

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

**Town Board Meeting
Agenda
Tuesday, January 9, 2024
5:15 pm**

Town Board Meeting:	
Item #	
1	Call to order
2	Pledge of Allegiance
3	Consent and Approval of Minutes of Town Board meetings on December 12, 2023
4	Correspondence: 4450 55 th Ave Rezone 4921 45 th St Attachment Request
5	Citizens Comments
6	Supervisor Comments
7	Discussion and possible action on letter requesting cooperating agency or interested party status for the Town of Somers to the Bureau of Indian Affairs and Governor Evers regarding the Hard Rock Casino project proposed by the Menominee Tribe
8	Approval of Operator Licenses:
9	Adjourn

I hereby certify that as the designee of the chief elected official of the Town of Somers I posted this notice of the January 9, 2024 Town Board Meeting & Tentative Agenda in 3 public places.

Dated this 5th day of January 2024.

Brandi Baker, Clerk-Treasurer

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

Town of Somers
Proceedings from the Town Board Meeting December 12, 2023

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

Present: Chairman Mark Molinaro, and Supervisors Richard Lesko and James Armes.
Also present: Administrator Jason Peters, Clerk/Treasurer Brandi Baker, and Assistant to the Administrator Kevin Poirier.

Consent and Approval of Minutes of Town Board meetings on November 14, 2023, and Special Meeting on November 14, 2023

Supervisor Lesko moved to approve the Minutes of Town Board meetings on November 14, 2023, and Special Meeting on November 14, 2023, as corrected.

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

Correspondence:

None

Citizens Comments:

Keith Grey 7600 184th Ave is running for County Supervisor and wanted to introduce himself.

Supervisor Comments:

Chairman Molinaro commented on the murder investigation at the Somers House.

Approval of Operator Licenses: Karlie Hoffman

Supervisor Armes moved to approve Operator Licenses for Karlie Hoffman.

Seconded by Supervisor Lesko. Motion approved. 3-0 vote.

Adjourn

Supervisor Lesko moved to adjourn at 5:17pm.

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

Drafted this 13th day of December 2023 by Brandi Baker, Clerk / Treasurer
These minutes are not official until approved by the Town Board



CITY DEVELOPMENT

December 15, 2023

Town of Somers
7511 12th Street
PO Box 197
Somers, WI 53171

Dear Town of Somers:

RE: Rezoning of Property at 4450 55th Avenue, Parcel #80-4-222-263-0610.

As a municipality located within one thousand (1,000') feet of a proposed rezoning on property located at 4450 55th Avenue, Parcel #80-4-222-263-0610, you are being notified of a public hearing to be held as follows:

***City Plan Commission Meeting – Thursday, January 4, 2024 at 5:00pm
Municipal Building, 625 52nd Street, Kenosha, Room 202***

The rezoning petition would rezone the property from *A-2 Agricultural Land Holding District* to *RS-1 Single Family Residential*. The rezoning is to place the existing single-family home being attached to the City into the appropriate zoning district.

Final action on this request is scheduled as follows:

***Common Council Meeting – Monday, February 5, 2024, at 7:00pm
Municipal Building, 625 52nd Street, Kenosha, Room 200***

This notification is required under Wisconsin State Statute 62.23(7)(d).

If you have any questions, please contact me at 262.653.4037 or via email at rgasper@kenosha.org.

