

**1. Call to order**

Mayor Spano called the meeting to order at 6:30 p.m.

Councilmembers present: Mayor Jake Spano, Tim Brausen, Steve Hallfin, Rachel Harris, Anne Mavity, Thom Miller, and Margaret Rog.

Councilmembers absent: None.

Staff present: City Manager (Mr. Harmening), City Attorney (Mr. Mattick), Deputy City Manager/Human Resources Director (Ms. Deno), Building & Energy Director (Mr. Hoffman), Engineering Director (Ms. Heiser), Senior Management Analyst (Ms. Solano), and Recording Secretary (Ms. Pappas).

Guests: Larry Kraft, Students of Benilde St. Margaret.

**1a. Pledge of allegiance**

**1b. Roll call**

**2. Presentations**

**2a. Recognition of donations**

Mayor Spano thanked the following for their donations on behalf of the city council:

- St. Louis Park Golden Kiwanis for \$100 donation to the Westwood Hills Nature Center 38<sup>th</sup> annual Halloween Party.
- Leslie Marcus for \$100 donation for park enhancements at Westwood Hills Nature Center.

**3. Approval of minutes**

**3a. City council meeting minutes of Nov. 18, 2019**

Councilmember Rog noted on page 5, paragraph 7, it should read “...separated bike lane...” not buffered bike lane.

*It was moved by Councilmember Brausen, seconded by Councilmember Harris, to approve the Nov. 18, 2019 city council meeting minutes as amended.*

*The motion passed 7-0.*

**3b. Special study session minutes of Nov. 18, 2019**

Councilmember Rog noted on page 1, paragraph 4, it should read, "She asked if the E-generation facility -- planned for the north side but packaged with the south side -- would still be viable, if the south side were not constructed."

*It was moved by Councilmember Brausen, seconded by Councilmember Miller, to approve the Nov. 18, 2019 special study session meeting minutes as amended.*

*The motion passed 7-0.*

### **3c. Study session minutes of Nov. 25, 2019**

*It was moved by Councilmember Rog, seconded by Councilmember Brausen, to approve the Nov. 25, 2019 study session meeting minutes as presented.*

*The motion passed 7-0.*

## **4. Approval of agenda and items on consent calendar**

- 4a.** Approve the second reading and adopt **Ordinance No. 2577-19** amending chapter 36 of the St. Louis Park code of ordinances relating to the zoning map and to publish the revised official zoning map.
- 4b.** Approve second reading and adopt **Ordinance No. 2578-19** amending Section 36-361 pertaining to off-street parking and to approve the summary ordinance for publication.
- 4c.** Adopt **Resolution No. 19-158** to recognize Chad Kraayenbrink for his years of service.
- 4d.** Adopt **Resolution No. 19-159** approving final plans and specifications, and authorizing advertisement for bids for Louisiana Avenue Bridge replacement - Project No. 4018-1700.
- 4e.** Approve second reading and adopt **Ordinance No. 2579-19** prohibiting parking in city hall east lot and approve summary ordinance for publication.
- 4f.** Moved to 8d.
- 4g.** Adopt **Resolution No. 19-160** execution of a contract with Summit Envirosolutions, Inc. (Summit) for 2020 consultant services related to the implementation of the Reilly Tar & Chemical Corporation (Reilly) Remedial Action Plan (RAP).
- 4h.** Adopt **Resolution No. 19-161** approving acceptance of a \$100 donation from St. Louis Park Golden Kiwanis for the Westwood Hills Nature Center 38th annual Halloween party and \$100 from Leslie Marcus for park enhancements or program needs at Westwood Hills Nature Center.
- 4i.** Adopt **Resolution No. 19-162** accepting work and authorizing final payment in the amount of \$9,497.98 for the annual concrete replacement project with Universal Services, Inc. - Project No. 4019-0003, City Contract No. 60-19.
- 4j.** Authorize execution of an amendment to the professional services contract with SRF Consulting Group, Inc. in the amount of \$163,248.61 for the preliminary and final design of the Dakota-Edgewood bridge and bikeway project (4019-2000).

- 4k.** Adopt **Resolution No. 19-163** delegating authority to make electronic funds transfer.

Councilmember Brausen requested that consent calendar item 4f be removed and placed on the Regular Agenda to 8d and that item 8d be moved to 8e.

