CITY OF TONKA BAY
ITEM NO. 9B

Memo

To: Honorable Mayor and City Council

From: Joe Kohlmann, City Administrator

Date: October 8, 2013

Re: LMCC

The LMCC has been having meeting with member cities to discuss the franchise agreement for the Mediacom, revisions to the JPA, and the interest of member cities to remain with the LMCC. Orono, Medina, St. Bonifacius, Minnetrista, and St. Bonifacius have all indicated a willingness to withdraw from the LMCC. At this time, there are really three options the City of Tonka Bay must consider:

1) Remain with the LMCC regardless of other member cities decisions.
2) Outright withdraw membership from the LMCC.
3) Or write a letter giving notice of withdrawal to the LMCC with an option to rescind the withdrawal up until 12/31/13 – per the JPA.

I have attached the following documents for background information:

Minutes from Tonka Bay's 10/12/10 City Council Meeting – re LMCC budget
A letter from Sally Koenecke in response to the meeting
A letter we have sent several times concerning the LMCC Budget
St. Bonifacious and Victoria withdrawal letters
LMCC Votes and Estimated Per-City Revenue
Report from the JPA Subcommittee to the LMCC Commission
Letters from the LMCC dated 8/15/13 and 9/19/13
Minutes from the LMCC Meetings held on 9/17/13; 8/20/13; 8/13/13; and 7/16/13
Proposed amendments of the JPA from LMCC's attorney Bob Vose

Council Action Requested:
Motion to send a letter to the LMCC stating one of the above three options.

CITY OF TONKA BAY
ITEM NO. 4A

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
October 12, 2010

1. CALL TO ORDER

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:00 p.m.

2. ROLL CALL

Members present: Mayor LaBelle, Councilmembers Marceau, Tessness, Folley, and De La Vega. Also present were City Administrator Kohlmann, City Attorney Penberthy, and Public Works Superintendent Kluver.

3. APPROVAL OF AGENDA

Tessness moved to approve the agenda as submitted. Marceau seconded the motion. Ayes 5. Motion carried.

4. CONSENT AGENDA

Marceau moved to approve the consent agenda as presented approving the regular meeting minutes of September 28, 2010. De La Vega seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

None

8. OLD BUSINESS

A. Lake Minnetonka Communications Commission (LMCC) – Sally Koennecke, LMCC Executive Director was present to discuss the LMCC. She gave an overview of their budget. She also provided information on Channel 19 which is programmed by the Wayzata School District. Programming from the Minnetonka School District is also shown on this channel. A list of all services the studio is providing was also provided as well as the statistics for government programming. She discussed funding and revenues from franchise and PEG fees. She stated fees are received quarterly

which is why they keep a large reserve balance on hand. She discussed the plan to do a residents' survey at a cost of $30,000 to determine whether residents even want fiber optic capabilities. LaBelle asked for more information on the audit issue and why the LMCC doesn't know how much will be coming in. Koennecke explained funds can come from many sources such as late fees and advertising. Mediacom has taken some subscribers from some cities and has put them in other cities in error. De La Vega asked for clarification of what is included in the monthly bill. Koennecke clarified the fees. De La Vega stated there are no year to year comparisons in the budget, and he asked for that to be provided in future budgets. Koennecke agreed to provide that detail in the future. De La Vega was concerned about the contingency funds. He noted there are only a couple expenses that vary, and he questioned why such a large contingency is needed when the budget has set expenses every year. He was also concerned about why line items continue to increase when the amount budgeted is not spent. In response to a question about the increase in legal fees, Koennecke discussed the need for additional attorney fees when it is time to consider the franchise renewal. De La Vega discussed his concerns about the salaries which is a large part of the budget. Koennecke discussed salaries noting that compared to other similar agencies, they are short-staffed. They serve more cities than other cable commission in the state. LaBelle asked if there are any comparisons of what our residents pay compared to others. Jim Lundberg noted we have the lowest PEG fee in the entire state. Koennecke noted we have 12,000 subscribers which is about 40% penetration. LaBelle asked what would change if Tonka Bay opts-out of the LMCC. Lundberg discussed the government channels 8 and 20 as well as the bulletin board channel. De La Vega asked if there was any data on how many people are watching. Lundberg stated that information is not tracked. We do get information on the streamed meetings. Chris noted channel 12 is wall-to-wall programming. He discussed other programming available on the cable channels. Koennecke stated the joint powers agreement has a process to go through to withdraw from the LMCC. It would be up to the city to determine if that is something they want to do. The Council discussed looking at other options that might be available. LaBelle suggested Koennecke write the City a litter indicating what changes would occur if the City should opt out of the Commission. In response to a question from Folley, Koennecke discussed the status of Mound's decision to join the LMCC. LaBelle stated this is a process going forward that will need to be reviewed and asked Koennecke to write a letter to indicate what will change if Tonka Bay opts out.

