

In attendance: Mayor S. Bierce, Aldermen B. Bergman, C. Brown, J. Kara, J. Wamser, R. Grosch and B. Dziwulski. Also present were Clerk/Treasurer K. Tarczewski, City Administrator S. Klein, DPW Director J. Weigel, Fire Chief K. Bierce, Assistant Chief M. Hoppe and Attorney S. Riffle.

1.0 Call to Order and Pledge of Allegiance - Mayor Bierce called the meeting to order at 7:00 p.m.

2.0 Public Comment

Tom Perz (W278 N2955 Rocky Point Road) stated his neighborhood has several concerns related to the deer. They cause accidents, they carry lyme disease, they leave droppings in the yard, there are too many of them, they eat plants and during the winter they get mange and die. He asked the Council to seriously consider eradicating the deer. He said the dollar amount is insignificant. He said the DNR did a good job the last time they were out here.

Mark Buschman (W278 N2897 Lincoln Avenue) stated he was concerned about the same issues as Mr. Perz. He stated a survey was done in the past and the DNR recommended 12 - 18 deer per square mile. The last time the City managed the deer population, 29 deer were eradicated and it made a difference. He said the City needs to continually manage this issue.

3.0 Consent Agenda – Action

3.1 Approval of Common Council Meeting Minutes Dated September 5, 2017

3.2 Approval of Accounts Payable Summaries

3.3 Approval of Bartender Licenses

Ms. Brown asked that item 3.2 be removed for discussion and Mr. Kara stated he wanted to abstain from item 3.1.

A motion was made and seconded, (J. Wamser, J. Kara) to approve the remaining items on the consent agenda. Motion Passed: 6-For, 0-Agaisnt. Mr. Kara abstained from item 3.1.

3.2 Approval of Accounts Payable Summaries

Ms. Brown asked why there were so many Green Road special assessment refunds. Ms. Tarczewski stated several property owners prepaid for the project and when the job was finalized the amount due was less than expected.

A motion was made and seconded, (C. Brown, B. Dziwulski) to approve the accounts payable listing. Motion Passed: 6-For, 0-Agaisnt.

4.0 Presentation of the Fire Department Annual Report

Chief Bierce and Assistant Chief Hoppe were present for this item. They discussed the significant accomplishments over the last year and showed a video of the year's past events.

5.0 Discussion and Possible Action Regarding the Release or Non-Renewal of the Letter of Credit for Pewaukee Sunder Fields, Towne Realty Inc. and Zilber LTD

Mr. Weigel was present for this item. He stated every development within the City of

Pewaukee is covered by a Letter of Credit (LOC). Tonight's issue is related to the second phase of the Woodleaf Subdivision. Attorney Riffle said the developer is Town Realty and they have been very responsive. He said the only thing left to do is the top layer of asphalt, and the City currently has a LOC in the amount of \$137,000. Associated Bank sent email approval of extension of the LOC. It does expire on the 16th of October. He stated we want the ability to draw on the letter of credit if the renewal notice does not come before the termination date of October 16th, 2017.

A motion was made and seconded, (B. Bergman, J. Wamser) to authorize staff to draw on the letter of credit for the remaining work to be done at Sunder Fields in the event the letter of credit has not been renewed. Motion Passed: 6-For, 0-Against.

6.0 Discussion and Possible Action Regarding Reactivating the Deer Management Program and Possible Future Funding

Mr. Kara stated he would like to reinitiate the deer management program. He briefly summarized what had been done in the past. He said a formal program was adopted by the Common Council back in the fall of 2013 for deer management. He said in early 2014 sharpshooters were authorized to cull the herd in the Rocky Point Subdivision and approximately 30 deer were killed. The City paid \$5,000 and the funds were matched by a DNR state grant. In January of 2015 a flyover was done and the deer density was plotted on a map. It was determined that there were approximately 39 deer per square mile. Mr. Kara stated the City's deer management program set a goal of 30 per square mile. He said people in the area thought things got better at that time, but now after 3 years things have relapsed. He'd like to see if there were other things the City could do. He said we never looked at additional bow hunting or getting nuisance tags from the State. He said he'd like to get approval from the Common Council to move ahead to explore some options and assign someone within City Staff to begin that task and move it forward. He admitted there are strong emotions on both sides.

Mr. Grosch stated it appears the City spent a fair amount of money, and if we would have kept up with it, it may not have cost as much in additional years.

Mr. Wamser stated the natural winter kill is down due to the warm temperatures. He said bow hunting is a factor because no one wanted to see a deer walking around with an arrow through it.

Mr. Perz stated the City worked with the DNR and there was funding available. He said the hunters were in tree stands and shot down at the deer, so that bullets were not flying around the neighborhood. He agreed with Mr. Grosch that the program would cost less if it was continued.

