

**Village of Somers
7511 12th Street
Somers, WI 53171**

**Village Work Session Meeting
Agenda
Tuesday, September 6, 2022
5:30 p.m.**

Village Board Work Session Meeting:	
Item #	
1	Call to Order
2	Administrator's Report
3	Engineer's Report
4	President & Trustee Reports
5	Review and discuss change order #1 from Willkomm Excavating & Grading, Inc. in the amount of \$13,035 for work on 2022 Water Mains (Becknell & First Park 94)
6	Discuss Plan Commission Recommendation (J&M's Bar & Grill): <ul style="list-style-type: none"> a. Continued discussion on Request by Eclectic LLC, PO Box 78, Somers, WI 53171 (Owner), Justin Traugher, PO Box 78, Somers, WI 53171 (agent), for a Conditional Use Permit amendment to allow for outside amplified music in the B-2 Community Business Dist. on Tax Parcel # 82-4-222-162-0010, located in the NW ¼ of Section 16, T2N, R22E, Village of Somers. (For information purposes only, this property is located at 8013 12th Street.)
7	Discuss allowable/potential Village tax levy
8	Discussion regarding Investment Policy and possible investment strategy
9	Discuss and Review proposed Ordinance 2022-011, an Ordinance to recreate section 11.07(L)(2) and (3) of the code of Ordinances of the Village of Somers regarding Liquor Licenses Quota.
10	Discuss and Review proposed Ordinance 2022-012, an Ordinance to recreate section 5.11(E) of the code of Ordinances of the Village of Somers regrading Fireworks Prohibited
11	Review tentative agenda for Village Board meeting on September 13, 2022
12	Motion to convene into closed session per Wisconsin State Statute §19.85(1)(c) and (e) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has

Original Post Date: September 2, 2022

	jurisdiction or exercise responsibility, specifically to review administrator contract and part time firefighter compensation and for deliberating or negotiating the purchasing of public properties, investment of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically to review the proposed 2023 contract with the Kenosha Sheriff's Department. (Roll call required)
13	Reconvene in Open Session (Roll call vote required)
14	The Village Board will not take action on items discussed in Closed Session.
15	Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the September 6, 2022 Village Work Session & Agenda in 1 public place & on the Village website.

Dated this 2nd day of September 2022.

Brandi Baker, Clerk-Treasurer

Requests from person with disabilities who need assistance to participate in this meeting should be made to the Clerk's Office at 262-859-2822 with as much notice as possible. **Notice is hereby given that members of the Village Board may participate telephonically. Notice is hereby given that members of the Town Board may be in attendance for the sole purpose of gathering information. A quorum may be present. However, no Board action will be taken**

**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: September 6, 2022

TO: Village President Stoner and Village Trustees

FROM: Jason J. Peters, Administrator

AGENDA ITEM: #2 Administrator's Report

Below please find a bulleted summary of major issues that Administration has worked since our August 2, 2022, Work Session:

Development

- The Plan Commission met on August 8th to review the following:
 - Request by Somers USA, LLC, 1170 22nd Avenue, Kenosha, WI 53140 (Owner), Ted Gement, BP Kenosha Travel Plaza, 1170 22nd Avenue, Kenosha, WI 53140 (Agent); for approval an amendment to a previously approved Conditional Use Permit to allow alcohol consumption on the premises in the B-3 Highway Business District on Tax Parcel # 82-4-222-193-0202. Golden Oil explained they would like to “remodel this space into a lounge where customers can get a pizza or other food offerings that are available at the Travel Center and be able to sit in a quiet environment and enjoy their food with an alcoholic beverage.” In order for this to occur the Development Agreement and Conditional Use Permit will need to be amended. Plan Commission’s recommendation was to approve. The Board heard this request at our August 16th Work Session and approved subject to conditions at our August 23rd Board meeting.
 - Request by RCG SOMERS LLC, 3060 Peachtree Rd NW Ste 400, Atlanta, GA 30305 (owner), Jeana Kedrowski, ISG, Inc., 7900 International Drive, Ste 550, Bloomington, MN 55425 (Agent), requests approval of a site plan and exterior fenestration for a proposed car wash on Tax Parcel 82-4-222-271-0339. This project would bring a Mister Carwash to Somers Market Center. The Plan Commission’s recommendation was to approve. The Board heard this request at our August 16th Work Session. The Board’s direction for was for RCG to address the maintenance issues in Somers Market Center before this matter will be brought for a vote.

- The Plan Commission will meet on September 12th review the following:
 - Carthage College’s request for rezoning, comprehensive plan amendment, CSM, site plan and exterior fenestration for a proposed project at 729 17th St., 803 17th St., 17th Street, 809 17th St., 815 17th St., and 819 17th St. This project was heard by the Plan Commission and the Board earlier this Spring, but needed to be resubmitted because the building had to be shifted to the north due to an issue the sign company.
- On August 8th, the Somers/Paris IGA committee met to review a concept for a Bobcat Plus Dealership in the growth area. The concept received positive review. They will now be looking to formally submit for approvals from the IGA, Somers Plan Commission, and the Village Board.
- On August 11th, Kwik Trip held their grand opening for their new Travel Center on CTH S/STH 142. Don Zietlow who is one of the founders of Kwik Trip gave a very nice speech about their company, their values, and how much they appreciated the Village’s help in making this project a reality. Kwik Trip presented Somers Fire and Rescue with a check for \$1,000.
- https://www.kenoshanews.com/news/local/watch-now-somers-gets-largest-kwik-trip-in-wisconsin/article_791f0576-249c-11ed-8401-13240e20cf33.html#tracking-source=mp-homepage



- August 16th, Engineer Snyder, President Stoner, and Administration met with representatives from HSA to discuss a possible revision to their utility plan on the former Darby Lane Property. This project began earth work in August.
- The Savannah at Pike Creek (CTH L and STH 32) began earth work in mid-August. On August 26th, a pre-construction meeting was held in regards to the installation of the sewer and water utilities. The road improvements for the project will also be taking place in the near future on STH 31 and CTH L



- On August 22nd, Engineer Biwer and Administration held a “regulator’s meeting” in regard to the proposed extension of water utilities for the Flint project. This type of meeting is required by the PSC action last summer. The earth work on this project is also progressing nicely



Flint

- On August 26th, Engineering and Administration met with Stream Realty to discuss their proposed Development Agreement for their project on the Grohs Property.
- On August 23rd and September 1st, Planning and Zoning, President Stoner, and Trustee Nelson met with representatives from Golden Oil regarding a potential project near I-94 and CTH E. They are working through a concept and are seeking input from the Village.
- On September 1st, Planning and Zoning, President Stoner, and Trustee Nelson met with a developer interested in bringing a possible smaller subdivision to 22nd Avenue.
- In late August, Building D at First Park 94 went vertical.



First Park 94 Building “D”

- On August 23rd and August 30th, Administrator Peters held meetings the Pritzker Development Team. The August 23rd meeting was to discuss their goal to submit for approval of “Mission 94”. This would be the firearms education training center. They have submitted a concept for review. The Plan Commission will review the concept in

October. August 30th was our regularly scheduled monthly update call. The Archive Center was featured in two articles over the past month. They can be found by using the following links:

- https://www.kenoshanews.com/news/local/the-pritzker-archives-on-schedule-could-open-by-end-of-2023/article_18a58788-2564-11ed-953b-6ff34d0e3f28.html#tracking-source=home-top-story
- <https://www.milwaukeeemag.com/a-legendary-architects-last-design-is-being-built-in-wisconsin/>

Administration

- Staff has been meeting daily to work on the budget. This will be the first budget completed by our new staff, so it has been somewhat slow going as they learn all the ins and outs of the municipal process. We have been going over the budget line and there are some major challenges. The majority of Staff's time has been dedicated to this process over the past month. Trustee Ostby and President Stoner met with Administrator Peters on August 16th to discuss additional potential revenue streams.
- Trustee Nelson and Administrator Peters continue to work on our proposed Zip Code Boundary Review submission to the Postal Service. Administrator Peters reached out to several communities around the country that have been through this process. On August 23rd, we spoke to a lobbyist who worked with a community in Florida whose request was denied. This lobbyist worked with their federal leaders to create a legislation that would force the USPS to grant them their own zip code. Said legislation stalled in the last session. Based on this meeting, we are planning on submitting through the formal USPS process and possibly "piggybacking" on any new bill that is submitted. Administrator Peters has spoken to Congressman Steil's office and Senator Johnson's office regarding this matter. Congressman Steil's office has been helping along the way and Senator Johnson sits on the Committee on Homeland Security and Governmental Affairs which this legislation would need to be first introduced. On September 1st, Trustee Nelson and Administrator Peters spoke with a staffer for Senator Johnson. It was a positive meeting, and we feel that we will pursue both options to obtain our own zip code, with the caveat that this is a long process.
- Partisan Primary Election was held on August 9th. From all accounts it went very smoothly. Thank you to Staff and all the Poll Workers!
- Clerk/Treasurer Baker has submitted all our documentation for our commercial insurance review. We are now waiting on our new quote for the budget.
- In late August the Village was the victim of a "catfishing" scheme related to an employee's payroll check. Staff has been in contact with our bank and have filed a police report with our deputies.
- On August 22nd, the Joint Board of Review met to review the 2021 reports related to our 11 TID districts. Auditor Messing was on hand to help explain the filings. Auditor Messing will be moving out of state in the near future. Administrator Peters has approached Ehlers to inquire as to whether they would be willing to handle these filings in

the future. Auditor Messing has worked with the Village and Town for several years. We thank her for her service and wish her luck in the future!

- On August 30th, Trustee Sinnen, President Stoner, Chief Andersen, Attorney Davison, and representative from the Village of Somers Firefighter/EMT Employees Local 4831, IAFF met to discuss some final points on their new contract. We hope to bring this to an agenda in the near future.
- On August 30th, Trustee Ostby met with Staff to discuss our new investing policy. On September 2nd, we met with Ehlers to discuss the capabilities and needs of the Village/Town.
- Clerk/Treasurer Baker attended the 42nd Annual Wisconsin Municipal Clerk's Association Conference on August 25th and August 26th.
- On August 31st CTH KR re-opened between CTH H and Green Bay Road.

WISCONN VALLEY DEVELOPMENT ROADS

NEWS & UPDATES August 31, 2022

County KR has Reopened to Traffic

The Wisconsin Department of Transportation (WisDOT) is nearing the completion of the County KR Phase II reconstruction project. As part of this project, County KR was closed long-term as crews worked to reconstruct County KR between County H and WIS 31 (Green Bay Road) from a two (2) to a four (4)-lane highway.

Wednesday, August 31:

- > County KR, between County H and WIS 31 (Green Bay Road) has reopened to traffic.
- > Intermittent lane closures on County KR, between County H and WIS 31, are scheduled to occur for approximately one month.
- > New signals have been installed at 90th St/72nd Ave/KR intersection.

The project team thanks you for your patience and cooperation throughout this project!

LEGEND

- INTERMITTENT CLOSURES
- OPEN TO TRAFFIC
- TRAFFIC SIGNALS

The map displays County KR running horizontally across the center. Vertical roads shown include 100th St, 72nd Ave, 50th St, 30th St, and 10th St. A north-south road labeled 'EA' is also shown. A road labeled '31' (WIS 31) is shown on the right side. A north arrow is located in the top right corner of the map area.

Find us online at: projects.511wi.gov/dr

Project Contact: Athena Kuhl | Construction Public Involvement | Athena@devopr.com | (262) 933-0467

- Reminder that our annual Electronic Waste and Shredding Event will be held on Saturday October 8th.
 - Somers residents are invited to drop off electronics and any documents they need shredded to the Somers Village/Town Hall at 7511 12th Street (Highway E) Oct. 8, 2022.
 - Electronic collection will be between 9 a.m. and 2 p.m.
 - Paper shredding will be between 9 a.m. and noon.
 - In addition to the items, you want to dispose of, you will need to bring your ID.
 - <https://www.somers.org/news/2022/08/23/electronic-waste-and-shredding-event-2/>

Development Pipeline

Last updated: 08/30/2022

Name of Developer	Type of Development (Residential, Commercial, Industrial, Mixed Use)	Location	Date Engaged	Pre-Deve. Agree.	Current Zoning	Requested Zoning	Current Comp Plan	Comp Plan Requested	Neighbor. Plan	CSM or Plat	Public Improv. Needed	Est. Improv. Costs	Acres	Current Value	Est. Value	Build Out Year	Year Full Assessed on Tax Roll	TIF Dist.	Requested Assistance	Proposed Assistance	Assistance Committed	Plan Comm. Date	Board Final Approval	Devel. Agree. Date	Comp Plan Ord	NOTES
Akil Ajmeri 3308 Green Bay Road	Multi-Tenant Commercial Building w/ Ayra Liquor Store as anchor	Somers Market north of Jiffy Lube	1/7/2021	No	A-1	B-3	Commercial	Commercial	Southeast	No	No		0.95	\$375,000		2021	2022	2	N/A	N/A	N/A	3/8/2021 Concept				03/21 Plan Commission Meeting heard concept 02/22 Met w/ Developer, moving forward pending easment with RCG
Alliance Development	Chipolte	Somers Market	1/14/2022	Yes	B-4	B-4 w PUD	Commercial	Commercial	Southeast	N/A	N/A	N/A	1.1082			2022	2023	2	N/A	None	N/A	4/11/2022	Approved 05/10/2022	6/23/2022	N/A	01/22 Intial Meeting w/ Developers, Same Developers as Starbucks building 4/22 PC Recommened approval 4/22 Developer submitted updated plans based on PC
Bear Development Willow Creek	Multi-Family Townhouse Single Family	Hwy E by lift station	8/23/2018	Yes	R-9 A-2 C-1		High Density Residential Secondary Environmental Other Conservancy Land Non-farmed Wetland Street & Highway ROW		Somers Center East		Road Water Sewer		40.54	\$11,500				4								10/8/2018 Conceptual Presented to Plan Commission 01/2019 Bear updating plan, will come back to Plan Commission 04/2019 Bear has new plan & working with administration to bring to Plan Commission 05/2019 Met with Bear & Root Pike Win, TID 4 amendments to be made so 35% rule is followed 6/2019 TID 4 amends will go to JRB, Plan Commission & Board in July 19 8/13 TID Amendments Finalized, Developer hoping to Bring Plans in Fall 4/20 Spoke to Developer, bringing in new concept plan 11/20 Met wi/ Developer, concept with single family & owner occupied duplexes
Becknell	Industrial/Warehouse	East Frontage	Spring 21	Yes	A-1	BP-1	Business/Industrial Secondary Environmental Other Conservancy	No	Kilborn	Yes	Road Water Sewer	\$800,000	132.1	\$294,600	\$60,000,000	Phase I 2022	Phase I 2023	6 3	Yes, offsite water main	\$460,000	\$460,000	9/13/201	09/28/2021 Comp, Zoning, Site 11/09/2021 DA	10/8/2021	N/A	4/21 Introductory meeting 7/21 Submitted materials 8/21 Weekly meetings regarding possible development agreement 09/13 Plan Commission Approved 9/28 Board Approved 10/05 Board will review DA 11/21 DA Approved 12/21 DA Executed by Village being recored 06/22 Watermain should be completed in June
Bobcat Plus	Bobcat Dealership	Somers Expansion Area (West of 94)	Fall 2021	Yes	R-2 Paris	B-3	Commercial	Commercial	N/A IGA	Yes	Sewer Water		4.32	\$202,000		2023	2024	N/A	N/A	N/A	N/A	IGA Concept 8/8/2022				9/21 1st intro meeting. Submitted letter requesting review by IGA 8/22 IGA Committee heard concept
Blue Paint Development, LLC	Multi-Family	743 -769 Sheridan Road	Off & On Conversations since 2018	Yes	B-3	R-11, C-1 & PUD overlay	High-Density Res., PE	High-Density Res., PEC	Lakeshore	N/A	N/A	N/A	5.57	\$724,000	\$27,000,000	2021	2022	N/A	N/A	N/A	N/A	Concept 5/11/2020 7/12/2021 9/13/2021	09/28/2021 Zoning, Site	8/3/2022		04/20 Have had discussions with Developer over the past few years, suggested that he bring a concept to Plan Commission. Concept will be heard at 5/11/2020 PC 06/20 Developer held community meeting 12/20 Project has gone dormant, have not heard from Developer 04/21 received call from developer will be pursuing the project 05/21 Predevelopers executed, meeting with Developer, will be submitting for Plan Commission 07/21 Plan Commission recommendation to deny 07/21 Board Reviewed voted to deny 07/21 resubmitted alternate plan for Sept Plan Commission 09/13 Plan Commission Approved 9/28 Board Approved 9/28 Will need final engineering & DA 12/21 Draft of DA given to Developer 02/22 Updated exhibits submitted 03/22 DA will on April Agenda for Approval 4/22 Board approved DA 7/22 DA executed by Village 08/22 DA Recorded

