

**MINUTES OF THE EMERGENCY MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT**

Tuesday, March 31, 2020

1. Call to Order

President Spence called the March 31, 2020 emergency board meeting to order at 9:00 a.m. via telephone conference line. The basis of the emergency meeting is the immediate need to identify and authorize District activity that may continue to occur outside the home pursuant to Emergency Executive Order 20-20 issued by the Governor.

Present: President Jon Spence, Vice President Jackie Anderson, Treasurer Steve Schmaltz, Manager Jim Dibble.

Absent: Secretary Jen Oknich.

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz, Blayne Eineichner, Jason Kuennen (CLFLWD staff); Meghan Funke, Cecilio Olivier (Emmons & Olivier Resources); Chuck Holtman (Smith Partners).

2. COVID-19 – MN Emergency Executive Order 20-20

Administrator Kinney explained that staff, with legal counsel assistance, has prepared a memo identifying critical District activities that qualify as "Critical Sectors" work that may continue outside of the home pursuant to the terms of Emergency Executive Order 20-20 issued by Governor Walz on March 25, 2020. In addition, staff has prepared proposed Resolution 20-03-01 for Board consideration. The resolution would authorize the recommended activities and also authorize Administrator Kinney to identify further authorized activities as necessary, in consultation with the Board President and Legal Counsel. He noted that staff has also been working on a summary of other ongoing work which will be sent to the board within the next few days. Administrator Kinney described the Critical Sectors work identified in the memo and resolution:

- Permit site inspections – There are currently about 70 active permits. Staff recommends continuing inspections based on factors such as scale of project, proximity to water resources or conveyances to water resources, and historical trends of compliance or non-compliance.
- Diagnostic tributary monitoring – Staff/consultants will not perform in-lake monitoring on smaller lakes during this time in order to limit movement of staff and consultant staff members. Spring diagnostic monitoring will continue as it is essential to identify annual projects and program needs for water quality and quantity work.

- Project operations and maintenance – Staff will continue to inspect and maintain all major projects, fish barriers, weirs, and other District works that involve unstabilized soils, structural elements or equipment that need to be protected from damage.
- Other field duty to protect conveyance and prevent flooding issues – Staff will take action and continue to coordinate as appropriate with local government units, to ensure that potential flooding or other water conditions that may cause damage are monitored and addressed.
- Office monitoring and administration – staff will need to visit the District office at certain times to ensure office security and to manage time-sensitive paperwork such as financial and permitting matters.

President Spence indicated the memo seems thorough and covers all the key points. He suggested that Mr. Kinney convey to staff that if there are situations where staff are performing this field work/work outside home and they encounter a situation that doesn't allow them to meet hygiene and/or social distancing requirements, employees may disengage/step away from the problem and come back later. He suggested Mr. Kinney make it clear to employees that they aren't required to do the work if they aren't comfortable with it. It was noted that the resolution addresses this topic by stating, as Order 20-20 requires, that employees must follow MN Department of Health and Centers for Disease Control and Prevention guidelines. In response to a question from Manager Anderson, Mr. Holtman noted that the District's liability insurance covers employees as well as volunteers; consultants are covered through their own plans.

Manager Anderson asked how the District would handle a situation in which an employee is uncomfortable performing field or in-office work in the first place. Mr. Holtman replied that others have asked the Governor's Office this question. There currently isn't clear guidance on how this would be handled. The hope is that the employer and employee would work cooperatively to come to an agreement. There was discussion about protective gear, and Mr. Kinney explained that wipes, sanitizer, gloves, etc. are available at the office. Mr. Kinney noted that the risk of infection via airborne coronavirus is greatly reduced when one is outdoors. He recommended that staff should still be cognizant of distance and wind patterns and avoid standing downwind of another person. He explained that much of the proposed Critical Sector activity is solitary and doesn't require multiple people working together. However, there are a few activities, such as adjusting the Bixby Park water control weirs, that require two people. Staff will follow distancing and hygiene precautions to the maximum extent possible in these instances.

The Board directed Mr. Kinney to give direction to staff on these matters and remind them to be careful. It was noted that medical masks are generally not available, but someone could wear a bandana or other fabric covering for the nose and mouth. Manager Anderson noted that research is finding that many people are asymptomatic. She urged staff and managers to take all possible precautions because peoples' lives are at stake. Mr. Kinney expressed that staff cannot be cautious enough. He reiterated that all must do what they can to reduce interactions with other people and surfaces. Manager Anderson expressed that she was reluctant to adopt the resolution, and again stressed that all precautions must be taken.

Manager Schmaltz moved to adopt Resolution 20-03-01 as presented. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 4-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich			X
Jim Dibble	X		

Mr. Kinney was directed to make it clear to staff that, while these Critical Sector functions are important, safety is the top priority.

Mr. Kinney noted that the resolution must be signed by the Board Secretary or Board President. Staff is working through feasibility of getting documents signed. Electronic signatures are being evaluated. Manager Anderson suggested that the resolution be signed as soon as possible, and if the Secretary is not available, the President can sign instead. There was agreement that President Spence would sign the resolution.

3. Adjourn

- a) Workload Analysis Workshop #1 – April 8, 2020**
- b) Next regular board meeting – April 9, 2020**

Manager Anderson moved to adjourn the meeting. Seconded by Manager Schmaltz. Upon vote, the motion carried 4-0, and the meeting was adjourned at 9:28 a.m.

Jen Oknich, Secretary _____