



**AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, October 3, 2011**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Proclamation declaring October 9-15, 2011 **National Fire Prevention Week** (Liggett)
 - b. Proclamation declaring October 15, 2011 **White Cane Safety Day** (Leavy)
4. PUBLIC HEARINGS
 - a. Resolution authorizing a **Conditional Use Permit** to allow Indoor Alcohol Sales in a C-2, Neighborhood Commercial District, for the property located at 1407 Liberty Avenue (Christensen) Plan Commission recommendation for approval 5-1
5. CITIZENS' PARTICIPATION
6. CONSENT AGENDA

All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the General Order of Business and considered at this point on the agenda.

 - a. Approval of the **Minutes** of the Regular and Special Meetings of September 19, 2011 (Houseman)
 - b. Resolution approving a **Class "A" Beer License** for Shree Raj LLC, d/b/a Liberty Quick N Save, Saroj V. Patel, Agent, located at 1407 Liberty Avenue (Houseman) ABLCC recommendation for approval 3-1
 - c. Resolution approving a **Certified Survey Map** for the property located at 1452 Townhall Road (Christensen) Plan Commission recommendation for approval 6-0
 - d. Resolution rejecting the single bid received for **Public Works Contract C11-28**, Addition to the Public Works Operations Salt Shed Facility (Flesch)
 - e. Resolution authorizing **Final Payment of Public Works Contract C11-22 Clary Street Water Main** (Flesch)
7. ORDINANCES
 - a. Proposed Ordinance to Repeal and Recreate Sections 1.10 and 1.11 and to amend 25.04(4)(c) of the Code of General Ordinances of the City of Beloit pertaining to **Emergency Management and Continuity of Government** (Krueger) 1st reading,
 - b. Proposed Ordinance to amend Section 1.14 of the Code of General Ordinances Pertaining to **Polling Places** (Houseman) 1st reading, suspend rules for 2nd reading

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION

- a. Presentation of **Proposed 2012 Operating, Library, and Capital Improvement Budgets** (Arft/York) (Budget available for review at www.ci.beloit.wi.us)
- b. Schedule **Council Budget Workshops** for 8:00 a.m., Monday, October 10, 2011 in the Large Conference Room at 2400 Springbrook Court and 8:00 a.m., Monday October 17, 2011 in the Community Room at the Beloit Public Library (Arft)

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution authorizing Acorn Development LLC an extension for outstanding **Special Assessments in Deerfield Estates Subdivision** (Casper)

12. ADJOURNMENT

** Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511.

Dated: September 28, 2011
Rebecca S. Houseman
City of Beloit City Clerk
<http://www.ci.beloit.wi.us>

You can watch this meeting live on Charter PEG channel 98 or digital channel 992. Meetings are rebroadcast during the week of the Council meeting on Tuesday at 1:00 p.m., Thursday at 8:30 a.m. and Friday at 1:00 p.m.

WHEREAS, the City of Beloit is committed to ensuring the safety and security of all those living in and visiting our City; and fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, nearly 3,000 people die each year as a result of home fires; and, according to the latest research from the nonprofit National Fire Protection Association (NFPA), fire departments in the United States responded to more than 360,000 home fires; and

WHEREAS, cooking equipment is the leading cause of home structure fires and associated injuries, and the third leading cause of home fire deaths; and heating, electrical equipment, and smoking materials are among the leading causes of all reported home fires; and

WHEREAS, home candle fires are reported to a US fire department every 30 minutes on average; and the risk of dying in a home structure fire caused by smoking materials increases with age; and

WHEREAS, working smoke alarms reduce the risk of dying in a home fire by half, and automatic fire sprinkler systems reduce the risk of dying in a home fire by about 80%; and

WHEREAS, the City of Beloit's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, City of Beloit residents are responsive to public education measures and are able to take personal steps to increase their safety from a fire, and those who have planned and practiced a home fire escape plan and are more likely to survive a fire; and

WHEREAS, the 2011 Fire Prevention Week theme, "It's Fire Prevention Week. Protect your Family from Fire!" effectively serves to remind us all of the simple actions we can take to keep our homes and families safe from fire during Fire Prevention Week and throughout the year.

NOW, THEREFORE, BE IT RESOLVED that the Beloit City Council does hereby proclaim **October 9-15, 2011 as Fire Prevention Week** throughout this state, and urge all people in the City of Beloit to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2011 and to support the many public safety activities and efforts of the City of Beloit Fire Department and its staff.

Adopted this 3rd day of October, 2011.

City Council of the City of Beloit

Kevin D. Leavy, President

Attest:

Rebecca S. Houseman, City Clerk

WHEREAS, blindness and severe visual impairment affect approximately 200,000 Wisconsin residents; and

WHEREAS, the majority of these persons use a travel aid, such as a white cane or dog guide; and

WHEREAS, these travel aids are universally recognized as symbols representing loss of vision; and

WHEREAS, people who operate motor vehicles must be alert for visually impaired pedestrians;

WHEREAS, Scott Walker, Governor of the State of Wisconsin, proclaims that Saturday, October 15, 2011, be White Cane Safety Day throughout the State of Wisconsin and commends this observance to all of Wisconsin's citizens.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit does hereby proclaim **Saturday, October 15, 2011** as **"WHITE CANE SAFETY DAY"** in Beloit and urges operators of motor vehicles to be acutely aware of visually impaired pedestrians and obey the Wisconsin laws that protect them.

Presented this 3rd day of October, 2011.

Kevin D. Leavy, President
Beloit City Council

ATTEST:

Rebecca S. Houseman,
City Clerk

RESOLUTION
AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW
INDOOR ALCOHOL SALES IN A C-2, NEIGHBORHOOD COMMERCIAL
DISTRICT, FOR THE PROPERTY LOCATED AT 1407 LIBERTY AVENUE

WHEREAS, the application of Saroj Patel for a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 1407 Liberty Avenue, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 1407 Liberty Avenue in the City of Beloit, for the following described premises:

Lots 11 & 12 of Smiley and Merriman's Addition to the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 0.29 acre, more or less.

As a condition of granting the Conditional Use Permit, the City Council does hereby stipulate the following conditions and restrictions upon the Conditional Use, which are hereby deemed necessary for the public interest:

1. This Conditional Use Permit authorizes indoor alcohol sales within the existing building located at 1407 Liberty Avenue.
2. The applicant shall obtain and retain all applicable liquor licenses while the conditional use is established and maintained.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Community Development Director may approve minor changes administratively and allow accessory structures and uses that comply with and meet all of the standards and requirements of the City of Beloit Municipal Code.

Adopted this 3rd day of October, 2011.

BELOIT CITY COUNCIL

Kevin D. Leavy, Council President

ATTEST:

Rebecca S. Houseman, City Clerk



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the property located at 1407 Liberty Avenue

Date: October 3, 2011

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Saroj Patel, the operator of Liberty Quick N Save, has filed an application for a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 1407 Liberty Avenue.

Key Issues (maximum of 5):

- Prior to August 2009, the applicant held both a Conditional Use Permit (2004) and an Alcohol Beverage License. On August 3, 2009, the City Council revoked the applicant's Alcohol Beverage License. Indoor alcohol sales is a conditional use in the C-2 district, and since the use was discontinued following revocation, the applicant must obtain a new Conditional Use Permit and Alcohol Beverage License before alcoholic beverages may be legally sold on the subject property.
- The subject property is located at the intersection of two arterial streets. The subject property is a commercial property within a commercial district that already experiences high traffic counts, noise, glare, and other attributes associated with existing retail businesses.
- The subject property has off-street parking areas and driveways on both Liberty Avenue and Madison Road. The establishment of the conditional use is not expected to generate a significant increase in traffic.
- The Plan Commission reviewed this item on September 21, 2011 and voted (5-1) to recommend approval of the Conditional Use Permit.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- Consideration of this request supports Strategic Goal #4.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- Reduce dependence upon fossil fuels – N/A
- Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A
- Reduce dependence on activities that harm life sustaining eco-systems – N/A
- Meet the hierarchy of present and future human needs fairly and efficiently – N/A

Action required/Recommendation:

- City Council consideration and action on the proposed Resolution

Fiscal Note/Budget Impact: N/A

Attachments: Resolution and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: September 21, 2011

Agenda Item: 4

File Number: CU-2011-03

Applicant: Saroj Patel

Owner: Gurbachan Singh

Location: 1407 Liberty Avenue

Existing Zoning: C-2, Neighborhood
Commercial District

Existing Land Use: Convenience
Store

Parcel Size: 0.29 Acre

Request Overview/Background Information:

Saroj Patel, the operator of Liberty Quick N Save, has filed an application for a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 1407 Liberty Avenue. The attached **Location and Zoning Map** shows the location of the parcel involved in this application. The adjacent zoning and land uses are as follows:

- North: R-1B, Single-Family Residential District; Single-Family Dwellings
- South: C-2, Neighborhood Commercial District; Commercial
- East: PLI, Public Lands & Institutions District; Park
- West: C-2, Neighborhood Commercial District; Commercial

On and off-premise alcohol sales is a conditional use in the C-2 District. If the Conditional Use Permit is approved, the City Council is authorized to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties.

Key Issues:

- Prior to August 2009, the applicant held both a Conditional Use Permit (2004) and an Alcohol Beverage License.
- On August 3, 2009, the City Council revoked the applicant's Alcohol Beverage License.
- Indoor alcohol sales is a conditional use in the C-2 district, and since the use was discontinued following revocation, the applicant must obtain a new Conditional Use Permit and Alcohol Beverage License before alcoholic beverages may be legally sold on the subject property.
- The City's Alcohol Beverage License Control Committee has recommended approval of the applicant's request for a new Alcohol Beverage License.
- The City's Review Agents have reviewed this application and have not submitted any comments or concerns.
- The attached Public Notice was sent to nine nearby property owners. As of this writing, Planning staff has not received any comments or concerns.
- Public facilities and infrastructure exist in this area and the property receives the full range of municipal services.
- **Findings of Fact**

Based on Section 2-504 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:

- a. *Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
 - The subject property is located at the intersection of two arterial streets. The subject property is a commercial property within a commercial district that already experiences high traffic counts, noise, glare, and other attributes associated with existing retail businesses.
 - As long as the applicant follows the laws that apply to businesses that sell alcoholic beverages, the conditional use should not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
 - The conditional use is not expected to be injurious to the use and enjoyment of nearby properties.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The conditional use is not expected to diminish or impair property values in the neighborhood.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development*

- and improvement of the surrounding property;*
- Not Applicable.
- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
- Not Applicable.
- f. *Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use;*
- Adequate facilities and infrastructure are available to serve the conditional use.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
- The establishment of the conditional use is not expected to generate a significant increase in traffic.
 - The subject property has off-street parking areas and driveways on both Liberty Avenue and Madison Road.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
- The conditional use will comply with all other applicable regulations of the Zoning Ordinance.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Neighborhood Commercial uses and a zoning district classification of C-2 for the subject property. The underlying zoning district classification is consistent with the Comprehensive Plan, as required by Section 66.1001(3) of Wisconsin Statutes. Consideration of this request supports City of Beloit Strategic Goal #4.

Sustainability: (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines)

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

Staff Recommendation:

The Neighborhood Planning Division recommends **approval** of a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 1407 Liberty Avenue, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes indoor alcohol sales within the existing building located at 1407 Liberty Avenue.
2. The applicant shall obtain and retain all applicable liquor licenses while the conditional use is established and maintained.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Community Development Director may approve minor changes administratively and allow accessory structures and uses that comply with and meet all of the standards and requirements of the City of Beloit Municipal Code.

