

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

May 11, 2022, RPBCWD Board of Managers Special Meeting

**PRESENT:**

Managers: Jill Crafton, Treasurer  
Larry Koch, Vice President  
Dorothy Pedersen, Secretary  
David Ziegler, President

Staff: Amy Bakkum, Administrative Assistant  
Liz Forbes, Grant Program Coordinator  
Terry Jeffery, Interim District Administrator  
Eleanor Mahon, Education and Outreach Coordinator  
Mat Niklay, Natural Resources Technician  
Louis Smith, Attorney, Smith Partners  
Scott Sobiech, Engineer, Barr Engineering Company

Other Attendees: Mark Casey

#### 1. Call to Order

1 President Ziegler called the Board of Managers Special Meeting to order at 2:00 p.m.  
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#### 2. Approval of Agenda

3 Manager Pedersen moved to approve the agenda as presented. Manager Crafton seconded the  
4 motion. Attorney Smith clarified the meeting agenda will not include 4a. Interim Administrator  
5 Jeffery said correct, there was no Consent Agenda and therefore no pulled Consent Agenda items  
6 to consider today, so there will not be an agenda item 4a – Pulled Consent Items. Upon a roll call,  
7 the motion carried 4-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ziegler	Aye

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**3. Matters of General Public Interest**

10 No matters of general public interest were raised.

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**4. Action Items**

**12 b. Adopt Resolution 22-038 to Grant Administrator Authority to Facilitate**  
**13 Entry into Minnesota State Retirement System Retirement Plans**

14 Manager Koch moved to adopt the resolution he wrote and forwarded to Administrator  
15 Jeffery, as written, and incorporated into the document. Administrator Jeffery displayed  
16 the resolution on screen:

17 Now therefore be it resolved that managers hereby approve the adoption of the  
18 MSRA plans set forth the documents presented to the managers, authorize the  
19 District Administrator with the advice of counsel to complete any missing  
20 information in such documents consistent therewith or required by the MSRA  
21 plans, authorize the President to sign such documents on behalf of the District,  
22 and authorize and direct the District Administrator to allow all employees of the  
23 District who are eligible under the terms of such plans, the opportunity to  
24 participate in such plans in accordance with the terms of such plans upon  
25 approval by the MSRA plans.

26 Manager Koch added to his motion to authorize the Administrator to allow employees  
27 to participate in this plan once it's been entered. Manager Pedersen seconded the  
28 motion. Upon a roll call vote, the motion carried 4-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ziegler	Aye

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**c. Adopt Resolution 22-039 to Enter into Agreement with Houston Engineering to Provide Support to Develop and Implement RPBCWD Grant Database and License for the MS4Front Database Engine and Authorizing the Administrator to Execute the Agreement with Advice of Counsel.**

Manager Koch said he doesn't have an issue with the resolution but he hasn't seen provided the existing agreement, so he hasn't had a chance to review it. He said his opinion is the contract should be subject to automatic renewal unless one of the parties gives appropriate notice. Manager Koch talked about language he recommends be included in the license agreement.

Manager Koch moved to authorize and direct the District Administrator and Legal Counsel to work with Houston Engineering to accomplish an agreement including developing contract provisions whereby this agreement will continue on an evergreen term, meaning year-by-year, unless either party gives appropriate notice as agreed upon. Manager Pedersen seconded the motion. Manager Ziegler clarified that the motion means the District Administrator and Legal Counsel can move forward without waiting for the next Board meeting. Manager Koch said yes.

Upon a roll call vote, the motion carried 4-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ziegler	Aye

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**d. Consideration of Candidates for the Position of District Administrator**

Manager Koch moved to go into closed session. The Board and Legal Counsel discussed how the topic in front of the Board isn't grounds for going into closed session. Manager Koch asked for more details about Mr. Casey's proposed process.

Mr. Casey explained his proposed procedure. He asked each manager to list their top three candidates, identified by only the number associated with the application to maintain proper confidentiality. He said he will record those numbers and then the Board will work to reach a consensus of the three applicants to bring in as final candidates to interview. He pointed out it is the Board's discretion as to how many applicants it wants to interview. Mr. Casey said he would then contact the applicants about the Board's decision. He said he and the managers will have a discussion later in

63 today's meeting about the interview schedule and the process for developing the  
64 interview questions.

65 President Ziegler asked Attorney Smith to address Manager Koch's motion to go into  
66 closed session. Attorney Smith said the Board needs to get to a place where it has  
67 determined who the finalists are. He said once the Board has determined the finalists,  
68 that is public information and the Board can conduct interviews in open session.  
69 Attorney Smith said the process the Board decided on was to include the whole Board  
70 in determining the finalists. He said it's very important to understand the status of these  
71 applications at this point, before the determination of final candidates, is not public  
72 information. Attorney Smith said the Board doesn't have legal basis to have a closed  
73 session under the Open Meeting Law, but the Board must proceed with care to protect  
74 the privacy of the data. Manager Koch's motion to go into closed session died due to  
75 lack of a second.

76 Manager Koch said he has questions about the entire process. He asked who came up  
77 with the table listing the candidates by number and category weights. Manager Pedersen  
78 said Mr. Casey did. Manager Koch asked Mr. Casey who authorized him to develop and  
79 use this table. Mr. Casey said it is a tool that has been used by his firm in a number of  
80 searches. Mr. Casey said if this Board doesn't want to use the tool, it is the Board's  
81 prerogative, but it is a tool his firm provides to help structure the process and is a tool  
82 that many clients have found useful.

83 Manager Koch had comments about the table, asking if the WPIS isn't included as a  
84 factor, he wants to know why and why he wasted his time reviewing it. Manager Koch  
85 asked why there was no discussion about weighting and points of evaluation of the  
86 video. Manager Koch stated he finds the process deficient Manager Koch shared his  
87 opinion of items the Board should discuss, such as what should be weighted and what  
88 should be the factors. Manager Koch asked why so much time was spent on the WPIS if  
89 it isn't going to be taken into consideration. Manager Koch apologized for his use of  
90 sarcasm in his remarks.

91 Manager Pedersen commented she doesn't think it is a worthwhile use of time to step  
92 back and evaluate the tool that was offered to help the Board in this process. Manager  
93 Koch said he thinks the Board should go through a process that's defensible. Manager  
94 Koch asked for another explanation from Mr. Casey about today's proposed process.  
95 Mr. Casey described again the process. Manager Koch said he is still unclear about how  
96 the Board will reach consensus.

97 President Ziegler asked Manager Pedersen to list her top three candidates. Manager  
98 Pedersen stated candidates #2, #3, and #6. Manager Crafton said her top three are  
99 candidates #1, #2, and #6. Manager Koch stated his top three candidates are #2, #3, and  
100 #6. President Ziegler said his top candidates are #2, #3, and #1. Mr. Casey summarized  
101 the Board had two votes for candidate #1, four votes for candidate #2, three votes for  
102 candidate #3, zero votes for candidate #4, zero votes for candidate #5, and three votes  
103 for candidate #6. Mr. Casey said it appears the Board can eliminate candidate #4 and  
104 candidate #5.

105 Manager Pedersen suggested the Board interview the four remaining candidates.  
 106 Manager Koch moved to bring in the four candidates for interview. Manager Pedersen  
 107 seconded the motion. Upon a roll call vote, the motion carried 4-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ziegler	Aye

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110 Mr. Casey stated one of the four candidates comes from 220 miles away and the other  
 111 three are in the metro area. He asked if the District plans to provide for lodging or  
 112 transportation for the candidate that is coming from 220 miles away. President Ziegler  
 113 said he thinks the District should cover mileage based on the rules the District follows  
 114 for mileage and hotel based on the rules the District follows for covering hotels.

115 Manager Koch moved to approve payment of travel, lodging, and meals, in accordance  
 116 with the District’s rules, for any candidate travelling more than 50 miles to interview.  
 117 Manager Pedersen seconded the motion. Upon a roll call vote, the motion carried 4-0 as  
 118 follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ziegler	Aye

120 Mr. Casey talked about the interview schedule on May 31<sup>st</sup>. The Board agreed for the  
 121 interviews to start at 1:00 p.m. and run through 5:00 p.m. Central Time. Manager Koch  
 122 moved to set the interviews for May 31, 2022, from 1:00 p.m. to 5:00 pm. Manager  
 123 Pedersen seconded the motion. Upon a roll call vote, the motion carried 4-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye

Koch	Aye
Pedersen	Aye
Ziegler	Aye

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Mr. Casey asked about the interest of the Board of having a staff panel interview. He explained there would be staff feedback forms for staff to complete and return to him.

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Mr. Casey said he proposes having the staff panel interview in-person at the District office and having the Board interview as a virtual interview. Mr. Casey said if the Board

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wants to have a staff panel, then he would like authorization to contact the staff to

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organize it. He noted he can also attend it.

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Manager Pedersen said she thinks it's important to hear from staff on all the candidates.

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She said she feels strongly that staff representation should be part of this. Manager

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Crafton agreed with Manager Pedersen's comments and said she really wants to hear

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what the staff have to say.

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Manager Koch moved to have Mr. Casey contact the four candidates the Board agreed

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to advance to confirm their continued interest and upon that confirmation make a

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disclosure as required and that the Board continues this meeting until 8:30 a.m.

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tomorrow morning to formally vote on and announce the final candidates.. Manager

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Pedersen seconded the motion. Manager Koch suggested continuing this meeting, so the

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Board can announce the Board's decision of final candidates in a public meeting.

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Manager Pedersen agreed to the friendly amendment.

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Upon a roll call vote, the motion carried 4-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ziegler	Aye

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Manager Pedersen moved to have an employee panel interview and for each staff

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member to provide his or her individual feedback. Manager Ziegler seconded the

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motion. Manager Koch said under the circumstances he thinks it's a bad idea. He also

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wanted to know the process for the employee panel interview. Mr. Casey said the

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process would be the staff would ask questions and provide feedback on the staff

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feedback form. He said he has already provided the managers with sample questions

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and a sample staff feedback form and said he received three recommended questions

153 from Manager Crafton. Mr. Casey said staff would fill out the forms but managers  
 154 would not know who they are attributed to, and staff would send the feedback forms to  
 155 Mr. Casey. Mr. Casey said he would make a PDF out of the feedback and send to the  
 156 managers. He said staff would see each candidate's resume and cover letter.

157 The managers agreed by consensus to authorize Counsel Smith to coordinate with the  
 158 District's employment lawyer to make sure "i"s are dotted and "t" s are crossed and to  
 159 direct Mr. Casey to send materials like the guide and questions to Attorney Smith for  
 160 review and to authorize Legal Counsel to expend billable hours on such review and  
 161 communication.

162 The Board agreed by consensus to hold the Board deliberation meeting on Thursday,  
 163 June 2, 2022 at 9:00 a.m.

164 Mr. Casey said regarding the questions for the Board panel interview, 19 questions  
 165 seems to be the limit to get through in the amount of time the Board is allotting. There  
 166 was discussion about the managers' procedure of asking questions. Manager Koch  
 167 raised his concerns about some results of the WBIS. He announced he plans to ask  
 168 pointed questions to candidates about those results and said he thinks it would be good  
 169 to provide candidates the results of the WBIS. Mr. Casey said he will send those results  
 170 out.

171 The managers agreed by consensus to have Engineer Sobiech and the District's full time  
 172 staff participate in the staff panel interview and provide feedback.

173 The managers agreed by consensus to hold the interviews with the final candidates on  
 174 May 31, 2022, in person. The managers agreed by consensus to decide at its regular  
 175 monthly Board meeting on June 1, 2022, whether going forward the Board will continue  
 176 holding its meetings virtually or move to in-person meetings. The managers agreed by  
 177 consensus to direct staff to figure out recommendations for how to enable the District to  
 178 hold hybrid meetings. Attorney Smith said his understanding from the managers is that  
 179 its May 31<sup>st</sup> meeting will be held in person and hybrid, meaning accessible by Zoom, if  
 180 staff determines it is possible.

## 5. Upcoming Board Topics

- 181 a. Administrator Search - Special Board Meeting May 31, 2022
- 182 b. Project Prioritization Metric Workshop June 1, 2022
- 183 c. Joint Meeting with CAC/Preliminary Budget WS July 6, 2022

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## 6. Upcoming Events

- 185 a. CAC Meeting, May 16, 2022
- 186 b. Special Board Meeting, May 31, 2022
- 187 c. Workshop and Regular Meeting, June 1, 2022

- 188 d. Special Board Meeting, June 2, 2022
- 189 e. TAC Meeting, June 16, 2022
- 190 f. MAWD Summer Tour, June 22, 2022

**7. Adjournment**

191 Manager Pedersen moved to continue the meeting until tomorrow morning, Thursday, May 12<sup>th</sup>,  
192 at 8:30 a.m. Manager Crafton seconded the motion. Upon a roll call vote, the motion carried 4-0  
193 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Aye
Koch	Aye
Pedersen	Aye
Ziegler	Aye

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196 At 3:58 p.m. the Board continued its meeting to May 12<sup>th</sup> at 8:30 a.m.

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Respectfully submitted,

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Dorothy Pedersen, Secretary