

**CITY OF PLYMOUTH
AGENDA
Special City Council
Medicine Lake Room
3400 Plymouth Boulevard, Plymouth, MN
October 28, 2025, 5:00 PM**

1. CALL TO ORDER

2. TOPICS

2.1 Review council listening session policy

1. Presentation
2. Draft policy

2.2 Review tobacco licensing ordinance

1. Presentation
2. Peer Cities Survey
3. Current City Code
4. Liquor License Buffer Zones with Tobacco License Sales
5. Cannabis Buffer Zones with Tobacco License Sales
6. Peer Cities Buffer Zones

2.3 Set future study sessions

1. Calendar
2. Draft 2026 Meeting Calendar

3. ADJOURNMENT

To: Dave Callister, City Manager

Prepared by: Jodi Gallup, City Clerk

Reviewed by:

Item: **Review council listening session policy**

1. Action Requested:

Review draft council listening session policy, provide feedback, and direct staff to bring back final policy for adoption at a future regular council meeting.

2. Background:

At the August 12 study session, council requested that staff draft guidelines to support individual listening sessions. The draft policy establishes a framework to ensure these sessions are productive, accessible, and consistent with city practices. It provides guidelines for scheduling and promotion, expectations for conduct, roles of council and staff, compliance with the Open Meeting Law, and how resident input should be directed and reported back.

Staff provided a draft policy to the City Council on September 29 for feedback. The attached version incorporates the input received and addresses the council's questions.

3. Budget Impact:

Not applicable.

4. Attachments:

1. Presentation
2. Draft policy



Council Listening Sessions

October 28, 2025



Policy for Council Listening Sessions

- Supports open, informal dialogue between residents and council members
- Ensures consistency, accessibility, and fairness across all listening sessions
- Clarifies that sessions are for listening and information-gathering, not campaigning or advocacy

Scheduling & Locations

- Advance Notice & Coordination
 - Provide at least 6 weeks' notice to the City Clerk if city promotion is requested
 - Allows consolidation into one monthly city communication
 - Avoids overlap with city meetings, holidays, or major community events
- Locations
 - Must be open and accessible to the public
 - Council members arrange the space and ensure suitability
 - City facilities may be used at no cost, subject to policy and availability

Public Notification & Campaign Restrictions

- Public Notification
 - City promotes up to one monthly consolidated announcement:
 - Website, eNotify, social media, and calendar listings
 - Uses a standard graphic with each council member's official portrait
 - Equal and consistent visibility for all members
- Election-Year Limitations
 - City will not promote sessions once a member:
 - Files or announces candidacy,
 - Seeks party endorsement, or
 - Enters the official campaign period (46 days before State Primary through Election Day)
 - Members may hold private events during this period — without city support.

Conduct, Roles & Follow-up

- Roles & Responsibilities
 - Council Members: Plan, lead, and facilitate
 - City Staff: Coordinate scheduling and notifications only — no attendance or participation
- Content & Conduct
 - Maintain a respectful, nonpartisan environment
 - No deliberations or decision-making on city business
 - Comply with Open Meeting Law when multiple members attend
- Follow-Up
 - Direct operational concerns to city staff or myPlymouth
 - Summarize community themes to the City Manager for potential policy discussion

Policy for Council Member Listening Sessions

The city encourages open communication between elected officials and the public. To ensure listening sessions are productive, accessible, and consistent with city practices, the following guidelines apply:

1. Purpose

- Listening sessions provide an opportunity for residents to share feedback, ask questions, and engage with council members in an informal setting.
- These sessions are intended for information-gathering and dialogue, not for political campaigning, endorsement of political topics or candidates, or self-promotion.

2. Advance Notice & Scheduling

- Council members must provide notice at least six (6) weeks in advance to the City Clerk before hosting a listening session if public promotion is requested. This advance notice allows the city adequate time to consolidate all individual council members' listening sessions into a cohesive schedule, coordinate one monthly public notification and avoid scheduling conflicts.
- Council listening sessions should not overlap with city meetings and federal holidays. Council members are encouraged to avoid scheduling conflicts with religious observations and other community events.

3. Locations

- Listening sessions must be held at locations that are open and accessible to the public.
- Council members are responsible for selecting the location and ensuring it is suitable for public access and participation.
- If using a private business or community space, council members are responsible for obtaining advance permission from the property owner or manager.
- City facilities may be reserved at no cost, subject to availability and applicable meeting room policies.

4. Public Notification

- The city will notify the public of listening sessions through select city communications channels, including listing events on the official meeting calendar, listing events on the city website calendar, publishing up to one monthly website news post, creating events/posting up to one monthly notice on social media and sending up to one monthly eNotify email to subscribers.

Commented [EK1]: Council member comment: This seems too long, especially if something comes up where we want to be responsive to current events.

Commented [EK2R1]: Staff response: Added language to clarify that the advance notice is needed for public notification. Council members may schedule listening sessions on short notice if they'd like, but they will not be publicly promoted by the city. The policy language is meant to establish a standard for one monthly public notification to remain equitable to all council members and to provide a consistent expectation/turnaround time for staff.

Commented [EK3]: Council member comment: Council members must provide notice at least six (6) weeks in advance to the City Clerk before hosting a listening session [IF PUBLIC PROMOTION IS REQUESTED].

Commented [JG4R3]: Staff response: added suggested language, "if public promotion is requested."

Commented [EK5]: Council member comment: I question being available on federal holidays. This may be a day where some have to opportunity to actually meet.

Commented [EK6R5]: Staff response: Per Sec. 645.44 MN Statutes Subd. 5, no public business shall be transacted on any holiday, except in cases of necessity and except in cases of public business transacted by the legislature, nor shall any civil process be served thereon.

Commented [EK7]: Council member comment: What constitutes a "religious observation"? Is there a list? "other events" is far too vague.

Commented [EK8R7]: Staff response: The city does not have an official list. This was meant to provide guidance, rather than to be a directive.

Commented [EK9]: Council member comment: This is great. Does it include the community center? Park shelters?

Commented [JG10R9]: Staff response: Yes, it includes the PCC and park shelters (subject to availability).

- To remain equitable to all council members, the city will use a standard graphic template that includes the respective council member’s official portrait to accompany public notifications, as applicable.
- To avoid the perception that the city is promoting candidates running for public office, the city will not promote or host listening sessions for council members whose seats will appear on the ballot once the any of the following conditions have been met:
 - Upon announcing intent or filing to run for office.
 - Upon attending a precinct caucus to seek party endorsement.
 - During the official campaign period, which begins 46 days prior to the State Primary Election (when candidates are permitted to begin displaying campaign signs) and runs through Election Day.
 - During any special election campaign period that impacts the City of Plymouth.
- Council members may hold private or campaign-related events during this time, but they will not be promoted, staffed, or supported by the city.

