

CITY OF FALCON HEIGHTS
City Council Workshop

City Hall
2077 West Larpenteur Avenue

MINUTES
Wednesday, January 28, 2026
6:00 P.M.

- A. CALL TO ORDER: 6:00 PM
- B. ROLL CALL: GUSTAFSON_X_ MAY_X_
MIELKE_X_ MOGEN_X_ WASSENBERG_X_
STAFF PRESENT: LINEHAN_X_ ASANI_X_
- C. POLICY ITEMS:
1. Consideration of Resolution 26-12 Affirming Community Values and City Action
Related to Immigration Enforcement and Responsible Stewardship of City Resources

City Administrator says that they worked with the City Attorney on a resolution and ordinance to give our best case for enforcement through designating our city property as for city use only. The resolution would be considered tonight during the regular meeting, and the ordinance, if Council is in favor of it, would be noticed for ten days and brought forth on either February 9th or during the next regular City Council meeting on February 11th. The ordinance will have a bit more permanency, as it would be codified, and it does allow a general citation against the ordinance, which gives some additional authority and power. Linehan then says that he has been following other cities and Lauderdale joined in with other first-ring suburbs in a lawsuit, which was initially brought forth by Minneapolis and Saint Paul on January 12th. Other cities like Golden Valley, Richfield, St. Louis Park, and others have signed on, and Linehan is bringing this before Council tonight because the deadline to join and sign on is tomorrow.

Mielke had also come across this today and is in favor of being part of it.

May says she feels we should be supporting this action.

Linehan asks Attorney, Petra Asani, what would be the next steps and the implications for signing on.

Asani says the lawsuit itself is primarily focused on Saint Paul and Minneapolis' regulations related to data sharing with federal immigration enforcement and other general immigration enforcement actions. The Amicus Brief is primarily focused on impacts related to prosecution and courthouses and how immigration enforcement is

conducted around those spaces. So, the Amicus Brief would not touch on the use of any city property.

Mogen asks if there is a cost associated with supporting it.

Asani says that if Falcon Heights did want to do this, someone from their office would sign on to it. We would need a motion from Council tonight and then to know which courthouse Falcon Heights cases would be prosecuted in.

Gustafson asks if Campbell Knutson also represents St. Louis Park.

Mielke says that within the document, it states whether prosecution or legal services are provided, and it says that Campbell Knutson are providing legal services.

Gustafson asks if we have spoken to our prosecutor, and Linehan says that it has not yet happened because of the time-sensitivity.

Mogen suggests that we continue talking about the resolution and ordinance now and then continue this review and discussion after, if time allows, before the regular Council meeting begins.

Councilmembers then begin discussing the proposed resolution and ordinance.

Gustafson asks if the resolution meets expectations for what we were hoping to state?

Mogen says it reads how he was hoping it would. He reminds Council that two weeks ago when they met, he presented three levels of enforcement to explore. Since then, and given some things that have happened since then, he is pushing for that higher level of response. It may not be everything that people want but feels that the resolution plus the ordinance results in a solid response.

May feels there are still several things that need to be clarified, including better spelling out the role of the police department and in particular, their policy's sections 4.13.4 and 4.13.5. May believes our resolution should be clear what we are expecting from our police department. May then adds some wordsmithing needs to be done and offers various suggestions.

Wassenberg adds that they are okay with the "Whereas" statements because they are not intended to be the resolution but more so the preamble and rationale for why the resolution is being made. With regard to the role of the police, a request is out there to greatly limit the role of the police in interactions, but Wassenberg is a bit wary of that because they have good faith in our SAPD and would personally like them there if they were being threatened. So, he feels it makes it difficult for them to set different policies for them, especially if unclear. Wassenberg likes the resolution as it is.

Mielke feels the resolution needs some cleanup and highlights revisions she would like to see done. She adds that we have not had a meeting where we invited public engagement.

Gustafson says that we can wordsmith, but we have attempted to do as much community engagement as we've had the opportunity to do in the short time that Council has been working on this resolution.

Mogen asks if Mielke can make specific recommendations for the wording she would like to change.

Mielke would like to strike, "invited public engagement" in one area and offers suggestions for wording changes and corrections in others.

Council members continue to offer wording suggestions to revise the resolution into a finalized document to be adopted during the regular meeting.

Linehan asks Attorney Asani if it is now enforceable in this way, as written.

Asani says that it is fine because it sets the policy basis for the ordinance, and the ordinance has the specific prohibitions that would actually be enforceable.

Mielke asks about data being included.

Asani says that the intent of this was to just include property use, as there are more complications in terms of regulating data.

Linehan says that the resolution will be brought forward as a policy item for Council to approve as amended.

May wonders what the process is for the ordinance tonight, and Linehan says they are seeking direction tonight to start the clock.

Gustafson asks if there are any proposed changes to the ordinance.

May comments that she does not feel like administrative enforcement is at all adequate. She wants a mechanism where a violation of the ordinance can be reported via 9-1-1 and police can take actions consistent with their policies. She wants it clearly stated what the police's role is in enforcing this ordinance.

Wassenberg says that we are dealing with the highest law-making body in the nation and that limits our enforcement from a practical standpoint. However, he appreciates the reporting portion.

May feels like this is very much a public safety issue. What if this was occurring during the summer and our parks were heavily used by residents?

Mogen, as he understands it, says this would be viewed as a trespassing misdemeanor and does not see anything that prohibits anyone from calling 9-1-1. He thinks we need to recognize that our police are not going to come in and shoe ICE out of the park, but we are adopting an ordinance that makes it illegal to violate it.

May did not understand it to mean this, as written.

Linehan adds that all of our ordinances are enforceable. But realistically, there isn't going to be an enforcement mechanism from the officers. To Linehan's knowledge, no other city has successfully cited ICE officers for using parks. Where we believe there is traction is through the courts. We can build a case by sending a cease and desist and let them know we are challenging it; that is where the strength will be.

May says that others are viewing the enforcement more in the legal sense, and that she is looking at it more in terms of accountability and public safety. So, she would like the role of the St. Anthony Police more clearly defined.

Asani says that they did not have a chance to review what might be workable within St. Anthony's policies since this was mentioned at a prior meeting and that they could work towards that.

Linehan adds that this is the wording that they feel comfortable with. It puts their officers and public in the best space. So, we can continue that discussion, but that is also why this is worded the way it is.

Asani adds that the public can certainly call 9-1-1 to complain about the ordinance violation, but to manage the expectation that, realistically, the criminal prosecution route is not really an option here. With the ordinance, we will mostly be going the administrative route.

2. Direction on Designating an Acting Mayor for 2026

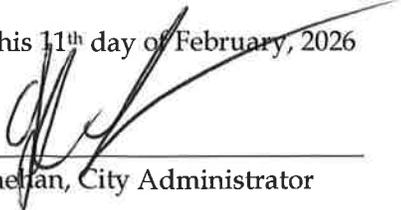
Mielke suggests following the same process that they have been doing, which is naming the Acting Mayor based on seniority.

Linehan adds that we don't have anything in our City Code or acting policies, so that is why we are seeking direction. Long-term, there is maybe another way to do this so that we would also know what to do if the Acting Mayor is also unavailable.

Councilmembers are in favor of basing it on seniority on a rotating basis, with Wassenberg currently being the most senior councilmember and next in line. They direct Linehan to add Wassenberg's appointment to the regular agenda.

D. ADJOURNMENT: 7:03 PM

Dated this 11th day of February, 2026



Jack Linehan, City Administrator



Randall C. Gustafson, Mayor

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.