

MIDDLE FORK CROW RIVER WATERSHED DISTRICT BOARD OF MANAGERS MEETING

April 7, 2020, 6:30 p.m.

Teleconference Meeting – WebEx Platform

Attended by: R. Hodapp-Seattle WA; G. Behm Phoenix AZ; S. Braegelman-Belgrade; R. Schaefer-Spicer; M. Johnson-Spicer; J. Morales-Willmar; J. Kolb-St. Cloud and R. Brauchler-NFCWD-Regal.

MINUTES

1. I, R. Hodapp, call to order the special, regular meeting of the Board of Managers of the Middle Fork Crow River Watershed District. The meeting is being held by alternative means pursuant to statutes section 13D.021. In consultation with legal counsel and the administrator, I have determined, based on the Governor's emergency declaration, Executive Order 20-20 and the current COVID-19 pandemic and health emergency, that it is neither feasible nor practical to hold in-person meetings during the pandemic. Further, because of the health emergency, I have determined that it is neither feasible nor practical for any member of the public, Board or staff to be present at the regular meeting location. The public has been given notice and the opportunity to monitor this and all future meetings of the Board remotely. I ask that all participants in the meeting be recognized by me and identify themselves before speaking. All votes will be by roll call. This meeting is being recorded. Your continued participation in this meeting constitutes your consent to be recorded.
2. District Mission Statement-"We exist for the protection and preservation of water quality in the Middle Fork Crow River Watershed"-was recited by President Hodapp.
3. Motion to approve the agenda was made by R. Schaefer, seconded by S. Braegelman. Motion passed 4-0.
4. Consent Agenda: considered as one item of business.
 - a. 2020-02-04 Regular Meeting Minutes
 - b. 2020-03-03 Treasurer's Report
 - c. 2020-03-03 Income and Expense
 - d. 2020-04-07 Treasurer's Report
 - e. 2020-04-07 Income and ExpenseMotion by G. Behm, second by S. Braegelman to approve the Consent Agenda. Motion passed 4-0.
5. District Matters:
 - a. Jon Morales Families First Coronavirus Response Act Leave Request – J. Kolb reviewed his letter (see attached letter) summarizing the federal and state response to COVID-19. R. Hodapp discussed school and day care availability for the three Morales children. The Board discussed the family situation and the request for FFCRA. J. Kolb stated that it is his legal opinion that J. Morales is not eligible by definition of the State of MN. He stated the Board has the final decision. Roll call opinions were voiced:
 - i. G. Behm asked about time limits - J. Kolb stated 2 weeks of paid sick leave, followed by 10 weeks of paid expanded family and medical leave for a total of 12 weeks with 60% of salary. Depending on the risk the employee could return to work. See State and Federal Rules for time and pay rates. The employee would take the leave and not work at all or not take the leave.
 - ii. J. Morales stated that during this time period, he would like to continue performing his core duties. (See letter). J. Kolb stated that the statute does not allow the employee to return to work during the leave. The understanding of current law would be that J. Morales can work from home under his current modified schedule or take the leave. J. Morales stated he did not feel he could keep his family safe under his current modified work schedule and wanted the day care placement to be available for other children.
 - iii. The Board discussed options available. Motion by G. Behm to place J. Morales on a temporary part-time status, which will allow him to: work from home, record his hours, perform core duties, and continue to receive his current benefits. Motion was seconded by R. Schaefer and the motion passed 4-0.
 - b. Resolution 20-01: Alternative Meeting Schedule – M. Johnson explained the Executive order for COVID-19 and the temporary policy that closes the office to the public. Staff are only present one at a time. K. Kaehler has been designated as an essential employee for purposes of

- printing checks. A remote work plan has been enacted, with staff working their regular hours from home. Technology needs were addressed and remote access to the District server was established. Staff are instructed to follow all MN Department of Health Guidelines, along with State Mandates. M. Johnson stated the process is going well so far and adjustments will be made as needed. A Resolution for the rest of the health situation was presented. Special meetings will continue as stated in the Resolution, with remote teleconferencing. Motion to approve Resolution 20-01 was made by R. Schaefer, seconded by S. Braegelman. Motion passed 4-0. See Resolution 20-01.
- c. Memorandum of Understanding – Fiscal Year 2020 Watershed Pollutant Load Monitoring Network – M. Johnson presented the document and reviewed it with the Board. This agreement would cover fiscal year 2020. She stated that the agreement is a partnership agreement, with the MFCRWD working under the NFCRWD alongside the MPCA. Motion was made by S. Braegelman, seconded by G. Behm to approve the Memorandum of Understanding (see document). Motion passed 4-0.
6. Board Manager Matters
 - a. 2020 Kandiyohi County Board Manager Appointment – See letter from Caryn Marcus, Administrative Coordinator of Kandiyohi County. The County Board has nominated Kelsey Olson to replace Board Manager G. Behm as of April 25th, 2020. M. Johnson has prepared a packet of information will be sent to her and introductory materials. Online orientation will begin later this month.
 7. Review of Project / Permit Status
 - a. North Fork Crow River 1W1P – M. Johnson reported the signed contract by Vice President Braegelman, with Moore Engineering. The Policy Committee (WD Board Managers, SWCD Supervisors, and County Commissioners), last met in January 2020. Policies need to be updated with the Joint Powers CROW area of responsibility removed and reassigned. Attorneys are working on this and a new work plan is being developed for 2021. The \$640,000 (Fiscal Year 2018) obtained will go to priority projects already identified. A total of \$1.1 million has been awarded to the NF1W1P for Fiscal Year 2020. The consultant Soil Rx will not be utilized as previously discussed. A program already in place called the Minnesota Agricultural Water Quality Certification Program in the NFCRWD will be used. Wright SWCD may become the fiscal agent for the Fiscal Year 2020 Watershed Based Implementation Grant. Currently the MFCRWD is the fiscal agent for the FY 2018 grant. Wright County will hire an engineer or house the staff person. The Work Plan still needs to be approved by the Board of Water and Soil Resources.
 - b. K-03 Loon Creek Erosion – M. Johnson reported that the Project Contractor will be on site April 13th. This project site was too wet last fall and work will begin this month.
 - c. M-08 Wilcox Lake Waterway – M. Johnson reported that the Engineering and Contractor will meet onsite for a pre-construction meeting within the next couple weeks. The Wilcox project is a bigger project and will take several months.
 - d. Permit 19-03: GLSSWD (NL and Spicer) – Crow River Construction – M. Johnson reported that the lift station is undergoing an upgrade. Contractor information was detailed thoroughly, and Wenck Engineering will complete a site visit within the next two weeks.
 8. Legal Counsel Report - J. Kolb reported that the federal and state response to COVID-19 changes often. Legal opinions will be based on the information available at the time of the request. J. Kolb will communicate directly with M. Johnson as Watershed Districts are considered an essential service and their ongoing contracts are essential.
 9. Public Access Forum:
 - a. J. Morales called back to request the use of vacation and sick time to maintain a full time paycheck. J. Kolb stated that the FFCRA does not allow that degree of flexibility. J. Morales then requested that he would prefer the FFCRA option instead of the part time option. After further discussion by the Board a motion to rescind the Boards prior motion was made by G. Behm. A second was provided by S. Braegelman. Motion passed 4-0 to rescind the part-time offer to J. Morales. Motion made by S. Braegelman, seconded by R. Schaefer to approve the

request by J. Morales to invoke the Families First Coronavirus Response Act Leave Request.
Motion passed 4-0.

- b. No other Public Comments were provided in writing.

Motion to adjourn was made by S. Braegelman, seconded by G. Behm. Motion passed 4-0. The meeting ended at 8:10 pm.

Submitted by,

Ruth Schaefer
Secretary