



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

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDER OF THE DAY/ANNOUNCEMENTS
 - a. Landmarks Commission Annual Preservation **Activities Report – 2010**
(Rick McGrath, Chairman)
4. PUBLIC HEARINGS
 - a. Proposed Ordinance to amend Sections (Table) 6.1-1 and 6.2.11(a) of the **Zoning Ordinance, Chapter 19** of the Code of General Ordinances of the City of Beloit relating to Residential Uses in the Central Business District (Christensen)
1st reading, suspend rules for 2nd reading
Plan Commission recommendation for approval 5-0
 - b. Proposed Ordinance amending the **Zoning District Map** to change the Zoning District Classification from C-1, Office District, to C-2, Neighborhood Commercial District, for the property located at 412 Liberty Avenue (Christensen) 1st reading
Plan Commission recommendation for approval 3-2
5. CITIZENS' PARTICIPATION
6. CONSENT AGENDA

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

 - a. Approval of the **Minutes** of the Regular Meeting of February 21 and Special Meeting of February 28, 2011 (Houseman)
 - b. Resolution approving **Temporary Class “B”/“Class B” Retailers License** for Downtown Beloit Association at 409 Pleasant Street on March 24, 2011 (Houseman)
 - c. Application for **Class “B” Beer and “Class C” Wine License** for Midwest Adventure Group, LLC, d/b/a Paddle and Trail, 110 West Grand Avenue, Dan Boutelle, Agent (Houseman)
Refer to ABLCC
 - d. Resolution authorizing Final Payment of **Public Works Contract C10-12 McKinley Avenue Reconstruction** (Botts)
 - e. Resolution awarding Public Works Contract **C10-18 Milwaukee Road Sidewalk** (Botts)

- f. Application for **Certified Survey Map** for 819, 820, 823, 829 and 830 Parker Court (Christensen) Refer to Plan

7. ORDINANCES

- a. Proposed Ordinance to Repeal and Recreate Section 1.58, to Amend Sections 13.015(4), 13.25(1), 13.25(2)(b), 13.26, 15.03(7), 25.04(1)(d), 25.04(4)(b)12 and 13, 25.04(4)(c), 25.07 and 29.56(2) of the Code of General Ordinances of the City of Beloit pertaining to the **Municipal Court** (Krueger) 1st reading, suspend rules for 2nd reading

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION

- a. Annual **Report to the Community** (Arft)

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution approving a **PILOT Agreement** between the City of Beloit, the Community Development Authority and Beloit Apartments Redevelopment - Phase 2, LLC (Christensen)
- b. Resolution to provide Corporate Guaranty to Wisconsin Community Bank for the **Construction Loan for Phase 2 of the Redevelopment of 66 Public Housing Units** ("Project") (Christensen)
- c. Resolution **Renaming the Henry Avenue Bridge** as the Ken Hendricks Memorial Bridge (Arft)

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: March 2, 2011
Rebecca S. Houseman
City of Beloit City Clerk
<http://www.ci.beloit.wi.us>

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



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

BELOIT LANDMARKS COMMISSION ANNUAL PRESERVATION ACTIVITIES REPORT - 2010

Dear City Councilors:

This annual report is provided in accordance with Section 32.05(10) of the Historic Preservation Ordinance. This report documents the activities and accomplishments of the Landmarks Commission during 2010.

The Commission currently consists of Chair Rick McGrath, Vice-Chair Lynette Johnson, Sandra Williams, Marjorie Fizzell, Donna Johnson, Steve Vollmer, and City Councilor Charles Haynes.

The Landmarks Commission met six times in 2010 to review Certificate of Appropriateness (COA) applications. Many of these applications included more than one item concerning repairs, replacements, additions, or demolitions. Neighborhood Planning Division staff also reviewed and approved COA applications throughout the year. The number and types of requests considered by the Commission and staff are as follows:

Additions/New Construction: 0	Historic Plaques: 0
Chimneys and Tuckpointing: 3	Local Landmark Designations: 0
Demolitions: 3	Ramps/Sidewalks/Steps/Pavement: 2
Fences and retaining walls: 2	Roof repair/replacement: 19
Garage repair/construction: 3	Signs and miscellaneous items: 6
Gutters/fascia/soffit: 2	Siding: 2
Handrails and Porches: 3	Windows and Doors: 5

Of the 41 COA applications processed in 2010, 25 (61%) were approved by staff. The Commission also supported historic preservation presentations during Beloit Heritage Days in September 2010. The Commission currently monitors 115 properties in the Bluff Street Historic District, 181 properties in the College Park Historic District, 4 properties in the Merrill Street Historic District, and 42 individually listed Landmarks and Landmark Sites.

Sincerely,

Drew Pennington
Principal Planner

c: Beloit Landmarks Commission
State Historical Society of Wisconsin

BELOIT LANDMARKS COMMISSION



ANNUAL PRESERVATION ACTIVITIES REPORT - 2010

- ▶ This Annual Report is provided in accordance with Section 32.05(10) of the Historic Preservation Ordinance
- ▶ Section 32.05(10) requires the Landmarks Commission to report its activities to the City Council each year

► Section 32.06(2) of the Historic Preservation Ordinance:

- “Any alteration of designated landmarks, landmark sites, or structures within a historic district in the City shall first require a Certificate of Appropriateness.”



Commissioners

- ▶ Chair Rick McGrath
- ▶ Vice-Chair Lynette Johnson
- ▶ Sandra Williams
- ▶ Marjorie Fizzell
- ▶ Donna Johnson
- ▶ Steve Vollmer
- ▶ City Councilor Charles Haynes

- ▶ The Landmarks Commission met six times in 2010 and reviewed Certificate of Appropriateness (COA) applications



Certificate of Appropriateness (COA) Applications

- ▶ 41 COA applications were processed in 2010
- ▶ 25 (61%) were approved by staff
- ▶ COA Requests:
 - Additions/New Construction: 0
 - Chimneys and Tuck pointing: 3
 - Demolitions: 3
 - Fences and retaining walls: 2
 - Garage repair/construction: 3

COA Requests, Continued

- Gutters/fascia/soffit: 2
- Handrails and Porches: 3
- Historic Plaques: 0
- Local Landmark Designations: 0
- Ramps/Sidewalks/Steps/Pavement: 2
- Roof repair/replacement: 19
- Signs and miscellaneous items: 6
- Siding: 2
- Windows and Doors: 5

Additional Commission Activities

- ▶ Supported historic preservation presentations during Beloit Heritage Days in September 2010

The Landmarks Commission currently monitors:

- ▶ 115 properties in the Bluff Street District
- ▶ 181 properties in the College Park District
- ▶ 4 properties in the Merrill Street District
- ▶ 42 individually listed Landmarks



Questions?

Thank You

Prepared By: Drew Pennington, Principal Planner

Presented By: Rick McGrath, Chair of the Landmarks Commission &
Lynette Johnson, Vice-Chair of the Landmarks Commission

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS (TABLE) 6.1-1 AND 6.2.11(a) OF THE ZONING ORDINANCE, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT RELATING TO RESIDENTIAL USES IN THE CENTRAL BUSINESS DISTRICT.

