

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
January 23, 2020 12:00 p.m.
Minutes**

Members Present: Craig Beardsley Wynn Butler (Incoming)
Linda Morse Marvin Rodriguez
BeEtta Stoney Robert Ward
Barry Wilkerson

Absent: Mike Dodson (Outgoing)

Staff Present: Director Dennis Butler Assistant Director Kurt Moldrup
Captain Rich Fink Captain Erin Freidline
Captain Tim Hegarty Captain Josh Kyle
Captain Derek Woods

Recorder: Lisa Hafliger

I. Establish Quorum: By Vice Chairman Rodriguez at 12:01 p.m.

II. Pledge of Allegiance: Director Butler led the Riley County Law Enforcement Agency (Law Board) in the Pledge of Allegiance.

III. Consent Agenda:

- A. Approval of Minutes
 - a) December 16, 2019 Law Board Meeting
 - b) December 31, 2019 Special Law Board Meeting
- B. Approve 2019 & 2020 Expenditures/Credits
- C. Juvenile Transport Reimbursement
- D. County Inmate Medical, Facilities, Maintenance & Repairs Expenditures- (*Review*)
- E. Riley County Jail Average Daily Inmate Population- (*Review*)
- F. Monthly Crime Report- (*Review*)

Morse moved to approve the Consent Agenda as presented. Stoney seconded the motion. Vice Chairman Rodriguez polled the Board and the motion passed with Wilkerson, Rodriguez, Stoney, Beardsley, Morse, and Ward voting in favor, and no one voting against. The motion passed 6-0.

IV. General Agenda:

G. Swear in Law Board Member: Wynn Butler was sworn in as a member of the Law Board by Riley County Clerk Rich Vargo.

H. Reorganization/Election of Officers: Beardsley nominated current Vice Chairperson Rodriguez to fill the position of Chair and serve out the remaining term of Mayor Dodson. Butler seconded the motion.

Stoney nominated Morse to fill the position of Chair. Ward seconded the motion. On vote, motion failed 3-4 with Ward, Morse and Stoney voting in favor, and Beardsley, Butler, Wilkerson and Rodriguez against.

On vote, motion carried 4-3 to elect Rodriguez as Chair with Beardsley, Butler, Wilkerson and Rodriguez voting in favor, and Ward, Morse and Stoney against.

Beardsley nominated Butler to fill the position of Vice Chair. Without a second, the motion was not considered.

Stoney nominated Morse to fill the position of Vice Chair. Ward seconded the motion. On vote, motion carried 4-3 with Ward, Morse, Stoney and Wilkerson voting in favor, and Rodriguez, Beardsley and Butler voting against.

I. Selection of Hearing Officer: Morse moved to appoint Riley County Attorney Barry Wilkerson as the Hearing Officer for 2020. Ward seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Wilkerson, Rodriguez, Stoney, Beardsley, Morse, Ward and Butler voting in favor, and no one voting against. The motion passed 7-0.

J. Additions or Deletions: Director Butler noted one addition/correction to the 2021 Budget Preparation Timeline (Item Q); he wants to replace page 46 with the one distributed prior to the meeting to adjust the timeline for the meetings to be in compliance with the State statutes.

K. Public Comment: Dennis Cook, Director of the Aggieville Business Association, shared that after a year under Director Butler and countless meetings with him, he really appreciates a new, cohesive feel between their district, the City and the RCPD. Dennis stated that the 2019 New Year's Eve celebration was one of their best events ever, in part to the cooperation of RCPD in making some changes and adjustments. He appreciates their efforts and wanted to publicly thank them.

Kevin Fateley, owner of Wildcat Fitness & Fun, voiced concern that he had a member, whom is a law enforcement officer, cancel their membership this week. He was informed that as part of their taxable benefit package, the RCPD is paying for a fitness membership at another location/facility. This patron indicated they couldn't justify paying out of pocket to continue their membership with Wildcat Fitness. Kevin asked the patron if that included their spouse and he was informed that they have to pay \$10 extra to include a spouse. Another issue that he voiced concern about is the fact that it is not an option for the employees to choose their fitness location. Kevin mentioned that a lot of Manhattan businesses currently assign a dollar amount that an employee can use towards a fitness center of their choice. He shared that while all of these local businesses collect sales tax that goes into the RCPD budget, but from there as a benefit, it goes straight to one gym, which is not locally owned. Kevin would like for the RCPD to find a way to set aside a dollar amount and let the employee choose which qualified fitness center they want to use. He inquired if there is anyway to assign a task force to look into this as

he has lost two members in four days. He is not aware of what their current package is, but he would like more information on that and he is willing to help in any way that he can.

