

MOUND CITY COUNCIL MINUTES
August 27, 2019

The City Council of the City of Mound, Hennepin County, Minnesota, met in regular session on Tuesday, August 27, 2019 at 7:00 p.m. in the council chambers of the Centennial Building.

Members present: Mayor Ray Salazar; Council members Paula Larson, Phil Velsor, Jeff Bergquist and Sherrie Pugh
Members absent: None

Others present: City Manager Eric Hoversten, Fin Dir/Clerk/Treasurer Catherine Pausche, Kevin Borg, Elizabeth Hustad.

Consent agenda: All items listed under the Consent Agenda are considered to be routine in nature by the Council. There will be no separate discussion on these items unless a Councilmember or citizen so requests, in which event it will be removed from the Consent Agenda and considered in normal sequence.

1. Open meeting

Mayor Salazar called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Approve agenda

Hoversten asked to add item 7.1 Discussion on scheduling a respectful workplace training in October during the regular council meeting on Tuesday, October 29th or during a special meeting workshop on Monday, October 14th (note: Special Meeting Workshop on budget is Tuesday, October 15th & training lasts two hours)

MOTION by Bergquist, seconded by Velsor, to approve the agenda as amended. All voted in favor. Motion carried.

4. Consent agenda

MOTION by Larson, seconded by Pugh, to approve the consent agenda. Upon roll call vote, all voted in favor. Motion carried.

A. Approve payment of claims in the amount of \$1,103,031.05.

5. Comments and suggestions from citizens present on any item not on the agenda.

None were offered.

6. Westonka School District Superintendent Kevin Borg responding to request for information on tobacco use prevention initiatives within the District

Mayor Salazar said he decided the decision to create a tobacco ordinance and to take back licensing authority from Hennepin County should be revisited in response to many concerns expressed by citizens, including the Superintendent of Westonka public schools. Salazar said he has asked Superintendent Borg to provide an update as to what the Westonka School District (WSD) is doing to combat tobacco use in schools.

Borg thanked Mayor Salazar for the invitation. Borg thanked the Council for the support of a number of initiatives that the City has taken to support the schools, including creating and funding a School Resource Officer position, multiple efforts to improve safe routes to school, and keeping the roads clear and safe during the harsh winters.

Borg provided a handout with highlights of how well the WSD kids are doing, including awards received and rankings that show WSD is a main attraction for realtors/prospective buyers.

Borg described what the WSD is seeing with regard to tobacco use. Borg cited a MN Department of Health study that showed a 50% increase in tobacco use due to e-cigs and vaping. Borg said years ago tobacco use required a light or match and it would create a smell, which was a tell-tale sign and easy to enforce, but e-cigs are odorless and harder to detect.

Borg said WSD starting talking to students to understand what they are seeing. Borg said vape pens and e-cigs are quite small and easily hidden with a vapor that disappears quickly. WSD then looked at ways to deter use and decided the first step was communication. WSD communicated with parents to educate them on what the school is seeing and what these devices actually are. Borg said WSD saw a reduction but their goal is to eradicate. WSD is increasing supervision in locker rooms and bathrooms to deter use. In addition to communication and increased adult presence, policies and procedures have been revised focused on education about health and not just disciplinary consequences. Borg said a tip line was created to protect those who want to report what they are seeing without ramifications/peer pressure.

Borg said tobacco use was going down with the ad campaigns and education, but vaping, flavored tobacco and marketing has increased use nationwide. Borg said like texting and driving, seatbelt use, alcohol use, etc, there is a constant need for education and to talk about safety and tobacco is no different. Borg said state and national news have shown that even limited use is causing significant health concerns for our kids. Borg reiterated his gratefulness for the support received from City on many fronts and he said, in his opinion, if the age goes up to 21, it will be more difficult to obtain and therefore there will be less use. Borg said as the legislature sees more and more communities making the change, it will drive them to make it state-wide. Borg invited any of the Council to come and visit the schools at any time.