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

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

Use Category	Specific Use Type	Residential					Comm.					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	
Household Living	Two-Family Dwellings	-	-	P	P	P	P	C	-	P	PE	-	-	6.2.11 & 7.2

Section 2. Section 6.2.11(a) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

6.2.11 Residential Uses

- a. CBD District. Residential uses are ~~permitted by-right~~ ~~allowed~~ in the CBD district only when located above the ground floor.

Section 3. This ordinance shall take effect and be in force upon its passage and publication.

Adopted this _____ day of _____, 2011.

BELOIT CITY COUNCIL

By: _____
Kevin D. Leavy, Council President

ATTEST:

By: _____
Rebecca S. Houseman, City Clerk

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

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Ordinance Relating to Residential Uses in the Central Business District

Date: March 7, 2011

Presenter: Julie Christensen

Department:

Community Development

Overview/Background Information:

City of Beloit staff has drafted an Ordinance to amend Sections (Table) 6.1-1 and 6.2.11(a) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit relating to residential uses in the Central Business District (zoning districts CBD-1 and CBD-2).

Key Issues (maximum of 5):

- Under the current Zoning Ordinance, both Single-Family Attached Dwellings and Multifamily Dwellings are permitted by right in CBD-1 & CBD-2 when located above the ground floor. However, Two-Family Dwellings are prohibited in CBD-1 and a conditional use in CBD-2, which is illogical and contrary to the City's policy of encouraging upper-floor housing in the Central Business District.
- The attached Ordinance corrects this issue by reclassifying Two-Family Dwellings as permitted by right in both CBD-1 and CBD-2 when located above the ground floor.
- While the City encourages upper-floor housing in the Central Business District, it is important that ground floor spaces remain occupied by retail sales & service businesses. Encouraging this mix of land uses is an important step towards creating a vibrant, walkable, sustainable downtown.
- The proposed Ordinance is being considered in accordance with the Zoning Text Amendment procedures contained in the Zoning Ordinance.
- The Plan Commission reviewed this item on February 23, 2011 and voted unanimously (5-0) to recommend approval of this Zoning Text Amendment.

Consistency with Comprehensive Plan and Strategic Plan:

- The Comprehensive Plan recommends upper-floor housing in the Central Business District, and the proposed Ordinance is consistent with this recommendation.
- Consideration of this request supports Strategic Goal #4.

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

- **Reduce dependence upon fossil fuels** – Allowing two-family dwellings above the ground floor in the Central Business District will reduce dependence upon fossil fuels by encouraging the provision of dwelling units in close proximity to employment opportunities, retail sales & service businesses, and public transportation options.
- **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 1st and 2nd readings of the proposed Ordinance

Fiscal Note/Budget Impact: N/A

Attachments: Ordinance and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: February 23, 2011

Agenda Item: 4

File Number: ZTA-2011-02

Request Overview/Background Information:

City of Beloit staff has drafted an Ordinance to amend Sections (Table) 6.1-1 and 6.2.11(a) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit relating to residential uses in the Central Business District (zoning districts CBD-1 and CBD-2).

Key Issues:

- Under the current Zoning Ordinance, both Single-Family Attached Dwellings and Multifamily Dwellings are permitted by right in CBD-1 & CBD-2 when located above the ground floor. However, Two-Family Dwellings are prohibited in CBD-1 and a conditional use in CBD-2, which is illogical and contrary to the City's policy of encouraging upper-floor housing in the Central Business District.
 - The attached Ordinance corrects this issue by reclassifying Two-Family Dwellings as permitted by right in both CBD-1 and CBD-2 when located above the ground floor.
 - While the City encourages upper-floor housing in the Central Business District, it is important that ground floor spaces remain occupied by retail sales & service businesses. Encouraging this mix of land uses is an important step towards creating a vibrant, walkable, sustainable downtown.
 - The proposed Ordinance is being considered in accordance with the Zoning Text Amendment procedures contained in the Zoning Ordinance.
-

Consistency with Comprehensive Plan and Strategic Plan:

- The Comprehensive Plan recommends upper-floor housing in the Central Business District, and the proposed Ordinance is consistent with this recommendation.
 - Consideration of this request supports Strategic Goal #4.
-

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

- **Reduce dependence upon fossil fuels** – Allowing two-family dwellings above the ground floor in the Central Business District will reduce dependence upon fossil fuels by encouraging the provision of dwelling units in close proximity to employment opportunities, retail sales & service businesses, and public transportation options.
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
 - **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
 - **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A
-

Staff Recommendation:

The Neighborhood Planning Division recommends **approval** of the attached Ordinance to amend Sections (Table) 6.1-1 and 6.2.11(a) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit relating to residential uses in the Central Business District (zoning districts CBD-1 and CBD-2).

Fiscal Note/Budget Impact: N/A

Attachments: Public Notice and Proposed Ordinance



City of
BELOIT, Wisconsin
Division of Neighborhood Planning

CITY HALL • 100 STATE STREET • BELOIT, WI 53511

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

www.ci.beloit.wi.us

Equal Opportunity Employer

NOTICE TO THE PUBLIC

February 9, 2011

To Whom It May Concern:

The Beloit City Council is considering an Ordinance to amend Sections (Table) 6.1-1 and 6.2.11(a) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit relating to residential uses in the Central Business District (zoning districts CBD-1 and CBD-2).

Under the current Zoning Ordinance, both Single-Family Attached Dwellings and Multifamily Dwellings are permitted by right in CBD-1 and CBD-2 when located above the ground floor. However, Two-Family Dwellings are prohibited in CBD-1 and a conditional use in CBD-2, which contradicts the City's policy of encouraging upper-floor housing in the Central Business District. The attached Ordinance corrects this issue by reclassifying Two-Family Dwellings as permitted by right in both CBD-1 and CBD-2 when located above the ground floor.

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

City Plan Commission: Wednesday, February 23, 2011, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

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

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

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

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE
ZONING DISTRICT MAP OF THE CITY OF БЕЛОIT**

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

Section 1. The Zoning District Map of the City of Beloit, mentioned in the Zoning Code, Chapter 19 of the Code of General Ordinances of the City of Beloit, is amended as follows:

The following described land, also known as 412 Liberty Avenue, is hereby changed from C-1, Office District to C-2, Neighborhood Commercial District:

East 56 feet of Lot 10, Block 2 of Hopkins' Addition to the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 0.08 acre, more or less.

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

Adopted this ____ day of _____, 2011.

City Council of the City of Beloit

Kevin D. Leavy, Council President

Attest:

Rebecca S. Houseman, City Clerk

Published this ____ day of _____, 2011

Effective this ____ day of _____, 2011

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for the property located at 412 Liberty Avenue

Date: March 7, 2011

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Emad Qutoum, the owner & operator of Liberty Mart, has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District to C-2, Neighborhood Commercial District, for the property located at 412 Liberty Avenue.

Key Issues (maximum of 5):

- On January 25, 2010, the City Council revoked the applicant's Alcohol Beverage License. Because a year has passed, the applicant is eligible to apply for a new license.
- The sale of alcoholic beverages is prohibited in the C-1 district, and prior to revocation, the sale of alcoholic beverages on the subject property constituted a legal nonconforming use of the property. When a legal nonconforming use is discontinued for one year, the legal nonconforming status lapses and the property must conform to the Zoning Ordinance.
- The applicant wishes to obtain a new Alcohol Beverage License, and Planning staff has advised the applicant that rezoning to C-2 is the first step. The sale of alcoholic beverages is a conditional use in the C-2 district, and the applicant is aware that he will need to obtain a Conditional Use Permit and an Alcohol Beverage License before he may legally sell alcoholic beverages.
- Staff mailed the attached Public Notice to the owners of nearby properties. As of this writing, staff has been contacted by one neighbor who supports this application.
- The Plan Commission reviewed this item on February 23, 2011 and voted (3-2) to recommend approval of this Zoning Map Amendment.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Neighborhood Commercial uses and a zoning district classification of C-2 for the subject property. This proposed Zoning Map Amendment is consistent with the Comprehensive Plan, as required by Section 66.1001(3) of Wisconsin Statutes.

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

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

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

Action required/Recommendation:

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

Fiscal Note/Budget Impact: N/A

Attachments: Ordinance and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: February 23, 2011

Agenda Item: 3

File Number: ZMA-2011-02

Applicant: Emad Qutoum

Owner: Emad Qutoum

Location: 412 Liberty Avenue

Current Zoning: C-1, Office District

Existing Land Use: Convenience

Parcel Size: 0.08 Acre

Proposed Zoning: C-2, Neighborhood
Commercial District

Store

Request Overview/Background Information:

Emad Qutoum, the owner & operator of Liberty Mart, has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District to C-2, Neighborhood Commercial District, for the property located at 412 Liberty Avenue.

The attached **Location & Zoning Map** shows the location of the subject property and the zoning of the surrounding area. The adjacent zoning and land uses are as follows:

- North: C-1, Office District & C-2, Neighborhood Commercial District; Commercial
- South: R-1B, Single-Family Residential District; Single-Family Dwellings
- East: R-1B, Single-Family Residential District; Two-Family Dwelling
- West: R-1B, Single-Family Residential District; Single-Family Dwelling

The Zoning Ordinance directs the Plan Commission to hold a hearing and make a recommendation regarding a Zoning Map Amendment when the specific site and context are suitable for the uses permitted in the proposed zoning district. The C-2, Neighborhood Commercial District is primarily intended to accommodate neighborhood-oriented retail sales and service uses.

Key Issues:

- On January 25, 2010, the City Council revoked the applicant's Alcohol Beverage License. Because a year has passed, the applicant is eligible to apply for a new license.
- The sale of alcoholic beverages is prohibited in the C-1 district, and prior to revocation, the sale of alcoholic beverages on the subject property constituted a legal nonconforming use of the property. When a legal nonconforming use is discontinued for one year, the legal nonconforming status lapses and the property must conform to the Zoning Ordinance.
- The applicant wishes to obtain a new Alcohol Beverage License, and Planning staff has advised the applicant that rezoning to C-2 is the first step. The sale of alcoholic beverages is a conditional use in the C-2 district, and the applicant is aware that he will need to obtain a Conditional Use Permit and an Alcohol Beverage License before he may legally sell alcoholic beverages.
- Staff mailed the attached Public Notice to the owners of nearby properties. As of this writing, staff has been contacted by one neighbor who supports this application.
- Findings of Fact - Based on Section 2-304 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:
 - a. *The existing use of property within the general area of the subject property;*
 - The applicant has not proposed a change in land use, and he intends to continue using the subject property as a convenience store. There are commercial uses on the opposite side of Liberty Avenue, which is an arterial street and state highway with high traffic volumes.
 - b. *The zoning classification of property within the general area of the subject property;*
 - The subject property is the only property in the existing C-1 district that is located on the south side of Liberty Avenue. There is an existing C-2 district consisting of one property on the north side of Liberty Avenue.
 - c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*
 - The subject property is relatively small and has limited space for off-street parking, loading/unloading, and other features of a commercial property that complies with the City's development standards.
 - d. *The trend of development and zoning map amendments in the general area of the subject property.*
 - The property located at 423 Liberty Avenue was rezoned from C-1 to C-2 in January 2010.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Neighborhood Commercial uses and a zoning district classification of C-2 for the subject property. This proposed Zoning Map Amendment is consistent with the Comprehensive Plan, as required by Section 66.1001(3) of Wisconsin Statutes.

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

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

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

Staff Recommendation:

Based upon the above Findings of Fact and the City's Comprehensive Plan, the Neighborhood Planning Division recommends **approval** of a Zoning Map Amendment to change the zoning district classification from C-1, Office District to C-2, Neighborhood Commercial District, for the property located at 412 Liberty Avenue.