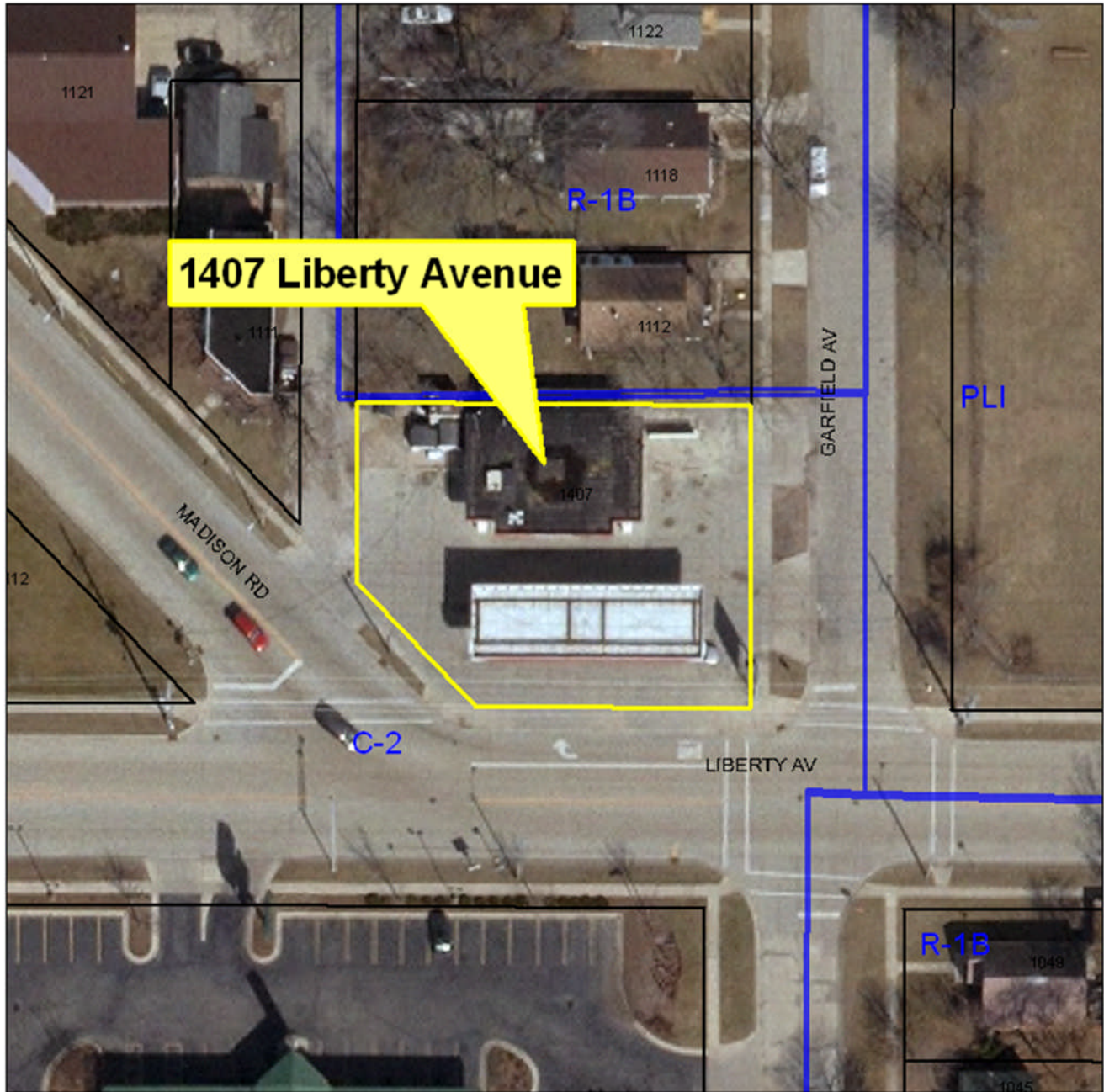
Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Map, Application, Public Notice, and Mailing List.

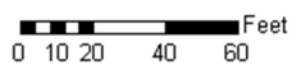
Location & Zoning Map

1407 Liberty Avenue

CU-2011-03



1 inch = 47 feet



Legend

- COB Parcels
- Zoning District

Map prepared by: Drew Pennington
Date: September 2011
For: City of Beloit, Neighborhood Planning
Date of Aerial Photography: March 2011

NEIGHBORHOOD PLANNING DIVISION

CITY of BELOIT

Neighborhood Planning Division

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

Conditional Use Permit Application

(Please Type or Print)

File Number: CU-2011-03

1. Address of subject property: 1407 LIBERTY AVE BELOIT WI.

2. Legal description: _____

If property has not been subdivided, attach a copy of the complete legal description from deed.

Property dimensions are: _____ feet by _____ feet = _____ square feet.

If more than two acres, give area in acres: _____ acres.

3. Tax Parcel Number(s): 1274 0570

4. Owner of record: _____ Phone: _____

(Address)

(City)

(State)

(Zip)

5. Applicant's Name: SAROJ V. PATEL

(Address)

(City)

(State)

(Zip)

1407 LIBERTY AV. BELOIT WI. 53511

(608) 362-8933 1 _____
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: GAS STATION/CONVENIENCE STORE
DBA Liberty Quick 'N Save

7. **THE FOLLOWING ACTION IS REQUESTED:**

A Conditional Use Permit for: CONVENIENT STORE & Beer sel.
GAS STATION. in a(n) C-2 Zoning District.

8. All the proposed use(s) for this property will be:

Principal use: GAS STATION/CONVENIENCE STORE

Secondary use: _____

Accessory use: _____

9. Project timetable: Start date: ? Completion date: _____

10. I/We) represent that I/we have a vested interest in this property in the following manner:
- () Owner
 - (X) Leasehold, length of lease: APRIL 30 - 2012
 - () Contractual, nature of contract: _____
 - () Other, explain: With option to extend, will extend upon granting of Beer license.

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/We, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/We represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/We also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

[Signature] / GURBACHAN SINGH / 8.18.11
(Signature of Owner) (Print name) (Date)

[Signature] / SAROJ V. PATEL / 8-18-11
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application, and all accompanying documents, to the Neighborhood Planning Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

To be completed by Planning Staff		
Filing fee: \$275.00	Amount paid: <u>\$275.⁰⁰</u>	Meeting date: <u>September 21, 2011</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u>[Signature]</u>	Date: <u>8/19/11</u>	



NOTICE TO THE PUBLIC

September 8, 2011

To Whom It May Concern:

Saroj Patel, the operator of Liberty Quick N Save, has filed an application for a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at:

1407 Liberty Avenue.

Prior to August 2009, the applicant held both a Conditional Use Permit and an Alcohol Beverage License. In August 2009, the City Council revoked the applicant's Alcohol Beverage License. Indoor alcohol sales is a conditional use in the C-2 district, and since the use was discontinued following revocation, the applicant must obtain a new Conditional Use Permit and Alcohol Beverage License before alcoholic beverages may be legally sold on the subject property. The following public hearings will be held regarding this proposed Conditional Use Permit:

City Plan Commission: Wednesday, September 21, 2011, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, October 3, 2011, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

For additional information, please contact Drew Pennington in the Neighborhood Planning Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

CU-2011-03, Saroj Patel, 1407 Liberty Avenue

THEIR HANDS INC
12739 WALTHAM CLOSE
ROSCOE, IL 61073

GURBACHAN SINGH
1407 LIBERTY AVE
BELOIT, WI 53511

KAREN JOHNSON
13970 BEULAH DR
ROCKTON, IL 610723408

BRUCE & BECKY OLVER
410 S WRIGHT ST
ORFORDVILLE, WI 535768748

RONDA SHEAR
1049 GARFIELD AVE
BELOIT, WI 53511

HILDA MILLHEAM
1427 ST LAWRENCE AVE
BELOIT, WI 53511

DIANE OVERBY
1111 MADISON RD
BELOIT, WI 535110337

FAMILY VIDEO MOVIE CLUB
INC

1022 E ADAMS RD
SPRINGFIELD, IL 62703

ROBERT E JOHNSON
REVOCABLE TRUST
8737 OWEN CENTER RD
ROCKFORD, IL 61101

JAMIE & SUSAN CAMPBELL
1762 MARY ST
BELOIT, WI 53511



PROCEEDINGS OF THE BELOIT CITY COUNCIL

Special Meeting

September 19, 2011

100 State Street, Beloit WI 53511

5:30 p.m.

Presiding: Kevin D. Leavy

Present: Sheila De Forest, Charles Haynes, David F. Luebke, Eric Newnham, Mark Spreitzer, and James E. Van De Bogart

Absent: None

1. President Kevin D. Leavy called the meeting to order at 5:30 p.m. in the 4th Floor City Manager's Conference Room at City Hall. Roll called showed Councilors De Forest, Haynes, Luebke, Newnham, and Spreitzer present, and Councilor Van De Bogart arrived at 5:38 p.m.
2. Councilor Luebke moved to adjourn into closed session pursuant to Wis. Stats. 19.85(1)(e) to discuss the **acquisition of tax foreclosed properties**. Councilor Newnham seconded. The motion carried, and the Council adjourned into closed session at 5:31 p.m.
3. Councilor De Forest moved to adjourn the meeting, and Councilor Van De Bogart seconded. The motion carried, and the meeting adjourned at 6:20 p.m.

Rebecca S. Houseman
City Clerk

www.ci.beloit.wi.us

Date Approved by Council:



PROCEEDINGS OF THE BELOIT CITY COUNCIL

100 State Street, Beloit, WI 53511

Monday, September 19, 2011

Presiding: Kevin D. Leavy
Present: Sheila De Forest, Charles Haynes, David F. Luebke, Eric Newnham, Mark Spreitzer, and James Van De Bogart
Absent: None

1. The meeting was called to order at 7:02 p.m. in The Forum at Beloit City Hall.
2. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS – none.
3. PUBLIC HEARINGS
 - a. Community Development Director Julie Christensen presented a Resolution approving a Change in Use of the City's **HOME Program Funds**. Ms. Christensen requested that the City be permitted to use HOME funds for acquisition/rehabilitation/resale activities in addition to using funds for owner-occupied and rental rehabilitation loans. She noted that the Community Development Authority recommended the change in use of HOME funds at their last meeting. President Leavy open and closed the public hearing without participation. Councilor Luebke moved to adopt the Resolution, and Councilor Haynes seconded. The motion carried 7-0. File 8503
4. CITIZENS' PARTICIPATION
 - a. Mr. Greg Bridges and Head Coach Cecil Youngblood spoke about the Rock County Robins, a semi-professional local women's basketball team, who has won the National Championship two years in a row. President Leavy indicated that he would like to schedule a time to invite the team to a Council meeting to be recognized for their success and asked the City Manager if the City could look into posting signs at the entrance of Beloit recognizing the local national championship team.
5. CONSENT AGENDA

Councilor Van De Bogart moved to adopt the Consent Agenda as listed, and Councilor Spreitzer seconded. The motion carried that the Consent Agenda be accepted, approved, adopted, or referred and acted upon as required by state and local codes by a vote of 7-0.

 - a. **Minutes** of the Regular Meeting of September 6 and the Special Meeting of September 13, 2011 were approved.
 - b. Resolution authorizing the City Manager to enter into a **Contract** with One Source Recycling, Inc. for the Sale of Commingled Recyclables was adopted. File 8082
 - c. Application for a **Conditional Use Permit** to allow Indoor Alcohol Sales in a C-2, Neighborhood Commercial District, for the property located at 1407 Liberty Avenue was referred to the Plan Commission. File 8107
 - d. Application for a **Certified Survey Map** for the property located at 1452 Townhall Road was referred to the Plan Commission. File 8036
 - e. Resolution approving a **Change of Agent** for Speedway #4087, d/b/a Speedway, located at 148 Liberty Avenue was adopted. File 8497
6. ORDINANCES – none.

7. APPOINTMENTS

President Leavy announced openings and submitted the following appointments to the City Committees, Boards, and Commissions for approval. The appointments were approved on a motion by Councilor Haynes and a second by Councilor De Forest. The motion carried 7-0.

- a. **Board of Appeals:** Carolyn H. Hansen, for a term expiring May 31, 2013. File 6130
- b. **Park, Recreation and Conservation Advisory Commission:** Terry Lee Wilson, for a term expiring September 30, 2014. File 6180
- c. **Traffic Review Committee:** Randy W. Cole, for a term expiring September 30, 2013. File 7399

8. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- a. Councilor Spreitzer said that he enjoyed attending the Send Your Legislators Down the River event and the Porter Avenue Sharing Garden Dedication.
- b. Councilor Luebke said the he also enjoyed the Porter Avenue Sharing Garden Dedication.
- c. Councilor De Forest requested that all staff reports include information regarding funding sources for projects and requested an update regarding internal controls relating to employee purchasing.
- d. Councilor Haynes congratulated those involved with Cruise Night and Autorama on a successful weekend.

