

Monday, May 23, 2022

CITY OF MINNETONKA BEACH

Special meeting – Schussler v. City of the Village of Minnetonka Beach – 8:00 am

Roll Call: Mayor Jaci Lindstrom; Council Members: Susan Enlow, Vibhu Sharma, Treasurer: Chris Zinn. Absent: Council Member Tracey Breazeale

Staff Present: City Administrator Heidi Honey, City Clerk Jane Burgess

Guests: Jason Kuboushek – Iverson Reuvers

1. Mayor Lindstrom called the special meeting to order at 8:00 am

Mayor Lindstrom recommended closing the meeting under attorney-client privilege pursuant to Minn. Stat., section 13D.05, subd. 3(b).

Enlow motion, Sharma second to close the special council meeting to discuss Schussler v. City of the Village of Minnetonka Beach under attorney-client privilege pursuant to Minn. Stat., section 13D.05, subd. 3 (b). Roll call vote: Enlow - aye, Sharma -aye. All ayes, motion carried.

After City Council came out of the closed session and into the open meeting, Jason Kuboushek summarized the discussion as the Schussler's waive their right to appeal the March 23, 2022 order granting summary judgement against the City if the City waives the right to the approximate \$3,413 in costs. Kuboushek added that this is a good deal to end this litigation and he along with the LMCIT agrees this is a great resolution and is recommending this settlement.

Enlow motion, Sharma second to accept the settlement offer by the Schusslers to waive their right to appeal the March 23, 2022 order granting summary judgment to the City and that they would be ending the litigation against the City. In exchange the City is waiving any right it has to potential costs that it saw up to \$3500. Roll call vote: Enlow – aye, Sharma – aye. All ayes, the motion carried.

Lindstrom praised Kuboushek for their legal expertise from him and Paul Reuvers from the beginning and through Discovery and they made a difference helping the City. She acknowledged City Attorney Batty for all his efforts in this case.

Kuboushek then praised City Council and City Staff for all the work done in quickly obtaining the documents required during this case which began mid-February of 2020. He noted that Staff put together banker's boxes of documents during Discovery and Council had to answer the Discovery as well.

2. Adjourn

Enlow motion, Sharma second to adjourn the May 23, 2022 Special City Council meeting. Roll call vote: Enlow - aye, Sharma - aye. All ayes, the motion carried.

Mayor Lindstrom adjourned the special meeting at 8:13 am.

Respectfully submitted,

Jane Burgess, City Clerk

The meeting was held at the City of Minnetonka Beach City Hall and Peet's Coffee Shop at 894 Avocado Avenue, Newport Beach, CA 92660.