

# Minutes

## Law Enforcement/Emergency Management Committee

### September 1, 2010

Members present: Rob Reichwein, David Suchla, Olin Fimreite, Dick Miller, and John Aasen.

Also present: Lt. Tonya Niederkorn, Chief Deputy Brian Puent, Tom Bice, Mark Smick, Jailer Dana Stoner, Dispatcher Randy Jensen, Emergency Management Director Dan Schreiner, Steve Dubberstein, Dave Steinhoff and Stephen Doerr.

The meeting was called to order by Reichwein at 2:32 p.m. stating proper posting and notification has met open meeting requirements. Motion by Suchla and seconded by Fimreite. Motion carried 5-0.

Motion by Suchla and seconded by Aasen to accept the August 11, 2010 meeting minutes as revised. Suchla advised that in the last comment under general operations he would like the response noted as well. He stated that this statement was made because the individual who made the statement was questioned on per-diem costs. Suchla also requested that in the discussion of department comparables it be noted that the information did not add up and was essentially worthless. It was further noted that the information presented was received from the State of Wisconsin. Motion carried 5-0.

*Closed Session per WI Stat 19.85(1)(f) to consider financial, medical, social or personal histories of a specific person, and WI Stat. 19.85(1)(d) to consider strategy for crime prevention.*

**Motion by Suchla and seconded by Fimreite to enter into closed session at 2:37 p.m. Roll call vote – Miller, yes; Aasen, yes; Fimreite, yes; Suchla, yes and Reichwein, yes.**

#### ***Reconvene Into Open Session***

**Motion by Miller and seconded by Aasen to reconvene into open session. Motion carried 5-0. There was no action taken in closed session.**

#### ***2011 Sheriff's Office Budget Proposal***

The committee was advised that the budget proposal was revised to include the 2011 insurance rates, add eight additional hours per week for jail nurse services and funds for the crisis therapist (mental health) in the jail were also added. The committee was advised that the crisis therapist (mental health) was paid by Human Services in 2010 but this expense will need to be covered by the jail budget in 2011.

#### ***Jailer Personnel Requisition***

Chief Deputy Puent advised that a jailer recently submitted her letter of resignation effective September 4, 2010. This personnel requisition is to fill the vacancy that will be created from her resignation. This is 100% tax levy and is included in the 2010 budget as well as the 2011 budget proposal.

Aasen advised before hearing previous information he was thinking that we could reduce staff and not fill this position. Lt. Niederkorn advised they are currently operating ½ a position short within the jail. Suchla advised that Buffalo County operates with less staff and he believes the inmate to staff ratio is also higher in Monroe County. Lt. Niederkorn also advised that Monroe County has been involved in two major law suits.

Currently there are thirteen Jailers, two Sergeants and a Jail Administrator within the jail facility. Suchla advised he does not care if the sergeants are non-union positions, if there is a need for additional help we should be utilizing the sergeants, rather than adding staff. Chief Deputy Puent advised that if a supervisor is doing too much work that is supposed to be done by a union employee the unions have advised they will file a grievance as administrative staff would be overtaking union duties.

Suchla advised that the recommendation from the State of Wisconsin Department of Corrections does not have to be followed as it is simply a recommendation and he believes these recommendations are based on conversations with jail staff. Niederkorn advised that the Jail Inspector bases his recommendations on acceptable practices within the corrections community. Niederkorn advised that if there is a decision to cut staff there is a potential for an inmate or staff member being injured, if the county board makes the decision to cut staff they have to accept that possibility.

Suchla advised the just sees this as an excuse. Suchla was advised it is not an excuse and it is the responsibility of administrative staff to inform the committee/board of recommendations and potential risks and liability for the county.

Miller questioned Niederkorn as to what the sergeants and jail administrator do. Niederkorn advised that sergeants are currently filling some overnight shifts. Some of the duties administrative staff are responsible for include researching community service, programming, electronic monitoring, Huber inmates, reviewing reports, supervising employees, ensuring policies and procedures are followed, providing data and protecting the county and employees from liability.