5. Roles & Responsibilities

- **Council Members:** Responsible for organizing, leading, and facilitating the session. Council members are solely responsible for setting the agenda, answering questions, and managing resident input.
- **City Staff:** Staff will not attend or participate in listening sessions. Their role is limited to assisting with advance scheduling coordination and public notification.

6. Content & Conduct

- Council members should avoid deliberation or decision-making on official city business during listening sessions.
- Campaigning, fundraising, or promotion of political platforms is not permitted at city-supported listening sessions.
- A welcoming and respectful environment should be maintained to encourage open dialogue.

7. Open Meeting Law Compliance

Commented [EK11]: Council member comment: Any, some, all?

Commented [EK12R11]: Staff response: Edited language to say "any."

Commented [EK13]: Council member comment: I almost think we should not promote or host listening sessions for council members in their election year for their council seat starting June 1. Whether or not they have announced their intention to re-run for office. Unless approved consensus by council to host for special circumstances.

Commented [EK14R13]: Staff response: The State Primary is held the second Tuesday in August and the official campaign period begins 46 days prior – which typically falls in late-June.

Unless council members announce intent to run/file or meet another condition that would prohibit city promotion of a council listening session, per this policy, the city would not promote listening sessions for council members whose seats will appear on the ballot beginning in late-June.

Commented [EK15]: Council member comment: Is this assuming a council member is running for a partisan office?

Commented [JG16R15]: Staff response: This statement encompasses any candidate seeking party endorsement. If a candidate for a nonpartisan office seeks or receives a party endorsement, the office itself remains nonpartisan under Minnesota law; the endorsement simply reflects outside political support, not the office’s legal status.

Commented [EK17]: Council member comment: I think we need more clarity here. Is this say if there were a special election to fill a state house seat, even if no council member were running for it?

Commented [EK18R17]: Staff response: The policy language is intended to mitigate the appearance of the city promoting a candidate running for office. The example above seemingly would not directly impact the City of Plymouth as an organization.

Commented [EK19]: Council member comment: This should probably be indented or made clear that it is part of the black bullet point from above, not a separate bullet.

Commented [EK20R19]: Staff response: The bullet point is intended to add clarity to section 4.

- Listening sessions hosted by a single council member are not considered official city meetings under the Minnesota Open Meeting Law.
- Council members must notify the City Clerk if another council member plans to attend their session. The City Clerk will determine whether notice is required under the Open Meeting Law.
- If a quorum of the council or a quorum of any council committee is expected to attend, the session must be noticed and conducted as an official meeting in compliance with the Open Meeting Law.

8. Responding to Resident Input and Reporting Back

- To address resident input/concerns with city operations, council members are encouraged to direct residents to contact city staff directly by calling the front desk at 763-509-5000 or reporting an issue through myPlymouth, which ensures the issues are routed to the appropriate staff person/department for the most efficient service.
- To address larger policy considerations, council members are encouraged to provide a brief summary of resident input to the City Manager for future council consideration.

To: Dave Callister, City Manager

Prepared by: Amy Gottschalk, Deputy City Clerk

Reviewed by: Jodi Gallup, City Clerk

Item: **Review tobacco licensing ordinance**

1. Action Requested:

Review the tobacco licensing ordinance and discuss license limit options.

2. Background:

At the March 13 Regular Council Meeting, the City Council discussed a proposed zoning ordinance text amendment to consider allowing exclusive tobacco shops in the Commercial Highway district. The item was tabled to the April 22 meeting for further analysis and council action, where council voted to deny the proposed ordinance text amendment. However, the council expressed interest in further reviewing the city's tobacco ordinance to explore the potential for tobacco license limits and buffer zones.

Current Licensing Overview

As of this report, the City of Plymouth has a total of 38 licensed tobacco retailers, which includes:

- Four exclusive tobacco shops
- 34 accessory (retail) establishments

Zoning Regulations

Tobacco shops are a listed permitted use in the C-2 and C-4 but not C-3 zoned properties. Tobacco products can currently be sold as an accessory use in the C-3 zoning district with a city-issued license, and there are several convenient stores/gas stations located in the C-3 zoning district that obtain licenses to sell tobacco products.

Peer City Analysis

Staff conducted a review of tobacco licensing practices in 29 peer cities. Key findings include:

- 15 cities currently impose a limit on the number of tobacco licenses.
- The majority of these cities only limit exclusive tobacco shops, not accessory retailers. Maple Grove, for example, limits exclusive tobacco shops to five, while allowing an unlimited number of accessory retailers.
- Some cities have adopted a phased reduction approach, allowing existing licenses to remain but not issuing new ones as licenses are revoked or expire. Bloomington has adopted a policy of not accepting new tobacco license applications, effectively reducing the number of licenses to zero over time.

Policy Considerations

Staff seeks council discussion and direction on potential changes to the tobacco ordinance. This section outlines the possible policy pathways, implications, and options related to both license limits and buffer zones, with examples drawn from peer cities and public health best practices.

Cap on Exclusive Tobacco Retailers Only. Limit the number of stand-alone tobacco retailers (e.g., to 3–5 citywide). This approach aligns with practices in Maple Grove and other suburban municipalities. It targets businesses primarily focused on tobacco sales without overly restricting grocery and convenience stores.

- Pros:
 - Targets businesses primarily focused on tobacco, limiting exposure without impacting general retail
 - Easier to enforce and monitor a small number of businesses
 - Aligns with peer cities (e.g. Maple Grove), making it a defensible and tested model
- Cons:
 - Does not address total retail density if accessory retailers (e.g., gas stations, convenience stores) are not included
 - May incentivize accessory retailers to increase tobacco focus to fill market demand
 - Reduces flexibility for business development or expansion
 - Business transferability concern – May devalue businesses relying on license resale (e.g., when owners retire or sell)

Citywide License Cap (All Retailers). Establish a citywide cap on the total number of tobacco licenses, including accessory retailers. This approach may be phased in by allowing existing licenses to remain valid while ceasing to issue new licenses upon expiration or revocation (i.e., attrition model used in Bloomington).

- Pros:
 - Comprehensive control over total retailer density
 - Supports county public health goals more effectively
 - Could lead to long-term reduction in tobacco access

- Cons:
 - More politically sensitive and may face greater resistance from general retailers
 - Reduces flexibility for business development or expansion
 - Business transferability concern – May devalue businesses relying on license resale (e.g., when owners retire or sell)
 - Legal or administrative complexity around implementation and enforcement

Buffer from Youth-Sensitive Land Uses. Prohibit tobacco retailers within a certain distance (e.g., 500 feet) of schools, parks, daycare centers, and youth-oriented facilities. Several cities, such as Minneapolis, apply a 500-foot buffer from schools (could match cannabis or liquor).

- Pros:
 - Directly reduces youth exposure to tobacco sales and marketing
 - Supported by public health literature
 - Relatively easy to explain and defend publicly

- Cons:
 - May create legal nonconforming use issues for existing businesses within buffer zones
 - Could limit retail opportunities in densely developed areas

No Change to existing tobacco licensing ordinance.

