

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

**MINUTES**

October 12, 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    
FREIHAMMER   X  

- C. PRESENTATIONS:
1. Aldo Sicoli -Superintendent of Roseville Area Schools

Roseville Area Schools is having their long-range facilities planning. It's been over 20 years since a district-wide comprehensive upgrade for facilities, and most of the facilities were built in the 50s and 60s. They have hired architects to come up with a planning process. There are three criteria committees that determine the needs of the facilities: physical, educational, and community/out of school activities. They will complete their work in November and then there will be a community meeting on November 29<sup>th</sup> for public input. Then there will be an options committee. They will come up with just a few options that would meet the needs. There will be another community meeting, and eventually a recommendation will go to the school board in the spring.

They have an initiative called Partners for the Future. This is an opportunity to volunteer to work with students in three ways: read to elementary students, mentor students in the after school program, and work with businesses to provide opportunities like job shadowing. They have been working with R.T. Rybak which will be the keynote speaker on November 15<sup>th</sup> at the TIES building. The Roseville Rotary group has also been contacted for their involvement.

2. Common Bond Communities -Affordable Housing Proposal

Amanda Novak, Associate Vice President of Development with Common Bond Communities, and Diana Dyste, Project Manager with Common Bond Communities, presented on the Affordable Housing Proposal. Common Bond was first introduced to Falcon Heights in the Spring of 2013 while partnering with the Pohlad Family Foundation when they constructed the Good Acre. A portion of the site was set aside for Affordable Housing. Unfortunately, it was not awarded funding at that time from the Minnesota Housing Finance Agency. They feel at this time that there is a possibility of a project being financed on that site. There are a number of aspects that would be hinged on that success: population served and funding received from the city or greater metropolitan area. The next application round is June 2017. To assess

the financial feasibility, there is a need to obtain outside funding. They can request funding through the Metropolitan Council because Falcon Heights falls within the boundaries of a bus rapid transit system. They are looking for the city's support as they city would be the actual applicant when submitting for funding to the Metropolitan Council. The City would act as the administrator for those funds. This application is due by October 31<sup>st</sup>.

City Administrator states the administrative obligations will depend on the amount granted. This is merely an introduction, and if the Council wants to move forward staff will do more research on this by the last Council meeting in October.

The most that can be awarded is \$100,000 for the pre-development application.

Council Member Gustafson stated there is a 20% match needed of the city that is mentioned in the application. Would the city need to contribute?

They believe they could partner with Ramsey County to work out some agreement for a 20% matching amount.

City Administrator stated any amount that is funded above \$500,000 would require a separate audit.

The major way the state has shifted their funding requirements is that they are prioritizing bus rapid transit. They believe that Ramsey County has more of a possibility of participating than in the past. They also have the time to identify the additional funds. The state is prioritizing locations that have access to high-performing schools. They would have a letter of intent to purchase the property from the Pohlad Foundation upon the award of the state's funding. The Good Acre is a nonprofit but they do pay taxes. As a residential property, they would still be paying real estate taxes. It would be at a rate of .75% rather than 1.2%.

### 3. Comprehensive Surface Water Management Plan

Ryan Johnson, City of Roseville Environmental Specialist, stated that the steps you take now do impact water bodies down the drainage ways. This plan is put in place so we meet MS4 requirements and protect water throughout the state. The reason for the update is that after 2 years of a watershed district updating their plan, the cities have up to two years to complete their update. The new rule is to have the plan update coincide with the city comprehensive plan timeline. The last update was in 2008. It was a useful plan, but there have been updates with technology to take into consideration with the new plan. A new piece to be mindful of is chloride: how it's treated and how it's managed. Roseville updated their 2013 plan with a consultant, Short Eliot Hendrickson (SEH). If the Council approves of it, they would have their consultant, SEH, incorporate the Falcon Heights components into the Roseville plan.

As they are doing their plan, SEH will attend the meetings, pull all the documents, administer public surveys to gain public input, and make the Falcon Heights plan updates as well. The cost to the city would be \$14,000. SEH wants to understand the current plan and get a lot of public involvement. They will work on policies and approvals from the watershed districts. They'll look at updating goals: what do we want to see in the next ten years. SEH will provide progress reports throughout the process. The goal is to have everything adopted by May 2017.

