

Village of Withee

Phone: 715-229-4319 Fax: 715-229-4451
511 Division * P.O. Box A * Withee, Wisconsin 54498

The Village of Withee Board met on May 20, 2025, at Owen City Hall at 6 p.m. for a Special Board meeting with the City of Owen.

ROLL CALL

President Klabon called the meeting to order. Roll call was answered by Klabon, and Trustees Shelton, Amacher Kalepp, and Kroeplin. Clerk Niemi recorded the minutes. Also in attendance were City of Owen Clerk, Tracy Rau; City of Owen Deputy Clerk, Kelly Booth; Police Chief Patrick Fehlman, Police Officer Jacob Haugstad, Owen Mayor, Scott Jalling; Owen City Council members: Bob Wilczek, Jason Thornton, Ray Kilty, Ken Martine, John Mauel, and Dr. Pam Jaffke; Cindy Cardinal, Dawna Fehlman, Rick Nelson, Tim Swiggum, Grace Dale, and Owen DPW Chad Smith.

BIKE TRAIL

Owen DPW Chad Smith presented sheets prepared by Cedar Corporation Project Manager, Dennis Mack, which showed the breakdown of the project and both municipalities share of expense. The City of Owen was awarded an 80/20 grant from the Department of Transportation (DOT) worth \$1,160,800 to take care of the bike trail from Owen to Withee with a stub going to the school and widening the road to hook into the bike trail behind Kerry Ingredients. To reduce expenses, Owen is focusing on just replacing the current bike trail. Smith redid the project and got bids himself, reducing the project expense to \$684,953 which are prices from 2024. The Village of Withee's responsibility is 13.6% of the trail which is approximately \$93,154. The Village will get reimbursed at the conclusion of the project so the final expense would be \$18,631. Smith is still trying to work on lowering the project by \$70,000 by putting up power poles from the street to shine down on the trail, but it is not guaranteed to happen. In September or October Cedar Corporation needs to survey, especially with culverts and the Department of Natural Resources (DNR) involvement. They don't expect issues as it is just replacing existing culverts. In the middle of 2026, Cedar Corp will design and drill holes to check the base. Bids and commencement of the project will have to be done by September 13, 2027. Smith said they may push it to 2028 or 2029, letting whoever is awarded the bid be aware of that. The trail has to be completed by June 30, 2031. The current trail is 8 ft wide and new DOT standards mean the trail must be 10 ft wide with two feet shoulders on each side and handicapped ramps at crossings going to a road. Trustee Kroeplin asked how many lights are the Village of Withee's responsibility, which Smith thought 3 or 4. If the pole project goes through; it would eliminate the extra maintenance and mowing around the trail pole lights. President Klabon asked why there would be a charge of \$10,000 on the bid for traffic control. Smith said it is needed during construction of the trail to allow equipment on and off the trail. Smith hopes the project comes in at a lower cost than projected. Though Smith got the project to a lower cost, the DOT left the grant at the higher amount in case of increased expense. Mayor Jalling said that Owen just found out last week that they are responsible for making sure to contract with the Village of Withee to get Withee's portion done. Smith said that the City of Owen will bill the Village of Withee for Withee's portion when they get billed. Trustee Amacher asked when the Village of Withee would have to decide on joining the project to which Smith replied September/October of 2025. If the Village of Withee doesn't want to join, the City of Owen will replace the trail to where they meet and leave the Village of Withee's portion as is. Wilczek said that they plan to put out donation jars. Amacher said organizations might contribute, especially if it gets people on the trail instead of the road. According to attendees, the current trail was installed in 1984. Smith said the Village of Withee needs to be decided by June or July; if Withee decided not to join in the project, it would cost at least \$93,154 with no reimbursement. President Klabon asked how much Withee has to pay upon the start of the project. The City of Owen gets the bills, and then Withee will have to pay Owen for their portion, Owen gets the reimbursement from the DOT and then reimburses Withee for their 80%. For 2025, the surveying bill should be roughly \$5,000, which Withee would pay their portion. The City of Owen must figure if they are starting the project in 2028 or 2029.

