

PROCEEDINGS OF THE TOWN OF VERNON PLAN COMMISSION
Thursday, July 9, 2009 7:00 P.M.
At the Vernon Town Hall in the Meeting Room
W249 S8910 Center Drive

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Town of Vernon Plan Commission, and please be advised that three members of the Town Board are also members of the Plan commission, additionally other members of the Town board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held on **Thursday July 9, 2009** beginning at **7:00 P.M.**, at Vernon Town Hall, W249S8910 Center Dr, Big Bend, WI 53103.

Notice of Town Board Quorum. The Plan Commission Chair asked that the minutes reflect that a quorum of the Town Board is present and that the Town Board members that do not sit on the Plan Commission may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.

1. Call Plan Commission meeting to order with the Pledge to the Flag. The Plan Commission recited the Pledge of Allegiance.
2. Open Meeting Law Compliance Check. Deputy Clerk Mascione stated the Town of Vernon is in compliance pursuant to the open meetings law requirement.
3. Roll Call.
 - a. Chairman Michalek, Commissioners, Johnson, Supervisor Craig, Town Planner Jamie Rybarczyk, Deputy Clerk Mascione, Town Engineer Tom Ludwig, and Fire Chief Buchholtz Supervisor Bird and Commissioner Nowak are absent
4. **MOTION TO OPEN MEETING TO PUBLIC COMMENTS** MOTION TO OPEN MEETING TO PUBLIC COMMENTS (Please be advised per Sections 19.84(2) of the Wisconsin Statutes, Plan Commission will receive information from the public for a three minute time period, with time extensions per the Chairperson's discretion, per person; be further advised that after the public comments are completed, the Plan Commission Members may have limited discussion on the information received, however, no action will be taken under public comments.)

Please address all your comments to the Plan Commission as a body, any questions to an individual supervisor, commissioner or staff person will be deemed out of order by the Plan Commission Chair. As to whether a question will be answered will be determined by Plan Commission Chair if addressed to the body or individual by that individual. No response will be made until that individual has finished his or her comments and returned to their seat. Please present all comments, questions and concerns in a respectful manner.

Motion **Commissioner Johnson moved to open the meeting to public comments. Seconded by Supervisor Craig, motion carried.**

PUBLIC COMMENTS:

John Bucktrup S83W23945 Artesian Ave. stated he is against the kennel for Mr. Meyer, he stated the dogs bark when he goes to the mail box, and the dogs bark at night.

Terry Thomason S83 W233905 Artesian Ave. stated she spoke at the last meeting; her first concern is when she walks to her mailbox she has to pass the dogs and the dogs bark, the feces and urine collect and smell. The dogs bark 24 hours a day and the puppies cry because they want to eat and don't get fed until 10:00 a.m. She stated the dogs get no exercise, they only sit on a 10 ft. lead, and there is no mental stimulation so all they do is bark. The dogs are never in the house only outside.

Motion **Commissioner Johnson moved to close the public hearing. Seconded by Supervisor Craig, motion carried.**

5. **Discussion and action** to consider the Hobby Kennel Application for William D. Meyer S83 W23915 Artesian Avenue.

Town Planner Jamie Rybarcek stated the petitioner has six dogs. All six dogs are beagle breed. The petitioner has already constructed a kennel on the east side of the subject property where the beagle dogs are housed. Upon learning of the Town of Vernon's licensing requirement, the petitioner applied for such license.

William Meyer stated he has 5 dogs one 6 year old and four puppies. He stated him and his son rabbit hunt and joined a beagle club in Kewaskum. He stated neither of the neighbors have come and spoke to him about the dogs barking. He stated the dogs do not bark 24 hours a day and if he has a barking dog he puts an electronic collar on the dog to train it not to bark. He stated he has had many dogs and if they are not the hunting dog he wants he trades the dog. He stated the dogs are taken to state land or large private land and they are run and worked so they do get plenty of exercise. He stated the neighbors do not see him come and go with his dogs. Mr. Meyer stated the kennels he has for his dogs are state of the art pens, they are elevated heated in the winter and their bowls are heated. The pens are galvanized and insulated houses. He stated the pens are 8 ft runs with house and 3 ft wide.

Motion Supervisor Craig moved to suspend the rules to open to public comments seconded by Commissioner Johnson motion carried.

Jennifer Bucktrup S83W23945 Artesian Ave stated that their kids play with Mr. Meyer's kids and if something was said to him about the dogs barking she wondered what would he have done. She stated she does not worry about the puppies it is the adult dogs and their barking.

Motion Commissioner Johnson moved to close the public hearing, Seconded by Supervisor Craig motion carried.

