

**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 TUESDAY,
NOVEMBER 13, 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 9:34 p.m.

Upon Roll Call, the following members were:

Present: Mayor Hutchinson and Alderman Ebersohl.

Absent: Alderman Mathews.

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

Quorum Present.

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

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

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

City Attorney Terry Bruckert addressed the Committee/Council Members on this issue (he reminded them that the Horner & Shifrin filing needs 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 (see October 8, 2012 meeting minutes)) and reviewed documentation entitled "Motion to Dismiss Plaintiff's Complaint" and "Brief in Support of Defendant's Motion to Dismiss Plaintiff's Complaint", which documents had previously been distributed to the Committee/Council Members and constituted the city's response to the "Complaint" filed by Horner & Shifrin as described in the October 8, 2012 committee meeting minutes. He also

informed the Committee/Council Members that he received a call from Horner & Shifrin's legal counsel (upon his filing of the city's response) requesting mediation as required by the contractual terms of the city's agreement with Horner & Shifrin – he stated the mediation session was being scheduled for sometime in December and recommended that the city be represented by Mayor Hutchinson, City Administrator Hudzik and himself, which recommendation was agreeable to those in attendance.

III. ADJOURNMENT

MOTION:

It was moved by Alderman Ebersohl and seconded by Mayor Hutchinson to adjourn the Executive Session of the Columbia Crossing Litigation Settlement Special Committee Meeting of Tuesday, November 13, 2012 at 9:48 p.m. Upon Roll Call vote, Mayor Hutchinson and Alderman Ebersohl voted yea. **MOTION CARRIED.**



KEVIN B. HUTCHINSON, Mayor

Minutes Taken By:



SANDRA GARMER, Accounting/Clerical Assistant



ALBERT G. HUDZIK, City Administrator