

**Minutes
Minnetonka City Council
Monday, February 7, 2022**

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:32 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

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

4. Approval of Agenda

Schaeppi moved, Coakley seconded a motion to add Item 14.B to the agenda to allow the council to discuss the return to in person meetings. Kirk, Schack, Schaeppi, Coakley and Wiersum voted "yes." Wilburn and Calvert voted "no".
Motion carried.

Wiersum stated he has received numerous calls and appeals for the council to repeal the emergency mask ordinance. He noted the council has also heard from residents that support the ordinance. He explained staff would be reporting on the COVID numbers in Minnetonka and Hennepin County noting they were changing quickly and significantly. He reported the mask ordinance would be automatically repealed 61 days after its adoption, which was March 16, 2022. He stated the mask mandates for Hopkins and St. Louis Park would expire on February 13 and February 22, respectively. He explained if the council wanted to make a change to the existing mask ordinance, a new ordinance would have to be passed to rescind the existing ordinance. He commented a second option would be for the council to pass a resolution directing staff to stop enforcing the ordinance on a specific date. He asked that the council look at the ordinance and the latest COVID numbers to see if there was an opportunity to end enforcement of the mask ordinance prior to March 16, 2022. He reported this matter was not currently on the agenda. He questioned if there was a councilmember that would like to amend the agenda to allow the council to consider a resolution directing staff to stop enforcing the mask ordinance.

Wiersum moved, Schaeppi seconded a motion to add Item 14.C to the agenda to allow the council to consider the adoption of a resolution directing staff to stop enforcing the mask ordinance.

Calvert stated if the numbers warranted lifting the mandate early she would support this. However, having seen the numbers, the city was still in the high transition area. She indicated she could not support the discussion of this matter.

Coakley supported adding this item to the agenda for further discussion.

Calvert asked if the council would be taking public comment on this topic.

Wiersum stated the opportunity would exist for those members of the public that were in the council chambers.

Schack, Calvert, Schaeppi, Coakley, and Wiersum voted "yes." Kirk and Wilburn voted "no". Motion carried.

Schaeppi moved, Coakley seconded a motion to accept the agenda with addenda to Items 14.A and 15.A, adding Items 14.B and 14.C. All voted "yes."
Motion carried.

5. Approval of Minutes:

A. January 10, 2022 study session minutes

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

B. January 24, 2022 regular meeting minutes

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

6. Special Matters:

A. Police and Fire Facility Energy Conservation and Rebates

Public Works Director Will Manchester gave the staff report.

Jennifer Abbott, Account Manager for Xcel Energy, provided the council with a brief overview on their energy conservation programs and rebates. She discussed the energy savings the city would be receiving from their most recent project at the police and fire facility. She commended the city for their efforts to preserve energy on behalf of the community.

Wiersum thanked Ms. Abbott for her presentation. He explained he was proud of the city's efforts to conserve energy while also saving money for Minnetonka residents.

7. Reports from City Manager & Council Members

Acting City Manager Mike Funk reported on upcoming city events and council meetings.

Calvert stated Gloria Tu, the woman who designed the fountain sculpture at City Hall passed away this week at the age of 98. She sent her condolences to Ms. Tu's family.

Calvert noted she attended the League of Minnesota Cities Leader's Institute this past weekend.

Calvert explained on January 25 the *Sun Sailor* published a letter to the editor two days prior to Holocaust Remembrance Day referring to people in the city as the Minnetonka gestapo, among other highly inappropriate and tasteless references. She stated using references to Nazi's and the gestapo was highly insensitive and disrespectful. She noted she was a Jewish person in this community. She understood that everyone has a right to their own views, but she encouraged residents to be respectful.

Schack stated she appreciated all of the hard work that went into the League of Minnesota Cities Leadership Conference.

Schack reported she supported the comments made by Councilmember Calvert and thanked her for pointing out this concern so respectfully.

Coakley indicated she attended the League of Minnesota Cities Leadership Conference as well and explained this was a very informative event. She looked forward to using the information she gained from this conference to be a better councilmember.

Coakley stated it was Black History Month. She noted another black man was killed in Minneapolis at the hands of the police and she sent her condolences to this family.

Wiersum reported there were two horrible shootings that impacted cities in the region, Minneapolis and Richfield. He extended his condolences to both of these families for the horrific losses of these young people.

8. Citizens Wishing to Discuss Matters not on the Agenda: None.

9. Bids and Purchases:**A. Bids for Ridgedale Commons Cast-In-Place Concrete**

Recreation Services Director Kelly O'Dea gave the staff report.

Kirk asked if there were items left on the table in the scope when this project was approved. O'Dea reported one alternative was included, the Crane Lake shelter and no other items were left on the table.

