

**Minutes
Minnetonka City Council
Friday, January 14, 2022**

1. Call to Order

Mayor Brad Wiersum called the virtual meeting to order at 3:31 p.m.

2. Reconvene of Monday, January 10 Minnetonka City Council Regular Meeting

3. Continuation of item 14D: Consideration of city-wide face mask mandate

Acting City Manager Mike Funk and City Attorney Corrine Heine gave the staff report.

Wilburn asked if the end date for the ordinance could be set at 61 days and then have it the mandate lifted sooner if the numbers supported this action. Heine reported city charter states an emergency ordinance could only be in effect for 61 days. She explained if the council wanted to set a shorter time period it could.

Calvert discussed the current transmissions rates for the county. She questioned if the mask mandate ordinance could be tied to transmission rates. Heine stated language could be added to state the city manager could suspend enforcement of the ordinance at any time the transmission rate for Hennepin County reached the moderate or low levels.

Kirk inquired when the city should address consistencies with the previous mask mandate and the ordinance being presented this evening. He asked why the city went from five year olds to two year olds and questioned why churches were exempted in 2020 but not in 2022. Heine reported for the most part the new ordinance was prepared using the most recently enacted declarations from other cities. She stated these cities were Minneapolis, Golden Valley and Hopkins. She commented staff was trying to maintain some consistency with these ordinances. She explained the council could pick up additional exemptions that were included in the 2020 ordinance.

Kirk asked what the effective date would be for the ordinance. Heine stated staff was recommending late in the day on Monday, January 17.

Wiersum commented for the record the council would be finished with this meeting by 5:00 p.m. and stated he understood there were 26 residents that wanted to speak. He indicated these individuals would be given 90 seconds to speak.

Coakley questioned if the ordinance could be evaluated every two weeks to check levels of transmission.

Wiersum reported this would be something the council could consider. He then opened the meeting for public comments.

Delila Peri, 1900 Vernon Drive South, explained she was an immunologist and has been working in epidemiology and biotech for the past two decades. She encouraged the city to not pass a mask mandate. She reported adjacent communities passed mask mandates quickly based on the number of rising cases without data noting the mildness of this variant. She stated the narrative was less about illness severity and more about number of cases. She commented there was no reason to go back to the same drastic measures that were proven to be failures. She encouraged the council to opt for a more efficient route, to recognize the mildness of the variant, while also recognizing the false security that face masks offer.

Sumner Jones, 4425 Tonkawood Road, stated he opposed the proposed mask mandate. He indicated the latest report from the Minnesota Department of Health shows that hospital admittance was decreasing, ICU admittance was decreasing, convalescent cases were decreasing and deaths are decreasing. He did not believe forcing people to wear masks would have an effect, but rather would show the council felt the need to act in some way on an issue that was already resolving itself. Furthermore, the CDC has recently updated its messaging noting cloth masks do very little if anything to stop the spread of COVID aerosols. He reported a mandate that would allow cloth masks would be ignoring the data that was available. He stated if a mandate were enacted that only allowed for N95 masks, the entire population of Minnetonka would be inconvenienced in order to find N95 masks to comply with the mandate to address a problem that was already going away.

Karen Scheltma, 10551 Greenbriar Road - Apartment 333, commented she agreed with the last callers comments that cloth masks were ineffective. She agreed 100% and noted she was recently recovering from Omicron. She noted it does not matter what mask you wear. She reported if the council did approve a mask mandate that the city should not be excluded.

Thomas Bohn, 1908 Welland Avenue, stated the residents of Minnetonka have seen the pandemic play out over the past year and he did not believe masks were effective. He encouraged the council to visit maskoffmn.org to view numerous science studies that show the ineffectiveness of masks. He indicated he has only worn a mask three times in the past two years and his three young children have not worn masks yet. He explained his family was healthy, well and they were relying on their God-given immune system to do what it was designed to do. He encouraged the council to allow people to choose whether or not they

would like to wear a mask. He suggested that those individuals that were scared should stay home, in order to let the remainder of the population to go back to normal. He stated if this mandate were to go into effect, he would be working diligently to move his business out of the community that does not have a mask mandate in place.

Mark Ostlie, 14303 Mount Terrace, explained he was a local pastor in Minnetonka and encouraged the council to be led by God during their decision making. He indicated the church was at a busy intersection that was receiving new visitors. He discussed how the church was helping people regardless of their ability to comply with city ordinances, social norms, mental capacity or vaccination status. He stated if a mask mandate were put in place, he encouraged that the strain not be placed on staff to enforce the mandate. He encouraged the city to not discriminate against people who were not vaccinated. He asked that the city exempt houses of worship from the mask mandate because this could limit help getting to those most in need.