- Pros:
 - Increased business and revenue
 - Greater consumer convenience
 - Alleviates burden on small retailers

- Cons:
 - No comprehensive control over total retailer density
 - Potential increased tobacco use, especially among youth
 - Heightened exposure to marketing for residents near tobacco retailers

Next Steps

If the council wishes to move forward, staff will prepare a draft ordinance amendment reflecting the considerations outlined below and contact current tobacco license holders.

- A proposed cap on exclusive tobacco shop licenses or all retail tobacco licenses.
- A definition of exclusive tobacco shops.
- Optional provisions for grandfathering existing licenses and phasing out over time.
- Potential 500 foot buffer zoning either matching the cannabis buffer or liquor buffer.

3. Budget Impact:

Not applicable.

4. Attachments:

1. Presentation
2. Peer Cities Survey
3. Current City Code
4. Liquor License Buffer Zones with Tobacco License Sales
5. Cannabis Buffer Zones with Tobacco License Sales
6. Peer Cities Buffer Zones



Tobacco Licensing Ordinance

October 28, 2025



Current Licensing Overview

- 38 Total Licensed Retailers
 - 4 Tobacco Only
 - 34 Accessory Retailers (e.g., gas stations, grocery stores, etc.)

Peer City Analysis

- 29 peer cities reviewed
- 15 cities limit tobacco licenses
(most cities only limit exclusive tobacco shops)

City	Number of total current licenses	Population	Is there a cap on tobacco licenses?
Arden Hills	5	9,592	Yes, 6 – no exclusive shops
Blaine	55	70,222	Yes, 50 retail stores, up to 12 tobacco products stores
Bloomington	54	89,987	Yes, no new licenses permitted as of July 2022
Brooklyn Park	50	84,993	No
Burnsville	47	64,522	No
Champlin	15	23,919	Yes, up to 2 exclusive shops allowed
Columbia Heights	14	21,973	Yes, up to 3 tobacco product shops allowed
Coon Rapids	46	63,415	No
Cottage Grove	22	41,027	No
Crystal	20	22,265	Yes, 10 total tobacco licenses (allowed to sell business)
Edina	13	53,494	No
Eden Prairie	27	54,442	No
Golden Valley	8	55,305	Yes, 8 total tobacco licenses
Hopkins	19	18,608	No
Little Canada	6	10,819	Yes, up to 2 tobacco stores and 5 retail stores
Maple Grove	29	71,230	Yes, up to 5 exclusive shops allowed
Maplewood	42	42,088	No
Minnetonka	28	54,474	Yes, up to 6 exclusive shops allowed
New Brighton	16	22,379	Yes, up to 4 tobacco product shops
New Hope	20	21,986	Yes, 21 total licenses
Oak Grove	7	9,311	No
Plymouth	38	80,762	No
Ramsey	18	27,646	No
Richfield	11	36,710	Yes, 4 total tobacco licenses
Robbinsdale	11	14,500	Yes, 11 retail and 2 tobacco product shops
Rogers	11	13,295	No
Saint Louis Park	19	50,000	No
Vadnais Heights	10	12,473	No
White Bear Lake	24	24,883	Yes, up to 10 exclusive shops allowed
Woodbury	28	77,224	No



Policy Considerations

Cap on Exclusive Tobacco Retailers Only

Pros	Cons
Targets businesses primarily focused on tobacco, limiting exposure without impacting general retail	Does not address total retail density if accessory retailers (e.g., gas stations, convenience stores) are not included
Easier to enforce and monitor a small number of businesses	May incentivize accessory retailers to increase tobacco focus to fill market demand
Aligns with peer cities (e.g. Maple Grove), making it a defensible and tested model	Reduces flexibility for business development or expansion
	Business transferability concern – May devalue businesses relying on license resale (e.g., when owners retire or sell)



Policy Considerations

Citywide License Cap (All Retailers)

Pros	Cons
Comprehensive control over total retailer density	More politically sensitive and may face greater resistance from general retailers
Supports county public health goals	Legal or administrative complexity around implementation and enforcement
Could lead to long-term reduction in tobacco access	Reduces flexibility for business development or expansion in underserved areas
	Business transferability concern-May devalue businesses relying on license resale



Buffer Options

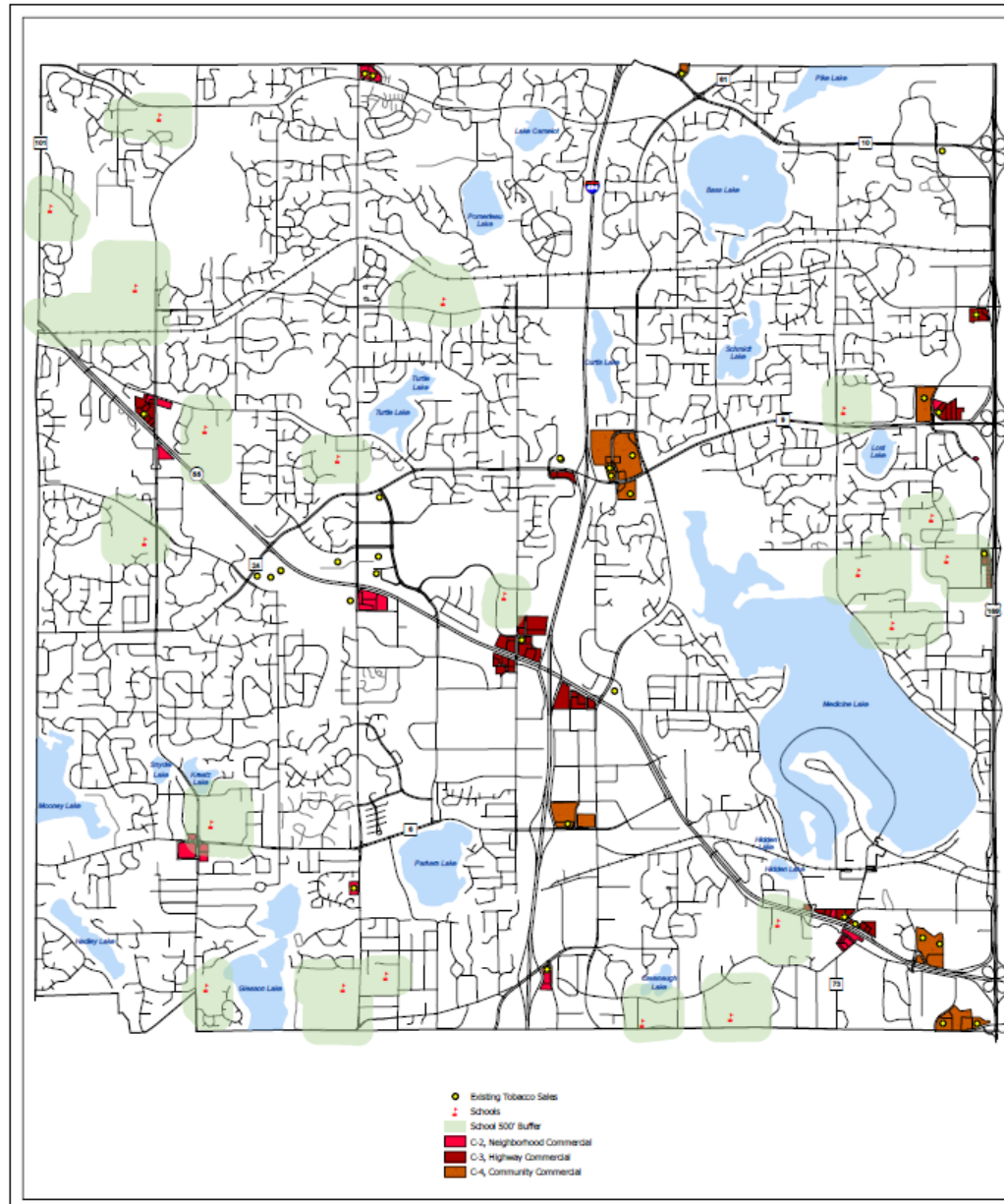
Match Liquor Buffer	Match Cannabis Buffer
500 feet from: <ul style="list-style-type: none">• Schools	500 feet from: <ul style="list-style-type: none">• Schools• Residential treatment facilities• Park amenity regularly used by minors



