

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

MINUTES
October 26, 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:
1. October 12, 2016 Special City Council Meeting Minutes Approved
- E. PUBLIC HEARINGS:
- F. CONSENT AGENDA:
1. General Disbursements through: 10/19/16 \$77,560.00
Payroll through: 10/15/16 \$20,715.91
2. Statutory Tort Liability Limits Coverage for 2017

Council Member Harris Moved, Approved 5-0

- G. POLICY ITEMS:
- H. INFORMATION/ANNOUNCEMENTS:
1. Police Report

As requested from citizens and the Mayor, the City Administrator has included the police report that he receives weekly. Moving forward he will be including a monthly report and will typically provide 3-4 weeks of reports on the first Council Meeting of the month. If there is a warning or citation issued, these will be included. In the near future the reports will also include race of every stop. He does not have a timeline of when that'll be included because they are making software adjustments to collect additional data.

Council Member Fischer:

- The Community Engagement Commission has been working on a few things and is looking to recommend an ongoing diversity inclusion training. Human Rights Day will be on December 8th at 6:30pm at City Hall. He attended the Ramsey County League of Local Governments meeting.

Council Member Harris:

- She was unable to attend the Planning Commission meeting. The main agenda was to acquaint the Planning Commission with the Comprehensive Planning process. The plan will need to be finished and approved in 2018.

Council Member Brown Thunder:

- NYFS board meeting is tomorrow. All board members are now required to sit on one of the various committees. He will now be on the fundraising committee and programs committee.

Council Member Gustafson:

- The Parks and Recreation Commission participated in the Fall Fete instead of attending a meeting. They will be meeting again in December to take up direction of parks in the city next year and how it may or may not interface with the Comprehensive Plan.

City Administrator Thongvanh:

- The application process for the Falcon Heights Task Force and the Tri City Work Group is now closed. They received over 30 applications and they have vetted some of the applications already. They will have seven appointed for the Falcon Heights Task Force and they will have one that will be automatically appointed for the Tri City Work Group in November. They will be interviewing for three open spaces on the Task Force/Work Group. The Council will be starting to schedule interviews next week and potentially the week after.
- Staff will be going through their first round of anti-bias awareness training provided at the City of St. Anthony. This will be provided to all Falcon Heights staff and Council Members as well as all St. Anthony staff, Council Members, and Commissioners.

Mayor Lindstrom:

- The rationale for the eight persons being appointed was that the first stage of the application process was for Council Members to rank their selections. These applicants were the top ranked among all of the Council and therefore were automatically selected to be on the Task Force/Work Group.

I. COMMUNITY FORUM:

Nikiel:

The Council included the police reports in the packet per request of citizens. Were any of the other recommendations mentioned at the previous Council Meetings taken into consideration? Specifically having the Chief of Police in attendance, to have a motion considered to end the contract with SAPD, and to know how the task force is being researched/guided.

Mayor Lindstrom:

The Council has heard from citizens through multiple means of communication. At this time he believes the Council would agree that they are comfortable in the direction that they are moving. The Council does not need to include a motion in the Council meeting if a few residents and citizens have brought it to their attention. Individually they have all considered this when deciding what next steps to take. At this time a motion has not been made.

City Administrator Thongvanh:

Adding the police reports into the Council packet does not require a motion from the Council. These reports were brought to the attention of the Council to be included many years ago before St. Anthony was the police department, when Ramsey County was providing services. Somewhere in the process with change of personnel, this information was not conveyed and they stopped being included. He included it in the Council packet because this was something that was regularly provided to the Council in the past.

Nikiel:

He will ask the Council again that they make a motion to end the contract. This keeps them accountable because they did not do their job. They did not protect and serve. Maybe there's some progress being made because last Council meeting things got uncomfortable as they discussed things like racism and bias.

Council Member Gustafson:

Thank you for your comments. The Community Forum portion isn't a give and take dialogue time, although Council has been doing that. Are you a Falcon Heights citizen?