Sincerely,

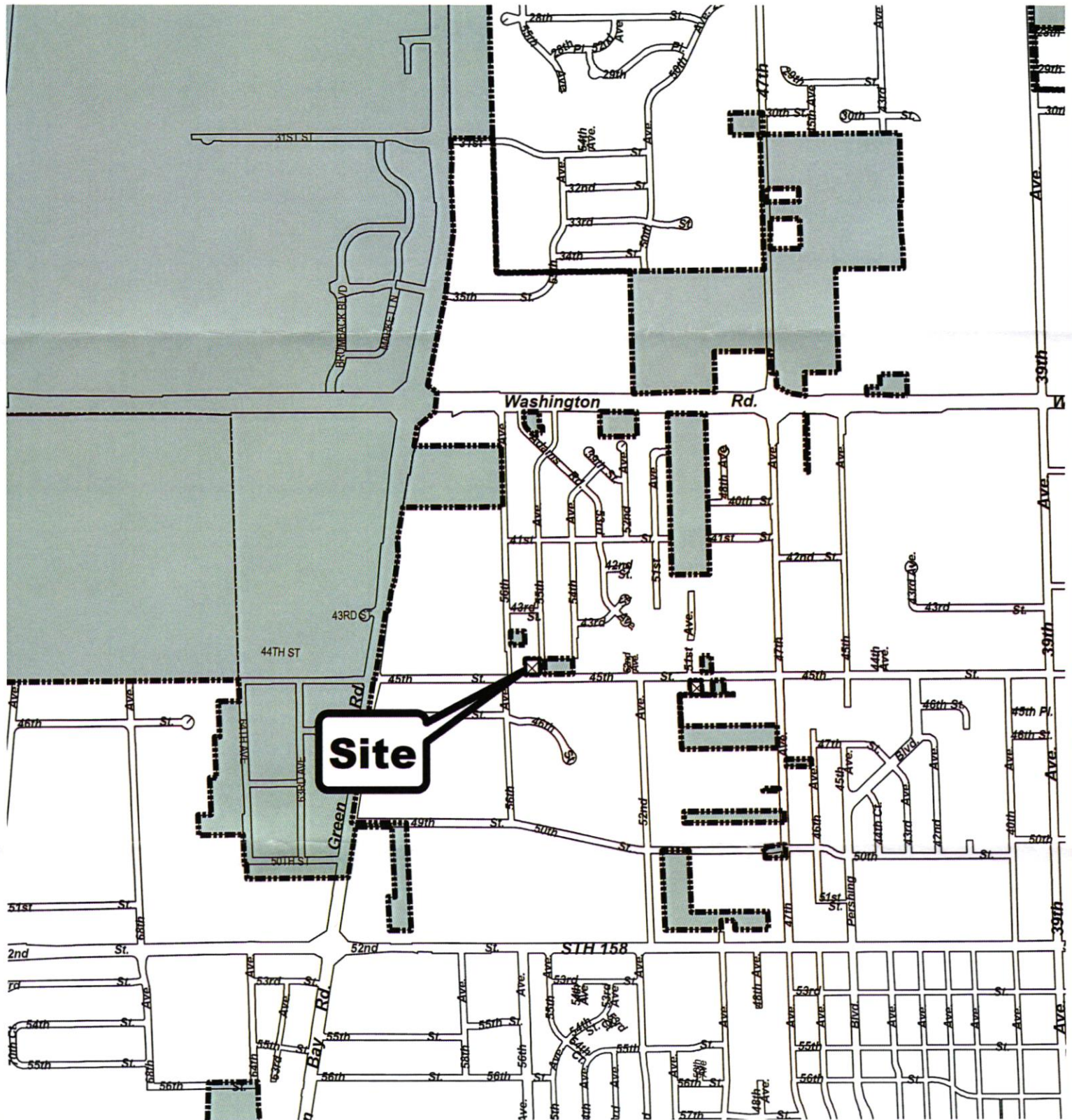
Rachel Gasper
Planner

RG:llb
Enclosure
c: Michelle Nelson, City Clerk's Office

City of Kenosha, 625 52nd Street, Room 308, Kenosha, Wisconsin 53140 | T: 262.653.4030 | F: 262.653.4045

KENOSHA.ORG

City of Kenosha
Vicinity Map
City Plan Commission (Salituro Homes Inc.) rezoning



0 1,320
Feet

City of Kenosha

Land Use Map

City Plan Commission (Salituro Homes Inc.) Rezoning



 Property petitioned to be rezoned



0 200
Feet

City of Kenosha

District Map Rezoning

City Plan Commission (Salituro Homes Inc.) petition

Supplement No. Z19-23

Ordinance No. _____



Property requested to be rezoned from:

 A-2 Agricultural Land Holding to **RS-1 Single Family Residential**



0 125
Feet



CITY DEVELOPMENT

Dec 14, 2023

Brandi Baker
Town of Somers - Clerk
PO Box 197
Somers, WI 53171

RE: Attachment request for property at 4921 -45th Street (DeLong)

Dear Ms. Baker:

Attached in accordance with the City and Town of Somers of the Cooperative Plan and Agreement is a copy of the owners petition for attachment of property located at 4921 -45th Street, Parcel #80-4-222-352-0210 from the Town of Somers to the City.

