

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpentour Avenue
MINUTES
July 13, 2022 at 7:00 P.M.

A. CALL TO ORDER: 7:02 p.m.

B. ROLL CALL: ANDREWS ___ GUSTAFSON _X_ LEEHY _X_

MEYER _X_ WEHYEE _X_

STAFF PRESENT: LINEHAN _X_

C. APPROVAL OF AGENDA

Council Member Wehyee requested to amend the agenda and change Consent Item G4 and G5 to Policy Item H3 and H4 for further discussion.

Motion by Mayor Gustafson of approval of agenda; approved 4-0

D. PRESENTATION

E. APPROVAL OF MINUTES:

1. June 22, 2022 City Council Regular Meeting Minutes
2. July 6, 2022 City Council Workshop Meeting Minutes

Motion by Mayor Gustafson of approval of June 22, 2022 City Council Regular Meeting Minutes; approved 4-0

Motion by Council Member Leehy to table July 6, 2022 City Council Workshop Meeting Minutes; approved 4-0

F. PUBLIC HEARINGS:

G. CONSENT AGENDA:

1. General Disbursements through: 7/6/22 \$170,850.85
Payroll through: 6/30/22 \$23,615.69
Wire Payments through: 6/30/22 \$15,965.84
2. Approval of City License(s)
3. Waiving Bid Requirements and Ratifying Contract with Q3 for 2021 PMP Turf Restoration

Motion by Council Member Leehy of approval of consent agenda; approved 4-0

H: POLICY ITEMS:

1. Data Practices Policies

Jack Linehan, the City Administrator, states that the City attorneys recommended that the City update the data practices policies. The City last approved a policy in 2005. Linehan says that moving forward, the City should do it annually. These two policies outline the steps that City uses when it comes to data records. There are two different types of data usually. There is data for the public, and then there is data on an individual subject. These two models' policies were drafted by the state of Minnesota and meet the test set forth by Minnesota state law. There is fairly little change to the policies. The City will publicize these policies through our data request forms.

Council Member Leehy comments on correcting the phone numbers so that they are the right ones for when people reach out to the City, which is on page 6 of data practices contacts. Leehy also states that it this a good idea to have these policies. Leehy asks Linehan if the City Council will be approving these policies on an annual basis. Linehan says yes, these policies will be brought to the City Council every January.

The Mayor thanked Linehan for getting the City in compliance with having a written policy and going through the procedures.

Motion by Council Member Wehyce of approval of data practices policies; approved 4-0

2. Vacant Property Ordinance

Linehan says the vacant property registration and ordinance started about five years ago. The idea has morphed over time. The Planning Commission has been looking at this and discussing it. Originally this ordinance started probably as a stricter policy which would have created more of a requirement and punishment if properties did not register. How it's laid out and how the Commission came to the final version of this. It was thought of for a long time, and a lot of effort was put into this ordinance from the Planning Commission, which is almost in service at this point. What the ordinance does if there are properties that the City recognizes through, let's say, low water usage, canceling trash services, or if a resident comes to the City and self-reports that they are going to have a vacant property such as maybe a parent passing away or some other reason. The City can put that property on a private registry. This allows the City to share these properties with St. Paul Water so they could watch it for any abnormal water usage and report it back to the contact for that property. This ordinance also helps give the City contact information letting the City know to who this property belongs. The Planning Commission had its Public Hearing on June 28th. They had a member in attendance who did speak at the public hearing and was a former member of the Commission. He stated his concerns that this ordinance did not have enough enforcement ability for the City. The ordinance did pass the Planning Commission unanimously. The City Council does not have to have a public hearing since this ordinance already has a public hearing, so there is not one tonight. Usually, with a new ordinance, there would be a public hearing, but since there has already

been one at the Planning Commission level, the City does not have to do another one. The ordinance has been published in the newspaper, and the summary resolution will also be published.

Council Member Leehy commends the Planning Commission for their years of work on this ordinance. Leehy appreciates that the Planning Commission did not hurry through the process.