Bergquist said he has done some research, including Hamline School of Law who said research showed when schools implement policies on use, use is reduced. Borg said part is discipline and getting students to understand legal consequences, but also the consequences to their own health, so WSD approaches it in a multifaceted way, including having students do a reflection on impacts to their health. Borg said the e-cig wave caught everyone off guard resulting in the need to catch up.

Bergquist asked Borg to provide a copy of the new policy to the Council when it is finalized. Velsor asked if it is already in effect as a notice went out to football families that said e-cig use is treated the same as tobacco and athletes can be suspended from activities for 2-weeks if caught. Borg said that is the state high school rules and noted that WSD rules are part state law and part administrative.

Salazar said when it was previously discussed, his personal belief was he agreed with the County's Tobacco21. Salazar said he did not hear from constituents about how they felt, but rather written form letters from both industry trade organizations and the County and health organizations. Salazar said absent comments from constituents, he leans toward personal

choice and freedom. Salazar regretted his decision soon after and since has received many comments from constituents who support Tobacco21, so he wanted the Council to revisit the topic.

Pugh said she supports reconsideration as she voted against the motion the last time based on her knowledge about the industry aggressively targeting kids and speaking with healthcare professionals. Pugh said she knows 18 year olds buy e-cigs for 14 year olds and that regardless of what other communities do, Mound should make a decision based on the common good. Pugh recognized City Management in making the decision that cigarettes would not be sold in the municipal liquor store.

Larson thanked Superintendent Borg for coming during the busy first week of school, noting she has three granddaughters in the district. Larson reiterated her hatred for tobacco products, but said she has done some research. Larson asked Borg or Pugh if they had proof that 18 year olds purchase for 14 year olds. Borg and Pugh said that was their opinion. Borg said his opinion is based on 14 years in education and that the senior class is comprised of 17 and 18 year olds and that they are going to have friends that are younger and that they will share as it is a social thing. Larson said she prefers data and asked if the WSD has surveyed the students.

Borg said Minnesota does an annual survey and the results are forthcoming which he will share. Discussion ensued about how many students are in the school, senior class and how many actual 18 year olds are in the senior class. Borg noted they will continue to age throughout the year and Velsor added there are also those who just aged out who still have friends in the high school. Velsor said if you can stop one kid from starting, it's worth it to him.

Larson disagreed because it is more government control and it is taking away choices. Larson agreed it needs more supervision but noted 18 is the age of consent and that we should not compromise the rights of adults.

Pugh said the July 9th packet included the specific data on WSD showing a significant increase in the number of vapors 14 to 17 years old. Pugh noted the social aspects where studies show if a boyfriend smokes, it is likely the girlfriend will smoke, or drink, etc. Pugh said it is not about blaming the age group, but about health and the common good. Larson said over the rights of adults. Pugh said people will ultimately get what they want, but making it harder to access will deter some users.

Salazar said they raised the age for alcohol to 21 since it is a drug, and he thinks tobacco is a drug as well. Salazar said he thinks there is more likelihood an 18-year-old in school is likely to socialize with younger students vs. a 21-year-old no longer in school.

Salazar said tobacco is a drug and is bad for you, and that the increase in age to buy alcohol from 18 to 21 is a good thing. Borg said there is no one thing that will solve this, so they are doing a multifaceted approach and they believe making it harder to access will help drop the numbers.

Velsor said it is unlikely you would walk down the hall with a can of beer but now the vape is easy to conceal and the smell is masked. Velsor said he wants it to be as hard as possible to get.

Salazar said following Hennepin County's Tobacco21 is the right thing to do, quoting General Schwarzkopf's Rule 13: One in command take charge and Rule 14: Always do what is right. Salazar said he regrets not taking this position on July 9th.

Larson noted a recent Laker article on the Orono Police Department drug take back and the opioid epidemic, including the fact that 1,000 people in our county are treated each day in emergency rooms for opioid or heroin overdoses. Larson said that is an epidemic, and she hasn't seen people dying from vaping, but also acknowledged a recent report that 21 people in Utah were sick from vaping. Larson said she hopes the City Council would require hard facts vs. going forward with what she calls a 'feel good' action.

Salazar said he said something similar on July 9th but since read about a teen whose lung collapsed after vaping for the first time and the long-term health impact that might have. Salazar said there are barriers to receiving opioids and noted a past community partnership organized to educate residents on the heroin epidemic that was taken county wide by former Sheriff Stanek.

Larson said the 50 states will collect billions of dollars in taxes on cigarettes, of which only 2.4% will be spent on education. Salazar said the Council can only control this town and the main thing the Council can do is pass Tobacco21.

Bergquist said he does not like that a 19 or 20-year-old won't be able to purchase and feels there should be grandfathering. Salazar said that it does not seem fair that they were legal and now will not be, but similar to cell phones were able to be used while driving, now you have to be hands free as of 8/1/19. Salazar said there is also the possibility a 19 or 20-year-old may quit.

Larson said she does not like big government. Salazar said nor does he, but this is the right thing to do and the Council must help educate. Larson said it is a slippery slope when government controls our housing, transportation and health choices and that when the government allows 18-19-20 year olds go to war, they should be able to buy a cigarette. Salazar noted soldiers returning home from war can't buy a beer either.

Larson is in favor of the state changing the age to 21, but she will vote against the City doing so tonight. Larson and Bergquist said they want more information and did not know a motion was going to be made tonight. Larson said Minnetonka raised the age to 21 and they still have the highest use. Borg said he can ask Minnetonka. Borg reiterated it is a multifaceted approach and common sense would suggest raising the age will improve the results, along with supervision and education. Borg said beyond the school, education needs to be in the homes and in the community which is why WSD is looking to partner with the cities and families.

Salazar said the City needs to work in concert with the school and they are educating and disciplining in an attempt to protect the health of students and he feels it is the right thing to do.

Salazar said a motion to direct staff can be made at any time. Bergquist said he was originally totally against it but now is on the fence. Salazar said it can always be put further under the microscope. Velsor said they are going to be able to get data from either side, but it comes down to common sense and he does not want his 14-year-old to get it from an 18-year-old teammate. Velsor said they are in the same building and, as a parent, he has to do his due diligence, but he can sleep better knowing he has done something even if it only prevents one student from starting. Velsor said we are smarter than the 1940's when they did not know the

harmful effects and we should act on that information. Velsor said military volunteers can make choice to start at 21 but it is a lot harder for an 18-year-old to start and quit.

Salazar said laws get started at the grass roots level and that Larson said she would agree for a state-wide law. Salazar said he is going to lobby our Senator to move from a focus on cell phone safety to tobacco.

Pugh said the tobacco industry is investing in vaping, tobacco and marijuana. Larson asked Pausche if a motion can be made tonight. Pausche said the topic was on the agenda and that this was additional information to the July 9th discussion and she is not sure what more info staff can provide other than what was in the July 9th packet in which there was data from both sides. Pausche said it appears more feedback from the school district and constituents was received that is shifting the will of the Council and she thinks it is okay to redirect staff so that no more time is spent on preparing an ordinance only to have it rejected. Pausche said she is okay with it coming back but cautioned more people may show up and noted a significant amount of debate has already taken place. Bergquist clarified that he and Larson are not asking Staff to do the additional research.

Salazar asked for friendly polling and asked 'based on what you know now can you vote for Tobacco21 tonight'. Larson said she wants more facts on whether Minnetonka experienced a reduction after changing the law to 21 and questioned whether two weeks would make a difference. Velsor said he is in favor. Pugh said she was in favor on July 9th and still is and is reaffirmed by the letters from constituents. Bergquist said he was not for it on July 9th but is now leaning towards it. Bergquist said he does not think two weeks will make a difference for the outcome so he is ready to take a vote.