Carthage College	Maintenance Facility Building	17th Street	10/1/2021	Yes	R-10	I-1	Medium Density Residential	Government & Institutional	Lakeshore	YES	N/A	N/A	1.3	\$302,000		2023		N/A	N/A	N/A	N/A	5/9/2022 9/12/2022	6/14/2022	Drafted Needs to be sent to Board after DA Signed	11/21 Board reviewed billboard regulations due to Adams outdoor sign on property 3/22 Submitted Plans for May PC 6/22 Will be on June agenda for approval 7/22 will be resubmitting project to add parcel to the East. 8/22 Resubmitted for Sept Plan Commission	
CWP West Corp	Mister Car Wash	Somers Market	5/12/2022	No	B-4	B-4 w PUD	Commercial	Commercial	Southeast	N/A	N/A	N/A	2.1			2023	2024	2	N/A	None	N/A	8/8/2022		N/A	8/22 Board reviewed at Work Session. Waiting on RCG to address property issues	
Edgar Terrance Homes & Management	Multi-Family	88th Ave Eagle Chataua	2/17/2021	Yes	R-11	R-11	Medium Density Residential	No	Hawthorne	N/A	N/A	N/A	1.05	\$75,000		2022	2023	N/A	N/A	N/A	N/A	06/14/201	7/13/2021	3/22/2022	N/A	02/21 Meet with developer 4/21 submitted plans for June Plan Commission 6/21 Plan Commission Reviewed & Approved 3/22 DA Executed 08/22 Under construction
First Industrial Realty Trust (Building D)	Industrial	Somers First Park 94		Under DA	BP-1	N/A	Business/Industrial Park	N/A	South Central	YES	Water		234.5	\$1,542,700	\$25,000,000	2023	2024	1			\$1M for water main, Could be as high as \$3	5/9/2022	Approved 05/24/2022	5/25/2022	N/A	01/2019 Waiting for Building 3 This will most likely have to be a build to suit 05/2019 Informed Building 3 will happen in 2019 8/13 Doug reviewing utilities, Building 3 could be 600,000 sq ft 12/19 Notified plans ready for 570K sqft building 01/20 Doug Reviewing Sewer & Water Extensions 04/20 CSMs Submitted, will be heard by PC in May 05/20 CSM heard by PC, later pulled from Board Agenda by Developer 01/21 4th Amendment to DA 02/21 CSM Approved 3/22 New plans & CSM Submitted for 3rd Building
Flint Development	Industrial 1.8 M sq ft 3 buildings	Somers Expansion Area (West of 94)	6/14/2021	Yes	A-1 Paris	BP-1	Commercial	Business/ Industrial	N/A IGA	Yes	Sewer Water	\$4,000,000	128.31	\$179,500	\$75,000,000	2022	2023	N/A	N/A	N/A	N/A	IGA 8/11/2021 Concept 11/17/2021 Approve 12/13/2021 Comp & Rezone	02/08/2022 approved subject to DA	7/26/2022	7/21 1st intro meeting. Submitted letter requesting review by IGA 8/11 IGA Committee heard concept., 9/28 Developer planning on October submission for Dec Plan Commission 10/29 Submitted plans for Plan Commission & IGA 11/21 IGA approved use 3/22 Developer still reviewing offsite utilities 4/22 Developer working on DA 6/22 DA almost complete 6/22 Grading permit granted, DA will be signed once final Exhibits Oked 7/22 Grading began , DA executed & recorded	
Home Inspired Senior Living	40 room Community Based Residential Faciality/assisted living	1200 Village Centre Drive	3/16/2022	Yes	B-2	I-1	Mixed Use	Government & Institutional	Somers Center West	N/A	N/A		2.34	\$1,350,000	\$2,500,000	2023	2024	N/A	N/A	N/A	N/A	Concept 06/13/2022			6/2022 Concept reviewed by Plan Commission. They agreed w/ the project	
HSA Commerical	Industraill 1 building up to 900K sq ft	Darby Lane Farms CTH S/142	8/18/2021	Yes	A-1	BP-1	Business/Industrial Other Conservancy Secondary Enviro	N/A	Kilbourn South	No	Sewer Water		65.18	\$90,300	\$50,000,000	2022	2023	3	N/A	N/A	N/A	11/8/2021 Rezone 11/29/2021 Site Plan	12/14/2021	7/18/2022	9/24 Submitted for November Plan Commission 12/21 Approved by Board, DA Completed 02/22 DA needs to be recorded 4/22 Developer confirmed that they will be 900K sq ft as opposed to 700k sq ft 6/22 Hope to break ground in fall 7/22 DA recorded	

Kwik Trip (142)	Convenience Store	94 & Hwy 142	10/22/2018	Yes	A-1	B-3 A-1 R-2 PUD	Commercial Other Conservancy Land	N/A	Kilbourn South	YES	Street Water Sewer Lift Station		39.36	\$59,200		2022	2023	3	N/A	N/A	N/A	2/8/2021	2/23/2021	7/2/2021	8/13 Submitted Documents for Rezone & CSM, Will be heard in Oct 10/19 Waiting on FEMA, DOT, & Developer for documents 06/20 Meeting held will be moving forward with conversations with DOT 11/20 Developer working with staff for proposed easements & new site plan layout 12/20 Developer hopes to submit for February Plan Commission 02/21 Plan Commission & Board Approved 02/21 Need Final Exhibits for DA 04/21 Developer Agreement meeting 05/21 Updated exhibits submitted, 07/21 DA Executed 8/21 Building permits issued 6/22 August Opening	
Legacy-Varin Ravine Partners	Residential Housing	Maple Crest Golf Club	10/28/2021	Yes	PR-1	R-4.5 PUD	Park & Rec	Medium-Density Residential, Nonfarmed Wetland, Other Conservancy Land to be Preserved		PLAT	N/A	N/A	161.55	\$1,450,200		Over 10 years		N/A	N/A	N/A	N/A	Concept Submitted for 5/9/2022	Site Plan Concept Approved 05/24/2022		10/21 Began discussions w/Developer 12/21 submitted for conceptual review 1/22 PC Conceptual review 3/22 submitted for May PC	
Mastercraft	45 lot single family	9027 12th Street	12/1/2020	Yes	A-2	R-4.5	Medium-Density Residential, Nonfarmed Wetland, Other Conservancy Land to be Preserved	Medium-Density Residential, Nonfarmed Wetland, Other Conservancy Land to be Preserved	Somers West	Plat	Sewer Water Roads	\$800,000	23.19	\$84,800	\$20,000,000							03/08/2021 Concept tabled until 04/12/2021 11/8/2021			12/20 Began discussion with Developer for Single homes 02/21 Concept Submitted 04/21 Concept meeting held, Developer will be submitting for rezoning 9/24 Plat Submitted for Nov Plan Commission 11/21 Board reviewed Plat 02/22 Board reviewed Water 03/22 Project on hold per Developer 4/22 Developer exporing other options for water	
Riteline Properties LLC	Dunkin Donuts	Somers Market Center	11/19/2020	Yes	B-4	B-4 & CUP	Commercial	Commercial	Southeast	No	N/A	N/A	2	\$750,000		2022	2023	2	N/A	None	N/A	6/14/2021	7/13/2021	8/4/2021	N/A	Originally spoke to Developer in 2020 4/21 submitted for Plan Commission 6/21 Plan Commission Reviewed & Approved 11/21 building permits issued 6/22 Project will be receiving Occupancy in July
Somersville EA & E	Multi-Family Duplexes & Apts 521 total units "Somerville"	EA & A	4/1/2020	Yes	R-4, R-5, R-8, R-9, C-1	R-11	Medium Density Residential Conservancy	High Density Residential	Somers Center West	CSM	N/A	N/A	66.8	\$15,200	\$60,000,000	2022	2023	N/A	N/A	N/A	N/A	11/9/2020	12/8/2020 Conditionally Approved		06/20 held first official meeting w/ developer & his consultants 8/20 Concept Meeting Held 9/25 Plans Submitted for Nov 9th Plan Commission 11/20 Plan Commission, 1st work session 12/20 Conditionally Approved by Plan Commission & Board 03/21 Reaching final engineering for DA 05/21 meeting w/ engineering firm, expected updated exhibits soon 8/21 Exhibits nearing completion 10/21 Additional round of Engineer Comments given to Developer 02/22 Exhibits completed DA coming to Board in March 3/22 Developer reviewing DA 05/22 Meeting with Developer to discuss increase cost of project	
Stonestreet Partners, LLC	Mixed Use Residential Multi-Family 50 acres Commercial 18 acres Est. 300 units of multi-family	CTH L & STH 31	7/10/2020	Yes	A-1	R-11 B-3 C-1 PUD	Commercial Primary Environmental Corridor Other Conservancy	High-Density Residential Commercial Primary Environmental Corridor Other Conservancy	Somers Center East	CSM	Road Water Sewer	\$8,500,000	89.77	\$60,000,000		2022	2023	5	Yes, Road		\$5,000,000	1/11/2021	02/09/2021 Conditionally Approved 02/23/2021 CSM 10/5/2021 DA Approved	11/18/2021	2021-032	7/20 Presented Concept to Plan Commission Hopes to submit in October 11/20 Submitted Plans, Staff met to discuss changes, resubmitting for Jan. 12/20 Schedule for Jan Plan Commission 01/21 Plan Commission Approved 02/21 Board Conditionally Approved, meetings with Developer for DA 03/21 meeting with developer for DA 4/21 meetings w/ developer for DA 05/21 meeting w/ developer on DA, updated exhibits submitted 07/21 reviewed updated submissions, another round of updated plans 8/21 Exhibits nearing complete & DA language being worked b/w parties 10/05 Board will review DA 10/21 DA approved. Need updated CSM then DA will be executed 02/22 Expect to break ground in March 3/22 Watermain work started 4/22 Watermain connect completed 7/22 Working on private ROW easment issue 08/22 Grading started

Stream Realty	Industral 3 Buildings up to 950K sq ft	Groh Farm CTH S/142	11/1/2021	Yes	A-1, A-2, R-2, R-3	BP-1 w/PUD	Business/Industrial Other Conservancy Secondary Enviro	N/A	Kilbourn South	No	Sewer Water	90	\$775,000	\$50,000,000	2023	2024	3	N/A	N/A	N/A	7/11/2022	7/22 Developer will be working on access issue with County, will be brought to Board after issue worked out				
																					As part will be institutional, will need to discuss PILOT agreement 4/2019 Meeting w/ group regarding status of project 05/2019 Meeting w/ group, hope to submit plans this summer 6/2019 Press Release that project is in Somers 6/18/2019 Meeting with project team to discuss their progress 7/19 Packet submitted for Plan Commission, still working on developers agreement 8/19 Necessary CSM for project approved by Plan Commission 8/27/19 CSM approved 8/19 Plan Commission meeting will be 9/16 9/16 Plan Commission public hearing held, large public presents against outdoor clay course. Commission Tabled CUP 9/17 Email received from developer stating clays "off the table" 9/20 Met w/ developer to discuss next steps 11/19 Conditional approval granted subject to Developers agreement 04/20 Waiting for LOC 05/20 LOC Received, began easement acquisition process 9/20 CSM Approved 10/20 Broke Ground 03/21 2nd Amend to DA 04/21 Building permit issued 06/21 Build has gone vertical					
Tawani	Mixed Use Institutional Recreational	West of H	2/2/2018	Yes	A-1 A-2 C-2	PR-1 I-1 C-2	Business/Industrial Park", "Secondary Environmental Corridor" and "Other Conservancy Land to be Preserved"	Business/Industrial Park, Park and Recreational, Secondary Environmental Corridor and "Other Conservancy Land to be Preserved"	Kilborn Somers West	CSM	Road Water Sewer	\$14,500,000	238.28	\$1,155,100	\$150,000,000			6	Yes, Sewer & Water	Developer fronting Cost up to \$14.6	Village pays Overage	9/9/2020 CSM	9/22/2020 CSM	2/13/2020	2021-032	06/21 Build has gone vertical
Walia E & 94	Mixed Use Commercial	Southeast Corner CTH E & 94	8/6/2020	No	A-2	B-4 or B094	Commercial	Commercial	Kilbourn	CSM	Water	15.45			2021	2022	6	Not at this time	N/A	N/A	12/14/2020 Concept Meeting 02/09/2021 CSM	02/23/2021 CSM			8/20 Meetings w/ Developer, County, DOT 10/20 Proposed CSM 11/20 Submitted concept for Dec Plan Commission 12/20 Plan Commission heard concept 02/21 CSM approved 05/21 meetings with developer on next steps 06/21 meeting with Developer & possible hotel 01/22 Meet w/ Developer to review updated concept layout	

VILLAGE OF SOMERS
Engineer's Report
September 2, 2022

Water and Sewer Improvements Under Tawani Letter of Credit

- Water main and sanitary sewer: Project Number 190375
 - PTS is the Contractor
 - We have the final payment request from the contractor and are working to get the items already invoiced into the appropriate change order; the expected water cost of \$3,617,661.26 and expected sanitary cost of \$5,450,680.86 match the payment applications.
 - We will proceed to final payment and plan to ask the contractor to include future remedies for high points in the sewage pump station discharge force main in their 3-year warranty.
- Sewage Lift Station and Water Transfer Station: Project No's 201226 and 201227
 - Both stations are operating. Substantial Completion for the project will wait until final piping modifications are made at the water transfer station; the materials for the modification are ordered.
 - The current contract value is \$2,987,716.62.
- Project Budget Comparison:
 - The Village has a letter of credit from Tawani for \$14.5M.
 - The estimated total project cost at completion is \$14.4M.

Kwik Trip at I-94 – Project No. 190376

- This development has public roadways, water main, and sanitary sewer.
- We expect to recommend acceptance of the public improvements in September.

Savanah at Pike Creek – Project No. 201664

- This project is an approximately 65-acre townhouse development at the northwest corner of the intersection of CTH L (18th Street) and STH 31 (Green Bay Road). It also includes two outlots for future commercial development. The development will consist of both public and private infrastructure. The developer is the Stoneleigh Company. Developer's design and construction engineer is Kimley-Horn.
- The Developer was able to obtain the WDOT and County permits in the last 30 days. The Contractor is completing preliminary grading for 60th Place prior to 24-inch water main being installed starting Sept 6th. Water main construction should take 2 – 3 weeks.
- We plan to observe the construction of the public improvements.