*It was moved by Councilmember Rog, seconded by Councilmember Mavity, to approve the agenda and items listed on the consent calendar as amended to move consent calendar item 4f to the regular agenda as item 8d and to move 8d to 8e; and to waive reading of all resolutions and ordinances.*

*The motion passed 7-0.*

**5. Boards and commissions - none**

**6. Public hearings**

**6a. Sale of e-cigarettes and vaping products**

Mr. Hoffman presented the staff report. He noted the council discussed public health concerns related to the use and sale of e-cigarettes and vaping products at study sessions in October and inquired as to what action the city could take in addressing concerns voiced from residents.

Mr. Hoffman referred to recent data stating 26% of 11<sup>th</sup> graders in St. Louis Park have used e-cigarettes or vaping products, which is a much higher number of students than are using tobacco products. Over the past couple of years, the city has taken action through raising the age to purchase to 21 and prohibiting the sale of flavored tobacco products to discourage primarily youth from beginning a nicotine habit. The proposed amendments to the business license section of city code would prohibit the sale of Electronic Nicotine Delivery system (ENDS) products.

He noted a draft of the ordinance being reviewed this evening was sent to all licensed establishments that sell tobacco products and also a tobacco license applicant in early November, more than thirty days in advance of the public hearing.

Mr. Hoffman stated informational meetings were offered by staff in November to explain the proposed regulation and answer questions. He stated only one person, who represented the BP station, attended the meeting.

Mr. Hoffman read the list of received letters from many organizations supporting the ordinance and asking the council to move forward.

Mr. Hoffman stated the effective date of the ordinance is Feb. 1, 2020, which would allow retailers to adjust to the new ordinance.

Mayor Spano opened the public hearing.

Paige Mullen, 315 Berry Ave. N., Wayzata, MN; Josie Nelson, 4523 Hampton Rd., Golden Valley, MN; Maliah Jaiteh, 4301 Regent Ave. N., Golden Valley, MN; Meagan Watts, 133 Oakwood Rd., Hopkins, MN, all students at Benilde St. Margaret, thanked the city for this ordinance, and asked the council to pass the ordinance, while also consider banning menthol and mint tobacco products, noting their addictive qualities.

Mike Hindin, 7708 W. 13 ½ St., thanked the council for taking on this public health issue and asked them to support the ordinance.

Sarah Sanchez, 2932 Texas. Ave S., stated she is the community impact director with the American Heart Association, supports the ordinance, and requests the council also ban menthol and mint tobacco products.

Paul Danicic, 2721 Idaho Ave. S., stated he works for a health care foundation in youth education and with school districts. He supports a ban on all e-cigarettes and also asked the council to remove the menthol exemption passed in 2017.

Heather Ganzer, MD, 905 W. 48<sup>th</sup> St., Mpls., MN, stated she is a 30-year Park Nicollet physician who has watched countless patients develop heart disease and cancers while struggling to be free from tobacco addiction. She asked the council to also consider lifting the exemption on mint and menthol flavors and urged them on behalf of the American Medical Association to pass the ordinance.

Stuart Hanson, MD, 3663 Park Center Blvd., #313, stated he is a retired pulmonary physician from Park Nicollet, and worked there for 41 years. He has seen patients with heart and lung disease, and explained the nicotine in vaping is the same type of nicotine as in cigarettes. Dr. Hanson stated e-cigarettes, just like regular cigarettes, permanently damage lungs and the nicotine is hard on the throat also. He thanked the council for their leadership and encouraged them to pass the ordinance.

Megan Shea, a representative with the Coalition of Neighborhood Retailers, stated she and several retailers have concerns with the ordinance, adding there is recently updated information on the CDC and FDA websites related to THC. She added the CDC and FDA are recommending folks not use THC for vaping or take products from friends, adding products such as JUUL can benefit those wanting to stop smoking cigarettes. She encouraged the council to look further into this before taking action on the ordinance and added there are many retailers who want to discuss this further.

Bethlehem Yewhakawork, 398 Minnesota Ave., Roseville, MN, stated she fully supports the ordinance along with banning the sale of e-cigarettes, and asked the council to also consider removing the menthol and mint exemption.

Isabel Woodstrom, 3206 Alabama Ave. S., stated she does not like vaping products and thinks it is wrong that flavors are put into these products, because kids can get addicted and get lung cancer and actually die from this, if they are not careful. She said this is very wrong, and she asked the council to support the ordinance.

