

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

June 2, 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
Louis Smith, Attorney, Smith Partners
Scott Sobiech, Engineer, Barr Engineering Company

Other Attendees: Mark Casey

Note: This meeting was held remotely via meeting platform Zoom in abidance with the District's procedures in response to state COVID-19 actions, mandates, and guidance.

1

1. Call to Order of Special Meeting

2 President Ziegler called to order the Thursday, June 2, 2022, Board of Managers Special Meeting
3 at 9:05 a.m. Attorney Smith took roll call.

4

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

5

2. Selection of Candidate to Whom to Extend Offer for RPBCWD District Administrator and Discuss Offer Letter

6 Manager Crafton reported on a conversation she had with the Buffalo Red River Watershed
7 District Board President.

8 The managers did a straw poll, and Attorney Smith called on each manager in turn to report on
9 their first choice out of the three candidates interviewed.

10

<i>Manager</i>	<i>Choice</i>
Crafton	Terry Jeffery
Koch	Rocky Schneider
Pedersen	Terry Jeffery
Ziegler	Terry Jeffery

11

12 Manager Koch explained his rationale for his choice in the straw poll, referencing test results. He
 13 stated he couldn't support Terry Jeffery for the District Administrator position because of his low
 14 ranking in rule following and attention to detail in the test results. Manager Koch raised points
 15 about the Board's June 1st meeting that he felt supported his concerns. He said Terry Jeffery is ok
 16 at wetlands but is not a leader and Mr. Schneider is the one who staff reported on their candidate
 17 evaluation as the one who came up with ideas. Manager Koch provided other reasons he believes
 18 the District can't have Terry Jeffery in a leadership position. Manager Koch said the District
 19 needs new blood and needs someone to come in with new ideas, and Terry won't be the one
 20 coming up with new ideas. Manager Koch said if the other managers don't support Mr. Schneider
 21 for the position, then it should go to Paul Jeffery.

22 Manager Pedersen described her thought process that led to her opinion in the straw poll. She
 23 noted that Terry Jeffery has come to Silver Lake meetings and has the reputation with that group
 24 of listening and being open to all opinions, and he represents the District well. She said he is seen
 25 as a person willing to work to come up with compromises. Manager Pedersen pointed out Terry
 26 Jeffery came up with the idea regarding the three properties in Chanhassen being converting into
 27 wetland. She said he has creative ideas and collaborates well with the District's member cities.
 28 She commented that Terry Jeffery knows more about the technical work the District does than
 29 Mr. Schneider does, and Mr. Schneider's background is communications and PR. Manager
 30 Pedersen said with Terry Jeffery, the staff have a level of collaboration, and the managers know
 31 what areas of professional development to help him strengthen. She added she does not think Paul
 32 Jeffery has adequate technical knowledge to lead the watershed district.

33 Manager Crafton said she is on the same page as Manager Pedersen and the comments she
 34 presented. She noted Terry Jeffery's high test scores in concern for others, flexibility, and team
 35 work. Manager Crafton said regarding attention to detail, she thinks that could be resolved
 36 through capacity within staff. She said she would like the District to consider an education and
 37 outreach role for Paul Jeffery. Manager Crafton remarked that Terry Jeffery has been spread thin
 38 and likely if he weren't so stressed, there wouldn't be some of the problems. She said he is
 39 already taking classes to try and fill gaps. Manager Crafton said his ability to work with staff is
 40 huge.

41 President Ziegler said he was left wondering why Mr. Schneider was applying for the District
 42 Administrator job. President Ziegler said what made the difference for him between the

43 candidates was the input from staff, and that is how he ended up with Terry Jeffery as his first
44 choice.

45 Manager Koch reminded the Board of an incident with Terry Jeffery and Carver County and the
46 opinions of the managers at that time. Manager Koch asked how this Board is going to keep a
47 person in a position when previously a majority was ready to fire him. Manager Koch asked how
48 anyone is going to justify keeping a person in a position when they conducted themselves in a
49 certain way twice within a one-year period. Manager Koch said Terry Jeffery tries to take credit
50 for building a staff, which he didn't do. Manager Koch said one of the problems he has with Mr.
51 Terry Jeffery is failure of communication. Manager Koch said if people read the emails and texts
52 Terry Jeffery sent starting in September, he thinks he is the boss and nobody else helps, so talk
53 about arrogance. Manager Koch said that is at the pinnacle of arrogance on that basis. Manager
54 Koch said Terry Jeffery is not the one who doesn't take credit, because he did, and it's in the
55 videos, in the tapes, in the text messages, and emails. Manager Koch said Terry Jeffery isn't the
56 person the other managers think he is. Manager Koch said he thinks Terry Jeffery doesn't follow
57 rules and should not be the leader because the District is a governmental entity and above all it's
58 the rules and the law.

