

MINUTES OF THE CLOSED SESSION CITY COUNCIL MEETING OF FEBRUARY 25, 2008

MEMBERS PRESENT:

Mayor Mitze
Deputy Clerk McFarland

Alderman: Allman (7:05)
Hayes
Vanderkloot
Hiller
Brown
McHale
Corrie
Kuetemeyer

MEMBERS ABSENT:

Attorney Tracy
Clerk Freundt

The first item for discussion is pending/probable litigation with Heartland Pathways.

Alderman Corrie reported that the Council had approved the appropriate papers to be filed in reference to Heartland Pathways land acquisition over a month ago. He felt that the City attorneys had led the Council to believe from the beginning that this process was a do-able process. Alderman Corrie got the impression from Mr. Feeney that the attorney's office didn't want to pursue the action of eminent domain for the tract between the waste water treatment facility to County Farm Rd. The attorney's office feels this would not be a good case because the tract is outside of City limits and there is no legal precedence for a case such as this unless the area is going to be used as a road or street. Alderman Corrie and Alderman Kuetemeyer recommended pursuing an expert in eminent domain. Mr. Allsop asked Meyer Capel if they had someone in mind and they did. Alderman Kuetemeyer stated he doubted the attorney's desire to carry out the Council's request, as they were told what to do and did not. Alderman McHale suggested getting an expert on the subject then seeing if this is in fact a worthwhile case. Mayor Mitze stated that the City attorneys have a sincere concern about putting the City in a position where they could lose a case and he is not sure if it is prudent to seek someone else from out of town to represent the City on this case. In a conversation with Mr. Tracy, Mayor Mitze was told that Mr. Tracy does want to represent the City in this case. There was a question about using vehicles on the "motorized road" in the legal document to be filed, in that it may perhaps help Mr. Monk settle on an agreement. Attorney Feeney advised Mr. Allsop that if that wordage was to be used, there has to be the intent of doing so, since this case would in theory be going before a judge and jury. It was decided that Mayor Mitze would have a conversation with Mr. Tracy about the possibility of using the wordage "motorized vehicles on the road" in the document, and what the minimum qualifications are. Mr. Allsop would also contact Mr. Dodd, Heartland Pathway's attorney, and inform him that the second document would be filed in a few weeks if there is no agreement.

Alderman Kuetemeyer passed out an annual review for the City Superintendent's job that he created. He stressed that Mr. Allsop would like feedback so he can use it to improve on. He would like a response within 2 weeks so he can compile the responses and give to Mr. Allsop. There was some question raised on whether or not a new evaluation form could be used or if the old format had to be used because it was adopted into the City of Monticello Personnel Manual. Mayor Mitze said that if he does not contact the Aldermen, the new format is okay to use.