

CITY OF FALCON HEIGHTS  
City Council Workshop  
City Hall  
2077 West Larpenteur Avenue

MINUTES

Wednesday, ~~September 4~~, 2024  
6:30 P.M.

October 2

A. CALL TO ORDER: 6:33 PM

B. ROLL CALL: GUSTAFSON\_X\_\_ LEEHY\_\_  
MEYER\_X\_ MIELKE\_X\_ WASSENBERG\_X\_

STAFF PRESENT: LINEHAN\_X\_\_ VAN DER WERFF\_X\_ LYNCH\_X\_  
SIEBERT\_X\_

C. POLICY ITEMS:

1. Partners in Energy – Energy Action Plan

Community Development Coordinator Lynch provides a brief overview of the Energy Action Plan draft. She thanks everyone who was involved with the energy action team and provides a brief overview of how the plan came together. The plan was developed through various community meetings and a survey to learn about energy use and goals. A vision and goals were created based on the community input and with a data-driven approach, focus areas were identified.

Lynch explains the recent updates made to the plan based on feedback. She then provides an overview of the timeline; after approval, it will move to the implementation phase of the plan. Some strategies that were identified are: partnering with U of M and the State Fair, host community workshops, conducting outreach, and connecting residents and businesses with resources.

There is also an executive summary available. Partners in Energy has a dedicated team that will work with Falcon Heights throughout the implementation of the plan. They can help track progress, help with marketing needs and have various check-in meetings. Additional resources are also available by connecting with other cities who have participated in the program.

Lynch introduces Olivia Siebert, the GreenCorps member, who will be with Falcon Heights for a year. The majority of her assignment is helping with the implementation of the Energy Action Plan.

Deirdre Coleman from Partners in Energy goes over some updates made to the plan regarding comments from the energy action team and feedback from Council. Language can be updated throughout, and Lynch will be very involved with the implementation of the plan.

Councilmember Meyer is appreciative of the report but has some questions about sections in the plan. He also expresses that he would prefer to see clean energy used more often, as renewable energy is still carbon-producing, and ultimately the goal is to reduce carbon. Coleman explains, most strategies in the plan are related to solar or wind which are clean energy.

Lynch adds that in the executive summary, the vision explains clean and renewable energy. She suggests adding a definition within the plan to explain the difference between renewable and clean energy.

Meyer mentions that nuclear energy is part of the city's energy mix, though Falcon Heights residents might not have a specific program to participate in it. Coleman explains that fuel mix information was included for transparency and suggests adding clarifications in the plan's glossary and clean/renewable energy section.

Councilmember Mielke cautions against excessive edits after the team's extensive work. Lynch notes that the goals and vision were primarily developed by Partners in Energy (PiE), so further involvement from the team wasn't necessary. Councilmember Wassenberg supports the updates to make the language more inclusive, and Meyer appreciates the discussion.

An energy action team member expresses concerns about the time required for the plan's implementation. Coleman reassures them that PiE would assist with outreach and project management, having experience with similar projects in other cities. Lynch highlights that a dedicated GreenCorps member will focus on informing residents about available resources.

City Administrator Linehan adds that from the administrative side, the City looks at the actionable plan, and while there are ambitious goals for energy use reduction, the plan shows true actionable items, strong strategies and it is trackable.

Lynch adds that updates will be provided every six months through the city's website and newsletter, and Coleman mentions that the plan is adaptable, as needed. Next steps include finalizing a few changes, moving to adoption at an upcoming council meeting, and holding a kick-off event at the upcoming Fall Festival.

## 2. Adult-Use Cannabis

Linehan explains municipalities are getting directions on adult-use cannabis from the Minnesota Office of Cannabis Management (OCM). Falcon Heights adopted a moratorium that is in effect until January 2025. This gives the City time to create regulations and get draft language ready. Lynch adds the OCM issued a Guide for Local Governments on Adult-Use Cannabis and a model ordinance for zoning changes and registration with the new law around Minnesota's new adult-use cannabis law. Not all regulations are clear yet; a lot of questions will need to be answered through case law. She explains the process and the involvement of local government. Businesses will apply for a license with the OCM and once vetted by the OCM, they reach out to the City to get registered. Local governments may not issue outright bans on cannabis businesses or limit operations in a manner beyond what is provided by state law.