Director Butler shared that this is a new program and that he had some conversation with the prior Law Board chairperson that they were going in this direction. Director Butler stated that after his arrival he conducted an employee survey and several employees commented on the condition of their in-house exercise room in the basement of the RCPD. Director Butler established an exercise and fitness committee to look at the current exercise room and evaluate the condition of the room and equipment and make recommendations. Just prior to the committee starting substantial work on that, another proposal came forward indicating that the evidence room needed additional space. That office and storage area is adjacent to the exercise room. Director Butler stated that as a lifelong fitness employee, he understood the importance of having an in-house facility that was easily accessible to encourage employees to exercise, so he did not immediately agree to the evidence department taking over this space. Director Butler shared that he viewed some commercial space to evaluate the suitability of moving their exercise room there and possibly adding some meeting space to it, but that did not work out. The committee went out into the community and evaluated local facilities to see what they could offer and they came up with a proposal with a local gym to provide memberships to all employees, not just sworn officers. This particular facility would be re-locating to a new facility that is directly across the intersection from the RCPD and they were able to offer standard exercise equipment and additional benefits to include a pool, indoor basketball & tennis courts and meeting space that could be reserved for trainings, etc. Director Butler shared that his experience on a Health and Wellness committee and as a lifelong exerciser himself, it seemed like a unique opportunity to have a facility with those amenities that close to the PD. The proposal included using funds to pay for the memberships from their self-insured health fund; the employees already pay approximately 20% into this fund through their monthly premiums. They decided to go forward with a two year pilot program and they have an agreement with the new facility that started on January 1st. They will monitor the usage by employees to determine if it justifies continuing the program. Director Butler emphasized that they are not prohibiting their employees from working out at another facility. There is a tax implication for the employee so they do have a small deduction to pay the required IRS portion of receiving this benefit. He added that spouses and dependents can join for an additional cost.

Fateley apologized if he misspoke and said that RCPD employees were not allowed to join another gym as he knows they can. He did compare it to a situation that if someone gives you a new truck to use 24/7, you are not going to go out and buy a truck of your own. Fateley shared that while they are the most economical gym, it will still cost a family \$547 out of their pocket annually to have a membership with their facility. He requested to see the results of when the committee came out and spoke to them as he does not remember that happening. He did speak with someone from HR, but he does not remember any requests for proposals or quotes. Fateley stated that they were left out of the process and it has already cost them \$1200 this week. He feels that they should table the contract and look at it. He added that while they do not offer a swimming pool, they do offer a golf course and family members are included. He emphasized that all of the area fitness centers provide funding to the RCPD budget and they have directed it all to one facility that is spending that money in another community, which makes it a sensitive issue for them.

Director Butler shared that the HR Director, Chris Robinson, is present at the meeting if there are specific questions for her as she was on the committee and has additional details. He added that when

making the decision it was based on his own experiences as well as the recommendation of the committee. He added that this benefit can also be used as a retention and recruiting tool for employees. Director Butler emphasized that the availability of meeting space, the proximity to the RCPD and the committee's recommendation lead him to believe that this was the best choice at this time. They have a signed two year contract.

Stoney inquired why the committee did not consider sending out RFP's to all of the facilities here in town.

Chris Robinson, Human Resources Specialist at the RCPD, shared that she was one of the four members on the committee. Their objective was to come up with a solution to their current fitness room. She shared that it was determined early on that the space would need to be repurposed to accommodate the evidence department. The committee looked at various options to include looking at other locations and move the equipment they had at RCPD off-site. They determined that this would not be a feasible option due to costs, maintenance of the equipment, etc. Chris shared that one of the committee members was already a member of Genesis, one member joined Genesis during the time because they felt it offered the biggest bang for their buck, one member did not have a gym membership and she participated in a trial membership at Wildcat Fitness & Fun. Chris meet with Mr. Fateley individually about a possible partnership and he informed her that they offer a set price and that they could decide if they want to pay for a portion of their employees membership, but the price is the same for everyone. Chris stated that for years they have promoted discounted rates to gyms that are offered to their employees and they continue to do so; Chris acknowledged that Wildcat Fitness & Fun was inadvertently left off the list provided to employees this year but stated she will get that corrected. She stated that the committee considered what the gyms had to offer and Genesis could offer meeting space, a pool, discounted family rates and other amenities that they were looking for.

