



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## City Council Work Session Virtual via WebEx

### March 22, 2022

<b>CALL TO ORDER</b>
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The meeting was called to order by Mayor Regan Gonzalez at 5:45 p.m. virtually via WebEx.

Council Members Present: Maria Regan Gonzalez, Mayor; Mary Supple; Simon Trautmann; Sean Hayford Oleary; and Ben Whalen

Council Members Absent: None

Advisory Board of Health Members Present: Katrina DeVore and Rebecca Case

Staff Present: Katie Rodriguez, City Manager; Jennifer Anderson, Health Administrator; Chris Swanson, Management Analyst; Sack Thongvanh, Assistant City Manager; and Kari Sinning, City Clerk

Others Present: Molly Schmidtke, CHES – Community Outreach Coordinator, Association for Non-Smokers MN; and Rachel Callanan, Senior Staff Attorney at Public Health Law Center

<b>ITEM #1</b>	<b>PRESENTATION AND DISCUSSION OF POLICY RECOMMENDATIONS BY THE ADVISORY BOARD OF HEALTH RELATED TO PROHIBITING FLAVORED TOBACCO PRODUCTS AND CAPPING THE NUMBER OF TOBACCO LICENSES ISSUED BY THE CITY OF RICHFIELD</b>
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City Manager Rodriguez stated the agenda item and introduced Community Health Services Administrator Anderson. Community Health Services Administrator Anderson introduced the Community Outreach Coordinator for the Association for Non-Smokers MN, Molly Schmidtke. Molly Schmidtke gave a brief presentation that outlined the following:

- Tobacco industry targets – youth, women, African Americans
- Impact of Nicotine on the Brain
- How flavored tobacco drives youth to use
- E-cigarette use in the Independent School District 280
- Menthol and its use in tobacco products
- Federal, State, and Local tobacco prevention policies such as other cities that have placed caps on the number of licenses and restricted flavors that would be sold within the City

Council Member Hayford Oleary asked about the trends within the school district between conventional cigarettes and e-cigarette use. Molly Schmidtke stated that the specific data that she has only broke it down by e-cigarettes and would follow up with other data pertaining to conventional cigarette use.

Council Member Trautmann asked for clarification of the percentage of students that are showing signs of tobacco addiction. Molly Schmidtke stated that seventy percent of students that currently use tobacco products are showing signs of addiction.

Council Member Hayford Oleary appreciated the presentation and stated that the municipal owned liquor stores should stop tobacco sales if we are going to impose restrictions. He shared concern on how this would affect small businesses. He also stated his support on banning flavored tobacco including menthol and a limit of the number of licenses issued of which he would like more data about. Molly Schmidtke stated that she would follow up with research about the number of licenses.

Council Member Supple supported banning flavored tobacco and asked about the sunset of the licenses. Molly Schmidtke stated that the licenses would be reduced through attrition or a certain date. Senior Staff Attorney Rachel Callanan stated that from a public health standpoint that the sooner the better to end all tobacco sales for the betterment of the community and explained that a set date of years would allow for businesses to adapt their sales. Community Health Administrator Anderson stated when the City of Bloomington went through this process that they gave businesses that were selling flavored tobacco time to get rid of the supply they currently have.

Council Member Trautmann thanked the presenters for their work and supported limiting the sale of flavored tobacco and ending tobacco sales in general with consideration to gas stations and small businesses.

Mayor Regan Gonzalez stated that she is in support of this and asked about the City of Edina passing this ordinance. Molly Schmidtke stated that it was passed about a year before the City of Bloomington and the City of Edina was sued by the tobacco industry regarding flavored tobacco sales which is a similar case to the City of Los Angeles that was judged in favor of the City. Mayor Regan Gonzalez also asked why the cities of Edina, Bloomington, and Richfield all passed this legislation at different times when the same public health administration services all three. Community Health Services Administrator Anderson explained that the Advisory Board of Health (ABH) had conversations about this topic in late 2019 after it had already been passed in Edina and then covid happened which put this issue on hold. Mayor Regan Gonzalez commented that Richfield is disproportionately impacted by public health issues and of the three cities that the Public Health Administration serves, Richfield does not get the attention that it deserves.

Council Member Whalen agreed with the support from other Council Members and shared that there should be a clearer goal as to when the licenses would cease instead of being perpetually renewed. He also appreciated the all the work from everyone involved on this public health issue.

Community Health Services Administrator Anderson briefly summarized that Council is all in support of eliminating flavored tobacco products including at the municipal liquor stores and that the different options for capping the number of licenses could be returned to Council for further discussion.

Council Member Whalen stated that he has trust with the ABH guidance as to which option to cap the number of licenses since this ordinance would also have first and second readings at Council meetings and agreed with Council Member Hayford Oleary who stated that municipal liquor stores should stop selling tobacco all together - not just flavored tobacco products.

Council Member Hayford Oleary thanked Council Member Whalen for mentioning his earlier comment regarding tobacco sales at the municipal liquor stores and asked the other Council Members if they are in agreeance of which Council Members Trautmann and Supple agreed that we should be the leaders in this initiative. City Manager Rodriguez stated that more research would have to be conducted in order to make that decision of which Council was fine with Staff making that business decision without Council approval.

Mayor Regan Gonzalez and Council Members Trautmann and Supple agreed with Council Member Whalen that the ordinance does not need to be brought back to Council for discussion at a work session.

Council Member Trautmann asked staff to be mindful of the purchasing habits of small businesses so they are not penalized for purchasing something that was legal.

Rachel Callanan shared that the City Attorney should review the obligations that the municipal owned liquor stores have in order to stop selling all tobacco products.

City Manager Rodriguez summarized the discussion:

- General agreement of Council to ban flavored tobacco products and to authorize staff to allow time for businesses to become compliant.
- Also general agreement of Council to cap the number of tobacco licenses in the City and to authorize staff to review the different options.
- Consider ending all tobacco sales in municipal owned liquor stores of which staff will research before making a final decision.


Council Member Whalen reiterated his earlier comment that licenses should have a clear end date regardless of how long that is and that licenses should not be continually renewed.


Mayor Regan Gonzalez thanked everyone for the discussion and the clarifications.


**ADJOURNMENT**

The work session was adjourned by unanimous consent at 6:41 p.m.

Date Approved: April 12, 2022

  
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 Kari Sinning  
 City Clerk

  
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 Maria Regan Gonzalez  
 Mayor

  
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 Katie Rodriguez  
 City Manager