

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue

AGENDA
November 9, 2016 at 7:00 P.M.

- A. CALL TO ORDER:

- B. ROLL CALL: LINDSTROM ___ HARRIS ___ BROWN THUNDER ___
FISCHER ___ GUSTAFSON ___

STAFF PRESENT: THONGVANH___

- C. PRESENTATIONS:
 - 1. Racial Equity and Inclusion Training-Community Engagement Commission
 - 2. Xcel Energy – LED Light Conversion

- CI. APPROVAL OF MINUTES:
 - 1. October 26, 2016 City Council Meeting Minutes

- CII. PUBLIC HEARINGS:

- CIII. CONSENT AGENDA:
 - 1. General Disbursements through: 11/03/16 \$89,949.66
Payroll through: 10/31/16 \$18,457.06
 - 2. Approval of City License(s)
 - 3. Accepting the Resignation of Mike Arcand as Fire Marshal
 - 4. Appointment of Michael Poeschl as Fire Marshal
 - 5. Director of Public Works (Tim Pittman) 10 Year Step Adjustment
 - 6. Director of Finance (Roland Olson) Equity Adjustment
 - 7. Appointment of Falcon Heights Inclusion and Policing Task Force Members
 - 8. Appointment of Tri-City Workgroup Members

- G: POLICY ITEMS:

- H. INFORMATION/ANNOUNCEMENTS:

- I. COMMUNITY FORUM:

- J. ADJOURNMENT:

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**Recommendation to the Falcon Heights City Council:
Regular Racial Equity & Inclusion Training**

- The Community Engagement Commission would like to recommend that the Falcon Heights City Council establish Racial Equity & Inclusion training for City Council, Staff, and Commissioners that is meaningful.
- Also may it be considered that other departments serving the City such as Police, Fire, and Parks & Recreation participate in training to match the amount of commitment they provide to the City taking into consideration training aspects that are already being conducted within their departments.
- We recommend that all training be evaluated by and should have the input of those impacted by disparities.
- We recommend that the City Council have at least one of the Community Engagement Commissioners participate in establishing the training.
- This would be City funded training.

Validation of this recommendation:

1. In December 2015, Melanie Leehy, as the Commission Chair began plans for the Community Engagement Commission to participate in a Diversity & Inclusion workshop with the purpose of having substantive interest for submitting this recommendation to the City Council. By Spring 2016 Kenneth Morris, JD agreed to facilitate the workshop which was held on August 15. It was originally scheduled just for Community Engagement Commissioners, but given the tragic death of Philando Castile just 5 weeks prior, most of the City Council, and additional Contractors participated. All of the feedback of the workshop was more than favorable. The most common remark was for more time than the given workshop provided. Let it be stated that this workshop was intended to be a sampler, and not a full training.
2. The evident and expected increase of ethnic diversity in Falcon Heights, the Twin Cities metro, and State of Minnesota
 - a. the [population of color](#) is growing rapidly and is expected to make up at least [40 percent](#) of the region's overall population by 2040. <http://www.mncompass.org/demographics/overview/> / led by Wilder Research
3. The recent death of Philando Castile, and input that our small city has received from citizens in the Greater Twin Cities points to the importance of us being in tune with the diverse population of people that pass through Falcon Heights.

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MINUTES
October 26, 2016 at 7:00 P.M.

- A. CALL TO ORDER: 7:00 pm
- B. ROLL CALL: LINDSTROM X HARRIS X BROWN THUNDER X
FISCHER X GUSTAFSON X
- STAFF PRESENT: THONGVANH X
- C. PRESENTATIONS:
- D. APPROVAL OF MINUTES:
1. October 12, 2016 Special City Council Meeting Minutes Approved
- E. PUBLIC HEARINGS:
- F. CONSENT AGENDA:
1. General Disbursements through: 10/19/16 \$77,560.00
Payroll through: 10/15/16 \$20,715.91
2. Statutory Tort Liability Limits Coverage for 2017

Council Member Harris Moved, Approved 5-0

- G. POLICY ITEMS:
- H. INFORMATION/ANNOUNCEMENTS:
1. Police Report

As requested from citizens and the Mayor, the City Administrator has included the police report that he receives weekly. Moving forward he will be including a monthly report and will typically provide 3-4 weeks of reports on the first Council Meeting of the month. If there is a warning or citation issued, these will be included. In the near future the reports will also include race of every stop. He does not have a timeline of when that'll be included because they are making software adjustments to collect additional data.

Council Member Fischer:

- The Community Engagement Commission has been working on a few things and is looking to recommend an ongoing diversity inclusion training. Human Rights Day will be on December 8th at 6:30pm at City Hall. He attended the Ramsey County League of Local Governments meeting.

Council Member Harris:

- She was unable to attend the Planning Commission meeting. The main agenda was to acquaint the Planning Commission with the Comprehensive Planning process. The plan will need to be finished and approved in 2018.

Council Member Brown Thunder:

- NYFS board meeting is tomorrow. All board members are now required to sit on one of the various committees. He will now be on the fundraising committee and programs committee.

Council Member Gustafson:

- The Parks and Recreation Commission participated in the Fall Fete instead of attending a meeting. They will be meeting again in December to take up direction of parks in the city next year and how it may or may not interface with the Comprehensive Plan.

City Administrator Thongvanh:

- The application process for the Falcon Heights Task Force and the Tri City Work Group is now closed. They received over 30 applications and they have vetted some of the applications already. They will have seven appointed for the Falcon Heights Task Force and they will have one that will be automatically appointed for the Tri City Work Group in November. They will be interviewing for three open spaces on the Task Force/Work Group. The Council will be starting to schedule interviews next week and potentially the week after.
- Staff will be going through their first round of anti-bias awareness training provided at the City of St. Anthony. This will be provided to all Falcon Heights staff and Council Members as well as all St. Anthony staff, Council Members, and Commissioners.

Mayor Lindstrom:

- The rationale for the eight persons being appointed was that the first stage of the application process was for Council Members to rank their selections. These applicants were the top ranked among all of the Council and therefore were automatically selected to be on the Task Force/Work Group.

I. COMMUNITY FORUM:

Nikiel:

The Council included the police reports in the packet per request of citizens. Were any of the other recommendations mentioned at the previous Council Meetings taken into consideration? Specifically having the Chief of Police in attendance, to have a motion considered to end the contract with SAPD, and to know how the task force is being researched/guided.

Mayor Lindstrom:

The Council has heard from citizens through multiple means of communication. At this time he believes the Council would agree that they are comfortable in the direction that they are moving. The Council does not need to include a motion in the Council meeting if a few residents and citizens have brought it to their attention. Individually they have all considered this when deciding what next steps to take. At this time a motion has not been made.

City Administrator Thongvanh:

Adding the police reports into the Council packet does not require a motion from the Council. These reports were brought to the attention of the Council to be included many years ago before St. Anthony was the police department, when Ramsey County was providing services. Somewhere in the process with change of personnel, this information was not conveyed and they stopped being included. He included it in the Council packet because this was something that was regularly provided to the Council in the past.

Nikiel:

He will ask the Council again that they make a motion to end the contract. This keeps them accountable because they did not do their job. They did not protect and serve. Maybe there's some progress being made because last Council meeting things got uncomfortable as they discussed things like racism and bias.

Council Member Gustafson:

Thank you for your comments. The Community Forum portion isn't a give and take dialogue time, although Council has been doing that. Are you a Falcon Heights citizen?

Nikiel:

Why does that matter? This isn't his hobby, but it's his livelihood on the line.

Sarah Chambers- 2170 Folwell Ave:

She wants to reiterate the request to have the Police Chief at a meeting. She appreciates that the police report was provided this time, but it would be great to then ask questions (i.e. how are the decisions made to stop, to give a warning rather than a citation, and what corrective steps have been taken since the shooting). The report is a good first step, but we need to have the Police Chief here.

City Administrator Thongvanh:

In terms of why an officer gives a warning versus a citation, it is very complex. Even if the Chief was present he couldn't say exactly why certain decisions are made at certain times because there is discretion.

Melissa Harrel Sullew- 1588 Vincent St:

She believes we still have a moral obligation to the end the contract as soon as we can figure out how to police the community in a way that is acceptable to us. She is puzzled as to why the Police Chief isn't being made to show up since he works for the citizens. She wants him to be responsible and willing to talk to this community. She doesn't know why a Police Chief outranks the citizens in Falcon Heights and our neighbors.

Meara Hove-1824 Tatum St:

She thinks Council Gustafson's remarks were rude. Secondly, what is keeping the Council from making the motion of ending the contract? She doesn't know much about the process and would like to know more of the details.

Council Member Fischer:

A few weeks ago he stated that he doesn't support that motion and there is a lot of information they don't have. Since no one on the Council has made a motion on it, there will not be a vote on it.

City Administrator Thongvanh:

With that type of motion to be put on the agenda, there has to be a motion from the Council to put it on the agenda and then there has to be a majority vote on it.

Tom Baldwin- 1716 Albert St:

The question made to Nikeil was irrelevant. For future reference, to the Mayor should call it as such.

Hawa:

This is a nation-wide and international issue. This is not just something that happened in Falcon Heights. We should welcome those who come to the table to provide input and to try to help with solutions to the problem.

Mark Hove-1824 Tatum St:

He thinks there are strengths in wanting things to be done in an orderly fashion, and we become comfortable with what we're used to. There are also strengths in new ideas that are introduced that may not fit in that orderly fashion. It is important that we have this liveliness, energy, and richness from people that don't live in this community and are contributing to this conversation. We can't take this on by ourselves, and together we can make a difference.

Kate Thompson:

What are the criteria by which members are being appointed to the task force?

City Administrator Thongvanh:

The initial phase was a majority vote by Council. The second phase is interviewing. There are about eight people that will be receiving calls this week to schedule an interview next week or the week after.

Kate Thompson:

Can you say more on what skills those selected had or what perspectives you anticipate they'll be bringing to the Task Force that made you think they would be qualified?

Mayor Lindstrom:

There wasn't set criteria that all of the Council was looking for. Speaking from his prospective, he was looking for a diverse group of people: diversity in many different ways (i.e. skin color, thought, age, and experiences). He was looking for new residents and seasoned residents. He was looking for people that would challenge his way of thinking as well.

Council Member Gustafson:

He was looking for a diverse group of people as well. He was looking for different genders, ages, races, and different types of experiences. He is looking for a group that can put forth ideas and work together to solve this problem in the upcoming weeks and months.

Council Member Brown Thunder:

He was looking for candidates that would really understand marginalization and what being marginalized has been like for people of color. He was looking for a diverse group of people that bring as many perspectives to the table as possible.

Kate Thompson:

Can Council Member Fischer say more on why you don't support ending the SAPD contract?

Council Member Fischer:

At this time, we're missing a lot of information. He doesn't know the gap from where we are to where we need to be. St. Anthony has been doing a lot of great things recently and since July 6. They did an application to the DOJ for them in to look at what they're doing and to know what they can do better. He'd have to see them not reacting to that gap and doing what they should to bridge it. He'd also have to know that there is someone out there that could do it better.

Kate Thompson:

You 'd have to see active indifference?

Council Member Fischer:

No, they are taking courageous steps with inviting the DOJ in to help them take action. The city is also having all staff take anti-bias training because anti-bias is not only a police issue.

Kate Thompson:

What outcomes from the task force would convince you that this is something the St. Anthony Police was not prepared to correct?

Council Member Fischer:

If there are specific recommendations that have a lot of consensus behind them, make sense, and he doesn't see a good answer from SAPD in terms of implementing the changes. He would also have to see a pattern and that they're not correcting it. He is not looking for perfection, but he's looking for progress and that they do really well.

Nikiel:

He can send an article from the Pioneer Press to the Council. Of the 994 arrests SAPD made this year, 47% were black. The percentage of Black people that live in St. Anthony is 6%. What other statistics do you need to see to say that's implicit bias?

Council Member Fischer:

Falcon Heights has about 5,500 residents. Every year there are about 40,000-50,000 cars that drive through the intersection of Snelling and Larpenteur. He understands the concern, but he sees that comparison as apples and oranges.

Tyrone Tarrell- President of the African American Leadership Council- 270 N. Kent St. St. Paul:

They're bringing DOJ in because they are afraid about losing their money and their contract. That's a cover up. As a Black man, he says he is still no safer today on Larpenteur Ave than he was before July 6. He doesn't live in Falcon Heights, but he will keep coming here. Your citizens asked you to bring the Chief of Police here.

Mayor Lindstrom:

He is wondering what police department those who spoke tonight would they would like to have serving Falcon Heights.

Tyrone Tarrell- President of the African American Leadership Council- 270 N. Kent St. St. Paul:
Ramsey County Sheriff's Department, Maplewood, St. Paul PD, and Roseville PD.

Melissa Harrel Sullew:

Ramsey County Sheriff's Department. If we cancel the contract, we are sending a message as to why that is happening. She advocated for a task force, but she also worries that the task force may not come to a consensus and run out of steam.

Paula Mielke- 1868 Arona St:

The We Can Do Better group wanted a task force, but they wanted the Council to end the contract in July. They also wanted to have Philando's death on the agenda, and it hasn't been.

Kristine Chitambra- 1941 Summer St:

She was wondering if anyone from the Council has been in contact with Ms. Diamond Reynolds. She was also a victim. She believes it would mean a lot if the city would reach out.

Harley Mufalukay-

It seems like the idea of having the Police Chief attend has been dismissed. He can talk about standard operating procedures. Are you going to consider bringing the Police Chief in?

City Administrator Thongvanh:

If anyone has any questions, feel free to email him or meet with them.

Nikiel:

The Council's job is to serve the citizens. What happens if it happens in this city again?

Melissa Harrel Sullew:

The suggestion has been made before to email the City Administrator. She doesn't understand why the Police Chief is so protected and why he cannot be in the same room with the citizens he serves. If he doesn't want to attend he should be reminded who his boss is.

Sarah Chambers- 2170 Folwell:

The City Administrator or the Council can request the Police Chief to come to a Council meeting per the language of the contract.

Peter Demorats- 2297 Folwell Ave:

What is the access the Task Force will have to the Police Chief and to members of SAPD? Will they be able to ask questions and request specific information?

Mayor Lindstrom:

His vision is that the Police Department will respond to questions and be a part of the information they are seeking.

City Administrator Thongvanh:

The Police Chief will be a part of the Tri-City Work Group. He will not be a member of the Falcon Heights Task Force, but they will have unlimited access to the Police Chief and SAPD. The Task Force can request data and documents from SAPD as well.

Speaker 1:

Did you get anymore information on SAPD's practice or policies in dealing with citizen who are wounded?

Council Member Gustafson:

He did not get any additional information.

Mayor Lindstrom:

He did not receive any additional information. He believes it is their duty to provide aid. He doesn't have the information to go into what SAPD did wrong or right in response to the event. He hopes that these questions are asked, and if they did something wrong that they're held accountable.

Speaker 1:

The officers that responded should be disciplined and held accountable. The plan is to distract people with the Task Force, but there are issues that can be dealt with now. Edina has been more receptive in regards to recent events. He hopes for answers at the next meeting. In Maplewood a man holding a steel pipe didn't have a gun pulled on him, but they physically stopped him. The man had a heart attack and passed away. Maplewood PD had the incident on their dash cam, they expressed their condolences to the family, and they requested to meet with the family members. The process was very transparent.

