

MEETING MINUTES

Riley-Purgatory-Bluff Creek Watershed District

March 15, 2021, RPBCWD Board of Managers Continuation of 3/9/21 Special Meeting

PRESENT:

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

- Staff: Amy Bakkum, Administrative Assistant
Terry Jeffery, Watershed Planning Manager
Josh Maxwell, Water Resources Coordinator
Louis Smith, Attorney, Smith Partners
Scott Sobiech, Engineer, Barr Engineering Company

Note: this meeting was held remotely via meeting platform Zoom in abidance with state mandates in response to Covid-19.

1. Call to Order

- 1 President Ward called to order the continuation of the Board’s Tuesday, March 9, 2021, Board of
2 Managers Special meeting at 5:00 p.m. The meeting was held remotely via meeting platform
3 Zoom. President Ward reminded the Board it approved the meeting agenda at the March 9th
4 meeting, and he highlighted that as part of the agenda item about the Interim District
5 Administrator, the Board will discuss the Minnesota Attorney General’s opinion as well as the
6 proposal from Barr Engineering Company.
7 Attorney Smith conducted a roll call to document manager attendance as follows:

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

2. Interim District Administrator; Responsible Authority; Other Appropriate Delegations

9 Attorney Smith reported on the Minnesota Attorney General’s response to the District’s inquiry
10 regarding Dr. Bleser’s access to recordings of the Board’s closed meetings. Attorney Smith
11 reminded the Board the opinion of the District’s Legal Counsel had been that the recordings are
12 available for access by Dr. Bleser. Attorney Smith said the Attorney General concurred. Attorney
13 Smith said the remaining question is whether the Board would like to seek further review of that
14 question by going to court for declaratory judgement action. He said he doesn’t recommend
15 proceeding in that manner because of the cost and likely outcome. Attorney Smith said if the
16 Board is inclined to proceed to grant access in response to Dr. Bleser’s request, the Board should
17 do so through acting on a motion.

18 Manager Koch moved that in consideration of the opinion from the Minnesota Attorney General
19 and the opinion of Smith Partners, the Board authorizes the disclosure of the recordings of the
20 closed minutes to Claire Bleser. Manager Ziegler seconded the motion. Upon a roll call vote, the
21 motion carried 5-0 as follows:

22

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

23

24 President Ward reminded the Board that at its March 9th meeting, the Board appointed Mr. Jeffery
25 interim administrator and invited Barr Engineering Company to submit a proposal to aid in the
26 transition for a period of time. President Ward reported Barr Engineering submitted a proposal,
27 which has been forwarded to the managers.

28 Manager Ziegler said it seems like the Barr Engineering proposal gets complicated due to
29 potential conflict of interest and due to that, there are things Barr wouldn’t be able to do that the
30 District Administrator has been doing. He said it would be simpler for the District to go with Mr.
31 Jeffery as the interim administrator with full support from Barr as needed. Manager Crafton
32 agreed with Manager Ziegler’s comment.

33 Manager Koch moved to adopt the resolution he drafted, which resolves that Barr Engineering is
34 authorized to provide Terry Jeffery with such support and assistance as Mr. Jeffery deems
35 necessary or advisable during his transition as the interim District Administrator, with such

36 support and assistance to be provided in accordance with the terms of the current contract
37 between Barr and the District. Manager Pedersen asked for the District Counsel’s opinion on the
38 resolution. Attorney Smith said the Board could consider specifying the length of time of the
39 authorization.

40 Manager Crafton said she agrees with specifying the length of time as well as setting a term limit
41 for the appointment of the interim administrator. Manager Koch said he doesn’t see the necessity
42 of setting a time frame.

43 Manager Ziegler seconded Manager Koch’s motion.

44 Attorney Smith asked Engineer Sobiech if the services listed in Barr Engineering’s proposal
45 would fall under the current contract between the District and Barr. Engineer Sobiech said he
46 believes all the services in the proposal can fall under that same general contract. Manager Koch
47 thanked Engineer Sobiech and Barr Engineering for the proposal and its level of detail. President
48 Ward offered a friendly amendment that this appointment would be for a period of six months, so
49 until September 15, and Mr. Jeffery would receive an additional stipend of \$1,500 for each of the
50 six months until September 15. Managers Ziegler and Koch accepted the friendly amendment.

