

In Attendance:

Mayor Steve Bierce, Aldermen B. Bergman, C. Brown, I. Clark, B. Dziwulski, and J. Wamser.
R. Grosch was absent and excused.

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, Lieutenant M. Moonen, Lieutenant A. Sheckles and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

Mayor Bierce called the meeting to order at 6:30 p.m.

2. Public Comment - None.

3. Consent Agenda

3.1. Approve Common Council Meeting Minutes Dated April 5th, 2021

3.2. Approve Accounts Payable Listing Dated May 17th, 2021

A motion was made and seconded (J. Wamser, B. Dziwulski) to approve the Consent Agenda. Motion Passed: 4-For, 0-Against, 1-Abstain (B. Bergman).

4. **PUBLIC HEARING** Regarding the Meadowbrook Farms Phase I Road Rehabilitation Project

4.1 Discussion and Possible Action Regarding the Preliminary Engineers Report and Proposed Special Assessment.

4.2 Discussion and Possible Action Regarding Awarding the Meadowbrook Farms Phase 1 Road Rehabilitation Contract to the Lowest Qualified Bidder, Payne & Dolan, Inc. in the Amount of \$413,417.76.

Ms. Wagner stated Meadowbrook Phase 1 paving project will be done in four phases. It will include Deer Haven Court, Shooting Star Court, and Shooting Star Road from Deer Haven Court to Shooting Star Boulevard. She noted the roads need rehabilitation including removal of existing asphalt pavement, curb repairs and stone base repair. Ms. Wagner stated the assessment cost for the road repairs are \$5799.76 per residential unit and the 2021 paving cap rate for residential units is \$2756.00. Ms. Wagner recommended we assess the properties that benefit from this project the paving cap. The repairs to inlets, half of the curb repairs and manholes will be paid for by either storm water utility, sanitary utility, or water utility. The assessment is only for the roadway and half of the curb. Ms. Wagner stated there were three bids for the project and she recommended approval of the preliminary Engineers report, the special assessments associated with it, and to award the contract to the lowest qualified bidder of Payne & Dolan.

Mr. Bergman asked about the Glenwood Lane portion in Springdale Estates. Ms. Wagner stated there have been icing issues for several years and the catch basins were installed too far apart, which led to drainage issues. She noted the area also has a lot of sump pump discharges which cause icing issues in the winter and has become a safety issue. She said the City will add two inlets and tie it into the storm sewer system.

Mr. Clark asked how Ms. Wagner would rank this construction project. Ms. Wagner noted that roads are ranked annually on a scale of 1-10, 10 being a brand new road. She ranked the road at a 4 or 5 and said the City wants to catch the repairs before it is in failure.

Mayor Bierce asked if this was the first time the roads have been repaired. Ms. Wagner noted they were originally done in the mid-90's and haven't had repairs since.

Ms. Brown asked about the project being a quarter million dollars more than what was estimated. Ms. Wagner stated it is part of the LRIP (Local Road Improvement Project) which is a grant from the State government funding. She said she did not include it in the special assessment and about \$20,000.00 will come off the assessable amount. Ms. Wagner noted if the project is put off a year, the City will lose the funding for the year.

Mayor Bierce opened the public hearing.

Kevan Toby (W268 N2205 Shooting Star Road) stated he and his wife just built their house and he did not want the City to cut into his new driveway. Ms. Wagner stated she would have to look at the curb and gutter in that area to determine if that was possible or not. Mr. Toby added the street is a long stretch and people speed on it. He recommended the City look into speed humps to slow down traffic.

Christina Schilling (N20 W26499 Shooting Star Road) stated she owns a side-by-side condo that is not part of an association. She said she is being charged the same portion as the homes. Ms. Wagner noted that condos are assessed and considered individual units.

Norman Mackowey (N22 W26579 Shooting Star Road) stated he owns a corner lot and asked if he would receive another assessment when Sawgrass was done. Ms. Wagner stated no, it is based on what street his driveway exits upon and his address.

Robert Brill (W264 N2062 Deer Haven Court) felt dividing by unit did not make sense and was not fair. Ms. Wagner stated there are three ways to assess, front foot, unit, or acreage. Ms. Wagner noted when an assessment is done the City analyzes all three options to see which one is most fair and equitable. He feels he is paying double the rate for same amount of linear footage.

Jim White (N22 W26497 Shooting Star Court) asked when the project would start and when the assessments would be due. Ms. Wagner stated construction will start in 2021 but was unsure of the exact start because there is no signed contract at this time. She assured him the City would send out a notice stating when construction will start. Ms. Wagner stated assessments lag a year and the City will send out a notice stating the project is finalized and the assessment is due. It will also lay out payment options.