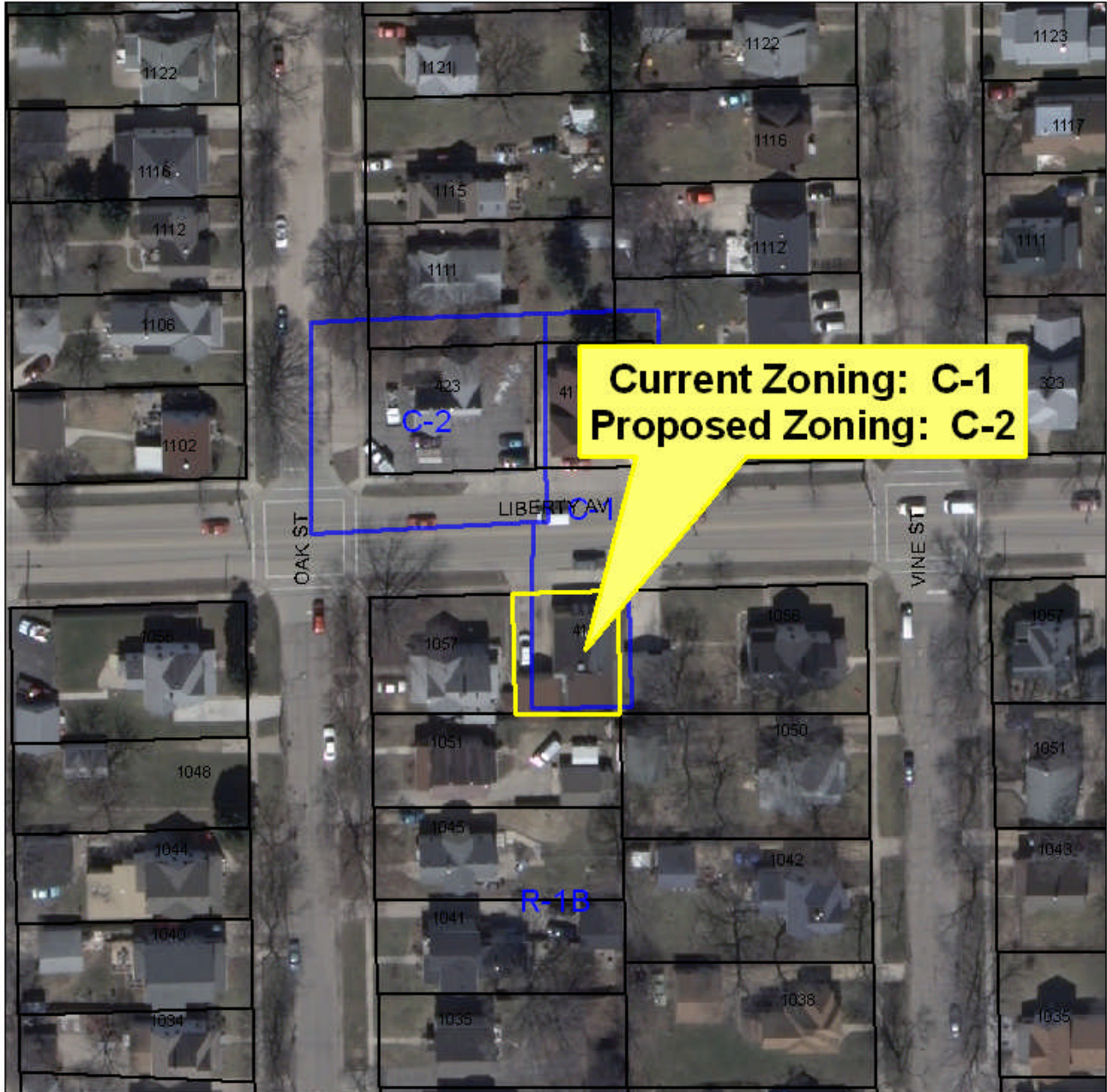
Fiscal Note/Budget Impact: N/A

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

Location & Zoning Map

412 Liberty Avenue

ZMA-2011-02



1 inch = 76 feet

09 02 080
Feet

Legend

- COB Parcels
- Zoning District

Map prepared by: Drew Pennington
Date: February 2011
For: City of Beloit, Neighborhood Planning
Date of Aerial Photography: April 2008

NEIGHBORHOOD PLANNING DIVISION

CITY of BELOIT

NEIGHBORHOOD PLANNING DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2011-02

1. Address of subject property: 412 LIBERTY AVENUE

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

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

Property dimensions are: 260 feet by 260 feet = 3,600 square feet.

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

3. Tax Parcel Number(s): 13581655

4. Owner of record: EMAD QUTUUM Phone: (608) 365-1773

1997 LANE DR BELOIT, WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: EMAD QUTUUM

1997 LANE DR BELOIT WI 53511
(Address) (City) (State) (Zip)

(Office Phone #) (Cell Phone #) (E-mail Address)

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

Change zoning district classification from: C-1 to: C-2

All existing uses on this property are: COMMERCIAL (CONVENIENCE)
STORE / MARKET

7. All the proposed uses for this property are:

Principal use(s): CONVENIENCE STORE / MARKET AND
SALE OF ALCOHOLIC BEVERAGES.

Secondary use(s): NONE

Accessory use(s): NONE

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

Owner

Leasehold, Length of lease: _____

Contractual, Nature of contract: _____

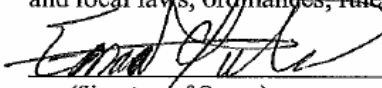
Other, explain: SOLE OWNER OF THE PROPERTY AND
SOLE OWNER OF THE EXISTING BUSINESS.

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

Name(s): EMAD PUTUUM Phone: (608) 365-1773
1997 LANE DR BELOIT WI 53511
(Address) (City) (State) (Zip)

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

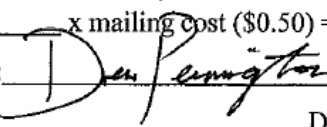
I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning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

 | EMAD PUTUUM | 1-26-2011
(Signature of Owner) (Print name) (Date)

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

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Neighborhood Planning Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff

Filing Fee: \$275.00 Amount Paid: \$275.⁰⁰ Meeting Date: February 23, 2011
Number of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by:  Date: 1/26/11
Date Notice Published: _____ Date Notice Mailed: _____



City of
BELOIT, Wisconsin
Division of Neighborhood Planning

CITY HALL • 100 STATE STREET • BELOIT, WI 53511

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

www.ci.beloit.wi.us

Equal Opportunity Employer

NOTICE TO THE PUBLIC

February 9, 2011

To Whom It May Concern:

Emad Qutoum, the owner and operator of Liberty Mart, has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District to C-2, Neighborhood Commercial District, for the property located at:

412 Liberty Avenue.

The applicant intends to apply for an Alcohol Beverage License. The sale of alcoholic beverages is prohibited in the C-1 District but allowed in the C-2 District if the applicant obtains a Conditional Use Permit.

The following public hearings will be held regarding this application:

City Plan Commission: Wednesday, February 23, 2011, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

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

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

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

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

ZMA-2011-02, 412 Liberty Avenue

COLUMBUS W & LILLIE E
FAIRCLOTH
1021 OAK ST
BELOIT, WI 53511

JOSEPH & JEANETTE HANSEN
2516 CLIFCORN DR
BELOIT, WI 53511

WEP ENTERPRISE LLC
1313 ELEVENTH ST
BELOIT, WI 53511

NORMAN COX
1057 VINE ST
BELOIT, WI 535115122

BRONSON BLUM
1618 N PAGE ST
STOUGHTON, WI 535891169

CHARLENE OSTENSON
517 LIBERTY AVE
BELOIT, WI 535115108

KIM TAYLOR
1102 OAK ST
BELOIT, WI 535114307

TORSINI ENTERPRISES INC
1164 MADISON RD
BELOIT, WI 53511

KITELINGER PROPERTIES LLC
1244 HINSDALE AVE
BELOIT, WI 53511

MARTIN RODRIGUEZ BARAJAS
323 LIBERTY AVE
BELOIT, WI 53511

YVONNE MAYFIELD
1106 OAK ST
BELOIT, WI 535114307

JOAN RICE
923 WILLIAM ST
BELOIT, WI 535110818

DONNA GROVER
1237 TENTH ST
BELOIT, WI 535114306

NEIGHBORHOOD HOUSING
SERVICES OF BELOIT INC
520 W GRAND AVE
BELOIT, WI 53511

GREG E & KELLY FORD
4213 SPRING CREEK RD
BELOIT, WI 53511

JACQUELYN JACKSON
1112 VINE ST
BELOIT, WI 535114311

DAVID TYRER
3550 S AFTON RD
BELOIT, WI 535118770

MARY BETH FULPS
1116 OAK ST
BELOIT, WI 535111606

PCB REAL ESTATE VENTURE
LLC
P O BOX 1996
IRMO, SC 29063

BRANDON PINNON
2335 WOOD DR
BELOIT, WI 53511

ANGELA BRICKSON
1200 WATTS AVE
ROCKTON, IL 61072

RICHARD W & JULIE M
KRAMER
1122 OAK ST
BELOIT, WI 535114307

BEVERLY CHRISTOPHERSON
1121 OAK ST
BELOIT, WI 535114306

AMY MITCHELL
1122 VINE ST
BELOIT, WI 535114311

BRUCE STOTT
1024 OAK ST
BELOIT, WI 535115119

VINCENT CLIFFE
1025 OAK ST
BELOIT, WI 535115118

GARY SCHMITT
1030 VINE ST
BELOIT, WI 53511

SALLY HATCH
1031 OAK ST
BELOIT, WI 535115118

GENE HILST
1031 VINE ST
BELOIT, WI 535115122

DIEDRA BYRD
1030 OAK ST
BELOIT, WI 53511

BRUCE STURDEVANT
1034 OAK ST
BELOIT, WI 535115119

ROCK COUNTY PROPERTIES
INC
2583 AUSTIN PL
BELOIT, WI 53511

BERTRUM BERG
1038 VINE ST
BELOIT, WI 535115123

KEITH & ANGELA HOEKMAN
1035 VINE ST
BELOIT, WI 535115122

RACHEL ALVAREZ
1040 OAK ST
BELOIT, WI 53511

FEDERAL NATIONAL
MORTGAGE ASSOCIATION
P O BOX 650043
DALLAS, TX 75265

FRED BACKHAUS
1042 VINE ST
BELOIT, WI 535115123

VANESSA L VOSS TRUST
2566 RIVERSIDE DR
BELOIT, WI 53511

DICK WINGER
1226 SIXTH ST
BELOIT, WI 53511

DAVID HOGAN
1043 VINE ST
BELOIT, WI 53511

DOUGLAS BACH
11218 S MERLET RD
BELOIT, WI 53511

DIANE A & MICHAEL G RYAN
400 E GRAND AVE STE 312
BELOIT, WI 535116200

BILLY WILMER
1050 VINE ST
BELOIT, WI 535115123

ELSIE PATTEN
1051 OAK ST
BELOIT, WI 53511

MARIA FLORES CASIQUE
1051 VINE ST
BELOIT, WI 535115122

CIRILO LOPEZ
1056 OAK ST
BELOIT, WI 535115119

LEROY SEEHAVER
1057 OAK ST
BELOIT, WI 535115118



**PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, February 21, 2011**

Presiding: Kevin D. Leavy
Present: Sheila De Forest, Martin Densch, Charles Haynes, Heidi Johns, Eric Newnham, James Van De Bogart

1. The meeting was called to order at 7:00 p.m.

2. SPECIAL ORDER OF THE DAY/ANNOUNCEMENTS

- a. Police Chief Norm Jacobs presented a statewide award from the Wisconsin Association of SWAT personnel to the Beloit Police Department SWAT Team for being recognized as the **SWAT Team of the Year**.

3. PUBLIC HEARINGS

- a. Resolution authorizing an **Exception to the Architectural Review and Landscape Code** for the property located at 1877 Madison Road. It was noted that Plan Commission recommended approval 6-0. Community Development Director Julie Christensen gave a review of the staff report and recommendation. The Public Hearing was opened and closed without participation. Councilor Johns moved to adopt, second by Councilor Densch. Councilor De Forest expressed concern regarding the expansive wall facing Burton Street. She also indicated that the rendering showed mature trees and that tall landscaping should be planted instead of shrubs. Ms. Christensen indicated that the side of the building in question is facing other warehouse buildings and not the residential neighborhood. Jim Arneson, Building Systems General Corporation, indicated that there was a cooler on the inside of the metal wall. Councilor Newnham echoed Councilor De Forest's comments regarding the west and south building walls, and Mr. Arneson indicated that the site, as a whole, exceeded the landscaping standards in the Architectural Review and Landscape Code. Councilor Johns said that she appreciated Woodman's efforts to improve the property. Councilor Newnham moved to amend the Resolution to include a condition requiring that the number of planting units on the south and west sides of the building be 140 percent of the planting units required by the Code. Councilor De Forest seconded the amendment. Councilor Haynes noted that staff could work with the applicant to address landscape concerns and offered a friendly amendment to replace the 140 percent requirement with "as much as space allows." Councilors Newnham and De Forest accepted this friendly amendment. The motion adopting the amendment carried 5-2, with Councilors De Forest and Johns in opposition. The motion adopting the amended resolution carried 6-1, with Councilor De Forest in opposition. File 7614

4. CITIZENS' PARTICIPATION

Mark Rhodes, 850 Bluff Street, expressed concern about the dangerous on-street parking spaces close to the northeast corner of Roosevelt and Bluff Street. He also requested that the traffic lights at the intersections of St. Paul Avenue and State Street and Pleasant Street and Public Avenue flash yellow after 6 or 7 p.m.

5. CONSENT AGENDA

Councilor De Forest moved to adopt, second by Councilor Densch. The motion carried 7-0 that the following items from the Consent Agenda be accepted, approved, adopted or referred and acted upon as required by state and local codes.

- a. **Minutes** of the Regular and Special Meetings of February 7, 2011 were approved.
- b. Application for a **Zoning Text Amendment** to allow Two Family Dwellings in the Central Business Zoning Districts (CBD-1 and CBD-2) above the ground floor was referred to Plan Commission. File 7724

- c. Application for a **Zoning Map Amendment** to change the Zoning District Classification from C-1, Office District, to C-2, Neighborhood Commercial District, for the property located at 412 Liberty Avenue was referred to Plan Commission. File 8489

6. ORDINANCES – none

7. APPOINTMENTS

President Leavy announced openings and submitted the following appointment to the City Committees, Boards, and Commissions for approval. The appointment was approved on a motion by Councilor Johns and a second by Councilor Haynes. The motion carried.

- a. **Municipal Golf Committee:** Bess Davies, representative of the Women's Golf Club File 7382

8. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- a. Councilor De Forest congratulated the SWAT team, thanked the Beloit International Film Festival (BIFF) volunteers, and said she was looking forward to attending the Chamber of Commerce Dinner in March. She said that anyone interested in the dinner should call the Chamber for more information.
- b. Councilor Densch said that BIFF was a successful event and congratulated the organizers. He also said that the Downtown was thriving.
- c. Councilor Van De Bogart congratulated BIFF committees, sponsors, participants and volunteers. He attended the ribbon-cutting for the public housing project, and he commented about the bald eagles in the downtown area.
- d. Councilor Haynes thanked the community for embracing BIFF and bringing swagger and panache to it.
- e. Councilor Johns said that BIFF was fantastic, and she recognized Ms. Christensen and her staff for the hard work associated with the public housing project.
- f. Councilor Newnham thanked the professional staff, including the impressive SWAT team, and he said that BIFF was an incredible event featuring guests from all over the world.
- g. President Leavy said that the SWAT Team, Public Housing, and BIFF are all very positive things that should be recognized by the residents of Beloit as well as those outside the community.