B. **Rental Housing Task Force** – Kohlmann stated landlords and tenants in Tonka Bay were asked to volunteer to be a part of the rental housing task force. A group has been created and he requested the Council to give their input and to set a date for the first task force meeting. Councilmembers made general comments on the makeup of the task force. **Tessness moved to set Tuesday, November 16 at 6:00 p.m. for the first rental housing task force meeting. Marceau seconded the motion. Ayes 5. Motion carried.**

LMCC LAKE MINNETONKA COMMUNICATIONS COMMISSION

4071 SUNSET DRIVE ▪ BOX 385 ▪ SPRING PARK, MN 55384-0385 ▪ 952.471.7125 ▪ FAX 952.471.9151 ▪ lmcc@lmcc-tv.org

October 13, 2010

RECEIVED

OCT 14 2010

DEEPHAVEN
EXCELSIOR
GREENWOOD
INDEPENDENCE
LONG LAKE
LORETTO
MAPLE PLAIN
MEDINA
MINNETONKA BEACH
MINNETRISTA
ORONO
ST. BONIFACIUS
SHOREWOOD
SPRING PARK
TONKA BAY
VICTORIA
WOODLAND

Joe Kohlmann
City Administrator
City of Tonka Bay
4901 Manitou Road
Tonka Bay MN 55331

Dear Mr. Kohlmann:

At the City Council meeting on October 12, I was asked to explain what would change if Tonka Bay withdrew as a member of the Lake Minnetonka Communications Commission (LMCC). In order to respond, I need to provide a little background regarding the LMCC and municipal cable commissions in general.

There are a number of multi-city cable commissions in Minnesota. Many were organized under the Minnesota municipal joint powers statute, Minn Stat. § 471.59. Each member city in this type of cable commission issues its own cable franchise. A cable franchise is a contract with the cable company but also typically enacted as a regulatory ordinance. This type of commission simply administers its members' franchises. The franchises are usually very similar.

The joint and cooperative agreement (JPA) creating the LMCC, however, was established under Minn. Stat. § 238.08, subd. 5. This statute allows a multi-city cable commission to issue a cable franchise itself. Accordingly, the LMCC issued the franchise currently held by Mediacom. The LMCC's member cities, including Tonka Bay, did not issue their own franchises. The members receive cable service, PEG access programming, and other benefits of a cable franchise without the burdens of having to deal directly with the cable company, produce programming, enforce the franchise, etc.

The JPA's withdrawal provisions reflect this arrangement. The JPA indicates that a member city could withdraw prior to the effective date of the LMCC franchise by simply giving notice. However, after the LMCC franchise became effective, the JPA only provides for member city withdrawal if: (i) the LMCC breaches the JPA, or (ii) if the LMCC fails to commence enforcement of the franchise within 4 months of notice of a franchise violation within the borders of a member city. JPA, Article X, Section 2.

With this background in mind, it is difficult for me to predict what would change if the commission breached the JPA or refused to enforce the franchise causing Tonka Bay to withdraw. The initial consequence would be that the city would not have a cable franchise.

Under Minnesota law, a cable company must hold a franchise in order to provide cable service. Accordingly, Mediacom could not lawfully provide cable service until a new franchise was entered between the city and company.

The city could attempt to enact the LMCC franchise. However, I am unsure whether Mediacom would accept or oppose conversion of the LMCC franchise to a Tonka Bay franchise. Using the collective bargaining power of 17 communities, the LMCC was able to negotiate favorable franchise terms and is effective in day-to-day administration and franchise enforcement involving the cable company. It is not clear, for example, that Mediacom would pay the same franchise fee and PEG fee, accept the same customer service obligations, provide the same number of PEG channels, or comply with the other franchise obligations if Tonka Bay acted alone. Further, the LMCC franchise does not establish franchise obligations on a city-by-city basis. I am uncertain how some of the franchise provisions could be converted to city-specific obligations.

