

**City of Robbinsdale
CITY COUNCIL MINUTES
September 26, 2017
Meeting No. 18**

CALL TO ORDER

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

ROLL CALL

2. Present: Rogan, Blonigan, Backen, Selman, Mayor Murphy
Staff: Marcia Glick, City Manager; Tom Marshall, Director of Administrative Services; John Tingley, Assistant to City Manager

OPPORTUNITY FOR THE PUBLIC

3. Mayor Murphy opened the floor to anyone wishing to speak on any items not on the agenda. No one chose to speak

APPROVAL OF AGENDA

4. Glick noted the additions of work session minutes from a special City Council work session on 9/5/2017.
5. Member Selman **MOVED**, seconded by Member Rogan to approve the agenda with the additions as noted above. **The vote was unanimous and the motion carried.**

CONSENT AGENDA

6. Member Selman **MOVED**, seconded by Member Blonigan to approve the Consent Agenda. **The vote was unanimous and the motion carried.**
7. Items approved are as follows:
 - A. Motion to approve and order placed on file minutes of the regular City Council meeting of 9/5/17, City Council Work Session of 9/5/17, Special City Council Work Session of 9/5/17, and Special City Council Meeting of 9/12/17.
 - B. Motion to acknowledge receipt and placing on file minutes for the following Commissions and Boards:
 - Planning Commission Minutes of 7/20/17
 - C. Motion to approve issuance of licenses from list dated 9/26/2017
 - D. Motion to approve the Deferral of Special Assessment application for Dawn E. Munt, 3921 Noble Avenue North for deferral of a special assessment related to the Noble Avenue construction project.

- E. Motion to waive the reading and order the adoption of Resolution No. 7587 "A RESOLUTION SUPPORTING APPLICATION FOR TRANSIT ORIENTED DEVELOPMENT GRANT FROM HENNEPIN COUNTY FOR DEVELOPMENT OF MULTI-FAMILY HOUSING."
- F. Motion to authorize the City Manager and Finance Director to issue a Purchase Order to MTI Distributing of Brooklyn Center, MN for the purchase of a Toro Workman HDX with automatic transmission, a shade canopy and Rahn Groomer under Government Contract #119042 for the net amount of \$25,320.41.
- G. Motion to receive and note the report on quotes received for the Triangle Park Wading Pool.
- H. Motion to table consideration of an update to liquor license fees to the October 17th City Council agenda.
- I. Motion to authorize the City Manager and Finance Director to issue a Purchase Order to Motorola Solutions for the purchase of 24 portable radios for fire department personnel and fire ground operations in the amount of \$113,322.08
- J. Motion to acknowledge the Deputy Registrar's financial reports for the month of August 2017.
- K. Motion to acknowledge the Robbinsdale Wine & Spirits financial reports for the month of August 2017.

PUBLIC HEARING A: Consideration of Amendments to Robbinsdale Tobacco License Regulations

- 8. Glick reviewed the staff report and discussed the process and policy measures Council is considering to reduce youth access to tobacco.
- 9. Member Rogan confirmed that if Council approved all of proposed changes, it would remove all flavored products to the two tobacco-only shops in Robbinsdale.
- 10. Mayor Murphy opened the public hearing.
- 11. Lindsey Dutcher, 3852 Perry Avenue North: stated that she was frustrated with the overwhelming amount of tobacco litter found on the streets in the community. Helped arrange a cleanup. Found that most of the litter was concentrated around licensed tobacco retailers. Tobacco costs \$3 Billion a year in Minnesota and hopes Council votes in support of the initiative.

12. Ora Hokes, 1350 Russell Avenue North, Minneapolis: Frequent shopper in the City of Robbinsdale. She works as a community health worker and trained anti-tobacco advocate. The tobacco industry has targeted populations including minorities and youth. Urged Council to put lives of youths ahead of business interests.
13. Nick Grady, 3852 Perry Avenue North: He teaches at a local high school and believes he has an obligation to protect youth. Believes the city has an obligation to protect people of all ages. He sees how tobacco is affecting youth first hand in school. Sees students passing around e-cigarettes. Sees 18 year olds and 15 year olds interacting all the time. Easy for minors to get tobacco from 18 year olds.
14. Paul Gordon, 3930 Hubbard Ave North: Believe limiting tobacco products to adults 21 and older would reduce access to teenagers. He gave an example of how he used to buy cigarettes when he was 18 and shared with underage friends and discussed how common it was. This led to him becoming addicted to tobacco and took many years to quit. Policy should not be for punishing kids who've been lured by the tobacco industry but rather protecting children from the tobacco industry.
15. Shawna Duan, 3960 Hubbard Avenue North: She chose Robbinsdale because the small town community feel and proximity to large city amenities. Wants her children to grow up free from the harm of tobacco. Her son points out teenagers using tobacco. Kids notice other kids and teenagers who are using tobacco. Increasing the age and price will make it less accessible in schools. Asked for Council to vote in favor of the changes.
16. Julie Rolston-Aoki, 3615 Abbott Avenue North: She is a mother of three students in the Robbinsdale School District. Believes health is a human right and must have the right to health to receive other human rights. She has noticed a lot of young families move into Robbinsdale and sees the future of Robbinsdale in these kids. Tobacco still remains one of the leading causes of death in this country. Had close relatives die very young due to heavy tobacco use. Recognizes the importance of doing what can be done to prevent similar losses to future generations. Urges Council adopt the measures proposed.
17. Sue Sindt, 1445 Skillman Avenue East, Maplewood: Has relatives who smoked who passed away because of it. Because of this, she started making liquid nicotine for electronic vaporizers which have no tobacco. Electronic vaporizers are an effective harm reduction strategy. She doesn't believe prohibition would work in curbing youth tobacco use. Nicotine loses addictive properties in vaporizers and lozenges. Vaping is a consumer driven solution to the problem. People continue to vape without nicotine because of social anxiety. The United Kingdom has a regulatory pathway. Tobacco is a flavor. Cigarettes have added chemicals to taste better. She believes vaping gives an exit strategy to tobacco. History shows prohibition doesn't work. People still use drugs even though they are prohibited.

18. Troy and Rose Rachev, 3854 Noble Avenue North: She believes flavored tobacco should be in adult only stores so kids do not see and have access to it.
19. Eric Hillman, 3803 Orchard Avenue North: Supports the Tobacco 21 proposals and hopes Council approves it.
20. Malcom Jones, 3713 York Avenue North: Supports the raising the age to 21 to purchase tobacco as well.
21. Yasser Abdelrahman, 4001 West Broadway: Owner of the Robbinsdale Food Market. The proposed policy measures will hurt his business unless neighboring cities have enacted them as well. He says that people come to his business to buy tobacco but also bread and milk. People will go to a neighboring city to buy tobacco and will then buy their convenience items too.
22. Ayman Issa, 5900 42nd Avenue North: Owner of the BP. He stated he is at the meeting to fight for his business. Believes unless Crystal enacts similar policy measures, the proposed measure will put him out of business. He has lost business to Hy-Vee and Holiday. Has implemented a smart scan ID system to check for false identification to purchase tobacco. His customers have stated that if the proposed policy measures are implemented, they will go to other businesses. He asked for more time to do a study to determine the impact. He stated he works 7 days a week and when Holiday opened in 2011 he lost 60% of his gas sales and 40% of his in-store sales.
23. Elizabeth Walton, 2631 Xerxes Avenue North: Parent of a teenager and former smoker who started as a teenager and asked for Council's support of all three measures.
24. Osman Dini, 3601 Noble Avenue North: Owner of the Pump N' Munch. He stated his belief that changing the age would just push customers elsewhere. He compared Sunday liquor sales and how Minnesota residents used to drive to Wisconsin on Sundays to purchase off-sale alcohol. The policies were statewide, he would support them as a father of young children.
25. Abby Sookraj, 2900 France Avenue North: She doesn't support the measures and is concerned about the social effects of criminalization on young lives. Believes government should not social engineer the population. Glad to see Council is taking out a current section of the code that penalizes minors. Happy to see you will not be penalizing 18-20 years olds but they will still be subject to state law. Her main concern is that these measures will drive away people from the open market to the black market for tobacco products. Minnesota is fifth in the nation for cigarette smuggling. False identification is a de facto admission that young adults will try and find a way to get their tobacco illegally. False identification is a serious offense under state law. The rate of teen smoking in Robbinsdale is 11%. Underage alcohol

consumption nationwide by 11th grade is 33% despite the fact that the age is 21. Could see a reverse psychology. Finds the flavor argument interesting as she gave examples of flavor alcohol or candy. She believes that minimum cigar prices would be too far as the city will be forced to enforce it after the lobbyists go home. Look more at compassionate solutions and approach. Strongest single factor if a young person takes on an addiction is parents.

