

**South Lake Minnetonka Police Department Coordinating Committee
SLMPD Coordinating Committee Meeting
Wednesday, February 11, 2015**

**24150 Smithtown Road
Shorewood, Minnesota
5:00 p.m.**

SUMMARY MINUTES

1. CONVENE COORDINATING COMMITTEE MEETING

Coordinating Committee Chair De La Vega called the meeting to order at 5:00 P.M.

A. Roll Call

Present: South Lake Minnetonka Police Department (SLMPD) Coordinating Committee Members: Chair Gaylord; Vice-Chair Zerby, Committee Member Kind and Committee Member De La Vega; SLMPD Administrative Staff: Interim Chief Pierson; and, Administrative Supervisor Swanson.

Also present: Excelsior City Manager Luger and SLMPD Lieutenant Neururer and Sergeant Ballsrud

B. Review Agenda

Kind moved, Zerby seconded, approving the agenda as presented. Motion passed 4/0.

2. 2015 HOUSEKEEPING ITEMS

Interim Chief Pierson reviewed the housekeeping items.

A. Coordinating Committee Chair

Interim Chief Pierson stated staff recommends continuing with the past practice to follow an annual rotation between SLMPD member cities when appointing the chair. That would mean Excelsior Mayor Gaylord would be the nominee for 2015.

B. Coordinating Committee Vice-Chair

Interim Chief Pierson stated staff recommends continuing with the past practice to follow an annual rotation between SLMPD member cities when appointing the vice-chair. That would mean Shorewood Mayor Zerby would be the nominee for 2015.

C. Coordinating Committee Alternates

Interim Chief Pierson stated each member City Council has the option of selecting a councilor to serve as an alternate to the Coordinating Committee. The following individuals have been designated as alternates by their respective City Councils for 2015: Jennifer Caron, City of Excelsior; Bob Quam, City of Greenwood; Jennifer Labadie, City of Shorewood; and Elli Ansari, City of Tonka Bay.

D. Financial Depositories

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Interim Chief Pierson stated staff recommends the authorized SLMPD financial depositories continue to be Beacon Bank and the Minnesota Municipal Money Market Fund (4M Fund). Currently there is no balance in the 4M Fund due to Beacon Bank offering a better rate of return. The amount on deposit at Beacon Bank in excess of FDIC limits is backed with pledged collateral reported to the SLMPD on a monthly basis.

E. Official Newspapers

Interim Chief Pierson stated staff recommends the Coordinating Committee reappoint the Sun-Sailor Newspaper as the official newspaper for SLMPD legal notices in 2015.

F. Legal Counsel

Interim Chief Pierson stated staff recommends Attorney Ken Potts continue as general legal counsel for the SLMPD. Staff will continue to use Attorney James Martin as needed for labor negotiations and other specialized personnel matters.

Zerby moved, Kind seconded, nominating Committee Member Gaylord to the position of SLMPD Coordinating Committee Chair and Committee Member Zerby to the position of SLMPD Coordinating Committee Vice-Chair for 2015; accepting Excelsior Councilmember Caron, Greenwood Councilmember Quam, Shorewood Councilmember Labadie, and Tonka Bay Councilmember Ansari as the designated SLMPD Alternate Coordinating Committee Members; continuing the authorization of Beacon Bank and the Minnesota Municipal Money Market Fund as the financial depositories for the SLMPD; continuing the appointment of the Sun-Sailor Newspaper as the official newspaper for SLMPD legal notices; continuing the appointment of Attorney Ken Potts as general legal counsel; and, continuing to use Attorney James Martin for labor negotiations and other specialized personnel matters. Motion passed 4/0.

Incoming Chair Gaylord assumed the role of meeting Chair.

3. CONSENT AGENDA

Chair Gaylord asked if anyone wanted to pull any of the items off of the consent agenda.

