter & Nelson, LTD. Motion Carried.

E. Economic Development/Revolving Loan Committee Minutes

The council was provided with minutes from the August 24, 2017 meeting of the Economic Development Committee. A new law passed in Minnesota 2017, states: Notwithstanding Minnesota Statutes, a city that has uncommitted money received from repayment of funds awarded under MIF, may choose to transfer 20% of the balance of that money to the state general fund. Any local entity that does so may then use the remaining 80% of the uncommitted money as a general purpose aid for any lawful expenditure. Lawful use of funds includes: public safety, streets, culture and recreation, general government costs, or housing and economic development. The committee recommendation was not to utilize these funds and have them available to loan out for manufacturing purpose, if needed in the future.

F. Resolution 2018-01 Fee Schedule – recommendations for increasing some fees for next year

Liquor License Increases:

On/Off Sale Intoxicating Liquor License	\$750.00 – 2018
	\$1,000.00-2019
Sunday Liquor License	\$ 200.00

Lion Building Winter Storage Rental Increases:

Car/Truck/Motorcycle	\$ 75.00
Boat/Camper	\$125.00

Motion by Olson, seconded by Member D. Nelson to approve the new rates to be implicated in 2018 on the fee schedule. Carried.

G. Meeting Minutes with Mark Fay – minutes were read by Mayor Zimmerman.

1. Allowing Traditions Bar & Grill to sponsor up to 10 events between the dates of April 1 and October 1, 2018. Some of the events would involve the closing of the street in front of his business. The planned events include:

a. Bear Days – 2 days

b. Family Events to include kid's activities – 2 or 3 events

This would include the sale of food, with the profits going to the B-H Sportsbooster's Club (Scott Powers).

c. Additional events to be determined. Mark will notify the council in advance of occasions that involving closing of the street.

2. When the family/school events are held will allow him to have a fire pit south of his building.

3. Allowing Traditions Bar & Grill to stay open until 1:00 a.m. on January 1, 2018.

4. Allowing a fence on the east side of the cement barricades pending approval by Mn Energy Resources and Arvig Communications, and an approval from the city for a fence Permit.

A motion by D. Nelson, seconded by Member Olson to accept the Mark Fay meeting minutes to allow the above requests and events during the dates stated above. Carried.

H. Nuisance Property

A public hearing will be held on October 9th for the four nuisance properties. The owner has informed the city clerk that she is in the process of tearing the one building done within the next ten days. One other nuisance property is in the process of being sold to the neighbor. A letter was sent out to each of the property owners informing them that they were in violations of Bertha City Code. If the city did not hear back by September 11, 2017, they will start the legal process to remove the hazardous building from their property. The cost of removal will be assessed to the property.

6. 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.

Mayor Zimmerman asked if there were any additions, corrections, deletions to be made to Consent Agenda. Motion D. Nelson, seconded by member K. Nelson to approve the consent agenda as presented. Carried. The consent agenda included the following items.

A. Approval of August 14, 2017 Regular Council Minutes

- B. Approval of August Disbursements & Authorize Issuance in accordance with the list provided including all electronic payments including a check for Karin Anderson - Check No. 6259.
- C. Review Bank Correspondence – Bank Statement and Investment Report
- D. Approval of the recommendation from the Economic Development Board to not utilize using the revolving loan funds for general government purposes.
- E. A public hearing was set for October 9th at 6:45 p.m. for vacant properties.
- F. Approved Zoning Permit 2017-15 – Pete Wallner-to demolish and construct a 48X40 u-storage unit
- G. Prosecution Service Agreement – Approved entering into an agreement with Todd County Attorney’s Office to prosecute its misdemeanors, gross misdemeanors and ordinance violations. The contract rate for prosecution services will be \$675.00 for 2018 and authorizes the City Clerk and Mayor to sign the contract.

7. Committee Reports – None

8. Correspondence/Meeting/Conferences

- A. Bertha Relief Association – Investment Report Card - review only
- B. Todd County Office of Emergency Management – is currently working on updating the County’s 2012 “Multi-Hazard Mitigation Plan”. Community involvement is vital to the success of the plan. They will hold two in-person planning team meetings and encourage interested community members to attend.
- C. Todd Soil & Water Conversation Enviro-fest – Mr. Templin will be unable to help this year due to construction conflicts. Did not act on the request from Todd County Soil & Water for \$200.00 for the Enviro-Fest.

Mayor Zimmerman presented a letter to Clerk Umland to be read. Mayor Zimmerman submitted his resignation as the mayor of Bertha due to medical condition. A motion by K. Nelson, seconded by Member Olson to accept his resignation. Carried. Clerk Umland will prepare a resolution accepting his resignation and declaring a vacancy and ordering the council to appoint a qualified person to fill the vacancy for the October meeting.

9. Adjournment

There was no further business to come before the City Council. Member D. Nelson moved; Member K. Nelson seconded the motion to adjourn. With all members in favor, motion was carried. The meeting adjourn at 8:30 p.m. Carried.