Jim Keys (N22W26648 Shooting Star Road) wanted to know how long the project would take and asked about the increase on the road repair project budget.

Ms. Wagner stated the project will take 1½ - 2 months. Ms. Wagner noted the road repair budget was an Engineering estimate that was done a year and a half ago. She noted that costs have increased significantly, and it was not reflected in the budget. Ms. Wagner stated the City is requesting a budget amendment for the project. Further discussion took place regarding who would be paying for the repairs.

Mayor Bierce closed the public hearing.

Mr. Bergman mentioned the federal money for infrastructure. He stated it must be allocated for regional projects and not a specific neighborhood project.

Ms. Wagner added as part of the assessment policy, residential units are subject to the paving cap. All other non-residential properties would pay 100 percent of the assessment in the amount of \$5799.76.

Mr. Clark asked if the cap is a local ordinance or a state requirement.

Attorney Riffle stated in 1984 there was a debate regarding if the City was going to be a municipality that assessed all costs in every local neighborhood or a municipality that has the general fund pay for all roads when they needed to be upgraded. He said the City decided to be hybrid, meaning the owners in subdivisions would pay part of it and the City would pay the rest. If a subdivision decided they did not want to do it, that was fine but when it goes to an absolute need, the cap was off, and they would be required to pay the full assessment. Attorney Riffle noted it is not an Ordinance, but a policy.

Mr. Clark questioned speed humps and asked if the City has to cut into a homeowner's driveway if it would be repaved or if it is the homeowner's responsibility. Ms. Wagner stated the driveway would be repaired in kind. She noted speed humps were installed in that subdivision and owners were assessed 100 percent of cost.

A motion was made and seconded (B. Dziwulski, J. Wamser) to approve the preliminary Engineer's report including the proposed special assessments and award the Meadowbrook Farms Phase I road rehabilitation contract to Payne and Dolan, Inc in the amount of \$413,417.76.

Motion Passed: 5-For, 0-Against.

5. Discussion Regarding the Springdale Estates Survey Results

Mayor Bierce asked the Common Council members if they would entertain installing sidewalks or having no parking in the subdivision based on the responses of the survey. Everyone concurred that the residents were strongly against such projects and were not willing to pursue any further discussion on the matter.

6. Discussion and Possible Action Regarding the 2020/2021 Deer Management Program

Ms. Brown stated Jeff Kara and Mike Humcke were present for this item.

Mr. Kara stated this program started in 2013 or 2015 in District #2. He noted there has been private and public cooperation with the program. He said it started in Rocky Point, then to Lake Pewaukee Sanitary District, and has now spread to Spice Creek, Meadowbrook Farms and Deer Haven. They are using sharp shooters and some volunteer bow hunters and have had dramatic results over the last year. Mr. Kara said they have also expanded the volunteer hunters to take advantage of the hunting season from September to the end of March.

Mr. Humcke felt it was time to reassess where the deer management program is and where it is going in the future. He said the numbers have been stable and felt the homeowner's associations have been helpful.

Discussion took place regarding the deer herds and how the deer seemed to migrate into the Meadowbrook area. Sharp shooters estimated 100 deer in the area and took out 53 deer in three weeks.

Mr. Humcke felt the deer are actively being fed in that area. When sharpshooters set up the first night in Spice Creek the deer were coming in faster than they could be killed. Mr. Humcke noted that sharpshooters can bait deer but bow hunters cannot. He said he will talk to the DNR biologist about bow hunters being able to bait which he felt would improve the effectiveness.

Mr. Humcke recommended another fly over to determine their location and the desired population. He said there were a lot of inquiries from the Meadowbrook area who were bow hunters and would like to hunt in the area. He noted that Delafield established the program a few years ago and used local residents to keep the costs down and feels Pewaukee could get a sizeable group of local residents together to do some of the hunting.

Mr. Humcke recommended reauthorizing ordinance 6.02 3c to diminish bow hunting yards to 35, since it was particular to Rocky Point Road and not the rest of the City. He feels it should be reauthorized and looked at city-wide. He felt there are areas that need to be mapped and presented to the DNR as to where stands would be located. He noted only two deer ran after they were shot in three years. Mr. Humcke stated there was a clause that hunters could recover deer by notifying residents that it ran into their yard, or a resident could take care of it themselves. He noted there was a variation of the clause that if the resident did not want the hunter to come on their property, they could call the City police and they would remove the deer.

Mr. Bergman asked if that was a proposal or part of the ordinance. Mr. Humcke noted it was part of ordinance 6.02 from 2018.