59 Manager Koch said he brought up three permit violations on Lotus Lake over a year ago, and
60 Terry Jeffery has done nothing. Manager Koch said Terry Jeffery has not demonstrated an ability
61 to have follow up. Manager Koch said Terry Jeffery has willfully failed to comply with the
62 Minnesota Data Practices Act. Manager Koch said even worse, Terry Jeffery didn't come back to
63 say he doesn't have time but are there three things that I can for you. Manager Koch said Terry
64 Jeffery doesn't have the ability to relate to people or constituents, and he rates lower than the
65 other candidates on outgoingness. Manager Koch said Terry Jeffery doesn't demonstrate the
66 qualities the District needs. Manager Koch said Terry Jeffery is not a leader. Manager Koch
67 stated an effective leader leads and not by being somebody's buddy. Manager Koch said Terry
68 Jeffery's empathy gets in his way. Manager Koch said we can't have somebody who doesn't want
69 to follow rules or pay attention to details. Manager Koch said in fifteen months Terry Jeffery
70 hasn't come up with a solution for his deficiencies. Manager Koch said there is a saying, "You
71 can't put in what God left out." Manager Koch said that doesn't make Terry Jeffery a bad person,
72 but he doesn't have the qualities that we need in this position. Manager Koch said if Terry Jeffery
73 was going to advance the ball in fifteen months he would have come up with proposals, etc. or if
74 he was overworked, he would have come to us and said so, because that's what a good leader in
75 those positions would do, and Terry Jeffery has failed time and time again to do that. Manager
76 Koch said Terry Jeffery isn't a bad person, but he doesn't have the qualities we need in an
77 Administrator. Manager Koch said if you want to talk about being a bully, go read the emails
78 Terry Jeffery sent to Carver County and sent to me [Manager Koch] because there is being a
79 bully. Manager Koch said we need to go find out what other people say about Mr. Schneider.
80 Manager Koch said Terry Jeffery is too flexible, too empathetic, too compassionate and doesn't
81 have the right balance. Manager Koch said Terry Jeffery is way over the top in some and ways
82 under in others.

83 Manager Koch said objectively Rocky Schneider is at the top of the list. Manager Koch said he
84 doesn't think anybody else can say anything different than that as far as objective data. Manager
85 Koch said Paul Jeffery has no negatives. Manager Koch said are we really going to say we are

86 going to put somebody in a position of a rule-making and rule-enforcing organization who rates
87 below average on rule-making and rates below average on attention to detail. Manager Koch said
88 it's not our job to find compensating factors, and if Terry Jeffery has them, he should have found
89 it out, and he hasn't done it. Manager Koch said he doesn't think Terry Jeffery is capable of doing
90 it. Manager Koch said it doesn't make him a bad person, it is just a fact. Manager Koch said we
91 need someone who will lead us forward. He said if you don't like Paul and you don't like Rocky,
92 then let's go out and do another search, because it's never too late to find the right person.
93 Manager Koch said we want the best person instead of settling for the second best or third best
94 because you don't want to go through the search process again. Manager Koch said he thinks Mr.
95 Schneider has more skills than Mr. Jeffery has, clearly, without a question, and if you want to
96 eliminate the knocks, then we have Paul Jeffery. Manager Koch said we need a leader and the
97 leader doesn't need to have all the technical knowledge. Manager Koch said we are looking for a
98 leader, not a buddy, but a leader with the best possible qualifications.

99 Manager Koch said as far as public relations goes, how bad does it get when you have the county
100 commissioners of Carver up in arms over conduct with Carver County, and you know that's never
101 going to be patched up, and the only thing that would be good is if people turnover. Manager
102 Koch said we can't afford to have people with that kind of attitude.

