

7511 12th Street
Somers, WI 53171

**Village Work Session Meeting
Agenda
Tuesday, September 19, 2023
5:30 p.m.**

Village Board Work Session Meeting:	
Item #	
1	Call to Order
2	President & Trustee Reports
3	Continued discussion regarding possibility of contracting for Code Enforcement Services
4	Presentation from Ehlers regarding the Village's updated Financial Management Plan
5	Review and discuss application for Class "B" (Picnic) Beer License from Hyslop Foundation DBA Hawthorn Hollow Nature Sanctuary & Arboretum for their Observatory Fundraising Gala on September 30, 2023, and their Harvest Hootenanny Fall Festival on October 8, 2023. Located at 880 Green Bay Road, Kenosha, Wisconsin 53144, and requests to waive fees
6	Review and discuss applications for Class "B" (Picnic) Beer Licenses from Kenosha Shrine Club for four events dated: September 30 th - October 1 st , October 7 th – October 8 th , October 14 th -October 15 th . and October 28 th – October 29 th 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.
7	Review and discuss Preliminary Resolution 2023-015 to Levy Special Charges to the 2023 tax roll
8	Review tentative agenda for Village Board meeting on September 26, 2023
9	Motion to convene in closed session per WI Statute 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically the Fire Chief position (Roll call required)
10	Reconvene in Open Session (Roll call vote required)
11	The Village Board will not take action on items discussed in Closed Session
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 September 19, 2023 Village Work Session & Agenda in 1 public place & on the Village website.

Original Post Date: September 15, 2023

Dated this 15th 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
VILLAGE BOARD
WORK SESSION ITEM MEMORANDUM**

WORK SESSION: September 19th, 2023

TO: Village President Stoner and Board of Trustees

PREPARED BY: Jason J. Peters, Administrator

AGENDA ITEM: #3 Continued discussion regarding possibility of contracting for Code Enforcement Services

BACKGROUND:

Code enforcement is an important function of the Village’s government. In the past, the Board has stated a goal should be to improve our enforcement process. Staff has implemented better tracking systems and our new building inspector has taken on a more proactive approach to implementing it. While improvements have been made this is still a labor-intensive process that takes hours away from other work.

As the Village continues to grow code enforcement will become a more time-consuming task. In July, Staff met with Municipal Code Enforcement, LLC. This firm provides code enforcement services to several communities in Southeastern Wisconsin. Their fee is based on an hourly rate and the Village can pick and choose its level of service. For example, it could include dedicated hourly Village inspections or reviews based on a complaint basis.

Administrator Peters would like to note that in his experience the direct hire as a Village employee even on a part time basis rarely results in success. In his experience, code enforcement positions see high turnover and does not result in consistency of enforcement. This is one reason why many municipalities choose to contract this service out.

COMMENTS:

Staff brought this matter to our September 5th Work Session for discussion. The Board requested that the proposed vendor attend a future work session. Allison Schwark with Municipal Code Enforcement, LLC will be in attendance to answer any questions the Board may have. The Board also requested that our Building Inspector attend to give insight into the time commitment involved in code enforcement.

ATTACHMENTS:

Sample Contract

**CODE ENFORCEMENT SERVICES CONTRACT BETWEEN
THE VILLAGE OF SOMERS AND MUNICIPAL CODE ENFORCEMENT, LLC**

THIS AGREEMENT is between the **Village/Town of Somers**, 7511 12th St, Kenosha, WI, 53144 (hereinafter “**Village/Town**”) and Municipal Code Enforcement, LLC, PO Box 62, Delavan, Wisconsin, 53115, (hereinafter “**MCE**”) as of this **1st** day of **August, 2023**.

RECITALS:

WHEREAS, the Village/Town requires code enforcement services; and

WHEREAS, MCE maintains an agency that regularly enforces and administers municipal codes for various municipalities, providing services that include, but are not limited to, review of the municipal code, response to property complaints, completion of code inspections, preparation of written orders for repair, preparation and issuance of citations, administration of landlord licensing and vacant building programs, and other miscellaneous code enforcement activities; and

WHEREAS, the Village/Town and MCE desire to contract with each other for such code enforcement services as set forth herein, to be provided by MCE to the Village/Town; and

WHEREAS, the Village/Town agrees to compensate MCE at the rate set forth herein for performing these services.

