

TOWN COUNCIL EXECUTIVE SESSION  
APRIL 17, 2006  
4:35 P.M.

An executive session of the Wheatland Town Council was held during the Special meeting of the Town Council held on April 17, 2006. The purpose of the executive session was discuss the course of action the Town should take regarding the lawsuit filed by Eric & Deb Alden. Town Attorney's Doug Weaver and Rex Johnson stated that the Town had lost the case and the Judgement against the Town included interest of 7% for one year and attorney fees of approximately \$8100.00.

Town Attorney, Rex Johnson stated that it was his opinion that the Judge in the case was incorrect in awarding legal fees to the Alden's, and he also felt the Judge didn't see the case from all sides and he didn't really understand why. However, the Judge did rule in favor of the Alden's and a judgement had been entered. He stated that the Town had 30 days to appeal. Mr. Johnson stated that at the present time there is approximately \$20,000.00 between the actual cost of the property agreed upon (\$185,000.00) and the judgement of \$205,000.00. Mr. Johnson stated that he had been in contact with the Alden's Attorney, Kim Cannon and had told him that the Town might not appeal the judgement if they were to settle for \$195,000.00 which would split the \$20,000.00 difference and Mr. Cannon stated he had to speak to his client. Mr. Johnson told the Council they certainly had the option of appealing, but as a practical matter, legal fees would certainly eat up any saving they would have if they won the appeal. Town Attorney, Doug Weaver stated that the interest would go to 10% during the appeal process.

The Council agreed to allow the Attorney's to negotiate with Mr. Cannon and file an appeal if they felt that the negotiations were not going anywhere. Mr. Johnson stated there will be several concerns addressed during the negotiations i.e. clear title to the property, length of time the Alden's can reside at the property after closing.

The Council also stated they will be notifying the Marty Shepard to start using the wastewater as soon as he needs to as we have the permits to do so.