

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

**Town Board Meeting
Agenda
Tuesday, April 11, 2023
5:15 pm**

Town Board Meeting:	
Item #	
1	Call to order
2	Moment of Silence in Remembrance of James M. Smith, former Town of Somers Supervisor and Chairman
3	Pledge of Allegiance
4	Consent and Approval of Minutes of Town Board meetings on March 14, 2023
5	Correspondence:
6	Citizens Comments
7	Supervisor Comments
8	Action on proposed Ordinance 2023-001, an Ordinance to Repeal and Recreate section 7.06 and to Repeal Section 7.07 of the Code of Ordinances of the Town of Somers regarding Snow Emergencies
9	Public Hearing on Resolution 2023-001, A Resolution to impose a special charge rendered by the Village of Pleasant Prairie to parcels located in within the Town of Somers
10	Action on proposed Resolution 2023-001, A Resolution to impose a special charge rendered by the Village of Pleasant Prairie to parcels located in within the Town of Somers
11	Approval of Operator Licenses: None
12	Adjourn

I hereby certify that as the designee of the chief elected official of the Town of Somers, I posted this notice of the April 11th, 2023 Town Board Meeting & Agenda in 3 public places.

Dated this 6th day of April 2023.

Brandi Baker, Clerk-Treasurer

Requests from persons 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 Town Board may participate telephonically. Notice is hereby given that members of the Village Board may be in attendance for the sole purpose of gathering information. A quorum may be present. However, no Board action will be taken.**

Original Post Date: April 6, 2023

Town of Somers
Proceedings from the Town Board Meeting March 14, 2023

Chairman Mark Molinaro called the meeting to order at 5:15 p.m.

Present: Chairman Mark Molinaro, Supervisor Richard Lesko, and Supervisor James Armes. Also present: Administrator Jason Peters, and Clerk/Treasurer Brandi Baker.

Chairman Mark Molinaro led the Pledge of Allegiance.

Consent and Approval of Minutes of Town Board meeting on February 14, 2023

Supervisor Lesko moved to approve the Minutes of Town Board meeting on February 14, 2023

Seconded by Supervisor Armes. Motion carried. 3-0 vote

Correspondence

City of Kenosha Regarding Re-Zoning Classification of Land in the Town of Somers
(2324 14th Street)

Citizen Comments

None

Supervisor's Comments

Supervisor Armes asked about the completion of the culvert repair on 22nd Ave.

Administrator Peters commented that it should be completed this week. A gas line and the adverse weather was the cause of delay.

Adjourn

Supervisor Lesko moved to Adjourn at 5:17 pm.

Seconded by Supervisor Armes. Motion carried. 3-0 vote

Drafted this 15th day of March 2023 by Brandi Baker, Clerk / Treasurer

These minutes are not official until approved by the Town Board



**TOWN OF SOMERS
TOWN BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: April 11th, 2023

TO: Town Chair Molinaro and Town Supervisors

PREPARED BY: Jason J. Peters, Administrator

AGENDA ITEM: #8 Action on proposed Ordinance 2023-001, an Ordinance to Repeal and Recreate section 7.06 and to Repeal Section 7.07 of the Code of Ordinances of the Town of Somers regarding Snow Emergencies

BACKGROUND:

Under the Town’s current Ordinance, a Snow Emergency can be declared once two or more inches of snow have accumulated on the ground.

§ 7.06 SNOW EMERGENCIES.

(A) Snow removal emergency shall mean a condition of streets or public highways within the Village where snow has fallen and has accumulated to *two inches or more during a twenty-four hour period or has fallen or drifted in such a manner as to produce a congestion of traffic requiring the use of snow removal equipment to clear the street or highway.*

(B) The Town Chairperson or Town Administrator shall give notice of such snow removal emergency to the news media and radio stations.

(C) A snow removal emergency shall exist until such time as the streets and highways shall be plowed by snow removal equipment and are in passable condition and the snow removal emergency is declared ended by the Town Administrator or Town Chairperson.

§ 7.07 REMOVAL OF VEHICLES DURING EMERGENCY.

(A) Whenever any law enforcement officer finds a vehicle parked on any street that is properly posted no parking, or the vehicle is obstructing snow removal operations during a snow emergency, or is creating a public nuisance by obstructing the flow of vehicles or pedestrian traffic, the law

enforcement officer may require the owner or operator of such vehicle to remove the vehicle to a nonobstructing location.

(B) If an owner cannot be located or refuses to comply, or is otherwise unable to move the vehicle, the officer shall issue a parking citation and may have the vehicle removed to a storage lot. The vehicle shall not be released to the owner until payment of the citation or posting of a bond is made and any charges for towing and storage are satisfied.

Administrator Peters has requested that this section of the code be updated to give the Administrator or their designee leeway to call an emergency *before* the snow has actually accumulated. The proposed ordinance will also serve to clean up the language regarding the removal of vehicles and penalties for violations.

PRIOR ACTION TAKEN:

This matter was reviewed and discussed at our April 5th Work Session.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

Administration would recommend the approval of proposed Ordinance No. 2023-001. The Ordinance will need to be introduced at the Board Meeting and the Board shall decide whether to take further action on April 11th. The Town has traditionally not waived the first reading of an ordinance. If Board wishes to do so, a suggested motion to approve would be as follows:

“Motion to waive first reading of Ordinance No. 2023-001”

“Motion to approve Ordinance 2023-001, an Ordinance to Repeal and Recreate section 7.06 and to Repeal Section 7.07 of the Code of Ordinances of the Town of Somers regarding Snow Emergencies”

ATTACHMENTS:

Proposed Ordinance 2023-001

ORDINANCE NO. 2023-001

AN ORDINANCE TO REPEAL AND RECREATE SECTION 7.06
AND TO REPEAL SECTION 7.07 THE CODE OF ORDINANCES OF
THE TOWN OF SOMERS REGARDING SNOW EMERGENCIES

The Town Board of Supervisors of the Town of Somers, Kenosha County,

Wisconsin, hereby repeals and recreates Section 7.06 and to repeal Section 7.07 of the Code of Ordinances of the Town of Somers to read as follows:

7.06 SNOW EMERGENCIES.

(A) **Emergency Declarations.** The Town Board hereby declares that a snow emergency shall exist when the Town Administrator, his/her supervisor or his/her designee determines that a severe snow or ice storm creates traffic congestion and thereby impedes the operation of emergency vehicles and snow-removal equipment and machinery. A snow emergency shall continue to exist for so long as traffic remains congested and the operation of emergency vehicles or snow-removal equipment is impeded, or likely to be impeded, by the falling of snow or the accumulation of ice and the movement of traffic upon the streets, alleys or public parking lots of the Town is thereby impacted. Whenever a snow emergency is declared to exist, no persons shall park, stop or leave standing any vehicle upon the Village streets, or any portion of the Village streets, during the existence of the snow emergency pursuant to §323.11 and §323.14, Wis. Stats. The snow emergency shall continue until terminated by the Town Administrator or his/her designee.

(B) **Notice of Emergency.** Whenever a snow emergency exists, the Town Administrator or his/her designee may proclaim the state of emergency by providing notification through not less than two (2) media outlets or other public means of communication.

(C) **Parking Prohibited During Snow Emergency.** No person shall park any vehicle on a Village street or alley during a snow emergency, or immediately thereafter, until such main Village street or alley has been cleared of snow or ice.

(D) **Removal of Vehicles.** The Town Administrator or his/her designee may remove any vehicle which may interfere with the operation of any snow-removal equipment or any emergency vehicle during a snow emergency. The Town Administrator may charge the actual cost of removing such vehicle and assess that cost to the owner/operator thereof. The Town Administrator may cause removal to be made either by his/her own department or may contract with a third party for such removal.