Nikiel:

Why does that matter? This isn't his hobby, but it's his livelihood on the line.

Sarah Chambers- 2170 Folwell Ave:

She wants to reiterate the request to have the Police Chief at a meeting. She appreciates that the police report was provided this time, but it would be great to then ask questions (i.e. how are the decisions made to stop, to give a warning rather than a citation, and what corrective steps have been taken since the shooting). The report is a good first step, but we need to have the Police Chief here.

City Administrator Thongvanh:

In terms of why an officer gives a warning versus a citation, it is very complex. Even if the Chief was present he couldn't say exactly why certain decisions are made at certain times because there is discretion.

Melissa Harrel Sullew- 1588 Vincent St:

She believes we still have a moral obligation to the end the contract as soon as we can figure out how to police the community in a way that is acceptable to us. She is puzzled as to why the Police Chief isn't being made to show up since he works for the citizens. She wants him to be responsible and willing to talk to this community. She doesn't know why a Police Chief outranks the citizens in Falcon Heights and our neighbors.

Meara Hove-1824 Tatum St:

She thinks Council Gustafson's remarks were rude. Secondly, what is keeping the Council from making the motion of ending the contract? She doesn't know much about the process and would like to know more of the details.

Council Member Fischer:

A few weeks ago he stated that he doesn't support that motion and there is a lot of information they don't have. Since no one on the Council has made a motion on it, there will not be a vote on it.

City Administrator Thongvanh:

With that type of motion to be put on the agenda, there has to be a motion from the Council to put it on the agenda and then there has to be a majority vote on it.

Tom Baldwin- 1716 Albert St:

The question made to Nikeil was irrelevant. For future reference, to the Mayor should call it as such.

Hawa:

This is a nation-wide and international issue. This is not just something that happened in Falcon Heights. We should welcome those who come to the table to provide input and to try to help with solutions to the problem.

Mark Hove-1824 Tatum St:

He thinks there are strengths in wanting things to be done in an orderly fashion, and we become comfortable with what we're used to. There are also strengths in new ideas that are introduced that may not fit in that orderly fashion. It is important that we have this liveliness, energy, and richness from people that don't live in this community and are contributing to this conversation. We can't take this on by ourselves, and together we can make a difference.

Kate Thompson:

What are the criteria by which members are being appointed to the task force?

City Administrator Thongvanh:

The initial phase was a majority vote by Council. The second phase is interviewing. There are about eight people that will be receiving calls this week to schedule an interview next week or the week after.

Kate Thompson:

Can you say more on what skills those selected had or what perspectives you anticipate they'll be bringing to the Task Force that made you think they would be qualified?

Mayor Lindstrom:

There wasn't set criteria that all of the Council was looking for. Speaking from his prospective, he was looking for a diverse group of people: diversity in many different ways (i.e. skin color, thought, age, and experiences). He was looking for new residents and seasoned residents. He was looking for people that would challenge his way of thinking as well.

Council Member Gustafson:

He was looking for a diverse group of people as well. He was looking for different genders, ages, races, and different types of experiences. He is looking for a group that can put forth ideas and work together to solve this problem in the upcoming weeks and months.

Council Member Brown Thunder:

He was looking for candidates that would really understand marginalization and what being marginalized has been like for people of color. He was looking for a diverse group of people that bring as many perspectives to the table as possible.

Kate Thompson:

Can Council Member Fischer say more on why you don't support ending the SAPD contract?

Council Member Fischer:

At this time, we're missing a lot of information. He doesn't know the gap from where we are to where we need to be. St. Anthony has been doing a lot of great things recently and since July 6. They did an application to the DOJ for them in to look at what they're doing and to know what they can do better. He'd have to see them not reacting to that gap and doing what they should to bridge it. He'd also have to know that there is someone out there that could do it better.

Kate Thompson:

You'd have to see active indifference?

