

**CITY OF SHOREVIEW
MINUTES
CITY COUNCIL WORKSHOP MEETING
December 9, 2013**

CALL TO ORDER

Mayor Martin called the workshop meeting of the Shoreview City Council to order at 7:00 p.m. on December 9, 2013.

ROLL CALL

The following attended the meeting:

City Council: Mayor Martin; Councilmembers Johnson, Quigley, Wickstrom and Withhart

Staff: Terry Schwerm, City Manager

Planning
Commission: Steve Solomonson, Chair

Shoreview Area
Pickleball Club: John Malmgren, President

Ramsey Tobacco
Coalition: Katie Engman

Association of
Non-Smokers of
Minnesota: Betsy Brock

INTERVIEWS WITH PLANNING COMMISSION CANDIDATES

Interviews were conducted with residents interested in becoming members of the Planning Commission.

7:00 – Deb Ferrington
7:15 – Kent Peterson

DISCUSSION REGARDING SHOREVIEW AREA PICKLEBALL CLUB REQUEST

City Manager Schwerm stated that in 2012, the city lined four outdoor tennis courts for pickleball at Shamrock and Commons Parks. During winter, three courts were lined in the gym at the Community Center for open pickleball times. Initially, a daily rate was charged for use of the pickleball courts. The rate has been modified to \$3.00 per time, which is similar to the cost of pickleball at other facilities in the metro area.

The new request from the Shoreview Area Pickleball Club is to designate two outdoor tennis courts to be used for pickleball only. Two tennis courts would be relined into six pickleball courts that would accommodate more players. The Park and Recreation Commission heard the request at its last meeting and recommended that the City Council designate two courts at Bobby Theisen Park. There are four tennis courts at Theisen Park and that would leave two open for tennis; and a new six court design for pickleball.

Mr. John Malmgren stated that the Club has been organized for approximately eight months and has a membership of 78. The request is to designate two tennis courts to be lined for six pickleball courts. Six courts will accommodate 24 players and 12 games per hour. The longest any player would have to wait to play would be under 10 minutes. Current facilities are being used at or over capacity.

Mayor Martin asked the average age of players and how many players are Shoreview residents. **Mr. Malmgren** estimated the average age is between early 60s and 70. Approximately 70% of players are Shoreview residents.

Councilmember Johnson commended the Club for the data presented and for promoting an activity for older adults. She would also like to see the group find ways to bring different age groups together. **Mr. Malmgren** agreed and stated that younger people are becoming more interested in pickleball.

Councilmember Quigley asked what the impact would be if pickleball courts are lined but then underused. Mr. Schwerm stated that the risk is the cost of resurfacing and lining. Also some fencing might be needed. However, the courts could easily be converted back to tennis or another use. The costs would likely be covered by the Community Investment Fund.

Councilmember Wickstrom asked if there would be another better site for designated pickleball courts than Bobby Theisen Park. Mr. Schwerm stated his preference would be to have them at the Commons Park near the Community Center. Shamrock and the Commons were chosen for current striping because they are the courts that are used the least for tennis.

Mayor Martin noted that Theisen Park is the only place where there are four courts, so that tennis would still be available if two courts were dedicated to pickleball.

Councilmember Withhart asked if the courts are on a regular maintenance schedule. Mr. Schwerm stated that the courts are repainted or resurfaced every 8 to 10 years. The courts at Theisen Park were done about five years ago.

Councilmember Wickstrom expressed some concern about using Community Investment funds. She does not want to see the fund depleted to the point that bigger projects are not being done. Mr. Schwerm explained that bigger projects are scheduled with adequate funding. Normally these types of improvements would be paid for by the Fixed Asset Revolving Fund, but because it is a new effort he recommends using the Community Investment Fund.

Mayor Martin noted that it is appropriate to use the Community Investment Fund for park improvements. There is an expenditure cap, which would prevent spending down the fund.

It was the consensus of the Council to proceed with the recommended conversion of two tennis courts at Bobby Theisen Park as six pickleball courts.

DISCUSSION REGARDING PROPOSED AMENDMENT TO TOBACCO LICENSING REGULATIONS

Mr. Schwerm stated that in 2012, the City updated its tobacco regulations to address cigarette sampling. Since that time, e-cigarettes have grown in use. They are a battery operated nicotine delivery system. At this time, not enough research has been done to fully understand their impact. However, more and more cities are beginning to regulate their use. Two recommendations are proposed for Shoreview's City Code. One would be to broaden the definition of delivery devices to make clear that e-cigarettes are regulated as to sales. Secondly, sampling of e-cigarettes would be prohibited in retail establishments and tobacco shops. Use in public areas or offices would need to be addressed by the Minnesota Clean Indoor Air Act.

Ms. Brock stated that currently e-cigarette devices are being sampled free. The proposed amendment would close that loophole.

Councilmember Wickstrom noted that e-cigarettes are sold in many flavors to attract youth and get them addicted to nicotine.

Ms. Brock noted an exemption in the Code under "Delivery Devices" that states in item G., "Delivery device does not include any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes and is being marketed and sold solely for that approved use."

Councilmember Johnson stated that she recently visited a business where an employee was using an e-cigarette and customers were questioning it being used. She asked if there is work being done by the State to prohibit use of e-cigarettes. **Ms. Engman** stated that efforts are being made at the state level. Some cities, such as Duluth, have adopted regulations that prohibit use anywhere the Clean Indoor Air Act is applicable. That was an easy step for Duluth because they adopted smoke-free regulations before the State. When the Clean Indoor Air Act was passed, an amendment was added to their ordinances that encompassed restrictions in the Act. If Shoreview were to expand its regulations to prohibit all indoor use, there would be other considerations to take into account.

