

**MINUTES  
CITY OF BEAVER BAY  
DECEMBER 11, 2012 MEETING OF THE COUNCIL**

**Present:** Kent Shamblin, Tom Harris, Marc Huss, Linda Malzac, Steve Nazian  
**Absent:** None  
**Others:** John McCurtain, Ellie Korpi, Al Larson

Mayor Shamblin called the meeting to order at 7:00 pm.

Shamblin presented the council with a proposed separation agreement, waiver and release for City Administrator John McCurtain (JMC) that contained some revisions from a version mailed to members of the council a week ago, noting that this had been prepared by city legal counsel, with revisions proposed by the attorney. Shamblin observed that the reason for the termination contained in this agreement was solely that of unsatisfactory job performance. Shamblin further noted that an employee agreement with JMC exists that was executed by the council three years ago when JMC was employed as city administrator and termination without severance is not included as a "just cause," meaning that termination for unsatisfactory performance requires severance of four months continued salary and health insurance. A copy of the agreement was made part of these minutes by reference and attachment.

The proposed agreement would include additional severance in return for a release by JMC of any claims he could make against the city. JMC would be terminated effective Jan. 8, 2013, and in the interim, placed on unpaid administrative leave. Shamblin stated his opinion and that of legal counsel that this is a prudent action for the city to take in that it protects the city from even a baseless lawsuit which could involve considerable legal expense and an uncertain outcome.

JMC, who was present, stated that this agreement was acceptable to him.

After discussion, Shamblin moved, Nazian seconded, to approve this separation agreement. Motion passed 3-2.

Shamblin recessed the meeting for a few minutes to allow he and JMC to execute the separation documents.

Shamblin presented Resolution 2012-1005 to revoke check signing authorization of JMC at Lake Bank. On a roll call vote: Harris, aye; Malzac, aye; Shamblin, aye; Huss, aye; Nazian, aye.

Shamblin asked for discussion on a proposal to eliminate the position of city administrator and replace with an approximately 30 hour per week city clerk/treasurer, with council members

taking on some ministerial responsibilities. In the discussion, council members suggested that at the suggested wage of \$20 per hour, city likely would need to provide some benefits, possibly sharing the cost of health insurance, and this should be determined prior to advertising the position. Members also stated it would be imperative to employ a person with all of the required knowledge and expertise stated in the proposed job description.

Nazian moved, Harris seconded, to table further consideration to the Dec. 13 regular council meeting. Motion passed 5-0.

The meeting was adjourned at approximately 8:30 pm.