

# **COUNCIL PROCEEDINGS**

## **BEMIDJI, MINNESOTA**

### **Special Meeting – April 14, 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 Friday, April 14, 2023 at 11:15 a.m. in the Council Chambers 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, City Clerk/acting City Manager Michelle Miller

Others: Brandon Fitzsimmons, Flaherty and Hood

Mayor Prince stated that the purpose of the meeting was to consider a separation and release agreement between the City of Bemidji and Nate Mathews and to take action on Resolution No. 6483 – preliminary resolution of the City of Bemidji, Minnesota to remove and suspend City Manager Nate Mathews.

Fitzsimmons indicated in attorney/client correspondence to council he advised that a motion to approve the separation and release agreement between the City of Bemidji and Nate Mathews is needed for this meeting.

**Motion by Thayer, seconded by Eaton, approving the separation and release agreement between the City of Bemidji and Nate Mathews. Motion carried by the following roll call vote: Yeas: Rivera, Peterson, Johnson, Thayer, Prince, Eaton.**

Prince stated that because this agreement has been approved at this meeting, Minnesota Statutes Section 465.722 requires that the City Council make public the financial terms of payments to settle any disputed claims at this meeting. These terms are as following:

- In consideration for Nate Mathews waivers and releases described in Article 4 of this agreement and the entire terms of this agreement employer will:
  - A. Pay Nate Mathews through payroll:
    - a. A one-time lump sum payment of \$81,809.42; and
    - b. An amount equivalent to his accumulate paid time off as required.
      - These payments are subject to any required deductions and/or withholdings.
      - These payments will be made on the first payroll that is at least five days after the expiration of the 15 day period provided in Article 7, Section 7.2 of this agreement.
      - The one time lump sum payment is equivalent to six months of Nate Mathews' salary.
      - The City makes no representations to Nate Mathews as to the proper tax agreement of this payment to him.
  - B. Contribute through September 2023 towards and directly to an employer sponsored group insurance plan if and while employer is legally required to cover Nate Mathews and he is covered under such plan. The amount of contribution will be equivalent to the amount that it would contribute if he were employed with the employer during such time excluding any contributions it would require related processing through payroll or subject to payroll taxes.

Fitzsimmons advised Council that since the Council approved the separation and release agreement between the City and Nate Mathews and that agreement specifies that he is voluntarily resigning from employment with the City of Bemidji and the resolution that was approved by Council on April 3 provided he would be removed; the Council will need to take action to avoid a contradiction under law or agreement to rescind that resolution. More specifically, because Mr. Mathews does have the right under law to rescind the consideration of the payments in the agreement and the agreement provided that if he does that the agreement would be null and void, if the Council rescinds the resolution it should be effective April 29.

**Motion by Rivera, seconded by Peterson, to rescind effective April 29, 2023, Resolution No. 6483 – Preliminary Resolution of the City of Bemidji, Minnesota to Remove and Suspend City Manager Nate Mathews that was approved by the City Council at its April 3, 2023 Council Meeting. That if Nate Mathews rescinds or City Council rejects by no later than April 28, 2023 the considerations specified in Section 3.1 of the Separation and Release Agreement under Minnesota Statutes Section 465.722 then the rescission of the resolution will not take effect and the resolution will remain in full force and effect. Motion carried by the following roll call vote: Yeas: Eaton, Rivera, Peterson, Prince, Johnson, Thayer.**

**ADJOURN**

There being no further business, motion by Rivera, seconded by Peterson, to adjourn the meeting. Motion carried. Meeting adjourned at 11:23 a.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Michelle R. Miller". The signature is written in a cursive, flowing style.

Michelle R. Miller  
City Clerk