For these reasons, if the city withdrew it may need to negotiate a new franchise. As previously explained, I believe the current LMCC franchise reflects the LMCC's relatively strong bargaining position with the cable company. I doubt that Tonka Bay would have the same bargaining power acting alone. I am uncertain what franchise terms the city could obtain.

Finally, if Tonka Bay withdrew from the commission, the city would lose all services the LMCC provides including production of community programming, studio facilities and programming equipment, internet streaming of city meetings, franchise enforcement and administration services, and the commission's advisory capacity-- for example, the current FTTH study. The LMCC would lose the franchise fee and PEG fee revenues attributable to the city. It is possible that the LMCC may consider a contract with Tonka Bay similar to the Mound arrangement, but we are not seeking that arrangement.

I would like to address the city's concerns in an open and cooperative manner. If Tonka Bay has concerns about our performance, compliance with the JPA, or enforcement of the franchise, I would request that the city provide details. I look forward to discussing this with you further.

Yours truly,

Sally Koenecke

Sally Koenecke
Executive Director
Lake Minnetonka Communications Commission

City of Tonka Bay
4901 Manitou Road, Tonka Bay, Minnesota 55331 (952) 474-7994

September 28, 2011

Ms. Sally Koennecke
LMCC
4071 Sunset Drive, PO Box 385
Spring Park MN 55384-0385

Dear Sally:

The Tonka Bay City Council reviewed the proposed 2012 LMCC budget at its regular meeting on September 13, 2011. As a party to the cable television franchise agreement, the City Council has a responsibility to let your organization know the reasons why they voted not to adopt the 2012 LMCC budget.

Below are some comments that were made during the budget review:

1. It is inconsistent with the state of the current economic environment for the LMCC to propose this budget.
2. The City Council is concerned about safety issues related to being a Mediacom phone customer due to an inordinate amount of service interruptions.
3. The LMCC is a public service entity that is using funds that are provided to it, and said funds are being used to produce a product that is of questionable value.

The City Council would gladly provide an opportunity for you to respond to their concerns at a future meeting.

Sincerely,

Joe Kohlmann

Joe Kohlmann
City Administrator

ctl

Fax (952) 474-6538 • website: cityoftonkabay.net

CITY OF ST. BONIFACIUS
8535 Kennedy Memorial Drive
St. Bonifacius, MN 55375
952/446-1061

September 19, 2013

Lake Minnetonka Communications Commission
PO Box 385
Spring Park, MN 55384

Dear Sally Koenecke;

The St. Bonifacius City Council held a meeting on 9/18/13. The Lake Minnetonka Communications Commission Joint Powers Agreement was discussed in detail followed by a motion as follows;
"A motion was made by Mayor Weible and seconded by Arwood to give the LMCC notice to withdraw from the JPA due to the desire to explore all options; one being subscriber base and two being access to residents to Planning Commission and Council meetings including secondary access."

The St. Bonifacius City Council and/or its LMCC Council liaison wishes to be involved in further JPA discussions. The City Council does acknowledge the option to rescind this motion prior to the effective withdrawal date of 12/31/13.

By Order Of The City Council,

Brenda Fisk

Brenda Fisk
Clerk-Treasurer

City of Victoria
Ph. 952.443.4210
Fax 952.443.2110

September 24, 2013

Mr. Norman Wenck
Secretary
Lake Minnetonka Communications Commission
4071 Sunset Dr.
Spring Park, MN 55384-0385

Re: City of Victoria – Notice of Withdrawal from the Lake Minnesota Cable Communications Commission

Dear Mr. Wenck:

As directed by the Victoria City Council and pursuant to Article X Section 1 of the Joint and Cooperative Agreement ("JPA") of the Lake Minnetonka Cable Communications Commission ("LMCC"), the City of Victoria ("City") hereby gives notice of withdrawal from the LMCC effective December 31, 2013.

Article X Section 1 of the JPA provides that a member of the LMCC:

> *may withdraw from the Commission prior to the effective date of a franchise ordinance by filing a written notice with the Secretary by October 15 of any year giving notice of withdrawal effective as of the end of that calendar year; and membership shall continue until the effective date of withdrawal.*

The current franchise between the LMCC and Mediacom Minnesota LLC ("Mediacom") expires on December 15, 2013 ("LMCC Franchise"). Please be advised that the City will not agree to be a party to any renewal or extended LMCC Franchise nor be bound by any commitments set forth in such renewed or extended LMCC Franchise. Effective December 15, 2013 the City shall no longer be governed by the LMCC Franchise. However, because the JPA requires that withdrawal cannot be effective until the year end, the City will remain in the LMCC until December 31, 2013.

