

**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,
DECEMBER 10, 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 8:17 p.m.

Upon Roll Call, the following members were:

Present: Mayor Hutchinson and Aldermen Ebersohl and Mathews.

Absent: None.

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

Quorum Present.

Administrative Staff Present: City Administrator Al Hudzik, City Engineer Ron Williams, City Attorney Terry Bruckert, 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

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 not yet received Columbia Crossing, LLC's response to their appeal of this lawsuit, which response is due to be filed before the end of December.

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

City Attorney Bruckert then updated the Committee/Council Members on the mediation session that occurred on December 4th in the office of mediator Jerry Diekemper (which was attended by the following city representatives: Mayor Hutchinson, City Administrator Hudzik and City Attorney Bruckert). Terry reviewed some of the stipulations and payment options presented to the city by the mediator, as drafted and requested by the Horner & Shifrin representatives, and indicated little progress was made

to resolve this litigation during the mediation session – he informed the Committee/Council Members that a trial date has been set in January 2014 and that both parties agreed to continue in their efforts to settle this litigation prior to going to trial. City Attorney Bruckert also informed the Committee/Council Members that he plans to file a Summary Judgment Motion to have this litigation dismissed.

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, December 10, 2012 at 8:25 p.m. Upon Roll Call vote, Mayor Hutchinson and Alderman Ebersohl and Mathews voted yea. **MOTION CARRIED.**



KEVIN B. HUTCHINSON, Mayor

Minutes Taken By:



SANDRA GARMER, Accounting/Clerical Assistant



ALBERT G. HUDZIK, City Administrator