Director Butler added that Genesis being open 24 hours five days of the week, the proximity to the police department, meeting space and the fact that they have other locations that officers have access to when traveling out of town were also considered when making the decision.

Beardsley inquired about make-up of the committee. There were two police officers and the others were administrative staff.

Director Butler shared that since the contract offers a department wide benefit it is substantially less expensive than if it was paid individually. He does plan to monitor usage and will take that into consideration at the end of the two year contract.

Stoney commented that by not considering an RFP, they automatically eliminated gyms and she would recommend that in the future they consider using a RFP to give facilities an opportunity to have a voice.

Morse requested that the Law Board receive a written report from the Director regarding what was discussed today for a point of reference and to see what the details are so that other facilities have the option of being considered in the future.

Fateley stated that he would also like a copy of the contract and inquired if they are allowed to enter into other contracts at the same time with other entities. He stated that his facility would be able to monitor usage and he feels like this needs to be considered and looked into further.

L. Fraternal Order of Police Lodge #17 Comments: Brian Johnson, President, Fraternal Order of Police (FOP) Lodge #17, welcomed back Mayor Pro Tem Wynn Butler to the Law Board. He shared that the FOP is fully supportive of the decision to select Genesis and stated that it has been universally celebrated to have this opportunity that they did not have before.

M. Board Member Comments: Rodriguez thanked the Board for allowing him to serve as Chairman.

Morse shared that she enjoyed the Employee Appreciation Reception held by the RCPD. She feels it is important to continue to bring the employees together to develop cohesive relationships.

N. Community Advisory Board Member Recognition, Member Kevin Peirce: On behalf of the Riley County Law Enforcement Agency, Riley County Police Department and Community Advisory Board, Director Butler and Chairman Rodriguez presented Kevin Peirce with a plaque in recognition of his dedication and service to the citizens of Riley County, Kansas and the men and women of RCPD from 2013-2019.

Kevin Peirce thanked the Board and commented that during his time he has seen a lot of changes in the Department. Being on the Board allowed him to gain a new perspective on the challenges the RCPD faces and he hopes he provided insight into his perspective as a business/ property owner in Aggieville and the challenges they face. He has enjoyed the experience.

O. Promotion Announcement:

a) Corporal Steven McDiffett: Director Butler and Assistant Director Moldrup announced the promotion of Police Officer Steven McDiffett to the position of Corporal. Corporal McDiffett has served the RCPD and the citizens of Manhattan and Riley County since 2014. Prior to joining the agency, he served six years with the Pottawatomie County Sheriff's Office as a Deputy. During his career with the RCPD he served as a certified Police Training Officer and a member of the Bicycle Unit. Corporal McDiffett's heart for service is demonstrated by his volunteer work as a member of the RCPD Honor Guard and his service of six years as a MP in the Kansas Army National Guard. Steven McDiffett was accompanied by his wife, Marla, who assisted Director Butler with the pinning.

b) Assistant Director Kurt Moldrup: Director Butler announced the promotion of Interim Assistant Director Kurt Moldrup to the position of Assistant Director. Assistant Director Moldrup has faithfully served the RCPD and the citizens of Manhattan and Riley County as a sworn law enforcement officer since 1985. Prior to his promotion to Assistant Director, Kurt served as a Police Officer (1985- 1990), Temporary Sergeant (1990-1991), Juvenile Gang Detective (1991-1995), Sergeant (1995-2000) Lieutenant (2000-2009), Captain (2009-2018) and Interim Assistant Director (2018-2020). Throughout his career, Kurt has embodied transparent ethical principles that guide his personal and professional life every day.

Kurt Moldrup is active within the community and his church. He is married and has eleven children and numerous grandchildren. Kurt Moldrup was accompanied by many family members and his wife, Sue, who assisted with the pinning.

P. Law Board Meetings Hosted in the County/Update: Director Butler suggested that the next meeting be held in Ogden on February 18, 2020 at the Ogden Community Center. He would recommend holding the other remote meetings in July or later as they are typically working on budget information and he would prefer to have all audio/video capabilities available for those meetings. The dates and locations for the other meeting(s) to be held in the County will be determined at a later date.

Morse moved to host the February 18, 2020 Law Board meeting at the Ogden Community Center. Beardsley seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Wilkerson, Rodriguez, Stoney, Beardsley, Butler, Morse, and Ward voting in favor, and no one voting against. The motion passed 7-0.

