

Meeting Minutes

TELECOMMUNICATIONS COMMISSION MEETING

Wednesday, July 10, 2002 - 6:00 P.M.

County-City Building - Conference Room D

1516 Church Street Present: Chairman Rackow, Commissioners Curtis, Patton, Pintar, Alderman/Commissioner Walther

Unexcused Absence: Alderman/Commissioner Phillips

Excused: Commissioners Colantonio, Wyhuske, Lysne

Also Present: Mayor Wescott, Clerk Zdroik, Alderman Sowieja, Chuck Kell (V of Whiting), Gary Krause (V of Plover), Orville Damrau (V of Plover), John Holdridge (T of Hull), John Klismet (V of Park Ridge)

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6. Adjournment

1. Approval of minutes of May 30, 2002.

Commission Pintar moved, Commissioner Patton seconded, for approval of the minutes of May 30, 2002.

Ayes, all; nays, none. Motion carried.

2. Report of Charter Communications.

Jessie Hlad, Charter, was not able to attend the meeting due to other commitments so she submitted a written report. Included in the Charter's report is the increase in the subscription rate for Cable Connection Magazine effective in March of this year. Also in the report is Charter's sponsorship for the Golden Sands Speedway and the Spud City National Classic Car Show, both in Plover. A copy of the Charter Communications Report is attached.

Alderman/Commissioner Walther moved, Commissioner Patton seconded, to accept the report and place it on file.

Ayes, all; nays, none. Motion carried.

3. Stevens Point/Plover Area Telecommunications Commission.

Chairman Rackow offered some preliminary remarks on the draft of the Joint Municipal Agreement for the Stevens Point/Plover Area Telecommunications Commission. He said the draft is a starting point for the Commissioners when they begin to organize. Whether the Resolution comes first and then the organization will be decided in the organizational meeting. The Commissioners may make any changes they think are necessary to have an operating Regional Commission. The weighted vote is inspired by the sewer service body where it is a combination of attendance and equalized value.

The table of actions for the Regulatory Ordinance and the table of actions for the Franchise Agreement were also discussed. One of the purposes of the Regional Commission is to monitor the actions shown in these tables. Also handed out was a listing of reasons to form the Stevens Point/Plover Area Telecommunications Commission and hire an executive director. Chairman Rackow said there are a lot of things that somebody has to follow through on. The ten municipalities have been fortunate to have had dedicated hardworking volunteers and part-time elected officials to do this kind of work. Also, the Mayor devoted more time to the effort than should be expected. It is not logical to expect volunteers and part-time elected officials to continue working at that pace in the future. We do not have the expertise to monitor such things as checking the signal strength at various points, auditing the books, or to sweep and balance the system. These are all the reasons why we are entertaining the idea of at least having a part time executive director, the Chairman said.

Mayor Wescott said Chairman Rackow has done an excellent job. The Mayor explained that what the Commissioners have in front of them now is a starting point for the Regional Commission to begin dialogue. The Commission could choose a different name if it wishes to. Before that, it is important that all the ten municipalities act on the Regulatory Ordinance and Franchise Agreement. Then each village and town leadership and governing body should be provided this draft intergovernmental agreement, ask them whether or not they wish to exercise the intergovernmental agreement and appoint a member to the Regional Commission. If all ten municipalities say we are going to exercise an intergovernmental agreement according to state statute and create the Regional Commission, then it is in the hands of the ten Commissioners as to how it is structured or how it is named, whether or not an executive director is hired and what is funded. It is all up to the Regional Commission and not up to the Stevens Point Telecommunications Commission. Once we execute an intergovernmental agreement, it is out of the City government's hands. Mayor Wescott recognized the efforts of Chairman Rackow and his working group in providing talking points and beginning points.

Chairman Rackow noted that the Telecommunications Commission has acted as a sounding board to the several drafts that we had and that method seems to work.

