

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

**Village Board Meeting  
Agenda  
Tuesday, September 12, 2023  
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 August 22, 2023 Vouchers dated August 24, 2023, August 28, 2023, August 31, 2023, and September 7, 2023 and August Building Report
4	Correspondence:
5	Citizens Comments
6	President and Trustee Comments
7	Action on proposed Third Amendment to the Developer’s Agreement Between the Village of Somers and Golden Oil Co., Inc. and Somers USA, LLC
8	Action on awarding bid received for Offsite Public Utility Plans for Bobcat Plus Improvement Project to The Wanasek Corp. in the amount of \$244,445.00
9	Action on proposed Resolution 2023-014, A Resolution regarding Reservations made for the Veterans Park Pavilion
10	Action on proposed Ordinance 2023-029, relating to Veterans Park Pavilion
11	Action on proposed Ordinance 2023-030, An Ordinance to Create Section ZN 9.01 of the Code of Ordinances of the Village of Somers Relating to Solar Energy Systems
12	Action on proposed Ordinance 2023-031, An Ordinance to Create Section ZN 4.02(2)(d)14, Repeal and Recreate ZN 4.03(1)(c)4, Section ZN 4.03(2)(c)4, Section ZN 4.03(3)(c)4, Section ZN 4.03(4)(c)4, Section ZN 4.03(6)(c)4, Section ZN 4.03(7)(c)4, Section ZN 4.03(8)(c)4, Section ZN 4.03(9)(c)4, Section ZN 4.03(10)(c)3, Section ZN 4.03(11)(c)3, Section ZN 4.03(12)(c)3, Section ZN 4.03(13)(c)3, Section ZN 4.04(1)(c)5, Section ZN 4.04(2)(c)5, Section ZN 4.04(3)(c)5, Section ZN 4.04(4)(c)4,

	Section ZN 4.04(5)(c)5, Section ZN 4.04(7)(c)5, Section ZN 4.05(1)(c)5, Section ZN 4.05(2)(c)6, Section ZN 4.06(1)(c)4, Section ZN 4.06(2)(c)4, Section ZN 4.07(2)(c)6 and to Repeal Section ZN 4.04(8)(c)25 of the Code of Ordinances of the Village of Somers Relating to Solar Energy Systems
13	Action on application for Special Event Permit from Palmen Auto Stores for their Employee Family Picnic, at Hawthorn Hollow located at 880 Green Bay Road, Kenosha Wi 53144 review and Discuss application for Special Event Permit from Palmen Motors for their Employee Company Picnic on October 15, 2023
14	Approval of Operator's Licenses: Kevin Shute, Heather Rich, Gianna Hunt, And Madelyn McGuire
15	Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the September 12, 2023, Village Board Meeting & Agenda in 1 public place & on the Village website.

Dated this 8<sup>th</sup> day of September 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.**

**Village of Somers  
Proceedings from the Regular Board Meeting August 22, 2023**

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

President Stoner led the Pledge of Allegiance.

Present: President Stoner, Trustees Ben Harbach, Joe Smith, Jackie Nelson, Jack Aupperle, Scott Fredrick, Trustee Karl Ostby was excused. Also present: Administrator Jason Peters, Clerk/Treasurer Brandi Baker, Assistant to the Administrator Kevin Poirier, and Attorney Jeff Davison.

**Consent and Approval of Minutes of Regular meetings on August 8, 2023 Vouchers dated August 10, 2023, and August 17, 2023 ACH Payments for July 2023**

Trustee Harbach moved to approve the Minutes of Regular meetings on August 8, 2023 Vouchers dated August 10, 2023, and August 17, 2023 ACH Payments for July 2023.

Seconded by Trustee Smith. Motion carried. 6-0 vote

**Correspondence**

None

**Citizen Comments**

None

**President and Trustee Comments**

None

**Action on Request from Fire Chief Andersen and Public Works Superintendent Kreye to sell assorted equipment at the Wisconsin Surplus Auction**

Trustee Nelson moved to approve the Request from Fire Chief Andersen and Public Works Superintendent Kreye to sell assorted equipment at the Wisconsin Surplus Auction.

Seconded by Trustee Fredrick. Motion carried. 6-0 vote.

**Discussion and possible action on Chief Andersen's request to accept AFG grant from FEMA**

Trustee Aupperle moved to approve Request from Fire Chief Andersen to accept FEMA Grant and pay for the project out of CIP Equipment Capital outlay account  
Seconded by Trustee Nelson. Motion carried. 6-0 vote.

Chief Andersen explained the grant.

**Discussion and possible action on Chief Andersen's request to repair ambulance**

Trustee Harbach moved to approve Chief Andersen's request to repair ambulance

Seconded by Trustee Fredrick. Motion carried. 6-0 vote.

Chief Andersen explained the need for the repairs.

**Discussion and possible action on appointment of a Village Board of Trustees member represent the Village of Somers at the Kenosha Unified School District Rightsizing Committee**

Trustee Nelson moved to appoint Trustee Scott Fredrick to represent the Village of Somers at the Kenosha Unified School District Rightsizing Committee

Seconded by Trustee Harbach. Motion carried. 6-0 vote.

**Action on proposed Resolution 2023-013, a Resolution to update the Building Permit Schedule referred to in Chapter 14.2 of the Village of Somers Code of Ordinances**

Trustee Harbach moved to approve proposed Resolution 2023-013, a Resolution to update the Building Permit Schedule referred to in Chapter 14.2 of the Village of Somers Code of Ordinances

Seconded by Trustee Aupperle. Motion carried. 6-0 vote.

**Action on proposed Ordinance 2023-027, and Ordinance to Repel Section 12.16 of the Code of Ordinance of the Village of Somers Relating to Special Event Permit**

Trustee Harbach moved to waive first reading of proposed Ordinance 2023-027.

Seconded by Trustee Aupperle. Motion carried. 6-0 vote.

Trustee Aupperle moved to approve proposed Ordinance 2023-027, an Ordinance to Repel Section 12.16 of the Code of Ordinance of the Village of Somers Relating to Special Event Permit

Seconded by Trustee Nelson. Motion carried. 6-0 vote.

**Action on proposed Ordinance No. 2023-028, An Ordinance to Repeal and Recreate section 5.115(J)(3) of the Code of Ordinances of the Village of Somers Regarding Burn Permit Fees**

Trustee Harbach moved to waive the first reading of proposed Ordinance 2023-028.

Seconded by Trustee Fredrick. Motion carried. 6-0 vote.

Trustee Nelson moved to approve proposed Ordinance No. 2023-028, An Ordinance to Repeal and Recreate section 5.115(J)(3) of the Code of Ordinances of the Village of Somers Regarding Burn Permit Fees

Seconded by Trustee Harbach. Motion carried. 6-0 vote.

**Action on application for Class “B” (Picnic) Beer License from Hyslop Foundation DBA Hawthorn Hollow Nature Sanctuary & Arboretum for their Rescheduled Pike River Benefit Concert Series on September 22, 2023. Located at 880 Green Bay Road, Kenosha, Wisconsin 53144, and requests to waive fees**

Trustee Aupperle moved to approve the application for Class “B” (Picnic) Beer License from Hyslop Foundation DBA Hawthorn Hollow Nature Sanctuary & Arboretum for their Rescheduled Pike River Benefit Concert Series on September 22, 2023. Located at 880 Green Bay Road, Kenosha, Wisconsin 53144, and requests to waive fees

Seconded by Trustee Nelson. Motion carried. 6-0 vote.

**Approval of Operator’s Licenses: Kiara Sowada**

Trustee Harbach moved to approve Operator Licenses: Kiara Sowada

Seconded by Trustee Smith. Motion carried 6-0 vote

**Adjourn**

Trustee Harbach moved to Adjourn at 5:43 pm.

Seconded by Trustee Nelson. Motion carried. 6-0 vote

Drafted this 23<sup>rd</sup> day of August by Brandi Baker Clerk/Treasurer

These minutes are not official until approved by the Village Board.

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank POOL POOLED CASH					
08/24/2023	POOL	168 (E)	KWIKTRIP	KWIK TRIP INC	4,827.03
08/24/2023	POOL	169 (E)	WID002	WI DEPT OF JUSTICE	56.00
08/24/2023	POOL	62196	AIR001	AIRGAS USA, LLC	201.36
08/24/2023	POOL	62197	KREYE	ANDREW KREYE	1,158.79
08/24/2023	POOL	62198	BAT001	BATTERIES PLUS LLC	401.65
08/24/2023	POOL	62199	BAXTER	BAXTER & WOODMAN	25,497.69
08/24/2023	POOL	62200	DECKER	DECKER SUPPLY CO INC	29,252.00
08/24/2023	POOL	62201	JCLICHT	JC LICHT LLC	41.73
08/24/2023	POOL	62202	JWM001	JERRY WILLKOMM INC	192.30
08/24/2023	POOL	62203	KTC001	KENOSHA TROPHY COMPANY	192.50
08/24/2023	POOL	62204	KUSD01	KENOSHA UNIFIED SCHOOL DIST	28,150.60
08/24/2023	POOL	62205	KWU004	KENOSHA WATER UTILITY	1,248.83
08/24/2023	POOL	62206	LIC001	LINCOLN CONTRACTORS SUPPLY INC	10,926.00
08/24/2023	POOL	62207	MCDEVITTS	MCDEVITTS TOWING & REPAIR	4,430.47
08/24/2023	POOL	62208	MEN001	MENARDS - RACINE	212.22
08/24/2023	POOL	62209	NAP001	NAPA AUTO PARTS	32.74
08/24/2023	POOL	62210	PAY001	PAYNE & DOLAN INC	197.60
08/24/2023	POOL	62211	RWU001	RACINE WATER & WASTEWATER UTLY	1,254.34
08/24/2023	POOL	62212	SAFETY-K	SAFETY-KLEEN SYSTEMS INC	666.12
08/24/2023	POOL	62213	SECUREFIRE	SECURE FIRE & SAFETY LLC	153.20
08/24/2023	POOL	62214	STAPLEAD	STAPLES	217.89
08/24/2023	POOL	62215	STRAND	STRAND ASSOCIATES INC	6,030.00
08/24/2023	POOL	62216	TAP001	TAPCO	2,764.68
08/24/2023	POOL	62217	VPLPR	VILLAGE OF PLEASANT PRAIRIE	5,135.11
08/24/2023	POOL	62218	WEE001	WE ENERGIES	119.87
08/24/2023	POOL	62219	WEE001	WE ENERGIES	35.60
08/24/2023	POOL	62220	WSESI	WISCONSIN SOCIETY OF EMERGENCY	1,028.00

POOL TOTALS:

Total of 27 Checks:	124,424.32
Less 0 Void Checks:	0.00
Total of 27 Disbursements:	<u>124,424.32</u>