NOW THEREFORE, for valuable consideration, and with the express intention on the part of both parties that this contract is legally binding, the parties do agree to the following:

1.) SCOPE OF SERVICES – MCE agrees to provide the Village/Town with the following code enforcement services:

- **Violation Monitoring**
 - Property Maintenance
 - Unsightly Debris
 - Weeds, Grass, Trees, or Other Vegetation
 - Junked, Unlicensed, or Abandoned Vehicles/Boats
 - Snow Removal
 - When a violation is present pertaining to any of the items above, orders will be sent to the property owner with details of the violation and a deadline to come into compliance. After the compliance deadline has passed, a re-inspection of the property will take place to determine the status of the violation and further action will be taken, as necessary, which may include any of the following:
 - Direct communications with property owners
 - Phone call or email

- Final notice
- Granting of extensions if warranted based on the judgment of MCE after consultation with the Village/Town
- Issuing municipal citations through the Village/Town police department or sheriffs department
- Nuisance abatement pursuant to Village/Town Code
 - Costs billed to property owner, according to fee schedule set forth in the Somers Municipal Code (hereinafter “Code”) as updated from time to time with guidance of MCE, possibly resulting in possible special charges against property owner.
- **Municipal Programs:**
 - Vacant Building Program
 - Landlord Licensing Rental Inspection Program
 - Short-Term Rental Inspection Licensing Program
 - Tree Removal Permitting Program
 - Liquor Licensing Program
 - Restaurant Grease Trap Compliance Program
- **Additional Tasks:**
 - Building Condemnation
 - Court Attendance and Evidence Preparation
 - Review and Recommendations for Improvement to Municipal Code of Ordinances
 - Collaboration with Building Inspector
 - Continuous Improvement of Municipal Codes and Ordinances
 - Other Issues/Complaints/Nuisances
 - Landlord/Tenant/Neighbor Dispute Mediation
 - Safety Hazard Elimination

2.) DUTIES – MCE shall perform the code enforcement services set out in the Scope of Services above for the Village/Town. MCE’s jurisdiction shall be concurrent with the Village/Town’s boundaries including extraterritorial boundaries. Within said jurisdiction, and in the performance of those duties, MCE shall have the full lawful authority and responsibility to enforce the Code and issue citations, specific Chapters and Sections of the Code, including ordinances for which a statutory counterpart exists. MCE’s agents and employees shall not have the authority to make arrests for violations of the Code. It is specifically the intent of the parties that MCE is not a law enforcement officer within the meaning of Wis. Stat. § 165.85(2)(c). MCE shall cooperate with the Village/Town’s Police Department in investigating and issuing citations and other pursuing other enforcement activity as needed by the Village/Town’s Police Department to complete matters originating with MCE’s investigative and Code enforcement duties.

3.) HOURS AND COMPENSATION – Unless otherwise agreed upon by both parties, MCE shall provide no more than **8 hours per week** in code enforcement services and shall be compensated at the rate of **\$49 per hour**. MCE shall send the Village/Town an invoice every month detailing the number of hours provided and the amount owed. If an automatic renewal of this contract is enacted, as detailed below, this hourly rate shall increase by 3%, rounded to the nearest dollar, for each year that the automatic renewal takes place.

4.) TERMS OF CONTRACT – This contract shall begin **August 1, 2023** and end on **December 31, 2023**. This contract shall automatically renew, unless an amendment or a subsequent contract is executed by both parties, no less than 60 days before the contract end date. The term of the renewal contract shall be one year.

5.) DOCUMENTS AND OPEN RECORDS REQUESTS – All documents produced by MCE in the course of its performance under this contract shall be deemed to be records of the Village/Town and shall be turned over to the Village/Town upon request or upon termination of this contract for any reason. In the event of an open records request that implicates records that MCE possesses or has access to, MCE shall provide the requested records to the Village/Town of Somers within five (5) business days of written request to MCE.

