

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

MINUTES

Wednesday, December 4, 2024
6:30 P.M.

A. CALL TO ORDER: 6:32 PM

B. ROLL CALL: GUSTAFSON_X_ LEEHY_X_ (arrived at 6:40 PM)
MEYER_X_ MIELKE_X_ WASSENBERG_X_

STAFF PRESENT: LINEHAN_X_ JOHNSON_X_ CITY ATTORNEY ASANI_X_
NELSON_X_ OLSON_X_

C. POLICY ITEMS:

1. City Code Updates - Rental Inspections / Crime-Free Housing Program
Administrator Linehan explains staff has been reviewing the rental inspections section in City Code, crime-free housing, and other items as well to improve the renter's experience in Falcon Heights. Crime-free housing has been a topic that has been discussed as it can be tricky regarding language and implementation.

The City Attorney Petra Asani has been reviewing the crime-free housing ordinance in City Code as the program has recently received more interest from the Department of Justice (DOJ) because they found it has disproportionately affected minority groups and low-income tenants. No prior studies were conducted to assess the program's effectiveness, leaving uncertainty about its outcomes. In response to these issues, the DOJ has been raising concerns about due process and the disproportionate eviction of tenants. Consequently, many cities have started reevaluating their programs, repealing them entirely, implementing partial reforms, or establishing moratoriums. Asani explains the proposed amendments she made to the ordinance aim to address the DOJ's concerns.

Councilmember Wassenberg and Mayor Gustafson raise questions about background screening, the timing of convictions, and their impact on housing decisions. Convictions can take longer than 12 months, making it premature to determine someone's housing status before a final verdict is reached. Wassenberg noted that the ordinance provides landlords with a structured process.

Asani explains that under its provisions, eviction requires a conviction, and the timing of that conviction is critical to the 12-month timeline. This program is mostly put in place for landlords who choose to conduct background checks; the ordinance requires compliance with specific guidelines. This includes mandatory training to ensure landlords understand how to utilize background checks and what factors they can and cannot consider in their decision-making. Additionally, Wassenberg clarified that the ordinance does not prevent landlords from evicting tenants based on behavior they

have directly observed.

Councilmember Meyer is concerned about creating more homelessness and wonders what the goal of the program is.

Asani explains there are instances where someone who was evicted was unable to find housing in the city where this occurred. The program is to give landlords a procedure regarding background checks. Crime-free housing is also supposed to help allow for due process, to avoid housing retaliation.

Councilmember Leehy wonders if multi-family buildings are aware of what tools are available. Asani adds this program also provides items for landlords for provisions to be added to the lease

Linehan wonders about minors in units. If a minor is convicted, the whole family gets evicted and would have trouble finding housing. Asani notes the program currently does not address that part.

Asani and Linehan note tenants can appeal their eviction. Asani explains throughout the appeal process, everyone involved is made aware of the process, including the city. There is also a record-keeping component to help keep track of how the program is doing. If landlords are utilizing these programs for discriminatory reasons, this program gives the city tools to take action.

Linehan points to the appeal process. Currently, the final decision-making body for appeal is the City Council. He wonders, does the council want to keep the public City Council appeal? There is the option to have a board of appeals. Wassenberg believes a board review would be better to keep the identity of the appellant anonymous, but current council members can serve on that board without making it public. The council further discusses details of the appeal process.

Gustafson wonders about record keeping and its impact on staff. They further discuss how landlords can acquire police reports under this program.

Asani notes that from an enforcement perspective, there are a lot of cumbersome steps that need to be taken to utilize the program for enforcement. There was a concern about providing too much police report information to landlords from the city and landlords using this information to evict people without due process. Without tenant protections, the city can face consequences from the DOJ.

Gustafson and Leehy feel these programs cancel each other out. Leehy feels like we want people to feel comfortable reporting crime, but we don't want people to over-utilize crime reporting. Asani explains there are protections put in place for the persons who call in and report a crime. There are also protections for housing retaliation. Linehan agrees it will make it more difficult to evict. The council can choose to keep the current ordinance but could face consequences as it's unsure how it's being used by landlords and contract police agencies, and using the proposed changes is better than repealing the whole program.

Wassenberg wonders about background checks on prospective tenants. Asani points out that the current changes only consider the last 12 months of criminal activity. Landlords can deny an application based on one conviction. The council wonders if the lookback period can be extended to 36 months. Asani notes the look-back period can be extended. The council discussed if they should make a difference between felonies and misdemeanors. 12 months seems short because it takes longer to convict. Asani reiterates that landlords are only subject to this program if they conduct criminal background checks. Council agrees on 36 months.

Nelson explains other code updates related to rental housing. A proposed change is to add air conditioning requirements and establish maximum temperatures, enforcement, and penalties. If the air conditioning is provided by the landlord, the temperature must be kept at no more than 80 degrees, for example, and ensure proper maintenance. Other proposed changes are cleaning up the language. A definition was added regarding group housing that has been licensed by the state and does not need municipal licensing.

Another update is changing the multifamily inspection period from 24 months to 12 months and adding wording to allow for the inspection of individual units. The code currently states common areas are inspected. Linehan explains this allows the fire marshal the discretion to inspect more units if needed.

Nelson continues, when the fire marshal has to return for multiple rechecks because of non-compliance or no-shows, a re-inspection fee will be charged.

Meyer wonders about the time period required for the air conditioning. Linehan explains this is a unique addition to a city code in Minnesota. It's very common in southern states. If it is on-site or in the lease, it has to be in working order. Council agrees. Meyer wonders if the time period can be extended as there are some hot days in May.

