



CITY COUNCIL WORK SESSION
City Hall: 23340 Cree St NW
Monday, April 11, 2022 at 5:30 PM

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. AGENDA ITEMS**
 - A. Emergency Management, Protection of Buildings and Infrastructure
 - B. City General Discussion
- 4. ADJOURNMENT**

**Councilmember Muehlbauer is attending via Zoom from:
5223 S Priest Dr, Tempe, AZ 85283**

Join Zoom Meeting

<https://us02web.zoom.us/j/85159638111?pwd=OE5tbE1OU0JkMkFoK0RiSGhNdKxkUT09>

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Passcode: SwD4JJ

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CITY COUNCIL AGENDA REPORT

TO: Kate Thunstrom, City Administrator
FROM: Todd Schwieger, Police Chief
SUBJECT: Emergency Management, Protection of Buildings and Infrastructure
DATE: April 11, 2022

OVERVIEW:

Increase in violence and public disturbances during large protests has highlighted the need to begin having conversations about the need for fencing around police departments and critical infrastructure and to also develop a plan should we face this situation. Purpose of the planning is to provide guidance for our first responders who may encounter large gatherings with potential for violence, damage to property, and public endangerment. Several initial steps have been taken and conversations had on these topics over the last several months. The topic of discussion in all of these meetings is how to protect facilities and infrastructure during civil unrest should it ever develop here. The topic itself seems simple but there are many things to consider such as materials/barriers needed and amount, what to prepare to protect, own vs. lease, cost, stand alone or consortium, deployment, storage, install (private vs. vendor), service sacrifices and prioritization etc. Cost is obviously a topic of discussion as well. The following groups have participated in these discussions since fall of 2021:

1. Fall 2021 – JLEC subcommittee formed to discuss fencing/barriers from an Anoka County perspective. Creating options and alternatives to bring back to JLEC.
2. December 2021 JLEC subcommittee met to discuss ideas and options to bring back to spring JLEC.
3. January 2022 – St. Francis working group formed to discuss barrier/fencing/protection options from a St. Francis perspective. Begin discussions on protecting St. Francis buildings and infrastructure and plan creation.
4. January 2022 – Hennepin County Fence Working Group presented to JLEC information about the working group and Fence Consortium
5. February 2022 - St. Francis working group met with Mike Christianson from Homeland Security on site to discuss risk assessment of City buildings and damage mitigation. Discussion included the PD/PW facility, City Hall, Water Treatment Facility, and Fire Department.

6. February 2022 – St. Francis working group met to discuss information learned from January JLEC and Homeland Security meeting. Main topic was Hennepin Consortium and protection of St. Francis facilities both permanent and temporary.

7. March 2022 – JLEC subcommittee met to further discuss options to bring back to April JLEC meeting.

Currently, the main objective for the City of St. Francis is to come up with cost effective ways to protect City facilities and infrastructure through both permanent and temporary methods. Staff wanted to inform City Council members of the conversations being had and information it's received regarding this topic in an effort to obtain feedback and/or direction from City Council.

JLEC SUB-COMMITTEE TAKEAWAYS AND OPTIONS ESTABLISHED MOVING

FORWARD: Chief Schwieger is a member of the JLEC fencing subcommittee tasked with gathering information and presenting fencing information and options to the JLEC. During the subcommittee meetings three options and long terms goals were produced. The subcommittee plans to provide this information to the JLEC in April of 2022.

Probable Options Established to bring to JLEC:

1. JLEC as our own consortium. Purchase with JLEC funds/Levy. Possibility of state public safety funding. JLEC has approximately \$200,000 in possible funding (JLEC Reserves) that could be used. Would only allow for the purchase of a small amount of fencing. A JLEC policy created to show how funds can be used to avoid “slush fund” mentality. Would have to still consider storage, maintenance, transportation, installation. This will take time to get established with no telling when the next event will take place.

2. City of St. Francis contracting individually with the Hennepin Consortium as a stop-gap measure. A sort of insurance policy to protect against the immediate threat of unrest should they occur here.

- Enter in to JPA by July 1st, 2022 to be original member.
- Become member of the Statewide Public Works Mutual Aid Pact.

3. JLEC as Hennepin Consortium member. Possibly buy into group as JLEC group. Option will likely be discussed at next JLEC meeting.

4. Long term goals. Ways to harden existing facilities (i.e window brackets, permanent fencing, barriers such as boulders). Permanent security enhancements to current buildings and designed into future buildings. Emergency Action Plans established.

