

COUNTY BOARD COMMITTEE MINUTES

COMMITTEE: LAW ENFORCEMENT/ EMERGENCY MANAGEMENT COMMITTEE

DATE: June 24, 2016

Meeting called to order by Chairperson Dwayne Morris at 8:30 a.m. Members of the committee present were: Kirk Lund, Dwayne Morris, Ed Morse, and Michael Wineke. Others present were: Sheriff Milbrath, Chief Deputy Parker, Attorney Kiesling, Ken McFarlane, County Admin Ben Wehmeier, Corp Counsel Blair Ward, and Captain Haferman.

Absent: Dick Schultz

Compliance with open meetings law: County Administrator Wehmeier assured compliance.

Review agenda: The agenda was approved as presented.

Public Comment: None.

Approval of minutes: A motion was made by Kirk Lund, and seconded by Michael Wineke that the May 27, 2016 minutes be approved as printed.

Communications: None.

Discussion w/ Attorney Kiesling – reference property adjacent to Training Facility:

- Attorney Kiesling started by explaining that in August 2003 an agreement was drawn up between the previous owner of the Training Facility, the Lake Mills Conservation Club and the adjacent owner, Mr. Ken McFarlane. This was before Jefferson County acquired the land where the shooting range is. The agreement was made because Mr. McFarlane contacted the DNR as the Conversation Club was shooting towards his land which happened to be a marsh which would leave debris in the marsh. And since the land was not owned by the Conservation Club, but a private owner, the DNR would require the private owner to clean up the marsh. They also have a walking path that runs parallel with another range at the facility, and they would find chunks of lead on this path while they were out walking.
- Because of all this, Mr. McFarlane proposed and an agreement was drawn up that stated the Conservation Club wouldn't shoot within 100 yards of his property (where the walking path is) and Mr. McFarlane would in turn give the 6 acres of land with the marsh to the Conservation Club. In turn, the Conservation Club closed the range that was adjacent to Mr. McFarlane's property and put up a sign saying "Range Closed."
- A map was referenced so the board members could visually see what Attorney Kiesling and Mr. McFarlane were talking about in regards to the areas in question.
- There is a berm on the range that is adjacent to Ken's property that the city uses and they haul and dump dirt, compost, and snow in the winter.
- Dwayne Morris asked for clarification on the concern of the property owner. He asked if the concern is that people are shooting at the property. Mr. McFarlane stated, no, they are shooting parallel to the property but right on the property line. Morris asked if the property had a structure, or if there was another use for the property. Mr. McFarlane answered there is no structure and that the land was solely used for

- walking and recreation, nothing else.
- Morris then asked what the county used that area for. Chief Parker answered that the area is used for qualification shooting by our deputies; the snipers will sometimes use it because of the distance it allows us to shoot. Of the 2 ranges, 60% of the shooting occurs there, with the other 40% of the shooting happening at the other shorter range.
 - Morris asked about the trap shooting range. Chief Parker said we have never used the trap shooting range since purchasing the range.
 - Attorney Kiesling asked about the reason the Sheriff's Office uses the range adjacent to the property owned by Mr. McFarlane instead of the other range which faces I-94. Chief Parker said it was because it was both longer distance and that it was wider, allowing for more officers to use the range at one time and a better opportunity to get the shooting completed.
 - Sheriff Milbrath added that the Highway Shop has built up the berms to be good neighbors to deaden noise and also makes it much harder for a stray bullet to get out of the range. Morris asked about the height of the berm – Chief Parker stated that it is 20 feet high in some places and up to 30 feet high in other places. They are much higher than the NRA requirements.
 - Morris asked if anyone else uses the range. Sheriff stated that no one else is allowed to use the facility, not even off-duty officers.
 - Morris then asked for additional clarification on what areas the Conservation Club used the range facility for when they owned it. Mr. McFarlane confirmed that the Club only used the shorter range on the other side and the trap shooting area. The long range adjacent to his property was actually closed. Then when the county took over ownership, the county began using this range.
 - Chief Parker made comment that when the agreement was originally made, it was never actually filed. Attorney Kiesling confirmed this but did also reiterate that there was a "Range Closed" sign up at that range. He also stated that the county leased the land from the Conservation club before they purchased it and never used that range. But as soon as they purchased the facility, the sign came down and the range was then used.
 - Mr. McFarlane then stated that at the time the agreement was made up, there were 2 Jefferson County Sheriff deputies who were members that were aware of the range being closed and knew of the agreement. He said they knew they couldn't shoot there and knew why they couldn't shoot there.
 - Morris asked when the county bought the property; Chief Parker stated in 2011. Morris then asked about the first contact that Mr. McFarlane had with the county in December 2012. Mr. McFarlane said, yes, through the attorney, but he first went directly to Officer Miller when they started shooting there. Miller told him that Corp Counsel told the County they could shoot there because there was no reason to believe they couldn't use the range. At the time, no one knew of the agreement, nor could they find it.
 - Morris then affirmed with Mr. McFarlane that he only wanted the shooting to stop on that range, nothing else. Mr. McFarlane agreed.
 - Chief Parker asked if the agreement had been filed, would the county have been made aware of its existence. Wehmeier confirmed yes, but it had never been filed. Chief Parker stated that the Senior Staff had no knowledge of this agreement since it had not been filed until Attorney Kiesling brought it to their attention.
 - Attorney Kiesling stated that he felt that the other range could easily be adapted for

