

1 **MINUTES OF THE REGULAR MEETING OF**
2 **THE MINNEHAHA CREEK WATERSHED DISTRICT**
3 **BOARD OF MANAGERS**

4
5 **March 26, 2020**

6
7 **CALL TO ORDER**
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9 The regular meeting of the Minnehaha Creek Watershed District was called to order by President
10 Sherry White at 7:00 p.m. on March 26, 2020. President White noted that this meeting was
11 convened electronically through WebEx, pursuant to Minnesota Statutes 13D.021, due to the
12 COVID-19 pandemic and her determination that it is not prudent for the Board of Managers, or
13 any committee thereof, to meet in person, and it is not feasible to provide for any member of the
14 Board, or of the public, to meet at the regular meeting location. For this reason, until this
15 determination is withdrawn by the District’s presiding officer, chief legal counsel or chief
16 administrative officer, the meetings of the Board and its committees will be convened by
17 telephone or other electronic means as the presiding officer determines appropriate. All such
18 meetings will be noticed and conducted in accordance with §13D.021 and all other applicable
19 terms of the Open Meeting Law. President White noted that, pursuant to §13D.021, all votes
20 will be by roll call.
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22 President White called the roll to note attendance:
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24 Hejmadi: Present
25 Loftus: Present
26 Rogness: Present
27 Miller: Present
28 Olson: Present
29 Maxwell: Present
30 White: Present
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32 **DISTRICT STAFF AND CONSULTANTS PRESENT**
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34 James Wisker, Administrator; Tiffany Schaufler, Project and Land Manager; Michael Hayman,
35 Project Planning Manager; Becky Christopher, Policy Planning Manager; Chris Meehan,
36 Consulting Engineer; and Louis Smith, District Counsel.
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38 **MATTERS FROM THE FLOOR**
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40 None.
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42 **APPROVAL OF AGENDA**
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44 Mr. Wisker requested the addition of Item 11.1, Resolution 20-021 Determination of District
45 Activities or Projects as Critical Sector Work. ***It was moved by Manager Rogness, seconded by***

46 ***Manager Hejmadi to approve the Agenda with this addition. Upon roll call vote, the motion***
47 ***carried 7-0 as follows:***

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49 Hejmadi: Aye
50 Loftus: Aye
51 Rogness: Aye
52 Miller: Aye
53 Olson: Aye
54 Maxwell: Aye
55 White: Aye

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57 **CONSENT AGENDA**

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59 ***It was moved by Manager Olson, seconded by Manager Hejmadi, to approve the Consent***
60 ***Agenda consisting of approval of the March 12, 2020 Board Minutes; the General Checking***
61 ***Account consisting of checks 41074 through 41104 in the amount of \$145,473.67; electronic***
62 ***funds withdrawals in the amount of \$34,711.47; manager per diems and reimbursement direct***
63 ***deposits in the amount of \$3,228.56; employee reimbursements - direct deposits in the amount***
64 ***of \$103.04; and payroll direct deposits in the amount of \$149,581.66, for a total of***
65 ***\$333,098.40; the security checking account indicating no transactions; and the wire transfer***
66 ***of \$65,450.00 in payment to Wells Fargo for the 325 Blake Road refinance.***

67 ***Upon roll call vote, the motion carried, 7-0 as follows:***

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69 Hejmadi: Aye
70 Loftus: Aye
71 Rogness: Aye
72 Miller: Aye
73 Olson: Aye
74 Maxwell: Aye
75 White: Aye

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78 **BOARD, COMMITTEE AND TASK FORCE REPORTS**

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80 **President's Report:** President White expressed her gratitude to the staff and Board of
81 Managers for all of their efforts during this extraordinary time.

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83 **Upcoming Meeting and Event Schedule:** President White directed the managers to the
84 meetings listed on the agenda; all of the meetings to be noticed and held via WebEx.

85 **ACTION ITEMS**

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87 **Resolution 20-021: Determination of District Activities or Projects as Critical Sector Work**

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89 Mr. Wisker noted Emergency Executive Order 20-20 from Governor Walz directing that all
90 Minnesotans stay at home, except for those engaged in Critical Sector work that can be
91 performed safely within Minnesota Department of Health Guidelines. He referred to his email
92 earlier in the day requesting that the Board of Managers consider this resolution at this evening's
93 meeting. Mr. Wisker traced that staff careful review of all MCWD activities in order to
94 determine priority projects and activities that could be determined with the advice of legal
95 counsel to meet the exemptions for Critical Sector Work.

96

97 Mr. Wisker reviewed five areas of work that the Board of Managers could determine as critical
98 to continue under EEO 20-20:

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- 100 1. Grays Bay Dam;
- 101 2. Six Mile Creek Halsted Bay Carp Barriers;
- 102 3. Arden Park Construction;
- 103 4. Wasserman Park Boardwalk; and
- 104 5. Minnehaha Preserve Boardwalk Repair.

105

106 Mr. Wisker reviewed the nature of the risks to public health and safety involved as rationale for
107 each work area warranting continued work activity while in keeping with the Minnesota
108 Department of Health Guidelines.

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110 *Following discussion, it was moved by Manager Maxwell, seconded by Manager Rogness, to*
111 *adopt Resolution 20-021 as follows:*

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113 ...

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115 *WHEREAS the District administrator has determined based on this review that the following*
116 *projects are essential District activities, programs, or projects meeting the Critical Sectors*
117 *exemptions:*

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- 119 • *Inspection, operation and maintenance of Gray's Bay Dam and Control Structure and*
120 *carp barriers, which operate as dams within the Halsted Bay – Six Mile Creek*
121 *Subwatershed;*
- 122 • *Arden Park Restoration Project, given the remaining tasks of handrail installation and*
123 *stormwater facility correction to mitigate or reduce flooding;*
- 124 • *Wasserman Park Boardwalk completion of construction in order to avoid exposed*
125 *public safety hazards and minimize financial risk; and*
- 126 • *Minnehaha Creek Preserve Boardwalk Repair in order to address current potential*
127 *public safety hazards;*

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NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers finds, based on the District administrator’s assessment in consultation with legal counsel, that the above-described projects constitute Critical Sector public works or governmental functions that are necessary to ensure the health, safety, and welfare of the public, to preserve the essential elements of the financial system of government, and to continue priority services, as designated and described in EEO 20-20 and associated guidance;

BE IT FURTHER RESOLVED that the MCWD Board of Managers hereby authorizes the administrator to work with District partners and contractors to facilitate the orderly implementation of this work pursuant to Minnesota Department of Health Guidelines, including but not limited to social distancing, to the maximum extent practicable.

Upon roll call vote, the motion carried, 7-0 as follows:

- Hejmadi: Aye
- Loftus: Aye
- Rogness: Aye
- Miller: Aye
- Olson: Aye
- Maxwell: Aye
- White: Aye

Administrator’s Report

Mr. Wisker provided a further detailed review of the staff response to COVID-19. All staff were directed to work from home starting on March 18. Work plans have been reviewed and technology is in place to continue work flow by digital teams. Mr. Wisker reviewed the status of work for each department, as well as the potential fiscal impacts to the District due to decreased property tax collections. The managers thanked Mr. Wisker and staff for their commitment and effectiveness in responding to this pandemic crisis.

Adjournment

There being no further business, President White declared the meeting of the Board of Managers adjourned at 7:34 p.m.

Respectfully submitted,

Kurt Rogness, Secretary