



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Council Meeting

August 8, 2023

CALL TO ORDER

The meeting was called to order by Mayor Supple at 7:00 p.m. in the Council Chambers.

Council Members Present: Mary Supple, Mayor; Sharon Christensen; and Sean Hayford Oleary

Council Members Absent: Simon Trautmann and Ben Whalen

Staff Present: Acting City Manager, Sack Thongvanh, Mary Tietjen, City Attorney; Jay Henthorne, Public Safety Director/Police Chief; Jennifer Anderson, Support Services Manager; Chris Swanson, Management Analyst; and Dustin Leslie, City Clerk

PLEDGE OF ALLEGIANCE

Mayor Supple led the Pledge of Allegiance.

OPEN FORUM

Mayor Supple reviewed the options to participate:

- Participate live by calling 1-415-655-0001 during the open forum portion
- Call prior to meeting 612-861-9711
- Email prior to meeting kwynn@richfieldmn.gov

Acting City Manager Thongvanh noted five letters had been received commenting on the Ordinance amending Chapter 11, Section 1146. He stated seven letters had been received in support and one letter was against it. He stated the letters of support were from the Advocate for Better Health Association for Non-Smokers, Blue Cross Blue Shield, Minnesota Cancer Alliance, Minnesota Menthol Coalition, Parents Against Vaping E-cigarettes, and the American Heart Association. He noted the one letter against was a coalition of neighborhood retailers.

Mayor Supple clarified that the neighborhood retailers were against the part that prohibited the transfer of businesses and they wanted the City to only ban vaping products.

Gina DiMaggio requested the City consider repurposing the current Real Fun Rentals facility for a restaurant with a large patio and roll up “garage doors” so families did not leave Richfield to dine with their children. She noted this facility was close to the playground, the Farmers Market, the pool, the ice arena, as well as the future redevelopment of the American Legion site. She believed Richfield had an untapped opportunity to generate revenue and add a valuable amenity to the City.

Ruane Onesirosan, 2421 West 65th Street, indicated she had not received the document City Manager Rodriguez said was mailed to her at the July 25 Council meeting. She disputed the comment that bond documents relating to bond issuance were commonly dated the first date of the month and presented five documents from Ellers noting none of those documents were dated the first of any month. She thanked the City for providing her information regarding Council Member's salary and benefits. She stated in her opinion, the Council misused consent agendas and bypassed discussion on items, which left residents "out of the loop". She requested staff report 97 on the Consent Agenda be removed and opened for discussion for residents who wanted to speak against it.

Jenny Song, Blue Cross Senior Communication Consultant, stated she was speaking on behalf of Bukata Hayes. She read a statement from Mr. Hayes voicing his support for the proposed Ordinance to prohibit the sale of flavored and menthol tobacco products and to cap retail tobacco licenses. He urged the Council Members to support the Ordinance.

Alicia Leizinger stated she supported the proposed Ordinance to end the sale of flavored tobacco in Richfield and cap the number of tobacco licenses and urged the Council Members to support the Ordinance.

Jasmine, 2400 West 6th Street, stated she did not support the Ordinance to stop the sale of flavored tobacco products and limiting the number of tobacco licenses due to the Ordinance having drastic effects on the businesses in Richfield. She believed the proposed Ordinance was hasty, reactive, and unnecessary. She urged the Council Members to hold off moving forward.

Jaime Rojas, National Association Tobacco Outlet, stated he was in opposition to the Ordinance to ban flavored tobacco products as written. He indicated many of Richfield's retailers were immigrants who put their hard-earned savings into opening up a business, provide jobs, pay taxes, and hoped to save for their future through their business. He requested the Council slow the process down and focus on banning disposable flavored vape products. He requested the Council not include prohibiting the license transfer.

Abdalla Y Tobasi, owner of the Holiday Gas Station, stated he found out when he purchased the store that the highway exit might be closing and now the City was considering a tobacco flavor ban. He stated this would be hard for him to get his business remodeled and keep it going. He stated flavored tobacco products were a large part of his business and he did not target kids to purchase the products. He noted he had not seen any data from the cities that had banned flavored tobacco products that it changed anything. He believed this would create a black market in Richfield for these products.