Buffer Options - Liquor Buffer Map

500' buffer from:

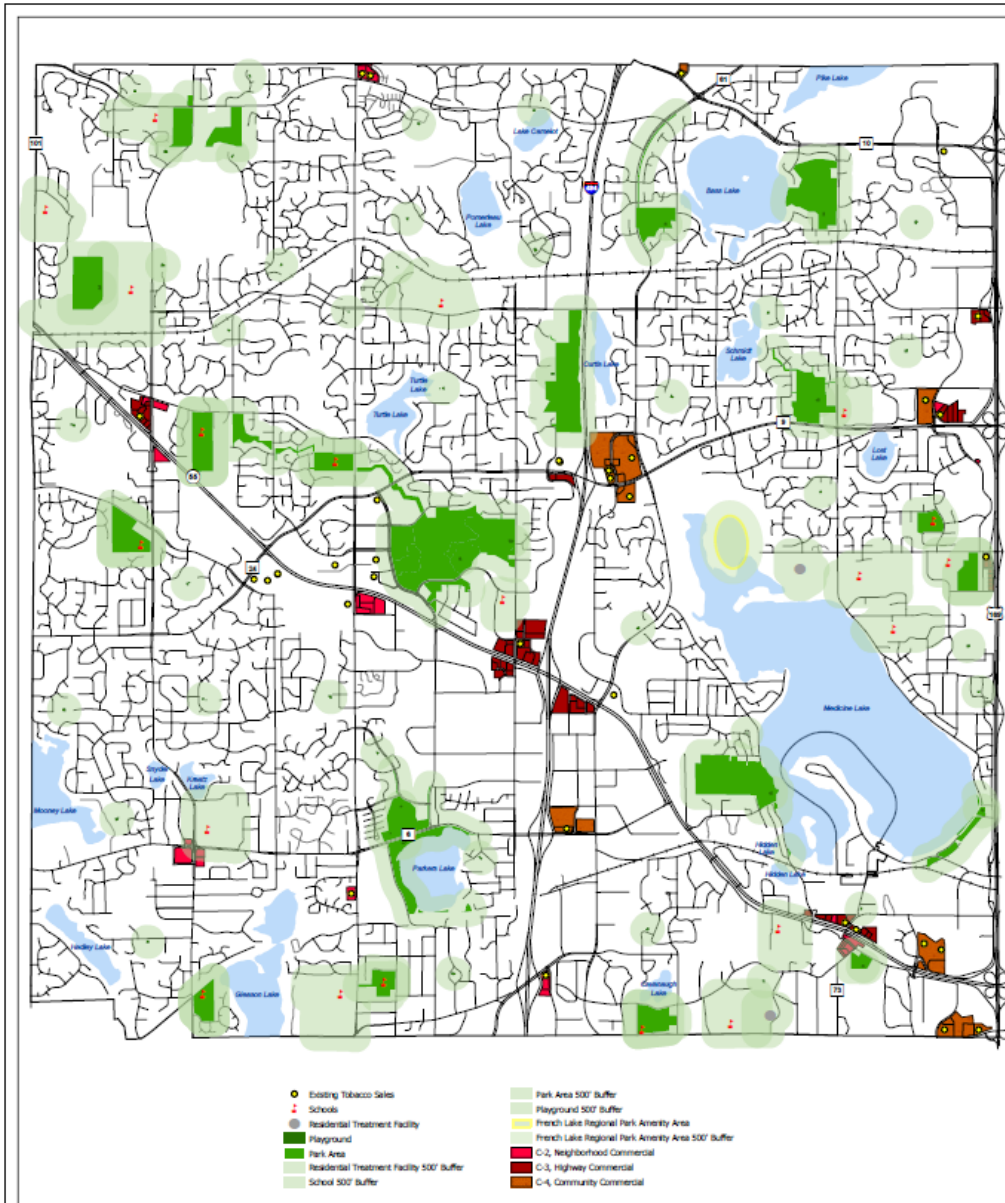
- Schools



Buffer Options - Cannabis Buffer

500' buffer from:

- Schools
- Residential facilities
- Park amenity regularly used by minors



Policy Considerations

Buffer from Youth-Sensitive Land Uses

Pros	Cons
Directly reduces youth exposure to tobacco sales and marketing	May create legal nonconforming use issues for existing businesses within buffer zones
Supported by public health literature	Could limit retail opportunities in densely developed areas
Relatively easy to explain and defend publicly	



Policy Considerations

No change to existing tobacco licensing ordinance

Pros	Cons
Increased business and revenue	No comprehensive control over total retailer density
Greater consumer convenience	Potential increased tobacco use, especially among youth
Alleviates burdens on small retailers	Heightened exposure to marketing for residents near tobacco retailers

Council Policy Considerations

- Does the council wish to amend the tobacco licensing ordinance?
- Does the council wish to cap exclusive tobacco shop licenses?
 - How many?
- Does the council wish to cap all tobacco retail licenses?
 - How many?
- If capping, does the council wish to allow a provision for grandfathering existing licenses and phasing out over time?
- Does the council wish to implement a 500-foot buffer zone?
 - Matching cannabis or liquor buffer or other?

Next Steps

- Prepare a draft ordinance per council direction
- Public engagement with license holders
- Research any other policy options per council direction

Peer Cities Survey

City	Number of total current licenses	Population	Is there a cap on tobacco licenses?
Arden Hills	5	9,592	Yes, 6 – no exclusive shops
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SECTION 1150. TOBACCO AND RELATED PRODUCTS

1150.01. Purpose and Intent.

Because the City recognizes that tobacco use has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance is intended to regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, and to protect minors and young adults against the serious effects associated with use and initiation.

