



**AGENDA  
BELOIT CITY COUNCIL  
100 State Street, Beloit WI 53511  
City Hall Forum – 7:00 p.m.  
Monday, August 6, 2012**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
  - a. Citizens **Lifesaving Award** (Liggett)
4. PUBLIC HEARINGS – none
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 July 16, 2012 (Houseman)
  - b. Proposed Ordinance relating to the keeping and licensing of **Backyard Chickens** in the City of Beloit (Christensen) Refer to Plan Commission
  - c. Resolution awarding Public Works Contract C12-20, **McKinley Avenue Reconstruction** (Flesch)
  - d. Resolution authorizing **Final Payment** of Public Works Contract C10-02, Horace White Park Improvements Phase 1 (Flesch)
7. ORDINANCES -none
8. APPOINTMENTS – none
9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS
10. CITY MANAGER'S PRESENTATION – none
11. REPORTS FROM BOARDS AND CITY OFFICERS
  - a. Resolution approving an **Obstruction Easement** to allow a sign in the public right of way abutting the property located at 2460 Milwaukee Road (Christensen) Plan Commission recommendation for denial 5-0-1

- b. Resolution approving **Lease Extension Agreement** at 80 & 100 East Grand Avenue, Beloit, Wisconsin (Casper)

## 12. ADJOURNMENT

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

Dated: August 1, 2012  
Rebecca S. Houseman  
City of Beloit City Clerk  
<http://www.ci.beloit.wi.us>

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



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**Special Meeting**  
**July 16, 2012**  
**5:30 p.m.**

Presiding: Charles Haynes (arrived at 6:25 p.m.)  
Present: Sheila De Forest, Chuck Kincaid, Kevin D. Leavy, David F. Luebke, and Mark Spreitzer  
Absent: James E. Van De Bogart

1. Vice-President Spreitzer called the meeting to order at 5:32 p.m. in the 4<sup>th</sup> Floor City Manager's Conference Room at City Hall. Roll called showed Councilors De Forest, Kincaid, Leavy, Luebke, and Spreitzer present. President Haynes arrived at 6:25 p.m.
2. Councilor Luebke moved to adjourn into closed session Pursuant to Wis. Stats. 19.85(1)(e) to discuss **property acquisitions** in downtown Beloit and in the Gateway Business Park area. Councilor De Forest seconded. The motion carried, and the Council adjourned into closed session at 5:32 p.m.
3. Councilor Leavy moved to reconvene into open session, and Councilor Kincaid seconded. The motion carried, and the meeting reconvened in open session at 6:27 p.m.
4. Downtown Beloit Association Executive Director Shauna El-Amin presented a resolution amending the **2011 Capital Improvement Budget** to reflect the inclusion of the Upper Floor Housing Initiative (TID #5). Councilor De Forest made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor Kincaid asked if the units would be rented at the market rate, and City Manager Larry Arft said yes. Councilor De Forest said that she is concerned with the transparency of the Council's decision on this matter because it is taking place at a special meeting. President Haynes asked Mr. Arft to discuss this item at the regular Council meeting at 7:00 p.m. The motion carried 6-0. File 8463/6924
5. Councilor Spreitzer moved to adjourn the meeting, and Councilor Leavy seconded. The motion carried, and the meeting adjourned at 6:40 p.m.

---

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, July 16, 2012**

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

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 to Solicit Input on the Community Development, Housing, and Homeless Needs in the City for Inclusion in the **2013 Annual Action Plan** and recommended a resolution approving 2013 Community Development Block Grant (CDBG) Local Funding Priorities. Councilor De Forest recused herself for this agenda item due to a conflict of interest. President Haynes opened the public hearing. David Zimdars, 611 East Grand Avenue, Suite 2B, spoke as the Executive Director of Voluntary Action Center. He indicated that some of the senior programming has received CDBG funding in the past and that he hopes the programs will continue to receive funding. President Haynes closed the public hearing. Councilor Kincaid made a motion to adopt the resolution, and Councilor Luebke seconded. The motion carried 5-0-1. File 8555
5. CITIZENS' PARTICIPATION
  - a. Deb Crocket, 1014 Emerson Street, spoke on behalf of the Beloit Backyard Chicken group in support of an ordinance to allow chickens. She submitted information regarding community outreach and commitments from farms that would care for abandoned chickens. She also submitted a draft brochure regarding the topic.
6. CONSENT AGENDA

Councilor Leavy made a motion to adopt the Consent Agenda, which consists of items 6.a. through 6.e. Councilor Spreitzer 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 July 2, 2012 were approved.
  - b. The resolution approving a **Class “B” Beer and Reserve “Class B” Liquor License** for The Cheese People of Beloit, LLC, located at 431 E. Grand Avenue, Lloyd Smith, Agent, was adopted. File 8542
  - c. The resolution awarding Public Works **Contract C12-19, 2012 Street Resurfacing Phase II**, was adopted. File 8557
  - d. The resolution awarding Public Works **Contract C12-09, Pavement Markings 2012**, was adopted. File 8559
  - e. An application for an **Obstruction Easement** to allow a sign in the public right of way abutting the property located at 2460 Milwaukee Road was referred to the Plan Commission. File 8107
7. ORDINANCES
  - a. City Attorney Tom Casper presented the second reading of an ordinance to amend Section 13.05(3) of the Code of General Ordinances of the City of Beloit Relating to **Overnight Parking**



**Permits for Residents of Business Improvement District.** Mr. Casper reiterated that this ordinance change will not impact on-street parking stalls nor will it impact the parking spaces in public lots that are current restricted. He indicated that the Council was provided with an email from a downtown business owner who has concerns regarding the changes and Mr. Casper's response to that email. Councilor De Forest made a motion to enact the ordinance, and Councilor Leavy seconded. Councilor De Forest asked if staff thought that the number of permit spaces per lot should be limited, and Mr. Casper said that staff does not know how popular this program may be in the future but it has not been popular in the past. He also indicated that this issue may be revisited in the future if there are additional concerns or when upper-floor housing in the downtown becomes more popular, and he said that the fee may be re-visited on an annual basis. Councilor Spreitzer asked if staff is concerned with parking availability on weekends or during events, and Mr. Casper indicated that the number of permits issued would be closely monitored. Councilor Spreitzer asked if there is a future vision of additional parking in the downtown, and City Manager Larry Arft said that there is adequate parking in the downtown at this time and there are no plans for a parking garage. The motion carried 6-0. File 7791 Ordinance 3465

## 8. APPOINTMENTS

President Haynes announced openings and submitted the following appointments to the City Committees, Boards, and Commissions for approval. The appointments were approved on a motion by Councilor Luebke and a second by Councilor Kincaid. The motion carried 6-0.

- a. **Municipal Library Board:** John Watrous for a term ending June 30, 2014. File 5991
- b. **Park, Recreation and Conservation Advisory Commission:** Carol Mankiewicz for a term ending September 30, 2012, and Therese Oldenburg for a term ending September 30, 2014. File 6180

## 9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- a. Councilor Luebke said that he volunteered for the Superweek Bike Race in downtown Beloit and was very impressed with the contributions of the Public Works and Police Departments and the volunteers.
- b. Councilor De Forest said that she participated in the Parks and Recreation Tour and that she is proud to live in a community with such exceptional parks. She also said that she enjoyed attending the Beloit Farmers Market despite the heat, and she thanked the vendors for their continued participation. She said that she is looking forward to continuing to participate in the Rock River Advisory Coalition with the hopes of designating the Rock River as a national waterway.
- c. Councilor Spreitzer said that he participated in the Parks and Recreation Tour, saw new parks, and discussed future improvements.

## 10. CITY MANAGER'S PRESENTATION

President Haynes requested that Mr. Arft briefly discuss the Resolution amending the 2011 Capital Improvement Budget to reflect the inclusion of the Upper Floor Housing Initiative (TID #5) that was adopted by the Council at the special meeting at 5:30 p.m. on July 16, 2012. Mr. Arft explained that staff attempts to put all of the public business on the agenda of the regular Council meetings that are televised; however, in this case, staff was not able to meet the deadlines for publication of the agenda and packet. Mr. Arft said that the Council unanimously approved an amendment to the CIP to include additional funds for upper floor housing redevelopment in the downtown. He said that the additional funds will come from the Tax Increment District (TID) budget, not the general fund.

- a. Finance and Administrative Services Director Paul York presented the **2011 Audit Report**. He stated that the Audit Report is available for public review on the City's website. He introduced the audit team including Carla Gogin, Jody Dobson, and Joe Lightcap from Baker Tilly Virchow Krause, LLP. Councilor Spreitzer asked how a deficit in the internal service fund impacts the overall budget, and Ms. Gogin said the general fund, or another fund, would eventually pay the difference but that internal service funds should break even. Councilor De Forest said that she is concerned that the debt from the golf course is not clearly shown. Councilor Spreitzer asked

about the difference between an advance to a fund and a subsidy. President Haynes said that the decision about what to do with a fund that does not break even is for the Council to make. Councilor De Forest asked for clarification of the incidents found during the audit of the City's 2011 bid processes. Mr. York said that the purchase without the bid process was a generator in the public works department and that the purchase with only two bids was because of the unique nature of the bid request. Mr. York said that both of these incidents occurred prior to the City's discovery of fraud in the water resources division. Mr. Arft said that after the fraud was discovered, the City completed an extensive fraud-risk analysis and implemented a purchasing card system. He said that employees were retrained and procedures were refined. Councilor Luebke made a motion to accept the 2011 Audit Report, and Councilor Leavy seconded. The motion carried 6-0. File 8463

#### 11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Mr. York presented a resolution authorizing the **Application and Borrowing of up to \$377,000 from the State of Wisconsin Board of Commissioners of Public Lands State Trust Fund Loan Program** for Projects contained in the 2012 Capital improvement Budget. He indicated that this loan would fund a number of small projects that could not be part of the general obligation debt issue. Councilor Luebke made a motion to adopt the resolution, and Councilor Spreitzer seconded. The motion carried 6-0. File 8514
- b. Mr. Casper presented a resolution releasing the City's **Right of First Refusal for 348 Locust Street**. Councilor De Forest recused herself from this matter because of a conflict of interest. Mr. Casper presented a short history of the property and discussed how the City obtained the right of first refusal. He recommended that the City waive the right to purchase the property, which would allow the current owner, Family Services of Southern Wisconsin and Northern Illinois, Inc., to sell the property on the open market and use the profits for programming. Councilor Luebke moved to adopt the resolution, and Councilor Leavy seconded the motion. Mr. Arft said that the property is in a single-family zoning district and could only be used for single-family or other similar uses. The motion carried 5-0-1. File 8560

12. At 8:26 p.m., Councilor De Forest made a motion to adjourn the meeting, and Councilor Spreitzer seconded. The motion carried 6-0.

---

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

---



**Topic:** Draft Ordinance Relating to the Keeping of Chickens in the City – Council Referral to the Plan Commission

**Date:** August 6, 2012

**Presenter:** Julie Christensen

**Department:** Community Development

---

### Overview/Background Information:

At the City Council's request, City of Beloit staff has drafted an Ordinance to amend and create certain sections of the Property Maintenance Code and the Zoning Ordinance relating to the keeping of chickens in the City. Currently, chickens are only allowed in the primarily agricultural DH, Development Holding District, subject to certain conditions. The draft Ordinance would allow residents to keep up to four chickens in most single-family residential backyards in the City, subject to certain permitting and regulatory requirements.

---

### Key Issues (maximum of 5):

- 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. Changes made since the second workshop are shown in "redline" format.
- 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.
- At the second Council Workshop, staff 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 City Council recently received a letter from a farmer near Walworth who has offered to provide temporary or permanent housing for stray or abandoned chickens. This is a generous offer, but one that is non-binding and does not answer the core questions. Who will respond to calls related to loose & abandoned chickens? Who will catch them, and how will they be transported? Who will drive the 50-mile round-trip to Walworth, and who will pay for the costs of equipment, vehicles, fuel, and overtime? There are too many unanswered questions to proceed with a backyard chicken program at this time.

---

### 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** – Allowing backyard chickens may result in a negligible decrease in fossil fuel dependence.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – Staff believes that allowing backyard chickens will ultimately have a negative impact on current and future residents of the City.

---

### Action required/Recommendation:

- Referral to the Plan Commission for the August 22, 2012 meeting
- This item will most likely return to the City Council for a public hearing and possible action on September 4, 2012

---

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

---

**Attachments:** Memo from Staff and Proposed Ordinance



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

---

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 the enforcement of more important neighborhood preservation-related duties.

### 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. She took in 230 abandoned chickens between 2008 and 2011 and there were an additional 47 chickens surrendered to the Dane County Humane Society in 2011. Madison handled over 100 abandoned chickens in 2011. The City of Madison is billed by the Humane Society for taking and keeping abandoned or seized chickens.

