

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

**Village Work Session Meeting  
Agenda  
Tuesday July 18, 2023  
5:30 p.m.**

<b>Village Board Work Session Meeting:</b>	
<b>Item #</b>	
1	Call to Order
2	President & Trustee Reports
3	<p>Discuss Plan Commission Recommendations (Rhonco LLC)</p> <p><i>a. Request by: Jeffrey L Hummer, 1753 Kentucky St., Racine, WI 53405 (Owner), Thomas Beere, Rhonco, LLC, 427 12th Place, Kenosha, WI 53140 (Agent), requests an amendment to the land use plan map for the Village of Somers (Map 80) as adopted in the Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035 from “High-Density Residential” to “Industrial” on Tax Parcel #83-4-223-052-0400, located in the NW 1/4 of Section 5, T2N, R23E, Village of Somers. (For informational purposes only, this property is located at 144 S Lakeshore Dr).</i></p> <p><i>b. Request by: Jeffrey L Hummer, 1753 Kentucky St., Racine, WI 53405 (Owner), Thomas Beere, Rhonco, LLC, 427 12th Place, Kenosha, WI 53140 (Agent), requests a rezoning from B-2 Community Business Dist. to M-1 Limited Manufacturing Dist. on Tax Parcel #83-4-223-052-0400, located in the NW 1/4 of Section 5, T2N, R23E, Village of Somers. (For informational purposes only, this property is located at 144 S Lakeshore Dr).</i></p>
4	Discuss and review 2023 Building Permit Fee Comparison
5	Discuss and review proposed Cell Tower lease for Village/Town Hall
6	Discuss Fire Department request to create Social Media Account
7	Review and Discuss proposed Ordinance No. 2023-023, An

	Ordinance to Repeal and Recreate Section 12.11(F) of the Code of Ordinances of the Village of Somers Relating to Landfill and Excavating Permits.
8	Review and Discuss proposed changes to Village Code in regards to Swimming Pools.
9	Review and Discuss proposed Ordinance No. 2023-025, An Ordinance to Repeal and Recreate Section 25.04 of the Code of Ordinances of the Village of Somers Relating to Penalty Provisions.
10	Review and discuss application for Class “B” (Picnic) Beer License from Kenosha Shrine Club for events, August 12-August 13, 2023 from 10 a.m. until 5 p.m. each day. Events to be held at Jerry Smith Farm, 7150 18th Street, and a request to waive fees
11	Review tentative agenda for Village Board meeting on July 25, 2023
12	Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the July 18, 2023, Village Work Session & Agenda in 1 public place & on the Village website.

Dated this 14<sup>th</sup> day of July 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 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**

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**WORK SESSION:** July 18<sup>th</sup>, 2023

**TO:** Village President Stoner and Board of Trustees

**PREPARED BY:** Jason J. Peters, Administrator

**AGENDA ITEM:** #3 Discuss Plan Commission Recommendations (Rhonco LLC)

- a. Request by: Jeffrey L Hummer, 1753 Kentucky St., Racine, WI 53405 (Owner), Thomas Beere, Rhonco, LLC, 427 12th Place, Kenosha, WI 53140 (Agent), requests an amendment to the land use plan map for the Village of Somers (Map 80) as adopted in the Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035 from “High-Density Residential” to “Industrial” on Tax Parcel #83-4-223-052-0400, located in the NW 1/4 of Section 5, T2N, R23E, Village of Somers. (For informational purposes only, this property is located at 144 S Lakeshore Dr).
- b. Request by: Jeffrey L Hummer, 1753 Kentucky St., Racine, WI 53405 (Owner), Thomas Beere, Rhonco, LLC, 427 12th Place, Kenosha, WI 53140 (Agent), requests a rezoning from B-2 Community Business Dist. to M-1 Limited Manufacturing Dist. on Tax Parcel #83-4-223-052-0400, located in the NW 1/4 of Section 5, T2N, R23E, Village of Somers. (For informational purposes only, this property is located at 144 S Lakeshore Dr).

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**BACKGROUND:**

In May, Staff held a meeting with Thomas and Rhonda Beere (Rhonco, LLC) regarding their desire to purchase the building at 144 S. Lakeshore Drive. Mr. & Mrs. Beere are the owners of American Citizens Corporation. American Citizens Corporation is a CNC (computer numerical control) manufacturing business. This business uses CNC machines to make various “highly precise component” parts out of metal. They currently operate in the building located at 306 Sheridan Road. The Beeres would like to expand their

business, but their current facility is not conducive to said expansion due to limitations with the lot.

The Beeres' proposed use of the building would require both a Comprehensive Plan Amendment and Rezoning. The Comp Plan calls for this lot be "High Density Residential". The request is to change this to industrial. The property is currently zoned B-2. The proposed use would fall under our M-1 Limited Manufacturing District. The Beeres are willing to enter into a deed restriction that would require the property to fall back to its original Comp Plan designation and zoning after a 30-year period.

#### UPDATE:

The Plan Commission heard the above-mentioned requests at their July 10th meeting and held the requisite public hearings. There were extensive public comments made during said hearings. The majority of those who gave testimony reside at the adjacent Seawall Condos. Their comments focused on concerns over noise, the environment, lighting, traffic levels, and security. Comments in favor of the project during the public hearing focused on the fact that the Beeres' proposed use would be less intrusive to the neighborhood than those uses currently allowed under the B-2 zoning. The Commission's comments focused on the fact their currently facility is very close and does not create the concerns that were mentioned and that this building is in need of repair. The Commission also noted that it would be difficult for this property to be developed into residential due to size and shape of this lot. The Plan Commission's recommendation was to approve the request for a comp plan change (7-0) and to approve the rezone (7-0).

#### COMMENTS:

After our July 10<sup>th</sup> Plan Commission meeting, Administrator Peters suggested the Beeres meet with the residents of Seawall. This meeting was scheduled to take place at the Village Hall on the evening of July 14<sup>th</sup>. The Beeres will also be providing an updated site plan to better evidence their plans for the business. At the time of this memorandum, it was not available. If this matter is to move forward, Staff would recommend that a sampling manhole be required and that the Beeres' provide language for the above referenced deed restriction.

#### ATTACHMENTS:

Planning Memo dated 06/28/2023

Engineering Comments

Attorney Comments

Application for Comp Plan Change

Application for Rezoning

American Citizens Corporation Informational Packet

Planning Commission Minutes 07/10/2023



# COUNTY OF KENOSHA

## Division of Planning & Development

Andy M. Buehler, Director  
Division of Planning & Development  
19600 75<sup>th</sup> 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:** 06-28-23  
**MTG DATE:** 07-10-23  
**APP DATE:** 05-24-23  
**RE:** Land Use Plan Amendment & Rezoning at 144 S Lakeshore Drive

### BACKGROUND:

1. Petitioner/Agent: Thomas Beere, Rhonco, LLC
2. Property Owner: Jeffrey L Hummer
3. Location/Address: 144 S Lakeshore Drive
4. Tax key Number: 83-4-223-052-0400
5. Parcel Area: 0.9 acres
6. Existing Zoning: B-2 Community Business Dist.
7. Proposed Zoning: M-1 Limited Manufacturing Dist.
8. Current Land Use: 'High-Density Residential'
9. Proposed Land Use: 'Industrial'

### OVERVIEW:

The Petitioner wishes to acquire the subject property for the expansion of their CNC manufacturing business. To that end, the Petitioner proposes to amend the adopted comprehensive land use plan category on the subject property from 'High-Density Residential' to 'Industrial', and to rezone the property from B-2 Community Business District to M-1 Limited Manufacturing District.

### PLANNER COMMENTS:

The Petitioner currently operates American Citizens Corporation, a CNC manufacturing business located at 306 Sheridan Rd. approximately ¼ mile south of the subject property and has indicated their existing site is at capacity and in need of expansion.

The Petitioner wishes to purchase the subject property, which contains a 6,900 sq. ft. building originally built in 1972 as a health club. The Petitioner has indicated to staff that the existing building is large enough to accommodate their expansion needs without having to add onto the building footprint.

The existing site is paved but is in poor shape and the parking lot striping is either extremely faded or no longer visible. When the site was originally developed there were a total of 47 parking spaces according to the original health club site plan on file. Manufacturing uses require enough parking spaces for the number of employees on the largest work shift, plus an additional 5 spaces. Given the fact the submitted application states that up to 15 employees would be working at this site, the parking area should provide more than adequate on-site parking for the intended use. If the proposed land use plan amendment and rezoning are approved, the Petitioner should be aware that repaving and/or restriping of the parking lot will



# COUNTY OF KENOSHA

## Division of Planning & Development

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be a condition of approval of the required Certificate of Compliance that must be issued prior to the business being operated at the site.

The current adopted long-range land use plan category for the subject property is 'High-Density Residential'. Additionally, most of the surrounding area is shown to either be 'High-Density Residential' or 'Medium-Density Residential'. During the initial staff-level conceptual meeting with the Petitioner in May 2023, staff expressed some concern about the chances of the land use plan on this parcel being changed to 'Industrial', given the fact the surrounding area is either planned for or is already in residential land use and not adjacent to any planned or existing industrial or manufacturing uses. The Petitioner has indicated their willingness to enter into a 30-year deed restriction agreement with the Village that would revert the land use plan category and zoning district designation back to current-day status (i.e. back to a land use plan category of 'High-Density Residential' and a zoning designation of B-2 Community Business District). Their application states: "we believe that rezoning this property with a 30 year restricted deed would be a win-win scenario, since it would satisfy American Citizens Corporation's (ACC's) short term needs and satisfy Somers' long term needs by reverting to residential at expiration".

### **STAFF RECOMMENDATION:**

Should the Plan Commission choose to recommend approval of the proposed land use plan amendment and rezoning, staff would support allowing the Petitioner to enter into an agreement with the Village to revert the property's land use plan category and zoning designation back to current-day status.



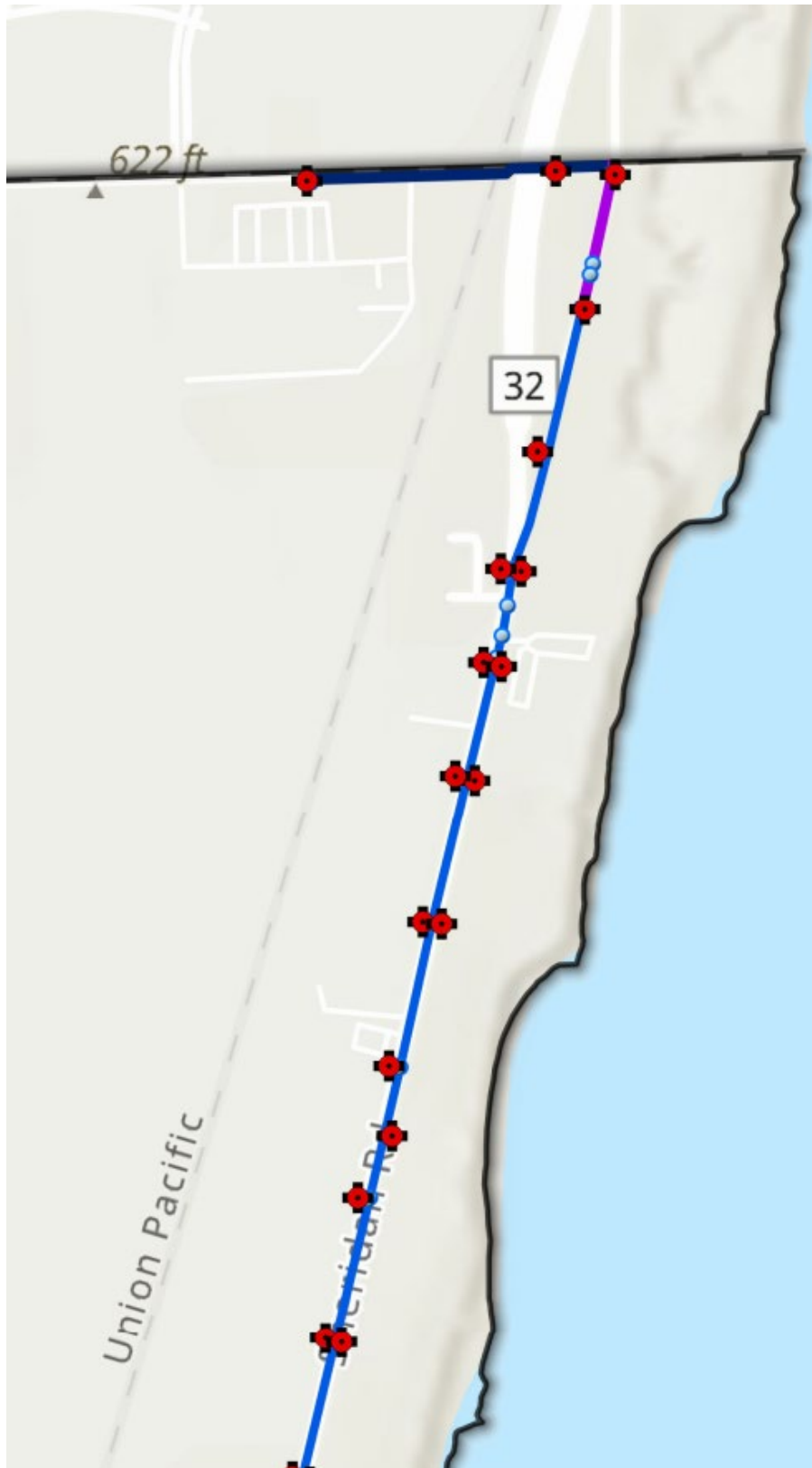


Figure 2 - Water Distribution Atlas

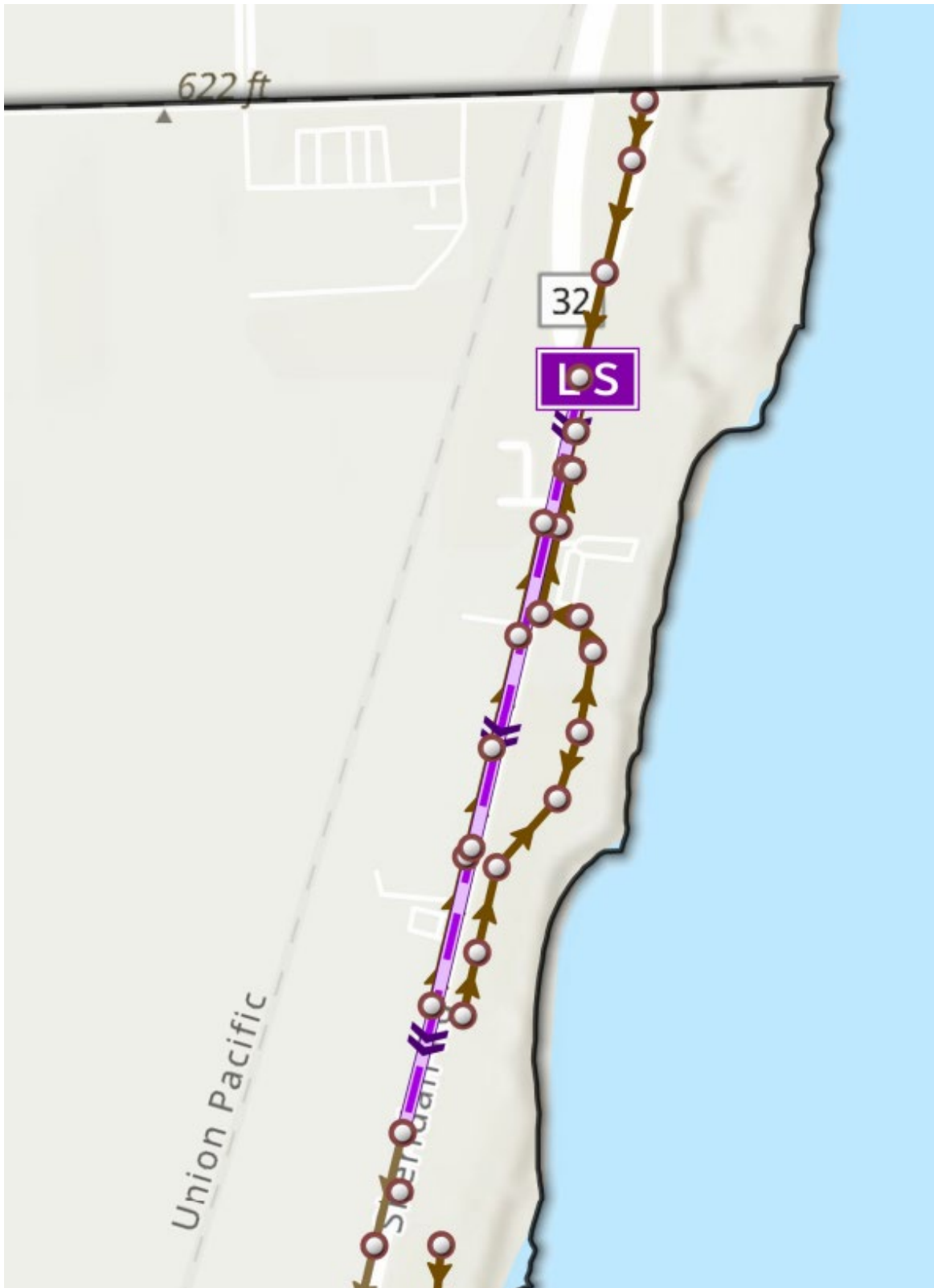


Figure 3 - Sanitary Sewer System Atlas

Attorney Jeffrey J. Davison

1207 55th Street  
Kenosha, WI 53140  
Telephone No. (262) 657-5165  
Fax No. (262) 657-5517  
dmltd@sbcglobal.net

**Memorandum**

**TO:** Jason Peters, George Stoner, Jack Aupperle, Karl Ostby, Jackie Nelson,  
Joe Smith, Ben Harbach, Scott Fredrick

**FROM:** Jeffrey J. Davison

**DATE:** July 14, 2023

**SUBJECT:** Request for Comp Plan Amendment and Rezoning Request by Jeffrey  
L. Hummer for Tax Parcel No. 83-4-223-052-0400 from B-2  
Community Business District to M-1 Limited Manufacturing District

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I have been requested to provide a memo concerning my opinion on the above request. My opinion is that this request would probably be considered by a court as “spot zoning” in violation of Wisconsin law. This opinion is consistent with written opinions of Legal Counsel for the League of Wisconsin Municipalities pursuant to the decision in *Bubolz v. Dane County*, 159 Wis.2d 284, 464 N.W.2d 67 (Ct. App. 1990). Spot zoning is when a zoning ordinance is amended to zone a relatively small area for a use significantly different from those allowed in the surrounding area to favor the owner of a particular piece of property. As a further reference, please see *Guide to Community Planning in Wisconsin*, OHM, at page 105. See also *Wisconsin Land Use & Planning Law*, at 5-43. Spot zoning is not necessarily illegal because said zoning is not necessarily inconsistent with the purposes for which zoning ordinances can be passed. However, rezoning should be consistent with long-range planning and based upon considerations which affect the whole community. Therefore, spot zoning should only be indulged in where it is in the public interest and not solely for the benefit of the property owner requesting the rezoning.

I have twice before, in writing, advised that I believe that this is “spot zoning”. If someone were to challenge a decision to change the comprehensive plan and rezone this property to M-2, it would in all likelihood result in an adverse decision in Circuit Court which would have to be defended by the Village’s liability insurer. As the primary

beneficiary is the property owner and I do not see where there is a significant public interest. With these precepts, I note the following:

1. As I have said in the past, all development is not good development. It needs to be consistent with an adopted comprehensive plan and the neighborhood plans which were endorsed by the Village. In this case, the “North Lakeshore” neighborhood plan, literally took longer to adopt than the other 17 neighborhood plans combined which were adopted because of the significant public input and numerous public meetings which took place concerning lakeshore redevelopment. The then Town also expended considerable sums to create the Comprehensive Plan for an area which, unlike most of the Town, was not agricultural. If you would like confirmation of that fact, please consult Bill Morris.
2. In order to accomplish the applicant’s intent, it would be necessary to change the comprehensive plan, contrary to the adopted neighborhood plan for redevelopment, rezone this particular parcel for a use which is entirely contrary to both the adopted neighborhood plan as well as the current comprehensive plan and which, in my view, would be indefensible should anyone challenge those decisions in court.
3. How is the Village ever going to have any quality redevelopment along the Somers lakefront district if you continue to allow the kinds of exceptions which the adopted plans have sought to eliminate? If the Village wants to become a “peer” municipality with, for example, the Village of Pleasant Prairie, the Village of Mt. Pleasant or the City of Kenosha, it needs to actually enforce its own land use policies. The Village currently is in a most envied position in that it has hundreds of millions of dollars of development which is either underway or planned, with tremendous potential for future growth. Somers is not Forest County where they have not erected a pup tent in the past last 20 years.

I apologize for my unvarnished comments, but the reality is the Village neither needs to have litigation which is probably indefensible nor this particular project since it will not enhance the redevelopment of the neighborhood as was adopted by the lakeshore neighborhood plan.



