

JUL 19 2010

**ORDINANCE NO. 2800**

  
City Clerk

**AN ORDINANCE TO AUTHORIZE THE CITY OF COLUMBIA, ILLINOIS, TO ENTER INTO A FEE AGREEMENT WITH THE LAW FIRM OF BELSHEIM & BRUCKERT, L.L.C. OF O'FALLON, ILLINOIS, TO PROVIDE LEGAL SERVICES TO THE CITY OF COLUMBIA, ILLINOIS**

WHEREAS, the City Council of the City of Columbia, Illinois (the "City") has found and determined and does hereby declare that it is in the City's best interests and appropriate to enter into a fee agreement with the law firm of Belsheim & Bruckert, L.L.C. of O'Fallon, Illinois ("Belsheim & Bruckert") to provide legal services to the City; and

WHEREAS, it is necessary and appropriate that this Ordinance be enacted for the purpose of approving such fee agreement for Belsheim & Bruckert to provide legal services to the City.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**Section 2.** The City Council of the City of Columbia, Illinois, does hereby authorize and direct the Mayor to execute and deliver one or more document(s) entitled "City of Columbia Fee Agreement – Fiscal Year 2010 - 2011" ("Fee Agreement"), in the form attached hereto, acknowledging and approving the fees to be charged by Belsheim & Bruckert in providing legal services to the City, which Fee Agreement is hereby approved as to form, in as many counterparts as the Mayor shall determine, and the City Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the City.

**Section 3.** This ordinance shall be in full force and effect from and after its passage, as provided by law.

Alderman Roessler moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Niemietz, and the roll call vote was as follows:

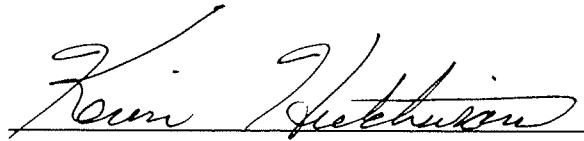
YEAS: Aldermen Ebersohl, Agne, Niemietz, Row and Roessler.

NAYS: Aldermen Hejna, Oberkfell and Stumpf.

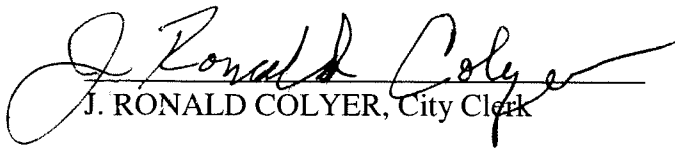
ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 19<sup>th</sup> day of July, 2010.

  
\_\_\_\_\_  
KEVIN B. HUTCHINSON, Mayor

ATTEST:

  
\_\_\_\_\_  
J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF MONROE        )

**CERTIFICATE OF TRUE COPY**

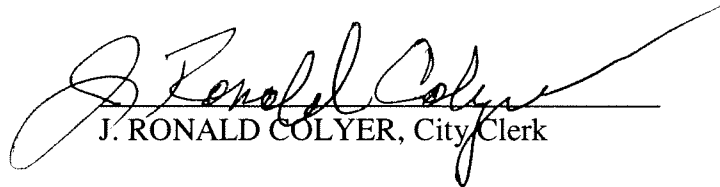
I, J. Ronald Colyer, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No. 2800, entitled:

**“AN ORDINANCE TO AUTHORIZE THE CITY OF COLUMBIA, ILLINOIS, TO ENTER INTO A FEE AGREEMENT WITH THE LAW FIRM OF BELSHEIM & BRUCKERT, L.L.C. OF O’FALLON, ILLINOIS, TO PROVIDE LEGAL SERVICES TO THE CITY OF COLUMBIA, ILLINOIS”**

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois City Council held on the 19th day of July 2010.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 19th day of July, 2010.

  
J. RONALD COLYER, City Clerk

(SEAL)

**CITY OF COLUMBIA FEE AGREEMENT**  
**FISCAL YEAR 2010 - 2011**

The following are the general terms of the Fee/Cost Agreement between the City of Columbia, Illinois ("City"), and the law firm, Belsheim & Bruckert, L.L.C. ("Law Firm").

**RETAINER:** \$3,500.00 Per Month

Covers:

- Two (2) City Council Meetings per month
- One (1) Staff Meeting per month
- Up to Four (4) other meetings per year (e.g., Committee Meetings, Zoning Board, Plan Commission).
- Preparation for said City Council Meetings, Staff Meetings and all other meetings covered by the retainer.
- Telephone calls, e-mails and other similar modes of communication with the Mayor, Members of the City Council, the City Clerk, City Administrator and Department Heads.
- Ordinance and Resolution Review: Routine Ordinances and Resolutions that are prepared initially by City Staff and reviewed by counsel.
- Routine Ordinance and Resolution Preparation: Up to two (2) per Council Meeting.

**HOURLY:**     \$165.00 plus costs and expenses (attorney time irrespective to attorney)  
                  \$ 65.00 per hour paralegal  
                  \$ 50.00 per hour staff

Covers:

- All City litigation; negotiations beyond Council discussions; labor contracts, negotiations and grievances; special contracts, e.g., sale of City owned properties, real estate acquisitions or sale.
- Special Projects that are not large: subdivision or engineering related matters.

**LARGE PROJECTS:** Generally large tract real estate developments/projects and in circumstances where Developer Reimbursement Agreements are negotiated.

Standard hourly rate

Hourly Rates: \$275.00 / Harold Belsheim  
                  \$225.00 / Terry Bruckert  
                  \$195.00 / John Long  
                  \$165.00 / Douglas Gruenke  
                  \$85.00 / paralegal  
                  \$65.00 / staff

Covers:

Bond or Grant projects; large tract real estate development; STA, TIF, SSA or BD siting and development; major Enterprise Zone, EPA projects (i.e., new water tower(s) or wastewater facility(ies)).

STA = Sales Tax Agreements  
TIF = Tax Increment Financing  
SSA = Special Service Areas  
BD = Business District

**COSTS/EXPENSES:**

In addition to the above attorney's fees, the Law Firm will be reimbursed for its costs as follows:

- Copies / \$ .20 per page
- Faxes / \$ .25 per page
- Travel / The Standard Mileage Rate as allowed by the IRS for business miles driven (i.e., \$.50/mile for CY 2010) to change as and when the IRS revises its Standard Mileage Rates. No mileage will be charged for travel between Law Firm and City.
- Court Related Expenses: Filing fees, costs including expert fees, witness fees, travel expenses, deposition and transcript fees and costs.

The terms of this Agreement shall be reviewed by the parties on an annual basis and adjusted for workload and cost.

Submitted:  
Belsheim & Bruckert, L.L.C.

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Terry I. Bruckert  
Belsheim & Bruckert, L.L.C.

Accepted:  
City of Columbia, Illinois

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Kevin B. Hutchinson  
Mayor of the City of Columbia, Illinois

ATTEST:

\_\_\_\_\_  
J. Ronald Colyer, City Clerk