

**Maryville City Council  
Special Called Meeting  
415 North Market Street  
Thursday, May 9, 2013  
5:30 p.m.**

The Council of the City of Maryville, Missouri, met in Special Session on Thursday, May 9, 2013, in the Council Chambers at City Hall, located at 415 North Market Street, at 5:30 pm. The following Council Members present to-wit: Mayor James Fall, Council Members Ron Moss, Glen Jonagan, and Renee Riedel. Councilman Funston was absent. Others present included City Manager Greg McDanel, Asst., City Manager Ryan Heiland and City Clerk Sheila Smail.

Because of the singular topic regarding a contract with White Cloud Engineering and Construction Company, Inc., of which would be considered a conflict of interest, Councilman Funston, did not attend. Councilman Funston is employed with White Cloud Engineering and Construction Company, Inc.

**EXECUTION OF RELEASE AGREEMENT AND COMPLETION CONTRACT FOR CONSTRUCTION OF SOUTH DEPOT STREET IMPROVEMENT PROJECT**

The City Clerk presented a bill, Bill No. 2013'37 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, Execute a Release Agreement with Loch Sand Construction Company and Fidelity and Deposit Company of Maryland, and Execute a Completion Contract with White Cloud Engineering & Construction Company for the Construction of the South Depot Street Improvement Project, Maryville, Missouri**

The South Depot Street Improvement Project was awarded to Loch Sand and Construction Company on August 27, 2012. Loch Sand and Construction Company has acknowledged to the City and F & D that it is unable to complete the performance of the work on the Project or comply with its contractual obligations under the original contract. In order for Loch Sand and Construction Company to provide for the orderly, efficient and expeditious completion of the work under the original contract they have asked requested that the City agree to entering into a contract with White Cloud Engineering and Construction Company to complete the original contract. Therefore a release agreement, stating the adjusted amount of the original contract is one million one hundred thousand one hundred sixty-six dollars and forty cents (\$1,100,166.40) and that Loch has been paid the sum of two hundred ninety-nine thousand eighty-five dollars and seventy eight cents (\$299,085.78), leaving the remaining balance, including retainage, of eight hundred one thousand eighty dollars and sixty-two cents (\$801,080.62) to be noted as the sum in the contract with White Cloud Engineering and Construction.

Upon motion duly made and seconded, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Upon motion duly made and seconded, said bill was read by title on the second reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Motion was made by Councilman Jonagan, seconded by Councilman Moss to approve Council Bill No. 2013'37, entering into a release agreement with Loch Sand and Construction Company and F & D Surety Company; and a completion contract with White Cloud Engineering and Construction Company, Inc, for the South Depot Street Improvement Project . Upon roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7523 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and the agreement with Loch Sand and Construction Company, Inc and F & D was identified as being a part of the original contract with Loch Sand and Construction Company Incorporated being Contract No. 2013-27. The Contract with White Cloud Engineering and Construction Company, Inc. was identified as Contract No. 2013-22.

**ADJOURNMENT**

Motion was made by Councilwoman Jonagan, seconded by Councilman Moss, that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Mayor Fall, yea. Meeting was adjourned at 5:45 p.m.

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Glenn Jonagan, Mayor

ATTEST:

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Sheila Smail, City Clerk