Lynch continues to explain what local governments can do in regard to limitations apart from limiting to at least one business. Falcon Heights can limit the number of retailers, and they can adopt an ordinance related to operating hours. Local governments may prohibit the operation of a cannabis business within 1,000 feet of a school, 500 feet of a daycare, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

The Planning Commission proposes restricting it to B-3 zoning, which is the Snelling/Larpenteur Business District as this creates a 1000' buffer from schools and 500' from daycares, residential treatment facilities, and public park attractions. Lynch added a copy of the zoning map of Falcon Heights and showed potential locations.

Mayor Gustafson wonders why the B-3 business zoning. Lynch explains local government may zone business under existing zoning ordinances. She adds B-1 is neighborhood convenience and is possible as well, but would not be ideal, because of the location and traffic. These businesses get busy, especially after the initial opening.

Wassenberg wonders about conditions that can be added. Lynch notes local governments can determine if they require a conditional use permit (CUP). They can also adopt an ordinance around operation hours of the business. They can charge a one-time registration fee of \$500 or half the OCM fee, whichever is lower. The City cannot charge any additional fees.

Wassenberg wonders about the registration of low potency. Lynch adds they all have to register.

Linehan notes the City can modify the fee schedule overtime to match state fees. Yearly compliance checks will be done by a third party.

Lynch adds that edibles must be stored in locked cases, with similar considerations for beverages to prevent shoplifting.

Linehan says there are also tax considerations and it's not undesirable business over time to have. When it first opens, there might be some security and traffic concerns.

Lynch adds that it is unclear on the U of M being considered a school according to the cannabis law. If so, it would make it very limited for cannabis business.

Linehan notes the radius for liquor stores in St Paul is 300' and they will apply the same to cannabis stores.

Lynch wonders if there are concerns about just limiting to B-3. Council agrees it's a logical placement with other storefronts. A CUP would just create a barrier to equity. There will be a Public Hearing to put initial language into code. Meyer wonders about regulations for the smell without a CUP. Lynch adds they can add a separate section to code; you can include certain conditions as long as it matches the state.

Linehan adds the Clean Air Act applies to smell, because it prevents smoking inside an establishment. Lynch adds the Minnesota Pollution Control Agency (MPCA) is also

working on writing guidance around smoking and the smell. The City can refer back to those in Code, similar to building code.

Lynch shares if we're limiting it to one, city can address multiple applications through a lottery or have it first-come, first-served. She explains the license process for cannabis businesses. She is not overly worried with multiple businesses applying at once right away.

Linehan believes the city would have to lower its radius to allow at least one business. State has a maximum radius, but not a minimum.

Meyer wonders about liquor stores allowing to sell high potency. Lynch states no, liquor stores cannot sell high potency products. OCM opened up pre-approval licenses for equity applicants. Can start growing, not selling yet.

Lynch will continue writing up drafts and bring it back to the Planning Commission to discuss.

### 3. Livable Communities Act Grant Award Consideration

Linehan updated the Council on code enforcement efforts at Amber Union, following communication with the property management firm. Linehan will meet with Buhl and the property management company next week. He noted progress at the property, with Buhl offering credits to tenants who were without air conditioning, demonstrating a commitment to improvements. However, issues are expected to be ongoing due to the challenges associated with affordable housing and occasional tenant-caused damage. It could be a learning curve having never had to manage affordable housing before. Gustafson notes it's good to have a property management company with affordable housing experience.

The Council discusses key agenda items for the upcoming meeting with Buhl to include security enhancements, particularly for nights and weekends. Residents have regularly reported issues, and Council members expressed the need for experienced property management. The Council also debated the timing of awarding a grant, with Wassenberg advocating for accountability to prevent future issues. Mielke suggested an oversight plan, while Gustafson inquired about the city attorney's stance. Linehan suggested that suspending Amber Union's rental license might encourage improvements more effectively than withholding pre-development funds for Amber Flats. The Council considered setting clear expectations for Buhl, including implementing an oversight plan and vetting tenants.

### 4. Community Park Renovation Update

Linehan provides an update on the park renovation. WSB made updates to site plans and renderings based on feedback provided. Notable changes include relocation of some elements, now that there won't be a building, replacing the parking lot through a mill and overlay, and the shelter and fence on the east side will remain. A stormwater pond will be added to the northwest corner, though some trees will need to be removed. The garden will gain a permanent water source, and additional trails are being considered.

