

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
January 12, 2015**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on January 12, 2015. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Deb Skarda (Alternate #2); Jim Bandura; John Braig; Judy Juliana; and Bill Stoebig (Alternate #1). Also in attendance were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE DECEMBER 1, 2014 PLAN COMMISSION MEETING.**

Don Hackbarth:

So moved.

John Braig:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JOHN BRAIG TO APPROVE THE MINUTES OF THE DECEMBER 1, 2014 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 4. CORRESPONDENCE.**
- 5. CITIZEN COMMENTS.**
- 6. NEW BUSINESS**

**A. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to Section 420-27 C related to fees and clarification to Pre-Development Agreements.**

Jean Werbie-Harris:

Mr. Chairman, I would ask that the public hearings be opened for both Items A and B. They're related to the same thing, and I would just like to make one presentation. And it relates to these items that are both in the zoning ordinance and the land division and development control ordinance.

Don Hackbarth:

Move to take up both together.

John Braig:

Second.

Tom Terwall:

**MOVED BY DON HACKBARTH AND SECONDED BY JOHN BRAIG TO COMBINE ITEMS A AND B FOR PURPOSES OF A COMBINED PUBLIC HEARING WITH TWO SEPARATE VOTES. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**B. PUBLIC HEARING AND CONSIDERATION OF A LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE TEXT AMENDMENT to Section 395-87 C related to fees and clarification to Pre-Development Agreements.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, both items, the first and second items, the first is zoning text amendment to Section 420-27 C related to fees and clarification to the pre-development agreements. And the second item is consideration of a land division and development control ordinance text amendment to Section 395-87 C. And, again, this is related to fees and clarification to the pre-development agreement.

On December 15, 2014, the Board adopted Resolution #14-40 to initiate amendments to the zoning ordinance to clarify what is being billed as part of a pre-development agreement. Pre-development agreements are used for specific zoning applications as well as applications related to land use development control in the Village.

The Ordinance 420-27 C of the zoning ordinance and 395-87 C of the land division ordinance are being amended to clarify that the Village will invoice and the applicant and property owners for the staff billable time and the costs spent for processing and reviewing the plans, specifications, drawings and other documents submitted with respect to the proposed application, specific plans, plats, and maps for the development or project; for preparing memorandums and letters; for preparing, mailing, faxing, emailing and publishing meeting notices and agendas; and for meetings, telephone calls and emails with the applicant, agents, developers, property owners, officials and neighbors. Billable time includes preparing reports and documents for the Village Plan Commission, Village Board of Appeals or the Village Board; and any other Village staff time expended to review or analyze the application, specific plans, plats, maps or development plans. So some of the additional changes that are charges that we do bill for just for clarification or putting it into the ordinance are associated with the following:

- Preparing and publishing Village municipal code text and map amendments for the referenced application from the Village's consultant. Note, invoices from the Village's general e-code consultant are typically sent semi-annually, which often results in a time delay in sending final invoices from the Village to the owner and applicant;
- The Village staff seeking expert advice in meetings and reviewing and preparing correspondence regarding the specific plans, plats, maps, development plans or projects such as but not limited to the Village's attorney, environmental consultant, or architectural consultant expertise; and
- Requests from the agent/developer/property owners in gathering additional information; preparing GIS mapping; reviewing materials; preparing meetings, letters, emails and other correspondence; and researching information and for existing and speculative development proposals to assure that the proposed application, specific plans, plats, maps, development plans or project are in compliance with the applicable Village, County, State or federal ordinances, rules and regulations and any approved plans or specifications.

As you might have guessed we had had in this past year a couple of questions and concerns and challenges to what a pre-development agreement really is and what it should cover. So for that reason we felt that we needed to detail it very specifically so there is no question in anyone's mind. When I say it's for all of the services being provided it really means all of the services, and we tried to detail those here. So with that I'd like to continue the public hearings for both the land division and the zoning ordinance related to these maps.

Tom Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody? Not hearing any, open it up to Commissioners. Yes, Mike?

Michael Serpe:

Jean, what method do you use now to track your time?

Jean Werbie-Harris:

Right now we do it through Outlook, and it's specific we identify by project. And we actually have a time clock system where when we're working on a project we start it, and when we're done we stop it. So we can start and stop. Down to the minute we track our time on these projects. And then we collectively gather that information. And on a monthly basis Peggy then organizes it and gets it over to finance for billing. So we can actually track it by specific project down to the minute. And this includes everything from our phone calls to all the activities that have been described in this memorandum.

Tom Terwall:

How will this put us as far as competition with other municipalities?

Jean Werbie-Harris:

This is what we've been doing since 2004. So we've been doing the same thing since that time. I think part of the confusion to some of the developers and for some of the projects is that there's a little time delay on a couple of different items, whether it's the e-code billing or something to that effect we need to try to tighten that up. But we wanted to make sure that they were aware of the fact that that billing will come. Sometimes it's within six months of their project finishing up.

Don Hackbarth:

Do you have a fee schedule?

Jean Werbie-Harris:

We do. For based on the employee. My billable rate is different than Peggy's, it's different than Jan's, and it's different than the GIS specialist. So the people that do the billing have different billable rates.

Don Hackbarth:

Okay, point number 2 here. Somebody comes in with drawings to get the process going for building a church or something like that, a church or a school or a house or whatever. Is that billed, too, is that charged, too? Or how does that work?

Jean Werbie-Harris:

No, typically what we do is front counter time is not billable if it's a new project. There might be a couple, two or three meetings that we have until we know it's an actual project and there's an actual developer or owner, someone we're working with on a project. So we give that initial time, and we help them do some due diligence initially without billing any of that time out.

Tom Terwall:

Any other questions?

Jean Werbie-Harris:

We notify them when the billing will start, and they submit a pre-development agreement towards that end.

Jim Bandura:

Quick question to staff then. Is this information available to the developers and whoever questions your billing time?

Jean Werbie-Harris:

Absolutely. And, in fact, the application which is that pre-development agreement all of this is spelled out along with the rates, along with what it's for. And we also require them to tell us who we should bill, who is the landowner. Signatures are notarized so it's a complete process. So it should be of no surprise. But for those that are just doing new projects in this area or weren't aware of some of the additional things that we do that we bill for this will clarify all of that for them.

Tom Terwall:

Typically do we get 100 percent payment?

Jean Werbie-Harris:

We do, and I'll tell you why. It's because if we don't then it rolls to tax roll and it becomes a special charge on the property.

Michael Serpe:

We've taken a position for years that the taxpayer doesn't want to subsidize the developer. So this is a good way of keeping that the way it's supposed to be.

Jean Werbie-Harris:

One of the other things that we do is, for example, the property owner who wants to sell the land they're ultimately responsible. But if there is some question or concern or if they think the project is speculative we've worked with a number of businesses who put cash deposits down with the Village, either \$3,000 or \$5,000 to start. And then finance will run invoices against that cash on deposit. So that way if there is some question or hesitation by the landowner for which the property is being requested a project then we have that backup as well.

Don Hackbarth:

I move we approve the consideration of the zoning text amendment.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Michael Serpe:

Move approval of the land division and development control.

Wayne Koessl:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY MICHAEL SERPE AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE TEXT AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**C. Consider Plan Commission Resolution #15-01 to initiate a zoning text amendment to further clarify the definition of Household Pets in Section 420-152 of the Village Zoning Ordinance.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and audience, this Resolution #15-01. And it's a resolution to initiate a petition for an amendment to the zoning ordinance. The Village staff is proposing to amend the definition for household pets in Section 420-152 of the Village zoning ordinance. And the only reason for this is to clarify the language that is currently written. We do not intend to change the purpose or intent or what we have been enforcing. But it does appear when somebody looks at it that is not familiar with our process and what we have done in the past they could interpret it a little bit differently. So it was recommended by our police department that we clarify or move some words around so it's a little bit clearer.

And this is to clarify the definition of household pets, to clarify that only type of livestock that's allowed as a household pet are rabbits. And all other animals such as fowl, poultry, goats, pot bellied pigs, exotic snakes, large reptiles and other exotic animals that are not commonly found in residences are not allowed as household pets. So this resolution is just initiating the process and petitioning to review this definition. And these changes in the text are being referred to the Village staff for any review or study and for the purposes of setting a public hearing. The Plan Commission by this resolution is not making any determination regarding the merits of this proposed definition change but rather is just starting the process to set the public hearing to consider it next month.

John Braig:

Move approval of Resolution 15-01.

Don Hackbarth:

I've got a question here. Are we ever going to consider dangerous dogs?

Jean Werbie-Harris:

Well, we did consider dangerous dogs, wolf-dog hybrids. And Mike can update you where we don't allow those anymore.

Mike Pollocoff:

The only dog that's been prohibited is a wolf hybrid dog. But basically right now the ordinance has said that a dog is vicious or declared vicious when it's committed a vicious act. Our attorneys have told us not to exclude pit bulls as a general class of dog. There's case law that shows that that hasn't been successful. So in some respects I think what it really is the dog doesn't get due process but the dog's owners get some due process to make sure that they're not being penalized for what somebody anticipates their dogs' action might be.

Don Hackbarth:

Is there anything then that we could write in to say that there has to be a certain insurance amount if we assess that animal to be vicious?

Mike Pollocoff:

We already have that. The owners are required to purchase liability for any damage done. The dog has to be tattooed on the inside of its mouth or a chip has to be placed on the dog. What ends up happening it's pretty rigorous. It's pretty hard to find an insurance company that will insure a dog that's been biting people for future bites. So what ends up happening is they find another community that doesn't have the same standard or else the dog is destroyed.

Michael Serpe:

In most cases we have a vicious dog hearing and we punish the dog, and the one that should be punished is the owner for creating the dog to be ordered as --

Don Hackbarth:

How long has that been in force, the insurance idea?

Mike Pollocoff:

It's been over 30 years that I know of.

Don Hackbarth:

Well, we had a fellow down the road on 104th. He had two dogs. And they constantly came onto our property. And I talked to the Chief at that time saying something's got to be done because we have little kids that go out for play time, and if they come up and start biting then what are the parents going to do, are they going to sue us?

Mike Pollocoff:

If a dog is on someone else's property the ordinance requires that someone has to have control of their dog and that's with a leash. So that would be the violation. The fact that they might them wouldn't be one unless it happened. And if they're repeatedly off their property without a leash then the owner gets fined in increasing amounts before they do it. But we can't declare the dog vicious before something vicious happens.

Don Hackbarth:

I don't believe there's teeth in that ordinance because years ago these two dogs came on our property and they brutally attacked our dog and cut him apart and nothing was done.

Mike Pollocoff:

If a dog attacks another dog that still constitutes vicious. It doesn't have to be human.

Don Hackbarth:

I talked to the Chief and he said there was nothing he could, quote, do. And I said to him, well, don't worry about it. I'll take care of it. I've got a .30-30. If they come on the property you



won't see them again.

Michael Serpe:

Move approval of 15-01.

John Braig:

Second.

Tom Terwall:

**MOVED BY MICHAEL SERPEAND SECONDED BY JOHN BRAIG TO ADOPT  
RESOLUTION 15-01. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**7. ADJOURN.**

John Braig:

So moved.

Wayne Koessl:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

We stand adjourned.

**Meeting Adjourned: 6:17 p.m.**