

## MINUTES OF THE CITY COUNCIL EXECUTIVE MEETING OF SEPTEMBER 8, 2008

The minutes of the Executive Session of the Monticello City Council held as part of the regularly scheduled Monticello City Council meeting of September 8, 2008, held in Council Chambers of the Municipal Building in Monticello, Piatt County, Illinois.

Meeting convened at 7:50 P.M.

### MEMBERS PRESENT:

Mayor Mitze  
Clerk Fruendt  
Attorney Tracy

Alderman: McHale  
Hayes  
Allman  
Corrie  
Kuetemeyer  
Hiller  
Vanderkloot

### MEMBERS ABSENT:

Alderman Brown

The council went into Executive Session to discuss probable litigation against them. The meeting is to discuss a letter the city received from Attorney David Cox regarding 105 Lone Beech Road. Owners of the property are Ken and Kathy Landreth. Mayor Mitze read the letter to the council. In the letter, it states the city has till September 19<sup>th</sup> to respond. Attorney Tracy said he had not had much time to study this. There are two issues. The first is city neglect and the second is Illinois Tort Immunity Act. Attorney Tracy stated both issues are very complicated. Alderman Hayes asked if anyone on the council had talked to the Landreth's. Attorney Tracy said the council cannot talk to them about this. They would have to talk to Attorney Tracy. Alderman McHale stated are they in a flood plain? What about qualifying for flood insurance? Mayor Mitze stated have we set a precedence when we bought the property on Monroe? Attorney Tracy responded by saying he doubts it but someone might make something of it. Alderman Kuetemeyer foreseeable responsibility for Landreth's action or lack of action, negligence is the city liable. Since wife works for an insurance agency and had flood insurance for a long time did not use it so dropped it. They also bought house at a discount from previous owners having flood damage. Alderman Hiller said we don't talk to him, we wait till we hear back from insurance company. It was decided Attorney Tracy would prepare a response letter to their Attorney David Cox.

A motion was made by Alderman Hayes, seconded by Alderman Corrie to come out of Executive Session at 8:25 P.M. Motion Carried.

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