

# VILLAGE OF ELM GROVE

13600 Juneau Boulevard  
Elm Grove, WI 53122

PUBLIC SAFETY COMMITTEE  
Thursday, January 14, 2016 \* 6:00 PM \* Parkview Room

## AGENDA

1. **Call meeting to order.**
  
2. **Review and approve minutes from January 8, 2015**  
Documents: [ps010815dm.pdf](#)
  
3. **Review and approve minutes from joint committee meeting of August 19, 2015**  
Documents: [joint minutes of 081915.pdf](#)
  
4. **Review and possibly act on citizen request to recommend ammendment to the dog ordinance to improve public safety.**  
Citizen is making a request of the Public Safety Committee to review perceived public safety concerns, with the current village dog ordinance, with an eye towards recommending further restriction of dogs, through more stringent leash restrictions, to the Legislative Committee.  
Documents: [ps letter for jan 14, 2016.pdf](#)
  
5. **Other Business**
  
6. **Adjournment.**

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk, Mary S. Stredni, at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM Friday prior to the meeting so that any necessary arrangements can be made to accommodate your request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice

# PUBLIC SAFETY COMMITTEE MINUTES

Thursday, January 8, 2015

Present: Trustee Chair Jack Nelson, Trustee Patty Kujawa, Trustee Patrick Kressin, Ms. Rebekah Schaefer, Mr. Andy Vrakas and Ms. Barbara Decker.

Not Present: Mr. Gus Moulas.

Also Present: Police Chief Jim Gage.

## **1. Call the meeting to order.**

The meeting was called to order, by Trustee Jack Nelson, at 6:00 p.m.

## **2. They review and approve minutes from August 14, 2014 meeting.**

Trustee Patty Kujawa entertained a motion to approve the minutes from the August 14, 2014 meeting. Trustee Kressin seconded the motion. The motion passed, with Mr. Vrakas abstaining.

## **3. Review and establish criteria for prioritization of pathway implementation.**

Trustee Nelson provided an overview of the Village Board's Committee of the Whole meeting, addressing the topic of pathways, and informing the Committee that the purpose of this meeting was to establish an understanding of the process by which a pathway request may be approved. Trustee Nelson indicated that he envisions the village receiving a pathway request in one of three ways;

1. Originating with the Public Works Committee, as part of an identified project or five year cap program. The pathway may be tied to an existing roadway plan and may have most safety concerns met through the design and safety engineering process (i.e. the new Sunnyslope pathway).
2. Originating with the Park and Recreation Committee as a desire of the community to create a "walkable community", in which case the request may be reviewed strictly as a park and recreation amenity with safety issues addressed through the design and safety engineering process, (i.e. pathways within the park system), or they may run concurrent to a roadway project and follow the above bullet point.
3. Originating with the Public Safety Committee to address a perceived safety issue either presented by staff or a member of the public. If a safety concern is identified, recommendation and referral will be made to the appropriate committee (Public Works or Park and Recreation).

With regard to bullet point #1, Trustee Kressin indicated that he will meet with the DPW Director, Richard Paul, Jr., to establish a list of upcoming five year cap programs that may already incorporate the pathway improvements referenced in the February 14, 2013, Public Safety Committee ranking. Trustee

Kressin indicated that once he has this information, the Committee should meet to prioritize what is left, since there has been a considerable turnover of Committee members, since the 2013 ranking was established.

With regard to bullet point #2, Trustee Kujawa indicates that the Park and Recreation Committee will create an ad hoc committee to update the park and recreation master plan and that this committee will help establish a village wide resident survey, with an element of the survey addressing the importance of pathways/"walkable community" issues.

With regard to bullet #3, Mr. Vrakas indicates that he thought a number of the pathways issues had been addressed and were awaiting funding. He went on to say, that he thought that there had been money available, through both grants and tax levy, to construct the pathway between Highland and Pilgrim Parkway, on Watertown Plank Road. Additionally, he thought that the pathway along Pilgrim Park Middle School (off of Berkshire) had been funded. Trustee Nelson explained that there was an original discussion to utilize forty thousand dollars of undesignated tax levy for the pathways, during the Committee of the Whole meeting, but due to other budgetary matters (including the looming Watertown Plank Bridge repair project) it was decided that those funds would remain undesignated.