Aisha Abraham, Eagan High School Senior, stated she was at the meeting on behalf of the Minnesota Youth Council. She indicated the Minnesota Youth Council was glad Richfield was considering the Ordinance to end the sale of flavored tobacco products. She encouraged the Council to approve the Ordinance.

Mark Olson, Knox Street, expressed his support for the Ordinance to ban flavored tobacco products from Richfield. He requested the Council vote in favor of the Ordinance.

Sena Geleto, Intern at North Point Health and Wellness and a student at the University of Minnesota, stated she was in support of the Ordinance to ban flavored tobacco products and to cap the number of tobacco licenses in Richfield. She noted hookah use was not unique to any community or culture, but it was becoming common among young people from different backgrounds who were not using the hookah for cultural reasons. She indicated hookah use was addictive and had negative health implications. She urged the Council to support the Ordinance.

Mark Olson, owner operator Richfield Melco on 68th and Penn, stated youth vaping issues should not be up to the local government to overturn by prohibiting the sale of flavored tobacco products. He stated his store did not sell flavored tobacco products. He noted youth rates of tobacco products

were historically low and declining by retailers not selling tobacco products to underage people. He requested Council reconsider the blanket ban on flavored tobacco products. He stated prohibiting license transfers would also hurt small businesses. He noted the ability to transfer a license was a valuable asset for the future sale of his business. He requested Council reconsider the Ordinance and slow down the process. He also requested Council allow the existing business owners to transfer their license to the next owner only.

APPROVAL OF MINUTES

M/Hayford Oleary, S/Christensen to approve the minutes of the: (1) City Council Work Session of July 25, 2023; (2) City Council Meeting of July 25,2023.

Motion carried: 3-0

ITEM #1	PROCLAMATION CELEBRATING RON COTTONE
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Mayor Supple invited Dana Anderson to accept the proclamation and read aloud the proclamation.

Ms. Anderson thanked the City for the Proclamation and noted Mr. Cottone was an amazing person.

ITEM #2	APPROVAL OF THE AGENDA
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M/Hayford Oleary, S/Christensen to approve the agenda.

Motion carried: 3-0

ITEM #3	CONSENT CALENDAR
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Acting City Manager Thongvanh presented the consent calendar.

- A. Consider a request to amend a Conditional Use Permit to increase the capacity of the preschool and daycare at 7132 Portland Avenue to 330 children (Staff Report No. 93)
- B. Consider adoption of a resolution approving a special request to allow the relocation of a billboard at 7731 – 4th Avenue South (Blaylock Plumbing) (Staff Report No. 94)

RESOLUTION NO. 12114

RESOLUTION APPROVING A SPECIAL REQUEST TO ALLOW THE RELOCATION OF A BILLBOARD AT 7731 – 4TH AVENUE SOUTH (BLAYLOCK PLUMBING)

- C. Consider the approval of an easement agreement for perpetual easements on four roadways that border the tax parcels containing ISD #280’s STEM and Dual Language Elementary Schools (Staff Report No. 103)

- D. Consider adoption of a resolution identifying the need for Livable Communities Transit Oriented Development funding and authorizing an application for grant funds on behalf of the Aster Commons development located at 6613-25 Portland Avenue (Staff Report No. 97)

RESOLUTION NO. 12112

RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES TRANSIT ORIENTED DEVELOPMENT FUNDING AND AUTHORIZING AN APPLICATION FOR GRANT FUNDS ON BEHALF OF THE ASTER COMMONS DEVELOPMENT LOCATED AT 6613-25 PORTLAND AVENUE

- E. Consider the approval of the 2023-2024 Emergency Preparedness agreement with the City of Bloomington using public health emergency preparedness grant funds distributed by a federal grant from the Centers for Disease Control, to provide services in the area of public health emergency preparedness/bioterrorism and the development of a response system (Staff Report No. 98)
- F. Consider a resolution supporting a request for a state bonding funds to fund the City’s portion of costs to reconstruct Nicollet Ave from 77th Street to 66th Street (Staff Report No. 103)

RESOLUTION NO. 12115

RESOLUTION SUPPORTING A REQUEST FOR STATE BONDING TO FUND THE CITY’S PORTION OF COSTS TO RECONSTRUCT NICOLLET AVE FROM 77TH STREET TO 66TH STREET

M/Christensen, S/Hayford Oleary to approve the consent calendar.

