

**CITY OF PLYMOUTH
AGENDA
Special City Council
Medicine Lake Room
3400 Plymouth Boulevard, Plymouth, MN
December 9, 2025, 5:00 PM**

1. CALL TO ORDER

2. TOPICS

2.1 Broadband franchising discussion

1. Presentation
2. Memo - Broadband Franchising Overview
3. Memo - Intrepid Broadband Franchise in Woodbury
4. Memo - NWSCCC Services in Plymouth and Revenue Decline

2.2 Braver Angels workshop discussion

1. Handout

2.3 Discuss 2026 appointments for Deputy Mayor, Council Coordinating Representatives and other agencies

1. Role of Council Coordinating Representative
2. Resolution

2.4 Set future study sessions

1. Calendar

3. ADJOURNMENT

To: Dave Callister, City Manager

Prepared by: Emilie Kastner, Communications Manager

Reviewed by:

Item: **Broadband franchising discussion**

1. Action Requested:

No formal action is needed at this time. However, staff is seeking feedback from the council regarding broadband franchising in Plymouth.

2. Background:

Northwest Suburbs Cable Communications Commission (NWSCCC)/CCX Media Executive Director Shannon Slatton and Attorney Mike Bradley will discuss municipal broadband franchising with the council.

Plymouth is a member of the NWSCCC, which funds/operates CCX Media and negotiates franchise agreements with cable communications systems on behalf of its nine member cities. CCX Media provides its member cities with coverage of community events, local news, high school sports, city council meetings, and other community programming.

The South Washington County Telecommunications Commission (SWCTC) adopted the state's first broadband franchise in Woodbury earlier this year. NWSCCC has proposed that its member cities also consider franchising broadband, which would ensure all residents receive high quality broadband service, offer consumer protections, better manage local public rights-of-way and allow for the payment of franchise fees.

[View a blog post about SWCTC adopting the state's first broadband franchise agreement.](#)

3. Budget Impact:

Broadband franchise agreements would include a 5% gross revenue fee as payment

for the use of the public rights-of-way in Plymouth. Franchise fees would be collected by NWSCCC and would help fund CCX Media, which provides local community PEG (public, educational and governmental access) programming and city meeting video production services to Plymouth and other member cities.

Due to declining cable franchise fee revenue, Plymouth and other member cities will no longer receive grants from cable franchise fee revenue in 2026 – a loss of more than \$50,000 in revenue to fund cable/city meeting production-related equipment and technology purchases for the City of Plymouth. Additionally, member cities are set to begin paying CCX Media for city meeting video production services in 2027 – an estimated cost of \$12,500 for the City of Plymouth to continue broadcasting, livestreaming, recording and replaying meetings of the Plymouth City Council, Planning Commission, and Housing and Redevelopment Authority. Implementing a broadband franchise ordinance may help offset the decline in cable franchise fees, which fund these public services.

4. Attachments:

- 1. Presentation
- 2. Memo - Broadband Franchising Overview
- 3. Memo - Intrepid Broadband Franchise in Woodbury
- 4. Memo - NWSCCC Services in Plymouth and Revenue Decline

First Broadband Franchise in Minnesota

- What Changed - *Ohio Telecom v. FCC*
 - Cause to Reassess State legal authority over broadband
 - Statutory Authority and City Charter Authority and Judicial Precedent (*WH Link*)
 - Is it a telecommunications right-of-way user or a cable communications system?

- City of Woodbury – South Washington County Telecommunications Commission
-
- The Process – Followed Ch. 238

- The State's First Broadband Franchise – Far Superior to Permitting

Broadband Franchise Questions

- What if our city already started issuing permits?
 - Explain the new law
 - Next Construction Season Every BB company will need a franchise

- What about Lumen?
 - Quantum Fiber

- What about Forged Fiber 37, LLC
 - Purchasing Lumen's mass markets fiber assets

- Questions?

MEMORANDUM

To: Northwest Suburbs Cable Communications Commission
From: Michael R. Bradley
Re: Broadband Franchising
Date: October 27, 2025

Franchise Basics

In simple terms, a franchise is an authorization from a local government entity to a company to use the public rights-of-way to provide services to area residents.