ST. FRANCIS WORKGROUP TAKEAWAYS:

What can the City do now?

Permanent ways to protect current City buildings/infrastructure include:

- Permanent fencing along 47 at PD/PW (450 ft).
- Permanent fencing for Water Treatment Facility.
- Brackets for windows for plywood/shutter placement.
- Protect infrastructure such as fiber, gas lines etc.
- Plywood on hand.
- Stand alone or become part of a consortium for temporary fencing during civil unrest.
- Establish Emergency Management Plans (Civil Unrest Preparedness/Response).
Department heads aware of plans through meeting and discussing.
- CIP long term planning and budgeting.

POTENTIAL FUNDING SOURCES:

Public safety state levy funding (current status), grants, CIP.

HENNEPIN CONSORTIUM:

One major thing that was realized after several meetings was that the ideal fencing which is considered non scalable is very expensive. The St. Francis PD/PW Facility has a very large footprint which fortunately has a perimeter fence in place. Unfortunately, to establish proper protection against an unrest event an additional perimeter would need to be installed in much closer proximity to the facility. The major reason for this is to be able to staff the perimeter and monitor it. It's estimated that an inner perimeter of fencing for the PD/PW Facility would be approximately 1800 feet which would cost in excess of \$500,000 to purchase and own.

A Fence Consortium has been established and is comprised of municipalities across the metro area that jointly contract with a fencing vendor for the availability, storage, maintenance, and transportation of anti-scale fencing (including vehicle gates and pedestrian doors). Multiple Anoka County cities, including Fridley, Columbia Heights, and Blaine have joined the Consortium. The Consortium will have, at a minimum, enough fencing for the largest police department building in the Consortium (Currently 3,800 feet). The goal is to have the fencing set up within hours of an incident in which there may be unrest. The fencing would be at on offsite location and could be deployed to any member municipality that needs/requests it. The Consortium has the flexibility to increase the amount of fencing, gates, and doors as additional local governments join the Consortium. Each member would be allotted 8' tall/4' wide anti-scale fence, 16' vehicle gates, 4' pedestrian doors. To purchase this amount would be approximately 1.3 million dollars. Obvious benefits of the consortium include cost sharing, joint planning and coordinating, joint training, not re-creating the wheel. A lot of the planning, logistics, legal work is already done.

Draft Bill introduced in the Minnesota House during the week of March 28th, 2022. Requesting \$5 million for the purchase of fence. Consortium members would still have an annual cost for maintenance, storage, and transportation of the fence but this cost would be over 50% less that would it would be to pay the lease/availability cost as well.

Currently over 30 Hennepin County agencies and several Anoka County Agencies have joined or plan to join the consortium. Minneapolis is not included in the JPA. Duluth and Rochester potentially joining in near future.

Cost:

The concept with the consortium is that every member municipality that participates in the consortium pays an annual fee to be a part of the consortium. As of January 2022 the approximate cost for a City like St. Francis to join the consortium under a lease program with a vendor for lease/availability, maintenance, storage, and transportation would be approximately \$7,300 annually. This cost is based on percentage of fencing needed. Again, this cost would be dramatically reduced if the Consortium received State funding to purchase the fencing.

Consortium Requirements:**Public Works Agreement**

Be a member of Statewide Public Works Mutual Aid Pact. Agreement used to provide PW labor and equipment needed to deploy the fencing. Each consortium member would provide 1-3 team members who would be assigned to the fence deployment team. Each member city would cover their own PW staff time for training (3 days per year), for deployments. This would work much the same as PD, FD mutual aid assistance for staff costs. PD and FD staffing would be based on need and conditions using existing agreements (i.e Anoka County LE Mutual Aid Agreement).

PD and FD staffing would be based on need and conditions using existing mutual aid agreements.

JPA Agreement adopted by governing body (by resolution) by July 1st, 2022 to become original member.

Anti-scale fence basics

8' tall, 4' wide panels that are locked together

Gaps between fence sheet metal too small for fingers to get through (hence harder to climb)

