

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue
MINUTES
April 12, 2023 at 7:00 P.M.

- A. CALL TO ORDER: 7:04 PM
- B. ROLL CALL: GUSTAFSON__X__ LEEHY__X__ MEYER ____

WASSENBERG __X__ WEHYEE__X__(arrived after roll call)

STAFF PRESENT: LINEHAN__X__

- C. APPROVAL OF AGENDA

Councilmember Leehy motions to
approve the agenda; approved 3-0
(Wehyee had not yet arrived)

- D. PRESENTATION
1. Philando Castile Peace Garden Update

Sharon Castle shares that the garden committee has received two grants that are from the Minnesota Humanity Center and the Minnesota Historical Society. The grants will be used to create a web-based exhibit that will bring together the stories of the significance of the site where Philando was killed at the community's response to the tragedy. They'll also be used to provide some signage at the garden. A Friends of Philando Castile Peace Garden, a new 501c(3), was also recently formed and it will help to maintain and sustain the garden. Volunteers care for the garden and the group is hoping to secure a water source. Currently, volunteers haul 300 feet of hose from a fire hydrant from within the Amber Unit parking lot. If people are interested in volunteering, they can find it online.

Councilmember Leehy asks what the website is.

Castle responds that it is PhilandoCastile-peacegarden.org. It will say "seeds of peace" on the website.

Councilmember Wassenberg asks about increased web presence from the grant. He wonders if there will be a QR code for visitors of the garden to access.

Castle says this is all very, very new. In fact, there will be a planning meeting with the interpretive designer on Friday. But, they believe there will be QR codes throughout the garden.

- E. APPROVAL OF MINUTES:
1. March 18, 2023 City Council Retreat
 2. March 22, 2023 Regular Meeting Agenda

Councilmember Wassenberg motions to approve the minutes; approved 3-0

F. PUBLIC HEARINGS:

G. CONSENT AGENDA:

1. General Disbursements through 4/5/23: \$1,105,894.71
Payroll through 3/31/23: \$20,018.95
Wire Payments through 3/31/23: \$14,197.97
2. City License(s)
3. Appointment of Colin Callahan to Interim Public Works Director
4. Assistant to the City Administrator Kelly Nelson - Six Month Employee Step Adjustment
5. Resignation of Danny Locke from the Community Engagement Commission
6. Amber Union TBRA - Amended Subordination Agreement
7. Payment to Ramsey County for 2022 Cleveland Avenue Project

Councilmember Leehy motions to approve the consent agenda; approved 3-0

Wassenberg wonders if City Administrator, Linehan, could comment on the one large item that is driving the general disbursement figure to be so much higher than normal.

Linehan says they've had a couple of million-dollar expenditures going through. The vast majority of that, \$1,036,000 is a passthrough payment to Ramsey County. As part of the Cleveland Avenue Construction Project, the City entered into a construction agreement with Ramsey County for it and as part of it, we pay 50% of the easement payments that are given. Essentially, Ramsey County pays to gain access to the right of way. Some are temporary, some permanent, for the Falcon Heights side of the project. Interestingly, of this project, on the Falcon Heights side, it was all the University of MN, minus Gibbs Farm. They're going to be redoing the intersection there. That is the only portion is not recapturable. The City is not able to recapture that expense. We received a check from the University of Minnesota for that total amount, minus \$7,000, which was Gibbs Farm's portion. This is largely a passthrough. The University of Minnesota had gotten that money from Ramsey County who paid them for the assessment and they pay us. We originally received that invoice from Ramsey County back in October 2022. All of a sudden, we got a surprise invoice for \$680,000. It wasn't in the notes and wasn't in the budget. So, we've been working on it for the last six months to make sure all parties are in agreement with the payments. There should be another \$400,000 of this project coming through. We'll bill the University similarly at that point.

Mayor Gustafson thanks Danny Locke for his two years on the Community Engagement Commission and he wants to also highlight that we have a new Interim Public Works Director. He asks Colin to introduce himself.

Colin Callahan Interim Public Works Director, speaks at the podium and points out that he and the former Public Works Director, Tim Pittman, built it.

Callahan says that he lived in Falcon Heights for twenty years and that it's a pleasure to work in this community. Callahan appreciates the sixteen years he spent learning from and working with Tim Pittman. He also thanks Dave Tretsven from Public Works, who he has worked with for 23 years and who has contributed to the department running smoothly.

Mayor Gustafson thanks Colin Callahan and says they've been so fortunate to have a great Public Works team here for so many years.

Callahan says it's been a difficult winter for plowing.

Mayor Gustafson says he's done well with the challenge.

Callahan says that Pittman was a good motivator over the years and he is thankful to him.

Councilmember Leehy thanks Callahan for continuing on in the department. Leehy says that he has helped Tim shine (along with Dave Tretsven) and the community is in a really good spot having him step into this role.

Councilmember Wassenberg says it's great that Callahan is staying on and providing the very important continuity within the organization. And, he thanks him for all of the late nights and early mornings that he's been putting in.

