

January 27, 2009

The City Council of the City of Fort Morgan, Colorado, met this day in the Council Chambers of City Hall. The Honorable Mayor Jack L. Darnell called the special meeting to order at 5:30 p.m.

The Pledge of Allegiance was given.

Roll Call: Present: Honorable Mayor Jack L. Darnell  
Councilmember Sharol Lyn Deal  
Councilmember Terry McAlister  
Councilmember James A. Powers  
Councilmember Terri P. Schafer  
Councilmember Ron Shaver  
Councilmember Alberta M. Simmons

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### **EXECUTIVE SESSION**

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Councilmember Powers moved to go into executive session for the purpose of a conference with the City attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) Specifically matters regarding The Fort Morgan Times lawsuit appeal. His motion was seconded by Councilmember McAlister and duly carried.

Mayor Darnell announced the time in now 6:27 p.m., and the executive session was concluded and that they would report on the executive session at the open meeting. Upon returning to the open meeting at 7:00 p.m., Mayor Darnell announced. "The participants in the executive session were Mayor Darnell; Councilmembers Deal, McAlister, Powers, Schafer, Shaver, Simmons and Attorney Jeffrey Wells. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record, hearing none he asked Councilmember Powers to report on the executive session.

**Councilmember Powers reported that Council discussed the appeal between the Fort Morgan Times and the City of Fort Morgan and offered a motion to authorize the City Attorney and Steven Dawes to defend the appeal filed by The Fort Morgan Times and cross appeal. His motion was seconded by Councilmember Shaver and carried unanimously.**

City Attorney Wells added that Council had asked him about a recent newspaper article reported in The Fort Morgan Times, concerning the Order Granting Motion for Clarification of Order Regarding Bill of Costs. Attorney Wells explained that the Court had denied the Times request to reduce the amount due the City to \$1,123.08 and had awarded \$1,793.32 to the City. He also stated that the total amount of attorney fees paid to Light, Harrington & Dawes for outside counsel was \$15,978, not \$19,000 as reported in the paper.

Mayor Darnell adjourned the January 27, 2009, special meeting at 7:08 p.m.

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*/s/ Andrea J. Strand, City Clerk*

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*/s/ Jack L. Darnell, Mayor*