- A. Preliminary Unaudited Financial Report/Fund Balances – Year-End 2014**
- B. Debt Service Payment**
- C. Verifieds – November and December 2014**
- D. Resolutions**

1. Adopting RESOLUTION NO. 2015-1, “Participation Agreement Southwest Metro Drug Task Force for Calendar Year 2015.”

2. Adopting RESOLUTION NO. 2015-2, “2015 Pay Equity Implementation Report.”

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E. Summary Minutes

- 1.SLMPD Coordinating Committee Work Session Minutes of June 18, 2014**
- 2.SLMPD Coordinating Committee Work Session Minutes of July 1, 2014**
- 3.SLMPD Coordinating Committee Work Session Minutes of November 18, 2014**
- 4.SLMPD Coordinating Committee Regular Meeting Minutes of November 18, 2014**
- 5.SLMPD Coordinating Committee Work Session Minutes of December 10, 2014**
- 6.SLMPD Coordinating Committee Work Session Minutes of January 14, 2015**
- 7.SLMPD Coordinating Committee Regular Meeting Minutes of January 14, 2015**

Committee Member Kind noted that Administrative Supervisor Swanson had emailed the Committee Members a revised copy of the November 18, 2014, work session meeting minutes.

De La Vega moved, Kind seconded, approving the items on the Consent Agenda and adopting the Resolutions Therein. Motion passed 4/0.

4. MATTERS FROM THE FLOOR

There were no matters from the floor presented this evening.

5. TECHNICAL PROJECTS

A. Lieutenant Steve Neururer – Discuss Meeting Packet Materials

Interim Chief Pierson stated that since the November 18, 2014, SLMPD Coordinating Committee work session staff has done more research on the network server replacement and video recording replacement systems and solicited proposals including costs for those two projects. He asked if there were any questions about the memorandum from Interim Chief Siitari.

In response to a question from Committee Member Kind, Lieutenant Neururer stated staff is recommending the Coordinating Committee accept the proposal from Brand Networking for the replacement of the SLMPD's network server.

Chair Gaylord stated Brand's proposal is about \$8,000 higher than the proposal from Morris Electronics for police and fire combined.

Committee Member Kind asked what the justification is for going with the Brand Networking's proposal.

Lieutenant Neururer explained the labor cost in the Brand Networking proposal is significantly higher while the total cost for hardware is quite a bit less than in the Morris Electronics proposal. The Brand proposal includes 80 labor hours for police and 40 hours for fire. Morris has not looked at the way the current police and fire systems are configured. He does not think it would be possible to set up a shared server, set up profiles and reconfigure other things in only 40 hours for both police and fire which is what Morris proposed. Those activities are labor intensive. If the labor hours in the Morris Proposal were increased to 120 hours there would be less than a \$2,000 difference in cost between the two proposals.

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Brand is a local company (located in Mound, Minnesota) and the SLMPD has used it for about 20 years. Morris is located four hours away by car and if personnel flew here there is a trip charge. Although most trouble shooting is done remotely if there is a need to have a trouble shooter come on site it will take a while for someone from Morris to get here. He noted the close location carried weight when making the recommendation.

Committee Member Zerby noted he met with SLMPD staff and representatives from both firms. He stated the meeting with Jim Brand, with Brand Networking, and Chuck Freeman, an Information Security Officer with the Minnesota Bureau of Criminal Apprehension (BCA), was very good. The insight Mr. Freeman provided was very enlightening. He and Chair Gaylord had hoped to be able to use more cloud solutions and smaller data storage systems. Those solutions do require subscription services. Those would not have to be paid in what has been proposed over the life of the server. There are no vendors vetted by the BCA that provide cloud solutions for law enforcement. During the meeting with Mr. Brand and Mr. Freeman there was discussion about remote backup and working with other local police agencies to possibly host files at remote locations in the event the public safety facility was severely damaged. Mr. Freeman explained how to deal with having police and fire on the same system. Police has some law enforcement data practices that have to be adhered to. That would be accomplished via an internal policy.

Zerby asked Mr. Brand to explain why his estimated labor hours are so much more than Morris' are.

