

**Minutes  
Minnetonka City Council  
Monday, January 24, 2022**

**1. Call to Order**

Mayor Brad Wiersum called the virtual meeting to order at 6:31 p.m.

**2. Pledge of Allegiance**

All joined in the Pledge of Allegiance.

**3. Roll Call**

Council Members, Kissy Coakley, Brian Kirk, Rebecca Shack, Kimberly Wilburn, Deb Calvert, Bradley Schaeppi and Brad Wiersum were present.

**4. Approval of Agenda**

Calvert moved, Kirk seconded a motion to accept the agenda with addenda to Item 14.B. All voted "yes." Motion carried.

**5. Approval of Minutes:**

**A. January 10, 2022 regular meeting**

Calvert moved, Kirk seconded a motion to approve the minutes, as presented. All voted "yes." Motion carried.

**B. January 14, 2022 regular meeting (continued)**

Calvert moved, Kirk seconded a motion to approve the minutes, as presented. All voted "yes." Motion carried.

**6. Special Matters:**

**A. Retirement recognition for Sergeant Mike Nelson**

Wiersum recognized Sergeant Mike Nelson and thanked him for his 26 years of dedicated service to the City of Minnetonka. He wished Sergeant Nelson all the best in his retirement.

Sergeant Nelson thanked the city council and the Minnetonka Police Department for a rewarding career as a Minnetonka Police Officer. He encouraged the city council to continue to support the police department during these difficult times.

He believed the community was very fortunate to have such a professional police department serving its residents.

**B. Cullen Smith property restoration project**

Acting City Manager Mike Funk and Natural Resources Manager Leslie Yetka gave the staff report.

Wiersum thanked the Friends of Cullen Smith Park for all of their hard work to remove buckthorn and other invasives.

Informational item.

**7. Reports from City Manager & Council Members**

Acting City Manager Mike Funk reported on upcoming city events and council meetings. He explained staff was gearing up to hire 200 part-time seasonal workers.

Wiersum commented on the special city council meeting that was held on January 14. He explained at this meeting he stated he felt mandating masks in Minnetonka was bad public policy and he opposed taking this action. He indicated he still feels this way. However, it was clear at this meeting that the emergency requirement was going to pass and his focus then shifted to if schools, places of worship and children under five should be included in the mandate, which he did not believe they should be. He stated when it came time to vote, he supported the modifications to the proposed ordinance but not the ordinance itself. He reported when he was called to vote on the ordinance he said yes, when his intention was to vote no. He commented this was an error and he wanted to set the record straight.

Calvert reported she served on the Metro Cities Street Racing Task Force. She understood people were hearing if not seeing street racing all over the metro area. She discussed the criminal activity that went along with those who were street racing. She noted Police Chief Boerboom recently attended a virtual meeting with her where the group discussed possible strategies to address this concern which included involving other agencies. She indicated she asked the task force to put together data and it was her hope this data could be shared with the council in the future.

Wiersum expressed his sincerest condolences to the Jewish community in the wake of a horrific shooting that occurred at a synagogue in Texas. He encouraged all residents to stand against antisemitism, racism and all forms of hate. He asked all Minnetonka residents to commit to being tolerant, kind and respectful to one another even when their views differ.

Wiersum reported the Basset Creek Watershed Management Commission serves as the watershed management organization for the Basset Creek Watershed area and was charged with managing stormwater, along with the water quality of lakes, streams and wetlands. He noted Mike Fruen served as a watershed representative for the past six years and noted he passed away in December of 2021. He thanked Mr. Fruen for generously sharing his time and talents with the community.

Wiersum reported he received a call from Governor Walz. He explained the governor was reaching out to talk about some of the efforts he was making on his budget noting there was a considerable effort to address crime, not only its enforcement but its prevention. He indicated some of the budget surplus was proposed to be used to address this concern along with officer enrichment.

**8. Citizens Wishing to Discuss Matters not on the Agenda:**

Karl Bunday, 16865 Saddlewood Trail, explained he was the complainant in the recent case regarding the use of the city's logo in a campaign ad. He indicated he was attending this meeting to provide the council with a report on the case. He stated the office of administration hearings found that the candidates that used the city logo had committed an unfair campaign practice. He noted this information was passed along to City Attorney Corrine Heine. He encouraged the city council to continue to protect its brand and logo. He suggested the council consider adopting a policy to address this concern.

**9. Bids and Purchases: None**

**10. Consent Agenda – Items Requiring a Majority Vote:**

**A. Resolution accepting the pay equity implementation report**

Schack moved, Calvert seconded a motion to adopt Resolution 2022-007. All voted "yes." Motion carried.

**B. TIF Note and Development Agreement for Overlook on the Creek located at 9731 Minnetonka Blvd.**

Schack moved, Calvert seconded a motion to adopt Resolution 2022-008. All voted "yes." Motion carried.

**C. Strategic profile 2021 quarter four/year-end report**

Schack moved, Calvert seconded a motion accepting the strategic profile quarter four report. All voted "yes." Motion carried.

**11. Consent Agenda – Items requiring Five Votes:**

**A. Applications for renewed precious metal and secondhand dealer licenses for 2022**

Schack moved, Kirk seconded a motion to approve the licenses. All voted “yes.” Motion carried.

**12. Introduction of Ordinances: None**

**13. Public Hearings:**

**A. Vacate the drainage and utility easements for Chabad Center for Jewish Life located at 2327, 2333, 2339 Hopkins Crossroad, and 11170 Mill Run**

City Planner Loren Gordon gave the staff report.

Wiersum opened the public hearing.

Rabbi Mordechai Grossbaum thanked the council for considering his request and noted he was available for questions.

There being no further comments from the public, Wiersum closed the public hearing.

Calvert moved, Kirk seconded a motion to hold the public hearing and adopt Resolution 2022-009. All voted “yes.” Motion carried.

**14. Other Business:**

**A. Business survey presentation**

Community Development Director Julie Wischnack and William SaintAmour from Cobalt Community Research gave the staff report.

Wiersum stated he was concerned about the issue of the power grid. He noted he receives calls from residents who raise concerns about the number of power outages in their neighborhood. He commented his initial response was to push this concern off to Xcel Energy. However, when people are surveyed they are going to judge the community based on the adequacy of the power grid. For this

reason, the city had a stake in this. He explained with COVID, the future of work has changed and more people may be working from home. He discussed how power outages could take people out of their workplace for two or three hours a day, which was a big, serious issue. He stated this was an important issue that the council should further consider. Wischnack thanked the mayor for this feedback.

Acting City Manager Mike Funk commented he had been in contact with an intergovernmental relations specialist at Xcel Energy. He noted a meeting would be scheduled and the results from this survey would be discussed.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

## **B. Noise regulation ordinance**

Community Development Director Julie Wischnack gave the staff report.

Wiersum opened the meeting for public comments.

Erin Armijo, 3000 Chase Drive, stated she has lived in her home for the past six years. She commented in this time she has had several children and loves living in the City of Minnetonka. However, she noted the machine her neighbors purchased has greatly disrupted her life because it runs all day long. Ms. Armijo's connection to the meeting was lost at this time.

Kerry Gardner, 13370 Stanton Drive, explained she brought this issue to the council in August of 2021. She thanked the council for hearing her and for taking action to address her concern. She stated the council's support was very much appreciated. She believed it was sad that the issue had come to this and that the ordinance had to be amended in order for the neighbors to have quiet enjoyment of their property. However, given the circumstances, she understood the ordinance had to be amended. She played a brief clip of woodpecker repellent machine her neighbors had purchased for the council so they had an understanding of what she had to listen to from dawn until dusk for 30 to 90 second intervals at her home. She discussed how a study from the CDC regarding the exposure to irritating noises can cause stress, anxiety, depression, high blood pressure, heart disease and many other health problems. She commented she believed the machine being used by her neighbor was not appropriate for any property in Minnetonka. She suggested the language within the ordinance be amended to state the noise can not be heard from the property line. She commented on how the ordinance would be enforced and stated she did not want a lot of police time spent addressing these noise machines. She indicated woodpeckers were protected and anything that disturbs their natural

habitat was a threat. She reported she enjoys the natural wonder around her home, especially the pileated woodpecker, who were now absent from her woods. She recommended that the council eliminate the use of this device in Minnetonka.

Ms. Armijo thanked Ms. Gardner for her report. She explained she was concerned about the health issues that would arise from this machine. She reported she has small children and this machine was causing anxiety and stress because the machine could be heard from inside her home. She indicated this was a tremendous distraction for herself and her neighbors who were now working from home due to the pandemic. She stated she understood why her neighbor purchased the machine, but explained this machine was causing a great deal of distress in her neighborhood. She thanked the council for taking her concerns into consideration.

Wiersum closed the meeting for public comments.

Schack asked if the ordinance should be changed to have the machine not audible at the property line versus five feet from the property line. Police Chief Scott Boerboom stated if the property line were in dispute, the five feet would give police officers a bit more flexibility.

Calvert commented on the unintended consequences that may occur by changing the noise ordinance. She questioned if another fix were required could the noise ordinance be revisited. Wischnack indicated ordinances took time to change and there was a formal process that had to be followed.

Wilburn questioned if a ban should be put on this specific device because it could not function within the city's noise ordinance. Wischnack stated it was difficult to predetermine if someone was in violation. She commented it was safe to say the proposed ordinance would address the current issue at hand. City Attorney Corrine Heine advised even if a device was too loud at its lowest setting, muffling and other things could be explored. She explained other modifications could be made to bring the device into compliance.

Wiersum stated enforcement of ordinances like this were difficult. He inquired how this ordinance would be enforced. Wischnack described how this ordinance would be enforced.

Wiersum asked what would be done if the device remained operational and was deemed a nuisance to the neighbors. Wischnack explained the city has several choices. She reported the city would first try and get the resident to comply with the ordinance without any enforcement. If the property was not brought into compliance, a citation would be issued and if the citation was not abided by, the matter would go to court.

Wiersum questioned if the resident had been a willing property owner, could this matter have been resolved through mediation without needing to amend the noise ordinance. Wischnack stated there would have to be two willing parties that wanted to participate in mediation in order for a matter to be resolved. She reiterated the fact that there was no violation with city code, but rather was a neighborhood issue that needed to be solved. She commented this issue was not over. She anticipated the noise machine would continue and if the ordinance was adopted, the city would be faced with enforcing the ordinance.

Coakley asked if mediation was offered. Wischnack stated a police officer who was acting as the neighborhood liaison offered to talk to everyone to assist in finding a resolution. She indicated this was not able to be determined.

Coakley commented it may have been beneficial to offer mediation through a mediation program and not through a police officer. Wischnack reported the police were not the only ones trying to mediate this issue, noting there were other staff members involved working to try and achieve cooperation.

Kirk recommended the language within the ordinance read within five feet of the property line instead of at the property line. Boerboom commented if his department receives a complaint, the officers would be walking on the neighboring property and he would like them to have a little buffer.

Kirk indicated he would rather look at this ordinance as a way to protect habitat. He encouraged residents to not use this device because it disrupts the habitat of woodpeckers. He noted he would be supporting the ordinance as presented.

Schack thanked staff for all of their efforts on this ordinance. She thanked the neighbors for engaging in dialogue with the city council. She reported there has been a lot of staff members involved in addressing this concern and working to bring about a resolution. She indicated she was in favor of the ordinance as drafted.

Coakley acknowledged the letter that was received from the person being targeted with this ordinance. She stated she understood their feelings and how they felt about the ordinance. However, she also supported the language as proposed by staff. She encouraged the city to continue to work with this person to address the device they have on their property so there won't be any violations to the noise or nuisance ordinance.

Calvert thanked staff for their work on this ordinance. She appreciated the neighbors for sharing their views. She understood this was a difficult situation and discussed how noise disrupted people in a neighborhood. However, in the end, she did not believe the homeowners problem should become the

neighborhoods problem. She supported the ordinance moving forward as written.

Wiersum stated it was too bad this situation had to come to this. He commented it was his understanding the idea of mediation was rejected and the neighbors could not get together. He reported he read the letters from the neighbor that has the device and understood he feels targeted. He understood this ordinance was targeted to address this one device in this one neighborhood. He indicated if the neighbors had come together and worked out a solution, the city would not have had to step in. However, this did not happen and for this reason, the council had to step in and amend the noise ordinance. He reported he supported the ordinance as written.

Calvert moved, Schack seconded a motion to adopt the Ordinance 2022-02. All voted "yes." Motion carried

### **C. Review the executive search firm proposals**

Human Resources Manager Dawn Pearson gave the staff report.

Mark Casey, DDA Human Resources Inc., introduced his search firm to the city council. He explained he had 20+ years of experience working with cities and counties in Minnesota. He described the process and approach DDA would follow to recruit a new city manager.

Charlene Stevens, GOV HR USA, introduced her search firm to the city council. She reported she has had a 22 year career in local government and served as a member of the League of Minnesota Cities Board of Directors. She discussed the number of recruitments her organization has conducted over the past decade, providing details on the recruitments that occurred in Minnesota. She commented further on how GOV HR would work with the city to find and recruit a new city manager.

Jim Miller, Mercer Group Associates, introduced his search firm to the city council. He thanked the council for their time and noted he was honored to be considered for this work. He believed the council should consider hiring Mercer Group Associates because it was made up of senior level associates with many, many years of experience. In addition, the Mercer Group name was well-known across the country. He then discussed how he could assist the City of Minnetonka in finding the best candidate for the next city manager, noting he only works with one city at a time.

Wiersum thanked the three candidates for their time and presentations. He asked the council for their thoughts or comments on the recruiting firms.



Coakley stated she supported GOV HR being selected as the recruiting firm. She appreciated how this firm focused on diversity and inclusion.

Kirk thanked staff for all of their efforts on finding these three candidates. He explained after reviewing all of the information from the three firms he had them ranked DDA, GOV HR and then Mercer. He reported after hearing the presentations he would now have GOV HR at the top of the list. He appreciated how this group focused on diversity and he appreciated how this organization would work to recruit outside the state of Minnesota.

Schack stated she believed each of the firms had different strong suits but were closely aligned when considering their approach. She indicated she believed GOV HR had the strongest presentation and most closely aligned with the city's strategic profile when considering inclusivity.

Calvert stated she believed all of the candidates were strong. She noted she has been through several executive searches in her day job and explained the recruitment firm would be following the council's strategic profile. She appreciated the connections the three firms have all over the country. She was of the opinion Mercer Group had the edge on GOV HR because this organization was more familiar with the community.

Schaeppi commented each of the firms were highly qualified. He explained he did not see a lot of difference between the firms and noted he would give his nod to Mercer Group, then DDA and GOV HR.

Wilburn indicated this was all new to her and she agreed each of the firms were highly qualified. She stated at this time she would select GOV HR.

Wiersum explained this was particularly difficult for him because he knew all three of these individuals and reported he has a lot of respect for each of these individuals. He thanked staff for bringing these three firms forward for consideration. He believed that each of the organizations would do a great job for the City of Minnetonka. He stated at this time the council had four votes for GOV HR and noted he would put his hat in this ring.

Calvert commented she was leaning towards Mercer Group because Jim Miller really knew this community and she saw value in this.

The consensus of council was to direct staff to select GOV HR USA as the recruitment firm.

**15. Appointments and Reappointments: None**

**16. Adjournment**

Calvert moved, Kirk seconded a motion to adjourn the meeting at 9:23 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