Motion carried: 3-0

ITEM #4	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR
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None.

ITEM #5	PUBLIC HEARING AND CONSIDERATION OF A SECOND READING OF AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES IN THE CITY, WHICH WILL EXPIRE ON JANUARY 1, 2025 OR UPON THE CITY’S RECEIPT OF AN APPLICATION FROM THE OFFICE OF CANNABIS MANAGEMENT FOR A CANNABIS BUSINESS WITHIN THE CITY OF RICHFIELD, WHICHEVER OCCURS FIRST, UNLESS REPEALED EARLIER BY THE CITY COUNCIL. (STAFF REPORT NO. 100)
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Council Member Hayford Oleary presented Staff Report 100 and opened the public hearing.

Larry Ernster, 6727 Elliott Avenue South, indicated he was in support of the Ordinance, but proposed the Council consider going back to their original statement regarding the expiration date of the moratorium.

M/Hayford Oleary, S/Christensen to close the public hearing.

Motion carried: 3-0

M/Hayford Oleary, S/Christensen to approve the second reading of an Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses within the City of Richfield to expire on January 1, 2025 or upon the City's receipt of an application from the Office of Cannabis Management for cannabis business within the City of Richfield, whichever occurs first unless repealed earlier by the City Council and approval resolution authorizing summary publication of said Ordinance

BILL NO. 2023-7

AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES WITHIN THE CITY OF RICHFIELD

RESOLUTION NO. 12116

RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES UNTIL JANUARY 1, 2025

Council Member Hayford Oleary inquired about language in section 4 of the moratorium. He asked how that interacted with the change they made last time. Attorney Tietjen responded the State law would supersede the Ordinance and if staff received an application from the Office of Cannabis Management, that would trigger the automatic expiration that was written into the Ordinance. She indicated with an amendment to the motion, they could strike that and make that consistent so there was no conflicting language. She recommended to amend Section Four to add something that refers to the automatic expiration for clarification.

M/Hayford Oleary, S/Christensen to amend the motion on the table to remove the sentence that starts with accordingly during the period that the Ordinance is in effect and ending with to engage in the operation of a cannabis business. Removing the part about the City being prohibited from engaging in the application and simply keep the part about no business shall operate the cannabis business during the moratorium being in affect.

Attorney Tietjen stated Council should be careful if they want to add something in the language in Section Four. She noted the moratorium would automatically expire upon the receipt of an application from the Office of Cannabis Management. Attorney Tietjen did not want to eliminate staff's ability to turn away applications if received during the moratorium.

Council Member Hayford Oleary withdrew his motion to amend and suggested they add the clause as described by the City Attorney notwithstanding the automatic exploration described in the section.

M/Hayford Oleary, S/Christensen to add the clause as described by the City Attorney notwithstanding the automatic exploration described in the section.

Amended Motion carried: 3-0

Council Member Hayford Oleary stated he had strongly opposed what might seem like a similar moratorium regarding the edible hemp products, but he believed this was different because this was giving the City time to react to this new law and protect from potentially illegal sales.

Mayor Supple requested the City Attorney review the change that was made after the first reading. City Attorney Tietjen responded the language that was changed was in Section 8 of the Ordinance adding language that the moratorium would expire on January 1, 2025, or upon the City’s receipt of an application from the Office of Cannabis Management for a cannabis business within the City, whichever occurred first. She indicated the Council still had the option to repeal the Ordinance anytime earlier than that if they wanted.

Mayor Supple stated she believed this gave the City time to be thoughtful and to figure out what the rules were going to be. She indicated she would support the moratorium.

Original Motion carried: 3-0

ITEM #6	CONSIDER THE SECOND READING OF A TRANSITORY ORDINANCE REPEALING ORDINANCE 19.26, WHICH AUTHORIZED A STUDY AND IMPOSED A MORATORIUM ON THE SALE OF EDIBLE CANNABINOID PRODUCTS (STAFF REPORT NO. 99)
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Council Member Christensen presented Staff Report 99.

