



## COUNCIL PROCEEDINGS THE CITY OF NEW BRIGHTON

Pursuant to notice thereof, a regular meeting of the New Brighton City Council was held Tuesday May 14, 2019 at 6:30 pm in the New Brighton Council Chambers.

**Present:** Mayor Johnson, Councilmembers Allen, Burg, Dunsworth, and Jacobsen  
**Absent:**

**Also Present:** Dean Lotter-City Manager, Sarah Sonsalla-City Attorney, Brenda Davitt-Finance Director

### Call to Order

Mayor Johnson called the meeting to order at 6:30 pm.

### Pledge of Allegiance

Mayor Johnson led the Council in the Pledge of Allegiance.

### Public Comment Forum

Mayor Johnson opened the Public Forum for comments from the public.

### Approval of Agenda

Approval of the May 14, 2019 Council Agenda.

**Motion by Councilmember Jacobsen, seconded by Councilmember Dunsworth to approve the agenda as submitted.**

**5 Ayes, 0 Nays-Motion Carried**

### Council Minutes

Approval of the Council Worksession minutes from April 23, 2019.

Approval of the Council minutes from April 23, 2019.

**Motion by Councilmember Dunsworth, seconded by Councilmember Jacobsen to approve the worksession minutes from the April 23, 2019 meeting.**

**5 Ayes, 0 Nays - Motion Carried**

**Motion by Councilmember Dunsworth, seconded by Councilmember Jacobsen to approve the minutes from the April 23, 2019 meeting.**

**5 Ayes, 0 Nays - Motion Carried**

### Commission Minutes

**Mayor Johnson received the following minutes on behalf of the City:**

- PREC Minutes from April 3, 2019.

### Call to Order

### Pledge of Allegiance

### Public Comment Forum

### Approval of Agenda Approval of the May 14, 2019 Agenda.

### Council Minutes Approval of Council Minutes

### Commission Minutes

**Special Order of Business**

## 1. Commissioner Mary Jo McGuire - Update

Commissioner Mary Jo McGuire provided the Council with an update from the County. She reported the County passed an Ordinance that regulates the sale of mentholated tobacco and supported the City in addressing this issue. She commended the City on their recent Town Hall meeting. She discussed the County's vision, mission and goals. She described the services provided to residents by the County and reviewed the impact the Pritzker Children's Impact Grant would have on preschool aged children. She reported the County was a crucial portal through which many families and vulnerable children pass and the County was working to increase early childhood services. She commented on how the County was addressing community health by encouraging residents to eat healthy, exercise and stay active. She discussed the community engagement activities that would occur regarding the Census 2020. She reviewed the new faces at Ramsey County and stated she was hopeful these new staff members would assist in moving the County forward. She provided further comment on the items the County Board has been discussing at their recent workshop meetings. She reported the County has secured a contract with Open to Business and thanked New Brighton for paving the way for this opportunity. She explained the County would be completing a Master Park Plan for Long Lake Regional Park in the near future. She indicated the County would be focusing on roads that need improvement and commented on the plans for Old Highway 8, County Road D, County Road H, Long Lake Road and Silver Lake Road. She commented on the impact the I-35W MnPASS project would have on the City and County.

Councilmember Jacobsen thanked Commissioner McGuire for the partnership she has with the City. He stated she was pleased the County was still considering a dog park at Long Lake Regional Park. He asked when the County would be completing a shelter at Lions Park. Commissioner McGuire stated she would investigate this further and would report back to the Council.

Councilmember Jacobsen requested the Council consider offering more assistance with the treatment of Long Lake for the invasive species in the lake.

Mayor Johnson commented the City and the property owners on Long Lake have put money towards addressing invasive species in Long Lake. She encouraged the County to also assist with this expense given the fact the County owns one-third of the lakeshore on Long Lake. Commissioner McGuire indicated she understood this was a concern and stated she would continue to seek resources.

Councilmember Burg welcomed Commissioner McGuire and thanked her for attending this meeting. She discussed the partnership the City had with the County at Lions Park. She requested further information regarding the County's menthol tobacco ordinance. Commissioner McGuire discussed the County's tobacco ordinance.

Mayor Johnson expressed concerns with the County roads in New Brighton. She indicated 35W would be closed for the next three years which would push additional traffic into the City. She believed the County had let the City down with respect to Old Highway 8 noting it was in failing condition. Commissioner McGuire stated she would speak with Public Works and noted this roadway was on the list.

Mayor Johnson explained she was disappointed Long Lake Road would be milled and overlaid in 2019. She commented this work should have been completed in 2018 prior to the MnPASS project beginning. She stated she believed many of the complaints the City receives regarding its roads were for County roads. She encouraged the County to be more proactive with its street repairs. She requested the County pay special attention to New Brighton over the next three years in order to keep the major arteries open during the MnPASS project. Commissioner McGuire stated the County wishes they could complete roads faster and noted the County was working to get the funding in order to complete County roads and bridges. She explained the MnPASS project was a State funded project and indicated the County would continue to work with MnDOT on this project.

Mayor Johnson thanked Commissioner McGuire for her attendance and for her representation of New Brighton.

**Consent Agenda**

1. Consider Approval of Payments of Electronic Funds Transfer (EFT) 7264 – 7469, ACH Payments 7234-7467 & Vouchers 157245-157291 for a total of \$2,268,377.33.
2. Consider Approval of Hold Harmless Agreement with the New Brighton Farmer's Market.
3. Consider Request for Exemption from Lawful Gambling License – Community Partners for Youth.
4. Consider Application for a Solicitor License – Aptive Environmental.
5. Consider Application for a 3.2 On-Sale Liquor License – Brothers Taqueria SC.
6. Consider Application for a Solicitor License – Curbside Waste.
7. Consider Approval of Special Permission for corner lot setbacks at 1176 Long Lake Road based on visual compatibility with surrounding properties.
8. Consider Award for Bid for City Project 17-4, Lions Park Stormwater Re-Use.
9. Consideration of Change Order 6 for City Project 16-10, Water Treatment Plant 1 Expansion.
10. Consideration of Revised Static Billboard Contract.
11. Consideration of Solar Contracts with iDEAL Energies.
12. Consideration of Quotes for Sanitary Sewer Televising.
13. Consideration of Quotes for Sanitary Sewer System Short Liners.
14. Consider Approval of Updates to Employee Handbook.

**Consent Agenda**

1. Pay EFT 7264 – 7469, ACH Pay 7234-7467 & Vouchers 157245-157291.
2. Hold Harmless Agr. NB Farm. Mkt.
3. Exempt Lawful Gmbl. Lic.– Comm. Partners for Youth.
4. Solicitor Lic – Aptive Envir.
5. 3.2 On-Sale Liquor License – Brothers Taqueria SC.
6. Solicitor License – Curbside Waste.
7. Sp. Per. setbacks at 1176 Long Lake Road
8. Award for Bid for City Project 17-4.
9. Change Order 6 for City Project 16-10.
10. Revised Static Billboard Contract.
11. Solar Contracts with iDEAL Energies.
12. Quotes for San. Sewer Televising.
13. Quote San. Sewer Sys. Short Liners.
14. Updates Emp. Handbook.

**Motion by Councilmember Jacobsen, seconded by Councilmember Burg to approve the Consent Agenda as presented.**

Mayor Johnson reported the City would be installing solar panels at the Public Works Facility, on the Community Center, and at the Public Safety Center.

Councilmember Allen stated he was proud of the fact the City would be spending less on electricity and would be emitting less CO2 because of this project.

Mayor Johnson thanked Councilmember Strub for bringing this project forward on behalf of the City.

**5 Ayes, 0 Nays - Motion Carried**

**Public Hearing**

1. Tobacco Ordinance.

**Public Hearing**

1. Tobacco Ordinance.

**Motion by Councilmember Jacobsen, seconded by Councilmember Allen to open the**

## Public Hearing.

### 5 Ayes, 0 Nays - Motion Carried

The Public Hearing was opened at 7:03 p.m.

City Manager Lotter indicated Public Safety Director Paetznick would be presenting this item to the Council. Public Safety Director Paetznick stated per Council direction, staff has drafted an ordinance amendment to raise the age of purchase for tobacco products to 21 and restrict the sale of all flavored products in the City of New Brighton. As of April 2019, 31 Minnesota cities and counties have raised the minimum legal sale age for tobacco products to 21, including the Ramsey County communities of Falcon Heights, Shoreview, Roseville, Lauderdale, North Oaks, and Arden Hills. In addition, 10 Minnesota communities restrict the sale of flavored tobacco products, with Minneapolis, Saint Paul, Duluth, Falcon Heights, Lauderdale, Arden Hills and Mendota Heights also restricting the sale of menthol tobacco products. The 13 current New Brighton tobacco license holders were notified of the potential change on April 8<sup>th</sup> and the proposed amended ordinance was posted and placed on the City's website on May 1<sup>st</sup> following review by the City Attorney Mayor Johnson opened the meeting for public comment.

Anika Fabien, 2665 15<sup>th</sup> Street, stated she was an 8<sup>th</sup> grader at High View Middle School. She explained she fully supported Tobacco 21 and getting flavored tobacco products out of New Brighton. She reported she was missing an academic honors night and dance practice in order to attend this meeting. She indicated she had met with Minnesota legislators through the Minnesotans for Smoke Free Generation at the Day at the Capitol and advocated for tobacco free policies. She discussed the tobacco industry's motives and noted she sees the impacts on her peers. She commented on how the fruity flavors were drawing young people to vaping. She encouraged the Council to pass a Tobacco 21 Ordinance.

A resident living on 2051 Long Lake Road, explained he has been a resident of New Brighton for the past 45 years. He reported he was a retired medical oncologist and had a degree in Public Health. He stated he has been asked to speak on behalf of the Twin Cities Medical Association. He indicated this Ordinance would be an opportunity for the City to save lives, especially the lives of the young people in the community. He stated he has treated many people for lung cancer. He noted there would be 480,000 deaths associated with smoking tobacco this year in the United States. He reported every day 3,800 individuals younger than the age of 18 smoke their first cigarette. He explained the use of electronic cigarettes are making the use more sophisticated. He commented on how the data was showing a migration from smoking cigarettes to e-cigarettes. He stated studies have shown it was taking longer for people to get off e-cigarettes than if someone were to stop smoking cold turkey. He provided further information on a study that was completed regarding e-cigarettes from 2018. He encouraged the Council to make an impact on the community and pass a Tobacco 21 ordinance.

Susan Relling, resident of Shoreview, stated she was a parent of a 16, 17 and 20 year old in the Mounds View School District. She noted she was a pediatric nurse. She reviewed some of the items she had found in her house that were nicotine vaping products. She reported both of her boys were addicted to nicotine products because of these products. She commented her boys have now moved onto dark vape, which contains 94% THC. She explained the access to vaping products was too easy as friends could easily make a purchase for her sons. She indicated vaping was very wide-spread in the Mounds View School district. She encouraged the Council to eliminate the sale of flavored tobacco in the City of New Brighton and to pass a Tobacco 21 Ordinance.

Ryan Wolf, resident of Mounds View, explained he owns Midwest Vapers on Silver Lake Road. He stated having been in the business for the past six years he has seen how smokers moving to electronic devices have had to disassociate themselves from the taste of tobacco. He commented flavored e-liquids provide that distance while still offering the hand to mouth experience. He reported he carries two tobacco flavored e-liquids and 95% of his sales came from flavored e-liquids. He explained the sampling of e-liquids was important to his business in order for adults to transition from cigarettes to electronic devices. He requested tobacco shops/e-cigarette shops be allowed to have an exemption from the Clean Air Act. He indicated he had not failed a compliance check in the past six years and noted he believed vape products were for adults

only. He discussed how his business would be impacted if the City were to restrict the sale of flavored tobacco sales in New Brighton. He stated if a flavor ban were approved, this would force his customers to spend their money in another community and would force him to close up shop.

Mayor Johnson questioned what portion of Mr. Wolf's sales were for individuals 18 to 21 years of age. Mr. Wolf stated this was a small portion of his business.

A resident living at 1570 Hillview Road in Shoreview, stated he would lose his job at Midwest Vapers if the flavor ban were passed. He explained he was not against raising the age of tobacco/e-cigarette use to 21 but requested the City allow the sale of flavored e-liquids in New Brighton.

Another resident living on 1570 Hillview Road in Shoreview, explained her child began purchasing his vaping products online. She commented she was thankful for the local vape shop because her son was able to reduce his nicotine use. She indicated her sibling has almost completely quit using tobacco products by vaping. She discussed a study from Forbes that proves 3.2 million smokers have quit because of vaping. She discussed the THC products that were now available and stated she would like to see local law enforcement restricting use of vapes in schools.

Natalia Amandaraz, 2508 14<sup>th</sup> Street, stated she has worked at the New Brighton BP store for the past two and a half years and was now the assistant manager. She explained she feared how BP would be impacted by the proposed T21 Ordinance. She reported BP was very responsible in carding for all tobacco sales to ensure tobacco was not getting into the hands of minors. She commented she supported raising the age to 21 but believed eliminating flavored tobacco from the City was taking it a step too far. She anticipated her job would be in jeopardy if the City were to approve a flavor ban. She encouraged the City to reconsider the proposed Ordinance.

Jamie Rannem, 2280 Silver Lane NW, explained she was the manager of BP in New Brighton. She stated she had a petition with almost 300 signatures saying her customers do not want the flavor ban to go into effect. She noted she supported the purchase age being increased to 21 and understood this change was coming from the State. She explained her business will be harmed if the flavor ban were passed and noted she would lose a large number of customers. She presented the Council with the petition.

Bianca Moberg, 651 Driftwood Court, stated she was 18 and noted she did not wait until she was 18 to smoke her first cigarette. She commented she did not see the point in the proposed Ordinance because people would make up their own mind when it comes to tobacco use. She believed that once people turned 18, they were free to make their own decisions and to make their own mistakes.

Kate, 2871 14<sup>th</sup> Street NW, reported she was an 8<sup>th</sup> grader at High View Middle School. She noted her stepbrother began smoking at the age of 14 after receiving tobacco products from an adult in his neighborhood. She noted her stepbrother has significant health issues because of his early tobacco use. She encouraged the Council to support the Tobacco 21 Ordinance in order to keep another New Brighton family from having to go through what her family has gone through. She stated research shows that young people are more likely to begin using vapes than cigarettes and commented on how addictive vaping was. She stated the majority of kids using vapes used flavored nicotine products. She commented on the advocacy efforts she has had through her Girl Scouts Troop and encouraged the Council to support the Tobacco 21 Ordinance in order to keep flavored tobacco products from young children.

Gene Nichols, 5910 David Court in Shoreview, stated he was before the Council on behalf of the African American Leadership Forum in the Twin Cities. He presented the City Council with a copy of the County's ordinances regarding tobacco. He explained the African American Leadership Forum wanted to address the use of flavored tobacco, menthol in particular, in order to improve the health of African Americans, and all people in the metro area. He stated in 2015 through 2017 a study was completed to investigate the impact of menthol tobacco on the African American community. He reported 84% of African American smokers in the metro area smoke menthol tobacco and also found that menthol tobacco was harder to quit. He explained the tobacco industry has been targeting his community for decades by handing out Newport's in black neighborhoods. He stated now, many members of his community cannot quit smoking even if they want to quit. He explained the City Council has the opportunity to deal with an issue that would have a profound effect on the African American community. He commented the long-term impacts of this Ordinance would far outweigh the short-term disruptions to businesses. He noted his brother began smoking at the age of 15 and died from COPD over a year ago. He thanked the Council for considering such an important policy in

the City of New Brighton as it would support a healthier community and would save lives.

Levi Homan, 1399 10<sup>th</sup> Street NW, explained he started smoking at the age of 14 and noted he quit by using e-cigarettes after watching his grandmother die from COPD. He stated he wished his grandmother had the same opportunity to try and quit when she was younger. He indicated he did not see how banning the sale of flavored tobacco products would change how children gain access to these products. He anticipated that children who want these products would still find a way. He feared that a flavor ban in New Brighton would simply drive business to neighboring communities. He presented the Council with a petition from Midwest Vapers.

Sylvia Amos, 1918 Thomas Avenue North in Minneapolis, reported she serves as the Director of Programs at the Stair Step Foundation, which is a faith-based organization dedicated to improving the lives of its members and the broader community. She noted she worked through the African American church because the church continues to be the broadest reaching institution in the African American community. She stated she works with over 100 congregations in the Twin Cities. She commented on how the African American community feels about menthol cigarettes and noted many of her churches were part of the "No Menthol" coalition. She explained her organization has worked tirelessly to pass menthol restrictions in every community in which African Americans reside. She noted menthol tobacco addiction has cost her the life of her mother, her husband and three aunts. She explained the tobacco industry has relentlessly targeted and marketed her community, and her community was suffering from tobacco related diseases because of it. She indicated the tobacco industry was consumed with the pursuit of power and profits, while her community was suffering as a matter of life and death. She recommended profits not be put above lives. She noted all lives really do matter and urged the Council to support the Tobacco 21 Ordinance with a flavor ban.

Judy Kozinski, 2830 Forestdale Road, reported she was a family nurse practitioner who worked for HealthPartners. She agreed with the health risks associated with cigarettes and encouraged the City Council to work to keep cigarettes out of the hands of children. She questioned why cigarettes were flavored with menthol to make them more appealing. She commented on the social and emotional costs of smoking related diseases and recommended the City raise the age for tobacco use to 21. She also recommended the City ban flavored tobacco sales in New Brighton for the benefit of the entire community.

Ben Betzel, 6150 Briardale Court in Fridley, thanked the smoke free association for working to help young people. He explained he believed this bill was extremely well intentioned, however, it did not make sense to him. He questioned why tobacco sales were occurring in places where minors could be (convenient stores). He recommended that e-liquid and flavored tobacco products be restricted to tobacco only shops. He stated this would keep minors from making a purchase and from being exposed to nicotine products.

Gunnar Sophy, Midwest Vapers owner, explained if this ordinance were to pass as written he would be out of business. He commented the argument tonight should not be if tobacco is good or bad, but rather how the City should regulate the sale of these products. He explained these products were already heavily regulated and heavily taxed. He indicated the intention behind the Ordinance was good, but feared the real winner was big tobacco because this would be the only option now in New Brighton stores. He understood the City was responding to pressure based on teen vaping. He reported vaping products were available online and these sales were not occurring at New Brighton shops. He commented on how the flavor restriction would impact his specialty tobacco shop noting he would lose 50% of his profits. He stated menthol cigarettes have been around since 1924 and noted smoking rates were on the decline. He reviewed his bank and sales statements from February with the Council. He then described how the self-service display ban would impact his business. He noted he had a petition with 550 signatures from customers recommending the flavor ban not go into effect. He requested the Council reconsider the proposed Tobacco Ordinance and requested flavored tobacco sales not be banned.

Carol Burg, 123 30<sup>th</sup> Avenue NW, stated she has lived in New Brighton for the past 30 years. She noted she was a former smoker and was the wife of a smoker who was now deceased. She explained she developed COPD, emphysema, and bronchiectasis, which require her to be on life-long expensive medication. She stated she would not wish this on anyone. She urged the Council to take action as many other communities were doing. She recommended flavored tobacco be banned and that the tobacco age be raised to 21.

Dean Schowalter, 846 Redwood Lane, stated he and his wife own the New Brighton Shell gas station noting he had a BP across the street in Roseville. He reported if a flavor ban was put in place his customers would

drive across the street to Roseville to get the tobacco products they wanted. He stated he fully supported raising the tobacco age to 21 but requested the City not approve a flavor ban as it would negatively impact his business.

Councilmember Jacobsen asked what percentage of Mr. Schowalter's business was from flavored tobacco. Mr. Schowalter estimated 25% of his business would be lost if he could not sell menthol cigarettes or flavored tobacco products.

Davina, 5066 Rainbow Lane in Mounds View, stated she was a student at Concordia University in St. Paul. She reported even if there was a ban, she anticipated teens would still get their hands on tobacco related products. She noted she was part of the student center at Concordia and explained she would have a hard time supporting this type of legislation as it would put local shops out of business.

Joseph Hensley, 1642 Hill View Road, stated he was the target demographic and noted he was an underage smoker. He noted he began smoking when he was 12 years old after getting cigarettes from his brother or took them from his mother. He explained he tried an e-cigarette when he was 17 and it was a lot better than cigarettes. He commented he was now 18 and could legally purchase e-cigarette products. He explained he had to drive from Mounds View to Shoreview in order to purchase the products he needed. He cautioned the City from banning the sale of flavored tobacco products as it was keeping people from smoking cigarettes. He stated it was within his right as an 18-year-old to purchase flavored tobacco products within the City.

Rick Almandaraz, 2508 14<sup>th</sup> Street, thanked everyone for sharing their point of view. He stated he was a father and has never smoked. He commented he has three daughters, one that vapes. He explained smoking has been occurring for the past 8,000 years and this began without flavors. He reported the root of this problem was the lack of supervision and not because there were flavored tobacco products available. He anticipated that the City could move forward and ban products, but feared this would take away people's freedom of choice.

Al Norse, 5991 Dellwood in Shoreview, stated he managed the Circle K in New Brighton. He commented as a father and grandfather he supported the proposed Ordinance. He explained as a business manager he supported the purchase age being increased to 21. He indicated kids are getting flavored tobacco products from somewhere else and not his store. He recommended the City not pass a flavor ban as this would impact too many local businesses and believed this was local government taking a step too far.

Cappel O'Rourke, representative for a business coalition of manufacturers and retailers of e-cigarettes, posed several technical questions for the Council to consider. He asked if the City was considering the ban of sampling. He requested the Council amend the Ordinance language to not prohibit sampling. He commented sampling was critical for vaper shops. He discussed how e-cigarettes were assisting life-long smokers to quit. He encouraged the City of New Brighton to follow the lead of many other cities in the metro area and allow sampling in vaper stores, along with flavored tobacco products.

Amanda Grace Hodinger, 5893 Royal Oaks Drive in Shoreview, stated she was a 10<sup>th</sup> grader in the Mounds View school district. She explained she has been involved in club sports since the age of 11 and commented on how easy it would be for her to gain access to e-cigarette products. She commented she knew many people that were age 18 and none that were 21. She stated the belief that vaping was cool in school was becoming a concern at her high school. She noted the bathrooms had to be locked because students were using them as a vaping lounge. She reported the tobacco industry was quite clever and the newest vaping devices looked like a flash drive. She indicated the tobacco industry was now selling vaping sweatshirts. She encouraged the City to pass a T21 Ordinance as this would eliminate the availability of flavored tobacco products in New Brighton and would save lives.

Jim Hanley, 2150 Violet Lane, stated he has lived in the City since 1969. He reported he was a firefighter for the Minneapolis Fire Department for 37 years. He indicated he began smoking after sneaking cigarettes from his mom as a teen. He noted he has since quit. He reported he has been advocating for non-smoking for years and recommended the Council support the T21 Ordinance.

Megan McFarlane, 5667 Eric Lane in Shoreview, stated she believed the health and well-being of children should be the priority over the health of local businesses. She explained she knew so many students who were quickly addicted to e-cigarettes and she wanted to see vaping products eliminated from New Brighton. She recommended the Council support the T21 Ordinance.

Jess Nolan reported she was speaking on behalf of resident Lindsey Olson who was in the hospital. She read



the testimony for Lindsey Olson in full for the record. It was noted Ms. Olson was a heart disease survivor and had lost her father and grandfather to smoking related diseases. She reported tobacco use was the leading preventable cause of death in Minnesota. She explained 6,000 Minnesotans die each year from smoking related illnesses and cost Minnesotans more than \$3 billion annually. She reported there had been a steady noting there was a decline in teen tobacco use over the years and in 2017 this decline stopped. This decline was attributed to e-cigarette use. She noted e-cigarettes were not FDA approved as a cessation device to help quit smoking. She explained one Juul pod holds as much nicotine as a pack of cigarettes. She commented the CDC has deemed the spike in e-cigarette products to be an epidemic. She reported the most effective way to tackle this burden was to prevent kids from becoming addicted to tobacco to begin with. She stated she was happy to see the City was working on a Tobacco 21 Ordinance. She was happy to see this Ordinance would eliminate the sale of flavored tobacco products in New Brighton, thus limiting the appeal. She explained flavored tobacco products mask the harshness of tobacco flavored products but are still just as addictive. She thanked the Council for their leadership on behalf of Ms. Olson and encouraged the Council to pass a T21 Ordinance.

Melanie Moberg, 205 6<sup>th</sup> Street NW, stated she had a daughter that was 18 and questioned what the point was to limit tobacco sales to someone that was considered an adult.

Mayor Johnson asked for additional comments, there were none.

### **Motion by Councilmember Jacobsen, seconded by Councilmember Allen to close the Public Hearing.**

#### **5 Ayes, 0 Nays - Motion Carried**

The Public Hearing was closed at 8:22 p.m.

Mayor Johnson requested feedback from the Council on the proposed Tobacco Ordinance.

Councilmember Allen stated he was a smoker and noted he has smoked for over half his life. He wished he had never started smoking. He noted tobacco has had a negative impact on his life. He explained he has known hundreds of smokers throughout his life. He stated he supported raising the legal age of purchase to 21 in hopes of keeping teens from smoking. He explained he supported flavored tobacco products being sold at adult only stores. He commented he could support sampling at adult only tobacco shops. He indicated he supported menthol sales at gas stations.

Councilmember Dunsworth thanked the residents and business owners that came out to speak on this topic. She explained the comments brought forward had given her a lot to think about. She reported she supported raising the purchase age to 21. She commented she would like to see the City take a step to limit access to vaping products for teens. She indicated she would not support a prohibition of flavored products in New Brighton but did support moving all flavored tobacco products to an adult only shop. She believed this made a lot of sense as a first step for the City.

Councilmember Jacobsen stated he struggled with this topic. He commented at age 18 people could go to enlist, go to war and die for their country. He explained he enlisted at age 18 and was deployed shortly thereafter. He reported the community had to address the high use of e-cigarettes in its schools and for this reason, he stated he could support raising the purchase age to 21 for tobacco products. He believed it was a heavier damage for adults to continue smoking than to vape. For this reason, he did not support restricting the sale of flavored tobacco products or sampling in the City of New Brighton. He commented how New Brighton businesses would be impacted if flavored tobacco sales were restricted given the fact they could still be sold in Roseville.

Councilmember Burg stated she began smoking when she was 10 years old and quit when she was 19. She explained her mother would not let anyone smoke in her home, which impacted her habit and led her to quit. She noted she lived in New Orleans when the Clean Air Act was passed in Minnesota. She supported more money going to educating youth on the use of cigarettes and e-cigarettes. She indicated she supported the T21 portion of the Ordinance and recommended the State regulate the flavored tobacco sales.

Mayor Johnson commented she supported T21 and noted she lived in a home with a smoker. She noted she



was around tobacco a lot and was not in favor of restricting flavored tobacco sales at convenience stores. She indicated her goal was to see the City take a step in keeping teens from purchasing tobacco products. She commented she supported sampling and self-service in adult only tobacco shops. She explained she could support 16-year-olds being allowed to sell tobacco at convenience stores. She questioned how the Council should proceed with this matter. City Manager Lotter recommended the Council direct staff to bring back an Ordinance that reflects the discussion held this evening. He noted three Councilmembers support T21 without any restrictions.

Mayor Johnson asked if the Council wanted to wait to take action on this Ordinance until the entire Council was in attendance. The Council supported this recommendation.

Mayor Johnson recommended staff amend the Ordinance and report back to the Council at the June 11<sup>th</sup> meeting.

Mayor Johnson and Councilmember Jacobsen thanked all of the members of the public that came forward to speak regarding this topic.

Mayor Johnson recessed the City Council meeting at 8:46 p.m.

Mayor Johnson reconvened the City Council meeting at 8:53 p.m.

### **Council Business**

1. Consideration of Acceptance of the City's Comprehensive Annual Financial Report, Auditor Communication Letter, and Reports on Compliance for Fiscal Year Ending December 31, 2018.

**Motion by Councilmember Jacobsen, seconded by Councilmember Dunsworth to accept the Comprehensive Annual Financial Report, audit Communications Letter, and Reports on Compliance with Government Auditing Standards and Legal Compliance for fiscal year ending December 31, 2018.**

City Manager Lotter indicated Finance Director Davitt would be presenting this item to the Council. Finance Director Davitt reviewed the 2018 Fourth Quarter financials with the Council. She discussed the balance of the General Fund for the previous year along with revenues and expenditures. She stated preparation of the City's Comprehensive Annual Financial Report (CAFR) for the year ending December 31, 2018, has been completed. BerganKDV, our independent auditing firm, has completed their audit of our accounting records and financial statements. The auditors also have issued a Communications Letter and their Reports on Compliance with Government Auditing Standards and Legal Compliance.

Matt Mayer, KDV, provided the Council with a presentation on the 2018 audit. He explained KDV issued an unqualified, or clean, opinion on the City's financial statements as they are presented fairly in all material respects. He reviewed the General Fund balance in further detail and commended the City on its strong financial standing.

