CITY OF BERTHA

TODD COUNTY, MINNESOTA

REGULAR MEETING OF THE CITY OF BERTHA

HELD AT THE BERTHA COMMUNITY CENTER

MONDAY, MAY14, 2018

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

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

**Guest:** Trinity Gruenberg, Pete Wallner, Marv Stokes, Karen Winkler, Amy Botzet, Kori Wightman, Joann Collins, Kerry & Linda Nelson, Russ Vandenheuvel, Scott Powers, Mark Fay and Birch Pettow.

***Declaring a quorum, Mayor K. Nelson 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 appropriate.

Mark Fay, owner of Traditions Bar & Grill, forgot to submit his zoning permit application for a temporary shed that was moved to the empty lot on the south side of his business. Mr. Fay was asked to provide the city office with his zoning application within the week. He has placed a temporary storage shed on his lot adjacent to his establishment. He informed the council that the fire ring he installed has protected measures when not in use it can be locked.

***4. Communications Reports***

*A.* ***Enterprise Reports*** *– April reports- for review only*

***B.* Fire/Ambulance Reports** – Mr. Wallner informed the council that he added 3 new recruits to the department making the roster 16. The new recruits that have been accepted on the department are Eli Wiese, Daniel Fisher and Justin Masog effective May 7, 2018. Mr. Wallner stated that a new pump was purchased with last year DNR grant money. The 2018 DNR grant that will be submitted will be for equipment that was to be purchased with the 2017 grant money.

Ambulance Department- Current roster is at 15 members for the department. Mr. Vandenheuvel informed the council of the upcoming raffle along with a pancake fundraiser on the Sunday of Bear Country Days.

***C. Law Enforcement –*** *Mr. Berndt presented the council with his April activity report.*  The monthly report showed the following violations for Bertha: 12-citizen calls, 4-citiations, 2-warnings, 6-public assists, and 3-assist other agencies and 1 vehicle unlock. The council decided to have public nuisance inspections again this year. Mr. Berndt along with Members Bowman and Captain will do a city wide inspection and make a list of properties not in compliance with our city code. He will provide the council with pictures to review prior to sending out notices.

***D. Public Works Report –*** Mr. Templin supplied the council with his April Maintenance report to review and give comments. He was busy doing annual inspection on the well along with Mn Dept of Health did an inspection and audit. They did some repairs at the picnic shelter/restrooms to get it ready prior to opening for the summer. He met with different contractors for quotes for street repairs. RDO said the issue with the pay loader was the computer mother board which needed replacing. RDO discovered other minor maintenance issues that need attention down the road.

**Motion** by Member D. Nelson moved to accept the quote from Barrett Welding & Machining to erect guardrail & handrails for the steps in back the Bertha Community Center plus erecting a guardrail around the cement tank at the sanitation site for $5,800.00, seconded by Council Olson, motion carried. The rails will be made of 1 ½ inch square tubing by 3/16 wall for 1 ¼ diameter schedule 40 pipe for the handrail on the steps.

The council reviewed the proposal from Quality Flow Systems, Inc. for a meter pit monitoring switch and a flow meter element replacement. Motion by Member Bowman to approve the purchase and installation of a float switch in the existing pit to monitor for high water condition total delivered price of $2,863.00, motion carried.

**E. Clerk Review – review only**

***5. Consider Business Items A. Nuisance Property –*** Huff house demolition update- Sentence-to-Serve has removed all the contents from inside the building. Mr. Templin has contacted Korblick Excavating, LLC to be put on their schedule to demo the structure and take the demo to Todd County landfill. Moved by Member D. Nelson, and seconded by Member Bowman approving hiring Korblick Excavating, LLC to demo the structure and haul it to Todd County Landfill for disposal at a total cost of $5, 5000.00. Carried.

$3,250 – Demo house/foundation, load on dumpster and truck hauling away foundation, cleanup, fill with black dirt and landscape, and seed the lawn.

$2,250 – Provide 5-30 yard transfer station dumpsters (this includes mileage dropping off & picking up of dumpsters, landfill fee and rent fee).