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank POOL POOLED CASH					
08/28/2023	POOL	62221	HOLVERSONA	ALAN HOLVERSON	1,000.00
08/28/2023	POOL	62222	ALETTO	ALETTO INC	1,000.00
08/28/2023	POOL	62223	T0000183	BAYSIDE TOWNHOMES LLC	3,000.00
08/28/2023	POOL	62224	CRANEB	BRUCE CRANE	1,000.00
08/28/2023	POOL	62225	CARTHAGE	CARTHAGE COLLEGE	8,000.00
08/28/2023	POOL	62226	CREI	CZARNECKI REAL ESTATE INVESTMENTS	2,000.00
08/28/2023	POOL	62227	GRINISG	GEDAS GRINIS	1,000.00
08/28/2023	POOL	62228	BUCHOLZJ	JAMES BUCHOLZ	1,000.00
08/28/2023	POOL	62229	HEDGESJ	JAMES HEDGES	1,000.00
08/28/2023	POOL	62230	SMITHJ	JEFFREY SMITH	1,000.00
08/28/2023	POOL	62231	DEGROATJ	JESSE DEGROAT	1,000.00
08/28/2023	POOL	62232	MAYNORK	KELLY J MAYNOR	1,000.00
08/28/2023	POOL	62233	T0000279	LARRY PEARLMAN	1,000.00
08/28/2023	POOL	62234	GHOUSEM	MAHMOOD GHOUSE	1,000.00
08/28/2023	POOL	62235	RHONCO	RHONCO LLC	1,000.00
08/28/2023	POOL	62236	CLAUSSR	ROBERT CLAUSS	1,000.00
08/28/2023	POOL	62237	KOROMR	ROBERTA KOROM TRUST	1,000.00
08/28/2023	POOL	62238	T0000003	ROBIN BARONSKY	1,000.00
08/28/2023	POOL	62239	HAGERTYT	THOMAS HAGERTY	1,000.00
08/28/2023	POOL	62240	POMATTOT	THOMAS POMATTO	1,000.00

POOL TOTALS:

Total of 20 Checks:	30,000.00
Less 0 Void Checks:	0.00
Total of 20 Disbursements:	<u>30,000.00</u>

08/31/2023 01:40 PM  
User: HKRUK  
DB: Somers

CHECK REGISTER FOR VILLAGE OF SOMERS  
CHECK DATE FROM 08/31/2023 - 08/31/2023

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Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank POOL POOLED CASH					
08/31/2023	POOL	62241	ACCURATE	ACCURATE PRINTING CO., INC	382.00
08/31/2023	POOL	62242	AT&T001	AT&T	115.44
08/31/2023	POOL	62243	BAKER	BRANDI BAKER	150.00
08/31/2023	POOL	62244	SPECTRUM	CHARTER COMMUNICATIONS	24.12
08/31/2023	POOL	62245	SPECTRUM	CHARTER COMMUNICATIONS	344.15
08/31/2023	POOL	62246	TRI-VISA	ELAN FINANCIAL SERVICES	807.91
08/31/2023	POOL	62247	UHS001	FROEDTERT SOUTH INC	658.90
08/31/2023	POOL	62248	HLK001	HOERNEL LOCK & KEY INC	184.80
08/31/2023	POOL	62249	LIC001	LINCOLN CONTRACTORS SUPPLY INC	726.99
08/31/2023	POOL	62250	MEN001	MENARDS - RACINE	534.85
08/31/2023	POOL	62251	NAP001	NAPA AUTO PARTS	162.91
08/31/2023	POOL	62252	PAY001	PAYNE & DOLAN INC	1,154.80
08/31/2023	POOL	62253	RLBANGLE	R.L. BANGLE & SON'S, INC.	1,491.40
08/31/2023	POOL	62254	KUPFER	ROBERT KUPFER	476.96
08/31/2023	POOL	62255	RPF-SOMOUTL	RPF-SOMERS OUTLOTS LLC	256,082.00
08/31/2023	POOL	62256	SEYMOUR	SCOTT SEYMOUR	259.38
08/31/2023	POOL	62257	UOC001	UNITED OCC MED &	156.00
08/31/2023	POOL	62258	USA001	USABUEBOOK	202.99
08/31/2023	POOL	62259	WES001	WESTERN CULVERT & SUPPLY INC	941.20

POOL TOTALS:

Total of 19 Checks:	264,856.80
Less 0 Void Checks:	0.00
Total of 19 Disbursements:	264,856.80

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank POOL POOLED CASH					
09/07/2023	POOL	62261	HOP001	ANDREA & ORENDORFF LLP	20,868.85
09/07/2023	POOL	62262	BRUM	ANN BRUMBACH	52.46
09/07/2023	POOL	62263	AAC001	ASSOCIATED APPRAISAL	2,686.34
09/07/2023	POOL	62264	AT&T001	AT&T	264.72
09/07/2023	POOL	62265	AT&TMOB	AT&T MOBILITY	369.47
09/07/2023	POOL	62266	BAT001	BATTERIES PLUS LLC	54.45
09/07/2023	POOL	62267	BAXTER	BAXTER & WOODMAN	4,349.86
09/07/2023	POOL	62268	BTM001	BOUND TREE MEDICAL LLC	26,929.47
09/07/2023	POOL	62269	CORE	CORE & MAIN LP	4,590.00
09/07/2023	POOL	62270	DAV001	DAVISON LAW OFFICE, LTD	11,452.00
09/07/2023	POOL	62271	DECKER	DECKER SUPPLY CO INC	273.00
09/07/2023	POOL	62272	GENERAL	GENERAL CODE	1,869.00
09/07/2023	POOL	62273	GENCOM	GENERAL COMMUNICATIONS INC	74,942.00
09/07/2023	POOL	62274	STO001	GEORGE STONER	319.03
09/07/2023	POOL	62275	PETERS	JASON PETERS	450.00
09/07/2023	POOL	62276	JCLICHT	JC LICHT LLC	10.07
09/07/2023	POOL	62277	SOR001	JOHN E SORENSEN	61.78
09/07/2023	POOL	62278	JOHNS	JOHNS DISPOSAL SERVICE INC	66,386.90
09/07/2023	POOL	62279	KCHEALTH	KENOSHA CO DIV OF HEALTH SERVICES	70.00
09/07/2023	POOL	62280	KCSHERIF	KENOSHA CO SHERIFF DEPT	65.00
09/07/2023	POOL	62281	KEN002	KENOSHA COUNTY TREASURER	548.40
09/07/2023	POOL	62282	KWU001	KENOSHA WATER UTILITY	51,875.88
09/07/2023	POOL	62283	KWU002	KENOSHA WATER UTILITY	47,798.11
09/07/2023	POOL	62284	MEN001	MENARDS - RACINE	39.99
09/07/2023	POOL	62285	NAP001	NAPA AUTO PARTS	33.69
09/07/2023	POOL	62286	PAY001	PAYNE & DOLAN INC	1,866.65
09/07/2023	POOL	62287	SECUREFIRE	SECURE FIRE & SAFETY LLC	1,188.10
09/07/2023	POOL	62288	SHI001	SHERWIN INDUSTRIES INC	812.58
09/07/2023	POOL	62289	STAPLEAD	STAPLES	268.38
09/07/2023	POOL	62290	STERICYCLE	STERICYCLE INC	32.02
09/07/2023	POOL	62291	PEREZT	TERESA PEREZ	500.00
09/07/2023	POOL	62292	TKITZ	TIMOTHY KITZMAN	24.25
09/07/2023	POOL	62293	USPOST	US POSTMASTER	401.17
09/07/2023	POOL	62294	WEE001	WE ENERGIES	90.56
09/07/2023	POOL	62295	WEE002	WE ENERGIES	93.25
09/07/2023	POOL	62296	WICOURT	WI COURT FINES & SURCHARGES	2,087.36
09/07/2023	POOL	62297	WDT001	WI DEPT OF TRANSPORTATION	1,169.89
09/07/2023	POOL	62298	WIL002	WIL-KIL PEST CONTROL	168.70
09/07/2023	POOL	62299	WAM001	WILLIAM A MORRIS	149.42

POOL TOTALS:

Total of 39 Checks:	325,212.80
Less 0 Void Checks:	0.00
Total of 39 Disbursements:	<u>325,212.80</u>

FUND CODE & DESCRIPTION	NUMBER OF PERMITS	PERMIT FEES MONTHLY	NUMBER OF PERMITS YEAR TO DATE	PERMIT FEES YEAR TO DATE
101-HOUSES			3	6,326.50
101-ADDITIONS & ALTERATIONS-RES	2	132.20	32	2,380.60
101-ACCSRY BLD	2	570.00	18	2,892.00
101-NEW MOBILE HM			1	562.00
101-OTHER PMT FEE				
101-AGRICULTURAL	1	504.00	3	4,139.00
101-APARTMENTS-MLF			1	503,008.00
101-CONDOMINIUM				
101-COMMERCIAL BLD			2	282,849.00
101-INDUSTRIAL			1	5,013.40
101-ADDITIONS & ALTERATIONS-COMM	2	41,622.20	4	43,767.20
101-SIGNS			3	300.00
101-PLUMBING	8	5,319.00	45	15,638.60
101-HEATING	5	548.00	23	3,093.00
101-ELECTRIC	14	1,048.00	107	37,883.00
101-POOLS	1	950.00	5	1,245.00
101-WRECKING	1	0.00	7	1,593.64
101-OCCUPANCY			3	300.00
101-FENCE	2	95.00	22	995.00
101-DRIVEWAY			2	90.00
101-CULVERT				
101-MOVING				
101-RIGHT OF WAY ROAD OPENING	4	200.00	26	1,290.00
101-EROSION CONTROL				
101-VOLUNTARY DONATION IN LIEU OF IMPACT FEES			4	954,288.75
101-LANDFILL PMT			1	50.00
101-PUBLIC WKS				
101-PARK FEE			1	1,045.00
101-FIRE STATION				
101-WA MTR HORN			3	4,751.62
101-WA PMT			3	313.80
101-REFUND PERMIT				
<b>SUB-TOTAL 101</b>	42	50,988.40	320	1,873,815.11
603-UD SR SVC FEE			5	402,400.00
603-				
<b>SUB-TOTAL 603</b>	0	0.00	5	402,400.00
602-KR SR SVC FEE				
<b>SUB-TOTAL 602</b>	0	0.00	0	0.00
601-WA FEE				
601-TEMP WA FEE			1	3009.00
601-WA MTR HORN			1	97.51
601-WA PMT			1	857.20
601-				
601-				
<b>SUB-TOTAL 601</b>	0	0.00	3	3,963.71
<b>TOTALS</b>	42	50,988.40	328	2,280,178.82



**VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM**

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**MEETING DATE:** September 12, 2023

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

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

**AGENDA ITEM:** #7 Action on proposed Third Amendment to the Developer's Agreement Between the Village of Somers and Golden Oil Co., Inc. and Somers USA, LLC

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**BACKGROUND:**

In 2008 a Developer's Agreement was entered into for the Golden Oil's Travel Plaza at 11800 Burlington Road. As you are aware, this property has been served by a septic system as opposed to municipal sewer. In 2021 work began to bring sewer and water to this area of CTH S/STH 142. As sewer is now available to this area, the developer would like to hook into the system. These utilities are currently located across the street on the Kwik Trip side.

Staff has worked with Golden Oil's engineers to design the project. These improvements will be paid for by the Developer due to the crossing being public utilities they needed to be publicly bid. Attorney Davison has drafted a Third Amendment to the Developer's agreement to memorialize the cost being incurred by Golden Oil. A request for bids will be prepared in much the same manner the Village did for the Bobcat Plus utilities. Once bids are received, they will be brought back to the Board for action.