#### 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.

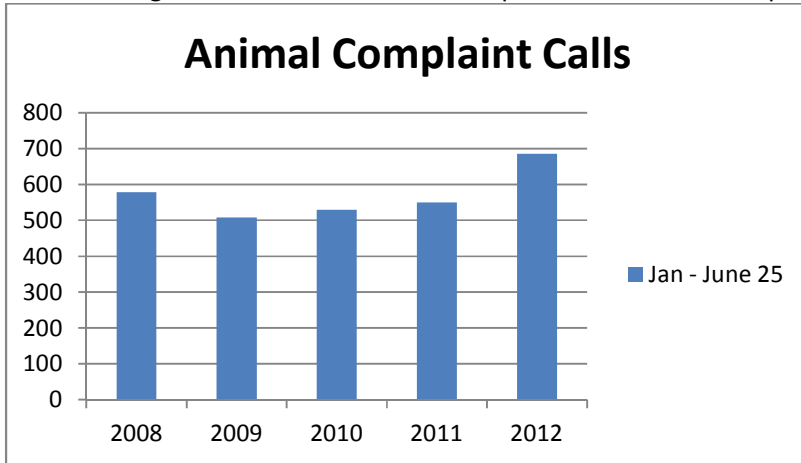
In conclusion, there are nearly unanimous and serious concerns about this ordinance among staff in the affected divisions because of the reasons listed above. Please let us know if you have any questions or if we can provide additional information. Thank you for your consideration of our concerns.



## Attachment A

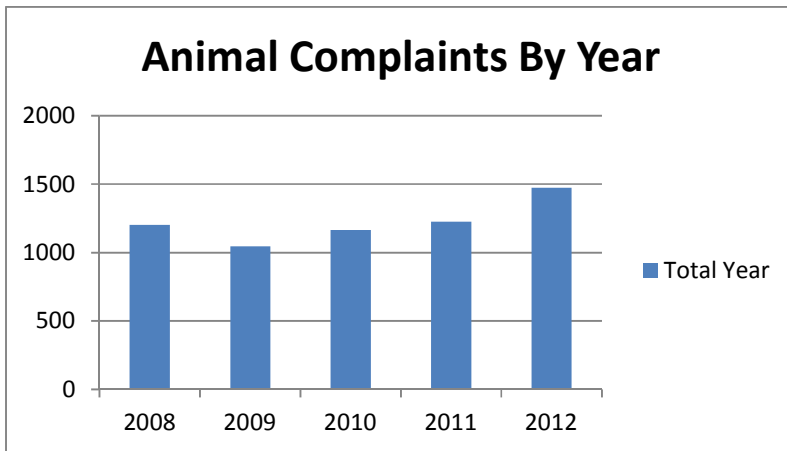
### Animal Complaint Call History

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

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

Formatted: Font: (Default) +Body (Calibri)

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 БЕЛОIT 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 БЕЛОIT RELATING TO THE KEEPING OF CHICKENS

Formatted: Font: (Default) +Body (Calibri)

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) Chicken means a domestic chicken of the sub-species Gallus gallus domesticus.
  - (b) Keep means either the owning, keeping, possessing or harboring of a chicken.
  - (c) Rooster means a male chicken of any age, including a capon or otherwise neutered male chicken.
  - (d) Coop means ~~any~~ new or existing enclosed accessory structure designed or modified for the keeping of chickens and meeting the

requirements of this section ~~and not to exceed 12 square feet in area.~~

- (e) Chicken Run means a fenced area attached to a coop and not to exceed 3640 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.

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri), Not Italic

(2) CHICKENS ALLOWED.

Formatted: Font: (Default) +Body (Calibri)

- (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) ~~No person may keep chickens other than in an enclosed structure or a properly permitted chicken coop and chicken run as defined in this section.~~ 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 ~~an enclosed structure, not more than 12 square feet in area, which must 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. ~~Chicken manure, droppings and eggs shall be removed from the coop and the chicken run on a daily basis.~~
- (5) **CONFINEMENT OF CHICKENS.** Chickens must be kept in ~~an enclosed structure, a coop, or or~~ a chicken run at all times. Between sunrise and sunset, chickens may be allowed outside of the ~~enclosed structure or coop~~ in the chicken run. Chickens must be secured within the ~~enclosed structure or 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 ~~20~~ 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) **Application.** The application for the annual residential chicken permit shall be made using such forms required by the City's Director of Planning and Building Services and must contain an accurately scaled drawing showing the location of the proposed coop and any chicken run, distances to lot lines and distances to

Formatted: Font: (Default) +Body (Calibri), Highlight

Formatted: Font: (Default) +Body (Calibri)

the nearest adjoining ~~residential-dwelling-unit~~ principal structure, together with dimensions of the coop and chicken run. ~~Residential-chicken-permits~~ 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 ~~enclosed structure or~~ 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.~~

Formatted: Indent: Left: 1"

(9) PENALTY.

Formatted: Font: (Default) +Body (Calibri)

- (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 <del>excluding chickens</del>	-	-	-	-	-	-	-	-	-	-	-	-	§5-204 §6.2.8
	<u>Chickens</u>	P	P	P	P	P	P	P	P	P	P	P	P	Property Maintenance Code

Formatted: Font: (Default) +Body (Calibri), Underline  
Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri), 8 pt

Formatted: Indent: Left: 0", First line: 0"

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri), Underline

Formatted: Font: (Default) +Body (Calibri)

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

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri)

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:

Formatted: Font: (Default) +Body (Calibri), Underline

Formatted: Font: (Default) +Body (Calibri)

"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.

Formatted: Font: (Default) +Body (Calibri)

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

BELOIT CITY COUNCIL

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

ATTEST:

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

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

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

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

tdh/ord/Chickens=ord-120522-1341 (rln)120613 1534 [rdln] [12-1042]

**RESOLUTION  
AWARDING CONTRACT C12-20  
MCKINLEY RECONSTRUCTION**

**WHEREAS**, project design and construction bid specifications were developed by the City Engineer and distributed to qualified contractors, and;

**WHEREAS**, the project will rehabilitate two blocks of McKinley Avenue with new asphalt pavement, concrete curb and gutter, driveway approaches, drainage improvements, and sod restoration, and;

**WHEREAS**, two competitive bids were received, the low bid being from Rock Road, Companies Inc., and,

**WHEREAS**, Rock Road Companies, Inc. is a qualified bidder, therefore,

**IT IS RESOLVED**, that Contract C12-20 McKinley Reconstruction, be, and hereby is, awarded to Rock Road Companies Inc., Janesville, Wisconsin, in the following amounts:

Rock Road Companies, Inc.  
P.O. Box 1779  
Janesville, WI 53547

Base Bid	\$ 154,864.00
Allowance for Change Orders and/or Extra Work	\$ 23,230.00
<b>TOTAL PROJECT COST</b>	<b>\$ 178,094.00</b>

**AND IT IS FURTHER RESOLVED**, that the amount of \$194,945.08, be, and hereby is, funded as follows:

P2902187-5514-2010	Street Maintenance	\$ 50,000.00
P2902187-5514-2011	Street Maintenance	\$ 128,094.00
<b>TOTAL</b>		<b>\$ 178,094.00</b>

Dated at Beloit, Wisconsin this 6<sup>th</sup> day of August, 2012.