The Common Council of the City of Kenosha, Wisconsin, will hold a public hearing and act upon the proposed request as follows:

***Wednesday, January 3, 2024, at 7:00 pm in Room 200
Municipal Building, 625 52nd Street, Kenosha***

Please contact me at 262.653.4034 or via email at rschroeder@kenosha.org if you have any questions.

Sincerely,

Rich Schroeder
Deputy Director

RS:llb
Enclosure



PETITION FOR ATTACHMENT
TO THE CITY OF KENOSHA FROM THE TOWN OF SOMERS
PURSUANT TO SECTION 66.0307; WISCONSIN STATUTES,
STATE APPROVED COOPERATIVE PLAN

The undersigned, constituting all of the owners of certain real property within the Town of Somers, Kenosha County, Wisconsin, petition the Mayor and Common Council of the City of Kenosha, Wisconsin, to Attach the territory described below and shown on the attached scale map to the City of Kenosha, Kenosha County, Wisconsin, pursuant to the Section 66.0307 Wisconsin Statutes, State Approved Cooperative Plan.

Special Assessments are governed by City Ordinances. See Section 1.155, 2.10 and 32.05 of the Code of General Ordinances.

The current population of the territory to be attached as defined by Section 66.0217(5)(a) of the Wisconsin Statutes is 2.

DeLong
4921 45th Street

Part of the Northwest Quarter of Section 35, Town 2 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Town of Somers, Kenosha County, Wisconsin and being more particularly described as follows:

Commencing at the northeast corner of said Quarter Section; thence S89°25'06"W 770.00 feet and to the point of beginning; thence S01°58'48"E parallel to the east line of said Quarter Section, 176.00 feet; thence S89°25'06"W parallel to the north line of said Quarter Section, 110.00 feet; thence N01°58'48"W parallel to the east line line of said Quarter Section, 176.00 feet and to the north line of said Quarter Section; thence N89°25'06"E along and upon said north line, 110.00 feet and to the point of beginning. Containing 0.444 acres, more or less. Subject to a public road over and across the most northerly 40.00 feet thereof.

DATE	PRINT NAME	ADDRESS	PHONE	SIGNATURE
10/25	BRN DeLong	4921 45 th St	262-657-9369 262-657-9369	
10-25	Nancy DeLong	4921-45 th	262-657-9369	Nancy L. DeLong