The City also recognizes that the use of tobacco products has devastating health and economic consequences. Tobacco use is the foremost preventable cause of premature death in America. It causes half a million deaths annually and has been responsible for 20.8 million premature deaths in the U.S. over the past 50 years since the first Surgeon General's report on smoking in 1964. This leads to more than \$300 billion in health care and lost worker productivity costs each year. In Minnesota, smoking was responsible for \$3.39 billion in excess medical expenditures and the deaths of 6,312 individuals in 2014. The City further recognizes that young people are particularly susceptible to the addictive properties of tobacco products, and are particularly likely to become lifelong users. An estimated 5.6 million youth aged 0 to 17 are projected to die prematurely from a tobacco-related illness if prevalence rates do not change. National data show that about 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use. Electronic delivery device use among minors has recently tripled and is high among youth. Young minds are particularly susceptible to the addictive properties of nicotine. As a result, approximately three out of four teen smokers end up smoking into adulthood. In 2015, the Institute of Medicine concluded that raising the minimum legal sales age for tobacco products nationwide will reduce tobacco initiation, particularly among adolescents aged 15 to 17, improve health across the lifespan, and save lives; and that raising the minimum legal sales age for tobacco products nationwide to 21 would, over time, lead to a 12 percent decrease in smoking prevalence. The Institute of Medicine also predicts that raising the minimum legal sales age for tobacco products nationwide to 21 would result in 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost for those born between 2000 and 2019, and would result in near immediate reductions in preterm birth, low birth weight, and sudden infant death syndrome. In making these findings, the City Council accepts the conclusions and recommendations of the U.S. Surgeon General reports, "E-cigarette Use Among Youth and Young Adults" (2016), "The Health Consequences of Smoking—50 Years of Progress" (2014) and "Preventing Tobacco Use Among Youth and Young Adults" (2012); a BlueCross BlueShield of Minnesota report, "Health Care Costs and Smoking in Minnesota: The Bottom Line" (2017); the Institute of Medicine in their study, "Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products" (2015); the Centers for Disease Control and Prevention in their studies, "Tobacco Use Among Middle and High School Students—United States, 2011—2015," and "Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997"; and of the following scholars in these scientific journals: Xin Xu et al., Annual Healthcare Spending Attributable to Cigarette Smoking: An Update, *Am. J. Prev. Med.* 48(3): 326-33 (Mar. 2015); Giovino GA, "Epidemiology of Tobacco Use in the United States," *Oncogene* (2002) 21, 7326-40; Khuder SA, et al., "Age at Smoking Onset and its Effect on Smoking Cessation," *Addictive Behavior* 24(5):673-7, September-October 1999; D'Avanzo B, et al., "Age at Starting Smoking and Number of Cigarettes Smoked," *Annals of Epidemiology* 4(6):455-59, November 1994; Chen, J & Millar, WJ, "Age of Smoking Initiation: Implications for Quitting," *Health Reports* 9(4):39-46, Spring 1998; and Everett SA, et al., "Initiation of Cigarette Smoking and Subsequent Smoking Behavior Among U.S. High School Students," *Preventive Medicine*, 29(5):327-33, November 1999; copies of which are adopted by reference.

1150.02. Definitions.

For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Child-Resistant Packaging. Packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.

Cigar. Any roll of tobacco that is wrapped in tobacco leaf or in any other substance containing tobacco, with or without a tip or mouthpiece, which is not a cigarette as defined in Minn. Stats. § 297F.01, subd. 3, as may be amended from time to time.

Compliance Checks. The system the City uses to investigate and ensure that those authorized to sell tobacco-related products are following and complying with the requirements of this ordinance. Compliance checks shall involve the use of persons under the age of 21 as authorized by this ordinance. Compliance checks shall also mean the use of persons under the age of 21 who attempt to purchase tobacco-related products for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to tobacco-related products.

Electronic Delivery Device. Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic delivery device also includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

Individually Packaged. The practice of selling any tobacco product wrapped individually for sale. Individually wrapped tobacco products shall include but not be limited to single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.

Indoor Area. 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.

Loosies. The common term used to refer to a single or individually packaged cigarette or any other tobacco product that has been removed from its packaging and sold individually. The term loosies does not include individual cigars with a retail price, before any sales taxes, of more than \$2.00 per cigar.

Moveable Place of Business. Any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

Nicotine or Lobelia Delivery Product. Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined in this section. Nicotine or Lobelia Delivery Products do 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, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Person. One or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic or nonprofit corporation; a trust; a political subdivision of the state; or any other business organization.

Retail Establishment. Any place of business where tobacco-related products, are available for sale to the general public. The phrase shall include but not be limited to grocery stores, convenience stores, restaurants, and drug stores.

Sale. Any transfer of goods for money, trade, barter or other consideration.

Self-Service Merchandising. Open displays of tobacco-related products in any manner where any person shall have access to tobacco-related products without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco-related product between the customer and the licensee or employee. Self-service sales are interpreted as being any sale where there is not an actual physical exchange of the product between the clerk and the customer.

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

Tobacco or Tobacco Products. Any product containing, made from, or derived from tobacco that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, or any component, part, or accessory of a tobacco product including, but not limited to cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; snus; Cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco does not include any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for medical purposes, and is being marketed and sold solely for such an approved purpose.

Tobacco-Related Devices. A pipe, rolling papers, ashtray, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking of tobacco or otherwise ingesting of. Tobacco-related devices includes components of tobacco-related devices which may be marketed or sold separately.

Tobacco-Related Product. Any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product, as those terms are defined in this section.

Vending Machine. Any mechanical, electric or electronic, or other type of device which dispenses tobacco-related products or tobacco-related devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase tobacco-related products.

1150.03. License.

Subd. 1. **License Required.** No person shall sell or offer to sell any tobacco-related product without first having obtained a license to do so from the City.

Subd. 2. **Application.** An application for a license to sell, tobacco-related products, shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the City deems necessary. Upon receipt of a completed application, the City Clerk shall forward the application to the City Council for action at its next regularly scheduled City Council

meeting. If the City Clerk shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 3. **Action.** The City Council may either approve or deny the license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the City Council shall approve the license, the City Clerk shall issue the license to the applicant. If the City Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the City Council's decision.

Subd. 4. **Term.** All licenses issued under this section shall be valid for one calendar year from the date of issue except that initial licenses shall expire on December 31 of the year they are issued.

Subd. 5. **Revocation or Suspension.** Any license issued under this Section may be revoked or suspended as provided in Section 1150.12.

Subd. 6. **Transfers.** All licenses issued under this Section shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the City Council.

Subd. 7. **Moveable Place of Business.** No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this Section.

Subd. 8. **Display.** All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

Subd. 9. **Renewals.** The renewal of a license issued under this Section shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license.