# VILLAGE OF SOMERS

May 2015

RECEIVED

MAY 24 2023

Kenosha County  
Planning and Development

## VILLAGE OF SOMERS COMPREHENSIVE PLAN MAP AMENDMENT APPLICATION

(a) Property Owner's Name:

Jeffrey L Hummer

x   
Signature

Mailing Address:

1753 Kentucky St.

City: Kenosha

State: WI

Zip: 53405

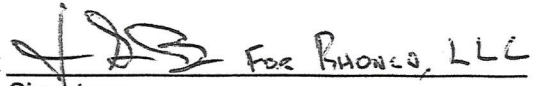
Phone Number: 262-770-6965

E-mail (optional): simplyhummer@yahoo.com

Note: If the property owner's signature cannot be obtained in the above space, a "letter of agent status" signed by the property owner must be submitted if you are an applicant (tenant, leaseholder, or authorized agent representing the legal owner) acting on their behalf.

Applicant's Name (if applicable):

Rhonco, LLC

x   
Signature

Mailing Address:

427 12th Place

City: Kenosha

State: WI

Zip: 53140

Phone Number: 262-930-8008

E-mail (optional): tom@americancitizenscorp.com

(b) Existing planned land use category as shown on Map 80 of the document entitled, "A Multi-Jurisdictional Comprehensive Plan For Kenosha County: 2035":

High density residential

(c) Proposed land use category (must be a land use category included in the legend for Map 80 of the document entitled, "A Multi-Jurisdictional Comprehensive Plan For Kenosha County: 2035"):

Industrial

VILLAGE OF SOMERS COMPREHENSIVE PLAN MAP AMENDMENT APPLICATION

(d) Proposed use (a statement of intended use and/or the type, extent, area, etc. of any development project):

American Citizens Corp. has been headquartered at 306 Sheridan Rd. since 1998. We manufacture goods that benefit citizens of the U.S. and the world. Medical, defense and aerospace make up 80% of our sales. Due to growth, we need to expand and would like to increase our footprint in Somers. ACC employs 15 highly skilled people. Our current sight is at full capacity. There is a need for an additional 10-15 full time highly skilled jobs. These jobs, and increased business would be economically beneficial to Somers. We believe that rezoning this property with a 30 year restricted deed would be a win-win scenario, since this would satisfy ACC's short term needs and satisfy Somer's long term needs by reverting to residential at expiration.

(e) Compatibility with the Village of Somers Comprehensive Plan (address the following questions in detail):

(e-1) Is the proposed amendment consistent with the goals, objectives, policies, and programs of this plan? Explain:

Yes. We believe that rezoning this property with a 30 year restricted deed would be a win-win scenario, since it would satisfy ACC's short term needs and satisfy Somer's long term needs by reverting to residential at expiration.

VILLAGE OF SOMERS COMPREHENSIVE PLAN MAP AMENDMENT APPLICATION

(e-2) Is the proposed amendment compatible with surrounding land uses? Explain its compatibility with both existing and planned land uses:

It is compatible with existing uses since there are several M1 zoned properties within a 1/4 mile of the proposed rezoned property.

It is also compatible with the planned use since the rezoning will have a 30 year restricted deed which will revert to residential zoning.

(e-3) Will the proposed amendment have any detrimental environmental effects? Explain:

No

(e-4) Has a substantial public benefit been demonstrated by the proposed plan amendment? Explain:

M1 facilities provide employment opportunities, both directly and indirectly, contributing to local economic growth and reducing unemployment rates.

M1 facilities generate income for individuals and households, boosting local purchasing power and stimulating economic activity.

M1 facilities contribute to local tax revenues, which can be used for public services, infrastructure development, and community programs.

M1 facilities often require specialized skills, providing opportunities for training and upskilling the local workforce, enhancing employability and promoting economic mobility.

M1 facilities can provide stable and reliable jobs, contributing to community well-being, reducing poverty, and improving overall quality of life.

M1 facilities produce goods for export, bringing in revenue from outside the community and contributing to the balance of trade.

(e-5) Are public roads, services, and utilities available, or planned to be available in the near future, to serve the proposed development? Explain:

All are available.

VILLAGE OF SOMERS COMPREHENSIVE PLAN MAP AMENDMENT APPLICATION

(e-6) Are existing or planned facilities and services adequate to serve the type of development associated with the amendment? Explain:

All are adequate.

(e-7) Any additional data or information as requested by the Department of Planning and Development:

VILLAGE OF SOMERS COMPREHENSIVE PLAN MAP AMENDMENT APPLICATION

(f) Attach a legal description and provide the tax key number(s) below of property to be amended on the Village of Somers Comprehensive Plan:

(g) Attach plot plan or survey plat of property to be amended on the comprehensive plan (showing location, dimensions, planned land use of adjacent properties, existing uses and buildings of adjacent properties—drawn to scale).

(h) The fee specified in Section 12.05-8 of this ordinance.

Request for Land Use Plan Map Amendment (payable to "Kenosha County") .....\$1,435.00

# Kenosha County Property Information Web Portal

Tax Year	Prop Type	Parcel Number	Municipality	Property Address	Billing Address
2023	Real Estate	83-4-223-052-0400	182 - VILLAGE OF SOMERS	144 S LAKESHORE DR	JEFFREY L HUMMER 1753 KENTUCKY ST RACINE WI 53405

Tax Year Legend: = owes prior year taxes      = not assessed      = not taxed      Delinquent      Current

## Property Summary

Parcel #: 83-4-223-052-0400  
 Alt. Parcel #: 8342230520400  
 Parcel Status: Current Description  
 Creation Date: 1/1/2016  
 Historical Date:  
 Acres: 0.890  
 Zoning:

## Property Addresses

Primary Address  
 144 S LAKESHORE DR RACINE 53403

## Owners

Name	Status	Ownership Type	Interest
HUMMER, JEFFREY L	CURRENT OWNER		

## Parent Parcels

No Parent Parcels were found

## Child Parcels

No Child Parcels were found

## Workflow History and Messages

No Flag/Messages were found

## Abbreviated Legal Description

(See recorded documents for a complete legal description)

1412-H-2-A PT N 1/2 FR'L SEC 5 T 2 R 23 BEG INT CT LN LAKE SHORE RD & N LN SEC S 14 DEG 32'30"W 290.42 FT TH W 34.19 FT TO A PT OF BEG TH W 141.19 FT TO E LN HY 32 TH S'LY 167.71 FT TO CURVE S 1 DG 22'W 259.5 FT E 46.25 FT N 14 DG 32'30"E 443.8 FT TO BEG EXC PT TAKEN FOR STH 32 ROW DOC#1434965 DOC#1252393 .89 ACS EX RD (2006 LOT LINE ADJ) DOC#1434965 DOC#1695073 TOD (2016 Incorporation to Village of Somers see Old 81-4-223-052-0400 Certification Case 14-CV-316)

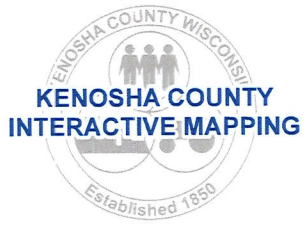
Code ▲	Description	Category
	KENOSHA COUNTY	OTHER DISTRICT
	LOCAL	OTHER DISTRICT
2793	KENOSHA UNIF SCHOOL DIST	REGULAR SCHOOL
0600	GATEWAY TECHNICAL COLLEGE	TECHNICAL COLLEGE
	LIBRARY	OTHER DISTRICT
	SOMERS UTILITY DISTRICT 1	OTHER DISTRICT
	SOMERS WATER UTILITY	OTHER DISTRICT

Associated Properties

No Associated properties were found

GIS Map

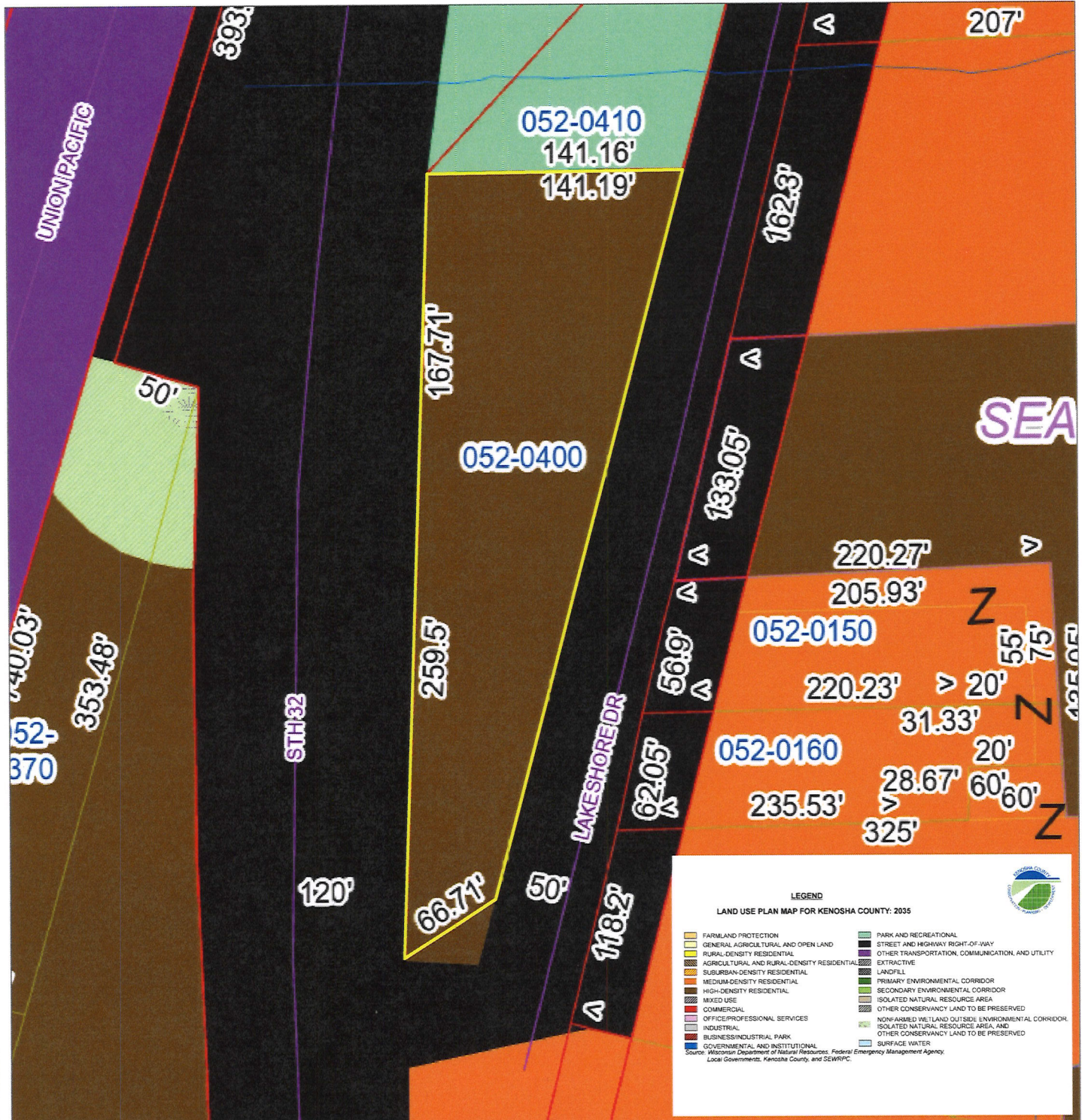




# EXISTING LAND USE



1 Inch = 75 Feet  
Date Printed: 5/25/2023



**LEGEND**  
LAND USE PLAN MAP FOR KENOSHA COUNTY; 2035

FARMLAND PROTECTION	PARK AND RECREATIONAL
GENERAL AGRICULTURAL AND OPEN LAND	STREET AND HIGHWAY RIGHT-OF-WAY
RURAL-DENSITY RESIDENTIAL	OTHER TRANSPORTATION, COMMUNICATION, AND UTILITY
AGRICULTURAL AND RURAL-DENSITY RESIDENTIAL	EXTRACTIVE
SUBURBAN-DENSITY RESIDENTIAL	LANDFILL
MEDIUM-DENSITY RESIDENTIAL	PRIMARY ENVIRONMENTAL CORRIDOR
HIGH-DENSITY RESIDENTIAL	SECONDARY ENVIRONMENTAL CORRIDOR
MIXED USE	ISOLATED NATURAL RESOURCE AREA
COMMERCIAL	OTHER CONSERVANCY LAND TO BE PRESERVED
OFFICE/PROFESSIONAL SERVICES	NON-ARMED WETLAND OUTSIDE ENVIRONMENTAL CORRIDOR
INDUSTRIAL	ISOLATED NATURAL RESOURCE AREA, AND OTHER CONSERVANCY LAND TO BE PRESERVED
BUSINESS/INDUSTRIAL PARK	SURFACE WATER
GOVERNMENTAL AND INSTITUTIONAL	

Source: Wisconsin Department of Natural Resources, Federal Emergency Management Agency, Local Governments, Kenosha County, and SEWRPC.

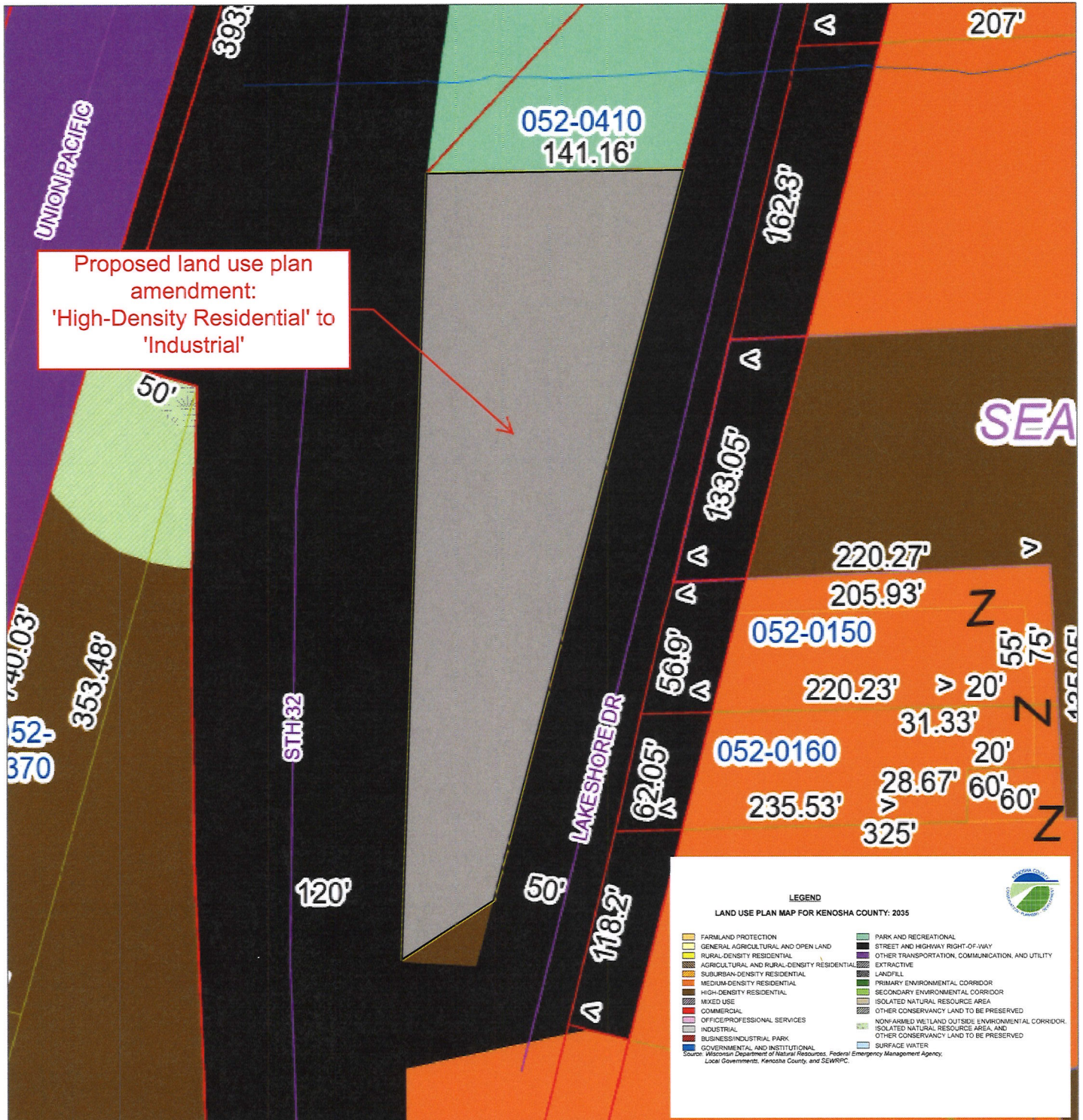
**DISCLAIMER** This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.



# PROPOSED LAND USE



1 Inch = 75 Feet  
Date Printed: 5/25/2023



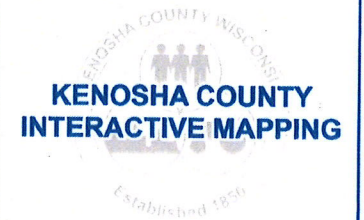
Proposed land use plan amendment:  
'High-Density Residential' to  
'Industrial'

**LEGEND**  
LAND USE PLAN MAP FOR KENOSHA COUNTY: 2025

FARMLAND PROTECTION	PARK AND RECREATIONAL
GENERAL AGRICULTURAL AND OPEN LAND	STREET AND HIGHWAY RIGHT-OF-WAY
RURAL-DENSITY RESIDENTIAL	OTHER TRANSPORTATION, COMMUNICATION, AND UTILITY
AGRICULTURAL AND RURAL-DENSITY RESIDENTIAL	EXTRACTIVE
SUBURBAN-DENSITY RESIDENTIAL	LANDFILL
MEDIUM-DENSITY RESIDENTIAL	PRIMARY ENVIRONMENTAL CORRIDOR
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BUSINESS/INDUSTRIAL PARK	SURFACE WATER
GOVERNMENTAL AND INSTITUTIONAL	

Source: Wisconsin Department of Natural Resources, Federal Emergency Management Agency, Local Governments, Kenosha County, and SEWRPC.

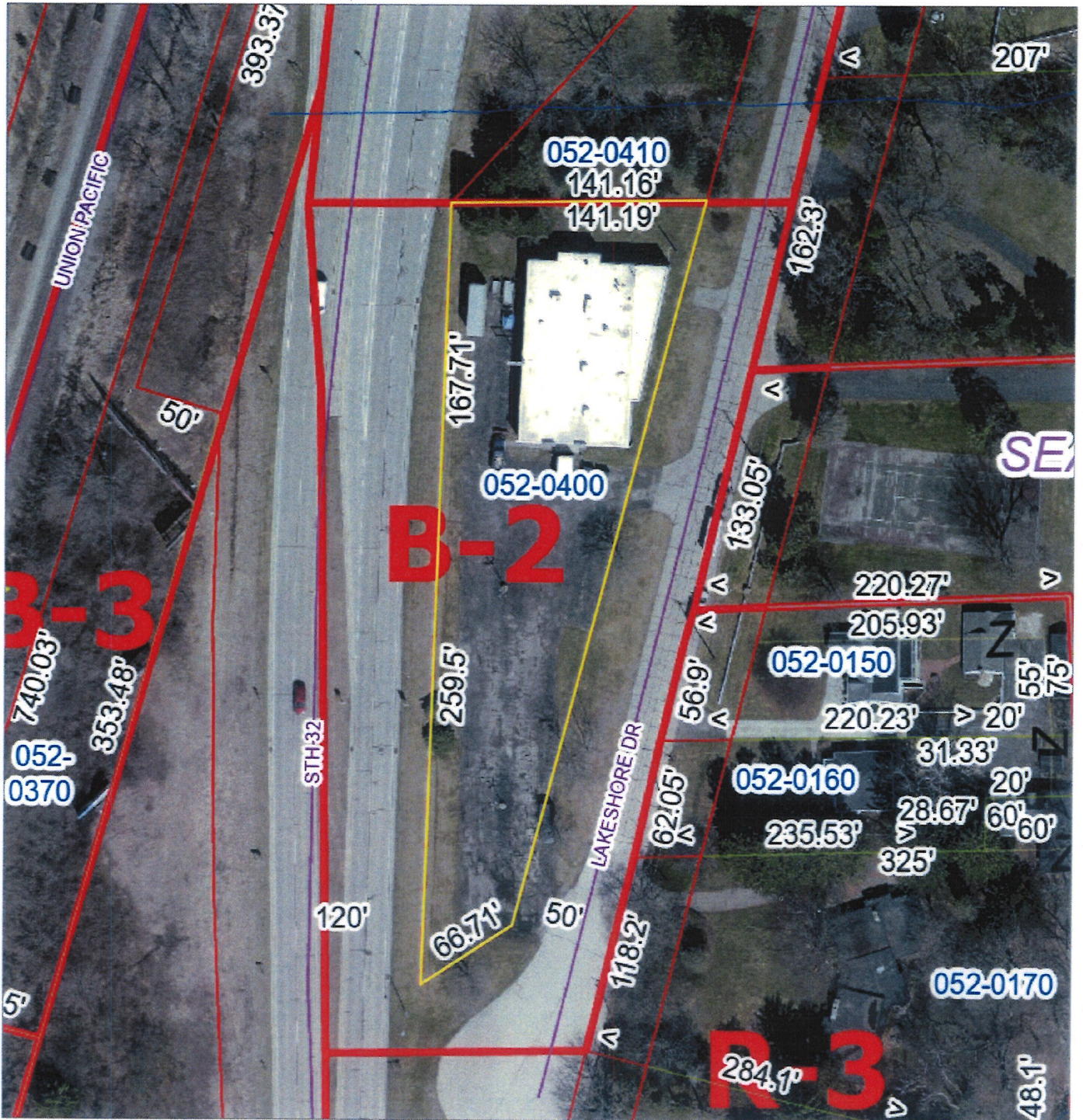
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1 Inch = 200 Feet

Date Printed: 5/17/2023

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# PROPOSED ZONING



1 Inch = 75 Feet
   
 Date Printed: 5/25/2023



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# VILLAGE OF SOMERS

## Department of Planning and Development

RECEIVED

### REZONING APPLICATION

MAY 24 2023

(a) Property Owner's Name:

Jeffrey L Hummer

Kenosha County  
Planning and Development

Print Name: Jeffrey L Hummer

Signature:

Mailing Address: 1753 Kentucky St.