use by the county with approximately 1 ½ days with a bulldozer to enlarge that range a bit. Chief Parker stated that last year, the Highway shop brought in hundreds of loads of dirt to the berm at the Northwest corner of the property to make improvements to increase the safety of that range. He stated though that the reality of that range is there can only by 3 or 4 shooters at one time and the length is only 25 yards so it doesn't meet all of the requirements that are needed for some of the shooting this is needed. Mr. McFarlane stated that he thought they could make more room to the east and south of the pistol range (short range.)

- Chief Parker asked Mr. McFarlane if there were any other options he would be willing to consider besides not used the long range. Mr. McFarlane stated he would be willing to sell the 19 acres that are adjacent to the Training Facility. He feels that the range is de-valuing his property. The land he is willing to sell is mostly wooded area.
- Morris asked if his concern was the proximity or direction of the shooting. McFarlane stated it's the proximity. He purchased the land in 1988 and in 2003 was when the agreement went into effect. He just wants the Sheriff's Office to abide by the agreement.
- Wineke then asked for clarification on the lease and then purchase of the land. Chief Parker stated that in 2011 the County purchased 57.5 acres, they ran all the standard checks and recordings on the land records and deeds and then began using it.
- If the agreement had been filed it would have been attached to the deed and the County would have seen this and would have known about it to be bound to the agreement.
- Attorney Kiesling stated that people must have known about this because of the sign that was up and the deputies that belonged to the Conservation Club knew about it.
- Morris then asked about the fact that Mr. McFarlane would be willing to sell the land again and Mr. McFarlane said yes, he would, if they would not discontinue using the range.
- County Admin Wehmeier then brought up that the County would have to consider that if they stopped using the range, then they are not using the majority of the land that was purchased for anything or they would have to consider purchasing a new facility to be able to do the necessary duties.
- Wehmeier then again stated that the purpose of today was to decide do we purchase the property, abide by the agreement or do we just continue with what we are doing and see what conspires.
- To this Attorney Kiesling stated that if they continued, they would consider court action. Mr. McFarlane said that he just wants to get this cleaned up, he just wants to get it settled. Attorney Kiesling and Mr. McFarlane then left.
- Morris inquired if it would be ok to continue the discussion on this topic. Corp Counsel Ward stated that, yes; it would be fine to continue the conversation.
- The conversation continued with Morse asking about whether it would work if we bought the additional land or not. Chief Parker mentioned that what the fair market value of the land is would also need to be considered.
- Morse asked if there was any way to shift the direction of the range and Chief Parker stated it would be difficult with the other range, the interstate, and the wayside all in the vicinity. There is also an area of very soft land that would be unsafe. Morris mentioned that Mr. McFarlane just doesn't want any shooting there at all, and that his wife takes a lot of walks in that area. Chief Parker also stated that from a safety standpoint, they erected a red flag that is put up when the range is in use to let people know it is in use. It is visible to almost their house that it was in use. The county also

