

**MINUTES OF THE EXECUTIVE SESSION OF THE COLUMBIA CROSSING
LITIGATION SETTLEMENT SPECIAL COMMITTEE MEETING OF THE
CITY COUNCIL OF THE CITY OF COLUMBIA, ILLINOIS HELD MONDAY,
OCTOBER 8, 2012 IN THE COUNCIL ROOM OF CITY HALL**

I. CALL TO ORDER

Mayor Hutchinson called the Executive Session of the Columbia Crossing Litigation Settlement Special Committee Meeting of the City Council of the City of Columbia, Illinois to order at 10:58 p.m.

Upon Roll Call, the following members were:

Present: Mayor Hutchinson and Alderman Ebersohl and Mathews.

Absent: None.

Others Present: Aldermen Agne, Niemietz, Roessler, Huch and Ries.

Quorum Present.

Administrative Staff Present: City Administrator Al Hudzik, City Engineer Ron Williams, Chief of Police and EMS Director Joe Edwards and City Attorney Terry Bruckert.

Guests Present: None.

II. EXECUTIVE SESSION

Mayor Hutchinson stated the Executive Session was called to receive an update on and discuss settlement issues on the Columbia Crossing, LLC pending litigation matter.

Columbia Crossing, LLC Pending Litigation Settlement Issues Discussion

Mayor Hutchinson called upon City Attorney Terry Bruckert to update the Committee/Council Members on this issue. Terry informed the Committee/Council Members that he has kept in touch with Tracy Pupillo, legal counsel for Columbia Crossing, LLC, concerning the draft of the non-binding Inducement Resolution forwarded to her (and Terry Grewe) a few months ago, which document represents an attempt by the city to settle this litigation. Tracy informed Terry she has reviewed the draft Inducement Resolution and has recommended some changes, but she has not yet been authorized to respond to the city on this issue. Terry stated he planned stay in touch with Ms. Pupillo and that he would keep the Committee/ Council Members updated on this issue.

Horner & Shifrin, Inc. v. City of Columbia (12-CV-1050)

City Attorney Terry Bruckert reviewed documentation filed by Horner & Shifrin in the United States District Court for the Southern District of Illinois consisting of a "Summons in a Civil Action" and a "Complaint", copies of which had previously been distributed to the Committee/Council Members (excluding the Exhibits to the "Complaint"). He indicated this was the official filing by Horner & Shifrin pertaining to engineering services provided to the city in 2007 and 2008 for the Columbia Crossing Fish Lake Road interchange project – the total amount of the unpaid bills is stated to be \$318,622.78. This issue has previously been discussed in Committee (see June 6, 2012 meeting minutes) and was going to be addressed in the settlement of the Columbia Crossing, LLC litigation since a separate agreement was entered into with Columbia Crossing, LLC to reimburse the city/pay Horner & Shifrin for the engineering services on the Fish Lake Road interchange project – Terry indicated a response to the Complaint filing was due within twenty-one (21) days.

III. **ADJOURNMENT**

MOTION:

It was moved by Alderman Mathews and seconded by Alderman Ebersohl to adjourn the Executive Session of the Columbia Crossing Litigation Settlement Special Committee Meeting of Monday, October 8, 2012 at 11:09 p.m. Upon Roll Call vote, Mayor Hutchinson and Alderman Ebersohl and Mathews voted yea. **MOTION CARRIED.**



KEVIN B. HUTCHINSON, Mayor

Minutes Taken By:



ALBERT G. HUDZIK, City Administrator