City: Racine

State: WI

Zip: 53405

Phone Number: 262-770-6965

E-mail (optional): simplyhummer@yahoo.com

Note: Unless the property owner's signature can be obtained in the above space, a letter of agent status signed by the legal property owner must be submitted if you are a tenant, leaseholder, or authorized agent representing the legal owner, allowing you to act on their behalf.

(b) Agent's Name (if applicable):

Print Name: Thomas Beere

Signature:

Business Name: Rhonco, LLC

Mailing Address: 427 12th Place

City: Kenosha

State: WI

Zip: 53140

Phone Number: 262-930-8008

E-mail (optional): tom@americancitizenscorp.com

(c) Tax key number(s) of property to be rezoned:

83-4-052-0400

Property Address of property to be rezoned:

144 S. Lakeshore Dr. Racine, WI 53403

(d) Proposed use (a statement of the type, extent, area, etc. of any development project):

American Citizens Corp. has been headquartered at 306 Sheridan Rd. since 1998. We manufacture goods that benefit citizens of the U.S. and the world. Medical, defense and aerospace products make up 80% of our sales. Due to growth, we need to expand and would like to increase our footprint in Somers. ACC employs 15 highly skilled people. Our current site is at full capacity. There is a need for an additional 10-15 full time highly skilled jobs. These jobs, and increased business would be economically beneficial to Somers. We believe that rezoning this property with a 30 year restricted deed would be a win-win scenario, since this would satisfy ACC's short term needs and satisfy Somers' long term needs by reverting back to residential at expiration.

**REZONING APPLICATION**

(e) Check the box next to any and all of the **existing** zoning district classifications present on the subject property:

<input type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-2 General Agricultural District	<input checked="" type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-4 Planned Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-5 Wholesale Trade and Warehousing District
<input type="checkbox"/> R-1 Rural Residential District	<input type="checkbox"/> BP-1 Business Park District
<input type="checkbox"/> R-2 Suburban Single-Family Residential District	<input type="checkbox"/> B-94 Interstate Highway 94 Special Use Business District
<input type="checkbox"/> R-3 Urban Single-Family Residential District	<input type="checkbox"/> M-1 Limited Manufacturing District
<input type="checkbox"/> R-4 Urban Single-Family Residential District	<input type="checkbox"/> M-2 Heavy Manufacturing District
<input type="checkbox"/> R-4.5 Urban Single-Family Residential District	<input type="checkbox"/> M-3 Mineral Extraction District
<input type="checkbox"/> R-5 Urban Single-Family Residential District	<input type="checkbox"/> M-4 Sanitary Landfill and Hazardous Waste Disposal District
<input type="checkbox"/> R-6 Urban Single-Family Residential District	<input type="checkbox"/> I-1 Institutional District
<input type="checkbox"/> R-7 Suburban Two-Family and Three-Family Residential District	<input type="checkbox"/> PR-1 Park-Recreational District
<input type="checkbox"/> R-8 Urban Two-Family Residential District	<input type="checkbox"/> C-1 Lowland Resource Conservancy District
<input type="checkbox"/> R-9 Multiple-Family Residential District	<input type="checkbox"/> C-2 Upland Resource Conservancy District
<input type="checkbox"/> R-10 Multiple-Family Residential District	<input type="checkbox"/> FPO Floodplain Overlay District
<input type="checkbox"/> R-11 Multiple-Family Residential District	<input type="checkbox"/> PUD Planned Unit Development Overlay District
<input type="checkbox"/> R-12 Mobile Home/Manufactured Home Park-Subdivision District	<input type="checkbox"/> AO Airport Overlay District
	<input type="checkbox"/> RC Rural Cluster Development Overlay District

(f) Check the box next to any and all of the **proposed** zoning district classifications proposed for the subject property:

<input type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-4 Planned Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-5 Wholesale Trade and Warehousing District
<input type="checkbox"/> R-1 Rural Residential District	<input type="checkbox"/> BP-1 Business Park District
<input type="checkbox"/> R-2 Suburban Single-Family Residential District	<input type="checkbox"/> B-94 Interstate Highway 94 Special Use Business District
<input type="checkbox"/> R-3 Urban Single-Family Residential District	<input checked="" type="checkbox"/> M-1 Limited Manufacturing District
<input type="checkbox"/> R-4 Urban Single-Family Residential District	<input type="checkbox"/> M-2 Heavy Manufacturing District
<input type="checkbox"/> R-4.5 Urban Single-Family Residential District	<input type="checkbox"/> M-3 Mineral Extraction District
<input type="checkbox"/> R-5 Urban Single-Family Residential District	<input type="checkbox"/> M-4 Sanitary Landfill and Hazardous Waste Disposal District
<input type="checkbox"/> R-6 Urban Single-Family Residential District	<input type="checkbox"/> I-1 Institutional District
<input type="checkbox"/> R-7 Suburban Two-Family and Three-Family Residential District	<input type="checkbox"/> PR-1 Park-Recreational District
<input type="checkbox"/> R-8 Urban Two-Family Residential District	<input type="checkbox"/> C-1 Lowland Resource Conservancy District
<input type="checkbox"/> R-9 Multiple-Family Residential District	<input type="checkbox"/> C-2 Upland Resource Conservancy District
<input type="checkbox"/> R-10 Multiple-Family Residential District	<input type="checkbox"/> FPO Floodplain Overlay District
<input type="checkbox"/> R-11 Multiple-Family Residential District	<input type="checkbox"/> PUD Planned Unit Development Overlay District
<input type="checkbox"/> R-12 Mobile Home/Manufactured Home Park-Subdivision District	<input type="checkbox"/> AO Airport Overlay District
	<input type="checkbox"/> RC Rural Cluster Development Overlay District

**REZONING APPLICATION**

(g) Your request must be consistent with the existing planned land use category as shown on Map 65 of the adopted "[Multi-Jurisdictional Comprehensive Plan for Kenosha County, 2035](#)".

The existing planned land use category for the subject property is:

<input type="checkbox"/> Farmland Protection	<input type="checkbox"/> Governmental and Institutional
<input type="checkbox"/> General Agricultural and Open Land	<input type="checkbox"/> Park and Recreational
<input type="checkbox"/> Rural-Density Residential	<input type="checkbox"/> Street and Highway Right-of-Way
<input type="checkbox"/> Agricultural and Rural Density Residential	<input type="checkbox"/> Other Transportation, Communication, and Utility
<input type="checkbox"/> Suburban-Density Residential	<input type="checkbox"/> Extractive
<input type="checkbox"/> Medium-Density Residential	<input type="checkbox"/> Landfill
<input checked="" type="checkbox"/> High-Density Residential	<input type="checkbox"/> Primary Environmental Corridor
<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Secondary Environmental Corridor
<input type="checkbox"/> Commercial	<input type="checkbox"/> Isolated Natural Resource Area
<input type="checkbox"/> Office/Professional Services	<input type="checkbox"/> Other Conservancy Land to be Preserved
<input type="checkbox"/> Industrial	<input type="checkbox"/> Nonfarmed Wetland
<input type="checkbox"/> Business/Industrial Park	<input type="checkbox"/> Surface Water

(h) Attach a plot plan or survey plat of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties, floodways and floodplains)—drawn to scale.

(i) The Village of Somers Department of Planning and Development may ask for additional information.

(j) The name of the County Supervisor of the district wherein the property is located ([District Map](#)):

Supervisory District Number: 15 County Board Supervisor: Dave Geertsen

(k) The fee specified in Section 12.05-8 of this ordinance.

Request for Rezoning Petition (payable to "Kenosha County").....\$1,450.00

(For other fees see the [Fee Schedule](#))

**Note: Agricultural Use Conversion Charge**

The use value assessment system values agricultural land based on the income that would be generated from its rental for agricultural use rather than its fair market value. When a person converts agricultural land to a non-agricultural use (e.g. residential or commercial development), that person may owe a conversion charge. To obtain more information about the use value law or conversion charge, contact the Wisconsin Department of Revenue's Equalization Section at 608-266-2149 or visit <http://www.revenue.wi.gov/faqs/slf/useassmt.html>.

Note that the act of rezoning property from an agricultural zoning district to a non-agricultural zoning district does not necessarily trigger the agricultural use conversion charge. It is when the use of the property changes from agricultural that the conversion charge is assessed.

# Kenosha County Property Information Web Portal

Tax Year	Prop Type	Parcel Number	Municipality	Property Address	Billing Address
2023	Real Estate	83-4-223-052-0400	182 - VILLAGE OF SOMERS	144 S LAKESHORE DR	JEFFREY L HUMMER 1753 KENTUCKY ST RACINE WI 53405

Tax Year Legend: = owes prior year taxes      = not assessed      = not taxed      Delinquent      Current

## Property Summary

Parcel #: 83-4-223-052-0400  
 Alt. Parcel #: 8342230520400  
 Parcel Status: Current Description  
 Creation Date: 1/1/2016  
 Historical Date:  
 Acres: 0.890  
 Zoning:

## Property Addresses

Primary Address  
 144 S LAKESHORE DR RACINE 53403

## Owners

Name	Status	Ownership Type	Interest
HUMMER, JEFFREY L	CURRENT OWNER		

## Parent Parcels

No Parent Parcels were found

## Child Parcels

No Child Parcels were found

## Workflow History and Messages

No Flag/Messages were found

## Abbreviated Legal Description

(See recorded documents for a complete legal description)

1412-H-2-A PT N 1/2 FR'L SEC 5 T 2 R 23 BEG INT CT LN LAKE SHORE RD & N LN SEC S 14 DEG 32'30"W 290.42 FT TH W 34.19 FT TO A PT OF BEG TH W 141.19 FT TO E LN HY 32 TH S'LY 167.71 FT TO CURVE S 1 DG 22'W 259.5 FT E 46.25 FT N 14 DG 32'30"E 443.8 FT TO BEG EXC PT TAKEN FOR STH 32 ROW DOC#1434965 DOC#1252393 .89 ACS EX RD (2006 LOT LINE ADJ) DOC#1434965 DOC#1695073 TOD (2016 Incorporation to Village of Somers see Old 81-4-223-052-0400 Certification Case 14-CV-316)

Code ▲	Description	Category
	KENOSHA COUNTY	OTHER DISTRICT
	LOCAL	OTHER DISTRICT
2793	KENOSHA UNIF SCHOOL DIST	REGULAR SCHOOL
0600	GATEWAY TECHNICAL COLLEGE	TECHNICAL COLLEGE
	LIBRARY	OTHER DISTRICT
	SOMERS UTILITY DISTRICT 1	OTHER DISTRICT
	SOMERS WATER UTILITY	OTHER DISTRICT

Associated Properties

No Associated properties were found

GIS Map

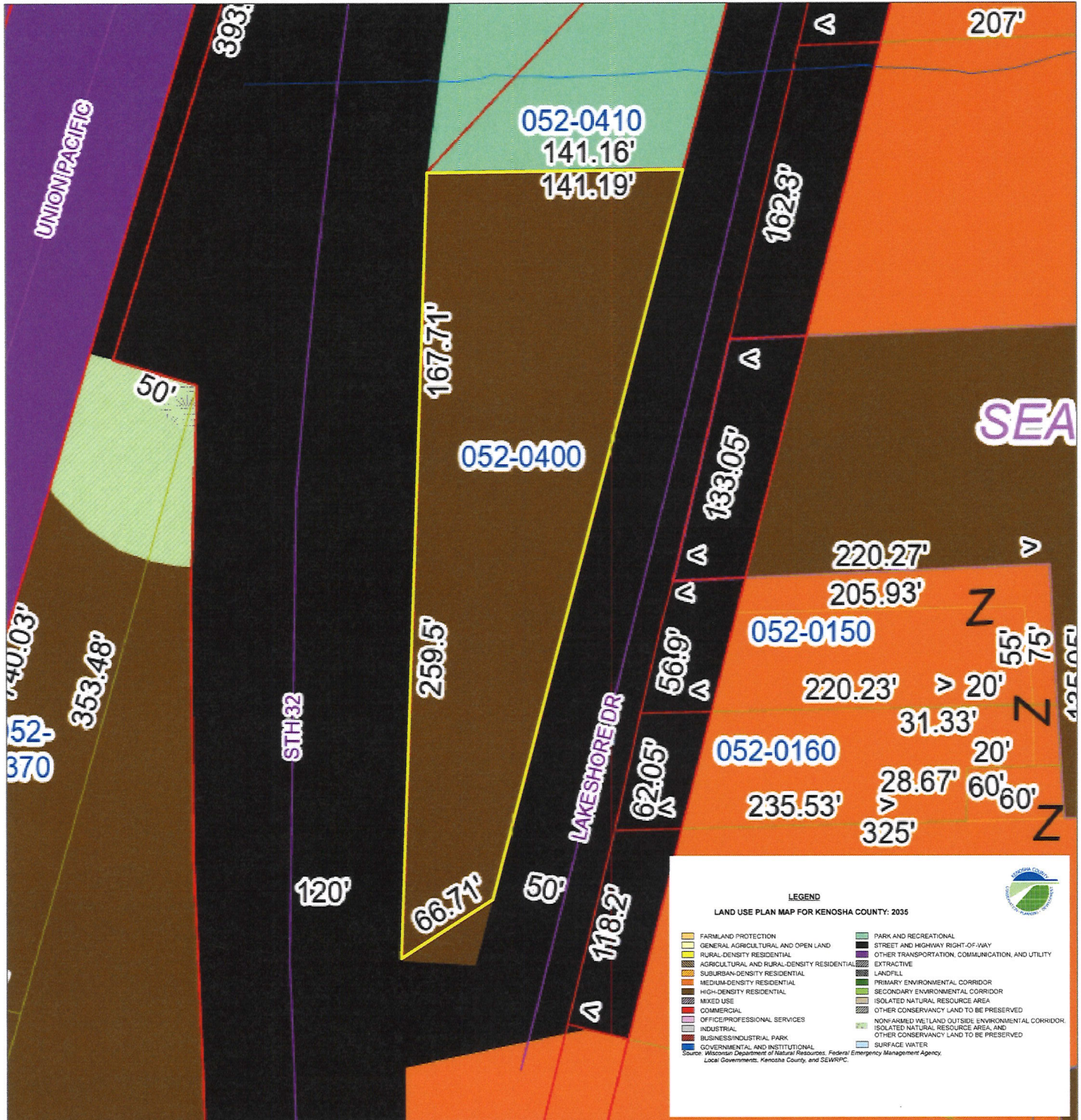




# EXISTING LAND USE



1 Inch = 75 Feet  
Date Printed: 5/25/2023



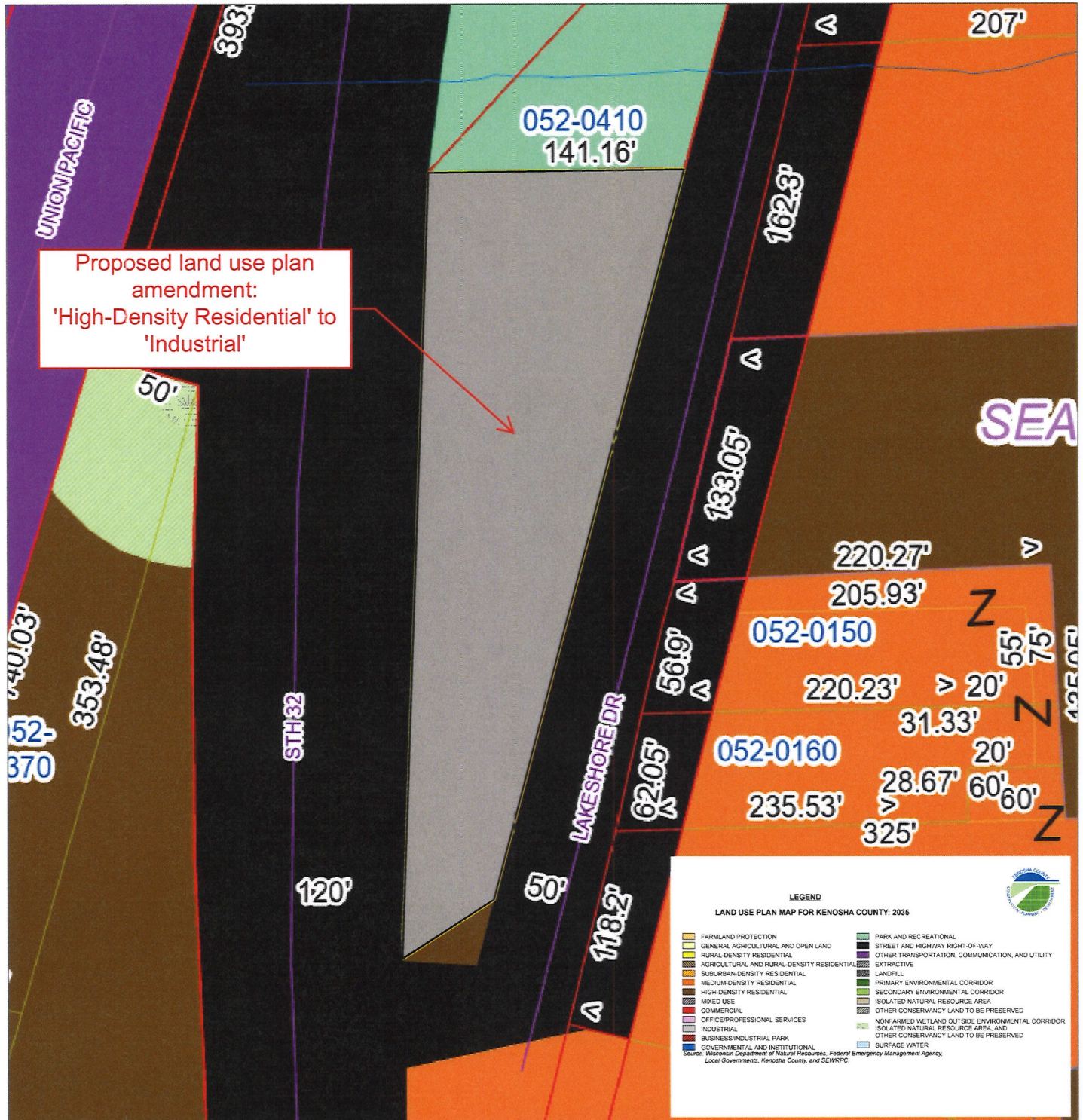
**DISCLAIMER** This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.



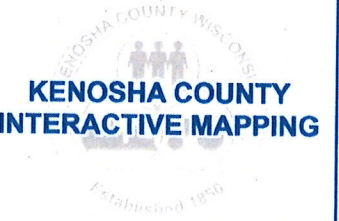
# PROPOSED LAND USE



1 Inch = 75 Feet  
Date Printed: 5/25/2023



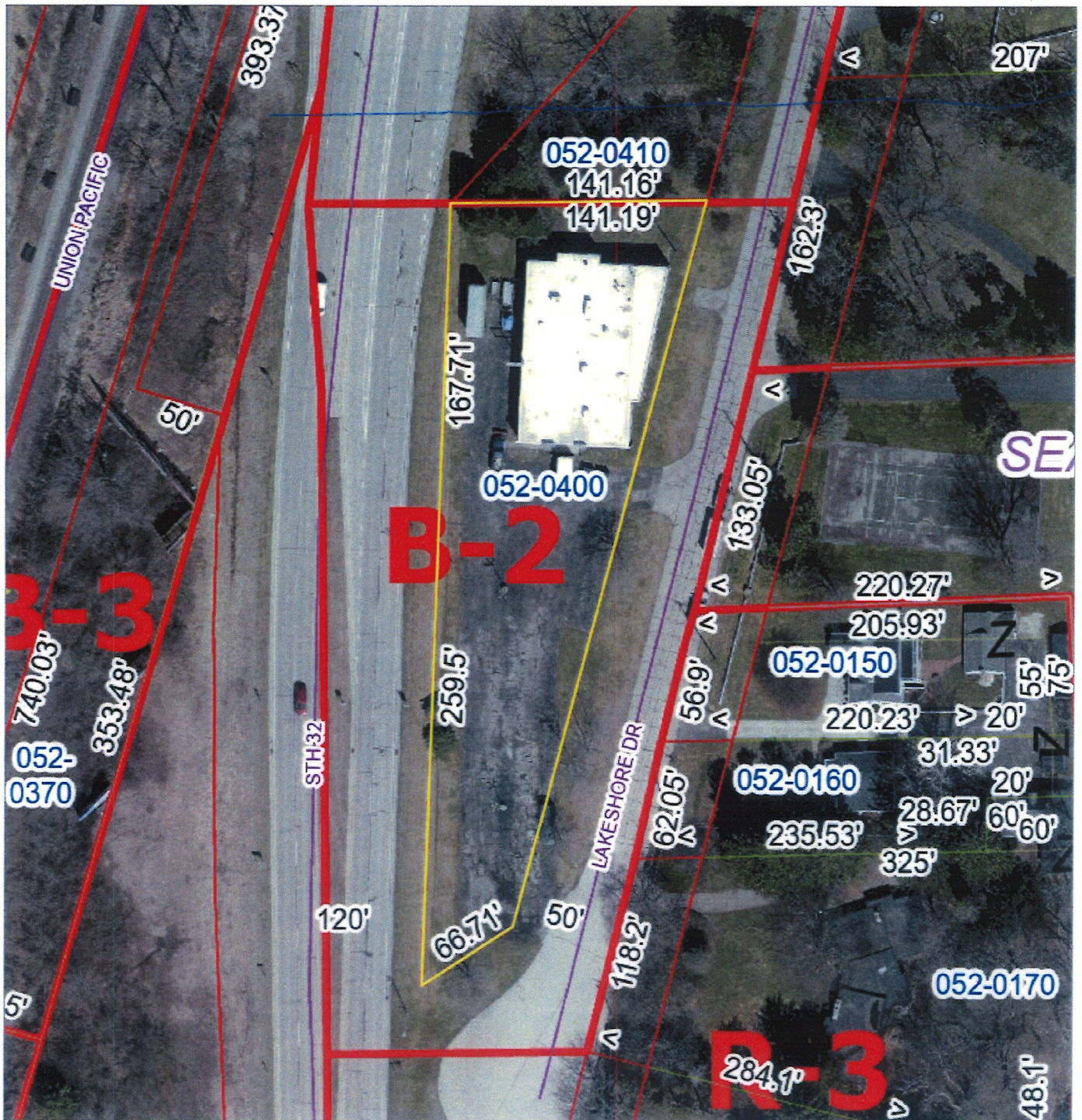
**DISCLAIMER** This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.



1 Inch = 200 Feet

**DISCLAIMER** This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.

Date Printed: 5/17/2023



**DISCLAIMER** This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.



# PROPOSED ZONING



1 Inch = 75 Feet  
Date Printed: 5/25/2023



**DISCLAIMER** This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.

# Introduction to the American Citizens Corporation

Tom & Rhonda Beere

306 Sheridan Road  
Racine, Wisconsin 53403

# 2023 and beyond

- ACC employs 15 highly skilled employees. These employees are trained in CNC programming, CNC set-up and quality assurance inspections that meet and exceed customers requirements.
- ACC is in need of growth and expansion.
- There is a need for an addition 10-15 full time highly skilled jobs.
- The current site is at full capacity.
- ACC currently has a warehouse in Elkhorn storing machines that are sitting idle and need to be running.
- ACC is anticipating a 50% growth.
- Maintaining a local presence in Somers is desired.
- Corporate office would remain at the current site, 306 Sheridan Rd.
- Locally owned for more than 25 years and a stable company within the Somers community by the Beere family.

# About American Citizens Corporation

Based in Racine, Wisconsin since 1997 and serving the Midwest and beyond, American Citizens Corporation offers an array of services that are completely integrated allowing customers to design and manufacture products at globally competitive prices.



**ACC is a CNC Swiss Screw Machine House with 25 Citizen CNC Swiss Automatic Screw Machines and specializes in:**

- CNC Turning
- Swiss-type CNC Screw Machining
- Precision Grinding and Honing
- Engineering (Includes hydraulics design expertise)
- Fabrication
- Quality Control
- Hard to machine materials
- Extremely high precision tolerances
- Short lead-time
- Jobs nobody else wants
- Assembly
- Electric motor shafts
- Global Procurement

**American Citizens Corporation proudly serves the following markets:**

- Telecommunications
- Construction equipment
- Hydraulics
- Instrument and controls
- Computer-peripheral equipment
- Firearms
- Medical
- Aerospace
- Truck
- Government
- Electronics

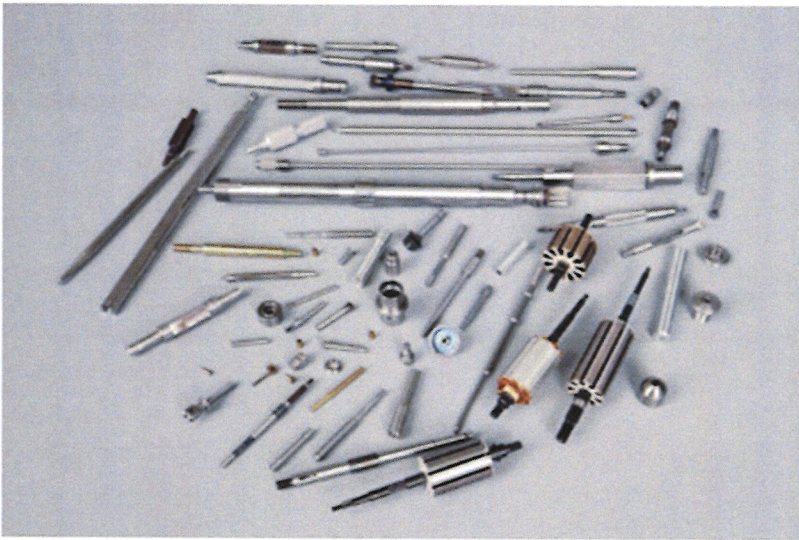
A manufacturing leader, ACC focuses on the integration of experience, high technology, a commitment to excellent quality, and employs the latest and most innovative manufacturing technologies to maximize productivity and quality. From short runs and quick/immediate delivery of JIT components, to high volume production components and assemblies, ACC's production capacity is able to meet the most demanding applications. American Citizens Corporation has achieved certified supplier status with several of our major customers and is ISO 9001:2015 certified.

Checkout our new Firearms Division! Offering the components you need including firing pins, control pins, safetys, sight components, bolt carriers, bolt heads, tubes, and reloading components including die spindles, screws & sizers.

# CNC Swiss/Screw Machining

The CNC Swiss Machines allow the production of complex parts with large length to diameter ratios and all the machines used in production today are equipped with live tooling and sub-spindles to allow the manufacture of parts in one operation from bar stock material.

- Live tooling
- Sub-spindles
- Bar fed auto loaders
- Prototyping
- Short run
- High volume



Our CNC Swiss machining capabilities allow us to provide short or long production runs on highly precise components with quicker lead times.

Customers receive the greatest value from us as there is little need for extensive tooling.

## Engineering & Development

American Citizens Corporation is a technology leader in manufacturing engineering and maintains technological superiority in machine tools and supporting software and provides our engineering services – including product design assistance and design for manufacturing – through our onsite engineering staff.

### CNC Machining and Turning Simulations:

With E-files from our customer we can simulate with the most current software exactly how the part will be machined and how efficient the CNC program is before the first chips are cut.

### Manufacturing Engineering:

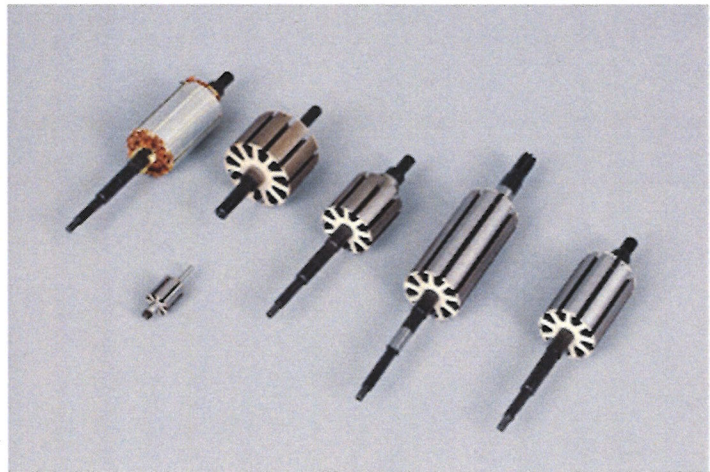
With a full staff of manufacturing and mechanical engineers we can fulfill needs ranging from assistance in product design and prototyping for functionality, machinability and weldability.

# Electric Motor Shafts

American Citizens Corporation is your one stop shaft and shaft-type product manufacturing facility.

## We offer:

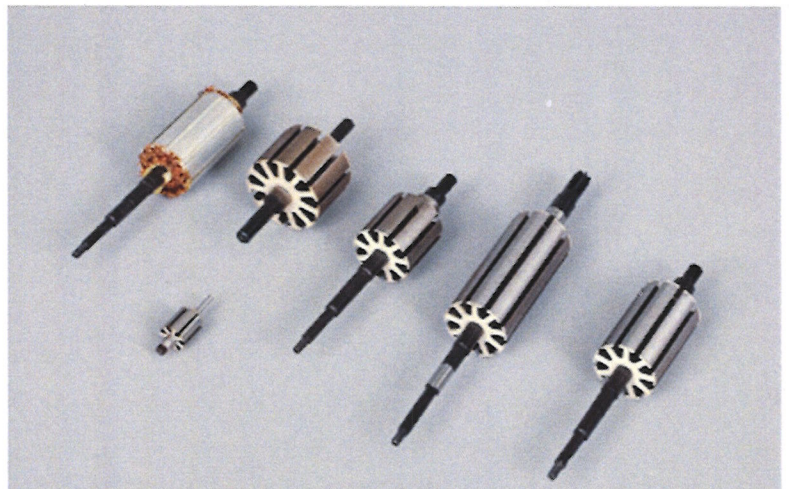
- Motor shafts
- Straight shafts
- Stepped shafts
- Shafts with hobbed gears
- Shafts with shaped gears
- Hardened shafts
- Ground shafts
- Eccentric shafts
- ACME shafts
- Rivets
- Shafts with +/- .0001" tolerance
- Shafts with .0002" concentricity
- Shafts with keyways
- Shafts with flats
- Shafts with crossholes
- Shafts with bores
- Shafts with centers
- Shaft assemblies
- Pins



# Precision Grinding

American Citizens Corporation has the capability to grind parts to the tightest of tolerances. We use cylindrical grinders to hold tolerances to the millionths. We also use centerless grinders to hold similar tolerances. Our machines can be configured for through-feed or in-feed applications.

- Automatic feeders
- Centerless grinding
- Through-feed or in-feed applications
- Vertical broaching
- Internal broaching
- Cylindrical grinding



# Facilities

American Citizens Corporation is a national manufacturer located along the shores of Lake Michigan in Racine, Wisconsin.

Our headquarters is our technology flagship employing the latest in CNC Swiss Screw Machines. With 25 Citizen CNC Swiss Automatics, the facility combines highly trained team members with the latest computer controlled machine tools operating around the clock seven days a week and is supported by an experienced engineering team which includes designers as well as process engineers.

Our facility is equipped and staffed to handle even the most complex shipping assignments. Our team ships all over the Midwest and nationally and is well versed in the latest shipping requirements from ASN's to Kanban inventory control.

ACC's ISO system combined with an advanced program management process can take even the most complicated parts and products from concept to conception with seamless efficiency.



# The CNC Swiss Specialists!

As part of our ISO 9001 system, a quality plan is put in place for each part that is in production in our facility. Personnel from Quality Control, Engineering, Production and Sales will meet to discuss the requirements for a particular part. We utilize an In-process Quality Audit and Check System to ensure quality is built in.

- ISO 9001:2015
- Gage calibration and tracking
- Surface finish tester
- Hardness tester
- Optical comparators
- Microscopes

## Quality Policy:

American Citizens Corporation, in an effort to continually meet all applicable requirements and support our strategic direction, has developed relevant quality objectives and a philosophy of continual improvement.



## PERRY JOHNSON REGISTRARS, INC.

Certificate of Registration

*Perry Johnson Registrars, Inc., has audited the Quality Management System of:*

**American Citizens Corporation/Elkhorn Swiss Precision Inc.**  
*306 Sheridan Road, Racine, WI 53403 United States*

*(Hereinafter called the Organization) and hereby declares that  
Organization is in conformance with:*

**ISO 9001:2015**

*This Registration is in respect to the following scope:*

**Precision CNC Machining Serving the Consumer, Commercial, and Industrial Market**

*This Registration is granted subject to the system rules governing the Registration referred to above, and the  
Organization hereby covenants with the Assessment body duty to observe and comply with the said rules.*





Terry Boboige, President  
Perry Johnson Registrars, Inc. (PIR)  
755 West Big Beaver Road, Suite 1340  
Troy, Michigan 48064  
(248) 358-3388

*The use of the UKAS accreditation symbol is in respect to the activities covered by the Accreditation Certificate Number 0163.*

*The validity of this certificate is dependent upon ongoing surveillance.*

Expiration Date November 11, 2021	Expiration Date November 10, 2024	Certificate No. C2021-04775
--------------------------------------	--------------------------------------	--------------------------------

# Industries American Citizens Corporation Serves

- Aerospace
- Medical
- Electronics
- Commercial
- Surgical Instruments
- Earthmoving & Construction Equipment
- Orthopedic Instruments
- Telecommunications Equipment
- Electric Motors
- Dental Instruments
- Laser Jet Labeling Equipment
- Aircraft Instruments
- Medical Instruments
- Automotive Controls
- Private Aircraft
- Aerospace
- Firearms





Village of Somers  
Proceeding from the Village Plan  
Commission Meeting  
July 10, 2023

## 1. Call to Order

Chairman Stoner called the meeting to order at 5:29 p.m.

Present:

- Chairman George Stoner
- Commissioner Ron Grimes
- Commissioner Bob Lee
- Commissioner Gregg Thompson
- Commissioner Don Boxx
- Commissioner Paul Aiello
- Alternate Pat Juliana
  
- Absent: Commissioner Vinnie Chambers

Staff present in person: Administrator **Jason Peters**, Assistant to the Administrator **Kevin Poirier**, Fire Chief **Ben Andersen**

Elected officials: Trustees **Jackie Nelson, and Scott Fredrick**

Kenosha County Staff: Director of Planning and Development **Andy Buehler**.

## 2. Pledge of Allegiance

Chairman **Stoner** led everyone in the Pledge of Allegiance.

## 3. Approve Minutes of June 12, 2023

Chairman **Stoner** makes a motion to approve to the minutes.

Moved by Commissioner **Boxx**.

Seconded by Commissioner **Aiello**

Motion carried. 7-0.

## 4. Correspondence

Email from **Elaine and Steve Roach** (attached).

Email from **Ruta Larson** (attached).

President Stoner asks Director of Planning and Development **Buehler** to explain the items considered.

Mr. Buehler states that the property is currently zone B2, the comprehensive plan has it as being high density residential. The request would be to have the plan amended and the parcel rezoned to M1 (light industrial).

Mr. Buehler mentions that there was talks of placing a deed restriction on the property for it to return to its current land use. He mentions that along the Sheridan Road corridor there are a lot of current uses including manufacturing.

## **5. Citizen Comments**

### **Janice Siska Hjelmgren**

#### **141 S Lakeshore Dr., Unit C1**

Ms. Siska Hjelmgren describes her property as being across the street from the property asking for the rezoning. She does not support the change to the comprehensive plan or rezoning. She states that the Comprehensive Plan has the property projected to change to residential by 2035. The current petition would contradict the plan.

She opposes the 30-years timeframe for a deed restriction stating the property will return to its current zoning. She states a property had a gas station planned for it but was changed to residential use. She adds that the motorcycle shop is now a residential property. She states that the proposed use might be a good fit as it would be quieter. She wonders whether the zoning change time frame could be shortened.

### **Maria Bishop**

#### **141 S Lakeshore Dr., Unit E6**

Ms. Bishop is concerned about the zoning change. She is concerned about setting a precedent for other properties east of Sheridan Road. She believes that the change would be better as the current zoning would allow for a fast-food restaurant to be there. She wants to stick to the comprehensive plan calling for residential on the parcel.

### **Doug Duty**

#### **141 S Lakeshore Dr., Unit C4**

Mr. Duty states he has lived in Somers for 33 years and loves it. He mentions that there are a lot of people walking in the area, wildlife, pretty homes and cannot imagine a manufacturing building in the area. He believes his property value would drop. He wonders whether the infrastructure would be able to handle that business (road, garbage). He believes it will be loud and dangerous. He wonders about the size of the road, traffic, deliveries, whether the building is soundproof, smell proof, whether a second floor can be added.

### **Tom Hjemgren**

#### **141 S Lakeshore Dr., Unit C1**

States he doesn't have anything against manufacturing but is concerned about the protection of the lake, resources, and infrastructure. He is also concerned about setting a precedent east of Sheridan Road.

**Teri Winkles**

**115 S Lakeshore Dr.**

He is concerned about an increase in traffic and people coming in from outside the neighborhood and their background. He states he has some background in manufacturing. He is concerned about the environment and pollution. He is concerned about the people who will be coming into the neighborhood, what their background are, whether they are criminals, whether there will be a vetting process by the potential employer, and whether that should be mandated. He is concerned about truck drivers' backgrounds.

He would like a perimeter around the property and concerned about trespassing, thefts and robberies. He is concern about the welfare of the elderly folks, pets, children in the neighborhood.

He states that it is currently zoned for high density residential and would much rather see low income housing there.

He is concerned about the impact on the infrastructure due to traffic on the roads and potential cleanup. He is concerned about the impact on the Fox River running adjacent to the property and potential pollution to the water table, the lake, the wildlife, soil, air and light pollution. He is concerned about a decrease in his property value.

He wants the property to stay residential.

**Tricia Riley**

**141 S Lakeshore Dr., Unit E7**

**And speaking for John Arsey**

**141 S Lakeshore Dr., Unit E12**

They are concern about the impact to their properties. She asks whether surveys have been done and is concerned about the impact on the ground water.

She is concerned about the temporary zoning change to M1 and whether it will ever revert to its current zoning.

She is concerned about light pollution, noise pollution, lake pollution and erosion.

She states that it goes against Village planning and would fit better near a different highway. She is concerned about the traffic and wear on the road.

She asks the board to please not rezone.

**Jackie Nelson**

**369 13th Avenue**

She is a Village Board Trustee and is speaking as a resident. She and her husband resided at the Seawall condominium for 10 years and understand the neighborhood concerns.

She looked at the neighborhood and researched through the county GIS system to look at property assessment values.

She mentions that the property is a challenge and in disrepair. Any improvement would be nice to the neighborhood. She is on favor of the rezoning to M1. She cautions that the current zooming of B2 could bring businesses that would be more detrimental to the neighborhood than the proposed business.

**Nils Werckmeister**

**169 S Lakeshore Dr.**

He speaks highly of the current owner. He mentions that a fast-food store or convenient store would not be preferable to the current proposal.  
He is concerned about potential pollution and traffic but mentions that he never noticed issue with the business, which is current located a few blocks away.  
He states that he is ambivalent and that the objections he heard tonight are valid.  
He likes the diversity of the residences and businesses along Sheridan Road, and that was what attracted him to move to the neighborhood.  
He states that he supports the current owner and his neighbors and would like additional information on the project.

**Irene**

**141 S Lakeshore Dr., Unit C1**

She asks whether the sound in the auditorium could be improved.

**Bruno Smyczynski**

**141 S Lakeshore Dr., Unit E5**

He is concerned about the rezoning setting a precedent. He states it is supposed to end in 2035.

He is concerned about Lake pollution and suggest the business relocates further west.  
He is concerned about deliveries, semi-trucks traffic, their ability to turn around and business requesting additional access on Sheridan Road in the future.

**Kathleen Ford**

**141 S Lakeshore Dr., Unit B8**

She mentions that she has lived in the neighborhood for 46 years and it has been residential. She is not supporting the industrial use and is concerned about setting a precedent that will depreciate her property.

She is concerned whether the road can accommodate trucks and large equipment. She mentions being concerned for the safety of pedestrians.

She is also concerned about the location of garbage, use of chemicals, pollution, noxious smell, wildlife and environment safety.

She opposes the project.

**Denise Burkhart**

**141 S Lakeshore Dr., Unit E4**

She asked about the number of shifts at the business and the hours of operation.

She is concerned about the noise and wildlife.

She mentions sticking to the 2035 plan and worries about what a future owner would do.

**Teri Winkles (second time)**

**115 S Lakeshore Dr C1**

He mentions being concerned about possible pollution and questions what would happen after the proposed business sells to someone else.

He wonders about the possible growth of the business and what impact that would have.

He suggests that the business moves to Racine.

**Amanda Ayala**

**101 S Lakeshore Dr.**

She has concerns about traffic. She point out that it is a dark street at night and is concerned about the safety of pedestrians, especially kids, pets and criminal activity. She asks about the possibility of a privacy wall.

**Scott Fredrick**

**504 13<sup>th</sup> Street**

He mentions being a Village Trustee and that he is speaking in support of the Beeres. He has been their neighbor for 25 years. He said they are outstanding neighbors, and run a reputable business. He mentioned that they spent over a million dollar to protect their property from erosion and protected their neighbor's property and Somers property in the process.

He mentions that the business needs to expand as they have machines in storage sitting idle and it will create high paying skilled jobs. He reminds people that the fitness center that operated out of the location brough 50 to 60 cars to the location. He mentions the business uses water soluble cooling oil tat is not hazardous and the fitness center stored large amounts of dangerous chlorine on site.

He mentions that the Beeres are willing to put a deed restriction n place to revert zoning. He mentions that the current B2 zoning could bring with no action of the board businesses such as an adult bookstore, liquor store, tattoo parlor or many other uses. He thinks it is a win-win for the community as it will create jobs and will fix the property.

They manufacture medical instruments that go inside bodies, they are FDA regulated, ISO certified and have been successful for more than 30 years.

**Sharon Jorgenson**

**141 S Lakeshore Dr E3,9,11**

She states that residential and manufacturing is not compatible. She does not support the rezone.

**Jeffrey Hummer – Current owner of the property**

**144 Lakeshore Dr**

He states that he has taken into account who the new owners are, that he cares about eth neighborhood, made friends with neighbors and has allowed residents of the Seawall condominium to use the parking lot when their roads were being repaved as well as allowing them to walk their dogs on the property.

He states that he will sell the building and that he picked something that would not be a disturbance to the neighborhood. He mentions that this project is not what people have in mind when they think industrial facility. It is not a factory. Hummer mentions that he wants to leave the neighborhood in a better condition than when he got it. He believes that people are assuming things that are not true and that there are some misunderstandings.

**Tom Beere – Owner of American Citizens Corp**

**427 12th Place**

He mentions being a resident for 32 years. He bought his current business located at 306 Sheridan Rd. 25 year ago. The machines used are the size of a table, and little taller. They are CNC machines. The products are parts for the medical industry, orthopedic, aerospace and defense parts. Lots of company have moved to Mexico, China and India. The parts have to be made with American metal and the employees are highly skilled, they care about their work.

He mentions that the restricted deed to temporarily use it as manufacturing. He is currently manufacturing two blocks away and most people don't know.

His plan is to have 10 to 15 employees to start. He is not moving from 306 to 144 Sheridan Rd., he is expanding.

He says that he love Somers, the building considered is strong and that the neighbors won't hear a peep.

He cautions residents that other uses such as smoke shops, adult bookstores, restaurants, or wedding halls would have cause more issues. The restricted deed actually makes the property less valuable. He says that he plans to stay at the location for the next 30 years.

**Tricia Riley (Second time)**

**141 S Lakeshore Dr., Unit E7**

She states that she wished that she had been provided more information about the issue. She wishes there would have been a meeting beforehand with the owner of the business.

The things they are saying is impressive. She mentions that she likes what she heard about the products being manufactured but his concerned about a subsequent owner/business. She needs assurances.

**Administrator Peters** mentions correspondences tat were received and are attached to these minutes.

**President Stoner** closes the public hearings

**President and Plan Commission comments**

**President Stoner** mentions that there are no agreements pertaining to the issue that have anything to do with 2035.

He states that there will be no other access on Sheridan Rd. He mentions that the term "high density residential" is misleading. He mentions the property is not well suited for residential use due to the traffic noises. He mentions that the sewer infrastructure is more than adequate for the project. He mentions that the Village has photometric requirements that the project twill have to abide by and the parking lot will have to be redone. The owner will also have to put a sampling manhole on the property for the protection of the sewer.

He reminds everyone that the current zoning allows for businesses that may be less desirable to move right in and the Village would not be able to stop them.

**Director of Planning and Development Andy Buehler** states that these businesses would be able to move in right away. There are 44 of them and have more of a retail flavor. I will try to summarize: antique store, second hand store, appliance store,

automotive store, marine store, building supply, café, carpet, caterer, Christmas tree sales, civic fraternal organizations, clothing, delicatessen, department store, financial institution, funeral home, gift store, hotel, motel, jewelry store, meat store, fish market, music, office supply, night club, optical store, pet store, photocopying, physical fitness facility, radio broadcast, restaurant, sporting goods store, supermarket, theatre, tobacco, upholstery. There are another 12 conditional uses as well: animal hospital, animal shelter, automotive sales, bus depot, car wash, flea market, fueling station, restaurant with outdoor dining, tattoo parlor and utility substation. Adult bookstore is permitted in the B2, but from a standpoint of the distance restriction to the residences, I believe it would not qualify.

**President Stoner:** We have met with the owner and if the zoning is changed, the zoning would revert to the original zoning upon a sale.

**Commissioner Thompson:** The long-range planning calls for high density residential at this location, but it does not mean it would be low income.

**Administrator Peters:** Correct

**Commissioner Thompson:** What is the timeline for the adopted long-range planning? When is it expected to go to high density residential?

**Administrator Peters:** That is another source of confusion, the 2035 Multi-Jurisdictional Comprehensive Plan does not mean that by 2035, the properties automatically get rezoned to what is in the plan. It only means that in 2010 when it was created, this is what the Village thought it would be by 2035. We are in the process of creating the 2050 plan.

**Commissioner Thompson:** So neither Kenosha County nor Somers has a plan for when the area would to revert to residential?

**Administrator Peters:** No

**Commissioner Grimes:** Those plans were mandated by the federal government. There are a lot of those plans for neighborhoods, but they are only on paper until it is legally rezoned.

**Administrator Peters:** Comp Plans can be changed, that is why we go through these public hearings.

**Commissioner Grimes:** He states that potential businesses that could move in with the current zoning would be far worse than this proposal. He mentions that he lives on EA and there is a stainless-steel machining CNC business and there is nothing negative about it. You would never know it was there. If a gas station or a bookstore moved there, you would have more problems. Cutting oils must be water soluble now. The fitness center stored chlorine that could kill people in a spill. He mentions that the trash coming out of the business is very valuable and gets recycled. He doesn't see any drawbacks to the

project.

He also mentioned to the residents that the information is available on the website and that residents should be checking it frequently.

**Commissioner Boxx:** He feels bad about the Beere family. He feels that they have been besmirched.

**Commissioner Thompson:** He states that nobody takes a rezoning request lightly. Especially when it is a change from B2 to M1 in a residential area. It is tricky to have to change it even temporarily. I would like to ask Mr Beere whether he has considered other locations.

**Tom Beere:** Yes, he has considered a property next to his current location, but it did not work out. He also looked at expanding his current facility, but it does not work due to setbacks.

**Commissioner Thompson:** Have you considered finding a parcel to build one building?

**Tom Beere:** It quite expansible and not economical.

**Commissioner Thompson:** Asks about hours and shifts.

**Tom Beere:** To start, maybe 1 or 2 employees per shifts. It will take time to get things going. The building needs a lot of work. As far as hours, I might have a second shift two three four years down the line.

**President Stoner:** Asks about noise

**Tom Beere:** There is noise from compressed air. Our employees don't have to wear earplugs in the shop.

**Commissioner Thompson:** Asks about deliveries

**Tom Beere:** The parts are small. They are mostly handled by UPS. A lot of residents around usually have more prime trucks around than we do. As to the garbage, we have a 5 foot dumpster that gets picked up every 2 weeks. Residents have it picked up every week. As to steel, we get a semi with a flat bed sometime three times a week, sometimes none in a week.

**Commissioner Aiello:** States that he live son Sheridan Rd and the from the train is more of an inconvenience than what would be created by the business in terms of noise and pollution. He is in favor of the project. He said that the property being considered has been stagnant for a long time.

**Commissioner Lee:** He agrees with other commissioners and feels it is a better project than some B2 businesses. The current building is an eyesore and there has be no interest

to buy the building in a while. In the future, I would think it would have been better to reached out to the neighbors.

**Commissioner Juliana:** He mentions that he would like the deed restriction to be on the property for as long as it is occupied. He also mentions that the CNC operation is not like a drop forge. The project is the best thing to have there. There won't be crime or blight.

**Administrator Peters:** He mention that it was suggested that the applicant do a concept meeting, bit it was not possible due to the timeline of the sale and the time it takes to notify the public.

**Commissioner Thompson:** There is a reason why this has been vacant for 15 years. The lot is small and odd shaped. Is this the best option, maybe, maybe not. It is not the worst option. If denied, it would remain vacant and blighted.

## 6. Comp Plan Amendment:

**Public Hearing and Action on Request by:** Jeffrey L Hummer, 1753 Kentucky St., Racine, WI 53405 (Owner), Thomas Beere, Rhonco, LLC, 427 12th Place, Kenosha, WI 53140 (Agent), requests an amendment to the land use plan map for the Village of Somers (Map 80) as adopted in the Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035 from "High-Density Residential" to "Industrial" on Tax Parcel #83-4-223-052-0400, located in the NW 1/4 of Section 5, T2N, R23E, Village of Somers. (*For informational purposes only, this property is located at 144 S Lakeshore Dr*).

Commissioner **Boxx** moves to approve motion to amend the Comp Plan Amendment  
Commissioner **Aiello** seconds  
Motion passes unanimously 7-0.

## 7. Rezone:

**Public Hearing and Action on Request by:** Jeffrey L Hummer, 1753 Kentucky St., Racine, WI 53405 (Owner), Thomas Beere, Rhonco, LLC, 427 12th Place, Kenosha, WI 53140 (Agent), requests a rezoning from B-2 Community Business Dist. to M-1 Limited Manufacturing Dist. on Tax Parcel #83-4-223-052-0400, located in the NW 1/4 of Section 5, T2N, R23E, Village of Somers.

Commissioner **Boxx** moves to approve the rezoning  
Commissioner **Aiello** seconds  
Motion passes unanimously 7-0.

## 8. Adjourn

Commissioner **Boxx** moves the motion to adjourn  
Commissioner **Aiello** seconds  
Motion passes unanimously 7-0.

Attachments:

- a. Email from Elaine and Steve Roach
- b. Email from Ruta Larson

Drafted July 14, 2023. These minutes are not official until approved by the Plan Commission. Submitted by Kevin Poirier

## Kevin Poirier

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**From:** Elaine Roach <ecrmktg@aol.com>  
**Sent:** Monday, July 10, 2023 11:14 AM  
**To:** Kevin Poirier  
**Cc:** Jason Peters; Steve Roach  
**Subject:** Request to Read Email to Somers Plan Commission at 7/10/23 Meeting

Good morning, Kevin,

Thank you for making sure that our concerns and questions are read and addressed at tonight's Plan Commission Meeting regarding the rezoning of the Simply Service property!

Please let us know who will be reading this letter or if you would prefer that I call and read it myself (If there is a speaker phone available, I would be happy to do so.)

Steve and I have thought a lot about this issue and the information that has been published is thus far very limited. In fact, too limited for what we believe a rezoning issue of this importance deserves. That decision has possible ramifications not only to the quality of life in the neighborhood, but also for Somers. We feel it is important that all parties of interest have a clear understanding of their opportunities and responsibilities before irreversible decisions are made.

We look forward to following up with you after the meeting and hearing the recording of the discussions.

Sincerely,  
Elaine & Steve Roach

July 10, 2023

To the Somers Plan Commission:

### **Re: Proposed Rezoning of the Simply Service Property**

Unfortunately Steve and I are unable to attend tonight's session in person as we are in Texas. We would have much preferred to have an in-person, back and forth discussion with you rather than presenting you with a long list of questions and concerns, some of which might already be covered in Somers' ordinances or other meetings.

So please forgive me if I ask too many detailed questions, but Steve and I really want to understand the full ramifications of a potential rezoning of our new neighborhood and also to explore what type of relationship we will have with the business making the request. These are not trivial issues. It's important for us understand them not just today, but also 30 years from today.

### **Background**

A request has been put forth by Mr. Beere, owner of American Citizens Corporation (ACC), to rezone the Simply Service (SS) property to allow its use for "light manufacturing." It is understood that the reason Mr. Beere wishes to purchase Simply Service (SS) is because he needs more space to continue to grow his business. It is not quite clear why the simplest solution isn't being considered. It is a solution that not only adheres to the Somers Long-Term Plan, but also affects few, if any, citizens and does not require rezoning expansion.

Why not expand/build in its current location? It is already properly zoned for ACC's use in an area with other businesses. If a variance is required, it would seem to be more logical to seek a variance there rather than rezone a property not designated for such use.

### **Concerns and Questions**

It is important to understand, first and foremost, why it is thought that setting aside the Somers Long-Term Plan and permitting rezoning would be beneficial to the neighborhood in which ACC wishes to be imbedded.

Below are some concerns and questions that we would like to discuss. It is hoped that we can have all crucial information in front of us before a final, considered decision is made. It is also hoped that in this discussion, people on all sides of the table will contribute any information that should be considered that is not included in this letter. Doing so will allow the Somers Plan Commission to make a well-considered, informed rezoning decision and ensure that it is fair to all of us who will live 24/7 with their decision.

If a thoughtful decision is to be made it is crucial to know, in detail, ACC's short-term, mid-term and long-term plans for the SS property. To consider only the very brief description in the rezoning petition would not do justice to either the people affected by what is being considered or, in the longer-term, the Somers community at large. We need to know how the company will upgrade the property and make it an asset to the neighborhood, enhancing rather than just using it. What contributions will be made to alleviate neighbors' concerns? How will the company become an example of a "Good Neighbor business," a model for other small business owners in Somers?

Below are some "Good Neighbor" thoughts/questions/issues that we believe are important to discuss in this meeting. We are hoping for transparency/full disclosure in the information provided to us.

### **Big Picture**

*Please note that several questions address long-term & mid-term issues.*

1. Has ACC considered expanding/building on its current property? If not, why not? If a variance is required to expand, why not pursue that rather than request rezoning?
2. Will the SS location be an expansion of the ACC business, or an expansion of another company, or a totally new business?
  - What products will be manufactured at the SS location?
  - Which, if any, are produced at the ACC facility? Are there some that are not?
  - Will ACC be changing/expanding the product line at either facility in the future. Short-term? Mid-term? Long-term? Please explain.
  - Can we use ACC as a model of what to expect if the SS building is converted to a manufacturing facility? If there are differences, please explain
3. Is it even remotely possible that ACC might wish to expand the production capability at SS, requiring a larger facility or requiring enlargement of the current building on the property? Please explain.
4. Is it even remotely possible that ACC might wish to add a second building or tear down the old building to rebuild a newer and larger one? Please explain.
5. Why is ACC requesting a 30-year period before rezoning back to residential status? Does ACC intend to keep the property that long?

- A request of this length deserves serious review before acceptance. It is important that the neighborhood as well as Somers consider all possible long-term ramifications that might result by restricting returning the area to residential status, in keeping with the Somers Long-Term Plan.
  - Given that the future holds no certainty, and considering that adding manufacturing to an area that was always intended to be residential, rezoning could be a **risk** rather than a benefit to Somers, the neighborhood and local environmental concerns. It is suggested that approval of rezoning should not be made without special considerations and restrictions.
  - For example, restrictions to ACC's rezoning request could include a provision that only one building will be allowed on the property and that all future expansion of the current building will be prohibited, both vertically and horizontally. This includes no increases to the footprint, no addition to the height or width of the building. Should the current building be torn down and replaced with another building, the new building will be no larger in square footage and no higher than the current building. This is important because more and bigger buildings (expansion) mean a larger scale business with more employees, more large trucks, more traffic and more noise. We are being asked to give up our quiet streets and neighborhood and, and possibly impact other environmental issues that are discussed below. It is important to limit the impact as much as possible.

6. Are, or will there ever be, any fumes, gases, industrial dust and/or any other substances (non-toxic? toxic?) released in the manufacturing process of what will be produced at SS? Are, or will, any chemicals be used? Will it produce any odors, now or in the future? Is, or will there ever be, any water required for production or cleaning of product? Are there any other environmental issues not covered here? Potential flammable or explosive possibilities? Other safety issues? Please explain.

7. Can the current infrastructure of Somers handle the short-term and mid-term water and sewage requirements that the business will have? Is the local neighborhood water and sewage capabilities sufficient to handle the load? Will exceptions or modifications need to be made? Perhaps the City Engineer, City Manager or Somers Plan Commission might weigh in on this.

8. As many manufacturing processes do affect the health of both humans and the environment at large, we should consider that environmental pollution also includes noise pollution, increased traffic and activity in important habitats etc. These are all major disruptors of the birds, bunnies and other animals that inhabit the wooded spaces between the SS property and the lake.

- We are in an official bird migration corridor so our neighborhood trees host resting, feeding and nesting areas, including nesting eagles. In fact, nearby Racine is recognized as a Bird City. *"Racine Harbor Park & Lakefront are listed in the "Great Wisconsin Birding and Nature Trail, Lake Michigan Region." Racine is designated an Important Bird Area in the Audubon Milwaukee-Racine Lakeshore Migration Corridor."* <https://www.cityofracine.org/Parks/BirdCity/>
- **Somers is part of the Lake Michigan migration corridor!**
- It is also important to note that the SS building is barely meeting the distance required from the nearby creek that is **designated a tributary to Lake Michigan**. Nothing should be done that might affect the ecology of the area.
- We believe that for both the physical and mental health of the community and our environment we must all be Good Stewards of the areas we live and work in. We hope Mr. Beere agrees.

### **Other Practical Questions:**

1. What are the maximum number of employees that would be working at the new facility? We were told 10-15. Is this correct? What is the maximum number of employees the business will ever have there?

2. What will be the standard hours of operation? Will there be overtime? If so, how late or early will that be and how often is this expected that to happen? Will there be operations on the weekends? Based on your experience, how often will that happen?

3. What will the manufacturing noise levels be?

- How does the noise level from the type of manufacturing planned for the SS building compare with the current ACC building? Will there be the same amount of noise? More? Less?
- When do ACC employees wear earplugs/hearing protection?
- Would employees in the SS ever wear earplugs/hearing protection?
- Is there soundproofing currently in the SS building? If not, will it be installed?
  
- May we visit the ACC facility during business hours? We have no idea how screws are manufactured. It might help alleviate concerns about noise, odors etc. Plus, it would be fun. (We'll bring the donuts.)

4. What will be the traffic patterns and levels on the currently quiet street? How many large trucks will be dropping off or picking up produce/materials on a daily and weekly basis. Will there be any on the weekend? If so, how often. How many small trucks and vans will be utilizing the property on a daily/ weekly basis?

5. "Google-earth" provided an aerial view of the American Citizens Corporation property (see below). There is quite a bit of debris towards the back.

- How will debris, scraps, materials, temporary storage of materials and product etc be handled at the proposed SS site?
- Will a plan be provided to the council and community, to be approved and be in place before move-in?
- Given that the building is viewable from all sides, the debris/materials would be in clear view and would not be a positive addition to the neighborhood.
  - Will it be stored inside the building?
  - Will it be moved on a daily basis to another facility?
  - A plan should be provided to the council and community, be approved and be in place before move-in.

6. Will there be dumpsters on SS property? If so, please provide maximum size and maximum number.

- Where will they be located?
- How will they be shielded from view in a manner that blends into the environment?
- Will there be anything in the dumpsters that will emit fumes, gasses, odors etc? Or attract critters?

7. One of the rezoning documents required that the parking lot must be repaved. That's a plus. While working on improvements to the property, should the issue of adequate drainage be considered, given the drainage concerns of the Somers? Perhaps the City Manager, Engineer or someone on the Plan Commission can weigh in.

8. Issue for the Plan Commission: Currently there is very little traffic on the small street east of the SS building (S Lakeshore Dr). It is not a through street so traffic must enter and leave via the same way. Which means you must go out the way you came, essentially doubling the traffic. Neighbors currently safely use that street for watching bunnies, walking dogs, short bike rides, socializing with neighbors, and as a relatively safe crossing point at Sheridan road in order to reach the walking/biking trail. If the rezoning is approved, a solution will need to be developed to address the compromised safety of residents, taking into account the amount of traffic, the size and frequency of very large trucks and other large vehicles, the number of people making turns from Sheridan Road, otherwise it may no longer be safe to utilize the space except when the facility is closed.

Thank you for your consideration and your willingness to hear and address our concerns and questions!

Elaine & Steve Roach



## Kevin Poirier

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**From:** ruta.larson <ruta.larson@att.net>  
**Sent:** Monday, July 10, 2023 3:48 PM  
**To:** Kevin Poirier  
**Subject:** Rezoning Opposition

We cannot attend the meeting, but wish to make it known:

In response to the requests for Parcel #83-4-223-052-0400 located at 144 S Lakeshore Drive,

We do not support the request to change the Comprehensive Plan from “High Density Residential” to “Industrial”, and

We do not support the request to change the Zoning from B-2 Community Business District to M-1 Limited Manufacturing District.

We vehemently oppose rezoning to permit light industry in our neighborhood. It is in the plan for this area to become densely residential, and this proposal blatantly flies in the face of this vision for our community. Surely Mr. Beere can find a place where his manufacturing facility would be welcome, say, in a neighborhood where the jobs it will provide are much needed.

Thank you for considering our request.

Dennis and Ruta Larson  
141 S. Lakeshore Drive  
Unit B-3  
Racine, WI 53403  
Sent from my U.S.Cellular© Smartphone

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

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**WORK SESSION:** July 18<sup>th</sup>, 2023

**TO:** Village President Stoner and Village Trustees

**FROM:** Scott A. Seymour, Building Inspections

**AGENDA ITEM:** #4 2023 Building Permit Fee Comparison

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**BACKGROUND:**

The current Building Permit Fee Structure is five years old and is not commiserate with the cost of doing business. Many of the municipalities used in the 2018 study have since updated/increased their permit fees. The goal of this study would be to make sure that the Village's fees are in-line with similar entities and are adequate to meet the village needs.

**UPDATE:**

Enclosed, please find an Excel spreadsheet that has been prepared to compare the Village's current building permit fee structure to surrounding Villages. The eleven Villages included in this comparison were chosen because they are located in Southern Wisconsin or are immediate neighbors to the Village. The City of Kenosha and Village of Pleasant Prairie were included due to geographic proximity even though their fee schedule ordinance are set up differently in some areas.

The spreadsheet lists the building permit fees for Somers and eleven comparison southern Wisconsin Villages. The spreadsheet computes the average fee for the eleven comparison Villages and then compares the average fee to Somers.

**COMMENTS:**

As evidenced by the spreadsheet Somers, current Building Permit Fees are below average in every single building permit fee category listed. A recommended fee to put Somers closer in-line with comparison Villages and to carry us forward into the future is included in red.

**ATTACHMENTS:**

- a. 2023 Building Permit Fee Comparison (Due to the size of the spreadsheet, I have put a physical copy in each of your mail boxes)
- b. 2018 Building Permit Fee Comparison



2023 Building Permit Fee Comparison

Type	Somers	Burlington	Caledonia (Update in prog.)	Hartland (2018)	Kenosha City	Mount Pleasant Village	Pleasant Prairie	Uniform Building Code Rochester (2018)	Slinger (2018)	Sturtevant (2018)	Sussex (2018)	Twin Lakes	Total	Average Community	Average Compared to Somers (Below Ave)	Recommendation	Somers After Recommendation (Below Ave)
Minimum Permit Fee	9800	11000	25000	9000	100,000	26000	21000	3000	5000	7000	6000	132,800	12072	12072			
Residence - 1 & 2 Family, attached garage	\$45	\$65	\$57	\$40	\$60	\$60	\$60	\$65	\$55	\$75	\$50	\$60	\$629	\$57.00	\$12.00	\$65	\$12.00
Residences & Apartments, 3 family & over, row housing, multi-family dwellings	\$30/sq ft	\$39/sq ft	\$40/sq ft	\$30/sq ft	\$50/sq ft	\$40/sq ft	\$40/sq ft	\$44/sq ft	\$35/sq ft	\$51/sq ft	\$30/sq ft	\$41/sq ft	\$465	\$0.38	\$0.08	\$0.45	\$0.07
Institutional	\$30/sq ft	\$37/sq ft	\$40/sq ft	\$30/sq ft	\$50/sq ft	\$40/sq ft	\$40/sq ft	\$44/sq ft	\$35/sq ft	\$51/sq ft	\$30/sq ft	\$41/sq ft	\$472	\$0.39	\$0.09	\$0.45	\$0.06
Additions to Residences	\$25/sq ft	\$30/sq ft	\$40/sq ft	\$30/sq ft	\$50/sq ft	\$40/sq ft	\$40/sq ft	\$44/sq ft	\$35/sq ft	\$51/sq ft	\$30/sq ft	\$41/sq ft	\$453	\$0.37	\$0.12	\$0.40	\$0.03
Local Business, Commercial, Retail, Office	\$30/sq ft	\$39/sq ft	\$40/sq ft	\$30/sq ft	\$50/sq ft	\$40/sq ft	\$40/sq ft	\$44/sq ft	\$35/sq ft	\$51/sq ft	\$30/sq ft	\$41/sq ft	\$465	\$0.38	\$0.08	\$0.40	\$0.02
Manufacturing or Industrial	\$30/sq ft	\$37/sq ft	\$40/sq ft	\$30/sq ft	\$50/sq ft	\$40/sq ft	\$40/sq ft	\$42/sq ft	\$30/sq ft	\$48/sq ft	\$28/sq ft	\$39/sq ft	\$454	\$0.38	\$0.08	\$0.40	\$0.02
Permit to Start Construction of Footings & Foundations	\$30/sq ft	\$30/sq ft	\$36/sq ft	\$40/sq ft	\$50/sq ft	\$40/sq ft	\$40/sq ft	\$36/sq ft	\$30/sq ft	\$41/sq ft	\$26/sq ft	\$30/sq ft	\$422	\$0.35	\$0.05	\$0.40	\$0.05
Multi-Family, Commercial, Industrial	\$150	\$280	\$250	\$200	\$250	\$300	\$330	\$250	\$326.70	\$325.00	\$305	\$2,866	\$260.60	\$110.60	\$300	\$40.00	
Permit to Start Construction of Footings & Foundations	\$150	\$250	\$200	\$200	\$200	\$150	\$250	\$175	\$302.50	\$175.00	\$230	\$2,282	\$207.50	\$57.50	\$225	\$17.50	
Agricultural buildings, detached garages & accessory buildings	\$25/sq ft	\$31/sq ft	\$25/sq ft	\$30/sq ft	\$180	\$40/sq ft	\$25/sq ft	\$36/sq ft	\$30/sq ft	\$32/sq ft	\$26/sq ft	\$33/sq ft	\$333.00	\$30/SF	\$0.05	\$30/SF	0
All other buildings, detached garages & accessory buildings	\$8/\$1000	\$31/sq ft	\$12/\$1000	\$8/\$1000	\$180	\$11/\$1000	\$25/sq ft	\$15.00/\$1000	\$12/\$1000	\$15	\$10/\$1000	\$14.00/\$1000	\$105.00	\$11.66/\$1000		-30/SF \$65 min	
Heating & incinerator units & wood burning appliances	\$45	\$65	\$57	\$30	\$60	\$60	\$60	\$62	\$60	\$72.60	\$50	\$58	\$679.00	\$56.58	\$12	\$65	\$8
Commercial/Industrial exhaust hood	\$50/unit	\$200	\$100/unit	\$200	\$200	\$50	\$210/unit	\$125/unit	\$121/unit	\$121/unit	\$60/unit	\$195/unit	\$1,311	\$131.00	\$80	\$200	\$69
HVAC Single Family	\$150	\$65 + \$0.08/sq ft		\$180													
Heating & Air Distribution System	\$50	\$65	\$240/100 sq ft	\$60	\$55/100 sq ft	\$60	\$240/sq ft	\$60/unit	\$60/unit	\$60/unit	\$150/100 sq ft	\$225/100 sq ft	\$587	\$59.00	\$9	\$240/100SF \$65 min	\$6
Air Conditioning	\$50 min + \$0.06/sq ft	\$65	\$57/unit	\$60	\$60/unit	\$60/unit	\$60/unit	\$60/unit	\$60/unit	\$60/unit	\$60/unit	\$60/unit	\$587	\$59.00	\$9	\$65	\$6
Weekend or Evening Moving Building Principal Building	\$500 max	\$57 min + \$12/sq ft	\$30 min + \$1 cu ft	\$90	\$80 min + \$10/sq ft	\$600 max	\$600 - \$200	\$102 min + \$14/sq ft	\$60 min + \$0.08/sq ft	\$72.60 + \$13/sq ft	\$50 min + \$0.06/sq ft	\$95 + \$13/sq ft	\$747	\$63 + 10/SF 692 max	\$13 + .04/SF	\$85 + 14/SF 925 max	\$22 + .04/SF 233 max
Moving Building Accessory	\$100 + \$50/sq ft	\$250 + \$14/sq ft	\$50 min + \$1 cu ft	\$120	\$200 + \$10/sq ft	\$100 - \$200	\$270 + \$14/sq ft	\$200 + \$0.08/sq ft	\$314.60 + 15/sq ft	\$314.60 + 15/sq ft	\$175 + \$0.06/sq ft	\$250 + \$13/sq ft	\$2,030	\$185 min + \$16/SF	\$85 + \$34/SF	\$180 + \$50/SF	\$5 + \$34/SF
Re-inspections	\$50	\$75	\$50	\$60	\$60	\$60	\$60	\$65	\$60	\$65	\$60	\$60	\$812	\$74.00	\$24	\$70	\$4
Plan Examination 1 & 2 Family Residence	\$150	\$250	\$170	\$200	\$180	\$100	\$120	\$300	\$200	\$220	\$200	\$275	\$2,365	\$197.08	\$47	\$225	\$28
Plan Examination Apartment, 3 family, row housing, multi-family	\$150 + \$15/unit	\$100/unit	\$250 + \$25/unit	\$40 + \$5/unit	\$180	\$150 + \$15/unit	\$250	\$355 + \$32/unit	\$250 + \$25/unit	\$343 + \$33/unit	\$200	\$330 + \$30/unit	\$2,598	\$210/unit			
Plan Examination Commercial or Industrial	\$150	\$300	\$250	\$200	\$250	\$150	\$240	\$355	\$250	depends on sq ft	\$250	\$330	\$2,735	\$249.00	\$99	\$250	\$1
Plan Examination Addition 1&2 family residence	\$50	\$100	\$90	\$75	\$60	\$50	\$60	\$120	\$70	\$116	\$75	\$95	\$961	\$80.00	\$30	\$100	\$20
Plan Examination Alteration 1&2 Family	\$50	\$100	\$57	\$75	\$60	\$60	\$60	\$70	\$70	\$73	\$50	\$60	\$725	\$66.00	\$16	\$75	\$9
Plan Examination Accessory Building	\$50	\$65	(120 sq ft or more)	\$50	\$130	\$30	\$30	\$5	\$70	\$73	\$75	\$75	\$735	\$67.00	\$17	\$75	\$8
Decks & Swimming Pools	\$50	\$57		\$50	\$60	\$30	\$30	\$65	\$40	\$73	\$35	\$60	\$580	\$53.00	\$3	\$60	\$13
Special Inspections	\$150	\$100/hr	\$250	\$100	\$100	\$150	\$150	\$205	\$175	\$333	\$150	\$190	\$1,903	\$173.00	\$23	\$175	\$2
Building Permit Seal																	
State Charge \$28/card			\$12, plus state fee	Village Cost + \$10		\$30 plus state fee											
Cost to Village \$33.28	\$40	\$65	\$12 + \$33.28 = \$45.28	\$33.28 + \$10 = \$43.28	\$42	\$50	\$50	\$60	\$44	\$40	\$75	\$569	\$52.00	\$12	\$50	\$2	
Occupancy Residential	\$50/unit	\$75	\$75/unit	\$75/unit	\$120/unit	\$60/unit	\$60	\$65/unit	\$50/unit	\$73/unit	\$50/unit	\$75	\$785	\$65.00	\$15	\$70	\$5
Occupancy Office	\$100/unit	\$210/unit	\$190/unit	\$75/unit	\$180/unit	\$100	\$100	\$255/unit	\$160/unit	\$160/unit	\$125/unit	\$193	\$1,913	\$161.00	\$61	\$200	\$39
Occupancy Commercial	\$100/unit	\$210/unit	\$190/unit	\$75/unit	\$180/unit	\$100	\$100	\$255/unit	\$160/unit	\$160/unit	\$125/unit	\$193	\$1,913	\$161.00	\$61	\$200	\$39
Occupancy Industrial	\$100/unit	\$210/unit	\$190/unit	\$75/unit	\$180/unit	\$100	\$100	\$255/unit	\$160/unit	\$160/unit	\$125/unit	\$193	\$1,913	\$161.00	\$61	\$200	\$39
Pools	\$40 Min	\$180	\$125/1000	\$8/\$1000	\$90	\$40 Min	\$60	\$65 Min	\$60 Min	\$72.60 min	\$50 min	\$75.00 min	\$835	\$68.00	\$34	\$65	\$19
Erosion Control 1 & 2 Family Lots	\$100	\$175	\$235	\$175	\$200	\$200	\$100/Lot	\$205	\$150	\$302.50	\$160	\$190/Lot	\$2,193	\$182.00	\$83	\$200	\$17
Erosion Control Multi-Family	\$195/building + \$5/1000 sq ft	\$280/building + \$5/1000 sq ft	\$330/building + \$7.50/1000 sq ft	\$250/building + \$5/1000 sq ft	\$200	\$200/building + \$5/1000 sq ft	\$100/Lot	\$240/building + \$6.5/1000 sq ft	\$200/building + \$5/1000 sq ft	\$365/building + \$6.08/1000 sq ft	\$200	\$225/building + \$6/1000 sq ft	\$2,688	\$224 + \$6/1000	\$29 + \$1/1000	\$275 + \$7/1000	\$51 + \$1/1000
Erosion Control Commercial	\$195/building + \$5/1000 sq ft	\$280/building + \$5/1000 sq ft	\$330/building + \$7.50/1000 sq ft	\$250/building + \$5/1000 sq ft	\$200	\$200/building + \$5/1000 sq ft	\$100/Lot	\$240/building + \$6.5/1000 sq ft	\$200/building + \$5/1000 sq ft	\$365/building + \$6.08/1000 sq ft	\$200	\$225/building + \$6/1000 sq ft	\$2,688	\$224 + \$6/1000	\$29 + \$1/1000	\$275 + \$7/1000	\$51 + \$1/1000
Erosion Control Industrial	\$195/building + \$5/1000 sq ft	\$280/building + \$5/1000 sq ft	\$330/building + \$7.50/1000 sq ft	\$250/building + \$5/1000 sq ft	\$200	\$200/building + \$5/1000 sq ft	\$100/Lot	\$240/building + \$6.5/1000 sq ft	\$200/building + \$5/1000 sq ft	\$365/building + \$6.08/1000 sq ft	\$200	\$225/building + \$6/1000 sq ft	\$2,688	\$224 + \$6/1000	\$29 + \$1/1000	\$275 + \$7/1000	\$51 + \$1/1000
Erosion Control Institutional	\$195/building + \$5/1000 sq ft	\$280/building + \$5/1000 sq ft	\$330/building + \$7.50/1000 sq ft	\$250/building + \$5/1000 sq ft	\$200	\$200/building + \$5/1000 sq ft	\$100/Lot	\$240/building + \$6.5/1000 sq ft	\$200/building + \$5/1000 sq ft	\$365/building + \$6.08/1000 sq ft	\$200	\$225/building + \$6/1000 sq ft	\$2,688	\$224 + \$6/1000	\$29 + \$1/1000	\$275 + \$7/1000	\$51 + \$1/1000



## 2018 Building Permit Fee Comparison

	Somers	Caledonia	Hartland	Mount Pleasant	Rochester	Slinger	Sturtevant	Sussex	Twin Lakes	Total	Average Community	Average Compared to Somers (Below Ave) (Above Ave)	Recommendation	Somers After Recommendation (Below Ave) (Above Ave)
<b>Type</b>	Village	Village	Village	Village	Village	Village	Village	Village	Village					
<b>Pop</b>	9800	25000	9000	26000	3000	5000	7000	10000	6000	91000	11375			
<b>Minimum Permit Fee</b>	\$40	\$57	\$40	\$40	\$50	\$55	\$73	\$50	\$50	\$415	\$51.88	\$11.88	\$45	\$6.88
<b>Residence - 1 &amp; 2 Family, attached garage</b>	\$ .25/sq ft	\$ .40/sq ft	\$ .30/sq ft	\$ .22/ sq ft	\$ .35/sq ft	\$ .35/sq ft	\$ .51/sq ft	\$ .30/sq ft	\$ .35/sq ft	\$2.78	\$0.34/sq ft	\$0.09	\$ .30/sq ft	\$ .04/sq ft
<b>Residences &amp; Apartments, 3 family &amp; over, row housing, multi-family dwellings</b>	\$ .25/sq ft	\$ .40/sq ft	\$ .30/sq ft		\$ .35/sq ft	\$ .35/sq ft	\$ .51/sq ft	\$ .30/sq ft	\$ .35/sq ft	\$2.56	\$0.37/sq ft	\$0.12	\$ .30/sq ft	\$ .07/sq ft
<b>Institutional</b>	\$ .25/sq ft	\$ .40/sq ft	\$ .30/sq ft		\$ .35/sq ft	\$ .30/sq ft	\$ .51/sq ft	\$ .30/sq ft	\$ .35/sq ft	\$2.51	\$0.35/sq ft	\$0.10	\$ .30/sq ft	\$ .05/sq ft
<b>Additions to Residences</b>	\$ .25/sq ft	\$ .40/sq ft	\$ .30/sq ft	\$ .20/sq ft	\$ .35/sq ft	\$ .35/sq ft	\$ .51/sq ft	\$ .30/sq ft	\$ .35/sq ft	\$2.76	\$0.34/sq ft	\$0.09	\$ .30/sq ft	\$ .04/sq ft
<b>Local Business, Commercial, Retail, Office</b>	\$ .25/sq ft	\$ .40/sq ft	\$ .30/sq ft	\$ .20/sq ft	\$ .33/sq ft	\$ .30/sq ft	\$0.48/sq ft	\$ .28/sq ft	\$ .33/sq ft	\$2.62	\$0.32/sq ft	\$0.07	\$ .30/sq ft	\$ .02/sq ft
<b>Manufacturing or Industrial</b>	\$ .25/sq ft	\$ .36/sq ft	\$ .30/sq ft	\$ .15/sq ft	\$ .28/sq ft	\$ .30/sq ft	\$0.41/sq ft	\$ .26/sq ft	\$ .28/sq ft	\$2.34	\$0.29/sq ft	\$0.04	\$ .30/sq ft	\$ .01/sq ft
<b>Permit to Start Construction of Footings &amp; Foundations Multi-Family, Commercial, Industrial</b>	\$100	\$250	\$200	\$150	\$265	\$250	\$326.70	\$225.00	\$265	\$1,932	\$241.46	\$141.46	\$150	\$91.46
<b>Permit to Start Construction of Footings &amp; Foundations Single Family</b>	\$75	\$200	\$200		\$200	\$175	\$302.50	\$175.00	\$200	\$1,453	\$207.50	\$132.50	\$150	\$57.50
<b>Agricultural buildings, detached garages &amp; accessory buildings</b>	\$ .20/sq ft	\$ .25/sq ft	\$ .30/sq ft	\$ .18/sq ft	\$ .28/sq ft	\$ .30/sq ft	\$ .32/sq ft	\$ .26/sq ft	\$ .28/sq ft	\$2.17	\$0.26/sq ft	\$0.06	\$ .25/sq ft	\$ .01/sq ft
<b>All other buildings, detached garages &amp; accessory buildings</b>	\$6/\$1000	\$12/\$1000	\$8/\$1000	\$8/\$1000	\$11.75/\$1000	\$12/\$1000	\$15	\$10/\$1000	\$11.75/\$1000	\$88.50	\$10.56/\$1000	\$4.56/\$1000	\$8/\$1000	\$2.56/\$1000
<b>Heating &amp; incinerator units &amp; wood burning appliances</b>	\$40/unit	\$57/unit	\$30/unit	\$40/unit	\$50/unit	\$60/unit	\$72.60/unit	\$50/unit	\$50/unit	\$409.60	\$49.95/unit	\$9.95/unit	\$45/unit	\$4.95/unit
<b>Commercial/Industrial exhaust hoods</b>	\$40/unit	\$100/unit		\$60/unit	\$170/unit	\$125/unit	\$121/unit	\$60/unit	\$170/unit	\$806	\$112.29/unit	\$72.29/unit	\$50/unit	\$62.29/unit
<b>HVAC Single Family</b>	\$150												\$150	\$150
<b>Heating &amp; Air Distribution System</b>	\$50	\$2.40/100 sq ft						\$1.50/100 sq ft					\$50	\$50
<b>Air Conditioning</b>	\$40/unit	\$57/unit				\$60/unit		\$50/unit		\$167	\$52.33/unit	\$12.33/unit	\$50/unit	\$2.33/unit
<b>Wrecking or Razing</b>	\$40 min + \$.02 sq ft \$250 max	\$57 min + \$.12 sq ft	\$30 min + \$1 cu ft	\$40 min + \$.50/sq ft \$500 max	\$80 min + \$.10/sq ft \$800 max	\$60 min + \$.08/sq ft \$300 max	\$72.60 + \$.13/sq ft \$825 Max	\$50 min +\$.06/sq ft \$500 max	\$80 +\$.10/sq ft \$800 max	\$469.40 \$1.11	\$57.45 min + \$.15/sq ft	\$17.45 min + \$.13/sq ft	\$50 min +\$.06/sq ft \$500 max	\$7.45 +\$.09/sq ft
<b>Moving Building Principal Building</b>	\$50 + \$.03/sq ft	\$250 + \$.14/sq ft	\$50 min + \$1 cu ft	\$100 + \$.50/sq ft	\$215 + \$.10/sq ft	\$200 + \$.08/sq ft	\$314.60 + .15/sq ft	\$175 +\$.06/sq ft \$500 max	\$215 + \$.10/sq ft	\$1519.60 \$1.16	\$174.33 min + \$.16/sq ft	\$124.33 + \$.13/sq ft	\$100 + \$.50/sq ft	\$74.33+\$.34/sq
<b>Moving Building Accessory Re-inspections</b>	\$5 + \$.03/sq ft \$40	\$250 + \$.14/sq ft \$125	\$50 min + \$1 cu ft \$50	\$100 + \$.50/sq ft \$50	\$215 + \$.10/sq ft \$50	\$200 + \$.08/sq ft \$65	\$314.60 + .15/sq ft \$152	\$175 +\$.06/sq ft \$500 max \$60	\$215 + \$.10/sq ft \$50	\$1519.60 \$642	\$168.70 min + \$.16/sq ft \$80.25	\$163.70 + \$.16/sq ft \$40.25	\$100 + \$.50/sq ft \$50	\$68.70+\$.34/sq \$30.25
<b>Plan Examination 1 &amp; 2 Family Residence</b>	\$75	\$170	\$200	\$100	\$235	\$200	\$220	\$200	\$235	\$1,635	\$204.38	\$129.38	\$150	\$54.38
<b>Plan Examination Apartment, 3 family, row housing, multi-family</b>	\$40 + \$5/unit	\$250 + \$25/unit	\$40 + \$5/unit	\$150 + \$15/unit	\$285 +\$25/unit	\$250 + \$25/unit	\$343 + \$33/unit \$600 min depends on sq ft	\$200	\$285 + \$25/unit	\$1803 \$158	\$205.38 + \$19.75/unit	\$165.38 + \$14.75/unit	\$150+\$15/unit	\$55.38+\$4.75/unit
<b>Plan Examination Commercial or Industrial</b>	\$75	\$250	\$200	\$150	\$285	\$250		\$250	\$285	\$2,095	\$261.88	\$186.88	\$150	\$111.88
<b>Plan Examination Addition 1&amp;2 family residence</b>	\$40	\$90	\$75	\$50	\$80	\$70	\$116	\$75	\$80	\$636	\$79.50	\$39.50	\$50	\$29.50
<b>Plan Examination Alteration 1&amp;2 family residence</b>	\$40	\$57	\$75	\$50	\$80	\$70	\$73	\$50	\$50	\$455	\$65.00	\$25.00	\$50	\$15.00
<b>Plan Examination Accessory Building</b>	(150 sq ft or more)	(120 sq ft or more)	(240 sq ft or more)	\$50	(120 sq ft)	(120 sq ft)	(120 sq ft)	(150 sq ft or more)	(120 sq ft)	\$435	\$53.13	\$33.13	(150 sq ft or more)	\$3.13
<b>Decks &amp; Swimming Pools</b>	\$20	\$57	\$50	\$30	\$50	\$40	\$73	\$35	\$50	\$385	\$48.13	\$28.13	\$50	\$1.87
<b>Special Inspections</b>	\$100	\$250	\$100	\$100	\$165	\$175	\$333	\$150	\$165	\$1,538	\$192.25	\$92.25	\$150	\$42.25
<b>WI Building Uniform Building Permit Seal State Charge \$33/seal State Charge \$.28/Card Cost to Village \$33.28</b>	\$40	\$12, plus state fee \$12 + \$33.28 = \$45.28	Village Cost + \$10 \$33.28 + \$10= \$43.28	\$5, plus state fee \$5 + \$33.28	\$60		\$44	\$40	\$60	\$325.84	\$46.55	\$6.55	\$40	\$6.55
<b>Occupancy Residential</b>	\$40/unit	\$57/unit	\$75/unit	\$30/unit	\$50/unit	\$50/unit	\$73/unit	\$50/unit	\$50/unit	\$435	\$53.13/unit	\$13.13/unit	\$50/unit	\$3.13/unit
<b>Occupancy Office</b>	\$75/unit	\$190/unit	\$75/unit	\$125/unit	\$205/unit	\$160/unit	\$103/unit	\$125/unit	\$205/unit	\$1,188	\$142.25/unit	\$67.25/unit	\$100/unit	\$42.25/unit
<b>Occupancy Commercial</b>	\$75/unit	\$190/unit	\$75/unit	\$125/unit	\$205/unit	\$160/unit	\$230/unit	\$125/unit	\$205/unit	\$1,315.00	\$158.13/unit	\$83.13/unit	\$100/unit	\$58.13/unit
<b>Occupancy Industrial</b>	\$75/unit	\$190/unit	\$75/unit	\$125/unit	\$205/unit	\$160/unit	\$230/unit	\$125/unit	\$205/unit	\$1,315	\$158.13/unit	\$83.13/unit	\$100/unit	\$58.13/unit
<b>Pools</b>	\$5/\$1000	\$12/\$1000	\$8/\$1000	\$8/\$1000	\$11.75/\$1000	\$10/\$1000	\$14.30/\$1000	\$10/\$1000	\$11.75/\$1000		\$10.10/\$1000	\$5.10/\$1000	\$10/\$1000	\$0.10/\$1000
<b>Decks</b>	\$40 Min	\$57 Min	\$30	\$40 Min	\$50 Min	\$60 Min	\$72.60 min	\$50 min	\$50 min	\$85.80	\$54.33	\$14.33	\$50	\$4.33
<b>Erosion Control 1 &amp; 2 Family lots</b>	\$75	\$235	\$175	\$100	\$165	\$150	\$302.50	\$160	\$165	\$1,528	\$191.00	\$116.00	\$100	\$91
<b>Erosion Control Multi-Family</b>	\$75/building + \$5/1000 sq ft disturbed	\$350/building + \$7.50/1000 sq ft disturbed	\$75/building + \$5/1000 sq ft disturbed	\$150/building + \$5/1000 sq ft disturbed	\$195/building + \$5/1000 sq ft disturbed	\$200/building + \$5/1000 sq ft disturbed	\$363/building + \$9.08/1000 sq ft disturbed	\$290 + \$5/1000 sq ft disturbed	\$195/building + \$5/1000 sq ft disturbed	\$1818 \$46.58	\$200.38/building + \$5.82/1000 sq ft disturbed	\$125.38/building + \$8.2/1000 sq ft disturbed	\$195/building + \$5/1000 sq ft disturbed	\$5.38/building + \$.82/1000 sq ft disturbed
<b>Erosion Control Commercial</b>	\$150/building + \$5/1000 sq ft disturbed	\$350/building + \$7.50/1000 sq ft disturbed	\$150/building + \$5/1000 sq ft disturbed	\$150/building + \$5/1000 sq ft disturbed	\$195/building + \$5/1000 sq ft disturbed	\$200/building + \$5/1000 sq ft disturbed	\$462/building + \$9.08/1000 sq ft disturbed	\$290 + \$5/1000 sq ft disturbed	\$195/building + \$5/1000 sq ft disturbed	\$1992 \$46.58	\$231.50/building + \$5.82/1000 sq ft disturbed	\$81.50/building + \$8.2/1000 sq ft disturbed	\$195/building + \$5/1000 sq ft disturbed	\$36.50/building + \$.82/1000 sq ft disturbed
<b>Erosion Control Industrial</b>	\$150/building + \$5/1000 sq ft disturbed	\$350/building + \$7.50/1000 sq ft disturbed	\$150/building + \$5/1000 sq ft disturbed	\$150/building + \$5/1000 sq ft disturbed	\$195/building + \$5/1000 sq ft disturbed	\$200/building + \$5/1000 sq ft disturbed	\$462/building + \$9.08/1000 sq ft disturbed	\$290 + \$5/1000 sq ft disturbed	\$195/building + \$5/1000 sq ft disturbed	\$1992 \$46.58	\$231.50/building + \$5.82/1000 sq ft disturbed	\$81.50/building + \$8.2/1000 sq ft disturbed	\$195/building + \$5/1000 sq ft disturbed	\$36.50/building + \$.82/1000 sq ft disturbed
<b>Erosion Control Institutional</b>	\$150/building + \$5/1000 sq ft disturbed	\$350/building + \$7.50/1000 sq ft disturbed	\$150/building + \$5/1000 sq ft disturbed	\$150/building + \$5/1000 sq ft disturbed	\$195/building + \$5/1000 sq ft disturbed	\$200/building + \$5/1000 sq ft disturbed	\$462/building + \$9.08/1000 sq ft disturbed	\$290 + \$5/1000 sq ft disturbed	\$195/building + \$5/1000 sq ft disturbed	\$1992 \$46.58	\$231.50/building + \$5.82/1000 sq ft disturbed	\$81.50/building + \$8.2/1000 sq ft disturbed	\$195/building + \$5/1000 sq ft disturbed	\$36.50/building + \$.82/1000 sq ft disturbed

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

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**WORK SESSION:** July 18<sup>th</sup>, 2023

**TO:** Village President Stoner and Board of Trustees

**PREPARED BY:** Jason J. Peters, Administrator

**AGENDA ITEM:** #5 Discuss and review proposed Cell Tower lease for Village/Town Hall

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**BACKGROUND:**

The Village currently has two cell towers on Village property that generate income through lease agreements. One is located at Village/Town Hall and the other is at Station #2.

The Village/Town Hall lease was executed in 1998. The initial five-year term ended in 2002. The lease also called for four additional five-year terms. The only tenant on this tower has been Verizon. The annual lease payment for the final five-year term is \$26,030.04. The Village traditionally receives this payment in October of each year. The final five-year term will end at the end of 2023.

Administrator Peters has been in contact with American Tower Corporation (ATC) in regards to renewing this lease. At our June 6<sup>th</sup> Work Session, the Board was informed that Administration had held meetings with ATC to discuss possible terms.

**UPDATE:**

Per ATC, they are not willing to substantially raise the per year payment as the rent they receive from Verizon is almost at a breakeven point. On June 26<sup>th</sup>, Administrator Peters received their formal offer. The summary of the proposal is as follows:

- New 25-year term;
- A 3% escalation in rent per year, with 2024 payment being \$26,811.31; and
- Additional rent per new tenant would move from \$6,500 to \$10,000.

COMMENTS:

Administrator Peters did reach out to Crown Castle and provided them an opportunity to make an offer. Their firm reviewed the information and was not interested in pursuing this lease. Under this proposal our revenue stream stays basically the same as we have factored into past budgets, and any additional users would be an added source of revenue.

The proposed contract language will need to be updated to reference the fact that the Village is now the owner of the property. This has been relayed to ATC and we are waiting for an updated lease.

Administration is seeking guidance from the Board as whether they are agreeable to these terms.

ATTACHMENTS:

Proposed Lease Agreement

## THE SECOND AMENDMENT TO TOWER/ LAND LEASE AGREEMENT

This Second Amendment to Tower/ Land Lease Agreement (this "**Amendment**") is made effective as of the latter signature date hereof (the "**Effective Date**") by and between **Town of Somers**, a Wisconsin municipal corporation ("**Landlord**") and **Cellco Partnership d/b/a Verizon Wireless** ("**Tenant**") (Landlord and Tenant being collectively referred to herein as the "**Parties**").

### RECITALS

**WHEREAS**, Landlord owns the real property described on **Exhibit A** attached hereto and by this reference made a part hereof (the "**Parent Parcel**"); and

**WHEREAS**, Landlord (or its predecessor-in-interest) and Tenant (or its predecessor-in-interest) entered into that certain Tower/ Land Lease Agreement dated November 6, 1998 (the "**Original Lease**"), as amended by that certain Amendment to Tower/Land Lease Agreement dated August 27, 2013 (the "**First Amendment**") (as the same may have been amended, collectively, the "**Lease**"), pursuant to which the Tenant leases a portion of the Parent Parcel and is the beneficiary of certain easements for access and public utilities, all as more particularly described in the Lease (such portion of the Parent Parcel so leased along with such portion of the Parent Parcel so affected, collectively, the "**Leased Premises**"), which Leased Premises are also described on **Exhibit A**; and

**WHEREAS**, Tenant, Verizon Communications Inc., a Delaware corporation, and other parties identified therein, entered into a Management Agreement and a Master Prepaid Lease, both with an effective date of March 27, 2015 and both with ATC Sequoia LLC, a Delaware limited liability company ("**American Tower**"), pursuant to which American Tower subleases, manages, operates and maintains, as applicable, the Leased Premises, all as more particularly described therein; and

**WHEREAS**, Tenant has granted American Tower a limited power of attorney (the "**POA**") to, among other things, prepare, negotiate, execute, deliver, record and/or file certain documents on behalf of Tenant, all as more particularly set forth in the POA; and

**WHEREAS**, Landlord and Tenant desire to amend the terms of the Lease to extend the term thereof and to otherwise modify the Lease as expressly provided herein.

**NOW THEREFORE**, in consideration of the foregoing recitals and the mutual covenants set forth herein and other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Lease Term Extended.** Notwithstanding anything to the contrary contained in the Lease, the Parties agree that the Lease, without giving effect to this Amendment and assuming the exercise by Tenant of all remaining renewal terms in the Lease, has a final expiration date of November 5, 2023 (the "**Current Expiration Date**"). Tenant shall have the option to extend the Lease for each of five (5) additional five (5) year renewal terms (each a "**New Renewal Term**" and, collectively, the "**New Renewal Terms**"). The first New Renewal Term shall commence on the day immediately following the Current Expiration Date, and all existing renewal terms and New Renewal Terms shall automatically renew unless Tenant notifies Landlord that Tenant elects not to renew the Lease not less than ninety (90) days prior to the expiration of the then current term.
2. **Rent and Escalation.** The Parties hereby acknowledge and agree that the current rent payable from Tenant to Landlord under the Lease is **Twenty-six Thousand Thirty and 40/100 Dollars (\$26,030.40)** per year (the "**Rent**"). Commencing on November 6, 2023 and on each successive annual anniversary thereof, Rent due under the Lease shall increase by an amount equal to **three percent (3%)** of the then current Rent. In the event of any overpayment of Rent or Additional Rent (as defined below) prior to or after the Effective Date, Tenant shall have the right to deduct from any future Rent payments an amount

ATC Site No: 410924  
VZW Site No: 113489  
Site Name: Racine WI  
2023-07-14

equal to the overpayment amount. Notwithstanding anything to the contrary contained in the Lease, all Rent and any other payments expressly required to be paid by Tenant to Landlord under the Lease and this Amendment shall be paid to **Town of Somers WI**. The escalations in this Section shall be the only escalations to the Rent and any/all rental escalations otherwise contained in the Lease are hereby null and void and are of no further force and effect.

3. **Modification to Additional Rent.** The Parties acknowledge and agree that the Annual Rent Per Additional User described in Section 3(c) of the Original Lease (the “**Additional Rent**”) shall be increased to Ten Thousand and 00/100 Dollars (\$10,000.00) beginning on November 6, 2023. Commencing on November 6, 2028, and on the beginning of each New Renewal Term thereafter, the Additional Rent shall increase by an amount equal to One Thousand and 00/100 Dollars (\$1,000.00). The escalations to the Additional Rent described in the preceding sentence shall be the only escalations to the Additional Rent, and the Additional Rent shall not be subject to the escalations to Rent as delineated in Section 2 of this Amendment and/or as otherwise contained in the Lease. In the event a sublease or license with an additional user expires or terminates, Tenant’s obligation to pay the Additional Rent for such additional user shall automatically terminate upon the date of such expiration or termination. Notwithstanding anything to the contrary contained in the Lease, or in this Amendment, Tenant shall have no obligation to pay to Landlord and Landlord hereby agrees not to demand or request that Tenant pay to Landlord any Additional Rent in connection with the sublease to or transfer of Tenant’s obligations and/or rights under the Lease, as modified by this Amendment, to any subsidiary, parent or affiliate of Tenant or American Tower.
4. **Notices.** Parties acknowledge and agree that Section 15 of the Original Lease is hereby deleted in its entirety and is of no further force and effect. From and after the Effective Date the notice address and requirements of the Lease, as modified by this Amendment, shall be controlled by this Section of this Amendment. All notices must be in writing and shall be valid upon receipt when delivered by hand, by nationally recognized courier service, or by First Class United States Mail, certified, return receipt requested to the addresses set forth herein: to Landlord at: P.O. Box 197, Somers, WI 53171-0197; to Tenant at: Verizon Wireless, Attn.: Network Real Estate, 180 Washington Valley Road, Bedminster, NJ 07921; with copy to: American Tower, Attn.: Land Management, 10 Presidential Way, Woburn, MA 01801; and also with copy to: Attn.: Legal Dept. 116 Huntington Avenue, Boston, MA 02116. Any of the Parties, by thirty (30) days prior written notice to the others in the manner provided herein, may designate one or more different notice addresses from those set forth above. Refusal to accept delivery of any notice or the inability to deliver any notice because of a changed address for which no notice was given as required herein, shall be deemed to be receipt of any such notice.
5. **Conflict/Capitalized Terms.** The Parties hereby acknowledge and agree that in the event of a conflict between the terms and provisions of this Amendment and those contained in the Lease, the terms and provisions of this Amendment shall control. Except as otherwise defined or expressly provided in this Amendment, all capitalized terms used in this Amendment shall have the meanings or definitions ascribed to them in the Lease. To the extent of any inconsistency in or conflict between the meaning, definition, or usage of any capitalized terms in this Amendment and the meaning, definition, or usage of any such capitalized terms or similar or analogous terms in the Lease, the meaning, definition, or usage of any such capitalized terms in this Amendment shall control.
6. **Counterparts.** This Amendment may be executed in multiple counterparts, each of which when so executed and delivered, shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument.

ATC Site No: 410924  
VZW Site No: 113489  
Site Name: Racine WI  
2023-07-14

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

**LANDLORD:**

**Town of Somers,**  
a Wisconsin municipal corporation

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

*[SIGNATURES CONTINUE ON FOLLOWING PAGE]*

**TENANT:**

**Cellco Partnership d/b/a Verizon Wireless**

By: ATC Sequoia LLC, a Delaware limited liability company

Title: Attorney-in-Fact

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT A**

*This Exhibit A may be replaced at Tenant's option as described below*

**PARENT PARCEL**

*Tenant shall have the right to replace this description with a description obtained from the vesting deed (or deeds) to the fee owner of the Parent Parcel that includes the land area encompassed by the Lease and Tenant's improvements thereon*

The Parent Parcel consists of the entire legal taxable lot owned by Landlord as described in a deed (or deeds) to Landlord of which the Leased Premises is a part thereof with such Parent Parcel being described below:

Being situated in the County of Kenosha, State of Wisconsin, and being known as  
Kenosha County APN: 82-4-222-161-0116.

**LEASED PREMISES**

*Tenant shall have the right to replace this description with a description obtained from the Lease or from a description obtained from an as-built survey conducted by Landlord.*

The Leased Premises consists of that portion of the Parent Parcel as defined in the Lease which shall include access and utilities easements.

## **EXHIBIT B**

# **FORM OF MEMORANDUM OF LEASE**

**Prepared by and Return to:**

American Tower  
10 Presidential Way  
Woburn, MA 01801  
Attn: Land Management/Tyler Choiniere, Esq.  
ATC Site No: 410924  
ATC Site Name: Racine WI  
Assessor’s Parcel No(s): 82-4-222-161-0116

**Prior Recorded Lease Reference:**

Book \_\_\_\_\_, Page \_\_\_\_\_  
Document No: \_\_\_\_\_  
State of Wisconsin  
County of Kenosha

**MEMORANDUM OF LEASE**

This Memorandum of Lease (the “**Memorandum**”) is entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_ by and between **Town of Somers**, a Wisconsin municipal corporation, (“**Landlord**”) and **Cellco Partnership d/b/a Verizon Wireless** (“**Tenant**”).

**NOTICE** is hereby given of the Lease (as defined and described below) for the purpose of recording and giving notice of the existence of said Lease. To the extent that notice of such Lease has previously been recorded, then this Memorandum shall constitute an amendment of any such prior recorded notice(s).

1. **Parent Parcel and Lease.** Landlord is the owner of certain real property being described in **Exhibit A** attached hereto and by this reference made a part hereof (the “**Parent Parcel**”). Landlord (or its predecessor-in-interest) and Tenant (or its predecessor-in-interest) entered into that certain Tower/ Land Lease Agreement dated November 6, 1998 (as the same may have been amended from time to time, collectively, the “**Lease**”), pursuant to which the Tenant leases a portion of the Parent Parcel and is the beneficiary of certain easements for access and public utilities, all as more particularly described in the Lease (such portion of the Parent Parcel so leased along with such portion of the Parent Parcel so affected, collectively, the “**Leased Premises**”), which Leased Premises is also described on **Exhibit A**.
2. **American Tower.** Tenant, Verizon Communications Inc., a Delaware corporation, and other parties identified therein, entered into a Management Agreement and a Master Prepaid Lease, both with an effective date of March 27, 2015 and both with ATC Sequoia LLC, a Delaware limited liability company (“**American Tower**”), pursuant to which American Tower subleases, manages, operates and maintains, as applicable, the Leased Premises, all as more particularly described therein. In connection with these responsibilities, Tenant has also granted American Tower a limited power of attorney (the “**POA**”) to, among other things, prepare, negotiate, execute, deliver, record and/or file certain documents on behalf of Tenant, all as more particularly set forth in the POA.
3. **Expiration Date.** Subject to the terms, provisions, and conditions of the Lease, and assuming the exercise by Tenant of all renewal options contained in the Lease, the final expiration date of the Lease would be November 5, 2048. Notwithstanding the foregoing, in no event shall Tenant be required to exercise any option to renew the term of the Lease.

