

**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,  
NOVEMBER 26, 2012 IN THE COUNCIL ROOM OF CITY HALL**

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**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 8:05 p.m.

Upon Roll Call, the following members were:

Present: Mayor Hutchinson and Aldermen Ebersohl and Mathews.

Absent: None.

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

Quorum Present.

Administrative Staff Present: City Administrator Al Hudzik, City Attorney Terry Bruckert, Director of Community and Economic Development Paul Ellis 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 received no response from Terry Grewe or Columbia Crossing, LLC's legal counsel, Tracy Pupillo, concerning the draft of the non-binding Inducement Resolution forwarded to both Terry and Tracy a few months ago, which document represents an attempt by the city to settle this litigation. He also informed the Committee/Council Members that the current extension to the appeal filed by Columbia Crossing, LLC in this litigation expires in December and Columbia Crossing, LLC's options are (i) to file a brief with the appeals court; (ii) to request another extension; or (iii) to drop the suit (which he deems unlikely) – he will keep the Committee/Council Members updated on this matter.

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

Terry then informed the Committee/Council Members that he has been in touch with Jason Johnson, an attorney with the firm of HeplerBroom, the firm that represents the city in the Columbia Crossing, LLC litigation, concerning a presentation made by Jason and Wayne Skigen, who was an attorney with HeplerBroom (at that time), at the Executive Session of the December 10, 2007 Committee of the Whole Meeting pertaining to the Columbia Crossing litigation, including discussion pertaining to the Horner & Shifrin engineering agreement. Terry indicated that Jason is searching HeplerBroom's files to see if he can locate information pertaining to the agreement(s) signed by Columbia Crossing, LLC, Horner & Shifrin and the City of Columbia pertaining to the engineering services of Horner and Shifrin on the Columbia Crossing (proposed) development project and responsibility for payment of the engineering expenses. Terry also informed the Committee/Council Members that (i) he continues to explore legal liability issues pertaining to this litigation, but recommends no action be taken at this time; (ii) the mediation hearing pertaining to this issue has been scheduled for Tuesday, December 4<sup>th</sup>; and (iii) he plans to work on the city's strategy in addressing this issue and will brief the Committee/Council Members at the December 3<sup>rd</sup> Council Meeting.


**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, November 26, 2012 at 8:13 p.m. Upon Roll Call vote, Mayor Hutchinson and Aldermen Ebersohl and Mathews voted yea. **MOTION CARRIED.**

  
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KEVIN B. HUTCHINSON, Mayor

Minutes Taken By:

  
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SANDRA GARMER, Accounting/Clerical Assistant

  
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ALBERT G. HUDZIK, City Administrator