City Council of the City of Beloit

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

ATTEST:

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



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Award of Construction Contract for C12-20 McKinley Reconstruction

**Date:** August 6, 2012

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

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

---

**Overview/Background Information:**

This project will rehabilitate two blocks of McKinley Avenue between Portland Avenue and Liberty Avenue with new asphalt pavement, concrete curb and gutter, driveway approaches, drainage improvements and sod restoration.

---

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

1. Two bids were received for this project. The low bid of \$154,864.00 was from Rock Road Companies, Inc. and is 2.25% more than the engineer's estimate of \$151,454.00
2. Rock Road Companies, Inc. is considered a responsible bidder for this project.
3. The costs for this project are as follows: \$154,864.00 for construction, \$ 23,230.00 for Change Orders or extra work, for a total of \$178,094.00.
4. No properties will be special assessed for this project.

---

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

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**
  - This project repairs deteriorated streets thereby improving the area.

---

**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**  
The improved pavement will reduce airborne dust and noise.
- **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 awarding this Public Works Contract to Rock Road Companies, Inc. in the amount of \$178,094.00

---

**Fiscal Note/Budget Impact:**

Adequate funding is available in the 2010 and 2011 Capital Improvement Plans.



**McKinley Reconstruction  
C12-20**

BID DATE: July 26, 2012 10:00 am  
**Bid Tabulation**

ITEM NO.	BID ITEMS DESCRIPTION	CONTRACT		Engineer's Estimate		Rock Road Companies		RR Walton & Company	
		QUANTITY		UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
<b>ROADWAY</b>									
1	Traffic Control	1	LS	\$1,600.00	\$1,600.00	\$2,500.00	\$2,500.00	\$2,000.00	\$2,000.00
2	Erosion Control	1	LS	\$500.00	\$500.00	\$720.00	\$720.00	\$3,000.00	\$3,000.00
3	Construction Staking	1	LS	\$1,600.00	\$1,600.00	\$1,800.00	\$1,800.00	\$2,500.00	\$2,500.00
4	Finishing Roadway	1	LS	\$500.00	\$500.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00
5	Curb and Gutter Removal	2400	LF	\$3.00	\$7,200.00	\$3.93	\$9,432.00	\$1.34	\$3,216.00
6	Removing Asphaltic Milling	3650	SY	\$2.50	\$9,125.00	\$3.00	\$10,950.00	\$4.50	\$16,425.00
7	Concrete Removal	600	SY	\$4.00	\$2,400.00	\$4.79	\$2,874.00	\$18.00	\$10,800.00
8	Saw Cut Existing Pavement (Full Depth)	2550	LF	\$1.50	\$3,825.00	\$1.30	\$3,315.00	\$1.96	\$4,998.00
9	Common Excavation	300	CY	\$12.00	\$3,600.00	\$15.00	\$4,500.00	\$20.00	\$6,000.00
10	Select Crushed Material, 3"	10	Ton	\$11.00	\$110.00	\$23.00	\$230.00	\$25.00	\$250.00
11	Base Aggregate Dense, 1-1/4"	550	Ton	\$10.00	\$5,500.00	\$12.00	\$6,600.00	\$22.00	\$12,100.00
12	Concrete Curb and Gutter, 30-inch, Type L	2400	LF	\$10.25	\$24,600.00	\$10.00	\$24,000.00	\$11.00	\$26,400.00
13	Curb Front Fill	267	SY	\$22.00	\$5,874.00	\$20.00	\$5,340.00	\$45.00	\$12,015.00
14	4" Concrete	45	SY	\$31.50	\$1,417.50	\$27.00	\$1,215.00	\$63.00	\$2,835.00
15	6" Concrete	635	SY	\$31.50	\$20,002.50	\$31.00	\$19,685.00	\$75.00	\$47,625.00
16	Detectable Warning Field	12	Each	\$275.00	\$3,300.00	\$252.00	\$3,024.00	\$300.00	\$3,600.00
17	HMA Pavement, Type E-0.3 Special, 1" Leveling Course	300	Ton	\$56.00	\$16,800.00	\$55.00	\$16,500.00	\$65.00	\$19,500.00
18	HMA Pavement, Type E-0.3 Special, 2" Surface Course	420	Ton	\$55.00	\$23,100.00	\$53.50	\$22,470.00	\$65.00	\$27,300.00
19	Sod Lawn Restoration	1000	SY	\$7.50	\$7,500.00	\$6.45	\$6,450.00	\$5.10	\$5,100.00



**McKinley Reconstruction  
C12-20**

BID DATE: July 26, 2012 10:00 am  
**Bid Tabulation**

ITEM NO.	BID ITEMS DESCRIPTION	CONTRACT QUANTITY		Engineer's Estimate		Rock Road Companies		RR Walton & Company	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
<b>SANITARY SEWER ITEMS</b>									
20	Supply and Install Neenah R-1710 MH Casting with locking, non-rocking Type "B" lid, with up to 12" of new adjusting rings	4	Each	\$525.00	\$2,100.00	\$890.00	\$3,560.00	\$820.00	\$3,280.00
<b>STORM SEWER ITEMS</b>									
21	Supply and Install Neenah R-3067 Inlet Casting with Type "R" grate, with up to 12" of new adjusting rings	3	Each	\$575.00	\$1,725.00	\$630.00	\$1,890.00	\$1,099.00	\$3,297.00
22	Adjust and Re-Install Neenah R-3330 MH Casting, with up to 12" of new adjusting rings	3	Each	\$200.00	\$600.00	\$323.00	\$969.00	\$875.00	\$2,625.00
23	Supply and Install Neenah R-1710 MH Casting with locking, non-rocking Type "B" lid, with up to 12" of new adjusting rings	1	Each	\$525.00	\$525.00	\$790.00	\$790.00	\$750.00	\$750.00
24	12" Storm Sewer Pipe	15	LF	\$30.00	\$450.00	\$90.00	\$1,350.00	\$66.67	\$1,000.05
25	Type 3 Inlet	3	Each	\$2,000.00	\$6,000.00	\$1,100.00	\$3,300.00	\$800.00	\$2,400.00
26	Remove Storm Structure	3	Each	\$500.00	\$1,500.00	\$300.00	\$900.00	\$750.00	\$2,250.00

Total Bid

\$151,454.00

\$154,864.00

\$223,266.05

**RESOLUTION  
AUTHORIZING FINAL PAYMENT OF  
PUBLIC WORKS CONTRACT C10-02  
HORACE WHITE PARK IMPROVEMENTS PHASE 1**

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

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

**IT IS RESOLVED**, that Guenther Electric Inc. be paid \$7,577.80 as the final payment for Contract C10-02, Horace White Park Improvements Phase 1, as recommended by the City Engineer.

Dated at Beloit, Wisconsin this 6th day of August, 2012.

City Council of the City of Beloit

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

ATTEST:

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

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Award Final Pay for 10-02 Horace White Park Improvements Phase 1

**Date:** August 6, 2012

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

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

---

**Overview/Background Information:**

Guenther Electric Inc. has completed construction of project C10-02 Horace White Park Improvements Phase 1, and has submitted all of the required paperwork and bonds. Final payment now needs to be issued.

---

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

1. Guenther Electric Inc. was the low bidder for this project, and they have completed construction to the satisfaction of Engineering.
2. The contractor is due \$7,577.80 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.):**

---

**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 Guenther Electric Inc. for \$7,577.80

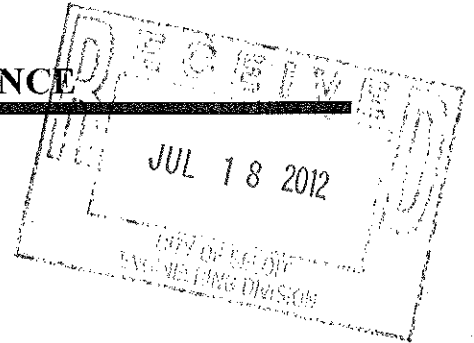
---

**Fiscal Note/Budget Impact:**

Funds are available in the 2010 CIP budget.

**CITY OF BELOIT**  
**DEPARTMENTAL CORRESPONDENCE**

---



**TO:** Scott Schneider

**FROM:** Thomas R. Casper *TC*

**DATE:** July 17, 2012

**SUBJECT:** **Final Payment Public Works Contract C10-02**  
**Guenther Electric, Inc.**  
**Horace White Park Improvements Phase 1**

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.

**CITY OF BELOIT**  
**DEPARTMENTAL CORRESPONDENCE**

---

**TO:** Mike Flesch

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

**DATE:** July 9, 2012

**SUBJECT:** Final Payment Contract C10-02  
Horace White Improvements Phase 1

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

The original and final contract amount was for \$75,778.00, as there were no change orders issued. Payments to date under this contract total \$68,200.20.

Therefore, I recommend a final payment in the amount of \$7,577.80 be made to Gunther Electric.

**RESOLUTION  
APPROVING AN OBSTRUCTION EASEMENT  
TO ALLOW A SIGN IN THE PUBLIC RIGHT-OF WAY**

**WHEREAS**, the City Council of the City of Beloit, Rock County, Wisconsin has considered a request for an Obstruction Easement to allow JNB Signs, on behalf of Central Christian Church, to install a 16-foot pylon sign in the public right-of-way adjacent to the property located at 2460 Milwaukee Road in the City of Beloit, Rock County, Wisconsin; and

**WHEREAS**, the City Council of the City of Beloit deems such proposal to be in the public interest and a proper matter for consideration by the City Council, as provided by Wisconsin Statutes; and

**WHEREAS**, the City Council of the City of Beloit has received recommendations from City staff and the City Plan Commission on the location and design of the proposed sign; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant an Obstruction Easement to allow JNB Signs, on behalf of Central Christian Church, to install a 16-foot pylon sign in the right-of-way adjacent to the property located at 2460 Milwaukee Road and subject to the following conditions:

1. The City Manager is authorized to execute an Obstruction Easement Agreement for the exclusive use of land in the right-of-way along Milwaukee Road abutting the subject property.
2. The proposed sign shall meet all the requirements of the Outdoor Sign Ordinance and the Zoning Ordinance.
3. The applicant shall obtain an Architectural Review Certificate and a Sign Permit before installing the proposed sign.
4. The existing freestanding sign advertising "Central Christian Center" on the subject property shall be removed prior to the installation of the proposed new sign.
5. The applicant shall not damage or destroy any trees, bushes, or light poles as a result of this project, and any damage to curbs and sidewalks shall be immediately repaired in accordance with the City Engineer's standards.

Adopted this 6<sup>th</sup> day of August, 2012

**BELOIT CITY COUNCIL**

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

ATTEST:

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





# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

---

**Topic:** Obstruction Easement to allow a sign in the public right-of-way

**Date:** August 6, 2012

**Presenter(s):** Julie Christenson

**Department:** Community Development

---

**Overview/Background Information:**

Matt Stried of JNB Signs, on behalf of Central Christian Church, has requested an Obstruction Easement to allow the installation of a 16-foot pylon sign in the right-of-way adjacent to the property located at 2460 Milwaukee Road. The subject property is located at the intersection of Milwaukee Road and Willowbrook Road and is zoned C-1, Office and MRO, Milwaukee Road Overlay District.

---

**Key Issues:**

- The proposed easement would allow the installation of a 16-foot pylon sign in the right-of-way along Milwaukee Road.
- The proposed sign would be setback 20-feet from Milwaukee Road and 250-feet from Willowbrook Road as shown in the attached Sign Location Map.
- Section 66.0425 of State Statute provides that only the governing body of a city can grant a “privilege” to a private party to obstruct or excavate within the right-of-way of any city street or road.
- The Plan Commission reviewed this item on July 18, 2012 and voted unanimously (5-0) to recommend denial of the Obstruction Easement.

---

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

- Consideration of this request supports Strategic Goal #4.

---

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

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

---

**Action required/Recommendation:**

- City Council consideration and action on the proposed Resolution

---

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

---

**Attachments:** Resolution and Staff Report to the Plan Commission

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION

---

**Meeting Date:** July 18, 2012

**Agenda Item:** 4

**File Number:** RPB-2012-04

**Applicant:** Matt Stried of JNB Signs

**Owner:** City of Beloit

**Location:** 2460 Milwaukee Road

---

### Request Overview/Background Information:

Matt Stried of JNB Signs on behalf of Central Christian Church, has requested an Obstruction Easement to allow the installation of a 16-foot pylon sign in the right-of-way adjacent to the property located at 2460 Milwaukee Road. The subject property is located at the intersection of Milwaukee Road and Willowbrook Road and is zoned C-1, Office and MRO, Milwaukee Road Overlay District.

---

### Key Issues:

- Section 30.04(15) of the Outdoor Sign Ordinance prohibits signs in the right-of-way without prior approval from the City Council.
  - Section 66.0425 of State Statute provides that only the governing body of a city can grant a “privilege” to a private party to obstruct or excavate within the right-of-way of any city street or road.
  - The applicant believes that the mature trees and Arborvitae bushes that are in the right-of-way along Milwaukee Road abutting the church’s property restrict the visibility of the existing sign and the church building.
  - The applicant wants to install a 16-foot pylon sign in the right-of-way along Milwaukee Road to increase visibility.
  - The proposed sign would be 65-feet north of the church’s property line and 250-feet east of Willowbrook Road.
  - There are two existing freestanding signs on the subject property that face Milwaukee Road and advertise the church activities and the daycare on site (see photographs below).
  - This portion of right-of-way along Milwaukee Road is host to an important scenic tree-lined route that is seen and appreciated by travelers as they enter into the heart of the City. This scenic route should be preserved.
  - Allowing a sign in the public right-of-way would set a bad precedent that would likely cause an influx of similar requests from businesses along Milwaukee Road.
  - A portion of the proposed sign contains an Electronically Variable Message (EVM) Board. EVM signs are prohibited in the C-1, Office District, which the subject property is located in.
  - The granting of this Obstruction Easement request will not benefit the public.
  - The Plan Commission must review and the City Council must approve the granting of easements over City-owned properties.
- 

### Consistency with Comprehensive Plan and Strategic Plan:

- Consideration of this request supports City of Beloit Strategic Goal #4.
- 

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

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

### Staff Recommendation:

The Planning & Building Services Division recommends **denial** of the requested Obstruction Easement to allow the installation of a 16-foot pylon sign in the right-of-way adjacent to the property located at 2460 Milwaukee Road.

However, in the event that the City Council decides to issue an Obstruction Easement to allow the installation of a 16-foot pylon sign in the right-of-way adjacent to the property located at 2460 Milwaukee Road, the Planning and Building Services Division recommends the following conditions of approval:

1. The City Manager is authorized to execute an Obstruction Easement Agreement for the exclusive use of land in the right-of-way along Milwaukee Road abutting the subject property.
2. The proposed sign shall meet all the requirements of the Outdoor Sign Ordinance and the Zoning Ordinance.
3. The applicant shall obtain an Architectural Review Certificate and a Sign Permit before installing the proposed sign.

4. The existing freestanding sign advertising "Central Christian Center" on the subject property shall be removed prior to the installation of the proposed new sign.
5. The applicant shall not damage or destroy any trees, bushes, or light poles as a result of this project, and any damage to curbs and sidewalks shall be immediately repaired in accordance with the City Engineer's standards.

---

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

---

**Attachments:** Sign Specs, Sign Location Map, Photographs, Applicant Request Letter, Location & Zoning Map

## PYLON SIGN SPECIFICATIONS :

**Sign Cabinet :** Sign Comp Medium Body (#2015) with 2-1/4" retainer (#2045).

**Cabinet Finish :** Cabinet exterior primed and painted ( *color to be determined* ).

**Pole cover/Reveal :** Fabricated .063 aluminum sheeting, primed and painted ( *color to be determined* ).

**Face :** Routed 3/4" clear acrylic push-thru letters, faces covered with translucent Gerber vinyls, letter backs covered with light diffuser vinyl. Face to have copy routed oversized to give a subtle white outline around letters.

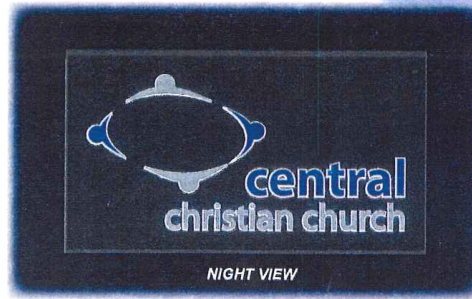
**Letter Lighting :** Cabinet lit internally using vertically mounted H.O. fluorescent lamps.

**Message Centers :** Two single face Optec Electronic Message Centers (#INF-16-RGB-Z-P-D), 64x144 matrix mounted back to back onto steel pole, full color display capable of up to 8 lines of 4.41" text, max 24 characters wide

**Pole :** Single steel support pole, 8" square steel, with 6" stub welded inside sign. Concrete foundation.

**Electrical :** 120 volt, UL listed and labeled.

**VOLTAGE**  
 120 Volts  
 277 Volts



JNB SIGNS INCORPORATED 1891 Venture Drive, Suite 1, Janesville, WI 53546 Phone : 1-800-243-7997 Fax : 1-608-754-7822

This original and unpublished design is copyrighted and the exclusive property of JNB Signs, Inc. and is not to be reprinted, copied or reproduced in whole or in part without written permission. All sizes and dimensions are shown and check accuracy of a current project and do not be understood as being exact size of each sign.

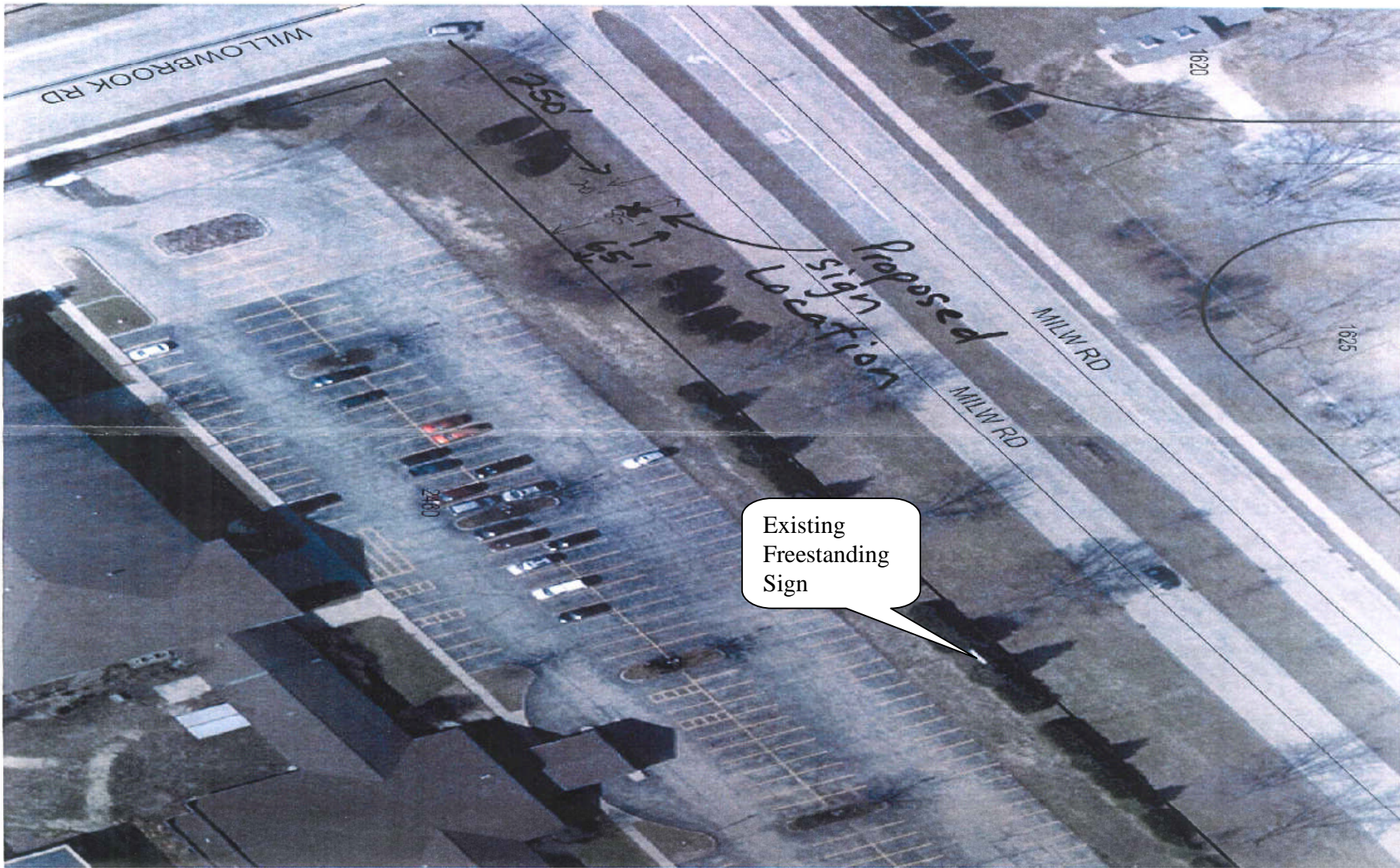
JNB Signs is not responsible for the difference in color between the print and final product. We will attempt to match colors as closely as possible but final colors will be made by using vinyl and other finishes where possible. We cannot guarantee exact color matches due to differing surfaces, materials and paints being applied.

CLIENT Central Christian Church SALESMAN Matt Stried CUSTOMERS SIGNATURE X \_\_\_\_\_ DATE \_\_\_\_\_

JOB SITE 2460 Milwaukee St., Beloit, WI ARTIST Dan DATE 03-06-12 DRAWING 04737-03 (1 of 1 PAGE)

© Copyright









Proposed  
Location in  
Right-of- Way  
for New Sign





May 29<sup>th</sup>, 2012

Drew- on behalf of Craig Zastrow at Central Christian Church, JNB Signs, Inc. would like to apply for an obstruction easement of the sign code to allow Central Christian Church to install a pylon sign (JNB Drawing #04737-03) in the right of way along their property line at 2460 Milwaukee Road. The numerous mature trees and Arborvitae bushes on City of Beloit property along the full length of the the Central Christian Church property allow very little visibility for the sign unless we would be allowed to install the sign in the easement. These trees also severely restrict visibility to their current sign and their church building itself. Both JNB Signs and Central Christian Church personnel met with Mike Ferger with the City of Beloit and he did not see any way that any of the obstructing trees could be removed or majorly pruned to offer any relief to the visibility problem.

Currently, the CCC property line sits 85' back from the edge of Milwaukee Road. If the sign was set back this far, it would not be visible from either direction while travelling on Milwaukee Road. Because of this, CCC is requesting that the sign be allowed to be constructed 20' from the edge of Milwaukee Road. This distance would be a compromise in that it would be safely out of the way of any traffic, but would provide the needed visibility for the sign. The sign would be located over 250' from the corner of Willowbrook and Milwaukee, so there would be no issues with obstructing any visibility of motorists turning on or off of Milwaukee Road.

We feel that this option will eliminate any need to remove or majorly alter any of the trees and/or bushes on the CCC property or in the City of Beloit Easement. Due to the unique landscape of this property, this plan would allow Central Christian Church to advertise their numerous programs on their new sign and provide an essential marketing tool to their members as well as the community of Beloit. The current sign (attached) would be removed prior to the new sign being installed as well. Also, CCC has maintained and mowed a good portion of this right of way for several years and would continue to maintain the area of the right of way containing the new sign.

Please consider our request and let me know if I can provide any additional information as I would be happy to discuss this situation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Stried".

Matt Stried  
JNB Signs, Inc.





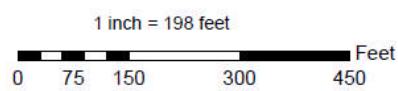




# Location & Zoning Map

2460 Milwaukee Road

RPB-2012-04



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

## PLANNING & BUILDING SERVICES DIVISION

**RESOLUTION APPROVING LEASE EXTENSION AGREEMENT  
AT 80 & 100 EAST GRAND AVENUE, БЕLOIT, WISCONSIN**

**WHEREAS**, the City of Beloit and Storm Concepts, Inc., d/b/a FatWallet, previously entered into a lease on March 24, 2011 for certain city-owned property located at 80 and 100 East Grand Avenue; and

**WHEREAS**, the parties are desirous of further extending the lease and adding additional square footage to the lease; and

**WHEREAS**, FatWallet, Inc. is the successor and/or assign in interest to Storm Concepts, Inc., d/b/a FatWallet; and

**WHEREAS**, the City Council of the City of Beloit finds that the attached Lease Extension Agreement is in the best interest of the City of Beloit.

**NOW, THEREFORE, BE IT RESOLVED** that the attached Lease Extension Agreement between the City of Beloit and FatWallet, Inc. for the premises at 80 & 100 East Grand Avenue, Beloit, Wisconsin, be, and it is hereby, approved.

**BE IT FURTHER RESOLVED** that the City Manager of the City of Beloit be, and he is hereby, authorized to execute the attached document and do all other things necessary to carry out the terms and conditions thereof.

Adopted this 6<sup>th</sup> day of August, 2012.

**City Council of the City of Beloit**

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

**Attest:**

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

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL



**Topic:** Resolution approving extension of lease of premises commonly know as the Kerry building at 80 & 100 East Grand Avenue, Beloit, Wisconsin.

**Date:** 8/6/12

**Presenter(s):** Tom Casper

**Department(s):** City Attorney

**Overview/Background Information:** The State of Illinois enacted online sales tax legislation in early 2011. That action prompted Storm Concepts, Inc. (operator of FatWallet.com) to enter into a lease with the City of Beloit and relocate to the City property at 80 and 100 East Grand Avenue. FatWallet, Inc. is the successor in interest to Storm Concepts, Inc. and is desirous of extending the lease and expanding the amount of lease space available at said City property.

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

1. The lease currently runs through April 11, 2013 and this agreement will extend it one year until April 11, 2014 and provide for two further one-year options to renew with 3% increases in rental fees.
2. The current lease is for 23,066 square feet of office space at 80 East Grand Avenue and 260 square feet at 100 East Grand for an Information Technology Room. This will be expanded by an additional 1492 square feet of leased space.
3. Lease rate is \$4.50 per square foot.
4. FatWallet, Inc. will be responsible for their share of utility costs as well as property taxes for the time they occupy during 2012.
5. FatWallet, Inc. will be making leasehold improvements at their own expense.

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

This community development project supports Goal #4 since it will support community revitalization.

**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**  
Reuse of 80 East Grand Avenue is an excellent example of compact inner city adaptive reuse.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**  
N/A
- **Reduce dependence on activities that harm life sustaining eco-systems**  
The proposed development will not impact wetlands or sensitive wildlife.
- **Meet the hierarchy of present and future human needs fairly and efficiently**  
As a downtown development project it will not contribute to urban sprawl.

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

**Action required/Recommendation:** Staff recommends approval of the resolution.

**Fiscal Note/Budget Impact:** Lease revenue will go into the General Fund.

## LEASE EXTENSION AGREEMENT

This Lease Extension Agreement is made on this \_\_\_\_ day of \_\_\_\_\_, 2012, between the City of Beloit (hereinafter "City" or "Landlord") and FatWallet, Inc., a Wisconsin corporation (hereinafter "Tenant").

1. The City and Storm Concepts, Inc., d/b/a FatWallet, previously entered into a Lease Agreement on March 24, 2011 (hereinafter "Lease") and extended the terms of said Lease through April 11, 2013 by virtue of a written extension agreement dated January 27, 2012.

2. FatWallet, Inc. is the successor and/or assign in interest to said Lease, as amended, and is hereby substituted as the Tenant thereunder; and

3. The City and FatWallet, Inc. are desirous of further extending and amending the terms and conditions of said Lease, as amended.

4. It is hereby agreed that the Lease, as amended, shall be extended for a period of one year, commencing on April 12, 2013 through April 11, 2014.

5. Section 1.5 entitled "Rent" of said Lease is hereby replaced in its entirety as follows:

"1.5 Rent:

- (a) Tenant is currently leasing 23,326 square feet of the premises above-described. The Parties acknowledge that the currently leased square footage consists of 23,066 square feet of usable square feet at 80 East Grand Avenue and an additional 260-square-foot information technology room located on the first floor at 100 East Grand Avenue and further that 100 East Grand Avenue contains an additional 17,568 square feet of additional space. Tenant intends to take possession of and lease an additional 1,492 square-feet on the second floor at 100 East Grand Avenue. The additional space at 100 East Grand Avenue would add 1,492 square feet to this Lease for a total leased square footage of 24,818. Tenant may take possession of said additional 1,492 square feet at any time between the execution hereof and April 12, 2013; provided that Tenant must take possession of all of the additional square footage by April 12, 2013 or before. Tenant shall be obligated to pay rent for the entirety of the additional square footage upon the possession of any of the additional square

footage. If Tenant takes such possession prior to April 12, 2013 and on a date other than the beginning of a rental period, the rent shall be prorated based upon the number of days remaining in the rental period during which such possession begins. Rental rates shall be as set out below.

- (b) Current rent shall continue at the net rental rate of Seven Thousand Seven Hundred Sixteen and 11/100 Dollars (\$7,716.11) for the 23,326 square feet currently occupied until April 12, 2013, or such earlier date as the Tenant takes possession of any portion of the additional square footage located at 100 East Grand Avenue as described above, at which point rent will be calculated at the rate of Four and 50/100 Dollars (\$4.50) per square foot.
- (c) At such time as the Tenant begins possession of any portion of the additional square footage at 100 East Grand Avenue, the provisions of paragraph 4 of the Lease shall be replaced with the following: The Parties acknowledge single metering points for the gas, sewer and water at 80 East Grand Avenue and 100 East Grand Avenue, and each building has an electric meter. Both 80 East Grand Avenue and 100 East Grand Avenue had been vacant for twenty-two (22) months previous to the Tenants occupancy, and the Parties agree that the Landlord will pay a "base" utility fee of Nine Hundred Thirteen and 97/100 Dollars (\$913.97) per month. Said base amount reflects thirty-nine percent (39%) of the average vacant utility charges for gas, electric, sewer and water for both 80 East Grand Avenue and 100 East Grand Avenue. Tenant shall be responsible for all utility payments and shall be entitled to deduct the City's base payment obligation from its monthly rental payment to the City. The City shall not lease nor occupy the balance of the 100 East Grand Avenue premises without the written consent of the Tenant, which consent shall not be unreasonably withheld. Tenant shall maintain the 100 East Grand Avenue premises at 60 degrees or more.
- (d) Tenant shall be entitled to two further one-year extensions of this Lease, covering the periods of April 12, 2014 through April 11, 2015 and April 12,

2015 through April 11, 2016. The base rental rate of Four and 50/100 Dollars (\$4.50) per square foot shall be increased by three percent (3%) effective April 12, 2013 and the rental rate for each of the additional extensions provided for herein shall increase by three percent (3%) for each one-year extension. Tenant shall deliver written notice to Landlord of intent to exercise either of the renewals provided for herein not later than two (2) months prior to the beginning of the renewal period.”

6. Except as expressly modified herein, all the terms and provisions of the Lease, as amended, shall continue in full force and effect.

**LANDLORD:**

CITY OF BELOIT

By: \_\_\_\_\_  
Larry N. Arft, City Manager

**TENANT:**

FATWALLET, INC.

By: \_\_\_\_\_  
Greg Kaplan, CFO

**ATTEST:**

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

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Thomas R. Casper, City Attorney  
tdh/files/11-1057/lease=120801 1022 (cfn) (Ext to Lease)