Ruth Tripp, 4500 Chicago Ave. S., Mpls., MN, stated she represents Hennepin County Public Health. She thanked the council for their concern with this public health crisis and commended them for working with the school district to engage in this. She asked the council to support the ordinance and also to remove the mint and menthol exemption.

Melissa Gaida, 3032 Kentucky Ave. S., stated her father started smoking as a child, and is still smoking today. She added her grandmother died from throat cancer and she is vehemently against all products including cigarettes, vaping or chewing tobacco. She urged the council to support the ordinance.

Mayor Spano closed the public hearing.

Councilmember Miller stated it is fulfilling to see such community involvement in this topic, and thanked residents for their comments. He stated the ordinance would be a small part of the solution, but it must start somewhere. He stated he hopes by taking a leadership position, the city can urge the state legislature to take a stand on this as well and perhaps other cities will also pass ordinances, leading to more education and an entire approach to end vaping. He stated he appreciated his colleagues and staff moving forward on this in 2020.

Councilmember Mavity stated she is impressed with the incredibly talented and informed group of folks in St. Louis Park that have spoken this evening and she will support this ordinance. She added she hopes the city can play a part in creating a state-wide policy on this issue, adding with Governor Walz's support, she anticipates this will be on the legislative agenda.

Councilmember Mavity added she would like the council to further discuss the issue of mint and menthol products as being part of the city's banned products.

City Attorney Mattick stated the council must give 30 days' notice if looking to make changes related to mint and menthol products, and would not be able to act on that issue this evening.

Councilmember Rog thanked Councilmember Miller for bringing up this issue and staff for expediting it. She is glad the city is taking a stand on this and hopes others will follow including the state. She thanked residents and students for speaking at the public hearing.

Councilmember Brausen stated it is gratifying to see the community so engaged in this public health debate. He noted he grew up in a smoking home, and is a former smoker himself, and understands the addictive habit that it is. He stated he will support the ordinance.

Councilmember Hallfin stated the city bans anyone under 21 from purchasing tobacco and he will vote against this ordinance tonight, as a matter of principle. He stated people put bad things in their bodies all the time, adding he abhors all tobacco products,

especially since his father died of lung cancer. He stated, however, this does not change the fact that people have freedoms in this country and when you are an adult in this city, you should have the freedom to make an adult decision on this – and this ordinance infringes on personal freedoms and choice.

Mayor Spano stated he also is a former smoker who thinks about having a cigarette multiple times per day. He stated tobacco is highly addictive and he did try vaping products as a means to quit smoking. However, it did not work for him. He stated he understands Councilmember Hallfin's position, but is worried about kids that can't go 20 minutes without vaping. He also agrees about further discussion by the council on the mint and menthol issue. Mayor Spano stated he will support this ordinance.

*It was moved by Councilmember Miller, seconded by Councilmember Mavity, to approve the first reading of an ordinance prohibiting the sale of e-cigarettes and vaping products and set the second reading for Jan. 6, 2020.*

*Motion passed 6-1 (Councilmember Hallfin opposed).*

*The council directed staff to schedule a study session to discuss the prohibition of mint and menthol products from being sold in St. Louis Park as well.*

**7. Requests, petitions, and communications from the public – none**

**8. Resolutions, ordinances, motions and discussion items**

**8a. 2020 budget, final city and HRA property tax levies, and 2020-2029 capital improvement plan (CIP) Resolution No. 19-164, Resolution No. 19-165, Resolution No. 19-166.**

Mr. Simon presented the staff report. He noted the policy considerations:

- Final property tax levy at 4.96% increase over the 2019 tax levy
- Maximum HRA levy allowed by state statute at \$1,332,978
- Capital Improvement plan and projects
- 2019 budget amendment related to wind source power

Councilmember Miller stated he will oppose the final property tax levy at 4.96%. He stated the general levy spending does not support the city's strategic goals or items in the charter and also is not sustainable for infrastructure of public safety, and does not leave enough liquidity for surprises. He added that renters will be cost burdened as well as the elderly wanting to stay in their homes.

Councilmember Harris stated she will support the tax levy adding it addresses infrastructure and public safety, along with goals for climate action and sustainability. She added the levy addresses adding a police staff person and allows for public safety responses to mental health crises. Councilmember Harris added this increase will help support staff and increase services as well.