9. CITY MANAGER'S PRESENTATION – none.

10. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution authorizing the City Manager to acquire **Tax Delinquent Properties** from the Rock County Treasurer. Ms. Christensen referenced the table and photographs provided in the staff report regarding the six houses that the City is requesting to purchase from the Rock County Treasurer. She indicated that these six houses are in the worst condition and that it is in the best interest of the City to purchase and demolish the houses. Councilor Luebke moved to adopt the Resolution, and Councilor Haynes seconded. The motion carried 7-0. File 8102
- b. Resolution amending the **2011 Capital Improvement Budget** to reflect the inclusion of the payment of earnest money for the purchase of the NorthStar Radioisotopes, LLC project site. Economic Development Director Andrew Janke presented the Resolution and the accompanying information regarding the acquisition of 13.14 acres of land owned by MLG/BRC Beloit LLC and 19.9 acres of land owned by Turtle Creek Development LLC for the NorthStar project. Councilor Van De Bogart moved to adopt the Resolution, and Councilor Haynes seconded. The motion carried 7-0. File 8463/8505
- c. Resolution authorizing the **City's Acquisition of 13.14 acres** of land owned by MLG/BRC Beloit LLC for the NorthStar Project. Councilor Luebke moved to adopt the Resolution, and Councilor Haynes seconded. The motion carried 7-0. File 8505
- d. Resolution authorizing the **City's Acquisition of 19.9 acres** of land owned by Turtle Creek Development LLC for the NorthStar Project. Councilor Newnham moved to adopt the Resolution, and Councilor Spreitzer seconded. The motion carried 7-0. File 8505
- e. Resolution authorizing the Issuance and Sale of Approximately \$8,645,000 in **General Obligation Refunding Bonds, Series 2011**. Finance and Administrative Services Director Paul York explained that the Resolution was amended to include bonds from the 2004 issuance for a total of \$11,080,000 in bonds, which were sold this morning on the open market. He indicated that the sale of these refunding bonds would save the City almost \$900,000 in interest payments and debt service over the life of the bonds. Dawn Gunderson of Ehlers, Inc. indicated that JP Morgan Chase of Milwaukee has purchased the bonds and will hold them in their investment portfolio. She also indicated that the City has retained its A+ bond rating from Standard & Poors. Councilor De Forest moved to adopt the Resolution, and Councilor Newnham seconded. A roll call vote was called with Councilors De Forest, Haynes, Van De Bogart, Leavy, Luebke, Newnham, and Spreitzer voting in favor of the Resolution. File 8463

11. At 7:40 p.m. Councilor De Forest moved to adjourn the meeting, second by Councilor Luebke. The motion carried 7-0.

www.ci.beloit.wi.us

Date approved by Council:

RESOLUTION APPROVING CLASS "A" BEER LICENSE

WHEREAS, an application has been received for a Class "A" Beer License for Shree Raj LLC, d/b/a Liberty Quick N Save, Saroj V. Patel, Agent; and

WHEREAS, the Alcohol Beverage License Control & Advisory Committee recommends approval of Class "A" Beer License.

NOW, THEREFORE, BE IT RESOLVED that the Class "A" Beer License for Shree Raj LLC, d/b/a Liberty Quick N Save, Saroj V. Patel, Agent, 1407 Liberty Avenue is hereby approved.

Dated this 3rd day of October 2011.

Kevin D. Leavy, Council President

Attest:

Rebecca S. Houseman, City Clerk



**ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE
RECOMMENDATION**

TO: Beloit City Council
FROM: Alcohol Beverage License Control Committee
DATE: September 13, 2011
SUBJECT: Liberty Quick N Save

The Alcohol Beverage License Control Committee recommends approval of the Class "A" Beer License application of Shree Raj LLC, d/b/a Liberty Quick N Save, 1407 Liberty Avenue, Saroj V. Patel, Agent.

Recommendation for approval carried 3-1.

Rebecca Houseman
City Clerk

ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning July 1st 2011 ;
ending JUNE 30 2012

TO THE GOVERNING BODY of the: Town of
 Village of } BELOIT
 City of }

County of ROCK Aldermanic Dist. No. _____ (if required by ordinance)

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): SHREE RAJ. LLC
PATEL SAROT V.

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
SOLE	PATEL SAROT V.	1226 MCKINLEY AV.	53511
President/Member			
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent			
Directors/Managers			

3. Trade Name LIBERTY QUICK N SAVE Business Phone Number 608 362-8937
4. Address of Premises 1407 Liberty Ave. Post Office & Zip Code BELOIT 53511

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) Corporate/limited liability company applicants only: Insert state WI and date 5-6-11 of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 1407 Liberty Ave. BELOIT WI.

10. Legal description (omit if street address is given above): Walk-in Cooler, Sales Floor

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
(b) If yes, under what name was license issued?

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No

13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] Yes No

14. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 17 day of August, 2011

Judith A. Olson
(Check/Notary Public)

My commission expires 9-22-13

X Sarot V Patel
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>8-17-11.</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Applicant's Wisconsin Seller's Permit Number: <u>456-0000-254028-03</u>	
Federal Employer Identification Number (FEIN): <u>68-0501772</u>	
LICENSE REQUESTED	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Wholesale beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>20500</u> <u>AD 8-17</u>
TOTAL FEE	\$

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of BELoit County of ROCK
 City

The undersigned duly authorized officer(s)/members/managers of SHREE RAJ. LLC.
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as
Liberty QUICK N SAVE.
(trade name)

located at 1407 Liberty Av. BELoit WI. 53511.

appoints SAROT V. PATEL.
(name of appointed agent)

1226 Mc. KINLEY AVE. BELoit WI. 53511.
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? _____

Place of residence last year 1226 Mc. KINLEY AV. BELoit WI. 53511.

For: SHREE RAJ. LLC.
(name of corporation/organization/limited liability company)

By: X SAROT V. PATEL.
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, SAROT V. PATEL., hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

X SAROT V. PATEL. 8-17-11 Agent's age _____
(signature of agent) (date)

1226 Mc. KINLEY AVE. BELoit WI. 53511. Date of birth _____
1226 Mc. KINLEY.
(home address of agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)	(middle name)	Social Security Number	
PATEL		SAROT	V.		
Home Address (street/route)		Post Office	City	State	Zip Code
1226 MCKINLEY AVE		BELOIT	BELOIT	WI	53511
Home Phone Number			Age	Date of Birth	Place of Birth
608-362-8933					INDIA

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
 A member of a partnership which is making application for an alcohol beverage license.
 Agent MEMBER of SHREE RAJ LLC.
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 8 YEARS
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer license, brewery/winery permit or wholesale liquor manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name <u>CIBA</u>	Employer's Address <u>333 E Howard, Des Plaines</u>	Employed From <u>5-28-01</u>	To <u>2002</u>
Employer's Name <u>3.COM</u>	Employer's Address <u>1800 W. Central Rd. Mt Pleasant</u>	Employed From <u>5-8-00</u>	To <u>5-27-01</u>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 17 day of August, 2011

[Signature]
(Clerk/Notary Public)

X Sarot V Patel
(Signature of Named Individual)

My commission expires 9-22-13



Printed on Recycled Paper

**RESOLUTION
APPROVING A TWO-LOT CERTIFIED SURVEY MAP
FOR THE PROPERTY LOCATED AT
1452 TOWNHALL ROAD**

WHEREAS, Section 12.05(1)(c) of Chapter 12 of the Code of General Ordinances of the City of Beloit entitled “*Subdivision and Official Map Ordinance*” authorizes the City Council of the City of Beloit to approve, conditionally approve, or reject any minor subdivision of land within the City that involves the dedication of land to the public; and

WHEREAS, the attached two-lot Certified Survey Map for the property located at 1452 Townhall Road, containing 372,492 square feet (8.508 acres), more or less, is located within the jurisdiction of the City of Beloit and involves the dedication of land to the public; and

WHEREAS, the Plan Commission of the City of Beloit has heretofore recommended approval of the attached two-lot Certified Survey Map, along with the dedication of land for a public street which pertains to the following described land:

Part of the S.E. ¼ of the N.E. ¼ and part of the N.E. ¼ of the S.E. ¼ Section 28, T. 1 N., R. 13 E., of the Fourth P.M., City of Beloit, Rock County, Wisconsin.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit does hereby conditionally approve the attached two-lot Certified Survey Map, located at 1452 Townhall Road, subject to the following conditions:

1. The final CSM shall be recorded with the Rock County Register of Deeds and the applicant shall provide the Neighborhood Planning Division with a copy of the recorded CSM by December 31, 2011.
2. Lot 1 shall be addressed as 3650 Eagles Ridge Drive, and Out Lot 1 shall be addressed as 1510 Townhall Road.

Adopted this 3rd day of October, 2011.

BELOIT CITY COUNCIL

Kevin D. Leavy, Council President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Certified Survey Map (CSM) property located at 1452 Townhall Road

Date: October 3, 2011

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Bob Leuenberger, on behalf of R.H. Batterman & Co., Inc. and current property owner MLG/BRC Beloit LLC, has submitted an Application for Review of a Minor Subdivision for a two-lot Certified Survey Map for 8.508 acres of the property, and the dedication of a 50 foot half right-of-way located at 1452 Townhall Road.

Key Issues (maximum of 5):

- The Plan Commission reviewed this item at the September 21, 2011 meeting and voted unanimously (6-0) to recommend approval of this Certified Survey Map with two conditions:
 - (1) The final CSM shall be recorded with the Rock County of Deeds and the applicant shall provide the Neighborhood Planning Division with a copy of the recorded CSM by December 31, 2011,
 - (2) Lot 1 shall be addressed as 3650 Eagles Ridge Drive, and Out Lot 1 shall be addressed as 1510 Townhall Road.
-

Conformance to Comprehensive Plan and Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- The Comprehensive Plan (2008) designates this property as appropriate for "Single-Family Residential - Urban" use, which includes a mix of single-family attached and detached residences.
 - Consideration of this request supports City of Beloit Strategic Goal #4.
-

Overview Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels**
N/A
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
N/A
 - **Reduce dependence on activities that harm life sustaining eco-systems**
N/A
 - **Meet the hierarchy of present and future human needs fairly and efficiently**
N/A
-

Action required/Recommendation:

- City Council consideration and action on the proposed Resolution
-

Fiscal Note/Budget Impact:

N/A

Attachments:

Resolution and Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: September 21, 2011

Agenda Item: 3

File Number: CSM-2011-08

Applicant: R.H. Batterman & Co., Inc.

Owner: MLG/BRC Beloit LLC

Location: 1452 Townhall Road

Existing Zoning: R-1A, Single-Family Residential District

Existing Land Use: Agricultural

Total Area: 378,972 square feet (8.7 acres)

Request Overview/Background Information:

R.H. Batterman & Co., Inc. has submitted an Application for the Review of a Minor Subdivision and a two-lot Certified Survey Map (CSM) for the property located at 1452 Townhall Road. According to Section 12.05(1)(c) of the Subdivision Ordinance, the Plan Commission shall recommend to the City Council approval, conditional approval, or rejection of any minor subdivision of land within the City that involves the dedication of land to the public.

Key Issues:

- The proposed CSM creates two new lots from a parent parcel, and dedicates half a right-of-way. Lot 1 is located east of Hawks Pass, west of Quail Run, and South of Golden Eagle Drive. Lot 1 is 322,708 square feet (7.408 acres). Out Lot 1 is located west of Townhall Road, south of Eagles Ridge Drive, and is bounded to the west and south by the parent parcel. Out Lot 1 is 49,784 square feet (1.1 acre).
- All of the existing lots are vacant. MLG/BRC Beloit LLC owns the property and intends to subdivide Lot 1 in the future. Out Lot 1 is intended to be used for future storm water storage when Lot 1 is subdivided. The parent parcel will continue to be used as agricultural land. These proposed lots are in the area planned for plat 2 of the Eagles Ridge Subdivision.
- Proposed Lot 1 includes approximately 67.09 feet of street frontage to the east facing Eagles Ridge Drive, which will provide ingress/egress access from Townhall Road in the future when the lot is subdivided. There is approximately 93.47 feet of street frontage on the west side of Lot 1 facing Eagles Ridge Drive, which will also provide future ingress/egress access into Lot 1 when it is subdivided. Proposed Out Lot 1 includes approximately 176 feet of street frontage and is 49,784 square feet in area. The proposed CSM also includes the dedication of an 8,800 square-foot (50 feet x 176 feet) right-of-way to the public.
- Proposed Lot 1 and Out Lot 1 are located in an R-1A, Single-Family Residential District. Both of the proposed lots meet the minimum lot area and width standards.
- The City's other Review Agents have reviewed the proposed CSM. The City Engineer has concerns about the connectivity of the drainage easement south of Hawks Pass right-of-way and from the southeastern corner of Lot 2 to the southeastern corner of Lot 3 of the Eagles Ridge Plat No. 1. The City Engineer suggests the dedication of a drainage easement from the southeast corner of Lot 2 to the southeast corner of Lot 3 of Eagles Ridge Plat No. 1 for future storm water drainage. A copy of Eagles Ridge Plat No. 1 is attached.

Consistency with Comprehensive Plan and Strategic Plan:

For proposed Lot 1 and Out Lot 1, the Comprehensive Plan recommends Single-Family Residential - Urban uses and a zoning district classification of R-1A. This proposed land division and the underlying zoning district classification is consistent with the Comprehensive Plan. Consideration of this request supports City of Beloit Strategic Goal #4.

Sustainability:

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

Staff Recommendation:

The Neighborhood Planning Division recommends **approval** of the attached two-lot Certified Survey Map (CSM) for the property located at 1452 Townhall Road, subject to the following condition:

1. The final CSM shall be recorded with the Rock County Register of Deeds and the applicant shall provide the Neighborhood Planning Division with a copy of the recorded CSM by December 31, 2011.
2. Lot 1 shall be addressed as 3650 Eagles Ridge Drive, and Out Lot 1 shall be addressed as 1510 Townhall Road.

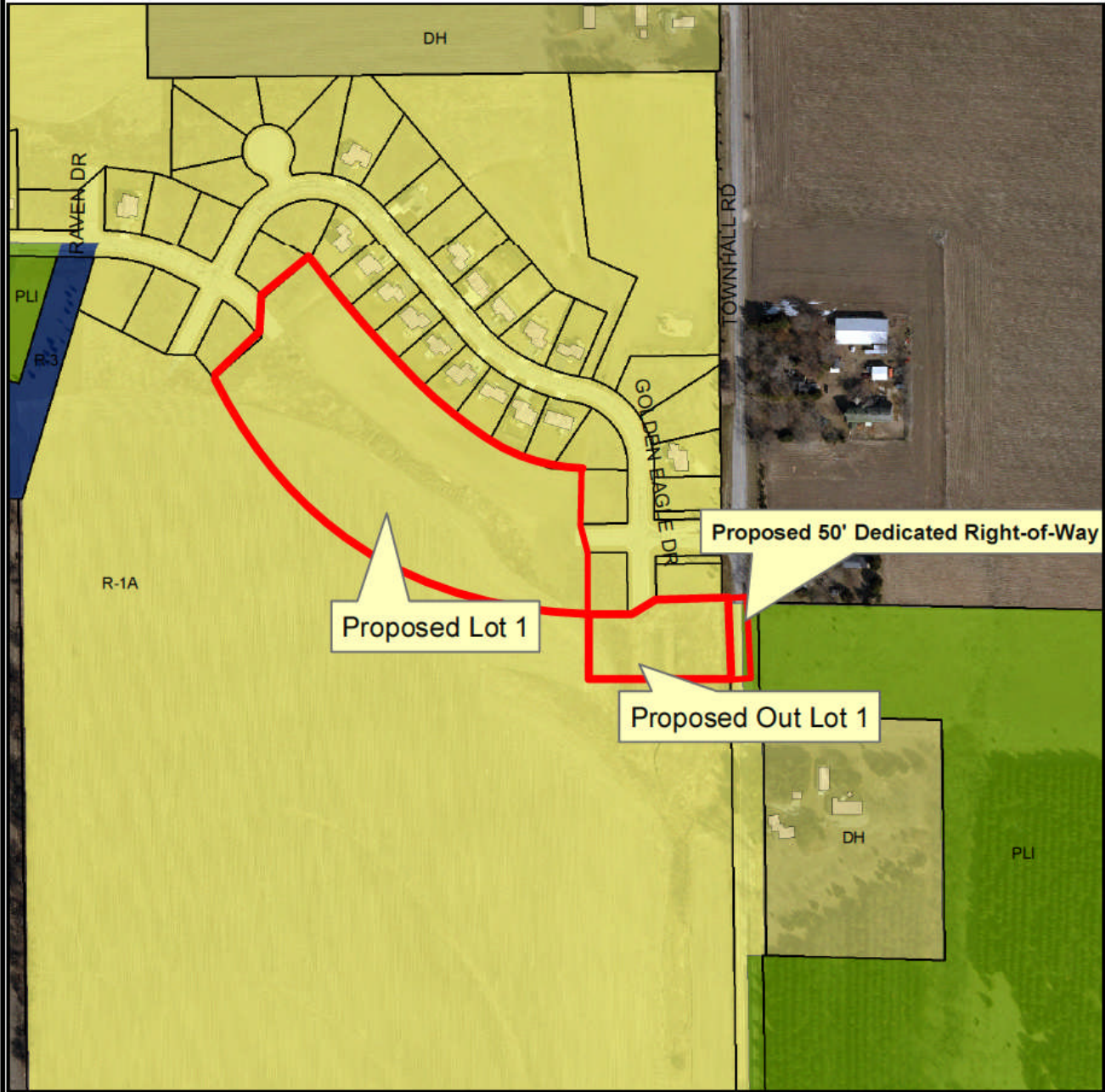
3. The final CSM shall include a drainage easement to the south of Hawks Pass right-of-way and from the southeastern corner of Lot 2 to the southeastern corner of Lot 3 of Eagles Ridge Plat No. 1.

Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Map, Eagles Ridge Plat No. 1, CSM, and Application.

Location & Zoning Map

CSM-2011-08



1 inch = 325 feet

04080 160240 Feet

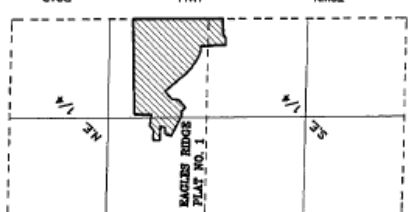
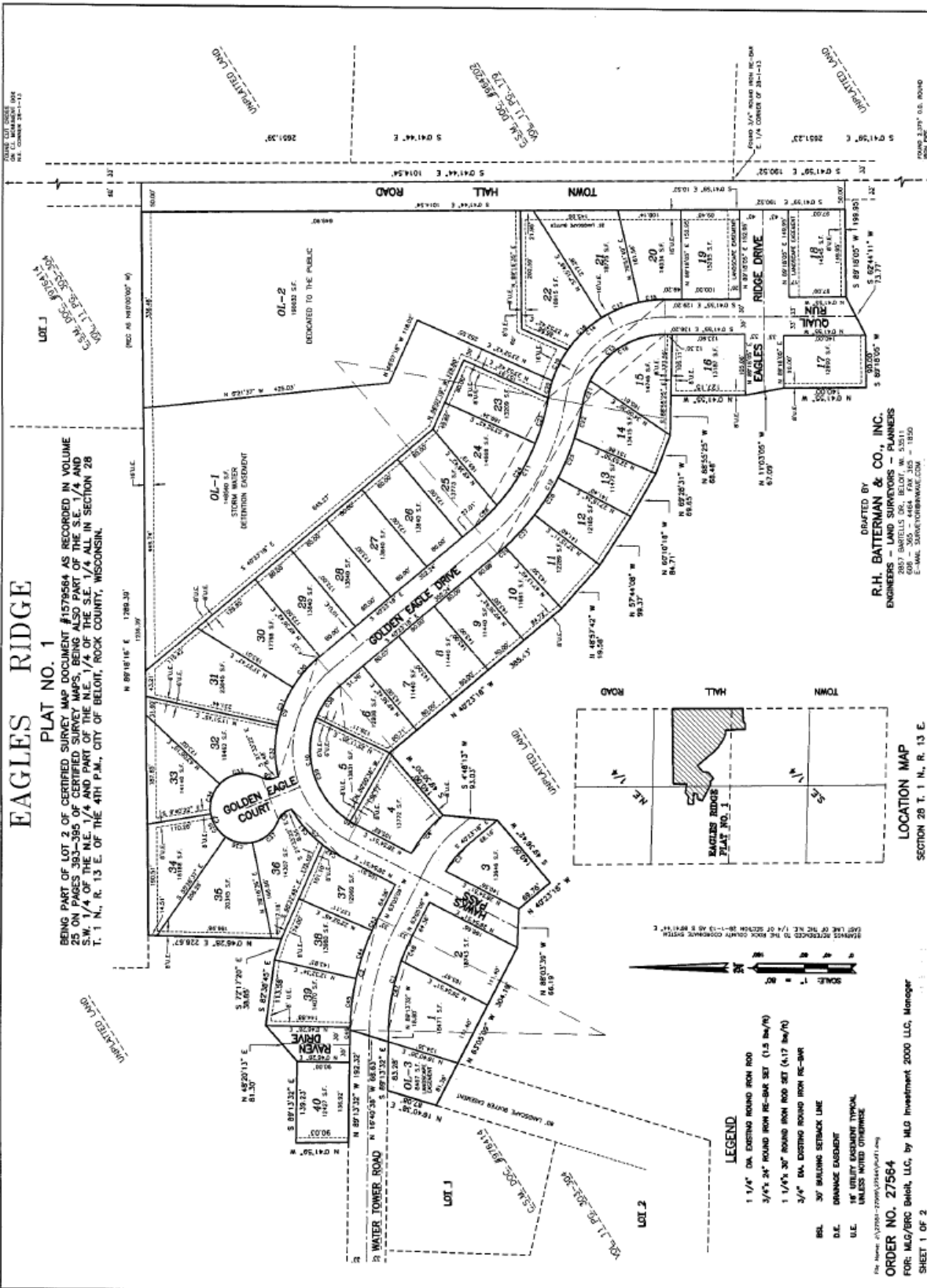
Map prepared by: Michael D. Lofton II
Date: September 15, 2011
For: City of Beloit, Neighborhood Planning
Date of Aerial Photography: April 2011

NEIGHBORHOOD PLANNING DIVISION

EAGLES RIDGE

PLAT NO. 1

BEING PART OF LOT 2 OF CERTIFIED SURVEY MAP DOCUMENT #1575684 AS RECORDED IN VOLUME 25 ON PAGES 30-35 OF CERTIFIED SURVEY MAPS, BEING MAPS OF THE S.W. 1/4 OF THE S.W. 1/4 AND PART OF THE N.E. 1/4 OF THE S.E. 1/4 ALL IN SECTION 28 T. 1 N., R. 13 E. OF THE 4TH P.M., CITY OF BELoit, ROCK COUNTY, WISCONSIN.



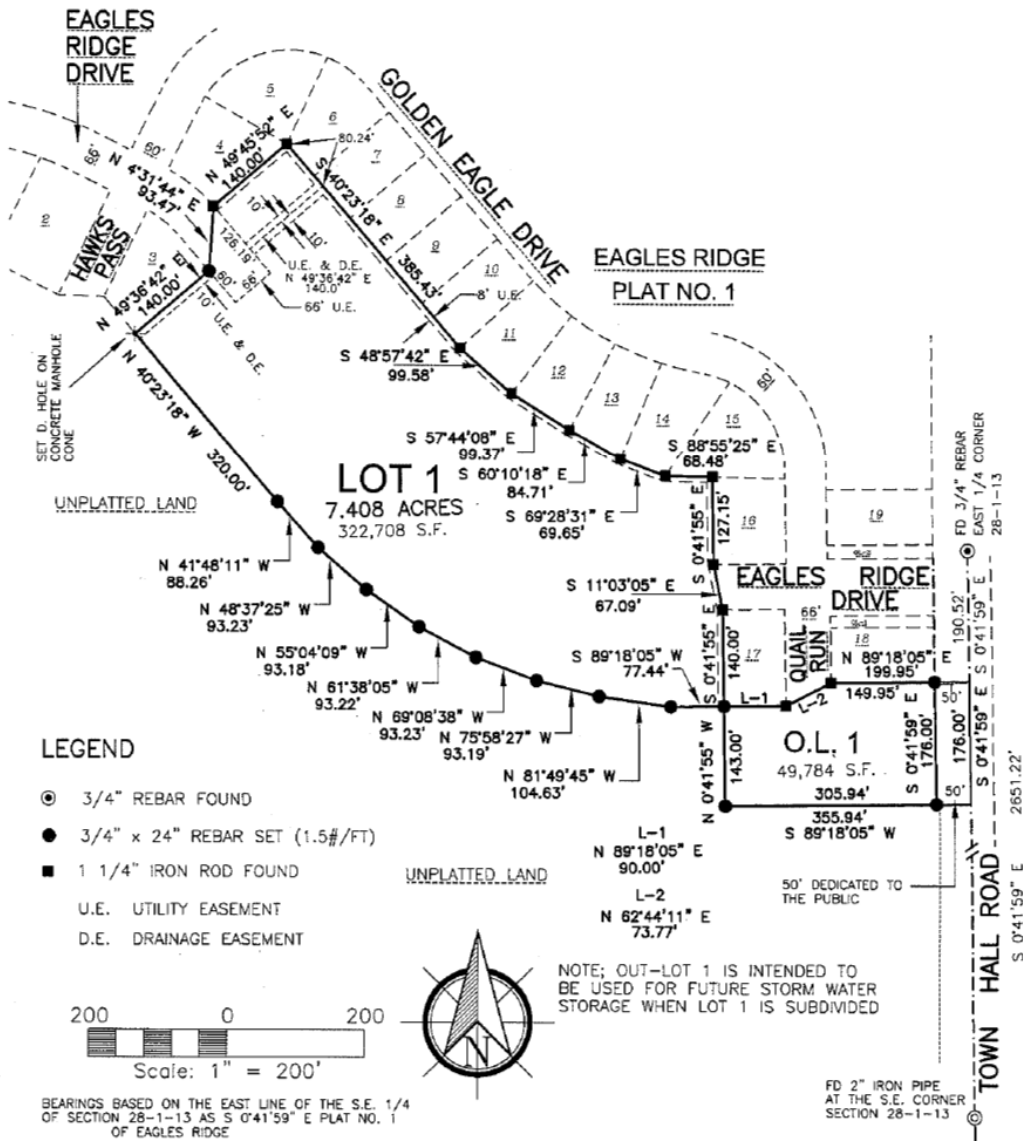
- LEGEND**
- 1 1/4" DIA. EXISTING ROUND IRON ROD
 - 3/4" x 24" ROUND IRON RE-BAR SET (1.5 RM/FO)
 - 1 1/4" x 30" ROUND IRON ROD SET (4.17 RM/FO)
 - 3/4" DIA. EXISTING ROUND IRON RE-BAR
 - 30' BUILDING SETBACK LINE
 - D.E. DRAINAGE EASEMENT
 - U.E. UTILITY EASEMENT TYPICAL UNLESS NOTED OTHERWISE