26. Meghan Shay, 12952 Echo Ln, Apple Valley: Representing the Coalition of Neighborhood Retailers. The Convenience store business model is heavily reliant on tobacco sales. Convenience store retailers are the first line of defense in preventing underage tobacco use. Social sources are the real problem in underage tobacco. In St. Louis Park retailers will face a reduction of sales about \$35,000 annually per store. Believes youth should not smoke but the proposed regulations would be too far and hurt Robbinsdale businesses. Gave evidence that two stores, one in Brooklyn Center and one in Brooklyn Park, owned by the same individual. The Brooklyn Center store saw a double digit decrease but the store in Brooklyn Park saw a double digit increase after Brooklyn Center enacted a minimum cigar price. Underage use of tobacco products have declined significantly across the state since 2001, all without these proposed regulations.
27. Emily Anderson, 4136 Columbus Avenue, Minneapolis: Representing the Association of Non-Smokers of Minnesota, a non-profit organization dedicated reducing the health and economic cost of tobacco across Minnesota. The proposed regulations are proven strategies to reduce youth access to tobacco. She gave examples of other cities enacting portions of these changes. The profit of higher cigar prices goes into the stores profit. 7 out of 10 high schoolers who use tobacco use flavored products in Minnesota. The tobacco industry spends \$116 million a year in Minnesota alone. The discussion is about tobacco profits or people's health. Tobacco is the number cause of preventive illness in the state and country. The proposed measures will result in fewer people using tobacco and dying a preventative death.
28. Anton Marouf, 4180 Lakeland Ave North: Owner of the Mobil Mart. He believes taking flavors out of convenience stores does not solve the problem. Increases the business of tobacco shops at the expense of convenience stores.
29. Cap O'Rourke, 5800 10th Avenue South, Minneapolis: Representing the Association of Manufactures and Vapor Retailers of Minnesota. His concern for the ordinance as drafted is lumping vaping products in with tobacco products. Vaping products are the most popular vehicle to reduce nicotine use. Studies from the United Kingdom show electronic cigarettes are becoming to preferred option. Overwhelming signs the vaping is less harmful than cigarettes. Creating an ordinance that treats them as equal is problematic, especially that vaping is equally dangerous as smoking which is inaccurate. Would make it harder for 18-20 year olds trying to quit smoking by

using vaping products. Vaping industry is now \$4 billion annually and 70% is from small business owners.

30. Member Rogan commented that he doesn't understand why leaving vaping products available for young adults between the ages of 18-20 in the Vapor Bunker is okay but not okay if it's in a traditional convenience store.
31. Cap O'Rourke: There are two types of vaping products, close systems and open systems. Close systems are made by big tobacco and are disposable after one use. The Nicotine content is usually 2.4% or higher and primarily sold in convenience stores and gas stations. Open Systems are refillable devices in which you buy a separate bottle of liquid nicotine which range between 0 and 2.4%. The 0% Nicotine level is the fastest growing in the industry, mostly for people weening off nicotine. The vaping industry is between 0.3-0.6% nicotine concentrations. These products are not available in gas stations. These products are not for people under the age of 18. Underage smokers can switch vaping at age 18 to help quit smoking.
32. Member Selman confirmed with Mr. O'Rourke there is a non-nicotine option and that child proof containers are standard.
33. Cap O'Rourke: the reason why people continue to use zero nicotine is due to social anxiety.
34. Jeff Godfrey, 4066 Lakeland Avenue North: Owner of the Vapor Bunker. He believes kids are going to try stuff if they want to. The percentage of kids that stick with cigarettes compared to vaping is significantly higher. He has invested \$16,000 in his store to sell vaping products.
35. Charles Donkersgood, 4172 Adair Avenue North: He uses vaping products. He has a disability and transportation is limited. Having a vaping store nearby Robbinsdale is an asset.
36. Kate Richardson, 3965 West Broadway: She supports the changes to tobacco licenses and is a lifelong Robbinsdale resident. Back in May, after seeing young kids use tobacco outside of convenience stores she wanted to do something about it. She brought examples of flavored tobacco. She was having numerous single cigar wrappers end up in her yard and would take hours to clean up daily. In response, she formed Robbinsdale Residents for Tobacco-Free Youth. Many community members have shown support. She showed examples of convenience stores in Robbinsdale advertising tobacco products in their window displays. In the latest wave of tobacco compliance checks, 4 of 11 Robbinsdale licensed businesses failed by selling tobacco to a minor. Most other cities of comparable size had over 90% compliance rates. Cheap cigar prices like Swishers are being sold for cheaper than pop or candy.