Jerry Clocka (W273 N1582 Lakefield Drive) stated the deer keep coming into his yard even with his attempts to keep them out. He also complained that someone in the neighborhood feeds them on a daily basis so they are drawn to the area. He stated he would be in favor of a local ordinance that prohibits feeding the deer.

Dione Wirth (Rocky Point South) stated the deer population is increasing in the neighborhood and they eat the foliage constantly. She said her dog contracted lyme disease even with preventative measures. She voiced her concern about children playing in the yard. She said she finds raking deer poop disgusting. She said motorists are in constant danger of hitting a deer. She said this was a quality of life issue that poses health and safety concerns.

Jeff Fiori (N29 W27524 Peninsula Drive) stated the deer eat all his landscaping and destroy it. He said his property is almost unusable due to the deer poop. He commented that the problem is terribly out of control. He said thinning the herd would be humane. He stated the last program worked.

Loran Reeves (W277 N2752 Chicory Lane) stated he was involved with the initial project and stated the program was effective but needed to be continually managed to stay effective. He said the deer are basically domesticated and aren't afraid. He thought there were safety concerns.

Mr. Bushman stated the deer used to be centralized in the Rocky Point area, but now they are all over the city. He said even though there aren't many complaints from other areas doesn't mean there aren't issues. He really thought the deer management program was going to be sustainable. He said the herd has grown.

Mayor Bierce stated he personally disagrees with most of what was being said this evening but appreciated the opinions that were expressed.

Amy Cherill (Lakefield Drive) stated she is not against a sharpshooter and eliminating the deer, but it has to be for the right reason. She said the deer will still come through the yard. She said 'the deer are pooping in my yard' or 'the deer are eating my plants' is not a good enough reason, it needs to be for the right reasons such as increased accidents, or too many deer are starving.

Mr. Bergman stated the issues are that we are in more of an urban setting and there are less places to hunt. He said another issue is that people are feeding the deer and they are getting used to the source. He said he doesn't know how well an ordinance that prohibits the feeding of deer could be enforced. He said he has done a lot of research on deer issues and said there are urban bow hunter leagues that are out there to help municipalities. Mr. Bergman said they go through extensive training to get certification and they are highly qualified. He also suggested speaking to Kaz at Buck Rub Outfitters and use him as a resource. Mr. Bergman stated he was in favor of using bow hunters. He did voice his concern about the amount of money this could potentially cost for the entire community.

Mr. Wamser expressed an interest in having special assessments for the deer management because he hasn't heard of any other neighborhood complaining of the issue.

Mayor Bierce stated if the deer issue is going to be a citywide focus he thinks it should be paid for by City taxes because everyone will benefit, but if it is going to be in specific areas then he stated he doesn't think it is fair for everyone to pay for the services.

Ms. Brown stated she doesn't benefit from the lake weed cutting, but she pays for it. She stated she had hoped this was going to be an ongoing process, because it was successful.

Mr. Dziwulski stated he felt this issue is a citywide problem even though it is not particularly an issue in his subdivision.

Mr. Grosch mentioned that the County allows hunting along the river corridor.

Mr. Bergman stated he felt the Lake Pewaukee Sanitary District needs to be more transparent about the land they own and the availability to hunt on these properties.

Cynthia Campbell (W275 N2469 Heather Lane) stated the deer are no longer cute, but instead they are gangs. She stated people come from all over to the area and frequent local

establishments therefore people that go to area establishments may be faced with deer too.

George Evert (N45 W24434 Lindsay Road) stated the DNR should give out more permits to reduce the deer.

Pat Marks (N26 W26837 Prospect Avenue) stated the deer are a danger to human life and are endangering their own health because there is not enough food in the area to sustain them. She said the deer herd also causes damage to plants and spreads deer ticks. She stated her dog was attacked by a deer and doesn't want to see a child hurt.

Scott Williams (W275 N2466 Heather Lane) stated it's not an all or nothing situation, he just wants the herd reduced to reduce the probability of bad things happening.

Mayor Bierce asked about establishing an ordinance. Mr. Bergman thought it would be redundant since it is a state law. Attorney Riffle disagreed because as a state law it would have to be prosecuted through the circuit court, but if it is a local ordinance it would be handled by our municipal court. Attorney Riffle suggested a comprehensive wildlife feeding ordinance, not just for deer, because it would be more enforceable.

Mr. Kara stated this is a complicated issue and multiple factors will have to be considered. He said he could see a change in the City's ordinances, possibly a change in hunting regulations, an organized bow program and possibly temporary or spot use of sharpshooters, and stated what is really needed is someone in the City to have this as their job to make this work. Mr. Bergman stated he'd be in favor of having citizen involvement as well. Mr. Kara concurred that a committee would work but also suggested inviting the DNR to participate and expert bow hunting organizations. Mr. Bergman stated he'd like other options than what the City did in the past.