Wilczek says Owen plans on doing a line of credit for their portion of expense. Clerk Niemi said the Village of Withee will be able to pay for the trail with savings. A Shelton/Kropelin motion to join with the City of Owen for the bike trail project carried with all ayes. The City of Owen attorney will create a contract for the Village of Withee to sign with payment and reimbursement details, after Village attorney review.

OWEN-WITHEE JOINT POLICE DEPARTMENT AGREEMENT

Mayor Jalling said the City of Owen Council feels that if the Village of Withee wants equal representation, Withee should pay 50% instead of paying only 35%. Otherwise, Owen feels that Withee should only have two representatives and Owen continue with three representatives on the Owen-Withee Joint Finance Committee. Trustee Shelton said the original agreement was drawn up so the Village of Withee would have a say in the police department's decisions. If the representation changes from 3 to 2, the Village of Withee would not have a say. Trustee Shelton said it was originally drawn up as 65/35 based on population. Trustee Kroeplin asked if there was ever a time that there was a tie. The decision to fix the garage and the decision to hire a third officer was close was the answer. President Klabon clarified that the garage belongs to the City of Owen, not the police department. Chief Fehlman asked if the garage was in Withee if it made a difference. Fehlman says the officers have permission to take the squad cars home because the garage is not viable due to mice and bees. Wilczek said the quote was \$70,000 to repair the garage by replacing the big garage door with two smaller doors, reinsulate, resheet the outside, and update the electrical inside which the police savings would pay. Jaffke said the police department has been paying for utilities on that building which she felt was like common-law marriage. She said it is the police department's building that if the joint department disbanded, the Village of Withee would get 1/3 of the assessed value of that building. Chief Fehlman said the OWPD pays electric and water on the garage. Wilczek remembers the City of Owen voting to give the garage to the OWPD. Mauel did not remember voting on the garage. Trustee Shelton did not recall that the City of Owen gave the OWPD the building at any OWPD committee meeting. Trustee Kroeplin asked if anyone is getting tax money for the building; it is government-owned so tax exempt. Mayor Jalling asked Clerk Rau and Clerk Niemi if the building is the City of Owen's. Clerk Niemi said the building is the City of Owen's. Clerk Niemi also addressed the Committee representation. She had been told by the Village of Withee attorney that all decisions made at the committee still had to come back to the Village Board and City Council. The Committee is not set up as a Commission like the fire commission where the decisions are final. The Committee meets and then makes recommendations to the Village Board and the City Council. Chief Fehlman said that according to the agreement the only thing that gets discussed for approval from the municipalities is the budget and anything major that requires extra funds. Kilty said on Page 4, number 1 "The budget must be approved by the governing bodies of the Municipalities before any.." which he said that once the budget is approved, anything in that budget can be spent by the committee and doesn't have to go to the council. The Village Board has previously stated that the City of Owen should repair their garage and charge the OWPD rent. Thornton wanted perspective as 20 years ago the Village of Withee built a water treatment facility and the City of Owen had to take a loan out to help pay for the plant. He felt it was the same concept since the water plant is not the City of Owen's building. Trustee Amacher wants to find out more information to find out what is best for the community.

Wilczek asked if the Village of Withee is happy with the service provided by the police department, as he has heard a lot of no. Trustee Shelton has heard from Owen people that they aren't happy and numerous people in Withee that are happy so wanted to know how to answer the question. Trustee Amacher said she wasn't going to base her decision on whether she would put money toward the police department based on whether she liked the police department. Chief Fehlman said the garage is beating a dead horse and that we are on the police contract. President Klabon said the negativity is based on visibility. He isn't interested in the citations and warnings and encouraged driving through the streets. Officer Haugstad mentioned that he likes to drive the entire community on his shift a few times; however, it may not be noticed as he is on night shift. Chief Fehlman tries to find hours to patrol but has a department to run which requires office hours. Wilczek said he checks with the OWPD often and that there is a lot of investigative work to be done. He says the officers are frustrated that they don't feel like they