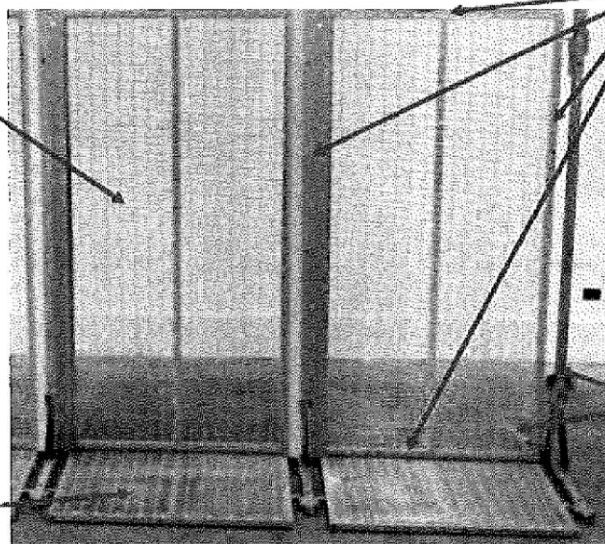
Metal frame on all sides of fence sheet, providing uniform mesh strength (fence is basically a see-through wall)

Base that extends on both sides of the fence to provide stability. If people are standing on the platform, their weight helps hold the fence in place

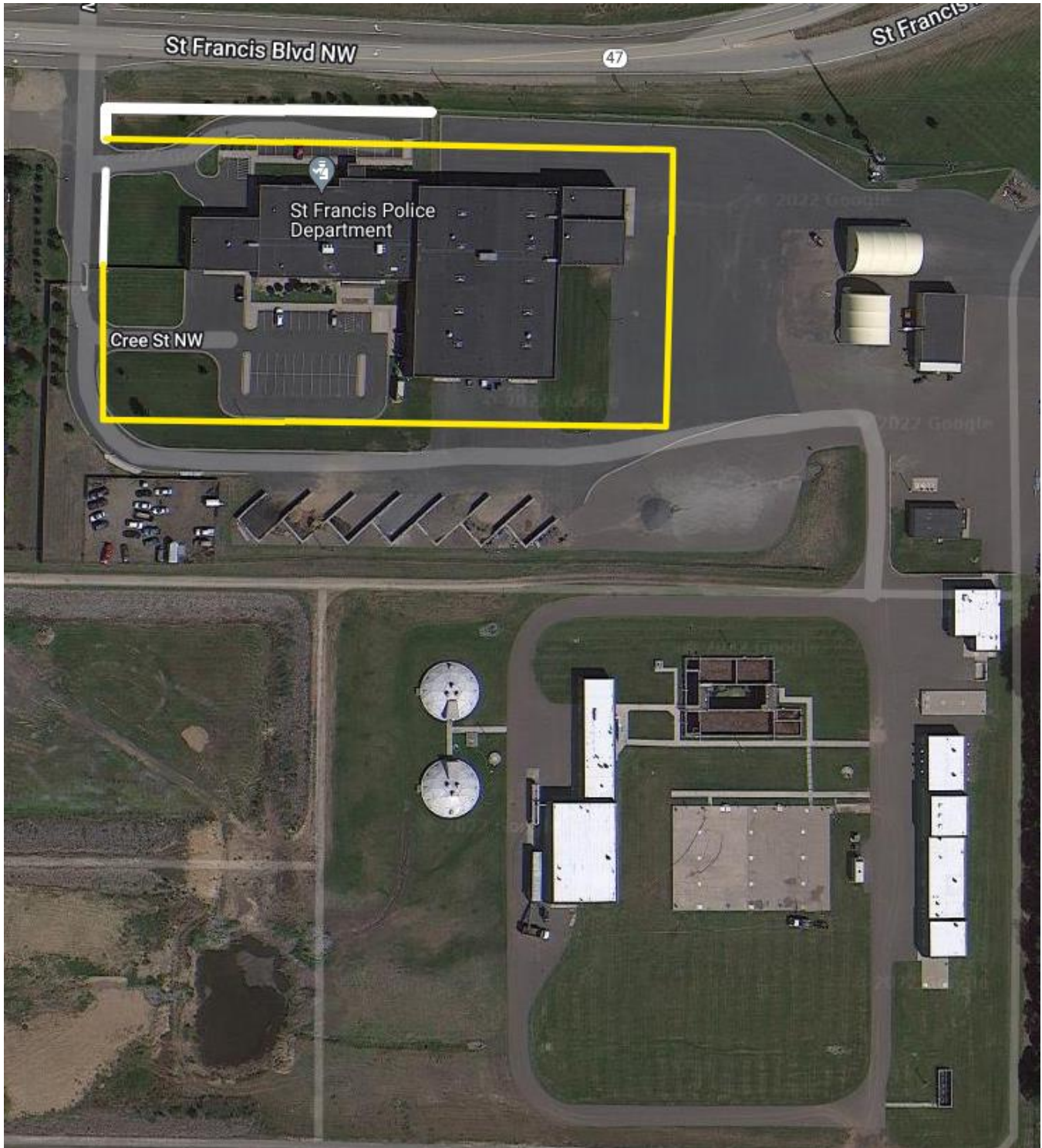
No bolts or other exposed hardware for aggressors to disassemble and take apart fence

