



**AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, September 17, 2012**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Presentation of **Law Enforcement Accreditation** to the Beloit Police Department (Jacobs)
4. PUBLIC HEARINGS
 - a. Resolution authorizing an **Exception to the Architectural Review and Landscape Code** for the property located at 615 Broad Street (Christensen)
Plan Commission recommendation for approval 7-0

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 Meeting of September 4, 2012 (Houseman)
- b. Application for a **Zoning Map Amendment** to change the Zoning District Classification from Public Land and Institution (PLI) District and C-1, Office District to C-3, Community Commercial District, for properties located at 220 and 250 Garden Lane (Christensen)
Refer to Plan Commission
- c. Application for a **Referral from a Public Body** for a dog park to be located at 2425 Springbrook Court and 1980 Willowbrook Road (Ramsey) Refer to Plan Commission
- d. Resolution authorizing **Final Payment** of Public Works Contract C11-24 Gantry and Gantry Plaza (Arft)
- e. Resolution authorizing **Final Payment** of Public Works Contract C12-06, Mill Street Parking Lot Rehabilitation (Arft)
- f. Resolution authorizing **Final Payment** of Public Works Contract C10-23, Biosolids Dewatering, Odor Control and Ancillary Equipment (Arft)
- g. Resolution authorizing **Final Payment** of Public Works Contract C11-28, Lean-to Shed Addition (Arft)

- h. Resolution approving a **Change of Agent** for Board of Trustees for Beloit College, Beloit College Coughy Haus, located at 708 Clary Street, from Steve Bernini to John Winkelmann (Houseman) ABLCC recommendation for approval 5-0
- i. Resolution approving a **Change of Agent** for Pilot Travel Centers, LLC, d/b/a Pilot Travel Center #289, 3001 Milwaukee Road, from William Goodwin to Juanita Cardinal (Houseman) ABLCC recommendation for approval 5-0
- j. Resolution approving a **Change of Agent** for La Kebrada Restaurant Corporation, d/b/a La Kebrada Restaurant, 2648 Prairie Avenue, from Eduardo Cobos to Jaime Hernandez (Houseman) ABLCC recommendation for approval 5-0
- k. Resolution authorizing **Application** for and Acceptance of a DNR Urban Forestry Grant (Arft)

7. ORDINANCES

- a. Proposed Ordinance to amend section 7.243 (3) and to create section 7.244 of the Property Maintenance Code, Chapter 7 of the Code of General Ordinances of the City of Beloit and to amend sections 6.2.8 and 6.3.3 (b) (1) and table 6.1-1 and to create section 8.300 (m) (5) of the Zoning Code, Chapter 19 of the Code of General Ordinances for the City of Beloit relating to the **Keeping of Chickens** (Christensen) Second Reading Plan Commission recommendation for denial 4-1

8. APPOINTMENTS

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION

- a. **Fall Yard Waste Collection** Presentation (Walsh)

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution establishing a **Fee** for the Annual Residential Chicken Permit (Christensen)
- b. Resolution authorizing the City Manager to **Acquire Tax Delinquent** Properties from the Rock County Treasurer (Christensen)

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 12, 2012
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.

**RESOLUTION
AUTHORIZING AN EXCEPTION TO THE
ARCHITECTURAL REVIEW AND LANDSCAPE CODE
FOR THE PROPERTY LOCATED AT 615 BROAD STREET**

WHEREAS, the application of Roger Bryden for an Exception to Sections 34.21(2)(b), 34.21(2)(c), and 34.21(2)(e) of the Architectural Review and Landscape Code to waive the open green space, landscape strip, and interior planting islands landscaping requirements for the property located at 615 Broad Street, 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, IT IS HEREBY RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant an Exception to Sections 34.21(2)(b), 34.21(2)(c), and 34.21(2)(e) of the Architectural Review and Landscape Code to waive the open green space, landscape strip, and interior planting islands landscaping requirements for the property located at 615 Broad Street, for the following described premises:

Lots 2, 3, & 4, Block 72 of the Original Plat, all situated in the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 0.59 acre, more or less.

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

1. The applicant shall install all of the landscaping that is shown on the landscape plan that was submitted.
2. Any major changes to this Exception shall be approved by the Plan Commission and City Council by amending this Exception to the Architectural Review and Landscape Code. The Director of Planning & Building Services may approve minor changes administratively.

Adopted this 17th day of September, 2012.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Exception to the Architectural Review and Landscape Code for the property located at 615 Broad Street

Date: September 17, 2012

Presenter: Julie Christensen

Department: Community Development

Overview/Background Information:

Roger Bryden has filed an application for an Exception to Sections 34.21(2)(b), 34.21(2)(c), and 34.21(2)(e) of the Architectural Review and Landscape Code to waive the open green space, landscape strip, and interior planting islands landscaping requirements for the property located at 615 Broad Street.

Key Issues (maximum of 5):

- The applicant owns the subject property, which is leased to the owner of the 615 Club restaurant. The owner of the restaurant is constructing a major building addition, which activates the Landscape Code. The applicant is seeking a waiver of most of the landscaping requirements.
- The open green space requirement applies to interior side and rear property lines, where at least 5 feet of grass must be provided. The landscape strip requirement applies to areas between a parking lot and a public street, where trees and shrubs must be planted in an amount equal to 10 landscape units per foot of street frontage (1 shade tree = 225 landscape units). The interior planting islands requirement applies to parking lots with more than 25 stalls, where islands with a shade tree and shrubs must be provided in an amount equal to 6% of the parking lot area.
- A copy of the landscape plan is attached to this report. As shown on the plan, the applicant intends to meet the landscape strip requirement between the eastern portion of the parking lot and Broad Street. The applicant is seeking an Exception to the remainder of the requirements, which are highlighted in green on the attached plan.
- A timeline for this project is included in the Staff Report to the Plan Commission. In order to keep this construction project moving forward while the landscaping issues are resolved, Planning & Building staff issued a Building Permit for the addition on August 2nd, subject to a condition stating that the landscape plan is still under review.
- The Plan Commission reviewed this item on September 5, 2012 and voted unanimously (7-0) to recommend approval of the Exception, subject to the conditions recommended by the Planning & Building Services Division.

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 5, 2012

Agenda Item: 3

File Number: ARC/EXP-2012-02

Applicant: Roger Bryden

Owner: RVB Partnership

Location: 615 Broad Street

Existing Zoning: C-3, Community Commercial District

Existing Land Use: Restaurant

Parcel Size: 0.59 Acre

Request Overview/Background Information:

Roger Bryden has filed an application for an Exception to Sections 34.21(2)(b), 34.21(2)(c), and 34.21(2)(e) of the Architectural Review and Landscape Code to waive the open green space, landscape strip, and interior planting islands landscaping requirements for the property located at 615 Broad Street.

Key Issues:

- The applicant owns the subject property, which is leased to the owner of the 615 Club restaurant. The owner of the restaurant is constructing a major building addition, which activates the Landscape Code. The applicant is seeking a waiver of most of the landscaping requirements.
- **Timeline.** When the contractor for this project initially approached Planning & Building staff last spring, the Landscape Code was discussed, including the Exception process. The contractor for this project was provided with a list of required landscaping elements in writing on June 25th. Site plans for the proposed addition were received on July 11th, and Planning staff's review determined that the site plan was missing most of the landscaping requirements. A review letter outlining the missing elements was sent to the contractor on July 23rd. The application for an Exception that is the subject of this report was received on August 1st. In order to keep this construction project moving forward while the landscaping issues are resolved, Planning & Building staff issued a Building Permit for the addition on August 2nd, subject to a condition stating that the landscape plan is still under review.
- **Landscape Requirements.** The open green space requirement applies to interior side and rear property lines, where at least 5 feet of grass must be provided. The landscape strip requirement applies to areas between a parking lot and a public street, where trees and shrubs must be planted in an amount equal to 10 landscape units per foot of street frontage (1 shade tree = 225 landscape units). The interior planting islands requirement applies to parking lots with more than 25 stalls, where islands with a shade tree and shrubs must be provided in an amount equal to 6% of the parking lot area.
- **Landscape Plan.** A copy of the landscape plan is attached to this report. As shown on the plan, the applicant intends to meet the landscape strip requirement between the eastern portion of the parking lot and Broad Street. The applicant is seeking an Exception to the remainder of the requirements, which are highlighted in green on the attached plan.
- 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: CBD-1, Central Business District – Core; Commercial (Tavern)
 - South: C-3, Community Commercial District; Multifamily Residential
 - East: C-3, Community Commercial District; Commercial (Office)
 - West: C-3, Community Commercial District; Commercial (Auto Detailing)
- **Public Notification.** The attached public notice was published in the newspaper, mailed to nearby property owners, and posted on the City's website. As of this writing, staff has received one letter in support of the applicant's request.
- **Justification for Exceptions**

Section 34.22(5) of the Architectural Review and Landscape Code states that the City Council may grant exceptions to the regulations contained in this chapter when:

(a) *Such exceptions are in harmony with the general purpose and intent of this chapter; and*

The landscape regulations are intended to promote high-quality development with landscaping that enhances the appearance of the City while reducing the incompatibility between adjacent land uses. The proposed addition and landscaping on the eastern side of the subject property will improve the appearance and quality of this site. Use of the subject property as a restaurant is compatible with the adjacent uses.

- (b) *The City Council finds that special circumstances exist involving the size, shape, topography, location or surroundings of the property referred to in the application; and*

There is a great deal of cross-access between the subject property and the adjacent properties. For example, the car detailing facility to the west has an overhead door where vehicles exit onto the subject property. The tavern to the north has doors & a dumpster enclosure that are only accessible from the subject property. The property to the east is also owned by the applicant and used for snow storage for the subject property. The subject property is also relatively small given the restaurant building and the required elements (parking stalls, landscaping, dumpster enclosure, etc.). Therefore, there are special circumstances involving the size, location, and surroundings of the subject property that justify the exceptions.

- (c) *Denial of the exception will cause unreasonable or unnecessary hardship; and*

Denial of the exceptions will cause unnecessary hardship by preventing the cross-access discussed above and reducing the number of off-street parking stalls on the subject property.

- (d) *Granting the exception will not cause substantial injury to the value of other property in the vicinity nor be detrimental to the general welfare of the neighborhood or the public.*

Granting the exceptions will not cause substantial injury to the value of nearby properties nor be detrimental to the general welfare of the neighborhood or the public.

Consistency with Comprehensive Plan and Strategic Plan:

- The City's Comprehensive Plan recommends *Planned Mixed Use: Office above Retail* uses. This request pertains only to landscaping related to an addition to an existing restaurant building, so this recommendation is not applicable.
- 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

Staff Recommendation:

The Planning & Building Services Division recommends **approval** of an Exception to Sections 34.21(2)(b), 34.21(2)(c), and 34.21(2)(e) of the Architectural Review and Landscape Code to waive the open green space, landscape strip, and interior planting islands landscaping requirements for the property located at 615 Broad Street, based upon the standards for granting an exception contained in Section 34.22(5) and subject to the following conditions:

1. The applicant shall install all of the landscaping that is shown on the landscape plan that was submitted.
2. Any major changes to this Exception shall be approved by the Plan Commission and City Council by amending this Exception to the Architectural Review and Landscape Code. The Director of Planning & Building Services may approve minor changes administratively.

Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Map, Photos, Landscape Plan, Application, Public Notice, Mailing List, Letter to PC.

Location & Zoning Map

615 Broad Street

ARC/EXP-2012-02



1 inch = 42 feet

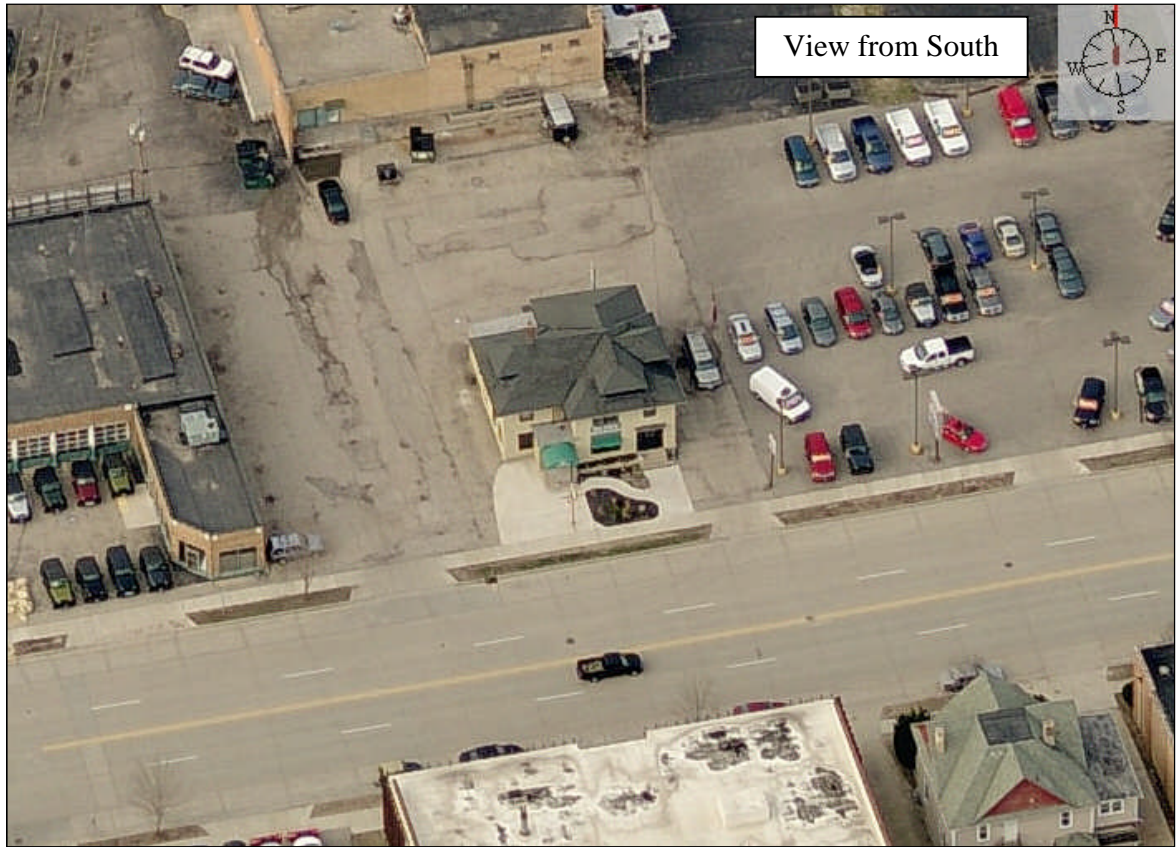


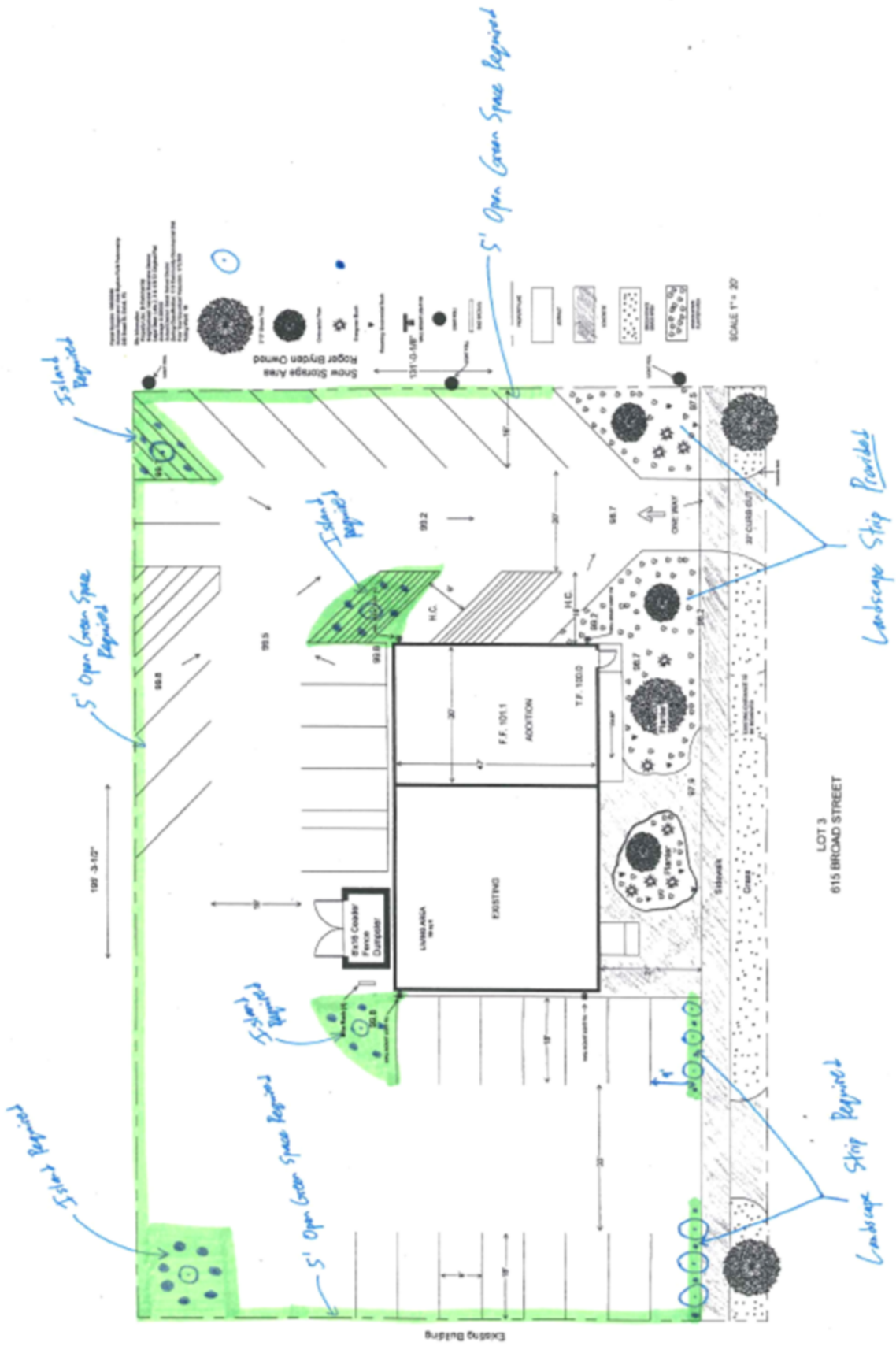
Legend

-  COB Parcels
-  Zoning District

Map prepared by: Drew Pennington
Date: August 2012
For: City of Beloit Planning & Building Services
Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION





RECEIVED

AUG - 1 2012

HOUSING SERVICES

CITY of BELOIT

Neighborhood Planning Division

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

Architectural Review Exception Application Form

(Please Type or Print)

File number: ~~SPR 2012-08~~ ARC/EXP

1. Name of applicant: Roger Bryden Phone #: 608-365-5615 2012-02
548 Broad St. Beloit WI. 53511
(Address) (City) (State) (Zip)

2. Address of subject property: 615 Broad St. Beloit WI. 53511

3. Tax Parcel Number(s): 13650560

4. Legal description: Lots 2,3+4 B72 Original Plat

5. Present zoning: C-3 ~~B-Commercial~~ Present use: RESTURANT

6. Proposed use (if different): _____

7. Owner of record: Roger Bryden Phone: 608-365-5615
548 Broad St. Beloit WI. 53511
(Address) (City) (State) (Zip)

8. Code from which relief is sought or exception is taken:
 Architectural Review Landscape Regulations

9. State specific sections of code and exception(s) requested: (Use separate sheet if necessary)
LANDSCAPE code for GREENSPACE + ISLANDS ON EAST, WEST + NORTH
SIDES OF PROPERTY. I would like to have these areas waived.