are doing enough to make anyone happy. Trustee Kroeplin says that people comment on seeing the county cops but that is only because the pumps are by Kerry Ingredients. Officer Haugstad said no one is accusing Village of Withee Board members of anything, just ask that they inform people to support the OWP. Wilczek looks at us all being one big municipality. Trustee Amacher agreed with the statement; however, each municipality has business to transact and aren't always going to agree. Jaffke has also heard comments on lack of visibility. Officer Haugstad talked about having to investigate across the state. He then presented maps which showed calls for service and traffic stops in 2024 and 2025 in town, assisting the county, and calls outside of jurisdiction. President Klabon asked about the stops on Hwy 29. Chief Fehlman responded there is jurisdiction on Hwy 29 and are asked to assist with traffic stops. Officer Haugstad said the violation might have happened in town but can't get stopped until they reach Hwy 29. Chief Fehlman spent four hours (7-11 am) documenting 427 vehicles on the west side of Withee at an average speed of 30 mph. He would have only stopped six to seven vehicles. He spent two hours by the Nazareth church documenting 130 vehicles at an average of 26 mph. Chief Fehlman finds more when he patrols. Klabon asked if came up with a formula to measure the number of calls in Withee in a year. Officer Haugstad responded that he would have to count it up and that he views it as one big community. President Klabon said people reading the police report comment on the citations. Chief Fehlman said one citation is issued for every 10 warnings. The paper requests the police report, and he can't deny it. Wilczek said speeding and junk ordinance enforcement were priority when department started. President Klabon asked if traffic improved which Officer Haugstad responded in the affirmative. Officer Haugstad said part of traffic enforcement is also having people see police stopping cars. President Klabon asked if one of the four squad cars could be parked as enforcement, but Officer Haugstad was concerned about vandalism. Grace Dale commented on the fire department using equalized value for how the cost is split. She wondered if should figure that way or split by number of calls being 50/50 or by population. Grace walks her dog a lot and sees the police officers, especially at night. President Klabon said the bottom line is asking for more visibility. Officer Haugstad said they went to high visible graphics. Dawna Fehlman said there is a contradiction between people saying there is enough visibility but because it is reported in the paper that people think there are quotas to get numbers and that they are actually doing too much. Trustee Amacher said that the police go to where they are called and that attendees can tell that to people. Officer Haugstad said the maps show markers but don't tell the amount of time spent at each stop. Tim Swiggum said going back twenty years, people felt time should be spent in Withee one-third and in Owen two-third. But that they tried to make it feel like 100 percent coverage; they go where the calls are. Swiggum felt the complaints to worry about would be if someone calls and no one shows up. President Klabon asked about the hours of coverage and was told it is 7 days at night a week and Chief Fehlman working day shifts. Chief Fehlman said it is the same coverage as Thorp, Greenwood, and Loyal. Colby/Abbotsford is different with a little more overlap. Wilczek said people have complained about overlap but that is necessary to communicate for an hour to hand off information. Trustee Kroeplin said now he could explain to people about why the officers take the vehicles home. Chief Fehlman said there is a policy through the City of Owen employee handbook, that they can take the vehicles home. Officer Haugstad noted he has always taken his vehicle home because of being K-9 Jimi's handler. Mauel asked if the department is using the garage at all. Chief Fehlman said if a storm is predicted he parks the unit in the garage. He doesn't leave a squad in there for a long time due to past damage and mouse poop. He said extra seats taken from the squad, lost and found items from the campground, and items from other incidents are the items in the garage. President Klabon asked about extermination services. Chief Fehlman said they could pay for the services but the number of holes in the wall makes it not sealed. Wilczek said he would hit the wall and it would vibrate with the bees inside it. Mauel asked how many squads stay here instead of taking them home. Chief Fehlman replied he would leave his two vehicles if the garage was good. Mauel asked if a two-car garage could be built. Wilczek replied it would be more cost effective to fix the present garage. Mauel thought the two-car garage could be built cheaper, which Wilczek disagreed. Mayor Jalling said they were off topic as the Village of Withee Board had already stated they did not want anything to do with the garage because it belongs to the City of Owen. He said if it was going to be repaired, the City of Owen would have to do it. Chief Fehlman agreed that the garage is a moot point. Swiggum mentioned that when the police committee was first formed there was supposed to be rent from the county. Jaffke said the OWP. pays \$400 per month to the City of Owen for rent and utilities for the

square footage the department uses. Mayor Jalling said the county doesn't pay anything for the office space that they use. Swiggum said that is how you make up the difference by increasing the rent the OWPD committee pays to pay for the improvements the City of Owen would make. Klabon mentioned that the OWPD agreement says the OWPD pays rent on the City of Owen municipal building until the building is paid off. Wilczek said the 2020 bond on the building is for 20 years. Rent was determined by the amount of square feet and divided the utilities into two thirds/one third. Chief Fehlman said the Village of Withee is only paying \$150/month for rent and utilities. President Klabon said the agenda was about the police agreement. Chief Fehlman said it was about the fact that there are half of the people on the governing side but only paying 35%. Thornton said that some of them didn't like that there was no tiebreaker. So, if they voted on buying a new squad car and Owen said yes and Withee said no, who breaks the tie? Thornton asked if it was the President, the Mayor, or one of the clerks? Wilczek said the Village of Withee has a quorum at the OWPD committee meeting. President Klabon said to change the agreement would involve attorneys. Trustee Kroeplin asked how long the agreement is good. Wilczek said indefinitely until there is a severance by either municipality. Wilczek said that all they are is a finance committee which looks at the budget and makes sure the numbers are good. He said that is all they are supposed to meet for. He said other issues come up that aren't supposed to fall to that committee. He said they were the penny pinchers, hiring and financing. President Klabon asked if they are hiring, if both the Village Board and City Council must approve the hiring at their meetings, which was replied in the affirmative. President Klabon was seeking clarification as there was a purchase of a squad car which was approved by the committee but wasn't brought to the municipalities. Wilczek said if it is in the budget line item, it doesn't come to the boards. Thornton gave the example of buying 30 new firearms with a budgeted amount of \$10,000; that as long as it was approved in budget, the police chief can make that purchase. President Klabon said this was in regard to the last squad car purchase that was not a budgeted item. It was approved by the committee but had not been approved by the boards until after the purchase happened. Wilczek said it was pulled out of savings which wasn't outside of the budget per say because the committee didn't have to come to ask for more money. He said it happened that way because the auction was ending. Thornton said he had the money to do it and the committee had approved it. Wilczek said this didn't affect the bottom line for Withee or Owen because it was already money saved up in the police savings which is what that is for, capital purchases. President Klabon said it wasn't following the rules. Officer Haugstad said if it was already approved by the committee, then it was already approved by the Village of Withee because there was a quorum. Chief Fehlman said the savings were a conglomeration of monies that had been paid over the years. Rick Nelson said that as a taxpayer he is concerned about why there are any savings in the committee. Wilczek responded that there was a year where they had only one officer who wasn't making much. Nelson felt the following year budget should have been offset by the savings monies. Wilczek responded you don't do that in business. Nelson replied that in government that is absolutely what you do. Nelson said governmental funding is governmental taxpayer dollars, you set a budget and spend it on that budget. He felt if there was a surplus, that's offset on next year's budget. Wilczek said he didn't know any governmental agency that does that. Nelson replied it is the entire governmental world. Trustee Amacher asked about county surpluses. Mayor Jalling responded if it is a non-lapsing. Klabon asked if they were continuing with the current agreement. Suggestions were made about who would be the tiebreaker such as the City of Owen mayor. Mayor Jalling thought it was somewhere in the agreement that he can't sit on a police committee. President Klabon thought Owen would talk to their attorney and Withee would talk to their attorney to find out their suggestions for a tiebreaker and how to change the agreement. Mayor Jalling asked if we were in agreement to take that proposal of 3-3 with the tiebreaker of the Mayor of Owen taken to each of the municipalities individual attorneys and have them work on an amendment to the agreement. Trustee Amacher was not in favor of making a formal decision on the amendment at the meeting. It was agreed that both municipalities would take this to their attorney about the tiebreaker and have another joint meeting.

An Amacher/Shelton motion to adjourn at 7:40 p.m. carried with all ayes.

Ellen Niemi, Village Clerk