Motion for approval for cost share in utilizing SEH

- D. APPROVAL OF MINUTES:
1. September 21, 2016 Special City Council Meeting Minutes Approved
  2. September 28, 2016 City Council Meeting Minutes Approved
- E. PUBLIC HEARINGS:
- F. CONSENT AGENDA:
1. General Disbursements through: 10/05/16 \$140,962.01  
Payroll through: 9/30/16 \$18,407.72
  2. Approval of City License(s)
  3. City Administrator (Sack Thongvanh) 18 Month Step Adjustment
  4. Vacate Easement for 1728 Lindig Street
  5. Vacate Easement for 1725 Fairview Avenue

Council Member Gustafson Moved, Approved 5-0

- G: POLICY ITEMS:
1. Accepting Feasibility Report and Calling for Public Hearing for 2017 PMP  
Jesse Freihammer, City Engineer, presented a summary of the Feasibility Report. The streets that are targeted are in the Grove. They will be reclaiming the streets and replacing damaged and broken curbs. They will be updating curb ramps so they are ADA compliant. They will also replace the trail between Hoyt and Folwell. The total cost is \$750,000. The pathway on Roselawn from Cleveland to Fairview will be reclaimed. The total cost for that is \$81,000. They will also look at drainage improvements, and the total cost would be \$57,500. St. Paul Water will be replacing the water main and upgrading from 6" pipe to 8" pipe. The estimated total cost of the project is \$1,234,040. The city will utilize funds from state infrastructure, municipal state aid, storm sewer, and assessments. There will be a public hearing for assessments in December, 2016 and a final assessment hearing in October, 2017.

Council Member Harris Moved, Approved 5-0

H. INFORMATION/ ANNOUNCEMENTS:

Council Member Fischer:

No updates

Council Member Harris:

No updates

Council Member Brown Thunder:

NYFS had their fundraiser, "Taste of Minnesota", on October 6. It was a good night of networking and great food.

Council Member Gustafson:

No updates

City Administrator Thongvanh:

- Tomorrow night is the Falcon Heights Fall Fete at Community Park from 5-7pm.

- Today is the deadline for the Task Force and Work Group applications. The city has received over 30 applications. I am currently working on contacting facilitators.

Mayor Lindstrom:

No updates

I. COMMUNITY FORUM:

Rashad:

He believes there is a lack of action in terminating the SAPD contract.

Council Member Harris:

She believes there is action being taken and a task force is being formed.

Mayor Lindstrom:

He would be upset if he felt the community he lived in wasn't taking action. He believes the Council is taking strong, thoughtful, and deliberative action.

Speaker 1:

There is corrective action and preventative action. When there's an issue, you start with the corrective action then you move on to the preventative action to make sure it doesn't happen again. We have not seen the Council take corrective action when the men who committed a crime are still policing the streets.

Mayor Lindstrom:

They are not our employees, so we cannot choose to fire individuals.

Council Member Fischer:

There are two components. The BCA turned over their investigation to Ramsey County and that's their part. We are also in year two of a five-year contract. We have the option to terminate the contract for 2018 by July of next year.

Speaker 1:

The Council Members can motion to end the contract. Multiple residents have requested the Council end the contract. Do you feel you have done your due diligence as a Council? There has not been a motion. The Council should represent the citizens. The reason he is here is because someone that looks like him lost his life. He wants to fight for justice, and people feel defeated. Do you think a task force will change this defeated feeling for many?

Mayor Lindstrom:

There were 30 people that applied to be on the task force. The number one task is to build trust because it's been frayed.

Speaker 2:

Minneapolis Police Department has the same thing, the Restorative Justice Act. She doesn't feel as though this works because she was arrested for obstructing justice when this wasn't what she did. The police officer tried to build trust in that moment before their mediation. A few weeks later that same police officer asked for her license and registration for jay walking in Minneapolis. Nothing came from having a conversation with the Deputy Chief. What happens when an officer lies on a police report? What happens when an officer pulls a gun? Speaking from opinion, the Council will never know what it's like to be a black man or woman who is

stopped by a police officer. Who are the police serving? If she got into an accident or altercation, she would be afraid to call the police because her life could be at stake. What is this task force really going to do differently? Who is going to be a part of this task force? When frustrations build for too long, people get mad.

Speaker 3:

He is honored and thankful that there is dialogue tonight. He has called the police numerous times and nothing has happened. His family has not received equal protection under the law. He served under the governor's task force and committees in St. Paul. They have assisted in taking preventative action, but it hasn't really prevented anything. He doesn't have any faith or confidence in any more task forces. These do not instill trust. You build trust when there is justice through corrective action. Why didn't the officers administer first aid? Have you inquired about that? Have you inquired about whether or not they have first aid kits?

Council Member Gustafson:

The first aid kits are carried in the police squad cars. The officers are trained in first aid, first responder. Officers from the Roseville Police Department provided first aid upon arrival.