10. State specific hardship experienced by the applicant: (Use separate sheet if necessary)
We do not have room to put green space or islands to meet our parking
space requirements. The north end has daily Semi TRUCK TRAFFIC and
garbage trucks making deliveries & dumpster pick up. for the 615 & the
Carrom Room. The west side has building for preping my cars for

(Continued on back)

11. In order for this application to be considered complete, the applicant must attach a scale drawing (1" = 20' usually works best) showing the location of property lines and their dimensions, existing buildings and improvements, all abutting properties and improvements thereon, and the proposed changes or additions. A professional drawing is not required. You are required to furnish a legible drawing with enough detail that will adequately advise and inform the Commission.

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

Rogan Bryden / ROGAN BRYDEN / 8-1-12
 (Signature of Owner) (Print name) (Date)

 (Signature of Applicant, if different) (Print name) (Date)

The applicant acknowledges that this application is not deemed filed until dated and receipt acknowledged by a person authorized to receive the application. The applicant is entitled to receive a copy of the acknowledged application once it is officially reviewed and accepted.

Hearings are usually held in City Hall Forum, City Hall, 100 State Street at 7:00 P.M.

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

The application fee will be \$100 and applicants will be charged actual out-of-pocket costs for mailing public notices at the rate of \$0.50 per notice.

To be completed by Planning staff		
Filing fee: \$100.00	Amount paid: <u>\$100.⁰⁰</u>	Meeting date: <u>Sept. 5, 2012</u>
Application accepted by: <u>Drew Pennington</u>	Date: <u>8/1/12</u>	
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Date Notice Published: _____	Date Notice Mailed: _____	

delivery, I have a drive thru for my cars that enter the garage door on the west side. The east side where the addition is located, I need the entire area to meet the parking space requirements.

To meet the landscape code requirements, we are making the area on Broad Street double the size that is required. We will have a new driveway entrance + the old one taken out + replaced with green space. We will have nice curb appeal from Broad St. to set off the new addition.

If the board members would come out to the 615 I know they could see what we are working with and see this request makes common sense. I'm all for green space + landscape to enhance the building + the city of Beloit. I know we can work together to move this addition forward.



NOTICE TO THE PUBLIC

August 23, 2012

To Whom It May Concern:

Roger Bryden has filed an application for an Exception to Sections 34.21(2)(b), 34.21(2)(c), and 34.21(2)(e) of the Architectural Review and Landscape Code to waive the open green space, landscape strip, and interior planting islands landscaping requirements for the property located at:

615 Broad Street.

The applicant owns the subject property, which is leased to the owner of the 615 Club restaurant. The owner of the restaurant is constructing a major building addition, which activates the Landscape Code. The applicant is seeking a waiver of most of the landscaping requirements.

The following public hearings will be held regarding this proposed Exception to the Architectural Review and Landscape Code:

City Plan Commission: Wednesday, September 5, 2012, 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, September 17, 2012, 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 Planning & Building Services Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

ARC-EXP-2012-02, 615 Broad Street, 615 Club Addition

RVB PARTNERSHIP
548 BROAD ST
BELOIT, WI 53511

HATTON FAMILY LLC
564 E GRAND AVE
BELOIT, WI 535116314

DAVID COLES
602 E GRAND AVE
BELOIT, WI 53511

FPS RENTAL INC
P O BOX 41
BELOIT, WI 535120041

SENZ REAL ESTATE LLC
2308 BOULDER LN
BELOIT, WI 53511

PRETTY STREAM 1 LLC
654 BLUFF ST
BELOIT, WI 53511

THE SALVATION ARMY
628 BROAD ST
BELOIT, WI 535116347

FPS Rental Finnegan & Company
 Gateway Redevelopment For Him



Matt Finnegan P.O. Box 41 Beloit, WI 53512-0041 Phone: ~~608-751-2915~~ 608-751-2915 Fax: (608) 366-3000
608-751-2915 312-2344

To: Roger Bryden / City of Beloit 8/27/12
Plan Commission. Attn: Drew Pennington.

From: Matt Finnegan
owner of 602 East Grand Ave.
(directly behind new addition).

Subject: Support of Mr. Brydens Application.

I cannot attend the ~~the~~ Sept. 5th meeting,
however, I have no objections to Roger
Brydens application for an exception to the
landscaping requirements. In fact - I'm for
anything that allows a business to expand with
out adding ~~the~~ extra costs.

I will speak on Roger Brydens behalf at
the City Council meeting on the 15th.





PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Tuesday, September 4, 2012

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

1. The meeting was called to order at 7:05 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Vice President Spreitzer presented a proclamation recognizing Bridget Witt's participation in Team USA's Duathlon Program to Bridget Witt and proclaimed September 23, 2012 as **Bridget Witt Day**. Ms. Witt thanked the Council and said that she is thrilled to represent Beloit and the United States in Nancy, France. File 7148
 - b. Vice President Spreitzer presented a proclamation supporting participation in **Library Card Sign Up Month** for September, 2012, to Beloit Library Director Kristy Howe. Ms. Howe thanked the Council for their support of the Library. She said that Library Card Sign Up Month is an annual event; however, the Beloit Library staff has decided to go above and beyond this year to encourage people to obtain library cards and use the services available. She provided the Councilors with bookmarks and posters produced for the campaign. File 7148
4. PUBLIC HEARINGS
 - a. Community Development Director Julie Christensen presented a public hearing and proposed ordinance to amend section 7.243 (3) and to create section 7.244 of the Property Maintenance Code, Chapter 7 of the Code of General Ordinances of the City of Beloit and to amend sections 6.2.8 and 6.3.3 (b) (1) and table 6.1-1 and to create section 8.300 (m) (5) of the Zoning Code, Chapter 19 of the Code of General Ordinances for the City of Beloit relating to the **Keeping of Chickens** for a first reading. It was noted that the Plan Commission recommended denial 4-1. Ms. Christensen discussed the concerns of staff based on in-depth research and studies of comparable and local cities with regard to this topic. President Haynes opened the public hearing.
 - Liz Perry, 330 W. Lakeside Street, Madison, spoke in favor of the ordinance to allow chickens. She said that she works with the Dane County Humane Society to re-home chickens and said that she would be available to assist in Beloit if needed.
 - Tom Boswell, 115 Highland, Evansville, spoke in favor of the ordinance to allow chickens. He said that he understands the concerns of staff with regard to this issue but that he believes there are bigger problems to worry about including the industrialization of agriculture.
 - Kristy Handrich, 740 Grant Street, Beloit, spoke in favor of the ordinance to allow chickens. She discussed the history of her group's efforts to bring an ordinance allowing backyard chickens to the City Council for consideration.
 - Kurt Handrich, 740 Grant Street, Beloit, spoke in favor of the ordinance. He said that supporting backyard chickens is a movement and asked the Council to support the community.
 - Daniel Youd and Beatrice Youd, 1969 Riverside Drive, Beloit, spoke in favor of the ordinance. They said that raising chickens teaches kids about responsibility, is healthy, benefits the environment, and saves money.

- Tonya Johnson, 2720 Scotties Drive, Beloit, spoke in favor of the ordinance. She said that there are no health concerns or risks associated with the keeping of backyard chickens according to UW-Madison and Beloit College professors.
- Jamie Gaffke and Ruth Vater, 719 Bushnell Street, Beloit, spoke in favor of the ordinance. They said that most animals make noise and have a smell to some degree, but the solution is proper ventilation. They said that complaints by neighbors are rare and that they can be solved through voluntary compliance or enforcement action.
- Tari Rudolph, 2114 Liberty Avenue, Beloit, spoke in favor of the ordinance and said that she is ready to have some in her backyard.
- Adam Hinkle, 812 Blaine Avenue, Janesville, spoke in favor of the ordinance. He said that chicken coups are not a fire hazard, and if that is a concern for the Council, they should amend the ordinance to prohibit electricity in coups.
- Krista Voysest, 1300 Bushnell Street, Beloit, spoke in favor of the ordinance. She said that this issue will not raise any additional concerns for landlords because they have to sign the application and allow tenants to keep backyard chickens.
- Maribeth Miller, 2481 Oxford Lane, Beloit, spoke in favor of the ordinance. She said that backyard chickens will not negatively impact property values or the City's reputation. She said that Beloit is known for a lot of great things and permitting backyard chickens may be one more.
- Mary Hallock, 732 Hobart Place, Beloit, spoke in favor of the ordinance. She said that there are typically only isolated instances of abandoned chickens and that the City could contract with farmers or the Dane County Humane Society to make sure these chickens are treated humanely.
- Oswaldo Voysest, 1300 Bushnell Street, Beloit, spoke in favor of the ordinance. He said that he understands concerns with adequate staffing to administer the ordinance, and he requested that the ordinance be amended to limit the number of permits to 30 for the first year.
- Deb Crocket, 1014 Emerson Street, Beloit, spoke in favor of the ordinance. She requested that the ordinance become effective on January 1, 2013 and noted that there have not been any cities that have repealed their ordinance allowing chickens.
- Nellie Conover-Crockett, 1014 Emerson Street, Beloit, spoke in favor of the ordinance. She said that she wants to have chickens and that this process has shown her how citizens can be involved in the government's decision-making process and make a difference.
- Beth Goodspeed, 1965 Pebble Drive, Beloit, spoke in favor of the ordinance. She said that she respectfully listened to staff's concerns and that the supporters have worked to address them. She requested that the Council amend the ordinance to limit the number of permits in the first year and make the effective date of the ordinance January 1, 2013.
- Larry White, 707 Highland Avenue, Beloit, said that he is neither for nor against the ordinance. He said that he grew up in a small town where neighbors help each other and that he would help neighbors with their chickens for a few eggs.
- Kathy Vickerman, 722 Oak Street, spoke in opposition of the ordinance. She said that, at the Plan Commission meeting, Operations Director Chris Walsh and other staff members shared valid concerns. She said that some of her neighbors do not mow their lawns or shovel their walks and are not responsible enough to care for chickens. She requested that the Council vote against the ordinance.
- Jason Vincent, 3537 Eagles Ridge Drive, Beloit, spoke in favor of the ordinance. He said that there are benefits to raising chickens locally and that employees in every industry are being asked to do more with less. He said that he does not see the need for a limit to the number of permits because there is a natural vetting process associated with the start-up costs to appropriately raise chickens.
- Joe Hanson, 2516 Clifcorn Drive, Beloit, spoke in opposition of the ordinance. He said that he has been a landlord for 20 years, and he cited the number of complaints about raising chickens in the City now while it is not permitted. He requested that the Council vote against the ordinance because the landlords will end up having to clean up the mess left behind from renters with chickens.

- Jody Wittnegel, 10320 W. County Road K, Beloit, said that she will not raise chickens herself but that she supports the people who want to raise them. She encouraged the Council to vote for the ordinance.
- Lauren Stephens, 206 Carpenter Street, Beloit, spoke in favor of the ordinance. She said that Beloit should look to the Town of Beloit for an example of a good ordinance.
- Mike Zoril, 1756 Carlyle Road, spoke in favor of the ordinance. He requested that certain language in the ordinance be struck to protect Fourth Amendment rights.
- Jim Faragher, 2796 E. Ridge Road, spoke in opposition to the ordinance on behalf of the Plan Commission. He said that the Plan Commission seriously discussed the issue with staff and citizens at their public meeting and that staff demonstrated that this ordinance is not in the best interest of the City in the long run. He encouraged the Council to consider the Plan Commission's recommendation and vote against the ordinance.

President Haynes closed the public hearing. Councilor Spreitzer made a motion to lay the ordinance over to the next meeting for a second reading. Councilor Luebke seconded.

Councilor Leavy thanked the Beloit Backyard Chickens group for their hard work in presenting their support for this ordinance, and he thanked staff for their hard work in putting together a solid recommendation. He reminded the audience that it is the job of staff to look out for the best interest of the City and that staff should not be attacked for doing their jobs. He expressed concern that volunteers would not come through when needed, and he said that it is not the chicken advocates he worries about when considering the ordinance. Councilor De Forest indicated that she would like to protect landlords and made a motion to amend the ordinance to include the notarized signature of the landlord in cases when a tenant applies for a residential chicken permit. Councilor Spreitzer seconded the motion. Councilor Leavy pointed out that the issue the landlords have with this ordinance is the clean-up that may be associated with chickens if a tenant leaves, not with the falsification of the signature. Councilor Luebke said that the landlord should have to approve a permit application for their property and supports the amendment. The motion to amend the ordinance to require a notarized signature of the property owner carried 7-0.

Councilor Spreitzer said that he does not think that chickens will create a nuisance and that he has heard from residents on both sides of the issue, but is more in favor of the ordinance than against it. He said that Beloit has committed volunteers who will assist in the process and that the City should empower them. He said that he understands the concerns of staff but will vote to move the ordinance forward. Councilor Van De Bogart said that he has concerns about the financial implications of this ordinance. He said that the City does not have animal control officers or additional code enforcement officers and questioned whether this would be a good use of the City's police department. He said that he is not concerned with the good people who brought this ordinance forward, but with those who will not follow the rules. He said that without consent of neighbors required or a sunset provision on the ordinance, he will not support it. Councilor Luebke said that he respects the Plan Commission and staff, but that the negatives to this ordinance are based on violations and he feels that the majority of the people who obtain permits will follow the rules. He said that he supports the ordinance to allow people the opportunity to keep chickens. Councilor Kincaid said that he understands the complexity of this issue and that he supports the ordinance because it is an example of democracy in action. Councilor Haynes said that there are significant challenges that the City will face if this ordinance is enacted, but he thinks that the residents who support the ordinance would be great chicken-keepers. He also said that staff was professional throughout this process. Councilor De Forest said that she is proud to be a council member for an eco-municipality and enacting this ordinance will prove that commitment to the environment.

Councilor Spreitzer made a motion to amend Section 7 to make the ordinance enforceable and take effect on starting on January 1, 2013. Councilor De Forest seconded, and the motion carried 7-0.

Councilor Van De Bogart made a motion to amend the ordinance to allow only 30 permits to be issued in the first year on a first come, first served basis starting on the first day of business in 2013, and Councilor De Forest seconded. The motion carried 7-0.

On the merits of laying the ordinance over for a second reading at the September 17, 2012 regular City Council meeting, President Haynes requested a roll call vote. The motion carried 5-2, with Councilors De Forest, Kincaid, Spreitzer, Haynes, and Luebke voting in favor and Councilors Leavy and Van De Bogart voting in opposition. File 8562

5. CITIZENS' PARTICIPATION

- Beth Schmidt, 110 S. Wright Street, Evansville, introduced herself to the City Council as the Republican candidate for the 45th Assembly District and said that she looks forward to seeing them around the community.
- Mike Zoril, 1746 Carlyle Road, Beloit, requested that a phrase be added to the chicken ordinance to require that property owners consent to City staff before they can enter private property, and he encouraged the Council to wait until the job is done before they pay contractors.

6. CONSENT AGENDA

Councilor Van De Bogart made a motion to adopt the Consent Agenda, which consists of items 6.a. through 6.f. Councilor Luebke seconded, and 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. The **Minutes** of the Special and Regular Meetings of August 20, 2012 were approved.
- b. The application for an **Exception to the Architectural Review and Landscape Code** for the property located at 615 Broad Street was referred to the Plan Commission. File 8567
- c. The resolution authorizing **Final Payment** of Public Works Contract C12-10, Mudjacking, was adopted. File 8536
- d. The resolution approving an **Intergovernmental Agreement** between the City of Beloit and Beloit Township to host a Joint Electronics Recycling Campaign was adopted. File 8271
- e. The resolution approving an **Intergovernmental Agreement** between the City of Beloit and Turtle Township to host a Joint Electronics Recycling Campaign was adopted. File 8271
- f. The resolution amending the **2012 Capital Improvements Budget** to Revise for the Acquisition of 232 Shirland Avenue was adopted. File 8514/8345

7. ORDINANCES

- a. Ms. Christensen presented a proposed ordinance amending the City of Beloit **Comprehensive Plan** for 220 and 250 Garden Lane for a second reading. It was noted that the Plan Commission recommended approved 6-0. Councilor Luebke made a motion to enact the ordinance, and Councilor Kincaid seconded. Councilor Spreitzer asked the Clerk about the possible ways in which alcohol could be served on the property, and City Clerk Rebecca Houseman explained that any alcohol license other than a special event temporary license would have to be approved by the City Council. Councilor De Forest said that she is concerned about the possibility of liquor being served on the premises and that she would support C-2, Neighborhood Commercial, zoning instead of C-3, Community Commercial, zoning. Councilor De Forest made a motion to amend the ordinance to allow C-2 zoning, and the motion died for lack of a second. Councilor De Forest said that this amendment to the Comprehensive Plan opens the door for spot zoning. Councilor Spreitzer said that he is not concerned with alcohol use at this property because that is not the matter before the Council at this time. He said that this is a unique building and this would allow for greater flexibility in its reuse. The motion carried 6-1, with De Forest voting in opposition. File 8538 Ordinance 3467

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- a. Councilor Luebke said that it was a pleasure to spend Friday night in the park, and it was a fitting tribute to Jerry Elliott.
- b. Councilor De Forest said she wanted to pay her respects to Jerry Elliott and acknowledge his contributions to Beloit.