Subd. 10. **Issuance as Privilege and Not a Right.** The issuance of a license issued under this Section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Subd. 11. **Smoking.** Smoking shall not be permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. This includes, but is not limited to, smoking for the purpose of sampling tobacco-related products.

Subd. 12. **Age Verification.** Licensees shall verify by means of government-issued photographic identification that the purchaser of tobacco-related products is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older shall not constitute a defense to a violation of this subsection.

Subd. 13. **Signage.** Notice of the legal sales age and the age verification requirement shall be posted at each location where tobacco-related products are offered for sale. The required signage, which will be provided to the licensee by the City, shall be posted in a manner so that it is clearly visible to anyone who is considering or making a purchase.

1150.04. License Fee; Term; Date.

The fee for a license is set by Chapter X.

1150.05. Prohibited Acts.

A. It shall be a violation of this Section for any person to sell or offer to sell any tobacco-related product:

1. To any person under the age of 21 years.

-
2. By means of any type of vending machine.
 3. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premises in order to receive the tobacco-related product, and whereby there is not a physical exchange of the tobacco-related product between the licensee, or the licensee's employee, and the customer.
 4. By means of loosies.
 5. Containing opium, morphine, jimson weed, belladonna, strychnos, cocaine, or other deleterious, hallucinogenic, toxic or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other tobacco products.
 6. In the form of liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic delivery device, in packaging that is not child-resistant. Upon request, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.
 7. By other means, to any other person, on in any other manner or form prohibited by federal, state or other local law, ordinance provision, or other regulation.

(Ord. No. 2024-25, § 1, 11/26/2024)

1150.06. Other Illegal Acts.

Unless otherwise provided, the following acts shall be a violation of this Section:

- Subd. 1. **Illegal Sales.** It shall be a violation of this Section for any person to sell or otherwise provide any tobacco-related product, to any person under the age of 21.
- Subd. 2. **Illegal Procurement.** It shall be a violation of this Section for any person to purchase or otherwise obtain those items on behalf of a person under the age of 21. It shall further be a violation for any person to coerce or attempt to coerce a person under the age of 21 to illegally purchase or otherwise obtain or use any tobacco-related product.

1150.07. Basis for Denial of License.

Grounds for denying the issuance or renewal of a license under this Section include but are not limited to the following:

1. The applicant is under the age of 21 years.
2. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco-related products.
3. The applicant has had a license to sell tobacco-related products revoked within the preceding 12 months of the date of application.
4. The applicant fails to provide any information required on the application, or provides false or misleading information.
5. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.

1150.08. Self-Service Sales.

It is unlawful for a licensee under this Section to allow the sale of tobacco-related products by any means whereby the customer may have access to those items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of tobacco-related products between the licensee or his or her clerk and the customer. All tobacco-related products shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

1150.09. Responsibility.

All licensees under this Section shall be responsible for the actions of their employees in regard to the sale of tobacco-related products, on the licensed premises, and the sale of an item by an employee shall be considered a sale by the license holder. Nothing in this Section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this Section, state or federal law, or other applicable law or regulation.

1150.10. Compliance Checks and Inspections.

All licensed premises shall be open to inspection by the City policy or other authorized City official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, with persons over the age of 17 years but less than 21 years to enter the licensed premises to attempt to purchase tobacco-related products. Persons under the age of 18 that are engaged by the City to enter licensed premises for these compliance checks shall do so only with the written consent of their parents or guardians. Person under the age of 21 used for the purpose of compliance checks shall be supervised by City designated law enforcement officers or other designated City personnel. Persons under the age of 21 used for compliance checks shall not be guilty of unlawful possession of tobacco-related products when those items are obtained as a part of the compliance check. No person under the age of 21 used in compliance checks shall attempt to use a false identification misrepresenting the person's age, and all persons under the age of 21 lawfully engaged in a compliance check shall answer all questions about the person's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law.

(Ord. No. 2022-09, § 3, 6/28/2022)

1150.11. Exceptions and Defenses.

Nothing in this Section shall prevent the providing of tobacco-related products to a person under 21 as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this Section for a person to have reasonably relied on proof of age as described by state law.

1150.12. Violations.

- A. *Petty Misdemeanors.* Any person who violates this ordinance shall be guilty of a petty misdemeanor unless the violation has a specific penalty designated by state law.
- B. *Administrative Civil Penalties; Individuals.* An individual who sells tobacco-related products to a person under the age of 21 years shall be subject to an administrative penalty of \$50.00. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity

for a hearing before the Chief of Police or his/her designee. A decision that a violation has occurred must be in writing.

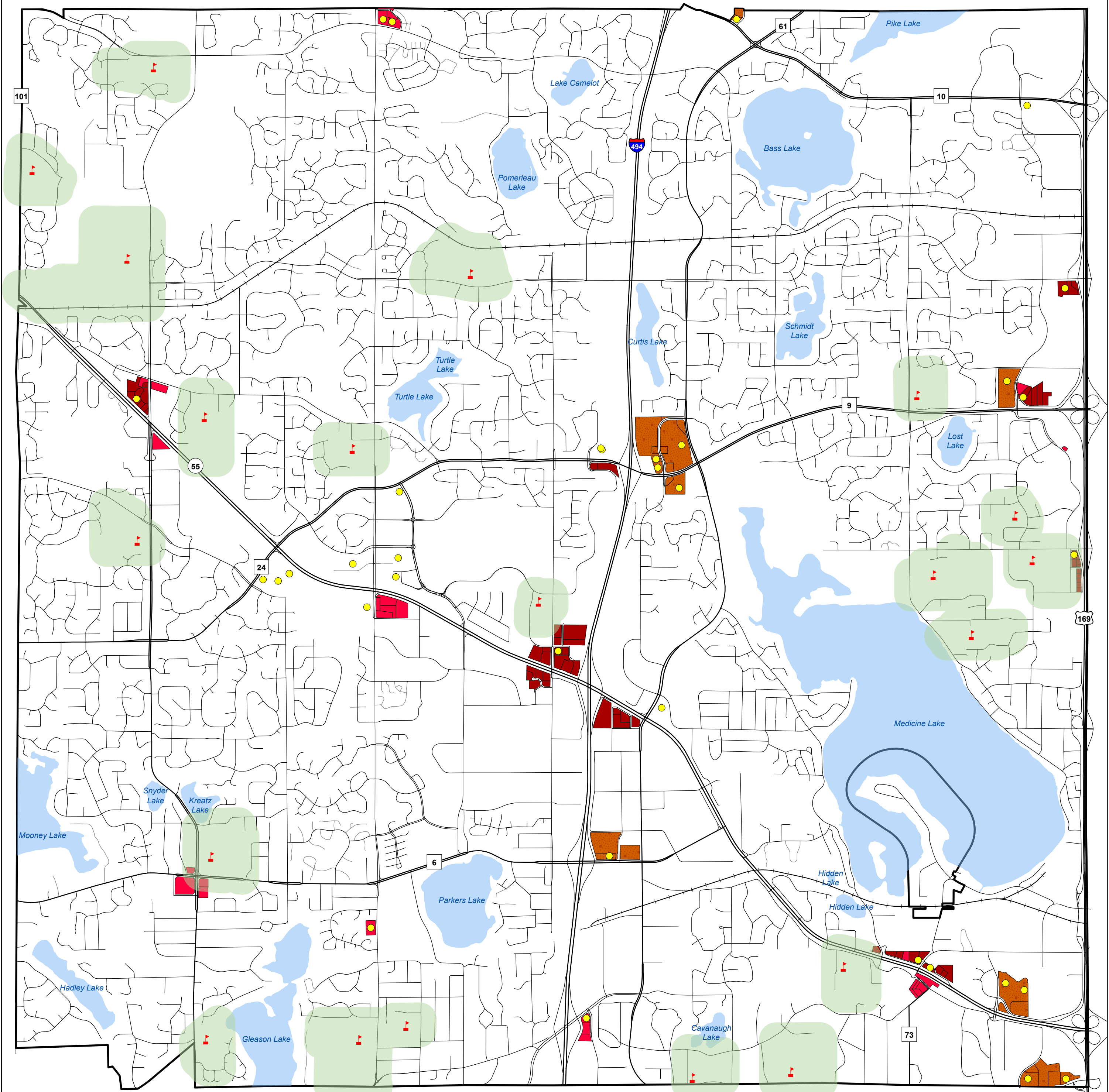
- C. *Administrative Civil Penalties; Licensee.* If a licensee or an employee of a licensee sells, gives, or otherwise furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 21 years, or violates any other provision of this Chapter, the licensee shall be subject to an administrative penalty as follows:

