

CITY OF ROSE CREEK

ANDREW LEISEN - Mayor
Kristine Allas – Clerk-Treasurer

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Special Council Meeting June 12, 2025

Pursuant to due call and notice thereof, the special meeting of the City Council of Rose Creek was held, Thursday, June 12, 2025, with the following present: Mayor Andrew Leisen, Council Members: Thomas Lewison, Andrew Felten, Mark Conradt, Wendel Sprung, City Clerk/Treasurer Allas, and Public Works/Maintenance Aaron Wagner. There were approximately 3 guests/residents in attendance.

Mayor Andrew Leisen opened the special meeting of the City Council at 11:06 a.m. and we recited the Pledge of Allegiance.

Council Member Sprung made the motion to enter closed session at 11:13 a.m., Council Member Conradt seconded, and was approved by Mayor Leisen.

Before the closed session, City Attorney Ketchum explained that the Open Meeting Law allows city councils to enter into closed sessions for attorney client privilege reasons. The city received notice of threatened claims by the owner of the property located at 101 1st Street, which is located at the southwest corner of 1st Street SE and Oak St E east of the old fire hall. City Attorney Ketchum noted that there is a lengthy history involving the property. He noted that it was his and city staff's understanding that the owner constructed a fence in violation of city standards. The property owner then recently began constructing a driveway without a permit. During this process, the owner damaged a portion of curb located within the city right-of-way which is owned by the city and part of the city's drainage system. City Attorney Ketchum discussed how the owner has repeatedly threatened to bring claims against the city if it were to do anything to address the fence, driveway, or right-of-way issues, including suing the city for monetary damages. Specifically, the property owner has stated the city has violated a variety of state and federal laws, including equal protection and laws governing land use regulations and the city permit process. The property owner has also alleged that city staff and officials have harassed her by documenting the issues, discussing them at council meetings, or taking previous council actions related to the property. City Attorney Ketchum noted that the city takes the property owner's threats seriously and the situation requires a candid and open discussion between the council and the city attorney without the presence of the potential litigant or public. For those reasons, he stated that the purposes served by the attorney-client privilege weigh against those served by the Open Meeting Law and dictate the need for absolute confidentiality. City Attorney Ketchum noted that the closed session will be limited to the scope of the threatened claims involving the fence, driveway, and damage to city right-of-way. Any council decisions about these topics must be made in an open council meeting. He explained that the council needs to make a motion to go into closed session, then the council will meet in closed session, and then the council will then return for an open portion of the city council meeting.

Closed Session pursuant to Minnesota Statutes, Section 13D.05, subdivision 3(b) for attorney-client privilege related to threatened litigation related to property located at 101 1st Street SE, Rose Creek, MN.

City council returned from closed session at 12:15 p.m.

Council Member Felten made the motion to tender claims for property owner at 101 1st St SE to League of MN Cities insurance, Council Member Lewison seconded, and approved by Mayor Leisen.

City Attorney Ketchum explained that the city was tendering the property owner's claims to the city's insurer as a matter of standard practice when it is threatened with litigation.

Council Member Lewison made the motion to direct staff to offer a driveway application to property owner, Council Member Sprung seconded, and approved by Mayor Leisen.

Council Member Sprung made the motion to adjourn the meeting at 12:20 p.m., Council Member Felten seconded, and approved by Mayor Leisen.

Respectfully submitted,

Kristine M Allas, City Clerk/Treasurer