The Mayor would like to remove the impression that somehow the City's Telecommunications Commission is establishing the Regional Commission. The Regional Commission is up to the Town of Hull, Village of Park Ridge, Village of Plover, Town of Plover, Village of Whiting and all the other municipalities to execute the intergovernmental agreement under the state law and for each village and town board to appoint a representative. That group will meet, go to work and create their own by-laws. We recognize that to monitor the Regulatory Ordinance and Franchise Agreement that you have to have a combination of broadband technician, have someone knowledgeable in cable law and an individual knowledgeable in public education and government channels. It will be up to the municipalities if they wish to join but there has to be some mechanism to ensure compliance with these agreements that we just finished negotiating. The Mayor did not want to give a false sense on what our role is. This is strictly a starting point and the Regional Commission may say we wish to go a different direction to insure compliance with those documents that we executed within our units of governments.

Ald. Rackow stated the statute that is cited encourages intergovernmental cooperation and the budget bill has some inducements for combining services.

Chairman Holdridge, Town of Hull, said it is almost impossible for a municipality to handle the complexity of this kind of issue. There are federal laws

involved and it is very complex. In the Joint Municipal Agreement, Chairman Holdridge suggested that the term of office for the Commissioners should be three years instead of two years for continuity. This is a complex topic and anybody who thinks they can go alone on this without sufficient resources has a big, big problem, Chairman Holdridge said.

Trustee Klismet, Village of Park Ridge, echoed Chairman Holdridge's sentiment.

President Kell asked if the membership municipalities will include Amherst or Rosholt?

Chairman Rackow said the Joint Municipal Agreement was drafted with the principal idea of the ten municipalities and then there is the outside possibility that if it works so good that other municipalities might want to join which is not impractical because Charter is providing cable services to the surrounding cities. The Chairman suggested adding the following language to the agreement "The Commission is open to any municipality in Central Wisconsin that agrees to remit funds to the Commission in the amount set forth in the article on finance."

Mayor Wescott once again reminded all that will be a decision by the Regional Commission. It makes sense to consolidate but municipalities like Wisconsin Rapids and Wausau are dealing with a different head end and programming needs. For the ten municipalities, the head end now is Stevens Point. It is an easier and more manageable situation and offers more local control to stay local. If it gets too big, then there may be more problems, he added.

Chairman Holdridge feels there should be no "free lunch" for those who do not want to participate. These municipalities can go out and spend on attorney's fees and the whole business to get up to speed. He added that his board feels the same way too. They will pay their share as long as others pay their share.

Chairman Rackow also commented on the Regional Commissioners' per diem for each commission meeting they attend.

Commissioner Curtis asked if Stevens Point has the majority of the subscribers and if it constitutes the quorum.

Chairman Rackow said Stevens Point has about 50% and further explained that the weighted votes are a combination of the PEG access support fees and participation.

#### 4. The future of the Telecommunications Commission.

Chairman Rackow suggested that everyone at the meeting give some thought to the outline of the Regional Commission and then figure out what is not covered that the City's Telecommunications Commission and similar bodies in the other nine municipalities will still need to do.

Mayor Wescott said every member of the Commission needs to be contemplating on what they envision the future role for the Stevens Point Telecommunications Commission. Some of the responsibilities will be transferred to the Regional Commission and there are some things that will stay under their review or perhaps the municipalities will assign it all to the Regional Commission. What happens to the PEG channels in Stevens Point may be more the responsibility of the Regional Commission. If you look at the Regulatory Ordinance and the Franchise Agreement that we approved, some of those naturally fall under the Regional Commission. The goal is to bring to the table consistent expertise to monitor compliance. It will require a combination of technician, legal advisor, and programmer. There has to be a compliance monitoring agency. He does not think any municipality prefers to do this single handedly. You need to put in place for a longer term those who will work with our franchise vendors.

