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

Councilmembers present: Mayor Jake Spano, Tim Brausen, Rachel Harris, Larry Kraft, Anne Mavity, Nadia Mohamed, and Margaret Rog.

Councilmembers absent: None.

Staff present: City Manager (Mr. Harmening), City Attorney (Mr. Mattick), City Clerk (Ms. Kennedy), Communications Manager (Ms. Smith), Senior Management Analyst (Ms. Solano), and Recording Secretary (Ms. Pappas).

Guests: Community Members

1. Call to order

1a. Elected Officials Oath of Office

The following newly elected officials of the City of St. Louis Park city council were sworn in for four-year terms commencing January 6, 2020:

- Mayor – Jake Spano
- Councilmember At Large A – Larry Kraft
- Councilmember At Large B – Nadia Mohamed

Oaths were administered and each official signed a copy of the oath which is kept on file in the city clerk’s office.

Mayor Spano asked the two new councilmembers to share their thoughts.

Councilmember Kraft stated he is excited to get to work and very focused on climate change. He stated we are in a climate crisis and wants us as a council, staff, and community to ask ourselves are we acting as if it’s a crisis and what would it look like to act this way. He thanked his family and key volunteers for their work on his campaign, stating this has been a humbling and energizing experience, and he feels a real responsibility to make this a reality now. He thanked outgoing Councilmembers Hallfin and Miller for their support and looks forward to building on the excellent work being done by the council.

Councilmember Mohamed stated she was very excited to take the oath of office this evening, adding this is a momentous occasion for her, and a huge deal. She thanked outgoing Councilmember Miller for giving her the idea to run as a councilmember and thanked those who ran her campaign, along with her parents and all who voted for her. She stated there are many issues to address and she hopes the council will get them
done. She added she hopes her colleagues will be patient with her, and stated she is happy and thrilled to get this started.

Mayor Spano added his thanks to all who have supported the council these last years, especially during a challenging time. He stated this community cares about governance, and while he will miss both Councilmembers Hallfin and Miller, he is very happy to have new Councilmembers Kraft and Mohamed on the council.

1b. Pledge of allegiance
1c. Roll Call

2. Presentations – none

3. Approval of minutes – none

4. Approval of agenda and items on consent calendar
   4a. Approve for filing city disbursement claims for the period of Nov. 23 through Dec. 27, 2019.
   4b. Adopt Resolution No. 20-001 designating the St. Louis Park Sun-Sailor as the city’s official newspaper for 2020.
   4c. Adopt Resolution No. 20-002 declaring 2020 city council meeting dates.
   4d. Adopt Resolution No. 20-003 appointing councilmembers to the office of mayor pro tem for the 2020 calendar year.
   4e. Adopt Resolution No. 20-004 authorizing execution of a renewed lease with the State of Minnesota Department of Transportation (MnDOT) for Webster Park.
   4f. Approve a temporary on-sale intoxicating liquor license for Midwest Rett Syndrome Foundation for their event to be held Jan. 31 – Feb. 2, 2020 at 3700 Monterey Drive.
   4g. Adopt Resolution No. 20-005 declaring the official intent of the City of St. Louis Park to reimburse certain expenditures from the proceeds of bonds to be issued by the city.
   4h. Adopt Resolution No. 20-006 setting liquor license fees for the license term March 1, 2020 – March 1, 2021 pursuant to Minnesota statute 340A.408 and section 3-59 of the St. Louis Park City Code.
   4i. Approve for filing Planning Commission meeting minutes Nov. 6, 2019.

It was moved by Councilmember Brausen, seconded by Councilmember Rog, to approve the agenda as presented and items listed on the consent calendar; and to waive reading of all resolutions and ordinances.

The motion passed 7-0.

5. Boards and commissions - none

6. Public hearings - none

7. Requests, petitions, and communications from the public – none
8. Resolutions, ordinances, motions and discussion items

8a. Second reading prohibiting the sale of e-cigarettes and vaping products
Ordinance No. 2580-20.

Mr. Hoffman presented a short overview of the proposed ordinance. He noted if passed this evening, the ordinance will be effective Feb. 1, 2020. He added the requirements prohibiting the sale of e-cigarettes and vaping products would be the same for all tobacco retailers within the city, and following adoption, notice will be sent to all licensed establishment detailing the requirements of the ordinance. Staff will conduct the regular annual license inspections near the effective date to assist store operators in removing all e-cigarettes and vaping products from their premises.

Councilmember Brausen asked if this ordinance will prohibit the sale of vaping material ingested into the system. Mr. Hoffman stated yes.

Councilmember Mavity noted the FDA has recently taken action regarding this issue and asked how it will impact the ordinance. Mr. Hoffman stated the FDA actions would limit the manufacture and sale of certain types of nicotine delivery systems.

Councilmember Harris asked if all businesses affected were notified of the proposed ordinance. Mr. Hoffman stated yes, they were. Councilmember Harris asked if other suburban communities have taken up similar legislation. Mr. Hoffman stated some have limited sales to tobacco shops, but in St Louis Park, there are no tobacco shops, and this would be the first city to prevent the sale of e-cigarette products.

Mustafa Garwhal, 7120 Cedar Lk. Rd, stated he has multiple tobacco shops, and last year purchased a building at Louisiana and Cedar Lake Road for half a million dollars. He stated he did not receive the notice from the city at his building, and would like to ask the city to not approve this ordinance, or change the policy, as 40% of his business is vaping products. He noted that if people do not buy from tobacco shops, they can still purchase online or in other shops outside of St. Louis Park.

Cap O’Rourke, executive director, Midwest Vapor Coalition, stated there are three health concerns related to tobacco use – that people can die from overuse, that in 2019, there are 40 confirmed deaths from elicit vapor products that used vitamin E acetate and were added THC products, and there has been an increase of vapor usage among teens and also among regular users, which seems to align with when JUUL appeared on the market. He noted that JUUL was created as an alternative to tobacco and to help curb nicotine use, and there has been much success with it. He added that the council’s actions on the ordinance will leave only cigarettes on the market in St. Louis Park, adding that cigarettes kill people.

Mike Hindin, 7708 W 13 1/2 St., stated he supports the ordinance and agrees with the council on what they are doing.
Kristen Ackert, 4626 – 16th Ave S., Minneapolis, thanked the council for their leadership on this issue.

Mr. Garwhal’s employee, Grace, stated she knows of people, along with herself, who were able to quit smoking and get off nicotine with the use of vaping.

Carl Genrud, a St. Louis Park resident and former smoker and vaper, stated the vitamin E and acetate was the cause of earlier problems with vaping, and noted this ordinance will not prevent access, as folks will just buy online or in different cities where available.

Councilmember Rog stated she is empathetic to the merchants, but she will support the ordinance for many reasons including those supported by medical advocates. She stated the main reason she supports the ordinance is she wants the city to contribute to the momentum going on in the state and nationwide for restricting access to tobacco and nicotine products, which has harmed generations of individuals and families and is hooking a new generation of addicts, through vaping and e-cigarettes. She hopes this is one small step in a wide-ranging effort to restrict access to more tobacco and vaping products, including mint and menthol. She noted marketing efforts by big tobacco are aggressive and are difficult for many, especially from vulnerable populations, to resist. She stated policy is one way to push back on behalf of the public, to exert the city’s influence.

Councilmember Mohamed stated she is satisfied with findings of the staff report. She stated with the health risks, which are detrimental to youth, she recognizes this as a real problem that needs solutions. She stated the ordinance is the first of many steps, and she encourages the city to take further steps, to implement and then educate residents and talk about the health risks. She added the city’s school board is addressing this issue, and she looks forward to working with them on this also.

Councilmember Kraft stated he is a parent of high school and middle school students and he is very concerned about how this is targeted and marketed to youth. He is supportive of the action to keep this out of the hands of students and would be happier if these products did not exist. However, he noted he has some concerns with the ordinance, and he will not support it this evening.

Councilmember Kraft recited part of the ordinance, and then noted that on December 31, 2019, the CDC website was updated to clearly indicate that Vitamin E acetate is associated with the problems being experienced, with black market THC being sold. He added cases have been declining since a peak in September and it no longer appears there is a major health crisis around vaping lung injuries.