**PRIOR ACTION TAKEN:**

This matter was reviewed and discussed at our September 5<sup>th</sup> Work Session. The question was raised as to special assessment installments that need to be paid. Notices were sent in 2022 and 2023. Administrator Peters has been in contact with Golden Oil and the payments should be forth coming.

**SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:**

The attached Third Amendment will allow staff to start this process for Golden Oil . In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

*“Motion to approve proposed Third Amendment to the Developer’s Agreement Between the Village of Somers and Golden Oil Co., Inc. and Somers USA, LLC”*

ATTACHMENTS:

Proposed Third Amendment

**THIRD AMENDMENT TO DEVELOPER’S AGREEMENT  
BETWEEN THE VILLAGE OF SOMERS  
AND GOLDEN OIL CO., INC. AND SOMERS USA, LLC**

WITNESS THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the VILLAGE OF SOMERS, Kenosha County, Wisconsin, the VILLAGE OF SOMERS UTILITY DISTRICT (“District”) and the VILLAGE OF SOMERS WATER UTILITY (“Utility”) (the Village of Somers, the Utility and the District are hereinafter collectively referred to as the “Village”) and GOLDEN OIL CO., INC., a corporation duly organized and existing under the laws of the State of Wisconsin and SOMERS USA, LLC, a limited liability company duly organized and existing under the laws of the State of Wisconsin (collectively referred to herein as the “Developer”).

WHEREAS, the Town of Somers, now Village of Somers, and the Developer have entered into a Developer’s Agreement dated August 15, 2008, which Agreement was recorded in the office of the Register of Deeds for Kenosha County, Wisconsin, on September 16, 2008, as Document No. 1567975 for the development of certain real property (hereinafter the “Property”) described with more particularity as follows:

Lot 1 of Certified Survey Map No. 2638, recorded in the Kenosha County Register of Deeds office on September 2, 2008 as Document No. 1566900; Together with Affidavit of Correction recorded in said Register’s office on March 13, 2009 as Document No. 1582100; being located in a part of the fractional Northwest 1/4 and fractional Southwest 1/4, Section 19, Town 2 North, Range 22 East of the Fourth Principal Meridian; said land lying and being in the Village of Somers, Kenosha County, Wisconsin.

Address: 11800 Burlington Road  
Tax Key No. 82-4-222-193-0202

WHEREAS, the Town of Somers, now Village of Somers, and the Developer, entered into a First Amendment to the Developer’s Agreement dated December 12, 2011, which Amendment was recorded in the office of the Register of Deeds for Kenosha County, Wisconsin, on December 20, 2011, as Document No. 1661090 for the development of the Property; and

WHEREAS, the Village of Somers and the Developer have entered into a Second Amendment to the Developer’s Agreement dated December 7, 2022, which Amendment was recorded in the office of the Register of Deeds for Kenosha County, Wisconsin, on December 27, 2022, as Document No. 1940987; and

WHEREAS, it is required that the Property be serviced by municipal sanitary sewer once such service becomes available and such service has now become available; and

WHEREAS, the extension of municipal sanitary sewer to the Property shall be at the Developer’s cost; and

Developer’s Initials \_\_\_\_\_

WHEREAS, the Village Board hereby approves this Third Amendment to the Developer's Agreement on the Property subject to the following terms and conditions:

## I. INFRASTRUCTURE IMPROVEMENTS

### A. SANITARY SEWER

#### 1. Onsite Private Sanitary Sewer-Developer Constructed.

- (a) The Developer shall be responsible to pay the full cost for the design and construction of the private onsite gravity flow sanitary sewer system, in accordance with Chapter 13 of the Village Ordinances, as required for connection of the Development to the public offsite sanitary sewer improvements described in Section 2(a) below and ultimately the interceptor sanitary sewer collection system of the Village of Somers Utility District, all of which plans have been submitted for review and must be approved by the Village, the Kenosha Water Utility (with respect to public improvements) and the State of Wisconsin Department of Safety and Professional Services (with respect to private improvements). The Developer shall submit both electronic and paper form copies to the Village of the required plans and specifications. Village shall cooperate with Developer in obtaining all necessary permits required from the State of Wisconsin and the Kenosha Water Utility for such onsite sanitary sewer approvals. The Village agrees to complete its review and approval of such plans and specifications within thirty (30) days after submittal by the Developer.
- (b) Village shall allow Developer to extend and connect its onsite sanitary sewerage system to the public sanitary sewerage system of Village at the cost and expense of Developer.
- (c) Any building constructed in the Development shall be required to have an individual sanitary sewer sampling and metering manhole which shall be approved by the Village, such approval not to be unreasonably withheld conditioned or delayed.
- (d) Any inspection, engineering, legal and/or administrative expenses actually and reasonably incurred by the Village in connection with the private onsite sanitary sewer improvements constructed by Developer will be paid or reimbursed by Developer to the Village.

#### 2. Offsite Public Sanitary Sewer-Village Constructed.

- (a) The Developer shall be responsible to design and pay the full cost of the public offsite gravity flow sanitary sewer system in accordance with

Developer's Initials \_\_\_\_\_

Chapter 13 of the Village Ordinances, and the attached Exhibit “A” which is incorporated herein by reference, as required for connection of the onsite sewer system described above to the interceptor sanitary sewer collection system of the Village of Somers Utility District, all of which plans have been submitted for review and must be approved by the Village and the State of Wisconsin Department of Natural Resources. Developer shall obtain all necessary permits required from the Kenosha Water Utility and the State of Wisconsin for such offsite sanitary sewer approvals. The Village agrees to complete its review and approval of such plans and specifications within thirty (30) days after submittal by the Developer.

- (b) All offsite sanitary sewer shall be constructed by the Village and shall be publicly bid in accordance with §66.0901, et. seq. Wis. Stats. Any bidder on public sanitary sewer improvement infrastructure shall be pre-qualified for such work in accordance with Chapter 22 of the Village Code of Ordinances. Upon the determination of a responsible bidder, the Village shall inform the Developer of the amount of such bid in written format and the contractor to whom the contract shall be awarded. The Developer shall deposit with the Village a Letter of Credit in the amount of Two Hundred Forty Thousand (\$240,000.00) Dollars, in the format specified in Exhibit “B”, attached hereto.
- (c) The Village shall provide the bidding and construction contract administration services for the offsite public sanitary sewer.
- (d) The Village shall provide field observation and review of the public offsite sanitary sewer improvements. The Village shall prepare all record drawings and systems updates and GPS Survey of constructed facilities, suitable for submittal to Kenosha County at Developer’s cost.
- (e) Village shall accept all public offsite sanitary sewerage system improvements constructed in the public right-of-way or in any public easement upon (i) completion in accordance with approved plans and specifications, (ii) construction and delivery without defect, damage or non-conformance, (iii) delivery to Utility of certified copies of all tests of sanitary sewerage system, (iv) receipt of lien waivers from all contractors, (v) review and certification by Village Consulting Engineer of the above, and (vi) receipt of recorded easement documents as applicable. Said acceptance shall be subject to approval by the Board of Sewer Commissioners. Upon acceptance by Village, Village shall be responsible for the operation and maintenance of the publicly owned portion of said offsite sanitary sewerage system.
- (f) If any funds and/or “letter of credit” (including, without limitation, the Letter of Credit described in Exhibit “B” deposited by the Developer for

Developer’s Initials \_\_\_\_\_

design, construction, inspection, engineering, legal and/or administrative expenses, are not required, they shall be returned to the Developer within a reasonable amount of time. However, in the event additional or unforeseen costs or expenses are incurred which are in excess of the funds deposited by the Developer with the Village, then the Developer shall within thirty (30) days of demand by the Village reimburse to the Village all such costs and expenses so incurred, subject to the terms and conditions of this Agreement.

## II. MISCELLANEOUS

### A. EXHIBITS INCORPORATED BY REFERENCE.

Each of the terms, conditions and specifications described, noted or depicted on the following Exhibits are hereby incorporated herein by reference:

Exhibit A	Sanitary Sewer Plan
Exhibit B	Letter of Credit

### B. INTEGRATION.

This Developer's Agreement, including the exhibits hereto, and such other documents as are incorporated herein embodies the entire agreement and understanding among the parties hereto and supersedes all prior agreements and understandings relating to the subject matter hereof.

### C. CHOICE OF LAW AND VENUE.

This Developer's Agreement and all attached exhibits shall be construed and enforced according to the laws of the State of Wisconsin. The parties agree that any matter which may be brought or pursued in court hereunder shall be brought and maintained only in the Circuit Court for Kenosha County, Wisconsin, and each party consents to such venue and the court's personal jurisdiction over each party.

### D. WAIVER OF BREACH OR VIOLATION NOT DEEMED CONTINUING.

Either party may, to the extent legally allowed, (a) extend the time for performance of any of the obligations or other acts of the other party(s), (b) waive any inaccuracies in the representations or warranties of the other party(s) hereto contained herein, or in any document delivered pursuant hereto and (c) waive any compliance by any of the other parties hereto with any of the agreements or conditions contained herein. The waiver by either party of a breach or violation of any provision of this Agreement shall not operate as, or be construed to be, a waiver of any or other subsequent breach or violation of any provision hereof. No breach or violation of any provision hereof shall be waived except by an agreement in writing signed by the waiving party.

Developer's Initials \_\_\_\_\_

E. CONTINUING EFFECT OF PRIOR AGREEMENTS.

In all other respects, all provisions of the Developer's Agreement between the parties hereto dated August 15, 2008 and the First Amendment to the Developer's Agreement between the parties dated August 18, 2009 and the Second Amendment to the Developer's Agreement dated December 7, 2022 shall remain in full force and effect as if fully stated herein; and

WITNESS OUR HANDS AND SEALS this \_\_\_\_ day of \_\_\_\_\_, 2023.

VILLAGE OF SOMERS

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

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

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF KENOSHA )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2023, the above named George Stoner, as President and Brandi Baker, as Clerk/Treasurer of the Village of Somers, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public; Kenosha County, WI  
My commission expires \_\_\_\_\_.

Developer's Initials \_\_\_\_\_

DEVELOPER  
Golden Oil Co., Inc.

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023, the above \_\_\_\_\_  
\_\_\_\_\_ on behalf of Golden Oil Co., Inc., to me known to be the  
person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public; \_\_\_\_\_ County, WI  
My commission expires \_\_\_\_\_.

Somers USA, LLC

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023, the above \_\_\_\_\_  
\_\_\_\_\_ on behalf of Somers USA, LLC, to me known to be the  
person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public; \_\_\_\_\_ County, WI  
My commission expires \_\_\_\_\_.

Developer's Initials \_\_\_\_\_



VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM

**MEETING DATE:** September 12, 2023

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

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

**AGENDA ITEM:** #8 Action on awarding bid received for Offsite Public Utility Plans for Bobcat Plus Improvement Project to The Wanasek Corp. in the amount of \$244,445.00

**BACKGROUND:**

The Village began working with Bobcat Plus in the Fall of 2021 regarding their desire to bring a Bobcat dealership to the area. The Board approved their plans at our October 25<sup>th</sup>, 2022, meeting. Their developer’s agreement was executed in May of 2023. Bobcat began work on the site in June of 2023. As a part of this agreement the Developer agreed to bring offsite public sewer and water to their project. These utilities are currently located across the street on the Flint 94 site.