6.) MONTHLY REPORT – MCE shall provide the Village/Town Administrator with a monthly report containing a summary of its work on Village/Town matters for each month of the Contract term for the prior month's work. The report shall be delivered to the Village/Town Administrator by the tenth (10th) day of each month.

7.) TERMINATION WITHOUT CAUSE – Notwithstanding the contract term specified in this contract, both the Village/Town and MCE shall have the right to terminate this contract, without cause, by giving 90 days' written notice to the other party.

8.) TERMINATION WITH CAUSE – Notwithstanding the contract term specified in this contract, the Village/Town of Somers shall have the right to terminate the contract with cause, in whole or in part, if it determines that MCE has failed to perform satisfactory work. In the event the Village/Town decides to terminate the contract for failure to perform satisfactorily, the Village/Town shall provide MCE at least thirty (30) days' written notice prior to the date of termination.

If the contract is terminated with cause, MCE shall be entitled to receive compensation for all reasonable, allocable and allowable contract services satisfactorily performed by MCE up to the date of termination that were accepted by the Village/Town.

9.) ASSIGNMENT – MCE shall not assign, transfer, or convey any rights under this contract without the prior written consent of the Village/Town.

10.) INSURANCE – MCE shall at its own expense, procure and maintain the following insurance coverage and shall provide a certificate of insurance to the Village/Town Clerk verifying these coverages, including any required endorsements or riders, during the term of this contract:

- General Liability – One Million Dollars (\$1,000,000.00) combined single limit and Two Million Dollars (\$2,000,000.00) aggregate for bodily injury, personal injury, and property damage.
- Automobile Liability Insurance
- The Village of Somers shall be named as an additional insured on MCE’s insurance policies, on a primary and non-contributory basis, with subrogation rights against the Village waived.

11.) INDEPENDENT CONTRACTOR – It is agreed and understood between the parties that MCE is an independent contractor. MCE is not an employee of the Village/Town of Somers and shall not be entitled to any benefits enjoyed by employees of the Village/Town. MCE remains in control of all of its employees, including but not limited to hiring, firing, discipline, evaluation, and establishment of standards for performance thereof. All MCE personnel rendering services hereunder shall be, for all purposes, employees of MCE, although they may act as officers or agents of the Village/Town while acting within the scope of the services performed under this contract.

12.) INDEMNIFICATION – To the fullest extent permitted by law, MCE shall defend, indemnify, and hold harmless the Village, its elected and appointed officials, employees, consultants, and volunteers and others working on behalf of the Village/Town, from and against any and all third-party claims, demands, suits, costs (including reasonable legal costs), expenses, and liabilities (“Claims”) alleging personal injury, including bodily injury or death, and/or property damage, but only to the extent that any such Claims are caused by the mistake, error, omission or negligence of MCE, or by any officer, employee, representative, or agent of MCE or the material breach of any obligation under this contract by MCE, or by any officer, employee, representative, or agent of MCE. MCE shall have no obligations under this section to the extent that any Claim arises as a result of MCE’s compliance with specific municipal laws, ordinances, rules, regulations, resolutions, executive orders, or other instructions received from the Village/Town and lawfully and properly carried out by MCE. If either party becomes aware of any incident likely to give rise to a Claim under the above indemnities, it shall notify the other and both parties shall cooperate fully in investigating the incident. Nothing herein shall be construed to be a waiver of statutory liability immunity provided by Wisconsin Statutes and caselaw. This indemnification is further limited by the amounts of statutory limits of municipal liability provided by Wisconsin Statutes and caselaw.

13.) APPLICABLE LAW – This contract shall be governed in all respects by the law of the State of Wisconsin, and any litigation with respect thereto shall be brought in the courts of the State of Wisconsin.