Q. 2021 Budget Preparation Timeline: Director Butler shared that they have replaced page 46 with the new one to ensure compliance with statutory public notice requirements.

R. RCPD Firearms Range Planning Update: Captain Kyle shared that the County Commissioners approved the design build process today; this is important as they want to have it completed by June. He stated that qualification ranges and practical ranges utilize different target systems. The qualification ranges, which are used to exhibit proficiency with a weapon, use static targets that are often planted into the ground and are not mobile. The static targets will be paid for by Riley County as the county commissioners agree that they should be considered part of the facility. In a practical course the targets move and are subject to be replaced on a fairly frequent basis. They feel that the practical targets should be considered equipment and come out of the RCPD budget. The County is working with an architect regarding the design of the range house. It will include restrooms and a classroom for briefing officers on the course, space to clean and take apart their weapons, etc.

Morse inquired how large the range house will be and if it is the only building. Captain Kyle shared that there will only be one building and that the size has not been established yet. He shared that the RCPD committed to only build what was absolutely necessary for training purposes, and that includes the qualification course range, the practical course range and one range house. They have plans of adding other facilities and possibly a driving course in the future.

Stoney asked for clarification on the targets and which budget they will come from. Captain Kyle shared that the static targets are part of facilities so the County will pay for them. The targets for the practical range are mobile and they consider that equipment and it will come from the RCPD budget. The practical targets will likely be purchased every 5-10 years and they would not necessarily budget for this. They could cost anywhere from \$1200 - \$100,000 depending on what they choose to use.

Director Butler added that in the practical range they can put up plastic barrels or other targets that can be moved to create different scenarios which mimic more realistic situations. Since these targets are not "fixed" to the range, they are considered an equipment expense. The targets can be almost anything, to include mailboxes, tires, plywood, etc., so there is flexibility in what they use and the cost associated with that.

S. 2020 Police Vehicle Purchases: Captain Kyle shared that they do need to make a decision today on at least one vehicle as they need to get their order in quickly due to competition. He added that historically they have purchased vehicles under State Contract as they have the best prices.

They use the Vehicle Replacement Index (VRI) to determine whether or not a vehicle should be replaced, this is based heavily on mileage. The 2010 Toyota Corolla that is used for investigations qualifies for replacement. They plan to replace this with an unmarked 2020 Dodge Charger. This is the vehicle that they would like a decision on today and it should last them approximately ten years.

They have three 2016 Ford Taurus that are used by patrol as front line vehicles that qualify for replacement. They average just over 19,000 per year and these vehicles are used multiples times throughout the day by different squads/shifts. These vehicles tend to experience a lot of wear and tear due to gun belts, etc.

Morse inquired what they plan to replace the Ford Taurus with.

Captain Kyle shared that they plan to replace them with 2020 Dodge Durango Pursuit vehicles. They will purchase a total of four Dodge Durangos; the 4th will replace the 2016 Ford Explorer that qualifies for replacement.

Captain Kyle shared that they are moving from a shift system to a squad based system. This change has created a situation where they sometimes do not have enough vehicles available for everyone due to the overlap in schedules. Previously the SRO's would use vehicles from the fleet that were not being used to take to the school, but now there is very limited availability due these changes. They often drive their personal vehicles to school as they don't have access to patrol cars. Therefore they have identified that they need vehicles dedicated for use by the SRO's.

The RCPD is committed to conducting a vehicle master plan that looks at the demand for vehicles and determines what an overall number is that they need. They have a 10 member vehicle committee that recommended the Dodge Durango, this committee will continue to work on an overall master plan. They already know that they need to add vehicles for the SRO's and the current proposal includes adding 2 vehicles to the fleet for their use.

Overall they are looking at getting a grand total of 6 Dodge Durangos. They will have an equipment expense of approximately \$50,000 as they are adding two new vehicles to the fleet.

The 2016 Ford Transit Van also qualifies for replacement. They believe this should be replaced by a 2020 Ford Transit Van for a variety of reasons. Captain Kyle emphasized that the dealer is under the State contract system, and therefore has the volume associated with being a State contract dealer, but the vehicle is not under State contract. The vehicle costs about \$32,000 and the vendor offers a seating system on tracks for \$8000 that allows room for the cage and the ability to move seats around as needed.

