

The Board of County Commissioners met in special session on July 2, 2010. Those present for the session were Lynn M. Padgett, Chair; K. Keith Meinert, Vice-Chair; Heidi M. Albritton, Member; Mary Deganhart, County Attorney; Connie Hunt, County Administrator; and Michelle Nauer, County Clerk and Recorder, acting Clerk of the Board. Linda Munson-Haley, Clerk of the Board, was absent.

- **Note – This meeting was recorded for reference purposes.**

A. 9:00 Review and direction on Memorandum of Agreement with Dallas Creek Water Company, Inc. and Cellular Inc. Network Corporation d/b/a Verizon Wireless:

Deganhart recalled that the Commissioners had approved and signed the Sublease Agreement with Verizon on April 26, 2010. At the time the MOA had not been finalized. The Sublease Agreement runs for 25 years, in consecutive five-year terms, with provisions to allow Verizon to terminate it. The MOA was intended to be an arrangement between the County and Dallas Creek Water about what happens if Verizon is out of the picture. When the Commissioners approved the Sublease Agreement they approved it subject to execution of this MOA. She intended to put it on the agenda for July 12, 2010 for approval and signature but wanted the Commissioners to review it prior to that time. Basically, the MOA says that the County can stay on the tower free-of-charge regardless of what happens to Verizon. The only provision in the MOA that gave her pause was something that Dallas Creek Water added that if all uses were abandoned on the tower that the County would be responsible for removing the tower.

Commissioner Meinert wanted to make it clear for whoever was around at the time when Verizon would opt out, that by the County assuming operation of the tower they were also potentially assuming the obligation of taking the tower down. A discussion followed.

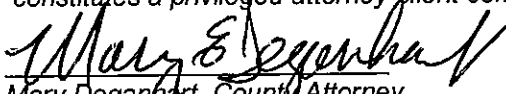
Connie Hunt, County Administrator, had several items to discuss with the Board.

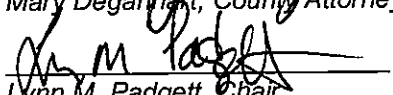
- She advised the Commissioners that the County had received its PILT payment on June 30, 2010 that was \$8,900 more than was budgeted for.
- Three positions on the Ouray County Historical Society Board of Directors was open and the Commissioners received a ballot with three candidates. She asked how they wanted to handle it. By consensus, the Commissioners agreed to vote for all three.
- She discussed research that was done on cost estimates for vehicles for the site visit on July 27, 2010 or possibly using the County's Communications Van and a truck from Road and Bridge. A discussion followed. The Commissioners agreed to use the County's vehicles. There was more discussion about the number of vehicles and the logistics. Commissioner Meinert suggested recording the Commissioners' discussions while traveling to sites and while on-site for public review at a later date.

B. 9:36 Executive Session with County Attorney for the purposes of receiving legal advice and determining positions relative to matters that may be subject to negotiations regarding Tavitac Corporation and its petition for abatement pending with the Colorado Board of Assessment Appeals pursuant to C.R.S. 24-6-402(4)(b) and C.R.S. 24-6-402(4)(e):

MISIP—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to enter into an executive session pursuant to C.R.S. 24-6-402(4)(b) and C.R.S. 24-6-402(4)(e), legal advice and negotiations pursuant to settlement discussions with Tavitac related to the abatement of taxes for previous years. There was no discussion. Motion passed unanimously.*

As County Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication.


Mary Deganhart, County Attorney



Lynn M. Padgett, Chair

The County Attorney requested that the following be present for the Executive Session: Commissioner Padgett, Commissioner Meinert, Commissioner Albritton, Mary Deganhart, County Attorney, and Connie Hunt, County Administrator.

10:35 The Board of County Commissioners came out of Executive Session, reconvened into special session and adjourned:



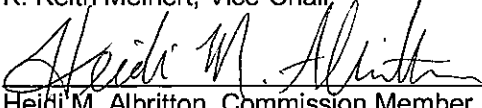
OURAY COUNTY BOARD OF COUNTY COMMISSIONERS
OURAY, COLORADO




Lynn M. Padgett, Chair

- ABSENT -

K. Keith Meinert, Vice-Chair



Heidi M. Albritton, Commission Member



Michelle Nauer, County Clerk and Recorder
by: Linda Munson-Haley, Clerk of the Board