Mr. Brand noted he has had his own networking business since 1989. He has been involved with police and fire organizations since the early 1990s. He explained that he knows what it takes to run around the clock systems for around the clock organizations. He recently did a job almost identical to what he has proposed for a company in Chanhassen and it took about 200 hours to complete. He does not low-ball labor costs and then come in way over his estimate. It takes a lot of time to build the server, six virtual servers, deal with 37 workstations, convert the IP addresses, set up the exchange and so forth; it is a lot more than 40 hours. He understands the police and fire networks. He noted that his labor rate is discounted for police and fire. He also noted that he has not changed his billing rate for at least five years.

He clarified that he knows the individuals from Morris electronics. They are highly competent. He has high regard for them. He noted the Morris billing rate is a state contract rate. He stated he does not have a state contract that allows him to charge a given rate. Morris has a lot of work with agencies all over the State.

He stated he has a business partner that handles his company's smaller clients while he tries to focus on his larger clients. He noted that he works very efficiently and fast. He makes a concerted effort to handle things very timely no matter what day or time it is. If something goes down he is there.

Mr. Brand stated the two servers are in a survival mode now; they are at the end of their life.

Committee Member Zerby stated if the project takes less time than estimated he asked Mr. Brand if the SLMPD would pay less. Mr. Brand responded yes and explained he is a time and materials person and works on a hand shake.

Mr. Brand stated that a lot of network engineering firms charge monthly maintenance fees, backup fees, hardware warranties, server warranties and so forth. Proposals from other firms in the area would be very

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expensive to maintain. He stated that his company periodically logs in to observe how things are running to try to keep the servers functioning without breaking the budget. If police and fire do not need anything for a month he does not bill anything because he does time and materials.

Chair Gaylord asked Mr. Brand how he handles upgrades or software patches. Mr. Brand stated that he comes and updates things like the servers and workstations roughly every 30 days or 60 days. He clarified he does not have the servers on automatic updates. Gaylord asked if critical updates will be handled in a timely manner. Mr. Brand responded yes and noted that he can do that remotely.

Mr. Brand noted that because of the virtualized environment being proposed there will be a lot of flexibility. Because it is a 25-bay box he can add disk capacity very quickly.

Committee Member Zerby stated currently the SLMPD has two T1 lines which by today's standards are like having dialup lines. There has been discussion about having an upgrade path to a broadband solution and maybe a cable modem. He thought that upgrade path is built into the proposal. Mr. Brand noted that he proposes redundant internet service. The firewalls will all be capable of doing redundant internet. He also noted that for fire cloud solutions will continue to be used for some things.

Zerby moved, De La Vega seconded, accepting the proposal from Brand Networking as presented for replacing the South Lake Minnetonka Police Department's server and related technology components for an amount not to exceed \$31,000 and with the funds coming out of the Technology Fund and/or the DWI Forfeiture Fund. Motion passed 4/0.

Committee Member Zerby explained that he met with representatives from General Security Services Corporation (GSSC) about its proposal to upgrade the SLMPD's existing closed-circuit television (CCTV). GSSC had installed a test system in the processing center for two weeks. The recordings were very clear and the cameras were placed appropriately. The proposed system will allow the use of analog and digital cameras. Therefore, existing working analog cameras can be reused and non-functioning cameras can be replaced with digital IP cameras. Videos can be exported for Windows users and the users will then be able to zoom in to various areas on a video. The system would be compliant with requirements for processing individuals for legal action. He suggested having a video feed to the Emergency Operations Center in the facility. He noted that the proposed system will tie into the card access system which GSSC will install. He also noted that he was impressed with the system. It is up to date and needed very much.

Kind moved, De La Vega seconded, accepting the proposal from General Security Services Corporation for a video recording system for an amount not to exceed \$34,000 and with the funds coming out of the Technology Fund and/or the DWI Forfeiture Fund.

Administrative Supervisor Swanson explained that the balances she provided for the two Funds were as of December 31, 2014. The current balance in the Technology Fund is \$15,000. When the annual transfer is made the balance will be increased to about \$43,000. But, there are annual expenses paid for out of that Technology Fund so that will leave a balance of about \$15,000 – \$20,000 in the Fund before additional computers are purchased. She suggested leaving the funding sources up for discussion. Some of the funding could come from the 2014 Operating Budget surplus.

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Committee Member Kind stated she thought it would be appropriate to say out of either of the two Funds with the understanding some of the funding could come from the surplus but not the General Fund.

Motion passed 4/0.

Chair Gaylord asked to have future meeting packets emailed out as one PDF file that has bookmarks to individual agenda items.

B. Mike Siitari Memorandum

This was discussed during Item 6.A on the agenda.

6. ORGANIZATIONAL BUSINESS

A. Police Officer Hiring

Deputy Chief Pierson stated it is his understanding that Interim Chief Siitari is interested in starting the patrol officer hiring process. He explained that organizations are approaching the SLMPD about providing services at events. There is former Chief Litsey's position that has to be filled. In a few months there will also be a need to fill his position. There is a need to at least start the process of hiring a couple of patrol officers. It takes about three months to hire an officer and then they go through a 12-week-long field training process. It is prudent to start advertising for the positions and establishing a list of candidates. That is what is being asked for at this time.

Committee Member Zerby noted that Interim Chief Siitari's memorandum states that no offer of employment will be made until the exact staffing needs are known.

Zerby moved, Kind seconded, authorizing SLMPD staff to initiate the hiring process for patrol officers. Motion passed 4/0.

7. OTHER BUSINESS

A. Building Repairs

Interim Chief Pierson explained there have been some issues with the building recently. A representative from Alliance Mechanical came out to check things out and found ten of the burners in the boilers are out. The individual was on site for a few days so that will be quite expensive. There was also leakage into the building that was caused by a couple of vents that had deteriorated to the state where they were falling apart. They need to be replaced. He wanted to advise the Coordinating Committee of these unbudgeted expenses. He noted that he does not have an estimate yet for the cost to make the repairs.

Committee Member Kind asked if there are enough funds in the Building Maintenance Fund to pay for these expenses. Deputy Chief Pierson stated there is a balance of about \$13,000 in that Fund.

8. PERSONNEL MATTERS

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A. Michael Siitari Contract

Interim Chief Pierson noted the Coordinating Committee received a copy Michael Siitari's Personal Services Contract with the SLMPD. He stated there is one thing he would like to add. In order for Siitari to get Peace Officer Standards and Training (POST) licensed he has to have a psychological evaluation and a medical evaluation. Siitari has already had the medical evaluation. He and the psychologist want to know who the psychological evaluation report should be given to.

There was Coordinating Committee consensus to have the report sent to Interim Chief Pierson in a sealed envelope and Pierson will then give the sealed envelope to Chair Gaylord.

B. Severance Payment – Former Chief Bryan Litsey

Interim Chief Pierson noted that the meeting packet contains all of the supporting documentation as to how the SLMPD's Certified Public Accountant (CPA) Stewart Bonniwell calculated the amount of severance that former Chief Litsey was underpaid. He explained that sometime after 2011 Litsey's employment agreement reverted back to severance benefit language dating pre 2008. The error amounts to \$6,132.

Chair Gaylord asked who realized there was an error. Interim Chief Pierson noted former Chief Litsey.

Committee Member De La Vega stated from his vantage point he is not sure he would call it an error. He noted some of the documents included in the packet were prepared by former Chief Litsey for signatures. He stated that if there was an error he thought Litsey would have caught it when he wrote the document. He was not sure how or if that occurred or how that becomes an error.

Committee Member Zerby stated that according to Mr. Bonniwell's memo the 2008 – 2011 severance language was for 30 percent of the first 2000 hours of accumulated sick leave. Sometime after 2011 it reverted back to severance language dating pre 2008 of 30 percent of the first 1600 hours of accumulated sick leave.

Chair Gaylord asked Committee Member De La Vega what he is proposing. De La Vega stated the Coordinating Committee can either accept that it is a mistake and pay former Chief Litsey the \$6,132 or it can decide that it is not owed because since 2011 there were documents signed that showed the severance language was that dating pre 2008.

Chair Gaylord asked if legal counsel has weighed in on this. Committee Member Kind stated she is not sure he would have been involved with this. City Manager Luger stated there is an attorney the SLMPD works with about union and other personnel matters.