Speaker 3:

As a retired Firefighter and EMT, you can't allow someone to bleed for that long. You don't need a task force to deal with that. That should be more than enough to end the contract.

Council Member Fischer:

He apologizes for the way that this country has treated Black people for many years. If we fire the police today, we are sitting on a million-dollar liability because we do not have a backup police department. We also do not have all the pieces of information since we haven't viewed what the BCA has. He doesn't believe firing the police today is the right thing to do. That may be different with more information. He can't make a motion to end the contract with St. Anthony Police Department because he doesn't support it.

Speaker 3:

What are you going to do about the lack of first aid? What corrective action will be taken?

Council Member Gustafson:

Corrective action will be taken once the Council knows what needs to be corrected. We don't have the facts right now on what happened.

Speaker 3:

He is not asking the Council to make a judgement right now. He wants to know what the Council will do about what they do know. That is not what is in dispute.

Mayor Lindstrom:

It is a valid concern that you are bringing up. If procedures for providing first aid were not followed, there should be ramifications for that.

Council Member Gustafson:

What we do need to know are the timelines and when first aid happened.

Mayor Lindstrom:

He would hope that the supervisors would review all the policies in place on first aid. If these were not followed, there should be consequences.

Speaker 3:

He is proud of the young folks and how they have restrained themselves despite their anger and frustrations. He hopes the next time they come to the Council, that they will have some answers about providing first aid.

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

It's disheartening to come here every Wednesday and to see the same type of conduct. A task force is a cop out for you. The Council wants other people to make the decisions. Don't pass the buck to the BCA and John Choi. St. Anthony is corrupt: denying a Muslim their mosque and denying a black church within the city. A task force will give a decision in June of 2017. John Choi is waiting until the case gets cold. There's a thing called the police officers bill of right. It means you can shoot someone, particularly a Black person, and get away with it as long as they say they felt threatened. Give St. Paul, Falcon Heights, and America a victory. He doesn't care what the task force says. The residents stood up strong in this town, but they have a weak Council and a weak Mayor.

Paula Mielke- 1868 Arona St:

For several weeks now, the St. Anthony Police Department has made data available for traffic stops, broken taillights, data by race, and data by residents and race. Has this data been made available to the Council? Why not?

Mayor Lindstrom:

He has seen racial data on arrests and citations. He has not seen racial data on stops. On October 1<sup>st</sup> SAPD announced that they would be doing new data collection: additional racial data.

Paula Mielke- 1868 Arona St:

There is data from January 2011 and even some up until June 2016. Why haven't you asked for it, and why hasn't it been shared with the Council? We have asked that police reports be included in a City Council packet each month and those reports be widely accessible to residents.

Mayor Lindstrom:

He did ask and this was the response, "What demographic data does SAPD collect on stops, searches, and seizures?" The response was, "No demographic data is collected on stops unless they result in enforcement action including citation and/or arrest. Subsequent searches and/or seizures would be articulated in an officer's incident/arrest report. We do not employ a check the box report form. We do not currently have a standing policy to document all stops resulting in a verbal warning. Documentation of verbal warnings are at the discretion of the officer. In most cases, demographic data that is collected includes full name, date of birth, address, race (according to NCIC codes), sex, hair color, eye color, height, and weight. Most of this data is public, some like date of birth is private data."

Another question was, "what demographic data does SAPD collect on frisks, summons, and arrests?" The answer was, "please see the answer from before. A frisk would be noted similarly to searches and seizures. Summons would be issued to an offender to appear in court." The third question asked was, "Does SAPD collect data on traffic warnings?" Additionally, the

answer was, “please see the answer from before. We do not currently have a standing policy to document all stops resulting in verbal warnings. Documenting verbal warnings are at the discretion of the officer. Race (according to NCIC codes), sex, hair color, eye color, height, and weight may or may not be collected. In some cases, only the nature of the stop and a brief narrative are completed to document the activity as these actions are not reported to the federal, state, or county for any purpose.”

Paula Mielke- 1868 Arona St:

That sounds like it’s their policy, but couldn’t you make it your policy? We would like that data and have it on the Council Agenda once a month.

City Administrator Thongvanh:

Currently SAPD does not collect data on every single stop. SAPD has will make that change in their policy. They will be including racial data on every one of their stops. There are logistics that they need to work out in terms of IT and their program, but they are looking to implement that as soon as possible.

Paula Mielke- 1868 Arona St:

Have there been any changes in the training with SAPD? St. Anthony Police applied to be part of the Collaborative Reform Initiative with the Department of Justice, and she heard that through the media, not the city. It was also brought up in August that we would like to see Police Chief Mangseth at a Council meeting.