Jenna Bohn, 1908 Welland Avenue, expressed strong opposition to the mask mandate. She reported she was an advanced practice registered nurse in a facility in the metro. She stated she has been working on the front lines for the past two years. She indicated there was no research that supported healthy people wearing masks. She discussed how a mask mandate would infringe upon the healthy and their right for informed consent. She indicated if a mask mandate was put in place she would take her business to a community that does not have a mask mandate in place.

Dee Long, 249 Willoby Way East, explained she and her husband were 82 year old residents of Minnetonka. She stated she was healthy about her health, especially during this difficult time. She reported she wears easily available N95 masks and was vaccinated. She commented for her own physical and mental health that people not be locked up in their house in isolation. She indicated she likes to visit the library and noted masks are required. She strongly urged the council to adopt an ordinance so that people like her can feel safe and secure when she goes about her daily lives.

Maria Ahlers, 5537 Woodland Road, discussed how a mask mandate would impact underrepresented communities in Minnetonka. She stated she was a speech language pathologist and has worked with people over the years who have a difficult time communicating. She reported this issue was becoming more of a concern with masks on. She commented on how masks were impacting people with Parkinson's disease, neuro-divergent, those with autism, those with hearing aids or cochlear implants, those who rely on lip reading and children with articulation errors. She thanked the council for taking into consideration her concerns and for better understanding how a mask mandate may be impacting some Minnetonka residents in ways that have not been considered.

Mary Ross, 3978 Vandan Road, indicated she supported a local mandate and believed it was critical. She noted she would only shop where masks were required and she respected the businesses that asked for masks. She commented if the city did not have a mask mandate in place she would not visit local businesses. She indicated she has a family member that works in the retail environment and she understood this was difficult because they were required to be the enforcers. She recommended that if an ordinance was put in place that the enforcement details be shared with business owners.

Drake Lorence, 13555 Essex Place, reported he has been a resident of Minnetonka for the past 40 years. He noted he provided the council with a written comment showing a chart from the Minnesota Department of Health showing when the Minnesota mask mandate was put in place. He explained this chart shows that COVID cases actually increased after the mandate was put in place and once the masks could come off, the number of cases fell. He noted Minnesota had one of the best mask wearing rate in the country. However, he was concerned for local businesses and commercial real estate owners. He understood they have already been under extreme duress, have lost tenants, lost small businesses and were working to recover. He feared how these businesses would be impacted if masking were reenacted now. He anticipated Minnetonka residents would drive to another community with their business if a mask mandate were put in place. He indicated this would trickle down to all businesses over time. He asked the council to exempt religious organizations and daycares.

Chris Fields, 2354 Cherrywood Road, stated this ordinance was a hostile takeover of American freedom and liberty. He believed he had the right to choose how he would protect himself and his family. He reported the proposed mask mandate was not based on science. He explained the mandates do not work. He encouraged the council to allow residents to be smart enough to protect themselves. He stated America was special and Minnetonka was special. He recommended Minnetonka not follow other cities, but rather to stand on their own and give the mask mandate a rest.

Susannah Nelson, 16101 Kensington Court, reported the community was now in the middle of a massive labor shortage and all businesses were struggling to hire staff. She questioned if now was the right time to require these struggling businesses to enforce a mask mandate. She commented if this was truly about public health, should N95 masks be required and asked if businesses would be required to find these. She stated she was concerned with requiring 2 year olds to wear a mask, noting the governor's previous mask mandate was not this extreme. She expressed concern with how employees at local businesses would be able to discern the difference between a 1½ year old and a 2 year old. She encouraged the school board to manage their own matters and not get the city council involved.

Tom Madden, 19260 Lake Avenue, stated he was a small business owner in Minnetonka. He reported the proposed mask mandate would absolutely destroy his business. He indicated with the last mask mandate he had to let four people go and he now only had eight employees. He explained several of his employees have had the Omicron variant, which was like a three day flu. He encouraged the council to follow Dr. Malone and his talks about the Omicron variant. He stated he would like the community to move on and reiterated that study after study show that masks do nothing.

Moshe Peri, 1900 Vernon Drive South, reminded the council that they are elected to serve all members of the community. He reported there were members of the community that do not want to wear a mask and others that do. He stated if the mask mandate were put in place, he would not have the option to walk without a mask. He indicated this was the land of the free and he does not want masks to be forced.

Briana Bers, 4656 Caribou Drive, noted she supported the mask mandate. She indicated a mask mandate protected both you and the people around you, who may be vulnerable.

Rachel Amundson, 3432 County Road 101, stated she would like people to be able to go back to a time where people can make decisions for themselves and their families, without the government telling them what they have to do. She commented her family does not go places where mask mandates are in place. She indicated there were numerous studies in place that state masks do not work. She did not want her children thinking masks are part of the normal world. She feared how masks were impacting children and the isolation the entire pandemic had created. She encouraged the council to let people choose and to let Americans have their freedom back.