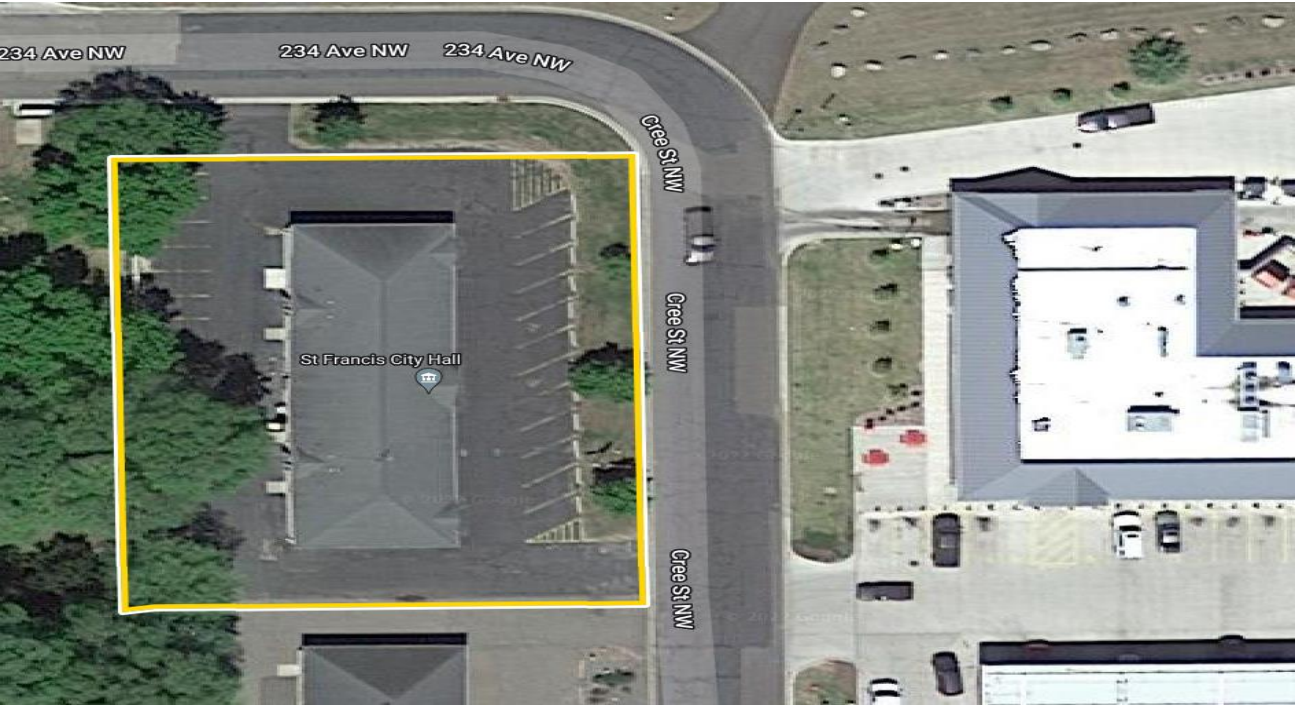
Concrete barriers not essential for setup (thus quicker and more flexible over different surfaces)

