

MINUTES MAPLEWOOD CITY COUNCIL

7:00 p.m., Monday, March 9, 2015

Council Chambers, City Hall

Meeting No. 05-15

A. CALL TO ORDER

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 7:02 p.m. by Mayor Slawik.

Mayor Slawik reported that Bloomberg Philanthropies announced that Maplewood’s Kid City proposal is one of twelve finalists in the nation for their Public Art Challenge. Shari Aronson and Chris Griffith, Co-Creative Directors and Co-Founders of Z Puppets Rosenschnoz addressed the council to share information about their organization and the Public Art Challenge. Parks & Recreation Director Konewko gave additional information about the proposal.

Alex, a senior from Stillwater High School led the council in the pledge of allegiance.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Nora Slawik, Mayor	Present
Marylee Abrams, Councilmember	Present
Robert Cardinal, Councilmember	Present
Kathleen Juenemann, Councilmember	Present
Marvin Koppen, Councilmember	Present

D. APPROVAL OF AGENDA

Agenda item J4 Union Negotiations Discussion – Police Sergeants moved to the end of the meeting after Council Presentations.

The following items were added to the agenda:

- N1 Wrap up on the Multi Cultural Event
- N2 Cable Commission Update
- N3 Former Mayor Les Axdahl
- N4 Friends of the City Volunteer Coordinator
- N5 Mayor’s Roundtable on Sustainable Environment
- N6 Senator Hearing on Transportation in Woodbury
- N7 Vento Trail

Councilmember Juenemann moved to approve the agenda as amended.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

E. APPROVAL OF MINUTES

1. Approval of February 23, 2015 City Council Workshop Minutes

Councilmember Abrams moved to approve the February 23, 2015 City Council

Workshop Minutes as submitted.

Seconded by Councilmember Cardinal

Ayes – All
Abstain – Councilmember Koppen

The motion passed.

2. Approval of February 23, 2015 City Council Meeting Minutes

Councilmember Juenemann noted a couple of typo corrections that were called into City Hall.

Councilmember Juenemann moved to approve the February 23, 2015 City Council Meeting Minutes as amended.

Seconded by Councilmember Abrams

Ayes – All
Abstain – Councilmember Koppen

The motion passed.

F. APPOINTMENTS AND PRESENTATIONS

1. Recognition of Don Regan, Recipient of Northwestern Financial Review Business Award

This item was heard after agenda item F2.

Councilmember Koppen gave background information on Don Regan. Mayor Slawik read the Recognition of Mr. Regan.

2. Approval of the 2014 Sustainability Annual Report

Environmental Planner Finwall gave the staff report and answered questions of the council.

Councilmember Juenemann moved to approve the 2014 Annual Sustainability Report.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

3. Approval of the 2014 Environmental and Natural Resources Commission Annual Report

Molly Miller, Environmental and Natural Resources Commissioner gave the staff report and answered questions of the council.

Councilmember Juenemann moved to approve the 2014 Environmental and Natural Resources Commission Annual Report.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

\$ 1,961,674.71 Total Accounts Payable

PAYROLL

\$ 527,997.22 Payroll Checks and Direct Deposits dated 02/27/15

\$ 1,015.70 Payroll Deduction check # 9994450 thru #9994452 dates 02/27/15

\$ 529,012.92 Total Payroll

\$ 2,490,687.63 GRAND TOTAL

Seconded by Councilmember Koppen Ayes – All

The motion passed.

2. Approval of Agreement for Use of Harvest Park for the 2015 Susan G. Komen Twin Cities 3-Day Event

Citizen Services Director/City Clerk Haag gave the staff report.

Councilmember Juenemann moved to approve the Agreement for Use of Harvest Park for the 2015 Susan G. Komen Twin Cities 3-Day Event.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

3. Approval of a Temporary Lawful Gambling Permit for Carver Elementary PTO

Councilmember Juenemann moved to approve the Temporary Lawful Gambling Permit for Carver Elementary PTO to be used on May 8, 2015 at 2680 Upper Afton Road.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

4. Approval of a Temporary Lawful Gambling Permit for Minnesota Waterfowl- East Metro Chapter

Councilmember Juenemann moved to approve the Temporary Lawful Gambling Permit for Minnesota Waterfowl-East Metro Chapter to be used on April 16, 2015 at 1946 English Street.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

5. Approval of Contract Partnership Agreement between the City of Maplewood and Cherrywood Pointe

Councilmember Koppen moved to approve the Transfer Agreement with Comcast and Midwest Cable/Greatland Connections.

Seconded by Councilmember Cardinal

Ayes – Mayor Slawik, Council Members
Abrams, Cardinal and Koppen
Nays – Councilmember Juenemann

The motion passed.

Councilmember Cardinal moved to approve the Resolution Conditionally Granting the Consent to the Transfer of Control of the Cable Television Franchise and Cable Television System from Comcast to Greatland Connections.

Resolution 15-3-1185

A RESOLUTION CONDITIONALLY GRANTING THE CONSENT
TO THE TRANSFER OF CONTROL OF THE CABLE TELEVISION FRANCHISEE
AND CABLE TELEVISION SYSTEM FROM
COMCAST CORPORATION TO GREATLAND CONNECTIONS, INC.