M/Christensen, S/Christensen to approve to approve a Transitory Ordinance Repealing Transitory Ordinance 19.26 that Authorized a Study and imposed a Moratorium on the Sale of Edible Cannabinoid Products

BILL NO. 2023-6

A TRANSITORY ORDINANCE REPEALING TRANSITORY ORDINANCE 19.26 THAT AUTHORIZED A STUDY AND IMPOSED A MORATORIUM ON THE SALE OF EDIBLE CANNABINOID PRODUCTS

Mayor Supple stated Council Member Whalen asked that a statement be read for Items 5, 6, and 7 which Council Member Hayford Oleary read indicating Council Member Whalen supported all three actions.

Council Member Hayford Oleary stated he supported this also.

Mayor Supple stated she also supported this.

Motion carried: 3-0

ITEM #7	CONSIDER THE SECOND READING OF AN ORDINANCE AMENDING CHAPTER 11, SECTION 1146 OF THE RICHFIELD CITY CODE TO INCLUDE ELIMINATING THE SALE OF FLAVORED PRODUCTS AND CAPPING THE NUMBER OF TOBACCO LICENSES. (STAFF REPORT NO. 101)
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Council Member Hayford Oleary presented Staff Report 101.

M/Hayford Oleary, S/Christensen to approve an Ordinance Amendment Modifying Section 1146 of the Richfield City Code in Relation to Flavored Products.

BILL NO. 2023-8

AN ORDINANCE AMENDMENT MODIFYING SECTION 1146 OF THE RICHFIELD CITY CODE IN RELATION TO FLAVORED PRODUCTS

Council Member Hayford Oleary thanked everyone for their comments. He stated he was choosing to prioritize public health care and he realized they were putting a burden on small businesses. He noted they were trying to lead by example and accept some of the financial pain because it is the right thing to do for public health. He explained that the city would also feel the impacts of these actions as they will not allowing the sale of any tobacco products possibly toward the start of next year in the City liquor stores.

Mayor Supple echoed Council Member Hayford Oleary’s comments. She acknowledged this would have an effect on the small business owners. She believed the overriding concern was for public health and they needed to do what was best for the long-term health of the community. She stated she would support the Ordinance.

Council Member Christensen thanked the youth comments received tonight. She believed this Ordinance would be good for the community.

Motion carried: 3-0

ITEM #8	CITY MANAGER’S REPORT
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Acting City Manager Thongvanh stated he had not additional updates.

ITEM #9	CLAIMS AND PAYROLL
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M/Hayford Oleary, S/Christensen that the following claims and payrolls be approved:

<u>U.S. BANK</u>	<u>08/04/2023</u>
A/P Checks: 322891 – 323151	\$3,325,143.51
Payroll: 180879 – 181263, 43657	\$565,371.24
TOTAL	\$3,890,514.75

Motion carried: 3-0

ITEM #10	HATS OFF TO HOMETOWN HITS
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Council Member Christensen highlighted the annual ice cream social on August 12 from 2 p.m. to 6 p.m. at the Richfield Historical Society.

Council Member Hayford Oleary thanked the Ward 2 residents who welcomed him at Night to Unite. He stated on August 9 there would be a fun, slow paced, family oriented 5-mile ride around Richfield starting at 6:30 p.m. in front of the Richfield bandshell.

Mayor Supple stated Night to Unite was a fabulous gathering. She thanked everyone involved in the event. She gave a shout out to the Mosaic Hockey Collective, who represented well on Good Morning America. She thanked everyone who participated in the Urban Wildlife 5k and half marathon. She stated there was still an opening on the HRA and applications would be taken through August 13.

She indicated on August 17 from 4 p.m. to 7 p.m. they were having a Unity in the Community Celebration at the Christian Park bandshell. She gave hats off to the Nine Mile Creek Watershed District.

ITEM #11	ADJOURNMENT
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M/Hayford Oleary, S/Christensen to adjourn the meeting at 8:21 p.m.

Motion carried: 3-0

Date Approved: September 12, 2023



Dustin Leslie
City Clerk



Mary B. Supple
Mayor



Katie Rodriguez
City Manager