

**CITY COUNCIL PROCEEDINGS**  
**BEMIDJI, MINNESOTA**  
**Special Meeting of Council – Wednesday, March 29, 2023**

Pursuant to due call and notice, a special meeting of the City Council of the City of Bemidji, Beltrami County, Minnesota, was held on Wednesday, March 29, 2023 at 5:00 p.m. in the Conference Room of City Hall, Mayor Prince presiding.

Upon roll call, the following Councilmembers were declared present: Prince, Peterson, Johnson, Rivera, Eaton, Thayer.

Staff Present: City Attorney, Katie Nolting

Others Present: Special Legal Counsel, Brandon Fitzsimmons

Mayor Prince stated that the purpose of the meeting was to discuss:

1. Schedule Annual Evaluation of Performance of City of Bemidji City Manager
2. Non-Annual Evaluation of Performance of City of Bemidji City Manager of Minnesota Statutes Section 13D.05, Subd. 3(a).

**Motion by Eaton, seconded by to postpone indefinitely scheduling the annual evaluation of the performance of the City Manager of the City of Bemidji until a new councilmember is seated after the April 11 Special Election. Motion failed for lack of a second.**

Rivera asserted to move forward and take no action at this time, utilizing the information provided by legal counsel based on the employment agreement between the City and the City Manager that states that the employee and employer agree that the initial performance review will be conducted on employee after six months and annually thereafter. The process for the employee performance evaluation will be mutually agreed upon by the employer and employee. The process, at a minimum, will include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation; (3) present a written summary for the personnel file. The council approved a motion at its February 6, 2023 regular City Council meeting to schedule the evaluation of the performance of the City Manager on Wednesday, March 29 at 5:00 p.m. at City Hall. The parties were not able to mutually agree upon the annual performance evaluation process prior to this meeting which was the previously scheduled date. Accordingly, the portion of the city council motion of February 6, 2023 scheduling an annual evaluation of the performance of the City Manager is not enforceable and cannot be executed by the City Council. Therefore, the City Council should not enforce or execute the motion.

**Motion by Johnson, seconded by Thayer, to postpone indefinitely the scheduling of the annual evaluation of the performance of the City Manager of the City of Bemidji. Motion carried by the following roll call vote: Yeas: Peterson, Johnson, Thayer, Prince. Nays: Rivera, Eaton.**

**Motion by Thayer, seconded by Peterson, to close the meeting in accordance with Minnesota Statute Section 13D.05, Subd. 3(a) for the purpose of a non-annual evaluation of the performance of City Manager Nate Mathews. Motion carried by the following roll call vote: Yeas: Rivera, Peterson, Prince, Johnson, Thayer. Nays: Eaton. Meeting closed at 5:14 p.m.**

**For the closed session, the Councilmembers, City Attorney Katie Nolting and Special Legal Counsel Brandon Fitzsimmons were present.**

**The Council discussed the non annual evaluation of the performance of the City Manager Nate Mathews in closed session.**

**The meeting was reopened at recessed at 5:23 p.m. for Council and Legal Counsel to move from the Chambers to the Conference Room and reconvened in closed session at 5:26 p.m.**

**The Council discussed the non-annual evaluation of the performance of the City Manager Nate Mathews in closed session.**

**The meeting was reopened and recessed at 7:35 p.m. and reconvened in closed session at 7:45 p.m.**

**The Council discussed the non-annual evaluation of the performance of the City Manager Nate Mathews in closed session.**

**The meeting was reopened and recessed at 8:42 p.m. until the meeting is ordered reconvened by the Mayor. The meeting reconvened in closed session at 9:51 p.m.**


**The Council discussed the non-annual evaluation of the performance of the City Manager Nate Mathews in closed session.**

**The meeting was reopened at 10:02 p.m.**

**ADJOURN**

There being no further business, motion by Peterson, seconded by Johnson, to adjourn the meeting. Motion carried. Meeting adjourned at 10:02 p.m.

Respectfully submitted,

  
Michelle R. Miller  
City Clerk