VILLAGE OF SOMERS
MINUTES of the REGULAR MEETING
August 27, 2019

The Regular Meeting of the Somers Village Board was called to order at 5:30 p.m. by President George Stoner.

Present: President George Stoner, Trustees David Geertsen, Karl Ostby, Joe Smith, Gregg Sinnen & Jack Aupperle. Excused Trustee Jackie Nelson. Also present: Administrator Bill Morris, Assistant Administrator Jason Peters, Attorney Jeff Davison & Deputy Clerk-Treasurer Anandhi Krishnan.

All stood for the Pledge of Allegiance.

Presentation by Kenosha County District Attorney Michael Graveley

District Attorney Michael Graveley reported on the opioid crisis and his response to school shootings.

Consent and Approval of Minutes of Regular meeting on 08-13-19; Vouchers dated 08-15-19

Trustee Geertsen moved to approve Minutes of Regular meeting on 08-13-19; Vouchers dated 08-15-19, second by Trustee Ostby. Motion carried 6-0.

Correspondence: none

Citizen Comments: none

Trustee Comments

President Stoner, Trustees Geertsen and Ostby commended the legal team on a successful settlement of the Sam's Club/Wal-Mart assessment challenge. President Stoner also stated the museum project will be discussed at the September 16 Plan Commission meeting. Trustee Geertsen stated since incorporation combined property values increased to one billion dollars. He also commented on the draft audit, reserves and CIP funding. Trustee Sinnen stated the Mount Pleasant construction update meetings are now an abbreviated part of their regular Board meetings.

Plan Recommendations:

a. **Action on request by KLM Enterprises LLC/Ken L Maynor, 321 Sheridan Rd., Racine, WI 53403, (Owner), for rezoning from B-3 Highway Business District to R-3 Urban Single- Family Residential District on Tax Parcel #83-4-223-052-0230, located in the NW 1/4 of Section 5, T2N, R23E, Village of Somers.**

Trustee Sinnen moved to approve said rezoning, second by Trustee Geertsen. Motion carried 6-0.

b. **Action on request by Ronald J Birchell, 1276 100th Ave, Kenosha, WI 53144 (Owner), Joseph W Huck, Huck Realty, LLC, 611 47th Ave, Kenosha, WI 53144 (Agent), for rezoning from A-1 Agricultural Preservation Dist., B-3 Highway Business Dist., R-3 Urban Single-Family Residential Dist. and C-2 Upland Resource Conservancy Dist. to A-2 General Agricultural Dist., B-3 Highway Business Dist., R-3 Urban Single-**

Family Residential Dist. and C-2 Upland Resource Conservancy Dist. on Tax Parcel # 82-4-222-172-0202, located in the NW 1/4 of Section 17, T2N, R22E, Village of Somers.

Trustee Geertsen moved to approve said rezoning, second by Trustee Aupperle. Motion carried 6-0.

c. Action on request by Ronald J Birchell, 1276 100th Ave, Kenosha, WI 53144 (Owner), Joseph W Huck, Huck Realty, LLC, 611 47th Ave, Kenosha, WI 53144 (Agent), for approval of two (2) Certified Survey Maps (prepared by Tom Baumgartner, PLS) to create one (1) 2.031-acre parcel, one (1) 0.487-acre parcel, one (1) 10.314-acre parcel, one (1) 8.899-acre parcel and one (1) 1.517-acre parcel from Tax Parcel # 82-4-222-172-0202, located in the NW 1/4 of Section 17, T2N, R22E, Village of Somers.

Trustee Geertsen moved to approve said Certified Survey Maps subject to the following conditions:

a) Subject to revising the CSMs to address review comments from the Wisconsin Department of Administration's August 1, 2019 review letters

b) Subject to making the following revisions to the CSM:

   a. Indicate the date of each CSM.

   b. Add a note to each CSM indicating the name and address of the owner(s), developer and surveyor.

   c. Add a note indicating the proposed Lots will be served by municipal sewer.

   d. Show a total right-of-way width of 60' for the south half of CTH "E" across Lots 1 and 3 of the West CSM. Label the dedicated right-of-way areas for CTH E as "Dedicated for Public Road Purposes".

   e. Indicate the setback distances from existing structures to new proposed lot lines on Lots 2 and 3 of the West CSM to verify that minimum required side yard setbacks are being met from the barns, house and garage to proposed lot lines.

   f. Indicate the area of proposed Lots in both square feet and acres (note: the area of Lot 3 of the West CSM shall include up to the centerline of 100th Ave and CTH "E" rights-of-way).

   g. In the Surveyor's Certificate on each CSM, remove reference to complying with the subdivision regulations of Kenosha County.

c) Prior to recordation of the CSMs, a document shall be recorded to accomplish the proposed sale of approximately 19 acres from Parcel #82-4-222-172-0202 to Parcel #82-4-222-181-0100

d) Prior to recordation of the CSMs, the shed located at the northwest corner of proposed Lot 2 of the West CSM shall be removed as indicated.