WHEREAS, Maplewood, Minnesota, (“Franchisor”) is a Municipal Corporation; and

WHEREAS, Comcast of Minnesota, Inc., (“Franchisee”) operates a cable television system (the “System”) in Maplewood pursuant to a franchise agreement, a March 9, 1995 Memorandum of Understanding, and the April 10, 2014 Settlement Agreement (the “Franchise Documents”); and

WHEREAS, the existing franchise agreement dated November 29, 1999, expired on November 28, 2014; and

WHEREAS, Section 10.5 of the Franchise requires the Franchisor’s prior consent to a sale or transfer of stock so as to create a new controlling interest under Minnesota Statutes 238.083; and

WHEREAS, Comcast of Minnesota, Inc., is an indirect, wholly-owned subsidiary of Comcast Corporation (“Comcast”); and

WHEREAS, Comcast, as the ultimate parent corporation of Franchisee, has agreed to divest and transfer the Franchisee, following its conversion to a limited liability company, and Cable System to Midwest Cable, Inc., in a process described in the Transfer Application (the “Proposed Transaction”); and

WHEREAS, immediately following the closing of the Proposed Transaction, Midwest Cable, Inc., will be renamed GreatLand Connections, Inc., and, for the purposes of this Resolution, the transfer applicant will be referred to as “GreatLand” throughout; and

WHEREAS, Comcast filed a Federal Communications Commission Form 394 with the Franchisor on June 18, 2014, together with certain attached materials, which documents more fully describe the Proposed Transaction and which documents, with their attachments, contain certain promises, conditions, representations and warranties (the “Transfer Application”); and

WHEREAS, under the Proposed Transaction, the ultimate ownership and control of the Franchisee and the System will change, and it requires the prior written approval of the

Franchisor; and

WHEREAS, Comcast, through its subsidiaries, provided written responses to some of the data requests issued by the Franchisor or by the Ramsey Washington Suburban Cable Commission, including directing the representatives of the Franchisor to publicly filed and available information, and information posted to Comcast Corporation and other websites (the "Data Request Responses"); and

WHEREAS, Franchisee and GreatLand have signed a Transfer Agreement, dated for purposes of identification February 15, 2015, (the "Transfer Agreement") binding on each of them, which sets forth certain agreements, guaranties, warrantied and conditions;

WHEREAS, based on that agreement, and in reliance upon the representations made by and on behalf of Comcast of Minnesota, Inc, Comcast, and GreatLand, to the Franchisor, RWSCC recommended, and Franchisor is willing to grant consent to the Proposed Transaction, so long as those representations are complete and accurate and the agreement becomes fully enforceable; and

WHEREAS, subject to the foregoing, the Franchisor's approval of the Proposed Transaction is therefore appropriate if the Franchisee will continue to be responsible for all acts and omissions, known and unknown, under the Franchise Documents and applicable law for all purposes, including (but not limited to) franchise renewal, and Franchisee has agreed that it will continue to be so responsible.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MAPLEWOOD AS FOLLOWS:

Section 1. The Mayor of Maplewood is authorized to sign that certain Transfer Agreement on behalf of Franchisor

Section 2. The Franchisor's consent to and approval of the Transfer Application is hereby GRANTED in accordance with the Franchise, subject to the terms and conditions of the Transfer Agreement.

Section 3. This Resolution shall not be construed to grant or imply the Franchisor's consent to any other transfer or assignment of the Franchise or any other transaction that may require the Franchisor's consent under the Franchise Ordinances or applicable law. The Franchisor reserves all its rights with regard to any such transactions.

Section 4. This Resolution is a final decision on the Transfer Application within the meaning of 47 U.S.C. § 537.

Section 5. The transfer of control of the Franchisee and Franchisee from Comcast to GreatLand shall not take effect until the consummation of the Proposed Transaction.

Seconded by Councilmember Koppen

Ayes – Mayor Slawik, Council Members
Abrams, Cardinal and Koppen
Nays – Councilmember Juenemann

The motion passed.

4. Union Negotiations Discussion – Police Sergeants a. Intent to Close Meeting (§ 13D.03)

This item was heard after Council Presentations.

K. AWARD OF BIDS

None

L. VISITOR PRESENTATION

1. John Schmahl

M. ADMINISTRATIVE PRESENTATIONS

1. Council Calendar Update

City Manager Coleman gave the update to the council calendar.

N. COUNCIL PRESENTATIONS

1. Wrap up on the Multi Cultural Event

Councilmember Abrams reported on the Multi Cultural Event that took place at the Maplewood Community Center on Thursday, February 26, 2015.

2. Cable Commission Update

Councilmember Abrams gave a brief update on bylaws for the Cable Commission.

3. Former Mayor Les Axdahl

Councilmember Cardinal mentioned that former Mayor Les Axdahl passed away on March 1, 2015 and services were held on Saturday, March 7, 2015 at Lakeview Lutheran Church.

4. Friends of the City Volunteer Coordinator

Councilmember Cardinal announced that a volunteer coordinator is needed for the Friends of the City. City Manager Coleman will discuss it with the department heads to see if they can come up with some ideas.

5. Mayor's Roundtable on Sustainable Environment

Mayor Slawik reported on the Mayor's Roundtable on Sustainability meeting she attended.

6. Senator Hearing on Transportation in Woodbury

Mayor Slawik reported on the Senator Hearing on Transportation she attended that took place in Woodbury, MN.

7. Vento Trail

Councilmember Juenemann reported on the calls she has been receiving about the Vento Trail and its impact with the Rush Line that is being proposed.