Pete Wallner showed concern about the demolition without it being inspected for asbestos. The council suggested that the city clerk should follow-up with Korblick Excavating to see if they had an inspection done and get a copy. If not, to get the correct paperwork prior to demolition. He also suggested notifying the clinic prior to demolition.

***B. Street Repairs –-*** still waiting for a second quote-Central Specialties has been contacted and will provide us with a quote. Anderson Brothers was contacted and recently declined to provide an estimate. The reason for the decline is it too small of a project to do. At our April meeting, the council approved spending up to $50,000. to do street repairs which included crack sealing ($4,000) and patching. Mr. Templin provided the council with an estimate from J & J Excavating to do sewer extension on the north end of the Bertha Horizon and replacement of four catch basin & pipe to make connection. The catch basins are located at the intersection of 1st Street NE & 2nd Ave NE. The quote was for $16,010.00 with additional of $700.00 for castings, if wanted. The quote did not include bonding, depositing of unsuitable materials, filling in road with good materials, density testing, topsoil or erosion control. The sewer extension north of Horizon Manor on 2nd Street NE was not acted on. ***Motion by Member D. Nelson, seconded by Member Captain to accept the quote from J & J Excavating for storm sewer rehab at the intersection of 1st Street NE & 2nd Ave NE, approve increasing the crack sealing amount approved in April to $8,000.00 and fix the street in front of the Foresight duplexes. Carried.*** Mr. Templin provided the council with a proposal from Tri-City Paving to fix the frost heave on 2nd Street NW adjacent to the driveway into Pro-Ag gas tank. This would include a 78 feet by 31 feet area where they would remove tar, excavating 2 feet, install fabric, install and impact fill with class 5 and pave patch with 2 inch of tar and fix grade around manhole for $31,200.00. Motion by Member Bowman to approve repair and patch the troubled area of the road only, seconded by Member Olson. Carried.

***C. Hope Addition One- a*** special meeting was called by Mayor K. Nelson prior to the regular meeting, which was posted, with Jason Murray (David Drown Associates, Inc.) and he reviewed the terms of assistance for Nelson Housing Development Phase II. Since the Nelson’s were not in attendance he said all we had to do was provide them with the agreement for them to review and sign. Mr. Nelson questioned the council if the north two lots were available. He was informed at the time they weren’t but might come available if the other party does not fill their agreement. Member D. Nelson questioned him what he would use the lots for and he replied, “storage units”. He was informed they could be used only for residential purposes only, not commercial. The Nelson’s left the meeting stating they needed to discuss a few issues on the agreement with Mr. Murray.

The next issue they dealt with was the request from the Dukowitz’s to have an extension on constructing a new home on Lot 4 &5, Block Two of Hope Addition One. They signed a purchase agreement on May 15, 2017 stating upon closing, buyer has one year to construct a single-family dwelling on the parcel. Since they have been unable to sell their current residence they inquired about an extension. Motion by Member Bowman, seconded my Member Olson to the following terms for an extension: 1. They must close on the property within 30 days 2. The first half of the taxes must be paid which consist of $500.00 for partial payment of the property and half of the annual water availability charge (218.66 annual assessments). 3. If the first two options are met they would be allowed until June 15, 2019, to construct a new dwelling. Carried. If they do not follow thru with closing, the parcels would revert back to the Seller.

***D. Minnesota Investment Fund (MIF) –*** the council reviewed the minutes for the Economic Development/ Revolving Loan Committee meeting that was held on April 27th. The Minnesota Legislature is now allowing a one-time exception to the rules on how revolving loan funds can be used. Local governments can now opt to use 80% of their uncommitted loan fund balance for any lawful purpose, as long as 20% of the balance is returned to the state. Cities who want to use the one-time exception have until June 1 to apply to the Minnesota Department of Employment and Economic Development. Once DEED approves the form the 80% should be moved from RLF account and the 20% should be transferred to DEED. Member D. Nelson moved, Member Captain seconded to approve Resolution 2018-20 approving the Minnesota Investment Fund State Fund Revolving Loan Fund Request for One-Time Exception to transfer $63,000.00 out Revolving Loan Fund with $50,400 to be used for street projects and $12,600 sent to DEED and allowing the city clerk signature on the form. The motion carried.

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. There was one name correction to 6D Zoning Permits instead of Mike Messer it should have been Richard Mettler. Motion by D. Nelson, seconded by Olson to approve the consent agenda as amended. Carried. The consent agenda included the following items;

1. Approval of the April 9, 2018 Regular Council Minutes, April 18th Board of Appeal & Equalization Minutes and April 27th Economic Development/Revolving Loan Committee Minutes.
2. Approval of the April Disbursements & Authorize Issuance in accordance with the list provided including all electronic payments
3. Review Bank Correspondence – Bank Statement & Investment Report
4. Approve the following zoning permits:
5. Zoning Permit 2018-02-Leroy Sakry – to construct a ramp & deck
6. Zoning Permit 2018-03 Randy Becker – 16X38 addition on east side of house
7. Zoning Permit 2018-04 Richard Mettler – to replace front & back steps- along with moving metal shed to east side.
8. Zoning Permit 2018-05 – Jamie Bryniarski – 16X16 addition to house
9. Zoning Permit 2018-06-Mark Fay- temporary storage shed – was asked to submit the application the week of council meeting – informed the council that he forgot and would submit application**.**
10. Consider Approval of Minnesota Lawful Gambling LG220 Application for Exempt Permit

A. Resolution 2018-19- St. Joseph Catholic Church has requested approval of a gambling license to conduct a raffle on the church grounds for their annual Church Festival on August 12th with no waiting week.

B. **Resolution 2018-17** - Bertha-Hewitt Sports Booster has requested approval of a gambling license to conduct a raffle on the school grounds on October 17, 2018 with no waiting week.

1. **Resolution 2018-16** *Accepting a Donation from the Todd Area Trail Association- a resolution accepting a $800 donation from the Todd Area Trail Association designated to*

*assist the Bertha Firemen Relief Association in funding the Bear Country Days.*

1. *Adopt Resolution 2018-15 to certify delinquent ambulance 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 of Bertha. The Expert T Billing has determined that the account shown on the resolution is uncollectible.*
2. *The Fire Department has requested authorization to submit a grant application from the Minnesota Department of Natural Resources for a Rural Fire Department Volunteer Fire Assistance Matching Grant to assist with the purchase of hoses, reel, hookups and pagers. for an approximate amount of $4, 062.00 with a local match of approximately $2,031.00. and authorize the appropriate signature on the paperwork.*
3. *Approving the Agreement for Police Liaison Services with Bertha-Hewitt School in the amount of $700.00 per month, and authorizing the City Clerk to sign the agreement.*
4. *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 at 308 2nd Ave NW was canceled because of delinquent taxes and now has to be recertified to the county auditor. Approved Resolution 2018-18 to recertify Parcel #29-0004900 street assessment to the Bertha Authority Water Improvement Project List that was certified in 2012. The amount specially assessed is hereby declared to be $6,597.38 or a yearly payment of $374.60 for 24 years.*

**7.Committe Reports –None**

**8. Correspondence/Meeting/Conferences**

**A. NJPA Workshop-**review only

***B. Board of Appeal and Equalization –*** Legislation enacted in 2003 sessions requires that there be at least one member of the council on the Board of Appeal and Equalization who as completed a training course approved by the Commissioner of Revenue every four years. If a city fails to meet this requirement by February 1st of each year is deemed to transfer its power to County Board of Appeal/Equalization for a minimum of two assessment years. A city must opt out and turn over the responsibility to the county. The council discuss turning this over to the county due the lack of attendance at this meeting. Usually, only one or two taxpayers come to appeal. If they don’t do it at a local level the taxpayer may opt to schedule a review at the county level. They briefly discussed the pro and con of the matter. Member Bowman moved that we have the county do it, with a lack of second she withdrew her motion.

***C. NJPA –*** have contracted with companies that deal with sales of emergency equipment.

Pete Wallner confronted the council about how zoning permits are approved prior to the council meeting. He felt they should be more consistent and treat everybody the same.

Birch Pettow expressed his feelings on the poor attendance by government officials at city events. No one ever shows up.

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 8:00 p.m. Carried.