Mayor Lindstrom:

The Council can ask if they have altered any training.

City Administrator Thongvanh:

They have implemented an anti-bias training that every city employee (whether Council, fire, police, or administrative) will be attending. Falcon Heights staff and City Council Members will also attend the anti-bias training provided by the City of St. Anthony.

Mr. Kaleit:

He has attended several meetings but only to observe. When racism and bigotry continue to stick out, someone has to address it. No one is asking you to make a judgement, just an observation. He noticed that Mr. Fischer made a statement that he wouldn’t make a motion. He feels that Mr. Brown Thunder has an obligation to say something for his people. When you see the injustice being done, you have to say something. He believes that Mr. Brown Thunder has experienced racism, and he has not been engaging with the audience. Someone who is law enforcement should be able to answer questions in terms of someone being shot and how they should act when they’re on the scene. The Council should not push this onto someone else. The Council has an opportunity to make a difference.

Cindy Laszewski- 1713 St. Mary’s St:

She would rather we didn’t need a task force. They take time and there are a lot of judgements to sort through. She doesn’t feel the Council has stepped up enough. She doesn’t see the Council seeking the information. It seems like the task force is the only hope, and she doesn’t feel like there is the drive or the energy from the Council. These are the kinds of things that the Council has been elected to deal with. You don’t want to keep pushing it off that things get out of hand. The people involved have been respectful, but you can only push people so far.

Chuck Laszewski- 1713 St. Mary's St:

The Falcon Heights "We Can Do Better" group wrote a letter in July signed by a dozen residents asking that the Police Chief be present to answer questions. There are still a lot of questions that haven't been asked or answered. The response he got was that it was too complicated, which made him very upset. Tonight alone there were other contracted employees that presented and the Council was able to ask questions. The Council isn't even able to answer some basic questions. He saw the video and the officer did not administer first aid. Let's ask the Police Chief. Writing him questions doesn't do any good because you cannot have a discussion. Let's ask the questions so we can make some decisions.

Tom Baldwin- 1716 Albert St:

He's waiting for the Council to take action. If the task force is the only action you have taken, you have condoned seven more months of people of color being afraid to drive in our city and seven more months of selective abuse on our streets. You've had evidence for three months and you have sat mute. That leads us to assume that you don't believe the stories shared, you don't care, or that you condone it. In the 1970s when he moved in there was talk of Job Corp filling the vacant Bethel University building. There were flyers distributed in the neighborhood saying that a Job Corp would result in "colored people fornicating in your front yard". The Council sat mute while these flyers were being distributed. During that time, residents of Falcon Heights called the police to report the nefarious activities of people of color (i.e. walking down the sidewalk). He finds this incredibly disappointing that the Council has sat mute through these stories. What does it take to issue a statement to citizens of "we regret the experience you have had in our city and we promise to do better"?

Let them know you've heard them. Also, get the St. Anthony Police Chief to dialogue with people at a Council meeting. Have him explain what public good it does to make sure there isn't a broken taillight. SAPD's style of policing is quickly losing favor. What is the purpose of that style of policing? Thirdly, he has mixed emotions about training. How are SAPD officers evaluated? Are positive public engagements given as much weight in an officer's evaluation? What's the platform for promotion?

Mayor Lindstrom:

They can ask the question about evaluation. The experiences he has heard have bothered him deeply. The broken windows system of policing is very much on trial. Where can we learn from others who are doing it better? If the task force has recommendations at the very first meeting, that will be addressed. The Council is not waiting to implement everything in May.

Speaker 1:

He doesn't care about the Council's feelings. This is what they're elected to do. Would the Council like him to give a presentation on the data? You could make a motion

Mayor Lindstrom:

You're welcome to come up to the podium at any Council meeting during community forum.

Tom Baldwin- 1716 Albert St:

They cannot make a motion on anything that is not on the printed agenda. It has to be posted for 72 hours. Is there anything going on with the Police Department on the testament that has already been heard about mistreatments?



City Administrator Thongvanh:

Every week he has been updating the Council on what has been happening in the city. Administrator Thongvanh received a phone call from someone who said that they were pulled over for a broken taillight and given a warning. They claimed it was harassment. Administrator stated that driving is a privilege, and making sure that your vehicle is compliance with State Statute. Even though a broken taillight may seem like a small infraction, but what would happen if that same person was driving down the highway and gets rear ended and causes an accident that may result in injuries? A warning should not be perceived as harassment, but as a reminder that something needs to be correct for the safety of the driver and others on the road.