51 Upon a roll call vote, the motion carried 5-0 as follows:

52

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

53

54 Mr. Jeffery commented he is aware of several themes that resonate with the managers including
55 communication, transparency, doing the District’s best work, putting the best talent in the right
56 staff positions to make best use of their skills, and customer service. He said he is committed to
57 doing the work to improve communication and make progress in these areas, and he appreciates
58 the Board’s trust in him with the charge of interim administrator.

59

4. Transition Plan Regarding End of Employment of Claire Bleser

60 Mr. Jeffery said he is comfortable that he and Ms. Amy Bakkum with the support of Engineer
61 Sobiech are ready to assume the duties transitioned to them.

62 Manager Koch moved to appoint Mr. Jeffery to all the positions of the District Administrator and
63 give him all the duties and responsibilities currently held by Claire Bleser, including duties as the
64 responsible authority, and a signatory over the District's financial accounts and to authorize the
65 District's officers to execute documents necessary to carry out appropriate Board actions.
66 Manager Ziegler seconded the motion. Attorney Smith pointed out that the District Administrator
67 isn't a signatory over the District's financial accounts. Manager Ziegler and Manager Koch
68 agreed to amend the motion to remove the authorization of Terry Jeffery as a signatory of the
69 District's financial accounts. The managers agreed to the change to the motion by unanimous
70 consent.

71 Upon a roll call vote, the motion carried 5-0 as follows:

72

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

73

74 President Ward said he reviewed the proposed contract for services by Dr. Bleser to the District at
75 an hourly rate for a period of 30 days with a maximum number of hours. Manager Koch moved to
76 authorize Interim Administrator Jeffery to enter into a consulting agreement with Dr. Bleser at the
77 rate of \$185.00 per hour subject to Attorney Smith reviewing the contract and making sure the
78 interests of the District are protected, including protections such as indemnification. Manager
79 Ziegler seconded the motion and noted the proposed contract includes language limiting the
80 number of consulting hours by Dr. Bleser to 40 hours.

81 Attorney Smith said typically we would use for any consultant a short-form professional services
82 agreement that the District establishes. He said the Board needs to consider what kind, if any, of
83 insurance the District requires Dr. Bleser to have such as automobile insurance.

84 Upon a roll call vote, the motion carried 4-1 as follows:

85

<i>Manager</i>	<i>Action</i>
Crafton	No
Koch	Aye

Pedersen	Aye
Ward	Aye
Ziegler	Aye

86

5. Solicitation of Applications for District Administrator

87 Manager Koch suggested Interim Administrator Jeffery draft a solicitation of applications and
 88 present it to the Board at its next meeting. Manager Crafton said she thinks the District needs to
 89 take time to build consensus and have more clarity about what the District wants to be and what
 90 kind of culture and strategy it wants. She said she thinks the Board needs to participate in an
 91 assessment process and build consensus. The managers discussed the length of time it could take
 92 to find a permanent Administrator and the possibility of using a consultant to facilitate the Board
 93 defining the role of the Administrator. Manager Crafton said she would like to wait a month
 94 before taking such steps, and she said she wants to make sure the District staff members know
 95 what a great job they do and the confidence she has in their work and abilities.

96 Manager Koch moved to lay over this agenda item until the Board April monthly meeting.
 97 Manager Ziegler seconded the motion. Upon a roll call vote, the motion failed 2-3 as follows:

98

<i>Manager</i>	<i>Action</i>
Crafton	No
Koch	Aye
Pedersen	No
Ward	No
Ziegler	Aye

99

100 Manager Koch moved to lay over the motion indefinitely. Manager Ziegler seconded the motion
 101 with the friendly amendment to lay this agenda item over until the May meeting. Manager Koch
 102 agreed to the friendly amendment. Upon a roll call vote, the motion carried 3-2 as follows:

103

104

<i>Manager</i>	<i>Action</i>
Crafton	No
Koch	Aye
Pedersen	No
Ward	Aye
Ziegler	Aye

105

106

The Board directed staff to place an appropriate thank you to Dr. Bleser and B. Lauer on the District's website.

107

6. Adjournment

108

Manager Pedersen moved to adjourn the meeting. Manager Koch seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

109

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

110

111

The meeting adjourned at 5:52 p.m.

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113

114

Respectfully submitted,

115



116

David Ziegler, Secretary

117