



**Agenda  
Minnetonka City Council  
Virtual Special Meeting  
Thursday, Feb. 17, 2022  
1:30 p.m.  
Webex**

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1. Call to Order
2. Roll Call: Schack-Wilburn-Calvert-Schaeppi-Coakley-Kirk-Wiersum
3. Discussion of city-wide face mask mandate
4. Adjournment

The purpose of a study session is to allow the city council to discuss matters informally and in greater detail than permitted at formal council meetings. While all meetings of the council are open to the public, study session discussions are generally limited to the council, staff and consultants.



**City Council Agenda Item 3  
Meeting of Feb. 17, 2022**

**Title:** Discussion of city-wide face mask mandate

**Report From:** Corrine Heine, City Attorney

**Submitted through:** Mike Funk, Acting City Manager  
Moranda Dammann, Acting Assistant City Manager

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**Action Requested:**  Motion  Informational  Public Hearing  
**Form of Action:**  Resolution  Ordinance  Contract/Agreement  Other  N/A  
**Votes needed:**  4 votes  5 votes  N/A  Other

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**Summary Statement**

Based upon discussion at the city council study session on Feb. 14, 2022, the mayor has called a special meeting for the purpose of discussing whether to suspend enforcement of Ordinance No. 2022-01, which requires face coverings in specified indoor areas within the city. Staff has prepared a proposed resolution for the council's consideration.

**Recommended Action**

Staff makes no recommendation.

**Strategic Profile Relatability**

- |  |  |
|--|--|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input checked="" type="checkbox"/> Safe & Healthy Community |
| <input type="checkbox"/> Sustainability & Natural Environment        | <input type="checkbox"/> Livable & Well-Planned Development  |
| <input type="checkbox"/> Infrastructure & Asset Management           | <input type="checkbox"/> Community Inclusiveness             |
| <input type="checkbox"/> N/A   |  |

Statement:

**Financial Consideration**

- Is there a financial consideration?  No  Yes [Enter estimated or exact dollar amount]
- Financing sources:  Budgeted  Budget Modification  New Revenue Source  
 Use of Reserves  Other [Enter]

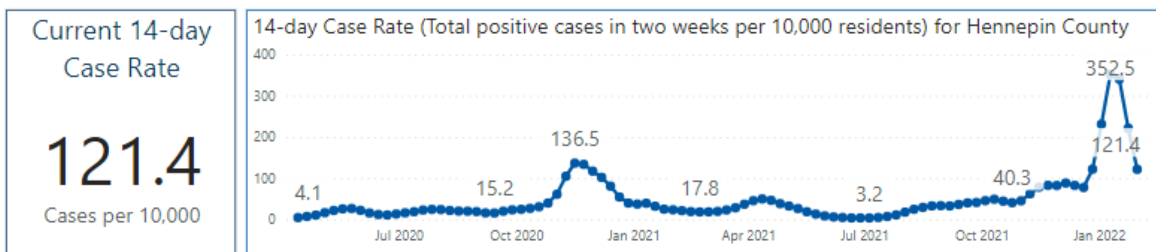
Statement: There is no financial consideration.

### Background

At a continued regular meeting held on Jan. 14, 2022, the city council adopted Ordinance No. 2022-01, “An emergency ordinance relating to face covering requirements within specified indoor spaces within the city.” At the time the council adopted the ordinance, the city and Hennepin County were experiencing a rapid spike in COVID-19 cases due to the omicron variant. The case rate in Hennepin County had increased from 77.3 cases per 10,000 residents (for the 14-day period ending Dec. 20, 2021) to 352.5 cases per 10,000 residents (for the 14-day period ending Jan. 10, 2022).

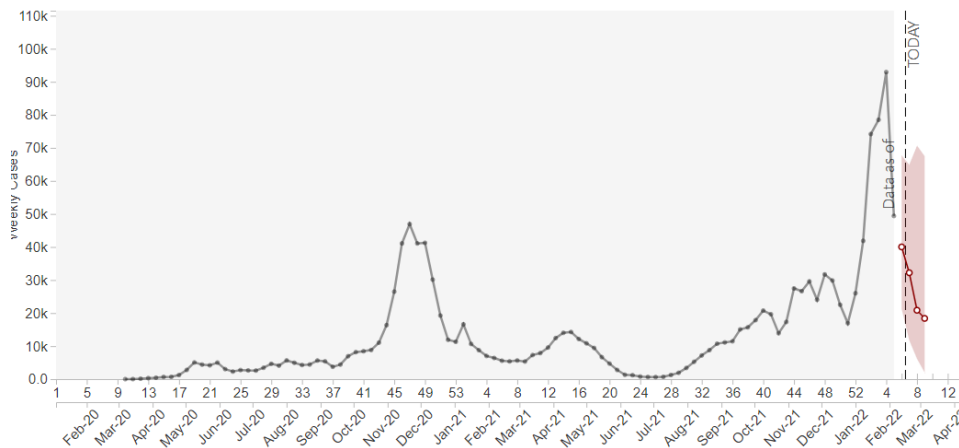
Since Jan. 14, the rate of cases has decreased dramatically. Data released on Feb. 10, for the 14-day period ending Jan. 31, 2022, showed that the case rate in Hennepin County had dropped to 121.4 cases per 10,000 residents and the case rate in Minnetonka had dropped to 119.1 cases per 10,000 residents. That represents a 65% decline in the case rate for Hennepin County from Dec. 20 to Jan. 31.

The graphic below depicts the historical case rates, concluding with the 14-day period that ended Jan. 31, 2022. Updated information from Hennepin County is expected the morning of Feb. 17, 2022 and will be provided to the council in an addendum to this report.



The State of Minnesota and Hennepin County, like most of the United States, remain in a “high transmission” category for community transmission, according to the Centers for Disease Control and Protection (CDC). As shown in the chart below, however, the CDC forecasts that the number of cases in Minnesota will continue to decline in February and March.

Observed and forecasted weekly COVID-19 cases in Minnesota



The mask mandate in neighboring Hopkins expired on Feb. 13, 2022, and the mask mandate in St. Louis Park is scheduled to expire on Feb. 22, 2022, unless extended. Minnetonka's ordinance will be automatically repealed as of March 16, pursuant to the city charter. If the council would like to end enforcement of the ordinance earlier, staff recommends that the council adopt a resolution suspending enforcement of the ordinance. A draft resolution is provided for the council's consideration.

**Resolution No. 2022-\_\_\_**

**Resolution suspending enforcement of Ordinance No. 2022-01**

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Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

- 1.01. On Jan. 14, 2022, the Minnetonka city council enacted Ordinance No. 2022-01, entitled "An emergency ordinance relating to face covering requirements within specified indoor spaces within the city" (the "Ordinance").
- 1.02. Pursuant to the Minnetonka city charter, the Ordinance will be automatically repealed 61 days after its adoption, which is March 16, 2022.
- 1.03. At the time of adoption of the Ordinance, the city and Hennepin County were experiencing a rapid spike in COVID-19 cases. According to Hennepin County's public dashboard, the case rate in Hennepin County increased from 77.3 cases per 10,000 residents (for the 14-day period ending Dec. 20, 2021) to 352.5 cases per 10,000 residents (for the 14-day period ending Jan. 10, 2022).
- 1.04. Since Jan. 14, the rate of cases has decreased dramatically. Data released on Feb. 17 indicates that the number of COVID-19 cases per 10,000 Hennepin County residents has fallen to \_\_\_\_\_, for the period ending Feb. 7, 2022. Forecasts from the Centers for Disease Control and Prevention suggest that the case rate will continue to decline in coming weeks.
- 1.05. Under the applicable procedures for enacting ordinances, it would take longer for the council to enact a separate repeal than to wait for the ordinance to automatically repeal on March 16.

Section 2. Council Action.

- 2.01. The council directs the city manager to suspend all enforcement of the Ordinance, effective \_\_\_\_\_, and to notify residents and businesses of that suspension by notifying the local media, posting information on the website and city social media sites, and using available email notification lists.

Adopted by the City Council of the City of Minnetonka, Minnesota, on \_\_\_\_\_, 2022.

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Brad Wiersum, Mayor

Attest:

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Becky Koosman, City Clerk

**Action on this resolution:**

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on \_\_\_\_\_, 2022.

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Becky Koosman, City Clerk

**From:** Jim Hadley

**Sent:** Tuesday, February 15, 2022 11:21 AM

**To:** Brad Wiersum <bwiersum@minnetonkamn.gov>; Deborah Calvert <dcalvert@minnetonkamn.gov>; Kimberly Wilburn <kwilburn@minnetonkamn.gov>; Brian Kirk <bkirk@minnetonkamn.gov>; Rebecca Schack <rschack@minnetonkamn.gov>; Bradley Schaeppi <bschaeppi@minnetonkamn.gov>; Kissy Coakley <kcoakley@minnetonkamn.gov>; Public Comment <publiccomment@minnetonkamn.gov>

**Subject:** Mask Mandate for Minnetonka

It has come to my attention that there is a special session of the City Council this coming Thursday to discuss the Minnetonka mask mandate.

It is my opinion that this mandate should be discontinued immediately, not at some future date. The scientific evidence is clear that any mask that is not equivalent to an N95 mask is ineffective and that is not what is being used by the majority of the population.

Please end the mandate so we don't have to drive to neighboring cities to support businesses that don't require masks.

Thank you for your consideration on this topic.

Jim Hadley  
16216 Birch Lane  
Minnetonka, MN 55345

**From:** Stacy Cranbrook

**Sent:** Tuesday, February 15, 2022 12:53 PM

**To:** Public Comment <publiccomment@minnetonkamn.gov>; Brad Wiersum <bwiersum@minnetonkamn.gov>; Deborah Calvert <dcalvert@minnetonkamn.gov>; kwilburn@minnetonkamn.gov; Brian Kirk <bkirk@minnetonkamn.gov>; Bradley Schaeppi <bschaeppi@minnetonkamn.gov>; Kissy Coakley <kcoakley@minnetonkamn.gov>; Rebecca Schack <rschack@minnetonkamn.gov>

**Subject:** END THE MASK MANDATE

Mayor and Council Members,

Enough is enough! The mandate you have placed on the city of Minnetonka has to end immediately. This mandate has *only* caused division within our community with residents and businesses. Council members Kirk, Coakley, Wilburn, Schack & Calvert, you are responsible for that. Masking should be a choice! Also, the fact that our elected city officials are still hiding in their basements while making rules for the rest of us is pathetic. Quit hiding and face your constituents!

End the mask mandate & be the leaders you were elected to be!

Stacy Cranbrook  
13636 Spring Lake Road  
Minnetonka, MN 55345