



# CITY OF GRAND RAPIDS

## Meeting Agenda Full Detail - Final City Council Work Session

---

Monday, April 10, 2017

4:00 PM

City Hall Conference Room 2A

---

**CALL TO ORDER:** Pursuant to due notice and call thereof a Special Meeting/Worksession of the Grand Rapids City Council will be held on Monday, April 10, 2017 at 4:00 p.m. in Council Chambers, 420 North Pokegama Avenue, Grand Rapids, Minnesota.

**CALL OF ROLL:** On a call of roll, the following members were present:

### Discussion Items

1. 17-0130 Mobility Mania Presentation ~ Myrna Peterson & Julie Kennedy
2. 17-0204 Continued E-cigarette Discussion

**Attachments:** 4-10-17 Clean Indoor Air Act  
4-10-27 Resolution Supporting Countywide Regulations

3. 14-0789 Review 5:00 PM Regular Meeting

### ADJOURN

*Attest: Lynn DeGrio, Human Resources Director*



CITY OF  
GRAND RAPIDS  
IT'S IN MINNESOTA'S NATURE

# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

---

**File #:** 17-0130      **Version:** 1      **Name:** Mobility Presentation  
**Type:** Agenda Item      **Status:** CC Worksession  
**File created:** 2/21/2017      **In control:** City Council Work Session  
**On agenda:** 4/10/2017      **Final action:**  
**Title:** Mobility Mania Presentation ~ Myrna Peterson & Julie Kennedy

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Mobility Mania Presentation ~ Myrna Peterson & Julie Kennedy



CITY OF  
GRAND RAPIDS  
IT'S IN MINNESOTA'S NATURE

# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

---

**File #:** 17-0204      **Version:** 1      **Name:** Continued E-cigarette Discussion  
**Type:** Agenda Item      **Status:** CC Worksession  
**File created:** 3/23/2017      **In control:** City Council Work Session  
**On agenda:** 4/10/2017      **Final action:**  
**Title:** Continued E-cigarette Discussion  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [4-10-17 Clean Indoor Air Act](#)  
[4-10-27 Resolution Supporting Countywide Regulations](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Continued E-cigarette Discussion

## CLEAN INDOOR AIR ACT

### 144.411 CITATION.

Sections 144.411 to 144.417 may be cited as the Minnesota Clean Indoor Air Act.

### 144.412 PUBLIC POLICY.

The purpose of sections 144.411 to 144.417 is to protect employees and the general public from the hazards of secondhand smoke by eliminating smoking in public places, places of employment, public transportation, and at public meetings.

### 144.413 DEFINITIONS.

#### Subdivision 1. **Scope.**

As used in sections 144.411 to 144.416, the terms defined in this section have the meanings given them.

#### Subd. 1a. **Indoor area.**

"Indoor area" means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge window screen with an 18 by 16 mesh count is not a wall.

#### Subd. 1b. **Place of employment.**

"Place of employment" means any indoor area at which two or more individuals perform any type of a service for consideration of payment under any type of contractual relationship, including, but not limited to, an employment relationship with or for a private corporation, partnership, individual, or government agency. Place of employment includes any indoor area where two or more individuals gratuitously perform services for which individuals are ordinarily paid. A place of employment includes, but is not limited to, public conveyances, factories, warehouses, offices, retail stores, restaurants, bars, banquet facilities, theaters, food stores, banks, financial institutions, employee cafeterias, lounges, auditoriums, gymnasiums, restrooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, and rooms or areas containing photocopying equipment or other office equipment used in common. Vehicles used in whole or in part for work purposes are places of employment during hours of operation if more than one person is present. An area in which work is performed in a private residence is a place of employment during hours of operation if:

**Subd. 2. Public place.**

"Public place" means any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail stores and other commercial establishments; educational facilities other than public schools, as defined in section 120A.05, subdivisions 9, 11, and 13; hospitals; nursing homes; auditoriums; arenas; meeting rooms; and common areas of rental apartment buildings.

**Subd. 3. Public meeting.**

"Public meeting" includes all meetings open to the public pursuant to section 13D.01.