This led to a broader discussion regarding other projects that have been recommended for action by the committee, to include;

- Installation of a crosswalk and signal on Watertown Plank Road at Legion (recommended when the mid-block Watertown Plank Road crossing was removed).
- Installation of a crosswalk on Highland Drive at Juneau (recommended at the completion of the Juneau Pathway project).
- Installation of a radar speed sign (similar to the one on Juneau Blvd) for westbound Watertown Plank Road, in the 12900 blk. (recommended after a speed survey conducted in response to a citizen complaint).

As a result of this conversation, it was agreed that Trustee Kressin would add these items to his upcoming discussion, with DPW Director Paul, Jr., to determine the status of each project and any potential incorporation into larger projects.

Trustee Nelson asked that Mr. Vrakas to meet with Chief Gage to verify if there are any additional safety concerns, since the 2013 safety ranking, for any of the proposed pathways.

Trustee Nelson indicated that, although outside of the scope of the Public Safety Committee, he would interface with the Elmbrook School staff to see if there is any interest in helping fund and/or maintain any future Berkshire pathway along the school property.

#### **4. Other Business.**

Chief Gage provided a brief update regarding the deer culling program, indicating that due to the limited snowfall so far this year, there has not been an aerial deer count this season. He anticipates

that the count will take place sometime next week. If the population exceeds twenty deer, the culling program will begin.

**5. Adjournment.**

Trustee Nelson entertained a motion to adjourn the meeting, which was brought forth by Trustee Kujawa and seconded by Trustee Kressin, with all in favor at 6:50p.m.

Respectfully submitted,

James P. Gage  
Chief of Police

DRAFT

**JOINT RECREATION, PUBLIC WORKS/UTILITIES AND PUBLIC SAFETY COMMITTEE**  
**MEETING MINUTES**  
**Wednesday, August 19, 2015**  
**O'Neill Room**

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**1. Call Meeting to Order.**

Mr. De Angelis brought the meeting to order at 6:01 p.m.

As the meeting is a joint meeting of three committee the consensus of committee members was to have Mr. De Angelis chair the meeting.

Present: Trustee Kressin, Trustee Haas, Trustee Michalski, Trustee Nelson, Trustee Domaszek, Trustee Kujawa, Mr. Harley, Mr. Casperson, Mr. Wolf, Mr. Coffey, Dr. Retzak (arrived at 6:55 p.m.). Mr. Moulas, Mr. Vrakas, and Ms. Schafer.

Also Present: Mr. De Angelis, Mr. Paul Jr., Mr. Griffiths and members of the public

**2. Review and possible recommendation regarding the prioritization of pathways in the Village of Elm Grove, specifically Gebhardt Road and Watertown Plank Road from Highland Drive west to Pilgrim Parkway.**

Mr. De Angelis reviewed the pathways memo that was included in the packet. The Committee of the Whole had requested that the three committees review the prioritization of the construction of the two pathways. The joint committee reviewed the topographic and right of way conditions for both of the proposed pathways.

The consensus of the joint committee was to recommend that both pathways be built, with the prioritization to be that an off road pathway be constructed on Watertown Plank Road, west of Highland Drive prior to the construction of a pathway on Gebhardt Road.

The joint committee's consensus was based on the higher traffic volume along Watertown Plank, the safety of pedestrians who utilize the existing paved shoulder on Watertown Plank Road, the extension of the existing pathway on Watertown Plank to provide connectivity between the Village's two business districts, and the ability to connect to the Pilgrim Parkway path.

**3. Other Business**

None

**4. Adjourn**

Mr. Coffey motioned and Mr. Wolf seconded to adjourn the joint meeting. Motion carried.

Meeting adjourned at 7:12 p.m.

Respectfully Submitted,

Casey Griffiths  
Zoning & Planning Administrator/  
Assistant to the Village Manager

5 November 2015

Public Safety Committee  
Village of Elm Grove  
13600 Juneau Boulevard  
Elm Grove, WI 53122

I am writing this letter to request that the Elm Grove Public Safety Committee support an amendment to the Article I of Chapter 95 of the Village of Elm Grove Code of Ordinances (hereafter "EGC) regarding the keeping of dogs. The writing of this letter was prompted by a recent dog bite incident that occurred on Elm Grove public property with my mother, Vicki Logan, suffering the dog bite injuries.