37. Medhed Alabziz, 4001 West Broadway, Robbinsdale Home Market. He said he has the right to advertise on the front of his store. Believes the previous speaker has a personal problem with him and that he can't help customer behavior. He believes raising the age to purchase tobacco to 21 is good if each city did so.
38. Member Backen **MOVED**, seconded by Member Selman to close the public hearing. **The vote was unanimous and the motion carried.**
39. Rogan suggested delaying the first reading of the ordinance until the November 7th meeting to digest what has been said this evening.
40. Member Selman thanked everyone for being respectful during the public hearing. Has five grandchildren living in Robbinsdale and owns two businesses in Robbinsdale. His personal opinion is that this is a state issue and that he thinks there needs to be an exemption for military personnel. Would like to sit and digest what has been said tonight. On fence about vaping. Most of the speakers this evening were from his ward and would probably support the ordinance depending on how the language comes out.
41. Member Backen said he would be a no vote for raising the legal purchasing age to 21 since 18 year olds are legally considered adults and can get married and fight wars. Believes it truly is a state issue. Most high school students from Robbinsdale go through at least one other city on their way to school. In favor restricting flavoring and raising the minimum cigar price.
42. Member Blonigan suggested some technical changes to the ordinance.
43. Member Backen believes the section of illegal procurement may be illegal as well and worries about colliding with state law.
44. Member Blonigan stated that Council seems to be in agreement on raising the cigar price and restricting certain flavors to tobacco shops. Concerned that only one study has been done confirming the effects of raising the legal age to purchase tobacco to 21. He pointed out that the city in which the study was done in was twice the size of Robbinsdale and was much more homogenous demographically. It's a false equivalent to say tobacco should be 21 because the legal age to purchase alcohol is 21. Enthusiastic about taking away candy flavored tobaccos that are designed to appeal to kids. Having a harder time with raising the age to 21 at this point.
45. Member Selman stated he feels like this is a slippery slope about restricting items due to their health risks and would prefer a delayed implementation date to allow other cities to catch up and have time for businesses to adjust.
46. Mayor Murphy thanked for everyone for coming to the meeting. Council is 100% in favor of reducing youth access to tobacco. Worried that some decisions can have

unintended consequences. He would like to wait for a first reading. Currently not in favor of raising the age to 21 and believes that is a state issue. He is in favor of restricting the availability of tobacco flavors and raising the minimum price for cigars. Also concerned about adding the language penalizing for false identification.

47. Member Rogan believes we should do something. He is in support of raising the minimum price for cigars. Electronic vaporizers are not allowed to market themselves as a cessation device as the FDA has not approved it as such. He supports raising the legal age to purchase tobacco to 21. Thinks the right thing to do as a city is to be a leader on this issue.

48. Member Selman inquired about the severability clause.

49. Glick stated that a severability clause is a good idea in case of a legal challenge and a general severability clause will be added at a future meeting.

50. Member Rogan **MOVED** Member Selman to table first reading of the ordinance until November 7th.

51. Member Blonigan stated he would prefer to have the first reading tonight since many residents came to the reading tonight.

52. **Ayes: Rogan, Selman, Backen, Mayor Murphy Nays: Blonigan. The motion carried.**

OTHER BUSINESS A: Motion to approve disbursement requests for period ending 9/26/17.

53. Member Rogan **MOVED**, seconded by Member Backen to approve disbursement requests for period ending 9/26/17. **The vote was unanimous and the motion carried.**

COUNCIL GENERAL COMMUNICATIONS

54. Member Blonigan stated that a Rail/Volution report will be given at the next work session and asked to have an item about utility billing be added as well.

ADJOURNMENT

55. Member Backen **MOVED** seconded by Member Selman to adjourn the meeting at 9:10 p.m. **The vote was unanimous and the motion carried.**


John Tingley, Recorder


Regan L. Murphy, Mayor