14.) SEVERABILITY – If any term or provision in this contract is determined to be illegal, unenforceable or invalid in whole or in part for any reason, such illegal, unenforceable or invalid provision or part thereof shall be stricken from this contract, and such provision shall not affect the legality, enforceability, or validity of the remainder of this contract. If any provision or part thereof of this contract is stricken in accordance with the provisions of this section, then the stricken provision shall be replaced, to the extent possible, with a legal, enforceable, and valid provision that is as similar in tenor to the stricken provision as legally possible.

15.) ENTIRE AGREEMENT – This contract and all other agreements, exhibits, attachments, and schedules referred to in this contract constitute the final, complete, and exclusive statement of the terms of the agreement between the parties pertaining to the subject matter of this contract and supersedes all prior and contemporaneous understandings or agreements of the parties. No party has been induced to enter into this contract by, nor is any party relying on, any representation, understanding, agreement, commitment or warranty outside those expressly set forth in this contract.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed and intend for the agreement to be effective as of the date and year first specified above.

Allison Schwark, Municipal Code Enforcement, LLC Date

NAME, TITLE Date

ATTEST:

NAME, TITLE Date



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

WORK SESSION: September 19th, 2023

TO: Village President Stoner and Board of Trustees

PREPARED BY: Jason J. Peters, Administrator

AGENDA ITEM: #4 Presentation from Ehlers regarding the Village’s updated Financial Management Plan

BACKGROUND:

One of the Village’s 2023 Goals was to update our financial management plan. The last major update to the Plan was in November of 2016. On January 19th, Finance, Administration, President Stoner and Trustee Ostby met with Jon Cameron from Ehlers to discuss the process of updating our plan. In February, the Board approved the hiring of Ehlers to create said updated financial plan.

COMMENTS:

Since February, Staff has provided Ehlers with information regarding the Village’s financing. This includes information regarding cash flows, outstanding debt, proposed staff increases, and proposed items for our Capital Improvement Plan. Ehlers scope of work includes workshops to present key data, observations, findings, alternatives, and recommendations, and to seek input from the Board.

Ehlers will be in attendance on September 19th to present their initial finding and recommendations.

ATTACHMENTS:

None



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

WORK SESSION: September 19, 2023

TO: Village President Stoner and Village Trustees

PREPARED BY: Brandi Baker, Clerk-Treasurer

AGENDA ITEM: #5 Review and discuss application for Class “B” (Picnic) Beer License from Hyslop Foundation DBA Hawthorn Hollow Nature Sanctuary & Arboretum for their Observatory Fundraising Gala on September 30, 2023 and their Harvest Hootenanny Fall Festival on October 8, 2023. Located at 880 Green Bay Road, Kenosha, Wisconsin 53144, and requests to waive fees.

BACKGROUND:

Hawthorn Hollow is a 90-acre Nature Sanctuary that hosts over 6,000 students a year with over 30 educational programs. The Hawthorn Hollow event is to raise monies to maintain operations of the preserve.

They have approached the Village to request a Class “B” (Picnic) Beer License for their Observatory Fundraising Gala on September 30, 2023 and their Harvest Hootenanny Fall Festival on October 8, 2023.

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

Staff recommends this item be placed on the September 26th Board Meeting for action.

ATTACHMENTS:

Applications and request waivers



HAWTHORN HOLLOW
NATURE SANCTUARY AND ARBORETUM

Brandi Baker
Clerk / Treasurer
Village / Town of Somers
7511 12th Street, P.O. Box 197
Somers, WI 53171

September 1, 2023

Dear Ms. Baker,

The Hyslop Foundation (DBA Hawthorn Hollow), will be hosting two fundraisers this fall on the following dates:

Sept 30 – Observatory Fundraising Gala

Oct. 08 – Harvest Hootenanny Fall Festival

The sale of local craft beer, soda, water, and food help with the proceeds of these events, and add to the flavor of the day. If granted the Single Day Event Permits and Temporary Class B Licenses, could you please consider waiving the accompanying fees for these unique fundraising events?

Hawthorn Hollow is owned and operated by the H. Chris Hyslop Foundation, a private 501c(3) non-profit organization. The now 90 acre Nature Sanctuary is comprised of 3 miles of trails meandering through the woods of the Pike River Valley, virgin and restored prairies, perennial gardens, a Nature Center, 3 Historic Buildings, the Heritage Farmstead, an Observatory, and a 12 acre Arboretum. Hawthorn Hollow hosts over 6,000 students a year with over 30 educational programs. All proceeds from these events provide funds to continue the maintenance operations of this treasured natural resource

We are looking forward to another successful year and hope that you will join us.

Sincerely,

Jeremy Haag
Special Event & Administrative Associate
Hawthorn Hollow Nature Sanctuary and Arboretum

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: 09/01/2023

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 09/30/2023 and ending 09/30/2023 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 Hyslop Foundation DBA Hawthorn Hollow Nature Sanctuary & Arboretum

(b) Address 880 Green Bay Rd, Kenosha, WI 53144

(Street)

Town Village City

(c) Date organized _____

(d) If corporation, give date of incorporation 12/26/1962

(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 Susan Andrea, 505 73rd St, Kenosha, WI 53142

Vice President _____

Secretary Sandra Halmo, 6030 12th St, Kenosha, WI 53144

Treasurer Charlotte Kozak-Bishop, 9043 184th St, Bristol, WI 53104

(g) Name and address of manager or person in charge of affair: TJ Leveque, 1904 30th St, Kenosha, WI 53140

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 880 Green Bay Rd

(b) Lot _____ Block _____

(c) Do premises occupy all or part of building? Outdoor Event

(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: _____

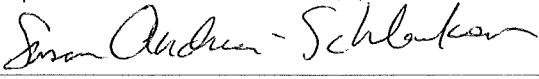
3. Name of Event

(a) List name of the event Opsevatory Fundraising Gala

(b) Dates of event 09/30/2023

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  9/1/2023 Hyslop Foundation DBA Hawthorn Hollow
(Signature / Date) (Name of Organization)

Date Filed with Clerk _____

Date Reported to Council or Board _____

Date Granted by Council _____

License No. _____



HAWTHORN HOLLOW
NATURE SANCTUARY AND ARBORETUM

Brandi Baker
Clerk / Treasurer
Village / Town of Somers
7511 12th Street, P.O. Box 197
Somers, WI 53171

September 1, 2023

Dear Ms. Baker,

The Hyslop Foundation (DBA Hawthorn Hollow), will be hosting two fundraisers this fall on the following dates:

Sept 30 – Observatory Fundraising Gala

Oct. 08 – Harvest Hootenanny Fall Festival

The sale of local craft beer, soda, water, and food help with the proceeds of these events, and add to the flavor of the day. If granted the Single Day Event Permits and Temporary Class B Licenses, could you please consider waiving the accompanying fees for these unique fundraising events?

Hawthorn Hollow is owned and operated by the H. Chris Hyslop Foundation, a private 501c(3) non-profit organization. The now 90 acre Nature Sanctuary is comprised of 3 miles of trails meandering through the woods of the Pike River Valley, virgin and restored prairies, perennial gardens, a Nature Center, 3 Historic Buildings, the Heritage Farmstead, an Observatory, and a 12 acre Arboretum. Hawthorn Hollow hosts over 6,000 students a year with over 30 educational programs. All proceeds from these events provide funds to continue the maintenance operations of this treasured natural resource

We are looking forward to another successful year and hope that you will join us.