- originally stopped at their house letting them know when the range would be in use, the homeowners told them they didn't need to continue doing that.
- Morris asked if there is record of the number of times they are using the range. Chief Parker stated yes, there is. He also said that they only use the range from April-June and then September-October and only 4-6 times per month. The jail and patrol division is split up between these times.
 - Sheriff Milbrath brought up that they mentioned 2 deputies were members of the Conservation club. He is unaware of who the other deputy is other than Miller. He also stated that he's sure not many people are aware of what goes on in his office, so he found the argument that they knew anything about the supposed agreement to be unfounded. He said the County researched, and looked at everything before purchasing the land and found nothing about any restrictions or issues what so ever.
 - Chief Parker stated that never during the negotiations when purchasing the land was the agreement of not using the range in question brought up. When Miller came to him asking about using the range that said it was closed, he knew of no reason to not use it so gave the ok.
 - The county paid \$125,000 for the land originally.
 - Morris asked if we knew how the previous owner would testify in court. The answer was no, we don't, but it still stands that there was nothing that told the County about the agreement.
 - Chief Parker stated that he brought Sgt. Miller into his office and asked him if he knew anything about the agreement that was between the Conservation Club and Mr. McFarlane. Chief Parker said Sgt. Miller said he knew nothing about the agreement. County Administrator Wehmeier stated that the agreement should have come into factor with buying the property if it was in place as that would leave a small percentage of the property to use for the intended purpose.
 - Wineke wondered then if it would be an actual issue between the Conservation Club and Mr. McFarlane as they never mentioned anything about it, or between Mr. McFarlane and Attorney Kiesling as the Attorney was the person who drafted the deed and never actually filed the agreement.
 - It was also brought up that even though there were 2 employees of the Jefferson County Sheriff's Office as members of the Conservation Club, didn't mean they were aware of the agreement or why the range was even closed.
 - Chief Parker stated that the only alternative would be to pay hundreds of thousands of dollars to have someone come in and professionally establish a range on the area where the trap shooting took place. He stated the reason they don't use that range in the first place is the proximity to I-94 to the north and the wayside to the east.
 - Morris asked if we were able to acquire the 19 acres Mr. McFarlane was willing to sell at fair market value, would the Sheriff's Office be interested. Sheriff Milbrath stated the Sheriff's Office has no use for the land. His original suggestion was to see if they could just settle it with a certain amount of money – to just be good neighbors. It was made to sound that Mr. McFarlane would be happy with that, however, it was a ridiculous amount of money.
 - County Admin Wehmeier then suggested that instead of buying the whole parcel of land in question, why not just the 100 yards they are worried about and then they are far enough away. Morris stated he agreed.
 - Morris asked then can we take the land? Blair Ward said for public purpose, yes, however we don't have a purpose.

- Sheriff Milbrath then brought up the whole purpose of the McFarlane's not wanting that range used is the lead they would find while walking. He said they have not found anything on their property since the Sheriff's Office took over. The Sheriff stated again that we have done everything we can to make it as safe as possible.
- Morris then asked if it went to court, would it be filed in Jefferson County. It was stated that it depends what legal arguments they make. It could be just to enforce the agreement they have that they think the county is bound by or it could be they elect some sort of federal takings claim.
- Chief Parker brought up as well if they would decide to place a temporary injunctions claim that would prohibit the county from using the range in question until court proceedings were finished which could take up to 2 years.
- Morse asked what would be a reasonable amount to purchase the 100 yard buffer area. Sheriff Milbrath stated he wasn't sure what the amount would be, but the big problem is Mr. McFarlane felt like he got nothing for the land that he gave to the Conservation club. Sheriff pointed out that the deed states that the Conservation Club owns the land, and again, there is no notice that there are any restrictions on the land; that the county can't use the land for any reason. He stated that he suggested that we just give them some cash for the marsh area, that way they don't feel like they got nothing for it. This way we can all move on. County Admin stated that makes a valuable consideration for that argument.
- The problem is without the use of the range, it is not a valuable facility. It has been turned into a very nice facility that could be used by numerous different agencies that would generate revenue for the county. However, in the interest of being good neighbors, we have limited who has access to not cause any more grief to the McFarlanes.
- Blair Ward asked then, what is the direction that we want to move forward with this. Chief Parker brought up where we get a fair market value for the property. Corp Counsel Ward stated that in talking with Attorney Kiesling in the past, it was said that the county would talk to an appraiser and get an amount and they would get an amount from their own appraiser and if there is a difference, they would go with the average and that would be the asking price of the property.
- The first step will be to find out the fair market value of the property so that when we are able to move forward with this, we will be prepared.
- If that doesn't work, we wait for them to make the first move, and if they do file a lawsuit, we can always settle after it is filed.