If the LMCC should extend or renew the LMCC Franchise or enter into a holdover status following the December 15, 2013 expiration date, the City's date of withdrawal from the JPA shall remain year end – December 31, 2013.

Nothing contained herein shall prevent the City and LMCC from mutually agreeing to accelerate the City's withdrawal from LMCC. However, in no event shall the City's date of withdrawal from the LMCC be later than December 31, 2013. Pursuant to Article X Section 5 of the JPA, the City anticipates the LMCC's cooperation with the City's withdrawal.

The City finds that the needs of the citizens and taxpayers of Victoria will be better served by said withdrawal.

Sincerely,

Don Uram
City Manager

Cc: Mr. Roger Hackbarth, LMCC Chair
Ms. Sally Koenecke, LMCC Executive Director
Brian T. Grogan, Esq., Moss & Barnett, Victoria Legal Counsel
Bill Jensen, Regional Manager, Mediacom Minnesota LLC
Jane Bremer, Mediacom Minnesota, Legal Counsel

RESOLUTION NO. 13-73

A RESOLUTION AUTHORIZING NOTICE OF WITHDRAWAL TO THE LAKE MINNETONKA COMMUNICATIONS COMMISSION AND APPROVAL OF AN ENGAGEMENT AGREEMENT WITH MOSS & BARNETT

WHEREAS, On June 24, 2013 the City of Victoria passed Resolution No. 13-49 in support of the long-range viability of the Lake Minnetonka Communications Commission (LMCC) subject to Joint Powers Agreement (JPA) changes; and

WHEREAS, The LMCC board did not approve the changes to the JPA; and

WHEREAS, The City of Victoria finds that the needs of the citizens and taxpayers of Victoria will be better served if the City withdraws from the LMCC; and

WHEREAS, The City of will submit a letter of withdrawal to the LMCC; and

WHEREAS, Upon notice of withdrawal of the LMCC, the City of Victoria will engage the services of Moss & Barnett for legal representation to grant a cable television franchise agreement to Mediacom; and

WHEREAS, The City of Victoria approves an Engagement Agreement with Moss & Barnett.

NOW, THEREFORE, BE IT RESOLVED, that the City of Victoria City Council hereby authorizes the withdrawal from the LMCC pursuant to the JPA and engage the services of Moss & Barnett.

Adopted this 23rd day of September, 2013 by the Victoria City Council.

Tom O'Connor, Mayor	AYE	Lani Basa	AYE
Jim Crowley	AYE	Joe Pavelko	AYE
Tom Strigel	AYE		

ATTEST:

Jennifer Kretsch, City Clerk

Tom O'Connor, Mayor

CERTIFICATION

The undersigned, being the duly qualified and acting Clerk of the City of Victoria, hereby certifies the foregoing Resolution No. 13-73 is a true and correct copy of a resolution presented to and adopted by the Council of the City of Victoria at a duly authorized meeting thereof held on the 23rd day of September 2013, as shown by the minutes of the aforesaid meeting in possession of the undersigned.

Jennifer Kretsch, City Clerk

(Seal)