Somersville Development – Project No. 201665

- This project is an approximately 52-acre apartment and townhouse development adjacent to Somers Elementary School. The developer is Cardinal Capital Management. Developer's engineer is Manhard Consulting.
- We plan to observe the construction of the public improvements.
- There is no recent action on this.

VILLAGE OF SOMERS
Engineer's Report
September 2, 2022

Becknell Development – Project No. 211386

- This project is an industrial spec building on a planned unit development with access to the East Frontage Road. The developer's design and construction engineer is Pinnacle Engineering.
- AW Oakes has installed the watermain from the East Frontage Road to within 60-feet of the existing offsite watermain. The watermain will be connected in the next couple of weeks following completion of onsite utility work. The watermain has not been tested.
- AW Oakes has installed the public sanitary sewer. It has not been tested.
- We are currently observing the construction of the public improvements.

Becknell Offsite and First Park 94 Phase 2 Water Main – Project No's. 212121/ 212502

- The Contractor is Willkomm Excavating, Inc.
- All site work is complete.
- Planned final payment in September.

HSA - Darby Farms Development – Project No. 212046

- This project is an industrial building on the property directly east of the Kwik Trip development. The developer's design and construction engineer is Pinnacle Engineering.
- We have been in discussions with Pinnacle and the Village regarding requested site plan changes for the larger building, possible bike path access, and possible relocation of the public water main.
- Grading has begun on the site.

Shoreland Lutheran Development – Project No. 221313

- There was a kick-off meeting on June 16, 2022. The developer's design and construction engineer is Excel Engineering.
- They are planning a two-phase expansion; the first phase will include the relocation of the athletic fields, the addition of concession and restrooms near the athletic fields, and the grading and stormwater management of the entire site. The entire site will be brought to current code for stormwater with this project, not just the proposed improvements. The second phase will include building expansions and require Village water service.
- There is no recent action on this.
-

2022 Roadway Improvements – Project No. 220693

- The site work is complete.
- Payne & Dolan, Inc. is the Contractor.
- We expect final payment in September.

VILLAGE OF SOMERS
Engineer's Report
September 2, 2022

Golden Oil Sanitary Sewer Connection – Project No. 212153

- The developer is Golden Oil; the developer's design engineer is Excel Engineering.
- We are reviewing a revised submittal.
- This connection will be a requirement following the Village acceptance of the Kwik Trip public improvements.

Stormwater Pond Inventory and Sediment Collection – Project No. 210862

- This project is necessary to satisfy the requirements of the Village MS4 Permit. The Village needs to inventory the regulated stormwater ponds, collect and test sediment samples, and plan for future sediment removal from the ponds.
- We provided survey datum, a draft pond inventory report, and direction to staff on data collection.
- Staff is currently collecting developer agreement information and preparing for sediment collection and testing. There is no recent action on this item.
- Future engineering work will include recommendations and estimates for the upcoming utility budget preparation.
- There is no recent action on this.

Flint 94 Development— Project No. 211728

- This is the planned 3-building development west of I-94 and south of 12th St.
- The Developer is Flint 94 Commerce Center, LLC; their engineer is Pinnacle Engineering.
- This development involves both on-site and offsite public water and sanitary utilities; the offsite utilities will be publicly bid following approval and permitting. The following are required from the Developer prior to public bidding: Permits from WDOT, WDNR, and County.
- The planned bid date for offsite utilities is September 29 with a substantial completion date of January 31, 2023.
- We plan to observe construction on all the public utilities and plan to be the construction engineer for the offsite utilities.

Groh's Development (Somers Business Park) – Project No. 220818

- This is the property east of the Darby Farms (HSA) development.
- Developer is Stream Industrial Development Services. The developer's engineer is Pinnacle Engineering.
- Utilities for this site need to extend through the Darby Farm development.

VILLAGE OF SOMERS
Engineer's Report
September 2, 2022

Storm Water Utility Improvements: 56th Avenue and 12th Avenue – Project No. 220816

- Globe Contractors, Inc. is the Contractor.
- This project includes the repair of the existing storm sewer adjacent to 56th Avenue and the storm improvements near 12th Avenue.
- The storm sewer on 56th Avenue is installed with restoration to be completed.
- Construction of the storm sewer on 12th Avenue is planned to begin the week of September 5th.

45th Street and 63rd Street Sewage Pumping Station Replacements—Project No. 201061

- The project includes the replacement of the suction lift sewage pumping equipment with submersible equipment with a design like the 7th Street LS on Sheridan Road.
- We recently reviewed concept plans with staff.
- We plan to obtain bids in October so the equipment can be ordered and installed in the summer of 2023.

Market Center Mister Carwash—Project No. 220744

- This is a car wash in the Market Street Center.
- We reviewed a site plan and plan to issue a recommendation for conditional approval soon.

KR Sewer District Boundary Adjustment—Project No. 221910

- There are properties adjacent to the KR Sewer District boundary that are requesting to be within the boundary and to have sewer service from the Village of Mt. Pleasant and the City of Racine.
- We are assisting the administrator with the descriptions and documents needed for these properties to obtain sanitary sewer service.



**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: September 6, 2022

TO: Village President Stoner and Board of Trustees

FROM: Jason J. Peters, Administrator

AGENDA ITEM: #5 Review and discuss change order #1 from Willkomm Excavating & Grading, Inc. in the amount of \$13,035 for work on 2022 Water Mains (Becknell & First Park 94)

BACKGROUND:

In December of 2021, the Board approved a development agreement with Becknell. The Board agreed to participate in extending water main from the corner of CTH L to the proposed project. This main will be necessary to facilitate the required fire protection flows for a project of this size.

First Park 94 Phase II Water Main project has been listed in our TID #1 CIP for some time and is listed as a 2022 project. This project will serve to “loop” the water main in the park and will serve to provide sufficient flows to our new water mains west of the subcontinental divide.

On March 22, 2022, the Board awarded the bid for 2022 Water Mains (Becknell & First Park 94) to Willkomm Excavating & Grading, Inc. in the amount of \$1,099,968.80. Willkomm Excavating & Grading, Inc. has submitted its first request for partial payment in the amount of \$409,779.36. The attached request mistakenly lists the contract price as \$1,099,668.80. At the time of this memo, we have requested the contractor provide an updated request.

Partial funding for this project came in the form of \$400,000 from Becknell and the remainder will be funded by the General Obligation Promissory Note, 2022A from Tri-City.

UPDATE:

The Village has received a request for a change order. The change order requests payment for the removal of excessive topsoil and replacement of granular backfill at the

Becknell site. The amount requested is for an additional \$13,035. This amount would have to come from our cash on hand and be added to the TID for repayment.

COMMENTS:

Engineer Snyder will be on hand for any questions. Staff requests that change order #1 from Willkomm Excavating & Grading, Inc. in the amount of \$13,035 for work on 2022 Water Mains (Becknell & First Park 94) be placed on our September 13th Board Meeting Agenda for action.

ATTACHMENTS:

Change Order #1 – Willkomm Excavating & Grading, Inc.

CHANGE ORDER #1

PROJECT: 2022 Water Mains

DATE OF ISSUANCE: July 20, 2022

OWNER: Village of Somers
7511 12th St.
Somers, WI 53171

ENGINEER: Baxter & Woodman, Inc.
256 S. Pine St.
Burlington WI, 53105

CONTRACTOR: Willkomm Excavating & Grading, Inc.
17108 County Line Road
Union Grove, WI 53182

ENGINEER's Project No. 212121.60

You are directed to make the following changes in the Contract Documents:

Description: Over excavate topsoil under future road and replace with granular material.

Purpose of Change Order: An excessive depth of topsoil within a future road subgrade, Section A: Sta 21+50 to 23+00, was found adjacent to the watermain. Removal of topsoil and replacement with granular material is required. The cost is based on 165 cubic yards of removal and replacement at \$79/CY.

Attachments: Contractor letter dated July 1, 2022 with the cost per cubic yard. E-mail with quantity agreed upon with contractor.

CHANGE IN CONTRACT PRICE:

Original Contract Price: \$1,099,968.80

Previous Change Orders:
No. - to No. 1 \$0.00

Current Contract Price: \$1,099,968.80

Net increase of this Change Order: \$13,035.00

Contract Price with this Change Order: \$1,113,003.80

CHANGE IN CONTRACT TIME:

Original Contract Time:
Substantial Completion: July 1, 2022
Completion: August 26, 2022

Change from previous Change Orders: None

Current Contract Time:
Substantial Completion: July 1, 2022
Completion: August 26, 2022

Net Increase of this Change Order: None

Contract Time with this Change Order:
Substantial Completion: July 1, 2022
Completion: August 26, 2022

PREPARED BY:
BAXTER & WOODMAN, INC.

APPROVED:
VILLAGE OF SOMERS, WI

ACCEPTED:
Willkomm Exc. & Grading, Inc.

By Brett D. Biber
Brett D. Biber, P.E.
Project Manager

By _____
George Stoner
Village President

By Nicholas Willkomm
Nicholas Willkomm
President



July 1, 2022

Attn: Mr. Brett Biwer
Baxter & Woodman

RE: Somers Watermains 2022
Change Order Request (#COR 001)

Dear Mr. Biwer,

We hereby submit Change Order Request 001 for the following authorized extra work:

- Unsuitable soils - excavation, haul off, and structural backfill (Grade 2) **ADD: \$79.00 per CY**

Note:

- This is to be tracked under a per CY basis and charged.

Please process and issue a contract change order for the above amount.

If you have any questions or concerns please feel to contact me.

Sincerely,

Nathan Willkomm
Project Manager

Brett D. Biwer

From: James Frederick
Sent: Tuesday, July 19, 2022 7:55 AM
To: Brett D. Biwer
Subject: Granular Backfill QTY (Becknell)

From the remove and replace of material to grade 2 under the future road. Mark and I measured and calculated **165 CY** of grade 2 that is below existing grade and not including the 1-foot of topsoil that would have been a part of the original contract.

If you have any questions, let me know.

James Frederick
Construction Manager



direct: 815.444.3343 | mobile: 262.732.2485
email: jfrederick@baxterwoodman.com
www.baxterwoodman.com
256 South Pine Street., Burlington, WI 53105

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**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: September 6, 2022

TO: Village President Stoner and Board of Trustees

FROM: Jason J. Peters, Administrator

AGENDA ITEM: #6 Discuss Plan Commission Recommendation (J&M Bar)

- a. Request by Eclectic LLC, PO Box 78, Somers, WI 53171 (Owner), Justin Traughber, PO Box 78, Somers, WI 53171 (agent), for a Conditional Use Permit amendment to allow for outside amplified music in the B-2 Community Business Dist. on Tax Parcel # 82-4-222-162-0010, located in the NW ¼ of Section 16, T2N, R22E, Village of Somers. (For information purposes only, this property is located at 8013 12th Street.)

BACKGROUND:

Eclectic, LLC (dba J&M's Bar & Grill) was granted a Conditional Use Permit (CUP) by the Board in August of 2021. This CUP allowed the business to have an outdoor dining and recreation area. The site is currently zoned B-2. The CUP limits the hours of operations for the outdoor/recreation area to 11 a.m. to 9 p.m.

UPDATE:

In May, J&M's Bar & Grill applied for a cabaret license to hold outdoor music. The applicant was informed that the CUP would not permit these activities as it states, "There shall be no outside amplified music speakers or live music". They were advised that if they wished to hold these activities, they would need to seek an amendment to their CUP. They applied for an amendment to their CUP at the end of May. The requisite public hearing for the amendment to their CUP held by the Plan Commission on July 11th. Several residents spoke out against the granting of the amendment. Their main concern was the noise that would be created.

Justin Traughber, with J&M's Bar & Grill spoke during the public hearing and stated that he did not want to have loud music on the patio. He stated that he was looking to have someone with a guitar and an amplifier. His application states that the "music level will

be appropriate to ensure that our customers can conversate and not be uncomfortable with over-loud music.”

The Plan Commission’s main concern was over any noise created by the suggested activities and how this could affect neighboring properties given the proximity of the homes. The Plan Commission’s recommendation (7-0) was to deny the request for an amendment to the CUP.

The Board discussed this at the July 19th Work session and Directed the Owner to hold a neighbor meeting.

For these activities to take place, J&M’s Bar and Grill also needed to go through the probationary period for a cabaret license. This item was placed on our July 12th Board. The Board tabled the matter.

Owner Justin Traughber held a neighborhood meeting at the Village Hall on August 15. The purpose of the meeting was to address the concerns held by the surrounding neighbors and come to a solution. Invitations went out to the seventy-four neighbors that received the initial Notice of Public Hearing sent by the Village. There were seven attendees along with Trustee Joe Smith. Concern about the few noise occurrences from the parking lot was discussed, along with solutions to minimize future occurrences. After discussing the main reason for the meeting, the concerns for amplified music, owners Justin and Megan Traughber proposed the following:

- 1 to 2 artists (vocalist/guitarist)
- 1 to 2 events per month weather permitting
- Music shall be played in the far east corner of the patio, adjacent to the east commercial building. To help with sound mitigation, speakers and other equipment will be positioned in the direction of the south vacant lot behind the patio; away from the only surrounding residential neighbor
- Music to cease no later than 9pm, allowing an appropriate time for all outdoor activities to end and patrons to move inside
- Permit/License is nontransferable

The neighbors suggested a 1-year probationary period with the following added stipulations:

- The immediate neighbors be notified via text/call one week in advance to the event
- All neighbors be provided with a direct/personal phone number to notify of a significant disturbance.

COMMENTS:

Staff requests direction whether this should be placed on our September 13th meeting for action.

ATTACHMENTS:

Planning Memo dated 06/30/2022

Plan Commission Meeting Minutes 07/11/2022 – Highlighted

CUP Application

Correspondence from Applicant



COUNTY OF KENOSHA

Division of Planning & Development

Andy M. Buehler, Director
Division of Planning & Development
19600 75th Street, Suite 185-3
Bristol, WI 53104-9772
(262) 857-1895

TO: Village of Somers Plan Commission
FROM: Luke Godshall, Kenosha County Planning & Development
RPT DATE: 06-30-22
MTG DATE: 07-11-22
APPLN DATE: 05-26-22

PROJECT/SITE INFO:

1. Petitioner/Agent: Justin Traugher, J&M's Bar & Grill
2. Property Owner: Eclectic LLC
3. Location/Address: 8013 12th ST.
4. Tax key Number(s): 82-4-222-162-0010
5. Area: 0.41 acres
6. Existing Zoning: B-2 Community Business District
7. Proposed Zoning: B-2 Community Business District
8. Future Land Use: Mixed Use

OVERVIEW:

The Petitioner is requesting approval to amend their previously approved Conditional Use Permit, to allow for outdoor music.

PLANNER COMMENTS:

The submitted application is intended to amend the Conditional Use Permit that was previously approved by the Board in 2021 for an outdoor dining and recreational area (copy of recorded CUP attached). The approval of that CUP contained a condition (condition #8) which specifically prohibited outside amplified music speakers or live music on the property. The Petitioner now wishes to amend the previously approved CUP to have such outside music.

The Petitioner's narrative included with the submitted CUP application indicates they would like to provide live music/bands and other entertainment utilizing the exterior patio area. The narrative goes on to state that music levels will be appropriate so as to allow customers to conversate, and that music speakers would be directed southwards and away from the nearest residential neighbor (located approximately 150 feet to the west of the exterior patio area).

The Petitioner's intent is for outside music to conclude by 9pm.

STAFF RECOMMENDATION:

Should the Plan Commission choose to recommend approval of this application, staff would recommend the following conditions:



COUNTY OF KENOSHA

Division of Planning & Development

Andy M. Buehler, Director
Division of Planning & Development
19600 75th Street, Suite 185-3
Bristol, WI 53104-9772
(262) 857-1895

1. Subject to receiving any required licenses/permits (i.e. cabaret license) from the Village of Somers regarding the use of outside amplified music speakers.
2. Subject to the information and site plan contained in the submitted conditional use permit application dated May 26, 2022.
3. Hours of operation may be limited to prevent disturbance to abutting property owners, and final approved hours shall be determined by the Board and incorporated into the recorded Conditional Use Permit and any licenses issued by the Village of Somers.
4. All other conditions contained in the previously approved Conditional Use Permit (effective date September 13, 2021 and recorded in the Kenosha County Register of Deeds on September 20, 2021) shall remain in effect.
5. 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.
6. Any substantial change or expansion of the submitted plan of operation, shall require the applicant to reapply for a Conditional Use Permit to the Village of Somers for its review and approval.
7. 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.
8. 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
9. Subject to a Kenosha County zoning permit being issued for any proposed structures including principal buildings, signage, fences, accessory buildings, etc.

Attachment:

- Existing Conditional Use Permit, recorded 9-20-21 in the Kenosha County Register of Deeds

CONDITIONAL USE PERMIT

Document Number

Document Title

Document #: **1910738**

Date: **2021-09-20** Time: **12:22 PM** Pages: **6**

Fee: **\$30.00** County: **KENOSHA** State: **WI**
REGISTER OF DEEDS: **JOELLYN M. STORZ**

Effective Date September 13, 2021

The Village Board of the Village of Somers, Kenosha County, Wisconsin, hereby grants to the owners of the above referenced parcel, described with more particularity on the legal description attached hereto and incorporated herein by reference, the right for the owner, its lessees, agents or representatives, to utilize the premises known as 8013 12th Street, Kenosha, Wisconsin 53144, to operate on outside dining/recreation area, subject to the following conditions

- 1 This Conditional Use Permit is subject to the application of Eclectic, LLC, on file in the office of the Clerk/Treasurer for the Village of Somers and stamped received by the office of Planning and Development on June 23, 2021, including a survey, which indicates an approximately 3,900 sq ft outdoor dining and recreational area surrounded by 4 foot railing enclosure on the southeastern portion of the property directly south of the proposed building and shall affect the premises described on the attached Exhibit "A" which is incorporated herein by reference
- 2 The applicant shall comply with all parking requirements outlined in the Village of Somers General Zoning and Shoreland/Floodplain Zoning Ordinance
- 3 The name of the restaurant shall be "J & M's Bar and Grill" There shall be no other business conducted on the premises covered by this conditional use permit without the advance written consent of the Village and Amendment of this permit
- 4 There shall be no outside storage of any kind
- 5 Any expansion of the conditional use granted herein shall occur only following review by and the consent of the Village Board
- 6 Any new signage shall be in accordance with the aforementioned zoning ordinance
- 7 There shall be no storage of gasoline, other petrohydrocarbons or any other material classified as hazardous at the site or in any building located thereon
- 8 There shall be no outside amplified music speakers or live music

Recording Area

Name and Return Address

Davison Law Office, Ltd
1207 55th Street
Kenosha, WI 53140 **6**

82-4-222-162-0010

Parcel Identification Number (PIN)

- 9 Refuse containers shall be screened from view from public rights-of-way, adjacent properties or eating area. Screening for waste receptacle shall consist of a solid opaque fence of similar color and materials of main building, or masonry, and shall be a minimum of six (6) feet and maximum of eight (8) feet tall. Waste receptacles shall be enclosed on the fourth side with a gate to contain trash or other debris. The gate side of the waste receptacle shall be oriented toward the parking lot facing Highway E and is required to be always closed except for servicing by the waste management contractor and site users. Prior to the installation of such fencing, the owner shall submit to the Village for approval the description or sample of the fencing which is proposed to be installed. Installation of the fencing shall be completed no later than December 31, 2021.
- 10 Any change of the submitted plan of operation, change in use, and/or a proposed addition(s) to any existing principal building(s) or proposed new principal building(s), shall require the petitioner to reapply for a Conditional Use Permit to the Village Plan Commission for its review and approval.
- 11 The undersigned shall fully cooperate with any law enforcement personnel performing inquiries or investigations. Any substantial change or expansion of the submitted plan of operation (i.e. expansion of the proposed outside dining/recreation area) shall require the applicant to reapply for a Conditional Use Permit to the Village of Somers for its review and approval.
- 12 There shall be no alcohol on any portion of the premises which is not licensed for alcohol consumption.
- 13 The Village Building Inspector shall establish an occupancy permit based upon all of the available circumstances including, but not limited to, the overall space of the premises and such other factors as the Building Inspector may deem relevant.
- 14 No person under the age of 21 shall be allowed to be in the alcohol licensed portion of the subject premises unless accompanied by their parent or by their spouse who is 21 years of age or older. Security measures for the premises, if deemed necessary, to be approved by the Village Building Inspector and Kenosha County Sheriff's Department.
- 15 The undersigned recognizes and acknowledges that the violation of this condition or the violation of the prohibition of alcohol on the outdoor dining/recreation portion of the premises shall, in and by itself, constitute grounds for the immediate revocation of this conditional use permit.
- 16 The undersigned each recognize that in the event that a permit holder fails to comply with the conditions specified in this permit, the permit may be revoked by the Village Board upon ten (10) days notice to the permit holder(s). The permit holder(s) shall be entitled to a hearing before the Village Board on the question of revocation of the

conditional use permit and approval of the Village Board shall be required for the reinstatement of any conditional use permit

- 17 It is the responsibility of the petitioner to assure and guarantee that the above stated conditions are fully complied with. 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 the new owner and/or tenant of all above stated conditions of approval
- 18 The undersigned agrees to limit the hours of operations of the outdoor dining/recreation area of the premises from 11 00 a m until 9 00 p m
- 19 The area to be utilized for outdoor dining/recreation area shall be as depicted on the attached Exhibit "B" which is incorporated by reference. This area shall be completely enclosed by a fence and shall be accessible only from the interior of the licensed premises. Provisions shall be made for an emergency exit from the enclosed area, which access shall be kept closed at all times other than in an emergency. The fencing enclosing this area as of the date of this permit complies with this requirement
- 20 It is the 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

Dated at Somers, Wisconsin, this 13 day of September, 2021

OWNER
Eclectic, LLC

By [Signature]
Printed Name Justin Traugber, its owner

STATE OF WISCONSIN)
) SS
COUNTY OF KENOSHA)

Personally came before me this 13th day of September, 2021, the above named Justin Traugber, on behalf of Eclectic, LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same

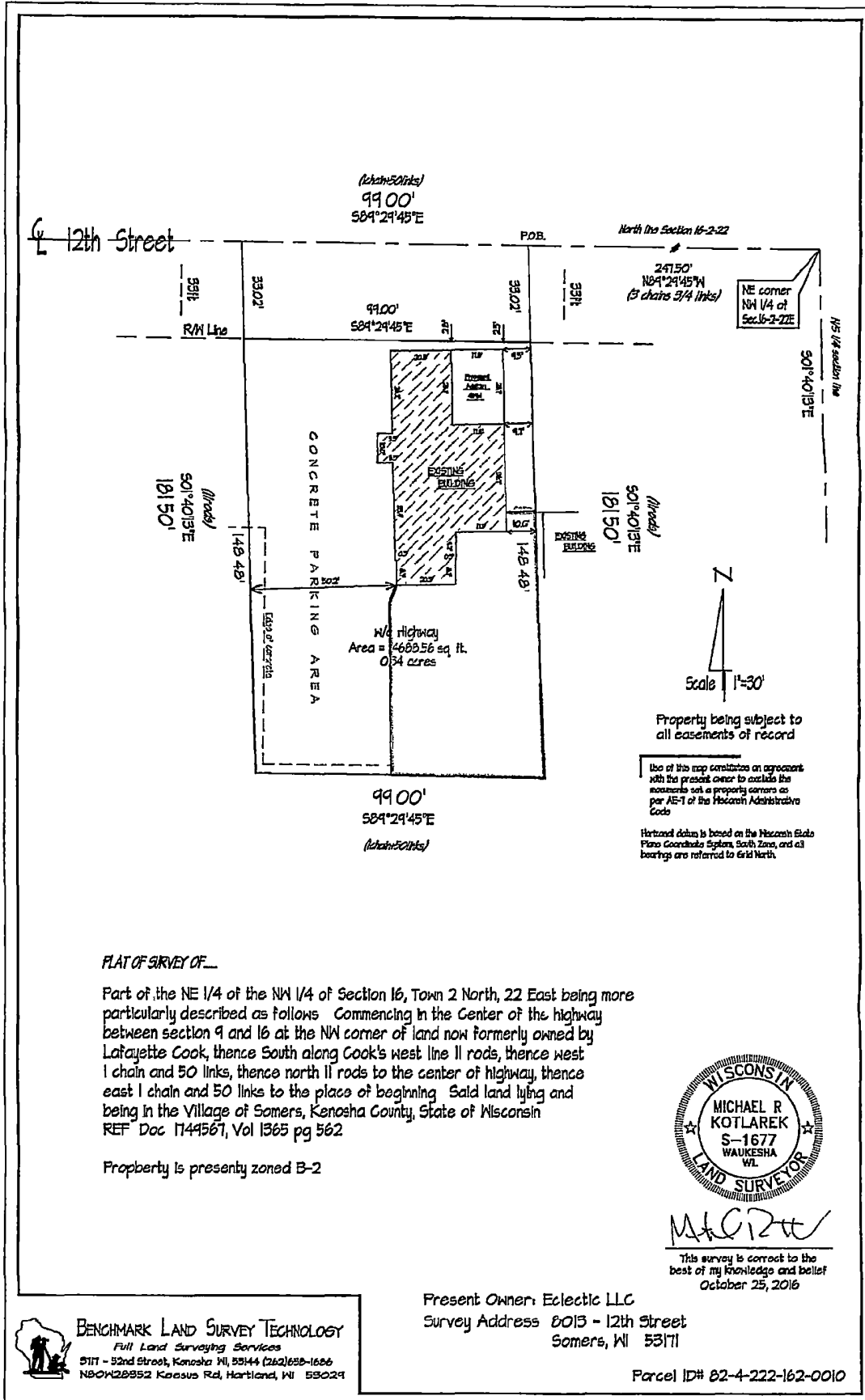


[Signature]
Printed Name Mary A. Cole
Notary Public, Kenosha County, WI
My commission expires 6/11/22

LEGAL DESCRIPTION:

Part of Section 16, Town 2 North, Range 22 East of the Fourth Principal Meridian and described as Commencing in the center of the highway 3 chains and 3/4th of a link West of the 1/4 stake between Sections 9 and 16 in the Northwest corner of land now and formerly owned by Lafayette Cook, thence South along Cook's West line 11 rods, thence West 1 chain and 50 links, thence North 11 rods to the center of highway, thence East 1 chain and 50 links to the place of beginning, lying and being in the Village of Somers, County of Kenosha and State of Wisconsin

Tax Key No 82-4-222-162-0010



PLAT OF SURVEY OF...

Part of the NE 1/4 of the NW 1/4 of Section 16, Town 2 North, 22 East being more particularly described as follows Commencing in the Center of the highway between section 9 and 16 at the NW corner of land now formerly owned by Lafayette Cook, thence South along Cook's west line 11 rods, thence west 1 chain and 50 links, thence north 11 rods to the center of highway, thence east 1 chain and 50 links to the place of beginning Said land lying and being in the Village of Somers, Kenosha County, State of Wisconsin REF Doc T144567, Vol 1365 pg 562

Property is presently zoned B-2

Use of this map constitutes an agreement with the present owner to exclude the encumbrances set as property corners as per A5-1 of the Wisconsin Administrative Code

Horizontal datum is based on the Wisconsin State Plane Coordinate System, South Zone, and all bearings are referred to Grid North.



Michael R. Kotlarek

This survey is correct to the best of my knowledge and belief
October 25, 2016

Present Owner: Eclectic LLC
Survey Address 8013 - 12th Street
Somers, WI 53171

Parcel ID# 82-4-222-162-0010



BENCHMARK LAND SURVEY TECHNOLOGY
Full Land Surveying Services
5117 - 32nd Street, Kenosha WI, 53144 (262)658-1666
N80W28852 Keesus Rd, Hartland, WI 53021



**Village of Somers
Proceeding from the Village Plan Commission Meeting
July 11, 2022**

1. Call to Order

Chairman Stoner called the meeting to order at 5:30 p.m.

Present: Chairman George Stoner, as well as Commissioners Aiello, Gardinier, Boxx, Lee, and Grimes. Commissioner Fredrick came at 5:43 p.m.

Staff Present in person: Administrator Jason Peters, Assistant to the Administrator Cassandra Bodenbach, and Fire Chief Ben Andersen.

Kenosha County Planners: Luke Godshall

2. Pledge of Allegiance

Chairman Stoner led everyone in stating the Pledge of Allegiance.

3. Approve Minutes of June 13, 2022

Commissioner Boxx moved to approve to the Minutes from the June 13th Meeting. Seconded by Commissioner Aiello. Motion carried. 6-0 vote.

4. Correspondence

Email from Steve Lichter.
Letter from Residents with signatures.

5. Citizen Comments

None.

6. Conditional Use Permit:

Public Hearing and Action on Request by: Eclectic LLC, PO Box 78, Somers, WI 53171 (Owner), Justin Traugher, PO Box 78, Somers, WI 53171 (agent), requesting a Conditional Use Permit amendment to allow for outside amplified music in the B-2 Community Business Dist. on Tax Parcel # 82-4-222-162-0010, located in the NW ¼ of Section 16, T2N, R22E, Village of Somers. (For information purposes only, this property is located at 8013 12th Street.)

Public Hearing was opened at 5:31 p.m.

Public Comment:

George Wojtak, 8111 12th Street

Mr. Wojtak brought a letter from June 17, 2022 in response to J&M's letter that is on file with the Clerk. The letter contained complaints about noise, fights, traffic, and parking at the establishment along with eleven (11) signatures of surrounding residents agreeing to said complaints.

Jim Tabbert, 8114 12th Place

Jim's house is directly in the path of the amplified music and current music that drifts from the establishment. He is not in favor of the amplified music being discussed. Mr. Tabbert did not want music to go past 9 pm. The patio conditions as they are, are fine.

Linda Wawiorka, 8101 12th Street

Linda is not against the music but has severe concerns with the parking lot situation. Most of the easement is blocked daily as well as burnouts happening past 2 a.m. She understands that what happens in the parking lot after hours is out of the owner's control to a degree.

Justin Traugher, 8013 12th Street

Justin has owned J&M's for two years and been a part of the establishment for twenty (20). In the last two years, there have only been two incidents. There is an annual party hosted and I am just looking for one or two people singing with a guitar and maybe a speaker: possibly Saturday and Sunday afternoons. I submitted a seven-page, detailed letter, site plan, etc., with the application to the Village. I work 67 hours a week and if the music is too loud, I will turn it down. I donate my time to my community and run fundraisers for residents, neighbors, and friends. All these complaints are shocking and slanderous because everyone has been misinformed and interpreting it to others, skewing it more.

Public Hearing was closed as 5:47 p.m.

Commissioner Boxx moved the motion to request a Conditional Use Permit amendment to allow for outside amplified music. Seconded by Lee.

Commissioner's Discussion:

Commissioner Lee supports the neighbors, but if it is not amplified music there is room for compromise. Parking seems to be a bigger issue and where does the Village stand?

