

## CITY COUNCIL MINUTES – AUGUST 29, 2018 – PAGE 1 OF 1

A CALL TO ORDER: The Jaguar Workshop meeting was held on August 29, 2018 in the city council room of the New Germany City Hall. Mayor Van Lith called the meeting to order at 7:00 p.m., those present were: Mayor Van Lith, Councilpersons Shirley Jaeger, Ty Turnquist. Others present were: Quinn O'Reilly City Attorney, Jonathan Rodd with Jaguar, Kristine Anderson legal counsel for Jaguar and Lois Jopp, and City Clerk – Twyla Menth.

Mayor Van Lith started discussion out regarding the Franchise agreement with Jaguar Communications. City Attorney Quinn O'Reilly continued the discussion advising that Jaguar was not in favor of the \$10,000 performance bond. Jaguar counsel Kristine Anderson explained that most of the other cities this size and even larger do not require this bonding. Jaguar has had allot of residents interested in their services from the open house and they are sure hoping this can be resolved. This is not a common practice in franchise agreements according to Kristine. Kristine noted they have no issues with the construction performance bond.

Discussion continued on right of way questions.

Jaguar also commented they carry substantial insurance and the event of Jaguar going bankrupt is not likely, even if they did the insurance is still in place for the period that the work was done. Jaguar is one of the larges fiber optic foot prints in the State of MN, very well established in Carver County and with Randy Lehs of the Carver County fiber optic. Privately owned company, family owned company and the chances of it going somewhere are zero to none. Quinn noted the performance bond provides the city extra security if there are any damages; security blanket. Quinn gave Mayor Van Lith and Council members a few examples. Van Lith noted \$10,000 would not get you very far for damages.

Kristine went on to explain they bore underground and very minimal damage to the ground, they do the restoration and depending on the time of year and rain they may need to come back in spring to do more restoration. Kristine also noted the major construction performance bond would be in place if there was anything discovered at a later date or years from now, 2 million in property damage during construction. If Jaguar would need to do this \$10,000 performance bond they would need to pass onto the consumer and it is there goal to keep rates low as possible. Jaguar does not do the game playing of introductory rates like other companies do; when you sign up that is your price reported Jonathan Rodd. When you call into Jaguar it is live phone personnel, no phone tree, they are reasonable and local company in MN, techs are geographically located throughout MN.

It was noted it appears that Nuveua (nu-telacom) performance bond may not be in place reported the Clerk. Norwood Young America, Hamburg do not have the \$10,000 performance bond.

Van Lith noted the city needs another fiber/phone/tv company in the city and available for the residents.

Kristine explained they do everything to make sure they are in the ROW and Jaguar has permitting specialist, checks with the Carver County, GIS and many other steps to make sure they are staying in the ROW. Turnquist question an area on Park that he thought they may not be in the ROW; they will check it out further. Jonathan Rodd explained they cannot see what is under ground; Jonathan explained some sewer situations they have had. Jonathan explained it is an insurance game from here forward, the attorney's fight over who is liable. Jaguar noted they really want to be here in New Germany and provide quality services to the residents. The Public Hearing date is set for September 18, 7 pm here at City Hall. Council can vote to pass at the October 2 meeting, no video services until franchise agreement is agreed. Jonathan and Kristine explained on the sewer lateral that was hit. There was a valid locate, line was not located and was hit, it is now between the insurance companies to figure out, contractors have all meet with home owner and again the insurance companies will figure it out through their investigation. The meeting ended with Jonathan Rodd giving Council a hand out of services that Jaguar can provide residents.

Van Lith closed the workshop at 7:42 PM.

Respectfully submitted, \_\_\_\_\_ Twyla Menth, City Clerk