

INVER GROVE HEIGHTS CITY COUNCIL WORK SESSION
MONDAY, May 6, 2024 - 6:00 P.M. - 8150 BARBARA AVENUE

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, May 6, 2024, in person. Mayor Dietrich called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Mayor Dietrich Council Members: Murphy, Gliva, Scales and T’Kach

Staff Present: City Administrator Wilson, City Attorney McCauley Nason, Deputy City Clerk Malott, Finance Director Hove, Assistant Finance Director Hosszu

3. DISCUSSION ITEMS

A. Presentation by Simley High School Students on Tobacco Issues

Elyse Levine Less the Executive Director of Tobacco Free Alliance presented this item along with students Chris Flores (11th grade), Vossi Leckus (11th grade), Nadine Lova (9th grade) and Sheridan Everett (12th grade) from Simley High School. The Tobacco Free Alliance is a non-profit association based in St. Paul. They mostly work in Dakota County with schools and communities providing education and advocacy for policy change. Their presentation was on ending the sale of flavored tobacco products. They are primarily talking about vapes, which are the same as e-cigarettes and are commercial tobacco products. She’s provided a packet to the Council with information about their presentation and data for Inver Grove Heights.

The students are members of Spartans Anti Vaping Effort (S.A.V.E), a team of 16 students at Simley High School dedicated to ending the use of vaping. Commercial tobacco use remains a big problem in Minnesota and flavored products are a main driver of the youth tobacco epidemic. They are also driving up the price everyone pays for tobacco use. The 2022 Minnesota Student Survey showed that the steps Minnesota has taken to address the use of tobacco products by use has helped, but there is still more that needs to be done. In Minnesota, one in seven 11th graders use e-cigarettes (vapes) regularly. Minnesota’s 11th grade e-cigarette rate is 14%, nearly three times the adult rate of 5%. Addiction is setting in for many students and more than 70% of youth e-cigarette users are showing signs of nicotine dependence. Flavored tobacco drives tobacco use for youths. Nearly 80% of youths who have tried tobacco products tried flavored tobacco first. These products mask the harshness of tobacco, but they are just as addictive and harmful as non-flavored products.

Ms. Levine Less showed different types of disposable nicotine vapes to the Council. When Jewel came out it had the equivalent nicotine to one pack of cigarettes. As the product evolved, they have much more nicotine in them. For example, the Elf bar has the equivalent nicotine as 17 packs of cigarettes. The Loon products are based in Minnesota and some of their products have the equivalent nicotine as 26 packs of cigarettes. In the items passed to the Council there is another flavored tobacco product a Zyn that has become popular with youth which they put in their mouth and often vape with it in their mouth. There is no amount of nicotine that is safe for young people. It is highly addictive and a stimulant. Youth exposed to nicotine are more likely to use other substances.

Nadine Lova provided statistics from the 2023 National Youth Tobacco Survey. More than 2.1 million youth currently use e-cigarettes. More than one in four use e-cigarettes daily and almost nine out of ten use flavored e-cigarettes. In Inver Grove Heights, 15% of IGH 11th graders used tobacco products in the last 30 days. 20% of ISD 199 female 8th graders have used tobacco products in the past 30 days

compared to only 8% of 8th grade females state wide. Most students who vaped in the past 30 days used a flavored e-cigarette. There were many vapes confiscated in Simley High School this year.

Students that were unable to attend the meeting in person made a video to share with Council. They recently did a project engaging 6th graders during lunch to complete an anonymous survey. They collected 166 survey responses and while it was reassuring to see that the majority did not vape, vaping did have an impact on them.

Comments received from 6th graders on the survey:

- The smoke from the vape is bad when I breathe it in, my brother did it and I was concerned.
- My dad's lung collapsed three times.
- Some of my friends vape and it affects my life because sometimes when I go to the bathroom there is smoke in there and it smells bad.
- The reason I don't like going to the bathroom is I'm nervous they're going to make me vape.
- Vaping has impacted my life because now bathrooms are locked, and we can't use them. When we can use them, they smell fruity.
- It made me feel out of breath.
- It makes me not be able to breathe when I'm near someone who is vaping.

Older students in nearby schools have also provided anonymous comments.