MOTION by Salazar, seconded by Velsor, to direct staff to discontinue the preparation of an ordinance of tobacco licensing by the City and instead continue to follow Hennepin County. The following voted in favor: Salazar, Velsor, Bergquist, Pugh. The following voted against: Larson. The following abstained: None. Motion carried.

Borg said he will forward the requested policies and he invited to the council to visit the schools or to call him at any time.

MOTION by Pugh, seconded by Velsor, to direct staff to prepare a resolution to affirm Harbor Wine & Spirits, the City's municipal liquor store, will continue not to sell tobacco products to include cigarettes, cigars, chewing tobacco, e-cigarettes, hookah, and tobacco pipes or any other new tobacco related products and that this action will not harm the community since there is another tobacco retail option with-in 500 feet of the store. Discussion followed and Salazar asked whether it is already policy that we don't sell tobacco products. Hoversten said it was a passive gesture when we let the license lapse. Pugh said it is just an affirmation. All voted in favor. Motion carried.

7. Council Member Jeff Bergquist requesting discussion and possible action on stipends for elected officials

Bergquist said it has been 18+ years since there was a change to the stipend and he knows elected officials don't do it for the money, but that it might be time to boost it as many of the Council Members do things outside of meetings, including during the daytime when they have to leave work, so he thought it would be a good time to discuss.

Salazar said he makes a very good point that it has been many years and that he will support whatever the council decides. Salazar said he does it for love of country and recognizes it takes away from family and work.

Bergquist said he suggested a \$100 per month bump for both the City Council and Mayor. Pugh said she sits on the state legislature compensation committee and hopes that the Council can make a reasonable decision as long as the impact on the budget is known, noting Mound is on the lower end of comparison cities. Pausche said total council pay is currently \$16,500 so it will not significantly impact the General Fund budget.

MOTION by Bergquist, seconded by Larson, for staff to increase the monthly stipend for the Council to \$350 from \$250 and for the Mayor to \$475 from \$375 effective 1/1/2020 as part of the 2020 final budget approval. All voted in favor. Motion carried.

7.1 (Added) Discussion on scheduling a respectful workplace training in October during the regular council meeting on Tuesday, October 29th or during a special meeting workshop on Monday, October 14th

Salazar asked why the Council would receive training if the Council is not involved in day to day operations. Hoversten said the Council plays a role in the policy in giving employees an option to share their concerns directly with the council as well as some council members expressed an interest in receiving formal training. Discussion ensued about possible dates and Staff was directed to include the training as part of a regular meeting night.

Velsor noted that he will miss the December 10th regular meeting.

8. Information/Miscellaneous

A. Comments/reports from Council members/City Manager:

Mayor Salazar said the Swenson Park tennis courts repair has started and that he met with the Met Council rep on Friday and he received commitment that they are going to repair the playfields with an herbicide treatment first, and then split seeding and fertilizer. Salazar said he emphasized the importance of the fields to the community.

Hoversten said the asphalt pad will be complete this week and will sit for 28 days to cure and then the tennis court and pickle ball surface will be added in October. Hoversten said it is less about keeping people off, it's just that the asphalt needs to release VOCs.

Hoversten highlighted the following dates:

- State fair through September 2nd
- City Hall closed Labor Day, September 2nd
- Westonka School District starts September 3rd
- Running of the Bays - September 7
- Special meeting workshop – budget and long term capital plan – October 15th

B. Minutes: Fire Department – July 2019
Finance Department – July 2019

C. Reports:

D. Correspondence:

9. Adjourn

MOTION by Velsor, seconded by Bergquist, to adjourn at 8:59 p.m. All voted in favor. Motion carried.

Mayor Raymond J. Salazar

Attest: Catherine Pausche, Clerk