The total package for all eight vehicles is \$311,205. Vehicles and new equipment comes out of Account 34 which is at \$270,000; they will be over budget by \$41,205. The 5 year average of actual

expenditures is at \$362,940; they estimate that this account is underfunded by \$85,000. While the total is over what is allotted to this account, it is consistent with their purchases over the last five years. Captain Kyle shared that over the last year they have closely monitored the amount of money that was spent in non-personnel items and even though this specific account may be over, the overall non-personnel budget is in check.

Morse inquired about the SRO's and wanted clarification on how/what they use the vehicles for.

Captain Kyle shared that the SRO's report to the police department, then take a department vehicle if one is available and report to their assigned primary school. The SRO's do get called out to other schools and sometimes respond to other emergencies. It's not uncommon for them to have to detain a juvenile and transport them to the police department as well. They plan to set up the SRO vehicles to be available for generalized patrol use when school is not in session.

Ward moved to authorize to the department to purchase eight vehicles with equipment for a total of \$311,205. Beardsley seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Wilkerson, Stoney, Beardsley, Rodriguez, Butler, Morse and Ward all voting in favor, and no one voting against. The motion passed 7-0.

Morse commented that she appreciates that they are still within the budget and that this is not an overage because they are balancing funds.

Captain Kyle did clarify that the way the modified cash system works they will continue to pay bills from 2019 through March 2020, so they won't know exactly how much they will pay until that time. So while it is within budget for the budget year itself, they may end up slightly over.

T. Kansas State University Police Department Concurrent Jurisdiction Memorandum of Agreement: Director Butler shared that he met with Captain Fink, Assistant Director Moldrup, legal counsel for the Law Board, legal counsel for the police department, Chief Grice from KSU Police and the legal counsel for KSU to review & discuss the Memorandum of Agreement. They concluded that although there are some requirements by KSUPD in terms of addendums that RCPD are not fans of, the legal counsel recommended and all parties agreed that no changes would be made to the agreement based on their meeting. This is in part due to the fact that KSUPD does not sign contracts unless the language in the addendum is included.

Beardsley wanted to thank everyone involved and Mr. Gillespie for clarifying some of the information for them. He shared that there was the addendum that does not apply in any way, shape or form, so he assumes that since it is not applicable, it disappears. He is comfortable with the MOA and with the two entities executing it in the way they intended.

Ward expressed that he still has serious personnel reservations regarding the addendum being foisted upon them by the University and he is offended by at least three of the sections and doesn't feel that it should be rammed down their throat. He does appreciate Mr. Gillespie's legal opinion and he will not object to signing the agreement.

Morse shared that she appreciates the meeting of the minds to ensure a clear purpose and that the agreement is one that they can go forward together on. She is aware of the rigid requirements by KSU and she believes it is important that they spent the time accommodate all of the parties and reach an agreement.

Director Butler commented that he is not disappointed that it took extra time to ensure that their questions were answered. He agrees with Ward and doesn't like the addendum, but he agrees that everything in there, besides the addendum, is important. He also pointed out that there is a severability agreement included in terms of changes and canceling it, so they do have options if they are not able to resolve issues in the future. There is no end date to the agreement, but it is set to be reviewed annually and any changes must be agreed upon and then it would be amended and brought back for approval.

Beardsley moved to accept the Kansas State University Police Department Concurrent Jurisdiction Memorandum of Agreement, Stoney seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Wilkerson, Stoney, Beardsley, Rodriguez, Butler, Morse and Ward all voting in favor and no one voting against. The motion passed 7-0.

U. Executive Session: At 1:33 p.m. Wilkerson moved to recess into Executive Session until 1:38 p.m. for the purpose of discussing non-elected personnel matters. Stoney seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Wilkerson, Rodriguez, Stoney, Beardsley, Morse, Ward and Butler voting in favor, and no one voting against. The motion passed 7-0.

At 1:39 p.m. the open meeting reconvened.

At 1:39 p.m. Wilkerson moved to return to Executive Session until 1:44 p.m. for the purpose of discussing attorney client privilege. Butler seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Wilkerson, Rodriguez, Stoney, Beardsley, Morse, Ward, and Butler voting in favor, and no one voting against. The motion passed 7-0.

At 1:50 p.m. the open meeting reconvened.

V. Adjournment: The January 23, 2020 Law Board Meeting adjourned at 1:50 p.m. Beardsley moved to adjourn the meeting. Butler seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Wilkerson, Rodriguez, Stoney, Beardsley, Morse, Ward, and Butler voting in favor, and no one voting against. The motion passed 7-0.