



City of Northfield

City Hall
801 Washington Street
Northfield, MN 55057
ci.northfield.mn.us

Meeting Minutes - Draft City Council

Tuesday, November 16, 2021

5:00 PM

Council Chambers

Closed Meeting

5:00 PM - CLOSED SESSION

CALL TO ORDER

Present: 7 - Council Member Clarice Grabau, Council Member Suzie Nakasian, Council Member Brad Ness, Council Member Jessica Peterson White, Mayor Rhonda Pownell, Council Member Jami Reister, and Council Member George Zuccolotto

1. [21-660](#) Closed Meeting - Pending litigation in the matter of John Collingham, et al., v. City of Northfield et al. This meeting will be closed pursuant to Minnesota Statutes, Section 13D.05, Subdivision 3(b) - 5:00PM

Mayor Pownell called the meeting to order at 5:04 p.m.

City representatives and consultants present: City Administrator Ben Martig and Christopher Hood, City Attorney with Flaherty and Hood.

Mayor Pownell stated the following:

This meeting of the City Council of the City of Northfield will be closed pursuant to Minnesota Statutes, Section 13D.05, Subdivision 3(b) under the attorney/client privilege exception to the Minnesota Open Meeting Law.

The City's need for confidentiality outweighs the purposes served by the open-meeting law in this case based on the following:

- Absolute confidentiality is necessary so that the City Council and legal counsel can have a candid and open discussion to determine the available legal options to handle pending litigation, including strategy and any possible areas of resolution.*
- The purpose of the closed meeting is not to make a decision behind closed-doors, but instead is to determine the legal options for handling the referenced pending litigation.*
- The only business to be discussed in this meeting is the pending litigation, including strategy and any possible areas of resolution.*
- An open session would be detrimental because it may take place in the presence of individuals involved in the pending litigation.*
- A closed session would benefit the public because the ultimate outcome of the pending litigation may impact the finances and regulatory authority of the City.*

A motion was made by Council Member Ness, seconded by Council Member Peterson White, to close the meeting at 5:07 p.m. The motion carried by the following vote:

Yes: 6 - C. Grabau, C. Ness, C. Peterson White, Mayor Pownell, C. Reister, and C. Zuccolotto

Not Present: 1 - C. Nakasian

Mayor Pownell opened the meeting at 5:47 p.m.

A motion was made by Council Member Nakasian, seconded by Council Member Ness, to authorize and direct the Mayor and City Clerk to execute a joint defense agreement between the City and Northfield Hospital and Clinics in the matter of Collingham v. City of Northfield, as approved by the City Attorney, and further authorizing execution of such other documents as are necessary to effectuate such joint defense agreement with the Hospital, the Hospital's insurer and the law firm of Bassford Remele, or other defense counsel, as applicable. Motion carried by the following vote:

Yes: 7 - C. Grabau, C. Nakasian, C. Ness, C. Peterson White, Mayor Pownell, C. Reister, and C. Zuccolotto

A motion was made by Council Member Ness, seconded by Council Member Reister, to authorize and direct the Mayor, City staff, City Attorney, and the City's appointed legal defense counsel to take all reasonably necessary and appropriate actions to defend and protect the City's interests in the matter of Collingham v. City of Northfield. The motion carried by the following vote:

Yes: 7 - C. Grabau, C. Nakasian, C. Ness, C. Peterson White, Mayor Pownell, C. Reister, and C. Zuccolotto

ADJOURN

A motion was made by Council Member Nakasian, seconded by Council Member Peterson White, to adjourn the meeting at 5:50 p.m. The motion carried by the following vote:

Yes: 7 - C. Grabau, C. Nakasian, C. Ness, C. Peterson White, Mayor Pownell, C. Reister, and C. Zuccolotto