CITY OF KENOSHA
DISTRICT MAP
ATTACHMENT ORDINANCE

SUPPLEMENT NO. _____ ACCOMPANYING ORDINANCE NO. _____

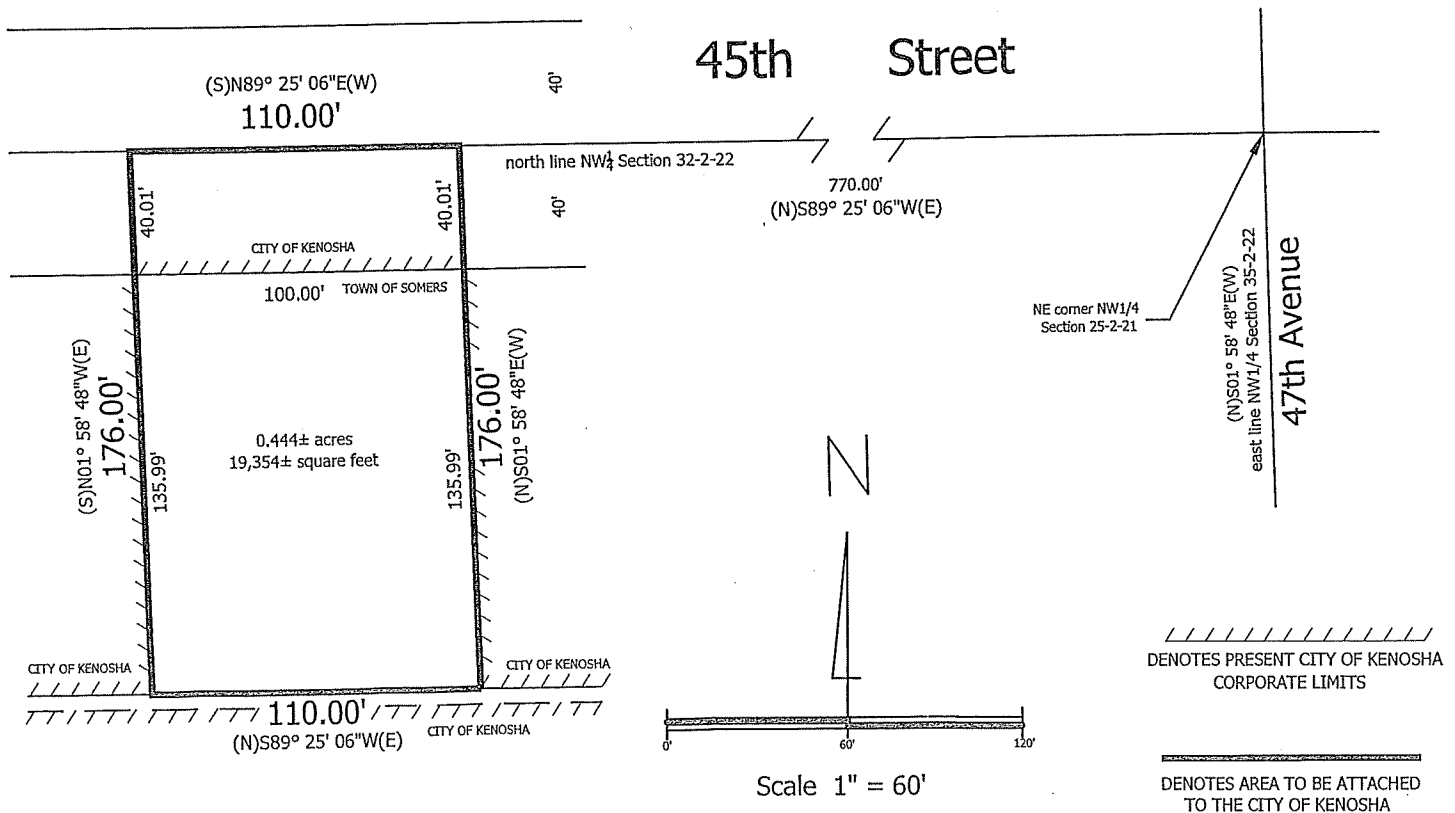
DELONG

ADDRESS: 4921 - 45th Street

TAX PARCEL NO. 80-4-222-352-0210

Bearings shown hereon:

The north line of the Northwest
Quarter of Section 35-2-22
bears (S) $89^{\circ}25'06''$ E(W)
NAD83



Part of the Northwest Quarter of Section 35, Town 2 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Town of Somers, Kenosha County, Wisconsin and being more particularly described as follows:

Commencing at the northeast corner of said Quarter Section; thence $S89^{\circ}25'06''$ W 770.00 feet and to the point of beginning; thence $S01^{\circ}58'48''$ E parallel to the east line of said Quarter Section, 176.00 feet; thence $S89^{\circ}25'06''$ W parallel to the north line of said Quarter Section, 110.00 feet; thence $N01^{\circ}58'48''$ W parallel to the east line of said Quarter Section, 176.00 feet and to the north line of said Quarter Section; thence $N89^{\circ}25'06''$ E along and upon said north line, 110.00 feet and to the point of beginning. Containing 0.444 acres, more or less. Subject to a public road over and across the most northerly 40.00 feet thereof.



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

MEETING DATE: January 9th, 2024

TO: Town Chair Molinaro and Town Supervisors

PREPARED BY: Jason J. Peters, Administrator

AGENDA ITEM: #7 Discussion and possible action on letter requesting cooperating agency or interested party status for the Town of Somers to the Bureau of Indian Affairs and Governor Evers regarding the Hard Rock Casino project proposed by the Menominee Tribe

BACKGROUND:

The Menominee Tribe has proposed to build a Casino and other facilities in partnership with Hard Rock on 60 acres just west of Interstate 94. The property would include a 70,000 square-foot casino with 1,500 slots and 55 tables; 25,000 square feet for administration and back of the house area and 28,800 square feet of food and beverage service that would include a Hard Rock Cafe and other fare; a 2,000-seat Hard Rock Live and a 150-room hotel.

The land proposed for the casino would be put in federal trust for the purposes of gambling, which would remove the property from local taxing jurisdictions.

On November 9th and November 20th, Administrator Peters attended the City of Kenosha Common Council's meetings to learn more about the project. This casino would be directly across from parcels in the Town. Administrator Peters also attended the County Supervisors meetings regarding their proposed IGA with the Tribe on November 14th, 15th, 16th and 21st.

At several of these meeting Administrator Peters spoke with members of the Tribe and inquired as to whether they would be willing to meet to discuss the impacts their project will have on the Village and Town. As of the date of this memorandum, no meetings have been held with Village or Town Officials.

The City of Kenosha Common Council delayed their final vote on the project until January 6th. On January 6th, Administrator Peters, Trustee Fredrick, Trustee Harbach and Supervisor Armes attended the City's meeting. At said meeting, no formal traffic impact studies, environmental studies, or economic impact studies were reviewed. In addition,

no formal guarantees as to what will be build or when they will be built were given by the Tribe.

The Kenosha County Board of Supervisors will vote on their version of the IGA on January 16th.

PRIOR ACTION TAKEN:

At our January 2nd Work Session, the Board discussed the potential impacts this project could have on the surrounding areas. Attorney J. Michael McTernan attended the meeting and explained to the Board that the Village and Town could submit a letter to the Bureau of Indian Affairs to request to be named as a “cooperating agency or interested party. This designation will provide the Village and Town more involvement in the environmental impact statement and environmental assessment process that will be required for the project. The Board directed Administrator Peters to draft a letter to be approved by the Board.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

On December 11th, 2023, the Village of Pleasant Prairie Board of Trustees adopted Resolution 23-39 opposing placing the requested land in Trust by identifying negative environmental, social, economic and other impacts to the community. Administrator Peters has also been informed that Pleasant Prairie will be sending a letter to the Bureau of Indian Affairs and Governor Evers’ Office. Pleasant Prairie provided a copy of the letter they will be sending. The proposed letter from the Village has been based on the aforementioned letter.

Administration recommends approval of the letter to the Bureau of Indian Affairs and Governor Evers. In the event that the Town Board agrees with the suggested action, a suggested motion to approve would be as follows:

“Motion to approve letter requesting cooperating agency or interested party status for the Town of Somers to the Bureau of Indian Affairs and Governor Evers regarding the Hard Rock Casino project proposed by the Menominee Tribe”

ATTACHMENTS:

Pleasant Prairie Resolution 23-39

Proposed Letter to Bureau of Indian Affairs and Governor Evers

RESOLUTION NO. 23-39

RESOLUTION IN OPPOSITION OF PLACING APPROXIMATELY 59.19 ACRES OF LAND LOCATED LESS THAN ONE MILE FROM THE VILLAGE OF PLEASANT PRAIRIE INTO FEDERAL TRUST FOR THE MENOMINEE INDIAN TRIBE OF WISCONSIN FOR THE PURPOSE OF CONDUCTING CLASS III AND II GAMING