Council Member Fischer:

No, they are taking courageous steps with inviting the DOJ in to help them take action. The city is also having all staff take anti-bias training because anti-bias is not only a police issue.

Kate Thompson:

What outcomes from the task force would convince you that this is something the St. Anthony Police was not prepared to correct?

Council Member Fischer:

If there are specific recommendations that have a lot of consensus behind them, make sense, and he doesn't see a good answer from SAPD in terms of implementing the changes. He would also have to see a pattern and that they're not correcting it. He is not looking for perfection, but he's looking for progress and that they do really well.

Nikiel:

He can send an article from the Pioneer Press to the Council. Of the 994 arrests SAPD made this year, 47% were black. The percentage of Black people that live in St. Anthony is 6%. What other statistics do you need to see to say that's implicit bias?

Council Member Fischer:

Falcon Heights has about 5,500 residents. Every day there are about 40,000-50,000 cars that drive through the intersection of Snelling and Larpenteur. He understands the concern, but he sees that comparison as apples and oranges.

Tyrone Tarrell- President of the African American Leadership Council- 270 N. Kent St. St. Paul:

They're bringing DOJ in because they are afraid about losing their money and their contract. That's a cover up. As a Black man, he says he is still no safer today on Larpenteur Ave than he was before July 6. He doesn't live in Falcon Heights, but he will keep coming here. Your citizens asked you to bring the Chief of Police here.

Mayor Lindstrom:

He is wondering what police department those who spoke tonight would they would like to have serving Falcon Heights.

Tyrone Tarrell- President of the African American Leadership Council- 270 N. Kent St. St. Paul:
Ramsey County Sheriff's Department, Maplewood, St. Paul PD, and Roseville PD.

Melissa Harrel Sullew:

Ramsey County Sheriff's Department. If we cancel the contract, we are sending a message as to why that is happening. She advocated for a task force, but she also worries that the task force may not come to a consensus and run out of steam.

Paula Mielke- 1868 Arona St:

The We Can Do Better group wanted a task force, but they wanted the Council to end the contract in July. They also wanted to have Philando's death on the agenda, and it hasn't been.

Kristine Chitambra- 1941 Summer St:

She was wondering if anyone from the Council has been in contact with Ms. Diamond Reynolds. She was also a victim. She believes it would mean a lot if the city would reach out.

Harley Mufalukay-

It seems like the idea of having the Police Chief attend has been dismissed. He can talk about standard operating procedures. Are you going to consider bringing the Police Chief in?

City Administrator Thongvanh:

If anyone has any questions, feel free to email him or meet with them.

Nikiel:

The Council's job is to serve the citizens. What happens if it happens in this city again?

Melissa Harrel Sullew:

The suggestion has been made before to email the City Administrator. She doesn't understand why the Police Chief is so protected and why he cannot be in the same room with the citizens he serves. If he doesn't want to attend he should be reminded who his boss is.

Sarah Chambers- 2170 Folwell:

The City Administrator or the Council can request the Police Chief to come to a Council meeting per the language of the contract.

Peter Demorats- 2297 Folwell Ave:

What is the access the Task Force will have to the Police Chief and to members of SAPD? Will they be able to ask questions and request specific information?

Mayor Lindstrom:

His vision is that the Police Department will respond to questions and be a part of the information they are seeking.

City Administrator Thongvanh:

The Police Chief will be a part of the Tri-City Work Group. He will not be a member of the Falcon Heights Task Force, but they will have unlimited access to the Police Chief and SAPD. The Task Force can request data and documents from SAPD as well.

Speaker 1:

Did you get anymore information on SAPD's practice or policies in dealing with citizen who are wounded?

Council Member Gustafson:

He did not get any additional information.

Mayor Lindstrom:

He did not receive any additional information. He believes it is their duty to provide aid. He doesn't have the information to go into what SAPD did wrong or right in response to the event. He hopes that these questions are asked, and if they did something wrong that they're held accountable.