Linehan shows the new renderings with a splash pad with ground water use and a

prefab bathroom with a servery window that can act as a concession stand. The Parks and Recreation commission will be involved in overseeing the playground design. He also wonders about the budget. It's well within the budget at \$3.2 million.

Council notes the renderings look great. The prefab restroom has some color options. It will be easy to clean and vandalism-free.

Linehan notes that the prefab has a delivery of 9-12 months out, so we want to place an order soon. The installation is pretty quick.

Mielke wonders about the playground. Meyer wonders about wood chips or rubber surface for the playground. Linehan adds that depends if the city receives the DNR grant. City staff will apply for the DNR Outdoor Grant again and will know next year in July if it will be awarded and then can be used for a rubberized surface along with the building of the playground.

#### 5. Racial Covenant Discharging Update

Linehan starts off by explaining the history of the Racial Covenant Discharge project. It has been stalling because the project relies heavily on volunteers. Because of this, Mounds View created an in-house process. They passed an ordinance requiring a racial covenant discharge before owners sell their house. Linehan is concerned about the legality of it. Falcon Heights staff came up with a similar plan to discharge it in-house, but is not requiring it of homeowners. The Community Engagement Commission discussed the concept of using Human Rights Day as a kick-off to the in-house discharge program.

Mielke would prefer passing an ordinance requiring it to be discharged, because Falcon Heights has the most racial covenants. Other councilmembers wonder what other covenants the city has when a home gets sold, if any, because they are worried it will hold up the process of the sale. Linehan answers there are none in Falcon Heights.

Mielke explains what the Mounds View process has been. Gustafson believes kicking it off at Human Rights Day is a good start. Wassenberg does not want to put another requirement on the sale of a home. The City can make it voluntary first by using the kick-off event at Human Rights Day. If no one voluntarily wants to do this, then other steps can be taken.

#### 6. Rental Inspections Code Changes

Linehan reported that staff has been updating the rental inspection code to prepare for 2025 license renewals. Currently, city code only mandates inspections of common areas in rentals and business properties, not individual units, unless the owner or occupant permits it. Under the proposed updates, the fire marshal would be allowed to proactively inspect individual units. If access is denied, the city can enforce an administrative search warrant and potentially deny license renewal.

Additional updates involve revising the fee schedule for re-inspections and introducing escalating fees to encourage timely compliance. These fees would cover extra staff time and provide incentives to maintain safe and livable conditions for tenants.

Linehan explains that to obtain a rental license, an apartment building must meet the building code, but this requirement does not apply to single-family houses. Additional measures to improve tenant experiences in Falcon Heights could include mandating air conditioning with penalties for non-compliance. However, no other city in Minnesota has such an ordinance. While state law mandates heating, it does not currently require air conditioning. Implementing such a rule would make A/C compliance a city enforcement matter.

Mielke suggests an ordinance requiring radon testing for apartments, including laws around evictions, and to provide relocation assistance when selling of apartment property. HOME Line can help with drafting.

Staff made changes to the inspection process. Gustafson notes staff can utilize data from this year and increase the fees next year, rather than rushing and surprising landlords.

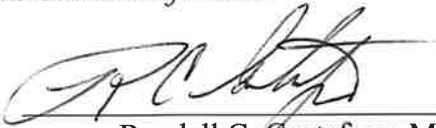
Mielke wonders about building code and about using the most updated one. Linehan explains the building code official purposely uses the 2012 building code.

Linehan adds language for crime-free housing is being investigated for compliance by the city attorney. Council discusses other language changes. Gustafson wonders if a public hearing is required to make changes. Linehan notes this chapter does not require a public hearing, but staff is awaiting a full attorney review before council approval.

D. ADJOURNMENT: 9:50 PM

Councilmember Meyer motions to adjourn;  
Approved 4-0

*DISCLAIMER: City Council Workshops are held monthly as an opportunity for Council Members to discuss policy topics in greater detail prior to a formal meeting where a public hearing may be held and/or action may be taken. Members of the public that would like to make a comment or ask questions about an item on the agenda for an upcoming workshop should send them to [mail@falconheights.org](mailto:mail@falconheights.org) prior to the meeting. Alternatively, time is regularly allotted for public comment during Regular City Council Meetings (typically 2nd and 4th Wednesdays) during the Community Forum.*

  
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Randall C. Gustafson, Mayor

Dated this 13<sup>th</sup> day of November, 2024

  
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Jack Linehan, City Administrator