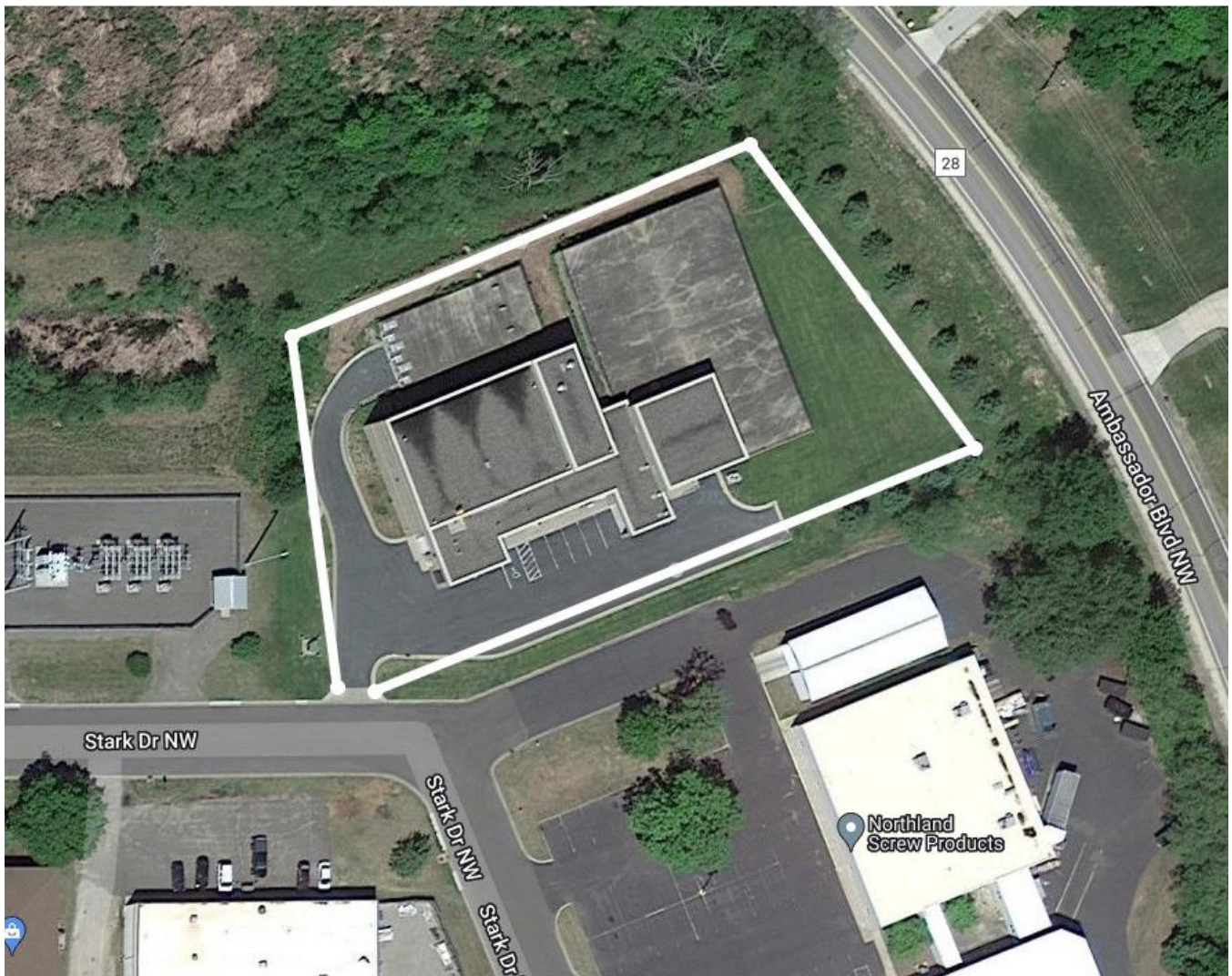
Heavy equipment only needed for loading/unloading from semi. Setup is all manual labor



White lines indicate approximate future locations of permanent fencing. Yellow lines indicate approximate location of anti-scale fencing during an unrest situation.







ACTION TO BE CONSIDERED:

City Council provide feedback on information received regarding protection of St. Francis facilities and infrastructure both permanently and temporarily.

BUDGET IMPLICATION:

The cost to purchase permanent fencing and other security upgrades such as emergency window shutters is still being determined for the PD/PW facility as well as the Water Treatment Facility. Estimates, Purchase, and install would follow the City of St. Francis purchasing policy.

The cost for Temporary fencing for incidents such as civil unrest through the Hennepin Consortium would be approximately \$7,000 annually on a lease program with a vendor. If state funding is received by the Consortium for the purchase of fencing the rate could be reduced by as much as 50 percent.

The cost for the City of St. Francis to purchase fencing would likely exceed \$500,000 for the amount needed.

Attachments: Minnesota Statewide Equipment Loan Agreement Quick Facts, Minnesota Statewide Public Works Mutual Aid Agreement, Fence Consortium Information, The Great De-Escalator.