Councilmember Kraft noted he found a similar ban that was done in Massachusetts for about two months last year and cited a study by Dr. Michael Siegel, a Professor in the Dept. of Community Health at Boston University, who has 32 years of experience in tobacco control and previously testified in a landmark lawsuit against the tobacco companies. The study reported the temporary ban caused an increase in vapers returning to smoking tobacco.
Councilmember Kraft stated that instead of legal and well-regulated, it appears the FDA has been slow in doing their job and we have a legal and unregulated or poorly regulated situation, which could be an argument for instituting a ban until the FDA has either approved or not approved these devices (this is precisely what the American Medical Association has asked for). He stated he will vote against the ordinance for four reasons:

- It’s an open-ended ban and not dependent on the FDA properly regulating the industry
- Concern for folks turning back to smoking, which is what seems to have happened in Massachusetts
- Ordinance states the main reason we’re doing this is “in light of the immediate health threat posed by EVALI” but the latest data indicates that this is no longer the case
- Has had discussions with folks at the schools, and he does not think this will curb vaping at the schools, especially as we already have 21 and over ordinances in place

Councilmember Mavity stated she will support the ordinance, and while she agrees with Councilmember Kraft on most of the points he outlined, she has concluded differently. She stated there is not a good regulatory framework from the FDA at this time for residents in general, adding when the FDA provides clarity and a stronger regulatory framework, she will be open to reconsidering the ordinance.

Councilmember Mavity stated she is also troubled about the small business owner, adding she wants to support them, and she hopes that staff will connect with Mr. Mustafa and have him work with the city’s small business consultant.

Councilmember Harris explained she is also alarmed by the numbers of youth who are vaping. She stated the ordinance will not completely prevent people from accessing the products; however, it does convey a message that the city cares about our youth. She added she is also empathetic to the business owner seeking a license and she proposed a 30-day hold on the ordinance in order to work through any details on behalf of the small business community.

*Councilmember Harris made a motion to delay implementation of the ordinance for 30 days. This motion failed for lack of a second.*

Councilmember Brausen stated he will continue to support this ban, adding that like any local legislation, this is temporary in nature and another council could change it later. He also stated the current council can change it later as well but at this time, he would like to prevail on the side of caution. He stated perhaps if this had been done years ago with cigarettes, many people including his parents, himself, and others maybe would have quit smoking earlier. He added he realizes prohibitions don’t work; however, he is in favor of anything that can be done to slow the growth of vaping.
Mayor Spano added the US Health and Human Services secretary called out this issue recently and this topic will soon be on the State of Minnesota agenda as well. He stated he will support the ordinance.

*It was moved by Councilmember Mohamed, seconded by Councilmember Brausen, to approve second reading and adopt Ordinance No. 2580-20, prohibiting the sale of e-cigarettes and vaping products and to approve the summary for publication.*

The motion passed 6-1 (Councilmember Kraft opposed).

9. **Communications**

Councilmember Harris stated on Saturday, Jan. 25, from noon – 4 p.m. the annual “Bundle up for Winter” event will be held at Oak Hill Park.

Councilmember Rog added on Tuesday, Jan. 7, at 5 p.m. at city hall, there will be an open house regarding the Fern Hill pavement management project.

Councilmember Mavity stated a neighborhood meeting will be held at Union Congregational Church at 7 p.m. on Tuesday, Jan. 7.

Councilmember Brausen welcomed the new councilmembers to the city council stating he looks forward to working with them over the next 2 years. He stated it takes energy and passion to get out and ask for votes - adding he also admires the departing councilmembers and thanked them for their service to the city.

Mayor Spano noted the Empty Bowls STEP Fundraiser event to be held on Feb. 13, 2019 at Westwood Lutheran Church, adding STEP is looking for volunteers to help.

Mayor Spano also read the preamble of the city charter, stating the document lays out the city’s cause, and is important for folks to hear and know.

10. **Adjournment**

The meeting adjourned at 7:16 p.m.

____________________________________  __________________________________
Melissa Kennedy, city clerk                                Jake Spano, mayor