It is important for me to begin by stating that Elm Grove was a wonderful place to grow up. My parents, Dr. Michael and Vicki Logan, have resided at 15065 Westover Road for nearly 30 years. Our family has always owned dogs, and each of us has enjoyed being part of a neighborhood and community that includes so many great dog-owners. I credit Elm Grove's dog-friendly environment with shaping my own life and career path that includes volunteering with local dog rescues and working at several established humane societies across the country. Now, as a Marquette University Law School graduate with a Masters of Law degree in Animal Law from Lewis & Clark Law School, I work with the Oregon Humane Society Humane Investigations Department. I am a strong advocate for animals and for laws to protect animals and people alike.

On October 23, 2015, my mother, an avid walker, was passing by a residence on Victoria Circle North. There were three large dogs in the front yard of the property, to which she paid no mind as she walked on the road past the yard. With no provocation from my mother, one of the large dogs ran out of the front yard and attacked her from behind, biting her first on the back of the thigh, and then jumping up to bite her once more on the back of her shoulder. The dog then retreated back into the yard with the other two dogs, and my mother walked back home to be driven to Elmbrook Hospital for treatment of her injuries.

Anyone would be very disturbed to hear that a dog had attacked her 65-year-old mother while she was enjoying a walk on a public street. What added to my concern was the fact that this was not the first time that my mother had told me about dogs running at large in Elm Grove. Over the past 5 years or so, she has shared with me numerous stories of her witnessing dogs running out of yards and of her having startling experiences encountering dogs running off-leash on walking paths. She has heard many similar stories from her neighbors and other Elm Grove residents she stops to chat with on her many walks around the Village. She and I had talked about how it was only a matter of time before a person or dog was seriously injured as a result of certain dog-owners lax attitudes on dog safety. It was unfortunate and angering to hear that the victim of something we had hypothesized was, of all people, my mother the dog-owner, dog-lover, and dog-advocate.

In a sense both she and I are grateful that it was her that was injured while walking, rather than a child or children who could have been more seriously hurt. We also breathed a sigh of relief that she was not walking our 15lb dog, Louie, who would have undoubtedly tried to protect my mom and gotten seriously hurt himself. Other than those two thoughts, however, neither of us has found any solace in what happened to her. While my initial, angry reaction to hearing the news of her dog bite was to suggest that she sue the owner, she did not consider that route for a second. She does not want any additional harm brought to anyone involved, and she told me that suing the one owner “wouldn’t change anything.” After hearing that statement, and with her blessing, I contacted the Village about the steps I could take to make changes that would benefit all dogs, dog-owners, and other residents of Elm Grove.

The overarching problem with EGC Chapter 95 Sections 1-5 is its failure to provide safety to animals and humans within the unique environment of Elm Grove. This unique environment is detailed in the Elm Grove codes regarding fencing, which are quite specific. The restriction on front yard fencing is found in § 335-88(3)(d) with the provision that, “[n]o Open Fence or Architectural Screening Device shall project forward of the rear line of the principal building, except for Decorative Fences.” These codes are as such because “[i]t is one of the Village’s quality of life goals to maintain a sense of natural openness where property boundaries are largely transparent. In general, the construction of fences is contrary to this desire” (Preamble to 6-26-2012 amendment of EGC § 335-88(D)(6)(g)). Within this environment of natural openness is a need for ordinances in place that adequately make up for some of the lost benefits that are provided in communities that permit front-yard fencing. While the Village has a quality of life goal to maintain that natural sense of openness, its citizens have a quality of life goal to be safe from loose dogs while walking on public roads.

To address these issues, I first propose that Elm Grove adopt a leash requirement for all citizens to effectively to maintain control of dogs on public property. Elm Grove Code §95-2(A)(1), under the heading “Nuisances”, reads:

... it shall be unlawful for a dog to run at large on any public property or on private land other than that of its owner. A dog shall not be deemed to be at large if it is accompanied by its owner [or] a member of the owner’s household ... and is under the control and command of such person and is not threatening or disturbing any other persons or animals or any public or private property.

This portion of the code gives dog owners the right to walk a dog off-leash so long as the dog is under their “control or command.” While taking a dog around the Village streets and paths off-leash is a leisure activity that certain residents enjoy, the enumerable variables that are unaccounted for in the code leave the off-leash dogs, other dogs and other walkers in harms way.