Discussion & possible actions on purchase and use of officer body cameras:

- Chief Parker met with County Admin Wehmeier this week on the body cameras. 18 months ago, we approved the purchase of 12 V-View cameras, the docking stations, and the server to store the data. At the time, V-View worked with COBAN (our squad video systems that we use) which shared a software interface which allowed us to download the V-View data onto the COBAN server and still maintain the uniform data. As technology changes, V-View has come out with a new model that the interface does not exist that enables it to use the same software interface as before to be able to transfer the data.
- Also, with the 12 cameras that were originally purchased, 6 were used at time on the officers, while the other 6 would sit in the docking stations charging and then rotate each shift. With them being used 24/7, they are wearing down quickly and needing to

be repaired. The docking port was not developed well, the charging area has to be perfectly lined up to charge correctly and the V-View has to be gently placed on the station to not damage the connection point. This was not happening so they were breaking and needed to be repaired constantly. So now we are down to 8 cameras at any given time as the other 3 or 4 are being repaired. Not to mention that V-View has told us that if they can repair our current V-Views, they will for a set amount. If they can't be repaired, they will replace them with the newer model and charge the difference for the upgrade per camera.

- So now we are looking at the options for the whole system. Right now, some of the officers are wearing cameras and some of them aren't. When this happens, the public starts questioning the selectivity of who is wearing them and who isn't and why are they wearing them "now and not later." Or something happens and the officer wasn't wearing a camera and now there is no recording. It's almost to the point of with there not being enough to hand out, it's better to just not use them at all.
- The system in the squad and the server are both COBAN and we have had no issues at all with either. Captain Haferman has researched the camera options with COBAN to see what it would cost to initiate COBAN cameras. Also, with V-View, they are going to be using the "Cloud" as their server going forward and the cost to use that server space is very high.
- Chief Parker and Captain Haferman met with County Admin Wehmeier to speak about purchasing completely new cameras and the server to go with them. After discussion, it was decided that they would go for purchasing ½ the needed cameras now. Chief Parker then referenced a handout that showed what the cost would be for the necessary purchases for the new camera system. Captain Haferman also noted that the new V-View model cameras will not be able to be used with the current server, only the new Cloud.
- Eventually, the county would like each officer to have their own camera so they are only used 8 hours a day, and then when the officer is off, they are just being charged, so it will lessen the amount of use. The purchase of the 24 cameras needed now would be \$24,000 and the server would be \$21,000.
- County Admin Wehmeier pointed out that when the budget was worked out for this year, they knew we would have to replace the server, so \$11,000 was allocated for this purpose. Subsequent to the budget being passed, they realized the server didn't meet the specs needed, so even without the new cameras; the server would still need to be purchased. Captain Haferman also pointed out that all the interview rooms use the COBAN server as well.
- Chief Parker explained that in the 18 months that we have been using the body cameras, there have been numerous instances that they have been utilized and have been extremely beneficial. The attorneys have grown accustomed to being able to utilize the cameras to solidify an OWI case. They are used in interviews, in traffic stops, complaints against officers; and on the other hand, when there is a justifiable complaint against the officer.
- The problem is, as technology changes, different choices are available. We are staying consistent with the tools across the board.
- Wineke stated that he agrees that the use of cameras is necessary, especially in this day and age where there are always questions on people being prosecuted correctly.
- The plan is to purchase the 24 cameras and necessary equipment to operate them this year, and then the remaining 24 cameras would be purchased next year. Chief Parker

reiterated that we have the \$11,000 already in the budget to put towards the purchase, so the purchase of the server would be \$21,253 and \$24,247 would cover half of the cameras, minus the \$11,000. He stated then that the other half (24 cameras) would be put into next year's budget. The server purchase would be enough to cover all the in-squad cameras and the eventual total department cameras.