Sincerely,

Jeremy Haag
Special Event & Administrative Associate
Hawthorn Hollow Nature Sanctuary and Arboretum

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: 09/01/2023

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 10/08/2023 and ending 10/08/2023 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 Hyslop Foundation DBA Hawthorn Hollow Nature Sanctuary & Arboretum

(b) Address 880 Green Bay Rd, Kenosha, WI 53144

(Street)

Town Village City

(c) Date organized _____

(d) If corporation, give date of incorporation 12/26/1962

(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 Susan Andrea, 505 73rd St, Kenosha, WI 53142

Vice President _____

Secretary Sandra Halmo, 6030 12th St, Kenosha, WI 53144

Treasurer Charlotte Kozak-Bishop, 9043 184th St, Bristol, WI 53104

(g) Name and address of manager or person in charge of affair: TJ Leveque, 1904 30th St, Kenosha, WI 53140

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 880 Green Bay Rd

(b) Lot _____ Block _____

(c) Do premises occupy all or part of building? Outdoor Event

(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: _____

3. Name of Event

(a) List name of the event Harvest Hootenanny Fall Fundraiser

(b) Dates of event 10/08/2023

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

Susan Andrea Schlotter 9/1/2023
(Signature / Date)

Hyslop Foundation DBA Hawthorn Hollow
(Name of Organization)

Date Filed with Clerk _____

Date Reported to Council or Board _____

Date Granted by Council _____

License No. _____



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

WORK SESSION: September 19, 2023

TO: Village President Stoner and Board of Trustees

PREPARED BY: Brandi Baker, Clerk-Treasurer

AGENDA ITEM: #6 Review and discuss applications for Class “B” (Picnic) Beer Licenses from Kenosha Shrine Club for four events dated: September 30th – October 1st, October 7th – 8th, October 14th – 15th, and October 28th – 29th 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 four events dated: September 30th – October 1st, October 7th – 8th, October 14th – 15th, and October 28th – 29th from 10 a.m. until 5 p.m. each day.

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

Staff recommends this item be placed on the September 26th Board Meeting for action.

ATTACHMENTS:

Temporary Class “B Applications and Event Request Letters

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: _____

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 SEPT 30TH and ending OCT 1ST 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

Chamber of Commerce or similar Civic or Trade Organization

Veteran's Organization Fair Association

(a) Name KENOSHA SHRINE CLUB

(b) Address 7530-33RD AVE FRONT 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 MICHAEL SMITH 11227-25TH ST 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? NOT FOR SELLING PURPOSES

(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: WE WILL BE SELLING BEER FROM UNDER A LARGE TENT. BEER WILL BE STORED IN SMITH'S LOCKABLE STORE ROOM. MAP ATTACHED

3. Name of Event

(a) List name of the event FALL AT THE FARM

(b) Dates of event SEPT 30TH & OCT. 1ST 10 AM TO 5 PM

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer James A. Schweitzer 8-29-23 Officer KENOSHA SHRINE CLUB
(Signature/date) (Name of Organization)

Officer _____ Officer _____
(Signature/date) (Signature/date)

Date Filed with Clerk _____ Date Reported to Council or Board _____

Date Granted by Council _____ License No. _____

Additional Information

May be Granted and Issued only to:

- (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. (ss. 125.26(1) and 125.51(1)(a), 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 (s. 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.

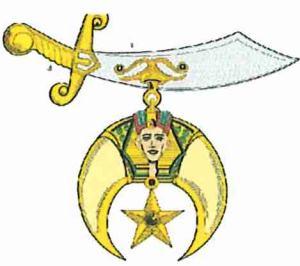
Fee: Determined by the municipality, but may not exceed \$10. (Exception: No additional fee may be charged if organization is applying for both a Temporary Class "B" and a Temporary "Class B" license for the same event.)

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.

Restrictions:

- (1) License may not be issued to individuals.
- (2) Licenses to organizations, other than ex-servicemen's organizations, can be issued only for a picnic or similar gathering. They may not be issued for business or social meetings of the organization.
- (3) Licenses for club or organization meetings may be issued only to ex-servicemen's posts.
- (4) License may cover either a specified area or the entire picnic grounds.
- (5) License issued to a county or district fair must cover the entire fairground (ss. 125.26(6) and 125.51(10), Wis. Stats.)
- (6) No license to clubs having any indebtedness to any wholesaler for more than 15 days for beer (s. 125.33(7), Wis. Stats.) and 30 days for wine (s. 125.69(4)(b), Wis. Stats.)
- (7) Licensed operator(s) must be present at all times (ss. 125.26(6), 125.32(2) - Beer; 125.51(10), 125.68(2) - Wine; 125.17)
- (8) 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. (s. 125.32(6), Wis. Stats.)
- (9) 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.
- (10) Licensed organizations must purchase their product from a licensed wholesaler.

NOTE: Most coolers presently on the market have a fermented malt beverage base allowing sale under a beer license, e.g. Bartles and James, Seagrams, etc.



Kenosha Shrine Club Established 1924



August 29, 2023

Dear Sirs:

The Kenosha Shrine Club is requesting a temporary Class B license to sell beer at Jerry Smith's Farm on September 30th & October 1st. 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 style.

James R. Schweitzer

Secretary Kenosha Shrine Club

CITY EA

FENCE

FOOD COURT

BEER TENT



COD STORAGE

GATE

BARN

STORE

HOUSE

PARKING

PARKING

18TH ST.

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: _____

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 OCT 7TH and ending OCT 8TH 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
 Chamber of Commerce or similar Civic or Trade Organization
 Veteran's Organization Fair Association

(a) Name KENOSHA SHRINE CLUB
(b) Address 7530-33RD AVE FRONT 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 MICHAEL SMITH 11227-25TH AVE. TREVOR WI 53179
Vice President ROBERT HAGGARTY 6230-10TH ST. KENOSHA WI. 53144
Secretary JAMES SCHWEITZER 7530-33RD AVE FRONT KENOSHA, 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? NOT FOR SELLING PURPOSES

(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: WE WILL BE SELLING BEER FROM UNDER A LARGE TENT. BEER WILL BE STORED IN SMITH'S LOCKABLE STORE ROOM. MAP ATTACHED

3. Name of Event

(a) List name of the event FALL AT THE FARM
(b) Dates of event OCT 7TH & 8TH 10AM TO 3PM

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer James A. Schweitzer 8-29-23 Officer KENOSHA SHRINE CLUB
(Signature/date) (Name of Organization)

Officer _____ Officer _____
(Signature/date) (Signature/date)

Date Filed with Clerk _____ Date Reported to Council or Board _____

Date Granted by Council _____ License No. _____

Additional Information

May be Granted and Issued only to:

- (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. (ss. 125.26(1) and 125.51(1)(a), 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 (s. 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.

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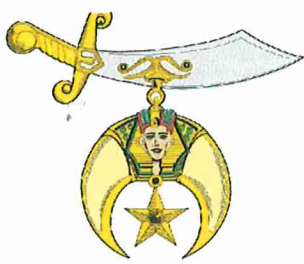
Fee: Determined by the municipality, but may not exceed \$10. (Exception: No additional fee may be charged if organization is applying for both a Temporary Class "B" and a Temporary "Class B" license for the same event.)

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.

Restrictions:

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- (7) Licensed operator(s) must be present at all times (ss. 125.26(6), 125.32(2) - Beer; 125.51(10), 125.68(2) - Wine; 125.17)
- (8) 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. (s. 125.32(6), Wis. Stats.)
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Established 1924



August 29, 2023

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James R. Schweitzer

Secretary Kenosha Shrine Club

CITY EA

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BEER TENT



COD STORAGE

GATE

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HOUSE

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18TH ST.

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: _____

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 OCT 14TH and ending OCT 15TH 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
 - Chamber of Commerce or similar Civic or Trade Organization
 - Veteran's Organization Fair Association

(a) Name KENOSHA SHRINE CLUB
 (b) Address 7530-33rd AVE FRONT KENOSHA WI. 53142
(Street) Town Village City

(c) Date organized 1924
 (d) If corporation, give date of incorporation N/A

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 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? NOT FOR SELLING PURPOSES

(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: WE WILL BE SELLING BEER FROM UNDER A TARGET. BEER WILL BE STORED IN SMITH'S LOCKABLE STORE ROOM. MAP ATTACHED

3. Name of Event

(a) List name of the event FALL AT THE FARM
 (b) Dates of event OCT 14TH-15TH 10AM TO 5PM