Reichwein questioned how these shifts will be filled if the personnel requisition is not passed. Puent advised that the shifts would be filled by either by overtime or fill-in employees.

Suchla questioned why not leave the position vacant and have the sergeants fill the open position on the overnight shift. Suchla advised that it is his opinion that our jail facility has an abundance of jail staff as compared to other counties. Suchla advised the next item on the agenda puts main control duties in dispatch and he believes that this will address the issue of jail staff.

Suchla questioned if this position can be filled by part-time or temporary employees can fill this position until the budget can be reviewed. Chief Deputy Puent advised that is a possibility. Suchla questioned if there is someone in mind to fill this position. Chief Deputy Puent advised there is not. Reichwein advised that based on the previous county board meeting the position would have to be posted within the county first.

**Motion by Miller and seconded by Suchla to approve this personnel requisition. Roll call vote – Aasen, yes; Fimreite, no; Suchla, no; Reichwein, yes; and Miller, yes. Motion carried 3-2.**

#### ***Discussion of Dispatch and Jail Duties***

Suchla advised that an employee would remain in the main control position in the jail and one employee would act as jailer. DOC states that the individual has to remain in main control but he does not agree. If the person within the jail needs additional assistance the employee in main control would push a button that would alert dispatch. At that time the employee could leave main control to assist the jailer and dispatch would take over the main control duties within the jail.

Miller questioned if all jail staff are on the jail floor and there is no one in main control what can dispatchers do to ensure the security of the jail. Suchla advised he believes that dispatch could do everything from downstairs that an employee can do within main control.

Suchla advised that compared to other counties our jail and dispatch are not efficient. Chief Deputy Puent advised that unless you are working in these positions and see what occurs day in and day out, it is difficult to understand all of the duties that these employees are expected to complete.

Fimreite advised that economic conditions are tight and the county needs some creative thinking. Fimreite advised he also believes that patrol staff could be reduced. Chief Deputy Puent questioned how many patrol officers he believes are on duty at each time. Fimreite could not answer this question. Chief Deputy Puent advised that there are typically two patrol officers, patrolling the roads during each shift. Fimreite further stated that the sheriff's office is against Justice Sanctions because they do not want to leave staff. Fimreite was informed that the sheriff's office is not and has never been against alternatives to programming, in fact sheriff's office staff is actively involved in the implementation and improvement of programming. Fimreite further advised that the sheriff's office is not doing their job and there are too many individuals in jail, he believes there should be more individuals on electronic monitoring and the policy is too restrictive. Fimreite was advised that the policy has been revised to be less restrictive twice, since 2007. Fimreite was further advised that the issue is not with the policy but rather with the types of inmates that are in the jail facility. Fimreite was informed that individuals under probation revocation or those who are un-sentenced, with cash bonds, etc. are not eligible for electronic monitoring and that is beyond the control of the sheriff's office.

Suchla advised there are other counties that run jails just like ours, with far less employees than ours. Suchla advised that we would not be going down to 2003 levels, but rather just reducing a couple people.

Miller advised if it was suggested that dispatch be moved upstairs to assist with the main control duties within the jail, it is not most ideal but can be better justified. Suchla advised that would be too costly. Miller advised he wants to save money as well, but we have to provide safety for our staff and inmates within the system we have now. Miller advised unless we find a way to adjust it he does not feel comfortable with what is being suggested.

Suchla advised to talk about the security of the staff and inmates along with the liability is just as excuse as he believes that other counties are doing it. Miller advised he is concerned with this county, not other counties. Suchla advised that looking at things from a financial standpoint the increase in liability insurance will be less than the cost of a staff position. Miller advised it is not just about liability but rather about the value of the lives of staff and inmates. Miller advised he is not willing to live with staff members potentially being hurt. Miller advised if dispatch can be moved back up stairs as a control station he will be supportive.

Suchla would like to receive an estimate on what it would cost to make this transition. Miller advised along with that he would like some discussion on the pros and cons, with individuals who have expertise in these areas. Miller further advised if there are any counties with a similar setup it would be beneficial to speak with those agencies as well.

This topic will have further discussion at the next meeting.

#### ***Municipal Hold Fees***

The City of Arcadia had questions regarding municipal holds, but further research has answered those questions.

#### ***Replacement of Damage Uniform Pants***

Uniform pants were damaged while a deputy was bleaching his squad tires with bleach, due to having hit a family of skunks with his squad and trying to eliminate the odor. Per the union contract the request for replacement of the pants was forwarded to this committee. The pants are no longer suitable for duty purposes and the deputy is requesting consideration of reimbursement/replacement.

**Motion by Suchla and seconded by Aasen to replace the damaged uniform pants. Motion carried 5-0.**

#### ***Records Retention***

There has been no response from the public records board. This will be addressed further at the next meeting.

#### ***Jail Addresses***

*Jail Physician* – There is a new jail physician overseeing the jail. This is an unpaid position, which is not typical for most jail facilities. This position oversees medical policies and procedures, reviews and updates standing orders and also oversees the activities of the jail nurse.

*Fire Suppression System* – The committee was advised that this issue was presented to property committee and the repairs will be covered through the jail maintenance fund that was setup in the 2010 budget.

#### ***Discussion of General Operations***

Chief Deputy Puent advised that the sheriff's office is currently conducting follow-up investigation into the traffic fatality involving the Amish buggy.

#### ***Questions Regarding Monthly Vouchers***

Monthly vouchers were reviewed.

#### ***Zoning Expense***

Schreiner advised that he was approached by the Zoning Office. The federal government did a buyout of property in the Trempealeau Lakes area. There is an issue with some of this property that has been reclaimed by the federal government. Schreiner advised before he took this position the buy back was done by the federal government through the Emergency Management Office. Zoning has requested that Emergency Management cover the expense for rezoning this property. Miller suggested this issue be presented to Executive/Finance Committee. Schreiner advised he will present this issue to Executive/Finance Committee.

#### ***Communication Project Update – Steve Dubberstein, CSI***

Dubberstein advised that the first decision the county needs to make is if they want to complete this project yet this winter or if they are okay with waiting until next spring or summer. Either option is okay with CSI. If the county

would choose to have the project completed yet this winter, it may mean that they have less opportunity for negotiations because of time constraints.

Dubberstein reviewed the following information that was sent to Schreiner. At the present time, applications are in to US Cellular for processing and tower loading studies. Tower loading studies/evaluations have been completed at the three Trempealeau County Towers, and alternatives have been proposed for each. The project is progressing at a normal rate compared to other county-wide systems that have been completed, and have encountered similar circumstances.

There are three issues that were brought to the committee's attention.

1. The necessity to complete any concrete and underground work before the ground freezes in November. Six of the proposed radio sites require some degree of concrete work, either for a tower base or a shelter pad. For US Cellular leased sites, the leases need to be in place such that shelter pads can be poured by the end of October. For the Karlstad site, the final location needs to be determined and the tower steel must be ordered by September 15, such that the tower base can be poured by the end of October.
2. FCC wideband licensing considerations. The proposed system can operate either narrowband or wideband. However, the FCC will not license any new wideband locations after January 1, 2011. In order to complete frequency coordination, all applications must be into the coordinator by October 15, 2010. This means that the desired site locations must be locked down by mid-October in order to get a combination wideband/narrowband license. If we miss this date, we cannot turn the system on full simulcast until the narrowband cutover and all user radios are reprogrammed. The launch of the system will be delayed and the system will have to be "flash cut" into service.
3. Decision on the tower at the county building in Whitehall. The existing radio tower has some rusting of legs and is not likely to pass a tower loading study. As the microwave link to the main site west of Whitehall originates from this tower, a new tower must be ordered by September 15 and the concrete base poured before the end of October. In lieu of a new tower, the county can accept using the existing tower or reducing the existing tower from 150 to 100 feet, with the understanding a tower loading study has not been completed.