Commissioner Fredrick: asked Justin if there were bands. Justin responded, no, there will be none. Fredrick anticipated this may happen after the approvals for the biergarten and received several emails from residents concerned about J&M's request for amplified music. He is in agreement that the parking is an issue, especially if there will be more draw with the entertainment. Will the occupancy limit be exceeded?

Commissioner Aiello: Commission Fredrick addressed his concern on exceeding the occupancy limit. Kenosha is cracking down on it. Bring more patrons which will bring more vehicles, so we need to be cognoscente of homeowners in the area. I am not in favor of every week, but special events seem fine – a few selected days.

Commissioner Boxx: A long-time customer of Justin's, but your neighbors were there long before you and appreciate what you want to do. However, you knew what you were buying. Just giving the location and proximity of neighbors, I could not agree to amplified or live music. Considering the proximity of the neighbors, I wouldn't agree to any music at all.

Commissioner Grimes: Also sensitive to the neighbors. Possibly limit the time and agree to a two-year probationary period? Tell the Sheriffs it is in their CUP if there were any calls.

Commissioner Stoner: Also received several emails and had conversations with residents on this topic. Administrator Peters mentioned, according to the CUP, amplified music is not allowed for tavern or any business with a liquor license, especially in a residential area. Even if the music is only one or two people, it is still amplified with a speaker and live.

Commissioner Gardinier: Questioned the amplified portion. I try to put myself on both sides – is there a way we can satisfy both sides? Is there a way to not have it in the CUP and make it a Special Events Permit?

Amended motion to deny amendment to conditional use permit to allow for amplified music at J&M's Bar and Grill. Moved by Commissioner Boxx. Seconded by Aiello.

Roll Call: Gardinier – deny, Boxx – deny, Aiello – deny, Stoner – deny, Fredrick – deny, Lee – deny, Grimes – deny.

Motion passed 7-0 vote.

7. Rezone:

Public Hearing and Action on Request by: Carol F Grohs Trust & Delmar R and Jeanne V Golbricht Trust, 10812 Burlington Rd, Kenosha WI 53144; Deborah K Kahana & John P Parmentier, 10610 Burlington Rd, Kenosha WI 53144-7448; Michael C Sarauer, 10524 Burlington Rd, Kenosha WI 53144 (owners), Joe Podge, Stream Realty, 226 N. Morgan St., Suite 500, Chicago, IL 60607 (Agent), requests a rezoning from A-1 Agricultural Preservation Dist., A-2 General Agricultural Dist., R-2 Suburban Single-Family Residential Dist. & R-3 Urban Single-Family Residential Dist. to BP-1 Business Park Dist. & PUD Planned Unit Development Overlay Dist., on Tax Parcel #s 82-4-222-194-0101, 82-4-222-301-0050, 82-4-222-301-0040 & 82-4-222-301-0030, located in the SE ¼ of Section 19 and the NE ¼ of Section 30, T2N, R22E, Village of Somers. *(For information purposes only, this property is located at 10610 Burlington Road, 10812 Burlington Road, and 10524 Burlington Road.*

Public Hearing opened at 6:04 p.m.

Public Comment:

Gregg Sinnen, 3190 100th Ave.

I spoke on similar projects and this development is getting closer and closer to residential areas. Please be vigilant on the noise, lights, etc. I just ask that all boxes be checked and would like to thank the developers for the neighborhood invitation for the special meeting they had. It shows much caring, and we appreciate you listening to our input.

Stream Realty, Patrick Russo, Market Leader in Chicago for the Midwest

The meeting was equally informational for us and we want to hear from the community and be a part of it. Stream has been around for 25 years and have 32 million feet on our pipeline and want to build a great product for the community.

Public Hearing closed at 6:10 p.m.

Commissioner Boxx made the motion to approve rezoning from A-1 Agricultural Preservation Dist., A-2 General Agricultural Dist., R-2 Suburban Single-Family Residential Dist. & R-3 Urban Single-Family Residential Dist. to BP-1 Business Park Dist. & PUD Planned Unit Development Overlay District. Seconded by Fredrick.

Commissioner's Discussion:

None

Motion passed 7-0 vote.

8. Site Plan & Exterior Fenestration Reviews:

Action on Request by: Carol F Grohs Trust & Delmar R and Jeanne V Golbricht Trust, 10812 Burlington Rd, Kenosha WI 53144; Deborah K Kahana & John P Parmentier, 10610 Burlington Rd, Kenosha WI 53144-7448; Michael C Sarauer, 10524 Burlington Rd, Kenosha WI 53144 (owners), Joe Podge, Stream Realty, 226 N. Morgan St., Suite 500, Chicago, IL 60607 (Agent), requests approval of site plan and exterior fenestration on Tax Parcel #s 82-4-222-194-0101, 82-4-222-301-0050, 82-4-222-301-0040 & 82-4-222-301-0030, located in the SE ¼ of Section 19 and the NE ¼ of Section 30, T2N, R22E, Village of Somers.

Commissioner Boxx moved to approve site plan and exterior fenestration. Seconded by Aiello.

Commissioner's Discussion:

There were several discussions on stormwater, storm-sewer, runoff, etc. Adam Artz with Pinnacle Engineering gave detailed explanations and information. He also addressed concern with the Des Plaines river and if it could ever be "tapped out".

Discussions on access points and concerns with Kenosha County's new Access Plan. Commissioner Lee had concerns for safety, if the Village has the capacity to service all the developments with their equipment and staff. Administrator Peters and Chairman Stoner mentioned they have had several meetings with the County about the access points and rules.

Motion passed 7-0 vote.

9. Adjourn

Commissioner Boxx moved to adjourn at 6:50 p.m. Seconded by Aiello.

Motion carried. 7-0 vote.

Drafted this 13th day of July 2022. These minutes are not official until approved by the Plan Commission. Submitted by Cassandra Bodenbach, Assistant to the Village Administrator

CONDITIONAL USE PERMIT

Document Number

Document Title

Effective Date: September 13, 2021

The Village Board of the Village of Somers, Kenosha County, Wisconsin, hereby grants to the owners of the above referenced parcel, described with more particularity on the legal description attached hereto and incorporated herein by reference, the right for the owner, its lessees, agents or representatives, to utilize the premises known as 8013 12th Street, Kenosha, Wisconsin 53144, to operate on outside dining/recreation area, subject to the following conditions:

1. This Conditional Use Permit is subject to the application of Eclectic, LLC, on file in the office of the Clerk/Treasurer for the Village of Somers and stamped received by the office of Planning and Development on June 23, 2021, including a survey, which indicates an approximately 3,900 sq. ft. outdoor dining and recreational area surrounded by 4 foot railing enclosure on the southeastern portion of the property directly south of the proposed building and shall affect the premises described on the attached Exhibit "A" which is incorporated herein by reference.
2. The applicant shall comply with all parking requirements outlined in the Village of Somers General Zoning and Shoreland/Floodplain Zoning Ordinance.
3. The name of the restaurant shall be "J & M's Bar and Grill". There shall be no other business conducted on the premises covered by this conditional use permit without the advance written consent of the Village and Amendment of this permit.
4. There shall be no outside storage of any kind.
5. Any expansion of the conditional use granted herein shall occur only following review by and the consent of the Village Board.
6. Any new signage shall be in accordance with the aforementioned zoning ordinance.
7. There shall be no storage of gasoline, other petrohydrocarbons or any other material classified as hazardous at the site or in any building located thereon.
8. There shall be no outside amplified music speakers or live music.

Document #: **1910738**

Date: **2021-09-20** Time: **12:22 PM** Pages: **6**

Fee: **\$30.00** County: **KENOSHA** State: **WI**

REGISTER OF DEEDS: **JOELLYN M. STORZ**

Recording Area

Name and Return Address

Davison Law Office, Ltd.
1207 55th Street
Kenosha, WI 53140 *6*

82-4-222-162-0010

Parcel Identification Number (PIN)

9. Refuse containers shall be screened from view from public rights-of-way, adjacent properties or eating area. Screening for waste receptacle shall consist of a solid opaque fence of similar color and materials of main building, or masonry, and shall be a minimum of six (6) feet and maximum of eight (8) feet tall. Waste receptacles shall be enclosed on the fourth side with a gate to contain trash or other debris. The gate side of the waste receptacle shall be oriented toward the parking lot facing Highway E and is required to be always closed except for servicing by the waste management contractor and site users. Prior to the installation of such fencing, the owner shall submit to the Village for approval the description or sample of the fencing which is proposed to be installed. Installation of the fencing shall be completed no later than December 31, 2021.
10. Any change of the submitted plan of operation, change in use, and/or a proposed addition(s) to any existing principal building(s) or proposed new principal building(s), shall require the petitioner to reapply for a Conditional Use Permit to the Village Plan Commission for its review and approval.
11. The undersigned shall fully cooperate with any law enforcement personnel performing inquiries or investigations. Any substantial change or expansion of the submitted plan of operation (i.e. expansion of the proposed outside dining/recreation area) shall require the applicant to reapply for a Conditional Use Permit to the Village of Somers for its review and approval.
12. There shall be no alcohol on any portion of the premises which is not licensed for alcohol consumption.
13. The Village Building Inspector shall establish an occupancy permit based upon all of the available circumstances including, but not limited to, the overall space of the premises and such other factors as the Building Inspector may deem relevant.
14. No person under the age of 21 shall be allowed to be in the alcohol licensed portion of the subject premises unless accompanied by their parent or by their spouse who is 21 years of age or older. Security measures for the premises, if deemed necessary, to be approved by the Village Building Inspector and Kenosha County Sheriff's Department.
15. The undersigned recognizes and acknowledges that the violation of this condition or the violation of the prohibition of alcohol on the outdoor dining/recreation portion of the premises shall, in and by itself, constitute grounds for the immediate revocation of this conditional use permit.
16. The undersigned each recognize that in the event that a permit holder fails to comply with the conditions specified in this permit, the permit may be revoked by the Village Board upon ten (10) days notice to the permit holder(s). The permit holder(s) shall be entitled to a hearing before the Village Board on the question of revocation of the

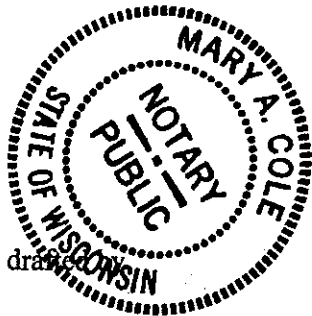
TENANT

By: _____

Printed Name: Justin Traugber, as tenant

STATE OF Wisconsin)
) SS.
COUNTY OF Kenosha)

Personally came before me this 13th day of September, 2021, the above named Justin Traugber, on behalf of Ecleckte, LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same.



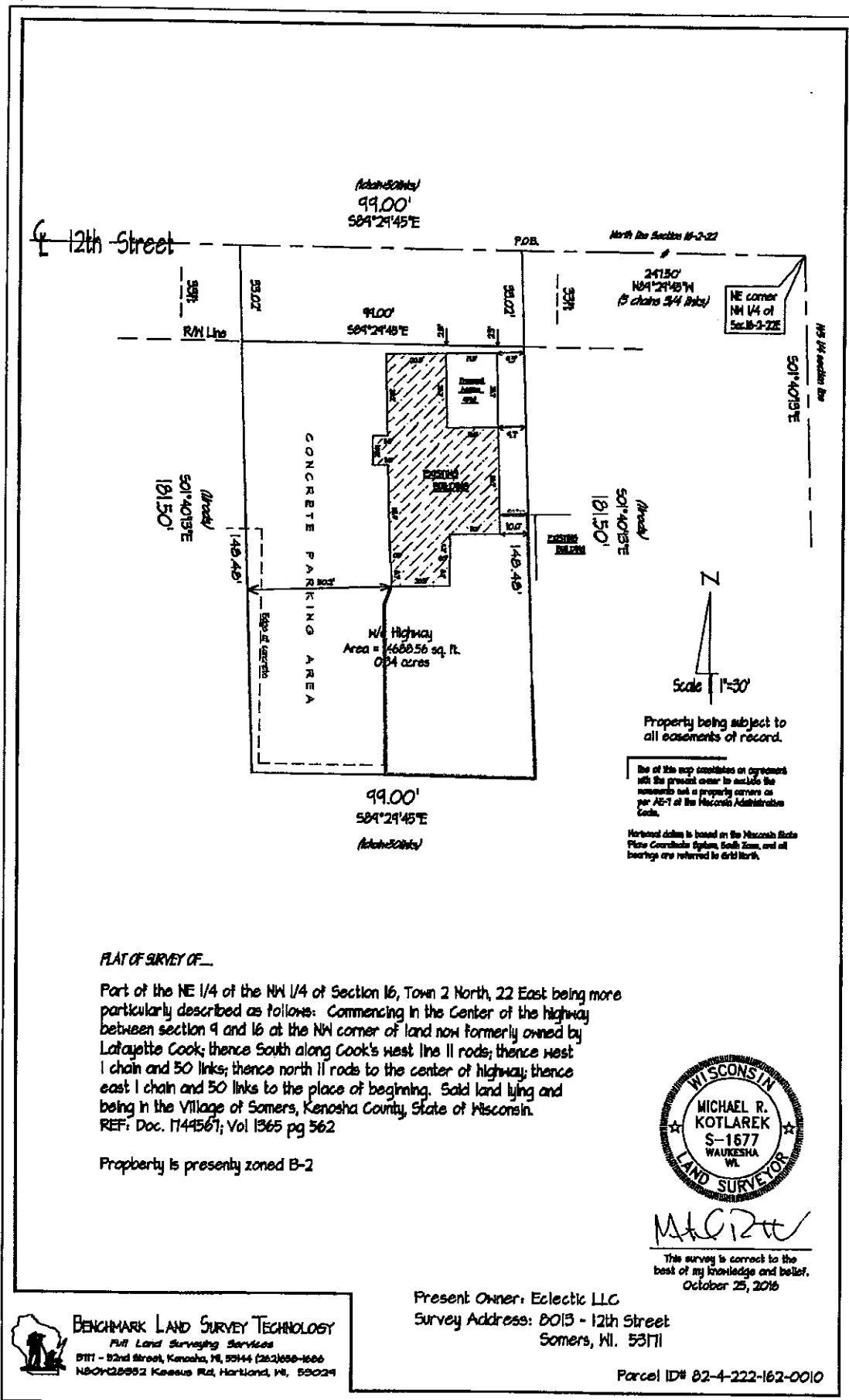
Printed Name: Mary A. Cole
Notary Public; Kenosha County, WI
My Commission expires 6/11/22

This instrument was drawn by
Attorney Jeffrey J. Davison
DAVISON LAW OFFICE, LTD.

LEGAL DESCRIPTION:

Part of Section 16, Town 2 North, Range 22 East of the Fourth Principal Meridian and described as: Commencing in the center of the highway 3 chains and 3/4th of a link West of the 1/4 stake between Sections 9 and 16 in the Northwest corner of land now and formerly owned by Lafayette Cook; thence South along Cook's West line 11 rods; thence West 1 chain and 50 links; thence North 11 rods to the center of highway; thence East 1 chain and 50 links to the place of beginning, lying and being in the Village of Somers, County of Kenosha and State of Wisconsin.

Tax Key No. 82-4-222-162-0010



PLAT OF SURVEY OF...

Part of the NE 1/4 of the NW 1/4 of Section 16, Town 2 North, 22 East being more particularly described as follows: Commencing in the Center of the highway between section 9 and 16 at the NW corner of land now formerly owned by Lafayette Cook; thence South along Cook's west line 11 rods; thence west 1 chain and 50 links; thence north 11 rods to the center of highway; thence east 1 chain and 50 links to the place of beginning. Said land lying and being in the Village of Somers, Kenosha County, State of Wisconsin.
 REF: Doc. T144567; Vol 1365 pg 562

Property is presently zoned B-2



M.R. Kotlarek

This survey is correct to the best of my knowledge and belief.
 October 25, 2016

Present Owner: Eclectic LLC
 Survey Address: 8013 - 12th Street
 Somers, WI. 53171



BENCHMARK LAND SURVEY TECHNOLOGY
 Full Land Surveying Services
 8111 - 32nd Street, Kenosha, WI, 53144 (262)658-1666
 N80728952 Keesau Rd, Hartland, WI, 53029

Parcel ID# 82-4-222-162-0010

Justin Traughber
J&M's Bar & Grill (Eclectic LLC)
Justin8259@gmail.com



Somers Plan Commission / Board,

I, Justin Traughber and Megan Strandell hosted a neighborhood meeting on August 15th, 2022, to have an open discussion to address any of concerns and support of our pending request to allow "amplified music" outside on the patio. We invited the 74 neighbors/addresses vial mail (*Attachment 1*) that received the initial *Notice of Public Hearing* issued June 17th, 2022. Although we received support from many people, we believe this meeting was beneficial for both parties to improve our communication/understanding amongst each other. Below is summary of our meeting/discussion.

Attendees: Jim Tabbert, Teresa Tabbert, Linda Wawiora, George Wojtak, Kathy Wojtak, Steve Nelson, and Shelly Nelson.

Board Member Present: Joe Smith

The meeting began with casual conversation on issues that our immediate neighbors explained to us. Their main concern was the few occurrences of loud noises (laughing, arguing, talking loudly, etc.) in the parking lot during and after bar close. As Megan and I believe those occurrences are rare considering the number of days we are open throughout the year, we respect our neighbors and their concerns. For instance, we have paid for parking poles recently to appease our closest neighbor and show respect for her property. We believe we have tried to minimize noise when applicable in the past, but we acknowledge that we can do more. By adding signage on the doors to the parking lot, training our staff and talking to our patrons we can decrease sound/loitering in hopes to satisfy all. We also believe a lot of this sound is caused by people having to smoke outside and, in the future, we strongly believe we can almost eliminate these issues by building a smoking room. At the end of this discussion, both parties came to a level of understanding and trust that the issues were acknowledged and will be improved.

The focus was then transitioned to the main reason of the gathering to discuss the live music outside on patio. Support was presented on having music and the benefits for our customers and business. We also described the type of music and demographics that we aim to host. Historically, our family business has not been problem with the law, and we take pride in continuing to run a strict, safe, and clean business environment that is enjoyed by many in our community. We emphasized that in almost two years of ownership, we have received zero citations, warnings, violations, underage drinking against our license/establishment.

Megan and I then present the proposal which included the following:

- 1 to 2 artists (vocal/guitarist)
- 1 to 2 events per month while weather permits
- Music will be played in the far east corner of the patio, adjacent to the east commercial building. To help with sound mitigation, speakers and other equipment will be pointed in the direction of the south vacant lot behind the patio; away from the only surrounding residential neighbor
- Music to conclude earlier than 9pm, allowing an appropriate time for all outdoor activities to end and our patrons to move inside.
- Permit/License is nontransferable.

Justin Traughber
J&M's Bar & Grill (Eclectic LLC)
Justin8259@gmail.com



With no disagreement to our proposal above, Jim Tabbert then present a 1-year probationary trial with the following stipulations added/reiterated:

- Maximum of 2 band members
- No more than 2 events a month
- The immediate neighbors to be notified via text/call, one week in advance of the event
- Music only between the hours of 11am to 9pm
- All neighbors asked for our direct/personal phone number(s) to notify us of a significant disturbance

Following Jim Tabbert's proposal, we agreed that those were reasonable requests. We requested that the first notification/disturbance call during an event will mean that we lower and/or modify the event or patrons. If we receive a reasonable second notification from our neighbors during the same event, we will then shut the event down. The 1-year probationary period is not terminated if an event is shut down and after the one-year period, we will review the success rate compared to the number of events for permit renewal.

All neighbors present agreed to the criteria listed above and the meeting was cordially concluded.

Thank you,

A handwritten signature in black ink, appearing to read 'Justin Traughber', written in a cursive style.

Justin Traughber

Justin Traugher
J&M's Bar & Grill (Eclectic LLC)
Justin8259@gmail.com



Attachment 1

Somers Neighbors,

I, Justin Traugher, owner of J&M's Bar & Grill (formerly Tina's Somers Inn) am writing you in response/regards to the *Notice of Public Hearing* issued June 17th, 2022 that you received from the Village on our request to amend our current Conditional Use Permit for our new outdoor patio for "amplified music". We've had a tremendous amount of support for this request from many residents of the neighborhood, while at the same time there has been a disruption/discomfort for a couple neighbors/individuals on our request. This has been a long process, which we believe the communication/understanding amongst each other can be better.

I, Megan, and our staff/family work very hard to provide a clean, safe neighborhood Bar & Grill to provide our customers and community an enjoyable experience. This establishment has been a part of the family for over 23 years, and we understand that we own a business in a residential area. I resigned from my career to keep this staple in the family. We are proud to be one of the small businesses in Somers that many enjoy. The Village of Somers is constantly growing with big corporations, housing, museums, and franchises. All the while, us small business owners are thriving for improvement and are desperate to keep up with the changing times.

Many of you have signed our petition in support and read the letter(s) of our true intentions on what we're trying to accomplish; we thank you for that. However, there's still some miscommunication or misunderstanding within our full neighborhood that we are passionate on overcoming.

We are asking for your trust and support to allow us to occasionally hold outside music on our patio. Here is our initial proposal:

Outdoor Amplified Music:

- 1 to 2 artists (vocal/guitarist)
- 1 to 2 events per month while weather permits
- Music will be played in the far east corner of the patio, adjacent to the east commercial building. To help with sound mitigation, speakers and other equipment will be pointed in the direction of the south vacant lot behind the patio; away from the only surrounding residential neighbor
- Music to conclude earlier than 9pm, allowing an appropriate time for all outdoor activities to end and our patrons to move inside.
- Permit/License is nontransferable.

As a recipient of this letter, we request your attendance at the Village of Somers Town Hall at 6:00 pm on Monday, August 15th, to have an open discussion amongst each other to address any concerns and support of this request.

Thank you,

Justin Traugher



**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: September 6, 2022

TO: Village President Stoner and Village Trustees

FROM: Jason J. Peters, Administrator

AGENDA ITEM: #7 Discuss allowable/potential Village tax levy

BACKGROUND:

The annual budget is the most important policy decision by the Village Board each year. A major part of the process includes approving the **Village** portion of the property tax levy. Current State law requires that municipalities and counties follow levy limits. We are allowed to raise the Village levy for net new construction and General Obligation debt.

UPDATE:

The Department of Revenue has released preliminary estimates for the net new construction for 2022. The preliminary estimate for the Village of Somers is 1.33%. All of the new construction occurred in Tax Increment Districts. The preliminary estimate for the Town of Somers is .08%.

COMMENTS:

The Village could potentially raise the levy by 1.41%. Since all of the development occurred in Tax Increment Districts, any increase would impact the Village general levy proportionately. For preparation of the 2023 Budget, staff is seeking direction from the Village Board of what would be an acceptable increase on the taxpayers. Listed below is the amount of the potential levy monies that could be captured. The configuration is based on the percentage increase from the 2021 levy amount of \$3,590,240.

Additional Levy Monies by Percent

- 1 percent increase would bring in an additional \$35,902.4
- 1.41 percent increase would bring in an additional \$50,622.38

At this time, it is premature to provide the Board with estimated mill rates based on the increase for the percentage since there are still many unknowns. For discussion purposes, listed below are **very rough estimates** of what the potential dollars could look like, by percentage raising the levy to the maximum allowable amount for three different property assessments.

Village Tax Rate based on 1.41% increase in Levy			
2022		5.31370	
2021		5.34359	
Cost for Village Taxes for \$200,000 Home			
2022		\$1,062.74	
2021		\$1,068.72	
Difference	\$	(5.98)	
Cost for Village Taxes for \$275,000 Home			
2022		1461.266375	
2021		\$1,469.49	
Difference	\$	(8.22)	
Cost for Village Taxes for \$300,000 Home			
2022		\$1,594.11	
2021		\$1,603.08	
Difference	\$	(8.97)	
Cost for Village Taxes for \$350,000 Home			
2022		\$1,859.79	
2021		\$1,870.26	
Difference		-\$10.46	
Cost for Village Taxes for \$400,000 Home			
2022	\$	2,125.48	
2021		\$2,137.44	
Difference	\$	(11.96)	

*These projections are for the impact on the **Village levy only**.

ATTACHMENTS:

None.



**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: September 6, 2022

TO: Village President Stoner and Board of Trustees

FROM: Jason J. Peters, Administrator

AGENDA ITEM: #8 Discussion regarding Investment Policy and possible investment strategy

BACKGROUND:

The interest rate environment has been changing rapidly. Based on this fact, Administration and Trustee Ostby have been working on finding better ways to invest our cash on hand to take advantage of rates. In the past, the majority of all our funds cash has been deposited between LGIP and Tri-City National Bank. In recent months, LGIP has lagged behind our negotiated rate with Tri-City National Bank. The Village has transferred funds to Tri-City National Bank to earn extra interest. In this new environment, it would be advantageous for the Village to pursue more avenues to earn additional interest. The Village has met with representatives from Charles Schwab, American Deposit Management Company, and Ehlers.

UPDATE:

In August the Village passed Resolution 2022-012 that set our new investment policy. Since this time cash has been moved from the LGIP to Tri-City to take advantage of negotiated rate. On September 2nd, Trustee Ostby, President Stoner and Staff meet with Ehlers to discuss possibly using them as our investment advisor. Under this scenario, the funds we would deposit would have to go to their holding bank, as they are advisors not a depository. This would require amending the attached policy to add their bank as a depository.

COMMENTS:

Based on our meeting, we laid out a general investment strategy to Ehlers. It can summarize as follows:

- \$10-18M Strategy with up to two-year maturities.

○ Acceptable securities

- Treasury up to 100%
- Agency 40% or less with no more than 30% in government-sponsored enterprise (example SBA)
- Corporate or Muni's AA or better, up to two year maturity, under 20% (WI Non-rated may be okay in some cases)
- Try to avoid CDs
- 20% of the operating budget to be maintained in liquid accounts

The possible income show below is based upon coupons expected on the portfolio examples attached. These are examples only and may not reflect investments available as of execution. These are available as of today, with the approximate yield to maturity of 3.6%.

	2023	2024
\$10M	183,000	70,000
\$14M	220,000	70,000
\$18M	329,000	140,000

The policy requires that the Clerk/Treasurer provide a summary of dollars invested on a monthly basis. Ehlers has provided an example of what the monthly summary would be if they are chosen as our advisor. Staff is seeking direction from the Board as to whether they would like to move forward with Ehlers and add their bank as a depository. We would also like to add Charles Schwab as a depository to give us flexibility in the event we decide to use them as another investment firm.

ATTACHMENTS:

Resolution 2022-012

Investment Policy

Portfolio Examples at \$18 Million, \$14 Million and \$10 Million

Monthly report example

RESOLUTION 2022-012

Resolution Establishing an Investment Policy and Designating Public Depositories

Investment Policy Adoption

The Village of Somers investment policy shall be adopted by resolution by the Village Board of Trustees. The policy shall be reviewed periodically by the Clerk/Treasurer and any modifications shall be presented to the Village Board of Trustees for approval.

NOW, THEREFORE, BE IT RESOLVED That:

Delegation of Authority

The Village Board of Trustees delegates the authority to invest public funds to the Village Administrator, Clerk/Treasurer, or designee. This delegation authorizes the Clerk/Treasurer or designee to purchase investments for the Village. Responsibility is delegated to the Clerk/Treasurer or designee to establish procedures to be used for safekeeping, wire transfers, and other banking agreements, consistent with this policy and a system of controls.

BE IT FURTHER RESOLVED that:

Authorized Financial Institutions

The Village Board of Trustees designates the following institutions as public depositories for the funds of the Village of Somers as stated in 93-94 Sections 34.01(5) and 34.05(1) of the Wisconsin Statutes.

- Local Government Investment Pool Funds for the State of Wisconsin
- Hometown Bank
- Tri City National Bank
- Educators Credit Union
- Associated Bank
- BMO Harris Bank
- First American Bank
- State Bank of the Lakes N.A., A WinTrust Community Bank

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to each of the above-named depositories and said depositories may rely on this resolution until changed by lawful resolution and certified copy of such resolution has been given to the cashier of the respective above-named depositories.

MISCELLANEOUS

Definitions of words and phrases shall, insofar as applicable, have the meanings set forth in Section 34.01 of the Wisconsin Statutes.

This policy is enacted in accordance with the provisions of Chapter 34 and Sections 66.0603, of the Wisconsin Statutes. In case of conflict, the state laws shall prevail.

This policy shall be reviewed periodically, but at least every 3 years, and shall continue in force until appealed or amended by further resolution of the Village Board of Trustees.

Adopted this _____ day of August, 2022

VILLAGE OF SOMERS
KENOSHA COUNTY, WISCONSIN

George Stoner, President

Attest: _____
Brandi Baker, Clerk-Treasurer

Date: _____

Village of Somers, Wisconsin Investment Policy

Dated: August 10th, 2022

SCOPE

This policy applies to all funds under the authority of the Village of Somers, Wisconsin (the “Village”) not immediately needed to meet operating expenses of the Village. These funds shall, where permissible, be pooled together to achieve the best rate of return. The following fund types are covered by this investment policy: general, special revenue, debt service, capital project, sewer utility, water utility, storm water utility, other enterprise funds, trust and agency funds. This policy will include any new funds created, unless specifically exempted.

I. GENERAL OBJECTIVES

1. SAFETY

Safety of principal is the foremost objective of the investment program. Investments of the portfolio shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

2. LIQUIDITY

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Investment portfolios will be structured so that securities mature concurrent with cash needs to meet anticipated demands. Alternatively, a portion of any portfolio may be placed in money market mutual funds or local government investment pools authorized and permissible under Wisconsin statutes which offer same-day liquidity for short term funds.

3. YIELD

Investment portfolios shall be designed with the objective of attempting to attain a market rate of return throughout budgetary and economic cycles, factoring investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. Securities shall generally be held until maturity with the following exceptions;

- A security with declining credit quality may be sold prior to maturity to minimize loss of principal.
- Liquidity needs of the Village require a security or securities are sold prior to maturity.
- A security swap would improve the safety and yield of the overall portfolio.

II. STANDARDS OF CARE

1. Prudence

Investments shall be made with judgment and care giving first consideration to the safety of the investment, then liquidity and finally yield. "Notwithstanding any other provisions of law, a treasurer who deposits public moneys in any public depository, in compliance with s. 34.05, is thereby relieved of liability for any loss of public moneys which results from failure of any public depository to repay to the public depositor the full amount of its deposits thus causing a loss as defined in s. 34.01 (2)." (Section 34.06 of the Wisconsin Statutes) This policy should not be construed as to imply that an investor should engage in speculative or risky investments. Nor does this policy condone aggressive leveraging for investment purposes.

2. Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Officers and employees shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Village.

3. Delegation of Authority

Management and administrative responsibility for the investment program of the Village is entrusted to the Village Administrator and Clerk/Treasurer under the directions of the Village Board of Trustees. Individuals authorized to engage in investment transactions on behalf of the Village are the listed in *Appendix A*.