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer James A. Schweitzer 8-29-23 Officer KENOSHA SHRINE CLUB
(Signature/date) (Name of Organization)

Officer _____ Officer _____
(Signature/date) (Signature/date)

Date Filed with Clerk _____ Date Reported to Council or Board _____

Date Granted by Council _____ License No. _____

Additional Information

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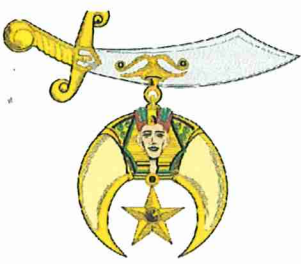
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Secretary Kenosha Shrine Club

FOOD COURT

BEER TENT

COD STORAGE

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18TH ST.

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: _____

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 OCT 28TH and ending OCT 29TH 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.

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Chamber of Commerce or similar Civic or Trade Organization

Veteran's Organization Fair Association

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Secretary JAMES SCHWEITZER 7530-33RD AVE FRONT KENOSHA, WI 53142

Treasurer SCOTT HEETER 2310-14TH AVE APT 7 KENOSHA, WI. 53140

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3. Name of Event

(a) List name of the event FALL AT THE FARM

(b) Dates of event OCT 28TH-29TH 10am TO 5pm

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer James A. Schweitzer 8-29-23 Officer KENOSHA SHRINE CLUB
(Signature/date) (Name of Organization)

Officer _____ Officer _____
(Signature/date) (Signature/date)

Date Filed with Clerk _____ Date Reported to Council or Board _____

Date Granted by Council _____ License No. _____

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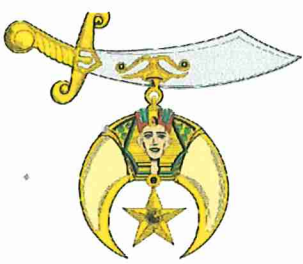
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Secretary Kenosha Shrine Club

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COD STORAGE

GATE

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HOUSE

PARKING

PARKING

18TH ST.



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

WORK SESSION: September 19, 2023

TO: Village President Stoner and Board of Trustees

PREPARED BY: Brandi Baker, Clerk-Treasurer

AGENDA ITEM: #7 Review and discuss Preliminary Resolution 2023-015 to Levy Special Charges to the 2023 tax roll

BACKGROUND:

Staff has been working to determine outstanding charges to levy on to the 2023 tax roll. Attorney Davison has drafted Preliminary Resolution 2023-015. The resolution also sets a public hearing date on October 10, 2023 for the final resolution.

Staff recommends this matter be placed on the September 26th Board meeting for action.

ATTACHMENTS:

Preliminary Resolution 2023-015

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

**Village Board Meeting
Tentative Agenda
Tuesday, September 26, 2023
5:30 p.m.**

Village Board Meeting:	
Item #	
1	Call to order
2	Pledge of Allegiance
3	Consent and Approval of Minutes of Regular meetings on September 12, 2023, Vouchers dated September 14, 2023 and September 21, 2023, ACH Payments for August 2023
4	Correspondence:
5	Citizens Comments
6	President and Trustee Comments
7	Action on application for Class “B” (Picnic) Beer License from Hyslop Foundation DBA Hawthorn Hollow Nature Sanctuary & Arboretum for their Observatory Fundraising Gala on September 30, 2023, and their Harvest Hootenanny Fall Festival on October 8, 2023. Located at 880 Green Bay Road, Kenosha, Wisconsin 53144, and requests to waive fees
8	Action on applications for Class “B” (Picnic) Beer Licenses from Kenosha Shrine Club for four events dated: September 30 th - October 1 st , October 7 th – October 8 th , October 14 th -October 15 th , and October 28 th – October 29 th 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.
9	Action on Preliminary Resolution 2023-015 to Levy Special Charges to the 2023 tax roll
10	Approval of Operator’s Licenses: Justine Kane, Alyssa Rasch
11	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 26, 2023 Village Board Meeting & Tentative Agenda in 1 public place & on the Village website.

Dated this 15th 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**