

CITY OF NORTHFIELD, MINNESOTA
RESOLUTION 2021 - 051
REGARDING THE APPLICATION OF CMN-RUS, INC. FOR A CABLE FRANCHISE

- WHEREAS, CMN-RUS, Inc., d/b/a MetroNet (“CMN”) has requested that the City of Northfield, Minnesota (“City”) commence proceedings to consider the award of a cable franchise to CMN; and
- WHEREAS, Minnesota Statutes Section 238.08(a) mandates that a city require a franchise for any cable communication system providing service within the city; and
- WHEREAS, Federal law at 47 U.S.C. Section 541(a) provides that a city “may not unreasonably refuse to award an additional competitive franchise”; and
- WHEREAS, The City retained the law firm of Moss & Barnett, a Professional Association, to assist the City in conducting the procedure required under Minnesota Statutes Section 238.081 and the review of any applications submitted to the City; and
- WHEREAS, The City followed the franchise procedure required by Minnesota Statutes Section 238.081 by publishing once each week, (May 5 and 12, 2021) for two successive weeks in the Northfield News, a Notice of Intent to Consider an Application for a Cable Franchise (“Notice”); and
- WHEREAS, In addition to the published Notice, the City provided copies of the Notice and the Request for Proposals Official Application Form to CMN and to the City’s existing cable operator, Charter Communications, Inc. (“Charter”); and
- WHEREAS, The City’s Official Application Form required that proposals for a cable communications franchise contain responses to each of the items identified in Minnesota Statute Section 238.081, Subd. 4; and
- WHEREAS, The City’s closing date for submission of applications was set for May 25, 2021 which complied with the statutory minimum of twenty (20) days from the date of first publication; and
- WHEREAS, Upon the deadline for submitting applications, May 25, 2021, the City received only one application, from CMN; and
- WHEREAS, The City Council determined to call a Public Hearing to consider the application received from CMN at its regularly scheduled June 1, 2021 meeting; and

WHEREAS, All interested parties were provided an opportunity to speak to the City Council and to present information regarding this matter, including Charter; and

WHEREAS, The City carefully reviewed all information and documentation presented to it regarding CMN's proposal and qualifications to operate a cable communications system within the City; and

WHEREAS, Based on information and documentation made available to the City and the letter and attachments, dated May 25, 2021, prepared by Moss & Barnett with respect to CMN's application, the City Council has reached conclusions regarding CMN's legal, technical and financial qualifications; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTHFIELD, MINNESOTA THAT:

1. The City hereby finds that CMN's application, received on May 21, 2021, complies with the requirements of Minnesota Statute Section 238.081.
2. The City finds that CMN possesses the requisite legal, technical and financial qualifications to operate a cable communications system within the City.
3. City staff is authorized to continue negotiations with CMN to attempt to reach mutually acceptable terms for a cable television franchise to be introduced to the City Council for consideration.
4. The City finds that its actions are appropriate and reasonable in light of the mandates contained in Chapter 238 of Minnesota Statutes and applicable provisions of federal law including 47 U.S.C. Section 541(a).

PASSED by the City Council of the City of Northfield on this 1st day of June, 2021.

ATTEST:

City Clerk

Mayor

VOTE: ___ POWNELL ___ GRABAU ___ NAKASIAN ___ NESS
 ___ PETERSON WHITE ___ REISTER ___ ZUCCOLOTTO