9. CITY MANAGER'S PRESENTATION – None

10. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution adopting the **Rock County Hazard Mitigation Plan Updated September 2010 to 2015**. Public Works Director Dave Botts discussed the proposed Plan and how hazards may be mitigated locally and through the County. He said that the Plan makes the City eligible for federal funding for future mitigation projects. Councilor Van De Bogart moved to adopt, second by Councilor Newnham. Councilor De Forest asked if there were gaps in our current emergency preparedness that would need to be addressed as a result of this Plan. Mr. Botts indicated that there were not any specific plans in the document but that the document encouraged municipalities in Rock County to consider all possible local hazards. The motion carried 7-0. File 8150
- b. Resolution approving **2011 Clubhouse Food and Beverage Operating Agreement** for Krueger-Haskell Municipal Golf Course. Mr. Botts discussed the agreement and indicated that the agreement reduced the total payment from the vendor if the number of rounds played this summer decrease due to the current construction at the golf course. Councilor Haynes moved to adopt, second by Councilor Johns. Councilor De Forest asked if there was discussion about reducing the cost to the vendor at the beginning of the season in case the construction takes longer than anticipated. Mr. Botts indicated that the staff negotiated this agreement with the vendor. He also said that the construction was scheduled to be complete by April 1st. President Leavy said that it was the vendor's responsibility to negotiate with the City on his behalf. Councilor De Forest requested that the terms of the agreement be revisited if the construction ends late or that the item may be laid over to re-open discussions with the vendor. Councilor Johns said that it is not the City Council's responsibility to negotiate on the behalf of the vendor. The motion carried 6-1, with Councilor De Forest in opposition. File 8159
- c. Resolution accepting Pat Casiday's **Offer to Purchase** Lots 257 & 258 of the Poffs Fourth Sun Valley in the City of Beloit. Ms. Christensen explained the proposal, previous development proposals, and the challenges associated with the site. She indicated that a resident in the area submitted an offer to purchase a portion of this property for personal use and the sale of this piece of land would not negatively

impact future development in the area. Councilor De Forest moved to adopt, second by Councilor Haynes. The Motion carried 7-0. File 6667

- d. Resolution approving amendments to the City of Beloit **Housing Loan Procedure Manual and Program**. Ms. Christensen explained that the City operates a number of Housing programs and the proposed changes stemmed from a HUD monitoring visit in May 2010. The changes would add specific language about the qualifications of contractors, the Environmental Review process, the Architectural and Lead Based Paint requirements, and the Distressed Property Loan Program. She noted that a question at the last meeting had been addressed and requirements to be current on income taxes and child support had been removed. She that was not a HUD requirement, but staff felt that contractors receiving money from the City should be current on property taxes and housing services convictions. Councilor Haynes moved to adopt, second by Councilor Johns. The Motion carried 7-0. File 7977
- e. Resolution to adopt the **Section 3 Plan** to comply with 24 CFR, Part 135 of the United States Department of Housing and Urban Development Section 3. Ms. Christensen explained the concept of Section 3, how it related to the City's funding sources from the federal government, and that the application required that the Council approve the Plan. She said that the Plan would require that contractors receiving more than \$100,000 from the City for a loan hire local, qualified, and low-income people first. Councilor Newnham moved to adopt, second by Councilor Johns. Councilor De Forest asked if this was the first time the City had a Section 3 Plan and Ms. Christensen said that the City had not traditionally had applicable projects in the past; however, there was a potential for contractors to receive loans from the City in excess of \$100,000 through the NSP program. Motion carried 7-0. File 8385
- f. Resolution declaring Intent to Reimburse **Expenditures from Proceeds of Borrowing**. Finance and Administrative Services Director Paul York explained that purpose of the Resolution was to comply with IRS regulations relating to tax exempt debt for projects that are scheduled for bond financing including projects from the 2010 and 2011 Capital Improvements Plan that were previously approved by the Council. Councilor Haynes moved to adopt, second by Councilor Van De Bogart. The Motion carried. 7-0. File 8406/8449

11. At 8:25 Councilor De Forest moved to adjourn the meeting, seconded by Councilor Johns. The motion carried.

Rebecca S. Houseman, City Clerk

www.ci.beloit.wi.us

Date Approved by Council:



PROCEEDINGS OF THE BELOIT CITY COUNCIL

Special Meeting

February 28, 2011

5:30 p.m.

Presiding: James Van De Bogart
Present: Sheila De Forest, Martin Densch (arrived at 6:35 pm), Charles Haynes, Heidi Johns, Kevin D. Leavy (via telephone until 6:15 pm), and Eric Newnham
Absent: None

1. Vice President Van De Bogart called the meeting to order at 5:37 p.m. in the Fourth Floor City Manager's Conference Room. Councilors De Forest, Densch, Haynes, Johns, Leavy, Newnham, and Van De Bogart, were present.
2. City Manager Larry Arft explained the requirements for participation in the **2011 All America City Awards Competition**. After the application, the City may be invited to participate in the competition in Kansas City, Missouri. The City would put together a delegation to represent the projects included in the application. The delegation would include up to 15-20 people and cost \$5,000 to \$6,000 for airfare, lodging, and meals. Councilor Van De Bogart asked about the positives and negatives associated with applying for this award. Mr. Arft said that the only negative associated with an invitation would be the cost of the trip to Kansas City, and the benefits of the award include prestige, pride, and future economic development. Councilor De Forest indicated that the \$5-6,000 figure seemed low to take that many people to Kansas City. Councilor Newnham supported the application and stated that receiving this award may spur economic development and move the City forward. Councilor Johns indicated that she is leery of the feedback that the Councilors may get for spending the money to travel out of state. Assistant to the City Manager Beth Jacobsen said that the delegation represents the City and the projects to the judges, so it is important that representatives from the partner agencies attend. Councilor Van De Bogart said that this is a chance to show all of Beloit's positive attributes on a local and national scale. President Leavy said that the Council should promote the City by applying for the award.
3. Councilor Johns moved to adjourn into closed session at 6:05 pm, and Councilor De Forest seconded. The motion carried, and the Council adjourned into closed session pursuant to Wis. Stats. 19.85(1)(e) for the purpose of developing a negotiating strategy concerning the financial terms of a possible **Intergovernmental Agreement** between the City of Beloit and another government entity relating to the provision of infrastructure and municipal services.
4. The Council continued in closed session pursuant to Wis. Stats. 19.85(1)(e) for the purpose of deliberating the purchasing of public properties in conjunction with a possible **Development Agreement**.
5. The Council did not reconvene.

Rebecca S. Houseman
City Clerk

www.ci.beloit.wi.us

Date Council Approved:

**RESOLUTION APPROVING TEMPORARY CLASS "B"/"CLASS B" RETAILER'S
LICENSE FOR DOWNTOWN БЕЛОIT ASSOCIATION**

WHEREAS, the Downtown Beloit Association has applied for a Temporary Class "B"/"Class B" Retailer's License to allow them to possess, serve and sell beer and wine on March 24, 2011 at 409 Pleasant Street; and

WHEREAS, according to State Statute 125.68(3), City Council action is necessary to approve this application because of proximity to church and school; and

WHEREAS, the Beloit City Council and the City of Beloit are supportive of the Downtown Beloit Association.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit approves the application for the temporary license.

Dated this 7th day of March, 2011.

Kevin D. Leavy, Council President

Attest:

Rebecca S. Houseman, City Clerk

APPLICATION FOR TEMPORARY CLASS "B"/"CLASS B" RETAILER'S LICENSE

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10.00 Pd 2/23/11

Application Date: 2-15-11

Town Village City of Beloit County of Rock

The named organization applies for: (check appropriate box(es).)

