

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 2951

AN ORDINANCE TO AUTHORIZE THE CITY OF COLUMBIA, ILLINOIS, TO ENTER INTO A FEE AGREEMENT WITH THE LAW FIRM OF BELSHEIM & BRUCKERT, L.L.C. OF O'FALLON, ILLINOIS, TO PROVIDE LEGAL SERVICES TO THE CITY OF COLUMBIA, ILLINOIS FOR THE CITY'S 2012 – 2013 FISCAL YEAR

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 7th day of May, 2012**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 8th day
of May, 2012**

MAY 07 2012

J. Ronald Colyer
City Clerk

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WHEREAS, the City Council of the City of Columbia, Illinois (the “City”) has found and determined and does hereby declare that it is in the City’s best interests and appropriate to enter into a fee agreement with the law firm of Belsheim & Bruckert, L.L.C. of O’Fallon, Illinois (“Belsheim & Bruckert”) to provide legal services to the City; and

WHEREAS, it is necessary and appropriate that this Ordinance be enacted for the purpose of approving such fee agreement for Belsheim & Bruckert to provide legal services to the City.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. The City Council of the City of Columbia, Illinois, does hereby authorize and direct the Mayor to execute and deliver one or more document(s) entitled “City of Columbia Fee Agreement – Fiscal Year 2012 - 2013” (“Fee Agreement”), in the form attached hereto, acknowledging and approving the fees to be charged by Belsheim & Bruckert in providing legal services to the City, which Fee Agreement is hereby approved as to form, in as many counterparts as the Mayor shall determine, and the City Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the City.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, as provided by law.

Alderman Roessler moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Niemietz, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Piazza and Reis.

NAYS: None.

ABSENT: Alderman Mathews.

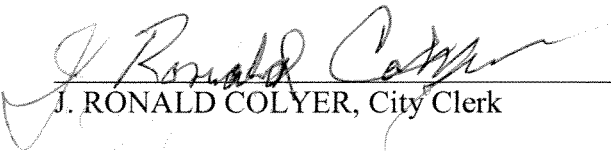
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 7th day of May, 2012.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF PUBLICATION

I, J. Ronald Colyer, certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois.

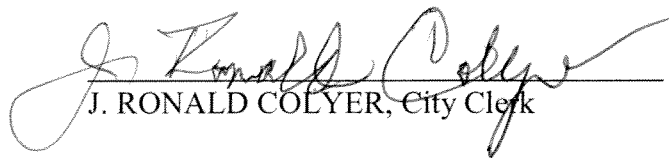
I further certify that on the 7th day of May, 2012, the Corporate Authorities of the City of Columbia, Illinois, passed and approved Ordinance No. 2951 entitled:

“AN ORDINANCE TO AUTHORIZE THE CITY OF COLUMBIA, ILLINOIS, TO ENTER INTO A FEE AGREEMENT WITH THE LAW FIRM OF BELSHEIM & BRUCKERT, L.L.C. OF O’FALLON, ILLINOIS, TO PROVIDE LEGAL SERVICES TO THE CITY OF COLUMBIA, ILLINOIS FOR THE CITY’S 2012 – 2013 FISCAL YEAR”

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2951, including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted in the Columbia City Hall, commencing on May 8th, 2012 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also made available for public inspection upon request in the office of the City Clerk.

DATED at Columbia, Illinois this 7th day of May, 2012.



J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

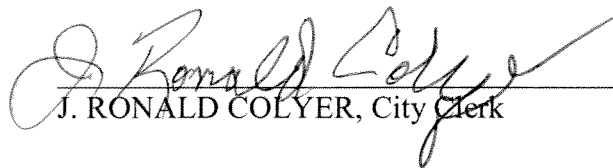
I, J. Ronald Colyer, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No. 2951, entitled:

“AN ORDINANCE TO AUTHORIZE THE CITY OF COLUMBIA, ILLINOIS, TO ENTER INTO A FEE AGREEMENT WITH THE LAW FIRM OF BELSHEIM & BRUCKERT, L.L.C. OF O’FALLON, ILLINOIS, TO PROVIDE LEGAL SERVICES TO THE CITY OF COLUMBIA, ILLINOIS FOR THE CITY’S 2012 – 2013 FISCAL YEAR”

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois City Council held on the 7th day of May, 2012.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 7th day of May, 2012.



J. RONALD COLYER, City Clerk

(SEAL)

CITY OF COLUMBIA FEE AGREEMENT
FISCAL YEAR 2012 - 2013

The following are the general terms of the Fee/Cost Agreement between the City of Columbia, Illinois (“City”), and the law firm, Belsheim & Bruckert, L.L.C. (“Law Firm”) for the City’s fiscal year beginning on May 1, 2012 and ending on April 30, 2013.

RETAINER: \$3,500.00 Per Month

Covers:

- Two (2) City Council Meetings per month
- One (1) Staff Meeting per month
- Up to Four (4) other meetings per year (e.g., Committee Meetings, Zoning Board, Plan Commission).
- Preparation for said City Council Meetings, Staff Meetings and all other meetings covered by the retainer.
- Telephone calls, e-mails and other similar modes of communication with the Mayor, Members of the City Council, the City Clerk, City Administrator and Department Heads.
- Ordinance and Resolution Review: Routine Ordinances and Resolutions that are prepared initially by City Staff and reviewed by counsel.
- Routine Ordinance and Resolution Preparation: Up to two (2) per Council Meeting.

HOURLY: \$165.00 plus costs and expenses (attorney time irrespective to attorney)
 \$ 65.00 per hour paralegal
 \$ 50.00 per hour staff

Covers:

- All City litigation; negotiations beyond Council discussions; labor contracts, negotiations and grievances; special contracts, e.g., sale of City owned properties, real estate acquisitions or sale.
- Special Projects that are not large: subdivision or engineering related matters.

LARGE PROJECTS: Generally large tract real estate developments/projects and in circumstances where Developer Reimbursement Agreements are negotiated.

Standard hourly rate

Hourly Rates: \$225.00 / Terry Bruckert
 \$195.00 / John Long
 \$165.00 / Douglas Gruenke
 \$85.00 / paralegal
 \$65.00 / staff

Covers:

Bond or Grant projects; large tract real estate development; STA, TIF, SSA or BD siting and development; major Enterprise Zone, EPA projects (e.g., new water tower(s) or wastewater facility(ies)).

STA = Sales Tax Agreements
TIF = Tax Increment Financing
SSA = Special Service Areas
BD = Business District

COSTS/EXPENSES:

In addition to the above attorney's fees, the Law Firm will be reimbursed for its costs as follows:

- Copies / \$.20 per page
- Faxes / \$.25 per page
- Travel / The Standard Mileage Rate as allowed by the IRS for business miles driven (i.e., \$.555/mile for CY 2012) to change as and when the IRS revises its Standard Mileage Rates. No mileage will be charged for travel between Law Firm and City.
- Court Related Expenses: Filing fees and costs, including expert fees, witness fees, travel expenses and deposition and transcript fees and costs.

The terms of this Agreement shall be reviewed by the parties on an annual basis and adjusted for workload and cost.

Submitted:
Belsheim & Bruckert, L.L.C.

Date

By: _____
Terry I. Bruckert
Belsheim & Bruckert, L.L.C.

Accepted:
City of Columbia, Illinois

Date

By: _____
Kevin B. Hutchinson
Mayor of the City of Columbia, Illinois

ATTEST:

J. Ronald Colyer, City Clerk