LMCC Votes & Estimated Per-City Revenue

	Dwelling Units	LMCC Board Weighted Votes	Cable Subscribers	Subscribers ÷ Dwelling Units	Monthly Franchise Fee Per Subscriber	Estimated Annual Franchise Revenues	Monthly PEG Fee Per Subscriber	Estimated Annual PEG Revenues	Total Fees
Deephaven	1,337	2	722	54.00%	$4.42	$38,266	$1.20	$10,397	$48,663
Excelsior	1,125	2	753	66.93%	$4.42	$39,909	$1.20	$10,843	$50,752
Greenwood	290	1	149	51.38%	$4.42	$7,897	$1.20	$2,146	$10,043
Independence	1,246	2	194	15.57%	$4.42	$10,282	$1.20	$2,794	$13,076
Long Lake	734	1	321	43.73%	$4.42	$17,013	$1.20	$4,622	$21,635
Loretto	270	1	128	47.41%	$4.42	$6,784	$1.20	$1,843	$8,627
Maple Plain	726	1	330	45.45%	$4.42	$17,490	$1.20	$4,752	$22,242
Medina	1,711	2	584	34.13%	$4.42	$30,952	$1.20	$8,410	$39,362
Minnetonka Beach	203	1	115	56.65%	$4.42	$6,095	$1.20	$1,656	$7,751
Minnetrista	2,203	3	750	34.04%	$4.42	$39,750	$1.20	$10,800	$50,550
Orono	2,828	3	1,319	46.64%	$4.42	$69,907	$1.20	$18,994	$88,900
Shorewood	2,660	3	1,403	52.74%	$4.42	$74,359	$1.20	$20,203	$94,562
Spring Park	909	1	357	39.27%	$4.42	$18,921	$1.20	$5,141	$24,062
St. Bonifacious	865	1	452	52.25%	$4.42	$23,956	$1.20	$6,509	$30,465
Tonka Bay	587	1	332	56.56%	$4.42	$17,596	$1.20	$4,781	$22,377
Victoria	2,484	3	1,166	46.94%	$4.42	$61,798	$1.20	$16,790	$78,588
Woodland	169	1	98	57.99%	$4.42	$5,194	$1.20	$1,411	$6,605
TOTAL	**20,347**	**28**	**9,173**			**$486,168**		**$132,091**	**$627,432**

Mound: What they collect	3987		2,097	52.60%	$4.42	$74,359	$1.20	$30,197	$104,556
Mound: What they pay to the LMCC					$0.67	$16,860	$1.20	$30,197	$47,057
						$57,499		$0	
						Amount of revenue kept by Mound (85% of franchise fees)		Mound pays all of their PEG fees to the LMCC (same as other LMCC cities)	

Grey indicates underserved cities.

Households based on most current Met Council Data (2011).

Votes are rounded up, based on past policy.

Cable subscribers numbers are from Mediacom 11/1/2012 data.

FRANCHISE FEES

$4.42 per month Franchise Fee is 5% of the cable bill (5% is the maximum allowed by FCC regulations).

The use of franchise revenues by the LMCC and cities is not restricted.

PEG FEES

Public Educational Government (PEG) fees are negotiated in the franchise agreement.

2013 PEG fees are $1.20 per subscriber per month.

PEG fees must be used for programming / equipment.

Updated 01-25-13

REPORT FROM THE JPA SUBCOMMITTEE TO THE FULL COMMISSION
SEPTEMBER 17, 2013

First of all I want to thank the members of the subcommittee for carving out time for three meetings in three weeks to explore solutions.

Members of the committee included Steve Erickson of Deephaven, Tom O'Connor of Victoria, Mike Delucca of Maple Plain, Anne Hunt of Minnetrista, Dave Wahlstedt of Excelsior, Cari Girk of Loretto, Lizz Levang and me.

The bulk of our discussion centered around understanding the nuances of the SW Cable Commission model and whether we could adapt something similar to suit the majority of our cites. We held a conference call with Brian Grogan who specializes in cable franchise law and framer of the SW model.

The following general facts were observed and contrasted with the LMCC:

-the SW model serves 5 cities with a subscription base of approximately 200,000 households
-the LMCC serves 17 cities with a subscription base of approximately 10,000 households

-each of the SW cities direct franchise with Comcast, each collecting their own PEG and franchise fees
-the LMCC franchises with Mediacom on behalf of the cities, collecting and combining all the PEG and franchise fees from each city.

-the SW cities pay a total of $40,000/year for franchise administration. The cost to each city is proportional to the number of subscribers.
-the LMCC spends $170, 000/year for franchise administration. The cost to each city is not specific as the money is taken out of the collective franchise fee pool.

-the SW cities contribute $15,000 a year to rent studio space in Bloomington for 8 programmers that are currently producing studio programs.
-the LMCC spends $100,00 a year to own and operate a studio for 10 programmers.

-SW member cities meet 2 times per year for administrative review, election of officers and budget approval.
-LMCC cities meet 4 times a year with the executive committee adding another 8 meetings.

-there are 6 school districts served by Southwest.
-the LMCC has three school districts(Minnetonka, Orono & Westonka) although Loretto is in the Delano district.

-many of the SW cities have their own government production abilities with in-house cameras and IT staff. They do share space for playback capabilities in the Edina city hall.
-most of the LMCC cities are reliant on the LMCC staff and equipment to tape and playback government meetings and events.

