

**MINUTES OF THE EXECUTIVE SESSION OF THE COMMITTEE OF THE  
WHOLE MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,  
ILLINOIS HELD MONDAY, SEPTEMBER 9, 2013 IN THE COUNCIL ROOM  
OF CITY HALL**

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**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 8:22 p.m.

Upon Roll Call, the following members were:

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

Absent: None.

Quorum Present.

Administrative Staff Present: City Administrator Al Hudzik, Director of Community & Economic Development Paul Ellis, City Engineer Ron Williams (entered at 8:28 p.m.), City Attorney Terry Bruckert, Chief of Police & EMS Director Joe Edwards, Interim EMS Chief Shannon Bound (entered at 8:28 p.m.), Accounting Manager Linda Sharp and Accounting/Clerical Assistant Sandra Garmer.

Guests Present: None.

**II. EXECUTIVE SESSION**

Chairman Ebersohl stated the Executive Session was called to discuss probable and pending litigation.

**(A) Probable Litigation**

Note: The Committee Members deem that litigation is probable on the following issues:

- (i) the failure of Metro East Title Corporation, an authorized agent of WFG National Title Insurance Company, to fully settle (i.e., failure to transmit the complete sales proceeds) on the closing of the purchase of the Columbia American Legion Memorial Park property by the city, which closing occurred on August 7, 2013 (almost five (5) weeks ago); and
- (ii) correspondence received by City Attorney Terry Bruckert from attorney Van-Lear P. Eckert, dated September 4, 2013, with a reference line of "Megan Krueger vs. City of Columbia" pertaining to wages Ms. Krueger, an EMS paid volunteer, claims are due her by the city.

### **Columbia American Legion Memorial Park Property Title Company Settlement**

#### **Issue**

City Attorney Terry Bruckert informed the Committee Members that correspondence/ discussions are ongoing with counsel for WFG National Title Insurance Company in an attempt to resolve this issue, but not much progress is being made. He indicated (i) that litigation documentation will be drafted for filing in the near future; and (ii) that he will update the council on this situation at the September 16<sup>th</sup> City Council Meeting before filing any litigation.

#### **Megan Krueger Overtime Pay Issue**

City Administrator Al Hudzik distributed copies of a Fax coversheet and its two (2) page letter to the Committee Members – said documents had been faxed to City Attorney Terry Bruckert on September 4<sup>th</sup>. Said correspondence was from attorney Van-Lear P. Eckert and contained a reference line of “Megan Krueger vs. City of Columbia”. Attorney Eckert’s letter listed “Pay Periods” and “Hours of Overtime” for which Ms. Krueger (an EMS paid volunteer) feels she has not been properly paid, and it contained the request that the city pay Ms. Krueger \$899.00 (as overtime pay due her), as well as Mr. Eckert’s legal expenses (in the amount of \$1,800.00). City Administrator Hudzik recommended that Labor Attorney Mark Weisman represent the city on this issue since Mr. Weisman has been involved in the past on pay issues pertaining to the city’s EMS employees. It was the consensus of the Committee Members that Mr. Weisman represent the city on this issue.

#### **(B) Pending Litigation**

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

City Attorney Bruckert informed the Committee Members that Mayor Hutchinson and he would be attending a mandatory settlement conference at the Federal Courthouse in East St. Louis on Wednesday (September 11<sup>th</sup>) morning pertaining to this lawsuit.

### **III. ADJOURNMENT**

#### **MOTION:**

It was moved by Alderman Agne and seconded by Alderman Reis to adjourn the Executive Session of the Committee of the Whole Meeting of Monday, September 9, 2013 at 8:37 p.m. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Mathews, Reis and Holtkamp voted yea. **MOTION CARRIED.**

  
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GENE EBERSOHL, Chairman  
COMMITTEE OF THE WHOLE

Minutes Taken By:

Sandra Ganner  
SANDRA GARMER, Accounting/Clerical Assistant

Albert G. Hudzik  
ALBERT G. HUDZIK, City Administrator