Whereas, the Menominee Indian Tribe of Wisconsin intends to apply to the Federal Bureau of Indian Affairs to have approximately 59.19 acres of land located within one mile from the corporate boundaries of the Village of Pleasant Prairie placed into Trust for the Menominee Indian Tribe of Wisconsin for the purpose of conducting Class III and Class II gaming; and,

Whereas, the Tribe, through its authority, may only conduct gaming at the facility near Pleasant Prairie if it is placed into Federal Trust through application and approval by the Federal Bureau of Indian Affairs; and

Whereas, as part of the application process, the impact of the establishment of such a gaming operation on the surrounding community must be addressed along with the efforts to address such impacts; and,

Whereas, The Village of Pleasant Prairie has identified negative environmental, social, economic and other impacts to the community such as increased runoff to Kilbourn ditch entering the Pleasant Prairie Clean Water Utility and the Des Plaines River watershed, increased number off public safety calls involving the Pleasant Prairie Police Department and Pleasant Prairie Fire & Rescue, increased traffic on our roadways, inequitable funding for Kenosha Unified School District schools located in Pleasant Prairie, harm to the economic redevelopment efforts along the Interstate, the strain on funding for Village, City, and County services by the removal of almost 60 acres of prime development land from property and sales taxes, and the net social costs to our community; and,

Whereas, the Menominee Indian Tribe of Wisconsin has not offered the Village of Pleasant Prairie an agreement or plan to remediate the negative impacts the proposed gaming facility will bring to the community, as is required before placing such land into Federal Trust by the Bureau of Indian Affairs.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees for the Village of Pleasant Prairie that it asks the Bureau of Indian Affairs to reject the application made by the Menominee Indian Tribe of Wisconsin to place land near Pleasant Prairie in Kenosha County into Federal Trust for the purposes of Class III and Class II gaming unless an Intergovernmental Agreement can be reached remediating the negative environmental, social, and economic impacts to Pleasant Prairie; and,

BE IT FURTHER RESOLVED, that the Village Clerk is directed to send a copy of this Resolution to the Bureau of Indian Affairs, the Menominee Tribe and Authority, the Governor of the State of Wisconsin, the Kenosha County Executive, and City of Kenosha Mayor.

Passed and adopted this 11th day of December, 2023.

John P. Steinbrink, President

Attest:

Jane C. Snell, Village Clerk

Posted: _____



January 9th, 2024

Bryan Newland
Assistant Secretary-Indian Affairs
U.S. Department of the Interior
1849 C Street N.W.
Washington, DC 20240

Tammie Poitra
Regional Director Midwest Region Indian Affairs
U.S. Department of the Interior
5600 American Blvd W Ste 500
Bloomington, MN 55437

RE: Menominee Indian Tribe/Hard Rock Casino

Dear Assistant Secretary Newland and Regional Director Poitra:

This will serve as the Town of Somers formal request to be identified as a cooperating agency in regards to the Menominee Indian Tribe of Wisconsin's application to place into Trust approximately 60 acres of land in Kenosha County for the purposes of constructing and operating a gambling casino. The land in question is less than a quarter mile from the Town properties and the Town has major concerns over the effects this project will have on traffic through the Town, stormwater to the Kilbourn Ditch, strain on already stretched health, life, & safety personnel, economic considerations to the I-94 Corridor, and inequitable funding for Kenosha Unified School District school located in Somers. The Menominee Indian Tribe has not engaged in any formal discussions with the Town of Somers. The Town has not been included in any agreements that would serve to remediate the negative impacts that casino gaming project of this type will have on our community.

In mid-November, the Town was made aware through the media that both the City of Kenosha and County of Kenosha would be acting on Intergovernmental Agreements that had been negotiated by both government entities. On January 3rd, 2024, the City of Kenosha voted to approve their version of the Intergovernmental Agreement with the Menominee Indian Tribe of Wisconsin. The Kenosha County Board of Supervisors is set to take action on their version of the Intergovernmental Agreement on January 16th, 2024.