Motion Chairman Michalek moved to deny the hobby kennel for William Meyer for the following reasons:

1. The Plan Commission is not persuaded that the hobby kennel operation would comply with the purpose of the Town of Vernon's regulation of the keeping of animals, as described in §117-1 of the Town of Vernon municipal code. It has not been adequately demonstrated to the satisfaction of the Plan Commission that the hobby kennel operation would not become a public nuisance, or that it would not injure people and property, or that it would not spread disease.
2. The Plan Commission is not persuaded that this is an appropriate location for a hobby kennel operation, given the size of the subject property and the proximity of several neighboring single family residential homes. The Plan Commission believes there is a strong likelihood that the proposed hobby kennel in this location would create:
 - a. Adverse impacts to abutting properties and the Town caused by excessive noise (dog barking). This concern is exacerbated by the intention to keep the dogs outdoors twenty-four (24) hours per day, year round. The potential for barking dogs to disturb abutting properties, including at night when neighbors are trying to sleep, is a significant concern that the petitioner has not satisfactorily addressed.
 - b. Adverse impacts to abutting properties and the Town caused by excessive odors arising from dog waste. The potential for the dog waste not always being removed and disposed in a timely manner, year round, is a significant concern that the petitioner has not satisfactorily addressed.
 - c. Adverse impacts to abutting properties and the traveling public on the abutting street caused by the location in the front yard where the dogs are proposed to be leashed when out of the kennel. The potential for disturbing, annoying or endangering by distraction or otherwise the traveling pedestrians, bicyclists, and vehicles is a significant concern that the petitioner has not satisfactorily addressed.
 - d. Adverse impacts to abutting properties and the Town caused by the location within the front yard where the dogs are leashed when out of the kennel, with regard to property maintenance. The potential for improper maintenance of grass and vegetation, and the potential for creating bare dirt areas in the front yard, due to the dogs being leashed in the front yard when out of the kennel, is a significant concern that the petitioner has not satisfactorily addressed.
3. The Plan Commission is not persuaded that the health and safety of the dogs can be adequately maintained if, as proposed, the dogs would be kept outdoors in kennels twenty four (24) hours per day, year round.

4. **The Plan Commission believes the approval of the requested hobby kennel license is inappropriate for this subject property.**

Seconded by Supervisor Craig, motion carried.

6. **Discussion and action** to consider the Site Plan & Plan of Operation for Morning Star Golf Club (Representative: Jim Klappa), S77 W26285 Prairieside Drive.

Jim Klappa stated the use of the deck and explained the elevations of the deck to the Town Plan Commission. He stated there would be no electrical on the deck. The sole intent is for the golfers to have somewhere to relax, sit and have a drink or smoke.

The Plan Commission, Town Planner and the applicant discussed the deck addition to the Morning Star Golf club house.

MOTION Chairman Michalek moved to have the Town of Vernon Plan Commission conditionally approves the Site Plan & Plan of Operation request for Morning Star Golf Club (Representative: Jim Klappa) located at S77 W26285 Prairieside Drive, subject to all the following conditions excluding number three of the conditions :

1. **The conditions of the Conditional Use File No. CU-835E shall be adhered to as part of the Site Plan and Plan of Operation approval.**
2. **Subject to the petitioner amending (if applicable) the food and alcohol license to include the area of the proposed deck addition.**
3. **Subject to the petitioner submitting to and receiving approval from the Town of Vernon Town Planner and Town Chairman an updated landscaping plan (if applicable) illustrating screening of the proposed deck addition from residential land uses west of the site per Condition #2(e) of CU-835E.**
4. **The applicant shall obtain all required licenses / permits needed to conduct the operation, and documentation of said licenses / permits shall be provided to the Town and County prior to commencement of construction.**
5. **The operation shall be conducted in compliance with all Federal, State, County and local ordinances, licenses and permits.**
6. **Subject to the applicant allowing the premises to be available for inspection by the Town of Vernon officials and Waukesha County Planning and Zoning Division Staff at any reasonable time and upon reasonable notice.**
7. **Town Attorney Review. The Plan Commission's recommendation shall not be in full force and effect until such time that the Town Attorney has reviewed the conditions and placed them in final form.**
8. **Applicant Agreement. As a condition precedent to the issuance Zoning or Occupancy Permit, the applicant is required to accept the terms and conditions of the same in its entirety in writing.**
9. **Any change, addition, modification, alteration and/or amendment of any aspect of this development, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the subject property), structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.**
10. **Professional Fees. Applicant shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this Conditional Use Permit, including the cost of professional services incurred by the Town (including engineering, legal,**

planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.

11. **Payment of Charges.** Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

Seconded by Commissioner Johnson motion carried.

8. Minutes for Approval:

- i. None

9. Next Meeting:

- i. July 23, 2009

Motion Commissioner Johnson moved to adjourn seconded by Supervisor Craig motion carried.

10. Meeting adjourned at 8:30 p.m.

Liz Mascione
Deputy Clerk
Town of Vernon
Waukesha County

APPROVED:
As printed ()
With corrections ()

Frederick Michalek, Chairperson
Town of Vernon

Date

APPROVED:

Frederick Michalek
Frederick Michalek, Chairperson

**Please note, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request service, contact Town Clerk at 662-2039. For TTY service, call 662-2039.

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**It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any other governmental body except the Town of Vernon Plan Commission.