- c. Councilor Spreitzer said that he attended several meetings last week regarding transportation issues and the employee manual. He said that he attended Beloit College's Our Town event and Music and More at Harry's Place. He thanked Culver's for donating custard.
- d. Councilor Haynes expressed personal grief at the passing of Jerry Elliott. He said that Mr. Elliott had a unique ability to relate to everyone he met and touch them personally.

10. CITY MANAGER'S PRESENTATION – none

11. REPORTS FROM BOARDS AND CITY OFFICERS – none

12. At 9:35 p.m., Councilor Leavy made a motion to adjourn the meeting, and Councilor Spreitzer seconded. The motion carried 7-0.

Rebecca S. Houseman, City Clerk

www.ci.beloit.wi.us

Date approved by Council:

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Zoning Map Amendment Application for the properties located at 220 & 250 Garden Lane – Council Referral to the Plan Commission

Date: September 17, 2012

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Kelly Clobes has submitted a Zoning Map Amendment Application requesting a change in the zoning district classifications of the properties located at 220 and 250 Garden Lane from Public Land and Institution (PLI) District and C-1, Office District to C-3, Community Commercial District.

Key Issues (maximum of 5):

- Since acquiring the subject properties, the owner has rehabilitated the building at 250 Garden Lane, and established permitted commercial uses consistent with the C-1, Office District.
 - The abutting property at 220 Garden Lane is zoned PLI, which limits the property to public and quasi-public (i.e. schools, hospitals, etc.) uses. Currently, it is used as an off-street parking lot.
 - The applicant desires to expand the current commercial uses of the subject property at 250 Garden Lane, and to use both properties as one cohesive unit. Therefore, Ms. Clobes has requested that both properties be rezoned to the C-3, Community Commercial District.
 - The City's Comprehensive Plan recommends Community Commercial for these properties and the C-3, Community Commercial.
-

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:

- Referral to the Plan Commission for the September 19, 2012 meeting.
 - This item will most likely return to the City Council for a public hearing and possible action on October 1, 2012.
-

Fiscal Note/Budget Impact: N/A

Attachments: Application, Location and Zoning Map

CITY of BELOIT

NEIGHBORHOOD PLANNING DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2012-05

1. Address of subject property: 220 and 250 Garden Ln

2. Legal description: Lot: _____ Block: _____ Subdivision: _____

(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): 206 13530020 & 206 13530040

4. Owner of record: Jagger Bay Properties, LLC Phone: (608) 299-1459

822 Broad St, Suite F Beloit WI 53511

(Address)

(City)

(State)

(Zip)

5. Applicant's Name: Kelly Globes

4211 S 122nd St, Greenfield WI 53228

(Address)

(City)

(State)

(Zip)

(608) 299-1459 / (608) 698-0678 / kelly@toubl.com

(Office Phone #)

(Cell Phone #)

(E-mail Address)

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

Change zoning district classification from: PLI/C-1 to: C-3

All existing uses on this property are: _____

220 Garden Ln: currently PLI, parking lot

250 Garden Ln: office space and personal service oriented retail.

7. All the proposed uses for this property are:

Principal use(s): _____

220 Garden Ln: parking lot

250 Garden Ln: office space and personal service oriented retail

Secondary use(s): _____

220 Garden Ln: outdoor event space

250 Garden Ln: event space

Accessory use(s): _____

8. I/we represent that I/we have a vested interest in this property in the following manner:

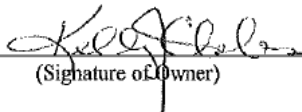
- Owner
 Leasehold, Length of lease: _____
 Contractual, Nature of contract: _____
 Other, explain: _____

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

Name(s): Kelly Clobes		Phone: (608) 698-0678	
4211 S 122nd St,	Greenfield	WI	53228
(Address)	(City)	(State)	(Zip)

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.

	/ Kelly J. Clobes	/ 8/24/12
(Signature of Owner)	(Print name)	(Date)
_____	/ _____	/ _____
(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 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 it is typically between \$5.00 and \$20.00.

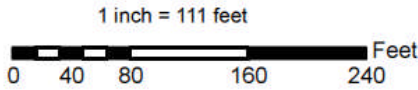
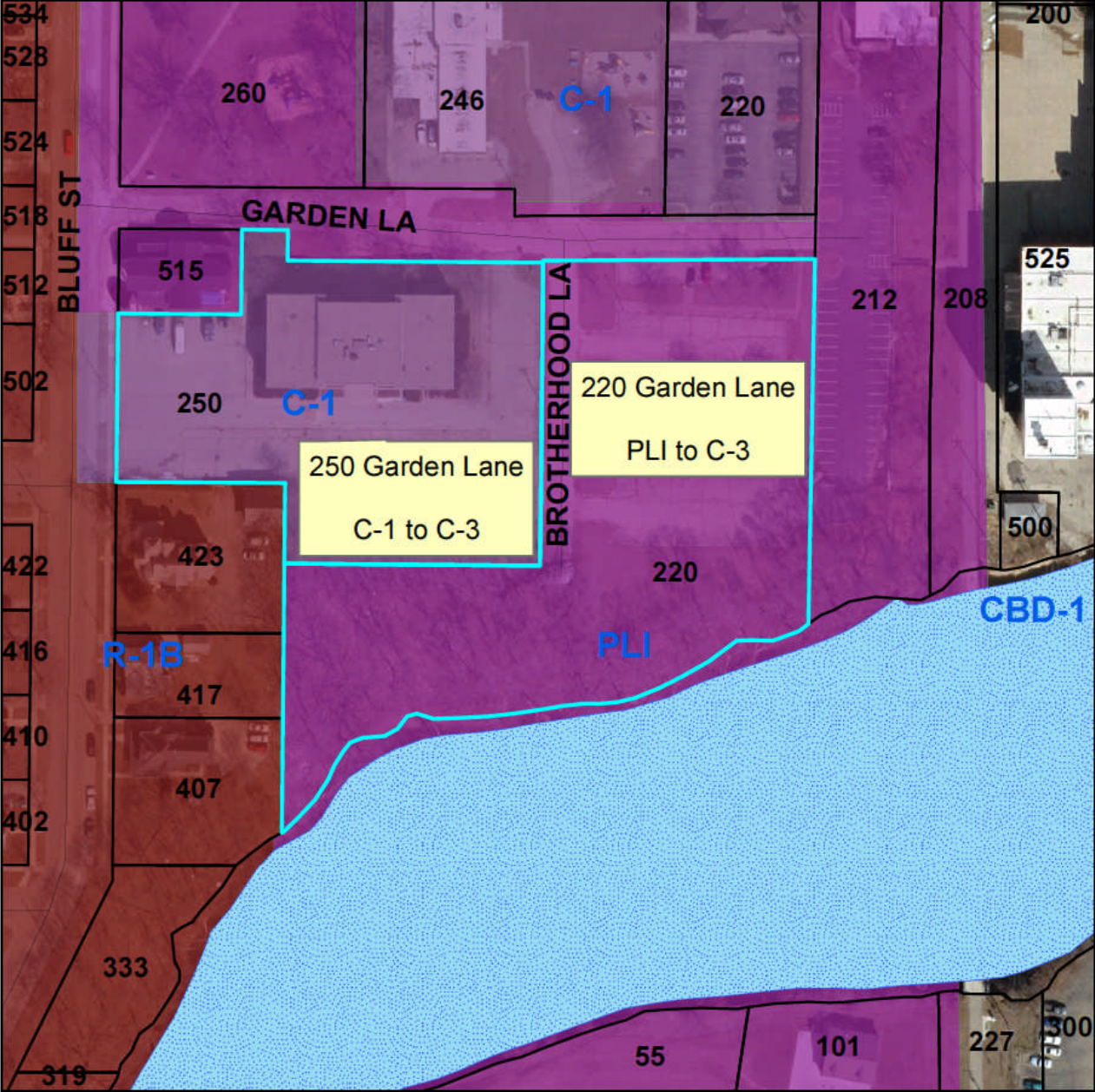
To be completed by Planning Staff

Filing Fee: \$275.00 Amount Paid: \$275.00 Meeting Date: September 19, 2012
 Number of notices: 20 x mailing cost (\$0.50) = cost of mailing notices: \$ 10.00
 Application accepted by: Michael D. Loftens II Date: 8/24/2012
 Date Notice Published: September 8th 5^{pm} 15th Date Notice Mailed: 9/7/2012

Location & Zoning Map

220 & 250 Garden Lane

ZMA-2012-05



Map prepared by: Michael D. Lofton II
 Date: September 2012
 For: City of Beloit, Planning and Building Services
 Date of Aerial Photography: April 2011

PLANNING & BUILDING SERVICES DIVISION

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Establishment and Naming of a Park on the properties located at 2425 Springbrook Court and 1980 Willowbrook Road – Council Referral to the Plan Commission

Date: September 17, 2012

Presenter(s): Julie Christensen

Department(s): Community Development

Overview/Background Information:

The Parks & Leisure Services Division has requested that the Plan Commission review the proposed plans for the establishment and naming of a dog park on the properties located at 2425 Springbrook Court and 1980 Willowbrook Road. According to Wisconsin Statutes, the Plan Commission must review and the City Council must approve the establishment of new parkland. According to an administrative policy adopted in 1996, the Plan Commission must review and the City Council must approve the names of public lands, parks, and recreation facilities.

Key Issues (maximum of 5):

- The Park, Recreation & Conservation Advisory Commission recently approved the establishment of a dog park on City-owned land near the intersection of Springbrook Court and Willowbrook Road. The land is adjacent to Leeson Community Park and the City's DPW Operations facility.
 - The proposed dog park will be surrounded by black, vinyl-coated chainlink fencing that is four feet in height, and will be divided into a small breed area (0.68 acre) and a large breed area (1.88 acres).
 - The proposed dog park will be accessed from crushed granite paths leading from a proposed 10-stall parking lot in Leeson Park and the existing DPW Operations parking lot to a double-gate entry area.
 - The Park, Recreation & Conservation Advisory Commission has recommended naming the park the Leeson Park Dog Park.
-

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
-

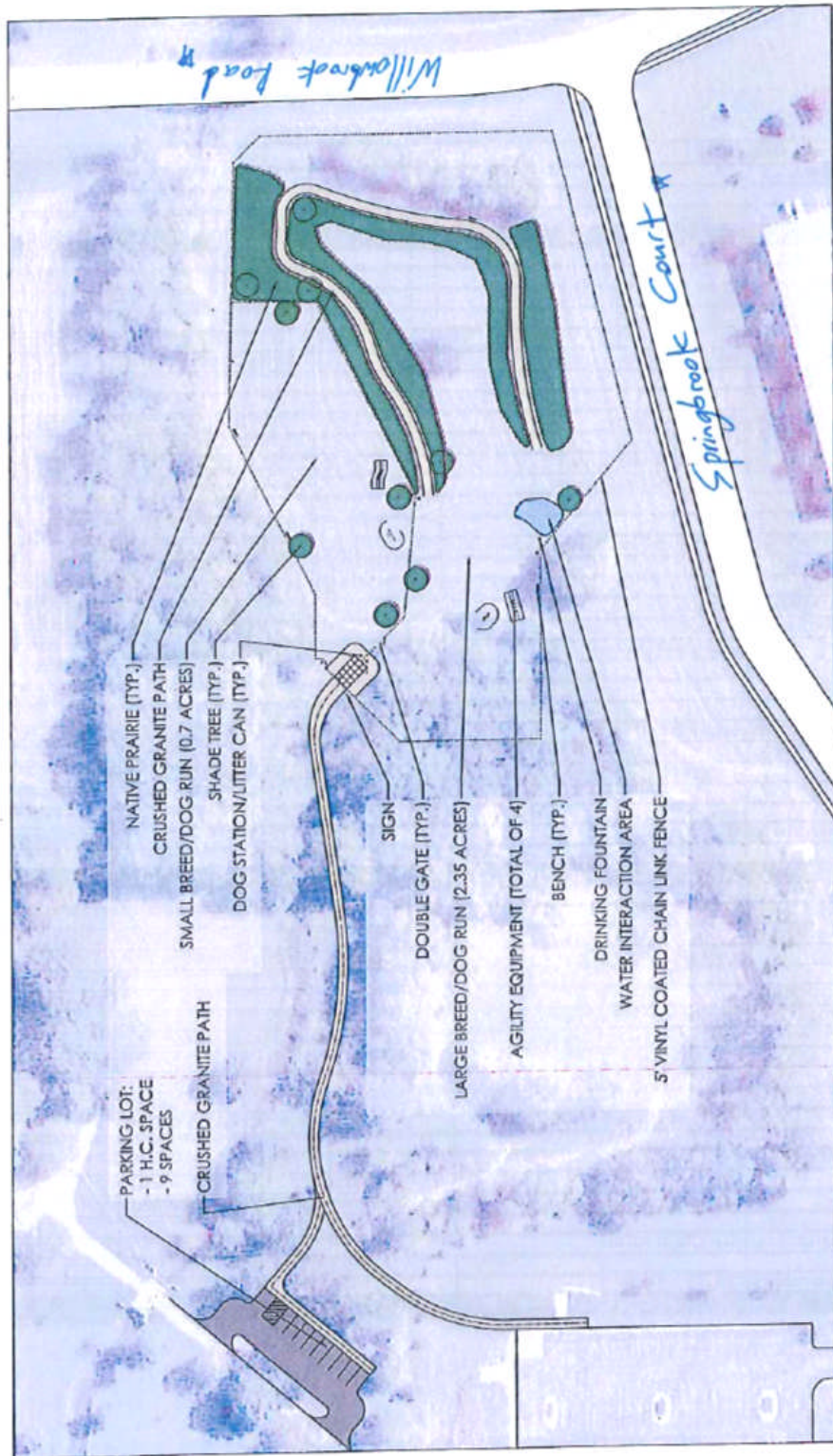
Action required/Recommendation:

- Referral to the Plan Commission for the September 19, 2012 meeting
 - This item will most likely return to the City Council for review and action on October 1, 2012
-

Fiscal Note/Budget Impact: N/A (Referral)

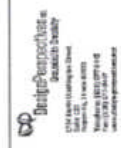
Attachments: Proposed Dog Park Master Plan

Leeson Park Dog Park Master Plan



April 2012
SCALE 1" = 40'
0 40 80
N

DRAFT



Prepared for: The City of Beloit
Parks & Leisure Services
Beloit, Wisconsin



**RESOLUTION
AUTHORIZING FINAL PAYMENT OF
PUBLIC WORKS CONTRACT C11-24
GANTRY AND GANTRY PLAZA**

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, therefore

IT IS RESOLVED, that Gilbank Construction, Inc., be paid \$15,105.10 as the final payment for Contract C11-24, Gantry and Gantry Plaza, as recommended by the City Engineer.

Dated at Beloit, Wisconsin this 17th day of September 2012.

City Council of the City of Beloit

Charles M. Haynes, President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award Final Pay for C11-24, Gantry and Gantry Plaza

Date: September 17, 2012

Presenter(s) Michael Flesch, City Engineer

Department(s): Public Works/Engineering

Overview/Background Information:

Gilbank Construction Inc. has completed construction of project C11-24 Gantry and Gantry Plaza, and has submitted all of the required paperwork and bonds. Final payment has been requested by the contractor.

Key Issues (maximum of 5):

1. Gilbank Construction Inc. was the low bidder for this project, and they have completed construction to the satisfaction of Engineering.
2. The contractor is due \$15,105.10 for the completion of the 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 enhanced the quality of life in Beloit by improving the appearance and amenities available in the Beloit City Center.

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 project met the present and future human needs by providing a signature gathering space for downtown activities.

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 approval of the final payment to Gilbank Construction Inc. for \$15,105.10

Fiscal Note/Budget impact:

Adequate funds are available in the CIP budget.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch

FROM: Jason Dupuis, Transportation Engineer

DATE: August 28, 2012

SUBJECT: Contract C11-24
Gantry and Gantry Plaza


JRD
8/28/12

The work on this project was completed on April 20, 2012. Luke Arnold inspected the work and found it to be satisfactory and in conformance with the requirements of the contract. The contractor has asked for final payment in the amount of \$15,105.10. The construction of this project was managed and inspected by City staff.

The original contract amount was \$287,169.50, and the final contract amount is \$302,440.94, an increase of approximately 5.32%. The increase was primarily due to a change order and a slight increase of quantities. A chart of variance was not included because all of the changes to the quantity were included in the change order or were based on measurement differences between the plans and the field. Therefore, I recommend a final payment in the amount of **\$15,105.10** be made to the contractor.

Please sign the attached final pay estimate form and yellow copy of the purchase order.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Jason Dupuis
FROM: Thomas R. Casper 
DATE: August 23, 2012
SUBJECT: **Final Payment Public Works Contract C11-24**
Gantry and Gantry Plaza
Gilbank Construction Inc.

I have reviewed the materials you sent over for final payment approval on the above contract. Everything appears in order and you may process the matter in your normal fashion.

/tdh
encs.

**RESOLUTION
AUTHORIZING FINAL PAYMENT OF
PUBLIC WORKS CONTRACT C12-06
MILL STREET PARKING LOT REHABILITATION**

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, therefore

IT IS RESOLVED, that Rock Road Companies, Inc. be paid \$6,221.83 as the final payment for Contract C12-06, Mill Street Parking Lot Rehabilitation, as recommended by the City Engineer.

Dated at Beloit, Wisconsin this 17th day of September 2012.

City Council of the City of Beloit

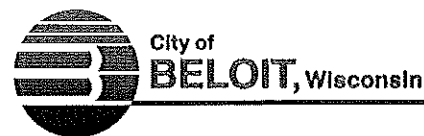
Charles M. Haynes, President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award Final Pay for C12-06, Mill Street Parking Lot Rehabilitation

Date: September 17, 2012

Presenter(s) Michael Flesch, City Engineer

Department(s): Public Works/Engineering

Overview/Background Information:

Rock Road Cos., Inc. has completed construction of project C12-06 Mill Street Parking Lot Rehabilitation, and has submitted all of the required paperwork and bonds. Final payment has been requested by the contractor.