He can't say he understands what a young African American man goes through and they can't say they've understood what he's experienced. Same thing with the Council Members. He is thankful that he lives in a country where there are opportunities to speak to elected officials in a community forum.

He is listening, and the Council is listening. The people present at the meeting has to understand that the Council also has to take into consideration all the emails and phone calls that they have received from residents that have opposite viewpoints. The Council has to consider all the information, including all the facts that they may not have. St. Anthony is looking into ways to do change or modify policing differently and corrective actions as well.

The Council isn't planning to wait until May 1<sup>st</sup> to implement recommendations that can be easily implemented.

Tom Baldwin- 1716 Albert St:

He agrees, but we cannot stop trying to be better. We need to make policing better. His other suggestion is that the Council gets a monthly review/report of police activity in the city and summary of the types of stops and action.

Speaker 1:

If you can talk about racism but not do anything about it, you're complicit in systematic racism. He wasn't addressing any of the Council or staff directly, he's addressing the system that's supposed to give us all these freedoms.

Mr. Kaleit:

People aren't asking the Council to rush to judgement, but he hopes that the Council doesn't just look at the end results of that stop. He hopes that the Council looks at everything that lead up to that shooting. Many of the stops that we have seen on the news were a result of racial bias policing. When are you going to make a decision? After John Choi releases his decision? After a trial, if there is one?

Mayor Lindstrom:

We are looking at the big picture in regards to racial bias.

Mr. Kaleit:

Are you looking into this specific shooting?

Mayor Lindstrom:

The task force will not be specifically looking into this shooting. The Council is looking at overall policing in the city.

Mr. Kaleit:

Who will make the decision on the contract?

Mayor Lindstrom:

What happens to the contract will be up to the Council. The Council will look at the recommendation that the Task Force makes, and they will pass those recommendations onto SAPD to have a conversation about whether or not those values match and if they will be implemented. The latest that the decision about the contract will be made is July of 2017.

Mr. Kaleit:

You're trying to transform SAPD to fit your model.

Council Member Gustafson:

Is it that you're not hearing that we're taking action leading directly to the outcome that you'd like to see happen rather than to see the Council take action to determine what the decision should be? This is what the Council is attempting to do by forming this Task Force. We cannot simply disregard the contract. We need to have officers working in the city. We cannot just give up the police contract and hope that one of the departments nearby will come to help when we need it. In order to contract with a new police department, the Council would need to make a request for proposal and determine what we want that proposal to include. In order to make a complete proposal, the Council needs to determine what those values are that we're looking for. In order to do that we've set in place the process to make that happen. This process doesn't happen overnight or even in two weeks. The Council is working toward having officers that do not have racial bias, and if they have implicit bias to work through that and learn from one another. He apologizes that this process can't happen quickly, and he apologizes for what has happened throughout the years. We are working to be better. Once facts come before the Council they will deem what actions are appropriate.

Mr. Kaleit:

Will the Council be making the decisions after Mr. Choi makes his decision?

Council Member Fischer:

In order for him to make a decision on the contract he needs to know a minimum of three things: the distance of the gap from where we are to where we want to be, if SAPD is willing to bridge that gap, and he needs to know if there is a better law enforcement service available to the city.

Mr. Kaleit:

You're not going to hold St. Anthony accountable?

Council Member Gustafson:

The Council is going to follow the process that they can and will do so.

Speaker 2:

She apologizes for raising her voice, and she wants to be able to convey her point. She can understand not knowing the facts of the whole situation. A fact that she does know, when it comes to white individuals the law has no problem apprehending them without killing them.

The fact is that this man was killed because of a traffic stop. He didn't kill anybody. When Council Member Gustafson brings up needing facts, the fact of the matter is that Philando is dead and he could have still been alive. She understands that the Council can't fix history. They're not asking the Council to fix centuries. They're not comparing struggles, but they are walking the same line. Even though you're not black, you're not them either.

Rachel Nickles- Former Falcon Heights resident, current St. Paul resident:

What she's hearing is confusing. Can somebody choose to make a motion in the next meetings? Can Chief Mangseth attend an upcoming meeting? It's hard to hear that the Council needs nine elected people on a task force to tell them what the audience has been saying this whole time. Where's the difference? Paula's whole family has put together reports with the information that you seem to not have. Are you waiting for the BCA? Those facts don't represent what Falcon Heights wants from their officers.

J. ADJOURNMENT: 9:52 pm

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Peter Lindstrom, Mayor

Dated this 12<sup>th</sup> day of October, 2016

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Sack Thongvanh, City Administrator