Offense	Minimum (State)	Presumptive Penalty (City)	Maximum (City/State)
1 st Violation	\$300.00 and/or 0 days suspension	\$500.00 fine and 5-day suspension stayed	\$2,000.00 and/or 60-days suspension
2 nd Violation (within 36 months)	\$600.00 and/or 0 days suspension	\$750.00 fine and 5-day suspension	\$2,000.00 and/or 60-days suspension
3 rd Violation (within 36 months)	\$1,000.00 and 7 days suspension	\$1,000.00 fine and 10-day suspension	\$2,000.00 and/or 60 days suspension
4 th Violation (within 36 months)	None listed	Revocation	Revocation

No suspension, revocation, or other penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

- D. *Defense.* It is a defense to the charge of selling tobacco-related products to a person under the age of 21 years, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in Minnesota Statutes, section 340A.503, subdivision 6, paragraph (a).

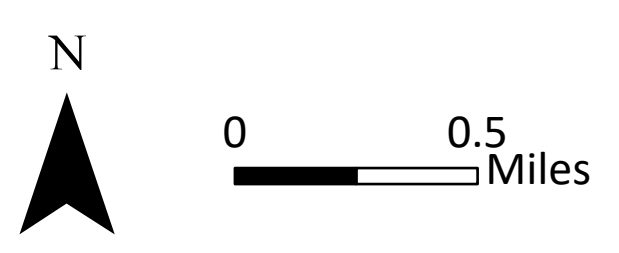
(Ord. 96-4, 2/21/96; Ord. 97-15, 7/23/97; Ord. 99-16, 6/1/99; Ord. 2001-08, 2/27/2001; Ord. 2001-29, 8/14/2001; Ord. 2009-16, 10/13/2009; Ord. 2011-11, 4/26/2011; Ord. 2011-29, 10/25/2011; Ord. 2014-09, 2/11/2014; Ord. 2017-23, 11/28/2017; Ord. 2017-25, 11/28/2017; Ord. No. 2020-13, § 3, 10/13/2020; Ord. No. 2022-09, § 4, 6/28/2022)

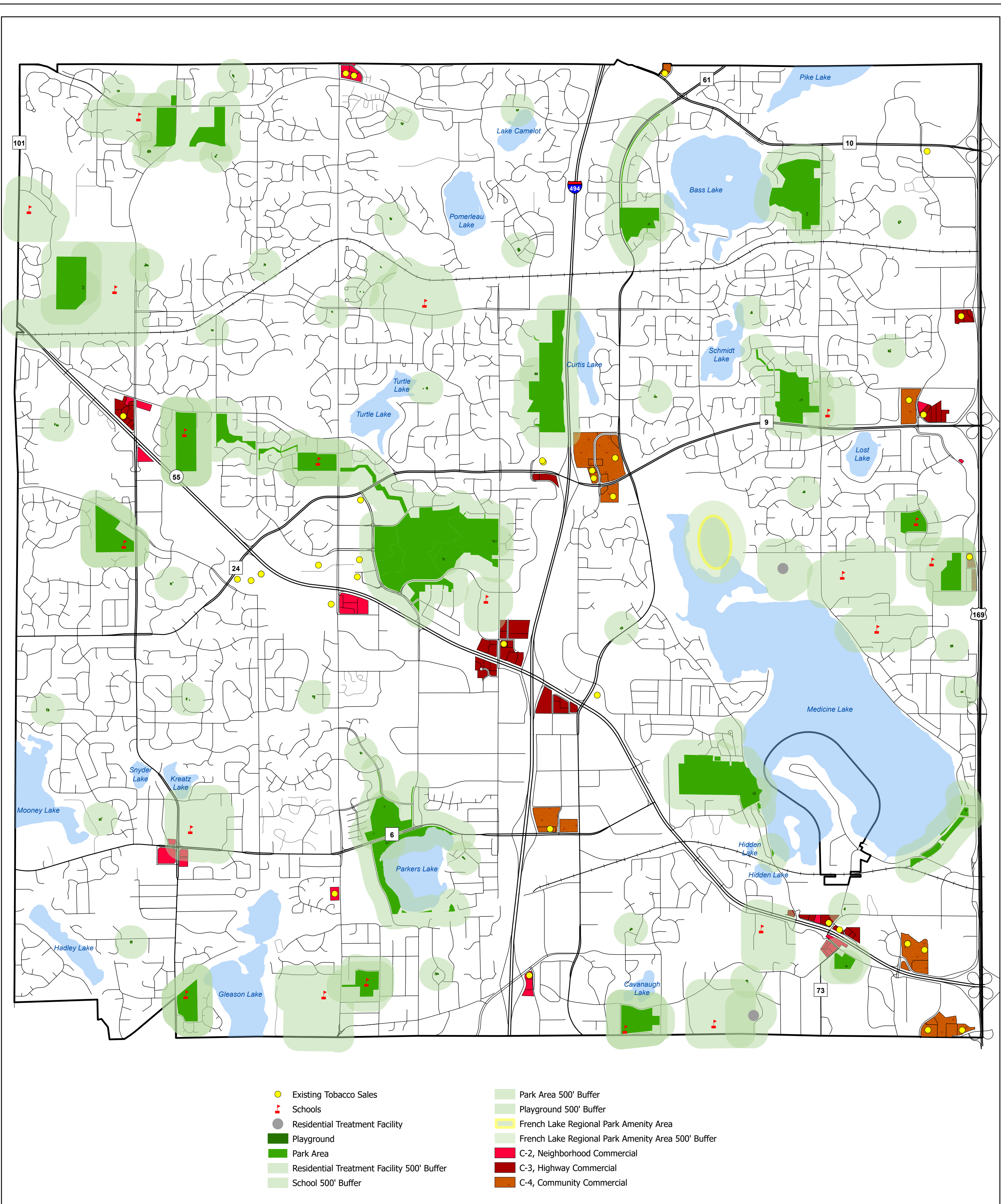


- Existing Tobacco Sales
- ▬ Schools
- School 500' Buffer
- C-2, Neighborhood Commercial
- C-3, Highway Commercial
- C-4, Community Commercial