Schack moved, Calvert seconded a motion to award the contract. All voted "yes."
Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

Schack thanked the developer for Item 10.C for working so well with the neighbors on this project.

Schaeppi stated he would like to pull Item 10.D from the Consent Agenda for further discussion.

A. Approve GovHR USA, LLC agreement

Coakley moved, Wilburn seconded a motion to approve the agreement. All voted "yes." Motion carried.

B. Approve Municipal Legislative Commission agreement

Coakley moved, Wilburn seconded a motion to approve the agreement. All voted "yes." Motion carried.

C. Resolution approving a conditional use permit for a detached accessory dwelling unit at 2001 Hopkins Crossroads

Coakley moved, Wilburn seconded a motion to adopt the Resolution 2022-010.
All voted "yes." Motion carried.

D. Resolution supporting housing and local decision making authority

Schaeppi stated housing supply was an issue dear to him, especially the availability of starter homes. He supported where the city was going with this resolution, but noted he would not be supporting the proposed resolution. He understood the issue of housing was difficult and explained he supported some tough decisions being made at the state level when it comes to the issue of affordable housing.

Wiersum reported this item appeared on the agenda at his recommendation. He noted he has been working with the League of Minnesota Cities and he agreed housing was a complex topic. He understood the city and the metro area needed a greater supply. He discussed how one size does not fit all when it comes to housing. He indicated he supported owner occupied affordable housing in Minnetonka but understood how difficult this task was to complete.

Schack moved, Kirk seconded a motion to adopt the Resolution 2022-011. Kirk, Schack, Wilburn, Calvert, Coakley, and Wiersum voted “yes.” Schaeppi voted “no”. Motion carried.

11. Consent Agenda – Items requiring Five Votes: None.

12. Introduction of Ordinances: None.

13. Public Hearings: None.

14. Other Business:

A. Approve 2022 study session work plan

Acting City Manager Mike Funk gave the staff report.

Coakley questioned when the DEI task force would begin meeting again and asked if a DEI commission could be formed. She stated she would like the council to consider this matter. Funk commented on the role of the DEI task force noting this group was working with a consultant and would be making recommendations to the city council.

Coakley supported the police policy being discussed prior to November. She asked why this item was placed in November. Funk stated this could be done and reviewed the priorities of the council. He indicated this item could perhaps be moved to April.

Schack indicated she would support moving things around in order to discuss policing sooner. She commented she did not support extra study session meetings being added at this time.

Calvert stated she appreciated how thoughtful staff was being when approaching the topics being discussed at the upcoming study session meetings.

Kirk recalled the council asked Police Chief Boerboom to report back to the council periodically with crime data information. He indicated this would mean the council would not be waiting until November to address policing concerns but

rather would be discussing them with the police chief periodically over the next year.

Wiersum stated he did not want the council to move the pieces around the chess board at this meeting, but rather recommended councilmembers provide staff with further feedback. He explained he had the same thought as Councilmember Kirk that Police Chief Boerboom would be presenting to the council from time to time over the next year. He indicated the calendar was full and he understood all of the topics were important. He understood the comment that was made by Councilmember Coakley was valuable and he requested staff report back to the council with options.

Kirk moved, Coakley seconded a motion to approve the work plan. All voted "yes." Motion carried.

B. Discuss return to in person meetings

Schaeppi stated he would like the city council to consider returning to in person meetings beginning February 28.

Coakley commented she did not mind being in person because the council had protective glass and masks in place.

Schack indicated the council does better work and worked more effectively in person. While she understood the concerns with the COVID numbers, she was leaning towards moving back to in person meetings.

Kirk questioned how much notice has to be given to the public to change the meeting location for city council meetings. Acting City Manager Mike Funk requested the City Attorney speak to this. City Attorney Corrine Heine advised the council could do this on relatively short notice, even one week would be adequate to inform the public that the city council was going back to in person meetings.

Kirk explained his original support for going to virtual meetings was that this would allow councilmembers that had a direct exposure to COVID to still attend meetings. He reported the first meeting after going virtual his son had COVID and he would have had to miss this meeting. He appreciated being able to participate in meetings. He denied the accusation that the council was meeting virtually to avoid the public. Rather he believed the council meeting virtually allowed continued access to the public. With the transmission rates as high as they are, he recommended this topic being discussed further at the study session meeting next week to see if the numbers are still trending down.

Wiersum asked if the council had to take official action to move back to in person meetings or could the council direct staff. Heine reported staff issued a declaration and noted with discussion at an upcoming study session, the council could provide direction to staff to revise this declaration.

Calvert agreed with all the comments that have been made and she understood the council worked more efficiently when the group was together. However, she also supported the virtual meetings continuing due to the transmission rates at this time. She suggested the council discuss this topic further at the upcoming study session meeting.

Wilburn commented she was in favor of discussing this matter in further detail at the upcoming study session.

Wiersum understood the council would prefer to be together face to face. He reviewed the numbers noting the virus peaked in Minnetonka between January 4 and January 17. He discussed how the risk would be diminishing as the weeks go on and noted he felt safe being in council chambers. He stated he agreed with Councilmember Schaeppi that the council should begin holding in person meetings again on February 28.

Schaeppi moved, Schack seconded a motion to direct staff to hold in person meetings beginning on February 28. Schack, Schaeppi, Coakley and Wiersum voted "yes." Kirk, Wilburn and Calvert voted "no". Motion carried.

C. Consider a resolution directing staff to stop enforcing the mask ordinance

Wiersum discussed how the infection rate in Minnetonka and Hennepin County has dropped over the past two weeks. He explained the city was down 38% from the peak. He indicated he was receiving numerous emails from residents requesting the mask mandate be dropped. He stated the situation was dynamic and he would like to see the council directing staff to discontinue enforcing the mask ordinance.

Acting City Manager Mike Funk provided the council with updated COVID numbers. It was noted all of this information was available on Hennepin County's website/dashboard. He indicated the city was still considered to be within the high transmission category.

Schack asked if the city were to move from high to substantial, would the ordinance stop being enforced. Funk reported a drop to substantial or lower would authorize the acting city manager to end the enforcement of the ordinance.

Schack explained a drop to substantial would mean the city had 50 to 100 cases per 100,000.

Schaeppi questioned what businesses are told if they have questions regarding the mask ordinance. Funk explained there was significance in the messaging with how the city communicated when the enforcement and ordinance would end.

Wiersum commented on the case trends throughout the metro area noting the numbers were going down. He understood these numbers were reported every two weeks but anticipated the numbers were lower every week. City Attorney Corrine Heine commented further on the data sets being provided by Hennepin County.

Wiersum discussed how he believed the number of cases would continue to trend down based on the numbers and stated these numbers would lead the city into the substantial category in two weeks.

Calvert stated everyone was eager to get back to normal and she was eager to lift the mask mandate. She indicated the ordinance was designed to take care of itself. She questioned why the council was being forced into making a change when the ordinance had conditions in place to address actual numbers. She stated she was not comfortable with making a change to the mask mandate based on guesstimated numbers. She supported the city following the science and the actual conditions within the community. She indicated she would support the mask mandate being lifted if and when the city reaches the substantial case load or the 61 day time limit.

Wiersum moved, Schaeppi seconded a motion to elect to end and stop enforcement of the mask mandate on February 24, 2022.

Wilburn commented information from the Minnesota Department of Health was advising there has been a delay in reporting cases which meant the number of cases may be higher than are being reported. She explained she supported the plan that was in place within the ordinance and did not believe a change was necessary.

Schaeppi asked if the council needed to pass a resolution in order to stop enforcing the mask mandate. Heine reported this was the case. She noted she had prepared a resolution the council could review and adopt. This resolution was reviewed in further detail with the council.

Wiersum withdrew the motion on the floor. Schaeppi withdrew his second.

Wiersum moved, Schaeppi seconded a motion to adopt a resolution directing staff to stop enforcement of the mask ordinance effective February 24, 2022 contingent upon the January 31 numbers being lower than the January 14 numbers.

Calvert stated she appreciated the fact dates were being written into this, but explained that COVID did not care about dates. She recommended the original ordinance remain in place and noted this document referred to the science.

Schack commented she was in agreement with all of the comments that had been made. She feared that the recommended motion would make things more confusing for residents. She supported the ordinance that was in place to remain in effect because it was clear.

Schaeppi and Wiersum voted "yes." Kirk, Schack, Wilburn, Coakley and Calvert voted "no". Motion failed.

15. Appointments and Reappointments:

A. Appointment of representatives to various advisory boards, commissions and committees

Wiersum gave the staff report. He encouraged councilmembers with a strong interest in an organization to get involved or to consider serving as an alternate.

Coakley commented on the list noting and asked if the city was participating in the juvenile diversion program. Acting City Manager Mike Funk stated he has not had an opportunity to confirm the activity of this group. He noted he would investigate this further and would report back to the council.

Coakley reported she would be interested in serving on the Metro Cities Housing and Economic Development Committee with Councilmember Schack.

Wiersum stated Councilmember Coakley would be welcome to attend these committee meetings.

Calvert moved, Wiersum seconded a motion to approve the appointments. All voted "yes." Motion carried.

16. Adjournment

Calvert moved, Kirk seconded a motion to adjourn the meeting at 8:44 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