- 8th grader - vaping has impacted my life by causing me to have a dependency on it. I've lost many friends due to vaping and have ongoing health problems. If I could go back in time I would have never vaped.
- 13-year-old middle school - Vaping has changed my life in many different ways. I started vaping two years ago and it's really hard to stop when I try. I hope kids learn not to make the mistake I have.
- 16-year-old - I feel like I can't trust my older sister because she vapes. She engages in more risky behavior, and I don't feel safe in the car with her. She can't go more than a few minutes without hitting her vape and I don't feel safe. I feel more pressured to vape when I'm with her because she's my role model and vapes constantly.

They also shared some of their own experiences. One student said going to the bathroom in high school is a lose-lose situation. She went to one bathroom, and it smelled like strawberry vape then went to another bathroom and it smelled like weed. The bathrooms being locked is also a problem. Another student shared that it can be hard to be on a sports team if you don't vape you can feel excluded. A student shared that she had a friend who was a runner and he started to vape. He was suspended from running and now he sells drugs. They are working hard to educate their peers so they will not start vaping. They need lawmakers to take action to protect their community.

Ms. Levine Less said the tobacco industry has been targeting youth and other communities. An R.J. Reynolds executive was quoted in 1992 saying, "We don't smoke that s***. We just sell it. We reserve the right to smoke for the young, the poor, the black and stupid." They use cheap prices, appealing flavors and strategic advertising. Kids are also seeing advertisements on social media.

Sheridan Everett continued the presentation with examples of advertisements targeting specific communities. Menthol tobacco has a cooling sensation that makes it easier to start smoking and harder to quit. They target African American communities and 84.6% of African American smokers, smoke menthol cigarettes. Smoking costs Minnesotans \$4.7 billion on smoking related healthcare. This breaks down to \$824 per Minnesota resident.

Ms. Levine Less said there are some solutions. There are three things that drive down use: price, age and flavor. The federal age is now 21 but there are very few restrictions on flavored vaping products. There has been a push to end the sale of menthol cigarettes and cigars on a federal level, but the

Biden administration recently delayed the FDA final ruling on menthol products. In 2020 Minnesota has taken some steps like Tobacco 21. It increased the age to purchase from 18 to 21 and removed purchase, use and possession penalties for young people. It also hold retailers accountable for responsible sales by requiring age verification for those under 30.

The best practice solution is to fully end the sale of flavored tobacco products including menthol. There are six states that have passed flavor tobacco laws and over 380 cities and counties that have some type of restrictions of flavored tobacco sales. 30 of these cities are in Minnesota. They have been working on a bill at the state level with Police Chief McCarthy from Mendota Heights. Mendota Heights was the first city outside of California to pass a compressive bill to eliminate the sales of flavored tobacco products. There are now 13 cities in Minnesota that have passed bills eliminating the sale of these products. It is important to address this at a local level because the state tends to follow. Federal regulators move slowly and are likely to be involved in years of litigation. Studies show that local restrictions on the sale of flavored tobacco products reduces the chance that teens will ever try tobacco products. Among Minnesotans who smoke menthol products, half reported they would quit smoking if menthol cigarettes were no longer sold.

30 Minnesota cities have policies addressing the sale of flavored tobacco products and 13 of these cities have adopted comprehensive policies that prohibit the sale of all flavored tobacco including menthol. These ordinances are actively enforced and there have been no successful legal challenges against the bans.

Vossi Leckus continued the students' presentation. He said there is not a one-size approach that will fix everything. Education about the risks is only one portion. Policies that prevent kids from getting addicted to nicotine in the first place is another step. They are asking Council to consider enacting an ordinance to restrict the sale of all flavored tobacco products in Inver Grove Heights.

Council Member Murphy asked if there is a legitimate reason to make a vape pen look like a marker unless they were intending to fool the schools.

Representatives from the Tobacco Free Alliance agreed that would be the reason.

Council Member T'Kach said it was very informative and she appreciates their presentation and the time and work it took to get here.

Mayor Dietrich said the video was wonderfully put together and the message was eye opening. She appreciates the work that they've put into this, and they will continue to discuss this at a policy level.

Council Member Scales said the information was eye opening for him as well as a past graduate of Simley High School. They used to have a smoking door and it was oppressive back then. He said thinking that banning smoking on school grounds would fix the problem, but the problem has just changed. He supports anything they can do to make this better.

Officer Erica Eid SRO at Simley High School said she covers the three elementary schools, middle school, and high school in Inver Grove Heights. They do know that it is a problem, and they are confiscating vapes throughout the school. This year elementary school principals asked her to talk to their 5th graders about the dangers of tobacco use.

Council Member T'Kach asked if there are mental health and behavior issues with students that are vaping and stop vaping or can't vape often enough.

Officer Eid said students can get agitated or irritated and can get angry because they have to get a new one.

Ms. Levine Less said she included a mental health fact sheet in the packet provided to council and they will soon be receiving a new survey that will include further mental health information.

B. Presentation of 2023 Audit Results

Finance Director Hove introduced Bonnie Schwieger who is a partner with the City's audit firm ABDO to present the results of the 2023 audit. There are three different opinion letters in the audit, Auditor's Opinion, Minnesota Legal Compliance and Single Audit Report. In Auditor's Opinion letter is required by state statute. The City has to have an independent audit done annually and during the audit process all of the information provided by Staff was in order. The Minnesota Legal Compliance letter is to verify that a city has not violated any Minnesota State statutes and Inver Grove Heights was in compliance with all Minnesota State statutes. The Single Audit Report is required because of the amount of federal funds expended specifically for the SAFER Grant Program. There was one finding regarding the SAFER Grant Program reporting. The Semi-Annual Financial report was due July 31, 2023, the finance department and fire department have been working together to ensure the reporting requirements are met.

The General Fund is the main operating fund. In 2023 the year was ended with 43% of the next years' operating expenses in reserves, which is an indicator that your General Fund is healthy. Revenues are over budget due to some one-time public safety \$8 fees that were paid at the end of December. Some expenditures include budget costs that were moved between years for different projects. There were transfer activities, but the fund increased approximately \$3 million from the previous years. Spending has been consistent over the past few years. There was a decrease in the general government spending because the technology costs were moved into a separate fund.

Separate from the General Fund there are Special Revenue Funds. The Community Center Fund has changes because previous loans were forgiven improving the balance of the fund. In the Debt Service Fund there is a decrease in the debt balance between 2027 and 2028 because a bond is due at the end of 2027, but this does not include any future bonds that will be issued. There are multiple Capital Project funds with their own purpose and costs. These funds shift drastically depending on when projects are due. The balances in the Capital Project funds are either assigned or restricted. Assigned funds can be allocated differently whereas restricted funds have to be spent on specific costs.

Internal Service Funds are designed to have charges go into them from other City funds to increase reserves for specific operating needs. The Technology Cash Fund is included in the Internal Service Fund. The Utility Funds operate in a self-sustaining manner and should be able to support themselves covering any debt payments and build reserves without any tax levies or outside support. The Water Fund has been able to maintain and build reserves. The Sewer Fund is not as well funded as the Water Fund, but there is a healthy cash reserve. The Storm Water Management Fund does include some of the NWA funds. The Golf Course Fund had large spikes in operating receipts in 2020 and 2023. Membership drives are conducted every three years and there is a large amount of cash that pays for fees over the next three years.

C. City Council Policies, Procedures and Processes

Administrator Wilson presented this item and requests Council's input on suggested amendments to City Code language, the process and timeline for accepting written comments and the consideration of a policy on proclamations and resolutions. In the Council packet there are sections of Title 1 of the City Code and relate to how the Council operates. The intent of the proposed code amendments is to make current processes and the language of the City Code consistent, avoid excess, self-imposed requirements, speak in plain English as much as possible and "mean what we say and say what we mean."

City Code 1-2-3: Procedures

- Ordinances & Resolutions
 - Remove the requirement that they be “read in full”
- Petitions & Communications
 - Remove the requirement that they be “read in full”
- 2nd & 3rd Reading of Ordinances
 - Change to two subsequent meetings rather than the following two meetings
- Effective Date of Ordinances
 - Remove requirement to wait 5 days after publication (unless otherwise specified)

Council Member Scales asked if the term subsequent is used for the 2nd and 3rd readings if there was a time limit or if they would possibly be pushed out indefinitely. He would like a time limit to ensure items are resolved.

