

## 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.*

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#### 1. Call to Order of Special Meeting

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

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

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

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

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

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

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

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

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

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President Ziegler said he was left wondering why Mr. Schneider was applying for the District 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.

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

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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.

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

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

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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.

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

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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.

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

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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.

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

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**3. Adjournment**

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

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Respectfully submitted,

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Dorothy Pedersen, Secretary

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