Although the Council would like to adopt stiffer smoke-free regulations that include the restrictions of the Clean Indoor Air Act, it would mean considerable changes to the City's ordinance. Mr. Schwerm noted that enforcement would be an issue as well as the possibility of legal action which would be costly.

It was the consensus of the Council to move forward with the proposed amendments to current tobacco regulations as presented.

Other Tobacco Issues

Ms. Brock stated that the cigar market is taking off with particular attraction to youth. Flavored cigars are cheap, are sold in singles and target youth. While sales are prohibited to minors, youth are using them. In Minnesota, 41% of 12th grade males have tried them. In the Mounds View School District, almost one-third of males have smoked them by the 12th grade. One way to regulate them is to require a minimum package size that raises the cost. That effort by cities who have adopted such regulations has been successful. The language would be to say that these flavored cigars must be sold in a certain size package, or if sold as a single, must be sold at a minimum price. Another option would be to limit flavors, but it would be more difficult to craft language that would not be challenged. **Ms. Engman** noted that Boston has passed such an ordinance that has not been challenged.

Councilmember Withhart asked if these cigars are taxed at the same rate as cigarettes. **Ms. Brock** responded that cigars fall under the definition of "Other Tobacco Products." The tax is based on the wholesale price, which is relatively inexpensive.

Councilmember Wickstrom asked if there are any legislative initiatives at the state level. **Ms. Engman** stated that she is not aware of anything regarding cigars or other tobacco items. There will be an effort for legislation to regulate e-cigarettes.

Councilmember Quigley stated that he would like to see some sample ordinances from other communities as to how this issue could be handled. Mr. Schwerm stated that staff will look into the issue further and bring more information back to the Council. Enforcement is another issue that will be difficult, if the number of pieces in a package have to be checked since the City does not have the staff available for canvassing all tobacco vendors on a regular basis.

Ms. Brock stated that they will work through their resources with the William Mitchell Law Center and with staff to craft the best legal language possible to bring to the Council.

REVIEW OF UPDATED PEDDLER ORDINANCE

City Manager Schwerm explained that the proposed amendments would update the Peddler Ordinance and reflect current licensing standards. The City's ordinance requires all peddlers and solicitors to be licensed by the City. The difference between a peddler and a solicitor is that peddlers go door to door to sell products they carry with them. Solicitor means one who solicits orders for goods or services. The City Attorney, with the League of Minnesota Cities, has determined that the City does not have authority to license solicitors because of the Interstate Commerce Clause which gives the federal government that exclusive authority. A model ordinance developed by the League of Minnesota Cities is presented.

The City Attorney has recommended the ordinance be updated. The proposed amendment includes a registration process with a background check on solicitors, even though the City does not have authority to license them. No fee can be charged, and the Ramsey County Sheriff's Department would conduct the background checks using drivers' licenses, as they do now under the current regulations. Any solicitor without a registration certificate could be issued a citation by the Sheriff's Department. The solicitor would have an opportunity to appeal any City decision to deny a registration certificate. The Public Safety Committee has reviewed the proposal and agrees with staff that requiring a registration certificate is in the best public interest.

Mr. Schwerm stated that the City's intent would be to apply the same criminal standards for a registration certificate as would be done for a license.

Councilmember Quigley agreed that if licensing cannot be done, registration is a good alternative in order to know who is coming into the City.

Councilmember Wickstrom stated that it is also important for residents to know that if the solicitor is registered, that does not mean the City recommends or supports that company.

Mr. Schwerm stated that he would like to be able to apply the results of background checks to the decision for registration, but further clarification from the City Attorney is needed.

It was the consensus of the Council to move forward with an amendment to the Peddler Ordinance that would implement a registration process for solicitors.

OTHER ISSUES

Mayor Martin reported that the situation regarding the railroad has improved at Cardigan Junction. Any incidents are being reported directly to CP Rail. There are still many trains traveling through the area, but that will not change. Some residents would like to address hazardous contents being transported through the community. Mayor Martin has indicated that she does not believe the Council would be willing to take on changes in federal law. Responses from the City's congressional delegation, legislators and the Governor's office are to take a "wait and see" attitude. CP Rail has made changes to address some noise and use issues in the Cardigan Junction area. Once the report on quiet zones at rail crossings has been received from SEH, the Council will revisit this issue.

Mayor Martin noted receipt of a letter from Move MN, which promotes transportation funding in the next legislative session. Copies were distributed to Councilmembers. If the Council is willing, a resolution could be adopted to support it.

Councilmember Wickstrom stated that the issue is bigger than transit. In order to get funding through the legislature, it will have to include funding for roads in Greater Minnesota. The increase in population projected for the next 40 to 50 years in the metro area means a choice of expanding freeways and roads or to put in a public transportation system that gets people where they need to be.

Councilmember Johnson noted that Shoreview as a community, residents drive to destinations and do not use public transportation.

Mayor Martin noted that there are employers in Shoreview who would like to see public transportation available that would bring employees to work here.

Councilmember Quigley stated that there are too many complex details surrounding transportation issues, and he could not support a resolution without a thorough understanding of how the resolution is framed.

The meeting adjourned at 9:43 p.m.