Administrator Wilson said there is not a time limit, but Council can direct Staff to include a timeline.

Council Member Murphy said a two-year time limit to match the term of Council Members would be preferred.

Administrator Wilson asked if Council would like Staff to provide updated verbiage to include a timeline.

Mayor Dietrich said she would like to see a timeline added.

Council Member T’Kach asked if a time limit would inhibit Council from starting a project towards the end of the year because it may not be able to be completed by the time allotted.

Administrator Wilson said it could be written as a rolling 12-month period but in the 2nd year of a Council’s term it may be a shorter time period. Council does have the option to waive the 2nd and 3rd readings if something is time sensitive. When a new Council is elected all readings that were not completed in the previous term would need to be reintroduced.

Council Member T’Kach asked if everyone is reelected if it is considered the same Council.

Administrator Wilson said that would be considered the same Council.

Council Member T’Kach asked if the requirement of reading the ordinance in full is part of the “mean what you say and say what you mean.”

Administrator Wilson said the ordinances are laws and refer to other sections of code. They are intending to use as little legal jargon as possible while maintaining Council’s policy positions.

Council Member T’Kach asked if the public will hear some type of reading or information from Staff regarding ordinances or resolutions that were previously discussed in work sessions that they may not be aware of.

Administrator Wilson said the agenda packet is published online and there is a printed copy in the lobby. Staff provides an overview of the resolutions or ordinances in the packet and Mayor Dietrich allows for questions and comments from the public.

Council Member Scales asked if there has ever been a process that the City has followed for reading the full ordinance or proposal.

Attorney Nason said she has not seen one.

1-5-3: Order of Business

- Add "Approval of the Agenda" at the beginning of the agenda
- Relocate "Public Comment" to match current practice
- Remove statement that "all public hearings shall be held at the time specified in the notice of hearing"

1-5-4: Agenda

- Require that agendas be finished by noon on Thursday (to comply with code) - but continue with current practice of publishing at close of business on Wednesday

Council Member T'Kach asked if there is a law on an amended agenda being published after noon on Thursdays.

Administrator Wilson said as long as there is not a special meeting the agenda can be set up until the City Council meeting starts. The only requirement is that a notice the meeting is taking place. During a Special Meeting, only the business on the agenda may be discussed.

Council Member Murphy said he has no issues with noon on Thursdays.

Mayor Dietrich asked Administrator Wilson where public comment has been on the agenda in previous cities.

Administrator Wilson said she has seen it both at the beginning and end of meetings. There is a concern in having the public wait through all of the agenda items until the end of the meeting to speak. Moving it to the beginning of the meeting would mean residents waiting to speak on agenda items may have to wait an extended period of time for anyone that comes to speak.

Council Member Scales said the majority of the time public comment at the beginning of a meeting goes well but there are times when there is a hot topic, and it affects the rest of the meeting.

Council Member Murphy said he agrees with public comment being at the end of the meeting. If it's moved to the beginning of the meeting it will force the Mayor and Council to strongly enforce the three-minute comment rule as opposed to now where some comments run over three minutes.

Council Member T'Kach asked if it was possible to have public comment at the beginning of the meeting but limited to comments that are not related to agenda items and if public comment could be at a certain time every meeting.

Council Member Gliva said she likes public comment at the end of the meeting. If a resident has a pressing issue they can email or call as well as addressing the Council at a meeting.

Administrator Wilson said public comment is intended for items that are not on the agenda.

Approval of the Agenda

- The meeting agenda shall be approved by majority vote
Once the agenda is approved:
 - The order of agenda items may be amended, or items may be removed from the agenda by a vote of 2/3rds of members present at the meeting.
 - No additional item(s) of business may be considered or added to the agenda, except upon unanimous vote of the council members present at the meeting.

1-5-6: Voting Procedure

- Except where a roll call vote is required by law or requested by the Mayor or any member of Council, all votes shall be voice votes. (Change from all votes being roll call votes.)
- A majority vote of those members of Council present shall be required for the passage of any motion or approval of any resolution or ordinance, except as otherwise provided by state statute or the provisions of the City Code. (Change from a majority of all members of Council to a majority of all Council members present.)