SCALE: 1" = 60'
 FOR: MLD/BRG BRIGHT, LLC, by MLD Investment 2000 LLC, Manager
 ORDER NO. 27564
 SHEET 1 OF 2

DRAFTED BY
R.H. BATTERMAN & CO., INC.
 ENGINEERS - LAND SURVEYORS - PLANNERS
 2857 BARTLETT DR., BELoit, WI 53511
 608 - 355 - 4484 FAX 305 - 1850
 E-MAIL: RBATTERMAN@GMAIL.COM

CERTIFIED SURVEY MAP

OF PART OF THE S.E. 1/4 OF THE N.E. 1/4 AND PART OF
THE N.E. 1/4 OF THE S.E. 1/4 SECTION 28, T. 1 N., R. 13 E.,
OF THE FOURTH P.M., CITY OF БЕЛОИТ,
ROCK COUNTY, WISCONSIN



ORDER NO. 31200
BOOK 547 PAGE 42
DATE AUGUST 18, 2011
FOR MLG/BRC Beloit, LLC
SHEET 1 OF 3

File Name: J:\31200-31249\31200\31200-CSM.dwg

Batterman
engineers surveyors planners

2857 Bartels Drive Beloit, Wisconsin 53511
608.365.4464 www.rbatterman.com



CERTIFIED SURVEY MAP

OF LOTS 1, 2 AND 3 OF COWLES SUBDIVISION AND LOT 7 AND PART OF LOT 2 OF BLOCK 12
OF MERRILL'S ADDITION CITY OF БЕЛОИТ, ROCK COUNTY, WISCONSIN.

CORPORATE OWNERS CERTIFICATE OF DEDICATION

Neighborhood Housing Services, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Neighborhood Housing Services, Inc., further certifies that this plat is required by Sections 236.10 or 236.12 to be submitted to the following for approval or objection: The Planning Commission of the City of Beloit.

IN WITNESS WHEREOF, Neighborhood Housing Services, Inc., has caused these presents to be signed by XXX, President, this _____ day of _____, 2011.

XXX, President

State of Wisconsin) Personally came before me, this _____ day of _____, 2011,
County of Rock) ss. XXX of the above-named limited liability corporation, to me known to be the
person who executed the foregoing instrument, and to me known to be such officer of said corporation,
and acknowledged that she executed the foregoing instrument as such officer as the deed of such
corporation, by its authority.

Notary Public, Rock County, Wisconsin

My Commission Expires: _____

ORDER NO. 31072
DATE: FEBRUARY 18, 2011
FOR: NEIGHBORHOOD HOUSING SERVICES, INC.

SHEET 2 OF 3

R. H. BATTERMAN & CO., INC.
Land Surveyors • Engineers • Planners
2857 Bartells Drive
Beloit, Wisconsin 53511

CERTIFIED SURVEY MAP

OF LOTS 1, 2 AND 3 OF COWLES SUBDIVISION AND LOT 7 AND PART OF LOT 2 OF BLOCK 12
OF MERRILL'S ADDITION, CITY OF BELOIT, ROCK COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE OF COMPLIANCE WITH STATUTE

State of Wisconsin)
County of Rock) ss.

I, Jeffrey R. Garde, a Registered Land Surveyor, do hereby certify that I have surveyed and mapped lots 1, 2 and 3 of Cowles Subdivision and Lot 7 and part of Lot 2 of Merrill's Addition, City of Beloit, Rock County, Wisconsin.

DESCRIBED AS FOLLOWS: Commencing at the Northeast corner of Section 35, T. 1 N., R. 12 E., of the 4th P.M., City of Beloit, Rock County, Wisconsin, thence South 55°15'20" West 2745.25 feet to the Northeast corner of Lot 1 of Cowles Subdivision, marked with a found rebar, said rebar being on the South line of Lot 2 of a Certified Survey Map as recorded in Volume 1 on Page 257 of Certified Survey Maps of Rock County, and the place of beginning for the following description; thence South 00°51'15" East 115.88 feet along the East line of Cowles Subdivision aforesaid, to the Southeast corner of Lot 3 aforesaid marked with a set rebar; thence South 89°12'20" West 84.94 feet along the South line of Lot 3 aforesaid marked with a set rebar; thence North 00°54'08" West 17.13 feet to a set rebar; thence North 89°32'19" West 114.61 feet along the South line of said Lot 2 to the Southwest corner of Lot 7 of Merrill's Addition aforesaid marked with a found pipe; thence North 00°58'06" West 101.51 feet along the West line of Lot 7 aforesaid to the Northwest corner of Lot 7 said corner being also the Southwest corner of Lot 2 of a Certified Survey Map aforesaid marked with a found pipe; thence South 89°16'51" West 199.80 feet along the South line of Lot 2 of a Certified Survey Map aforesaid to the place of beginning. Containing 21,552 square feet of land more or less.

Subject to any easements, agreements, covenants or restrictions recorded or unrecorded.

That such map is a correct representation of all exterior boundaries of the land surveyed and the division of that land. That I have made such survey and map by the direction of the Owner of said land, and that I have complied fully with the provisions of Section 236.34 of the Wisconsin Statutes in surveying and mapping the same. Given under my hand and seal, this 18th day of February 2011 at Beloit, Wisconsin.

Approved by the City Council of the City of Beloit, this _____th day of March, 2011.

By: _____

I hereby certify that the property taxes on the parent parcel are current and have been paid as of _____, 2011.

By: _____
Rock County Treasurer

DOCUMENT NO. _____ RECEIVED FOR RECORD THIS _____ DAY OF _____ A.D. 2011
AT _____ O'CLOCK ____M. AND RECORDED IN VOLUME _____, PAGES _____ OF
CERTIFIED SURVEY MAPS OF ROCK COUNTY, WISCONSIN.

REGISTER OF DEEDS

ORDER NO. 31072
DATE: FEBRUARY 18, 2011
FOR: NEIGHBORHOOD HOUSING SERVICES, INC.
SHEET 3 OF 3

R. H. BATTERMAN & CO., INC.
Land Surveyors • Engineers • Planners
2857 Bartells Drive
Beloit, Wisconsin 53511

City of Beloit

Neighborhood Planning Division

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

Application for Review of a Minor Subdivision

(Please Type or Print)

File Number: CSM-2011-08

1. Address of property: 1452 TOWNHALL ROAD
2. Tax Parcel Number(s): 2283-0020
3. Property is located in (circle one): City of Beloit or Town of: Turtle; Beloit; Rock or LaPrairie
In the SE Quarter of Section 28, Township 1 North, Range 13 East of the 4th P.M.
4. Owner of Record: MLG/BRC BELOIT LLC Phone: 262-938-4402
13400 BISHOP LANE SUITE 100 BROOKFIELD WI 53005
(Address) (City) (State) (Zip)
5. Surveyor's name: RH Batterman & Co., Inc. Phone: 365-4464
2857 Bartells Drive Beloit WI 53511
(Address) (City) (State) (Zip)
6. Number of new lots proposed with this land division is 2 lot(s).
7. Total area of land included in this map: 8.7 ACRES
8. Total area of land remaining in parent parcel: 89.7 ACRES
9. Is there a proposed dedication of any land to the City of Beloit? YES
10. The present zoning classification of this property is: R 1A
11. Is the proposed use permitted in this zoning district: YES
12. **THE FOLLOWING ITEMS MAY NEED TO BE COMPLETED AND/OR ATTACHED:**

- Site Assessment Checklist;** is required if the total area of CSM is over 5 acres.
- Pre-application meeting;** pre-application meeting was held on 8/4/11
with City of Beloit Staff.
- Developer's Statement;** as required by section 12.02(7) of the Subdivision Ordinance.
- Phase One Environmental Assessment;** as per section 12.05(1)(c) of the Subdivision Ordinance.
- Certified Survey Map;** one copy as required by section 12.05(1) of the Subdivision Ordinance.

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct. The undersigned does hereby respectfully make application for and petition the City Plan Commission or City Council for approval of this Certified Survey Map for the purpose stated herein. The undersigned also agrees to abide by all applicable federal, state and local laws, rules, and regulations.

[Signature] / RH BATTERMAN / 8/30/11
(Signature of applicant) (Name of applicant) (Date)

This application must be submitted at least 21 days prior to the Plan Commission meeting date.

Review fee: <u>\$150 plus \$10 per lot</u>	Amount Paid: <u>\$170.⁰⁰</u>
Scheduled meeting date: <u>September 21, 2011</u>	
Application accepted by: <u>[Signature]</u>	Date: <u>8/30/11</u>

**RESOLUTION
REJECTING THE SINGLE BID RECEIVED FOR
PUBLIC WORKS CONTRACT C11-28
LEAN-TO SHED ADDITION**

WHEREAS, one competitive bid was received, the low bid being from Engineered Buildings, Inc., and,

WHEREAS, Engineered Buildings, Inc. is a qualified bidder, and;

WHEREAS, This project will add up to five 20' x 20' sheltered outdoor storage stalls to the west wall of the salt shed at the Department of Public Works Operations Facility, and;

WHEREAS, the single bid received was significantly above available funding for the project, and;

WHEREAS, the City of Beloit has determined that it is in the best interest of the City to reject the single bid submitted and received;

NOW, THEREFORE BE IT RESOLVED, that the single bid received for Contract C11-28, Lean-to Shed Addition, be, and hereby is, rejected pursuant to the City of Beloit's reservation of the right to reject all bids.

Dated at Beloit, Wisconsin this 3rd day of October, 2011.

City Council of the City of Beloit

Kevin D. Leavy, Council President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Rejection of Single Bid for Public Works Contract C11-28, Lean-to Shed Addition

Date: October 3, 2011

Presenter(s): Michael F. Flesch P.E., City Engineer

Department(s): Public Works/ Engineering

Overview/Background Information:

This project will add up to five 20' x 20' sheltered outdoor storage stalls to the west wall of the salt shed at the Department of Public Works Operations Facility.

Key Issues (maximum of 5):

1. One bid was received for this project. The low bid of \$84,500.00 was from Engineered Buildings, Inc. and is 67.8% more than the engineer's estimate of \$50,350.00.
2. Engineered Buildings, Inc. is considered a responsible bidder for this project.
3. The City Engineer recommends rejecting this single bid for this project.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**
 - This project will protect construction materials, supplies, and equipment from the damaging effects of weather.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels**
n/a
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
n/a
- **Reduce dependence on activities that harm life sustaining eco-systems**
n/a
- **Meet the hierarchy of present and future human needs fairly and efficiently**
Protection of materials from rain and snow will facilitate their availability and preserve their storage life.

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.

Action required/Recommendation:

The Engineering Division recommends rejecting this single bid for this project.

Fiscal Note/Budget Impact:

Adequate funding is not available in the Capital Improvement Plan.

**RESOLUTION
AUTHORIZING FINAL PAYMENT OF
PUBLIC WORKS CONTRACT C11-22
CLARY STREET WATER MAIN**

WHEREAS, work under this contract has been completed satisfactorily and in conformance with the requirements of the contract; and

WHEREAS, the City Engineer, Comptroller, and Attorney recommend final payment to the contractor.

NOW, THEREFORE, BE IT RESOLVED, that E&N Hughes Co., Inc., be paid \$10,522.25 as the final payment for Contract C11-22, Clary Street Water Main, as recommended by the City Engineer.

Dated at Beloit, Wisconsin this 3rd day of October, 2011.