**Subd. 4. Smoking.**

"Smoking" means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

**Subd. 5. Public transportation.**

"Public transportation" means public means of transportation, including light and commuter rail transit; buses; enclosed bus and transit stops; taxis, vans, limousines, and other for-hire vehicles other than those being operated by the lessee; and ticketing, boarding, and waiting areas in public transportation terminals.

**144.414 PROHIBITIONS.**

**Subdivision 1. Public places, places of employment, public transportation, and public meetings.**

Smoking shall not be permitted in and no person shall smoke in a public place, at a public meeting, in a place of employment, or in public transportation, except as provided in this section or section 144.4167.

**Subd. 2. Day care premises.**

(a) Smoking is prohibited in a day care center licensed under Minnesota Rules, parts 9503.0005 to 9503.0175, or in a family home or in a group family day care provider home licensed under Minnesota Rules, parts 9502.0300 to 9502.0445, during its hours of operation. The proprietor of a family home or group family day care provider must disclose to parents or guardians of children cared for on the premises if the proprietor permits smoking outside of its hours of operation. Disclosure must include posting on the premises a conspicuous written notice and orally informing parents or guardians.

(b) For purposes of this subdivision, the definition of smoking includes the use of electronic cigarettes, including the inhaling and exhaling of vapor from any electronic

for adults may smoke in a designated separate, enclosed room maintained in accordance with applicable state and federal laws.

(b) Except as provided in section 246.0141, smoking by patients in a locked psychiatric unit may be allowed in a separated well-ventilated area in the unit under a policy established by the administrator of the program that allows the treating physician to approve smoking if, in the opinion of the treating physician, the benefits to be gained in obtaining patient cooperation with treatment outweigh the negative impacts of smoking.

(c) For purposes of this subdivision, the definition of smoking includes the use of electronic cigarettes, including the inhaling and exhaling of vapor from any electronic delivery device as defined in section 609.685, subdivision 1.

#### **Subd. 4. Public transportation vehicles.**

Smoking is prohibited in public transportation vehicles except that the driver of a public transportation vehicle may smoke when the vehicle is being used for personal use. For purposes of this subdivision, "personal use" means that the public transportation vehicle is being used by the driver for private purposes and no for-hire passengers are present. If a driver smokes under this subdivision, the driver must post a conspicuous sign inside the vehicle to inform passengers.

#### **Subd. 5. Electronic cigarettes.**

(a) The use of electronic cigarettes, including the inhaling or exhaling of vapor from any electronic delivery device, as defined in section 609.685, subdivision 1, is prohibited in the following locations:

- (1) any building owned or operated by the state, home rule charter or statutory city, county, township, school district, or other political subdivision;
- (2) any facility owned by Minnesota State Colleges and Universities and the University of Minnesota;
- (3) any facility licensed by the commissioner of human services; or
- (4) any facility licensed by the commissioner of health, but only if the facility is also subject to federal licensing requirements.

(b) Nothing in this subdivision shall prohibit political subdivisions or businesses from adopting more stringent prohibitions on the use of electronic cigarettes or electronic delivery devices.

**144.415** [Repealed, 2007 c 82 s 15]

### **144.416 RESPONSIBILITIES OF PROPRIETORS.**

(a) The proprietor or other person, firm, limited liability company, corporation, or other

(2) asking any person who smokes in an area where smoking is prohibited to refrain from smoking and, if the person does not refrain from smoking after being asked to do so, asking the person to leave. If the person refuses to leave, the proprietor, person, or entity in charge shall handle the situation consistent with lawful methods for handling other persons acting in a disorderly manner or as a trespasser.

(b) The proprietor or other person or entity in charge of a public place, public meeting, public transportation, or place of employment must not provide smoking equipment, including ashtrays or matches, in areas where smoking is prohibited. Nothing in this section prohibits the proprietor or other person or entity in charge from taking more stringent measures than those under sections 144.414 to 144.417 to protect individuals from secondhand smoke. The proprietor or other person or entity in charge of a restaurant or bar may not serve an individual who is in violation of sections 144.411 to 144.417.

#### **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

No person shall at any time smoke, chew, or otherwise ingest tobacco or a tobacco product, or inhale or exhale vapor from an electronic delivery device as defined in section 609.685, subdivision 1, in a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, and no person under the age of 18 shall possess any of these items. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. For purposes of this section, an Indian is a person who is a member of an Indian tribe as defined in section 260.755 subdivision 12.