1-5-9: Suspension, Repeal or Amendment of Rules

- These rules, or any of them, may be temporarily suspended by a four-fifths (4/5) vote of the Council members present at the meeting where a motion to suspend the rules is made.
- These rules shall not be repealed or amended except by a majority vote of the whole council after notice has been given at some preceding council meeting.

Council Member Gliva asked if on a 2nd or 3rd reading it would require a four-fifths (4/5) vote to suspend the rules and then a vote could be made.

Administrator Wilson said to suspend the 2nd and 3rd reading to adopt an ordinance it would require a unanimous vote.

Mayor Dietrich asked if requiring a unanimous vote to waive 2nd and 3rd readings was an ordinance.

Attorney Nason said it is not a statute; it is in the City Code, and it could be amended by the Council.

Mayor Dietrich asked if any Council Members would want to consider amending the City Code.

Council Member Gliva said four/fifths (4/5) is the super majority and how most motions are required to be passed.

Administrator Wilson said suspending the 2nd and/or 3rd reading requirement and amending an approved agenda are the two motions that require a unanimous vote to pass.

Council Member Murphy said he would support four-fifths (4/5th) majority to waive the 2nd and 3rd readings of an ordinance.

Council Member T'Kach said reading ordinances over three meetings gives the public time to learn about the changes and come forward for public comment.

Council Member Scales said he would like consistency and a four/fifths (4/5ths) vote to suspend 2nd and 3rd readings provides consistency.

Council Member Gliva said changing to a four/fifths (4/5ths) majority would help move business along for minor cosmetic changes in ordinances.

Council Member Murphy said the City Administrator has said many times that they would not recommend waiving the 2nd and 3rd reading of ordinance changes and he trusts Staff and fellow Council Members to not make a major mistake when waiving readings.

Administrator Wilson said Staff bring this item as a first reading of an ordinance amendment and a subsequent meeting.

Council Member T'Kach asked for information about changing the vote.

Administrator Wilson said she would research that information and provide it at a subsequent meeting.

II. Accepting Written Comment into the Record

- Header on agenda currently sets a deadline of 4:00 p.m. on the day of the meeting
 - Does Council want to consider changing this to an earlier time?
 - Same deadline for items submitted directly to the Clerk as those submitted to individual Council members?
- If an earlier time is set (maybe noon?), staff could upload to the online agenda packet - allowing public to have access to the comments - and also to prepare a paper packet of comments for the lobby

The majority of Council agreed to the earlier time.

Administrator Wilson said if Council Members receive comments that he City Clerk was not included in they would need to submit them to the City Clerk to be included in the agenda packet. If they were not submitted to the Clerk, they would not be included in the packet.

Council Member Murphy asked if comments received after noon would be accepted into the record.

Administrator Wilson said they would not be accepted into the record.

III. Policy on Proclamations

Dakota County - "Stay in our Lane" policy

- Recommended to limit proclamations and resolutions to:
 - Items directly related to city operations and areas of responsibility
 - "Hyper-Local" items of congratulations
 - No promotion of fundraisers
- Public Comment period is still available

Council Member Murphy said he agrees with the policy and Council was elected to handle local issues. He asked if the students from Simley High School would be affected by this policy.

Administrator Wilson said they would not be. Their presentation was regarding tobacco and Council regulates tobacco.

Council Member T'Kach asked if the boards and committees that Council Members are part of would be included in the "Stay in our Lane" policy as long as they were not fundraisers.

Administrator Wilson said the Dakota County policy references items put forward by the Minnesota Association of Counties and we would continue to see these items.

Mayor Dietrich asked if these items would be presented as a first reading.

Administrator Wilson said the changes would be presented as a first reading and bundled as one agenda item to amend multiple sections of the City Code. The change for accepting written comment will be updated on the agenda for future meetings.

D. Preparation for May 20 Commission Interviews

Administrator Wilson presented this item. There were a total of 28 applicants, two were out of town on the date of interviews. Council needs to make ten appointments and finalize the schedule and interview questions.

Planning Commission	Parks & Rec Advisory Commission	Environmental Advisory Commission
Need to appoint 3	Need to appoint 3	Need to appoint 4

2 incumbents re-applied	2 incumbents re-applied	2 incumbents re-applied
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Schedule:

- Interviews are scheduled for Monday, May 20
- Typically schedule 10 minutes per applicant / 3 questions
- Interviews typically done off camera, followed by a short dinner break, and then voting/appointments starting at 7:00 p.m. on camera

Option #1	Option #2
2:00 - 4:20 p.m. - 13 interviews	4:00 - 6:20 p.m. - 13 interviews
4:20 - 4:30 p.m. - Break	6:30 - 6:50 p.m. - Dinner Break
4:30 - 6:40 p.m. - 13 interviews	6:50 - 9:00 p.m. - 13 interviews
6:40 p.m. - Dinner Break	9:15 p.m. - Voting
7:00 p.m. - Voting	Or Voting at 5:00 p.m. on Tuesday, May 28

Administrator Wilson asked if Council would be available at 2:00 p.m.

Council Members Murphy and Scales said they would be available.

Council Member T'Kach said it would be difficult to be available by 2:00 p.m. but would be able to be available by 4:00 p.m. and asked if any applicants were available at 2:00 p.m.

Administrator Wilson said the applicants have not been contacted to verify times.

Council Member Scales said he is available for either times but wants to finish the entire process in one day.

Council Member Gliva said she was available either time and if it was split into two days the second day should be the next day as opposed to a week later.

Administrator Wilson asked if Council was ok if voting was not started by 7:00 p.m.
The majority of Council agreed to Option #2 and finishing the voting process the same day.

The two applicants that are out of town on the day of interviews are both incumbents. Staff proposes providing them with the questions in writing a few days prior to interviews and allowing them to email their responses to be read by Council since they are incumbents.

Interview Questions- used the last few years:

1. Tell us a little bit about your education, background and personal achievements that may relate to your appointment to a City Commission.
2. How long have you been a resident of Inver Grove Heights? What community activities have you been involved in?
3. What personal characteristics do you possess that would make you a good choice for appointment?

These questions are similar to the application questions:

1. How long have you lived in Inver Grove Heights?
2. Please provide an overview of your applicable experiences, including employment, occupation or other.
3. Please provide a short paragraph summarizing why you are seeking appointment to an Advisory Commission.
4. Briefly describe your background or any professional affiliations or other information not previously given which you believe is relevant to the appointment you are seeking.

Administrator Wilson asked if Council wanted to change the questions to diversify the information provided and if they wanted to choose any of the sample questions.

Council Member Scales said he liked the sample question: Tell us one thing you like about Inver Grove Heights and one thing you would like to see improved.

Council Member T'Kach said she liked the question about what special skill set they have that would be unique to the commission.

Administrator Wilson said she would add three new questions to the Friday update, and they will have one more week to review them.

Council Member T'Kach said if they see in their application that they answered a question already are they required to ask the same questions to each applicant or can they choose another question.

Administrator Wilson said they are not legally required to ask each applicant the same questions but with ten minutes during a panel interview, it can be challenging to ask a different question.

Council Member Murphy asked if they were going to have a different voting structure. On two separate issues an individual who had no clear majority was appointed to a Commission and it was not the will of the Council.

Administrator Wilson said Staff has not spent time reconfiguring the voting process.

Mayor Dietrich asked Staff to research other cities voting processes to be replicated in Inver Grove Heights.

4. ADJOURN:

Motion to adjourn at 7:42 p.m. by Scales, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sara Lyons.

Special Meeting

Present in Person: Mayor Dietrich; Council Members: Murphy, Gliva, T’Kach and Scales

Staff Present: City Administrator Wilson, City Attorney Nason, Deputy City Clerk Malott

3. Public Hearing

A. Public Hearing for Body Art License Renewal

Motion to close Public Hearing by Gliva, second by T’Kach

Ayes: 5

Nays: 0 Motion carried.

4. Regular Business

A. Request for Financial Assistance for Proposed Multi-Family Residential Development - Agate Trail and 70th

Motion to Approve Request for Financial Assistance for Proposed Multi-Family Residential Development - Agate Trail and 70th by Scales, second by Murphy.

Ayes: 3

Nays: 2 (T’Kach and Gliva)

5. Adjourn

Motion to adjourn at 8:08 p.m. by Gliva, second by Scales.

Ayes: 5

Nays: 0 Motion carried.