- A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.
 A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stat.

at the premises described below during a special event beginning 3/24/11 and ending 3/24/11 and agrees to comply with all law, resolution, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. ORGANIZATION (check appropriate box) Bona fide Club Church Lodge/Society Veteran's Organization Fair Association

(a) Name Downtown Beloit Association

(b) Address 500 Public Avenue (Street) Town Village City

(c) Date organized

(d) If corporation, give date of incorporation

(e) Names and addresses of all officers:

President Jason Braun 417 Oakland Av #4 S Beloit IL 61080

Vice President Deanna Ohman, 8814 Emerald Ln, Machesney Park, IL 61115

Secretary Tim McKern 2815 Riverside Dr. Beloit

Treasurer Elaine Ribunch 2736 Riverside Dr, Beloit, WI 53511

(f) Name and address of manager or person in charge of affair: Kathleen Braate 500 Public Ave Beloit, WI 53511

2. LOCATION OF PREMISES WHERE BEER AND/OR WINE WILL BE SOLD:

(a) Street number 409 Pleasant St.

(b) Lot Block

(c) Do premises occupy all or part of building? part

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: 1st floor west lobby/reception area

3. NAME OF EVENT

(a) List name of the event Downtown Beloit Association Annual Awards Party

(b) Dates of event Thursday, March 24th 2011

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer [Signature] 2/18/11 (Signature/date)

Officer [Signature] (Signature/date)

Downtown Beloit Association (Name of Organization)

Officer [Signature] 2/15/11 (Signature/date)

Officer [Signature] 2/23/11 (Signature/date)

Date Filed with Clerk 2-23-11

Date Reported to Council or Board

Date Granted by Council

License No.

ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning 20 ending 6-30 20 11

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

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

Applicant's Wisconsin Seller's Permit Number: <u>456-1026916736-03</u>	
Federal Employer Identification Number (FEIN): <u>27 2319451</u>	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100</u>
<input type="checkbox"/> Wholesale beer	\$
<input checked="" type="checkbox"/> Class C wine	\$ <u>100</u>
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>50 - PAID 2-22-11</u>
TOTAL FEE	\$

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

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

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Midwest Adventure Group, LLC

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

	Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>President</u>	<u>Walter Loos</u>	<u>10019 Nettunda Rd</u>	<u>Edgerton, WI 53534</u>
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent	<u>Dan</u>	<u>Boutelle</u>	<u>703 Park</u>	<u>Beloit WI 53511</u>
Directors/Managers				

3. Trade Name Paddle and Trail Business Phone Number 608-215-3773
 4. Address of Premises 110 W Grand Ave B Post Office & Zip Code Beloit, WI 53511

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
 6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
 7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
 8. (a) Corporate/limited liability company applicants only: Insert state WI and date 3/10 of registration.
 (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
 (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
 (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) one room 22x100 at 110 W Grand Ave Beloit

10. Legal description (omit if street address is given above): Basement Storage
 11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued?
 12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No
 13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] Yes No
 14. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? Yes No

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

SUBSCRIBED AND SWORN TO BEFORE ME

this 21 day of February, 20 11

Jessie Simpson
 (Clerk/Notary Public)

My commission expires 06/26/11

W. Loos
 (Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

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

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>2-22-11</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

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

Submit to municipal clerk.

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

To the governing body of: Town Village City of Beloit County of Rock

The undersigned duly authorized officer(s)/members/managers of Midwest Adventure Group, LLC
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Paddle and Trail
(trade name)

located at 110 W Grand Ave Beloit, WI 53511

appoints ~~two~~ Daniel Boutelle
(name of appointed agent)
703 Park Ave Beloit WI 53511
(home address of appointed agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 35 yrs

Place of residence last year _____

For: Midwest Adventure Group LLC
(name of corporation/organization/limited liability company)
By: [Signature]
(signature of Officer/Member/Manager)
And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

Daniel Boutelle
(print/type agent's name), hereby accept this appointment as agent for the

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

[Signature] 2/21/2011 Agent's age _____
(signature of agent) (date)
703 Park Ave Beloit WI Date of birth _____
(home address of agent)

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

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

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

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) (first name) (middle name) Loos Walter Edward			Social Security Number		
Home Address (street/route) 10014 N Ellendale Rd		Post Office Edgerton	City Edgerton	State WI	Zip Code 53534
Home Phone Number 608-580-0086		Age	Date of Birth	Place of Birth Belleville, Ontario	

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

Applying for an alcohol beverage license as an individual.

A member of a partnership which is making application for an alcohol beverage license.

President of Midwest Adventure Group, LLC
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

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

- How long have you continuously resided in Wisconsin prior to this date? 2008
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. _____
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer license, brewery/winery permit or wholesale liquor manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. _____
(Name of Wholesale Licenses or Permittee) (Address By City and County)

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

Employer's Name	Employer's Address	Employed From	To
Euster Seals WI			
Paddlehead Trail	7212 N Algonquin Rd PARKVILLE, MO	4/10	7/10

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

Subscribed and sworn to before me

this 21 day of February, 20 11

Jessie Simpson
(Clerk/Notary Public)

My commission expires 06/26/11

W Loos
(Signature of Named Individual)



Printed on
Recycled Paper

Wisconsin Department of Revenue

**AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION**

Submit to municipal clerk.

Individual's Full Name (please print) (last name) <u>Boutelle</u> (first name) <u>Daniel</u> (middle name) <u>D</u>		Social Security Number	
Home Address (street/route) <u>703 Park</u>	Post Office <u>PO Box 931</u>	City <u>Beloit</u>	State <u>WI</u> Zip Code <u>53572-0931</u>
Home Phone Number <u>608 751 6039</u>	Age	Date of Birth	Place of Birth <u>WI</u>

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

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

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

- How long have you continuously resided in Wisconsin prior to this date? 35 yrs
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. _____
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer license; brewery/winery permit or wholesale liquor manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)

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

Employer's Name	Employer's Address	Employed From	To
<u>Morgan Stanley</u>	<u>33 E Main, Madison</u>	<u>3/2010</u>	<u>12/2010</u>
<u>Boutelle Agency</u>	<u>136 W-Grand, Beloit</u>	<u>5/81</u>	<u>present</u>

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

Subscribed and sworn to before me

this 14th day of February, 2011
Jelene J. Ahrens
(Clerk/Notary Public)

Daniel Boutelle
(Signature of Named Individual)

My commission expires 12-11-11



Printed on Recycled Paper

**RESOLUTION
AUTHORIZING FINAL PAYMENT OF
PUBLIC WORKS CONTRACT C10-12
McKinley Avenue Reconstruction**

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

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

IT IS RESOLVED, that Rock Road Companies Inc. be paid \$20,609.56 as the final payment for Contract C10-12 McKinley Avenue Reconstruction, as recommended by the City Engineer.

Dated at Beloit, Wisconsin this 7th day of March 2011.

City Council of the City of Beloit

Kevin D. Leavy, President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Final Payment for Contract C10-12, McKinley Avenue Reconstruction

Date: March 7, 2011

Presenter(s): David M. Botts, P.E., Public Works Director

Department(s): Public Works/ Engineering

Overview/Background Information:

This project reconstructed curb & gutter, sidewalk, driveway aprons, and asphalt pavement on McKinley Avenue between Jackson Street (South Termini) and St. Lawrence Avenue (North Termini). The road was widened ten feet in front of Gaston School for a new school bus loading zone. New storm sewer inlets and a trunk line were installed. Sanitary sewer repair at Grand Avenue and new water main throughout was included.