Minnesota Statewide Equipment Loan Agreement Quick Facts

- There is no membership or other fixed cost to participate in this agreement.
- The agreement is an extension of the Public Works Joint Power Mutual Aid Agreement, so both parties must already be party to the Public Works Joint Power Mutual Aid Agreement before entering into this agreement.
- Equipment loaned under this agreement is limited to items with a replacement value of no greater than \$500,000 (as determined by the equipment owner).
- The only three things that need to be worked out between the Parties are:
 - What equipment is to be loaned;
 - How long it is to be loaned; and
 - How much (if any) the party loaning the equipment will be reimbursed.
- This is a Joint Powers Agreement that allows a sending party to determine which of its equipment to make available to others and a requesting party to select the equipment it desires to borrow.
- Only governmental units as defined by Minnesota Statutes, section 471.59 are eligible to participate (cities, counties, towns, others).
- A requesting party may individually request equipment from any other participating party for mutual aid. There is no requirement to make requests through a particular 3rd party.
- This agreement is not limited to requests for assistance to address major catastrophic situations. Instead, parties can request assistance for many reasons including routine circumstances such as training efforts, maintenance operations, and back-up support service.
- The decision when to request assistance or to provide assistance is left entirely to the discretion of the requesting or sending party.
- The sending party has discretion whether to provide equipment and can recall the equipment at any time.
- The requesting (receiving) party is responsible for transporting the equipment, providing trained operators, routine maintenance, liability and equipment insurance, workers compensation, repair/compensate for damages, storing the equipment in a safe and secure place, and returning it to the sending party in the same condition as it was received (normal wear and tear excepted).
- Hennepin County Emergency Management ("HCEM") has volunteered to serve as the administrative coordinator of the pact. They have the largest EM staff of any County EM Department in the State.

If you have any questions, please contact Mark Ray at mark.ray@crystalmn.gov.

Minnesota Statewide Public Works Mutual Aid Agreement Quick Facts

- There is no membership or other fixed cost to participate in this agreement.
- This is a Joint Powers Agreement that specifically allows a requesting party to select the resources that best meets the needs of a given situation.
- Only governmental units as defined by Minnesota Statutes, Section 471.59, subd. 1 are eligible to participate (cities, counties, towns, others).
- A requesting party may individually call upon any other participating party for mutual aid. There is no requirement to make requests through a particular party.
- The Joint Powers Agreement should not be interpreted as being limited to only being able to request assistance to address major catastrophic situations. Instead, parties can request assistance for many reasons including routine circumstances such as training efforts, maintenance operations, and back-up support service.
- The decision when to request assistance or to provide assistance is left entirely to the discretion of the requesting or sending party.
- For liability reasons, management of a mutual aid situation is under the control of the requesting party.
- The sending party has discretion whether to provide personnel or equipment and can recall such assistance at any time.
- Hennepin County Emergency Management ("HCEM") has volunteered to serve as the administrative coordinator of the pact. They have the largest EM staff of any County EM Department in the State.
- There is no grace period for costs, so if mutual aid is requested the cost clock can start as soon as resources roll. That said, the agreement says that "charges may be levied", so it is optional whether the sending party will bill for providing assistance. The reason that it is written this way is that traditionally local communities provided each other in-kind services without charge. However, in some situations a party may determine it is necessary to recover its costs due to the scope of the assistance provided. That said, any joint training effort is exempt from billing.
- Each Party shall be responsible for its own personnel and equipment and for injuries or death to its personnel or damage to its equipment. Responding personnel shall be deemed to be performing their regular duties for each respective sending party for purposes of workers' compensation.

If you have any questions, please contact Mark Ray at mark.ray@crystalmn.gov

Fence Consortium Quick Facts

Issue Summary

Recent civil unrest incidents in Minnesota and other states have shown that the rapid deployment of anti-scale fencing is a crucial tool in de-escalating tensions during critical issues. Anti-scale fencing allows for the creation of safe spaces which will ensure protection of the first amendment right to protest while also protecting government infrastructure, first responders, and members of the public.

However, there is not currently an adequate supply of anti-scale fencing in the state of Minnesota.

Background

In the spring of 2021, a significant number of public agency professionals (with police, fire, public works, and emergency management backgrounds) joined together to form a Fence Working Group to explore the identified challenges and develop a collective path forward.

The Fence Working Group's efforts have led to the formation of a Fence Consortium. The Fence Consortium is made up of local government agencies (members) that jointly contract with a fencing vendor for the availability, storage, maintenance, and transportation of anti-scale fencing (including vehicle gates and pedestrian doors). The Consortium will have, at a minimum, enough fencing for the largest police department building in the Consortium. However, the Consortium has the flexibility to increase the amount of fencing, gates, and doors as additional local governments join the Consortium.