Councilmember Burg thanked staff for the thorough presentation on the 2018 financials and audit.

Councilmember Jacobsen commended staff on the presentation. He stated he was proud of the fact the City was working to reduce its debt while still providing high quality services for its residents.

Mayor Johnson discussed the debt level the City had and explained the taxpayers were only responsible for \$1.5 million and reported the Council had worked to reduce this level by \$10 million over the past 10 years.

**5 Ayes, 0 Nays-Motion Carried**

### **Commission Liaison Reports, Announcements and Updates**

#### **Dean Lotter**

City Manager Lotter commented on the 2018 Street Improvement Program and discussed how this project had been delayed due to the weather. He reported City Project 19-1 would be sent

### **Council Business**

1. Consideration of Acceptance of the City's Comprehensive Annual Financial Report, Auditor Communication Letter, and Reports on Compliance for Fiscal Year Ending December 31, 2018.

### **Commission Liaison Reports, Announcements and Updates**

out for bid shortly and noted staff was receiving feedback that no one would take on a project of this size as it would need to take two years to complete. For this reason, the City would be breaking up the project. He stated contractors were busy and if a contractor were forced to complete the project in one year the bid may be too high.

### **Mary Burg**

Councilmember Burg reminded residents that Saturday, May 18<sup>th</sup> was the City-wide Clean Up Day at the Public Works Facility from 7:30 a.m. to 2:00 p.m. He noted a shred event would be held at the Public Safety Building. She stated she attended the NYFS Leadership Luncheon and explained this was a wonderful fundraiser event for this organization. She reported PREC met on Wednesday, May 1<sup>st</sup> and will meet next on Wednesday, June 5<sup>th</sup>.

### **Mayor Johnson**

Mayor Johnson thanked everyone who attended the meeting and spoke on the T21 Ordinance. She thanked everyone who was able to attend the New Brighton Open House on Saturday. She commended staff for their efforts on this event. She noted she attended the Volunteer Dinner along with the Public Safety Volunteer Luncheon. She stated she appreciated all of the volunteers who worked to make this City better. She indicated she attended the recent luncheon at St. John's to celebrate their 50<sup>th</sup> anniversary. She discussed the water meter replacement that was occurring in the City. She thanked APi for working with CPY to plant a community garden.

### **Paul Jacobsen**

Councilmember Jacobsen reported the Public Safety Commission met on Monday, May 13<sup>th</sup>. He explained this group received a presentation on body worn cameras noting these devices were now fully deployed. He reported National Police Week would be observed May 12<sup>th</sup> through May 18<sup>th</sup>. He stated Mounds View would be hosting a Memorial Service on Thursday, May 16<sup>th</sup> at Abiding Savior Church at 11:00 a.m. He reported Ramsey County and Minnesota Teen Challenge would be hosting a Night to Know the Truth forum to discuss drug use and abuse on Thursday, May 16<sup>th</sup> at Irondale High School at 6:30 p.m. He thanked the Council for the discussion that was held at the worksession prior to this meeting.

### **Emily Dunsworth**

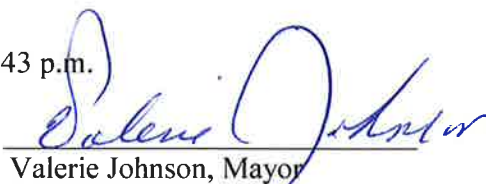
Councilmember Dunsworth reported she attended the Cable Commission meeting on May 2<sup>nd</sup>. She noted this group was reviewing its bylaws. She explained the Planning Commission would meet next on Tuesday, May 21<sup>st</sup> at 7:00 p.m. She noted the Planning Commission would be holding a public hearing for the Midtown redevelopment project.

### **Graeme Allen**

Councilmember Allen thanked all of the residents who attended the Open House and this meeting for their engagement. He appreciated the comments that were brought to the Council's attention. He reported the EDC met on Wednesday, May 1<sup>st</sup> and discussed the City's TIF districts. He noted this group would meet next on Wednesday, June 5<sup>th</sup> at 7:30 a.m.

### **Adjournment**

Mayor Johnson adjourned the meeting at 9:43 p.m.

  
Valerie Johnson, Mayor

### **Adjournment**

The meeting adjourned  
at 9:43 p.m.

ATTEST:

  
Terri Spangrud, City Clerk