Brandon Voges, 4815 Hamilton Road, stated he was a certified registered nurse anesthetist and was an airway expert in the medical field. He reported he has been on the frontline of COVID-19 for the entire pandemic. He stated he based his decisions on data and not emotions or politics. He explained he believed the mask mandate was unjust and ineffective. He commented decisions for COVID-19 should be made on the best available data. He discussed the primary worldwide data that was available regarding cloth masks and noted the first study out of Waterloo, Canada concluded that only 10% of the exhaled aerosols can be filtered by cloth masks. He noted the second study out of Bangladesh concluded that cloth masks do not reduce the transmission of COVID-19. He indicated these studies were both done on the Alpha variant, noting the Delta and Omicron variant were even more transmissible than Alpha. He explained even with the strictest cloth mask mandates, COVID cases were not reduced.

Camellia Ramos, 18405 Tristram Way, Eden Prairie, indicated she was a Minnetonka school parent. She discussed how COVID was spreading in Minnesota noting the infection rate was higher than it has ever been since the pandemic began. She commented on how the number of active cases in Minnetonka has almost doubled from last week to this week. She encouraged the city council to put a mask mandate in place. She discussed how the school district was addressing the rise in COVID cases, noting all middle and high schools had to go to distant learning due to the number of teachers that were out sick. She urged the council to address the spread of COVID and recommended a mask mandate be put in place to keep the community safe and functioning.

Bill Anderson, Essex Road, stated if masks work, he does not need someone else to tell him to wear a mask. He explained he did not appreciate someone enforcing their will on him.

Alyssa Lamoreaux, 10613 Crestridge Drive, reported she opposed the mask mandate. She indicated the pandemic has been going on now for two years and masks were not changing things. She stated she has three young children and they have not been wearing masks. She encouraged residents to wear masks if they wanted, but recommended residents not be forced to wear masks. She reported CDC studies have shown that cloth masks do not work. She commented she would like to see the narrative towards COVID changed and noted a mask would not do this.

Rickey Brown, 10521 Cedar Lake Road Apt. 512, stated the residents and business community in Minnetonka do not like or want lock downs. He anticipated residents were concerned about public health and for this reason, he urged the council to put a city wide mask mandate in place. He recommended a city wide data driven mask policy in place. He believed this would address the surge of COVID cases both now and in the future.

Lauren Gomes, 16324 Highwood Drive, stated she was a resident and mother in Minnetonka. She indicated she was adamantly opposed to the mask mandate. She asked that the council let every member of the community choose to mask or choose to smile and greet others. She explained this was a crazy time for families with young children. She commented after investing in the community her family has felt suffocated by the schools due to the mask mandate. She reported this has led her family to find a schooling alternative. She indicated she could not let her children live amidst constant fear, noting the masks scare her children. She stated she was trying to give her children a normal childhood through these crazy times. She explained she no longer feels welcome in Minnetonka, nor was this a good place to raise a young family. She encouraged the council to consider how much she values her children being able to see her smile and others when out and about in the community. She wanted to be able to show her children joy and bravery because the world no longer does.

Lawrence Wulk, 15134 Woodhill Trail, Eden Prairie, asked the council to consider the mask mandate seriously. He noted, as has been stated earlier, there was no strong data that proves cloth masks prevent the spread of the disease. He urged the council to consider this information carefully. He commented there was information that proves cloth masks increase health risks, whether this is social, mental or physical. He encouraged the council to consider all of this information when voting on the mask mandate.

Wiersum closed the meeting for public comments. He stated the council now had to consider whether to move forward with the mask mandate. If this were to move forward, the council would have to consider when the mandate should start and expire.

Funk reported the council should also consider exemptions within the ordinance. He reported another option for the council to consider would be a resolution that strongly encourages mask wearing versus a mandate.

Schack commented this was a difficult decision that has garnered a great deal of community input. She indicated she has received calls, emails and text messages over the course of the past week. She understood people felt passionately about this topic. She explained she reached out to six or seven residents in Ward 2 and noted the response was split, but most people came down in favor of the mandate. She indicated the main concern was how the mask mandate would be enforced. She reported she reached out to three businesses in the Ridgedale area and all three were supportive of masking for three reasons, because they want to stay open, to keep employees safe, and to have enhanced enforcement authority. These businesses recognize that they may lose some customers, but this was better than not being able to stay open at all due to employees being sick. She read the city's strategic priorities, which was to develop programs, policies and procedures that enhance the communities well-being. She believed the proposed mask mandate would do this. She indicated the mandate would be narrow because it was for a minimum amount of time. She supported the ordinance as proposed by staff with the ordinance going into effect at midnight on January 17. She understood this ordinance would be applauded by some and extremely unpopular with others. She commented she was really disappointed by the emails she received from residents stating they worry about the impact this mask mandate would have on local businesses, but then also refuse to support Minnetonka businesses if a mask mandate were in place. She encouraged residents to put a mask on, continue to support their local businesses and to take their frustrations out on the city council at the next local election in two years.

Kirk commented he supported the mask mandate. He recommended that the mandate be for children five and older and that churches be exempt. He

understood the debate with the mask mandate and noted the data shows cloth masks slows the velocity of the matter that is being exhaled. He discussed how masking was helping those who are immune-compromised, which required all people to be masked.

Wilburn stated she read all of the emails and listened to the voicemails she received. She indicated the Omicron variant tends to be less severe but was extremely infectious which was overloading the healthcare system. She reported this was putting people with a life threatening injury, heart attacks or a stroke at risk. She commented on the exponential growth rate of COVID and stated if the city stops two or three people from getting infected this has positive trickle down effects as well. She noted she would be supporting the mask mandate.

Coakley indicated she supported the mask mandate, along with the school having a mask mandate in place.

Calvert stated she appreciated all of the comments from her colleagues. She thanked all of the members of the community who reached out to her. She explained she cared about the community along with the rest of the residents in Minnetonka. She assured everyone that she read every email and text and listened to every voicemail she received. She indicated she was not trying to end COVID but rather was trying to flatten the curve to give the hospitals a reprieve because they are overrun. She commented as a public servant, public safety and public health were her number one concern. She reported people were getting severely ill and she had the responsibility to protect the public. She indicated she supported the mask mandate with the exemptions as proposed by Councilmember Kirk.

Schaepfi thanked the community for reaching out to him via email or text. He noted he would not be supporting the mask mandate. He stated he was frustrated by the council at this point because the comments from the public were 3:1 in opposition of the mask mandate. He commented this was clear from the calls at this meeting, as well as the emails the council received. He stated he was elected to represent the people of the community. He explained he was not a public health expert and he was not hear to weigh in for what the governor could be doing. He believed if there was a huge problem, the governor would take action because he has experts advising him on a daily basis. He reported this past week the governor relaxed quarantine periods for childcare centers, which was the exact opposite of moving towards a mask mandate. He encouraged the council to consider the direction of the governor because no one on the council was a medical expert. In addition, he stated the majority of the residents in Ward 3 were not supportive. He commented he could not in good conscience support this mandate, given the fact the majority of the people do not support it. He reported he spoke to several businesses in his neighborhood and in the Ridgedale area that do not support the mandate. He indicated the proposed

mandate was not the will of Minnetonka, but rather was the will of a small voice that has now turned into the council majority. He stated he would be voting no to the proposed mask mandate.

Wiersum appreciated all of the public input the council received on this matter. He understood a lot of the communication the council received was from outside the community. He encouraged all residents, as a common courtesy, to include their name and address when reaching out to the city council. He stated he supported wearing masks but believed that mandating masks without enforcement was not city policy. He believed this mandate would put extra stress on the police department. He did not believe now was the time to put extra stress on the police department. He recommended the city stay in their lane and not make policy for the school district. He commented he understood the council had enough votes to pass this ordinance and requested the council make a motion when moving this item with a specific start and end date.

Funk discussed the current language within the ordinance noting the mandate would expire 61 days after starting. He reviewed language from the city attorney that should be included and would read: The acting city manager is authorized to suspend enforcement of this ordinance at any time the level of community transmission of COVID-19 within Hennepin County, according to the Center for Disease Control, is at a level of substantial or lower.

Heine reported this language would be added to paragraph 3 of section 3.06 which deals with enforcement. She explained the ordinance would remain in place for 61 days but the acting city manager could suspend enforcement.

Calvert stated she would like the ordinance to read moderate or lower.

Wiersum supported the language as recommended by staff. He recommended the council receive a report every two weeks and that a change be made if numbers are down.

Schack agreed with the suggested language from staff and looked forward to receiving reports from staff every two weeks.

Schack moved, Kirk seconded a motion to approve the mask mandate Ordinance 2022-01 as amended by staff's language, changing the age of children to five (5) years old and exempting religious institutions with a start date of January 17, 2022 at 11:59 p.m. Kirk, Calvert, Coakley, Schack, Wilburn, and Wiersum voted "yes." Schaeppi voted "no". Motion carried.

4. Adjournment

Schack moved, Calvert seconded a motion to adjourn the meeting at 5:05 p.m.
All voted "yes." Motion carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Becky Koosman". The signature is written in a cursive, flowing style.

Becky Koosman
City Clerk