Mr. Humcke stated the application permit goes from March 15 - March 31. He said it is important to discourage wildlife feeding and felt there needs to be more severe fines and possibly an anonymous hotline people can call. He suggested the City put information on the website about habitat control. He said part of deer management is cleaning out thickets and removing some of the habitat since deer do not like to be seen.

Mayor Bierce asked if there has been a decrease in car versus deer incidents. Lt. Moonen stated it is similar to what it has been.

Discussion took place regarding damage to plants and proper chemical sprays that can keep the deer at bay.

Ms. Brown mentioned an incident in Meadowbrook Farms where residents approached sharpshooters while they were actively hunting. She noted that she received negative emails and phone calls against the hunt and asked what changes would be made moving forward.

Mr. Humcke stated the most important issue is the feeding needs to stop. The feeding has also brought in turkeys who are eating the corn. He felt the sharpshooters should only be brought in when the herd gets above a certain level.

Mr. Klein noted that Nathan Holoubek, the biologist from the DNR was on the phone and available for questions.

Mr. Wamser asked if all the deer were tested for CWD. Mr. Holoubek stated that any meat that gets donated to the food pantry needs to be tested but fawns do not. If an individual hunter keeps a deer and utilizes it personally, they are not required to have it tested.

Mr. Clark stated he has received emails and phone calls from concerned constituents. One issue was how close the blinds were set up to the homes and public spaces. Another concern was people heard guns with silencers.

Mr. Humcke stated the sites that were selected were not far enough away. After the first night they were moved, and the area was resighted. He noted all sharpshooter guns have silencers.

Mr. Clark asked if sharpshooting and bow hunting was the most ethical and efficient option. Mr. Holoubek stated this is the most ethical option and it is more stressful for the deer to die from capture. He also noted that sterilization drugs are not approved in Wisconsin.

Mayor Bierce thought silencers were not going to be used. Discussion took place regarding the use of silencers and how it affects the program.

Mr. Bergman thanked them for the work and said he initially did not support the project. He felt it was a state issue. He asked why the Lake Sanitary district property is not being used. Mr. Humcke stated they control the property and felt there needs to be better usage of the land. Mr. Klein stated they have their own hunting program and feels they look for trophy deer.

Mr. Bergman stated he is against creating a system for Pewaukee residents to tattle on other residents. He said there is already a baiting hotline in place with the DNR. Mr. Bergman feels we can educate our residents through the City's website.

Debra Sonderhouse (N16W26553 Conservancy Drive) wanted to point out the beauty of living on a conservancy. The location of the shooting was deplorable, and the sounds of the gun shots were scary. All the animal carcasses were pulled out in front of people. There were blood and shell casings in the road. She does not want her taxes going towards killing deer. She objected to the comments about feeding the deer and felt it was an excuse for what is happening. People need to do research to find out what deer eat and do not eat. There are repellants available for plants and other options available. This was the deer's land.

Jenette Barton (N15W26518 Golf View Lane Unit E) had the unfortunate front row seat witnessing the deer killing directly in front of her condo. She called the warden and DNR to have the deer blind and killing moved, which moved it closer to the walking path and hotel pool. She said guns were used, not bow and arrows. She was asking to have the Spice Creek Condominium Conservancy land removed from future deer culls. The stress of witnessing baited deer is cruel and insensitive and feels it needs to be done away from the residents.

Marge Wappler (N16W26443 Meadowgrass Circle) stated culling by baiting deer and then killing them is against her religious beliefs and other preventive measures should be taken.

Sally Devriend (N16W26532 Meadowgrass Circle) stated she was a member of the Board of Directors at her HOA and were the last ones to be notified that this was going to happen. She felt they were pushed into it and there was no room there to do a cull on the property. It was very frightening. She was concerned it will be more dangerous if you're asking other volunteers to join in on a cull due to the dense area. She felt it needed to be better planned.

Laura Connolly (N17W26851 E. Fieldhack Dr Unit E) moved out to the country area where there is a conservancy and wants to see and appreciate the wildlife. She made calls to Mr. Klein and Mr. Holoubek to get a better understanding about why the City was doing this, only to find out it was a

nuisance kill. She stated she would like to get an educational team to work with the HOA. She did not find out about this until the Saturday before the kill. She would like the City to alert her ahead of time so they have a voice before it happens. She asked to work together with the deer, DNR and the City to better coexist with the deer.

Jim Keys (N22W26648 Shooting Star Road) has a wooded area behind him and there are a ton of deer in his area. All the plants are deer resistant, and sprays after every rain and put nets over them. Every year the deer population gets worse. He felt this year the deer are eating everything.

Ron Sonderhouse (N16 W265533 Conservancy Drive) stated he was on the Board of Directors at Spice Creek. His biggest concerns with his constituents was the lack of communication. He found out three weeks before it happened. He felt future culls will probably be denied and should not be happening in subdivisions.