Councilmember Rog stated she also will support the tax levy, which is change from her earlier response. She stated baseline debt is a 1.1% increase, plus a 3% increase for staff puts the levy at 4% without any new items added. She continued she is pleased the levy is below 5%. She stated she has concerns over renters and those on fixed incomes, and on a \$298,000 median home, that is a \$5.46 per month increase.

Councilmember Rog stated the city will need to be innovative to stay healthy and robust, and will need to develop more revenue streams for the community.

Councilmember Brausen stated the adoption of the budget is the most important thing the council does each year. He added the council looked at the details in the proposed 2020 budget, identified priorities, and included salary increases for the city's exceptional staff. Councilmember Brausen stated he will support the tax levy and budget.

Councilmember Mavity stated she will support this budget, adding the council set this budget in motion many years ago, and worked strategically through the visioning process when working on the comprehensive plan. She added the visioning input was operationalized into the budget, in order to help the city's strategic vision come into being. She added she is proud of the impact of sustainability in the city, and now also the adoption of the climate action plan. Councilmember Mavity also noted she is proud of the innovation in the community, including the fire department working with Methodist Hospital to help keep folks out of the hospital.

Councilmember Hallfin stated he is pleased with the budget for 2020, and thinks about how citizens are getting value for their dollar, with clean streets, public safety, fire, and police. He added city council and staff do a good job with the dollars allocated and he will support this.

Mayor Spano stated the budget is in response to a set of initiatives put in motion by the council, and while St. Louis Park is not the cheapest place to live, he has been told by many residents that they would pay to live here and make the community a better place to live. He looks forward to this budget and thanked Mr. Harmening and Mr. Simon, along with staff, who worked on it for many months, and he is excited to support it.

*It was moved by Councilmember Hallfin, seconded by Councilmember Brausen, to adopt **Resolution No. 19-164**, approving the 2020 budgets and authorizing the 2020 final property tax levy at 4.96%.*

*The motion passed 6-1 (Councilmember Miller opposed).*

Councilmember Rog stated in 2020 the first \$1 million will be deposited into the affordable housing trust fund, and she is excited about this.

Councilmember Miller added he is excited to move forward with the HRA levy, and he appreciates Councilmember Rog being a champion of the affordable housing trust fund.

Councilmember Harris stated it is an honor to support the HRA levy and have \$1 million in the fund in 2020, to progress folks who struggle with access to affordable housing.

*It was moved by Councilmember Miller, seconded by Councilmember Harris, to adopt **Resolution No. 19-165**, authorizing the 2020 final HRA levy.*

*The motion passed 7-0.*

*It was moved by Councilmember Hallfin, seconded by Councilmember Brausen, to adopt **Resolution No. 19-166**, approving the 2020-2029 capital improvement plan.*

*The motion passed 6-1 (Councilmember Miller opposed).*

*It was moved by Councilmember Mavity, seconded by Councilmember Rog, to adopt the 2019 budget amendment.*

*The motion passed 7-0.*

**8b. Resolution accepting annual city manager evaluation Resolution No. 19-167.**

Mayor Spano pointed out several highlights of Mr. Harmening's annual evaluation.

*It was moved by Councilmember Harris, seconded by Councilmember Brausen, to adopt **Resolution No. 19-167**, to accept the final city manager annual evaluation.*

*The motion passed 7-0.*

**8c. 2020 non-union employee compensation Resolution No. 19-168.**

Ms. Deno presented the staff report.

*It was moved by Councilmember Brausen, seconded by Councilmember Rog, to adopt **Resolution No. 19-168**, to confirm a 3% general increase for non-union employees effective 1/1/2020, approving the city manager's salary for 2020, and continuing participation in the volunteer Firefighter Benefit Program.*

*The motion passed 7-0.*

**8d. 2020 neighborhood grants**

Councilmember Brausen stated this is a wonderful program that supports local projects, community building and environment events. He encouraged all to get involved in their neighborhood associations, and to contact city staff for resources.

*It was moved by Councilmember Brausen, seconded by Councilmember Harris, to approve \$46,650 to fund 23 neighborhood grants for community building activities in 2020.*

*The motion passed 7-0.*

**8e. Recognition of Councilmembers Steve Hallfin and Thom Miller**

Mayor Spano thanked Councilmember Miller for his service.