REPORT FROM THE JPA SUBCOMMITTEE TO THE FULL COMMISSION
SEPTEMBER 17, 2013

-the SW model allows member cities to withdraw prior to October 1 of the preceding year. No cause is necessary.
-the current JPA allows withdrawal from the LMCC in only two incidences: by giving notice prior to October 15th or based on an LMCC breach or failure to enforce the franchise.

Things to consider:

1. Does each city want to direct franchise so that they hold the purse strings and meet the unique needs and objectives of their city?

2. Does a city want a 3rd party to control their PEG and franchise fees?

3. What is the value of community programming to your city?

4. Is the current cost of community programming reasonable?

5. Should this cost increase or decrease?

In order to develop a renewed franchise the 17 cities should have a frank discussion regarding the objectives of the LMCC for the next 10 years.

* Smaller cities have an option to sign an Extension Permit rather than procuring a direct franchise agreement. The extension permit essentially adopts the franchise agreement of a larger city and, thereby, by extension is granted the same terms. The extension permit is a simple 2 page document. · orono agreement could be used ·

If the LMCC loses a critical mass of cities, difficult decisions will have to be made about sustaining the organization. A reduced LMCC made up of small cities may have to dissolve or sell off assets in the near future. In this case, there would be a smaller pool of cities that have to bear the potential risk of liabilities exceeding the assets in a dissolution process.

The inflexibility and the ambiguities of the present JPA was discussed including the difficulty in amending the existing document. Is the present JPA going to be a good document going forward given the hindrances we are now discovering?

The group discussed the upcoming withdrawal date of Oct. 15th and how important that could be for cities that may want multiple options in the coming months. The subcommittee had the LMCC's attorney, Bob Vose, spell out the terms regarding exercising the right to withdraw and how to rescind that right if a city decides to stay with the LMCC as their franchising authority.

REPORT FROM THE JPA SUBCOMMITTEE TO THE FULL COMMISSION
SEPTEMBER 17, 2013

At our final meeting last Wednesday, it was noted that two of the cities are uncomfortable with the concept of direct franchising. Deephaven decided to work on a different model that Mr. Erickson will further explain. The group did not decide to prepare a resolution for tonight's meeting but rather continue the discussion with the full commission.

Lastly I want to better address a question I received a few times and that is why does Orono care about what happens to the LMCC since Orono is leaving?

For Orono, there are three reasons we are still interested in helping to see a win-win with remodeling the LMCC to a more flexible model such as the SW Cable Commission:

1) direct franchising will address the specific needs and priorities of each city In our case that means finishing build out and using PEG fees to purchase our own equipment for our council chambers. The priorities of Orono are not necessarily those of another city. It is unreasonable to have all the cities share in the cost of another city's priorities therefore putting their own needs on hold.

2) creating a new JPA that gives cities flexibility to join or leave the organization if circumstances change as well as the ability to pool resources in a limited spending model. For example franchise administration and franchise audits can be conducted or monitored by the pooling of resources.

3) restructuring for a more efficient LMCC with reduced overhead that is nimble to respond to rapidly changing technology and better serve the demands of the various cities. The LMCC can still provide taping and playback to direct franchise cities on an ala carte basis such as what is presently occurring with the city of Mound.

For those three reasons we still see value in pooling our resources albeit in a much reduced fashion and with the flexibility that direct franchising offers all of us.

Again to repeat, the subcommittee did not decide to prepare a resolution for tonight's meeting but rather continue the discussion with the full commission.

-Lili McMillan, Chair

deephaven aprach

- run on autopilot too long
- new LMCC structure needed
- withdrawl clause . any oct 15th.
- streamline admin
- colaborate w/ cities that have left
- other outsiders also
- JPA changes w/o 100%
- subscribers vote rate rather than residents

2. greenwood
2. tanka bay
2. minnetonka
1. orono
1. medina
2. st boni
. victoria
1. loretto

- St Boni
  mediacom negotiations
  LMCC production use
  peg fees pay for online distribution also

1) - Direct franchise (oct 15th)
2) could go either way (if submit but don't Direct franchise)
3) stay w/ LMCC

- 100% req to change - 2/3
- withdrawl - annually -

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who is on committee ?