Key Issues (maximum of 5):

1. Rock Road Companies, Inc. was the low bidder for this project, and they have completed construction to the satisfaction of Engineering.
2. The contractor is due \$6,221.83 for the completion of the 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 enhanced the quality of life in Beloit by improving the appearance and amenities available in the Beloit City Center.

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 Engineering Division recommends approval of the final payment to Rock Road Companies, Inc. for \$6,221.83.

Fiscal Note/Budget Impact:

Adequate funds are available in the CIP budget.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch, City Engineer

FROM: Jason Dupuis, Transportation Engineer

DATE: August 14, 2012

SUBJECT: Contract C12-06
Mill Street Parking Lot Rehabilitation

→ RD
8/14/12

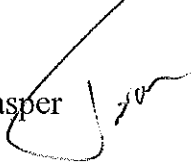
The work on this project was completed on May 31, 2012. Luke Arnold inspected the work and found it to be satisfactory and in conformance with the requirements of the contract. The contractor has asked for final payment in the amount of \$6,221.83. The construction of this project was managed and inspected by City staff.

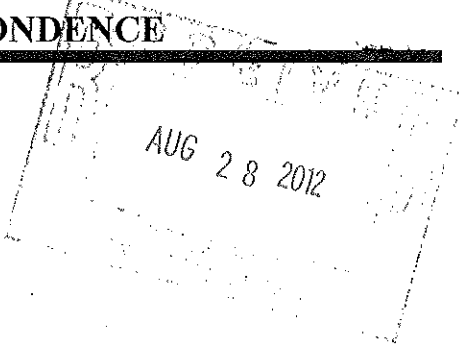
The original contract amount was \$119,893.54, and the final contract amount is \$124,436.65, an increase of approximately 3.79%. The increase was primarily due to a change order and an increase in the asphalt & striping quantities. A chart of variance was not included because all of the changes to the quantity were included in the change order or were based on measurement differences between the plans and the field. Therefore, I recommend a final payment in the amount of **\$6,221.83** be made to the contractor.

Please sign the attached final pay estimate form and yellow copy of the purchase order.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Jason Dupuis

FROM: Thomas R. Casper 

DATE: August 28, 2012 

SUBJECT: **Final Payment Public Works Contract C12-06**
Rock Road Companies, Inc.
Mill Street Parking Lot Rehabilitation

I have reviewed the materials you sent over for final payment approval on the above contract. Everything appears in order and you may process the matter in your normal fashion.

/tdh
encs.

**RESOLUTION
AUTHORIZING FINAL PAYMENT OF
PUBLIC WORKS CONTRACT C10-23,
BIOSOLIDS DEWATERING,
ODOR CONTROL AND ANCILLARY EQUIPMENT**

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, therefore

NOW THEREFORE BE IT RESOLVED, that Total Mechanical Inc. be paid \$34,033.82 as the final payment for Contract C10-23, Biosolids Dewatering, Odor Control and Ancillary Equipment, as recommended by the City Engineer.

Dated at Beloit, Wisconsin this 17th day of September, 2012.

City Council of the City of Beloit

Charles M. Haynes, President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award Final Pay for 10-23 Biosolids Dewatering, Odor Control and Ancillary Equipment

Date: September 17, 2012

Presenter(s) Michael Flesch, City Engineer

Department(s): Public Works/Engineering

Overview/Background Information:

Total Mechanical Inc. has completed construction of project C10-23 Biosolids Dewatering, Odor Control and Ancillary Equipment, and has submitted all of the required paperwork and bonds. Final payment now needs to be issued.

Key Issues (maximum of 5):

1. Total Mechanical Inc. was the low bidder for this project, and they have completed construction to the satisfaction of Engineering.
2. The contractor is due \$34,033.82 for the completion of the project.

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

1. As an eco-municipality, focus on the sustainable stewardship of City resources, services and infrastructure; to protect both our built and natural environment and enhance the quality of life for current and future generations.
 - This project will allow more options for the WPCF to dispose of biosolids in a proper manner, to include spreading on agricultural lands as fertilizer. The odor control portion of the project will improve the air quality of the homes and businesses in the area of the plant.
3. Proactively partner with individuals and businesses to promote a safe and healthy community, minimize personal injury, prevent loss of life and protect property and natural resources.
 - This project will be able to provide local farmers a high quality fertilizer.

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
As rules and regulations develop to limit or reduce the damage inherent to certain disposal activities, the WPCF will have other options of disposal available to them
- Meet the hierarchy of present and future human needs fairly and efficiently
Making the WPCF more flexible, efficient, and less pungent shall have benefits for both the short and long term.

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 approval of the final payment to Total Mechanical Inc. for \$34,033.82

Fiscal Note/Budget Impact:

Funds are available in the 2010 CIP budget.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch

FROM: Scott Schneider, Project Manager (Ext. 6447)

DATE: August 24, 2012

SUBJECT: Final Payment Contract C10-23
Biosolids Dewatering, Odor Control and Ancillary
Equipment

The work on this project was substantially completed on January 6, 2012. I have inspected the work and find it to be satisfactory and in compliance with the requirements of the contract. The contractor has asked for final payment. The final payment quantities have been approved by the contractor.

The original contract amount was for \$3,039,500.00. With 12 change orders issued, the final amount came out to be \$3,231,815.50, or a net increase of 6.3%. The increase was due to some improvements and changes to the plan that were requested once the construction started. This can be traced back to the original start date of the development of these specifications and plans, and the disruptions caused when placing the specification development on hold, and breaking out the generator & blower VFD portion of the project. Payments to date under this contract total \$3,197,781.68.

Therefore, I recommend a final payment in the amount of \$34,033.82 be made to Total Mechanical, Inc.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Scott Schneider
FROM: Thomas R. Casper
DATE: September 4, 2012

Tom
TDR

SEP - 4 2012

SUBJECT: **Public Works Contract C10-23**
Biosolids Dewatering, Odor Control, & Ancillary Equipment
Total Mechanical, Inc.

I have reviewed the materials you sent over for final payment approval on the above contract. Everything appears in order and you may process the matter in your normal fashion.

/tdh
encs.

**RESOLUTION
AUTHORIZING FINAL PAYMENT OF
PUBLIC WORKS CONTRACT C11-28
Lean-to Shed Addition**

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, therefore

IT IS RESOLVED, that Paulson Kimball Construction be paid \$1,350.80 as the final payment for Contract C11-28 Lean-to Shed Addition, as recommended by the City Engineer.

Dated at Beloit, Wisconsin this 17th day of September 2012.

City Council of the City of Beloit

Charles M. Haynes, President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Final Payment for Contract C11-28, Lean-to Shed Addition

Date: September 17, 2012

Presenter(s): Larry Arft

Department(s): Public Works/ Engineering

Overview/Background Information:

This project added a 20' x 100' sheltered outdoor storage bay to the west wall of the salt shed at the Department of Public Works Operations Facility.

Key Issues (maximum of 5):

1. The requirements of the contract have been completed to the satisfaction of the City.
2. The awarded contract amount was \$ 53,200.00
Quantity increases and change orders \$ 786.00
Net payment due contractor \$ 53,986.00
3. The City Engineer, City Attorney, and Director of Accounting recommend that a final payment be made to Paulson Kimball Construction in the amount of \$1,350.80

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 created a sheltered storage area for maintenance materials.

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**
This project will ensure the availability of dry construction and maintenance materials year round.

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:

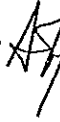
Approval of the Resolution authorizing the Final Payment.

Fiscal Note/Budget Impact:

Funding is available.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch

FROM: Andy Hill, Project Engineer 

DATE: August 27, 2012

SUBJECT: Final Payment Contract C11-28
Lean-to Shed Addition

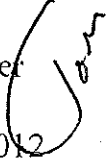
The work on this project was completed on June 21, 2012. I have inspected the work and find it to be satisfactory and in compliance with the requirements of the contract. The contractor has asked for final payment. The project was inspected by city staff. The final payment quantities have been approved by the contractor.

The original contract amount was for \$53,200.00, and the final contract amount is \$53,986.00. The increase in cost was due to additional siding added to complement the existing structure. Payments to date under this contract total \$52,635.20, and all lien waivers from subcontractors are on file.

Therefore, I recommend a final payment in the amount of \$1,350.80 be made to Paulson Kimball Construction

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Andy Hill

FROM: Thomas R. Casper 

DATE: September 10, 2012

SUBJECT: **Final Payment Public Works Contract C11-28**
Paulson Kimball Construction
Lean-to Shed Addition

I have reviewed the materials you sent over for final payment approval on the above contract. Everything appears in order and you may process the matter in your normal fashion.

/tdh
encs.

**RESOLUTION APPROVING CHANGE OF AGENT
ALCOHOL BEVERAGE LICENSE**

WHEREAS, the agent of record for Board of Trustees for Beloit College, Beloit College Coughy Haus, located at 708 Clary Street is Steve Bernini; and

WHEREAS, the Board of Trustees for Beloit College, has requested and the Alcohol Beverage License Control Committee has recommended that the agent be changed to John Winkelmann.

NOW, THEREFORE, BE IT RESOLVED, that the new agent for Board of Trustees for Beloit College, Beloit College Coughy Haus, located at 708 Clary Street is John Winkelmann.

Dated this 17th day of September, 2012.

Charles M. Haynes, President
Beloit City Council

Attest:

Rebecca S. Houseman, City Clerk



**ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE
RECOMMENDATION**

TO: Beloit City Council
FROM: Alcohol Beverage License Control Committee
DATE: September 12, 2012
SUBJECT: Beloit College Coughy Haus

The Alcohol Beverage License Control Committee recommends approval of the Change of Agent on the Class "B" Beer License for Board of Trustees of Beloit College, d/b/a Beloit College Coughy Haus, 708 Clary Street, from Steve Bernini to John Winkelmann.

Recommendation for approval carried 5-0.

Rebecca Houseman
City Clerk

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 Beloit College
(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 The Coughy Haus
(trade name)

located at 708 Clary, Beloit, WI 53511

appoints John Winkelmann
(name of appointed agent)

626 Church St, 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? 29 years

Place of residence last year 626 Church St, Beloit, WI, 53511

For: Beloit College
(name of corporation/organization/limited liability company)

By: [Signature]
(signature of Officer/Member/Manager)

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

ACCEPTANCE BY AGENT

I, John F. Winkelmann III, hereby accept this appointment as agent for the
(printtype 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.

[Signature] 8/30/12 Agent's age _____
(signature of agent) (date)

626 Church St, Beloit, WI 53511 Date of birth _____
(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	
Winkelmann		John Francis III	
Home Address (street/route)	Post Office	City	State Zip Code
626 Church St		Beloit	WI, 53511
Home Phone Number	Age	Date of Birth	Place of Birth
608-363-8280			

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 of Beloit College Coughy Haus
(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? 29 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	Employer's Address	Employed From	To
Beloit College	700 College St. Beloit WI 53511	1983	Present
Loyola University Chicago	820 N. Michigan Ave Chicago, IL 60611	1978	1983

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 31 day of August, 2012
Sandra D. Fordell
(Clerk/Notary Public)
Sandra D. Fordell
My commission expires October 26, 2014

John Winkelmann III
(Signature of Named Individual)



**RESOLUTION APPROVING CHANGE OF AGENT
ALCOHOL BEVERAGE LICENSE**

WHEREAS, the agent of record for Pilot Travel Centers LLC, d/b/a Pilot Travel Center #289, located at 3001 Milwaukee Road is William Goodwin; and

WHEREAS, Pilot Travel Centers LLC, has requested and the Alcohol Beverage License Control Committee has recommended that the agent be changed to Juanita Cardinal.

NOW, THEREFORE, BE IT RESOLVED, that the new agent for Pilot Travel Centers LLC, d/b/a Pilot Travel Center #289, located at 3001 Milwaukee Road is Juanita Cardinal.

Dated this 17th day of September, 2012.

Charles M. Haynes, President
Beloit City Council

Attest:

Rebecca S. Houseman, City Clerk



**ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE
RECOMMENDATION**

TO: Beloit City Council
FROM: Alcohol Beverage License Control Committee
DATE: September 12, 2012
SUBJECT: Pilot Travel Center #289

The Alcohol Beverage License Control Committee recommends approval of the Change of Agent on the Class "A" Beer License for Pilot Travel Centers LLC, d/b/a Pilot Travel Center #289, 3001 Milwaukee Road from William Goodwin to Juanita Cardinal.

Recommendation for approval carried 5-0.

Rebecca Houseman
City Clerk

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 City of Beloit County of Rock

The undersigned duly authorized officer(s)/members/managers of Pilot Travel Centers 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 Pilot Travel Center #289
(trade name)

located at 3001 Milwaukee Rd Beloit, WI 53511

appoints Juanita Cardinal
(name of appointed agent)

625 Cornelia St Janesville, WI 53545
(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? 16 yrs.

Place of residence last year 625 Cornelia St, Janesville, WI 53545

For: Pilot Travel Centers LLC
(name of corporation/organization/limited liability company)

By: [Signature]
(signature of Officer/Member/Manager) Kristin Sedbrook

And: [Signature]
(signature of Officer/Member/Manager) MITCHELL D. STERNROD

ACCEPTANCE BY AGENT

I, Juanita Cardinal
(print/type agent's name), hereby accept this appointment as agent for the

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.

[Signature] 8/27/12
(signature of agent) Juanita Cardinal (date) Agent's age _____

625 Cornelia St Janesville, WI 53545
(home address of agent) Date of birth _____

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	
Cardinal		Juanita		Nadine			
Home Address (street/route)		Post Office		City		State	Zip Code
625 Cornelia St				Janesville		WI	53545
Home Phone Number			Age	Date of Birth		Place of Birth	
(608) 728-3720							

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 of Pilot Travel Centers 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? 16 yrs.
- 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. SEE ATTACHED.
(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	Employer's Address	Employed From	To
Pilot Travel Centers LLC	5508 Lonas Rd Knoxville, TN 37909	3/2010.	Present
the ARMORY	10 S. High St Janesville, WI 53545	9/2009	3/2010.


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 27th day of August, 20 12

[Signature]
(Clerk/Notary Public)

My commission expires 1/25/2015

[Signature]
(Signature of Named Individual)
Juanita W. Cardinal

 Printed on Recycled Paper

**RESOLUTION APPROVING CHANGE OF AGENT
ALCOHOL BEVERAGE LICENSE**

WHEREAS, the agent of record for La Kebrada Restaurant Corporation, d/b/a La Kebrada Restaurant, located at 2648 Prairie Avenue is Eduardo Cobos; and

WHEREAS, La Kebrada Restaurant Corporation, has requested and the Alcohol Beverage License Control Committee has recommended that the agent be changed to Jaime Hernandez.

NOW, THEREFORE, BE IT RESOLVED, that the new agent for La Kebrada Restaurant Corporation, d/b/a La Kebrada Restaurant, located at 2648 Prairie Avenue is Jaime Hernandez.

Dated this 17th day of September, 2012.

Charles M. Haynes, President
Beloit City Council

Attest:

Rebecca S. Houseman, City Clerk



**ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE
RECOMMENDATION**

TO: Beloit City Council
FROM: Alcohol Beverage License Control Committee
DATE: September 12, 2012
SUBJECT: La Kebrada Restaurant

The Alcohol Beverage License Control Committee recommends approval of the Change of Agent on the Class "B" Beer and "Class C" Wine License for La Kebrada Restaurant Corp., d/b/a La Kebrada Restaurant, 2648 Prairie Avenue, from Eduardo Cobos to Jaime Hernandez.

Recommendation for approval carried 5-0.

Rebecca Houseman
City Clerk

Original

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 City of BELOIT County of ROCK
The undersigned duly authorized officer(s)/members/managers of HRNS V ENTERTAINMENT LLC
JULIAN VALENCIA
(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 LA KEBRADA RESTAURANT CORP
located at 2648 PRAIRIE AVE (trade name) BELOIT WI 53511
appoints JAIMIE HERNANDEZ
2137 DEER RUN (home address of appointed agent) DELAWAN WI 53115
(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).
HRNS V ENTERTAINMENT LLC 1310 CRANSTON RD BELOIT WI 53511

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? 12 YRS
Place of residence last year 2137 DEER RUN DELAVAN WI 53511

For: LA KEBRADA RESTAURANT CORP
(name of corporation/organization/limited liability company)
By: Julian Valencia
(signature of Officer/Member/Manager)
And: _____
(signature of Officer/Member/Manager)

JAIMIE HERNANDEZ (print/type agent's name) ACCEPTANCE BY AGENT
hereby accept this appointment as agent for the 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.
Jaimie Hernandez (signature of agent) 8-31-12 (date) Agent's age _____
2137 DEER RUN DELAVAN WI 53115 (home address of agent) Date of birth _____

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**

Approved on _____ by _____ File _____
Submit to municipal clerk _____

Individual's Full Name (please print) (last name) HERNANDEZ		(first name) JAIMÉ		(middle name)	
Home Address (street/route) 2137 DEER RUN		Post Office	City DELAVAN	State WI	Zip Code 53115
Home Phone Number 262-215-5794		Age	Date of birth	Place of birth	

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** of **LA KEBRADA RESTAURANT CORP**
(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:

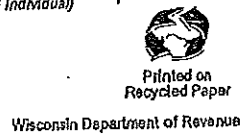
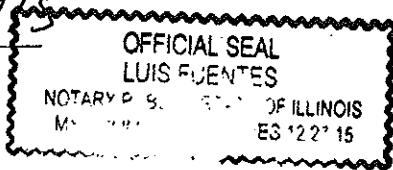
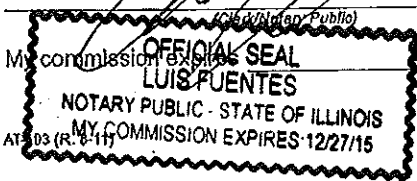
1. How long have you continuously resided in Wisconsin prior to this date? 12 yrs.
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? 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.)
3. 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.
4. 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. HERNS V ENTERTAINMENT 1310 CRANSTON RD BELLEVILLE WI
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. HERNS V ENTERTAINMENT 1310 CRANSTON RD BELLEVILLE WI
(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 PALMER HAMILTON	Employer's Address 143 JACKSON ST ECKHORN WI. 53121	Employed From 2000	To TODAY
Employer's Name	Employer's Address	Employed From	To

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 31 day of AUGUST 2012

Jaimé Hernandez
(Signature of Named Individual)



**RESOLUTION AUTHORIZATING
APPLICATION FOR AND ACCEPTANCE OF
DEPARTMENT OF NATURAL RESOURCES URBAN FORESTRY GRANT**

WHEREAS, the City of Beloit recognizes the importance of its urban forestry as part of protecting Wisconsin's resources, and

WHEREAS, in the action the City of Beloit City Council has declared its intent to complete the Urban Forestry activities described in the application if awarded funds, and

WHEREAS, the City of Beloit will allow employees from the Department of Natural Resources access to inspect the software and grant records, and

WHEREAS, the City of Beloit has matching funds for this project through the 2013 Operating budget required to carry out this project.

NOW, THEREFORE BE IT RESOLVED, that the City of Beloit City Council requests funds and assistance from the Wisconsin Department of Natural Resources Urban Forestry Grant Program and will comply with the state rules of the program; and

HEREBY AUTHORIZES the City Manager, Larry Arft, to act on the behalf of the City of Beloit to: submit an application to the State of Wisconsin for financial aid for an Urban Forestry Grant, sign documents and take necessary action to undertake, direct, and complete approved grant activities.

Dated at Beloit, Wisconsin, this 17th day of September, 2012.

BELOIT CITY COUNCIL

Charles M. Haynes, President

Attest:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Department of Natural Resources Urban Forestry Grant

Date: September 17, 2012

Presenter(s): Larry Arft

Department(s): Public Works

Overview/Background Information:

The City of Beloit would like to apply for an Urban Forestry Grant through the State of Wisconsin Department of Natural Resources. The city received this grant in 2007 for a tree inventory management program. This grant program is provided to communities for projects that stimulate and support the development of urban forests.

Key Issues (maximum of 5):

1. This grant will support the cities Emerald Ash Borer preparedness and response projects in partnership with the City of Janesville.
2. Develop an awareness, mitigation and response program and materials for residents that have ash trees.
3. Provide regional training for operators per chainsaw safety and Electrical Hazards Awareness.
4. Enhance the capacity for survival of selected right of way ash trees through enacting a proactive treatment program in the spring.
5. Act as a model for other communities to form partnerships for cost savings to EAB and other future invasive species.

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

1. **Promotes a safe and healthy community.**
2. **Protects our natural resources.**
3. **Creates partnership with our neighboring townships for efficiency of service delivery.**

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**
Trees can reduce both the monetary and environment costs associated with summer cooling and winter heating thereby reducing the need for fossil fuels.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
Trees cleanse urban waste water while filtering dust and absorbing air pollutants. Maintaining the cities tree canopy removes carbon dioxide from the air and helps fight global warming.
- **Reduce dependence on activities that harm life sustaining eco-systems**
An example – A simple sugar maple 12" growing in our right of way removes 60 mg. of cadmium, 1440 mg of chromium, 820 mg of nickel and 5,200 mg of lead in one growing season.
- **Meet the hierarchy of present and future human needs fairly and efficiently**
Maintaining and sustaining our urban forest improves the quality of life for all!

Action required/Recommendation:

In passing the resolution the City Council authorizes the City Manager to apply and accept for an Urban Forestry Grant.

Fiscal Note/Budget Impact:

\$25,000 grant funds will be requested with 50% (\$25,000) matching grant funds budgeted within the street operating budget for 2013.

ORDINANCE NO. _____

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AN ORDINANCE TO AMEND SECTION 7.243(3) AND TO CREATE SECTION 7.244 OF THE PROPERTY MAINTENANCE CODE, CHAPTER 7 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF BELOIT AND TO AMEND SECTIONS 6.2.8 AND 6.3.3(b)(1) AND TABLE 6.1-1 AND TO CREATE SECTION 8-300(m)(5) OF THE ZONING CODE, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF BELOIT RELATING TO THE KEEPING OF CHICKENS

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

Section 1. Section 7.243(3) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“(3) LIVESTOCK IN THE CITY. No person may keep any livestock ~~in the City on any lands in the City which the person owns, occupies or controls,~~ unless the livestock is kept in a "Development Holding" zoning district ~~or unless such livestock is allowed under the provisions of § 7.244. See §14.17(3) of this Municipal Code regulating the maximum number of cats and dogs that may be kept in the City.~~”

Section 2. Section 7.244 of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

“7.244 CHICKENS.

- (1) DEFINITIONS. The following terms, when used in this section, shall have the meaning set forth below:
- (a) Chicken means a domestic chicken of the sub-species Gallus gallus domesticus.
 - (b) Keep means either the owning, keeping, possessing or harboring of a chicken.
 - (c) Rooster means a male chicken of any age, including a capon or otherwise neutered male chicken.

- (d) Coop means a new or existing enclosed accessory structure designed or modified for the keeping of chickens and meeting the requirements of this section.
- (e) Chicken Run means a fenced cage attached to a coop and not to exceed 40 square feet in area or 1 percent of the rear yard area, whichever is greater. However, in no instance, may the chicken run exceed 100 square feet in area.
- (f) Rear Yard Area means that area extending across the full width of a lot between the rear property line and the rear line of the residence, excluding the corner side yard if there is one.

(2) CHICKENS ALLOWED.

- (a) Any person may keep up to 4 female chickens on any residential zoning lot in the City which contains one single-family residential dwelling unit. No person shall otherwise keep any chicken within the City of Beloit other than as permitted in a “Development Holding” zoning district as provided in Section 7.243(3) and Section 5-204 of the City of Beloit Zoning Code.
- (b) No roosters shall be allowed to be kept under this section.
- (c) Chickens may only be kept in a coop or chicken run located in the rear yard area as defined in this section. The chicken run and coop shall not be located in the front, interior side or corner side yard of the residential zoning lot.

(3) SLAUGHTERING OF CHICKENS. No person shall slaughter any chicken within the City of Beloit other than at a licensed meat processing facility.

(4) CONSTRUCTION AND MAINTENANCE OF COOP.

- (a) A coop shall be constructed from conventional building materials in a workmanlike fashion or be a pre-manufactured enclosed structure designed specifically for the keeping of urban chickens. Such coop must be secure and impermeable to rodents, wild birds and predators, including dogs and cats and must be constructed or modified in a fashion to provide a humane environment for the chickens, including adequate ventilation, adequate sun, adequate shade and adequate protection from adverse weather. A newly

built or installed coop cannot exceed 24 square feet in size.

- (b) A coop may have a chicken run attached and contiguous to the coop with the run constructed in a fashion to confine the chickens and in compliance with the provisions of this section.
 - (c) Coops and chicken runs must be kept clean, dry, and odor free and kept in a sanitary condition at all times in such a manner as to not disturb the use or enjoyment of adjoining property due to noise, odor or any other adverse impact.
- (5) **CONFINEMENT OF CHICKENS.** Chickens must be kept in a coop or a chicken run at all times. Between sunrise and sunset, chickens may be allowed outside of the coop in the chicken run. Chickens must be secured within the coop between sunset and sunrise.
- (6) **LOCATION OF COOP AND RUN.** A coop must be located no closer than 10 feet to the rear wall of the residential dwelling unit located on the zoning lot and no portion of the coop or chicken run shall be located within 10 feet of any lot line of the zoning lot upon which the coop and chicken run are located, unless the rear or side lot is contiguous to an alley in which case the coop or run shall not be located within 3 feet of the lot line. No portion of the coop or chicken run shall be located within 20 feet of any principal structure located upon any adjacent property.
- (7) **ANNUAL RESIDENTIAL CHICKEN PERMIT REQUIRED.** No person shall keep any chickens nor construct any coop or chicken run without first obtaining an annual residential chicken permit hereunder.
- (a) Fee. An application fee, established by City Council resolution, shall be paid to the City by the applicant when the application is filed.
 - (b) Application. The application for the annual residential chicken permit shall be made using such forms required by the City's Director of Planning and Building Services and must contain an accurately scaled drawing showing the location of the proposed coop and any chicken run, distances to lot lines and distances to the nearest adjoining principal structure, together with dimensions of the coop and chicken run. Chicken runs shall be exempt from Section 8-300 of the City of Beloit Zoning Code related to fencing regulations. However, all chicken runs constructed shall be of wire normally used for the containment of

chickens. If the applicant is not the owner of the parcel, the property owner must sign the application certifying approval for the use of the premises for this purpose. The property owner's signature must be notarized.

- (c) Registration. Any permit application shall be accompanied with satisfactory evidence that the applicant has registered the proposed location with the Wisconsin Department of Agricultural Trade and Consumer Protection pursuant to Wis. Stats. 95.51 and ATCP 17, Wis. Adm. Code.

- (d) Limited Permits. The permit year shall be January 1 through December 31. In the first permit year, no more than thirty (30) permits shall be issued. Permit applications for the first permit year will not be accepted until 8:00 a.m. on January 2, 2013 and will be processed on a first come, first served basis.

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(8) MISCELLANEOUS.

- (a) All food supplies maintained for the coop must be kept in a secure and rodent-proof container.
- (b) Should any person feed chickens kept under this section with food meant for human consumption or scraps of such food, it shall only be fed within the coop and shall be prohibited within the chicken run.
- (c) All waste generated by the operation of the coop and chicken run, including, but not limited to, chicken carcasses, manure, droppings and spoiled feed, shall be disposed of pursuant to the provisions of Chapter 17 of this Municipal Code. (Note: Chapter 17 will need to be amended related to the on-site storage and preparation of carcasses for disposal.)
- (d) A building official may enter the rear yard of a residential zoning lot at any reasonable time to determine if a property is in compliance with the provisions of this section.

(9) PENALTY.

- (a) The penalty for any violation of this section shall be as provided in Section 25.04 of this Municipal Code.

- (b) Any person convicted of any violation hereunder on more than 2 occasions relating to incidents occurring within a 365-day time period shall be ineligible to receive a renewal permit for a period of one year after the date of the last such conviction. In addition, no other person may apply for a permit hereunder on the zoning lot subject to such prior permit during said period of renewal ineligibility.”

Section 3. Section 6.2.8 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

“6.2.8 LIVESTOCK. Livestock, as defined in Section 7.243(1) of the Code of General Ordinances, may be kept in the DH, Development Holding District, or under the provisions of Section 7.244, provided that all required permits are obtained. ~~A minimum lot area of 5 acres shall be required for the keeping of any livestock. A maximum of one animal unit shall be allowed per full acre of land area of a parcel. One animal unit shall be the equivalent of: one horse or pony, steer, bull, cow, heifer or calf; or 4 swine; or 10 sheep or goats; or 20 chickens, ducks, turkeys or pheasants. (Note: These standards are included in the DH section and are not necessary in this section.)~~”

Section 4. Table 6.1-1 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

Use Category	Specific Use Type	Residential					Commercial					Mfg.		Conditions	
		R 1 A	R 1 B	R 2	R 3	R 4	C 1	C 2	C 3	C B D 1	C B D 2	M 1	M 2		
Agriculture	Livestock <u>excluding chickens</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	§5-204 §6.2.8
	<u>Chickens</u>	P	P	P	P	P									<u>Property Maintenance Code</u>

Section 5. Section 6.3.3(b)(1) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

Accessory Use	Setbacks (feet)			
	Front	Street Side	Interior Side	Rear
Agricultural Buildings <u>except Chicken</u>	100	100	100	100

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<u>Coops</u>				
<u>Chicken Coops</u>	<u>As established by Section 7.244(6) of the Code of General Ordinances</u>			

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Section 6. Section 8-300(m)(5) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby created to read as follows:

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“5. Chicken runs as defined in Section 7.244(1) of the Code of General Ordinances.”

Section 7. This ordinance shall ~~be in force and take effect upon passage and publication on January 2, 2013.~~

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Adopted this 17th day of September, 2012.

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BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, President

ATTEST:

By: _____
Rebecca S. Houseman, City Clerk

PUBLISHED: _____

EFFECTIVE DATE: _____

01-611100-5231-_____

tdh/ord/Chickens=ord=120910 1543 (rdln) (12-1042)

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CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Ordinance Relating to the Keeping of Chickens in the City

Date: September 17, 2012

Presenter: Julie Christensen

Department:

Community Development

Overview/Background Information:

At the City Council's request, City of Beloit staff has drafted an Ordinance to amend and create certain sections of the Property Maintenance Code and the Zoning Ordinance relating to the keeping of chickens in the City.

Currently, chickens are only allowed in the primarily agricultural DH, Development Holding District, subject to certain conditions. The draft Ordinance would allow residents to keep up to four chickens in most single-family residential backyards in the City, subject to certain permitting and regulatory requirements. Only the Plan Commission and City Council may initiate Zoning Text Amendments.

Key Issues (maximum of 5):

- In early 2012, a citizen group known as "Beloit Backyard Chickens" began attending City Council meetings and urging Councilors to amend the City's Ordinances to allow backyard chickens. According to literature prepared by this group, the benefits of backyard chickens include healthier eggs, insect control, fertilizer, decreased emissions, and entertainment. Ultimately, the City Council directed staff to prepare a draft Ordinance for review.
- A first draft of the Ordinance was prepared by staff and reviewed by the City Council and the public during a Council Workshop on May 30, 2012. Following some revisions, a second draft of the Ordinance was prepared by staff and reviewed by the City Council and the public during a Council Workshop on July 2, 2012. Minor changes were made following the second workshop. A public hearing was held on the proposed ordinance on September 4, 2012. At that meeting, the City Council proposed three changes.
 - Section 7.244(7)(b) was modified to require the property owner's signature to be notarized.
 - Section 7.244(7)(d) was created to establish the permit year as January 1 – December 31, to not accept applications until the first business day in January, and to accept applications on a first come, first served basis.
 - Section 7.244(7)(d) also included limiting the permits to 30 the first year of the ordinance.A redline version of the draft Ordinance is attached.
- **Proposed Regulations.** The proposed Ordinance would allow owners and tenants (with landlord approval) of single-family residential lots to keep up to four female chickens within a coop or chicken run located in the rear yard, subject to the following regulations:
 - A coop is defined as "a new or existing enclosed accessory structure designed or modified for the keeping of chickens."
 - A newly built or installed coop cannot exceed 24 square feet in area.
 - A chicken run is defined as "a fenced cage attached to a coop." A chicken run may not exceed 40 square feet in area or 1% of the rear yard area, whichever is greater, but may not exceed 100 square feet in area.
 - Chickens may not roam around a yard, even if it is fenced.
 - A coop and chicken run may not be located in the front, interior side, or street side yard of a lot.
 - A coop must be setback at least 10 feet from the house.
 - A coop and chicken run must be setback at least 10 feet from the property lines, unless the lot is adjacent to an alley, in which case the setback is reduced to 3 feet.
 - A coop and chicken run must be setback at least 20 feet from any neighboring buildings.
 - Roosters and slaughtering of chickens are expressly prohibited.
 - Building officials would be allowed to enter rear yards to investigate compliance with the standards.
 - An annual permit is required before residents may keep chickens or construct a coop and/or chicken run. The permit process, including the review of applications, site drawings, and inspections, would be administered by the Planning & Building Services Division.
 - Violations would be addressed through Notices of Violation, citations for non-compliance, and applicants with more than two convictions in a year would be ineligible to renew their permit the following year.
- **Public Comments.** The attached Public Notice was published in the local newspaper, mailed to interested parties, and posted on the City's website. Since the public notices were distributed, staff has been contacted by 4 citizens who oppose the backyard chicken Ordinance. Letters in support of the proposal are attached.

- **Staff Concerns.** Although staff has worked extensively on the draft Ordinance, the recommended Ordinance should not be interpreted as support for the concept of backyard chickens. As described in the attached memo, staff is very concerned that allowing backyard chickens will have substantial negative impacts on the quality of life in the City.
- **Staff's Findings of Fact.** When considering Zoning Text Amendments, the Plan Commission and City Council are asked to consider whether the proposed amendment is in the public interest and advances the purpose and intent of the Zoning Ordinance, as outlined in Section 1.6 of that chapter. For example, the statements of purpose include "protecting residential, commercial, and manufacturing areas alike from harmful encroachment by incompatible uses and ensuring that land allocated to a class of uses shall not be usurped by other inappropriate uses" as well as "isolating or controlling the location of unavoidable nuisance-producing uses."
 - Chickens are livestock. As such, they have been prohibited in the urbanized areas of the City for decades. While the extent of their impact is debatable, the fact is that livestock creates certain externalities such as noise, odor, and potential diseases. Therefore, the overwhelming majority of urbanized cities prohibit the keeping of livestock. While it is true that many cities in Wisconsin have amended their ordinances to allow backyard chickens, this trend is not universal. The Janesville City Council denied a proposed backyard chicken ordinance in 2010 and the City Councils in both Edgerton and Milton have denied proposed backyard chicken ordinances this summer.
 - In staff's opinion, allowing backyard chickens in a dense urban environment is likely to benefit the chicken owners while potentially exposing entire neighborhoods to the nuisances and risks described in the attached memo. Initiating a backyard chicken program without an animal shelter willing to accept chickens and code enforcement or animal control officers dedicated to overseeing this program will only exacerbate these nuisances and risks.
 - The City Council has received offers from volunteers in Walworth and Beloit willing to transport and adopt loose and abandoned chickens. These are generous offers, but they are non-binding. It would be unreasonable to rely exclusively upon non-binding verbal offers from unpaid volunteers who would need to be on call 7 days-a-week, 24 hours-a-day, 365 days-a-year to capture, hold, and transport loose & abandoned chickens while covering the vehicle, fuel, maintenance, and equipment costs associated with this effort without any compensation from the City.
- Therefore, for all of the reasons described in this section and the attached memo, it is staff's opinion that the proposed Zoning Text Amendment relating to backyard chickens is not in the public interest and will not advance the purpose and intent of the Zoning Ordinance.
- **Plan Commission Meeting.** The Plan Commission held a public hearing and reviewed the proposed Ordinance on August 22, 2012. After hearing testimony from staff, residents and non-residents both for and against the proposal, the Plan Commission voted (4-1) to recommend denial of the Ordinance.

Consistency with Comprehensive Plan and Strategic Plan:

- The City's Comprehensive Plan does not explicitly address backyard chickens.
- 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** – Allowing backyard chickens may result in a negligible decrease in fossil fuel dependence.
- **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** – Staff believes that allowing backyard chickens will ultimately have a negative impact on current and future residents of the City.