- Sheriff Milbrath pointed out the financial burden that is placed on agency and the taxpayers, so we have to figure out where they money will come from to cover the extra cost. Money will need to be taken out of different places to pay for this then. Also, some DA's are requesting the video, but most of the requests are coming from the defense as they want to see the evidence for their clients. This will not be a one-time figure; this will be considered into the budget going forward. Chief Parker stated cameras provide accountability for what occurs each time there is public contact.
- Morris asked if this is a budgetary item. Wehmeier said there are a couple options; the Sheriff's Office budget is big enough to let it go through and see where we are at towards the end of the year, the other option is to take it to the finance committee.
- Sheriff Milbrath said that with where we are at with the current cameras right now, we would need to pull the cameras completely sooner or later since they need repairs.
- Morris suggested then to approve the purchase without it going to the Finance Committee first. We would need \$36,000 to make the purchase of the 24 cameras and the server right now.
- Wineke made a motion to approve the purchase of cameras, package, and server as presented in the amount of approximately \$36,000. Lund seconded. Motion carried. (All Ayes)

Grants - Update of ongoing or new grants:

- Sheriff Milbrath is working on a pre-grant for body cameras and a 3-D server. It hopefully will cover some of the cameras, so we wouldn't be responsible for the entire amount. Since we are a smaller municipality, we are able to get small grants to offset these costs.
- We are still consistently working the Traffic Safety grants that are out there through the Bureau of Public Safety. Last year we got \$60,000, this year we are hoping for \$80,000. Sheriff Milbrath will be at the National Sheriff's Conference starting Sunday where he will be able to speak with many different people about this.

Report from the Sheriff:

- Cambridge recently had a save of a life on the new system that does the pumping of chest compressions. Officer Betanski was mentioned with this as he arrived at the scene and was involved in doing compressions and CPR. The EMS also sent a letter regarding his fine work.
- Judge Koschnik and others in the courts have sent letters and we have gotten very good feedback on the work done by Deputy Dandoy and Deputy Leonard regarding the Active Shooter training in the courtroom.
- Sheriff will be meeting with the Safety Director, Kim Eggers, about having Deputies who are CPR instructors teach some classes to the rest of the staff, especially Parks Dept employees. The Health Dept. used to do this training, however they are no longer certified to teach.
- We are just a few hundred dollars from having enough money to purchase the back-up generator for our Palmyra site.

Review monthly bills and financial items (January - April): – The committee approved the monthly recap reports for May 2016 bills in the amount of \$115,554.86. A spreadsheet summarizing current bills was reviewed by the committee members.

Report on budget:

- Sheriff Milbrath reported that we are right where we should be within the budget cycle. We are a little over in the jail, but are under in the patrol division. As we finish training, the overtime should drop in the jail division and help with this overage in the jail. We are looking at adjusting these budget items.
- There was recently a mini-style academy held for training the new employees and the staff said this was a very beneficial training compared to how it normally is handled. The new deputies are very far ahead of where they would normally be at this time in the training if it had been done how it was in the past.

Review monthly jail and patrol activity reports: Jail and patrol activity reports were not available to be reviewed.

Jail assessment fund items: There were no general fund items for the month purchased.

The jail assessment balance at the end of May is \$170,790.54.

Agenda Items: None noted at this time.

Adjourn

Next meeting date is July 22, 2016 (Emergency Management)

A motion made by Kirk Lund to adjourn at 10:25 a.m., was seconded by Ed Morse. Motion carried.

Motions Carried: 4 Lost: 0.