

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue

MINUTES
August 24, 2016 at 7:00 P.M.

- A. CALL TO ORDER: 7:00 pm
- B. ROLL CALL: LINDSTROM X HARRIS X BROWN THUNDER X
FISCHER X GUSTAFSON X
- STAFF PRESENT: THONGVANH X
- C. PRESENTATIONS:
- D. APPROVAL OF MINUTES:
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| 1. July 27, 2016 City Council Meeting -Listening Session Minutes | Approved |
| 2. August 3 City Council Workshop Meeting Minutes | Approved |
| 3. August 10, 2016 City Council Meeting Minutes | Approved |
- E. PUBLIC HEARINGS:
- F. CONSENT AGENDA:
1. General Disbursements through: 8/17/16 \$87,184.70
Payroll through: 8/15/16 \$23,163.84
 2. Appointment of Dan Wattenhofer to the Falcon Heights Volunteer Fire Department
 3. Resignation of Dave Thomas from the Falcon Heights Volunteer Fire Department
- Council Member Gustafson Moved, Approved 5-0
- G. POLICY ITEMS:
1. Clean Water Plan
City Administrator Sack Thongvanh stated that he has been working with the Capital Regional Watershed and the Ramsey County Conservation District. They were looking at ways to mitigate and divert storm water so it doesn't go directly into a storm sewer right away and to alleviate some of the demand on our system. We have existing permeable surface in the driveway and a rain garden so some of it gets captured that way. There were two plans that we've looked at: a smaller rain garden near the SW corner of the City Hall building and a slightly larger rain garden at the Prior Avenue and Larpenteur property line. With some of the infrastructure that we currently have in place it makes more sense to just do the rain garden off Prior and Larpenteur. The funds that would be applied for would cover 95% of the cost of the rain garden, and it would include design services at no cost. The cost to the city would be about \$600-700.

Council Member Fischer Moved, Approved 5-0

2. Temporary Transitional Housing Ordinance

Policy item was added to the agenda. Council Member Harris Moved, Approved 5-0. Council Member Harris stated that the Planning Commission recommended that the City opt out of a new law that the legislature passed. The law prescribes the way that cities should provide transitional housing. The City has to either opt out or be ready to implement this law by September 1, 2016. By opting out, the City is not saying that they won't someday want to implement something similar to this. The City's legal counsel implied that the legislature was strongly influenced by a manufacturer of a particular type of housing that is permitted by this legislation. The Planning Commission would like to discuss potential future options for the City to have transitional housing for aging family members, but they decided that this is not the best option. The City has something very similar to this in their Ordinances that provides guest housing (Section 113-379). The difference is that infrastructure would be required for the transitional housing legislation. If the Council chooses to, they can modify the ordinance to include infrastructure.

Council Member Harris Moved, Approved 5-0

H. INFORMATION/ ANNOUNCEMENTS:

Council Member Fischer:

- The Community Engagement Commission met last week and held a Diversity and Inclusion Workshop with Kenneth W. Morris. He thinks it was a really good step and he thanks the Commission Chair, Melanie Leehy, for organizing it.

Council Member Harris:

- The Planning Commission met and they mainly discussed the temporary transitional housing ordinance. They also held public hearings to vacate easements.

Council Member Brown Thunder:

- Northeast Youth Family Services will be having one of their fundraisers, The Taste of Northeast, on October 6. Tickets will be \$30 in advance and \$40 at the door at the Vadnais Heights Commons. This is one of NYFS's main fundraisers during the year.

Council Member Gustafson:

- The Parks and Recreation Commission will be meeting on September 12 instead of September 5 due to Labor Day. On Saturday, September 10 CTV will be celebrating their 25 year anniversary with a free event at their site in Roseville.

City Administrator Thongvanh:

- The Ice Cream Social will be rescheduled and right now staff is looking at an October date. The event will look differently without the help of the Summer Parks and Recreation Staff.
- There will be a few things on the September 7 agenda: the budget, feedback and discussion amongst the council on the proposed task force and working group, and a short summary of feedback he has received from emails, listening sessions, public forums, phone calls, and letters.

