

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

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

- A. CALL TO ORDER: 7:00 pm
- B. ROLL CALL: LINDSTROM X HARRIS X BROWN THUNDER ___
FISCHER X GUSTAFSON X
- STAFF PRESENT: THONGVANH X
- C. PRESENTATIONS:
1. Racial Equity and Inclusion Training-Community Engagement Commission
Melanie Leehy, Chair of the Community Engagement Commission, presented a recommendation from the Commission. The recommendation is for the City Council to establish regular racial equity and inclusion training for Council, staff, and Commissioners. The Commission also recommends that at least one Commissioner is included in the planning process, as well as that it be evaluated and have input from those impacted by disparities.
 2. Xcel Energy - LED Light Conversion
Edward P. Bieging Jr. of Xcel stated that they have started replacing street lights with LED bulbs in the south metro. They completed roll outs in St. Cloud, and have completely replaced all lights in Wisconsin and North Dakota. They are doing an analysis right now with a pilot project using 3,000 Kelvins instead of 4,000. They are also looking into the standards for decorative street lights. They will be replacing all the clover-head style fixtures. They will not be changing out the poles with the lights. There is no cost associated with this for the city, and in return the city should see a 4-7% decrease in their street light bill. LED street lighting is directional and will not illuminate above the street light. They will not be installing dimmers at this time.
- Phil Shively-1572 Northrop St:
If the study is done with the 3,000 Kelvins before Falcon Heights' lights are switched out, maybe the city can be considered for that type of bulb. It was also be great to consider bulbs with a low melanopic content.
- D. APPROVAL OF MINUTES:
1. October 26, 2016 City Council Meeting Minutes Approved
- E. PUBLIC HEARINGS:
- F. 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 Archad 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-
The facilitators will be Ken Morris, who has been assisting the city with its diversity training, and Kathy Quick, a professor at the UMN Humphrey School with expertise in this area. There will be additional assistance from outside organizations such as, Mariah Levison from the Minnesota State Office for Collaboration and Dispute Resolution, and Sharon Press, professor and director of Dispute Resolution Institute at Mitchell Hamline Law School.
8. Appointment of Tri-City Workgroup Members

The first meeting of the Task Force will be December 13th at 7pm, with the location TBD. The Tri-City will have their first meeting in January, with the date TBD.

Akil Foluke:

He speaks of his experience because he is Black. How is the Council going to contribute to taking steps to move forward? The Task Force could have been made diverse and had people from outside of Falcon Heights on it. Are you going to end the contract with St. Anthony and find a police department that better suits the values of the city?

Mayor Lindstrom:

One thing that has been requested is that the Chief of Police be present for a Council Meeting. He will be attending the next Council Meeting on Wednesday, December 14th at 7pm.

Jane McNentch- 1508 Iowa Ave:

What was the process used in selecting the representatives to serve on the Falcon Heights Task Force? Are there criteria that can be made available? It's her understanding that not all applicants were interviewed.

City Administrator Thongvanh:

The Council Members reviewed the applicants and selected their top 11 candidates. Those with multiple selections from Council were appointed. The Council and City Administrator chose eight people to come in for interviews to fill the remaining spots.

Jane McNentch- 1508 Iowa Ave:

She would like to know what the Council's priorities were in the selection.

Mayor Lindstrom:

Each Council Member used their own best judgment in ranking the applicants. His own personal priorities were: diversity in all ways such as race, gender, and thought.

Jane McNentch- 1508 Iowa Ave:

Each Council Member created their own criteria? In a workplace there would be common criteria.

City Administrator Thongvanh:

The criteria were more subjective when considering the makeup of the group.

Council Member Fischer:

Applicants were asked 5 questions on the application. During the interview, applicants were asked the same five questions. The interviews were completed during a Council Workshop and were open to the public. Aside from diversity that's been mentioned, he was also looking for a person who has had a wide variety of experiences.

Council Member Gustafson:

He was seeking to find diversity of thought, age, gender, race, and creed. It wasn't an asked question, but he was looking at different ways of approaching problems. In previous minutes, Council Members had laid out what their priorities were in the selection process when reviewing applicants.

Melissa Harrel Sullew- 1588 Vincent St:

She heard mostly about process when initially talking about the selection, but it would have been helpful to hear more about the values in the decision making. She is curious to know what the sides of the issues are. What does the diversity of opinion refer to?

Council Member Harris:

She was looking for a group that would intellectually study the issues in front of them and make sure the right issues were surfaced. They would look for a way to study those rather than just reacting to them emotionally. With the different perspectives of the Council, she trusts that they have appointed a diverse group in those respects.

Blake Bunhoff- Hamline University:

Were the interviews recorded?

Council Member Fischer:

There are two Council Meetings that are recorded a month, and a Council Workshop that is not recorded but open to the public. Council Workshops are typically a platform to discuss issues prior to voting on them. The interviews were conducted during a workshop.

Melanie Leehy- 1865 Fairview Ave:

She supports the Task Force, and she is looking forward to the hard work that is going to be done by the Task Force. It's also not just limited to what the Task Force has to say.

Roberto Defraidus- 828 Seal St:

He was listening to some of the criteria, and all of the Council is influencing the selection process with their own values. Is there any thought of getting set criteria? Also, what is the ethnic makeup of the task force?

Mayor Lindstrom:

There are two people who identify as African American, and four people of color that submitted their application.

Council Member Fischer:

He was not only looking for diversity of race, but diversity of experiences and life stories.

Roberto Defraidus- 828 Seal St:

Pam had mentioned that the application was complex. Was that intentional?

Council Member Harris:

The questions posed were to get the best information that they could on relevant topics. Of the people that submitted the applications, the answers were very complete and it seems that they were interested in answering those questions.

Roberto Defraidus- 828 Seal St:

Were there questions related to their experience with police conduct?

Council Member Fischer:

One of the questions asked was, "what was your first and last experience with a police officer?"

Mayor Lindstrom:

There are also members of the Task Force that have immediate family that identify as African American.

Council Member Gustafson Moved, Approved 4-0

G: POLICY ITEMS:

H. INFORMATION/ANNOUNCEMENTS:

Council Member Fischer:

He attended an Anti-Bias training put on by AMAZE at St. Anthony with Pam and 16 St. Anthony employees. He thought it was a fantastic experience, but would have liked more time after a few hours.

Council Member Harris:

She attended the training and noticed that there was a wide variety of staff/volunteers, including City Commissioners and Police Officers.

Mayor Lindstrom:

He attended a few weeks earlier as well.

Council Member Gustafson:

He also attended the Anti-Bias training. In October, one of the Falcon Heights youth, along with three other people, were recognized for excellence in a Life-Saving Award that they participated in during the Summer. A Black man was being severely beat, and the four youth pulled the

attackers off and performed CPR. The man's spent lengthy time in the hospital, but his life was saved.

City Administrator Thongvanh:

Fall Fete went well, despite the cold. Also, the November 23 and December 28 Council Meetings will be cancelled. December 14 will be the truth and taxation hearing for the levy, as well as approving the budget and capital funds. Mayor Lindstrom did also mention that Police Chief, Jon Mangseth, will be presenting at the December 14 meeting. If others have questions for him, please send those to him prior to the week prior to the meeting.

I. COMMUNITY FORUM:

Tyrone Tarrell- President of the African Leadership Council and St. Paul Resident:

St. Anthony did the same thing to a Black woman the other night. They pulled a gun out on her for no reason, but she didn't get shot this time. They are never going to change.

Robyn McGee- St. Paul Resident:

A lady was racially profiled, it seems, at a park. On Monday off Larpenteur, a police car followed behind her, and after pulling her over the officer had their gun drawn. Their claim was that there was a warrant out for her arrest. The person they were looking for with the warrant was not her. What has been happening that a police officer would treat someone this way? She would like to hear more about what actions are being taken.

City Administrator Thongvanh:

He would like to follow up and review this case, so he is requesting she contact him with more info so he can do so.

Robyn McGee- St. Paul Resident:

Do you think that there are any procedures that have been put into place to prevent this sort of conduct? What reforms have been developed? What has been done since Philando?

Council Member Fischer:

He had an experience many years ago in a different city being stopped by multiple police officer, with another passenger in the car, with guns drawn as they approached the vehicle. He felt it was very inappropriate. He believes it's a really complex issue, but there should be more tactics on de-escalation. Currently there is more data being collected that hasn't been available in the past.

John Thompson

He came to bring love, hope, rise, and work. He would love for a solution to happen overnight, but he knows that's not going to happen. He hopes that it'll happen soon. His hope would have been that we would've ended the contract with St. Anthony already. He realizes that when we work together, we will rise. This is an issue bigger than Falcon Heights, and he has been to many cities. The biggest shock was that St. Paul Council said they do not make the policy for St. Paul Police. The police make their own policy. Knowing this, we have to change policy.

Melissa Harrel Sullew- 1588 Vincent St:

She finds it alarming that we as a city do not have the authority to intervene and instruct the police. The Council should have some authority over the police department. Let's not have these life-threatening situations in our city. Did the Council learn something from the Anti-Bias training that they can convey?

Melanie Leehy- 1865 Fairview Ave:

There are various workshops that Council members have attended in regards to training. This is another reason as to why the recommendation went forward for regular racial equity and inclusion training. This will make sure that it is not limited to just two hours where it can only brush the surface.

Akil Foluke:

Diversity and inclusion should always be an uncomfortable conversation. If that's not the case, then you're not getting the truth. How do you know you have diversity within the group of appointed people to the Task Force? How do you know you have Black people that are representing other Black people? He doesn't want tension and anger to build up to a point we can't come back from.

Beth Mercer-Taylor- 2231 Folwell Ave:

There is a discussion coming up with the community group, We Can Do Better. It's on implicit bias and social justice and what our role is. It's a panel discussion, and it's happening on Thursday, November 17th at 7pm at United Church of Christ Falcon Heights.

Roberto Defraidus- 828 Seal St:

When does the contract come up for renewal?

City Administrator Thongvanh:

We're in the second year of a five-year contract. The Council can decide to opt out by July of 2017 for the year 2018.

Roberto Defraidus- 828 Seal St:

What would constitute as a reason to nullify the contract outside of those timeframes.

Council Member Fischer:

Failure to perform their obligations of the contract.

City Administrator Thongvanh:

After speaking with the City Attorney, based on the contract and the action of one individual, it does not constitute as a breach of contract with the St. Anthony Police Department.

Roberto Defraidus- 828 Seal St:

If this individual is convicted, does it then qualify as a breach?

City Administrator Thongvanh:

According to our City Attorney, that would not qualify as a breach of contract. There are criteria on services provided and not on the action of one police officer. It outlines the services that they

have to provide for the city. Examples are to make sure they enforce city code, state statutes, and provide 24 hour services for the city. There is no moral clause to the contract.

Roberto Defraidus- 828 Seal St:

Maybe adding a moral clause is something to consider when negotiating the contract.

Robyn McGee- St. Paul Resident:

Is the contract available to the public? Is the contract different than other cities it provides for?

City Administrator Thongvanh:

It is not yet available on the Falcon Heights website as he is still working on a FAQ page, but there has been an information request so it is available on the web in general. The contract is identical from St. Anthony for other cities. The way it was drafted was a collaboration from all three cities.

Robyn McGee- St. Paul Resident:

Can the city provide any reason to opt out of the contract in July 2017?

City Administrator Thongvanh:

If the city chooses to opt out of the contract now, it would be considered a breach on the city's part and they would be financially responsible. They can choose to opt out in July 2017 for any reason, but they would still have their police department through the end of the calendar year. The obligations listed in the contract are more quantitative than qualitative. In mid-summer, the estimated cost to the city for ending the contract would have been just short of one million dollars.

Robyn McGee- St. Paul Resident:

What is the estimated timeline for finishing the Task Force?

City Administrator Thongvanh:

The Task Force is looking at a recommendation to the Council by the beginning of May, and in between that timeframe there will be a report to the Council. In regards to what criteria the city can set to cause an effect on the contract, if St. Anthony doesn't go with the Council and Task Force recommendations, the city has the option to end the contract which has a big impact on them. It would be crucial for them to adhere to the recommendations.

J. ADJOURNMENT: 8:51 pm

Peter Lindstrom, Mayor

Dated this 9th day of November, 2016

Sack Thongvanh, City Administrator