Paula Mielke- 1868 Arona St:

Why have you not had the Police Chief come to a meeting?

Council Member Fischer:

These are important conversations, but he also has a target on him and these conversations are very emotionally driven. He will be a part of the Task Force.

Mayor Lindstrom:

He will be a Tri-City Work Group member but will also aid in the Falcon Heights Task Force group to provide data and information.

Georgiana May- 1477 California Ave:

She thinks it's reasonable to ask the Police Chief to attend.

Council Member Fischer:

His concern is not for the Police Chief dealing with difficult questions. His concern is for the safety of the people in the room since it could be a very emotionally charged meeting.

Georgiana May- 1477 California Ave:

A police officer should not leave something up to discretion, because that leaves it open to bias. There should be procedures in place. Council was also dismissive about data presented by Nikiel. The Council is looking for data, and this data that he presented shows bias. If they are busy pulling Black people over for cracked tail lights, then they are not focusing on the things she feels affect her safety.

Council Member Fischer:

The data of the percentage of people of color stopped in comparison to the percentage of people of color who live in the city is not directly comparable because of the vast amount of people using the roads that don't necessarily live in Falcon Heights. There are also issues of poverty that affect things such as broken tail lights, and there is a high percentage of people of color affected by poverty.

Georgiana May- 1477 California Ave:

This data needs to be looked at. Also, she believes the Task Force members should be chosen by the community.

Tom Baldwin- 1716 Albert St:

If you're pulling over ill-repaired cars you can be sure that that'll be targeting a certain economic group, majority being people of color. That is the definition of de facto-racism and institutional racism.

Council Member Fischer:

In terms of broken windows policing, there are terrible ways that it affects Black people. The police department has been trying to implement community policing which is a better model. Although, there hasn't been much contact to engage those outside the community in neighboring cities. That is something for the Task Force to think about, inclusion beyond the Falcon Heights borders.

Tom Baldwin- 1716 Albert St:

He'd like to know how a non-threatening vehicle violation answers the questions of improving safety and quality of life of the community. We need to get rid of the concept of pulling people over to monitor who is in the neighborhoods.

Speaker 1:

You were justifying disparities in stops because of poverty?

Council Member Fischer:

He works for MnDOT and reviews a lot of crash data. Fatalities and serious injuries are most common from people running red lights, running stop signs, right angle crashes, and head on crashes. Those are his concern. He has heard that Minneapolis has taken some of the low-level offenses off the books because of the way they disproportionately affect people of color. He thinks it's a great strategy but he's not ready to say with certainty exactly what he supports of those offenses. It would be good to narrow the amount of discretion that police officers have to use. Serious offenses should be stopped.

Mark Hove-1824 Tatum St:

He commends the Council for having dialogue and continues to encourage all of the Council Members to dialogue and grow from that experience. Also, having the Police Chief present may result in a heated discussion, but that doesn't mean it won't be fruitful. There have been heated discussions before but there has been self-control. There are professionals that can help with the discussion.

Hawa:

She finds the response about Black people being stopped because of poverty hurtful. She has had several neighbors move out of Falcon Heights because of being stopped. These issues happen in many areas whether schooling, employment, or policing. She is asking for people to be sensitive and to think about what it feels like to not have a voice. She attends a meeting called Circle of Peace on Mondays, and despite invitations, the Police Chief has not attended.

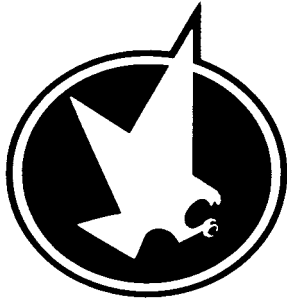
J. ADJOURNMENT: 8:42 pm

Peter Lindstrom, Mayor

Dated this 26th day of October, 2016

Sack Thongvanh, City Administrator

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The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 9, 2016
Agenda Item	Consent F1
Attachment	General Disbursements and Payroll
Submitted By	Roland Olson, Finance Director

Item	General Disbursements and Payroll
Description	General Disbursements through: 11/03/16: \$89,949.66 Payroll through: 10/31/16: \$18,457.06
Budget Impact	The general disbursements and payroll are consistent with the budget.
Attachment(s)	· General Disbursements and Payroll
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve general disbursements and payroll.

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11/03/2016	APBNK	DUE: 11/03/2016 DISC: 11/03/2016		1099: N		
		BLACK MATS, SERVICE CHARGE		101 4131-70110-000	SUPPLIES	62.81
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01-00911		CITY OF NEW BRIGHTON				
I-16-0000195		2ND QUARTER HAZMAT SERVICES	240.50			
11/03/2016	APBNK	DUE: 11/03/2016 DISC: 11/03/2016		1099: N		
		2ND QUARTER HAZMAT SERVICES		101 4124-87025-000	HAZMAT EQUIPMENT MAINT	240.50
		=== VENDOR TOTALS ===	240.50			
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01-05115		GOPHER STATE ONE CALL				
I-6100360		OCTOBER LOCATES	118.80			
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		OCTOBER LOCATES		601 4601-88030-000	LOCATES	118.80
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01-05244		HENNEPIN TECH COLLEGE				
I-359350		HAZ MAT OPERATIONS REFRESHER	550.00			
11/03/2016	APBNK	DUE: 11/03/2016 DISC: 11/03/2016		1099: N		
		HAZ MAT OPERATIONS REFRESHER		101 4124-86020-000	TRAINING	550.00
		=== VENDOR TOTALS ===	550.00			
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01-05374		TENNIS SANITATION LLC				
I-1721807		OCTOBER RECYCLING	5,769.00			
11/03/2016	APBNK	DUE: 11/03/2016 DISC: 11/03/2016		1099: N		
		OCTOBER RECYCLING		206 4206-82030-000	RECYCLING CONTRACTS	5,769.00
I-1721808		OCT WASTE REMOVAL	66.50			
11/03/2016	APBNK	DUE: 11/03/2016 DISC: 11/03/2016		1099: N		
		OCT WASTE REMOVAL		101 4131-82010-000	WASTE REMOVAL	66.50
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01-00250		AMERIPRIDE SERVICES				
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		LINEN CLEANING		101 4124-82011-000	LINEN CLEANING	41.27
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01-03117		CITY OF LITTLE CANADA				
I-201610316030		MAY-SEPT BUILDING PERMITS	18,867.49			
10/31/2016	APBNK	DUE: 10/31/2016 DISC: 10/31/2016		1099: N		
		MAY-SEPT BUILDING PERMITS		101 4117-81210-000	BUILDING INSPECTORS	18,867.49
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01-0228		CITY OF ST ANTHONY				
I-15459		NOVEMBER POLICE SERVICES	54,418.84			
10/31/2016	APBNK	DUE: 10/31/2016 DISC: 10/31/2016		1099: N		
		NOVEMBER POLICE SERVICES		101 4122-81000-000	POLICE SERVICES	54,418.84
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01-03122		CITY OF ST PAUL				
I-IN00018577		STREET LIGHTS MAINTENANCE	303.72			
11/01/2016	APBNK	DUE: 11/01/2016 DISC: 11/01/2016		1099: N		
		STREET LIGHTS MAINTENANCE		209 4209-87120-000	REPAIR & MAINTENANCE	303.72
=== VENDOR TOTALS ===			303.72			

PACKET: 01476 NOVEMBER 2 PAYABLES
 VENDOR SET: 01 City of Falcon Heights
 SEQUENCE : ALPHABETIC
 DUE TO/FROM ACCOUNTS SUPPRESSED