Speaker 1:

The officers that responded should be disciplined and held accountable. The plan is to distract people with the Task Force, but there are issues that can be dealt with now. Edina has been more receptive in regards to recent events. He hopes for answers at the next meeting. In Maplewood a man holding a steel pipe didn't have a gun pulled on him, but they physically stopped him. The man had a heart attack and passed away. Maplewood PD had the incident on their dash cam, they expressed their condolences to the family, and they requested to meet with the family members. The process was very transparent.

Paula Mielke- 1868 Arona St:

Why have you not had the Police Chief come to a meeting?

Council Member Fischer:

These are important conversations, but he also has a target on him and these conversations are very emotionally driven. He will be a part of the Task Force.

Mayor Lindstrom:

He will be a Tri-City Work Group member but will also aid in the Falcon Heights Task Force group to provide data and information.

Georgiana May- 1477 California Ave:

She thinks it's reasonable to ask the Police Chief to attend.

Council Member Fischer:

His concern is not for the Police Chief dealing with difficult questions. His concern is for the safety of the people in the room since it could be a very emotionally charged meeting.

Georgiana May- 1477 California Ave:

A police officer should not leave something up to discretion, because that leaves it open to bias. There should be procedures in place. Council was also dismissive about data presented by Nikiel. The Council is looking for data, and this data that he presented shows bias. If they are busy pulling Black people over for cracked tail lights, then they are not focusing on the things she feels affect her safety.

Council Member Fischer:

The data of the percentage of people of color stopped in comparison to the percentage of people of color who live in the city is not directly comparable because of the vast amount of people using the roads that don't necessarily live in Falcon Heights. There are also issues of poverty that affect things such as broken tail lights, and there is a high percentage of people of color affected by poverty.

Georgiana May- 1477 California Ave:

This data needs to be looked at. Also, she believes the Task Force members should be chosen by the community.

Tom Baldwin- 1716 Albert St:

If you're pulling over ill-repaired cars you can be sure that that'll be targeting a certain economic group, majority being people of color. That is the definition of de facto-racism and institutional racism.

Council Member Fischer:

In terms of broken windows policing, there are terrible ways that it affects Black people. The police department has been trying to implement community policing which is a better model. Although, there hasn't been much contact to engage those outside the community in neighboring cities. That is something for the Task Force to think about, inclusion beyond the Falcon Heights borders.

Tom Baldwin- 1716 Albert St:

He'd like to know how a non-threatening vehicle violation answers the questions of improving safety and quality of life of the community. We need to get rid of the concept of pulling people over to monitor who is in the neighborhoods.

Speaker 1:

You were justifying disparities in stops because of poverty?

Council Member Fischer:

He works for MnDOT and reviews a lot of crash data. Fatalities and serious injuries are most common from people running red lights, running stop signs, right angle crashes, and head on crashes. Those are his concern. He has heard that Minneapolis has taken some of the low-level offenses off the books because of the way they disproportionately affect people of color. He thinks it's a great strategy but he's not ready to say with certainty exactly what he supports of those offenses. It would be good to narrow the amount of discretion that police officers have to use. Serious offenses should be stopped.

Mark Hove-1824 Tatum St:

He commends the Council for having dialogue and continues to encourage all of the Council Members to dialogue and grow from that experience. Also, having the Police Chief present may result in a heated discussion, but that doesn't mean it won't be fruitful. There have been heated discussions before but there has been self-control. There are professionals that can help with the discussion.

Hawa:

She finds the response about Black people being stopped because of poverty hurtful. She has had several neighbors move out of Falcon Heights because of being stopped. These issues happen in many areas whether schooling, employment, or policing. She is asking for people to be sensitive and to think about what it feels like to not have a voice. She attends a meeting called Circle of Peace on Mondays, and despite invitations, the Police Chief has not attended.

J. ADJOURNMENT: 8:42 pm

Peter Lindstrom, Mayor

Dated this 26th day of October, 2016

Sack Thongvanh, City Administrator