LAKE MINNETONKA COMMUNICATIONS COMMISSION

4071 SUNSET DRIVE ▪ BOX 385 ▪ SPRING PARK, MN 55384-0385 ▪ 952.471.7125 ▪ FAX 952.471.9151 ▪ lmcc@lmcc-tv.org

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VICTORIA
WOODLAND

DT: August 15, 2013
TO: All LMCC Commissioners
FROM: Sally Koenecke, LMCC Executive Director
RE: LMCC Full Commission Meeting
August 20, 2013 5:30 PM
4071 Sunset Drive, Spring Park, MN

ALL COMMISSIONERS NEED TO ATTEND TO VOTE ON THE BUDGET

It is very important that you attend this meeting as you will be required to vote on the 2014 LMCC Budget representing your city residents. Two drafts of the LMCC Budget are included in the packet. Joe Huber, Commissioner from Shorewood and the Chair of the Budget Committee will be presenting the information regarding the 2014 Budget. Some cities have submitted resolutions to the LMCC which may impact the budget. Two of those are included in the packet. The resolution from Victoria and the resolution from Deephaven. At this meeting the Commission will be discussing budget items but not amendments to the JPA. They will however take that up in the future. The future operation budget for the LMCC will be decided with this budget approval. However, after the Full Commission approves the budget it is sent to the cities for a majority of the cities to approve before it is approved as the final budget.

There are a number of other important business items included in the packet:

1. The Franchise Fee Audit which was reviewed by the Executive Committee and submitted to Mediacom on August 15.

2. The LMCC Financial Audit presented by Andrew Berg of Abdo, Eick and Meyers.

3. A draft (in process) of the franchise fee agreement that is currently being negotiated by Robert Vose, the attorney for the LMCC. This agreement is being negotiated based on the technical and needs assessment by an outside consultant as well as through participation of the LMCC stakeholders who attended focus groups and a valid survey of city member residents. The Franchise Renewal Committee solicited input from all cities and a priorities list was approved by the member cities. Maps were prepared and cities were solicited for their specific ideas for the franchise negotiations. The committee met beginning in January of 2011 and was chaired by Tom Fletcher, commissioner from Greenwood.

a. Executive Director - Sally Koenecke
b. Productions Manager – Chris Vogt
   - Announcement of NATOA National 2013 Awards for Excellence in Programming for programs in government programming.
c. Operations Manager – Jim Lundberg

IX. Old Business
   a. Audit of Mediacom Franchise and PEG fee Update - Wenck

X. New Business

XI. Adjournment - Hackbarth

LMCC LAKE MINNETONKA COMMUNICATIONS COMMISSION

4071 SUNSET DRIVE ▪ BOX 385 ▪ SPRING PARK, MN 55384-0385 ▪ 952.471.7125 ▪ FAX 952.471.9151 ▪ lmcc@lmcc-tv.org

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WOODLAND

DT: September 19, 2013
TO: All LMCC Commissioners
FROM: Sally Koenecke, LMCC Executive Director
RE: LMCC Full Commission Meeting
September 24, 2013 5:30 PM
4071 Sunset Drive, Spring Park, MN

It is very important that you attend this meeting as you may be required to vote on the 2014 LMCC Budget representing your city residents. One draft of the LMCC Budget is included in the packet. Joe Huber, Commissioner from Shorewood and the Chair of the Budget Committee will be presenting the information regarding the 2014 Budget. Some cities have submitted resolutions to the LMCC which may impact the budget. They have been discussed at previous meetings and are on the agenda again for the September 24th meeting. Bob Vose will be drafting language for the JPA amendments that were brought forward at the meeting on the 17th. The future operations budget for the LMCC will be decided with this budget approval. However, after the Full Commission approves the budget it is sent to the cities for a majority of the cities to approve before it is approved as the final budget.

Also requested for the agenda is the topic of service options for nonmember cities.

Bob Vose will also be present to clarify the LMCC's negotiations for build-out of underserved cities and PEG fees. All LMCC member cities were invited to participate in identifying priorities for the negotiations, however, there has been some confusion as to why build-out did not occur with the previous franchise. It is important for cities to have clarification of the differences in the last franchise and what is being prioritized for the franchise presently being negotiated.

Chris Vogt and I will be reporting on the latest information in technology from the NATOA Conference. Chris Vogt was a presenter at the conference on government programming as well as will be presenting to the LMCC the programming awards that were awarded to the LMCC for excellence in local programming. These awards are indicative of the programming partnerships the LMCC has created with many of our government entities, community organizations and nonprofits.