These improvements will be paid for by the Developer. Due to the crossing being public utilities, the project needs to be publicly bid.

The request for bids for the project were posted and published in August. Bids for this project were opened on August 31st. The Village received the following bids in the correct form:

The Wanasek Corp. Burlington, WI	\$244,445.00
Genesis Excavator, Inc. Kenosha, WI	\$298,523.00
Globe Contractors, Inc. Pewaukee, WI	\$333,022.00
Townsend Construction, Inc. Clinton, WI	\$776,491.00

Engineer Biber reviewed the bids and found The Wanasek Corp. of Burlington WI, to be the responsible low bidder. As Engineer Biber's recommendation letter notes, a fifth bid was also received but they did not use the proper bid form.

**PRIOR ACTION TAKEN:**

This matter was reviewed and discussed at our September 5<sup>th</sup> Work Session.

**SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:**

Staff recommends approval of the low bidder, The Wanasek Corp. In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

*“Motion to approve awarding bid received for Offsite Public Utility Plans for Bobcat Plus Improvement Project to The Wanasek Corp. in the amount of \$244,445.00”*

**ATTACHMENTS:**

Engineer Biber's Recommendation Letter with bid tabulations

August 31, 2023

Jason J. Peters, JD/MPA, Administrator  
Village of Somers  
7511 12<sup>th</sup> Street  
Somers, WI 53171

**Subject: Village of Somers – Bobcat Public Utilities**

Dear Mr. Peters:

The following bids were received for the Bobcat Public Utilities Project on August 31, 2023 at 10:00 am. Enclosed is a copy of the Bid Tabulation.

<b><u>Bidder</u></b>	<b><u>Total Bid</u></b>
The Wanasek Corp. Burlington, WI	\$244,445.00
Genesis Excavators, Inc. Kenosha, WI	\$298,523.00
Globe Contractors Pewaukee, WI	\$333,022.00
Townsend Construction, Inc. Clinton, WI	\$776,491.00

Willkomm Excavating had the lowest total price at the bid opening of \$209,021.00. Their submittal, however, did not include the proper bid form included in Addendum 1; the bid form they used did not include Pay Item 23 (see Tabulation) for the 145 cubic yards of aggregate slurry material. The Village could choose to waive this as a technicality and ask Willkomm Excavating for a price; We recommend you not consider their submittal a proper bid.

After analyzing the bids, we find The Wanasek Corp. to be the lowest responsive and responsible bidder. Due to our past working relationship with The Wanasek Corp., we feel they can complete the Project. We recommend awarding the contract amount of \$244,445.00. Please seek an opinion from the Village Attorney prior to award. Please advise us of your decision.

Sincerely,

BAXTER & WOODMAN, INC.  
CONSULTING ENGINEERS



Brett D. Biver, PE

Encs.

C: Brandi Baker, Clerk-Treasurer, with Original Bids  
P:\SOMEV\222334-Bobcat at I-94\40-Design\Bidding\222334.40\_LOR.docx

**BID TABULATION**  
VILLAGE OF SOMERS, WISCONSIN  
BOBCAT PUBLIC UTILITIES

Bid Date/Time: August 31, 2023 @ 10:00 AM  
Engineer's Job No. 222334.40

No.	Item	Quantity	Unit	Genesis Excavators, Inc.		Globe Contractors, Inc.		Townsend Construction, Inc.		The Wanasek Corp.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization	1	LS	Lump Sum	\$ 11,500.00	Lump Sum	\$ 7,350.00	Lump Sum	\$ 70,000.00	Lump Sum	\$ 11,730.00
2	Construction Layout and Staking	1	LS	Lump Sum	\$ 3,500.00	Lump Sum	\$ 2,700.00	Lump Sum	\$ 6,415.00	Lump Sum	\$ 6,250.00
3	Utility Investigation Pothole	6	EA	\$ 1,000.00	\$ 6,000.00	\$ 500.00	\$ 3,000.00	\$ 1,098.00	\$ 6,588.00	\$ 400.00	\$ 2,400.00
4	8-Inch Sanitary Sewer (Open Cut)	132	LF	\$ 365.00	\$ 48,180.00	\$ 145.00	\$ 19,140.00	\$ 222.00	\$ 29,304.00	\$ 165.00	\$ 21,780.00
5	8-Inch Sanitary Sewer (Trenchless)	149	LF	\$ 300.00	\$ 44,700.00	\$ 670.00	\$ 99,830.00	\$ 1,300.00	\$ 193,700.00	\$ 205.00	\$ 30,545.00
6	Granular Backfill (Sanitary Sewer)	13	LF	\$ 200.00	\$ 2,600.00	\$ 100.00	\$ 1,300.00	\$ 220.00	\$ 2,860.00	\$ 170.00	\$ 2,210.00
7	Sanitary Sewer Manhole Connection	1	EA	\$ 19,100.00	\$ 19,100.00	\$ 200.00	\$ 200.00	\$ 161,000.00	\$ 161,000.00	\$ 7,300.00	\$ 7,300.00
8	6-Inch Sanitary Riser Pipe	4	VF	\$ 1,500.00	\$ 6,000.00	\$ 200.00	\$ 800.00	\$ 650.00	\$ 2,600.00	\$ 160.00	\$ 640.00
9	48-Inch Sanitary Sewer Manhole	2	EA	\$ 14,000.00	\$ 28,000.00	\$ 9,900.00	\$ 19,800.00	\$ 12,591.00	\$ 25,182.00	\$ 9,485.00	\$ 18,970.00
10	Televise Sanitary Sewer	281	LF	\$ 8.00	\$ 2,248.00	\$ 10.00	\$ 2,810.00	\$ 26.00	\$ 7,306.00	\$ 20.00	\$ 5,620.00
11	8-Inch Water Main (Open Cut)	170	LF	\$ 200.00	\$ 34,000.00	\$ 148.00	\$ 25,160.00	\$ 247.00	\$ 41,990.00	\$ 135.00	\$ 22,950.00
12	8-Inch Water Main (Trenchless)	166	LF	\$ 185.00	\$ 30,710.00	\$ 585.00	\$ 97,110.00	\$ 447.00	\$ 74,202.00	\$ 155.00	\$ 25,730.00
13	8-Inch Connect to Water Main (Non-Pressure)	1	EA	\$ 5,500.00	\$ 5,500.00	\$ 975.00	\$ 975.00	\$ 11,736.00	\$ 11,736.00	\$ 4,760.00	\$ 4,760.00
14	Granular Backfill (Water Main)	108	LF	\$ 95.00	\$ 10,260.00	\$ 64.00	\$ 6,912.00	\$ 77.00	\$ 8,316.00	\$ 75.00	\$ 8,100.00
15	6-Inch Gate Valve and Box	1	EA	\$ 2,500.00	\$ 2,500.00	\$ 2,800.00	\$ 2,800.00	\$ 2,556.00	\$ 2,556.00	\$ 1,850.00	\$ 1,850.00
16	8-Inch Gate Valve and Box	1	EA	\$ 3,250.00	\$ 3,250.00	\$ 3,600.00	\$ 3,600.00	\$ 3,545.00	\$ 3,545.00	\$ 2,700.00	\$ 2,700.00
17	Fire Hydrant Assembly	1	EA	\$ 6,400.00	\$ 6,400.00	\$ 6,600.00	\$ 6,600.00	\$ 13,976.00	\$ 13,976.00	\$ 6,500.00	\$ 6,500.00
18	Curb & Gutter, 36-Inch	40	LF	\$ 25.00	\$ 1,000.00	\$ 60.00	\$ 2,400.00	\$ 103.00	\$ 4,120.00	\$ 170.00	\$ 6,800.00
19	HMA Pavement, 5.5-Inch	45	SY	\$ 150.00	\$ 6,750.00	\$ 100.00	\$ 4,500.00	\$ 766.00	\$ 34,470.00	\$ 115.00	\$ 5,175.00
20	Erosion and Sedimentation Control	1	LS	Lump Sum	\$ 3,000.00	Lump Sum	\$ 2,035.00	Lump Sum	\$ 1,540.00	Lump Sum	\$ 1,960.00
21	Restoration of Lawns and Parkways	1	LS	Lump Sum	\$ 6,500.00	Lump Sum	\$ 6,500.00	Lump Sum	\$ 45,000.00	Lump Sum	\$ 9,650.00
22	Traffic Control and Protection	1	LS	Lump Sum	\$ 4,500.00	Lump Sum	\$ 3,000.00	Lump Sum	\$ 6,450.00	Lump Sum	\$ 25,600.00
23	Backfilling with Aggregate Slurry	145	CY	\$ 85.00	\$ 12,325.00	\$ 100.00	\$ 14,500.00	\$ 163.00	\$ 23,635.00	\$ 105.00	\$ 15,225.00
	<b>TOTALS</b>				\$ 298,523.00		\$ 333,022.00		\$ 776,491.00		\$ 244,445.00

**VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM**

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**MEETING DATE:** September 12, 2023

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

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

**AGENDA ITEM:** #9 Action on proposed Resolution 2023-014, A Resolution regarding Reservations made for the Veterans Park Pavilion

#10 Action on proposed Ordinance 2023-029, relating to Veterans Park Pavilion

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**BACKGROUND:**

Staff found while that the current Resolution and Ordinance pertaining to reserving Veterans Park Pavilion contradicts each other.

The revised Resolution and Ordinance will make these consistent with each other. This will allow the reservation of the pavilion to be available to residents only similar to the auditorium rental, with the intention of any nonresidents usage on a first come first served basis. The revisions will also allow the Administrator the authority to allow Somers employees to reserve without fees.

**PRIOR ACTION TAKEN:**

This was discussed at the September 5, 2023 Village Work Session

**SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:**

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

#9

*“Motion to approve proposed Resolution 2023-014, A Resolution regarding Reservations made for the Veterans Park Pavilion”*

#10

*“Motion to waive first reading of Ordinance No. 2023-0029”*

*“Motion to approve proposed Ordinance 2023-029, an Ordinance relating the Veterans Park Pavilion”*

ATTACHMENTS:

Resolution 2023-014

Ordinance 2023-029

**RESOLUTION NO. 2023-014**

WHEREAS, the Village Board of the Village of Somers has historically made the parks available for use by Village or Town residents; and

WHEREAS, it has been and continues to be the policy of the Village of Somers not to discriminate on the basis of race, religion, sex, sexual orientation, marital status, or ethnic background; and

WHEREAS, it is the intention of the Village Board to allow the reservation for the use of the Veteran's Memorial Park Pavilion by Village or Town residents and Village-based or Town-based non-profit groups for the purpose of family gatherings, non-profit events and such other activities as are outlined herein; and

WHEREAS, it is the desire of the Village Board to clarify the policy for Village or Town residents and for Village-based or Town-based not-for-profit groups to reserve the Veteran's Memorial Park Pavilion; and

WHEREAS, consistent with such regulations, the Village staff monitors the use of the Veteran's Memorial Park Pavilion by not-for-profit groups and organizations to ascertain compliance with such regulations and, in general, to insure that such organizations or groups are utilizing the Veteran's Memorial Park Pavilion in an appropriate manner, including restoring the facilities to the condition of cleanliness and orderliness in which they were found prior to such use; and

WHEREAS, the Village Board has received requests from various Village-based or Town-based not-for-profit groups and organizations to waive rental fees and the requirement that security deposits be tendered pursuant to the regulations for the use of the Veteran's Memorial Park Pavilion by such groups based upon the financial need of such groups; and

WHEREAS, the Village Board recognizes that various Village-based and Town-based not-for-profit civic organizations and groups provide valuable contributions to the community; and

WHEREAS, the Village Board has considered and established the hours which may encompass use of Veteran's Memorial Park Pavilion as stated hereafter.

NOW, THEREFORE, BE IT RESOLVED that the Veteran's Memorial Park Pavilion shall be available to be reserved to Village or Town residents only and that any individual together with any Village-based or Town-based group, club, or organization using the Veteran's Memorial Park Pavilion shall be allowed such reserved use only if the activity in question is non-profit and that upon request, any such individual, group, club or organization shall provide such information as shall be deemed necessary by the Village Administrator or the Village Administrator's designee to support the non-profit nature of the activity; further, any person, group, club, or organization who utilizes the Veteran's Memorial Park Pavilion shall not discriminate against any person because of race, color, age, creed, sex, sexual orientation, religion or national origin nor shall such person or entity publicize,

advertise or otherwise direct the activity in such a fashion which would directly or inferentially reflect on the acceptability of the patronage of any person because of race, religion, color, ancestry, sex, sexual orientation, age or national origin.

BE IT FURTHER RESOLVED, that any person, group, club or organization (hereinafter “user”) shall only do so subject to compliance with the following regulations:

1. That the user shall hold the Village, the Village’s elected officials, employees, agents and representatives harmless from and shall defend and indemnify all of the same from and against all liability for injuries to or deaths of persons or damage to property arising from activities conducted by user, including loss predicated on the active or passive negligence of the Village, its officers, agents or representatives.
2. The user shall complete an application and pay appropriate fees for the reserved rental of the Veteran’s Memorial Park Pavilion, unless waived by majority vote of the Board, which fees shall be deposited at the time the application is accepted by the Village.
  - (a) A One Hundred Fifty (\$150.00) Dollars refundable deposit is required for all who reserve the use of the Veteran’s Memorial Park Pavilion to be refunded only after full inspection of Veteran’s Memorial Park Pavilion is completed by staff and all written policy guidelines have been met. Any cleaning or repair costs shall be deducted from the deposit at the direction of cleaning staff.
  - (b) The Veteran’s Memorial Park Pavilion reserved rental cost shall be Fifty (\$50.00) Dollars.
  - (c) All events where it is determined by the Village Administrator that it would be desirable to provide a security guard shall provide a security guard at the expense of the user, which expense shall be charged by the Village at the time of application.
3. Hours which Veteran’s Memorial Park Pavilion will be available for use shall be established by the Village Administrator after taking into consideration the availability of Village personnel to ready the area and turn on electric if needed and other relevant consideration but in no case shall be prior to 8:00 a.m. or end later than dusk.
4. Every group shall submit the applicable deposit in advance at the time of application; further, any determinations as to whether all or a portion of any rental funds shall be returned to the group in question shall be made only by the majority vote of Village Board and only after full inspection of the Veteran’s Memorial Park Pavilion is completed by staff to insure all

written policy guidelines have been met and all appropriate cleaning or repair costs have been deducted, if necessary. All areas used shall be returned to a condition of cleanliness which existed prior to the event.

5. No alcoholic beverages of any kind will be allowed in the Veteran's Memorial Park Pavilion unless the user has obtained a Class "B" Picnic License as per §9.10 of the Code of Ordinances. Any applicant must be twenty-one (21) years of age or older and must assume responsibility for exercising control over behavior at the event. Beer, wine and/or liquor may be consumed but not sold at an event covered by this permit.

BE IT FURTHER RESOLVED, that non-resident employees of the Village of Somers may make application to the Village Administrator for the reserved use of the Veteran's Memorial Park Pavilion for not-for-profit purposes, which requests shall be acted upon on a case-by-case basis by the Village Board.

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

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

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

ORDINANCE NO. 2023-029

AN ORDINANCE TO REPEAL AND RECREATE SECTION 4.04(G)  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS  
REGARDING RESERVATIONS FOR PICNIC AREAS IN MEMORIAL PARK

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

Wisconsin, hereby repeals and recreates Section 4.04(G) of the Code of Ordinances of the

Village of Somers to read as follows:

(G) **Reservations for Picnic Areas in Memorial Park.** A permit may be issued to residents of the Village or Town of Somers only by the Village Clerk/Treasurer who, for purposes of this subsection only, shall be deemed the permitting authority, for the reservation of any picnic area in Memorial Park. Permit fees for such reservations shall be Fifty (\$50.00) Dollars for residents only of the Village or Town of Somers and a One Hundred Fifty (\$150.00) Dollars security deposit for residents of the Village and Town of Somers. Security deposits may be refunded partially or in full pending satisfactory review of the area following completion of the event covered by the permit by representatives of the Department of Public Works and approved by the Village Clerk/Treasurer. Failure to satisfactorily clean up the area subject to the reservation may result in forfeiture of all or a portion of the security deposit. Any permits for reservations for picnic areas in Memorial Park shall be subject to the standards for permit issued under §4.04(F), above. In addition to the permit conditions enumerated in §4.04(H), below, some or all of which the Village Clerk/Treasurer may require, the following permit conditions shall be applicable for reservations for picnic areas in Memorial Park:

(1) Any applicant must be twenty-one (21) years of age or older and must assume responsibility for exercising control over behavior at the event. Beer, wine and/or liquor may be consumed but not sold at an event covered by this permit.

(2) The applicant must be personally present for the entire duration of the event for which the picnic permit is sought and must take personal responsibility for all damage, missing or damaged items and cleanup immediately following the conclusion of the event. The applicant must personally indemnify the Village, its officers, agents, representatives and any invitees from any and all liability caused or suffered by any person including persons who are at the event on forms provided by the Village Clerk/Treasurer.

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  
MEETING ITEM MEMORANDUM**

---

**MEETING DATE:** September 12<sup>th</sup>, 2023

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

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

**AGENDA ITEM:** #11 Action on proposed Ordinance 2023-030, An Ordinance to Create Section ZN 9.01 of the Code of Ordinances of the Village of Somers Relating to Solar Energy Systems

#12 Action on proposed Ordinance 2023-031, An Ordinance to Create Section ZN 4.02(2)(d)14, Repeal and Recreate ZN 4.03(1)(c)4, Section ZN 4.03(2)(c)4, Section ZN 4.03(3)(c)4, Section ZN 4.03(4)(c)4, Section ZN 4.03(6)(c)4, Section ZN 4.03(7)(c)4, Section ZN 4.03(8)(c)4, Section ZN 4.03(9)(c)4, Section ZN 4.03(10)(c)3, Section ZN 4.03(11)(c)3, Section ZN 4.03(12)(c)3, Section ZN 4.03(13)(c)3, Section ZN 4.04(1)(c)5, Section ZN 4.04(2)(c)5, Section ZN 4.04(3)(c)5, Section ZN 4.04(4)(c)4, Section ZN 4.04(5)(c)5, Section ZN 4.04(7)(c)5, Section ZN 4.05(1)(c)5, Section ZN 4.05(2)(c)6, Section ZN 4.06(1)(c)4, Section ZN 4.06(2)(c)4, Section ZN 4.07(2)(c)6 and to Repeal Section ZN 4.04(8)(c)25 of the Code of Ordinances of the Village of Somers Relating to Solar Energy Systems

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**BACKGROUND:**

In 2021, the Board reviewed a proposed draft of two ordinances to create a section of our Zoning Ordinance to address solar energy systems. These ordinances were reviewed in response to the increase in proposals for the installation of Solar Energy Systems in Southeastern Wisconsin.

The Board did not take further action on the proposed ordinances in 2021. Administration feels that it is important that the Village pass an ordinance to create a section of our Zoning Ordinance to address solar energy systems. In response to the increase in proposals, several local jurisdictions have passed ordinances to set standards for solar energy systems.

PRIOR ACTION TAKEN:

This matter was first reviewed by the Board in 2021. The attached proposed ordinances were further reviewed and discussed at our September 5<sup>th</sup> Work Session.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

Staff would recommend approval of proposed Ordinance 2023-030 and proposed Ordinance 2023-031. In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

#11

*“Motion to waive first reading of Ordinance No. 2023-030”*

*“Motion to approve proposed Ordinance 2023-030, An Ordinance to Create Section ZN 9.01 of the Code of Ordinances of the Village of Somers Relating to Solar Energy Systems”*

#12

*“Motion to waive first reading of Ordinance No. 2023-031”*

*“Motion to approve proposed Ordinance 2023-031, An Ordinance to Create Section ZN 4.02(2)(d)14, Repeal and Recreate ZN 4.03(1)(c)4, Section ZN 4.03(2)(c)4, Section ZN 4.03(3)(c)4, Section ZN 4.03(4)(c)4, Section ZN 4.03(6)(c)4, Section ZN 4.03(7)(c)4, Section ZN 4.03(8)(c)4, Section ZN 4.03(9)(c)4, Section ZN 4.03(10)(c)3, Section ZN 4.03(11)(c)3, Section ZN 4.03(12)(c)3, Section ZN 4.03(13)(c)3, Section ZN 4.04(1)(c)5, Section ZN 4.04(2)(c)5, Section ZN 4.04(3)(c)5, Section ZN 4.04(4)(c)4, Section ZN 4.04(5)(c)5, Section ZN 4.04(7)(c)5, Section ZN 4.05(1)(c)5, Section ZN 4.05(2)(c)6, Section ZN 4.06(1)(c)4, Section ZN 4.06(2)(c)4, Section ZN 4.07(2)(c)6 and to Repeal Section ZN 4.04(8)(c)25 of the Code of Ordinances of the Village of Somers Relating to Solar Energy Systems”*

ATTACHMENTS:

Proposed Ordinance 2023-030

Proposed Ordinance 2023-031

ORDINANCE NO. 2023-030

AN ORDINANCE TO CREATE SECTION ZN 9.01  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS  
RELATING TO SOLAR ENERGY SYSTEMS

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The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby creates Section ZN 9.01 of the Code of Ordinances of the Village of Somers regarding solar energy systems to read as follows:

**ZN 9.01 SOLAR ENERGY SYSTEMS.**

**(1) PURPOSE AND INTENT.**

The Village Board finds the following:

- (a) The purpose of this section is to regulate solar energy systems subject to the provisions and limitations of this section and § 66.0401, Wis. Stats.
- (b) This section is intended to preserve or protect the public health or safety; does not significantly increase the cost of the system or significantly decrease its efficiency; and allows for an alternative system of comparable cost and efficiency.
- (c) This section provides a process for obtaining necessary permits while protecting the interests of Village residents and businesses.

**(2) DEFINITIONS.**

The definitions set out below shall apply to this section and shall control with respect to solar energy systems in the event of any inconsistency between these definitions and the definitions set forth in this chapter.

- (a) **Solar Energy System.** Equipment that directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. A solar energy system is either solar for individual users or a solar farm as defined in this section. A solar energy system includes solar collectors, frames, supports and any mounting hardware, battery storage equipment, converters or invertors.
- (b) **Solar Farm.** A solar energy system that generates enough electricity to serve many customers by wholesale or retail sale and not primarily for consumption on the property on which the system is located. The solar collectors are ground mounted on open land near an existing substation or electric transmission infrastructure.

- (c) Solar Energy System for Individual Users. Solar energy system that generates electricity for the individual property owner, with either building mounted or ground mounted solar collectors, as opposed to a solar farm which generates enough electricity to serve many off-site customers.
- (d) Solar Collector. A device that absorbs solar energy for use in the collector's energy transformation process.

**(3) PERMIT REQUIRED.**

No person shall construct, repair, replace, install, enlarge, or alter any solar energy system, as defined by this section, unless a valid permit for said system has first been issued pursuant to this section and such permit has neither expired nor been suspended or revoked. If work has commenced or is completed without proper permits, the Village may take the appropriate action to prosecute the violation of this chapter. Please review the other provisions this chapter for additional information related to a zoning permit, including but not limited to preconditions, application requirements, incomplete applications, approval or denial of an application, issuance of a permit, binding nature of application, acceptance of permit conditions, time limits, assignment, inspections required, suspension, revocation or voiding a permit, circularity, plan changes, plans on file, invalid permits and disclaimer.

**(4) SOLAR ENERGY SYSTEM FOR INDIVIDUAL USERS STANDARDS.**

(a) Building mounted system in any Agricultural, Residential or Upland Conservancy Zoning District shall meet the following requirements:

- 1 The solar energy system shall not extend more than six (6) inches from the original exterior perimeter of a principal or accessory building except as provide in subsection (2) below.
- 2 If the roof pitch is 2/12 or less, then the system shall not extend more than eighteen (18) inches from the original exterior perimeter of the principal or accessory building.
- 3 The solar energy system shall not extend beyond the exterior perimeter of the building roof or wall.
- 4 Any ground mounted battery storage, converter or inverter shall be located inside a building; or located in the side, rear, rear street yards with proper screening as approved by the Village Administrator.
- 5 The Village is not responsible to remove or force the removal of any structures or vegetation on adjacent properties that may exist at the time of installation or may be constructed/installed in the future to block any portion of the solar system.

- (b) Building mounted system in any Business, Manufacturing, Institutional or Park-Recreational Zoning Districts shall meet the following requirements:
- 1 The solar energy system shall not extend more than six (6) inches from the original exterior perimeter of a principal or accessory building to except as provide in subsection (b) below.
  - 2 If the roof pitch is 2/12 or less, then the solar energy system shall not extend to a height that exceeds the height of an existing parapet wall or other screening as approved by the Village Administrator that screens the system from view from the adjacent right-of-way. A sight line plan is required to be submitted for review.
  - 3 The solar energy system shall not extend beyond original exterior perimeter of the principal or accessory building.
  - 4 Any ground mounted battery storage, converter or inverter shall be located inside a building; or located in the side, rear, rear street yards with proper screening as approved by the Village Administrator.
  - 5 The Village is not responsible for the removal or force the removal of any structures or vegetation on adjacent properties that may exist at the time of installation or that may be constructed/installed in the future to block any portion of the solar system.
- (c) Ground mounted system in any district shall meet the following minimum requirements:
- 1 Capacity of the system shall not exceed seven (7) kilowatts in rated capacity for properties that are one (1) acre or less in area.
  - 2 Capacity of the system shall not exceed fifteen (15) kilowatts in rated capacity for properties more than one (1) acre.
  - 3 Height shall not exceed ten (10) feet when oriented at maximum tilt. The grades that surround the system shall not be artificially elevated to bring in fill as to elevate the system higher than the existing grades on the property.
  - 4 Shall not be located within a front street yard or side street yard as measured from the furthest extent of the solar collector at full tilt parallel to the ground.

- 5 Minimum setback requirements as measured from the furthest extent of the solar collector at full tilt parallel to the ground.
    - a Side and Rear: a minimum of twenty-five (25) feet.
    - b Rear Street: a minimum of fifty (50) feet.
    - c Wetland: minimum of ten (10) feet from wetlands on the property.
    - d Shore: minimum of twenty-five (25) feet from the ordinary high water mark of a navigable waterway.
  - 6 Shall not be located within the 100-year floodplain as measured from the furthest extent of the solar collector at full tilt parallel to the ground.
  - 7 Landscaping and or screening will be required to screen the system from adjacent properties and public rights-of-way as approved by the Village Administrator on a case by case basis.
  - 8 All electrical wires associated with the solar energy system, other than wires necessary to connect the system, grounding wires etc. shall be located underground.
  - 9 Shall be installed and securely attached to the ground pursuant to the manufacturer's requirements.
  - 10 Land under and surrounding the system shall be properly manicured and maintained.
  - 11 Any ground mounted battery storage system, converter or inverter shall be located inside a building; or located in the side, rear, rear street yards with proper screening as approved by the Village Administrator.
  - 12 The Village is not responsible to remove or force the removal of any structures or vegetation on adjacent properties that may exist now or that may be constructed/installed in the future to block any portion of the solar energy system.
- (5) A solar farm shall be assessed to the extent required by law.
- (6) A solar farm shall pay as applicable the public utility distribution, license fee, State taxation, and other monetary obligations as and to the extent required by law.

- (7) The Village Administrator shall be notified, in writing, within sixty (60) days of any ownership transfers or sales of a solar farm.
- (8) All solar farms are required to obtain a Village Business License pursuant to this chapter.
- (9) Abandonment, removal and security for removal.
  - (a) Abandonment. When a solar energy system is no longer in operation or producing energy, the owner shall notify the Village Administrator in writing. Any solar energy system that has not operated for a continuous period of twelve (12) months shall be considered abandoned. Time may be extended upon review and approval of the Village Administrator.
  - (b) Removal. It is the expressed policy of the Village and this section that a solar energy system be removed once they are no longer in use and not a functional part of providing the intended energy and the site or building restored as necessary.
  - (c) Security for removal. The owner of a solar farm shall provide to the Village, prior to issuance of a solar farm permit, a performance bond or a surety bond equal to a written estimate to remove the solar farm when the system is no longer in operation. The Village will be named as the obligee in the bond and the Village shall approve the bonding company and the bond format.

**(10) LIMITATIONS UPON AUTHORITY.**

The Village review and action in the matter shall be subject to the limitations imposed by §66.0401, Wis. Stats. In the event the applicant believes the Village has exceeded its authority in this regard, the applicant shall notify the Village and the Village may reconsider the matter. In that event, the applicable permit authority of the Village may modify the requirements of this Section as applied to that application, on a case-by-case basis if, and only to the extent, such modification is necessary to ensure that applicable laws are followed. This section is intended to allow case-by-case consideration of the standards of §66.0401(1m), Wis. Stats., as needed.

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

VILLAGE OF SOMERS

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

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

ORDINANCE NO. 2023-031

AN ORDINANCE TO CREATE SECTION ZN 4.02(2)(d)14,  
TO REPEAL AND RECREATE SECTION ZN 4.03(1)(c)4, SECTION ZN 4.03(2)(c)4,  
SECTION ZN 4.03(3)(c)4, SECTION ZN 4.03(4)(c)4, SECTION ZN 4.03(6)(c)4,  
SECTION ZN 4.03(7)(c)4, SECTION ZN 4.03(8)(c)4, SECTION ZN 4.03(9)(c)4,  
SECTION ZN 4.03(10)(c)3, SECTION ZN 4.03(11)(c)3, SECTION ZN 4.03(12)(c)3,  
SECTION ZN 4.03(13)(c)3, SECTION ZN 4.04(1)(c)5, SECTION ZN 4.04(2)(c)5,  
SECTION ZN 4.04(3)(c)5, SECTION ZN 4.04(4)(c)4, SECTION ZN 4.04(5)(c)5,  
SECTION ZN 4.04(7)(c)5, SECTION ZN 4.05(1)(c)5, SECTION ZN 4.05(2)(c)6,  
SECTION ZN 4.06(1)(c)4, SECTION ZN 4.06(2)(c)4, SECTION ZN 4.07(2)(c)6  
AND TO REPEAL SECTION ZN 4.04(8)(c)25 OF THE CODE OF ORDINANCES  
OF THE VILLAGE OF SOMERS RELATING TO SOLAR ENERGY SYSTEMS

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The Village Board of Trustees of the Village of Somers, Kenosha County,  
Wisconsin, hereby creates Section ZN 4.02(2)(d)14, repeals and recreates Section ZN  
4.03(1)(c)4, Section ZN 4.03(2)(c)4, Section ZN 4.03(3)(c)4, Section ZN 4.03(4)(c)4, Section  
ZN 4.03(6)(c)4, Section ZN 4.03(7)(c)4, Section ZN 4.03(8)(c)4, Section ZN 4.03(9)(c)4,  
Section ZN 4.03(10)(c)3, Section ZN 4.03(11)(c)3, Section ZN 4.03(12)(c)3, Section  
ZN 4.03(13)(c)3, Section ZN 4.04(1)(c)5, Section ZN 4.04(2)(c)5, Section ZN 4.04(3)(c)5,  
Section ZN 4.04(4)(c)4, Section ZN 4.04(5)(c)5, Section ZN 4.04(7)(c)5, Section  
ZN 4.05(1)(c)5, Section ZN 4.05(2)(c)6, Section ZN 4.06(1)(c)4, Section ZN 4.06(2)(c)4,  
Section ZN 4.07(2)(c)6 and repeals Section ZN 4.04(8)(c)25 of the Code of Ordinances of the  
Village of Somers regarding solar energy systems to read as follows:

**Section ZN 4.02(2)(d)14 relating to conditional uses in A-2 General Agricultural District is hereby  
created to read as follows:**

14 Solar energy system

**Section ZN 4.03(1)(c)4 relating to accessory uses in R-1 Rural Residential District is hereby  
amended to read as follows:**

4 Solar energy system for individual users per Section ZN 9.01

**Section ZN 4.03(2)(c)4 relating to accessory uses in R-2 Suburban Single-Family Resident District is hereby amended to read as follows:**

- 4 Solar energy system for individual users per Section ZN 9.01

**Section ZN 4.03(3)(c)4 relating to accessory uses in R-3 Urban Single-Family Residential District is hereby amended to read as follows:**

- 4 Solar energy system for individual users per Section ZN 9.01

**Section ZN 4.03(4)(c)4 relating to accessory uses in R-4 Urban Single-Family Residential District is hereby amended to read as follows:**

- 4 Solar energy system for individual users per Section ZN 9.01

**Section ZN 4.03(6)(c)4 relating to accessory uses in R-5 Urban Single-Family Residential District is hereby amended to read as follows:**

- 4 Solar energy system for individual users per Section ZN 9.01.

**Section ZN 4.03(7)(c)4 relating to accessory uses in R-6 Urban Single-Family Residential District is hereby amended to read as follows:**

- 4 Solar energy system for individual users per Section ZN 9.01.

**Section ZN 4.03(8)(c)4 relating to accessory uses in R-7 Suburban Two-Family and Three-Family Residential District is hereby amended to read as follows:**

- 4 Solar energy system for individual users per Section ZN 9.01.

**Section ZN 4.03(9)(c)4 relating to accessory uses in R-8 Urban Two-Family Residential District is hereby amended to read as follows:**

- 4 Solar energy system for individual users per Section ZN 9.01.

**Section ZN 4.03(10)(c)3 relating to accessory uses in R-9 Multiple-Family Residential District is hereby amended to read as follows:**

- 3 Solar energy system for each individual user per Section ZN 9.01.

**Section ZN 4.03(11)(c)3 relating to accessory uses in R-10 Multiple-Family Residential District is hereby amended to read as follows:**

- 3 Solar energy system for each individual user per Section ZN 9.01.

**Section ZN 4.03(12)(c)3 relating to accessory uses in R-11 Multiple-Family Residential District is hereby amended to read as follows:**

- 3 Solar energy system for each individual user per Section ZN 9.01.

**Section ZN 4.03(13)(c)3 relating to accessory uses in R-12 Mobile Home/Manufactured Home Park/Subdivision Residential District is hereby amended to read as follows:**

- 3 Solar energy system for each individual user per Section ZN 9.01.

**Section ZN 4.04(1)(c)5 relating to accessory uses in B-1 Neighborhood Business District is hereby amended to read as follows:**

- 5 Solar energy systems for each individual user (as an accessory use per Section ZN 9.01).

**Section ZN 4.04(2)(c)5 relating to accessory uses in B-2 Community Business District is hereby amended to read as follows:**

- 5 Solar energy systems for each individual user (as an accessory use per Section ZN 9.01).

**Section ZN 4.04(3)(c)5 relating to accessory uses in B-3 Highway Business District is hereby amended to read as follows:**

- 5 Solar energy systems for each individual user (as an accessory use per Section ZN 9.01).

**Section ZN 4.04(4)(c)4 relating to accessory uses in B-4 Planned Business District is hereby amended to read as follows:**

- 4 Solar energy systems for each individual user (as an accessory use per Section ZN 9.01).

**Section ZN 4.04(5)(c)5 relating to accessory uses in B-5 Wholesale Trade and Warehousing District is hereby amended to read as follows:**

- 5 Solar energy systems for each individual user (as an accessory use per Section ZN 9.01).

**Section ZN 4.04(7)(c)5 relating to accessory uses in BP-1 Business Park District is hereby amended to read as follows:**

- 5 Solar energy systems for each individual user (as an accessory use per Section ZN 9.01).

**Section ZN 4.04(8)(c)25 relating to accessory uses in B-94 Interstate Highway 94 Special Use Business District is hereby revoked:**

- 25 reserved

**Section ZN 4.05(1)(c)5 relating to accessory uses in M-1 Limited Manufacturing District is hereby amended to read as follows:**

- 5 Solar energy system for individual users (as an accessory use per Section ZN 9.01).

**Section ZN 4.05(2)(c)6 relating to accessory uses in M-2 Heavy Manufacturing District is hereby amended to read as follows:**

- 6 Solar energy system for individual users (as an accessory use per Section ZN 9.01).

**Section ZN 4.06(1)(c)4 relating to accessory uses in I-1 Institutional District is hereby amended to read as follows:**

- 4 Solar energy system for individual users (as an accessory use per Section ZN 9.01)

**Section ZN 4.06(2)(c)4 relating to accessory uses in PR-1 Park-Recreational District is hereby amended to read as follows:**

- 4 Solar energy system for individual users (as an accessory use per Section ZN 9.01)

**Section ZN 4.07(2)(c)6 relating to accessory uses in C-2 Upland Resource Conservancy District is hereby amended to read as follows:**

- 6 Solar energy system for individual users (as an accessory use per Section ZN 9.01)

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  
MEETING ITEM MEMORANDUM**

---

**MEETING DATE:** September 12, 2023

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

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

**AGENDA ITEM:** #13 Action on application for Special Event Permit from Palmen Auto Stores for their Employee Family Picnic, at Hawthorn Hollow located at 880 Green Bay Road, Kenosha Wi 53144

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**BACKGROUND:**

Palmen Auto Stores is holding an Employee Family Picnic on October 15, 2023, at Hawthorn Hollow, located at 880 Green Bay Road Kenosha, WI 53144. On August 18, 2023, they submitted their application and fee for a Special Event permit. This is a private event for Palmen employees and their families.

**PRIOR ACTION TAKEN:**

This matter was reviewed and discussed at our September 5<sup>th</sup> Work Session.

**SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:**

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

*“Motion to approve application for Special Event Permit from Palmen Auto Stores for their Employee Family Picnic, at Hawthorn Hollow located at 880 Green Bay Road, Kenosha Wi 53144”*

**ATTACHMENTS:**

Special Event Application

CHECK CONTROL NO. 110045

ISSUED BY: TARA\_BERNAL

PALMEN MOTORS OF KENOSHA  
Kenosha, Wisconsin 53142

PAGE 1C

INVOICE STOCK NO.	INVOICE DATE	PURCHASE ORDER NO.	COMMENT/V.I.N.	AMOUNT	DISCOUNT/ACCOUNT NO.	NET AMOUNT
	081823	SPECIAL EVENT	PERMIT 10-15-23			75.00
				110045 FALLFEST	5*103D 5*145F	-75.00 75.00
				TOTAL	103D	75.00

DETACH AT PERFORATION BEFORE DEPOSITING CHECK

REMITTANCE ADVICE



5431 75TH Street  
Kenosha, WI 53142  
262-697-3100 · 1-800-236-9697  
[www.palmen.com](http://www.palmen.com)

JPMorgan Chase Bank, N.A.  
Milwaukee, WI

110045 12-1/750

DATE
18AUG23

PAY THIS AMOUNT			
*****75	DOLLARS	00	CENTS

AMOUNT OF CHECK
*****75.00

TO THE ORDER OF  
VILLAGE OF SOMERS  
PO BOX 197  
SOMERS WI 53171

PALMEN MOTORS OF KENOSHA  
VOID AFTER 180 DAYS

\*\*\*\*\*  
BY \*\*\* NOT NEGOTIABLE \*\*\*  
BY \*\*\*\*\*  
AUTHORIZED SIGNATURE



OFFICE USE ONLY  
DATE FILED: \_\_\_\_\_  
INITIALS: \_\_\_\_\_

Village of Somers  
P.O. Box 197  
7511 - 12th Street  
Somers, WI 53171  
262-859-2822

# Village of Somers Special Event Permit (Single Day)

Fee: \$75

Date(s) of Event: October 15th, 2023  
Description of Event: Employee Family Picnic

Licensee Name: Palmen Auto Stores  
Corporation, Partnership, or Individual - Must be same name as beer/liquor license (if applicable)

Trade/Event Name: Palmen Employee Family Picnic

Trade/Event Address: 880 Green Bay Rd, Kenosha WI 53144  
Street Zip

If Licensee is a Corporation or LLC, list Agent's Full Name: Tara Bernal

List Date of Birth of Agent (If Corporation/LLC) or Individual: 01/25/1982

Address: 348 Old Green Bay Rd, Kenosha WI 53144  
Street City State Zip

Phone: 262-705-0520 Email: tbernal@palmen.com  
(Correspondence will be via email if address is given)

Driver's License Number: WI B654-8108-2525-01  
State Number

1. Have you ever received any **tickets** or been charged with any **crimes** or **felonies** in any state?  Yes  No  
If yes, provide: Charge, State, Date, Result (including pending charges).  
(Examples: Speeding, WI, 5/8/2012, Guilty | Theft, FL, 5/22/2014, Dismissed | DUI, WI, 6/30/2017, Pending)

CHARGE	STATE	DATE	RESULT

2. Have you ever had your **driver's license suspended** or **revoked** in any state?  Yes  No  
 If yes, provide: Charge, State, Date

CHARGE	STATE	DATE

3. Have you ever served or been sentenced to serve time in **jail** or **prison** in any state?  Yes  No  
 If yes, provide: Charge, State, Date

CHARGE	STATE	DATE

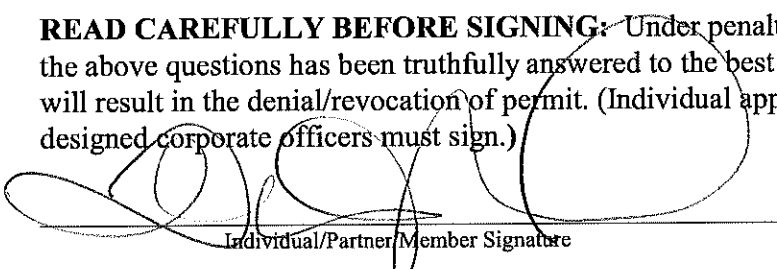
4. Have you ever, while operating a business or engaged in a profession, been convicted of any charges involving unfair trade practices, unethical conduct, or discrimination in any state?  Yes  No  
 If yes, provide: Charge, State, Date Result (Include pending charges).

CHARGE	STATE	DATE	RESULT

5. List the name and address of all employers for which you have worked and/or businesses you have operated in the **past five (5) years**. Palmen Buick GMC Cadillac, Inc, 7110 74th Place, Kenosha WI 53142

6. Have you lived at your current home address for the **past five (5) years**?  Yes  No  
 If no, please list all addresses which you have resided at in the past five (5) years.

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided for by law, the undersigned states that each of the above questions has been truthfully answered to the best of his/her/their knowledge. False or incomplete answers will result in the denial/revocation of permit. (Individual applicants and each member of a partnership must sign; designed corporate officers must sign.)

  
 Individual/Partner/Member Signature

8.18.23  
 Date

**PLEASE NOTE:** Attached as page 3 and 4 of the application is an **Operational and Security Plan**. This information is required. If not fully and accurately completed, the Special Event Permit application will be considered incomplete and will not proceed to any Committees for consideration until the information is provided. *See attached from Hawthorn Hollow*

**PLEASE NOTE:** Special Events Permits confer no rights regarding alcohol licensing, which must be obtained by separate application and approval.

**SPECIAL EVENT PERMIT: OPERATIONAL AND SECURITY PLAN INFORMATION**

**Operational Plan**

**Planned Hours\* of Operation:**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Hours: 8 am	Hours: 8 am	Hours: 8 am	Hours: 8 am	Hours: 8 am	Hours: 8 am	Hours: 8 am
To 5 pm	To 5 pm	To 5 pm	To 5 pm	To 5 pm	To 9 pm	To 5 pm

\*be sure to list AM or PM

**Legal occupancy limit for the premises:** \_\_\_\_\_ persons

**Attach scale drawing of parking plan:** Attachment one is our Concert/Small Event Parking Plan, attachment two is our Art Fair Parking Plan, and attachment three is our Historic Building Emergency Access Plan.

**Number of off-street parking spaces used to service the premises:** 560 parking spaces

**Description of the off-street parking spaces used to service the premises:** Hawthorn Hollow has two parking lots on the premises, our Nature Center lot which holds 30 cars, and our Farm/Event lot which holds 25. In addition, we park cars diagonally at least 10 feet off the entrance road for concerts and other medium-sized events. For the art fair, we convert our arboretum meadow into a five-lane grass parking lot which can hold up to 375 cars with the required clearances.