#### **144.4167 PERMITTED SMOKING.**

##### **Subdivision 1. Scientific study participants.**

Smoking by participants in peer reviewed scientific studies related to the health effects of smoking may be allowed in a separated room ventilated at a rate of 60 cubic feet per minute per person pursuant to a policy that is approved by the commissioner and is established by the administrator of the program to minimize exposure of nonsmokers to smoke.

##### **Subd. 2. Traditional Native American ceremonies.**

Sections 144.414 to 144.417 do not prohibit smoking by a Native American as part of a traditional Native American spiritual or cultural ceremony. For purposes of this section, a Native American is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12.

(2) a hotel or motel sleeping room rented to one or more guests.

**Subd. 4. Tobacco products shop.**

Sections 144.414 to 144.417 do not prohibit the lighting of tobacco in a tobacco products shop by a customer or potential customer for the specific purpose of sampling tobacco products. For the purposes of this subdivision, a tobacco products shop is a retail establishment with an entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Tobacco products shop" does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

**Subd. 5. Heavy commercial vehicles.**

Sections 144.414 to 144.417 do not prohibit smoking in the cabs of motor vehicles registered under section 168.013, subdivision 1e, with a total gross weight of 26,001 pounds or greater.

**Subd. 6. Farm vehicles and construction equipment.**

Sections 144.414 to 144.417 do not prohibit smoking in farm trucks, as defined in section 168.002, subdivision 8; implements of husbandry, as defined in section 168A.01, subdivision 8; and special mobile equipment, as defined in section 168.002, subdivision 3I. This subdivision applies to farm trucks, implements of husbandry, and special mobile equipment, when being used for their intended purposes.

**Subd. 7. Family farms.**

Sections 144.414 to 144.417 do not prohibit smoking in the house, garage, barns, and other buildings on a family farm that meet the following criteria: (1) the family farm is engaged in farming, as defined in section 500.24, subdivision 2, paragraph (a); (2) the family farm meets the definition of family farm under section 500.24, subdivision 2, paragraph (b), (c), (j), or (l); and (3) the family farm employs two or fewer persons who are not family members.

**Subd. 8. Disabled veterans rest camp.**

Sections 144.414 to 144.417 do not prohibit smoking in the disabled veterans rest camp located in Washington County, established as of January 1, 2007.

**Subd. 9. Theatrical productions.**

Sections 144.414 to 144.417 do not prohibit smoking by actors and actresses as part of a theatrical performance conducted in compliance with section 366.01. Notice of smoking in a



## **144.417 COMMISSIONER OF HEALTH, ENFORCEMENT, PENALTIES.**

### **Subdivision 1. Rules.**

The state commissioner of health shall adopt rules necessary and reasonable to implement the provisions of sections 144.411 to 144.417.

### **Subd. 2. Violations.**

- (a) Any proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which smoking is prohibited under sections 144.414 to 144.417, and that knowingly fails to comply with sections 144.414 to 144.417, is guilty of a petty misdemeanor.
- (b) Any person who smokes in an area where smoking is prohibited or restricted under sections 144.414 to 144.417 is guilty of a petty misdemeanor.
- (c) A proprietor, person, or entity in charge of a public place, public meeting, place of employment, or public transportation must not retaliate or take adverse action against an employee or anyone else who, in good faith, reports a violation of sections 144.414 to 144.417 to the proprietor or person in charge of the public place, public meeting, place of employment, or public transportation, or to the commissioner of health or other designee responsible for enforcing sections 144.414 to 144.417.
- (d) No person or employer shall discharge, refuse to hire, penalize, discriminate against, or in any manner retaliate against any employee, applicant for employment, or customer because the employee, applicant, or customer exercises any right to a smoke-free environment provided by sections 144.414 to 144.417 or other law.

### **Subd. 3. Injunction.**

The state commissioner of health, a board of health as defined in section 145A.02, subdivision 2, or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of sections 144.414 to 144.417.

### **Subd. 4. Local government ordinances.**

- (a) Nothing in sections 144.414 to 144.417 prohibits a statutory or home rule charter city or county from enacting and enforcing more stringent measures to protect individuals from secondhand smoke.
- (b) Except as provided in sections 144.411 to 144.417, smoking is permitted outside of restaurants, bars, and bingo halls unless limited or prohibited by restrictions adopted in accordance with paragraph (a).