President Kell said he is comfortable with the transfer of authority to the Regional Commission. He got involved enough to know the complicated nature of this and what has been going on but is not sure if his entire village board will be willing to join not knowing what the rules are. Is there a way for the agreement to be developed and in place and accepted by the boards prior to actually joining the Regional Commission? The boards will be comfortable doing it this way, President Kell added.

Mayor Wescott stated the Regional Commission will not make all the decisions because the law will require municipalities to retain some legal integrity in the process. There has to be accountability to whoever is assigned to the Regional Commission and the Commission has to start small. The first goal is compliance and customer service under the Regulatory Ordinance and Franchise Agreement and then to work on the legal and technical knowledge. Get a sense on what investments do we want to make in this community. The Mayor said he does not think we can create under the law the by-laws and joint municipal agreement until we execute an intergovernmental agreement. What will work is to consider making your regional appointment now, sit them in the room and start them to work and let them come back and say this is what was drafted for Stevens Point, Hull, Whiting, etc. That Regional Commission will not have authority under the agreement until the intergovernmental agreement is executed by the governing body. Once the Regulatory Ordinance and Franchise Agreement are approved, the Regional Commission can do the work for us but if the municipality chooses not to join, that's up to them.

Trustee Krause, Village of Plover, asked that by taking a vote and authorizing the approval of either the Regulatory Ordinance and Franchise Agreement does not necessarily mean that we are signing on to a Regional Commission.

Chairman Rackow said that is absolutely right. The first objective is to approve and adopt the Regulatory Ordinance and Franchise Agreement. If people want to pool their resources and pool their expertise, then we go for the Regional Commission.

On Trustee Krause's question, Mayor Wescott said that Mr. Krause's board is not committing formally or informally.

Trustee Krause said they know that they cannot work on a new contract by themselves. His board has committed financially to contribute its per capita's fair share for the negotiation. He said he is happy to say that it finally came to an end. He agrees with President Kell. He does not like the complexion of the draft and does not think his board will like it too.

Chairman Rackow suggested bringing the leaders together and to find out what parts of it seem to work and what parts could be improved.

Trustee Krause questioned the 5% franchise fee in the Franchise Agreement. He asked if the municipality has the right to retain the option to change the franchise fee to like up to and including the 5%? He does not think that is an unreasonable change to the Village of Plover Franchise Agreement. Just because we charge 5% does not mean we have to spend 5%, he said. He just cannot agree with the 5% mandatory fee.

Mayor Wescott asked Trustee Krause if other than the 5% franchise fee, are you comfortable with the agreement? If you wish to insert language into your contract that reserves the franchise fee, that is your call. We are not here to dictate to the Village of Plover or anybody else how to run

the contract. We are simply saying let's get the documents signed because we negotiated a provision that we cannot execute the documents for all ten municipalities until all ten are aboard. Whatever language the Village of Plover is comfortable with, that is your call. Our desire here is to get all legal documents executed.

Trustee Krause asked if the documents for all ten municipalities have to be identical?

Mayor Wescott said definitely not.

President Kell said to the extent that Charter might not agree.

Mayor Wescott said Charter will not argue a franchise fee but if you start making technical and other changes to the contract, then you will reopen the contract.

Alderman/Commissioner Walther said in the last three to four years, technical changes and FCC rulings are constantly changing. It is impossible to keep up.

A discussion on the PEG fee followed.

Trustee Damrau, Village of Plover, asked if the Village of Plover changes the franchise fee and the PEG support and chooses not to be a part of the Regional Commission, will Charter cut the nodes to the village area?

Mayor Wescott said it may not be feasible to do so. You want to be a part of the Regional Commission to deal with the needs and maintenance for the benefit of your constituents.

5. Date, time, and location of next meeting.

The next Telecommunications Commission meeting is scheduled for August 21, 2002, at 6:00 P.M., in Conference Room D, County-City Building, 1516 Church Street.

6. Adjournment - 7:15 P.M.

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