Councilmember Rog stated Councilmember Miller is the reason she is serving on the council, adding he has been a mentor to her and so many in the community. She stated Councilmember Miller is humble and smart, and she thanked him for his work on preventing the freight way reroute, the girls' softball fields at Aquila, race equity, Walker Lake area, The Nest, and the vaping ban discussed tonight. She stated she appreciates his work and everyone in the community looks forward to what he will do next.

Councilmember Mavity stated it's no secret she and Councilmember Miller butted heads a bit, but added the past 4 years have felt strategic and a partnership has been built. She stated she respects his professionalism and the opportunity to work with Councilmember Miller.

Councilmember Harris stated it has been a pleasure getting to know Councilmember Miller and work on bike/walk initiatives together. She stated she appreciates how he seeks input from folks in the community, elevates everyday leaders and encourages folks to step out. She added she appreciates his work on The Nest and the Walker Lake District, and looks forward to his next round.

Councilmember Brausen stated he is impressed by the fact that Councilmember Miller is a passionate voice for his ideals and for those who have the least voice in the community. He thanked him and added it has been an honor to serve with Councilmember Miller.

Councilmember Miller thanked everyone for their kind comments, adding he has enjoyed working in city government, and getting things done quickly, while also being in touch with constituents. He stated it has been a pleasure to serve on the council, adding he always looked forward to study sessions the most.

Councilmember Miller thanked all his constituents, city commissions, and staff for their countless hours prepping for council meetings. He also thanked the other council members, stating he always felt welcomed, adding this is a highly functioning council, which does not get into heated debates. He also thanked his wife and family for sticking with him and encouraging him.

Mayor Spano stated Councilmember Hallfin and he came onto the council together, and enjoyed getting to know each other better. He enjoyed their work together on The Roc, the Nature Center, and solid waste and organics. Mayor Spano stated he respects Councilmember Hallfin on financials, and being able to get things down to the final question. Mayor Spano stated it has been a pleasure serving with Councilmember Hallfin and being friends.

Councilmember Miller stated he appreciates Councilmember Hallfin's honesty, and speaking his mind and his heart. He stated he enjoyed his perspective as the hometown guy, and his simple and clean approach, adding he also respects Councilmember Hallfin's position on issues.

Councilmember Harris stated she appreciates Councilmember Hallfin's help in building trust in government. She stated Councilmember Hallfin encouraged her to run for council, and she appreciated his work on launching the new nature center.

Councilmember Rog stated she appreciates Councilmember Hallfin's love of community, passion, and authentic approach. She stated she looks forward to see what he will do with his extra time, adding she is sure he will be helpful to the community.

Councilmember Mavity stated it has been a pleasure sitting next to Councilmember Hallfin for 8 years, and serving with him. She added he has a very clear world view and it's authentic, while he bleeds orange and represents the community very well.

Councilmember Brausen stated this is a bittersweet moment, and he is sad to see Councilmember Hallfin go. He added Councilmember Hallfin brings a great perspective as the home town kid and as he has shared a lot of history of the city. He stated it's been great to see Councilmember Hallfin's love for the community and added he and Councilmember Hallfin have become very good friends. He noted this will not be Councilmember Hallfin's last act in the community; he will continue to serve on the STEP board as well.

Councilmember Hallfin thanked Beth and TJ for being there and being supportive, adding he could not have been here without the two of them. He thanked his colleagues, stating he respects each and every one of them doing what they do, week after week. He also thanked staff for their hard work, adding he sees the value of tax dollars spent every day.

Councilmember Hallfin also thanked the community at large for giving him the opportunity to serve these 8 years, adding the main reason he wanted to be on the council was to be a decision maker to move the city forward. He thanked his colleagues and staff and stated he appreciated the plaque.

Mayor Spano recognized Steve Hallfin for his years of service as Council Member At Large A of the St. Louis Park City Council from Jan 3, 2012 to Jan 6, 2020.

Mayor Spano recognized Thom Miller for his years of service as Council Member At Large B of the St. Louis Park City Council from Jan 4, 2016 to Jan 6, 2020.

**9. Communications - none**

**10. Adjournment**

The meeting adjourned at 8:45 p.m.

---

Melissa Kennedy, city clerk

---

Jake Spano, mayor