

**City of Fairmont
100 Downtown Plaza
Fairmont, MN 56031**

City Council Minutes
Special Meeting: Closed Session

July 22, 2024
City Hall, 4:30 p.m.

CALL TO ORDER The Fairmont City Council met in special session at Fairmont City Hall in the Second Floor Conference Room. Mayor Baarts called the meeting to order at 4:30 p.m.

ROLL CALL

Council present: Lee Baarts, Mayor
 Wayne Hasek, Councilmember
 Britney Kaweck, Councilmember
 Randy Lubenow, Councilmember
 Michele Miller, Councilmember
 Jay Maynard, Councilmember

Staff present: Matt Skaret, City Administrator
 Paul Hoye, Finance Director
 Matthew York, Director of Public Works/Utilities
 Betsy Steuber, City Clerk

Also present: Joseph Neubauer, League of Minnesota Cities
 Claims Adjustor
 James Thompson, Kennedy & Graven Attorney
 (remote: visual & audio)

CLOSED SESSION

Mayor Baarts stated the agenda items for this special closed meeting was to engage in confidential attorney-client communications and litigation strategy related to the Local Option Sales Tax (LOST) Litigation and Appeal, recently filed by the Fairmont Taxpayer Coalition. The legal basis to close the meeting is pursuant to Minnesota Statute § 13D.05, subdivision. 3(b), under the attorney/client privilege exception to the Minnesota Open Meeting Law. The City's needs for confidentiality outweighs the purposes served by the open meeting law. Motion made by Councilmember Maynard, seconded by Councilmember Lubenow to close the meeting pursuant to Minn. Stat. § 13D.05, subd. 3(b), to conduct a closed session pursuant to the attorney-client privilege to engage in confidential attorney-client communications and litigation strategy related to the Local Option Sales Tax (LOST) Litigation and Appeal.

All present voted in favor. Motion carried. The Council went into closed session at 4:33 p.m.

Mr. James Thompson, attorney with Kennedy and Graven, and Joseph Neubauer, Claims Adjustor at the League of Minnesota Cities, provided an overview to Council regarding the status of the Local Option Sales Tax (LOST) litigation and appeal.

OPEN SESSION

Mayor Baarts declared the meeting open at 4:59 p.m.

ADJOURNMENT

Motion was made by Councilmember Maynard, seconded by Councilmember Lubenow, to adjourn the special meeting, as there was no further business to come before the Council. All present voted in favor. Motion carried. The Fairmont City Council adjourned at 4:59 p.m.



Lee C. Baarts, Mayor

ATTEST:



Betsy Steuber, City Clerk