Action required/Recommendation:

- City Council consideration and 1st reading of the proposed Ordinance

Fiscal Note/Budget Impact: The City's budget does not contain funds for the staff time, equipment, vehicles, fuel, and humane society surrender fees necessary to effectively manage this program. The proposed \$35 application fee would cover only a small fraction of the administrative costs related to this program, including permit review & issuance, inspections, enforcement, court testimony, along with locating, capturing, and transporting loose & abandoned chickens.

Attachments: Ordinance, Memo from Staff, Memo from BBC, Letters, Public Notice, and Mailing List.



CITY HALL • 100 STATE STREET • BELOIT, WI 53511
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Departmental Correspondence

To: City Council

From: Staff Review Committee – Proposed Backyard Chicken Ordinance
Julie Christensen, Community Development Director
Drew Pennington, Director of Planning & Building Services
Teri Downing, Director of Community & Housing Services
Chris Walsh, Director of Operations
Norm Jacobs, Police Chief
Brad Liggett, Fire Chief

Date: July 2, 2012

Re: Staff Concerns Regarding Backyard Chickens

At the City Council's request, we have collaborated with the City Attorney on a draft ordinance that would allow backyard chickens in the City of Beloit. Despite this collaboration, the intent of this staff report is to share our strong concerns regarding this proposed ordinance. City staff would be primarily responsible for administering any urban chicken ordinance. Therefore, we respectfully request that you consider our concerns, as described below.

Concern #1: Adequate Staffing Levels

We have limited staff resources to manage this program. Each division that will deal with this ordinance dealt with staffing reductions last year, and this program has the potential to be very time consuming. We estimate that reviewing & approving permit applications will take approximately 2 hours per application. Enforcement will include identifying responsible parties, issuing notices, issuing citations, and testifying in court, which we estimate will take an average of 6 hours per violation. If this ordinance is adopted and these commitments become a reality, staff will have valuable time taken away from existing development review/inspection and code enforcement responsibilities.

Concern #2: Loose/Abandoned Chickens and Inhumane Treatment

Our inspectors routinely encounter abused and mistreated pets. Since April 1st of last year, more than 200 loose/abandoned dogs and more than 500 loose/abandoned cats in the City of Beloit

have been admitted to the Rock County Humane Society. Unfortunately, past experiences lead us to believe that the City may have a similar experience dealing with chickens. Issuing notices and citations is not a guarantee that mistreated or abandoned chickens will be sheltered, fed, etc. What will we do with mistreated and abandoned chickens? The Beloit Police Department has already experienced several years of increases in calls related to animal complaints, and they are not trained or equipped to capture or hold loose or seized chickens for transport anywhere (see attachment "A" for call data). The Rock County Humane Society will not accept chickens. Contrary to claims made about the backyard chicken program in Madison, loose & abandoned chickens have become a problem there. Madison has animal control officers to catch the chickens, a volunteer adoption coordinator that places most loose & abandoned chickens, and a Humane Society that will accept the remaining birds, whereas Beloit does not currently have these services in place. Last year alone, the Dane County Humane Society admitted 47 abandoned chickens and roosters, and increasing rates of chicken abandonment have forced the society to build a large chicken coop. A backyard chicken program in Beloit should not be considered until we have animal control officers, an animal shelter that will accept chickens, and additional code enforcement officials.

Concern #3: Increased Fire Risk Associated with Coops

Urban chicken coops can create an increased fire risk. The fire danger that accompanies these seemingly benign structures and their inhabitants is centered in the human interaction with these small flocks. Communities that have had ordinances allowing urban chicken flocks have experienced an increase in fire associated with the chicken coops. This risk is not limited to chickens, it also occurs in dog breeding and rabbit breeding operations.

Research shows that the fires are caused by a few common sources. The most common is an electrical malfunction of wiring associated with controlling the environment the chickens are living in. Well-meaning owners trying to keep chickens healthy by cooling them with fans or heating them with a plethora of heating devices seems to lead to inadvertent ignition of bedding, animal waste, coop structure, or the wiring itself. Over lamping a heat lamp or placing it too close to wood or animal bedding can cause heat buildup excess of 500 degrees at the tip of a bulb. Cellulose based materials commonly found in a chicken coop will ignite and free burn at 451 degrees. Some owners have used a folded electric blanket to keep chickens warm. The folded blanket will break down from excessive heat and cause an electrical fire.

Damage from these fires is significant. Especially when the chicken coop is in close proximity to the home. Many of these fires occur at night then the coop is unattended. If the coop is attached to the home or garage, the fire extends into the adjacent structure and could easily result in a human fatality.

The goal of the fire service is to eliminate fires and fire injury or death. Mitigation of fire risk is accomplished through fire code and the appropriate human response to the code. Most of the general public is completely unaware of the requirements of the fire code. Most people go about their day without ever realizing how the fire code makes their everyday activities safe. The way the fire code works is to eliminate the circumstances that would bring the fuel, heat, and an ignition source together.

The fire code has to be reasonable. It also has to be enforceable. There has to be a delicate balance between the environmental controls that exist in the built environment and the intrusion on our lives to meet our human needs. Certainly a citizen wanting to produce their own food source through chickens is a legitimate request. However, experience in other communities demonstrates that there is an increased occurrence of fire when urban chicken coops are permitted.

The Fire Chief strongly recommends that this ordinance not pass. The department is already short staffed and increasing the probability for fire is counter intuitive to mitigation strategies the department employs in its fire prevention programs. The department doesn't have the personnel or the time to develop and enforce a fire code for this fire risk. Single family dwellings are not subject to the fire inspection and fire safety maintenance code. The only way to prevent these fires is to not allow the risk in the first place.

Concern #4: Negative Impact on Beloit's Image and Property Values

Over the past decade, Beloit's quality of life and overall image has improved greatly. This trend is reflected in national awards, magazine rankings, and increased economic development. The City has invested millions of dollars in HOME, CDBG, NSP, and local funding in the City's older City Center areas with the purpose of revitalizing our neighborhoods, increasing owner occupancy, and encouraging resident investment in Beloit. These funds have been used to assist homeowners in rehabilitating properties, provided funds to non-profits to build new housing, and for the purchase of dilapidated properties for rehabilitation or demolition. In addition, a variety of private investments are occurring in our neighborhoods. Residential alterations and additions are occurring in our central city neighborhoods at a rate of about \$1.0 million in improvements each year.

Allowing backyard chickens in residential neighborhoods may be contrary to the City's long term revitalization efforts and could jeopardize the progress already achieved. We certainly do not want to repel any potential residents or businesses, and we are concerned that allowing backyard chickens will reduce the desirability of our neighborhoods.

Concern #5: Potential Illnesses and Disposal Concerns

The City would need to establish precautions for dead bird handling along with feces and other material removal and disposal. Who will be handling and disposing of this material? If City staff will be expected to collect dead birds and contaminated materials then protection methods/procedures must be established for the Solid Waste Collectors and residents themselves as domestic birds may carry diseases contagious to humans. The City's Solid Waste Regulatory Ordinance should also be amended to address these concerns.

As background for the above precautions, Avian influenza or "Bird Flu" is a highly infectious disease of birds caused by A strains of the influenza virus, examples of this include the Spanish Flu, Asian Flu, Hong Kong Flu and most recently the H5N1 outbreak. People can become infected by direct contact with infected poultry, surfaces or objects contaminated by their feces, coughing or sneezing. To date, most human cases have occurred where households keep small flocks, which often roam freely, sharing outdoor areas or indoor areas where children play. The standard method for dealing with an outbreak is to depopulate all birds within a certain range. So

for example, if a bird in the area tested positive, birds in Beloit may have to be euthanized. Who from the City would work with the State Veterinary and what would disposal methods of choice be? Studies have shown that a single gram of feces can contain enough viruses to infect 1 million birds. There is the potential for serious problems related to poultry in urban settings and clearly biosecurity measures should be established for residents and City staff prior to allowing this practice.

Concern #6: Consultation with Rock County Health Department

The City of Madison works very closely with its City/County Health Department regarding their chicken ordinance so staff contacted the Rock County Health Department to sort out what their role would be, as well as to discuss concerns they may have. Tim Banwell, the Environmental Health Department Director for the agency provided insight regarding the Health Department's involvement, limitations, and concerns regarding the keeping of urban chickens.

The Health Department's biggest concern is the potential for infestation of rats and other rodents. According to Mr. Banwell, rats and rodents need only shelter, food, and water to thrive and chicken coops have the potential to provide this habitat. While chickens can keep the interior of their pens free of feed, the exterior of the enclosure will need to be kept clean of spilled feed and feed must be stored in rodent proof containers. The space beneath floorboards in the coop is a location for rodents to live. The premises will need to be continuously monitored for rodent activity.

The Health Department is also concerned about disposal of solid waste regarding bedding/straw, feces, and dead birds. The adequate disposal of solid waste regarding bedding/straw, feces, and dead birds is important to control flies and disease. Two bacteria common in poultry, campylobacter and salmonella, are also a common source of disease in humans in the absence of routine hygienic practices and routine property maintenance. Spread of disease can be a concern to people in densely populated areas. Children and elderly people are especially susceptible to diseases spread by poultry. Keeping the coop and run clean by removing manure and soiled bedding/straw will control flies. The Health Department shares the disposal concerns expressed above.

Concern #7: Consultation with the City of Madison

Chicken advocates have pointed to the City of Madison's chicken ordinance as a model for successful urban chicken keeping. Staff consulted with the City of Madison Building Inspection Division, which is involved in the daily enforcement of Madison's backyard chicken ordinance. The ordinance has been in place for eight years and Madison staff was very candid with their experiences and discussed issues that Cities should consider when considering a chicken ordinance. The City of Madison has been contacted numerous times by cities all over the country regarding their experience with their urban chicken ordinance.

The City of Madison's experiences are summarized below by common problems, growing issues, and the key administrative differences between Beloit and Madison that need to be considered. Overall, there is no question that staff time and cost has increased due to the ordinance.

A. Most Common Problems in Madison

The enforcement time for each of the issues below include receiving and fielding a complaint, initial site visit, investigation/evidence gathering, issuing orders, follow-up visit(s)/evidence gathering, citation(s), preparation for court if needed, and court time. The average complaint takes approximately six hours excluding preparation for court and court time. If a citation goes to court another 2 hours should be added to the time. The most common enforcement issues are as follows:

- License holders often have more chickens than allowed by ordinance.
- People put their chicken coops closer to their neighbors than to their own homes.
- No license
- Rooster problems every spring due to people buying young birds and cannot determine gender.
- Set-back and other violations
- Staff time involved in educating people about the ordinance, coop requirements, set-backs, and fielding general chicken keeping questions.
- People are obtaining other types of birds, including ducks, pigeons, pheasants, peacocks, and quail.

B. Abandoned Chickens: The City of Madison has a relationship with a volunteer who coordinates the adoption of abandoned chickens. According to media reports, she took in 230 abandoned chickens (some from outside of Madison) between 2008 and 2011 and there were 47 chickens surrendered to the Dane County Humane Society in 2011. The City of Madison is billed by the Humane Society for taking and keeping abandoned or seized chickens, so the humane society is a last resort when animal control officers cannot locate the owners and the adoption coordinator cannot place the birds.

Due to the large number of agencies and individuals involved in managing Madison's program, it is nearly impossible to calculate exactly how many loose & abandoned chickens they deal with every year. However, we can reasonably state that loose & abandoned chickens have become a concern in Madison, and their numbers are increasing every year. Again, staff's concern is that we do not have a similar support structure in place if loose & abandoned chickens become a problem in Beloit.

Summary of Key Differences between Beloit and Madison regarding Regulation of Chicken Keeping

There are many administrative differences between the City of Beloit and the City of Madison concerning the monitoring and enforcement of urban chicken keeping. The City of Madison has a number of Divisions responsible for the effective regulation of backyard chickens. The Madison/Dane County Health Department handles complaints for chicken feces, salmonella, other chicken related illnesses, and determining the gender of chickens. The Treasury Division coordinates the chicken licensing. In Beloit it is envisioned that all these facets will be administered by the Department of Community Development. Most importantly, the City of

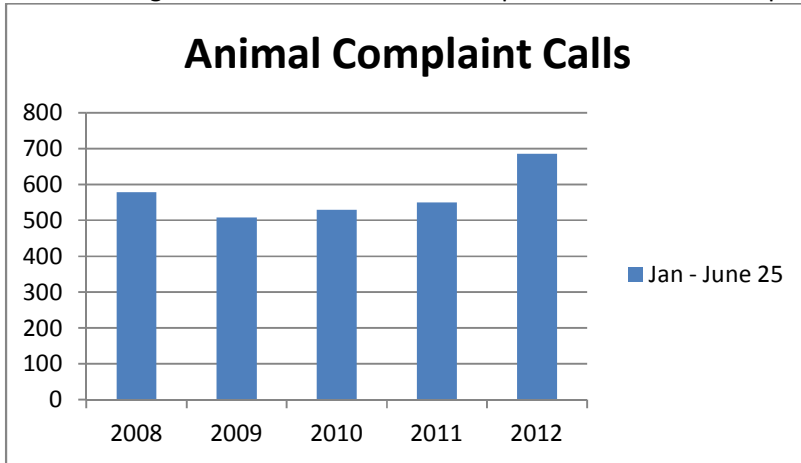
Madison has an Animal Control Division, a supportive Humane Society, as well as a volunteer who will take in and coordinate the adoption of abandoned and mistreated chickens. The City of Beloit does not currently have any of these support services available.

In conclusion, there are nearly unanimous and serious concerns about this ordinance among staff in the affected divisions because of the reasons listed above. Please let us know if you have any questions or if we can provide additional information. Thank you for your consideration of our concerns.

Attachment A

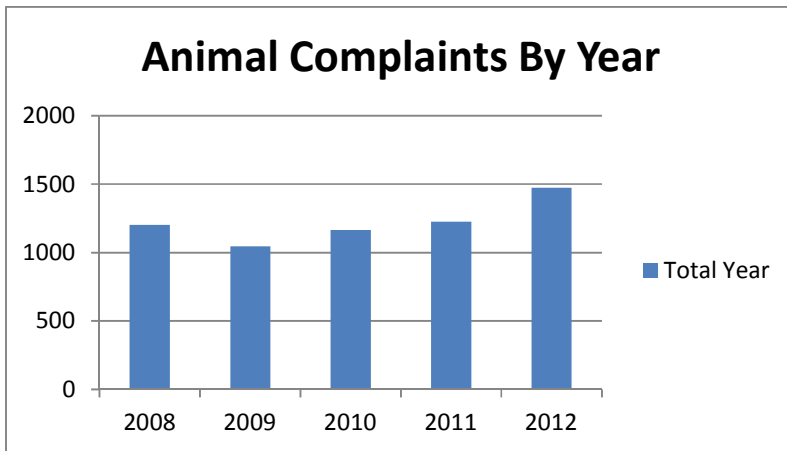
Animal Complaint Call History

The following chart shows the Animal Complaint calls for the first part of each of the past 5 years:



Jan - June 25	
2008	578
2009	508
2010	529
2011	550
2012	685

Based on the percentage of calls in previous years, it is anticipated that the total calls for 2012 will exceed the annual totals since 2008:



	Total Year
2008	1203
2009	1045
2010	1165
2011	1225
2012	1473*

*Projected

Source: Beloit Police Department

July 1, 2012

Dear City Councilors and Staff,

On behalf of Beloit Backyard chickens, we appreciate being able to review the second draft of the chicken ordinance and the staff members' stated concerns. As the staff concerns were presented first, we will address them first. Based on our research and findings we believe that these concerns will be alleviated. Our main concern is finalizing a suitable ordinance for Beloit.

Regarding the issue of Sustainability in the Strategic Plan, Backyard chickens in Beloit will offer the following :

- Decrease in fossil fuels. Average egg travels 801.5 miles from farm to plate. (Washington State University animal science study)
- Reduce dependence on chemicals, both in the chicken care (most chickens are raised in factory farming conditions and are managed with medications and conventionally raised feed from chemically treated crops) and in insect and weed control in yards (as chickens eat insects and weeds so chemicals are not needed).
- Improved health – Home-raised eggs and dairy have been shown to contain more “good stuff” (like vitamins and omega-3 fatty acids) and less “bad stuff” (cholesterol and saturated fats) than their conventionally raised counterparts.
- Food Safety & Security – Food that is produced in CAFOs (Concentrated Animal Feeding Operation) is vulnerable to contamination from food-borne bacteria like E coli and salmonella. (27 times more vulnerable than Backyard Chickens- *Food Inc.*) Backyard chickens “are the solution not the problem.” (Newsweek Nov. 17th 2008)
- Economic– Four hens require about 6 bags of commercial feed per year at \$10.99 per bag. This totals about \$66 per year. The same four hens will lay about 150 dozen eggs per year. On March 9, the cost of the three varieties of large organic eggs at the Williamson Street Coop averaged \$3.96 per dozen, or nearly \$600 for 150 dozen eggs. (Natural Step Monona)
- Regarding the “hierarchy of human needs”, there is no more basic human need than healthy food.

Concern #1: Adequate Staffing

Number of permits expected: Based on the population of Neenah, WI (25,000 pop. & 13 permits) we estimate that there would be 20 permits in Beloit. Using your estimate, that would equal 40 hours of staff time.

Number of complaints expected: Based on Madison and Neenah's population size(233,000 & 25,000 respectively) and complaints (10 & 1 per year respectively), we would project 1.5 complaints per year for Beloit, however, all may not be violations. We estimate approximately 10 hours of staff time at 6 hours per complaint. (Jefferson has had no complaints in 21 years, Neenah had only 1 complaint, and Madison had less than 10 complaints/year.- letter from the Madison Department of

Community and Economic Development to The Natural Step Monona and Report on Chicken laws in WI by "City Peeps Appleton" updated 11/11/2011) 50 hours over the year will be less time than staff (and the Beloit Backyard Chicken group!) have already spent on this issue. Finally, can BBC play a role in screening applications to determine whether they are in line with the ordinance and good chicken keeping practices?

Concern #2: Abandoned Chickens

We certainly empathize with concerns about added duties for officers dealing with loose animals. The reality is there would be very few actual calls. While the staff notes 230 abandoned chickens in 4 years in Madison, the article sharing this number in the Wisconsin State Journal ("Area woman has found new homes for some 230 orphaned chickens since 2008") notes that, included in this number are chickens sent to Liz Perry from Milwaukee, Chicago, Evanston and Skokie, Ill. as well as 80 chicks from one farm. A better gauge of the actual calls is found later in the article where Cheri Carr, an animal services officer for the Department of Public Health for Madison and Dane County, notes that authorities get a stray chicken alert — at most once a month. At most, Madison would have 12 stray chickens a year. When we compare our city size with the size of Madison, (Madison is 6.6 times the size of Beloit at 233,000 pop. Compared to 35,000 pop.) the number of loose chickens in Beloit would be expected to be, at most, 2. (That's 12 chickens per year divided by 6.6 to equal 1.8) —probably less than 1/10 of 1 percent increase in loose animals. 1.8 chickens is 0.25% of 701.8 (200 dogs plus 500 cats plus 1.8 chickens).

We propose that BBC work with the staff on a plan for dealing with abandoned chickens that helps reduce the impact on staff time. We're already speaking with local farms and would be glad to provide a list, or propose re-homing with new chicken keepers. Part of the problem with dogs and cats if they get loose is that they can reproduce. Since we will not have roosters, this isn't an issue. Other cities rely on citizen groups to help with first complaints, advising on chicken keeping, community education. For instance in Chicago, Chicago Chicken Enthusiasts, and in NYC Just Foods has a city chickens program.

Concern #3: Fire Risk

Because chicken coops would not be allowed within 10 feet of the home, any fire hazard would be reduced. Martha Boyd from Chicago's Chicken Enthusiasts leaders of Advocates for Urban Agriculture stated that there is no need for supplemental heat or light in an urban coop. The diversity of chicken breeds are more winter hardy than commercial breeds. In addition, the ordinance could prohibit electricity in the coop. We believe that banning chicken coops is an extreme measure. There are many activities such as smoking, which pose a greater danger of fire.

Concern #4: Beloit's Image and Property Values

There is no evidence that cities with legalized chickens have a lower property value. In fact, cities with the highest property values New York City, Portland, and Seattle are also cities that allow chickens. Seattle has even chosen to increase their chickens allowed from 3 to 8. In addition, cities

such as Fort Collins and Longmont (Colorado) with sunset ordinances have not chosen to put them into effect. We've heard people say they want to move to places that allow chickens. Community Action staff said that chickens would improve the image and livability of neighborhoods. Over 500 people have signed our petition to allow backyard hens. In Madison, we know of a landlord that has allowed chickens and bees, but not dogs. An employee of a company that sponsors Madcity Chickens shared this with us, "...the fact is homes with coops sell faster and INCREASE property values."

Code Enforcement & the City Budget

Eugene, Oregon, received eleven chicken-related complaints in 2008. The City of Madison receives just ten complaints a year and describes the enforcement burden as minimal. When clear and specific chicken policies are available, cities experience fewer problems. Madison, Wisconsin reports "The chicken keeping community does a good job of caring for and restraining their chickens" (appendix C). Commissioner Randy Leonard in Portland states "We have not experienced any significant problems relating to reduced property values or threats to public health as a result of hens co-existing with city residents." (The natural Step Monona) Between 2008 and 2011 the 100 largest cities that allow chickens increased from 65% to 94%.

Concerns #5: Illness and disposal

Chickens should be treated and handled like any other pet in Beloit, although, unlike other pets, people can eat their chickens at the end of their laying years. Chicken feces would either be composted or disposed of in the same way as any other pet feces. Fowl manure is remarkably safe, especially when compared to dog and cat feces, which cannot be used in compost or to fertilize a garden (cat feces can even contain toxoplasmosis). However, fowl manure can also be used as garden fertilizer. Cats and dogs can spread rabies, parasites, and tick borne diseases; whereas pet chickens will actually keep your yard healthier by eating ticks, etc. There are 12-14 diseases that cats and dogs carry which can be transferred to humans, compared to just 2-3 that could be carried by chickens. Carcasses from the store (chicken meat-juices-packages) (and feces) is more likely to be contaminated with diseases like Salmonella than a bird from small backyard flock. Food Inc., a documentary on our food system, notes a test of chickens raised outside as we are proposing and compares it to the chickens in large factory style settings that produces the chickens and eggs we buy in the store. A chicken raised outside had 133 CFU's /ml while the chicken we buy in the store would have 3600 CFU's /ml (27 times as many) even after antibacterial bath in chlorine. (In microbiology, colony-forming unit (CFU) is a measure of viable bacterial or fungal numbers) UV radiation in the sun kills pathogens. Backyard hens would have a better diet, better living conditions, and better ventilation verses factory farms that create conditions such as stress and close animal proximity that can spread salmonella and viruses.

The Bird flu has not been found in North America. The statement about diseases coming from small flocks is misleading. This may be unintentional, but this implies that this happens in places like Beloit. The reality is that in China, pigs, chickens and people all cohabitate. It is factory farms that create conditions that allow viruses to mutate and spread rapidly. Newsweek magazine (Nov. 17,

2008) shares that, after a study on industrial farm complexes in 2006 by GRAIN (an international sustainable agriculture group), they concluded “when it comes to bird flu, diverse small-scale poultry farming is the solution, not the problem.” Problems will come from chickens and eggs we get from the store, not from backyard chickens.

Concern #6: Beloit Health Department

The ordinance includes provisions for rodent proof containers, and well built and maintained coops. Studies show that people who are in regular contact with animals are healthier overall.

Concern #7: Madison

The staff concerns note the 230 chickens abandoned in Madison from 2008-2011 and the additional 47 in the Dane County humane society stating “This means that Madison has handled over 100 abandoned chickens each year since 2007.” This number is in error for a number of reasons. 230 divided by 4 is 57.5 and 57 plus 47 is 104.5. However, there were 47 abandoned chickens only in 2011 (the 8th year of the ordinance) and this includes the whole county, not just urban chickens. In 2007, there were only 2 abandoned chickens. (According to an Article on Abandoned Chickens- Wisconsin State Journal : “Area woman has found new homes for some 230 orphaned chickens since 2008”) 57.5 plus 2 is 59.5 so there were not over 100 abandoned chickens each year since 2007.

Furthermore, the 57.5 abandoned chickens is a questionable number. According to the article:

And so goes another happy ending for the “Urban Chicken Network: Connecting Peeps,” (Liz Perry’s one-woman, volunteer re-homing enterprise that since 2008 has linked an estimated 230 homeless chickens with families willing to make room for one more on the roost.

[When] Animal control officers in Milwaukee, Chicago, Evanston and Skokie, Ill., pick up a stray, they often send it Perry’s way to find a new home for it here.

The 230 homeless chickens include animals from outside of the city of Madison. The article also notes 80 chicks came from one farm, not backyard coops. Liz Perry appears in the documentary Mad City Chickens where she began her chicken rescue efforts with an abandoned commercial chicken that didn’t die after being gassed and escaped before being dumped in a land fill. In that this is a regular practice other chickens from commercial farms are likely in this number. The article further states:

When authorities get a stray chicken alert — at most once a month — “We all think it’s quite fun (to retrieve them), because a lot of us officers have chickens of our own,” said Cheri Carr, an animal services officer for the Department of Public Health for Madison and Dane County. Compared with dealing with vicious dogs and wayward cats, “chickens are really a benign aspect of what we do,” Carr said. “Occasionally a neighbor will call when a chicken wanders into their yard, but a lot of times they’re reclaimed even before we get there.”

As noted earlier, “at most once a month” reduces the 57.5 a year to at most 12, the equivalent of 1.8 abandoned chicken calls a year in Beloit. (see chart below) It is also interesting to note the officers find it “quite fun” to retrieve the chickens.

Furthermore, Matthew Tucker, Zoning Administrator in Madison from the Department of Community and Economic Development wrote a letter to The Natural Step Monona stating:

“You had asked for a brief summary in regard of our Zoning Code enforcement experience relative to our ordinance allowing the keeping of chickens in the City.

Our enforcement practice is primarily based upon the submission of a complaint, which results in the creation of an inspections case. Generally, we receive less than 10 complaints in a typical calendar year. The majority of complaints relate to roosters being on site, too many chickens on site or coops/shelters/enclosures that are placed too close to neighbors homes or property lines. It is not uncommon for us to discover that the person(s) keeping the chickens has not obtained the required city license, which is a simple issue to resolve.

I would say the enforcement burden of managing this ordinance is fairly minimal, as we put the majority of the responsibility for compliance on the party desiring to keep the chickens. Our mission is to educate folks on the regulations first, and save more significant enforcement action where voluntary compliance is not achieved. I cannot specifically recall any cases where a municipal citation was issued or a case was referred to the City Attorney's office for prosecution. Voluntary compliance is usually the result of any orders sent. “

As shared earlier, less than 10 complaints a year works out to 1.5 complaints a year in Beloit.

A Comparison of Beloit with Madison

Madison is 6.6 times as large as Beloit (233,000 pop. /35,000 pop.)

Complaints in Madison- less than 10/year	Possible Complaints in Beloit- 1.5/year (This is negligible = 0.1% of the 1473 animal complaints already expected this year)
Abandoned Chicken calls in Madison- less than 1/month (12/year max)	Possible Abandoned Chicken calls in Beloit- (1.8/year max)
Chickens in Dane County Humane Society not just Madison- 2 in 2007 (4 th year with ordinance), 47 in 2011 (8 th year)	Possible abandoned Chickens in Rock County not just Beloit- 0.3 in 2015, (4 th year with ordinance), 7.1 in 2019 (8 th year)

While we felt it was important to address the stated staff concerns, our greater concern is the final crafting of the ordinance itself. After further reflection, our recommendations have been revised as follows:

- For reasons of aesthetics **we would like to see the structure for the chickens to come under the same building code for sheds, garages and dog houses which can be adjacent to the property line.** Chicken tractors (portable chicken coops) would be allowed.
- **We find the \$35 permit fee still very high,** and are concerned that this may encourage more “underground” chicken keeping from people who can’t afford the permit fee. **We’d rather see the fee set lower, to encourage more people to register their chickens.** We believe that \$10 is a reasonable fee.
- **We are still concerned with the size restrictions on the run.** While we feel the chickens should be restricted to the coop and run when the owners are not present, we feel it is imperative **to allow them to be free in a fenced backyard when the owners are present to supervise them,** the same as a dog owner can take their dog on a leash. Part of our concern is the CAFOs (Concentrated Animal Feeding Operation) that currently make chicken raising in a restricted environment the norm. This is not healthy. Furthermore, it is the open air environment with exposure to uv radiation that helps kill unwanted bacteria such as salmonella. It also allows the chickens to consume unwanted weeds and insects (such as ticks) that also spread disease. And, as noted earlier, Fowl manure is remarkably safe, especially when compared to dog and cat feces, which cannot be used in compost or to fertilize a garden (cat feces can even cause toxoplasmosis).

A Proposed Partnership

Finally, we’d like to formally offer that our group be of assistance in whatever way we can to facilitate all future processes involved in the development and healthy maintenance of an urban chicken community in Beloit. (recognizing that some services may need to be provided by city employees rather than volunteers). Our ideas include:

- Helping the city word and craft an **informational brochure,** and getting it translated to Spanish.
- **Offering temporary “foster care,”** if needed, for abandoned chickens and helping with placement.
- **Providing support for chicken keepers** from the city, including a facebook page, google email group, and monthly meetings.
- **Organizing educational events** such as a coop tour or movie nights.

We thank you again for your willingness to work with us in this matter and look forward to our further collaboration at the workshop on Monday July 2nd.

Sincerely,

Beloit Backyard Chickens

Partnerships & Citations

- Angelic Organics Learning Center, nationally acclaimed educational non-profit
- Advocates for Urban Agriculture in Chicago
- Chicago Chicken Enthusiasts
- Marion Fass, Health and Society Program at Beloit College
- Eatwhereyoulive.com
- The Natural Step Monona
- The Wisconsin State Journal

Dear Mr. Arft and Members of the Beloit City Council,

As the Executive Director of Caritas, our local food pantry, I have the unique and often troubling perspective of meeting with families and individuals on a daily basis that are struggling with the basic necessity of putting food on the table. Caritas, along with the Second Harvest Food Bank, has been working diligently this past year to provide “more food to more people more often”. Food banks and local food pantries are on the frontline of the fight against hunger, but sadly, it’s not enough. Food Share benefits (commonly known as food stamps) are being reduced for some, and the economy, as many of us in the Stateline area are well aware, is still struggling to recover. As a citizen of Beloit, I was thrilled to learn about the concept of backyard chickens and happy to lend my support to this ambitious endeavor.

Caritas currently does not have the luxury of being able to purchase eggs; however, whenever eggs are available for our families, they are absolutely delighted! Eggs, something many of us take for granted, are considered a rare treat for others. The eggs we receive are donated by a local farmer; imagine if struggling families in town could have their own supply of farm fresh eggs!

Eggs are a high-quality source of protein that provides energy for kids and adults alike. In addition, eggs are not just for breakfast anymore! Inexpensive egg dishes can be prepared for lunch, dinner and even snacks. The possibilities are endless.

I understand and respect the opposing viewpoints of having backyard chickens. However, this group of brave and caring individuals have done their homework, visited other communities that have successfully launched their own programs, weighed the pros and cons, and have come to the conclusion, as have I, that giving Beloit the opportunity to have backyard chickens, is the right thing to do.

Respectfully,

Donna Ambrose



main: 1547 Rockton Rd @ Caledonia IL 61011
815.389.8455 (p) @ 425.969.0317 (f)

www.learn-grow-connect.org

6400 S Kimbark Ave @ Chicago IL 60637
773.288.5462 (p) @ 425.969.0317 (f)

City of Beloit Staff
City of Beloit Council Members

July 16, 2012

Dear Staff and Council Members,

I am writing in support of the ordinance to permit backyard chicken keepers in the City of Beloit, and to formally share with you the ways in which Angelic Organics Learning Center is prepared to support urban chicken keepers in the community.

Angelic Organics Learning Center is an educational non-profit located just 10 miles from Beloit. The Learning Center offers opportunities to grow healthy food and a better quality of life, connect with farmers and the land, and learn agricultural and leadership skills, reaching more than 4,000 people each year through our programs at partner farms and urban growing sites in northern Illinois and southern Wisconsin.

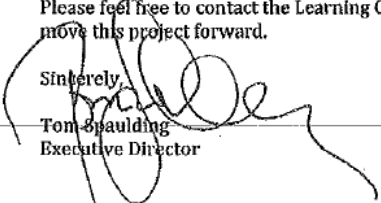
The Learning Center has partnered with Advocates for Urban Agriculture in Chicago as a key leader in helping to promote best practices in backyard chicken keeping in the City of Chicago and surrounding communities. This includes hosting urban chicken workshops at a variety of venues in Chicago, moderating the 350 member Chicken Chicken Enthusiast group, providing education to city staff, and planning and implementing the yearly Windy City Coop Tour. This experience can be a valuable resource for the city of Beloit.

We currently offer two Chicken-keeping workshops per year at our farm location near Beloit. Our staff is willing to provide the following:

1. Increasing our chicken keeping workshops to meet increased demand.
2. Focusing workshops specifically on urban environment.
3. Fundraising to provide additional free or low cost workshops in the city of Beloit.
4. Advising the city staff or citizen's groups on best practices and appropriate educational resources for new chicken keepers.
5. Helping identify and set up connections with rural farmers in Wisconsin who would be willing to adopt any abandoned chickens.
6. Helping arrange to translate outreach materials into Spanish, and to connect with the Latino population in Beloit.

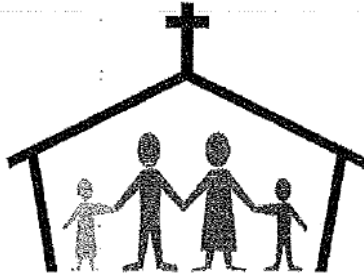
We commend the city for considering amending its ordinance to allow backyard chicken keeping. So many other cities have already demonstrated how backyard chickens have helped build community relationships and helped citizens' gain more independence and control over their food sources.

Please feel free to contact the Learning Center at (815) 389-8455 if there is any way that we can help move this project forward.

Sincerely,

Tom Spaulding
Executive Director

Learn. Grow. Connect.





PARROQUIA SAN JOSÉ

717 Bluff Street, Beloit, WI 53511

**City Council Members
City of Beloit
100 State Street,
Beloit, WI 53511**

Beloit, July 16th, 2012

Dear Beloit City Council Members

Most of San José's ministry time is spent easing human pain through education, guidance to resources, information; and advocacy for immigrant families. The rest of our time is spent building community; which we think it is the most direct answer to most of our human suffering.

Although most Latinos do not own the homes they live in, and most likely will not be able to have their own chickens under the current draft of the ordinance, San José's members have been very excited to see people from all sides of the spectrum coming together, building an inclusive community.

For all of the above, we are ready to do our part, by working together with the City and other organizations like the Angelic Organics Learning Center, to provide Spanish language outreach and education around chicken keeping practices.

Creation care has been for long, one of our aims, and we look forward to the possibility ourselves of having chickens in our Parish, if allowed, just like a sister Lutheran Church in Madison has been doing, and has found it to be an incredible outreach and educational opportunity. Children come to see the chickens, and adults follow to ask about Worship.

We are ready to build for peace, and to make Beloit a better community in which to live, not just spend most of our time chasing problems.

Looking forward to being part of the solution,

Sincerely,

Rev. Neddy Astudillo

A handwritten signature in black ink, appearing to read 'Neddy Astudillo', written over the typed name.



July 15, 2012

To: Beloit City Council
From: Sheri Doyel, Owner
Swamp Angel Farm
Lake Geneva, WI

Dear City Council Members:

Swamp Angel Farm is a small diversified farm located just near Walworth Wisconsin, just south of Geneva Lake.

We have a small flock of mixed breed laying hens, some of which are housed in a traditional-style chicken coop and some of which "migrate" across a 3-acre section of field in a chicken "tractor" or moveable chicken house.

We are in support of the Beloit Backyard Chicken Group and have seen many municipalities, of various size, adopt chicken ordinances that benefit their local residents in many ways. Chickens are not just meant for country living! However, if you are any residents of Beloit are in need of temporary or permanent housing for stray or abandoned chickens, please know that we are willing to take said chickens and to house them.

All the best as you work out the details. I salute you for considering this enhancement to your city!