Christine Howard (N16W26487 Meadowgrass Circle) stated she was on the Board and felt they didn't have control as to how it was done. She said she lives on the golf course and still sees a multitude of deer who are eating their plants. She said this winter was hard on the deer and they were struggling. She felt deer hunting should be allowed and there would not be an issue and felt they need to keep the population under control.

Mike Becker (N29 W26211 Steeplechase Court) felt the deer have not gotten better in his area and have gotten worse instead. He has as netted and sprayed to no avail. He thanked the City for their efforts and feels it needs to be done. But wanted better communication and better locations. There are also health issues associated with the deer. He hoped the efforts would continue.

Debbie Brent (N20W26623 Sawgrass Lane) stated she was the president of Meadowbrook Farms HOA and thanked the City for their efforts. She said there was a 2 to 1 ratio in favor of doing the cull. She has been using the Deer Hotline for three years but is not getting a response. She stated she will be putting out information on how to live with deer and felt education is important.

James Vetro (W261 N2809 Deer Haven Drive) stated he was the President of Steeplechase HOA. He asked about proposing it to be a club hunt and questioned how that can be done when the deer management plan calls for the City to own and champion it. He asked about the target of 15-25 deer per square mile and the need to understand what is being measured. He also questioned cutting out underbrush and if they need approval since the property is adjacent to the Village.

Mr. Bergman stated Urban Bow Hunting is an idea that worked in other communities. Hunters are vetted, need to qualify and there are a set of rules. He said we are acting off the opinion of the DNR biologist that there are too many deer in the area. Discussion took place regarding adjacent properties and municipal boundaries.

Mr. Klein stated the City is the permit holder and issue the tags to the various groups. It was acted upon because there was a request of the homeowner's association, and we are not forcing ourselves into the neighborhoods. He said the County is not involved and the State is only involved through the DNR who advises us and issues the permits.

Ms. Brown suggested going over Ordinance 6.02 3C and bringing it back at some point to see if the Common Council would permanently make it 100 yards for bow hunters and sharp shooters for deer management.

7. Discussion Related to Reporting Illegal Wildlife Feeding Either Through the City of Pewaukee's Property Maintenance Complaint Form or the Department of Natural Resources' Hotline

There was no additional discussion regarding this item. It was discussed as part of Item #6.

8. Discussion and Possible Action Regarding the Award of the Bid for the Well No. 5 HMO Treatment Facility & Building Modification to the Lowest Qualified Bidder, J. H. Hassinger, Inc., in the Amount of \$2,613,667.00

Ms. Wagner stated the Northmound well #5 has had issues with radium violations. Prework was done to determine if any treatment needed to be done to ensure the water quality was good and discovered a partial collapse in the bore hole. Previously, Common Council authorized the City to go in and remove the partial collapse. After working with a well driller and water quality specialist, the collapse cannot be removed. Ms. Wagner said the City needs to determine if the well is long term viable. Since it is located on the Waukesha fault line, it makes it an unstable well. She said the City needed more time to determine if they wanted to spend \$3.5 million to put a treatment system in. It was submitted to the DNR and the City obtained a one-year extension on the consent order to bring the well into compliance. She noted the City is exploring the viability of the well for this year and will be doing additional testing and putting together studies looking for another well in the area that is more suitable so a new well can be drilled. Ms. Wagner is asking for Common Council to reject all bids for the treatment system.

A motion was made and seconded (J. Wamser, B. Dziwulski) to reject all bids for the Well #5 HMO Treatment Facility and Building modification. Motion Passed: 5-For, 0-Against.

9. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your district Alderperson prior to the meeting.

Jane Kopczynski (W222N2807 Timberwood Court) stated she personally spent ten hours of her own time surveying 83 households in her neighborhood. She reported 77 wanted no change, 4 homes wanted change and 2 did not care one way or the other. Ms. Kopczynski stated the way the City worded the survey was interrupted as the residents had to choose one way or the other.

Ed Liesman (N22W22215 Meadowood Court) asked for the nature of the complaints to facilitate the survey.

10. Closed Session – You are hereby notified that the Common Council and staff of the City of Pewaukee 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:

- §19.85(1)(e): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically for the consideration to acquire additional land for the Department of Public Works facilities at Green Road / Duplainville Road.

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 and for adjournment.

A motion was made and seconded (B. Bergman, B. Dziwulski) to go into closed session at 8:39 p.m. The motion passed 5-For, 0-Against via roll call vote.

11. Adjournment

A motion was made and seconded to adjourn the meeting at 9:16 p.m. while still in closed session. Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer