

CHIPPEWA COUNTY
FACILITIES & PARKS COMMITTEE
SPECIAL MEETING
OCTOBER 20, 2021
CHIPPEWA COUNTY COURTHOUSE, RM 302
9:00 AM

1. CALL TO ORDER

The meeting was called to order at 8:00 AM.

2. ROLL CALL

Others present were: Administrator Randy Scholz, Atty. Todd Pauls, Don Dukerschein, Hon. Steve Gibbs, Atty. Tim Johnson

Attendee Name	Organization	Title	Status	Arrived
Harold Steele	Chippewa County	District 1 (Chair)	Present	
David Eisenhuth	Chippewa County	District 11 (Vice-Chair)	Absent	
Charlene Kervina	Chippewa County	District 10	Present	
James Mickelson	Chippewa County	District 8	Present	
Glen Sikorski	Chippewa County	District 2	Absent	

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

Attorney John Behling was recognized by the Chair and made a statement to the Committee about the County Firearms Range.

Attorney Richard White was recognized by the Chair and made a statement to the Committee about the County Firearms Range.

4. REPORTS

There were no reports

5. BUSINESS ITEMS

1. The Facilities & Parks Committee will convene in Closed Session pursuant to Wisconsin State Statutes Sec. 19.85(1)(g) "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (confer with attorney on Chippewa County Public Firearms Range options).

Supervisor Kervina made a motion to convene to a close session with Supervisor Mickelson seconding. Meeting convened in closed session at 8:07 AM.

Those present in closed session were: Administrator Randy Scholz, Atty. Todd Pauls, Atty. Tim Johnson, Larry Ritzinger, Melanie McLaughlin, Facilities & Parks Committee members and other County Board Members.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charlene Kervina, District 10
SECONDER:	James Mickelson, District 8
AYES:	Steele, Kervina, Mickelson
ABSENT:	Eisenhuth, Sikorski

The Facilities & Parks Committee will convene to open session.

Facilities & Parks Committee

Minutes
Special Meeting

Chippewa County Courthouse, Rm 302

October 20, 2021
9:00 AM

Supervisor Mickelson made a motion to open session with Supervisor Kervina seconding. The Committee will reconvene to open session to continue with the agenda.
Meeting reconvened to open session at 9:09 AM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Mickelson, District 8
SECONDER:	Charlene Kervina, District 10
AYES:	Steele, Kervina, Mickelson
ABSENT:	Eisenhuth, Sikorski

2. Chippewa County Public Firearms Range Discussion/Action Covering All Operational Aspects of the Firearms Range

Administrator Scholz read the comments from County Board Members to the Committee.

Supervisor Steele asked the Committee for direction. The Committee had a discussion regarding the options for the range.

Motion by Supervisor Mickelson, seconded by Supervisor Steele, to contact another firm to conduct a 2nd range assessment which will specify any range improvements that the County will need to complete to meet all safety standards for tactical and static shooting. The range assessment firm must be accredited by the Wisconsin Department of Natural Resources.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Mickelson, District 8
SECONDER:	Harold Steele, District 1 (Chair)
AYES:	Steele, Kervina, Mickelson
ABSENT:	Eisenhuth, Sikorski

6. AGENDA ITEMS FOR FUTURE CONSIDERATION

7. ADJOURN

This meeting was adjourned at 9:34 AM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Mickelson, District 8
SECONDER:	Charlene Kervina, District 10
AYES:	Steele, Kervina, Mickelson
ABSENT:	Eisenhuth
EXCUSED:	Sikorski

**STATEMENT OF EXPLANATION**

THE FACILITIES & PARKS COMMITTEE WILL CONVENE IN CLOSED SESSION PURSUANT TO WISCONSIN STATE STATUTES SEC. 19.85(1)(G) "CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED (CONFER WITH ATTORNEY ON CHIPPEWA COUNTY PUBLIC FIREARMS RANGE OPTIONS).

The Facilities & Parks Committee will go into closed session but no action will be taken in closed session.

Department of Administration

Randy B. Scholz, County Administrator

October 5, 2021

TO: County Board Supervisors

FR: Randy Scholz

RE: Chippewa County Firearms Range Report and Overview/Timeline of Current Reason for the Range Closure

On June 9, 2021, the Chippewa County Public Firearms Range was closed to the public until further notice for all firearm usage due to a report of bullet holes in a pole shed of a neighboring property. The classroom remains open for non-firearm usage, such as Hunter Safety classes.

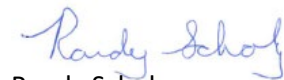
Since that time the Sheriff's Department conducted an investigation and the County hired an outside consultant, MT2 Firing Range Services, to conduct a range evaluation and assessment. The Facilities & Parks Committee has reviewed the information and would now like to provide the County Board with an update and an opportunity to seek feedback and suggestions for other possible options regarding the future of the range.

The following items will be discussed with the County Board on October 12, 2021:

- a. Facility & Parks Division update on history of Firearms Range and overview/timeline of current reason for the Range closure – Larry Ritzinger
- b. Sheriff's Office summary of investigation into report of possible bullet holes in a pole shed South of the Firearms Range – Lieutenant Rick Starck
- c. MT2 Firearms Range Evaluation/Analysis Report – Dave Andrews
- d. Review of options considered by the Facility & Parks Committee and to seek feedback and other options from the County Board regarding the future of the Firearms Range – Larry Ritzinger

The Committee is considering all options at this time. On September 22, 2021, the Facilities & Parks Committee elected to extend the closure of the range to the general public until further notice and directed that the gate at the Range be locked. All Chippewa County Law Enforcement entities must now check out a range gate key prior to using the range. Also, range use will be limited to static shooting only.

Sincerely,



Randy Scholz
County Administrator

Department of Administration Facilities and Parks Division

Larry Ritzinger, Director

October 4, 2021

FIREARMS RANGE INCIDENT SUMMARY

September 8, 2020: A complaint was filed with the Chippewa County Sheriff's Department (CCSD), regarding a pole shed (located approximately .9 of a mile due south of the firearms range) being impacted by a number of bullets. There were concerns shared for the safety of family and employees due to stray bullets.

- Deputy Sperry responded to the initial complaint of property damage.
- The Sheriff's Department's investigation found seven bullet holes were located on the north side of the pole shed, one bullet hole was located on the south side of the pole shed, one bullet hole was located in the combine (inside the pole shed), and two bullet holes were located in some cabinets that were stored inside the pole shed.
- The Public Firearms Range was closed on 09/11/2020 to all parties.

September 22, 2020: The Facilities & Parks Committee met, discussed and approved a plan to reopen the firearms range. The following safety enhancements were implemented prior to re-opening:

- Installation of 10 cameras.
- Installation of numerous signs stating "No Guns Beyond This Point", "Firing Line" and "Surveillance Cameras in Use" to name a few.
- Modifications to the "eyebrow" limitation board at the Long Gun range.

The Range was reopened to all parties on 10/09/2020.

June 9, 2021: The same complainant from the September 8, 2020 incident contacted the CCSD regarding more bullet holes in the same pole shed. Investigator Lau was assigned to investigate the complaint.

- Dates of incidents were 05/26/2021, 05/28/2021, and 06/02/2021.
- An employee of the complainant while working on a fence line on 05/26/2021 at approximately 3:30 p.m. heard 2-3 bullets fly past. Two new bullet holes were located on the North side of the shed. Note: previous bullets were marked with blue tape.
- The wife of the complainant was doing horse chores standing near the west end of the barn and heard bullets flying over the top of her head with approximate dates of 05/28/2021 – 05/30/2021.
- A visitor to the same property was standing in the horse pasture on 06/02/2021 at the East end of the barn and heard 3 bullets go past her head.
- Closure of Case (summary): The CCSD was able to determine that the bullets came from the direction of the range. The CCSD could not determine if the bullets came from the range itself. Video surveillance of the range was reviewed and, based on dates and times from the witnesses, subjects at the range were identified and interviewed. It was clear that the range rules were violated.

June 15, 2021: The Facilities & Parks Committee discussed the Firearms Range. They directed that the Firearms Range should remain closed to all parties until the next meeting on June 29, 2021. The Committee also wanted to see recommendations from the Public Firearms Range Advisory Committee.



Department of Administration Facilities and Parks Division

Larry Ritzinger, Director

June 22, 2021: The Public Firearms Range Advisory Committee met and forwarded the following recommendations to the Facilities & Parks Committee:

- Reopen the range only to Hunter's Education and Law Enforcement that have a Range Safety Officer or a State Certified Supervisor.
- Create an ordinance that allows the range rules to be enforced.

June 29, 2021: The Facilities & Parks Committee met and was provided with a summary of the investigation by the CCSD, reviewed the recommendations from the Advisory Committee, and put forth the following motions:

1. Create an ordinance to uphold the Firearms Range Rules.
2. Determine the fiscal impact of the installation of the "No Blue Sky" baffles.
3. Open the Firearms Range to Law Enforcement and Hunter's Education.

July 28, 2021: The Facilities & Parks Committee met and was provided with an update on the investigation by the CCSD. The Facilities & Parks committee decided that no further action will be taken at this time until the independent Firearms Range evaluation is completed.

September 22, 2021: The Facilities & Parks Committee met and was provided with a report by Dave Andrews (MT2 Firearms Range Services) regarding the independent Firearms Range evaluation. Director Ritzinger provided a Range Operational Options report to the Facilities & Parks Committee that included the pros and cons of each option. The Facilities & Parks Committee directed that the gate at the Firearms Range shall be locked (instead of utilizing barricades). The following motions were put forth:

