

**BAXTER CITY COUNCIL MINUTES**  
**February 7, 2017**

Mayor Darrel Olson, who led in the pledge to the flag, called the regular meeting of the Baxter City Council to order at 7:00 p.m.

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson, Council Member Quinn Nystrom, Steve Barrows, Todd Holman and Mark Cross.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Assistant City Administrator Kelly Steele, Community Development Director Josh Doty, Police Chief Jim Exsted, Finance Director Jeremy Vacinek, and Public Works Director Trevor Walter.

**GUEST PRESENTATION**

Northland Arboretum Executive Director Matthew Hill gave a brief presentation on the 2017 Northland Arboretum education programs, health and welfare programs and community events.

**CONSENT AGENDA**

- A. Approve City Council Minutes from January 17, 2017
- B. Approve City Council Work Session Minutes from January 17, 2017
- C. Approve the Payment of Bills and Finance Report
- D. Adopt Resolution 2017-008 Calling for a Public Hearing on the Proposed Modification to the Development Program for Development District Number One, the Proposed Establishment of Tax Increment Financing District Number 14, and the Adoption of the Tax Increment Financing Plan
- E. Authorize Mayor and Staff to Execute 2017 BLAEDC Contract for Economic Development Services in the Amount of \$28,500
- F. Approve the Appointment of Taylor Halverson as a Police Officer at the Entry Level Wage pending Completion of Background
- G. Accept the Donation of 4 Weapons from Mills Fleet Farm to the Police Department
- H. Approve the Use of \$5,400 from Drug Forfeiture Fund to Purchase Ballistic Shields
- I. Approve the Use of \$6,400 from Drug Forfeiture Fund to Purchase Rifles for Police Department
- J. Adopt Amendment to the 2017 Fee Schedule for Mechanical and Fire Suppression
- K. Authorize Execution of the TIF Revenue Note for Sprucewood Townhomes
- L. Award the Professional Engineering and related Engineering Services Contract for the 2017 Mill & Overlay/Full Depth Reclamation Improvements Project to WSN in the not to exceed amount of \$77,432.00
- M. Approve the Vessco Inc. Proposal in the amount of \$15,118.00 for the Water Treatment Plant Sodium Hypochlorite Storage Tanks

- N. Accept Long Range Planning Commission Minutes from January 23, 2017
- O. Accept Park Commission Minutes from January 23, 2017
- P. Authorize staff to proceed with an LCCMR grant application for the Mississippi River Overlook Park area

**MOTION** by Council Member Cross, seconded by Council Member Barrows to approve the Consent Agenda. Motion carried unanimously.

### **PLANNING AND ZONING ACTIONS**

#### **Adopt Resolution 2017-009 approving a Comprehensive Plan Amendment to amend the City's Future Land Use Plan from Low Density Residential to Office Service for 14 properties located North of Fairview Road, East of Glenwood Drive and West of Fairview Office Park**

CD Director Doty reviewed the aerial photo showing the 14 properties that were zoned Office Service (OS) and the Future Land Use Map showed Residential (R-1), this makes these 14 properties inconsistent. The zoning is not changing; this is just an update to make the comprehensive plan and future land use plan consistent.

CD Director Doty reviewed the site history, background, zoning, public comments, existing conditions of the land, utilities and the transportation systems being able to support an OS District. He noted that the stop light at Knollwood Dr. is moving to Inglewood Dr. that has been in the works for some time and parallel road systems that will ease the residential traffic.

Shawn Randall, 13728 Glenwood Drive – Expressed his concern that properties across from commercial property will diminish in value. Mr. Randall was in support of the zoning change with the exception of the three corner properties.

Ryan Saulsbury, 13727 Glenwood – Expressed his agreement with Mr. Randall and was nervous about the character of the neighborhood. He has concerns with property value, but he is more concerned about the character of the neighborhood. Mr. Saulsbury stated he would like the city to keep a buffer strip to preserve the quietness of the neighborhood.

Lisa Paxton stated she is a property owner in the area with a partner and they would never recoup investment if the area is kept zoned as residential.

Bill Goers, 6710 Fairview – stated he purchased property as an investment property and was zoned as OS and would like to keep the zoning as it exists.

Mayor Olson inquired if the property was previously zoned OS when homes were purchased. OS is for dental, insurance and other office type uses and not commercial construction. Council Member Holman stated the Long Range Planning Commission felt the same after reviewing the history of the area.

Shawn Randall, 13728 Glenwood Drive – asked if there was any requirement to an office building to make it blend in for the age of the building and neighborhood. Mr. Doty stated there are a number of requirements related to the proportion of buildings and building standards that must be met.

**MOTION** by Council Member Holman, seconded by Council Member Barrows to adopt Resolution 2017-009 approving a Comprehensive Plan Amendment to amend the City’s Future Land Use Plan from Low Density Residential to Office Service for 14 properties located North of Fairview Road, East of Glenwood Drive and West of Fairview Office Park. Motion carried unanimously.

**OTHER BUSINESS**

**City Administrator Search Process**

David Drown Associates Representative Gary Weirs discussed how the City would like to bring candidates in for final interviews and which components you would like to add into the interview process. Mr. Weirs clarified that tonight's discussion council must use the numbering system provided, it is not appropriate to identify any candidates by name or characteristics.

Mr. Weirs stated that upon being named finalist the candidate's name does become public information, the other applicants' names never become public information. There were 39 applicants for the position and Mr. Weirs selected top candidates and narrowed the selection to the top 12 candidates.

Mr. Weiers asked each council member to pick five candidates identified solely by numbers 1 - 12.

The candidate numbers were tallied below:

- Candidate No. 1 - 3
- Candidate No. 2 - 1
- Candidate No. 3 - 0
- Candidate No. 4 - 2
- Candidate No. 5 - 3
- Candidate No. 6 - 1
- Candidate No. 7 - 3
- Candidate No. 8 - 2
- Candidate No. 9 - 4
- Candidate No. 10 - 1
- Candidate No. 11 - 4
- Candidate No. 12 – 1

Plans are for interviews on March 17 and March 18, 2017 with the city department heads meeting with candidates March 17<sup>th</sup> before a casual dinner gathering that Friday night. The council plans to formally interview each candidate the following day.

Mayor Olson expressed his disappointment that no one from the community attended a meet-and-greet event last time and the council decided against repeating that process. Instead a casual dinner with staff and council members would provide an opportunity for community members to attend. Council consensus was against providing city tours for candidates.

Council Member Cross felt it was up to the candidates to do their research on the city. While staff members suggested a preference for the casual dinner versus a structured interview with department heads, council members favored both. Council Member Holman said in the casual social gathering there is no assurance each candidate will be asked the same things and he cautioned against an overly subjective interaction.

Council Member Holman stated the social gathering at dinner wasn't helpful for him in making a decision. Council Member Nystrom and Council Member Barrows felt they did get something out of the dinner gathering. But all noted the table configuration meant people only talked to those seated next to them and an appetizer mixer was recommended as an alternative.

MOTION by Council Member Cross, seconded by Council Member Barrows to interview Candidate No. 1, 5, 7, 9, and 11 with Candidate No. 4 and 8 as alternates. Motion carried unanimously.

### **LELS, Local #312 Step 3 Grievance Hearing**

Law Enforcement Labor Services Representative Andrew Masterman reviewed the reason for the grievance. Currently, the officers have not been compensated as per their request as per Article 6 of the Collective Bargaining Unit.

Cancellation notice was given on December 27, 2016 for court appearance on December 28, 2016 and the agreement states that officers are entitled to 2 hours of pay if the court cancels within 24 hours of the scheduled date the officer is to appear.

Mayor Olson requested information from Interim Administrator Steele. Ms. Steele stated she had received the Step 2 Grievance as per Mr. Masterman's explanation and stated she did deny the request.

Ms. Steele explained that when the City entered into the 2015 – 2016 contract and that Article 8.2 was new language added to the contract. The intent for the 2 hours pay for the 24 hour court cancellation notice was to compensate the officers as they work night shifts and they would have to come in the next morning for when the court case that was cancelled. She stated the cancellation came in before the 24-hour notice time wise on December 27, 2016.

Mayor Olson clarified that she denied the request based on hour wise not by date of notice. Council Member Barrows inquired if each officer was impacted by one court case each. Ms. Steele confirmed.

Council Member Cross clarified that LELS is contending that the language of the contract states 24-hour before the date of the court not the time of court. This is cutting a fine line on definitions and can the City request the Court send de-notification earlier.

Chief Exsted stated the request has been made to the County Attorney's office and there were reasons why the notice was sent at that time. The police department does not have control over when these notices are sent out but an attempt has been made.

Council Member Cross inquired is the next agreement has been completed and can this matter be addressed. Council Member Barrows stated they are currently under negotiations. Mr. Masterman stated he understood the direction of the comments and the group would be receptive to having further discussion on the subject. Mr. Masterman stated the agreement clearly states that officers 24 hours of the scheduled date and there is a loss on the officers part.

Council Member Nystrom stated she was in agreement with Council Member Cross with this interpretation being a gray area with two different interpretations. The language needs to be firmed up to avoid this circumstance in the future. Council Member Holman stated he would find on the side of the staff's interpretation since 24 hours is a pretty good piece of time and is reasonable to make amendments.

Council Member Barrows stated that he leaned the other direction because of the ambiguity of the particular article. This matter needs to be cleaned up with the next agreement since neither side knows the original intent.

**MOTION** by Council Member Nystrom, seconded by Council Member Barrows to settle with LELS with regards to Local #312 Step 3 Grievance. Motion carried with Council Member Holman voting no.

### **COUNCIL COMMENTS**

**Quinn Nystrom** – Attended Brainerd Public School Foundation and was a very nice event.

**Todd Holman** – Attended Eggs and Issues sponsored by Chamber, Cub Foods, and Maddens. Great event and was a good opportunity to discuss the City of Baxter priorities with local legislators in attendance. Attended a LMC event focus on racial awareness.

### **CITY ADMINISTRATOR'S REPORT**

Interim Administrator Steele had no report.

### **CITY ATTORNEY'S REPORT**

City Attorney Person had no report.

### **ADJOURNMENT**

**MOTION** by Council Member Cross, seconded by Council Member Barrows to adjourn at 8:45 p.m.

Approved by:

Respectfully submitted,

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Darrel Olson  
Mayor

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Mary Haugen  
Administrative Assistant