Committee Member Kind stated this is her sixth year of serving on the Coordinating Committee and she does not remember discussing this.

Committee Member De La Vega stated he recalls former Chief Litsey talking about possibly using his severance to pay for staying on the SLMPD's health insurance program until he found employment where

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his health insurance was paid. The last agreement Litsey signed was that he was going to take his severance as cash.

Committee Member Kind suggested going with what the written agreement stipulated.

Committee Member De La Vega stated that to pay the additional severance would be overly generous.

Chair Gaylord questioned if it might be prudent to have another assessment of this done; one in addition to the one done by Mr. Bonniwell.

Committee Member Zerby stated he is conflicted about this because former Chief Litsey donated a lot of hours to the South Lake community during his tenure with the SLMPD.

Committee Member De La Vega stated paying the additional severance could be justified using that rationale. But, technically there are signed agreements that indicate the lesser severance amount. He then stated as detail orientated as former Chief Litsey is he is surprised Litsey did not catch this.

Committee Member Zerby stated the community has a lot of gratitude for the amount of hours former Chief Litsey donated.

Chair Gaylord stated he favors Committee Member Zerby's approach and reiterated he would like to have another assessment done. He then stated Chief Litsey demonstrated his commitment to the community over the years.

Committee Member De La Vega stated if the Coordinating Committee is going to ultimately authorize the additional severance payment then he does not want money to be wasted on legal counsel.

Committee Member Zerby stated it is likely a cut and paste error between documents that was not caught. He thought legal counsel would conclude that the intent was not to reduce the amount in the severance language.

Zerby moved, Gaylord seconded, authorizing the additional \$6,132 in severance payment to former Chief Bryan Litsey. Motion passed 3/1 with De La Vega dissenting.

C. Reinstatement of Vacation Time for Interim Chief David Pierson

Interim Chief Pierson stated his employment agreement stipulates the maximum number of vacation hours he can carry forward in a year is 180. His unused vacation hours at the end of 2014 was 242; an excess of 62 hours. The reason he took less vacation was because former Chief Litsey was preparing to and then did retire. He asked if the 62 hours could be reinstated.

Committee Member Zerby stated he appreciated Interim Chief Pierson being proactive and that he can support reinstating the 62 hours.

Zerby moved, De La Vega seconded, reinstating 62 hours of vacation for Interim Chief Pierson. Motion passed 4/0.

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Other

Committee Member De La Vega stated he has not been able to find any documentation terminating the lease arrangement the four South Lake cities had for the original police facility located at 810 Excelsior Boulevard and how the capital account for that facility was distributed. He and Tonka Bay staff cannot find any documentation dated later than 2003.

Committee Member Kind noted that the Greenwood City Attorney researched this topic a few years ago.

Committee Member De La Vega stated Tonka Bay was able to find the original signed lease agreement and joint powers agreement (JPA) that was in place at that time. He explained the lease arrangement for that old facility was set up somewhat like a contract for deed without ownership rights. The Cities of Greenwood, Shorewood and Tonka Bay were making monthly rent payments to Excelsior for the use of the facility. The principal portions of the monthly payments were put into a capital account. Excelsior fronted the money to build that facility for a cost about \$435,000 and donated the land. When the new public safety was built and the SLMPD relocated the original lease should have been terminated. Nothing has been found that shows the capital funds were used to pay for the new facility or returned to the cities.

Chair Gaylord stated Excelsior will research that.

Committee Member De La Vega stated he will have Administrator Kohlmann make copies of the information Tonka Bay found and give that to those who want it.

There was discussion about when to schedule the next Coordinating Committee for.

Committee Member Zerby suggested that Interim Chief Siitari weigh in on that and noted that he would prefer to meet in April.

9. ADJOURNMENT

Zerby moved, Kind seconded, adjourning the SLMPD Coordinating Committee Meeting of February 11, 2015, at 5:50 P.M. Motion passed 4/0.

RESPECTFULLY SUBMITTED,

Christine Freeman, Recorder

This document is only intended to be a summary of the meeting held on February 11, 2015. A recording was made of the meeting which provides a verbatim account of what transpired.