Sincerely,

Sheri Doyel
Swamp Angel Farm
262-374-4903

Thank you for supporting a local family farm... and ENJOY!
Swamp Angel Farm
Lake Geneva, Wisconsin
seedbloom@yahoo.com



City of
BELOIT, Wisconsin
Division of Planning and Building Services

CITY HALL • 100 STATE STREET • BELOIT, WI 53511

Office: 608/364-6700 • Fax: 608/364-6609

www.ci.beloit.wi.us

Equal Opportunity Employer

NOTICE TO THE PUBLIC

August 8, 2012

To Whom It May Concern:

At the City Council's request, City of Beloit staff has drafted an Ordinance to amend and create certain sections of the Property Maintenance Code and the Zoning Ordinance relating to the keeping of chickens in the City.

Currently, chickens are only allowed in the primarily agricultural DH, Development Holding District, subject to certain conditions. The draft Ordinance would allow residents to keep up to four chickens in most single-family residential backyards in the City, subject to certain permitting and regulatory requirements. Copies of the Ordinance are available upon request.

Although staff has worked extensively on the draft Ordinance, staff involvement should not be interpreted as support for the concept of backyard chickens. Staff is very concerned that allowing backyard chickens will have negative impacts on the quality of life in the City and has recommended laying this matter over until the City has the prerequisites for a backyard chicken program, including an animal shelter willing to accept chickens and additional code enforcement or animal control officers dedicated to overseeing this program.

The following public hearings will be held regarding this proposed Ordinance:

City Plan Commission: Wednesday, August 22, 2012, 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: Tuesday, September 4, 2012, 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 Planning & Building Services Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

Beloit Backyard Chickens Group
(Via Email)
[beloitbackyardchickens@googlegro
ups.com](mailto:beloitbackyardchickens@googlegro
ups.com)

Tim Banwell
Rock County Health Department
Banwell@co.rock.wi.us

Paul Benjamin
Rock Co. Planning Agency
(Via Email)
benjamin@co.rock.wi.us

Beloit Property Owners Assn
c/o Matt Finnegan
(Via Email)
madfinnegan2@aol.com

Ann & Greg Furman
444 E. Grand Avenue Apt. A
Beloit, WI 53511

Gayle Viney
Dane County Humane Society
5132 Voges Road
Madison, WI 53718

Deb Bennett, Clerk
Town of Turtle
6916 S. County Rd. J.
Beloit, WI 53511

News Media Group
(Via Email)

Angela Rhodes
Rock Co. Humane Society
(Via Email)
director@rockcountyhumanesociety

Janelle Marotz
School District of Beloit
(Via Email)
Jmarotz@sdb.k12.wi.us

Near Eastside Neighborhood Assn
c/o Rick McGrath
(Via Email)
rickmcgrath2.0@gmail.com

Tom Spaulding
Angelic Organics Learning Center
1547 Rockton Road
Caledonia, IL 61011

Rev. Neddy Astudillo
Parroquia San Jose
717 Bluff Street
Beloit, WI 53511

City Clerk
City of South Beloit
519 Blackhawk Blvd. Suite 2
South Beloit, IL 61080

All City Staff Group
(Via Email)

Steven Shockley
(Via Email)
shockley4259@att.net

Gary Seidel
Via Email
grseidel@charter.net

Sheri Doyel
Swamp Angel Farm
(Via Email)
seedbloom@yahoo.com

Kathy Vickerman
722 Oak Street
Beloit, WI 53511

Karry DeVault, Clerk
Town of Beloit
2871 S. Afton Rd.,
Beloit 53511

*Rejected + sent to
Kurt Hanbrich
Via Email*

September 17, 2012

**APPOINTMENT REVIEW COMMITTEE
REPORT TO CITY COUNCIL
APPOINTMENT RECOMMENDATION**

The undersigned Charles M. Haynes, duly elected President of the Beloit City Council, subject to confirmation by the Beloit City Council, does hereby appoint the following citizen members to the vacancies and terms indicated below, said appointments being pursuant to nominations made and approved by the Appointment Review Committee at the regular meeting held September 10, 2012:

Charles M. Haynes, President
Beloit City Council

Appointments

Alcohol Beverage License Control Committee

Malissa M. Cronin, 939 William St, (replacing Tara Tinder) for a term ending June 30, 2015.

Board of Review

Vincent Borgogni, 2144 Collingswood Dr. (as an alternate) for a term ending December 31, 2014

Business Improvement District (Downtown Beloit Association)

Tiffany Warren, 700 College (replacing Tim McKearn as Beloit College Representative) for a term ending December 31, 2012

Renee Kellogg, 500 E. Grand (replacing Deanna Ohman as Owner Occupant) for a term ending December 31, 2014

Park, Recreation & Conservation Advisory Commission

Incumbent **Roger Christiansen** for a term ending September 30, 2015

Incumbent **Steve Feger** for a term ending September 30, 2015

Incumbent **Carol Mankiewicz** for a term ending September 30, 2015

Mark Smullen, 2121 E. Ridge (replacing Tia Johnson) as the School District Representative for the 2012-2013 School Year

Traffic Review Committee

Incumbent **Jason Dowd** for a term ending September 30, 2014

PLEASE ANNOUNCE THE FOLLOWING VACANCIES

Alcohol Beverage License Control Committee (1 vacancy for residents)

Appointment Review Committee (1 vacancy for resident)

Board of Appeals (2 vacancies [Alternates] for residents)

Board of Ethics (1 vacancy for former City Councilor, 1 vacancy for resident)

Community Development Authority (1 vacancy for resident)

Disabled Parking Enforcement Assistance Council (2 vacancies for residents with disabled plates)

Equal Opportunities & Human Relations Commission (1 vacancy for resident)

Municipal Golf Committee (1 vacancy for youth representative)

Municipal Library Board (2 vacancies for residents of Beloit or towns adjacent to the City)

Park, Recreation & Conservation Advisory Commission (1 vacancy for youth)

Traffic Review Committee (2 vacancies for resident)

City of Beloit
Fall Yard Waste
Program



October 29 – November 16

Fall Yard Waste Curbside Collection



☞ Leaves

☞ Grass Clippings

☞ Garden Debris



FREE ITEMS

Fall Yard Waste Curbside Collection



- ❧ Paper Yard Waste Bag
- ❧ Back to Nature -
Biodegradable Bags
- ❧ Clean Trash Can
 - ❧ Under 39 gallons
 - ❧ Weight under 60lbs

Fall Yard Waste Curbside Collection Stickers



- ❧ Sheets of 5 for \$7.50
- ❧ Available at City Hall, Leisure Services, DPW, Grinnell Hall
- ❧ Brush and shrubbery
 - ❧ 4'X4'

Leaf Vacuum

October 29 - November 16



Subscription
\$100

Blow or rake
leaves to terrace



Fall Yard Waste Options



Leaflan Compost
Center

6711 St. Lawrence

Beloit, WI 53511

(608) 364-1909

Bedrock Grinding

1105 E. Townline
Rd.

Beloit, WI 53511

(608) 758-4517

Fall Yard Waste DPW - Activities



Fall Yard Waste Curbside Collection



Questions

RESOLUTION

ESTABLISHING A FEE FOR THE ANNUAL RESIDENTIAL CHICKEN PERMIT

WHEREAS, the City of Beloit has adopted an ordinance which requires an Annual Residential Chicken Permit before any person shall keep any chickens or construct any coop or chicken run; and

WHEREAS, the fee for the Annual Residential Chicken Permit is required to be established by City Council resolution, and

WHEREAS, the fee should attempt to cover the expenses related to processing the application.

NOW THEREFORE BE IT RESOLVED, that the Annual Residential Chicken Permit fee is established at \$35.00, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Annual Residential Chicken Permit fee shall be doubled for that calendar year in the event that a person keeps any chickens or constructs any coop or chicken run without first being issued an Annual Residential Chicken Permit.

Adopted this 17th day of September, 2012.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Establishing the fee for an Annual Residential Chicken Permit

Date: September 17, 2012

Presenter: Julie Christensen

Department: Community Development

Overview/Background Information:

On the September 17 City Council agenda is an ordinance which would allow the keeping of up to four chickens on lots containing single family residences. Section 7.244(7)(a) requires an application fee to be established by City Council resolution.

Key Issues (maximum of 5):

- The application fee attempts to cover some of the expenses of processing the application.
 - Staff will have to verify that the proposed coop and chicken run comply with the ordinance. Staff will also need to verify that the proposed coop and run comply with the required setbacks, and that the applicant has registered with the Wisconsin Department of Agricultural, Trade and Consumer Protection.
 - The fee also covers the cost of the supplies required to prepare applications for the public to fill out, and the cost to mail the fee to the applicant when the review is complete.
-

Consistency with Comprehensive Plan and Strategic Plan:

- The City's Comprehensive Plan does not explicitly address backyard chickens.
 - 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 approval of the Fee Resolution.
-

Fiscal Note/Budget Impact:

The proposed \$35 application fee would cover only a fraction of the administrative costs related to this program, including permit review & issuance, inspections, enforcement, and court testimony.

Attachments: Fee Resolution

RESOLUTION
AUTHORIZING THE CITY MANAGER TO ACQUIRE TAX DELINQUENT PROPERTIES
FROM THE ROCK COUNTY TREASURER

WHEREAS, the City Council has established a strategic goal to promote a high quality community through historic preservation, community revitalization, and new development; and

WHEREAS, the City Council has adopted a policy on Housing Incentives, which authorizes the Community Development Department to identify properties in the City that could be acquired for resale and redevelopment; and

WHEREAS, Rock County owns several properties described below which the county has acquired through the tax foreclosure process, and the Rock County properties are being offered for sale to the City of Beloit; and

NOW THEREFORE, the City Council of the City of Beloit hereby resolves that the City Manager be, and is hereby, authorized to purchase the following real estate from Rock County on behalf of the city: 1267 Cleveland Street, 1117 Emerson Street, 1005 Keeler Avenue, , 318 Moore Street, 956 Sixth Street, 1414 Yates Avenue, and 202 Shirland Avenue, for a price to be determined by the Rock County Treasurer through the tax foreclosure process.

BE IT FURTHER RESOLVED, that the City Manager be, and is hereby, authorized to negotiate terms and authorize the sales of those properties for the purpose of promoting neighborhood revitalization in the City of Beloit.

AND IT IS FURTHER RESOLVED, that the estimated amount of \$106,387.48 be and hereby is, funded as follows:

P2607923-5510-2010	Water Resources Land Acquisition	\$43,630.05
P2302179-5514-2011	WPCF Road Repairs	\$10,673.64
P2967520-5510-2012	Land Acquisition	\$52,083.79

Adopted this 17th day of September, 2012.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Rebecca S. Houseman, City Clerk



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Purchase of the foreclosed properties from the Rock County Tax Foreclosure Proceedings

Date: September 17, 2012

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

On January 21, 2003, the Beloit City Council adopted a policy which directed the Community Development Department to work with the Rock County Treasurer to identify properties that are available through tax foreclosure and could be acquired for resale.

Key Issues (maximum of 5):

1. Exhibit A identifies all Rock County tax foreclosed properties within the City of Beloit. The exhibit also lists seven properties that staff is recommending for purchase. The exhibit lists the existing land use, taxes, special assessments, interest and expenses that the City would pay Rock County to acquire these properties. The "Estimated Expenses" column is based on historical information.
2. Since 2003, the City of Beloit has purchased most of the properties acquired by Rock County through the tax foreclosure process. This policy is intended to prevent absentee landlords from acquiring rundown homes and turning them into rental properties. The houses purchased by the City were renovated and sold to owner-occupants, or if the cost of renovation outweighed the expected sales price, the houses were demolished and the vacant lot sold to adjacent landowners. Either way, the City would be improving the neighborhoods.
3. Similar to last year, with the current economic conditions, the City does not have enough money in the property acquisition account to purchase all of the properties going into foreclosure this year. The staff recommendations for purchase this year focus on houses that are dilapidated, non-conforming and unfit for human habitation. That was then weighted to the property's cost and expected benefits of demolishing the building. The houses that are expected to be more cost effective for restoration are the ones that will go to public auction conducted by Rock County. With the short timeframe between Rock County's court date and this council meeting, we do not have as accurate cost breakdowns of the properties not recommended for purchase. The figures given are based on previously published information and estimates based on the properties that staff does recommend for purchase.
4. One of the houses recommended for purchase, 1005 Keeler, has just recently had its owner file for bankruptcy. That action would normally delay the tax foreclosure proceedings until the end of the bankruptcy proceeding. The owner has told Rock County that he is not interested in trying to keep this property and has informed his lawyer of this situation. Rock County will proceed with the foreclosure on the property for this year, with the restriction that the county cannot take ownership of the house without prior consent from the lawyer and or court. Therefore, the City of Beloit's acquisition of this property will not be in the same timeframe as the other houses on this list. Due to the Rock County Treasurer's policies and limitations, they cannot give out the delinquent tax amounts, so the numbers shown are staff's best estimates.

5. The property at 202 Shirland is a former gas/convenience store that was condemned and demolished and is located near the Shirland Avenue Lift Station. It is the intent that this property be acquired and maintained by the Water Resources division. This property was in the foreclosure process last year, but was held up due to environmental contamination concerns. It is expected that this can be resolved soon, but not in the same timeframe of the other houses on this list. Given the uncertain status of this property, the breakdown of costs as seen with the houses recommended for purchase is not available for 202 Shirland. The dollar amount given for the property purchase is an actual number given by Rock County Treasurer for a purchase in November 2012.

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 #5. By purchasing these properties, the City will be removing sub-standard housing from the market. The end result will either be a newly rehabbed house for resale or a vacant lot which may become part of an expanded yard.

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** – Not applicable
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – Not Applicable
- **Reduce dependence on activities that harm life sustaining eco-systems** – Not Applicable
- **Meet the hierarchy of present and future human needs fairly and efficiently** – The purchase of these houses will ensure that there is no negative impact on these neighborhoods as a result of the foreclosure process.

Action required/Recommendation:

Approve the resolution authorizing the City Manager to acquire and sell the foreclosed properties and to handle the negotiation and sale of these properties.

Fiscal Note/Budget Impact:

Funds have been budgeted annually, with \$150,000 budgeted in 2012 for this housing program. As of September 6, 2012, approximately \$73,000 remains to cover the cost of acquisition of these residential properties. Water Resources has adequate funds for the former gas station.

With the purchase of the properties included in the resolution, this account will have approximately \$20,000 for the remainder of 2012 for condemnations, maintenance and other similar issues. The demolition of these properties will have to wait until 2013.

Attachments:

Proposed Resolution and Exhibit A

Exhibit A
Properties Available Through Tax Foreclosure Sale

Recommended Residential Properties for Purchase by the City of Beloit

Address (Parcel #)	Land Use (Lot Size)	County			Special Assessments		Estimated Expenses	Total
		Taxes	Interest	Penalty	Assessment	Interest		
1267 Cleveland St (1273-0215)	Single Family (132' x 297')	\$4,563.33	\$1,720.88	\$71.64	\$447.74	\$143.27	\$500.00	\$7,446.86
1117 Emerson St (1367-0855)	Single Family (65' x 124')	\$4,672.97	\$1,626.91	\$258.65	\$2,555.98	\$517.29	\$500.00	\$10,131.80
1005 Keeler Ave (1256-0595)	Single Family (54' x 114')	\$3,193.92	\$1,213.69	\$159.70	\$3,605.44	\$360.54	\$500.00	\$9,033.29
318 Moore St (1344-1095)	Single Family (50' x 125')	\$5,963.29	\$2,342.10	\$308.16	\$2,312.76	\$616.32	\$500.00	\$12,042.63
956 Sixth St (1351-0070)	Single Family (75' x 54')	\$2,622.88	\$997.85	\$165.36	\$1,874.62	\$330.71	\$500.00	\$6,491.42
1414 Yates Ave (1253-1570)	Single Family (50' x 67')	\$2,793.65	\$1,125.73	\$231.88	\$1,822.78	\$463.75	\$500.00	\$6,937.79
Totals		\$23,810.04	\$9,027.16	\$1,195.39	\$12,619.32	\$2,431.88	\$3,000.00	\$52,083.79

Recommended Commercial Properties for Purchase by the City of Beloit

Address (Parcel #)	Land Use (Lot Size)	Payoff amount for November 2012	Estimated Expenses	Total

All Others Not Selected

Address (Parcel #)	Land Use (Lot Size)	Estimated Payoff Amount Based on Recommended Properties	Estimated Expenses	Total Cost
2043 Ada St (1225-0095)	Vacant Lot (77'x131')	\$162.11	\$500.00	\$662.11
918 Brooks St (1356-0645)	Church (56'x183')	\$3,110.83	\$500.00	\$3,610.83
523 Eighth St (1356-0510)	Single Family (50' x 99')	\$14,111.38	\$500.00	\$14,611.38
1867 Fayette Ave (1251-0760)	Single Family (33'x140)	\$8,592.18	\$500.00	\$9,092.18
1753 W Grand Ave (1343-0940)	Single Family (50'x124')	\$15,710.48	\$500.00	\$16,210.48
340 Highland Ave (1355-1115)	Vacant Lot (71'x160')	\$8,501.28	\$500.00	\$9,001.28
1311 Keeler Ave (1253-1010)	Single Family (49'x100')	\$5,940.41	\$500.00	\$6,440.41
834 Oak St (1357-1295)	Single Family (64'x132')	\$11,200.60	\$500.00	\$11,700.60
1413 Park Ave (1256-0925)	Vacant Lot (114'x161')	\$36,354.30	\$500.00	\$36,854.30
2091 Prairie Ave (2196-0680)	Single Family (75'x125')	\$12,466.38	\$500.00	\$12,966.38
2026 Roosevelt Ave (1347-0360)	Vacant Lot (40'x129')	\$7,866.67	\$500.00	\$8,366.67
1148 Tenth St (1265-0185)	Single Family (50'x108')	\$12,213.83	\$500.00	\$12,713.83
937 Wisconsin Ave (1368-0450)	Single Family (66'x140')	\$11,916.77	\$500.00	\$12,416.77
1220 Wisconsin Ave (1256-0175)	Vacant Lot (56'x132')	\$918.58	\$500.00	\$1,418.58
1242 Wisconsin Ave (1256-0175)	Vacant Lot (56'x132')	\$918.58	\$500.00	\$1,418.58
Other Totals		\$149,984.37	\$7,500.00	\$157,484.37