Mayor Lindstrom:

- The State Fair starts tomorrow. If people observe any serious parking violations they should call the St. Anthony Police Department or 911.
- He also attended the Community Engagement Diversity and Inclusion Workshop and he agrees that it was an excellent first step.
- The task force will be front and center for the next workshop. The Council is open to ideas from residents and others on their thoughts of whether or not there should be a task force, what that task force should be made up of, what the task force should be concentrating on, and these sorts of ideas. The Council's emails and phone numbers are online to share those ideas.
- Council Member Fischer stated that the City Council Workshop format doesn't allow for public forum, so it would be best provide your input prior to that meeting on September 7.

I. COMMUNITY FORUM:

Tyrone Tarrell- President of the African Leadership Council and St. Paul Resident:

He is still very concerned that the Council has taken no action to terminate the contract with SAPD. A racist behavior has been going on for a number of years that previous Council Members and others ignored. It's saddened him that the conversation today discussed things like the Ice Cream Social and the Council doesn't seem to understand his community and the Castile family. The Council has been asked to respond and they haven't. The Council acts like they don't care. The Police Department has at least 62% of their stops involving African Americans. Falcon Heights is not made up of 62% of African Americans.

Melissa Harell Sullin- Vincent St:

She welcomes the speakers here and apologizes.

Jeffery Hassan- Executive Director of the African Leadership Forum:

He was appalled to hear that Officer Yanez has returned to the Police Department. He was glad to hear that the Council was considering terminating the contract with SAPD. He is a bit disturbed that he heard nothing discussed on the agenda. This is not going to go away. It's only going to increase if you don't address it.

Nathaniel Kaliek- former president of AACP:

He sees this as one of the most egregious and heinous crimes committed by a state sponsored agency. He's been involved in many of the marches and demonstrations through peaceful means. He has looked at news articles from the 1950's that talk about racially bias police and we are still dealing with this issue in 2016. When he was shot they didn't value his life and try to stop the bleeding. Do you know if they're trained in first aid? The Officer showed that he was incompetent no matter what kind of stop it was. One thing we do know that cannot be questioned is that they did not value his humanity. We want some movement on this issue of providing aid. Do they have first aid kits in their squad cars? Of course they do.

McKinney Faluckay- Brooklyn Park Resident:

She's here with the Castile family and her family. City Council duties are to work with citizen advisory committees established by the City Council to formulate recommendation to the City

Council on policies, projects, and spending. They are also supposed to participate in community strategic and long-range planning. How can you participate if you're not answering questions?

Jim Valentine- 1893 Snelling Ave N:

He's lived here for 24 years. He knows Don Lewis, the special prosecutor. He's here to say, let Mr. Choi and Don Lewis do their job before you make any decisions. Be deliberative and wait for the facts to be in. He was stopped by the police on Larpenteuer Ave and was given a speeding ticket. He didn't like the way things were done, so he called the Police Chief to get a complaint on the record. He did not wait 5 years after the fact to make an anecdotal statement.

Davina Newman:

This is an opportunity to set a precedent for the entire country and to make a change. Stop continuing with business as usual. We're tired of talking and not being heard. If things don't change, be ready.

Tom McNiche-1508 Iowa Ave:

From what he has read, Officer Yanez was put back on administrative leave. This is not going away, and people will hold your feet to the fire. He went to a program at the University of St. Thomas on August 11 that talked about "After Castile", a criminal justice discussion. He went to another program yesterday on policing after Castile. What he gets from these instances is that the name Castile is very much alive. He thinks a task force is appropriate and that he would like to be a part of that. He thinks we should get lined up with another police force, but that we will need to do a little work to make sure that we contract with a police department that won't do the same thing. He doesn't think we need to wait for the criminal investigation because there are things we can do as a community to discuss what kind of policing we want.

Rochelle Avan Hassan:

Can Tony and the Mayor share what they learned at the Diversity and Inclusion Workshop last week?

Cindy Leschesky- 1713 St. Mary's St:

She thinks the Council has enough facts. It doesn't matter what Mr. Choi or perhaps the Grand Jury decides to do. We know from the Star Tribune the statistics. What happens with the case is certainly important, but even if they say there are no charges that will not be the end of it. She doesn't know why we have turned our police officers into tax collectors. She doesn't understand why this isn't something we can't look into. Why would you wait? The court case doesn't have an impact on how we want policing and the training for the police officers.

