

RECAP OF AUGUST 3 CONFERENCE CALL WITH CENTURY LINK

Meeting Recap & Next Steps

Kyle Wareing from Kinghorn provided the following summary of the conference call that was held on August 3.

On the phone from CenturyLink were two of their corporate real estate and legal people, one from North Carolina and one from Colorado. Also on the phone was one of their system engineers

On our end of the call we had: Public Works Director John Seifert, Mayor Rick Ihli, City Attorney Jeff Carson, Jeff Nadeau, Grady and myself.

The City led the discussion and gave the representatives from CenturyLink a history of the project back to the beginning in 2003 when the County turned back Church Avenue to the City, and then on to the work of creating Memorial Drive and vacating Church Ave completely in 2007. They did a great job of laying out the argument that this project was, at its root, a public improvement and not a private development, and they reinforced the fact that it was the intent of the City to have all utilities relocated to Memorial Drive as part of this public improvement. This argument will be central to determining who pays for the relocation.

The representatives from CenturyLink were not prepared to make any comment or commitment on the call, but did request a summary of the timeline that was discussed so that they can take it to their internal legal team for further discussion and consideration. That summary is going to be prepared by the City Attorney and City Staff over the next few days and forwarded to CenturyLink. CenturyLink did not make any commitment to how quickly they would review this summary and be ready for additional discussion, but they did indicate that one of the people that would need to be included in this review on their end is on vacation this week; so I would presume that early next week sometime would be the best-case scenario for us to be able to continue this discussion/negotiation with them.

In the interim, we are going to reach out to the engineering staff from CenturyLink this week to begin to work on ways that we can possibly do some of the work for them in order to move the process forward more quickly. The biggest area of opportunity seems to be possibly installing conduit for them so that once they are ready to place cable that is already in the ground. This would allow us to do some of the soil stabilization in the north parking area before their work is completed.

The time estimate they provided us on the call for completing their work was approx. 8 weeks from the time that their field personnel have the approval to proceed from their legal and real estate departments.