Cost Request

The Fence Consortium is requesting \$5 million dollars from the State of Minnesota for the purchase of anti-scale fencing and associated vehicle gates and pedestrian doors. The Consortium has a structure in place for the on-going storage, maintenance, and transportation of the anti-scale fencing so that the State's investment will be fully realized for local governments that choose to be a part of the Consortium. While the Fence Consortium as currently organized will allow some communities to have access to this de-escalation and safety resource, access would be inequitable due to the on-going significant cost of anti-scale fencing. Simply put, some communities cannot afford to join the Consortium if they must fund the initial investment in obtaining the equipment. State investment in this resource will significantly reduce the cost barrier for local governments to join the Consortium.

State funding for the purchase of anti-scale fencing for the Fencing Consortium will significantly reduce the on-going cost each Consortium member will pay for the storage, maintenance, and transportation of the anti-scale fence. This reduction in cost will improve equity in accessibility to this de-escalation and safety tool for communities across not only the Seven County Metro area, but also the state as a whole.

Partners

Over fifty agencies from throughout the seven county (Anoka, Hennepin, Ramsey, Washington, Dakota, Chaska, Scott) metro area have been engaged with the Fence Working Group since the start of the summer of 2021. Many have indicated their intent to join the Fence Consortium. More importantly, if funding is secured to provide for the purchase of the anti-scale fencing, vehicle gates, and pedestrian doors, the largest cost barrier will be removed and it is anticipated that many more agencies would be able to join the Consortium.

Prerequisites

Any agency participating in the Fence Consortium must be a member of the Statewide Public Works Mutual Aid Pact. Police and fire agency resources must be members of relevant mutual aid agreements.

Best Practice Application

This de-escalation and safety tool is only available in this reasonably viable structure due to the collaborative work of all the local agencies that are part of the Fence Consortium. The Consortium model provides for the

availability of anti-scale fencing to local government agencies quickly and with a known cost structure. Additionally, due to the established nature of the Consortium it will have an experienced and coordinated command structure that has planned for operational logistics and tactical planning associated with fence deployment in response to a no-notice event.

Anticipated Costs of Inaction

When a local agency has a critical incident and deploys fencing to protect facilities that local agency is basically writing a blank check. The cost that agency will pay is based on whatever the market rate is at that time for the selected product, transportation and labor costs, and the open-ended on-going monthly cost for the duration the fence is deployed. This cost will easily be in the tens of thousands of dollars, and more likely in the hundreds of thousands of dollars, depending on the fencing type selected and the duration of deployment. The Fence Consortium addresses these issues by making the anti-scale fence available, providing for labor and transportation costs, and establishing a pre-incident cost for deployment.

Consequences of Inaction

From a non-financial standpoint, without a physical barrier law enforcement and protestors there are a wide variety of potential impacts which may include:

- 1) An inability to create physical separation between law enforcement and protestors
- 2) Need for crowd control measures to be used
- 3) Lack of clear, designated spaces for legal protesting
- 4) Significant public safety resources consumed at a single location

Ability to Stage the Proposed Solution

The Fence Working Group has already drafted procedures for the Fence Consortium to use. These procedures cover the logistics, training, personnel and equipment resources needed for the deployment and demobilization of anti-scale fencing. As noted previously, the Consortium has a structure in place for the on-going storage, maintenance, transportation of the anti-scale fencing as well as procedures for the deployment and demobilization of the anti-scale fencing resources. The State's investment in the Fence Consortium's efforts will be fully realized for local governments that choose to be a part of the Consortium. Keeping in mind that the choice for local governments to participate will be easier as the State's investment will significantly reduce the largest barrier for access to this de-escalation and safety resource.

Frequently Asked Questions

What is anti-scale fencing?

Anti-scale fencing is a temporary fencing solution that can be deployed in response to a non-planned, critical incident.

Why is anti-scale fencing important?

Anti-scale fencing provides the following benefits:

- Improves physical safety for everyone by providing a safe space for legal protests while also protecting government infrastructure
- Promotes an improved mental health environment for all participants
- Reduces the need for law enforcement tactics that are seen as escalatory such as riot gear and crowd control measures⁽¹⁾
- Allows for an improved distinction between legal protestors and "violent and destructive actors" ⁽¹⁾
- Local law enforcement agencies are too small to handle large-scale civil disturbances, the fencing may allow for reduced resources needs at a single location⁽¹⁾

What is the Fence Consortium?

The Fence Consortium is a multi-agency Joint Powers Agreement that will provide a framework for the management, storage, and rapid deployment of anti-scale fencing in the event of a non-planned, critical

incident. Over fifty agencies from throughout the seven-county metro area have indicated a willingness to join the consortium. However, the initial cost of obtaining the fencing equipment is a barrier to other agencies joining.

What is the Fence Consortium Asking for?