4. Permissible Investments

Permissible investments include any investment stipulated in Wisconsin statute 66.0603 (1m). *See full list in Appendix B*.

III. INTERNAL CONTROLS

The Clerk/Treasurer shall establish a system of internal controls designed to prevent losses of Village funds arising from fraud, misrepresentation by third parties, unanticipated changes in financial markets, employee error or imprudent actions by employees.

Internal controls shall address:

- Separation of transaction authority from accounting and record keeping.
- Clear delegation of authority to subordinate staff members.
- Confirmation of transactions for investments and wire transfers.
- Development of a wire transfer agreement with the lead bank and third-party custodian.

- Investment and interest earnings will be recorded in the Village’s accounting records based on generally accepted government accounting procedures.
- A periodic summary of all investment transactions will be prepared by the Clerk/Treasurer for review by the Village Board of Trustees.
- Each year, as part of the annual audit by an external auditing firm, there will be an independent review. This review will provide internal control by assuring compliance with this policy

IV. COLLATERALIZATION

Certificates of Deposit that exceed FDIC insurance limits and/or coverage limits specified in Wisconsin statutes 34.08(1)(2) shall require collateral valued at 102% of the principal and accrued interest. Conditions of the collateral arrangement will be detailed in a “Security Agreement” between the depository financial institution and the Village. Collateral pledged to the Village for this purpose will be held by a third-party custodian, in the Village’s name, and evidenced by a “Tri-Party” agreement between the depository financial institution, the Village and the custodian. Evidence of ownership must be detailed in a safekeeping receipt supplied to the Clerk/Treasurer. Collateral substitution(s), such as letters of credit, must be authorized by the Village.

The Village may also request collateral, under the same conditions as stated above, for any deposits at any financial institution that exceed FDIC insurance limits.

V. INVESTMENT PARAMETERS

Diversification

Investments shall be diversified by:

- Limiting investments to avoid over concentration in securities from a specific issuer, industry or business sector, excluding U.S. Treasury obligations.
- Investing in securities with varying maturities.
- Continuously investing a portion of the investment portfolio in readily available funds such as local government investment pools, money market accounts or money market mutual funds permissible under state statute.

VI. REPORTING

The Clerk/Treasurer shall present a monthly report on the investment program and investment activity to the Village Board of Trustees. The management summary shall be prepared in a manner that will allow the Village Board of Trustees to determine if investment activities during the reporting period conform to this Investment Policy.

VII. POOLING OF CASH

Except where otherwise provided by the Village Board of Trustees, the Clerk/Treasurer is authorized to pool the cash of the funds identified in this policy to maximize investment earnings where it is advantageous and prudent to do so. Investment income will be allocated to the various funds based on the pro rata portion of each fund.

VII. ADOPTION AND APPROVAL

By resolution, the Investment Policy shall be formally approved and adopted by the Village Board of Trustees and reviewed as needed but at least every three years.

LIST OF ATTACHMENTS

The following documents, as applicable, are attached to this policy;

- Relevant Wisconsin statutes and local ordinances
- List of authorized personnel
- List of authorized public depositories, financial institutions and broker/dealers

Appendix A

List of authorized personnel

Village Administrator

Village Clerk/Treasurer

Appendix B

66.0603 Investments.

(1g) Definition. In this section, "governing Council" has the meaning given under s. [34.01 \(1\)](#) but does not include a local exposition district Council created under subch. [II of ch. 229](#) or a local cultural arts district Council created under subch. [V of ch. 229](#).

(1m) Investments.

(a) A county, City, City, town, school district, drainage district, technical college district or other governing Council, other than a local professional football stadium district Council created under subch. [IV of ch. 229](#), may invest any of its funds not immediately needed in any of the following:

1. Time deposits in any credit union, bank, savings bank, trust company, or savings and loan association which is authorized to transact business in this state.

2. Bonds or securities issued or guaranteed as to principal and interest by the federal government, or by a commission, Council or other instrumentality of the federal government.

3. Bonds or securities of any county, City, drainage district, technical college district, City, town or school district of this state.

3m. Bonds issued by a local exposition district under subch. [II of ch. 229](#).

3p. Bonds issued by a local professional baseball park district created under subch. [III of ch. 229](#).

3q. Bonds issued by a local professional football stadium district created under subch. [IV of ch. 229](#).

3s. Bonds issued by the University of Wisconsin Hospitals and Clinics Authority.

3t. Bonds issued by a local cultural arts district under subch. [V of ch. 229](#).

3u. Bonds issued by the Wisconsin Aerospace Authority.

4. Any security which matures or which may be tendered for purchase at the option of the holder within not more than 7 years of the date on which it is acquired, if that security has a rating which is the highest or 2nd highest rating category assigned by Standard & Poor's corporation, Moody's investors service or other similar nationally recognized rating agency or if that security is senior to, or on a parity with, a security of the same issuer which has such a rating.

5. Securities of an open-end management investment company or investment trust, if the investment company or investment trust does not charge a sales load, if the investment company or investment trust is registered under the investment company act of 1940, [15 USC 80a-1](#) to [80a-64](#), and if the portfolio of the investment company or investment trust is limited to the following:

a. Bonds and securities issued by the federal government or a commission, Council or other instrumentality of the federal government.

b. Bonds that are guaranteed as to principal and interest by the federal government or a commission, Council or other instrumentality of the federal government.

c. Repurchase agreements that are fully collateralized by bonds or securities under subd. [5. a.](#) or [b.](#)

Appendix C

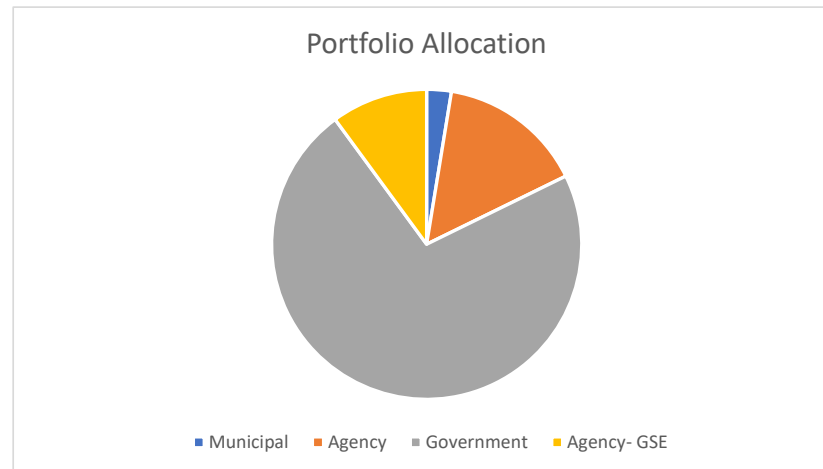
List of authorized public depositories, financial institutions and broker/dealers

- Local Government Investment Pool Funds for the State of Wisconsin
- Hometown Bank
- Tri City National Bank
- Educators Credit Union
- Associated Bank
- BMO Harris Bank
- First American Bank
- State Bank of the Lakes N.A., A WinTrust Community Bank

\$10 Million

Issuer Name	Coupon	Maturity	Nominal Value	Price (Ask)	Market Value	YTW (Ask)	YTM (Ask)	Asset Type	% of Portfolio (Ask)
United States Treasury Notes	2.13%	2022-Dec-31	200,000	99.698	200,124	3.04%	3.04%	Government	2.02%
SACRAMENTO CNTY CALIF PENSION OBLIG	5.73%	2023-Aug-15	250,000	101.635	254,725	3.97%	3.97%	Municipal	2.57%
Small Business Administration	4.84%	2023-Feb-01	500,000	100.026	502,148	4.83%	4.83%	Agency	5.07%
United States Treasury Notes	2.63%	2023-Feb-28	500,000	99.712	498,596	3.24%	3.24%	Government	5.04%
Small Business Administration	4.50%	2023-Mar-01	500,000	99.845	499,224	4.88%	4.88%	Agency	5.04%
Federal Home Loan Banks	2.50%	2023-May-30	1,000,000	99.179	998,105	3.62%	3.62%	Agency- GSE	10.08%
United States Treasury Notes	2.88%	2023-Sep-30	2,500,000	99.335	2,513,609	3.52%	3.52%	Government	25.39%
United States Treasury Notes	2.25%	2024-Apr-30	2,000,000	98.004	1,975,242	3.50%	3.50%	Government	19.95%
United States Treasury Notes	2.38%	2024-Aug-15	2,000,000	97.891	1,960,007	3.51%	3.51%	Government	19.79%
Small Business Administration	4.08%	2024-Dec-25	500,000	99.928	500,040	3.72%	3.72%	Agency	5.05%

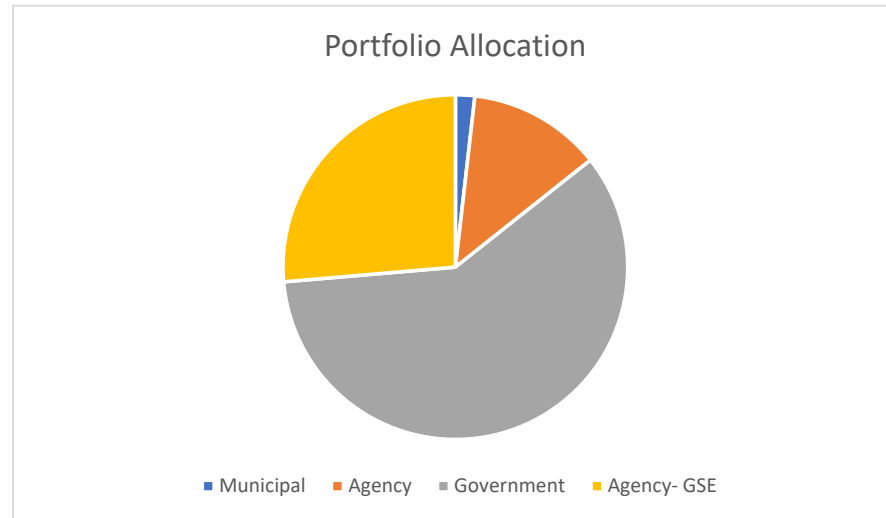
Asset Type	% of Portfolio
Municipal	2.57%
Agency	15.16%
Government	72.19%
Agency- GSE	10.08%



\$14 Million

Issuer Name	Coupon	Maturity	Nominal Val	Price (Ask)	Market Valu YTW (Ask)	YTM (Ask)	Asset Type	% of Portfolio (Ask)
SACRAMENTO CNTY CALIF PENSION O	5.73%	2023-Aug-15	250,000	101.635	254,725	3.97%	Municipal	1.82%
Small Business Administration	4.08%	2024-Dec-25	750,000	99.928	750,061	3.72%	Agency	5.36%
Small Business Administration	4.50%	2023-Mar-01	500,000	99.845	499,224	4.88%	Agency	3.57%
Small Business Administration	4.84%	2023-Feb-01	500,000	100.026	502,148	4.83%	Agency	3.59%
United States Treasury Notes	2.38%	2024-Aug-15	2,000,000	97.891	1,960,007	3.51%	Government	14.01%
United States Treasury Notes	2.25%	2024-Apr-30	2,000,000	98.004	1,975,242	3.50%	Government	14.12%
United States Treasury Notes	2.88%	2023-Sep-30	3,000,000	99.335	3,016,330	3.52%	Government	21.55%
United States Treasury Notes	2.63%	2023-Feb-28	1,250,000	99.712	1,246,490	3.24%	Government	8.91%
United States Treasury Notes	2.13%	2022-Dec-31	100,000	99.698	100,062	3.04%	Government	0.72%
Federal Home Loan Banks	2.50%	2023-May-30	1,750,000	99.179	1,746,684	3.62%	Agency- GSE	12.48%
Federal National Mortgage Associator	0.35%	2023-Aug-18	500,000	96.745	483,790	3.82%	Agency- GSE	3.46%
Federal Farm Credit Banks	0.20%	2023-Jun-15	1,500,000	97.233	1,459,126	3.79%	Agency- GSE	10.43%

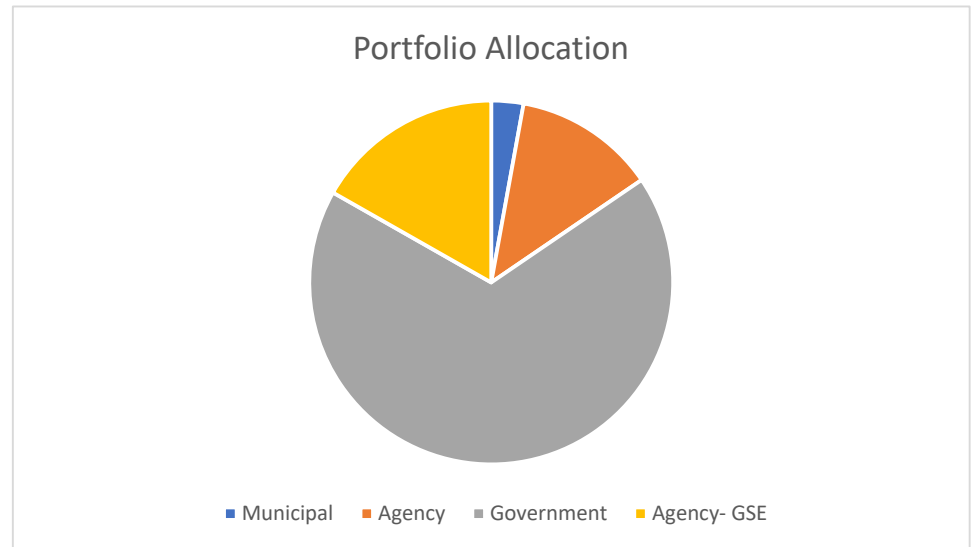
Asset Type	% of Portfolio
Municipal	1.82%
Agency	12.52%
Government	59.31%
Agency- GSE	26.37%



\$18 Million

Issuer Name	Coupon	Maturity	Face Value	Price (Ask)	Market Val	YTW (Ask)	YTM (Ask)	Asset Type	% of Portfolio (Ask)
SACRAMENTO CNTY CALIF PENSION OF	5.73%	2023-Aug-15	500,000	101.635	509,451	3.97%	3.97%	Municipal	2.86%
Small Business Administration	4.08%	2024-Dec-25	750,000	99.928	750,061	3.72%	3.72%	Agency	4.20%
Small Business Administration	4.50%	2023-Mar-01	750,000	99.845	748,836	4.88%	4.88%	Agency	4.20%
Small Business Administration	4.84%	2023-Feb-01	750,000	100.026	753,221	4.83%	4.83%	Agency	4.22%
United States Treasury Notes	2.38%	2024-Aug-15	4,000,000	97.891	3,920,013	3.51%	3.51%	Government	21.97%
United States Treasury Notes	2.25%	2024-Apr-30	4,000,000	98.004	3,950,484	3.50%	3.50%	Government	22.14%
United States Treasury Notes	2.88%	2023-Sep-30	3,500,000	99.335	3,519,052	3.52%	3.52%	Government	19.72%
United States Treasury Notes	2.63%	2023-Feb-28	500,000	99.712	498,596	3.24%	3.24%	Government	2.79%
United States Treasury Notes	2.13%	2022-Dec-31	200,000	99.698	200,124	3.04%	3.04%	Government	1.12%
Federal Home Loan Banks	2.50%	2023-May-30	3,000,000	99.179	2,994,316	3.62%	3.62%	Agency- GSE	16.78%

Asset Type	% of Portfolio
Municipal	2.86%
Agency	12.62%
Government	67.74%
Agency- GSE	16.78%