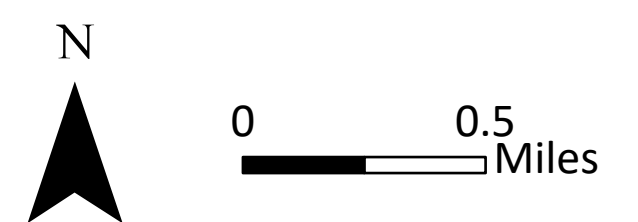


**Tobacco Restrictions
500' Buffer of Schools**





**Tobacco Restrictions
500' Buffer of Schools, Park Areas,
Playgrounds, and Residential
Treatment Facilities**



Peer Cities Buffer Zones

Arden Hills-None

Blaine-None

Bloomington-None

Brooklyn Park-500 feet from schools- exclusive shops

Burnsville-None

Champlin-None

Columbia Heights-None

Coon Rapids-None

Cottage Grove-None

Crystal-None

Edina-None

Eden Prairie-None

Golden Valley-None

Hopkins-None

Little Canada- 500 feet of any house of worship, or youth-oriented facility-all license types

Maple Grove-None

Maplewood-None

Minnetonka- 2,000 feet away from the property line of a school-exclusive tobacco store

New Brighton- 1,000 feet of a youth-oriented facility-tobacco products shop

New Hope-None

Oak Grove-None

Ramsey-None

Richfield-None

Robbinsdale-Two tobacco products shops cannot be within one half mile of the other.

Rogers-None

St. Louis Park-None

Vadnais Heights-None

White Bear Lake-None

Woodbury-None

To: Dave Callister, City Manager

Prepared by: Jodi Gallup, City Clerk

Reviewed by:

Item: **Set future study sessions**

1. Action Requested:

Schedule study sessions and/or add topics as desired. The calendar for the remainder of the year is attached to assist with scheduling. The draft 2026 meeting calendar has also been included to seek council feedback.

2. Background:

Pending study session topics (at least three council members have approved the following study items on the list):

- Review policy on Request for Proposals
- Review park dedication and park replacement funds
- Discuss Civic Pledge

Staff requests for meeting topics and/or changes:

- Discuss session options for a Braver Angels Workshop on December 9 at 5 p.m.

3. Budget Impact:

Not applicable.

4. Attachments:

1. Calendar
2. Draft 2026 Meeting Calendar

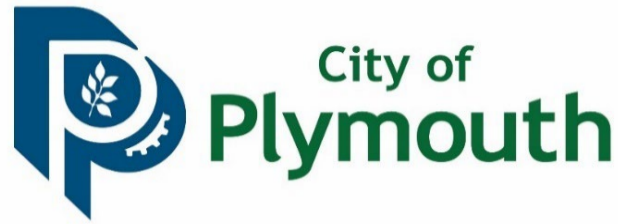


SUN	MON	TUES	WED	THUR	FRI	SAT
						1
2	3	4	5 7:00 PM PLANNING COMMISSION MEETING Council Chambers	6	7	8
9	10 5:00 PM SPECIAL COUNCIL MEETING Potential sales tax designs update/ Budget Session #3 Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	11  VETERANS DAY CITY OFFICES CLOSED	12 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE MEETING Medicine Lake Room	13 7:00 PM PARK & REC ADVISORY COMMISSION MEETING Council Chambers	14	15
16	17	18	19 7:00 PM PLANNING COMMISSION MEETING Council Chambers	20	21	22
23 30	24	25 5:00 PM SPECIAL/CLOSED COUNCIL MEETING Review advisory board applications and select interview candidates/ Conduct city manager performance review Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	26	27 THANKSGIVING HOLIDAY CITY OFFICES CLOSED	28 THANKSGIVING HOLIDAY CITY OFFICES CLOSED	29

*Per MN Statute 13D.02, members may be attending remotely.



SUN	MON	TUES	WED	THUR	FRI	SAT
	1	2 5:00 PM SPECIAL COUNCIL MEETING Interview advisory board candidates Medicine Lake Room	3 7:00 PM PLANNING COMMISSION MEETING Council Chambers	4 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY MEETING Council Chambers	5	6
7	8	9 7:00 PM REGULAR COUNCIL MEETING Council Chambers	10 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE MEETING Council Chambers 7:00 PM CHARTER COMMISSION ANNUAL MEETING Medicine Lake Room	11	12	13
14	15	16	17 7:00 PM PLANNING COMMISSION MEETING Council Chambers	18	19	20
21	22	23	24 CHRISTMAS HOLIDAY CITY OFFICES CLOSED	25 CHRISTMAS HOLIDAY CITY OFFICES CLOSED	26	27
28	29	30	31			



2026 MEETING CALENDAR

This calendar shows regular meetings only
(special meetings are listed on monthly calendars)

- CITY COUNCIL - 7:00 pm
2nd & 4th Tuesdays*
- PLANNING COMMISSION - 7:00 pm
1st & 3rd Wednesdays*
- PARK & REC COMMISSION - 6:00 pm
2nd Thursdays* (only 6 meetings per year)
- HRA - 7:00 pm
4th Thursdays*
- ENVIRONMENTAL QUALITY - 7:00 pm
2nd Wednesdays*
- DMO ADVISORY BOARD - 10:00 am
4th Wednesdays* (quarterly)
- ELECTION DAY (no public meetings)
- CITY OFFICES CLOSED (no public meetings)

Charter Commission -Meets biannually on 2nd Wednesday
June 10 - 7:00 p.m.
December 9 - 7:00 p.m.

Council Notes
*Aug. - Cancel Aug. 11 due to election
*No meeting Dec. 22

HRA Notes
*Nov. and Dec. meetings combined to Dec. 3

EQC Notes
No meeting July 8
Meeting change to Nov. 12 due to city offices closed



JANUARY						
S	M	T	W	T	F	S
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JULY						
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FEBRUARY						
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AUGUST						
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MARCH						
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SEPTEMBER						
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MAY						
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NOVEMBER						
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29	30					

JUNE						
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21	22	23	24	25	26	27
28	29	30				

DECEMBER						
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27	28	29	30	31		