City Council of the City of Beloit

Kevin D. Leavy, President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Final Payment for C11-22 Clary Street Water Main

Date: October 3, 2011

Presenter(s): Mike Flesch, City Engineer

Department(s): Public Works/Engineering

Overview/Background Information:

This project replaced the water main in Clary Street with a new 8-inch PVC pipe. Work also included new valves and hydrants, and existing lead services were replaced with new HDPE pipe.

Key Issues (maximum of 5):

1. E&N Hughes Co., Inc. was the low bidder for this project, and they have completed construction by the August 12, 2011 contract deadline to the satisfaction of the Engineering Division.
2. The required final pay paperwork has been submitted by the contractor and the contractor is requesting final payment.
3. The City Engineer, City Attorney, and Director of Accounting recommend that a final payment be made to E&N Hughes Co., Inc. in the amount of \$10,522.25.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**
 - This project will enhance the quality of life in Beloit by improving the water quality and distribution in the areas around Clary Street.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels**
N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
N/A
- **Reduce dependence on activities that harm life sustaining eco-systems**
N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently**
The improved pavement meets the present and future human needs by extending the life of the water main and reducing maintenance costs.

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.

Action required/Recommendation:


The City Engineer, City Attorney, and Director of Accounting recommend that a final payment be made to E&N Hughes Co., Inc. in the amount of \$10,522.25.

Fiscal Note/Budget Impact:

The original awarded contract amount was \$172,899.00, and the final cost of the completed construction was \$173,215.95, being 100.2% of the awarded amount. Funds are available in the CIP budget.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch, City Engineer

FROM: Luke M. Arnold, P.E., Project Engineer 

DATE: September 14, 2011

SUBJECT: Contract C11-22
Clary Street Water Main

The work on this project was completed on August 2, 2011. The contract completion date was August 12, 2011, so the project was finished on time. I have inspected the work and I find it to be satisfactory and in conformance with the requirements of the contract. The contractor has asked for final payment. The construction of this project was managed and inspected by the City of Beloit.

The original contract amount was \$172,899.00, modified to \$179,098.78 by Change Order. The final contract amount is \$173,215.95, an increase of approximately 0.2%. The increase was primarily due to removal of trolley tracks, abandoning an old valve vault, and reconnecting a 2" water service that was not planned. The increases were offset by quantity savings in the overall number of services replaced. The unpaid balance on the project is \$10,522.25. Therefore, I recommend a final payment in the amount of \$10,522.25 (6.08%) be made to E&N Hughes Co., Inc.

Please sign the attached Pay Estimate #2 - Final and the yellow copy of the purchase order.



City of
BELOIT, Wisconsin

City Attorney's Office
Interoffice Memorandum

To: Luke Arnold, Engineering

From: Thomas R. Casper, City Attorney *Tom*

Re: Final Payment C11-22 – Clary Street Water Main

Date: September 20, 2011

I have reviewed and approved the materials you submitted regarding final payment on the above contract. Please process this in the normal fashion.

TRC/keh

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 1.10 AND 1.11 AND TO AMEND 25.04(4)(c) OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO EMERGENCY MANAGEMENT AND CONTINUITY OF GOVERNMENT

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

Section 1. Section 1.10 of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“1.10 EMERGENCY MANGEMENT.

- (1) AUTHORITY. This ordinance is enacted pursuant to the provisions of Chapter 323 of the Wisconsin Statutes.
- (2) POLICY AND PURPOSE.
 - (a) Emergency Management requires the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters of all kinds, including enemy action and natural and unforeseen disasters. It is, therefore, necessary to:
 1. Establish a local Emergency Management Plan.
 2. Provide for the exercise of necessary powers during emergencies resulting from disaster; and
 3. Provide for cooperation and mutual assistance between the City of Beloit and other political subdivisions.
 4. Collaborate with private individuals and entities for the purpose of preparing for, responding to, and recovering from such disasters and emergencies.
 - (b) It is further declared to be the purpose of this ordinance and the policy of the City that all emergency management functions of the City shall be carried out pursuant to this ordinance and the Emergency Management Plan developed hereunder, as part of a countywide emergency management program to the maximum extent practicable. Existing services and resources of this City shall be used as needed. All of this shall be carried out within the framework of Chapter 323 of the Wisconsin Statutes.

(3) DEFINITIONS. Except as otherwise specifically provided in this section, the definitions outlined in Chapter 323 of the Wisconsin Statutes are hereby adopted and, by reference, made a part of this ordinance as if fully set forth herein, including any subsequent amendments or revisions thereto.

(4) EMERGENCY MANAGEMENT COORDINATOR.

(a) Appointment. The City Manager shall be the Emergency Management Coordinator for the City of Beloit.

(b) Duties and Authority.

1. The Emergency Management Coordinator shall have direct responsibility for the organization, administration, and operation of emergency management within the framework of the City's Emergency Management Plan, subject to the direction of the City Council.

2. The Emergency Management Coordinator shall serve as chairperson for the Emergency Management Committee. The Emergency Management Coordinator may establish subcommittees and/or task forces at any time to enhance training, planning, or to prepare various prevention and response strategies to individual risks. Subcommittees and task forces may contain members of the Emergency Management Committee as well as other selected individuals having specialized knowledge, skills, or training that can assist the City in assessing risk and preparing appropriate responses.

3. The Emergency Management Coordinator shall coordinate all activities for emergency management within the City and shall maintain liaison and cooperate with emergency management in local, state and federal governments.

4. The Emergency Management Coordinator shall prepare a comprehensive plan for the emergency management of the City.

5. The Emergency Management Coordinator shall participate in county and state emergency management activities when requested, and shall have such additional responsibilities as may from time to time be required by the City Council.

(5) EMERGENCY MANAGEMENT COMMITTEE.

(a) Membership. There is hereby created a City of Beloit Emergency Management Committee. The Emergency Management Committee shall consist of the City Manager, the Assistant to the City Manager, the City Council President, the Director of General Services/Risk Manager, the Finance and Administrative

Services Director, the City Attorney, the Chief of the Police Department, the Chief of the Fire Department, and the Public Works Director.

- (b) Powers and Duties. The Emergency Management Committee shall be an advisory and planning group and shall advise the City Council in all matters pertaining to emergency management.
- (c) Meetings. The Emergency Management Committee shall meet periodically to coordinate emergency preparedness and shall convene as soon as possible upon the declaration of an emergency. Special meetings may be called at the direction of the committee chairperson.
- (d) Response. Upon notice of a declaration of emergency, each committee member shall respond immediately to the Emergency Operations Center to await further instructions.

(6) EMERGENCY GOVERNMENT DIRECTOR.

- (a) Appointment. The Director of General Services/Risk Manager shall be the Emergency Government Director for the City of Beloit.
- (b) Powers and Duties. The Emergency Government Director shall be under the supervision of the Emergency Management Coordinator and shall perform such day to day duties as are necessary to support planning, training and coordination of emergency management activities. During times of emergency, the Emergency Government Director shall be in charge of the Emergency Operations Center. The Emergency Government Director shall serve as the secretary for the Emergency Management Committee.

(7) EMERGENCY MANAGEMENT PLAN. The Emergency Management Coordinator shall prepare a comprehensive plan for the emergency management of the City of Beloit. Each department of the City shall collaborate with the Emergency Management Coordinator for the purpose of creating an Emergency Management Plan. The Emergency Management Plan created hereunder is hereby approved and adopted herein by reference, including all amendments and revisions thereto. The plan shall be filed with the City Clerk and shall be reviewed and updated at least once every three years. It shall be the duty of all municipal departments of the City to perform the duties and functions prescribed by the Plan.

(7) DECLARATION OF EMERGENCIES.

(a) Declaration of Emergency by the City.

- 1. The City Council is empowered by section 323.11, Wis. Stats., to declare, by ordinance or resolution, an emergency existing within the City of Beloit whenever conditions arise by reason of a riot or civil commotion, a disaster, or an imminent threat of a disaster, that impairs

transportation, food or fuel supplies, medical care, fire, health or police protection, or other critical systems of the City of Beloit.

2. The City Council may, by ordinance or resolution, promulgate any orders, rules, and regulations relating to the conduct of persons and the use of property as shall be necessary and expedient to protect the public peace, health, safety, protection and welfare of persons or property, including prohibiting, restricting, and removing all unnecessary traffic, both vehicular and pedestrian, from highways within the City, and to insure the cooperation necessary in emergency management activities.
3. The period of the emergency shall be limited by the ordinance or resolution to the time during which the emergency conditions exist or are likely to exist.

(b) Declaration by the Governor. The Governor for the State of Wisconsin is empowered by section 323.10, Wis. Stats., to issue an executive order declaring a state of emergency for the State of Wisconsin, or any portion thereof, if the Governor determines that an emergency resulting from a disaster or the imminent threat of a disaster exists. The state of emergency shall not exceed 60 days, unless the state of emergency is extended by joint resolution of the Wisconsin State Legislature. The executive order may be revoked at the discretion of either the Governor by executive order or the Wisconsin State Legislature by joint resolution.

(8) EMERGENCY MANAGEMENT OPERATIONS AND ORGANIZATION.

(a) Emergency Management Coordinator.

1. The Emergency Management Coordinator shall oversee all operations at the Emergency Operations Center and shall have final decision-making authority throughout the state of emergency.
2. Whenever necessary to respond to an emergency for which adequate ordinances or resolutions have not been adopted by the City Council, the Emergency Management Coordinator, or in his/her absence, the person in charge as determined by the order of succession established in subsection (10), below, may, by proclamation, promulgate and enforce such orders, rules, and regulations that appear necessary and expedient. Any proclamation issued hereunder shall be subject to ratification, alteration, modification or repeal by the City Council as soon as the Council can meet. Subsequent action taken by the City Council shall not affect the validity of the proclamation issued by the Emergency Management Coordinator.

3. The Emergency Management Coordinator shall issue all necessary proclamations, warnings, and alerts as required by the Emergency Management Plan.
 4. In preparing and executing the Emergency Management Plan, the Emergency Management Coordinator shall utilize the services, equipment, supplies, and facilities of existing departments of the City to the maximum extent practicable. Officers and personnel of all City departments are directed to cooperate with and extend such services and facilities to the Emergency Management Coordinator.
- (b) Operations Section Chief. The Operations Section Chief will be the member of the Emergency Management Committee and will be determined by whose response discipline would be the primary responder to the emergency (i.e. SWAT incident—Police Chief, snow emergency—Public Works Director).
- (c) Operations.
1. Upon declaration of a state of emergency affecting the City of Beloit, members of the Emergency Management Committee shall serve as the Emergency Management Operations Command Staff under the direction of the Emergency Management Coordinator.
 2. Normal City operations shall continue unless suspended by order or directive of the Emergency Management Coordinator. The Emergency Management Operations Coordinator may require City personnel to perform services performed in the normal and general course of employment to address the state of emergency.
 3. The Emergency Management Operations Command Staff shall plan, direct, coordinate, and control all facets of emergency management operations from the moment an emergency has been formally declared and until the state of emergency is formally lifted.
 4. During a state of emergency declared by the Governor, the Emergency Management Coordinator, on behalf of the City Council, may contract with any person to provide equipment or services to be used to respond to a disaster, or the imminent threat of a disaster.
- (d) Advisory Command Staff Personnel. The City Attorney and the City Council President shall be included as members of the Emergency Management Operations Command Staff as advisors. The City Attorney shall provide all legal advice requested in conjunction with the implementation of emergency procedures. The City Council President shall act as a liaison between the Command Staff and the City Council.
- (9) LOCATION OF EMERGENCY OPERATIONS CENTER. The Emergency Operations Center shall be located the Beloit Police Department Briefing Room at 100 State Street in the

City of Beloit unless that site becomes unsuitable or unusable. In the event that the primary Emergency Operations Center becomes unsuitable or unusable, the Emergency Operations Center shall be located at the Fire Department Headquarters at 1111 Church Street in the City of Beloit. The Emergency Operations Center shall serve as the primary location and control facility from which members of the Emergency Management Committee and their designees shall direct emergency management activities within the City.

- (10) SUCCESSION TO OFFICE. During an emergency, and in the absence of the City Manager, interim successors to the Office of the City Manager shall be in the order listed below:
- (a) Fire Chief
 - (b) Police Chief
 - (c) Assistant Fire Chief
 - (d) Deputy Police Chief
 - (e) Finance and Administrative Services Director
 - (f) Director of General Services/Risk Manager
 - (g) Assistant to the City Manager
- (11) MUTUAL AID AGREEMENTS. The Emergency Management Coordinator may, subject to the approval of the City Council, enter into mutual aid agreements with other political subdivisions, agencies, and federally recognized American Indian tribes and bands of this state, and, upon prior approval of the Adjutant General, with such entities in bordering states. A copy of each agreement shall be filed with the Office of the Adjutant General of the Department of Military Affairs within 10 days after execution of the agreement.
- (12) PROHIBITED CONDUCT. No person shall willfully obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any order, rule, regulation, or plan issued pursuant to this section, or violate any order, rule, regulation, or plan issued pursuant to the authority contained in this section. Any person who shall violate any provision of the section shall upon conviction thereof be subject to a penalty as provided in 25.04 of this code.”

Section 2. Section 1.11 of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“1.11 CONTINUITY OF GOVERNMENT.

- (1) AUTHORITY. This ordinance is enacted pursuant to the provisions of Chapter 323 of the Wisconsin Statutes.
- (2) POLICY AND PURPOSE. Because of the existing possibility of a disaster or imminent threat of a disaster of unprecedented size and destructiveness, and in order, in the event of such disaster, to assure the continuation of effective, legally constituted leadership, authority, and responsibilities in the offices of the government of the City of Beloit, it is necessary to provide for emergency interim officers who can exercise the

powers and discharge the duties of the City Manager, the City Council, and Department Heads in the event that the incumbents are killed, missing, disabled, or for some other cause unable to perform the duties and functions of their offices during and immediately after a disaster.

(3) DEFINITIONS. Except as otherwise specifically provided in this section, the definitions outlined in Chapter 323 of the Wisconsin Statutes are hereby adopted and, by reference, made a part of this ordinance as if fully set forth herein, including any subsequent amendments or revisions thereto. For the purposes of this section, "Duly Authorized Deputy" means a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

(4) EMERGENCY TEMPORARY LOCATIONS OF CITY GOVERNMENT.

(a) Designation of Emergency Temporary Locations. Whenever during a state of emergency it becomes imprudent, inexpedient, or impossible to conduct the affairs of the City at the regular or usual place, the City Council may meet at any place within or without the territorial limits of the City of Beloit on the call of the City Council President or his or her successor, and shall proceed to establish and designate by ordinance, resolution, or other manner, alternate or substitute places as the temporary locations of government where all, or any part, of the public business may be transacted and conducted during the emergency situation. Such alternate or substitute places may be within or without the territorial limits of the City of Beloit and may be within or without the territorial limits of the State of Wisconsin. If practicable, the temporary locations shall be the places designated as the temporary locations of government in the current Emergency Management Plan.

(b) Exercise of Governmental Authority. While the public business is being conducted at a temporary location, the City Council and other officers of the City of Beloit shall possess and exercise all of the executive, legislative, administrative, and judicial powers and functions conferred upon the City Council and City officers under state law. Those powers and functions, except judicial, may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law. All acts of the City Council and City officers shall be as valid and binding as if performed within the territorial limits of the City of Beloit.

(5) DESIGNATION, STATUS, QUALIFICATIONS, AND TERM OF INTERIM SUCCESSORS. Pursuant to the enabling authority granted by Chapter 323 of the Wisconsin Statutes, the City Council makes the following provisions for emergency succession to City offices:

(a) Elective Offices. During an emergency, and in the absence of a quorum of sitting city councilors, interim successors to the elective office of city councilor shall be as follows and in the following order of rank:

1. Plan Commission Chairperson
2. Police and Fire Commission Chairperson
3. Library Board Chairperson
4. Parks, Recreation and Conservation Advisory Commission Chairperson
5. Community Development Authority Chairperson
6. Appointment Review Committee Chairperson
7. Alcohol Beverage License Control Committee Chairperson
8. Equal Opportunities and Human Relations Commission Chairperson
9. Landmarks Commission Chairperson

(b) City Manager. Succession to the office of the City Manager shall be as provided in section 1.10(10) of the Municipal Code.

(c) Department Heads. Within 30 days after adoption of the ordinance from which this section is derived and within 30 days of being appointed as Department Head, the Department Heads for the Police Department, Fire Department, Finance and Administrative Services Department and Public Works Department shall designate by name and order of rank, two interim successors after any duly authorized deputy so there will not be less than three interim successors for each Department Head. The names and designated order of the interim successors shall be city employees and shall be approved by the City Manager.

(d) Review of Designations. The City Manager, and the incumbent in the case of those Department Heads specified in subsection (c), above, shall review and, as necessary, promptly revise the designations of interim successors to insure that at all times there are at least three such qualified interim successors for each office or department.

(e) Qualifications. No person shall be designated or serve as an interim successor unless he or she may under the Wisconsin Constitution, Wisconsin Statutes, and the ordinances of the City of Beloit hold the office of the person to whose powers and duties he or she is designated to succeed. No provision of any ordinance or law prohibiting an officer or employee of this City from holding another office shall be applicable to an interim successor, provided no person shall be designated as interim successor to more than one office.

(f) Status of Designee. A person designated as interim successor holds that designation at the pleasure of the designating authority and may be removed or replaced by such designating authority at any time, with or without cause, provided he or she must be replaced if removed. He or she retains the designation as interim successor until replaced by another person appointed by the authorized designator.

(6) ASSUMPTION OF POWERS AND DUTIES BY INTERIM SUCCESSORS. If in the event of a disaster or imminent threat of a disaster any officer or his duly authorized deputy is unavailable, his or her interim successor highest in rank in order of succession that is not unavailable shall exercise the powers and discharge the duties of each officer. An

interim successor shall exercise the powers and discharge the duties of the office only until such time as the lawful incumbent officer or any duly authorized deputy or interim successor higher in rank or in order of succession exercises or resumes the exercise of the powers and duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law. The interim successor shall not have the power to appoint interim successors.

- (7) RECORDING AND PUBLICATION. The designation and rank of an interim successor shall become effective when the designator files with the City Clerk the successor's name, address and rank in order of succession. The City Clerk shall keep on file all such data regarding interim successors.
- (8) FORMALITIES OF TAKING OFFICE. Interim successors shall take such oath as may be required to qualify them to exercise the powers and discharge the duties of the officer to whom they may succeed. No person as a prerequisite to the exercise of the power or discharge of the duties of an officer whom he succeeds shall be required to comply with any other provision of law relative to taking office.
- (9) EMERGENCY MEETINGS OF THE CITY COUNCIL. During an emergency resulting from a disaster or an imminent threat of a disaster, the City Council may, notwithstanding any ordinance or bylaw to the contrary, call and conduct regular, special and emergency meetings and reconstitute itself in the following manner:
 - (a) Any member of the City Council, including any acting interim successor, or the City Manager may call a meeting of the Council by notifying every other available member or acting interim successor personally or by leaving written notice at his place of abode of the time and place of such meeting. The place of meeting may be within or without the City or State as provided by Ch. 323, Wis. Stats.
 - (b) Whenever the number of members of the City Council, including their acting interim successors, are less than a quorum or less than the number required by law to approve any ordinance, resolution, or other action pending before the Council, any number of members or their acting interim successors may meet for the purpose of reconstituting the Council and may designate interim successors to succeed to the powers and duties of any unavailable councilor in accordance with the provisions of this section. The President of the City Council or his or her acting interim successor shall set the place of meeting and preside there. If they are unavailable, the member or interim successor calling the meeting shall be deemed to be the presiding officer of the Council for these purposes until the City Council selects a new presiding officer and acting interim successors.”

Section 3. Section 25.04(4)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to add in numerical order to the Schedule of Cash Deposits the following penalty provision for violations of the Emergency Management Ordinance:

Section	Offense	First Offense	Second Offense	Third and Subsequent Offense
1.10(12)	Obstructing Emergency Management Personnel or Violation of Emergency Management Order/Rule/Regulation	200	200	200

Section 4. This ordinance shall be in force and take effect upon passage and publication.

Adopted this _____ day of October, 2011.

BELOIT CITY COUNCIL

By: _____
Kevin D. Leavy, President

ATTEST:

By: _____
Rebecca S. Houseman, City Clerk

PUBLISHED: _____
EFFECTIVE DATE: _____
01-611100-5231- _____

tdh/ordinances/1.10, 1.11, 25.04(4)(c) = ORD 110926 (11-1165)

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Ordinance relating to Emergency Management Operations

Date: October 3, 2011

Presenter(s): Elizabeth Krueger

Department(s): ATTORNEY

Overview/Background Information:

The State of Wisconsin amended the state law relating to emergency management operations. It has been several years since there were any major revisions to these statutes. As such, it was a good opportunity to amend the City's existing ordinances relating to emergency management operations to bring the City of Beloit in line with the new requirements and standards.

Key Issues (maximum of 5):

1. The proposed ordinance identifies the procedures the City will utilize in the event of an emergency.
2. The proposed ordinance names individuals to fill various emergency government roles during a state of an emergency and provides for the succession to those offices.
3. The proposed ordinance requires the city to maintain and update an Emergency Management Plan.
4. The proposed ordinance identifies a continuity of government plan that will be implemented in the event of an emergency.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

Adoption of the amended ordinance would conform to the stated purpose of goal #1 in furthering the responsible stewardship and enhancement of City resources. It would further conform to goal #3's stated purpose of promoting a safe and health community and protecting property and resources.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- Reduce dependence upon fossil fuels N/A
- Reduce dependence on chemicals and other manufacturing substances that accumulate in nature N/A
- Reduce dependence on activities that harm life sustaining eco-systems N/A
- Meet the hierarchy of present and future human needs fairly and efficiently N/A

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.

Action required/Recommendation:

The proposed ordinance has been reviewed by all affected departments and is recommended for approval.

Fiscal Note/Budget Impact:

The proposed ordinance should not obligate any City funds other than those already delegated for Emergency Management operations.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SECTION 1.14 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF
BELOIT PERTAINING TO POLLING PLACES**

Section 1. Section 1.14 of the Code of General Ordinances of the City of Beloit is hereby a
to read as follows:

“1.14 LOCATIONS OF POLLING PLACES AND WARDS WITHIN SUPERVISORY DISTRICTS.

(1) The polling places for the wards shall be at the following locations:

<u>Wards</u>	<u>Polling Place</u>	<u>Address</u>
1, 2 & 3	Converse School	1602 Townline Avenue
4, 5 & 6	Gaston School	610 McKinley Avenue
7, 8 & 9	Hackett School	533 West Grand Avenue
10, 11 & 12	Beloit Historical Society	845 Hackett Street
13, 14, 15 & <u>22</u>	Beloit Public Library	605 Eclipse Boulevard
16	First Congregational Church	801 Bushnell Street
17 & 18	Todd School	1621 Oakwood Avenue
19, 20 & 21	McLenegan School	2639 Sunshine Lane
22 , 23 & 24	Central Christian Church	2460 Milwaukee Road

Section 2. This ordinance shall be in force and take effect upon passage and publication.

Adopted this 3rd day of October, 2011.

City Council of the City of Beloit

Kevin D. Leavy, President

ATTEST:

Rebecca S. Houseman, City Clerk

PUBLISHED: _____

EFFECTIVE DATE: _____

01-611100-5231- _____

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: An Ordinance Changing the Polling Place Location for Ward 22

Date: October 3, 2011

Presenter(s): Rebecca Houseman

Department(s): City Clerk

Overview/Background Information:

On August 15, 2011, the City Council enacted an Ordinance creating an Electoral Ward Plan and establishing Polling Places for the City of Beloit starting in 2012. Staff has become aware of a discrepancy in the school district boundary information and must remove one ward from the Central Christian Church polling location to accommodate the limitations of our election equipment.

