



# CITY COUNCIL MEETING AGENDA

## December 23, 2020 - 5:00 PM

### City Hall Council Chambers

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The Moorhead City Council welcomes and encourages public input on issues listed on the agenda or of general community interest, time and Council permitting. Speakers are limited to 3-minute presentations. Advertised public hearings are scheduled so that the public is afforded an opportunity to speak. Public hearings are generally scheduled 15 to 30 minutes after the start of the meeting; however the starting time may vary depending on other scheduled agenda items. Citizens wishing to address the Mayor and Council regarding a specific agenda item, other than public hearings, will be afforded an opportunity during the discussion of that item. Citizens wishing to speak on matters not listed on the agenda will be afforded the opportunity to do so under the heading "Citizens Addressing the Council," usually scheduled at the beginning and end of the agenda. Each person requesting the opportunity to speak is asked to fill out a "Request to Speak Form."

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#### City Council Meeting

- 1. Call to Order and Roll Call \_\_\_\_\_
- 2. Pledge of Allegiance \_\_\_\_\_

#### Other

- 3. Executive Session (If needed) \_\_\_\_\_
  - A. Executive session pursuant to Minn. Stat. 13D.05 Subd. 3 (b), with the City Attorney to discuss Settlement Agreement and Release relating to construction contracts for the Apron Project at the Moorhead Airport. \_\_\_\_\_
  - B. Resolution to Approve Settlement Agreement and Release between City of Moorhead, Mead & Hunt, Inc., Hough, Inc., and Driveway Services, Inc. relating to the Apron Project at the Moorhead Municipal Airport \_\_\_\_\_

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# Mayor and Council Communication

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December 23, 2020

Page 1 of 1

**SUBJECT:** Resolution to Approve Settlement Agreement and Release between City of Moorhead, Mead & Hunt, Inc., Hough, Inc., and Driveway Services, Inc. relating to the Apron Project at the Moorhead Municipal Airport

**RECOMMENDATION:** The Mayor and City Council are asked to consider a Resolution to Approve a Settlement Agreement and Release between City of Moorhead, Mead & Hunt, Inc., Hough, Inc., and Driveway Services, Inc. relating to the Apron Project at the Moorhead Municipal Airport

**BACKGROUND / KEY POINTS:** The City Council has approved numerous actions with respect to the Moorhead Municipal Airport – Apron area pavement reconstruction. The contractor asserts it is owned more than the original contract cost. Multiple parties and legal counsel participated in mediation on the matter on December 15, 2020. The parties agreed to a settlement and release of liability. The terms and party responsibilities will be outlined to the Mayor and Council during Executive Session.

**FINANCIAL CONSIDERATIONS:** The financial terms of the agreement will be outlined to the Mayor and Council during Executive Session. A future budget adjustment will be processed not to exceed \$123,710.

**VOTING REQUIREMENTS:** Two-Thirds of Council (6)

*Disclaimer: Voting requirements may be subject to changes in the law, parliamentary procedural matters, or other unforeseen issues. The City Attorney provides opinion on questions of voting requirements in accordance with the Moorhead City Code, Minnesota State Statutes, and parliamentary procedure.*

**Submitted By:**

Dan Mahli, Acting City Manager  
 Kristie Leshovsky, Community Development Director

**Department:** Community Development  
**Prepared by:** Kristie Leshovsky, Community Development Director

**Attachments:** None



# Request for Council Action

<b>AGENDA SECTION:</b> Administration		<b>ORIGINATING DEPARTMENT:</b> Administration	<b>MEETING DATE:</b> December 23, 2020
<b>ITEM NO.</b> 3.B.	<b>ITEM DESCRIPTION:</b> Resolution to Approve Settlement Agreement and Release between City of Moorhead, Mead & Hunt, Inc., Hough, Inc., and Driveway Services, Inc. relating to the Apron Project at the Moorhead Municipal Airport		<b>PREPARED BY:</b> Leshovsky

## DRAFT RESOLUTION

WHEREAS, the City Council of the City of Moorhead has authorized numerous actions with respect to apron pavement project at the Moorhead Airport; and

WHEREAS, multiple parties and legal counsel participated in mediation on the project on December 15, 2020 and the parties agreed to a settlement and release of liability.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Moorhead that the City Council authorizes and directs the Mayor and City Manager to execute the Settlement Agreement and Release between City of Moorhead, Mead & Hunt, Inc., Hough, Inc., and Driveway Services, Inc..

PASSED: December 23, 2020 by the City Council of the City of Moorhead.