Mayor Gustafson stated that one thought occurred to him was that there is no snowbird registration in this policy unless it is more significant than 180 days that the property will be vacant. The Mayor says this ordinance will not create any additional burden for those that do winter away; however, they could still list it with the City to keep an eye on it. Linehan responds by saying it would be voluntary and would not be required. Linehan then states that was part of the concerns, too, and a part of the many versions and discussions. The Planning Commission also received some feedback from snowbirds, which was part of why they wanted to have the public hearing in June just because they thought that would be a good time to capture the snowbirds.

Council Member Meyer asks how the fee schedule works because nothing is listed in the ordinance. Linehan states that is the next step essentially. That was one of the discussions internally. Do we set a fee schedule ahead of time and include it, or do we approve it at a future meeting? The idea is that the City Council will approve the fee schedule at a future meeting.

Council Member Wehyee states his understanding of the provision section 105-125 about the fee schedule was that there is a provision in there that allows the City Council to retroactively go back and implement a fee schedule if the City Council deems it necessary but not necessarily as a thing that needs to occur. For instance, once the City Council approves this ordinance, it goes into effect, and things are fine, and there's no need for an enforcement mechanism which would be the fee schedule component. The City Council won't necessarily need to establish that. Still, if the City Council finds it necessary because residents are not reporting their vacant properties, then the City Council will enact a fee schedule. Linehan states that is a good point, and that is his understanding. A fee schedule could be adopted, but the idea is that this is service unless City staff finds that this is taking up a lot of staff time or resources. The idea is that it would not have a fee for registering, but long term, if there were penalties or fines again, the discussion has not been there and not how this ordinance is set up, but it does create a provision that a fee schedule could be amended.

Council Member Leehy states that this becomes a balancing of everything in regards to vacant homes where people walk away and are not there, so just being able to balance that out for those that are snowbirds versus those that walk away and leave their house vacant and then that was the fee would increase versus without this in place people could leave their property abandon. It becomes very taxing time-wise and finically for the staff to be on top of things and the staff going and attending to the yard.

Mayor Gustafson states looking at the fee schedule, which is going to be a reasonable cost associated with doing so, and finding out what those are and then why it is not in this ordinance is also a part of the City's effort the last several years where the City has removed the fees that are inside of the ordinance themselves so that and then set

them up on a fee schedule so the City Council could talk about them rather than making amendments for every code items that have fees. So it is a streamlining of the process to ensure that the City Council acknowledges what fees the City is charging and that when it adjusts those fees, the Council is doing so fairly and equitably.

Council Member Meyer asks how many vacant properties the City sees every year. Linehan states he cannot answer that question fully and that he has not experienced it for himself yet. Linehan knows vacant properties have been an issue. One property was the spark behind this ordinance that caused a lot of concern, but it does come up now and then. Some properties are vacant, sometimes for long periods or sometimes just for a short period. It is a little interesting just with the current economy and the housing market. Linehan does not think it is going to be quite as popular as it was back in 2012 when there were a lot of foreclosures and empty properties that were sitting for a while, so currently, if they are vacant, it is usually for something such as a family trust and holding on to a home. Still, we do not know how many vacant properties there are because of this.

Council Member Wehyee states that one of the benefits of the current ordinance is that it establishes a system whereby a resident or businesses can report their vacant properties, whereas that mechanism did not exist before. Therefore, the City did not have an official way to track and monitor vacancies, which is part of why the administrator cannot give any specifics in terms of the scale of the challenge. The hope with this ordinance is that by enacting it and establishing a system whereby the City can actively track vacancies within the City limits so the City can have a better understanding of what residents' needs are and allow residents and businesses to report vacancies without getting into trouble for it. Wehyee also says thank you to the Planning Commission for working hard on this ordinance. Wehyee also states that he expressed concern about the forcibility of this ordinance and whether it will compel businesses and residents to report their vacant properties because there is not a stipulation initially that holds them accountable in a strong way which most ordinances typically do. Wehyee's concern is eased a bit by section 105-25, which grants the Council the powers to go back and establish a fee schedule if necessary. Wehyee believes that mechanism does provide a process by which the Council can establish more of an enforceable mechanism if needed. The purpose of this ordinance is to be more of a service and not necessarily be punitive, but if required, based on how the ordinance goes into effect and how residents and businesses comply or do not comply. The Council can give the ordinance more teeth if required. Wehyee believes this is a great start, and this ordinance is exactly what the City needs.

Council Member Leehy states that years ago, residents had the opportunity. Maybe they still do now that the City is with Ramsey County Sheriff's Office, that if someone is going to be gone on vacation, they have the opportunity to reach out to the City's contracted police service and say we are going to be gone from this day to that day, this is the vehicle that is in the driveway so then they could keep watch of it, and they would be checking in those homes. So this ordinance is similar to Leehy's understanding that people will voluntarily do so because they have had that opportunity in the past, even if they were gone for a brief time.

Mayor Gustafson states this ordinance allows the City to track vacant properties to avoid problems such as the vacant Northhome property. It took several years to resolve this and a year to find the owner who walked away. There is a form on both the City website and the Ramsey County Sheriff's website for when you are on

vacation/housing watch services that people can fill out that goes into roll call the deputies, so they know what's going on, so it's related but different things.

Motion by Council Member Meyer for approval of ordinance 22-01 ordinance amending chapter 105 of the Falcon Heights City Code concerning vacant properties and authorizing the City Administrator Mayor to execute the necessary documentation to make it happen; approved 4-0

Motion by Council Member Leehy for approval of the summary resolution for ordinance 22-01 Vacant Properties known as 22-32; approved 4-0

3. Release of RFQ for Police Contract Analysis and Consulting Services

Linehan explains the difference between an RFQ and an RFP. Initially, the City Council was talking about RFP, a proposal request. Usually, that is much more of a formalized process for products, so if you are getting a couple of different proposals, such as purchasing a truck, it is the same truck everyone is offering. You go with the lowest price, which is an RFP. RFQ, which is essentially asking them to send the City their qualifications which gives the City a little bit more flexibility to look at other things other than price, so if we get one submission for a certain dollar amount and one that is more, it does allow the City to look and say who is the more qualified firm to do this task and service. Those are the main difference between RFP and RFQ. There are different guidelines through state law and purchasing policies. So RFQ gives a little bit more flexibility in that regard, and again because it is a professional service that is not a standard price, it allows the City to do so.

Council Member Wehyee states that he wanted to take this policy item off of the consent agenda because it is an important piece of information that Wehyee wanted the Administrator to elaborate more to the public about what this policy is attempting to do and also allow Council Member Meyers to hear what the discussion was at least a summary what the discussion was from the July 6th Council Workshop so that the City Council are all of the same pages.

Linehan gives an overview of the July 6th Council Workshop. Essentially, this discussion came out of the City Council retreat on June 11th. The City Council discussed the police contract and how the City should move forward with the next step. The City Council came up with the idea of doing a consultant to help the City through this process, having some professional expertise to look at the City's current service levels, receiving, and needs. What this will do is create a profile for the City, so a report that if the City goes out for a bid, this will allow the City has a good profile such as what are the City's needs, calls, peak periods, how often does there need to be two or more officers responding, strategically what are the nearest stations that could respond quickly are things on the report. The consultant will also do some community analysis by having meetings and focus groups with residents, asking them important questions about what they want to see, what's important to them, do they want to see police officers walking down the block, do they want to see them involved at block parties. Just getting a good idea of what the community wants from a police service, and again what this could do is if the result is entering a long-term agreement with the Sheriff's Office, which is a reminder the City's original contract

expired last year. It is essentially tolling on a year-to-year contract until either party gives notice nine months out. What this could do is build a new long-term contract with the Sheriff's Office. It gives some guidance as to what the City's profile is and what the communities desires are, which they could look at. If the recommendation is that the City does an RFP essentially for police contracted services, the consultant will help the City through that process, whether managing the entire process, soliciting bids, advertising, or if it is just the consultant helping create a framework for the City. Either way it does help the City with one of its biggest expenses. The police contract is about 60% of the City's total fund budget. Unfortunately, the police contract has been going up the last couple of years. Long-term, it is an important decision for the City to have a solution.

Council Member Wehyee states that the City Council agreed at the Workshop that this was the right thing to do. Still, Wehyee just wanted to put it into plain language about what the City Council is trying to do in terms of the City's police services and trying to inquire about the various options.

Council Member Leehy comments one of the reasons why she agrees with this is because it gives the City more of a solution rather than the City being caught off guard, which provides the City with more leverage in making a decision.

Council Member Meyer states that it is a great idea like Linehan was saying, when you are looking at a contract that is such a large part of the City budget, it makes sense to spend a little bit of extra to bring in some expertise to make sure the City gets it right. Meyer looks forward to seeing what kind of suggestions, conclusions, and information is gathered and participating in the process.

Mayor Gustafson agrees with Meyer, and the RFQ makes sense to take a good look at policing. Law enforcement contracts mean to the City of Falcon Heights and how the Council can best utilize that to benefit the City and its residents, businesses, and visitors.

Council Member Leehy notices that on page two, it states requests for proposal and asks if that is intentional. Linehan states that he doesn't believe it makes a difference, but at the end of the day, they are still providing a proposal to the City.

Motion by Council Member Meyer for approval the
Council Resolution 22-29 Resolution Approving
Release of Request for Qualifications for Police
Contract Analysis and Consulting Services;
approved 4-0

4. Just Deeds Resolution

Linehan states that this is a discussion that started technically in December of 2021 on Human Rights Day. Just Deeds and the Mapping Prejudice Project were two of the guest speakers at the event. They presented the project that was occurring in Ramsey County. The project started in Hennepin County a few years ago and now moved over to Ramsey County. They look through thousands upon thousands of deeds in Ramsey County looking at micro film deeds trying to find certain racial covenants in the deeds. A little bit about what a racial covenant is. They are antiquated covenants in

the deed that essentially will state that only members of certain races may purchase a home or occupy a home. They were found in the 1950s to be no longer valid but they still exist on the deed. Linehan outlines what Just Deeds is doing and they did present at the Council Workshop last week. They are partnering with cities to provide guidance. The City had Jared Shepherd from Campbell Knutson. Campbell Knutson is also the Cities contracted law firm. They are providing assistance for residents to help disavow these racial covenants from their deed. What they will do is work with the City. The City will create a registration form on the City website which we do upon passage of this resolution. Residents will be able to fill it out and register it with the City where we would send it to Just Deeds attorney who is working pro bono to help work with the resident to help disavow the racial covenant on their deed. In total they have found over a hundred properties in Falcon Heights had racial covenants primarily in the Northome and Northeast Quadrant areas. Another thing the City has offered to do as well is send out a direct mailer to residents who have been identified by Mapping Prejudice as having a deed and offering this service to them. If they are interested it is no obligation but they could work with a Just Deeds attorney to help get this disavowed from their deed on their property. A part of Shepherd's presentation last week he did state the importance of not striking it entirely because in a way the State Legislature could pass a bill that could completely remove all of these from all deeds but Jared stated it is important not to remove them from deeds because it is important that we remember our history and that we see this as something that did exist and try not to just wash over it. Overall, we think it would be a benefit and so staff and the Community Engagement Commission did approve this resolution in their June meeting and so by participating the City of Falcon Heights will be one of a hand full of city's that participate in the metro area with their project.

Council Member Meyer asks what would it actually say in the deed if it still had a racial covenant on the deed? Would it be crossed off in red ink or what? Linehan states that is a good question and wishes Jared was here for that one. Linehan says he doesn't know if Jared covered that in the presentation as to how it will work in that regards.

Council Member Leehy states if she remembers correctly from when they did the Human Rights Day presentation that it would be an additional line on the deed disavowing what's previously stated in the deed.

Council Member Wehyee states basically it would call attention to the racist language and then it would essentially assert that it does recognize that language as being legitimate.

Council Member Meyer states that it is the morally right thing to do. Meyer was trying to think is there a practical benefit. This is an opportunity to educate people about the racist history of housing in this country. There has been more and more education on this in the past few years but still a lot of people still have no idea how much people of color were held back by things like this so it is a really good opportunity to share that.

Mayor Gustafson states he thinks this will be a great benefit for the community and it will share that were opposed to this type of racial bias.

Council Member Wehyee states thank you to Just Deeds, Mapping Prejudice, and the Community Engagement Commission for working so hard on putting this together.

The legacy of racism continues to permutate in nearly every aspect of our society and of the various ways of which racism is manifested institutional racism is the most harmful and no other form of institutional racism has caused more harm than discriminatory housing policies such as red lining and racial covenants so the Mapping Prejudice Project and Just Deeds has revealed that Falcon Heights has not been exempt from perpetuating institutional racist policies such as racial housing covenants of the past which continue to impact home ownership in our community today and as a City that is committed fostering a caring and inclusion community for all residents the Just deeds resolution will provide our residents the opportunity to call attention to the pernicious legacy of racial housing covenants in our community allowing them to formally disavow the hate filled language outlined in their deeds and by doing this residents will no longer be passive stooges of the racist covenant languages in their deeds. They will now possess the tools to exercise their personal agency in disavowing this particular form of institutional racism within the limits of Falcon Heights so for those reasons Wehyee is in full support of this resolution.

Council Member Leehy states as an African American woman and a woman native of Minneapolis, she wanted to address this as well and thanks Wehyee for his remarks. Even though these covenants were applied to Falcon Heights properties before Falcon Heights was even a village. Leehy is very proud of this community for the energy and the time invested to make this change and be dedicated to disavowing covenants. In North Minneapolis where I have done a lot of work and continue to work over recent years a lot of people are not aware of how these red lining and covenants have impacted North Minneapolis so historically this can show what can happen to a community over time and the covenants in North Minneapolis impacted Jewish and African American people. There was a community that was built for the affluent professionals and when the individuals did not move into these houses that they expected. The developers lifted the covenant off of the Jewish people and allowed Jewish people to move into this community and then it started to create a rift between the Jewish people and the African American community which we saw that coming to head in 1967 when people would literally go door to door prior to that and tell anybody that was Caucasian or Jewish that African Americans are moving in so you want to move out and that caused a lot of the white flight out of North Minneapolis. Those that remained there was this tension that came to ahead with the riots between the Jewish and African American people. There has been some healing in that regard but that's an explosion that can happen when we have covenants of racism pit people against one another. Leehy wants to thank residents who have already approached the Council. The Mayor and Leehy wanted to do something in Falcon Heights and pressed it and saw that become an agenda for Human Rights Day. Leehy also wants to thank residents that in 2016 when Philando Castile was killed on Larpentuer Ave. that participated in the task force and even work done outside of the task force. There were residents saying did you know there are racial covenants on the properties in Falcon Heights and began to do the research and continue to do the research now not just from their homes but volunteered with the Ramsey County and UMN to do the research to find which homes had it because you could not just go to Ramsey County Records and find it until the deep dive took place. This is a community as a whole that can be proud of the work to acknowledge negativity to turn it around to a positive. Leehy also wanted to thank Administrator Linehan for coming into the City and hitting the ground running to make sure that he is not only aware of what the work that is going in our community but also being hands as well to keep pushing the ball forward and commended our City as a whole for investing time and Just Deeds of course.

Mayor Gustafson thanks all of the residents that volunteered with the Mapping Prejudice Project many of our residents were a part of that research team that did that.

Motion by Council Member Leehy for approval the Council Resolution 22-30 Just Deeds Resolution; approved 4-0

I. INFORMATION/ANNOUNCEMENTS:

Council Member Wehyee states that last week he celebrated with the Castile family at Unity and Restoration Day; both events were well attended, well organized, and, as always, very impactful. Wehyee personally appreciated having the opportunity to participate.