Councilmember Leehy says that, like the podium he helped build, Public Works has said "We can do that, we can build that," instead of going out and buying something.

Callahan states that the comradery in Public Works is great and he's glad he can continue that on and be a part of that.

Mayor Gustafson thanks Callahan for coming in and getting that first speech out of the way. He welcomes him to this new role.

Mayor Gustafson thanks the City Administrator for guiding us through and says we have all kinds of new staff. Kelly Nelson has her six month (review).

Councilmember Wassenberg says that in his short time as liaison with the Parks and Recreation Commission, that Nelson helps guide that group and puts forth a lot of effort in making actions happen that come out of the group.

Councilmember Leehy says that what it takes is not just administratively in the office, but interacting with the community. So, it is good to hear that report.

City Administrator, Jack Linehan, echoes those comments. He says Callahan is a logical fit because of his experience, he's a hard worker, extremely reliable and he knows the department well. Linehan shares that he sat down with Callahan and they talked about his ideas for the department, its strengths and what would be missing when Tim left. His answers made Linehan very confident that he's the right choice. We don't need to bring someone else in right now; it's not a department that's failing or in need of a shakeup. We do have it as an interim role to give it a bit of a test run just to make sure that it works for everybody because it is a big change for a department that hasn't had a lot of change in a while. We will review it in three to six months and determine if it's a permanent position at that time.

Linehan thanks Kelly Nelson as well and says that six months went by quick; it has been some of the busiest six months. He says that Nelson has almost entirely absorbed the position of Administrative and Communications Coordinator as well while that job has been vacant. And, watching her interact with the public, seeing her patience and customer service is an asset to the City. Nelson is a Falcon Heights resident and she understands the community.

H: POLICY ITEMS:

1. Contract with Center for Values-Based Initiatives for Law Enforcement Contract Consulting Services

Administrator Linehan says that originally, when they went out for the request for proposals for our consultant for our police contract analysis, one of the things that we foresaw but we didn't want to pre-conclude that notion, is that we might need assistance in the future if we wanted to go out to an RFP (request for proposal). We recognized internally that's not necessarily a strength of our City and that if we wanted to do this, we needed to do it effectively and give it our all. So, we included a proposal from the consultant for what it would cost to bring them on for part two. As part of the contract, \$15,000 to \$21,000 was the proposal from the consultant. As we discussed this and talked about the requirements of travel, this is an all-inclusive cost. With many other consultants, they'll charge you a fee but then it's also plus travel, as necessary. Matt (Bostrom) hasn't operated that way; we've had him out here multiple times for various things and he covers those costs internally. So, we did agree that the \$21,000 mark would be a fair price for that. And, during the negotiation for this, he proposed the idea of, if he were able to successfully secure a new police partner, a combination of police partners or some model that saved the City a significant sum, he would request a commission. We had actually mentioned that at the (Council) workshop. Councilmember Wehyee brought up the question of what type of incentive is it for them to negotiate effectively. Linehan says that similar to a relator or any other service, we proposed a fee of 5% to be capped at \$25,000. For example, if the City's next contract with an agency was \$300,000 less, then Bostrom would receive a one-time fee of 5% of that. It would be capped at \$25,000 so that if it's a significant savings, it wouldn't become exorbitant. We also agreed that if we ended up getting multiple contracts or if we brought it in-house, there's language to look at the cost associated with that. This helps incentivize him further to make these flights out and have one-on-one meetings with police chiefs, with mayors, with city administrators of other cities, to sell this idea that we've talked about and that we've been planning on for months now. Linehan says there are copies of the agreement in front of the Council but this sums it up. The attorney has been reviewing the contract so that wasn't included in the packet because it just completed its review. Linehan says we have copies of the contract available to be viewed.

Councilmember Leehy says that we've had changes in our legal services over the last year so she asks Linehan to state which firm and the name of the person that assists when we need to have documents like this created.

Linehan says that for any general legal agreement, it runs through the City Attorney, who is Andrea McDowell Poehler; she's with Campbell Knutson and they do our municipal law. If it's a contract, a labor issue or any type of legal action against the City, Campbell Knutson is our primary attorney for that. Our City Prosecutor is Kelly and Lemmons. That's who we hired in January. They do all of our prosecution. Essentially, if the police issue a DUI, they are the prosecutor that prosecutes and sees that through. They also help us with code enforcement and stuff like that.

Councilmember Leehy asks for confirmation that Andrea took over for the previous person that retired.

Linehan says that he believes that's true, that it was Roger Knutson himself.

Mayor Gustafson states that the firm is the same. We just used to have Roger Knutson, the principle partner, at the time.

Councilmember Wassenberg points out that there are blank pages (the exhibits of the work to be performed) in his copy of the contract.

Linehan says it's essentially the original RFP and their initial proposal to us. We didn't include the RFP again.

Wassenberg confirms that the services are described in the RFP.