Many other municipalities in both Waukesha and Milwaukee counties require dogs to be on-leash when they are being walked on public property. The most relevant of these municipal codes exist in Elm Grove adjacent Brookfield and Wauwatosa. The Town of Brookfield places its leash requirement under the code section regarding dogs running at large. Similarly to Elm Grove's ordinances, a dog must remain under the control of the owner who is walking the dog. However, it goes on to read that, "a dog shall not be deemed to be under control unless the dog is secured by leash or other restraining device" (Town of Brookfield Code 12.07(2)(a)). The City of Brookfield uses the definitions section of its animal code to define a dog at large as "any dog or cat off the premises of its owner or upon the public streets, sidewalks, alleys, public grounds, school grounds or parks within the city," and deems that a dog shall not be deemed at large if it "is attached to a leash of sufficient strength to restrain the dog . . . and the leash is held by a person competent to govern the dog" (City of Brookfield Code 6.08.010). Lastly, the City of Wauwatosa lists its leash requirement under a "Restrictions on Owners of Animals" heading. The ordinance provides that, "[a] dog may not be on the loose on or off its owner's property and must be confined by a leash, pen or electronic fence to the owner's property, or if being walked, must be secured by a leash no more than ten feet in length and handled or governed by a person competent to handle the dog" (City of Wauwatosa Ordinances 9.04.020(A)(4)).

The rationales for leash requirements are to maintain the safety of both the dog being walked and the other beings in that public space. Requiring owners to use a leash while walking their dogs on public property in Elm Grove is not meant to be a restriction or punishment. The majority of Elm Grove residents already walk their dogs on a leash because doing so of course ensures the safety of their dog from hazards like moving vehicles, but also because it ensures that the dog will not travel unrestricted onto private property or in approach of another person or animal on public property. It is in the private property interest of Elm Grove residents to feel secure in knowing that a dog being walked cannot so easily enter any private yard, which, per Elm Grove code, may not have a fence surrounding it.

My second proposal is to open up a discussion about possible precautions in place to avoid situations like the one my mother faced a few weeks ago. While a leash requirement would be a positive first step for Elm Grove in terms of strengthening its animal ordinances, it does not address the dangers that can happen when a dog that is not under maintained control leaves its yard and enters public property. Going again back to the fencing codes and the unique environment of Elm Grove, many dog owners try to keep their dogs within their property by use of an invisible fence. Invisible fencing provides an aesthetically pleasing attempt at confining dogs to a yard, but it is by no means foolproof.

The dog that ran out and attacked my mother was unsupervised in a yard that did have an invisible fence. The owner (who has received complaints before, as was mentioned to my mother by the officer who responded to her call) called my mother

and told her that the fence must not have been working, and that he has had problems with it before. A neighbor of ours on Del Prado Circle has a dog that has gotten out of the yard multiple times before, and one on occasion where we helped get the dog back into the owner's yard, she explained that she has invisible fencing but that the snow plow has interfered with its functionality before. My family can empathize here. We had a little terrier dog at one time that was a skilled escape artist. In his early years, we had invisible fencing installed on our property, and did everything right in terms of training. It took two times of our dog "breaking through" the invisible fencing barrier for us to realize that this was not adequate for his safety, the safety of other dogs, or the property interests of our neighbors.

Some dogs do remain inside of the bounds of the invisible fencing, and plenty of owners do regular checks make sure that their invisible fencing is turned on and functional. These owners should not be punished, nor should the owner of a dog who manages to slip out the front door or sneak through the fence once or twice. What needs to be addressed, however, is the fact that there are dogs that have repeatedly gotten out of their own yards while they are unsupervised with only the invisible fencing to keep them in the yard. Elm Grove is a unique community so there are not comparable municipal codes to look to in this area. That is why I propose that the Public Safety Committee and others discuss this issue. There could be merit in requiring in the code that owners using invisible fencing must perform regular checks to ensure that the fencing is turned on and functioning. Another possible addition to the code might be language regarding the number of times a dog is reported as being "at large" before a stricter penalty is issued.

The institution of a leash requirement for Elm Grove would be a small change that makes a great difference, and would raise the bar for a level of safety and responsibility for animal owners and the entire community. With the bar raised, a larger discussion can begin on how to keep animals and people safe in the distinctive environment of Elm Grove. There needs to be attention given to not only preserving the natural beauty of Elm Grove, but also to preserving the safety and well-being of the animals and people of Elm Grove.

On behalf of my family, we greatly appreciate the Public Safety Committee's time and consideration into these issues regarding Elm Grove's animal codes. Please contact me at any time with questions by email at [micaela.logan@gmail.com](mailto:micaela.logan@gmail.com) , or by phone at 414-510-5561.

Sincerely,

Micaela J. Logan, J.D., LL.M.