Council Member Leehy states that last week was special and is grateful to our council and residents that we now have Restoration and Unity Day on July 6th and 7th for those that participated in private and by interacting with someone different than yourself, such as getting to know a neighbor or restoring a bridge between relationship whether that was between family or former foe. On that day, we did have a Castile family gathering at the Philando Castile Memorial Peace Garden; all of the words were about peace, healing, and removing the language between them and us because we are a collective. It was well attended, beautiful evening. The weather cooperated with us. Some of you might remember last year when we broke ground for establishing the Peace Garden that it rained, but this time, we got to look at all the work that went into it. It is absolutely beautiful for anybody to stop there at any time and reflect and have a place for peace. On the following day, the 7th, the family held their barbeque at City Hall, which was for the entire community, so mark your calendars for next year. Leehy thanked Linehan for speaking on the 7th and everything that took place.

Mayor Gustafson says the message is we are moving forward. Next, the Community Engagement Commission and Parks and Recreation Commission will hold a joint meeting on Monday at 6:30 p.m. The Commission will welcome a couple of new members to the Commissions. Then, we will take up last-minute preparations for the big event on Thursday, July 21st, Ice Cream Social at Community Park. Shout out to the Lions Club for all they do in the community. It is just tremendous. They will provide the tents, and we will have community resources available. The Sheriff's Office Foundation is providing free hot dogs and water, and the City is providing ice cream, which is free. Also, get your reservations for your block party for August 2nd; that's the first Tuesday in August. Night to Unite is a celebration of neighborhoods and neighborhood safety.

Linehan states echoes the previous comments about Unity Day and Restoration Day. One of the things coming in as a new City Administrator coming to Falcon Heights and seeing the situation and knowing what happened in 2016 to Philando Castile, a little apprehension and how do you move past this and what do you do from here and I think I had a lot of questions and the more that I have become familiar with this City, the more I meet Valerie Castile, the family I think it is a testament to all of the hard work City did and taking a terrible situation and trying to come together as community afterward. It was a very emotional night, and I felt welcomed and appreciated the opportunity to speak and meet people. It was a nice event, and I think that just the fact that we can all get together

the City, the family, and the residents are again a testament to the character of many good people.

Linehan also states:

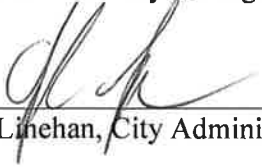
- **Garden Avenue Open House**
 - Wednesday, July 20th from 5:30 – 7PM
 - Falcon Heights Elementary Cafeteria
 - Final planned open house for residents in the Northeast Quadrant to discuss the five options for Garden Avenue
 - Topic of a future workshop and then a regular City Council agenda for a formal vote
 - Assessment hearings later this fall
- **Ice Cream Social**
 - Thursday, July 21st from 5-7PM
 - Community Park
 - Kids Games
 - Live Music
 - Bouncy House
 - Dog Parade
 - Resource Fair
 - And of course, free ice cream and hot dogs
- **Zik the Ox**
 - On Saturday, July 16th at 5:30PM, Zik and his owners Patty and Terry Doerksen will be close to finishing their Oxcart Trail trek from Winnipeg to St. Paul. To celebrate, they will unload Zik at Rose Hill Alliance Church in Roseville, and travel southbound on Cleveland to Gibbs Farm.
 - Spectators are welcome to park at Community Park and watch along the Cleveland Avenue sidewalk.
 - RCSO has been asked to assist with traffic.
- **State Fair Permit Parking Passes**
 - State Fair permit parking passes for 2022 are set to go out the final week of July. As is past practice, each household will receive two passes.
 - Those showing hardship or having proof of extenuating circumstances can receive up to two additional passes at City Hall.
 - Temporary one-day passes will be issued per the Administrative Manual.

J. **COMMUNITY FORUM:**

Please limit comments to 3 minutes per person. Items brought before the Council will be referred for consideration. Council may ask questions for clarification, but no council action or discussion will be held on these items.

K. **ADJOURNMENT: 8:21 p.m.**

Dated this 10th day of August, 2022



Jack Linehan, City Administrator



Randall C. Gustafson, Mayor