Ms. Wirth reminded the Council it has an approved urban deer management plan and believes the City should implement, sustain and fund the program as stated in the document.

Mr. Dziwulski stated he would like to see the document the attorney put together.

Mayor Bierce stated he would have liked to have accomplished more than just discussing this topic. Ms. Brown stated it is time to put something together and move this forward. Mr. Kara stated there is going to be some expense involved and recommended \$10,000 for a sharpshooting program in the 2018 budget. Mayor Bierce stated he'd like a more accurate amount to put in the budget. Mr. Bergman agreed that it is hard to make a decision without knowing the facts.

Mr. Kara stated the grant process is open from October 1st through the end of December. He said the last aerial survey cost about \$7,000 and the sharpshooters cost the City approximately \$120 to \$150 per deer shot.

Mayor Bierce said whatever the Committee decides, the City would financially support the recommendation if the Council would agree.

Mayor Bierce asked for a straw poll vote. Mr. Bergman stated he was in support of a committee consisting of citizens and staff. He said he leans towards having another aerial survey. He would also support sharpshooters in the short term, and commented an urban bow hunting league wouldn't happen overnight. He voiced his opinion that other long term options may exist but was not in favor of a continual increase to the annual budget for deer management. Mr. Grosch stated he too would be in favor of a staff and citizen committee to come up with options. He thought an aerial survey was a waste of money, unless it is required by the DNR to be considered for a grant. Mr. Dziwulski stated he was in favor of a committee

that included citizen members. He stated for the short term he is in favor of sharpshooters but he hoped the committee could put together options for the future that won't be so intrusive. Mr. Wamser stated in the short term he was favor of an ordinance banning the feeding of deer. He also supported the creation of a committee. Colleen simply said yes. Mr. Kara stated Brandon summed up a good approach and was in favor of a committee that consisted of citizens and city staff. Mayor Bierce directed the Administrator to start a committee. Mr. Dziwulski suggested the City could go to the homeowner's association to see if there was any interest to serve on the committee.

7.0 Discussion and Possible Action to Acquire Land Known as Lot 22, Block 2 in Valley View Subdivision (PWC 0867-035) that Waukesha County has For Sale in the Amount of \$8,381.27

Mr. Weigel was present for this item. He stated this is a single family vacant lot in the Valleybrook subdivision which is half in the flood plain. The property is unbuildable due to the state, federal and municipal laws. He suggested having the City purchase this land would be good flood plain management. He also expressed his concern about the Building Inspection Department erroneously issuing a building permit for the property. He said the funds could come out of Storm Water Management.

No action was taken on this item.

8.0 Discussion & Possible Action Regarding Forming a Committee with the Town of Lisbon to Discuss Boundary Agreements and Shared Services

Mayor Bierce stated he spoke to the Chairman of the Town of Lisbon and he would like a boundary agreement with the City of Pewaukee. The Mayor stated he is willing to have that discussion with him but would also like to explore other options that may create cost savings for each of the municipalities by sharing services. He suggested that he would serve and possibly one other alderman and whatever department head would be applicable to the discussion. He stated the City Administrator is welcome to participate as well if he'd like. Attorney Riffle suggested creating an informal situation because the creation of a committee would be subject to the open meetings law. He suggested polling the Council members to see if they were okay if several people would meet with the Town of Lisbon. Everyone was agreeable to this.

Mr. Wamser volunteered to serve on the committee. Mayor Bierce stated if anyone else was interested they could contact the Clerk.

9.0 Public Comment

Mr. Evert stated he has never had a problem with deer.

10.0 Adjourn Into Closed Session. You are hereby notified that the Common Council will convene into closed session after all regular scheduled business has been concluded and upon motion duly made and seconded and acted upon by roll-call vote as required under §19.85(1)(a), Stats. The purpose of the closed session is for the following:

- 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 as authorized under §19.85(1)(g), Stats., specifically with regard to the City's Contract with John's Disposal.

You are further notified that at the conclusion of the Closed Session, the Common Council may convene into open session pursuant to §19.85(2), Stats., for possible additional discussion and action concerning any matters discussed in closed session.

A motion was made and seconded, (B. Bergman, C. Brown) to adjourn into closed session at 9:21 p.m. Motion Passed by Roll Call Vote: 6-For, 0-Against.

- 11.0 Adjournment – **A motion was made and seconded, (J. Kara, B. Dziwulski) within the Closed Session to adjourn the meeting at 9:43 p.m.** Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer