



**AGENDA  
BELOIT CITY COUNCIL  
100 State Street, Beloit WI 53511  
City Hall Forum – 7:00 p.m.  
Tuesday, September 4, 2012**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
  - a. Proclamation recognizing Bridget Witt's participation in Team USA's Duathlon Program and proclaiming September 23, 2012 as **Bridget Witt Day** (Haynes)
  - b. Proclamation supporting participation in **Library Card Sign Up Month** for September, 2012 (Howe)
4. PUBLIC HEARINGS
  - 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** (Christensen) First Reading  
Plan Commission recommendation for denial 4-1
5. CITIZENS' PARTICIPATION
6. CONSENT AGENDA

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

- a. Approval of the **Minutes** of the Special and Regular Meetings of August 20, 2012 (Houseman)
- b. Application for an **Exception to the Architectural Review and Landscape Code** for the property located at 615 Broad Street (Christensen) Refer to Plan Commission
- c. Resolution authorizing **Final Payment** of Public Works Contract C12-10 Mudjacking (Flesch)
- d. Resolution approving an **Intergovernmental Agreement** between the City of Beloit and Beloit Township to host a Joint Electronics Recycling Campaign (Arft)
- e. Resolution approving an **Intergovernmental Agreement** between the City of Beloit and Turtle Township to host a Joint Electronics Recycling Campaign (Arft)

- f. Resolution amending the **2012 Capital Improvements Budget** to Revise for the Acquisition of 232 Shirland Avenue (York)

7. ORDINANCES

- a. Proposed Ordinance amending the City of Beloit **Comprehensive Plan** for 220 and 250 Garden Lane (Christensen) Second reading  
Plan Commission recommendation for approval 6-0

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION

11. REPORTS FROM BOARDS AND CITY OFFICERS

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: August 29, 2012  
Rebecca S. Houseman  
City of Beloit City Clerk  
<http://www.ci.beloit.wi.us>

<p>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.</p>
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**WHEREAS**, Bridget Witt, through her hard work and dedication, has earned a positive reputation throughout the nation of being a strong duathlon competitor; and

**WHEREAS**, Bridget Witt now joins the elite group of world class athletes who compete at the highest level of international competition and have called Beloit home; and

**WHEREAS**, as a physical education teacher, Bridget teaches her students that participation in sports can strengthen both body and mind, thereby improving physical and mental well-being; and

**WHEREAS**, when students see people in their lives making healthy decisions and encouraging them to do the same, they are more likely to emulate those actions; and

**WHEREAS**, Bridget Witt demonstrates outstanding strength, discipline, devotion and determination to succeed, setting an honorable example for both her students and the Greater Beloit Community; and

**WHEREAS**, Bridget Witt has represented the City of Beloit with grace and style, earning the following awards in her three short years of competition:

- July 28, 2012, Marshfield Hub City Days Duathlon – 1<sup>st</sup> place
- May 19, 2012, Beloit Biathlon – 1<sup>st</sup> place
- April 28, 2012, Duathlon National Championship Tucson/ Oro Valley, AZ – 7<sup>th</sup> place
- **2011- Ranked 13<sup>th</sup> in the Nation for females age 35 -39**
- October 16, 2011, Lake County, WI Duathlon – 1<sup>st</sup> place
- October 9, 2011, Green Bay Duathlon – 4<sup>th</sup> place
- September 25, 2011, Kettleman Duathlon – 2<sup>nd</sup> place
- September 18, 2011, Dousman Duathlon – 4<sup>th</sup> place
- August 20, 2011, Concordia Shoreline Duathlon – 3<sup>rd</sup> place
- July 30, 2011, Marshfield Hub City Days Duathlon – 1<sup>st</sup> place
- July 16, 2011, Kewaunee Duathlon – 1<sup>st</sup> place
- June 12, 2011, Cudahy South Shore Duathlon – 3<sup>rd</sup> place
- June 11, 2011, Deforest Norski Duathlon – 1<sup>st</sup> place
- May 21, 2011, Beloit Biathlon – 1<sup>st</sup> place
- August 21, 2010, Concordia Shoreline Duathlons – 2<sup>nd</sup> place
- July 17, 2010, Kewaunee Troutman Duathlons – 1<sup>st</sup> place

**NOW, THEREFORE, BE IT PROCLAIMED** that the City Council of the City of Beloit expresses their support of Ms. Witt in all competitions, especially as she represents Team USA in Nancy, France; and does hereby proclaim September 23, 2012 as:

**BRIDGET WITT DAY**

in the City of Beloit and encourages all citizens and fellow School District employees to recognize her outstanding achievements and talents.

Presented this 4th day of September, 2012.

**ATTEST:**

\_\_\_\_\_  
Charles M. Haynes, City Council President

\_\_\_\_\_  
Rebecca S. Houseman, City Clerk

**PROCLAMATION  
SUPPORTING PARTICIPATION IN  
LIBRARY CARD SIGN UP MONTH  
SEPTEMBER, 2012**

**WHEREAS**, the library card is the most important school supply, and children who regularly use the library perform better in school; and

**WHEREAS**, libraries enhance the educational experience and meet the needs of all types of students by providing free access to educational databases, adult education courses, the Internet, online tutoring, books, CDs, DVDs, and personal assistance; and

**WHEREAS**, libraries provide opportunities for children, teens, and adults to pursue their own interests, leading to more effective learning; and

**WHEREAS**, the Beloit Public Library improves the quality of life in the City of Beloit by providing resources and services that stimulate lifelong personal enrichment, enjoyment, reading, and learning; and

**WHEREAS**, a library card is the “smartest card” you can own.

**NOW, THEREFORE, BE IT PROCLAIMED** that the City Council of the City of Beloit does hereby declare September, 2012 as Library Card Sign-up Month in our community to encourage citizens to sign up for the “smartest card” at Beloit Public Library.

Presented this 4<sup>th</sup> day of September, 2012.

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Charles M. Haynes, Council President

ATTEST:

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Rebecca S. Houseman, City Clerk

ORDINANCE NO. \_\_\_\_\_

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

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 ALLOWED ON RESIDENTIAL PROPERTIES IN COMPLIANCE WITH THE FOLLOWING REGULATIONS.

- (1) DEFINITIONS. The following terms, when used in this section, shall have the meaning set forth below:
- (a) Chicker 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. (Staff recommends a \$35.00 coop permit fee.)
  - b) Applicator. 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.

- 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.

(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>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<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 Coops</u>	100	100	100	100
<u>Chicken Coops</u>	<u>As established by Section 7.244(6) of the Code of General Ordinances</u>			

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:

"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.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

BELOIT CITY COUNCIL

By: \_\_\_\_\_  
Charles M. Haynes, President

ATTEST:

By: \_\_\_\_\_  
Rebecca S. Houseman, City Clerk

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

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tdh/ord/Chickens=ord=120817 0839 (rdln) 12-1042)

DRAFT

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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

**Date:** September 4, 2012

**Presenter:** Julie Christensen

**Department:** Community Development

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### 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.

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### 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 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.

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**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.

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**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.

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**Action required/Recommendation:**

- City Council consideration and 1<sup>st</sup> reading of the proposed Ordinance

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**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.

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



CITY HALL • 100 STATE STREET • BELOIT, WI 53511  
Office: 608/364-6700 • Fax: 608/364-6609  
www.ci.beloit.wi.us  
Equal Opportunity Employer

## 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

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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 1<sup>st</sup> 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

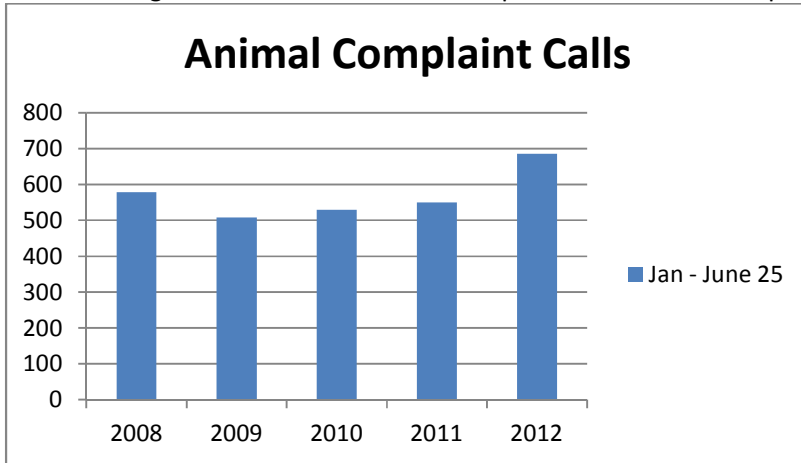
Madison has an Animal Control Division, a supportive Humane Society, as well as a volunteer who will take in and coordinate the adoption of abandoned and mistreated chickens. The City of Beloit does not currently have any of these support services available.

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

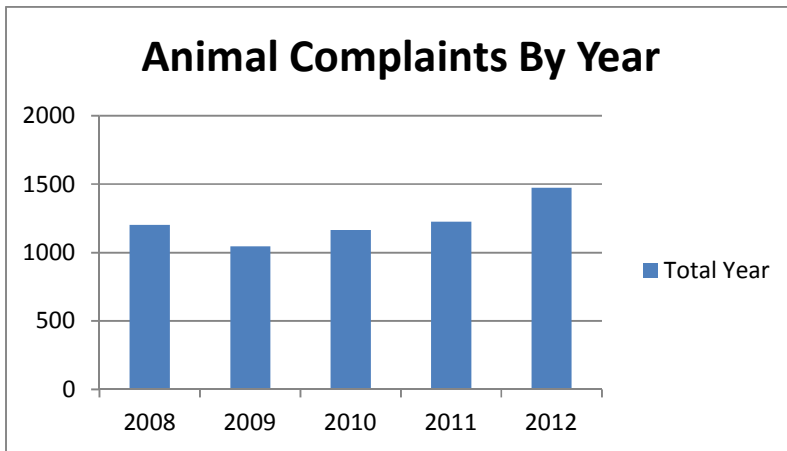
### Animal Complaint Call History

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. 17<sup>th</sup> 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 8<sup>th</sup> 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 <sup>th</sup> year with ordinance), 47 in 2011 (8 <sup>th</sup> year)	Possible abandoned Chickens in Rock County not just Beloit- 0.3 in 2015, (4 <sup>th</sup> year with ordinance), 7.1 in 2019 (8 <sup>th</sup> 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 2<sup>nd</sup>.

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.

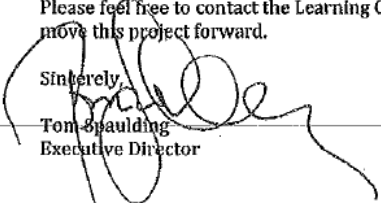
We currently offer two Chicken-keeping workshops per year at our farm location near Beloit. Our staff is willing to provide the following:

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.

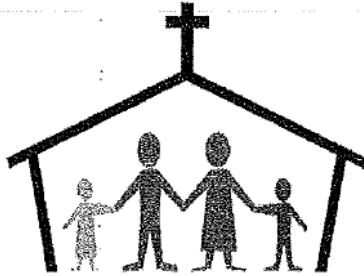
Please feel free to contact the Learning Center at (815) 389-8455 if there is any way that we can help move this project forward.

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 16<sup>th</sup>, 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



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](http://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](mailto: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<br/>ups.com)

Tim Banwell  
Rock County Health Department  
[Banwell@co.rock.wi.us](mailto:Banwell@co.rock.wi.us)

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

Beloit Property Owners Assn  
c/o Matt Finnegan  
(Via Email)  
[madfinnegan2@aol.com](mailto: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](mailto:director@rockcountyhumanesociety)

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

Near Eastside Neighborhood Assn  
c/o Rick McGrath  
(Via Email)  
[rickmcgrath2.0@gmail.com](mailto: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](mailto:shockley4259@att.net)

Gary Seidel  
Via Email  
[grseidel@charter.net](mailto:grseidel@charter.net)

Sheri Doyel  
Swamp Angel Farm  
(Via Email)  
[seedbloom@yahoo.com](mailto: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*





**PROCEEDINGS OF THE BELOIT CITY COUNCIL  
Special Meeting  
August 20, 2012  
5:30 p.m.**

Presiding: Charles Haynes  
Present: Sheila De Forest, Chuck Kincaid, David F. Luebke, and Mark Spreitzer  
Absent: Kevin D. Leavy and James E. Van De Bogart

1. President Haynes called the meeting to order at 5:35 p.m. in the 4<sup>th</sup> Floor City Manager's Conference Room at City Hall.
2. Councilor Luebke moved to adjourn into closed session Pursuant to Wis. Stats. 19.85(1)(g) to confer with legal counsel with regard to **pending litigation**. Councilor De Forest seconded. The motion carried, and the Council adjourned into closed session at 5:36 p.m.
3. Councilor Spreitzer moved to adjourn, and Councilor Kincaid seconded. The motion carried, and the meeting adjourned at 6:35 p.m.

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Rebecca S. Houseman  
City Clerk

[www.ci.beloit.wi.us](http://www.ci.beloit.wi.us)

Date Approved by Council:



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**Monday, August 20, 2012**

Presiding: Charles M. Haynes  
Present: Sheila De Forest, Chuck Kincaid, David F. Luebke, Mark Spreitzer, and James E. Van De Bogart  
Absent: Kevin D. Leavy

1. The meeting was called to order at 7:00 p.m. in the Forum at Beloit City Hall
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS – none
4. PUBLIC HEARINGS
  - a. Community Development Director Julie Christensen presented a public hearing and the first reading of a proposed ordinance amending the City of Beloit **Comprehensive Plan** for 220 and 250 Garden Lane. It was noted that the Plan Commission recommended approval 6-0. Ms. Christensen explained that this ordinance does not change the zoning of the property but does change the planned future land use. President Haynes opened the public hearing. Kelly Clobes, 4211 S. 122<sup>nd</sup> Street, Greenfield, Wisconsin, spoke on behalf of the property owner. She stated that her company would like to utilize the second floor of this building for event space and that the Community Commercial zoning would be ideal for the various uses they have planned. President Haynes closed the public hearing. Councilor Luebke made a motion to lay this item over for a second reading at the September 4<sup>th</sup> Council meeting. Councilor Van De Bogart seconded. Councilor Luebke asked Ms. Clobes if the intent of the owners is to obtain a liquor license. Ms. Clobes indicated that she does not intend to apply for a liquor license, but that there is a possibility that a caterer may apply for a license at this location. Councilor De Forest said that the neighborhood has concerns about the possibility of a liquor license in this location. The motion carried 6-0.  
File 8247

5. CITIZENS' PARTICIPATION – none

6. CONSENT AGENDA

Councilor Luebke made a motion to adopt the Consent Agenda, which consists of items 6.a. and 6.b. Councilor De Forest 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 6-0.

- a. The **Minutes** of the Regular Meeting of August 6, 2012 were approved.
- b. The application for a **“Class A” Liquor License** (requested addition to an existing Class “A” Beer License) for Rollette Oil Co. Inc., located at 1451 Madison Road, Paul R. Simon, Agent, was referred to the Alcohol Beverage License Control Committee. File 8542

7. ORDINANCES

- a. City Attorney Tom Casper presented a proposed ordinance to create section 7.25(9) of the Code of General Ordinance of the City of Beloit pertaining to **Carbon Monoxide Detectors**. He indicated the State Code has been changed to require Carbon Monoxide Detectors and that adopting an ordinance mirroring the state law allows the violations to be prosecuted through Beloit’s Municipal Court. Councilor De Forest made a motion to suspend the rules and offer a

second reading of this ordinance. Councilor Luebke seconded, and the motion carried 6-0. Councilor Spreitzer made a motion to enact the ordinance based on its merits, and Councilor De Forest seconded. Councilor Van De Bogart indicated that this law amounts to an unfunded mandate from the state. The motion carried 6-0. File 8527 Ordinance 3466

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- a. Councilor De Forest said that she served lunch at the appreciation picnic for the public works employees who assisted with recent storm clean-up efforts, and she publicly thanked those who assisted. She also said that she enjoyed the Latino Community Fair at Riverside Park and commended Nicki Meyers and Visit Beloit for reaching out to all of Beloit's communities.
- b. Councilor Van De Bogart said he attended several block parties in celebration of National Night Out and the public works picnic to thank those employees who assisted with storm clean-up.
- c. Councilor Luebke said that he was honored to go to the National Night Out picnics and the Latino Fair.
- d. Councilor Haynes said he enjoyed attending the public works appreciation picnic and serving sauerkraut.

10. CITY MANAGER'S PRESENTATION

- a. Director of Water Resources Harry Mathos provided a presentation on Infiltration and Inflow into the **Sanitary Sewers**. Councilor De Forest thanked Mr. Mathos for a wonderful presentation, and said that she is pleased with the positive results of the investment for television equipment to view the sewer system. Councilor Van De Bogart thanked the water resources division for their efforts to reduce energy usage. Councilor Spreitzer thanked the water resources employees for their pro-active approach to dealing with phosphorous. Councilors Luebke and Haynes also thanked Mr. Mathos and his staff for their hard work and professionalism.

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Police Chief Norm Jacobs presented a resolution authorizing the City of Beloit to partner with the City of Janesville and Rock County through a **Regional Memorandum of Understanding** to purchase a Rescue Vehicle for the Purposes of Law Enforcement, amending the 2012 Budget, and Appropriating Funds necessary for Procurement of the Equipment. Police Chief Jacobs explained that the vehicle will be funded by confiscated dollars received from local crime and not general tax dollars. Councilor Luebke made a motion to adopt the resolution, and De Forest seconded. Councilor Van De Bogart asked how the maintenance of this vehicle will impact the Police Department's budget, and Chief Jacobs said that confiscated funds will also be used for maintenance. He said that the vehicle will be used for training between the three jurisdictions often, and it adds another layer of protection for the police and citizens. The motion carried 6-0. File 8514/8564
- b. Attorney Casper presented a resolution approving **Joint Agreement with School District of Beloit** for the Truancy Intervention Coordinator. Mr. Casper said that this agreement is a renewal and that there has been a great benefit to allowing the truancy intervention coordinator to work year-round. Councilor Luebke made a motion to adopt the resolution, and Councilor Van De Bogart seconded. Councilor De Forest said that she is pleased to see this collaboration between the School District of Beloit and the City of Beloit. The motion carried 6-0. File 8565
- c. City Manager Larry Arft presented a resolution approving Commercial **Offer to Purchase** for the property at 232 Shirland Avenue. He indicated that staff recommends the City purchase the property for \$75,000 plus \$5,000 for relocation expenses, demolish the building, and clean the site to showcase the future Confluence Park in South Beloit, Illinois. Mr. Arft said that revenue from Tax Increment District #5 may be used to purchase the property, not general tax dollars. Councilor Luebke made a motion to adopt the resolution, and Councilor De Forest seconded. Councilor Van De Bogart said that the site is currently an eyesore but that he will vote against the resolution because the purchase price is too expensive. The motion carried 5-1, with Councilor Van De Bogart voting in opposition. File 8345

- d. City Engineer Mike Flesch presented a resolution supporting the **Construction of Inman Parkway Extension** Alternative for the CTH G Connector. Mr. Flesch indicated that three options have been presented for this project, and staff supports the construction of Inman Parkway. He also noted that this corridor has been officially mapped since the 1970s. Councilor Van De Bogart made a motion to adopt the resolution, and Councilor Luebke seconded. Mr. Flesch said that there would be a public meeting on Monday, August 27<sup>th</sup> at Aldrich Middle School to gather resident input. Councilor De Forest asked if, after the road is built, the City could or would attempt to annex any property from Turtle Township, and Mr. Arft indicated that the City and the Town have a Cooperative Boundary Agreement in place for about 10 more years that prohibits annexations in this area that are not mutually agreed upon. Mr. Flesch said that the road may be constructed to provide access, not support development. The motion carried 6-0. File 8558
  - e. Finance and Administrative Services Director Paul York presented a resolution awarding **Classification and Compensation Study** and Pay Plan Development Contract to McGrath Human Resource Group. Mr. York explained that the current pay plan has been in place since the late 1990s and only includes the City's non-represented employees. He said because of changes to state laws, many of the formerly union employees will be integrated into the non-union pay plan. He said that four companies bid on this contract, and an employee committee interviewed them all. Councilor Spreitzer made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor Van De Bogart inquired about the vast difference in bids for the contract, and Dr. McGrath said that she bid low in order to obtain the contract and has 10-12 years of experience in the field. The motion carried 6-0. File 8566
  - f. Mr. York presented a resolution authorizing an **Agreement** with Beloit College for the Operation of the City's Public, Educational and Governmental Cable Television Access Channel and Studio. He said that the City has contracted with Beloit College for a number of years to tape and air the City Council meetings, maintain a television station, and operate a cable access studio. He said that this agreement will renew the current agreement for five years. Councilor De Forest made a motion to adopt the resolution, and Councilor Luebke seconded. The motion carried 5-0-1, with Councilor Spreitzer abstaining. File 6372
12. At 8:50 p.m., Councilor De Forest made a motion to adjourn the meeting, and Councilor Kincaid seconded. The motion carried 6-0.

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Rebecca S. Houseman, City Clerk

[www.ci.beloit.wi.us](http://www.ci.beloit.wi.us)

Date approved by Council:

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Exception to the Architectural Review and Landscape Code for the property located at 615 Broad Street – Council Referral to the Plan Commission

**Date:** September 4, 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 Planning & Building Services Division is currently reviewing plans for a major addition to the restaurant building.
- The City's Landscape Code applies to new developments and to major additions to existing buildings.
- The applicant intends to meet the landscape strip requirement on the east side of the parking lot.
- The application and site plan are attached to this report.

---

### **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 5, 2012 meeting
- This item will most likely return to the City Council for a public hearing and possible action on September 17, 2012

---

**Fiscal Note/Budget Impact:** N/A

---

**Attachments:** Application and Site Plan.

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: ~~SFA 2012-08~~ ARC/EX-2012-02

1. Name of applicant: Roger Bryden Phone #: 608-365-5615  
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: B-Commercial Present use: RESTAURANT

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 Green Space + 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 parking 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: <u>\$100.00</u>	Amount paid: <u>\$100.<sup>00</sup></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.





**RESOLUTION  
AUTHORIZING FINAL PAYMENT OF  
PUBLIC WORKS CONTRACT C12-10,  
MUDJACKING**

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

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

**NOW, THEREFORE BE IT RESOLVED**, that CRC Concrete Raising Corporation be paid \$1,028.90 as the final payment for Contract C12-10, Mudjacking, as recommended by the City Engineer.

Dated this 4th day of September, 2012

City Council of the City of Beloit

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Charles M. Haynes, President

ATTEST:

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Rebecca S. Houseman, City Clerk

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Award Final Pay for C12-10, Mudjacking

**Date:** September 4, 2012

**Presenter(s)** Michael Flesch, City Engineer

**Department(s):** Public Works/Engineering

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**Overview/Background Information:**

CRC Concrete Raising Corp has completed construction of project C12-10, Mudjacking and has submitted all of the required paperwork and bonds. Final payment has been requested by the contractor.

---

**Key Issues (maximum of 5):**

1. CRC Concrete Raising Corp was the low bidder for this project, and they have completed construction to the satisfaction of Engineering.
2. The contractor is due \$1,028.90 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 stormwater drainage in various locations throughout the City.

---

**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 CRC Concrete Raising Corp. for \$1,028.90

---

**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:** July 31, 2012 JRD 7/31/12

**SUBJECT:** Contract C11-10  
Mudjacking

The work on this project was completed on April 27, 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 \$1,028.90. The construction of this project was managed and inspected by City staff.


The original contract amount was \$40,700.00, and the final contract amount is \$41,443.76, an increase of approximately 1.83%. 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 *\$1,028.90* 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 8, 2012

**SUBJECT:** **Final Payment Public Works Contract C12-10**  
**CRC Concrete Raising Corp.**  
**Mudjacking**

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.

**A RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF БЕЛОIT AND БЕЛОIT TOWNSHIP  
TO HOST A JOINT ELECTRONICS RECYCLING CAMPAIGN**

**WHEREAS**, the Wisconsin Department of Natural Resources has made grant funds available through a Recycling Consolidation Grant; and

**WHEREAS**, the program encourages the consolidation of government efforts through intergovernmental agreements by local units of government; and

**WHEREAS**, the City of Beloit would be able to maximize available grant funds by entering into the attached Intergovernmental Agreement with Beloit Township; and

**WHEREAS**, the City of Beloit operates a mandatory recycling program and is concerned with electronics recycling; and

**WHEREAS**, it would be in the best interests of the City of Beloit to again enter into a further intergovernmental agreement with Beloit Township.

**IT IS, THEREFORE, RESOLVED** that the City Council of the City of Beloit, Rock County, Wisconsin, does hereby approve the attached Intergovernmental Agreement between the City of Beloit and Beloit Township.

**BE IT FURTHER RESOLVED** that the City Manager be, and he is hereby, authorized to execute the same on behalf of the City of Beloit and coordinate activities things necessary for the implementation of said Intergovernmental Agreement.

**BE IT FURTHER RESOLVED** that the City Manager may execute renewals of the Intergovernmental Agreement as provided for therein without further Council approval; provided such renewals are on substantially identical terms and conditions as set out in the attached Intergovernmental Agreement.

Adopted this 4th day of September 2012.

**City Council of the City of Beloit**

\_\_\_\_\_  
**Charles M. Haynes, Council President**

**Attest:**

\_\_\_\_\_  
**Rebecca S. Houseman, City Clerk**

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---



**Topic:** Intergovernmental Agreements with the Towns of Beloit and Turtle

**Date:** September 4, 2012

**Presenter(s):** Larry Arft

**Department(s):** Public Works

---

### Overview/Background Information:

The City of Beloit has entered into an intergovernmental agreement with the above Townships for 7 years in order to receive a Recycling Efficiency Incentive grant offered by the Wisconsin Department of Natural Resources. In 2012 and now for 2013, a similar grant has and will be offered, the Recycling Consolidation Grant. The City in cooperation with the Town of Beloit and the Town of Turtle will hold an Electronic Recycling drive in 2013.

---

### Key Issues (maximum of 5):

1. Intergovernmental agreements have previously been approved by Council for 7 years in order to qualify for the grant funds.
2. The grant is based on shared activities with neighboring municipal governments.
3. The grant amount is dependant on the number of approved applications, the population of qualifying communities and state budget approval.

---

### 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**  
Building a new computer from recycled materials consumes only ten percent of the energy required to build the same computer from raw materials.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**  
Many electronics contain valuable, reusable materials like gold, steel, silver, copper and glass. Recycling old devices reduces the need for new materials and cuts down on greenhouse gas emissions associated with manufacturing.
- **Reduce dependence on activities that harm life sustaining eco-systems**  
Electronics that are landfilled, incinerated or illegally dumped can release toxic materials like mercury, lead and cadmium into the air, water and soil. Recycling electronics helps ensure that these materials are reused safely or disposed of properly.
- **Meet the hierarchy of present and future human needs fairly and efficiently**  
E-cycling is an important part of product stewardship. By recycling our old electronics, we share responsibility for the products we buy and use from the beginning to the end of their useful lives.

---

### Action required/Recommendation:

In passing the resolution the City Council authorizes the City Manager to enter into intergovernmental agreements with the Townships of Beloit and Turtle in order to apply for the Recycling Consolidation Grant.

---

### Fiscal Note/Budget Impact:

The Impact is possible additional funds to the recycling budget.

## **INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement is made and entered into this 5<sup>th</sup> day of September, 2012, by and between the City of Beloit, a Wisconsin municipal corporation, located in Rock County, Wisconsin, with its principal place of business located at 100 State Street, Beloit, WI 53511 (hereinafter “**City**”), and the Town of Beloit, a political subdivision of the State of Wisconsin, with its principal place of business located at 2871 South Afton Road, Beloit, WI 53511 (hereinafter “**Town**”).

**WHEREAS**, the Wisconsin Department of Natural Resources (DNR) has offered a Recycling Consolidation Grant as an incentive to the **City** and **Town** to enter into intergovernmental agreements with other Responsible Units (RU) to improve the efficiency of recycling programs by combining services; and

**WHEREAS**, the **City** and **Town** each operate a mandatory recycling program; and

**WHEREAS**, the **City** and **Town** are concerned with the proper recycling of electronics, and

**WHEREAS**, the **Town** is willing to enter into this Intergovernmental Agreement to host a joint electronics recycling campaign; and

**WHEREAS**, the DNR has approved this agreement between the **City** and the **Town**; and

**WHEREAS**, the **Town** and the **City** are empowered to enter into this Intergovernmental Agreement by section 66.0301, Wis. Stats.

**NOW, THEREFORE**, the **City** and **Town**, in consideration of the premises stated above, do agree as follows:



1. **Services to be Provided.** The **City** and the **Town** agree to host a joint electronics recycling campaign to encourage recycling of electronics thereby saving space in landfills. This program would benefit residents of the **Town** and the **City**.

2. **Term of Agreement.** This Agreement shall commence on September 19, 2012, and terminate at 5:00 p.m. on September 18, 2013. This Agreement may be renewed for additional one-year periods, provided either party is not in default under the terms and conditions of this Agreement. The **City** or **Town** may terminate this Agreement at any time, without cause, upon 120 days prior written notification to the other party.

3. **Financial Information.** Each RU will fulfill the DNR requirements for grant application and therefore, will receive grant funds when considered eligible by the DNR in an amount determined by the DNR.

4. **Indemnification.** The **Town** shall indemnify and hold the **City** harmless from any liability for any claim, including attorney fees and court costs, arising out of any act or omission of the **Town**, its officers, employees, or agents. The **City** shall indemnify and hold the **Town** harmless from any liability for any claim, including attorney fees and court costs, arising out of any act or omission of the **City**, its officers, employees, or agents. Each party shall be responsible to defend any claim arising out of its own act or omission and the acts or omissions of its officers, employees, or agents.

5. **Force Majeure.** Neither party shall be liable to the other for failure to perform its obligations hereunder if and to the extent that such failure to perform is caused by, or results from, causes beyond its control, including, without limitation: strikes, lockouts, or other industrial disturbances; civil disturbances; fire, acts of God; acts of public enemy; acts or

omissions of subcontractors; compliance with any regulations, order, or requirement of any governmental body or agency; or any inability to obtain transportation or necessary materials in the open market.

6. **Compliance.** Both parties, in performing the services, shall comply, and shall require compliance by any of its employees and agents, with all applicable statues, regulations, or orders of any governmental authority or agency.

7. **Notices.** Any notice to be given to either party hereunder shall be given by mailing the same by first-class mail, postage prepaid, and addressed as follows:

**CITY:** Larry N. Arft,  
City Manager  
City of Beloit  
100 State Street11  
Beloit, WI 53511

**TOWN:** Brian Wilson,  
Town Administrator  
Town of Beloit  
2871 S Afton Road  
Beloit, WI 53511

\_\_\_\_\_  
Authorized Representative, City of Beloit

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Representative, Town of Beloit

\_\_\_\_\_  
Date

**A RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF БЕЛОIT AND TURTLE TOWNSHIP  
TO HOST A JOINT ELECTRONICS RECYCLING CAMPAIGN**

**WHEREAS**, the Wisconsin Department of Natural Resources has made grant funds available through a Recycling Consolidation Grant; and

**WHEREAS**, the program encourages the consolidation of government efforts through intergovernmental agreements by local units of government; and

**WHEREAS**, the City of Beloit would be able to maximize available grant funds by entering into the attached Intergovernmental Agreement with Turtle Township; and

**WHEREAS**, the City of Beloit operates a mandatory recycling program and is concerned with electronics recycling; and

**WHEREAS**, it would be in the best interests of the City of Beloit to again enter into a further intergovernmental agreement with Turtle Township.

**IT IS, THEREFORE, RESOLVED** that the City Council of the City of Beloit, Rock County, Wisconsin, does hereby approve the attached Intergovernmental Agreement between the City of Beloit and Turtle Township.

**BE IT FURTHER RESOLVED** that the City Manager be, and he is hereby, authorized to execute the same on behalf of the City of Beloit and coordinate activities necessary for the implementation of said Intergovernmental Agreement.

**BE IT FURTHER RESOLVED** that the City Manager may execute renewals of the Intergovernmental Agreement as provided for therein without further Council approval; provided such renewals are on substantially identical terms and conditions as set out in the attached Intergovernmental Agreement.

Adopted this 4th day of September 2012.

**City Council of the City of Beloit**

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**Charles M. Haynes, Council President**

**Attest:**

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**Rebecca S. Houseman, City Clerk**

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Intergovernmental Agreements with the Towns of Beloit and Turtle

**Date:** September 4, 2012

**Presenter(s):** Larry Arft

**Department(s):** Public Works

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### Overview/Background Information:

The City of Beloit has entered into an intergovernmental agreement with the above Townships for 7 years in order to receive a Recycling Efficiency Incentive grant offered by the Wisconsin Department of Natural Resources. In 2012 and now for 2013, a similar grant has and will be offered, the Recycling Consolidation Grant. The City in cooperation with the Town of Beloit and the Town of Turtle will hold an Electronic Recycling drive in 2013.

---

### Key Issues (maximum of 5):

1. Intergovernmental agreements have previously been approved by Council for 7 years in order to qualify for the grant funds.
2. The grant is based on shared activities with neighboring municipal governments.
3. The grant amount is dependant on the number of approved applications, the population of qualifying communities and state budget approval.

---

### 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**  
Building a new computer from recycled materials consumes only ten percent of the energy required to build the same computer from raw materials.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**  
Many electronics contain valuable, reusable materials like gold, steel, silver, copper and glass. Recycling old devices reduces the need for new materials and cuts down on greenhouse gas emissions associated with manufacturing.
- **Reduce dependence on activities that harm life sustaining eco-systems**  
Electronics that are landfilled, incinerated or illegally dumped can release toxic materials like mercury, lead and cadmium into the air, water and soil. Recycling electronics helps ensure that these materials are reused safely or disposed of properly.
- **Meet the hierarchy of present and future human needs fairly and efficiently**  
E-cycling is an important part of product stewardship. By recycling our old electronics, we share responsibility for the products we buy and use from the beginning to the end of their useful lives.

---

### Action required/Recommendation:

In passing the resolution the City Council authorizes the City Manager to enter into intergovernmental agreements with the Townships of Beloit and Turtle in order to apply for the Recycling Consolidation Grant.

---

### Fiscal Note/Budget Impact:

The Impact is possible additional funds to the recycling budget.

## **INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement is made and entered into this 5<sup>th</sup> day of September, 2012, by and between the City of Beloit, a Wisconsin municipal corporation, located in Rock County, Wisconsin, with its principal place of business located at 100 State Street, Beloit, WI 53511 (hereinafter “**City**”), and the Town of Turtle, a political subdivision of the State of Wisconsin, with its principal place of business located at 6916 S. County Trunk J, Beloit, WI 53511 (hereinafter “**Town**”).

**WHEREAS**, the Wisconsin Department of Natural Resources (DNR) has offered a Recycling Consolidation Grant as an incentive to the **City** to enter into intergovernmental agreements with other Responsible Units (RU) to improve the efficiency of recycling programs by combining services; and

**WHEREAS**, the **City** and **Town** operate a mandatory recycling program; and

**WHEREAS**, the **City** and **Town** are concerned with the proper recycling of electronics, and

**WHEREAS**, the **Town** is willing to enter into this Intergovernmental Agreement to host a joint electronics recycling campaign; and

**WHEREAS**, the DNR has approved this agreement between the **City** and the **Town**; and

**WHEREAS**, the **Town** and the **City** are empowered to enter into this Intergovernmental Agreement by section 66.0301, Wis. Stats.

**NOW, THEREFORE**, the **City** and **Town**, in consideration of the premises stated above, do agree as follows:

1. **Services to be Provided.** The **City** and the **Town** agree to host a joint electronics recycling campaign to encourage recycling of electronics thereby saving space in landfills. This program would benefit residents of the **Town** and the **City**.

2. **Term of Agreement.** This Agreement shall commence on September 19, 2012, and terminate at 5:00 p.m. on September 18, 2013. This Agreement may be renewed for additional one-year periods, provided either party is not in default under the terms and conditions of this Agreement. The **City** or **Town** may terminate this Agreement at any time, without cause, upon 120 days prior written notification to the other party.

3. **Financial Information.** Each RU will fulfill the DNR requirements for grant application and therefore, will receive grant funds when considered eligible by the DNR in an amount determined by the DNR.

4. **Indemnification.** The **Town** shall indemnify and hold the **City** harmless from any liability for any claim, including attorneys fees and court costs, arising out of any act or omission of the **Town**, its officers, employees, or agents. The **City** shall indemnify and hold the **Town** harmless from any liability for any claim, including attorneys fees and court costs, arising out of any act or omission of the **City**, its officers, employees, or agents. Each party shall be responsible to defend any claim arising out of its own act or omission and the acts or omissions of its officers, employees, or agents.

5. **Force Majeure.** Neither party shall be liable to the other for failure to perform its obligations hereunder if and to the extent that such failure to perform is caused by, or results from, causes beyond its control, including, without limitation: strikes, lockouts, or other industrial disturbances; civil disturbances; fire, acts of God; acts of public enemy; acts or

omissions of subcontractors; compliance with any regulations, order, or requirement of any governmental body or agency; or any inability to obtain transportation or necessary materials in the open market.

6. **Compliance.** Both parties, in performing the services, shall comply, and shall require compliance by any of its employees and agents, with all applicable statues, regulations, or orders of any governmental authority or agency.

7. **Notices.** Any notice to be given to either party hereunder shall be given by mailing the same by first-class mail, postage prepaid, and addressed as follows:

**CITY:** Larry N. Arft, City Manager  
City of Beloit  
100 State Street  
Beloit, WI 53511

**TOWN:** Roger Anclam  
Town of Turtle  
6916 S. County Trunk J  
Beloit, WI 53511

\_\_\_\_\_  
Authorized Representative, City of Beloit

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Representative, Town of Turtle

\_\_\_\_\_  
Date

2012 Turtle-Agreement - Electronics

**RESOLUTION  
AMENDING THE 2012 CAPITAL IMPROVEMENTS  
BUDGET TO REVISE FOR THE ACQUISITION OF 232 SHIRLAND AVENUE**

**WHEREAS**, on Monday August 20, 2012, the Beloit City Council approved the Commercial Offer to Purchase 232 Shirland Avenue and adjacent property located in South Beloit, Illinois from the owners of The Overflowing Cup Total Life Center, Inc., and;

**WHEREAS**, the adopted capital improvements budget for 2012 for Tax Increment District (TID) No. 5 does not provide an appropriation of funds for this acquisition, and;

**WHEREAS**, there are adequate funds available from the fund balances of TID No. 5 to complete this purchase and perform the things necessary in the Commercial Offer to Purchase and restore the site to an appropriate condition following demolition.

**NOW, THEREFORE BE IT RESOLVED**, that the 2012 Capital Improvement Budget be amended, to reflect using TID No. 5 fund balance as a funding source for the purchase 232 of Shirland Avenue as follows:

	<u>Original</u>	<u>Amended</u>	<u>Difference</u>
<b><u>FUNDING:</u></b>			
P4506616-4999-2012 - Applied Fund Balance	<u>\$0</u>	<u>(\$120,000)</u>	<u>(\$120,000)</u>
<b><u>EXPENDITURE</u></b>			
P4506616-5510-2012 - Land Acquisition	<u>\$0</u>	<u>\$120,000</u>	<u>\$120,000</u>

Dated at Beloit, Wisconsin this 4th day of September, 2012.

City Council of the City of Beloit

\_\_\_\_\_  
Charles M. Haynes,  
City Council President

ATTEST:

\_\_\_\_\_  
Rebecca S. Houseman,  
City Clerk



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Acquisition of 232 Shirland Avenue

**Date:** September 4, 2012

**Presenter(s):** Larry Arft/Paul York

**Department(s):** City Manager/Financial Services

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**Overview/Background Information:** On Monday August 20, 2012, the Council approved a resolution authorizing the purchase of 232 Shirland Avenue from the owners of The Overflowing Cup Total Life Center, Inc. The property is being acquired using funds from the city's Tax Increment Financing District No. 5 as part of the city's continued downtown redevelopment initiative. The property is planned to be used for the possible development of a park at the confluence of Turtle Creek and the Rock River.

---

**Key Issues (maximum of 5):**

1. The purchase price of the property is \$75,000 plus \$5,000 in relocation expenses.
2. Closing costs are estimated to be \$5,000 and demolition and restoration costs are estimated to be \$35,000.
3. The approved 2012 capital improvement budget for TID No. 5 did not include funding for this acquisition and must be amended and an appropriation authorized in the amount of \$120,000 to complete the purchase and related expenses.

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

This acquisition supports strategic goal #1.

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

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

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

---

**Action required/Recommendation:**

Staff recommends approval of the resolution.

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**Fiscal Note/Budget Impact:**

Sufficient funds are available in TID No. 5 to complete the project.

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AMENDING THE  
CITY OF БЕЛОIT COMPREHENSIVE PLAN**

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

**Section 1.** The Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan, adopted in §12.015 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

The future land use category of the following described land is hereby changed from Single-Family Residential - Urban to Community Commercial:

LOT 3 OF A CERTIFIED SURVEY MAP AS RECORDED IN VOLUME 12 ON PAGES 552-554 OF THE CERTIFIED SURVEY MAPS OF ROCK COUNTY, LOCATED IN THE CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN (ALSO KNOWN AS 220 GARDEN LANE, PARCEL NUMBER 13530020).

The future land use category of the following described land is hereby changed from Office to Community Commercial:

THE 36 FT OF THE S 1/2 OF L 105, THE 36 FT OF THE N 1/2 OF L 105, THE S 1/2 LOT 106, ALL OF L 107, THE N 32 FT L 108, ALL IN HACKETTS ADD, ALSO, PART OF L 232 HACKETTS ALT, PART OF L 259 AS RECORDED V 191 PG 253, ALSO OUTLOT A OF A CERTIFIED SURVEY MAP AS RECORDED IN VOLUME 12 ON PAGES 552-554 OF THE CERTIFIED SURVEY MAPS OF ROCK COUNTY, ALL SITUATED IN THE CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN (ALSO KNOWN AS 250 GARDEN LANE, PARCEL NUMBER 13530040).

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

Adopted this 4th day of September, 2012.

**City Council of the City of Beloit**

\_\_\_\_\_  
Charles M. Haynes, Council President

Attest:

\_\_\_\_\_  
Rebecca S. Houseman, City Clerk

Published this \_\_\_\_ day of \_\_\_\_\_, 2012.

Effective this \_\_\_\_ day of \_\_\_\_\_, 2012.

01-611100-5231-\_\_\_\_\_

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Comprehensive Plan Amendments

**Date:** August 20, 2012

**Presenter(s):** Julie Christensen

**Department(s):**

Community Development

**Overview/Background Information:**

Kelly Clobes, on behalf of Jagger Bay Properties, LLC, has submitted an application requesting two amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan. The history of the City's Comprehensive Plan, along with information on Wisconsin's Comprehensive Planning law, can be found in the attached Staff Report to the Plan Commission.

**Key Issues (maximum of 5):**

- The applicant is requesting the following amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan:
  - 220 Garden Lane – From Single-Family Residential - Urban to Community Commercial.
  - 250 Garden Lane – From Office to Community Commercial.
- The following table describes the status of the subject properties:

Property	Current Land Use	Zoning Class	Future Land Use	Proposed Future Land Use
220 Garden Lane	Parking Lot	PLI, Public	Single-Family Res.	Community Commercial
250 Garden Lane	Personal Service Retail	C-1, Office	Office	Community Commercial

- The properties that are the subject of this request are the former Rock County Courthouse property and the adjacent parking lot. The applicant is in the process of rehabilitating the former courthouse building into a mixed use building consisting of retail sales & service uses. The attached Staff Report to the Plan Commission includes detailed information regarding the land use steps involved in this rehabilitation.
- On April 16, 2012, the City Council approved the rezoning of the former courthouse property (250 Garden Lane) from PLI, Public Lands & Institutions District, to C-1, Office District. This rezoning allowed the applicant to engage in or lease space to businesses that operate *Personal Service-Oriented Retail Sales & Service* uses (e.g. restaurants, hair salons, tailor shops, etc.). If the requested amendments are denied, the courthouse property would remain zoned C-1 and the applicant would be limited to *Personal Service-Oriented Retail Sales & Service* uses. However, if the requested amendments are approved, the applicant would be able to rezone the subject properties to C-3, Community Commercial, which would allow the applicant to engage in or lease space to businesses that operate *Entertainment-Oriented Retail Sales & Service* uses (e.g. reception halls, dance clubs, theaters, etc.).
- The Plan Commission held a public hearing to consider the requested amendments on July 18, 2012 and voted unanimously to adopt the attached Resolution, which recommends approval of the requested amendments to the Comprehensive Plan.

**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:**

- **Reduce dependence upon fossil fuels** – The proposed amendments may reduce dependence upon fossil fuels by increasing the likelihood of retail sales & service uses in close proximity to relatively dense housing and existing transportation routes.
- **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 1<sup>st</sup> reading of the proposed Ordinance

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**Fiscal Note/Budget Impact:** N/A

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**Attachments:** Ordinance, Plan Commission Resolution, Public Notice, and Staff Report to the Plan Commission.

**RESOLUTION  
RECOMMENDING APPROVAL OF AMENDMENTS TO THE  
CITY OF БЕЛОIT COMPREHENSIVE PLAN**

**WHEREAS**, the Plan Commission of the City of Beloit recommended approval of the Comprehensive Plan of the City of Beloit (the Plan) on January 23, 2008, and the City Council of the City of Beloit approved an Ordinance adopting the Plan on March 17, 2008; and

**WHEREAS**, the Plan may be amended and changed in the years following adoption, particularly in instances where the Plan is becoming irrelevant or contradictory to emerging policies or trends, or does not provide specific advice or guidance on an emerging issue; and

**WHEREAS**, "Amendments" are generally defined as minor changes to the Plan's maps or text; and

**WHEREAS**, the City Council of the City of Beloit approved a Resolution to Adopt a Process for Amending the City of Beloit Comprehensive Plan on February 1, 2010; and

**WHEREAS**, the approved process directs the Plan Commission to hold a public meeting on the proposed amendments, and following said public meeting, make a recommendation by Resolution to the City Council by majority vote of the entire Commission.


**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the City of Beloit, Rock County, Wisconsin, hereby recommends approval of the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 220 Garden Lane (Parcel No. 13530020) – From Single-Family Residential - Urban to Community Commercial.
2. 250 Garden Lane (Parcel No. 13530040) – From Office to Community Commercial.

Adopted this 18<sup>th</sup> day of July, 2012.

  
\_\_\_\_\_  
Charles Ramsden, Plan Commission Chairman

ATTEST:

  
\_\_\_\_\_  
Julie Christensen,  
Community Development Director



## **NOTICE TO THE PUBLIC**

July 19, 2012

To Whom It May Concern:

The City of Beloit Plan Commission has recommended approval of the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 220 Garden Lane – From Single-Family Residential - Urban to Community Commercial.
2. 250 Garden Lane – From Office to Community Commercial.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The Plan Commission's recommendation will be reviewed by the City Council, which will hold the following public hearing regarding the proposed amendments:

**City Council (Public Hearing):** Monday, August 20, 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 THIS HEARING.**

**We are interested in your opinion.**

Anyone bringing handouts to the meeting must bring ten (10) copies and submit them to the City Clerk 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](mailto:penningtond@ci.beloit.wi.us). Comments will be accepted via telephone, email, and U.S. Mail.*

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: July 18, 2012

Agenda Item: 3

File Number: RPB-2012-03

**Request Overview/Background Information:**

Kelly Clobes, on behalf of Jagger Bay Properties, LLC, has submitted an application requesting two amendments to the Future Land Use Map (Map 10) of the City’s Comprehensive Plan.

Wisconsin’s Comprehensive Planning Law, §66.1001 of the Wisconsin Statutes, was signed into law in 1999. This legislation is commonly known as Wisconsin’s “smart growth” law, although the law does not prescribe or require a particular type of development pattern. The Comprehensive Planning law requires all cities, towns, and villages that regulate land use through land use ordinances (e.g. zoning) to adopt a Comprehensive Plan. Comprehensive Plans are intended to guide development and redevelopment over a 20-year timeframe. The law also requires that land use decisions be consistent with the adopted plan, a requirement that became effective in 2010.

The Beloit City Council approved the City’s Comprehensive Plan in March 2008 after an extensive public participation program. All land use decisions made by the City of Beloit, including any actions regarding official mapping, local subdivision regulation, and zoning regulations, must be consistent with the plan. The Beloit City Council established a process for amendments (minor changes) to the Comprehensive Plan on February 1, 2010. The City Council approved several amendments requested by Planning staff and a property owner on April 5, 2010. The state law requires that the Plan be updated at least once every ten years. As opposed to an amendment, an update is often a substantial re-write of the entire document and maps.

This public meeting of the Plan Commission serves as the second step in the process to amend the Comprehensive Plan. If the Plan Commission votes to recommend approval of the proposed amendments, the attached Resolution will be forwarded to the City Council for consideration during the regularly scheduled meeting on August 20, 2012.

**Key Issues:**

- The applicant is requesting the following amendments to the Future Land Use Map (Map 10) of the City’s Comprehensive Plan:
  - 220 Garden Lane – From Single-Family Residential - Urban to Community Commercial.
  - 250 Garden Lane – From Office to Community Commercial.
- The following table describes the status of the subject properties:

Property	Current Land Use	Zoning Class	Future Land Use	Proposed Future Land Use
220 Garden Lane	Parking Lot	PLI, Public	Single-Family Res.	Community Commercial
250 Garden Lane	Personal Service Retail	C-1, Office	Office	Community Commercial

- The properties that are the subject of this request are the former Rock County Courthouse property and the adjacent parking lot. The applicant is in the process of rehabilitating the former courthouse building into a mixed use building consisting of retail sales & service uses.
- When Planning staff met with the applicant to discuss this proposal, Planning staff notified the applicant that the properties would have to be rezoned, since the zoning classification at the time (PLI, Public Lands & Institutions District) did not allow commercial uses. Essentially, the applicant’s proposed uses require a C-3, Community Commercial zoning district classification. However, the Comprehensive Plan recommends Office and Single-Family Residential – Urban uses for the subject properties. Therefore, due to the consistency requirement discussed above, the properties may not be rezoned to C-3 without first amending the Comprehensive Plan. Planning staff gave the applicant the option of rezoning the courthouse parcel to C-1, Office District as a first step, since a limited number of commercial uses are permitted in the C-1 district.
- On April 16, 2012, the City Council approved the rezoning of the former courthouse property (250 Garden Lane) from PLI, Public Lands & Institutions District, to C-1, Office District. This rezoning allowed the applicant to engage in or lease space to businesses that operate *Personal Service-Oriented Retail Sales & Service* uses (e.g. restaurants, hair salons, tailor shops, etc.).
- However, as mentioned above, the applicant ultimately wants the flexibility to engage in or lease space to

businesses that operate *Entertainment-Oriented Retail Sales & Service* uses (e.g. reception halls, dance clubs, theaters, etc.). These uses are prohibited in the C-1 district but permitted by right in the C-3 district. Because the current zoning classification (C-1) is already consistent with the Comprehensive Plan, the applicant has requested a Comprehensive Plan amendment that, if approved, would allow them to rezone the properties to C-3 in the future.

- It should be noted that there is an intermediate commercial category known as Neighborhood Commercial, which has a corresponding zoning classification of C-2. *Entertainment-Oriented Retail Sales & Service* uses are conditional uses in the C-2 district, which means that a Conditional Use Permit must be reviewed and approved by the Plan Commission and City Council before the uses may commence. Planning staff advised the applicant of their right to request a future land use recommendation of Neighborhood Commercial during meetings to discuss this project.
- If the Plan Commission determines that Community Commercial uses would be too intense for the subject properties, an alternative is to recommend Neighborhood Commercial uses. If this occurred, the applicant would need to rezone the subject properties to C-2 and obtain a Conditional Use Permit before commencing *Entertainment-Oriented Retail Sales & Service* uses.
- The subject properties are surrounded by a variety of uses, including a park, day care facility, a large apartment building, churches, and an office building. Between the long-vacant subject properties and the vacant Kerry production facility nearby, the area would benefit from some vitality.
- Planning staff supports the applicant's efforts to reuse and revitalize these long-vacant properties, and the Community Commercial classification will give the applicant the most flexibility. Planning staff recognizes that there will be some neighborhood concerns about the potential uses such as entertainment venues, but there are other tools available (i.e. liquor licenses) that can and will be scrutinized by the City Council in order to maintain neighborhood compatibility.
- The applicant's proposed mixed use retail building will increase the availability of goods, services, and employment opportunities in this neighborhood.

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**Consistency with Comprehensive Plan and Strategic Plan:**

- The City's compliance with the Comprehensive Planning law's consistency requirement is the impetus for this request.
- Consideration of this request supports Strategic Goal #4.

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

- **Reduce dependence upon fossil fuels** – The proposed amendments may reduce dependence upon fossil fuels by increasing the likelihood of retail sales & service uses in close proximity to relatively dense housing and existing transportation routes.
- **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 the following proposed amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan:

1. 220 Garden Lane – From Single-Family Residential - Urban to Community Commercial.
2. 250 Garden Lane – From Office to Community Commercial.

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**Fiscal Note/Budget Impact:** N/A

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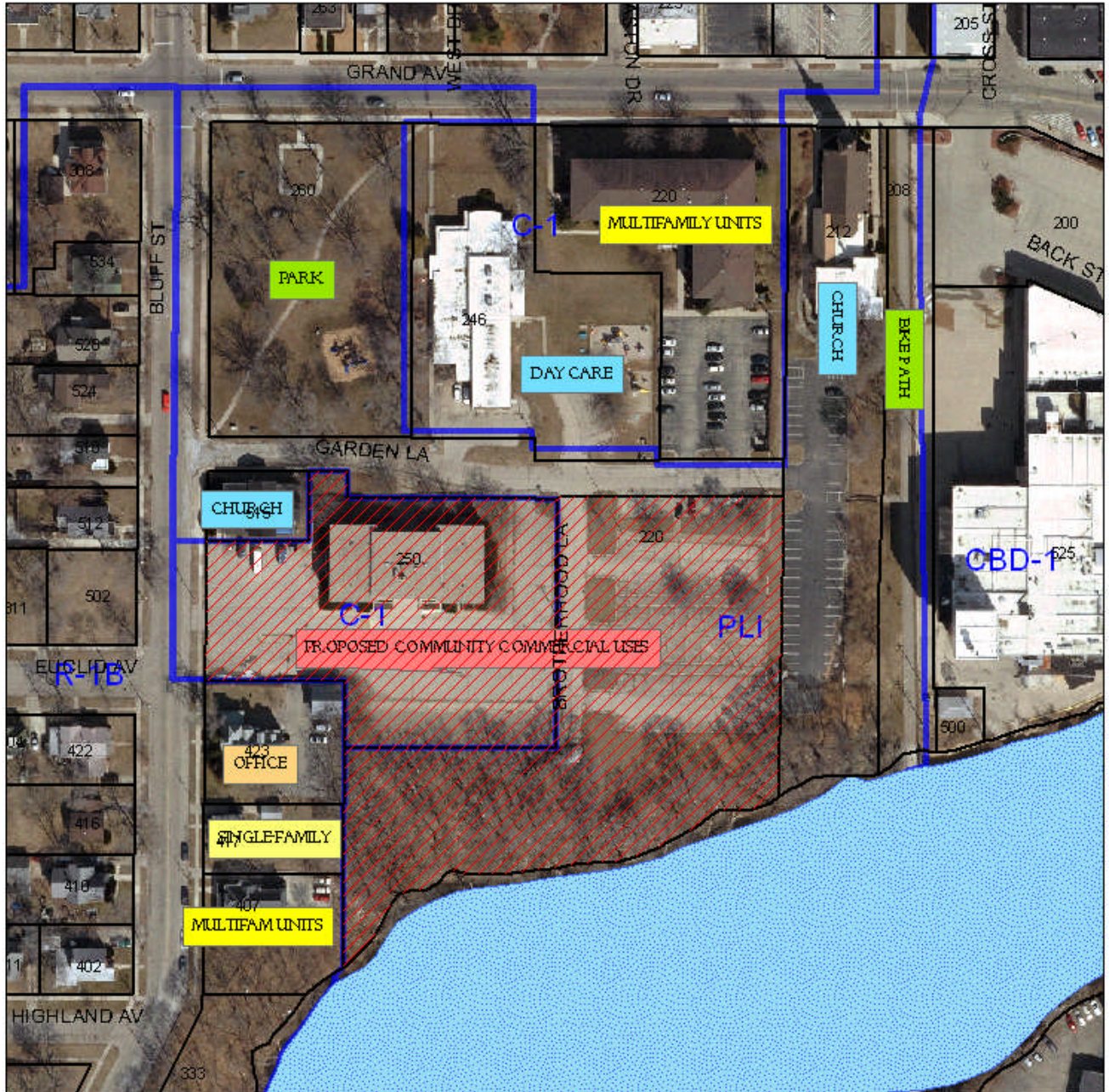
**Attachments:** Location/Land Use/Zoning Map, Future Land Use Map, Photos, Public Notice, Mailing List, and Resolution.



# Location, Land Use, & Zoning Map

220 & 250 Garden Lane

RPB-2012-03



1 inch = 135 feet  
 0 30 60 120 180 Feet

**Legend**

- COB Parcels
- Zoning District

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

**PLANNING & BUILDING SERVICES DIVISION**

# Map 10, Future Land Use (Narrowed to Subject Properties)



Municipal Boundaries  
 City of Beloit/Town of Turtle Boundary Adjustment Area  
 Interstate Highway  
 County Highway  
 Existing Road  
 Potential Future Major Collector/Arterial Roads  
 Railroads  
 Surface Water

**Future Land Use Categories**

- Agricultural
- Single Family Residential - Exurban
- Single Family Residential - Urban
- Two-family/Townhouse Residential
- Mixed Residential
- Planned Neighborhood\*
- Office
- Planned Mixed Use
- Neighborhood Commercial
- Community Commercial
- Downtown
- Business Park
- General Industrial
- Institutional & Community Services
- Environmental Corridor
- Parks and Open Spaces
- Long Range Urban Growth Area
- Right-of-Way

\*\*Planned Neighborhood\* should include a mix of the following:  
 1. Single Family - Urban (medium density land use)  
 2. Two-Family/Townhouse  
 3. Mixed Residential  
 4. Institutional and Community Services  
 5. Office  
 6. Neighborhood Commercial  
 7. Parks and Open Space

0 0.25 0.5 1 Miles  
 Date: March 17, 2008  
 Source: City of Beloit, Rock County

**City of Beloit**  
 Comprehensive Plan  
 Map 10:  
 Future Land Use







## **NOTICE TO THE PUBLIC**

June 28, 2012

To Whom It May Concern:

Kelly Clobes, on behalf of Jagger Bay Properties, LLC, has submitted an application requesting the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 220 Garden Lane – From Single-Family Residential - Urban to Community Commercial.
2. 250 Garden Lane – From Office to Community Commercial.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The following public meetings will be held regarding the proposed amendments:

**City Plan Commission:** Wednesday, July 18, 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 (Public Hearing):** Monday, August 20, 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 MEETINGS.**

**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](mailto:penningtond@ci.beloit.wi.us). Comments will be accepted via telephone, email, and U.S. Mail.*

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

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

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

Peter Herreid, Grant Administrator  
Department of Administration  
Division of Intergovernmental Relations  
101 E. Wilson Street, 10th Floor  
Madison, WI 53702-0001

Frank Management Inc.  
2501 Morse Street  
Janesville, WI 53545

Paul Benjamin  
Rock County Planning, Economic &  
Community Development Agency  
Rock County Courthouse, Room 266  
51 South Main Street,  
Janesville, WI 53545

Dr. Pamela Kiefert, Superintendent  
Clinton Community School District  
112 Milwaukee Road  
Clinton, WI 53525

Brad Austin  
Corporate Contractors Inc.  
655 3<sup>rd</sup> Street, Suite 300  
Beloit, WI 53511

Janelle Marotz  
School District of Beloit  
1633 Keeler Avenue  
Beloit, WI 53511

Dr. Dennis McCarthy,  
Superintendent  
Beloit-Turner School District  
1237 Inman Parkway  
Beloit, WI 53511

Kristi Howe  
Beloit Public Library  
605 Eclipse Boulevard  
Beloit, WI 53511