Linehan looks at what dates heat is required. Wassenberg wonders if there is an issue with them overlapping, and when enforcement would come into play. Staff will further research the temperature laws, to ensure it's done diligently. The fire marshal needs to complete an inspection first for enforcement.

The council wonders about the implementation of the ordinance and the passing of the fee schedule.

2. 2025 Proposed Fee Schedule

Nelson explains the proposed fee schedule includes adding a definition to help outline the Re-Inspection Fee. They get one inspection and one re-inspection. After that, there is a reinspection fee per occurrence. Without a fee, there is no repercussion and it's not taken seriously. The council agrees to increase the reinspection fee to \$100.

The council discusses striking pool halls and pool tables from the fee schedule. Linehan wants to ensure it is not mentioned in the city code anywhere else.

Mielke wonders about cigarette sales under licenses. Nelson says that it should be

updated to say “tobacco” and will note the change.

Linehan explains that cannabis fees are added and taken from state law. He is determining if approving the fee schedule requires a public hearing. If not, council can approve the fee schedule at the first meeting in January. Linehan continues to explain that they also added clarifying language about fees for the parks and fields as well as taxes. He also explains some of the utility fees.

3. Council Housekeeping Items

a. Council Standing Rules

Linehan explains standing rules are adopted annually. The recent modification includes discussing the council liaison appointments in December. No further changes to the council standing rules.

b. Liaison Appointments

The Council discusses the next year’s liaison appointments. Leehy would like to stay with the CEC. Wassenberg and Meyer are ok to move or to stay with their current commissions. Mielke is comfortable remaining with her appointments as well. The mayor will continue to be backup.

c. 2025 City Calendar

No changes to the calendar.

4. 2025 Budget Updates

Linehan reiterates that it has been difficult to create a budget without knowing the cost of public safety, which is the largest cost for the city. The costs are becoming clearer as the contract discussions are still ongoing with St. Anthony. He explains recruitment has been going well. In terms of the budget, Linehan recommends cutting from \$1.8 million to 24-hour patrol coverage or \$1.6 million. This would lower the total levy to an increase of 2.78%, a \$33 increase per year for the median home. Falcon Heights had the biggest increase in median home value, and in addition to the city’s tax rate, the county, and other taxable areas seeing increasing rates, property owners are still seeing a large increase in their property taxes.

The council wonders what the actual expenditures for 2024. Olson explains he has been going through the 2024 budget and determining actuals, but thus far it was pretty accurate. Approving the increase of the budget of \$80,000 for policing was needed earlier in the year.

Linehan is hopeful that moving to St. Anthony Village for policing will stabilize the public safety costs.

5. Community Park Playground

Linehan explains the Parks Commission met on Monday, December 2nd. They received 11 proposals for the playground. The Parks Commission reviewed the bids and was unanimous with their favorite choice. The council reviewed the winning choice.

Nelson points out all vendors were given the same perimeters and budget. The City

wants the playground to be inclusive and accessible, and each vendor interpreted this differently. The winning bid chosen by the Parks Commission seemed the most all-inclusive playground for mobility and accessibility.

The council continues to review the playground design picked by the Parks Commission. Wassenberg points out there is something for every age, mobility level, and accessibility and they are all connected as a larger structure. They did look at adding components from other playgrounds such as a track around the surface.

Linehan notes everyone's bids are up to \$225k for the playground. If the City receives the DNR grant, they will utilize the grant to purchase the fence and poured in place surface, and potentially for shade canopies as well.

The council continues to review the playground bids and discuss why certain designs didn't make the cut. Nelson explains the minor modifications the Parks Commission recommends and asks if the Council has any other modifications. She would also like to add shade canopies to the grant application.

Linehan explains the latest with the park design and says there have been some small modifications to reduce the number of trees that need to be removed. Building designs are still being worked on.

The council prefers to have the Parks Commission determine colors and specifics. Linehan wants to make the building the last part of the renovation as it would likely not get installed till spring 2026.

6. Recording City Council Workshops

Linehan explains a council member requested to consider the livestreaming of council workshops. Staff analyzed which cities in the county record workshops and determined about some, mainly larger communities record sessions, and many do not record work sessions. He estimates the cost would be around \$5,000 per year. He explains there is the option to move workshops to after council meetings, to keep the cost the same with two meetings a month and says it would free up a Wednesday night a month.

Mielke would value having the ability to watch back the work sessions as minutes don't capture the entire conversation.

Council shares opinions. Wassenberg wonders about recording just audio and Leehy prefers having the work session in a circle to have better discussions. Gustafson and Meyer agree that it fosters better discussion. Meyer likes the idea of moving the workshops to be after council meetings

Linehan suggests seeing if there is mobile audio available from NineNorth. Wassenberg notes if the city gets its own audio solution, we can keep the schedule as is. Mielke points out that without video, it's hard to determine who is speaking.


Gustafson wonders if NineNorth can see if they can record and videotape the work session as the council sits in a circle and not at a dais. Wassenberg believes keeping the

work session on the first Wednesday of the month is best to keep everyone fresh.

Linehan explains he can still tweak the budget to add a budget for technology upgrades and to cover NineNorth costs.

D. ADJOURNMENT: 9:48 PM

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 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.



Randall C. Gustafson, Mayor

Dated this 23rd day of December, 2024



Jack Linehan, City Administrator