Tracy Castile- Philando's uncle:

He is truly disappointed with Falcon Heights' Council. He heard they were exploring to do something different with a police contract. There are plenty more officers out there. He hopes that is something that will seriously be taken into consideration. The bad folks that you have in your city are policing it. He heard a lady speak her on the fact that the police officers know her son by name. That shouldn't be happening unless they know them through an event that they both attended. To continue stopping him because they think he may have an expired license is profiling. He hopes the community and Council will do the right thing and not be stagnant. This won't die down. He will be looking into the Mayor, Ms. Harris, and Randy. Let's make Minnesota and Falcon Heights rise above all these other cities where bad things have happened.

Tyrone Tarrell- President of the African Leadership Council and St. Paul Resident:

To clarify, they denounced Don Lewis to Mr. Choi. They don't want him on the case because he has no back bone to hear this kind of case.

Cordin Nelson- BLM St. Paul Organizer:

He wants to see the best outcome for everyone here as he has lived in Falcon Heights for 25 years. He heard that Yanez was placed back on administrative leave. He agrees with that and he wants to know if the Council has anything to do with that?

Mayor's response: The Falcon Heights Council doesn't make those types of decisions.

Cordin Nelson: Have you made any progress on the idea to end the contract with them?

Mayor's response: We will be discussing a task force on all of these issues that have been brought up tonight. There will be a public meeting at City Hall Wednesday, September 7 at 6:30pm to discuss these issues.

Melissa Harell Sullin- Vincent St:

The Council has already informed the audience that they are not allowed to speak at the public meeting on September 7. You are not bound or chained to the rules. You can override the rules. You are told that you can't speak back to us, but she would recommend that the Council allows themselves to respond back to the public. We're all trying to solve this and make this a city that we want to live in.

Jeffery Hassan- Executive Director of the African Leadership Forum:

He wants to speak to a couple of points that were made concerning Don Lewis. He knows Don Lewis, but he does agree with the speakers that he is not the right person to handle the case. He handled the case of the two kids that were killed in the landslide. He did the investigation and deemed that the city was not responsible. The case settled for one million dollars. That's the community's impression of Don Lewis. He's going to give the County or the City the answer they want. You don't have to wait for the County Attorney to make its decision.

Jim Valentine- 1893 Snelling Ave N:

He's not saying that the city has to do what John Choi and Don Lewis recommend. He thinks it would be a good set of facts to work off of for this body to make a final decision.

Emily Flower-

240 times since 2001 police in Minnesota have killed people in the line of duty. It happened again in your town. You are on a national stage, and the entire world is watching you. You have the opportunity to stand up. She doesn't believe that the Council thinks that out of those 240 times an officer didn't make a mistake in killing someone. You have the opportunity to stand up and to shine.

Tom McNiche-1508 Iowa Ave:

The only way that you're going to get quick access to the BCA investigation information is if the same thing happens in the Jamar Clark case. That case was deemed not enough evidence and there weren't charges. If that doesn't happen, we're not going to know that information. Nobody is going to wait that long to take action or to get that information.

Tom Baldwin- 1716 Albert St:

He asked a question last time, and only received an answer from two Council Members. What he's seeing here tonight is that there is no confirmation of listening without a response. The anger grows because of refusal of official response. Nothing the Council says as individuals is city policy or Council policy. You have the right to say what you please and the city will not be accountable. There hasn't been a single human response. He hasn't heard an open and honest discussion among the members of this Council. You owe us your response and your leadership on the significant issues that affect this city. He has to say that when the members of the Council refuse to respond publically to this deep of emotion, it is the most egregious example of executive arrogance that he has seen.

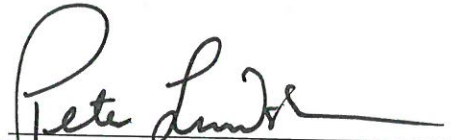
Beth Mercer-Taylor- 2231 Folwell Ave:

She has heard so many calls for change. She wants to reiterate for the community that there is a call for change. It's not about what's happening in the criminal investigation. It's about the fact that we can do better, and it's loud and clear. She wanted to share a meeting that she went to at the Ramsey County Libraries. There was a discussion on the book *A Good Time for the Truth: Race in Minnesota*, a collection of 16 essays that give people a chance to understand what it's like to live as a person of color in Minnesota. Several hundred people from this community attended that meeting, and there were a lot of calls for change.

J. ADJOURNMENT: 8:25 pm

Dated this 24th day of August, 2016


Sack Thongvanh, City Administrator


Peter Lindstrom, Mayor