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		FLEX PAYMENT		101 21712-000	MEDICAL FLEX SAVINGS PAY	31.35
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01-05367	QUILL CORPORATION					
I-1012767		SUPPLIES: PENS, BINDER CLIPS	165.31			
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		SUPPLIES: PENS, BINDER CLIPS		101 4112-70100-000	SUPPLIES	165.31
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01-06185	RAMSEY COUNTY					
I-EMCOM 5560		OCTOBER FLEET SUPPORT	81.12			
10/31/2016	APBNK	DUE: 10/31/2016 DISC: 10/31/2016		1099: N		
		OCTOBER FLEET SUPPORT		101 4124-86800-000	RADIO MESB/FLEET SUPPORT	81.12
I-PUBW015852		CROSSWALK PAINTING GARDEN AVE	1,656.59			
11/01/2016	APBNK	DUE: 11/01/2016 DISC: 11/01/2016		1099: N		
		CROSSWALK PAINTING GARDEN AVE		101 4132-87005-000	CROSSWALK PAINTING	1,656.59
		=== VENDOR TOTALS ===	1,737.71			
=====						
01-00184	RAMSEY COUNTY - 911 DISPATCH					
I-EMCOM 5601		OCTOBER CAD SERVICES	510.15			
10/31/2016	APBNK	DUE: 10/31/2016 DISC: 10/31/2016		1099: N		
		OCTOBER CAD SERVICES		101 4122-81200-000	911 DISPATCH FEES	510.15
I-EMCOM 5616		OCTOBER 911 DISPATCH	2,499.43			
10/31/2016	APBNK	DUE: 10/31/2016 DISC: 10/31/2016		1099: N		
		OCTOBER 911 DISPATCH		101 4122-81200-000	911 DISPATCH FEES	2,499.43
		=== VENDOR TOTALS ===	3,009.58			

PACKET: 01476 NOVEMBER 2 PAYABLES
 VENDOR SET: 01 City of Falcon Heights
 SEQUENCE : ALPHABETIC
 DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
=====						
01-05534		RAMSEY COUNTY FIRE CHIEFS ASSO				
=====						
I-102516		PHYSICAL ABILITY TESTS	160.00			
10/31/2016	APBNK	DUE: 10/31/2016 DISC: 10/31/2016		1099: N		
		PHYSICAL ABILITY TESTS		101 4124-86020-000	TRAINING	160.00
=== VENDOR TOTALS ===			160.00			
=====						
01-06548		TOLL - GAS & WELDING SUPPLY				
=====						
I-10159469		WELDING SUPPLIES	17.52			
11/01/2016	APBNK	DUE: 11/01/2016 DISC: 11/01/2016		1099: N		
		WELDING SUPPLIES		101 4132-70120-000	SUPPLIES	17.52
=== VENDOR TOTALS ===			17.52			
=====						
01-05870		XCEL ENERGY				
=====						
I-201611016032		GAS, ELECT, STREET LIGHTS	857.18			
11/01/2016	APBNK	DUE: 11/01/2016 DISC: 11/01/2016		1099: N		
		CITY HALL GAS		101 4131-85030-000	NATURAL GAS	140.81
		COMM PARK GAS		101 4141-85030-000	NATURAL GAS	66.33
		COMM PARK ELECT		101 4141-85020-000	ELECTRIC/GAS	338.34
		CURTISS FIELD ELECT		101 4141-85020-000	ELECTRIC/GAS	34.81
		COFFMAN ICE RINK LIGHTS		101 4141-85020-000	ELECTRIC/GAS	26.62
		AUTO PROTECTIVE LIGHT		101 4141-85020-000	ELECTRIC/GAS	29.64
		CIVIL DEFENSE SIREN		101 4121-85020-000	ELECTRIC	8.44
		STREET LIGHTING ELECT		209 4209-85020-000	STREET LIGHTING POWER	44.58
		STREET LIGHTING ELECT		209 4209-85020-000	STREET LIGHTING POWER	42.85
		STREET LIGHTING ELECT		209 4209-85020-000	STREET LIGHTING POWER	51.90
		STREET LIGHTING ELECT		209 4209-85020-000	STREET LIGHTING POWER	11.75
		STREET LIGHTING ELECT		209 4209-85020-000	STREET LIGHTING POWER	49.36
		STREET LIGHTING ELECT		209 4209-85020-000	STREET LIGHTING POWER	11.75
=== VENDOR TOTALS ===			857.18			
=== PACKET TOTALS ===			80,176.26			

PACKET: 01474 OCTOBER 27 PAYABLES
 VENDOR SET: 01 City of Falcon Heights
 SEQUENCE : ALPHABETIC
 DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01-160	CDW GOVERNMENT					
I-FPW8706		COMPUTER- FIRE DEPARTMENT	699.00			
10/27/2016	APBNK	DUE: 10/27/2016 DISC: 10/27/2016		1099: N		
		COMPUTER- FIRE DEPARTMENT		402 4402-91000-000	MACHINERY & EQUIPMENT	699.00
=== VENDOR TOTALS ===			699.00			
01-03123	CINTAS CORPORATION #470					
I-470826847		SHOP TOWELS, CLEANER, MATS	139.64			
10/27/2016	APBNK	DUE: 10/27/2016 DISC: 10/27/2016		1099: N		
		SHOP TOWELS, CLEANER, MATS		101 4131-70110-000	SUPPLIES	139.64
=== VENDOR TOTALS ===			139.64			
01-05721	COLBERT ENGRAVING & TROPHIES					
I-443		FD LOCKER NAMEPLATES	40.50			
10/26/2016	APBNK	DUE: 10/26/2016 DISC: 10/26/2016		1099: N		
		FD LOCKER NAMEPLATES		101 4141-70100-000	SUPPLIES	40.50
=== VENDOR TOTALS ===			40.50			
01-03300	DISCOUNT STEEL, INC					
I-4144743		FIRE DEPT EXTERNAL DOORS	16.89			
10/27/2016	APBNK	DUE: 10/27/2016 DISC: 10/27/2016		1099: N		
		FIRE DEPT EXTERNAL DOORS		403 4403-91000-000	MACHINERY & EQUIPMENT	16.89
I-4150487		COUNCIL CHAMBERS	75.80			
10/27/2016	APBNK	DUE: 10/27/2016 DISC: 10/27/2016		1099: N		
		COUNCIL CHAMBERS		101 4131-70110-000	SUPPLIES	75.80
I-4150799		COUNCIL CHAMBERS	26.26			
10/27/2016	APBNK	DUE: 10/27/2016 DISC: 10/27/2016		1099: N		
		COUNCIL CHAMBERS		101 4131-70110-000	SUPPLIES	26.26
=== VENDOR TOTALS ===			118.95			
01-05290	GOODIN COMPANY					
I-02183874-00		COMM PARK MENS RESTROOM	70.53			
10/26/2016	APBNK	DUE: 10/26/2016 DISC: 10/26/2016		1099: N		
		COMM PARK MENS RESTROOM		101 4141-70100-000	SUPPLIES	70.53
=== VENDOR TOTALS ===			70.53			

PACKET: 01474 OCTOBER 27 PAYABLES
VENDOR SET: 01 City of Falcon Heights
SEQUENCE : ALPHABETIC
DUE TO/FROM ACCOUNTS SUPPRESSED

-----ID-----			GROSS	P.O. #		
POST DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION

01-153 HOME DEPOT CRC/GECP

I-201610276028		SUPPLIES, CITY HALL EXT DOOR	503.77			
10/27/2016	APBNK	DUE: 10/27/2016 DISC: 10/27/2016		1099: N		
		CITY HALL SUPPLIES		101 4131-70110-000	SUPPLIES	134.68
		FIRE DEPT SUPPLIES		101 4124-70100-000	SUPPLIES	188.66
		EXTERIOR DOORS CITY HALL		403 4403-91000-000	MACHINERY & EQUIPMENT	160.37
		PARKS SUPPLIES		101 4141-70100-000	SUPPLIES	20.06
=== VENDOR TOTALS ===			503.77			

01-05843 MN NCPERS LIFE INSURANCE

I-201610276025		NOVEMBER LIFE INSURANCE	80.00			
10/27/2016	APBNK	DUE: 10/27/2016 DISC: 10/27/2016		1099: N		
		NOVEMBER LIFE INSURANCE		101 21709-000	OTHER PAYABLE	45.44
		NOVEMBER LIFE INSURANCE		201 21709-000	OTHER PAYABLE	4.00
		NOVEMBER LIFE INSURANCE		601 21709-000	OTHER PAYABLE	20.32
		NOVEMBER LIFE INSURANCE		602 21709-000	OTHER PAYABLE	10.24
=== VENDOR TOTALS ===			80.00			

01-05832 MORETTO, PAUL

I-201610266024		CELL PHONE REIMB AUG-SEPT	40.00			
10/26/2016	APBNK	DUE: 10/26/2016 DISC: 10/26/2016		1099: N		
		CELL PHONE REIMB AUG-SEPT		101 4117-85015-000	CELL PHONE	40.00
=== VENDOR TOTALS ===			40.00			

01-07263 NEXTEL COMMUNICATIONS, INC

I-201610266023		CELL PHONES	117.33			
10/26/2016	APBNK	DUE: 10/26/2016 DISC: 10/26/2016		1099: N		
		CELL PHONES		101 4121-85015-000	CELL PHONE	22.76
		CELL PHONES		101 4131-85015-000	CELL PHONE	11.60
		CELL PHONES		101 4141-85015-000	CELL PHONE	11.60
		CELL PHONES		101 4141-85015-000	CELL PHONE	11.60
		CELL PHONES		601 4601-85015-000	CELL PHONE	45.00
		CELL PHONES		602 4602-85015-000	CELL PHONES	14.77
=== VENDOR TOTALS ===			117.33			

-----ID-----			GROSS	P.O. #		
BT DATE	BANK CODE	-----DESCRIPTION-----	DISCOUNT	G/L ACCOUNT	-----ACCOUNT NAME-----	DISTRIBUTION
01-0544	TIM SANDVIK					
I-201610276026		FLEX PAYMENT	600.00			
10/27/2016	APBNK	DUE: 10/27/2016 DISC: 10/27/2016		1099: N		
		FLEX PAYMENT		101 21712-000	MEDICAL FLEX SAVINGS PAY	450.00
		FLEX PAYMENT		201 21712-000	MEDICAL FLEX SAVINGS PAY	150.00
		=== VENDOR TOTALS ===	600.00			
01-00935	ST PAUL REGIONAL WATER SERVICE					
I-201610276027		COMM PARK, CITY HALL WATER SS	538.55			
10/27/2016	APBNK	DUE: 10/27/2016 DISC: 10/27/2016		1099: N		
		COMM PARK WATER		101 4141-85040-000	WATER	286.05
		COMM PARK SS		101 4141-85070-000	SEWER	169.66
		CITY HALL WATER		101 4131-85040-000	WATER	60.79
		CITY HALL SS		101 4131-85070-000	SEWER	22.05
		=== VENDOR TOTALS ===	538.55			
01-06548	TOLL - GAS & WELDING SUPPLY					
I-00273744-00		WELDING SUPPLIES	17.52			
10/27/2016	APBNK	DUE: 10/27/2016 DISC: 10/27/2016		1099: N		
		WELDING SUPPLIES		101 4131-70110-000	SUPPLIES	17.52
		=== VENDOR TOTALS ===	17.52			
		=== PACKET TOTALS ===	2,965.79			

EMP #	NAME	AMOUNT
0013	PETER C LINDSTROM	316.17
01-0016	PAMELA M HARRIS	277.05
01-0021	JOSE A FISCHER	277.05
01-0022	RANDALL C GUSTAFSON	277.05
01-1005	SACK THONGVANH	2,848.73
01-1017	TIMOTHY J SANDVIK	1,557.80
01-1019	KATHLEEN N THRASHER	1,182.19
01-1136	ROLAND O OLSON	2,015.16
01-1159	SARA E ASCHENBECK	187.07
01-2154	MAUREEN A ANDERSON	148.54
01-1018	PAUL A MORETTO	1,816.93
01-0086	RICHARD H HINRICHS	847.77
01-0095	MICHAEL J POESCHL	118.90
01-0105	ANTON M FEHRENBACH	331.63
01-0123	BRYAN R SULLIVAN	113.53
01-0124	MICHAEL D KRUSE	113.53
01-1030	TIMOTHY J PITTMAN	2,276.67
01-1033	DAVE TRETSEVEN	1,452.17
01-1143	COLIN B CALLAHAN	1,666.17

TOTAL PRINTED: 19 17,824.11

10-26-2016 10:09 AM PAYROLL CHECK REGISTER
PAYROLL NO: 01 City of Falcon Heights

PAGE: 1
PAYROLL DATE: 10/26/2016

EMP NO	EMPLOYEE NAME	TYPE	CHECK DATE	CHECK AMOUNT	CHECK NO.
00	BROWN THUNDER, JOSEPH C	R	10/26/2016	277.05	085378
00	KURHAJETZ, CLEMENT	R	10/26/2016	105.05	085379
00	GAFFNEY, PATRICK	R	10/26/2016	118.90	085380
2172	ARCAND, MICHAEL W	R	10/26/2016	131.95	085381

10-26-2016 10:09 AM PAYROLL CHECK REGISTER
PAYROLL NO: 01 City of Falcon Heights

PAGE: 2
PAYROLL DATE: 10/26/2016

*** REGISTER TOTALS ***

REGULAR CHECKS:	4	632.95
DIRECT DEPOSIT REGULAR CHECKS:	19	17,824.11
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	23	18,457.06

*** NO ERRORS FOUND ***



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 9, 2016
Agenda Item	Consent F2
Attachment	N/A
Submitted By	Tim Sandvik, Deputy Clerk

Item	Approval of City Licenses
Description	<p>The following individuals have applied for a <u>Municipal Business License</u> for 2016. Staff has received the necessary documents for licensure.</p> <ol style="list-style-type: none"> 1. Otto Law P.A. 2. Century 21 – Jay Blank Realty Inc 3. Cox Insurance Associates 4. Golden Tailor 5. Twin Cities Laboratories 6. Young Spa 7. Hair Designs Unlimited 8. Har Mar Lock & Service 9. Peterson Dental <p>The following individuals have applied for a <u>Restaurant License</u> for 2016. Staff has received the necessary documents for licensure.</p> <ol style="list-style-type: none"> 1. Muy Pizza Minnesota, LLC dba Pizza Hut 2. Piper D, LLC dba Toppers Pizza <p>The following individuals have applied for a <u>Therapeutic Massage License</u> for 2016. Staff has received the necessary documents for licensure.</p> <ol style="list-style-type: none"> 1. Massage By Amy <p>The following individuals have applied for a <u>Home Occupation License</u> for 2016. Staff has received the necessary documents for licensure.</p> <ol style="list-style-type: none"> 1. Massage By Amy
Budget Impact	N/A
Attachment(s)	N/A
Action(s) Requested	Staff recommends that the Falcon Heights City Council approve the 2017 City License Applications.

