

BAXTER CITY COUNCIL MINUTES
October 31, 2017

1. Call Meeting to Order

Mayor Darrel Olson called the emergency meeting to order at 4:00 p.m.

2. Roll Call

Mayor Darrel Olson and Council Members Quinn Nystrom, Steve Barrows, Todd Holman, and Mark Cross

Staff present: City Administrator Bradley Chapulis, Assistant City Administrator Kelly Steele, and Finance Director Jeremy Vacinek

3. Closed Session Under Minnesota Statute 13D.05, Subd. 3(b), Attorney-Client Privilege

Attorney George Hoff, special counsel to the city, explained the mayor determined an emergency meeting is needed and has called an emergency meeting under Minnesota Statute 412.19. All council members have seen the notice of the meeting provided by the mayor. The determination of necessity for immediate consideration is a settlement overture received from the city of Brainerd and that the hearing is scheduled for this Friday and consequently the city could not meet the three day notice to consider. Based on the judgement of Mayor Olson and Attorney Hoff immediate consideration by the public body of the settlement overture was necessary for the council to act in a matter that could result in resolution with significant savings to the city.

MOTION by Council Member Holman, seconded by Council Member Barrows to adopt the Mayor's rational set forth in the meeting notice dated October 30, 2017 as need for an emergency meeting. Motion carried unanimously.

Attorney Hoff explained the city is embroiled in an annexation matter and franchise fee dispute with the city of Brainerd which will result in litigation if not resolved. The council is entitled to evoke the attorney client privilege for a confidential discussion with its attorney under Minnesota Statute 13D.05, Subd. 3(b) to discuss the annexation and franchise fee dispute. Due to the opinion of Attorney Hoff, the council needs to have an open and candid discussion to act in the best interest of the residents of Baxter.

MOTION by Council Member Holman, seconded by Council Member Barrows to adopt the rational and statutory authority for entering into a closed session as presented by Attorney Hoff. Motion carried unanimously.

MOTION by Council Member Barrows, seconded by Council Member Nystrom go into a closed session at 4:04 p.m. Motion carried unanimously.

MOTION by Council Member Cross, seconded by Council Member Barrows to return to the open session at 4:54 p.m. Motion carried unanimously.

4. Adjourn

MOTION by Council Member Cross, seconded by Council Member Barrows to adjourn at 4:56 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator