

RECORD OF PROCEEDINGS
Town of Medicine Bow Budget Workshop
July 30, 2010

OPENING: Mayor Colman called the meeting to order at 7:00pm. Members present were Mayor Colman, and Councilmembers Colman, Chace, and Marble. Also present was Town Clerk/Treasurer Karen R. Heath.

BUSINESS: Discussion on Telecommunications with CenturyLink—Mayor Colman contacted Edie Ortega and Al Davis via a conference call. Mayor Colman said one of the reasons for the meeting was to discuss the utility pole that was next to the water tower fence on the hill. Councilmember Chace said the pole was leaning on the fence, and Al Davis said it had been straightened. Councilmember Colman asked when it had been straightened and Al Davis said it had been done earlier in the week and the rancher Tracy Terrell had told them to straighten it up and leave.

Mayor Colman asked if they had received a copy of the deed and Al Davis said he had not looked into it. He said if the land belonged to the city they would get an easement, and if it belonged to Tracy Terrell they would get one. Mayor Colman said he had requested the work order for the pole and was told the equipment had been there since 2006, but there was new equipment. Al Davis said he did not know the Mayor wanted it and he would get it to him. Councilmember Chace said the request was in the email Town Clerk/Treasurer Heath had sent him. Edie Ortega said it was her fault and she had not sent it to Al Davis.

Mayor Colman said he had looked at a Google Earth photograph of the tank and did not see a pole, and that that photograph had been taken in July 2009. Councilmember Colman said the shadow of the tank could be seen, so the shadow of the pole should be seen if it had been there. Al Davis said he was sorry and that he could only go by the work order and invoice from the company that had put up the pole. Councilmember Kahl asked who had authorized him to put up the pole and apparatus. Al Davis said they had asked questions and the engineer who had put it up had gotten verbal permission to do so. He said there was no permitting process in the town at that time. Edie Ortega said there had been discussions in 2005-2006 and no permit had been needed then to work in the streets.

Councilmember Colman said she had talked about the pole and requested CenturyLink contact Vistabeam and give them the frequency they operated on. Edie Ortega said that Randy Reed had done so. Councilmember Colman said that Matt Larsen of Vistabeam had only received the franchise agreement and not the frequency. Al Davis said an email dated July 12 to Matt Larsen stated that Matt Larsen had said there should not be any problems, but an email on July 29 mentioned potential interference. He said that Randy Reed had gone out that night and tested the system and had found no interference. He said they were operating on channel 3 and that they had offered to test with Matt Larsen to make sure there was no interference. He said Vistabeam was operating at 2.5Ghz and CenturyLink's equipment was operating at 5.8Ghz. Councilmember Chace said she had not been able to get on the internet from 7am to 2pm and had Vistabeam check her router, which was fine. She said they told her to download a different browser which she did but it did not solve the problem. She said she had never had trouble before. Councilmember Kahl said it was the same with her. Al Davis said he could not answer that. Edie Ortega asked if the trouble had been reported to Vistabeam and Councilmember Chace said it had, and they had checked the router, which was working fine.

Mayor Colman asked with the new system if it was slammed from both sides if it could bleed over (into other frequencies and channels). Al Davis said he was not sure what the Mayor meant. Mayor Colman asked if the equipment was to serve Dunlap and Al Davis said it was, and that Pacificorp had its own system out there. Mayor Colman asked if there was any overlap. Councilmember Colman said she had given the conference call number to Matt Larsen of Vistabeam but since CenturyLink had given the wrong code, he could not call in but wanted to do so. She said she had spoken to Mr. Larsen regarding CenturyLink's comments and asked him to double check there was no interference. Edie Ortega said that Randy Reed had talked to Matt Larsen via email and had offered to test it together. She asked when the trouble had started and Councilmember Colman said she was not sure. Edie Ortega asked when it was reported to Vistabeam and Councilmember Colman said when they reported it Vistabeam had spent a lot of time and money replacing equipment. Mayor Colman said it had been a system that had had no problems and suddenly had problems, especially during work times at the Dunlap project. He said that between the hours of 7am and 3pm the signal is up and down and in the evenings it is great. He said what they were questioning is if there was interference coming off the new system. Edie Ortega said they would be glad to do joint testing. Councilmember Colman said she had asked Edie Ortega to look into this, but Randy Reed called Town Hall to bypass her. Edie Ortega said that was not the case and that Randy Reed was the Regional Supervisor.

Councilmember Colman said the rancher had called and said he watched the pole go in and questioned the installer. She said she had given the rancher Randy Reed's phone number, and when Randy Reed had showed up the rancher told him to leave. She said the issue was that Vistabeam had given Medicine Bow one thing that CenturyLink would not, and that was high speed internet. She asked why that hill had been chosen. Al Davis said only the engineers could answer that, and any time you do a point-to-point radio you shoot to make sure the signal clears the hills. Councilmember Chace said it did not matter who owned the land, that because the pole was within town limits, the Town had jurisdiction. Mayor Colman said in 2006, CenturyLink had put up a pole. Al Davis said that was correct. Mayor Colman said that CenturyLink did not do anything proactively and asked why they would place a pole for a wind farm that had not been built until 2008. Al Davis said the pole was originally put there so the owners of the Dunlap ranch could have phone service. Councilmember Colman asked if it was in 2006. Al Davis said it was, and the equipment originally placed was a lesser model than what was on there now. He said the new equipment had been operational since February. Councilmember Colman asked when it started serving the Dunlap turbines. She said after that they were getting more traffic on the lines and there could be interference. Al Davis said there couldn't be interference because they were only using two channels. Councilmember Colman asked if there was some chance of it bleeding over. Edie Ortega asked if it wouldn't be better if they could meet with Vistabeam and joint test the equipment.

Mayor Colman said the other question was that even if the franchise was current, the pole was in a place that the franchise did not cover, and that it only covered the streets of Medicine Bow. Al Davis said at the time it was done, no permitting was required. Edie Ortega said they did not need an easement in 2006 but were willing to do the paperwork now. Mayor Colman said the pole was outside the utility corridors and not covered by the franchise. Al Davis said he would refer back to the work order and they had contacted the city. Mayor Colman said the Wyoming State Statute regarding easements said that all easements needed to be written and recorded at the County Courthouse and verbal easements had no effect. Al Davis said the pole was servicing the local neighbors at Dunlap. Edie Ortega asked if there was a process to follow with Planning and Zoning. Councilmember Colman said there was. Mayor Colman said the problem was they had to apply for an easement and it was beyond the scope of the franchise. He said the struggle was because they could not go back to 2006. Edie Ortega asked if the pole was within city limits and Mayor Colman said it was. Al Davis said the company has had to lease property from private land owners if it was not in the right-of-way. Mayor Colman said they needed to look at that because the pole was an expansion of CenturyLink's services to

customers not in the Town. He said if they could work out a lease that is beneficial to both parties, provided there was no interference with Vistabeam then they should do so. He said if there was interference they could work together to find and alterative spot for the pole within the city limits. Al Davis said they had to contact their engineers on that and said they would test it with Vistabeam. Councilmember Colman said she had questioned the interference from the beginning and got the runaround with Randy Reed. Edie Ortega said she was jumping to conclusions and that Randy Reed was the Technical Operations Supervisor for the area and he did speak with the engineers. She said not to say she had not met the commitments and that she was trying to resolve this. Al Davis said once they were all satisfied they were not interfering with Vistabeam they could come back and deal with Medicine Bow they way they did private landowners and lease a 10' x 10' square for the pole. Mayor Colman said yes.

Councilmember Kahl said she had known Tom and Rainelle Dunlap very well and asked where their phone signal came from previously. Al Davis said it was radio-beamed originally. Edie Ortega said it was a landline via radio. Al Davis said he would get with Randy Reed, contact Matt Larsen and come up with an action plan and submit it to the Board.

Edie Ortega asked how they would like to proceed with the franchise discussion. Councilmember Colman said Mayor Colman had some comments on the franchise and suggested he email the changes to her. Edie Ortega asked if the Council still wanted to waive the franchise fees and suggested they might need to send the changes back and forth a couple times. Councilmember Chace said she was ready to discuss the franchise right now. Councilmember Colman asked what the term "aerial" meant. Edie Ortega said in general it meant some things in the air and that right-of-ways for underground lines and overhead lines were treated the same. Mayor Colman said that was where they ran into a problem. He said putting that meaning into the franchise would give CenturyLink the right to cut down trees. He said an aerial right-of-way means more than wires. He said it could also mean the pole with the radio beam equipment on it. He said if the trees grow another 10 feet the signal might get blocked and that would mean CenturyLink could cut down the trees that were blocking it. Al Davis said they liked to keep a circumference of 5 feet around phone lines for safety. Edie Ortega said they could put language into the franchise that they had to get permission from the owner of the tree before cutting it. Al Davis said they would trim what was over the right-of-way.

Edie Ortega said the Council would have to go over the agreement paragraph by paragraph and it would have to go through their attorney and the Town's. Councilmember Kahl said that at the last meeting a couple years ago, the damaged telephone boxes had orange bags over them and still had not been fixed. She asked if kids should get into the wires could they get hurt and Al Davis said no. She said it was still an eyesore to have those orange bags on the posts. Al Davis said he would get those changed out. Mayor Colman said he would like to put a time limit on how long after notification repairs must be made. He said the Public Utility Commission specified 48 hours and Al Davis said that was for service issues.

Mayor Colman said that outside of the franchise he kept harping on CenturyLink to upgrade the lines and grant high speed internet but the statement from corporate was that the transfer rates were too high. He asked that since CenturyLink is buying Qwest which owned fiber optic lines running through the Town if it might be in the works. Al Davis said he did not want to commit but the Qwest president and he met and one of the topics of discussion was high speed internet for Medicine Bow as a possibility. He said it had to be studied. Councilmember Chace said it had to be in the franchise before she would vote for it. Al Davis said the franchise was for regulated services, not deregulated services. Councilmember Colman said internet service was deregulated.

Councilmember Kahl asked if DKRW should come, would CenturyLink offer internet to them. Al Davis said DKRW has contacted their engineers and begun talks. Councilmember Kahl asked if that happened, was there any way the Town could get high speed internet as well. Al Davis said they had not said what they needed so he did not know what they would want. He said there were two issues, one being how quickly they came and the other being when CenturyLink acquired Qwest, which could take place in July 2011. Edie Ortega said the deal was in the process of getting regulatory approval.

Councilmember Chace said the phone lines in town were old, and asked if it would be reasonable to ask CenturyLink to replace them. Al Davis said that PTI had replaced all the lines in the 1990's when they buried them. Councilmember Kahl said she had been here 27 years and remembered PTI taking the lines off the poles and burying them directly. Al Davis said the lines had been replaced. Councilmember Kahl asked what the problem was to getting fiber optic in town and he said if they were able to get fiber optic to their office it would open up a whole new world for Medicine Bow and CenturyLink. He said the telephone lines ran east of town and switched over to Union, which microwaved the signal to Elk Mountain and the rest of the world.

Mayor Colman asked what CenturyLink actually received from the federal government to provide service to Medicine Bow. Al Davis said the Mayor would know better than he would. Mayor Colman asked how much per customer they received. Edie Ortega said she did not have that figure with her and Mayor Colman said it was hard to sit here in Medicine Bow and see what CenturyLink has done, which is 1) bought millions of dollars of debt when acquiring Embark, and 2) bought the largest telecommunications carrier in the West and be told that it cost too much to bring high speed internet to the Town. Edie Ortega said she understood his frustration and that while they received money to provide voice service to the Town there was no money for providing broadband to high cost areas, but that might change.

Mayor Colman said he wasn't asking it today but he would like to see someone from CenturyLink say that if they took over Qwest that in 180 days they would offer the same services to Medicine Bow that they offer Laramie and Rawlins. Councilmember Chace said CenturyLink had uneven services between their customers. Councilmember Colman asked if there was money in the Universal Service Fund for replacing house wiring and said that Union Telephone had done that in Elk Mountain. Edie Ortega said she was not aware Union had done that, but CenturyLink did not do that any more. Mayor Colman said his last question was to ask who he could sit down and talk with at CenturyLink so that if the company does acquire Qwest that we as a community can get all the services every other community has. Edie Ortega said Al Davis and his boss, Jeremy, would be the ones to talk to. She said that it might be better to wait until the acquisition was done because personnel might be restructured and they were not sure who would be in charge of this area at this time. Councilmember Chace said she didn't want the Town to be like this forever. She said she wanted the Town to grow and it could not do so without good telecommunications. Edie Ortega asked what other services the Town wanted besides high speed internet and Mayor Colman said there should be no differences in services to a large town than to a small one if they had the same equipment. He said it looked as though CenturyLink made a pretty penny from small communities. Edie Ortega said that high speed internet for Medicine Bow was high on the list. Mayor Colman said he would be mad at himself if he didn't talk to his senators about getting higher services and that was why he was still harping on those issues to get written assurance the town would get the same services as everyone else.

Councilmember Colman said they would send their revisions to Edie Ortega so they could run them through their attorney. She said she didn't think anyone wanted to deny them their franchise. There being no further business to bring before the Council, a motion was made by Councilmember Chace and seconded by Councilmember Marble to adjourn the meeting at 8:23pm. The motion carried with all members present voting aye.

ATTEST:

BY: _____

Town Clerk/Treasurer Karen R. Heath

Kevin Colman, Mayor