Board Summary

08/01/2022 - 08/31/2022

Sample

Dated: 09/02/2022

Account Value & Accrued Income	
	<i>Portfolio</i>
Book Value	14,713,660.75
Net Unrealized Gain/Loss	-554,305.91
Market Value	14,159,354.84
Accrued Balance	70,493.65
Current Units	14,568,882.67

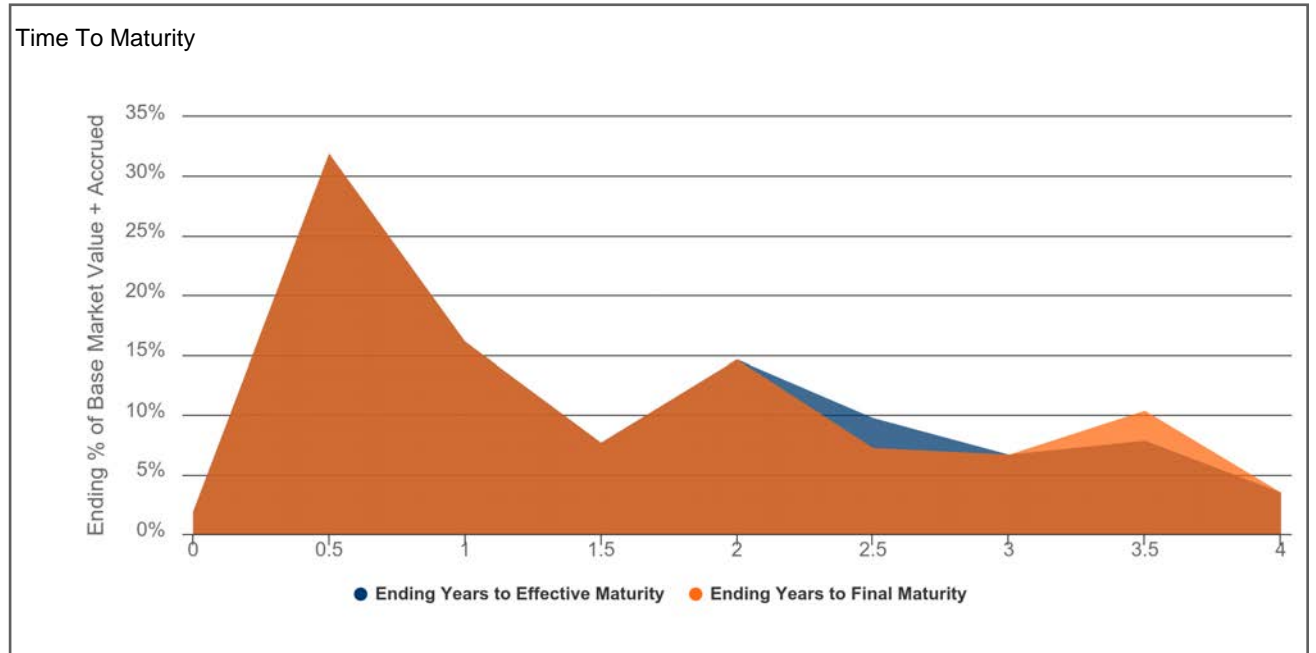
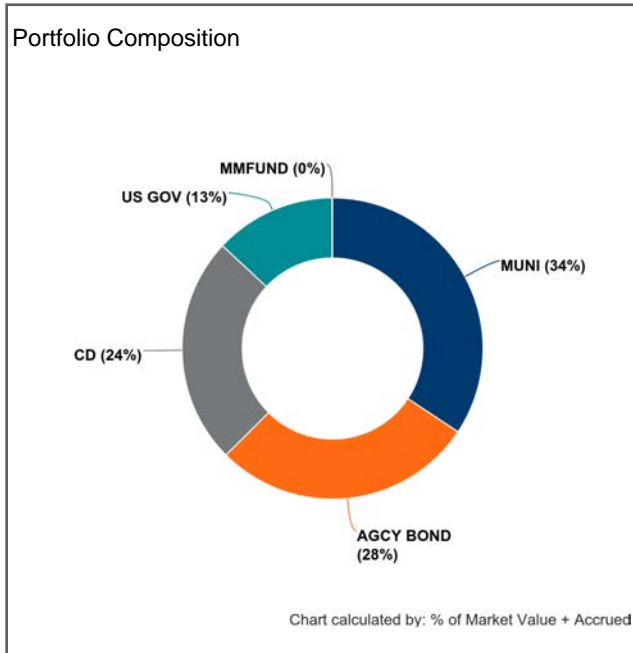
Footnote: 1

GAAP Income Detail	
	<i>Portfolio</i>
Interest/Dividend Income	23,130.17
Misc Income	0.00
Realized Gain	0.00
Accretion Income	2,058.05
Amortization Expense	-10,923.92
Realized Loss	0.00
Expense	-10.00
Net Income	14,254.29

Footnote: 2

Account Summary	
	<i>Portfolio</i>
Account	
Custodian	Pershing
Book Yield	1.17%
Current Yield	1.95%
Final Maturity	04/03/2024
Effective Maturity	03/25/2024
Duration	1.51

Footnote: 3



Board Summary

08/01/2022 - 08/31/2022

Sample

Dated: 09/02/2022

GAAP Balance Sheet by Position

<i>Description</i>	<i>Current Units</i>	<i>Book Value</i>	<i>Market Value</i>	<i>Accrued Balance</i>
Synchrony Bank	317,000.00	320,054.69	314,956.81	2,202.26
COOK CNTY ILL SCH DIST NO 149 EAST DOLTON	350,000.00	367,687.89	354,228.00	3,937.50
FORT WORTH TEX	450,000.00	454,192.74	453,105.00	11,227.50
CALIFORNIA ST	500,000.00	516,988.04	496,125.00	7,031.25
FEDERAL NATIONAL MORTGAGE ASSOCIATION	600,000.00	601,670.26	597,888.00	1,662.50
COOK CNTY ILL SCH DIST NO 155	650,000.00	687,812.28	653,295.50	6,581.25
FEDERAL FARM CREDIT BANKS FUNDING CORP	790,000.00	789,976.67	718,576.20	1,041.57
FEDERAL HOME LOAN MORTGAGE CORP	1,339,000.00	1,334,523.20	1,246,389.49	1,817.31
FEDERAL HOME LOAN BANKS	1,550,000.00	1,547,087.76	1,443,635.50	4,282.64
UNITED STATES TREASURY	1,912,000.00	1,900,652.33	1,846,445.02	2,189.56
Other	6,110,882.67	6,193,014.88	6,034,710.32	28,520.32

Total	14,568,882.67	14,713,660.75	14,159,354.84	70,493.65
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Footnotes: 1,4,5

Board Summary

08/01/2022 - 08/31/2022

Addison Investment Proceeds (103946)

Dated: 09/02/2022

1: * Weighted by: Market Value + Accrued. 2: * Weighted by: Ending Market Value + Accrued. 3: * Weighted by: Ending Market Value + Accrued, except Book Yield by Ending Base Book Value + Accrued. 4: * Grouped by: Description. 5: * Groups Sorted by: Current Units.

Ehlers is the joint marketing name of the following affiliated businesses (collectively, the "Affiliates"): Ehlers & Associates, Inc. ("EA"), a municipal advisor registered with the Municipal Securities Rulemaking Board ("MSRB") and the Securities and Exchange Commission ("SEC"); Ehlers Investment Partners, LLC ("EIP"), an investment adviser registered with the SEC; and Bond Trust Services Corporation ("BTS"), holder of a limited banking charter issued by the State of Minnesota.

Where an activity requires registration as a municipal advisor pursuant to Section 15B of the Exchange Act of 1934 (Financial Management Planning and Debt Issuance & Management), such activity is or will be performed by EA; where an activity requires registration as an investment adviser pursuant to the Investment Advisers Act of 1940 (Investments and Treasury Management), such activity is or will be performed by EIP; and where an activity requires licensing as a bank pursuant to applicable state law (paying agent services shown under Debt Issuance & Management), such activity is or will be performed by BTS. Activities not requiring registration may be performed by any Affiliate.

This communication does not constitute an offer or solicitation for the purchase or sale of any investment (including without limitation, any municipal financial product, municipal security, or other security) or agreement with respect to any investment strategy or program. This communication is offered without charge to clients, friends, and prospective clients of the Affiliates as a source of general information about the services Ehlers provides. This communication is neither advice nor a recommendation by any Affiliate to any person with respect to any municipal financial product, municipal security, or other security, as such terms are defined pursuant to Section 15B of the Exchange Act of 1934 and rules of the MSRB. This communication does not constitute investment advice by any Affiliate that purports to meet the objectives or needs of any person pursuant to the Investment Advisers Act of 1940 or applicable state law.



**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: September 6, 2022

TO: Village President Stoner and Board of Trustees

FROM: Brandi Baker, Clerk-Treasurer

AGENDA ITEM: #9 Discuss and Review proposed Ordinance 2022-011, an Ordinance to recreate section 11.07(L)(2) and (3) of the code of Ordinances of the Village of Somers regarding Liquor Licenses Quota.

BACKGROUND:

While reviewing the Village’s Liquor License Quota, it was discovered that the Village was at the maximum allotted Licenses for “Class A” Retail Liquor and Class “A” Retail fermented malt beverage. Staff, along with attorney Davison, reviewed section 11.07(L)(2) and (3) of the Village of Somers Ordinance. With the changes proposed, this will allow the Village to obtain 19 more “Class A” Retail Intoxicating Liquor Licenses for a total of 32, and 9 more Class “A” Retail Fermented Malt Beverages for a total of 19.

Attorney Davison has drafted the attached ordinance. Staff is requesting that this matter be placed on our Board Meeting agenda for September 13th.

ATTACHMENTS:

Ordinance 2022-011

ORDINANCE NO. 22-_____

AN ORDINANCE TO REPEAL AND RECREATE SECTION 11.07(L)(2) and (3)
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS
REGARDING LIQUOR LICENSES QUOTA

The Village Board of Trustees of the Village of Somers, Kenosha County,
Wisconsin, hereby repeals and recreates Section 11.07(L)(2) and (3) of the Code of Ordinances
of the Village of Somers to read as follows:

(2) "Class A" Retail Intoxicating Liquor Licenses shall be whichever is the
greatest; one (1) license for each three hundred (300) population or fraction
thereof.

(3) Class "A" Retail Fermented Malt Beverage Licenses shall be whichever is
the greatest; one (1) license for each five hundred (500) population or fraction
thereof.

Dated at Somers, Wisconsin, this _____ day of _____, 2022.

VILLAGE OF SOMERS

By: _____
George Stoner, President

Attest: _____
Brandi Baker, Clerk/Treasurer



**VILLAGE OF SOMERS
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: September 06, 2022

TO: Village President Stoner and Board of Trustees

FROM: Brandi Baker, Clerk-Treasurer

AGENDA ITEM: #10 Discuss and Review proposed Ordinance 2022-012, an Ordinance to recreate section 5.11(E) of the code of Ordinances of the Village of Somers regrading Fireworks Prohibited

BACKGROUND:

An inquiry of a firework permit led Staff to discover a discrepancy in section 5.11(E) of the code of Ordinances of the Village of Somers regrading Fireworks Prohibited on who shall issue said permits. The purpose of revising is for clarification on this Ordinance that the Fire Chief should be issuing Firework permits.

Attorney Davison has drafted the attached ordinance. Staff is requesting that this matter be placed on our Board Meeting agenda for September 13th.

ATTACHMENTS:

Ordinance 2022-012

ORDINANCE NO. 22- _____

AN ORDINANCE TO REPEAL AND RECREATE SECTION 5.11(E)
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS
REGARDING FIREWORKS PROHIBITED

The Village Board of Trustees of the Village of Somers, Kenosha County,

Wisconsin, hereby repeals and recreates Section 5.11(E) of the Code of Ordinances of the Village
of Somers to read as follows:

(E) **Fireworks Prohibited.** The use, possession and sale of fireworks within the
Village is prohibited unless the Fire Chief has issued a permit in the manner set forth in §167.10(2), Wis.
Stats. as used in this section of this ordinance the term fireworks includes the definitions set forth in
§167.10(1), Wis. Stats., and including subsections (e),(f),(i),(j),(k),(l),(m) and (n).

(1) **Parental Liability.** A parent or guardian of a minor who consents to the
use of fireworks by the minor is liable for all damage caused by the minor's use of
fireworks.

(2) **Enforcement.** The Village President or the Chief may petition the Circuit
Court in the name of the Village for an order enjoining violations of this section
and any person who shall violate this section or any court order enjoining
violations of this section of this ordinance may, upon order of the court have said
fireworks seized and destroyed.

Dated at Somers, Wisconsin, this _____ day of _____, 2022.

VILLAGE OF SOMERS

By: _____
George Stoner, President

Attest: _____
Brandi Baker, Clerk/Treasurer

**Village of Somers
7511 12th Street
Somers, WI 53171**

**Village Board Meeting
Tentative Agenda
Tuesday, September 13, 2022
5:30 p.m.**

Village Board Meeting:	
Item #	
1	Call to order
2	Pledge of Allegiance
3	Consent and Approval of Minutes of Regular meetings on August 23, 2022, Vouchers dated August 25, 2022, September 1, 2022 and September 8, 2022
4	Correspondence:
5	Citizens Comments
6	President and Trustee Comments
7	Plan Commission Recommendation (J&M's Bar & Grill): <ul style="list-style-type: none"> a. Discussion and possible action on request by Eclectic LLC, PO Box 78, Somers, WI 53171 (Owner), Justin Traugher, PO Box 78, Somers, WI 53171 (agent), for a Conditional Use Permit amendment to allow for outside amplified music in the B-2 Community Business Dist. on Tax Parcel # 82-4-222-162-0010, located in the NW ¼ of Section 16, T2N, R22E, Village of Somers. (For information purposes only, this property is located at 8013 12th Street.)
8	Action on change order #1 from Willkomm Excavating & Grading, Inc. in the amount of \$13,035 for work on 2022 Water Mains (Becknell & First Park 94)
9	Action on partial payment request #1 from Payne & Dolan for the 2022 Roadway Improvements Program ((22nd Street (5000 Block to Green Bay Road), 4th Street, 49th Avenue, & 5th Place, 28th Avenue (CTH KR to Termination)) in the amount of \$433,727.72
10	Discussion and possible action on Final Payment Request from Globe Contractors, Inc for the CTH A & CTH Y Water Main Relay Construction Project in the amount of \$11,449.48

11	Action on proposed Ordinance 2022-011, an Ordinance to recreate section 11.07(L)(2) and (3) of the code of Ordinances of the Village of Somers regarding Liquor Licenses Quota.
12	Action on proposed Ordinance 2022-012, an Ordinance to recreate section 5.11(E) of the code of Ordinances of the Village of Somers regrading Fireworks Prohibited
13	Approval of Operator’s Licenses: Pattice Talbert, Kyliegh Jeffords, Maria Torres, Tatiana Allen, Ashley Winnett, Laura Buska, Amy Mandernack, and Kevin Wosz
14	Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the September 13, 2022 Village Board Meeting & **Tentative** Agenda in 1 public place & on the Village website.

Dated this 2nd day of September 2022

Brandi Baker, Clerk-Treasurer

Requests from person with disabilities who need assistance to participate in this meeting should be made to the Clerk’s Office at 262-859-2822 with as much notice as possible. **Notice is hereby given that members of the Village Board may participate telephonically. Notice is hereby given that members of the Town Board may be in attendance for the sole purpose of gathering information. A quorum may be present. However, no Board action will be taken**