Benefits of Franchising

There are many proven benefits of franchising, such as build-out requirements, customer service standards, compliance with the City's right-of-way standards, the payment of franchise fees, and the provision of other public benefits.

Franchising Authority in this Area

The Northwest Suburbs Cable Communications Commission has been delegated the authority to franchise cable communications systems on behalf of its nine member cities. The Commission has administered the franchises for the area for 40+ years.

Broadband is Not a Telecommunications Service

Earlier this year, the U.S. Court of Appeals in a Hobbs Act review of an FCC Order held that broadband is not a telecommunications service. *Ohio Telecom Ass'n v. FCC (In re MCP No. 185)*, 124 F.4th 993 (6th Cir. 2025). This decision has caused cities in Minnesota to reevaluate where broadband-only providers fall under state law. Since broadband is not a telecommunications service under federal law, it is similarly not likely to be under state law. Instead, it is more likely that a broadband system is a "cable communications system." A "cable communications system" is a system that provides "*data, or communications content* service." See Minn. Stat. § 238.02, Subd. 3 and 31. This definition is much broader than a cable television system or "cable system" as that term is defined in federal law. See, e.g. *WH Link, LLC v. City of Otsego*, 664 N.W.2d 390 (Minn. Ct. App. 2003) (OVS provider using internet protocol is a cable communications system). If the City determines that a permit applicant is constructing a cable communications system, it could instruct the applicant to obtain a franchise from the Commission as a prerequisite to issuing permits.

Minnesota's First Broadband Franchise

A similar commission just negotiated and executed the first broadband franchise in the state for the City of Woodbury area. Additional information and links can be found [here](#). More information on the benefits of local franchising can be found [here](#). We would be happy to review this further with any of the Commission's Member Cities and their respective city attorneys.

STAFF MEMO
Intrepid Fiber Networks Cable Communications System Franchise
September 16, 2025

Introduction

Before the South Washington County Telecommunications Commission (“SWCTC” or “Commission”) is a proposed Broadband Franchise Ordinance negotiated by SWCTC staff and its attorney, and Intrepid Cohort 1 LLC, doing business as Intrepid Fiber Networks.

Franchising Process

On April 16, 2025, the City of Woodbury notified broadband-only service providers that they must obtain a cable communications system franchise from the SWCTC, and referred them to the SWCTC. A broadband-only provider is a provider that provides only broadband internet access service and edge broadband services like voice over internet protocol (VoIP). It does not include a cable operator or cable television service provider. The SWCTC engaged in virtual meetings and calls with interested providers. Providers were told that the SWCTC would commence the franchising process once a provider informed the SWCTC it was ready. SWCTC staff and its attorney prepared an application and draft model franchise in anticipation of franchise applications.

In June, a provider indicated it wanted to apply for a cable communications system (i.e. broadband) franchise. On June 27, 2025, the SWCTC published a notice of intent to franchise. However, only one incomplete application was received. Since no complete applications were received and the notice was only published once, not twice as required by statute, it was determined that the SWCTC should publish a new notice of intent to franchise. The SWCTC did that on July 24 and 31.

Intrepid Fiber Networks timely applied for a cable communications system franchise (“Broadband Franchise”) on or about July 28, 2025. The SWCTC, through its attorney, requested additional information on August 14 and 15, 2025. Intrepid responded promptly each time. The SWCTC held a public hearing on the application on August 28, 2025, and held the public hearing open to allow for additional comments through noon on September 4, 2025. Staff was directed by the SWCTC to review the application and negotiate a franchise if appropriate. Negotiations with Intrepid Fiber Networks over the terms of the franchise started the week of September 2, 2025. Negotiations concluded the week of September 15, 2025. In other words, the Broadband Franchise negotiations took less than 3 weeks.

Intrepid Fiber Networks’ System

Intrepid Fiber Networks intends on constructing an open access fiber to the home cable communications system (i.e. broadband network), throughout the City of Woodbury. Intrepid Fiber Networks does not intend on providing broadband service directly (i.e. retail) to the City’s residents and businesses. Instead, it will open its network to one or more companies to offer

Intrepid Fiber Network's services on a wholesale basis. The open access service providers will essentially resell Intrepid Fiber Network's services.