**Describe the sound amplification equipment to be used (if any):** We use a 16-channel 1000 w Yamaha powered PA system with two 15-inch main speakers and two floor monitor speakers for the artist. For the art fair, we often have a second stage at the nature center with a second PA system donated for the day. Weddings often utilize a hired DJ who provides their own equipment.

**Identify any sound mitigation strategies to be implemented:** Volume is always kept as low as possible to reduce impact on neighbors and the general public. Wedding DJ's must set up so speakers face north-west, away from our closest neighbors. The amphitheater (concert location) naturally faces away from our neighbors as well. In the past, we have received no complaints from neighbors or the general public about noise levels from our events to the best of our knowledge.

**How will orderly appearance and operation of the establishment be maintained in regard to litter and noise?:** We provide numerous garbage and recycling receptacles placed throughout the event area, and these are monitored and emptied when needed. Refuse is then deposited in our garbage and recycling dumpsters, which are emptied once a week by our private sanitation vendor. See above for our noise mitigation plan.

## Security Plan

**Attach scale drawing of elements of Security Plan:** See Attachment Four.

**Description of clothing to identify security personnel:** Security is provided by Hawthorn Hollow staff and a select group of vetted volunteers. All staff wear lanyards with identification cards attached, and volunteers wear a lanyard that states "volunteer". For the Walk in the Woods Art Fair, all staff and volunteers also wear a bright green t-shirt to make identification easier.

**Are security personnel employees? If not, provide contact information for outside security firm:** Yes, employees and volunteers.

**Plan to handle control and clearance of the parking lot and public right-of-ways adjacent to licensed property during hours of operation and at closing time:** The use of off-road diagonal parking spaces for the concert series allows for easy parking lot clearance once the event has concluded. For the art fair, we use numerous volunteers to direct and control parking, as well as enforcing one-way lanes throughout the arboretum lot. This, along with plentiful signage (over 20 different signs are used for art fair parking alone) has allowed us to control and clear the lot with ease.

**How will the entrance line be managed and controlled:** Our main concern is to keep the entrance line off of public roads, specifically Hwy 31. The actual point of entry, where patrons pay or give tickets, is set approximately 300 ft from the roadside, allowing a large number of vehicles to enter without disrupting traffic. If the line becomes too long, we can open up our Farm/Event parking lot as an additional point of entry, allowing more cars to enter. In the unlikely event that there is still a backup, we would forego entrance donation collection and allow cars to enter the event without stopping for tickets or payment, speeding up the process even more.

**Will any security personnel be armed? If yes, provide individual names and addresses:** No security personnel at Hawthorn Hollow will be armed.

**Plan for unruly patrons, intoxicated patrons, and physical disturbances (including fights):** If a patron is found to be unruly or seems to be causing a disturbance, they will be escorted by two security personnel to their vehicle and told to leave the premises (if they don't appear to be intoxicated or a threat to themselves or others). If a fight occurs, all parties will be separated and escorted off the property (again, if not intoxicated or a perceived threat). Patrons who appear to be intoxicated or unruly will not be served any alcohol, and if no other option is available, law enforcement will be asked to intervene. In over 30 years of events at Hawthorn Hollow, law enforcement has never had to intervene in any disturbance with our patrons.

**Underage drinking and fake ID plan:** When serving alcoholic beverages, we utilize a mandatory ID check and wristband policy for all purchasers. We will not sell any alcoholic beverages to anyone without a wristband (which indicates their ID has been checked and accepted), and we will confiscate any alcoholic beverages in the possession of anyone without a wristband. If an ID is found to be fraudulent, it will be confiscated and turned over to the proper authorities.

**Provide the first and last name of all management personnel:**

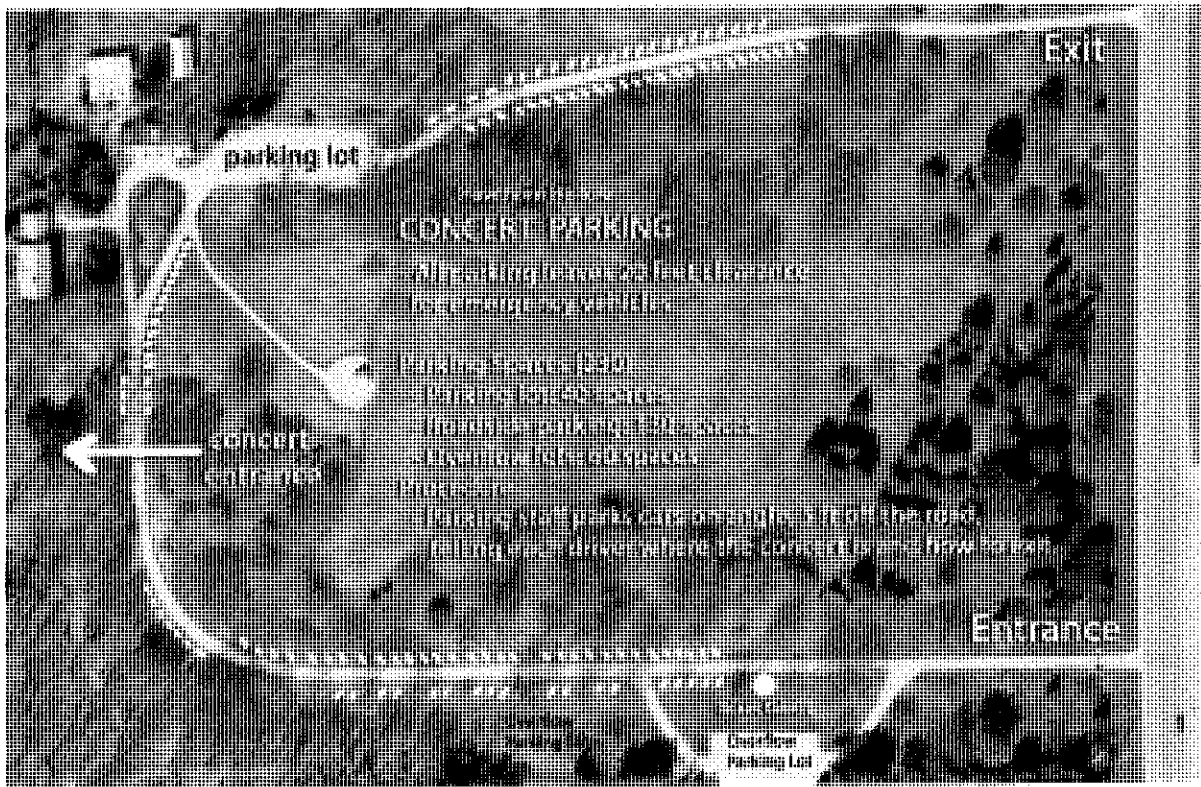
- Timothy J. Leveque, Executive Director
- Dr. William Parker, Observatory Director
- Emily Leonard, Ecologist
- Kailyn Palomares, Naturalist & Education Coordinator
- Laura Smith, Marketing & Rental Coordinator
- Chad Jocius, Observatory & Maintenance Manager
- Jeremy W. Haag, Event & Administrative Coordinator

READ CAREFULLY BEFORE SIGNING: Under penalty provided for by law, the undersigned states that each of the above questions has been truthfully answered to the best of his/her/their knowledge.

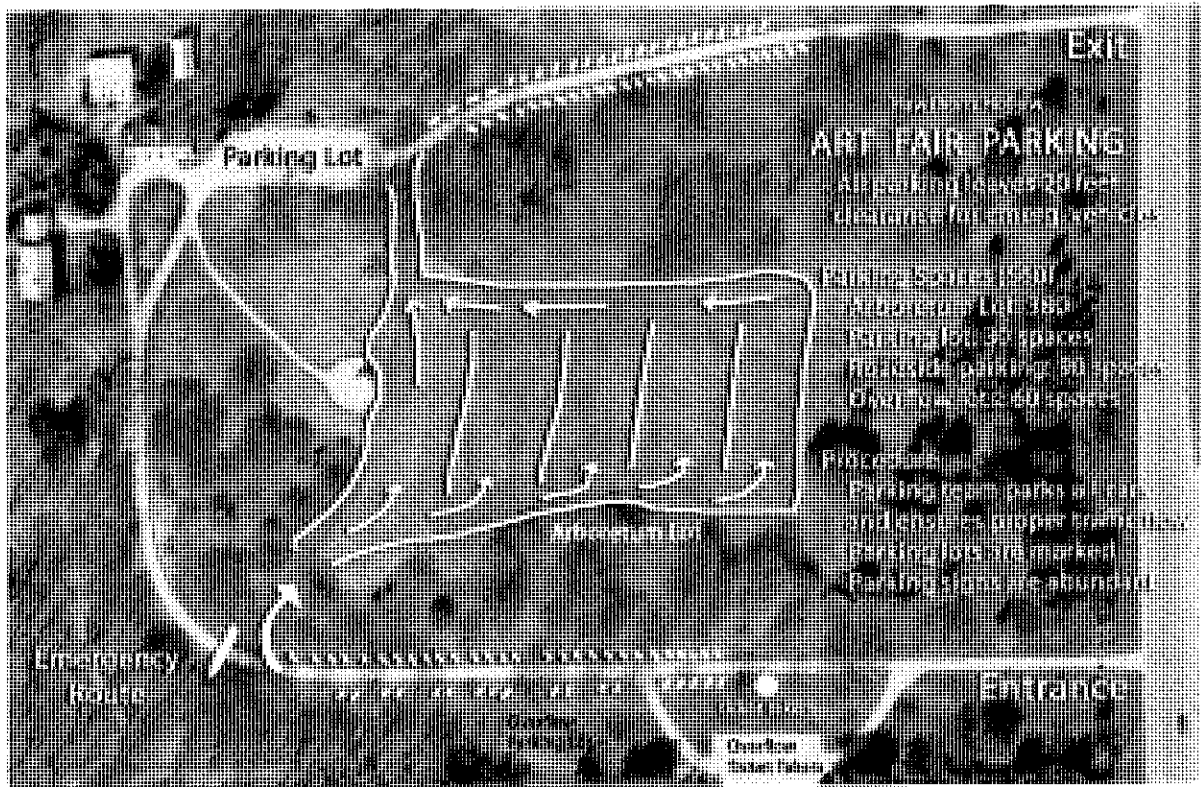
\_\_\_\_\_  
Individual/Partner/Member Signature

\_\_\_\_\_  
Date

**Attachment One: Concert/Small Event Parking Plan**



**Attachment Two: Art Fair Parking Plan**



**Attachment Three: Historic Buildings Emergency Access Plan**



**Attachment Four: Gates & Camera Locations**





**VILLAGE OF SOMERS  
VILLAGE BOARD  
MEETING ITEM MEMORANDUM**

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**MEETING DATE:** September 12, 2023

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

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

**AGENDA ITEM:** #14 Action on recommendation to approve Operator licenses

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**BACKGROUND:**

Kevin Shute, Heather Rich, Gianna Hunt, and Madelyn McGuire applied for an operator's license for the Village of Somers. No discrepancies with application.

**PRIOR ACTION TAKEN:**

None.

**SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:**

Staff recommends approval. In the event that the Village Board agrees with the recommendation to approve: Operators applications, a suggested motion would be as follows:

*“Motion to approve Operator License for Kevin Shute, Heather Rich, Gianna Hunt, and Madelyn McGuire”*

**ATTACHMENTS:**

NONE