

**MINUTES OF THE EXECUTIVE SESSION OF THE COMMITTEE OF THE  
WHOLE MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,  
ILLINOIS HELD MONDAY, AUGUST 13, 2012 IN THE COUNCIL ROOM OF  
CITY HALL**

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**I. CALL TO ORDER**

Chairman Gene Ebersohl called the Executive Session of the Committee of the Whole Meeting of the City Council of the City of Columbia, Illinois to order at 8:41 p.m.

Upon Roll Call, the following members were:

Present: Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Mathews and Reis and Mayor Hutchinson.

Absent: Alderman Piazza.

Quorum Present.

Administrative Staff Present: City Administrator Al Hudzik, City Engineer Ron Williams, City Attorney Terry Bruckert, Chief of Police & EMS Director Joe Edwards and Accounting/Clerical Assistant Sandy Garmer.

Guests Present: None.

**II. EXECUTIVE SESSION**

Chairman Ebersohl stated the Executive Session was called to receive an update on litigation currently pending against the city.

**Pending Litigation Update/Discussion – United Fire and Casualty Company v. The City of Columbia, Illinois et al (Old Town Reconstruction Phase 1 Project)**

Chairman Ebersohl called upon City Attorney Terry Bruckert to update the Committee Members on this issue. Bruckert reviewed a (previously distributed) “Settlement Agreement With Mutual Releases” document he had received from the attorney representing United Fire and Casualty Company (“UF&C”) pertaining to the splitting of the proceeds (on a 50%-50% basis) left to be paid for the completion the Old Town Reconstruction – Phase 1 Project (see 08/06/12 City Council Meeting Executive Session minutes). Terry recommended that minor language changes be made whereby the city does not assign any claim it may have against Veile for liquidated damages to UF&C, since the city’s acceptance of 50% of the project’s remaining proceeds is deemed to be received in lieu of liquidated damages. It was the general consensus of the Committee Members that Terry revise the language as he deems appropriate (to address the assignment of claims/liquidated damages issue) and present it to the City Council for its consideration at a future council meeting.

### **III. ADJOURNMENT**

#### **MOTION:**

It was moved by Alderman Niemietz and seconded by Alderman Roessler to adjourn the Executive Session of the Committee of the Whole Meeting of Monday, August 13, 2012 at 8:47 p.m. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Mathews and Reis voted yea. **MOTION CARRIED.**

Gene Ebersohl

GENE EBERSOHL, Chairman  
COMMITTEE OF THE WHOLE

Minutes Taken By:

Sandra Garmer

SANDRA GARMER, Accounting/Clerical Assistant

Albert G. Hudzik

ALBERT G. HUDZIK, City Administrator