Linehan says that is correct. And, it's spelled out in just a few sentences, essentially. That they will help us solicit proposals from other firms, work with us to provide recommendations and then help issue the RFBs on behalf of the City. Linehan says the RFP wasn't included in the packet just because we've had it in a couple of different times in the past. Included in the council's agenda packet is an exhibit. And, the proposal in the packet that really covers it is page 95, where it references "Soliciting Alternatives." Linehan says that the final documents that get recorded will be included as attachments.

Councilmember Wehyee motions to approve Resolution 23-32 to approve the agreement with Centers for Values-Based Initiatives for Police Contract Consulting Services; approved 4-0

I. INFORMATION/ANNOUNCEMENTS:

Councilmember Wassenberg says that the Parks and Recreation Commission held a joint meeting with the Community Engagement Commission on April 3 and it was well-attended by both commissions. At the meeting, a task list was discussed for the Spring Together event, with tasks assigned. The commissions also discussed outreach efforts to reach more residents to build attendance and started discussing the Ice Cream Social.

Mayor Gustafson asks what the date of the Spring Together event is.

Councilmembers Wassenberg and Leehy state it's on May 20th at 4:00 p.m.

Councilmember Leehy thanks all who participated in the retirement event for Tim Pittman. Leehy also sits on the committee for the Philando Castile Peace Garden and participates as much as possible. Leehy is looking forward to their upcoming meeting and thanks Sharon for rallying volunteers and bringing creativity to the team.

Councilmember Wehyee echoes similar comments to Leehy's regarding the retirement of Tim Pittman. It was nice to see former staff. Wehyee thinks our community will continue to be well-served under Colin Callahan.

Mayor Gustafson agrees that the retirement party was nice. He says that there was a public hearing on March 28 regarding the Amber Union proposal to expand and add a Caribou. Gustafson thought it was nice to see so many residents come out. He also says he'll be attending a Zoom meeting on Friday morning regarding trash. County commissioner, MatasCastillo, will be one of the speakers/presenters to talk about the future of resource recovery.

City Administrator Linehan provides a Ruggles Pathway update. Following the public hearing on March 22, City Staff continued to work on options for the pathway. The 2023 PMP bid award will be on the April 26th City Council agenda. Included in the bid will be options to pave the path with sidewalk, a permeable paver, or another proposal. The City will select the lowest bidder for the total project per state statute and can consider accepting the proposal for paving the pathway at that time. We could also elect to bid the project separately. Staff is continuing to work on it; we don't have a final resolution. On April 26th, it will be up for consideration and we will include that in our newsletter to make sure residents are aware. It was also requested at the meeting to look at other

legal exposure / other legal options. We working with the attorneys and got a secondary legal opinion. We'll continue to look at other options for that ahead of the April 26th meeting. As the Mayor already mentioned, there was a Planning Commission meeting on the 28th. A lot of residents came out. The Planning Commission forwarded a recommendation to oppose the proposal, mainly citing inconsistencies with the comprehensive plan. The applicant is taking the feedback provided by the Planning Commission and they are working to modify some of the environmental components of the proposal to make it a little more comprehensive with the plan. So, that's what they're working on right now. It will either be up for consideration on April 26th or at a later date. It's up to applicant. They can consider extending it if they wish; it's their preference. And, it sounds like they probably will extend it beyond April 26th.

Following the March 22nd meeting with the Ramsey County Sheriff's Office we sent our mutual letters not to renew the contract for 2024. After the council action, I sent the letter to Sheriff Fletcher, County Manager Ryan O'Connor, and the six other contract cities. Sheriff Fletcher then sent a follow-up letter, which the Council was copied on, agreeing to part ways. So, it is a mutual decision as we both work towards our new options. Tonight, with the approval of the Center for Values-Based Initiatives, that will be our next step as we get a better understanding of what our timeframe and options are for soliciting alternatives. We don't have that now but we'll keep the residents posted as we continue to work on that over the next nine months.

Finally, regarding pothole repairs, Colin and Dave have been out, particularly on Roselawn Avenue. Roselawn is one of the worst at the moment. The other road that is in desperate shape is Garden Avenue. We're repairing and reconstructing that in 2023, so we are doing spot repairs as needed. If residents see a pothole that is City-owned, or, if they're not sure if it's City-owned, they are always welcome to call City Hall, fill out a contact form online, or send us a Facebook message. We'll look into it and if it's not ours, we'll reach out to the appropriate agency on their behalf.

Mayor Gustafson asks for confirmation, giving an example, that the City will call the U of M if the City is contacted about a pothole on Gortner Avenue.

City Administrator Linehan says that is a service the City typically offers because it can be confusing which agency is involved or responsible.

Councilmember Leehy asks if that would also then include Cleveland, Fairview, Larpenteur and Snelling.

City Administrator Linehan says that Snelling is the state.

Councilmember Leehy says that Larpenteur is county, as are Cleveland and Fairview. Leehy asks about Hamline. Is Hamline split in half the way Roselawn is?

City Administrator Linehan says that Hamline is county as well.

Mayor Gustafson agrees that it's confusing.

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: 7:46 PM

Councilmember Leehy motions to adjourn; approved 4-0

Dated this 12th day of April, 2023


Randall C. Gustafson, Mayor


Jack Lynch, City Administrator