(E) **Penalty for Violation of Section.** Notwithstanding any other provisions of this ordinance, any person violating the provisions of this section shall pay a forfeiture as set forth in Section 25.04 of the Code of Ordinances, plus penalty assessment and court costs and, upon failure to pay any forfeiture, penalty assessment and court costs imposed, may be imprisoned not exceeding six (6) months

or until such forfeiture, penalty assessment and costs are paid. This provision is based upon the special penalty provisions of §323.11 and §323.14, Wis. Stats.

7.07 REPEALED.

Dated at Somers, Wisconsin, this _____ day of _____, 2023.

TOWN OF SOMERS

By: _____
Mark Molinaro, Jr., Chairperson

Attest: _____
Brandi Baker, Clerk/Treasurer



**TOWN OF SOMERS
TOWN BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: April 11th, 2023

TO: Town Chair Molinaro and Town Supervisors

PREPARED BY: Brandi Baker, Clerk-Treasurer

AGENDA ITEM: #9 Public Hearing on Resolution 2023-001, A Resolution to impose a special charge rendered by the Village of Pleasant Prairie to parcels located in within the Town of Somers

#10 Action on proposed Resolution 2023-001, A Resolution to impose a special charge rendered by the Village of Pleasant Prairie to parcels located in within the Town of Somers

BACKGROUND:

Each fall Staff determines any outstanding charges to levy to the Tax Roll. In the Fall of 2021, the Village of Pleasant Prairie submitted delinquent utility customers that are located in the Town of Somers to levy to the tax roll. Unfortunately, in that year Staff did not add the charges onto the 2021 tax bill.

These charges were still owed and paid to the Pleasant Prairie Utility department. Resolution 2023-001 allows the Town to impose a special charge to the three delinquent parcels to recoup the monies owed.

The requisite Notice of the Public Hearing was published in our paper of record.

PRIOR ACTION TAKEN:

This matter was reviewed and discussed at our April 5th Work Session.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

Staff would recommend approval. In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

#9

“Motion to open public hearing”

HOLD PUBLIC HEARING

“Motion to close public hearing”

#10

“Motion to approve proposed Resolution 2023-001, A Resolution to impose a special charge rendered by the Village of Pleasant Prairie to parcels located in within the Town of Somers

ATTACHMENTS:

Resolution 2023-001

RESOLUTION NO. 2023-001

A RESOLUTION TO IMPOSE A SPECIAL CHARGE FOR SERVICES
RENDERED BY THE VILLAGE OF PLEASANT PRAIRIE
TO PARCELS LOCATED WITHIN THE TOWN OF SOMERS

The Town Board of Supervisors for the Town of Somers, Kenosha County, Wisconsin, hereby adopts the following resolution:

WHEREAS, by contract, the Village of Pleasant Prairie provides utility services to various parcels located within the Town of Somers; and

WHEREAS, three parcels, denominated below, have been provided such services for calendar year 2021 and have not paid for such services; and

WHEREAS, the Town of Somers has reimbursed the Village of Pleasant Prairie for such services in the sum of Seven Hundred Twenty-seven and 53/100 (\$727.53) Dollars for each parcel denominated below; and

WHEREAS, the Town of Somers seeks to be reimbursed for the payments which have been made by the Town of Somers to the Village of Pleasant Prairie for such services and impose a special charge against the parcels denominated below.

NOW, THEREFORE, BE IT RESOLVED, that a special charge be imposed against the following parcels located within the Town of Somers for utility services which were rendered by the Village of Pleasant Prairie to and which benefitted such parcels in the amount of Seven Hundred Twenty-seven and 53/100 (\$727.53) Dollars each:

- 80-4-122-031-0434
- 80-4-122-031-0486
- 80-4-122-031-0620

That the special charges which are adopted by this Resolution are imposed pursuant to Section 66.0627, Wis. Stats., and constitutes a lien against each of the aforementioned parcels until such charges are paid.

Adopted this ____ day of _____, 2023.

TOWN OF SOMERS

By: _____
Mark Molinaro, Jr., Chairperson

Attest: _____
Brandi Baker, Clerk/Treasurer