

MEMORANDUM

DATE: August 4, 2025

To: Honorable Mayor & City Council

CC: Dave Bennett, Director of Public Works/City Engineer; Jeff Schroepfer, Police Chief; Jake Reilly, Community Development Director; Lynette Peterson, City Clerk; Michelle Mahowald, Communications & Human Resources Director; Natalie Draper, Director of Library; Brenda Angelstad, Finance Director; Chris Hood, City Attorney

From: Ben Martig, City Administrator

RE: "Supplemental Agenda Background Memo" for August 4, 2025 No. 1.

Summary Report:

The following is an update on agenda items as supplemental background agenda information made available for Monday, August 4, 2025:

13. 25-427. Consider Approval of Extension of and Second Amendment to Personal Communications Services (PCS) Site Agreement for the cell tower located at 10353 Hall Avenue on the water tower and future water treatment plant site Dated September 15, 1999.

The City has received a signed copy of this agreement from the leasee. There are no modifications from the agreement in the packet. This is just an update that the signed copy has been received pending Council approval.

16. Resolution 2025-080. Consider Resolution Declaring the City of Northfield, Minnesota, as an LGBTQIA+ Sanctuary City.

The following is a proposed amendment to Article 4 of the resolution provided to add clarity:

4. Limitation of Cooperation with Discriminatory Actions.

To the extent permitted by law, the City of Northfield will limit its cooperation with any federal or state actions that are primarily aimed at discriminating against LGBTQIA+ individuals or hindering their access to essential services, including but not limited to gender-affirming healthcare. However, this provision shall not be interpreted to require the City of Northfield, or its affiliated entities such as Northfield Hospital + Clinics (NH+C), to violate

mandatory federal laws or regulations that govern participation in Medicare, Medicaid, or other federal healthcare programs. Compliance by NH+C with federal eligibility requirements necessary to maintain participation in these programs, including adherence to any federally imposed conditions or prohibitions, shall not be deemed a violation of this resolution.

A couple of points related to the clarifications are as follows:

- Legal and Practical Limitations: The amendment recognizes that the City cannot act in violation of federal law, particularly when compliance is a condition of participation in critical healthcare programs.
- Maintaining City's Commitment: The amendment preserves the City's overall intent to declare itself a Sanctuary City for LGBTQIA+ individuals and oppose discriminatory actions within the boundaries of legal and practical feasibility.

Please see attached new Resolution 2025-080. The motion can simply state a motion to approve "Resolution 2025-080 as amended in the supplemental memo."

18. Consider Ordinance Amending Northfield City Code, Chapter 30 – Health and Sanitation, Article II. – Tobacco (First Reading).

Meleah Follen, Senior Program Director for Healthy Community Initiative, and administrative support for the Northfield Alliance for Substance Abuse Prevention via a contract with the City is recommending to add some additional language at the second reading of the ordinance (assuming the first reading passes). After further consultation from the Campaign for Tobacco Free Kids (CTFK) and the Public Health Law Center who has assisted in some legal guidance they are advising to add language on "cooling" flavored products definition. Recent data has suggested a 1:1 switch from menthol to cooling products and this addition would clarify specifically that language

Flavored products means any licensed products that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during consumption or use of the product or device, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb or spice, or a cooling or numbing sensation distinguishable by an ordinary consumer either prior to or during the consumption of such licensed product. A public statement or claim, whether express or implied, made or disseminated by the manufacturer or retailer of a licensed product, or by any person authorized or permitted by the manufacturer or retailer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell

other than a taste or smell of tobacco, or a cooling or numbing sensation, shall
constitute presumptive evidence that the product is a flavored product.
Presumptive evidence may include but is not limited to the use of terms such
as "cool," "chill," "ice," "fresh," "arctic," or "frost" to describe the product.

City Attorney David Assaf has reviewed and is comfortable with the language as prepared. However, this language was not provided in the original draft. Therefore, this is not being recommended to be included in the first reading but will be added for consideration upon the second reading should a first reading be introduced this evening. Council is encouraged to request feedback or clarity to this issue at the meeting this evening. Again we are not recommending to include this language in the first reading consideration.