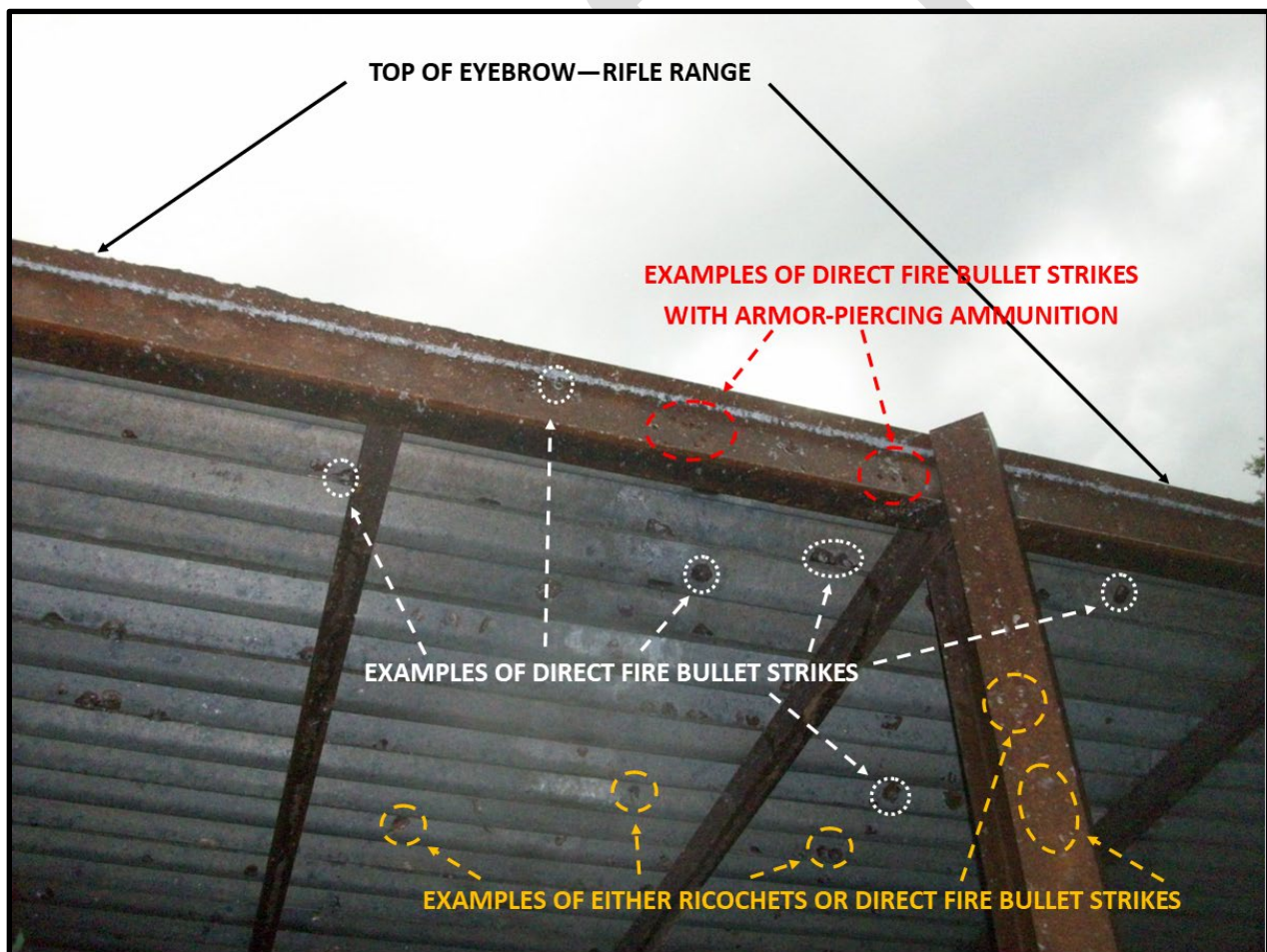
1. To continue to allow Hunter's Safety and all Law Enforcement from Chippewa County to use the range (NO dynamic training will be allowed).
2. Assign the Facilities & Parks Division with calling neighbors and anyone else that requests to be called when any shooting will occur at the range.
3. Continue to keep the Firearms Range closed to the public.

The Public Firearms Range was closed as of 06/10/2021 and remains closed at this time except for all Law Enforcement from Chippewa County and Hunter's Education (static shooting only).

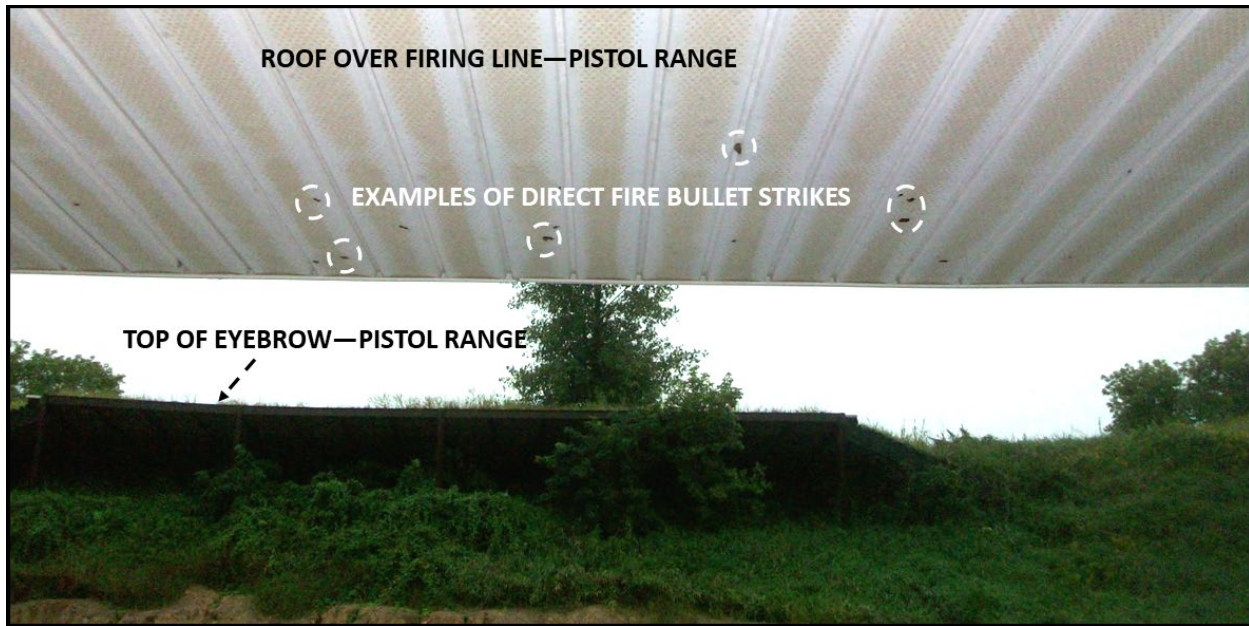
CHIPPEWA COUNTY PUBLIC FIREARMS RANGE AND TRAINING FACILITY: OVERSHOT ISSUE

While the purpose of MT2's contract was not to determine the source of the bullet holes in the private property downrange, it seems that there is a high probability that the source was from the County's Facility. This conclusion is based on the following:

- Review of police reports detailing two investigations in 2020 and 2021
- The distance from the Facility to the property (~0.9 miles) is well within the published range for most ammunition
- Lack of overhead baffles to restrict overshoot (i.e., over the eyebrows on the backstops) on both ranges
- Visual observation of direct fire bullet strikes on the upper portions of the eyebrows on both ranges. Additionally, there were a number of bullet holes observed in the wall of the rifle range pavilion and the ceiling over the firing line at the pistol range. These observations are seen in the following pictures:







There are a number of approaches that can be taken to reduce/eliminate the potential for overshoot at the facility. First it must be recognized that overshoot can take place at the pistol and/or rifle ranges, and most ammunition has the capacity to reach private properties to the south. It should also be recognized that overshoot results from both accidental releases and deliberate shooting above proper targeting systems. When evaluating various alternatives, the County should incorporate the 3E's of Safety: Education, Engineering, and Enforcement. While the following alternatives focus on the "Engineering" component, the County should also consider the other two components, such as:

- Education:
 - Improve signage to stress the consequences of improper use of guns and ammo.
 - Have well defined firing lines at both ranges (primarily for civilian usage)
 - Require Gun Safety Courses and install signage that teaches Bullet Distances and Lead Awareness.
- Enforcement
 - Pass ordinance that has significant fines/penalties for improper use of guns and ammo.
 - Enforce the ordinance and make public aware of consequences.

Engineering: the following alternatives could be considered at the Facility, which ranges from total Facility shutdown to construction of 'no blue sky' baffle systems. In completing its evaluation, the County will have to come to terms with what is the real purpose of the Facility: Civilian Recreation or Law Enforcement Training or Both. The defined purpose of the Facility will have a significant impact on the chosen alternative, the cost, and the liability.

Permanently close the Facility

Should the County decide on this alternative, it must be aware that once it is permanently closed, the Facility would fall under RCRA (the federal regulation for handling hazardous wastes). As such, the County would be required to undertake an extensive environmental investigation to determine the extent of lead contamination (which would likely include both soil and groundwater sampling). Once the extent of contamination is established then the site would have to be remediated to State standards. It is likely that given the amount of lead fragments found on the top of the eyebrows, the remediation would be required not only on the ranges proper, but on the backsides of the backstops, portions of the side berms, and adjacent properties. The costs to close the facility could be in the same order of magnitude as the construction of appropriately designed baffle systems.

Provide range supervision by a *qualified individual*

While this alternative will not ensure that accidental overshoot will not occur, it does dramatically reduce the chance for deliberate shooting above the designated target system. This, in combination with the current video surveillance should significantly reduce the potential liabilities. Currently, County law enforcement use is under supervision, so this option should only apply to civilian use. If this alternative is chosen, however, then the County should also have well-defined user agreements with other municipal, State and Federal agencies who use the Facility. A couple of items to be considered:

- Close the Facility to civilians and keep it open for law enforcement.



- Because there are two different range firing lines, which are visibly separated by a high median berm, with the pistol firing line nearly 90 yards in front of the rifle firing line, the County would either need to have two individuals on site or if only one is present then only one range could be used at a time. Even if more restrictive engineering options are instituted (see below), the County should consider supervision for civilian use to reduce improper shooting at baffle systems and other structures.
- Have the Facility operated by a contracted concessionaire, who is given the responsibility for supervision. This alternative would likely increase user fees more than use of County personnel to offset the 'for profit' venue.

Design and Install "No Blue Sky" Baffle Systems

NRA guidance recommends that backstops be at least 20-feet high and side berms be at least 8 foot high. While there was not a topographic survey available for the Facility, it is estimated that the heights of these structures are:

- sideberms (10-15') and in some instances even higher
- the tops of the eyebrows on the backstops, are close to the guidance (16-19'). This estimate is based on photogrammetric analyses and, if necessary, this estimate should be confirmed with actual survey measurements.
- It should be noted that the right side of the Rifle Range, where some shooting is at the 50-yard targets, the eyebrow structure slopes down with a much lower height. This can be seen in the following picture:



- It should be noted that even with appropriate supervision by County Law Enforcement, there is still the possibility of accidental shooting that could result in overshoot occurring on either range, although it is more likely on the Pistol Range. As explained below, when a range is used for tactical training, the potential for errant shot occurring increases over normal range usage. To help eliminate this risk, the County would have to install appropriately designed baffle/eyebrow systems or shut down the ranges.

Even with appropriately sized side berms and backstops, the NRA also recommends that if downrange conditions are unsure or unsafe, that an appropriately designed baffle system should be considered. The design of the system is such that direct fire would not leave a given range, thus the term “no blue sky”. It is noted that the County has recently contracted with CBS Squared, Inc. who prepared an “Opinion of Probable Costs” report (July 27, 2021), in which baffle systems are discussed.

There are two basic types of baffle systems, which the County could employ at the facility, should it decide that baffles are the best option:

- Vertical Baffles, typically constructed of wooden troughs filled with either gravel or granulated rubber.
- Inclined Baffles, typically constructed of concrete and steel.
- No matter which system is used, the shooting pavilions should have an appropriately designed baffle overhang, which would be the first of several baffles.

In deciding on a baffle system, there are a number of considerations:

- Whatever system is chosen, it will likely be used on both the pistol and rifle ranges.
- The number of baffles will be dependent on the range use as well as existing range conditions.
 - The rifle range is typically one where the firing line and target line stay constant. In this option, there would likely be the need for about ½ dozen baffles
 - On a typical 25-yard pistol range used by civilians under supervision, the firing line and target line stay constant, similar to the rifle range. In this application, there would need to be about 4 baffles.
 - However, on a pistol range used by law enforcement, the target line stays constant, but the shooter moves up and down range. In this application there could be as many as a dozen baffles required.
 - Should law enforcement need to use the pistol range as a “tactical” range, where the shooter moves in all directions, targets move laterally, and different types of equipment (e.g., cars) are used to give officers “real world” situational practice, the number of baffles would also be about a dozen or more in number. The spacing of support columns would have to be increased, thus adding costs.
- Spacing and type of support columns and span length will have a impact on costs and functionality of the range. For example, columns could be made of engineered lumber, cast concrete, or wood veneered steel. If wooden vertical baffles are considered, then the span could be increased by using horizontal ‘I beams’ instead of engineered lumber for the baffle base.
- Height to the bottom of the baffle is typically 8 feet, but the County may consider increasing it to 10 feet to facilitate use by officers.
- Many baffle systems are tied into the side berms or into concrete walls for stability and additional protection.
- Which ever system is chosen, there has to be designed access to the range, especially to the backstop and target line for general maintenance and reclamation activities.



- If evening shooting is planned, then lighting will be required and designed to match the selected baffle system.
- If any baffle system is installed, it should be recognized that it will have an impact on ambient noise levels as compared to the current conditions. This could be a significant issue for property owners in the near vicinity. Vertical baffles will have a different sound reflection than inclined baffles.
- While the inclined baffles may be 10-20% more expensive than the vertical baffles, maintenance/replacement costs of the latter may offset much of the capital cost differential. Additionally, the overall costs of the entire range upgrade could be substantial depending on how the County proceeds with the design options and construction. As such, the county should consider hiring a design team that combines typical civil engineering and firing range design, with significant experience in design and construction oversight of outdoor ranges.



Options	Pros	Cons	Existing Budget	Future Budget
1: Permanently Close Facility to Everyone	Eliminates safety issues	Eliminates a valuable resource for the public.	REVENUE Tax Levy: \$1,775 <u>Fees Rec'd: \$16,655</u> Total: \$18,430.00	REVENUE Tax Levy: \$1,775
	Less work for the F&P Division	Negative impact on Law Enforcement: New location needed for training Increased training costs ~ \$51,624 / yr. (for (6) qualifying shoots / year)	EXPENSES Operational Expenses: \$13,430 <u>Personnel Cost: \$5,000</u> Total: \$18,430	EXPENSES Operational Expenses: \$1,775(Est.)
		Negative impact on Hunter's Ed: New location needed and conflict with grant requirements - 25 year obligation (June 30, 1998 - June 29, 2023)	EXPENSES Sheriff's Dept. Training = \$3,321 / event x (6) events = \$19,926 (County Firearms Range)	EXPENSES Sheriff's Dept. Training = \$11,925 / event x (6) events = \$71,550 (Fort McCoy)
		Environmental site cleanup required One time cost (>\$200,000 est.)		
Options	Pros	Cons	Existing Budget	Future Budget
2: Close Facility to the Public Only	Greatly minimize potential safety issues and County liability.	Eliminates a valuable resource for the public.	REVENUE Tax Levy: \$1,775 <u>Fees Rec'd: \$16,655</u> Total: \$18,430	REVENUE Tax Levy: \$13,430 (Increase of \$11,655)
	Facility would be available for Hunter's Education.		EXPENSES Operation Expenses: \$13,430 <u>Personnel Cost: \$5,000</u> Total: \$18,430	EXPENSES Operation Expenses: \$13,430 (Est.)
	Facility would be available for Law Enforcement - possibly charge user fee?			
	No additional Range Safety Officers would be required.			
Options	Pros	Cons	Existing Budget	Future Budget
3: Sell / Donate Firearms Range to a Local Gun Club or Private Party to Manage / Operate.	Greatly minimize potential safety issues and County liability.	The County would need to seek out a Gun Club or Private Party that has interest in this opportunity.	REVENUE Tax Levy: \$1,775.00 <u>Fees Rec'd: \$16,655.00</u> Total: \$18,430.00	REVENUE Tax Levy: \$ To Be Determined
	Facility could be available for Hunter's Education, Law Enforcement and the General Public. This could be worked out in the agreement.	The County would have to develop a Memorandum of Understanding (MOU) or contract that would detail the specifics of the agreement.	EXPENSES Operation Expenses: \$13,430.00 <u>Personnel Cost: \$5,000.00</u> Total: \$18,430.00	EXPENSES Operation Expenses: \$ To Be Determined
	Range Safety Officers (RSOs) would be required (when the Range was open to the public), and the Gun Club or Private Party would manage the RSO staffing.	The County would have to develop a "migration plan", which may include an initial budget to rework and improve the Firearms Range to optimize safety.		

Options	Pros	Cons	Existing Budget	Future Budget
4: Design & Install "No Blue Sky" Baffle System	Greatly minimize potential safety issues and County liability.	Expensive: Static Use = 10 Baffles @ \$420,000 Dynamic Use = 18 Baffles @ \$756,000 (estimated cost)	REVENUE Tax Levy: \$1,775 <u>Fees Rec'd: \$16,655</u> Total: \$18,430	REVENUE Tax Levy: \$1,775 <u>Fees Rec'd: \$16,655</u> Total: \$18,430.00
	Facility would be available to the public, Law Enforcement, and Hunters Safety training.	The Public user fees would likely need to increase drastically (see information below)**.	EXPENSES Operation Expenses: \$13,430 Personnel Cost: <u>\$5,000</u> Total: \$18,430	EXPENSES Operation Expenses: \$13,430 Personnel Cost: <u>\$5,000</u> Total: \$18,430.00
		Well-defined user agreements needed for non-County Law Enforcement Usage (a County ordinance to allow for "Rule" enforcement will need to be created).		
		Without reserve safety officer (RSOs), some safety risk will exist.		**Baffle Construction - a one-time expenditure ~ \$500,000 - \$1,000,000
Options	Pros	Cons	Existing Budget	Future Budget
5: The County to Provide Range Supervision (RSOs) at ALL Times the Range is Open to the Public	Greatly minimize potential safety issues and County liability.	Without a baffle system in place, there will still be a slight safety risk.	REVENUE Tax Levy: \$1,775 <u>Fees Rec'd: \$16,655</u> Total: \$18,430	*See Options Below
	Better patron participation with Range maintenance / cleanup.	Well-defined user agreements needed for non-County Law Enforcement Usage (a County ordinance to allow for "Rule" enforcement will need to be created).	EXPENSES Operation Expenses: \$13,430 Personnel Cost: <u>\$5,000</u> Total: \$18,430	
	Potential to collect higher revenue.	To supervise the Range appropriately, (2) Range Safety Officers may be required - 1 for each range. Cost prohibitive.		
		Additional County staff time will be required to manage and complete the scheduling responsibilities.		
		Increased public fees. See below **		
NOTE: To achieve ultimate Firearms Range safety, options # 4 and #5 above would need to be implemented.				
BUDGET INFORMATION FOR OPTION #5 ABOVE				
Option 5a: <u>2 RSO's for 30 hours/week - (32) weeks</u> <u>(2 part time - 975 hrs. each)</u>	Range Closed December - March	Daily Fee: \$15.00 Membership Fee: <u>\$50.00</u> Estimated Fees Collected: \$55,000**		RSO Personnel Cost: \$32,613.00 Operational Expenses: \$13,430.00 F&P Expenditure Transfer: <u>\$5,000.00</u> Total Required: \$51,043.00
Option 5b: <u>3 RSO's for 46 hours/week - (32) weeks</u> <u>(3 part time - 975 hrs. each)</u>	Range Closed December - March	Daily Fee: \$20.00 Membership Fee: <u>\$75.00</u> Estimated Fees Collected: \$77,500**		RSO Personnel Cost: \$48,918.00 Operational Expenses: \$13,430.00 F&P Expenditure Transfer: <u>\$5,000.00</u> Total Required: \$67,348.00
Option 5c: <u>3 RSO's for 63 hours/week (32) weeks</u> <u>(1 full time benefitted - 2080 hrs. and 2 part time - 975 hrs.)</u>	Range Closed December - March	Daily Fee: \$25.00 Membership Fee: <u>\$100.00</u> Estimated Fees Collected: \$100,000**		RSO Personnel Cost: \$94,375.00 Operational Expenses: \$13,430.00 F&P Expenditure Transfer: <u>\$5,000.00</u> Total Required: \$112,805.00

****Fee Schedules noted above are based on annual sales of 500 memberships and 2000 daily usage fees.**