The result of these three items will determine if all or part of the new radio system can be put on-air this winter, or if the bulk of the project will have to wait for spring when concrete and other underground work can be completed. Communications Service would like to complete the project this winter, but it is acceptable to them to complete the bulk of the project in the spring and summer of 2011. The main impact of waiting until spring 2011 to deploy the system is the inability of law enforcement, firefighters and EMS to use the new system for communications in the interim, as well as wideband licensing concerns.

He again emphasized the project is proceeding at a normal rate and the issues encountered so far are normal.

*Tower Leases* – There are three options for the tower at the Whitehall location which include; replace tower, accept tower as is, or reduce the size of the tower by 50 feet. Fimreite questioned if there is a mechanism that could be used to support the base. Dubberstein advised that he is not aware of such mechanism. He further advised part of the issue is that in order to complete a tower loading study the contractor would want to view the base, which would require tearing up the blacktop to view the base. Dubbertstein advised if the tower was replaced it would be moved. Schreiner advised we did discuss that if we do move that tower the equipment cannot go into the equipment room unless the AC is updated, as there are already issues and additional equipment would make that problem worse.

Schreiner advised that he has contacted Verizon and was advised that they would rent tower space at no cost. Schreiner advised he has asked for this in writing, for a 25-year lease. He has not received a response to this request. Schreiner further advised that if we use these sites we could have to ensure that it fits within the system. Schreiner is continuing to review the feasibility of these possible tower sites. Schreiner advised there may be an issue with the landowner for these tower locations.

Dubberstein advised when dealing with large companies on tower leases it is very important to complete the process to ensure the actual cost. Dubberstein advised he has worked with US Cellular in the past and they typically are willing to rent space to public safety for \$150. He further advised that attempting to negotiate with US Cellular may

mean that the county ends up with nothing. Dubberstein advised he feels it is important that all negotiations are done through Emergency Management as the negotiations are delicate issues.

Dubberstein advised that the only towers that CSI would consider viable to replace the Karlstad tower location would have to be closer to Osseo. The issue with the Karlstad tower is the terms of the lease agreement which included a 10% increase every three years. The other concern is that the county would be paying \$150 per month for a tower that the county would have to construct whereas on the other hand they can rent tower space from US Cellular for \$150 per month and they are responsible for the tower. Dubberstein advised if the tower location changes it may require the county wait until next spring.

Suchla advised he does not feel the committee is prepared to make these decisions until they are able to continue discussions with Verizon. Dubberstein advised that in order to include the Verizon tower site he would need to re-engineer this site. Dubberstein a couple of changes are normal in this process and they would re-engineer this site at no additional cost. If there excessive changes in tower sites then they would have to include additional costs for re-engineering.

Miller questioned how soon he will know what it would cost to rent tower space from Verizon. Schreiner advised that he has attempted to make numerous contacts and asked for a commitment in writing. He has not received any response. He has checked with other agencies and it is unheard of that tower space be leased at no cost. He also wants a commitment that they will extend this agreement for 20 to 25 years. Schreiner will continue to work on the tower lease with Verizon.

The Karlstad tower is currently owned by the county but it does not meet the standards of the tower loading study and therefore the tower would need to be replaced. Schreiner has approached Karlstads about purchasing the property twice, and they advised they were not interested in selling the property.

Schreiner will continue to work with Verizon and US Cellular regarding tower leases. Miller advised if the county could find an acceptable site to replace the Karlstad location then the county could consider replacing the site at the courthouse location. Dubberstein advised the key is finding an acceptable lease rate. Reichwein questioned what the committees thoughts were on the Whitehall (courthouse) tower site. Everything links to the tower at the Whitehall (courthouse) site. Suchla questioned what it would take to remove 50 feet from the Whitehall site. Dubberstein advised he believes the cost would be approximately \$5,000 to \$6,000. Suchla advised he is leaning towards a new tower at the Whitehall location, simply because this is the center of everything.

Suchla also requested that Schreiner continue conversations with Mr. Ihle.

Miller advised that funds were included in the 2011 budget proposal to address the AC needs within the equipment room. Dubberstein advised that if the committee decides to replace the tower site at the Whitehall location, in order to maintain timelines, a decision would need to be made by mid-September.

Miller questioned what type of information is needed before the committee makes a decision on the Whitehall site. Suchla advised he thinks a decision on the Karlstad tower site would make it more feasible to make this decision. Schreiner will continue to pursue the other tower leases.

*Frequency Requests* – Suchla suggested putting in a frequency requests to include the additional towers, which provide more options.

Schreiner advised that he has two confirmed written okays and three verbal okays and has not had any response from one of the other municipalities regarding the letters of concurrence.

*Change Orders* – Change order #4 is for a new 90 foot tower in Whitehall (courthouse) at a cost of \$64,129. Change order #3 is for a new 180 foot self supporting tower at the Karlstad location for the cost of \$112,456.

**Motion by Suchla and seconded by Reichwein to approve change order #4, a new 90 foot tower at Whitehall (courthouse) location, for a cost of \$64,129.00. (This is just the cost of the new tower). Motion carried 5-0.**

There was some discussion if the motion approving change order #4, a new 90 foot tower at Whitehall (courthouse) location, for a cost of \$64,129.00 had to be forwarded to the full county board for approval. Suchla advised it did not need full board approval and could be approved by this committee.

Dubberstein advised that the majority of the change orders will be experienced during this phase of the project.

*Oversight of Communication Project* – Suchla advised he feels there should be one individual from this committee and another member of the county board to assist in the oversight of this project. Schreiner requests email addresses for these individuals in order to streamline communication.

**Motion by Suchla and seconded by Fimreite to appoint Aasen as representative for Law Enforcement/Emergency Management Committee and Mark Smick as a representative for Executive/Finance Committee to serve as the oversight for the communication project. Aasen and Smick would be authorized to approve change orders up to \$10,000. This motion would also rescind the motion from the August 11, 2010 meeting allowing Schreiner to approve change orders up to \$10,000. Motion carried 5-0.**

***Storm Damage to Trempealeau County on August 13, 2010***

Miller advised that he has had a conversation with the City of Blair regarding the extra expense due to storm damage. Miller also spoke with Senator Vinehout who indicated that there was more damage in other counties. Schreiner advised that it is unclear which storm is in question. Other areas experienced more storms than Trempealeau County. Vinehout suggested that in order to receive federal assistance there needs to be a certain dollar amount met. She is suggesting that Trempealeau County should be submitting paperwork in regards to the damage that occurred in the county. Miller advised it is his understanding that the damage would also include crop damage. She is suggesting that other counties have submitted paperwork and in her opinion Trempealeau County should be submitting the paperwork as well.

Schreiner advised that he has spoke with some of the entities that experienced damage and has been advised that they will forward a figure to Emergency Management as soon as they receive a figure. Schreiner advised when the storm occurred he contacted Wisconsin Emergency Management and discussed the damage within the county. The decision was made, at that time, that the damage in the county did not meet the level of those forms being completed. Schreiner advised this would have been his first time completing these reports and therefore he did seek guidance from the state.

Miller advised he brought the information to this committee as Vinehout was very anxious for Trempealeau County to participate. Miller advised that if the committee feels it is appropriate to pursue this then they should instruct Schreiner to do so. Miller questioned if the forms are filed by municipalities. Schreiner advised he does not have any experience with this process and is unsure. Schreiner advised he was out and about throughout the county on August 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>.

The committee requested that Schreiner continue to follow-up on this issue.

***Emergency Management Plan of Work***

Schreiner advised for the most part he has the plan of work complete, except a training that is scheduled and off-site plans that need to be filed before the end of the month.

***Set Next Meeting Date/Time***

The monthly Law Enforcement/Emergency Management Committee meeting will be held on Wednesday, October 13, 2010 at 2:30 p.m. in the Tremplo Room.

Reichwein adjourned the meeting at 6:40 p.m.

Respectfully submitted,

John Aasen/rms Secretary, Law Enforcement/Emergency Management Committee