Key Issues:

- Our current election equipment allows up to five “ballot styles” per machine. There is one machine at each polling place. The configuration of the 2012 ward boundaries and school district boundaries has created six ballot styles at Central Christian Church:
 - Ward 22 – Beloit School District
 - Ward 23 – Beloit School District
 - Ward 23 – Turner School District
 - Ward 23 – Clinton School District
 - Ward 24 – Beloit School District
 - Ward 24 – Clinton School District
 - The Beloit Public Library is currently the polling place for three wards and three ballot styles:
 - Ward 13 – Beloit School District
 - Ward 14 – Beloit School District
 - Ward 15 – Beloit School District
 - Moving Ward 22 from Central Christian Church to the Beloit Public Library would resolve this issue. The Library's community room is large enough to support the addition of another ward, and there is ample parking for voters.
-

Conformance to Strategic Plan:

Consideration of this request supports *Strategic Goal #1*, which focuses on enhancing the quality of life for current and future generations.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels**

The vast majority of the polling places are located within walking distance of the wards and voters they serve, which reduces the number of people who have to drive to vote thereby reducing dependence on fossil fuels.
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A**
 - **Reduce dependence on activities that harm life sustaining eco-systems – N/A**
 - **Meet the hierarchy of present and future human needs fairly and efficiently**

Moving Ward 22 from Central Christian Church to the Beloit Public Library will accommodate the limitations of our existing voting equipment. Additionally, the convenient location of the Library, large Community Room, and ample parking will encourage voters from Ward 22 to participate in the Election process.
-

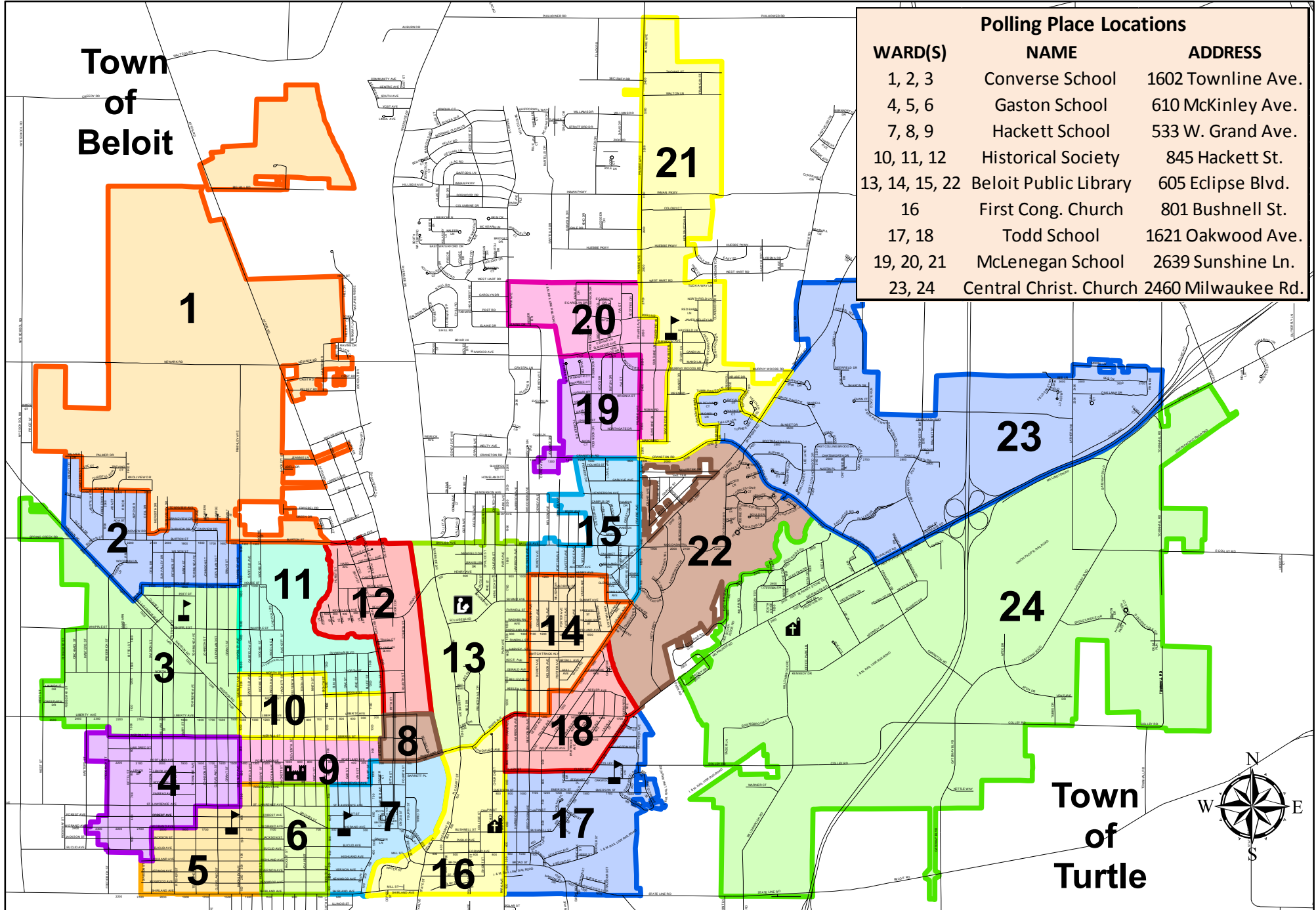
Action required/Recommendation:

- City Council consideration and 1st and 2nd Readings of the proposed Ordinance
-

Fiscal Note/Budget Impact: N/A

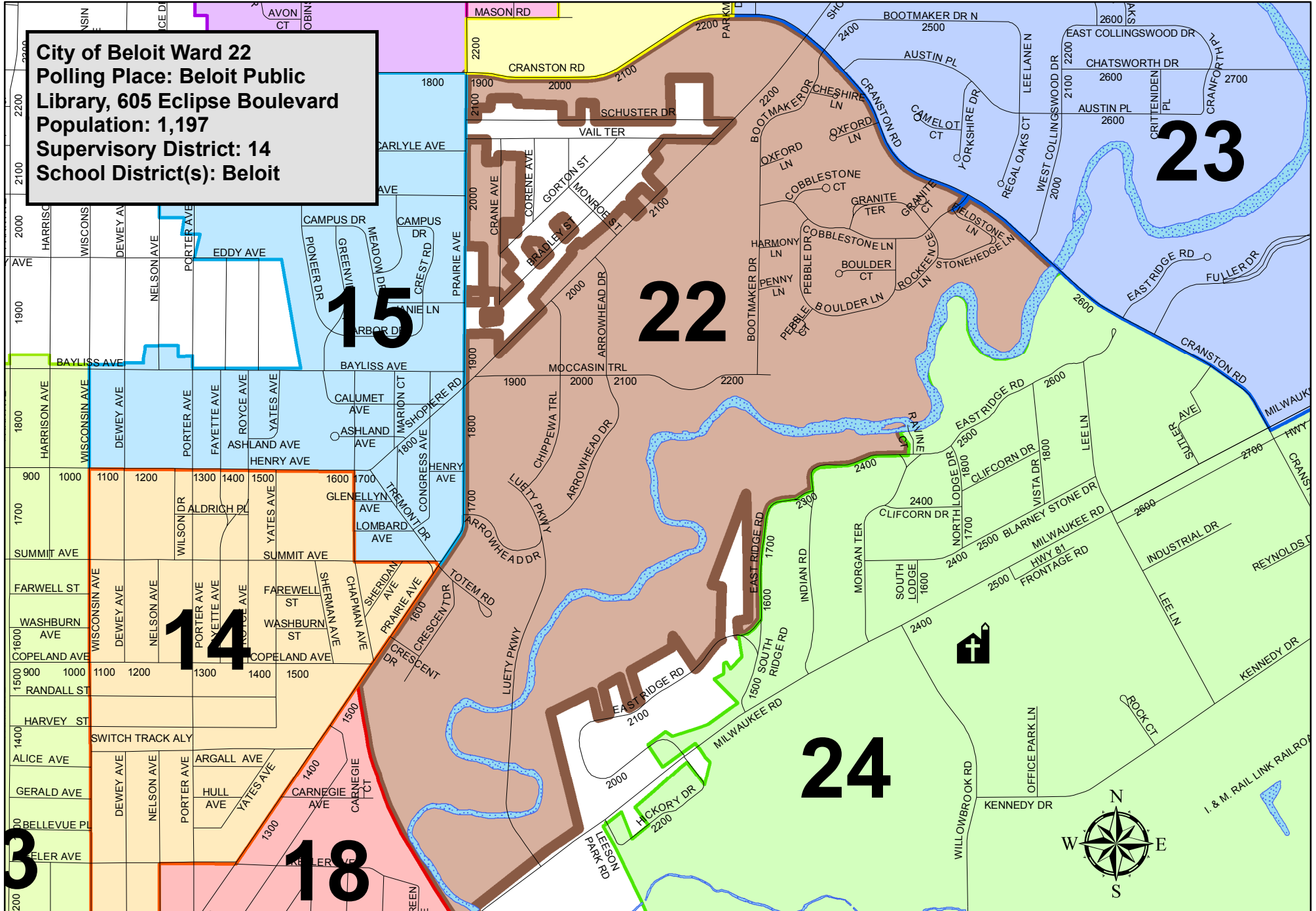
Attachments: Ordinance Amendment Pertaining to Polling Places; Amended Ward Map with Polling Places; Proposed Ward Map – Ward 22

City of Beloit Official Ward Map



Proposed City of Beloit Ward Map - Ward 22

City of Beloit Ward 22
Polling Place: Beloit Public Library, 605 Eclipse Boulevard
Population: 1,197
Supervisory District: 14
School District(s): Beloit



**RESOLUTION AUTHORIZING ACORN DEVELOPMENT LLC
AN EXTENSION FOR OUTSTANDING SPECIAL ASSESSMENTS
IN DEERFIELD ESTATES SUBDIVISION**

WHEREAS, the City Council of the City of Beloit previously provided for a special assessment for the residential subdivision located in Deerfield Estates; and

WHEREAS, Acorn Development LLC, the owner of said subdivision, has formally requested a three-year nonuse deferral of said special assessment amounts, as indicated in the attached August 30, 2011 letter; and

WHEREAS, current market conditions have made it difficult to develop and market the unbuilt lots remaining in the Deerfield Estates subdivision; and

WHEREAS, Section 33.08 of the Code of General Ordinances of the City of Beloit allows for the City Council to grant nonuse deferments and further allows the City Council to grant exceptions to the otherwise applicable requirements of submitting a Master Development Plan, a marketing study, a business pro forma and a surety bond or letter of credit; and

WHEREAS, the development was previously reviewed and approved by the City and there is no apparent need at this point for a Master Development Plan, a marketing study or a business pro forma; and

WHEREAS, because of current market conditions and the expense of procuring a surety bond or a letter of credit, it would work a hardship on Acorn Development LLC to post such a surety bond or letter of credit.

NOW, THEREFORE, BE IT RESOLVED that Acorn Development LLC is hereby granted a three-year extension of the outstanding special assessments due for the unbuilt lots in the Deerfield Estates subdivision for the assessments levied in 2011, 2012 and 2013.

BE IT FURTHER RESOLVED that Acorn Development LLC is hereby granted an exception from the requirements to submit a Master Development Plan, a marketing study, a business pro forma, and a surety bond or letter of credit.

Adopted this 3rd day of October, 2011.

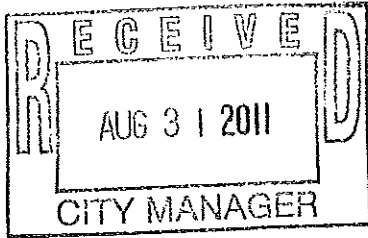
City Council of the City of Beloit

Kevin D. Leavy, President

Attest:

Rebecca S. Houseman, City Clerk

tdh\resolution\AcornExtension=res=110927 1042



Acorn Development LLC
P.O. Box 931
Beloit, WI 53512-0931

August 30, 2011

Mr. Larry N. Arft, City Manager
City of Beloit
100 State St.
Beloit, WI 53511

Re: Special Assessment for Deerfield Estates - Formal Request

Dear Larry,

As a follow up to your letter on May 4, please consider this our formal request to move forward with the additional three year extension of the special assessments due for the remaining unbuilt lots in the Deerfield Estate subdivision.

We appreciate the City's willingness to work together during these difficult economic times. Please contact myself you have additional questions or comments as it relates to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Wong".

John C. Wong, Partner
Acorn Development, LLC

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Resolution authorizing Acorn Development LLC an extension for outstanding special assessments in Deerfield Estates Subdivision

Date: October 3, 2011

Presenter(s): Thomas R. Casper

Department(s): City Attorney

Overview/Background Information: Acorn Development LLC is the owner of the remaining un-built lots in the Deerfield Estates Subdivision and has recently requested a three (3) year non-use deferral of special assessments levied on said lots by the City of Beloit. Said deferral is allowed under Section 33.08 of the Code of General Ordinances of the City of Beloit and the staff recommends granting of the requested non-use deferral along with exceptions to the otherwise applicable requirements of submitting a master development plan, a marketing study, a business pro-forma and a surety bond or letter of credit.

Key Issues (maximum of 5):

1. Adoption of the Resolution would defer special assessments due for the un-built lots in Deerfield Estates for the assessments levied in 2011, 2012 and 2013.
 2. Adoption of the Resolution would further grant exception to the requirements of submitting a master development plan, a marketing study, a business pro-forma and a surety bond or letter of credit.
-

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

This action would conform with the City's goal #1.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- Reduce dependence upon fossil fuels – N/A
- Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A
- Reduce dependence on activities that harm life sustaining eco-systems – N/A
- Meet the hierarchy of present and future human needs fairly and efficiently – N/A

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.

Action required/Recommendation:

Staff recommends approval of the resolution.

Fiscal Note/Budget Impact:

Adoption of the resolution would defer payment of special assessments on the un-built lots levied in 2011, 2012 and 2013.