

AGENDA ITEM SUMMARY

DATE: 4-7-14

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Motion to adopt Resolution No. 2014-28 authorizing the Knife River Settlement Agreement and Mutual Release

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The mayor and I have entered into a proposed settlement with Knife River involving the claim by Knife River for delay damages allegedly suffered during the reconstruction of Woodside Boulevard and a claim by Hailey involving pavement density of a portion of Woodside Boulevard. In executive session, I will discuss the proposed Settlement Agreement and Mutual Release addressing these claims. After a discussion, the council may go into a public hearing to consider the Settlement Agreement and Mutual Release.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	___
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make a motion to adopt Resolution No. 2014-28 authorizing the Settlement Agreement and Mutual Release and to authorize the mayor to sign Resolution No. 2014-28 and the Settlement Agreement and Mutual Release.

FOLLOW-UP REMARKS:

4/7 - council did not make a motion - will discuss in next meeting
4/21 - consideration after executive session

**CITY OF HAILEY
RESOLUTION NO. 2014-28**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY
AUTHORIZING THE EXECUTION OF SETTLEMENT AGREEMENT AND MUTUAL
RELEASE WITH KNIFE RIVER INC.**

WHEREAS, the City of Hailey desires to enter into a Settlement Agreement and Mutual Release with Knife River, under which Knife River will finalize the claim for damages for construction delays allegedly suffered during the construction of the Woodside Boulevard project.

WHEREAS, the City of Hailey and Knife River have agreed to the terms and conditions of the Settlement Agreement, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, that the City of Hailey approves the Settlement Agreement between the City of Hailey and Knife River and that the Mayor is authorized to execute the attached Agreement,

Passed this 21st day of April, 2014.

City of Hailey

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk