

RUSHVILLE CITY UTILITIES
601 W 3RD St.
Rushville, IN 46173

Minutes of the Executive Session on October 21, 2015
The Utility Board met at the Utilities Business Office

Board Members Present:

Brian Bess
Greg Coffin
Michael Singleton
Dale Gardner

Phil Starkey was absent.

Others present:

Les Day	Facility Manager
Gina Jenkins	Office Manager
Mike Pavey	Mayor
Tracy Newhouse	City Attorney
Geoff Wesling	Utilities Attorney

City Attorney, Tracy Newhouse, opened the session to discuss the information that he has received from discussions he has had with Gary Judd at Hartford Fire Insurance Company. There are damages of \$155,000.00 as of October 1, 2015. This amount includes legal fees. Becker Electric who is the sub-contractor for Majestic Electric is claiming damages of \$83,000.00 that Tracy said are undisputed. Becker Electric's attorney submitted total damages of \$95,000.00. Tracy will need to find out what the addition costs were for. Tracy said that there will be a lien put on the \$348,947.48 that is being held in a retainage account at MainSource Bank.

Tracy said that he would negotiate the liquidated damages. The damages would include attorney fees, Becker Electric's outstanding balance, engineering fees and supervision costs.

Michael Singleton stated that he had spoken with Steve Gress with Donohue & Associates and Steve recommended that Tracy find out who is responsible for the warranty of installation.

Tracy will proceed with the Take-Over Agreement.

The meeting was closed.