Councilor \_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION NO. 1 - \_\_**

**Resolution of Support for a County Ordinance Regulating the Use  
of Electronic Delivery Devices in Indoor Public Places  
and Indoor Places of Employment**

**WHEREAS**, electronic delivery devices, more commonly referred to as electronic cigarettes or e-cigarettes, are battery-powered, often designed to resemble cigarettes, cigars, or pipes, and are used to deliver nicotine or other substances in the form of an inhaled aerosol; and

**WHEREAS**, the use of electronic delivery devices is not fully covered under the “smoking” definition in the Minnesota Clean Indoor Air Act. As a consequence, their use in most public places and places of employment, such as bars and restaurants, is not prohibited by state law; and

**WHEREAS**, the use of electronic delivery devices in public places may help renormalize smoking and increase the appeal of electronic delivery devices and conventional tobacco products; and

**WHEREAS**, according to the 2016 Minnesota Student Survey, the use of electronic delivery devices has surpassed conventional cigarettes among Grand Rapids and Itasca County high school youth.

**WHEREAS**, to date, electronic delivery devices have not been approved by the FDA for cessation, and there is no evidence that exposure to secondhand emissions is safe. To the contrary, studies have shown the presence of heavy metals, formaldehyde, ultrafine particles and other carcinogens; and

**WHEREAS**, electronic delivery devices can be hard to distinguish from conventional cigarettes and other combustible tobacco products, complicating the enforcement of existing smoke- and tobacco-free laws; and

**WHEREAS**, electronic delivery devices can be a delivery system for methamphetamine, marijuana, cocaine, synthetics, and other control substances. With little to no noticeable odor, detecting illicit use is difficult; and

**WHEREAS**, the only way to completely protect the public from the health threats from exposure to electronic delivery devices is to prohibit their use in indoor public spaces and places of employment; and

**WHEREAS**, 79 percent of Minnesotans support prohibiting the use of electronic delivery devices where conventional smoking is prohibited; and

**WHEREAS**, over 350 Minnesota cities (including Duluth and Ely) and counties (including St. Louis) have prohibited the use of electronic delivery devices in any location where conventional smoking is prohibited by state law. Many businesses and other private entities have also limited the use of electronic delivery devices on their property; and

**WHEREAS**, the Minnesota Clean Indoor Air Act includes an exception that permits the lighting of tobacco in a tobacco products shop by a customer or potential customer for the specific purpose of sampling tobacco products; and

**WHEREAS**, some retailers have used the sampling exception to create recreational lounges; and

**WHEREAS**, both the distribution and use of free samples of tobacco products and electronic delivery devices is prohibited by federal law; and

~~WHEREAS, the only way to ensure both the letter and spirit of these state and federal laws is to prohibit all sampling in retail establishments; and~~

~~WHEREAS, a growing number of Minnesota cities (including Duluth, Ely, and Hermantown) and counties (including St. Louis and Isanti) prohibit the smoking/sampling of combustible tobacco products and electronic delivery devices in licensed retail establishments; and~~

**WHEREAS**, to provide for the public health of all Itasca County citizens, countywide regulations are preferable.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Grand Rapids hereby asks the Itasca County Board of Commissioners to consider the prohibition of electronic delivery devices in indoor public places and places of employment and to prohibit the sampling of tobacco products and electronic delivery devices in all licensed retail tobacco establishments in Itasca County the identical manner that "Smoking", as defined in the Minnesota Clean Indoor Air Act, is regulated within said Act

~~**BE IT FURTHER RESOLVED**, that the City Council of the City of Grand Rapids asks the city councils and township boards of supervisors of the other cities and towns in Itasca County to adopt similar resolutions so the Itasca County Board of Commissioners are aware of the broad public support for countywide regulations.~~

← --- Formatted: Indent: Left: 0", First line: 0"

Adopted this \_\_\_ day of \_\_\_\_\_ 201\_.

\_\_\_\_\_  
Dale Adams, Mayor

Attest:

\_\_\_\_\_

Kimberly Gibeau, City Clerk