The Fence Consortium is asking for \$5,000,000 from the State of Minnesota for the initial acquisition of the required equipment (fences, vehicle gates and pedestrian doors).

This investment will improve equity in accessibility to this de-escalation and safety tool for communities across not only the Seven County Metro area, but also the entire state.

References

- I. An External Review of the State's Response to the Civil Unrest in Minnesota From May 26 – June 7, 2020, Wilder Research, March 2022
- II. City of Minneapolis An After-Action Review of City Agencies' Responses to Activities Directly Following George Floyd's Death on May 25, 2020, Hillard Heintze, March 2022
- III. MAINTAINING FIRST AMENDMENT RIGHTS AND PUBLIC SAFETY IN NORTH MINNEAPOLIS An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct, U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES CRITICAL RESPONSE INITIATIVE, 2017
- IV. Crowd Management, International Association of Chiefs of Police, April 2019

The intent of the Fencing Consortium is to provide anti-scale fencing within hours, not days, around potentially impacted government building(s) in response to a critical incident. The goal of the anti-scale fencing is to de-escalate the potential tensions and try to reduce/eliminate the non-tangibles associated with civil unrest such as:

- 1) Provide physical separation between law enforcement and protestors
 - a. Promotes improved mental health environment for all (reduce PTSD)
 - b. Pre-plan and standardize perimeter layout
- 2) Reduce the need for crowd control measures to be used
 - a. Improved safety for all
 - b. Minimize potential impact on adjacent properties
 - c. Crowd control measures are seen as escalating
 - d. Another tool for law enforcement facilitating peaceful protests
- 3) Create a space for protesting
 - a. Not seen as officers vs. protestors, but protestors just protesting (including optics)
 - b. Supports efforts to coordinate/communicate with specific protest groups and organizers ahead of time
 - c. Improved distinction between legal protestors and "violent and destructive actors" (I)
 - d. Officers in riot gear and with crowd control measures are more likely to be able to remain out of sight of legal protestors
- 4) Reduce resource demands committed to one location
 - a. Local law enforcement agencies are too small to handle large-scale civil disturbance
 - b. Potentially need fewer officers for security at the site
 - c. Free up more resources to continue to respond to calls for service in impacted community
 - d. Takes into consideration that protests may be protracted event

The purpose and structure of the Fence Consortium is to provide experienced leadership for fence deployment operations across multiple jurisdictions in a unified command structure and coordinate during the deployment of anti-scale fencing. This includes considering and planning for operational logistics and tactical planning associated with fence deployment. The Fence Consortium itself is a multi-agency, pre-planned, coordinated resource management system to continue efforts to minimize multiple local and state agencies from being over-extended.

As it is currently proposed, the Fence Consortium will only have enough anti-scale fencing for the largest Consortium member. State funding to support this multi-agency emergency response and training effort will result in the purchase of anti-scale fencing which will not only considerably reduce the on-going cost to Consortium members (improving equitable access to this de-escalation tool), but also allow for multiple facilities to have fencing at the same time.

References

- I. An External Review of the State's Response to the Civil Unrest in Minnesota From May 26 – June 7, 2020, Wilder Research, March 2022
- II. City of Minneapolis An After-Action Review of City Agencies' Responses to Activities Directly Following George Floyd's Death on May 25, 2020, Hillard Heintze, March 2022
- III. MAINTAINING FIRST AMENDMENT RIGHTS AND PUBLIC SAFETY IN NORTH MINNEAPOLIS An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct, U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES CRITICAL RESPONSE INITIATIVE, 2017
- IV. Crowd Management, International Association of Chiefs of Police, April 2019



CITY COUNCIL AGENDA REPORT

TO: Mayor and Council
FROM: Kate Thunstrom, Interim City Administrator
SUBJECT: City General Discussion
DATE: 04-11-2022

OVERVIEW:

Staff would like a brief discussion on internal housekeeping items that have been brought forward.

Staffing

- Bottle shop staffing and wages
- Fire department wages
- Elections seasonal staffing
- Hiring PW Director
- Creation of a Personnel Committee

Budget

- Inflation hitting fuel, equipment and project costs
- ARPA funds, projects or to handle inflation issues

General

- Goal and priorities moving forward or to be added
- Idea of work session 1 hour before every Council meeting

Goals of this discussion

1. Awareness of the need and outlook as we move forward
2. Consideration of the 2023 budget
3. Identify information or research needed for further discussions
4. Discuss Budget as a whole and not item-by-item or dept specific