103 Manager Koch said Mr. Schneider had a very diverse technical background in water control.
104 Manager Koch said we need someone with fresh eyes and fresh ideas to take us forward.
105 Manager Koch said he has to discount what staff says about Terry Jeffery because they know him
106 and even though it was anonymous, the information will be out there and there will be those types
107 of suspicions.

108 Manager Koch said regarding Mr. Schneider, if he has his sights on bigger things, good for him
109 because it will motivate the person to do a better job in this role. Manager Koch said we want
110 people to have ambitions. Manager Koch said who in this world would hire a person with two
111 letters of reprimand in twelve months. Manager Koch said he doesn't think anyone in their right
112 mind in a job-hiring position would even contemplate such a thing. He said he has dealt with
113 hundreds of companies who hire people from CEOs to directors, and with something like this
114 considered inappropriate conduct, you wouldn't get a second chance and the resume wouldn't
115 even be considered on that basis. Manager Koch said if you appoint Terry Jeffery, you are saying
116 we don't care if somebody follows the rules, we don't care if they have attention to detail, we
117 don't care if they are just average in terms of ambition, even though there are other candidates
118 that far exceed in those categories. Manager Koch said he doesn't think you can logically, in
119 fulfilling our duties, appoint somebody who's at the bottom of the list, when there are people who
120 are a better fit. Manager Koch said quite frankly instead of having Terry Jeffery as Administrator,
121 Manager Koch would have Engineer Sobiech be the District Administrator forever. Manager
122 Koch said he is comfortable that the District staff is so well trained that they could operate
123 without Terry Jeffery. Manager Koch said Terry Jeffery is not the right candidate.

124 Manager Koch moved to direct Mr. Casey and legal staff to prepare an offer of employment letter
125 to be brought back to the Board with the object of offering employment to Mr. Rocky Schneider.
126 Manager Ziegler seconded the motion to bring it to a vote, which doesn't mean the motion will
127 pass. Manager Koch said he presented all the reasons why Mr. Schneider is a better candidate

128 than Mr. Jeffery, and Mr. Schneider is the best candidate for us. By roll call vote, the motion
 129 failed 1-3.

130

<i>Manager</i>	<i>Action</i>
Crafton	No
Koch	Yes
Pedersen	No
Ziegler	No

131

132 Manager Koch moved to direct Mr. Casey and legal staff to prepare an offer of employment letter
 133 to be brought back to the Board with the object of offering employment to Mr. Paul Jeffery. The
 134 motion died due to lack of a second.

135 Manager Crafton moved to extend an offer to Terry Jeffery to be the District Administrator.
 136 Manager Pedersen seconded the motion.

137 Manager Koch commented one of the big questions asked to candidates was what mistakes have
 138 you made and what did you do about them. Manager Koch said we know of at least two
 139 significant mistakes Terry Jeffery has made, and he did not bring up either one of those. Manager
 140 Koch said this tells him Terry Jeffery doesn't own his issues, he isn't willing to acknowledge his
 141 issues, and that alone, in Manager Koch's opinion, is a reason not to put Terry Jeffery in this
 142 position. Manager Koch said if Terry Jeffery is not going to be honest, even with the Board and
 143 the public, about his issues, why would we want a person like that? Manager Koch said at least
 144 Mr. Schneider and Paul Jeffery made statements on issues they had, how they handled it, and
 145 what the consequences were. Manager Koch said this may be more telling than anything else,
 146 because if one doesn't have the confidence and fortitude to own up to mistakes, admit them, and
 147 tell how one is going to correct them, then that is not the kind of person that we want as an
 148 employee and certainly not as the ongoing administrator.

149 Manager Koch said honesty and forthrightness are essential, and Terry Jeffery has not
 150 demonstrated that. Manager Koch said if you want character references, let's go ask the Carver
 151 County Administrator. Manager Koch said he can't say enough, why would we appoint someone
 152 who has all the negatives, and at best, if empathy is a positive, he has one item where he outdoes
 153 others. Manager Koch said he believes having a 10 on empathy is a disadvantage to being a
 154 leader. Manager Koch said he doesn't know how in good conscience we could possibly vote to
 155 have Terry Jeffery be the administrator.

156

157 By roll call vote, the motion carried 3-1.

158

<i>Manager</i>	<i>Action</i>
Crafton	Yes
Koch	No
Pedersen	Yes
Ziegler	Yes

159

160 Manager Koch requested copies of all of the meetings we’ve had regarding the appointment of an
 161 administrator, and the request can be funneled to Interim Administrator Jeffery. Manager Koch
 162 said he is sorry because he knows how Interim Administrator Jeffery has dealt with data requests.

163 President Ziegler asked Attorney Smith to comment regarding the process for developing the
 164 offer letter. Attorney Smith said there are key terms for which it would be helpful to know the
 165 managers’ thinking. He suggested options for how the Board could provide that direction to legal
 166 counsel. Manager Crafton recommended Manager Pedersen be the Board liaison to legal counsel
 167 regarding those terms as Manager Pedersen is on the Personnel Committee and has had those
 168 types of discussions previously.

169 Manager Koch commented he isn’t sure if Manager Crafton is saying the Personnel Committee
 170 has had meetings that weren’t noticed, but aside from that, the Board wasn’t presented with a
 171 form of offer letter already. Manager Koch said a proper form of offer letter with blanks should
 172 be presented to the managers for consideration. Manager Koch said there are only four managers
 173 and no disrespect intended, but he thinks this is larger than having Manager Pedersen being
 174 involved. Manager Koch suggested setting a continuance of this special meeting of the Board.

175 Manager Koch said this is one of his significant issues with Mr. Jeffery – we never get a list of
 176 here are the issues, here are the options, and instead he asks what do you want to do. Manager
 177 Koch said again he has worked with a lot of companies and that is not a best management
 178 practice.

179 Manager Koch moved that Mr. Casey and Mr. Smith bring back to the Board a form of offer
 180 letter with the items they believe need to be addressed and the Board set a time and place to go
 181 over those terms.

182 Manager Crafton said the Personnel Committee hasn’t had any un-noticed meetings, but Manager
 183 Pedersen has been reaching to solicit salary surveys and get current market values for people in
 184 positions. Manager Pedersen described the information she has collected and for what purpose.
 185 Manager Pedersen asked if salary is confidential information. Attorney Smith said the salary
 186 information for all District staff is public information. Manager Koch amended his motion for

187 managers to provide information to the rest of the managers prior to the next meeting at which the
 188 Board can decide the final terms of an actual offer letter.

189 Manager Ziegler made a friendly amendment to Manager Crafton’s motion to combine Manager
 190 Crafton’s and Manager Koch’s motion to direct Manager Pedersen to work with legal counsel to
 191 come up with an offer letter and an amount and to hold a continuation of this meeting to review
 192 the offer. Manager Crafton accepted the friendly amendment. Manager Pedersen seconded the
 193 motion.

194 Manager Koch said Manager Crafton didn’t make a motion but he did and then he amended it to
 195 Manager Pedersen to provide the managers with information before the next meeting and Mr.
 196 Casey and Mr. Smith to provide the managers with a form of offer letter with the items that need
 197 to be discussed and decided at that time. He said that is the motion on the table.

198 Attorney Smith said he understood Manager Crafton as making a comment rather than a motion.
 199 that Manager Pedersen should be a liaison between the Board and Attorney Smith and Mr. Casey.

200 Manager Pedersen seconded Manager Koch’s motion. By roll call vote, the motion carried 4-0.

201

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

202

203 Manager Koch moved to continue the meeting to 7:00 p.m. Wednesday, June 8, 2022, to be held
 204 remotely via Zoom. Manager Pedersen seconded the motion. By roll call vote, the motion carried
 205 4-0.

206

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

207

208 Mr. Casey said he will inform Terry Jeffery of the outcome of the Board’s vote and the
 209 continuance of the meeting and let the other two candidates know the outcome of the motions.
 210 Mr. Casey said that at this point in time nothing is set until the Board and candidate reach the
 211 appropriate agreements. Manager Koch remarked said he agrees the communication should be
 212 limited to the vote and that nothing is final until agreements are inked.
 213 Manager Koch moved that Mr. Casey will inform the candidates of the outcomes of the votes and
 214 that nothing is final until agreements are inked. Manager Pedersen seconded the motion. By roll
 215 call vote, the motion carried 4-0.

216

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

217

218

3. Adjournment

219 [The meeting was continued to 7:00 p.m. on June 8, 2022.]

220

221

222

223

Respectfully submitted,

224

225

226

227

Dorothy Pedersen, Secretary