

**MINUTES OF THE EXECUTIVE SESSION OF THE COMMITTEE OF THE
WHOLE MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD MONDAY, MAY 14, 2012 IN THE COUNCIL ROOM OF CITY
HALL**

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 7:59 p.m.

Upon Roll Call, the following members were:

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

Absent: None.

Quorum Present.

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

Guests Present: None.

II. EXECUTIVE SESSION

Chairman Ebersohl stated the Executive Session was called to (i) discuss the employment of legal counsel for the city; and (ii) receive an update on litigation currently pending against the city.

**Pending Litigation (STS Custom Homes, Inc. (“STS”) vs. City of Columbia)
Update/Discussion**

City Attorney Terry Bruckert (i) informed the Committee Members that STS had reduced its settlement demand to \$650,000 (from \$750,000 in February); (ii) recommended that the \$650,000 settlement demand be rejected; and (iii) again reminded the Committee Members that he expected the trial to begin in June. It was the general consensus of the Committee Members that the city reject STS’s \$650,000 settlement demand and that Terry keep the Committee Members updated on this litigation.

Employment of Legal Counsel and Pending Litigation (Columbia Crossing, LLC vs. City of Columbia) Update/Discussion

City Attorney Bruckert informed the Committee Members that he had forwarded a “Draft” of a non-binding Inducement Resolution, pertaining to the development of the American Bottom area in the City of Columbia, to Columbia Crossing, L.L.C. and Columbia Crossing, L.L.C.’s attorney (see April 23, 2012 Committee of the Whole Executive Committee Meeting minutes) and that said document was currently being

reviewed – he also informed the Committee Members that there are still some unpaid engineering bills from years ago (pertaining to the design of the Fish Lake overpass highway interchange) that resulted from work performed by Horner & Shifrin, Inc., and others on their behalf, which was authorized pursuant to the passage of Ordinance No. 2371 on June 20, 2005. Terry informed the Committee Members that the payment of said engineering bills would have to be addressed in the settlement of this lawsuit.

Terry also recommended that counsel be retained to assist with the (re)development of the American Bottom area and in the issuance of any bonds that may be needed during said (re)development. He then reviewed a three (3) page letter from the St. Louis' office of the Gilmore Bell law firm, dated April 27, 2012 and addressed to the Mayor, which was submitted as the firm's proposal to serve as such redevelopment counsel and bond counsel (said three (3) page letter had previously been distributed to the Committee Members). Terry stated he feels (a) such counsel should be retained early in the process to receive the firm's expertise during the entire project (re)development – he also stated the firm would only be used as and when needed and that he felt their review of the Inducement Resolution would be beneficial; and (b) that the firm's employment would display a good faith cooperative effort on the part of the city pertaining to the (re)development of the American Bottom area. During Terry's review of the Gilmore Bell letter, all in attendance were given the opportunity to make comments, ask questions and express their opinions. It was the general consensus of the Committee Members that the Gilmore Bell law firm be employed as recommended by City Attorney Bruckert.

III. ADJOURNMENT


MOTION:

It was moved by Alderman Reis and seconded by Alderman Roessler to adjourn the Executive Session of the Committee of the Whole Meeting of Monday, May 14, 2012 at 8:21 p.m. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Mathews, Piazza and Reis voted yea. MOTION CARRIED.




GENE EBERSOHL, Chairman
COMMITTEE OF THE WHOLE

Minutes Taken By:



SANDRA GARMER, Accounting/Clerical Assistant



ALBERT G. HUDZIK, City Administrator