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The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 9, 2016
Agenda Item	Consent F3
Attachment	Resignation Letter and Resolution
Submitted By	Sack Thongvanh, City Administrator

Item	Accepting the Resignation of Mike Arcand as Fire Marshal
Description	<p>On November 2, 2016 the City received a letter of resignation from Mike Arcand. Mr. Arcand was appointed with the recommendation from the previous City Administrator Justin Miller in 2011.</p> <p>The position and duties of the position include, but not limited to:</p> <ul style="list-style-type: none"> · Coordinating and conducting commercial fire inspections, as well as rental licensing inspections for residential units · Keeping up to date with all required records for historical filing and billing purposes · Conducting inspections as required by the City of Lauderdale · Apprising city staff and the fire chief of any issues that may arise · Answering questions from residents and property owners about fire safety issues
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> · Resignation Letter · Resolution 2016-35 Accepting the Resignation of Mike Arcand from the position of Falcon Heights Fire Marshal
Action(s) Requested	Staff recommend approval of resolution to accept the resignation of Mike Arcand as Fire Marshal for the City of Falcon Heights.

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**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

November 9, 2016

No. 16-35

**RESOLUTION ACCEPTING THE RESIGNATION OF MIKE ARCAND FROM THE
POSITION OF FALCON HEIGHTS FIRE MARSHAL**

WHEREAS, the City of Falcon Heights has the position of Fire Marshal for the City of Falcon Heights, and

WHEREAS, the City Administrator in 2011 recommended approval Mike Arcand to the position of Fire Marshall for the City of Falcon Heights;

WHEREAS, the City received a letter of resignation from Mike Arcand stating that he does not feel that he can perform the duties of the position with the efficiency needed for the safety of the citizens of Falcon Heights;

WHEREAS, the City Council would like to thank Mike Arcand for his years of service to the community of Falcon Heights and the City of Lauderdale.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota:

1. That the "Letter of Resignation" is accepted by the City Council of the City of Falcon Heights.

Moved by:

Approved by: _____

Peter Lindstrom
Mayor

LINDSTROM _____ In Favor
BROWN THUNDER
HARRIS _____ Against
FISCHER
GUSTAFSON

Attested by: _____

Sack Thongvanh
City Administrator

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November 2, 2016

Sak Thongvanh – City Administrator, Falcon Heights
Falcon Heights City Council

I'm sorry to inform you I must resign my position as Fire Marshal in Falcon Heights. I have other pressing ventures that must be attended to and I feel I cannot perform the duties of this office with the efficiency needed for the safety of our citizens. I would like to thank the Mayor and the City Council for entrusting me with this position since 2011.

Thank you for your service to our community

Sincerely,



Mike Arcand

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The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 9, 2016
Agenda Item	Consent F4
Attachment	Resolution
Submitted By	Sack Thongvanh, City Administrator

Item	Appointment of Michael Poeschl as Fire Marshal
Description	<p>On November 2, 2016 the City received a letter of resignation from Mike Arcand. Mr. Arcand was appointed with the recommendation from the previous City Administrator Justin Miller in 2011.</p> <p>The position and duties of the position include, but not limited to:</p> <ul style="list-style-type: none"> · Coordinating and conducting commercial fire inspections, as well as rental licensing inspections for residential units · Keeping up to date with all required records for historical filing and billing purposes · Conducting inspections as required by the City of Lauderdale · Apprising city staff and the fire chief of any issues that may arise · Answering questions from residents and property owners about fire safety issues
Budget Impact	This will not have an additional impact on the budget at the current rate of pay. This will need to be adjusted for future increase and a modification of contract agreement with the City of Lauderdale.
Attachment(s)	<ul style="list-style-type: none"> · Resolution 2016-36 Appointment of Mike Poeschl as Fire Marshal for the City of Falcon Heights.
Action(s) Requested	Staff recommend approval of resolution to appoint Michael Poeschl as Fire Marshal for the City of Falcon Heights at the current rate of pay.

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**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

November 9, 2016

No. 16-36

**RESOLUTION APPOINTMENT OF MIKE POESCHL FOR THE POSITION OF FALCON
HEIGHTS FIRE MARSHAL**

WHEREAS, the City received a letter of resignation for Mike Arcand, the current Falcon Heights Fire Marshal, and

WHEREAS, the City Administrator received interest from Mike Poeschl to fill the vacancy.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota:

1. Mike Poeschl will have one year from the approval of the resolution to complete the necessary training and education for the position of the Falcon Heights Fire Marshal as determined by the City Administrator.
2. That the appointment is approved and adopted by the City Council of the City of Falcon Heights.

Moved by:

Approved by: _____

Peter Lindstrom
Mayor

LINDSTROM _____ In Favor
BROWN THUNDER _____
HARRIS _____ Against
FISCHER _____
GUSTAFSON _____

Attested by: _____

Sack Thongvanh
City Administrator

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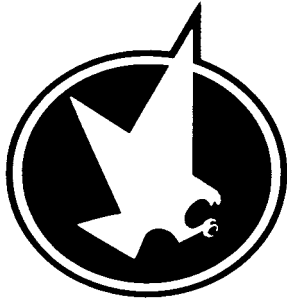
The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 9, 2016
Agenda Item	Consent F5
Attachment	N/A
Submitted By	Sack Thongvanh, City Administrator

Item	Director of Public Works (Tim Pittman) 10 Year Step Increase
Description	Public Works Director Tim Pittman will reach his ten-year anniversary with the city on December 18 th . The City's policy is to apply a 3% increase at this anniversary.
Budget Impact	Fund are available.
Attachment(s)	N/A
Action(s) Requested	I recommend that the Falcon Heights City Council approve a 3% step adjustment for Tim Pittman effective December 18th, 2016.

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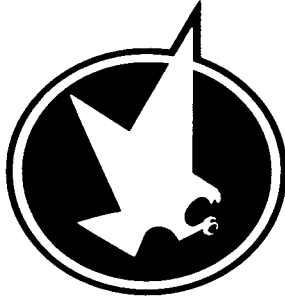
The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 9, 2016
Agenda Item	Consent F6
Attachment	N/A
Submitted By	Sack Thongvanh, City Administrator

Item	Director of Finance (Roland Olson) Equity Adjustment
Description	Public Works Director Tim Pittman will reach his ten-year anniversary with the city on December 18 th . The City's policy is to apply 3% increase at this anniversary. With the increase, the salary of the Finance Director Roland Olson will fall out of line with a department director with his tenure at the City should be at, so adjusting his salary to the level of Public Works Director Tim Pittman is recommended.
Budget Impact	Funds available.
Attachment(s)	
Action(s) Requested	I recommend that the Falcon Heights City Council approve a 3% step adjustment for Roland Olson effective December 18th, 2016.

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The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 9, 2016
Agenda Item	Consent F7
Attachment	Resolution
Submitted By	Sack Thongvanh, City Administrator

Item	Appointment of Falcon Heights Inclusion and Policing Task Force Members
Description	The City Council established the Falcon Heights Inclusion and Policing Task Force on September 21, 2016. The City Council conducted interviews for both the Falcon Heights Inclusion and Policing Task Force and the Tri-City Workgroup on November 2, 2016.
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> · Resolution 2016-37 Appointment of the Falcon Heights Inclusion and Policing Task Force Members
Action(s) Requested	Staff recommend approval of resolution to appoint members to the Falcon Heights Inclusion and Policing Task Force.