Legal Qualifications

Intrepid Fiber Networks provided adequate information to show it is qualified to construct and operate a cable communications system in the City of Woodbury. It provided information showing it is authorized to do business in the state of Minnesota. It also provided information showing its corporate structure. There were no legal actions pending that would disqualify Intrepid Fiber Networks.

Financial Qualifications

Intrepid Fiber Networks is a relatively new entity having been founded in the latter half of 2021. It therefore has limited financial reports. Intrepid Fiber Networks has confirmed that the ultimate parent of the proposed franchisee will guarantee the performance of the franchisee. Based on our review we are satisfied that the franchisee will have adequate financial qualifications with the ultimate parent guarantee.

Technical Qualifications

While a new company, Intrepid Fiber Networks has been actively constructing in multiple markets since 2022, and it has constructed over six million feet of fiber. The company has provided resumes of key technical personnel and system network information. All of this information leads us to conclude that Intrepid is technically qualified to hold a franchise.

Franchise Overview

- **Nonexclusive Franchise.** The proposed Franchise with Intrepid Fiber Networks is nonexclusive. The Commission may grant one or more additional franchises.
- **Broadband Franchise.** The proposed Franchise authorizes the grantee to construct a cable communications system to provide broadband service as that term is defined in the Franchise. The grantee is not a cable operator and will not be providing cable television service.
- **Compliance with City Code.** Intrepid Fiber Networks agrees to comply with all applicable city code.
- **Equal Access to Broadband.** Intrepid Fiber Networks agrees to provide equal access to the same quality of service to all residents and businesses in the franchise area without discrimination based on income, race, neighborhood, or business size.
- **Open Access Service Provider Franchise Requirement.** Intrepid Fiber Networks has agreed that any open access service provider using its cable communications system must obtain a franchise prior to providing service in the franchise area.

- **Franchise Term.** Fifteen-year term.
- **Reasonable Buildout of the City.** Buildout will begin within 240 days of granting the franchise and will continue at a reasonable rate of not less than 50 plant miles per year, and will be substantially complete within five years. The grantee may seek a temporary waiver of the buildout requirements if the requirement would cause undue economic hardship.
- **Annual Meetings.** The company will meet with the Commission's Executive Director once a year to demonstrate compliance with the buildout requirements.
- **Transfer of Ownership.** A proposed transfer must be approved by the Commission, and its expenses must be paid.
- **Right-of-Way Conditions.** The grantee will be allowed to use the public rights-of-way in the franchise area subject to the terms of the Franchise and City Code.
- **System Quality and Performance.** The grantee will construct and operate a state-of-the-art system throughout the service area capable of providing equal access to broadband.
- **Rates.** The Commission has reserved its right to regulate the rates of the grantee if it is expressly authorized by applicable law.
- **Reporting Requirements.** Grantee will provide franchise fee payment reports, subscriber data reports and other reports to the Commission. All reports are subject to the Minnesota Data Practices Act including the protections of trade secret data.
- **Customer Service.** There are extensive customer service provisions in the Franchise that require compliance with state consumer protection laws, prohibiting redlining, ensuring equal access to broadband quality of service, billing practices, assistance for disabled persons, customer service standards, and privacy protection.
- **Disabled and Senior Discount.** A discount of no less than 10% will be provided.
- **Consideration.** The use of the public rights-of-way is a scarce and valuable privilege. In return for that privilege, the grantee will pay a franchise fee of 5% of its gross revenues and provide certain other public benefits.
- **Security, Indemnification, and Insurance.** The grantee will maintain a performance bond, a letter of credit, adequate insurance and indemnify the Commission and the City of Woodbury.
- **Liquidated Damages.** There are provisions in the Franchise allowing for liquidated damages if there is a violation of the franchise.

- **Revocation, Removal, or Abandonment.** The Franchise addresses the process for revoking the Franchise and for the removal of the system in the event of abandonment, termination or forfeiture of the Franchise.

Recommendation

That the SWCTC approve Ordinance Number 2025-01, a Broadband Franchise Ordinance, granting a franchise to and entering into a franchise agreement with Intrepid Cohort 1 LLC, doing business as Intrepid Fiber Networks, to approve the execution of the Broadband Franchise Ordinance by the Chair and Secretary of the SWCTC, and to adapt this staff memo as part of its findings. If approved, it is further recommended that the SWCTC approve the Broadband Franchise Ordinance Summary and direct staff to publish the Broadband Franchise Ordinance Summary within 15 days following adoption.



6900 Winnetka Avenue North
Brooklyn Park, MN 55428

Phone: 763.536.8355

Web: www.nwsgcc.org

To: Plymouth City Council
From: Shannon Slatton Schwartz
Date: December 9, 2025
Re: Providing Local Services Amid Franchise Revenue Decline

Northwest Suburbs Cable Communications Commission (NWSCCC) Mission:

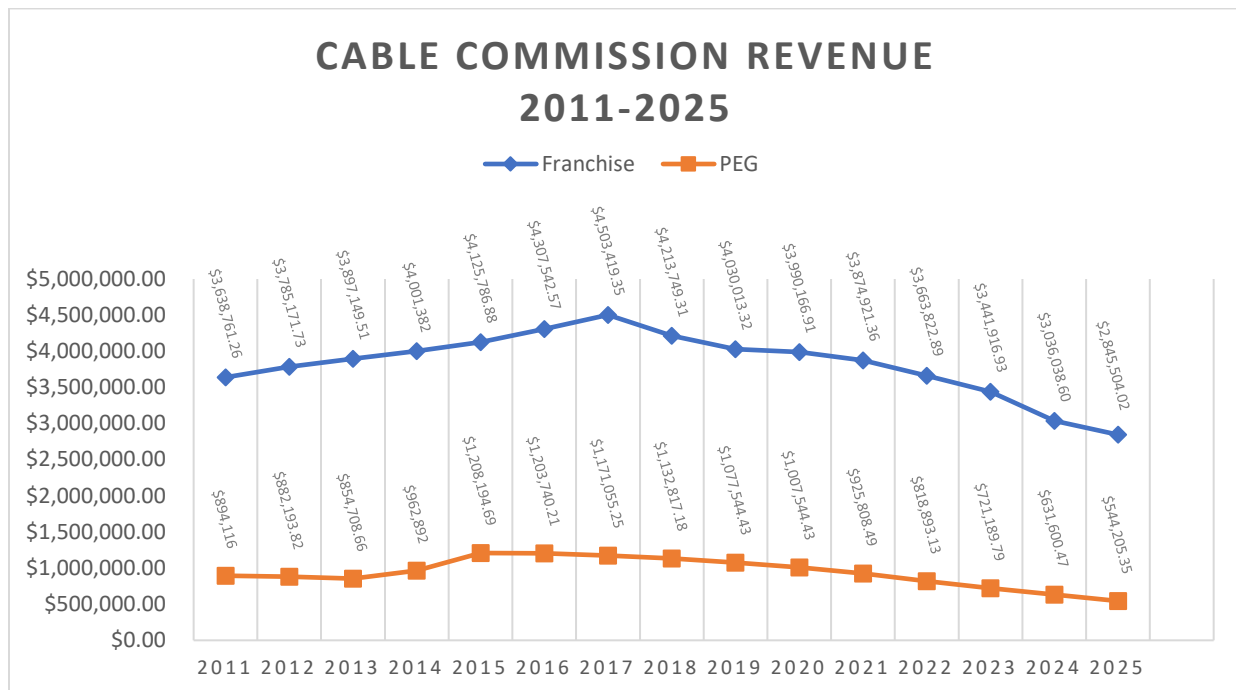
Protect the member-cities’ constituents’ interest as they relate to cable communications systems and other services, especially as they impact rights-of-way. Protect the franchise fee and PEG fee for community television and related interest.

How has the NWSCCC served Plymouth?

- Records, streams city meetings (47 in 2024) through CCX Media
- Provided equipment grants for council chambers
- Receives cable complaints, works to resolve them (77 in 2024)
- Programs Channel 16 365 days a year
- Promotes city stories, events plus news, sports coverage through CCX Media
- Streams candidate forums during election years

How has NWSCCC revenue changed?

The main sources of NWSCCC revenue (Franchise fees, PEG fees) are directly impacted by the number of cable television subscribers on a monthly or quarterly basis. The number of subscribers in the northwest suburbs peaked in 2010, and has declined by approximately 56 percent. Franchise fee revenue and PEG fee revenue is anticipated to continue declining.



To: Dave Callister, City Manager

Prepared by: Jodi Gallup, City Clerk

Reviewed by:

Item: **Braver Angels workshop discussion**

1. Action Requested:

Discuss options for a future Braver Angels workshop.

2. Background:

Jeff Thiemann with the Braver Angels organization will be at the meeting to discuss workshop options with the council to plan for a 2026 workshop/event.

3. Budget Impact:

Not applicable.

4. Attachments:

1. Handout

Managing Difficult Conversations

Time: 2 hours | Location: Online and In-Person

Summary

The Managing Difficult Conversations workshop helps public officials to develop skills for managing conversations when constituents are frustrated, angry, or demanding.

Goals

- Learn how to show people who disagree with you that they have been heard
- Learn how to find areas of commonality or agreement when those are present
- Learn how to share your views in a way that is likely to be heard by the other person

Who Can Attend

This workshop welcomes elected officials, candidates, and staff members in government and school settings.

What to Expect

Moderators trained by Braver Angels lead the workshop, combining clear explanations of the skills and guided practice around common scenarios that elected officials encounter every day. The workshop is lively and interactive. Real life situations provide opportunities for humor making this a fun experience in addition to the learning and practice. The focus is on one-to-one conversations rather than large public meetings.

To: Dave Callister, City Manager

Prepared by: Jodi Gallup, City Clerk

Reviewed by:

Item: **Discuss 2026 appointments for Deputy Mayor, Council Coordinating Representatives and other agencies**

1. Action Requested:

Discuss 2026 appointments for Deputy Mayor, Council Coordinating Representatives and other agencies

2. Background:

Council should discuss and select a Deputy Mayor, individuals for the Council coordinating representatives and other agency appointments for 2026. A column has been added to the draft resolution showing the 2025 appointments for reference.

Council will take action on the resolution at the January 13 meeting.

3. Budget Impact:

NA

4. Attachments:

1. Role of Council Coordinating Representative
2. Resolution

Role of Council Coordinating Representative

The City of Plymouth is a home rule charter city operating under the Council-Manager form of government. Under this plan the City Council is the policy-establishing legislative body. To assist in obtaining information required to make policy decisions, the City Council is advised by voluntary advisory commissions. To be well informed, the Council must also maintain a close liaison between itself and other organizations, agencies and governmental bodies serving City residents. Consequently, the Council has deemed it appropriate to establish Council Coordinating Representatives (CCR's). Each Councilmember is assigned as a CCR to one or more bodies annually, generally in January.

The singular, essential function of a CCR is to assure two-way communication between the City Council and the body to which the Council member serves as CCR. In performing this function, the CCR must be both a listener and communicator. To keep the Council appropriately advised of that body's activities, the Council member must be aware of issues which have or will be facing the body, the objectives of the organization, its resources and other matters which might influence the organization's ability, desire, or capacity to accomplish its day-to-day ends. With this information, the CCR is able to both provide the Council with information and actions taken by the body, as well as an appreciation for why or how those actions took place, and what may be expected in the future.

The CCR must also be a good listener to advise the Council of the impact of its actions, positions, plans or lack of action upon that respective body. This is essentially a matter of maintaining a high degree of trust and cooperation.

A CCR is also responsible for advising the body of the City Council's positions on various issues, and the impact that the body's action may have on the City.

To be an effective CCR, the Council member should periodically expect to provide other Councilmembers with a short verbal report to keep them advised of the actions or conditions affecting the body or agency they represent.

CITY OF PLYMOUTH

RESOLUTION No. 2026-

RESOLUTION APPROVING APPOINTMENTS FOR DEPUTY MAYOR, COUNCIL COORDINATING REPRESENTATIVES AND REPRESENTATIVES TO OTHER AGENCIES

BE IT RESOLVED by the Plymouth City Council that the following appointments are made for 2026:

Board/Commission/Agency	2025 Appointments	2026 Appointments
Deputy Mayor	Peterson	
Planning Commission	Pointner	
Park & Recreation Advisory Commission	Nelson	
Environmental Quality Committee	Gregor	
Housing and Redevelopment Authority	Wosje	
Destination Marketing Advisory Board	Gregor	
Fire Relief Association	-----	
School District 279 (Osseo)	Pointner	
School District 281 (Robbinsdale)	Aldrich	
School District 284 (Wayzata)	Spoonheim	
School District 270 (Hopkins)	Spoonheim	
Municipal Legislative Commission (one elected and one appointed)	Wosje (elected) Callister (appointed)	
Northwest Suburban Cable Comm. (one appointed and one resident)	Willis (resident) Kastner (appointed)	
Northwest Suburbs Community Access Corp.	Kastner	
Suburban Rate Authority	Nelson (elected) Thompson (alternate)	
Plymouth Civic League	Wosje	
Suburban Transit Association	Peterson (elected) Aldrich (elected alternate)	
Bassett Creek Watershed Management Organization	Cesnik (Director) Vadali (Alternate Director)	Cesnik (Director) ? (Alternate Director)
Shingle Creek Watershed Management Organization	Polzin (Director) Gifford (Alternate Director)	Polzin (Director) Gifford (Alternate Director)
Elm Creek Watershed Management Organization	Cesnik (Director) Gregor (Alternate Director)	Frazier (Director) Dutton (Alternate Director)

APPROVED by the City Council on this 13th day of January, 2026.

To: Dave Callister, City Manager

Prepared by: Jodi Gallup, City Clerk

Reviewed by:

Item: **Set future study sessions**

1. Action Requested:

Schedule study sessions and/or add topics as desired.

2. Background:

Pending study session topics (at least three council members have approved the following study items on the list):

- Review policy on Request for Proposals
- Review park dedication and park replacement funds

Staff requests for meeting topics and/or changes:

- Discuss 2026 council workshop planning during the January 13 study session
- Discuss housing policy topics and tobacco licensing ordinance on January 27 at 5 p.m.

3. Budget Impact:

Not applicable.

4. Attachments:

1. Calendar



SUN	MON	TUES	WED	THUR	FRI	SAT
	1	2 5:00 PM SPECIAL COUNCIL MEETING Interview advisory board candidates Medicine Lake Room	3	4 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY MEETING Council Chambers	5	6
7	8	9 5:00 PM SPECIAL COUNCIL MEETING Broadband franchise fee discussion/ Braver Angels Workshop discussion Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	10 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE MEETING Council Chambers 7:00 PM CHARTER COMMISSION ANNUAL MEETING Medicine Lake Room	11	12	13
14	15	16	17	18	19	20
21	22	23	24 CHRISTMAS HOLIDAY CITY OFFICES CLOSED	25 CHRISTMAS HOLIDAY CITY OFFICES CLOSED	26	27
28	29	30	31			

SUN	MON	TUES	WED	THUR	FRI	SAT
				1 NEW YEAR'S DAY CITY OFFICES CLOSED	2	3
4	5	6	7 7:00 PM PLANNING COMMISSION MEETING Council Chambers	8 6:00 PM PARKS & REC ADVISORY COMMISSION MEETING Council Chambers	9	10
11	12	13 5:00 PM SPECIAL COUNCIL MEETING Hilde concert series discussion Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	14 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE MEETING Medicine Lake Room	15	16	17
18	19 DR. MARTIN LUTHER KING JR. DAY CITY OFFICES CLOSED	20	21 7:00 PM PLANNING COMMISSION MEETING Council Chambers	22 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY MEETING Council Chambers	23	24
25	26	27 7:00 PM REGULAR COUNCIL MEETING Council Chambers	28 10:00 AM DESTINATION MARKETING ORGANIZATION ADVISORY BOARD MEETING Mooney Lake Room	29	30	31



SUN	MON	TUES	WED	THUR	FRI	SAT
1	2	3	4 7:00 PM PLANNING COMMISSION MEETING Council Chambers	5	6	7
8	9	10 7:00 PM REGULAR COUNCIL MEETING Council Chambers	11 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE MEETING Medicine Lake Room	12 6:00 PM PARKS & REC ADVISORY COMMISSION MEETING Council Chambers	13	14
15	16  PRESIDENTS DAY CITY OFFICES CLOSED	17	18 7:00 PM PLANNING COMMISSION MEETING Council Chambers	19	20	21
22	23	24 5:30 PM Voluntary Advisory Board Recognition Event City Hall Lobby 7:00 PM REGULAR COUNCIL MEETING Council Chambers	25	26 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY MEETING Council Chambers	27	28