

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES MISSOURI, TO SIGN AND EXECUTE THE AGREEMENT WITH AMINO BROTHERS CONSTRUCTION FOR FINAL PAYMENT OF THE WALNUT STREET STORM WATER IMPROVEMENTS CONTRACT**

WHEREAS, Amino Brothers Company, Inc., entered into a contract for the construction of public street improvements on Walnut Street, Evergreen Street to Grand Avenue with an effective date of April 15, 2013; and

WHEREAS, during the course of the Project disputes arose between Contractor and City as to delays on the Project and monies or liquidated damages to be held by the City from Contractor on account of any such delays, monies owed to Contractor by Owner; and

WHEREAS Contractor claims as due and owing on the Project sums in excess of \$504,000, which claim the City disputes; and

WHEREAS Contractor and Owner have met to seek to resolve the pending disputes and on August 28, 2015, Contractor and Owner mediated the pending disputes with the assistance of legal counsel and mediator Bruce Waugh; and

WHEREAS the City and Amino desire to avoid incurring additional costs and expenses in litigation and seek to fully resolve all matters with the attached agreement.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AS FOLLOWS:**

Section 1. The Mayor is hereby authorized to sign the agreement with Amino Brothers Construction, and a final payment of \$385,000. A copy of which is attached hereto and made a part hereof.

Section 2. The Mayor is hereby authorized to sign this Ordinance on behalf of the City of Cameron.

Section 3. The City Clerk is hereby directed to attest to the Mayor's signature.

Passed and approved on full reading this 9<sup>th</sup> day of September 2015.

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Mayor Dennis M. Clark

ATTEST:

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City Clerk/Finance Clerk