

**MINUTES OF THE EXECUTIVE SESSION CITY COUNCIL MEETING OF  
MAY 29, 2007**

The minutes of the regularly scheduled Monticello City Council Meeting of May 29<sup>th</sup>, 2007 held in Council Chambers of the Municipal Building in Monticello, Piatt County, Illinois.

**MEMBERS PRESENT:**

Mayor Mitze  
Superintendent Allsop  
Deputy Clerk McFarland  
Attorney Tracy

Alderman: Hayes  
Hiller  
Kuetemeyer  
Vanderkloot  
Corrie

**MEMBERS ABSENT:**

Alderman Allman  
Alderman McHale  
Clerk Freundt  
Treasurer Hodges

The City council went into executive session at 7:08 PM with a motion by Alderman Hayes and a second by Alderman Kuetemeyer, and a unanimous vote.

The purpose of this closed session meeting was to discuss the possibility of property acquisition through the possible use of eminent domain for the Heartland Pathways property. The property consists of abandoned railroad bed, owned by Heartland Pathways, located from Railroad Street to Appletree Subdivision.

Attorney Tracy clarified the purpose of the closed session requirement, as announced as the discussion of a purchase or a lease of a property. The Open Meetings Act allows for the discussion of a lease in closed session. As a prerequisite to eminent domain proceedings, a "good faith" offer must be made to buy the property.

Alderman Corrie said that Mr. Monk will probably not be cooperative with the Phase III/Appletree egress of the project, and if plans for completing this phase are short-term, the Council will most likely be forced to use eminent domain action.

Attorney Tracy suggested considering use of the property as an easement to allow for the traffic crossover. No monetary value would be taken away from the property and no future use would be prevented, should the rail need to be replaced.

Alderman Vanderkloot questioned whether eminent domain could be used on the Phase III/Appletree property if it was out of the City boundary. Attorney Tracy said yes, as long as the property is within the corporate limits, or is contiguous; the City does have eminent domain powers over the property.

Alderman Kuetemeyer stated he is not comfortable with signing a lease for the bike/hike trail, and feels the Phase III/Appletree property crossing should be a priority over Phase I.

The Council agreed to have Aldermen Corrie and Kuetemeyer meet with the Heartland Pathways Board and Mr. Monk to negotiate an easement with a similar dollar amount per foot of property.

Superintendent Allsop reported that Ed Williams has agreed to sell the Leiper Warehouse parking lot separate from the warehouse building at 224 E. Livingston. The City currently does not have an easement for the landscape island, which is on Williams' property. The City budgeted \$60,000 for the acquisition of the property, the lot was appraised at \$60,000, and Williams' agreed to sell the parking lot for \$50,000. Mr. Allsop suggested paying \$30,000 for this year's budget and \$20,000 out of next year's budget towards the property. This would allow the City enough money to asphalt the property this year.


The Council agreed to have Attorney Tracy draft a purchase agreement for the upcoming meeting.

Alderman Kuetemeyer suggested the City add walkways through the landscape island to prevent pedestrians from walking through the landscaping.

Alderman Corrie made a motion to come out of closed session, seconded by Alderman Kuetemeyer. Motion passed.

Closed session meeting ended at 7:50pm.

Respectfully submitted by,

  
CALLIE JO MCFARLAND,  
Deputy City Clerk for  
the City of Monticello, Illinois