On January 9th, 2024, the Town of Somers Board of Supervisors through a vote of _____, authorized the sending of this letter to request a designation as a cooperating agency or interested party. As a cooperating agency or interested party, the Town of Somers would further request that the Bureau of Indian Affairs withhold any further approvals of placing the land in Trust for the purposes of gaming pursuant to 25 U.S.C. § 2719(b)(1)(A) until the Menominee Indian Tribe of Wisconsin and Town of Somers have reached an Intergovernmental Agreement to remediate the negative impacts of this proposed project.

The placing of this land in Trust for the purposes of constructing and operating a gambling casino by the Menominee Indian Tribe of Wisconsin will no doubt have a ripple effect that will impact the Town of Somers. As of the date of this letter, the Town of Somers has been left out

of a major conversation that permanently changes the physical and economic landscape of Kenosha County. The Town of Somers simply requests the following before this land is placed into Trust; 1) the Town of Somers be designated as a cooperating agency; and 2) that an Intergovernmental Agreement be reached between the Tribe and Town of Somers.

If you have any further questions, reach out to our Town Administrator at the following:

Jason J. Peters, Administrator
Town of Somers
7511 12th Street
P.O. Box 197
Somers, WI 53171

Phone: 262 859 2822

Email: jpeteres@somers.org

Thank you in advance for your consideration.

Very Truly Yours,

Mark A. Molinaro Jr.
Chair, Town of Somers



January 9th, 2024

Governor Tony Evers
PO Box 7863
Madison, WI 53707

RE: Menominee Indian Tribe/Hard Rock Casino

Dear Governor Evers:

This will serve as the Town of Somers formal request to be identified as a cooperating agency in regards to the Menominee Indian Tribe of Wisconsin's application to place into Trust approximately 60 acres of land in Kenosha County for the purposes of constructing and operating a gambling casino. The land in question is less than a quarter mile from the Town properties and the Town has major concerns over the effects this project will have on traffic through the Town, stormwater to the Kilbourn Ditch, strain on already stretched health, life, & safety personnel, economic considerations to the I-94 Corridor, and inequitable funding for Kenosha Unified School District school located in Somers. The Menominee Indian Tribe has not engaged in any formal discussions with the Town of Somers. The Town has not been included in any agreements that would serve to remediate the negative impacts that casino gaming project of this type will have on our community.

In mid-November, the Town was made aware through the media that both the City of Kenosha and County of Kenosha would be acting on Intergovernmental Agreements that had been negotiated by both government entities. On January 3rd, 2024, the City of Kenosha voted to approve their version of the Intergovernmental Agreement with the Menominee Indian Tribe of Wisconsin. The Kenosha County Board of Supervisors is set to take action on their version of the Intergovernmental Agreement on January 16th, 2024.

On January 9th, 2024, the Town of Somers Board of Supervisors through a vote of _____, authorized the sending of this letter to request a designation as a cooperating agency or interested party. As a cooperating agency or interested party, the Town of Somers would further request that you as the Governor and the Bureau of Indian Affairs withhold any further approvals of placing the land in Trust for the purposes of gaming pursuant to 25 U.S.C. § 2719(b)(1)(A) until the Menominee Indian Tribe of Wisconsin and Town of Somers have reached an Intergovernmental Agreement to remediate the negative impacts of this proposed project.

The placing of this land in Trust for the purposes of constructing and operating a gambling casino by the Menominee Indian Tribe of Wisconsin will no doubt have a ripple effect that will impact the Town of Somers. As of the date of this letter, the Town of Somers has been left out of a major conversation that permanently changes the physical and economic landscape of Kenosha County. The Town of Somers simply requests the following before this land is placed

into Trust; 1) the Town of Somers be designated as a cooperating agency; and 2) that an Intergovernmental Agreement be reached between the Tribe and Town of Somers.

If you have any further questions, reach out to our Town Administrator at the following:

Jason J. Peters, Administrator
Town of Somers
7511 12th Street
P.O. Box 197
Somers, WI 53171

Phone: 262 859 2822

Email: jpeteres@somers.org

Thank you in advance for your consideration.

Very Truly Yours,

Mark A. Molinaro Jr.
Chair, Town of Somers