e) Subject to sending an electronic copy of the revised CSM showing the aforementioned

changes to the Kenosha County Department of Planning and Development office to receive sign-off prior to the surveyor preparing the recordable CSM document for signatures. The county contact is Luke Godshall who can be contacted at the following e-mail address: luke.godshall@kenoshacounty.org.

f) No land division shall be recorded if any portion or part of the parent parcel has any unpaid taxes or outstanding special assessments without prior approval of the local and Kenosha County Treasurer.

g) Subject to the Certified Survey Map (CSM) being recorded with the Kenosha County Register of Deeds within twelve (12) months of receiving approval from the Somers Village Board

Second by Trustee Ostby. Motion carried 6-0.

d. Action on request by RCG-Somers LLC, 2211 York Rd., Suite 222, Oak Brook, IL 60523 (Owner), Ryan Schultz, 316 W Washington Ave #675, Madison, WI 53703, (agent), for a Conditional Use Permit for outside dining in the B-4 Planned Business Dist. on Tax Parcel # 82-4-222-271-0318, located in the NE ¼ of Section 27, T2N, R22E, Village of Somers.

Trustee Geertsen moved to approve said Conditional use Permit subject to the following conditions:

a.Subject to the application stamped received by the office of Planning & Development on June 28, 2019, including associated site plans and renderings, which indicates an approximately 2300 sq. ft. outdoor seating area surrounded by 3-foot railing enclosure on the west side of the proposed restaurant.

b.It is the responsibility of the applicant to assure and guarantee that the above conditions are fully complied with. This includes, but is not necessarily limited to, meeting conditions established herein, providing any applicable letters of credit, providing and following approved plans, obtaining permits prior to construction, making improvements, participating in coordination meetings with governmental officials, following established time frames, meeting deadlines, and providing additional information where deemed necessary. Any unauthorized deviation from the approved plans and conditions shall result in the issuance of a citation and/or applicable stop work order by the Village of Somers or other applicable agencies until the conditional use permit is brought back into compliance. Continued violation of the conditions as set forth herein shall result in a recommendation for revocation of the Conditional Use Permit.

*c.*Any substantial change or expansion of the submitted plan of operation, i.e., expansion of the proposed outside dining area or addition of new outside dining areas, shall require the applicant to reapply for a Conditional Use Permit to the Village of Somers for its review and approval.

d.If property ownership and/or tenant shall happen to change then it shall be the responsibility of the person(s) that signed these conditions to notify new owner and/or tenant of all above stated conditions of approval.

e.It is the total responsibility of the petitioner to assure and guarantee that the above stated conditions are fully complied with. Any deviation from the approved plans and conditions shall result in the issuance of a citation and associated stop work order until the project is brought back into compliance. Continuance of the project shall result in a recommendation for revocation of the Conditional Use Permit.

Second by Trustee Aupperle. Motion carried 6-0.

e. Action on request by RCG-Somers LLC, 2211 York Rd., Suite 222, Oak Brook, IL 60523 (Owner), Ryan Schultz, 316 W Washington Ave #675, Madison, WI 53703, (agent), requesting site plan review, exterior fenestration and monument sign review on Tax Parcel # 82-4-222-271-0318, located in the NE ¼ of Section 27, T2N, R22E, Village of Somers.

Trustee Geertsen moved to approve said site plan, exterior fenestration and monument sign, subject to conditions outlined in Village Engineer's letter dated 08-27-19. Second by Trustee Sinnen. Motion carried 6-0.

f. Action on request by Keith & Nancy Ulicki, 5995 120th Ave, Kenosha WI 53144, (Owner), for a rezoning from A-2 General Agricultural District to A-1 Agricultural Preservation District & R-2 Suburban Single-Family Residential District on Tax Parcel #82-4-222-052-0305, 300 100th Avenue, located in the NW 1/4 of Section 5, T2N, R22E, Village of Somers.

Trustee Sinnen moved to approve said rezone, second by Trustee Geertsen. Motion carried 6-0.

Public Hearing on Order Adding Territory to Utility District #1 (Resolution No. 2019-014)

President Stoner opened the public hearing. No one appeared and the hearing was closed.

Action on Resolution No. 2019-014 An Order Adding Territory to Village of Somers Utility District No. 1

Trustee Aupperle moved to adopt said Resolution, second by Trustee Sinnen. Motion carried 6-0.

Motion to approve Clerk-Treasurer's Contract with term ending February 28th, 2021

Trustee Geertsen moved to approve Clerk-Treasurer's Contract with term ending February 28th, 2021, second by Trustee Aupperle. Motion carried 6-0.

Approval of Operator Licenses: none

Adjournment

There being no further business, the meeting was adjourned at 6:19 p.m.

Submitted by Timothy L. Kitzman, Clerk-Treasurer
These minutes are not official until approved by the Village Board