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**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

November 9, 2016

No. 16-37

**RESOLUTION APPOINTING FALCON HEIGHTS INCLUSION AND POLICING TASK
FORCE MEMBERS**

WHEREAS, the Council established the Falcon Heights Inclusion and Policing Task Force on September 21, 2016;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota:

Appointment of the following name(s) to the Falcon Heights Inclusion and Policing Task Force:

1. Amy Johnson
2. Dan Johnson-Powers
3. Jay Colond
4. Jim Ballentine
5. Kay Andrews
6. Melanie Leehy
7. Peter Demerath
8. Michael Wade
9. Kate Thompson
10. Council Member Randy Gustafson
11. Mayor Peter Lindstrom
12. Council Member Joe Brown Thunder (alternate for the Council)

Moved by:

Approved by: _____

Peter Lindstrom
Mayor

LINDSTROM _____ In Favor
BROWN THUNDER _____
HARRIS _____ Against
FISCHER _____
GUSTAFSON _____

Attested by: _____

Sack Thongvanh
City Administrator

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The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	November 9, 2016
Agenda Item	Consent F8
Attachment	Resolution
Submitted By	Sack Thongvanh, City Administrator

Item	Appointment of the Tri-City Workgroup Members
Description	The City Council established the Falcon Heights Inclusion and Policing Task Force on September 21, 2016. The City Council conducted interviews for both the Falcon Heights Inclusion and Police Task Force and the Tri-City Workgroup on November 2, 2016.
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> · Resolution 2016-38 Appointment of the Tri-City Workgroup Members
Action(s) Requested	Staff recommend approval of resolution to appoint members to the Tri-City Workgroup.

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**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

November 9, 2016

No. 16-38

RESOLUTION APPOINTING THE TRI-CITY WORKGROUP MEMBERS

WHEREAS, the City of Falcon Heights contract for police service through the City of St. Anthony, and

WHEREAS, the City of St. Anthony has expressed their interest to purchase body cameras to be used by the St. Anthony Police Department;

WHEREAS, Minnesota’s new laws mandate that communities moving forward with a Body-worn cameras (BWC) program receive public comments at three junctures in the process:

1. Enforcement agencies must provide an opportunity for public comment before purchasing or implementing a BWC system. Minimally, the agency must receive comments by mail and email, but may certainly hold public meetings and forums if desired.
2. The council or board with budget oversight for the agency needs to allow public comment at one of its regular.
3. Agencies must allow for public comment and input when developing their BWC policies.

WHEREAS, the Council established the Tri-City Workgroup on September 21, 2016;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota:

Appointment of the following name(s) to the Tri-City Workgroup:

1. Susan Hoyt
2. Steven Goers
3. Council Member Pam Harris
4. Council Member Tony Fischer
5. Council Member Joe Brown Thunder (alternate for the Council)

Moved by:

Approved by: _____
Peter Lindstrom
Mayor

LINDSTROM	_____	In Favor
BROWN THUNDER	_____	
HARRIS	_____	Against
FISCHER		
GUSTAFSON		

Attested by: _____
Sack Thongvanh
City Administrator

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The League of Minnesota Cities Insurance Trust thanks the following organizations that comprised the working group to develop and review the model policy: Minnesota Counties Intergovernmental Trust, Minnesota Chiefs of Police Association, Minnesota Association of City Attorneys, Minnesota County Attorneys Association, Minneapolis Police Department, St. Paul Police Department, Cannon Falls Police Department, Burnsville Police Department, and Columbia Heights Police Department. Their participation does not necessarily signify agency endorsement of the model policy by the individual’s employing agency.

INFORMATION MEMO

Use of Body-Worn Cameras

State law offers significant guidance on policies governing law enforcement use of body-worn cameras (BWC) and the resulting data. This discussion and the linked model policy are intended to help cities administer BWC programs and data soundly and in accordance with law.

RELEVANT LINKS:

See, [Justice Department Announces \\$20 Million in Funding to Support Body-Worn Camera Pilot Program](#), May 1, 2015, (last viewed June 29, 2016).

[2016 Minnesota Laws ch. 171, section 6](#), to be codified as Minn. Stat. § 626.8473, subd. 2.

[2016 Minnesota Laws ch. 171, section 6](#), to be codified as Minn. Stat. § 626.8473, subd. 3.

I. Program considerations

Body-worn cameras (BWCs) are a relatively new addition to the law enforcement toolkit. According to the United States Department of Justice, they hold “tremendous promise” for improving public safety and increasing transparency and accountability. In addition, BWCs provide a means of capturing more convincing proof for use in criminal cases and protecting officers against false claims of wrongdoing. However, communities considering a move toward body cameras should also take stock of the costs involved in setting up and maintaining a BWC program. These will include purchasing the necessary hardware and software, arranging and paying for data storage, responding to requests for access, preparing data for release, and paying for independent biennial audits of the BWC program.

II. Transparency, reporting, and external oversight

Minnesota’s new laws mandate that communities moving forward with a BWC program receive public comments at three junctures in the process. First, enforcement agencies must provide an opportunity for public comment before purchasing or implementing a BWC system. Minimally, the agency must receive comments by mail and email, but may certainly hold public meetings and forums if desired. Second, the council or board with budget oversight for the agency needs to allow public comment at one of its regular

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

[2016 Minnesota Laws ch. 171, section 5](#), to be codified as Minn. Stat. § 13.825, subd. 10.

[2016 Minnesota Laws ch. 171, section 5](#), to be codified as Minn. Stat. § 13.825, subd. 10.

[2016 Minnesota Laws ch. 171, section 6](#), to be codified as Minn. Stat. § 626.8473, subd. 3.

[PERF Policy](#).

meetings. Third, agencies must allow for public comment and input when developing their BWC policies.

Next, the legislation appears to be forward looking in that it anticipates further evolution of BWC technologies. It requires agencies that obtain BWC equipment with capabilities that go beyond recording video and audio to notify the BCA of these acquisitions within 10 days. In turn, these notifications will be accessible to the public and must be posted on the BCA's website.

Finally, the new legislation imposes independent audit requirements on agencies that operate BWC programs. Agencies will be required to arrange for an independent biennial audit to determine whether they are classifying data as required by law, how the data is being used, and whether the data is being purged and destroyed as required by statute. The audits must also examine whether personnel have obtained unauthorized access to BWC data or inappropriately shared data with other agencies. The audit results are public with few exceptions, and must be reviewed by the governing body. In turn, the law mandates the governing body to order the suspension of a BWC program if the audit shows a pattern of substantial noncompliance with legal requirements. Summaries of the audit results must be provided to the Legislative Commission on Data Practices and Personal Data Privacy within 60 days following completion of the audit.

III. Policy requirements

Minnesota's new legislation mandates that agencies have a written policy to govern their BWC programs. Professional organizations, including the International Association of Chiefs of Police (IACP) and the Police Executive Research Forum (PERF) have released model policies in the past to aid agencies in developing their own guidelines. While these may be useful references, Minnesota law now lists a number of areas that must be covered by the policy, including state-specific rules on the administration and retention of BWC data. The 2016 state law identifies the following as mandatory policy elements:

RELEVANT LINKS:

[Body-worn cameras, LMC Model Policy.](#)

[2016 Minnesota Laws ch. 171, section 6](#), to be codified as Minn. Stat. § 626.8473, subd. 3(b)(4).

[Body-worn cameras, LMC Model Policy.](#)

- Data classifications, access procedures, and retention policies.
- Procedures for testing the recording equipment, documenting malfunction reports, and addressing malfunctions.
- Circumstances under which recording is mandatory, prohibited, or is left to officer discretion.
- Circumstances under which officers must tell people they are being recorded.
- Guidelines for when a recording may be ended.
- Procedures for the secure storage of data and the creation of backup copies.
- Procedures to ensure compliance with the policy and to address violations.

Red typeface in the League’s model policy indicates that the language is included to satisfy a requirement for guidance on that particular topic. While this language is recommended, agencies may certainly have other options for addressing mandatory elements.

IV. Deciding what to record

The new legislation does not establish mandatory rules for when officers are required to record or are prohibited from recording. Agencies must instead cover these topics in their written policies, along with specifying when decisions to record are left to the discretion of officers in the field.

