

**RESOLUTION NO. 022216-02
CITY OF WAITE PARK**

**RESOLUTION REGARDING APPROVAL OF APPLICABLE PROVISIONS OF
SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS**

WHEREAS, Brent Nyhammer is employed by the City of Waite Park as a police officer and the Union is his exclusive representative; and

WHEREAS, on or about October 31, 2013, the City took disciplinary action against Nyhammer; and

WHEREAS, November 1, 2013, the Union submitted a purported grievance on behalf of Nyhammer; and

WHEREAS, the Union made certain requests for data and information to the City in the course of the grievance process, and a dispute arose over Nyhammer's and the Union's rights to have and receive this information; and

WHEREAS, on July 20, 2015, the Union and Nyhammer commenced an action against the City entitle, Teamsters Local 320 and Brent Nyhammer v. City of Waite Park, Court File No. 73-CV-15-6513, in Stearns County District Court ("Lawsuit"); and

WHEREAS, it is the mutual desire of the parties to resolve this matter amicably and to dispose of any and all claims, charges, and causes of actions that have been raised, or could have been raised between the parties; and

WHEREAS, a related Settlement Agreement and Release of Claims has been signed by Nyhammer and Teamsters Local 320 that provides in relevant part:

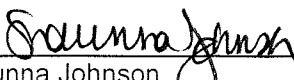
Dismissal of Lawsuit. The parties agree to a dismissal of the Lawsuit with prejudice and without an award of fees or costs to either party.


Non-monetary consideration to Teamsters Local 320 and Brent Nyhammer. In settlement of, and consideration for, the release of any and all claims, the City agrees to provide Nyhammer and Teamsters the data specified in Paragraph of the Protective Order attached hereto as Exhibit A, subject to the terms of that Order, after execution and issuance of the Order by the arbitrator duly authorized to preside over the arbitration arising out of the City's disciplinary action again Nyhammer.

Stipulation for Dismissal with Prejudice. Once the City receives a stipulation to dismiss the lawsuit with prejudice and without an award of costs or attorney's fees, Counsel for the City will then file the executed stipulation for dismissal.

NOW THEREFORE BE IT RESOLVED, that the City of Waite Park City Council authorize the City Administrator-Clerk-Treasurer and the Mayor to sign the Settlement Agreement and Release of Claims.

Adopted this 22nd day of February, 2016.


Shaunna Johnson
City Administrator-Clerk-Treasurer


Richard E. Miller
Mayor

ACTION ON THIS RESOLUTION:

Motion for adoption: Member Theisen

Seconded by: Member Linqvist

Voted in favor of: Mayor Miller, Members Linqvist, Schneider, Schulz, Theisen

Voted against: None

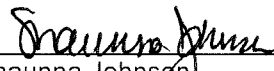
Abstained: None

Absent: None

Resolution Approved.

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Waite Park City Council at a duly authorized meeting held on February 22, 2016.



Shauna Johnson
Administrator-Clerk-Treasurer