

**MINUTES OF THE CITY COUNCIL EXECUTIVE MEETING OF SEPTEMBER 26, 2005.**

The minutes of the Executive Session of the Monticello City Council held as part of the regularly scheduled Monticello City Council meeting of September 26, 2005, held in Council Chambers of the Municipal Building in Monticello, Piatt County, Illinois.

Meeting convened at 7:59P.M.

**MEMBERS PRESENT:**

Mayor Mitze  
Clerk Fruendt

Alderman:

Allman  
Hayes  
Vanderkloot  
Jones  
Weisenborn  
McHale  
Corrie  
Brown

**MEMBERS ABSENT:**

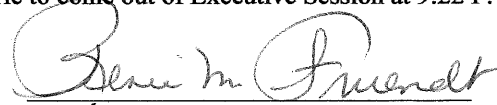
Attorney Tracy  
Treasurer Hodges

The Council discussed possible litigation.

Mayor Mitze explained to the Council that the city received a letter from the law firm of Holland and McKnight representing a group of municipalities in a class action suit. In the letter it was written that it was unconstitutional for the municipalities to receive cell phone tax. This tax goes all the way back to 1998. They are sending this out to all municipalities. They are saying the City of Monticello is liable for \$19,000.00. In questioning Marty Rennels, who takes care of the cities accounting says the city has only received \$10,000.00. City Attorney Bill Tracy said that some of the other municipalities have hired a Chicago law firm to take their case and he suggested that we do the same. The name of the firm is Spiers, Ayers and Alldough. The cost for this law firm would be \$500 to \$1,000 to file an objection and go to court. The Council decided to have City Attorney Bill Tracy to contact the Chicago law firm.

Several years ago the city signed an agreement with Jim Walden for recapture, SSA and tap fees for the subdivision Walden Pond. Mr. Walden has not paid those for two years. Jim Walden may sue the city or the city may take him to court. We want to try and keep from this happening. The Tatman Land has signed with a market company. Mary Jo Hettrick responded to a RFP. The next morning she received a call from Tom and he informed Mary Jo that she was the only one that had responded. The Illinois Supreme Court had to approve the Charitable Trust to be able to sign anything. The Trammel Crow Co. needed shovel ready land and the Tatman land fits what they want. The state has no role in this. Fortune 100 companies is what works with the Trammel Crow Co. This would be a partnership with the city, Trammel Crow Co., and McShane. If we don't do a recapture agreement with these people what would the city do with Jim Walden. Jim Walden does not want to pay squat since Tatman hasn't done anything. A suggestion was made to contact Jim Walden and ask him if he would be interested in coming current in what he owns the city and then let him out of his agreement. If the Trammel Crow Co. finds out there is some controversy it could cause some problems. The Council suggested contacting Attorney Tracy and let him know of the suggestion.

A motion was made by Alderman Hayes, seconded by Alderman Corrie to come out of Executive Session at 9:22 P. M. Motion Carried.

  
**RENÉE M. FRUENDT, City Clerk for  
the City of Monticello, Illinois**