ATC Site No: 410924  
VZW Site No: 113489  
Site Name: Racine WI  
2023-07-14

4. **Effect/Miscellaneous.** This Memorandum is not a complete summary of the terms, provisions and conditions contained in the Lease. In the event of a conflict between this Memorandum and the Lease, the Lease shall control. Landlord hereby grants the right to Tenant to complete and execute on behalf of Landlord any government or transfer tax forms necessary for the recording of this Memorandum. This right shall terminate upon recording of this Memorandum.
5. **Notices.** All notices must be in writing and shall be valid upon receipt when delivered by hand, by nationally recognized courier service, or by First Class United States Mail, certified, return receipt requested to the addresses set forth herein: to Landlord at: P.O. Box 197, Somers, WI 53171-0197; to Tenant at: Verizon Wireless, Attn.: Network Real Estate, 180 Washington Valley Road, Bedminster, NJ 07921; with copy to: American Tower, Attn.: Land Management, 10 Presidential Way, Woburn, MA 01801, and also with copy to: Attn.: Legal Dept. 116 Huntington Avenue, Boston, MA 02116. Any of the parties hereto, by thirty (30) days prior written notice to the other in the manner provided herein, may designate one or more different notice addresses from those set forth above. Refusal to accept delivery of any notice or the inability to deliver any notice because of a changed address for which no notice was given as required herein, shall be deemed to be receipt of any such notice.
6. **Counterparts.** This Memorandum may be executed in multiple counterparts, each of which when so executed and delivered, shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

**IN WITNESS WHEREOF**, Landlord and Tenant have each executed this Memorandum as of the day and year set forth below.

**LANDLORD**

**2 WITNESSES**

**Town of Somers,**  
a Wisconsin municipal corporation

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
  
Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

**WITNESS AND ACKNOWLEDGEMENT**

State/Commonwealth of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

[SEAL]

*[SIGNATURES CONTINUE ON FOLLOWING PAGE]*

**TENANT**

**WITNESS**

**Cellco Partnership d/b/a Verizon Wireless**

By: ATC Sequoia LLC,  
a Delaware limited liability company  
Title: Attorney-in-Fact

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

**WITNESS AND ACKNOWLEDGEMENT**

Commonwealth of Massachusetts

County of Middlesex

On this \_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

[SEAL]

**EXHIBIT A**

*This Exhibit A may be replaced at Tenant's option as described below.*

**PARENT PARCEL**

*Tenant shall have the right to replace this description with a description obtained from Landlord's deed (or deeds) that include the land area encompassed by the Lease and Tenant's improvements thereon.*

The Parent Parcel consists of the entire legal taxable lot owned by Landlord as described in a deed (or deeds) to Landlord of which the Leased Premises is a part thereof with such Parent Parcel being described below:

Being situated in the County of Kenosha, State of Wisconsin, and being known as  
Kenosha County APN: 82-4-222-161-0116.

**LEASED PREMISES**

*Tenant shall have the right to replace this description with a description obtained from the Lease or from a description obtained from an as-built survey conducted by Tenant.*

The Leased Premises consists of that portion of the Parent Parcel as defined in the Lease which shall include access and utilities easements. The square footage of the Leased Premises shall be the greater of: (i) the land area conveyed to Tenant in the Lease; (ii) Tenant's (and Tenant's customers) existing improvements on the Parent Parcel; or (iii) the legal description or depiction below (if any).

**ACCESS AND UTILITIES**

The access and utility easements include all easements of record as well that portion of the Parent Parcel currently utilized by Tenant (and Tenant's customers) for ingress, egress and utility purposes from the Leased Premises to and from a public right of way including but not limited to:

# SOMERS FIRE & RESCUE



CHIEF  
Benjamin Andersen

P.O. Box 197  
Somers, WI 53171  
(262-859-2277)

To: President Stoner and Village Board Trustees

Request to further discuss the Fire Department having a Social Media Account.

I hope to start our fall recruitment drive and would really like to get a Department Facebook page to assist with this. I am reattaching the information provided in earlier memo.

Somers Village Board below is additional information I have compiled regarding the use of social media in a government or municipal account. I had a lengthy conversation with Joe Potente of Kenosha County who oversees several of the Kenosha County Facebook Pages including Kenosha County Government and Kenosha County Parks Pages. He stated if anyone from our village board has any concerns, they want to talk over he is willing to have that conversation. Joe Stated that Kenosha County has been on social media for 7 years now and that was why he was originally brought in as communication coordinator for the county. He stated they had no major issues and no open records requests stemming from any of their Social Media Accounts. Joe shared with me the Counties extensive social media policy. Below is a list of some of the agencies locally on social media.

## **FACEBOOK PAGES**

Kenosha County Government <https://www.facebook.com/kenoshacountygovt/>

Kenosha County Sheriff <https://www.facebook.com/KenoshaCountySheriff/>

Kenosha Police Department <https://www.facebook.com/Kenoshapolice/>

Pleasant Prairie Fire Department <https://www.facebook.com/PleasantPrairieFireWI/>

Village of Pleasant Prairie <https://www.facebook.com/PLPrairieWi/>

Bristol Fire Rescue <https://www.facebook.com/BristolFireRescue52/>

Village of Waterford <https://www.facebook.com/VillageofWaterford/>

South Shore Fire Department <https://www.facebook.com/people/South-Shore-Fire-Department-Mt-Pleasant-WI/100064670262883/>

Racine Fire Department <https://www.facebook.com/RacineFireDepartment/>

Contact information for Joe Potente  
Joe Potente  
Communications Manager  
Office: 262-653-2802  
Mobile: 262-818-1414  
<http://bit.ly/KenoshaCountySocial>

Respectfully Submitted Chief Benjamin Andersen



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

---

**WORK SESSION:** July 18<sup>th</sup>, 2023

**TO:** Village President Stoner and Board of Trustees

**PREPARED BY:** Kevin Poirier, Assistant to the Administrator

**AGENDA ITEM:** #7 Review and Discuss proposed Ordinance No. 2023-023, An Ordinance to Repeal and Recreate Section 12.11(F) of the Code of Ordinances of the Village of Somers Relating to Landfill and Excavating Permits.

---

**BACKGROUND:**

While Building Inspector Scott Seymour was reviewing and updated permits, ordinances were reviewed and staff found a typo. This new ordinance fixes that.

**COMMENTS:**

This new ordinance does not change the spirit of the ordinance.

**ATTACHMENTS:**

Proposed Ordinance No. 2023-023

ORDINANCE NO. 2023-023

AN ORDINANCE TO REPEAL AND RECREATE SECTION 12.11(F)  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS  
RELATING TO LANDFILL AND EXCAVATION PERMITS

---

The Village Board of Trustees of the Village of Somers, Kenosha County,  
Wisconsin, hereby repeals and recreates Section 12.11(F) of the Code of Ordinances of the  
Village of Somers to read as follows:

(F) **Surface Water.** No permit shall be granted by the Building Inspector until said  
Building Inspector is satisfied that the filled area will not adversely affect the properties of others or change  
the grade of land and flow of surface waters to adversely affect adjoining areas or be a source of pollution  
to surface water.

Dated at Somers, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

VILLAGE OF SOMERS

By: \_\_\_\_\_  
George Stoner, President

Attest: \_\_\_\_\_  
Brandi Baker, Clerk/Treasurer



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

---

**WORK SESSION:** July 18<sup>th</sup>, 2023

**TO:** Village President Stoner and Board of Trustees

**PREPARED BY:** Kevin Poirier, Assistant to the Administrator  
Scott A Seymour, Building Inspections

**AGENDA ITEM:** #8 Review and Discuss proposed changes to Village Code in regards to Swimming Pools.

---

**BACKGROUND:**

While Building Inspector Scott Seymour was reviewing and updating permits, ordinances were reviewed and staff found that section 14.15(G) of the Code of Ordinances of the Village of Somers was referring to the wrong Zoning Ordinance. Proposed ordinance 2023-024 new ordinance fixes that.

**COMMENTS:**

This new ordinance does not change the spirit of the ordinance.

The Building Inspector also suggests that the Village Attorney changed the Zoning Ordinance relating to Swimming Pools (ZN 3.09) to allow an exception to the fence requirement if the pool side walls are 48 inches or greater. The suggestion would be to add ZN 3.09(7)(b)3 stating:

***Or the height of the pool side walls must be four feet in height or greater.***

**ATTACHMENTS:**

Proposed Ordinance No. 2023-024

ORDINANCE NO. 2023-024

AN ORDINANCE TO REPEAL AND RECREATE SECTION 14.15(G)  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS  
RELATING TO SWIMMING POOL FENCES

---

The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 14.15(G) of the Code of Ordinances of the Village of Somers to read as follows:

(G) **Swimming Pool Fences**. See §ZN 3.09 of the Code of Ordinances.

Dated at Somers, Wisconsin, this \_\_\_\_ day of \_\_\_\_\_, 2023.

VILLAGE OF SOMERS

By: \_\_\_\_\_  
George Stoner, President

Attest: \_\_\_\_\_  
Brandi Baker, Clerk/Treasurer



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

---

**WORK SESSION:** July 18<sup>th</sup>, 2023

**TO:** Village President Stoner and Board of Trustees

**PREPARED BY:** Kevin Poirier, Assistant to the Administrator

**AGENDA ITEM:** #9 Review and Discuss proposed Ordinance No. 2023-025, An Ordinance to Repeal and Recreate Section 25.04 of the Code of Ordinances of the Village of Somers Relating to Penalty Provisions.

---

**BACKGROUND:**

Administration met with Municipal Judge Kupfer to update and clarify the penalties in the ordinances.

Attorney Davison has drafted an Ordinance that would repeal and recreate Section 25.04 of the Code of Ordinances of the Village of Somers Relating to Penalty Provisions.

Below in bold are the proposed changes to the ordinance:

(A) General Penalty. Except as otherwise provided, ***including such provisions and penalties provided in the State of Wisconsin Uniform Motor Vehicle Code as adopted herein***, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

Subparagraph 3 (below) addressing the cost of prosecution was added in its entirety:

***Costs of Prosecution. Costs of prosecution for purposes of this Ordinance shall include actual costs incurred by the Village, but not costs imposed by the State of Wisconsin under the Uniform Motor Vehicle Code.***

**COMMENTS:**

This new ordinance will allow us to update and clarify the bond book used by the Sheriff Department to issue citations.

ATTACHMENTS:

Proposed Ordinance No. 2023-025

ORDINANCE NO. 2023-025

AN ORDINANCE TO REPEAL AND RECREATE SECTION 25.04  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS  
RELATING TO PENALTY PROVISIONS

---

The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 25.04 of the Code of Ordinances of the Village of Somers to read as follows:

**25.04 PENALTY PROVISIONS.**

(A) **General Penalty.** Except as otherwise provided, including such provisions and penalties provided in the State of Wisconsin Uniform Motor Vehicle Code as adopted herein, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(1) **First Offense.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

(2) **Second Offense.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one (1) year shall, upon conviction thereof, forfeit not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding three (3) months.

(3) **Costs of Prosecution.** Costs of prosecution for purposes of this Ordinance shall include actual costs incurred by the Village, but not costs imposed by the State of Wisconsin under the Uniform Motor Vehicle Code.

(B) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(C) **Execution Against Defendant's Property.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the

Village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

Dated at Somers, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

VILLAGE OF SOMERS

By: \_\_\_\_\_  
George Stoner, President

Attest: \_\_\_\_\_  
Brandi Baker, Clerk/Treasurer



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

---

**WORK SESSION:** July 18, 2023

**TO:** Village President Stoner and Board of Trustees

**PREPARED BY:** Brandi Baker, Clerk-Treasurer

**AGENDA ITEM:** #10 Review and discuss application for Class “B” (Picnic) Beer License from Kenosha Shrine Club for events, August 12-August 13, 2023 from 10 a.m. until 5 p.m. each day. Events to be held at Jerry Smith Farm, 7150 18th Street, and a request to waive fees.

---

**BACKGROUND:**

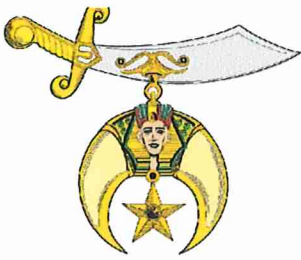
Kenosha Shrine Club is a non-profit organization that was established in 1924. The Kenosha Shrine Club has held several events at Jerry Smith Farm to raise money to provide transportation to patients and their families receiving treatment at Shrine Hospital for Children in Chicago.

They approached the Village to request a Class “B” (Picnic) Beer License for the Sweet Corn Fest held at Jerry Smith Farm, 7150 18th Street on August 12 and 13 from 10 a.m. to 5 p.m. each day.

As these are charity events, they have requested waiver of fees associated with the applications.

**ATTACHMENTS:**

Temporary Class “B Application and Event Request Letter



# Kenosha Shrine Club Established 1924



June 29, 2023

Dear Sirs:

The Kenosha Shrine Club is requesting a temporary Class B license to sell beer at Jerry Smith's Farm on August 12<sup>th</sup> and 13<sup>th</sup>. The hours of operation will be from 10 a.m. to 5 p.m. each day. We are a non-profit club whose main purpose is to aid the 50 plus children in the Kenosha area who are treated at the Shrine Hospital for Children in Chicago. We offer free transportation for the child and parent along with lunch for each visit. Funds raised above the transportation needs are sent directly to the hospital.

I currently hold a regular bartender's license for Somers. As we are a non-profit organization we are asking that any associated fees be waived. If that is not possible we are definitely willing to pay our way. Your approval would be most gratefully appreciated.

Yours truly,

A handwritten signature in black ink that reads "James R. Schweitzer". The signature is written in a cursive, flowing style.

James R. Schweitzer

Secretary Kenosha Shrine Club

# Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ \_\_\_\_\_

Application Date: 06/29/2023

Town  Village  City of Somers

County of Kenosha

The named organization applies for: (check appropriate box(es).)

- A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.  
 A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 8-12-23 and ending 8-13-23 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

**1. Organization** (check appropriate box) →

- Bona fide Club  Church  Lodge/Society  
 Veteran's Organization  Fair Association or Agricultural Society  
 Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name Kenosha Shrine Club

(b) Address 7530 - 33rd Ave. Kenosha, Wi. 53142  
(Street)  Town  Village  City

(c) Date organized 1924

(d) If corporation, give date of incorporation N/A

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:

President Mike Smith 11227 251st Ave. Trevor, Wi. 53179

Vice President Robert Haggarty 6230 10th St. Kenosha, Wi. 53144

Secretary James Schweitzer 7530 33rd Ave front Kenosha, Wi. 53142

Treasurer Scott Heeter 2310 14th Ave. Apt. 7 Kenosha, Wi. 53140

(g) Name and address of manager or person in charge of affair: Amy Smith 7150 18th St. Kenosha, Wi. 53144

**2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:**

(a) Street number 7150 18th St. Kenosha, Wi. 53144

(b) Lot \_\_\_\_\_ Block \_\_\_\_\_

(c) Do premises occupy all or part of building? Yes.

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: Beer will be sold from under a tent. It will be stored in a locked cold storage unit away from the sales area. It will be served by a licensed bartender.

**3. Name of Event**

(a) List name of the event Sweet Corn Fest

(b) Dates of event 06/29/2023 08/12/2023-08/13/2023

## DECLARATION

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer James Schweitzer 6-29-23 Kenosha Shrine Club  
(Signature) (Date) (Name of Organization)

Date Filed with Clerk 6-29-23

Date Reported to Council or Board \_\_\_\_\_

Date Granted by Council \_\_\_\_\_

License No. \_\_\_\_\_

## Additional Information

**May be Granted and Issued only to** (secs. 125.26(6), and 125.51(10), Wis. Stats.):

- (1) Bona fide clubs.
- (2) State, county, or local fair associations, or agricultural societies.
- (3) Churches, lodges, or societies that have been in existence for at least 6 months prior to the date of application.
- (4) Posts of veterans organizations.
- (5) Chambers of commerce or similar civic or trade organizations organized under ch. 181, Wis. Stats.

### Application:

- (1) Filing: In writing, for each event, on Form AT-315.
- (2) The local licensing authority may act on application or authorize an official or body of the municipality to issue the license. (secs. 125.26(1) and 125.51(10), Wis. Stats.)
- (3) The written application shall be filed with the clerk of the municipality in which premises are located:

#### Class "B" (Beer):

- a. The governing body shall establish any waiting period before granting of a license for events lasting less than 4 days (sec. 125.04(3)(f), Wis. Stats.)
- b. At least 15 days prior to the granting of the license for events lasting 4 or more days.

#### "Class B" (Wine):

The application shall be filed with the clerk of the local municipality in which the event will be held at least 15 days prior to the granting of the license.

- (4) Seller's Permit: (sec. 77.54 (7m), Wis. Stats.), provides an exemption from Wisconsin sales and use taxes relating to certain sales by a nonprofit organization. Check the box if your organization qualifies for the exemption and therefore is not required to hold a seller's permit.
- (5) Publication: Not required. (sec. 125.04(3)(g), Wis. Stats.)

**Fee:** Determined by the municipality, but may not exceed \$10. (Exception: No additional fee may be charged if organization is applying for both a Temporary Class "B" and a Temporary "Class B" license for the same event.) (secs. 125.26(6) and 125.51(10), Wis. Stats.)

**Duration:** The day, or consecutive days, that the specified event is in progress. A municipality may issue up to 20 licenses to the same licensee for a single event, if each license is issued for the same date and time. (sec. 125.51(10)(b), Wis. Stats.)

### Restrictions:

- (1) License may not be issued to individuals. (secs. 125.02 (14), 125.26(6), 125.51(10), Wis. Stats.)
- (2) Licenses to organizations, other than ex-servicemen's organizations, can be issued only for a picnic or similar gathering. (secs. 125.26(6) and 125.51(10), Wis. Stats.)
- (3) License may cover either a specified area or the entire picnic grounds. (secs. 125.26(6) and 125.51(10), Wis. Stats.)
- (4) License issued to a county or district fair must cover the entire fairgrounds (secs. 125.26(6) and 125.51(10), Wis. Stats.)
- (5) No license to clubs having any indebtedness to any wholesaler for more than 15 days for beer (sec. 125.33(7), Wis. Stats.) and 30 days for wine (s. 125.69(4)(b), Wis. Stats.)
- (6) Licensed operator(s) must be present at all times (secs. 125.17, 125.26(6), 125.32(2) - Beer; 125.17, 125.51(10), 125.68(2) - Wine; Wis. Stats.)
- (7) The licensed club, club members, or any other persons are not permitted to possess intoxicating liquor on licensed premises on the Temporary Class "B"/"Class B" licensed picnic area. (sec. 125.32(6), Wis. Stats.)
- (8) Not more than 2 wine licenses may be issued to any club, county or local fair association, agricultural association, church, lodge, society, chamber of commerce or similar civic or trade organization or veterans' post in any 12 month period. A municipality may issue up to 20 wine licenses to the same licensee if: 1) each license is issued for the same date and times, 2) the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times, 3) an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol beverages at the event, and 4) within the immediately preceding 12-month period, the municipality has issued these multiple licenses for fewer than 2 events. In addition, each event for which multiple licenses are issued shall count as one license toward the 2-license limit. (sec. 125.51(10), Wis. Stats.)
- (9) Licensed organizations must purchase their alcohol beverages only from permitted Wisconsin wholesalers, breweries and brewpubs. (secs. 125.33(6), and 125.69(6), Wis. Stats.)

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FENCE

FOOD COURT

BEER TENT



COD STORAGE

GATE

BARN

STORE

HOUSE

PARKING

PARKING

18TH ST.

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

**Village Board Meeting  
Tentative Agenda  
Tuesday, July 25  
5:30 p.m.**

<b>Village Board Meeting:</b>	
<b>Item #</b>	
1	Call to order
2	Pledge of Allegiance
3	Consent and Approval of Minutes of Regular meetings on July 11, 2023, Vouchers dated July 13, 2023 and July 20, 2023
4	Correspondence:
5	Citizens Comments
6	President and Trustee Comments
7	<p>Plan Commission Recommendations (Rhonco LLC)</p> <p>a. Action on Request by: Jeffrey L Hummer, 1753 Kentucky St., Racine, WI 53405 (Owner), Thomas Beere, Rhonco, LLC, 427 12th Place, Kenosha, WI 53140 (Agent), requests an amendment to the land use plan map for the Village of Somers (Map 80) as adopted in the Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035 from “High-Density Residential” to “Industrial” on Tax Parcel #83-4-223-052-0400, located in the NW 1/4 of Section 5, T2N, R23E, Village of Somers. <i>(For informational purposes only, this property is located at 144 S Lakeshore Dr).</i></p> <p>b. Action on Request by: Jeffrey L Hummer, 1753 Kentucky St., Racine, WI 53405 (Owner), Thomas Beere, Rhonco, LLC, 427 12th Place, Kenosha, WI 53140 (Agent), requests a rezoning from B-2 Community Business Dist. to M-1 Limited Manufacturing Dist. on Tax Parcel #83-4-223-052-0400, located in the NW 1/4 of Section 5, T2N, R23E, Village of Somers.</p>

8	Action on adjusting the Building Permit Fees
9	Action on proposed Cell Tower Lease for Village/Town Hall
10	Action on proposed Ordinance No. 2023-021, An Ordinance to Create Section 7.16 of the Code of Ordinances of the Village of Somers Regarding Mandatory Liability Insurance.
11	Action on proposed Ordinance No. 2023-023, An Ordinance to Repeal and Recreate Section 12.11(F) of the Code of Ordinances of the Village of Somers Relating to Landfill and Excavating Permits.
12	Action on proposed Ordinance No. 2023-024, An Ordinance to Repeal and Recreate Section 14.15(G) of the Code of Ordinances of the Village of Somers Relating to Swimming Pool Fences.
13	Action on proposed Ordinance No. 2023-025, An Ordinance to Repeal and Recreate Section 25.04 of the Code of Ordinances of the Village of Somers Relating to Penalty Provisions.
14	Action on application for Class “B” (Picnic) Beer License from Kenosha Shrine Club for events, August 12-August 13, 2023 from 10 a.m. until 5 p.m. each day. Events to be held at Jerry Smith Farm, 7150 18th Street, and a request to waive fees
15	Approval of Operator’s Licenses:
16	Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the July 25, 2023 Village Board Meeting & **Tentative** Agenda in 1 public place & on the Village website.

Dated this 14<sup>th</sup> day of July 2023

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**