Developing guidelines on when to record involves tradeoffs, and as of now, there is no recognized consensus as to best practices. If the agency’s goal for having BWCs is to maximize accountability, then the most logical policy choice might be to have officers turn on their cameras whenever they respond to a call for service or interact with someone in the community. On the other hand, if the agency’s goal is just to gather better proof for use in criminal cases, then it might make sense to have officers treat body cameras like any other evidence-gathering tool, and exercise their professional judgment in deciding when to record.

Most all agree that officers should turn on their cameras when they anticipate making an arrest, using force, or finding themselves in conflict situations with members of the public. The model acknowledges these differing schools of thought and also the areas of common agreement. Option 1 under “General guidelines for recording” requires the activation of cameras during all responses to calls for service and law enforcement-related activities. Option 2 more narrowly defines the class of events subject to mandatory recording, and then relies on officer judgment to identify and record other circumstances likely to yield relevant evidence. Both options require recording in situations such as arrests, uses of force, and public contacts that involve conflict.

RELEVANT LINKS:

[2016 Minnesota Laws ch. 171, section 5](#), to be codified as Minn. Stat. § 13.825.

[Body-worn cameras, LMC Model Policy](#).

Practical and economic considerations, as well as philosophical ones, come to bear on deciding which option to choose and how much (i.e., when) to record. Once video data is recorded, it must be administered and retained in accordance with legal requirements. Agencies should expect that data storage costs and the time it takes to administer data will increase commensurately with the amount of data they choose to collect and store. Desires for accountability and transparency may weigh in favor of mandatory, broad, and encompassing recording requirements. But considerations of cost and practicality may point toward less mandatory recording and more reliance on officer judgment.

Deciding which approach is best involves weighing these competing factors in the context of the prevailing social, political, and economic considerations within each community. This is a determination particularly suited to elected officials acting on input from law enforcement professionals. Agencies should consult with their city councils or county boards to develop a community-specific approach.

V. Data administration issues

Part of the new legislation treats data collected through the use of BWCs differently than most other forms of data. While most government data is presumptively public, BWC data is presumptively private. A specific provision, applicable only to BWC data, delineates who is a subject of the data. The new laws also establish unique access rights to BWC data. The model policy contains a multi-page section under the heading of “Administering access to BWC data” to address these issues. There are ambiguities in the new law, and agencies are encouraged to consult with their city attorneys or legal advisors for guidance.

A. Labeling data for retention purposes

Administering BWC data under both the Minnesota Government Data Practices Act and the Records Retention Schedule is complicated. In very general terms, the Records Retention Schedule indicates how long entities need to keep data, and the Data Practices Act describes who is to have access. But BWC data is unlike other kinds of law enforcement data because retention is governed both by the Data Practices Act and the city’s or county’s records retention schedule.

RELEVANT LINKS:

[2016 Minnesota Laws ch. 171, section 5](#), to be codified as Minn. Stat. § 13.825, subd. 3(a).

[2016 Minnesota Laws ch. 171, section 5](#), to be codified as Minn. Stat. § 13.825, subd. 3(b).

[General Records Retention Schedule for Minnesota Cities.](#)

[General Records Retention Schedule for Minnesota Counties.](#)

Under the 2016 Data Practices amendments, all BWC data must be maintained for a period of 90 days and then be destroyed according to the agency’s retention schedule. Some specific kinds of BWC data must be maintained for one year and then be destroyed under the records retention schedule, such as data documenting duty-related firearms discharges, certain uses of force, and cases in which a formal complaint is made against an officer. But the expiration of these minimum retention periods under Data Practices does not necessarily mean that the data can or must be destroyed.

Rather, the General Records Retention Schedule for Minnesota Cities (and the concordant General Records Retention Schedule for Counties) basically “kicks in” once the statutory retention periods have passed. The model policy includes a series of suggested labels for BWC data files, and envisions that officers will assign those labels to data files at the time of capture or transfer into storage. The labels have been developed to help agencies match up data files with the correct retention periods. For instance, if an officer has a recording from a DUI or disorderly conduct arrest, the model provides for labeling that file as “Evidence—Criminal.” This label correlates to the category of “Arrest & Charge,” found in the General Records Retention Schedule for Minnesota Cities. The retention schedule directs that this data should be maintained until the disposition of the criminal case, which may take longer than the statutory 90-day retention period. By labeling this data at the time it is captured or moved to storage, the agency is informing itself from the outset that this data has evidentiary value in a criminal case, and should be retained accordingly.

Agencies that choose not to deal with labeling data files at the time of capture or storage are likely deferring, rather than avoiding, the work involved in determining the correct retention period. Various BWC systems may offer different options for labeling data files, and agencies may find it useful to keep their own systems in mind when developing their policy.

B. Data access issues and flagging

The model policy also provides for a system of flagging BWC files to indicate the likely presence of information about individuals whose identities may be legally protected from disclosure to others. Examples of such individuals include undercover officers, victims of criminal sexual conduct, and vulnerable adults who are victims of maltreatment. Whether or not agencies use the flagging process, the categories of protected identities listed in the policy may serve as a useful checklist when responding to requests for access to BWC data. The policy includes the more commonly occurring protected identities, but is not intended to be all-inclusive.

RELEVANT LINKS:

[Body-worn cameras, LMC Model Policy.](#)

C. Officer access to video and critical incidents

PERF notes that officers will be able to report and testify more accurately when they are provided access to “all possible evidence of the event.” It is extremely unlikely that an officer could ever perceive or recall the same amount of information captured by a digital, high-definition recording device, particularly when under stress. The model recommends allowing officers to review BWC video footage before writing reports, giving statements, or providing testimony concerning typical law enforcement events. As PERF counsels, withholding video evidence from an officer until after he or she testifies can “unfairly undermine the officer’s credibility.”

Some agencies and prosecutors have expressed reservations, however, about allowing officers to view BWC and other video footage prior to giving statements about an officer-involved shooting or other critical incident. Because the BWC captures more information than the officer could have possibly perceived at the time, the concern is that viewing the video may taint the officer’s recollection by introducing new information to him or her before a statement is obtained. The model provides two options for addressing this situation, and leaves it to agencies to include restrictions on viewing videos in their policies addressing critical incidents.

Whether or not an agency allows officers to review video footage before being interviewed about a critical incident, PERF’s concern about unreasonably undermining officers’ credibility warrants consideration. BWC footage is likely to bring forward a greater amount of information and more accurate details than a human observer or participant. It follows that comparing an officer’s recollection to the video is not a fair measure of credibility or truthfulness.

D. Supervisory review

Under the new legislation, agency policies must include procedures for making sure that personnel are complying with the policy. One of the obvious measures for ensuring that officers are following the policy is to involve supervisors in monitoring BWC use. Under the heading, “Agency Use of Data,” the model requires that supervisors review BWC “usage” on a monthly basis for the purpose of determining whether officers have used their cameras in accordance with the department’s guidelines. Reviewing “usage” could be limited to a cursory comparison of when officers are making recordings, and how they are labeling them, as compared to other records of the officer’s activities. An alternative position is to have supervisors review actual footage to gain an additional perspective on officer performance in the field.

RELEVANT LINKS:

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The IACP's model policy takes the position that supervisors should review random BWC recordings at least monthly to observe officer performance in the field. PERF, however, notes there is ongoing debate over this issue. While random supervisory review may promote accountability, officers may see this practice as an expression of mistrust and become resentful. This is an issue for agencies to consider in light of their own particular circumstances.

VI. Further assistance

The issue of body-worn cameras is a policy area with developing concerns. To discuss latest developments or for assistance with your questions, please contact the League of Minnesota Cities or the Minnesota Counties Intergovernmental Trust.