Key Issues (maximum of 5):

1. The requirements of the contract have been completed to the satisfaction of the City.
2. The awarded contract amount was \$ 345,994.76
Quantity increases and change orders \$ 51,705.92
Net payment due contractor \$ 397,700.68
3. The City Engineer, City Attorney, and Director of Accounting recommend that a final payment be made to Rock Road Companies Inc. in the amount of \$20,609.56

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 repaired 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 reduces airborne dust and noise.
- **Meet the hierarchy of present and future human needs fairly and efficiently**
This project better accommodates the mass transit needs of the public school.

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

Action required/Recommendation:


Approval of the Resolution authorizing the Final Payment.

Fiscal Note/Budget Impact:

Adequate funding is available in the 2010 Capital Improvement Plan.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch

FROM: Andy Hill, Project Engineer 

DATE: January 20, 2011

SUBJECT: Final Payment Contract C10-12
McKinley Avenue Reconstruction


The work on this project was completed on September 07, 2010. I have inspected the work and find it to be satisfactory and in compliance with the requirements of the contract. The contractor has asked for final payment. The project was inspected by city staff. The final payment quantities have been approved by the contractor.

The original contract amount was for \$345,994.76, and the final contract amount is \$397,700.68. The increase in cost was primarily due to the unexpected discovery of buried concrete pavement and unstable subgrade in the north block. A detailed variance report is attached. Payments to date under this contract total \$377,091.12, and all lien waivers from subcontractors are on file.

Therefore, I recommend a final payment in the amount of \$20,609.56 be made to Rock Road Companies Inc..

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Andy Hill

FROM: Thomas R. Casper 

DATE: February 17, 2011

SUBJECT: **Final Payment Public Works Contract C10-12**
Rock Road Companies, Inc.
McKinley Avenue Reconstruction

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

/tdh
encs.

**RESOLUTION
AWARDING CONTRACT C10-18
Milwaukee Road Sidewalk**

WHEREAS, four competitive bids were received, the low bid being from E. & N. Hughes Co. Inc., and,

WHEREAS, E. & N. Hughes Co. Inc. is a qualified bidder, therefore,

IT IS RESOLVED, that Contract C10-18, Milwaukee Road Sidewalk, be, and hereby is, awarded to E. & N. Hughes Co. Inc., Monroe, WI, in the following amounts:

E. & N. Hughes Co. Inc.
P.O. Box 408, N2629 Coplien Rd.
Monroe, WI 53566

Base Bid	\$ 101,908.85
Allowance for Change Orders and/or Extra Work	\$ <u>15,091.15</u>
TOTAL PROJECT COST	\$ 117,000.00

AND IT IS FURTHER RESOLVED, that the amount of \$117,000.00, be, and hereby is, funded as follows:

P5312572-5519-2010	\$ 117,000.00
TOTAL	\$ 117,000.00

Dated at Beloit, Wisconsin this 7th day of March, 2011.

City Council of the City of Beloit

Kevin D. Leavy, President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch
FROM: Andy Hill, Project Engineer *AH*
DATE: February 24, 2011
SUBJECT: Bid Results for Contract C10-18
Milwaukee Road Sidewalk

Pursuant to advertisements placed February 9 and February 16, bids were received until 10:00 AM on February 24 for the Milwaukee Road Sidewalk. A tabulation of bids is attached.

Four bids were received for this project as follows:

1. E. & N. Hughes Co. Inc.	Monroe, WI	\$ 101,908.85	*Low Bid*
2. Rock Road Companies, Inc.	Janesville, WI	\$ 103,337.79	+ 1.4%
3. Frank Bros. Inc.	Janesville, WI	\$ 104,028.65	+ 2.1%
4. Parisi Construction Co. Inc.	Verona, WI	\$ 108,744.80	+ 6.7%
Engineer's Estimate		\$ 109,600.28	+ 7.0%

Upon review of the Contractor's Proof of Responsibility Statement, E. & N. Hughes Co. Inc. is determined to be a responsible bidder.

I recommend that the contract be awarded to E. & N. Hughes Co. Inc. of Monroe, WI. The following is a breakdown of the proposed project cost:

COSTS

E. & N. Hughes Co. Inc. Base Bid	\$ 101,908.85
Allowance for Change Orders and/or Extra Work	\$ 15,091.15
TOTAL PROJECT COST	\$ 117,000.00

PROJECT INFORMATION

This project will add curb gutter and sidewalk to the south side of the frontage road between Cranston Road and Branigan Road. The ditch will be filled and new storm drains will be added.

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award of Construction Contract for C10-18, Milwaukee Road Sidewalk

Date: March 7, 2011

Presenter(s): David Botts, Public Works Director

Department(s): Public Works/ Engineering

Overview/Background Information:

This project will add curb gutter and sidewalk to the south side of the frontage road between Cranston Road and Branigan Road. The ditch will be filled and new storm drains will be added..

Key Issues (maximum of 5):

1. Four bids were received for this project. The low bid of \$101,908.85 was from E. & N. Hughes Co. Inc. and is 7.0% less than the engineer's estimate of \$109,600.28.
2. E. & N. Hughes Co. Inc. is considered a responsible bidder for this project.
3. The costs for this project are as follows: \$101,908.85 for construction, \$ 15,091.15 for Change Orders or extra work, for a total of \$117,000.00.
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 pavement and enhances pedestrian safety 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**
The construction of a safe pedestrian route will encourage people to walk to their destination instead of driving a car.
- **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**
This will create a safe pedestrian access route.

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 E. & N. Hughes Co. Inc. in the amount of \$101,908.85.

Fiscal Note/Budget Impact:

Adequate funding is available in the 2010 Capital Improvement Plan.

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Certified Survey Map (CSM) for the properties located at 819, 820, 823, 829, and 830 Parker Court – Council Referral to the Plan Commission

Date: March 7, 2011

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

R.H. Batterman & Co., Inc. has submitted an Application for the Review of a Minor Subdivision and a 2-Lot Certified Survey Map (CSM) for the properties located at 819, 820, 823, 829, and 830 Parker Court.

Key Issues (maximum of 5):

- The proposed CSM consolidates five existing lots into two lots. Three lots (819, 823, & 829) are located on the east side of Parker Court, and two lots (820 & 830) are located on the west side of Parker Court.
- Proposed Lot 1 includes approximately 101 feet of street frontage and is 8,777 square feet in area. Proposed Lot 2 includes approximately 118 feet of street frontage and is 9,944 square feet in area. Proposed Lot 2 also includes the dedication of a 132 square-foot (3 feet x 44 feet) strip of land to the public, which corrects an existing variation in the width of the Parker Court right-of-way.
- All of the existing lots are vacant. Neighborhood Housing Services of Beloit, Inc. owns the properties and intends to build a single-family dwelling on each of the proposed lots.
- The proposed CSM must be reviewed by the City Council because of the dedication of public right-of-way.

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:

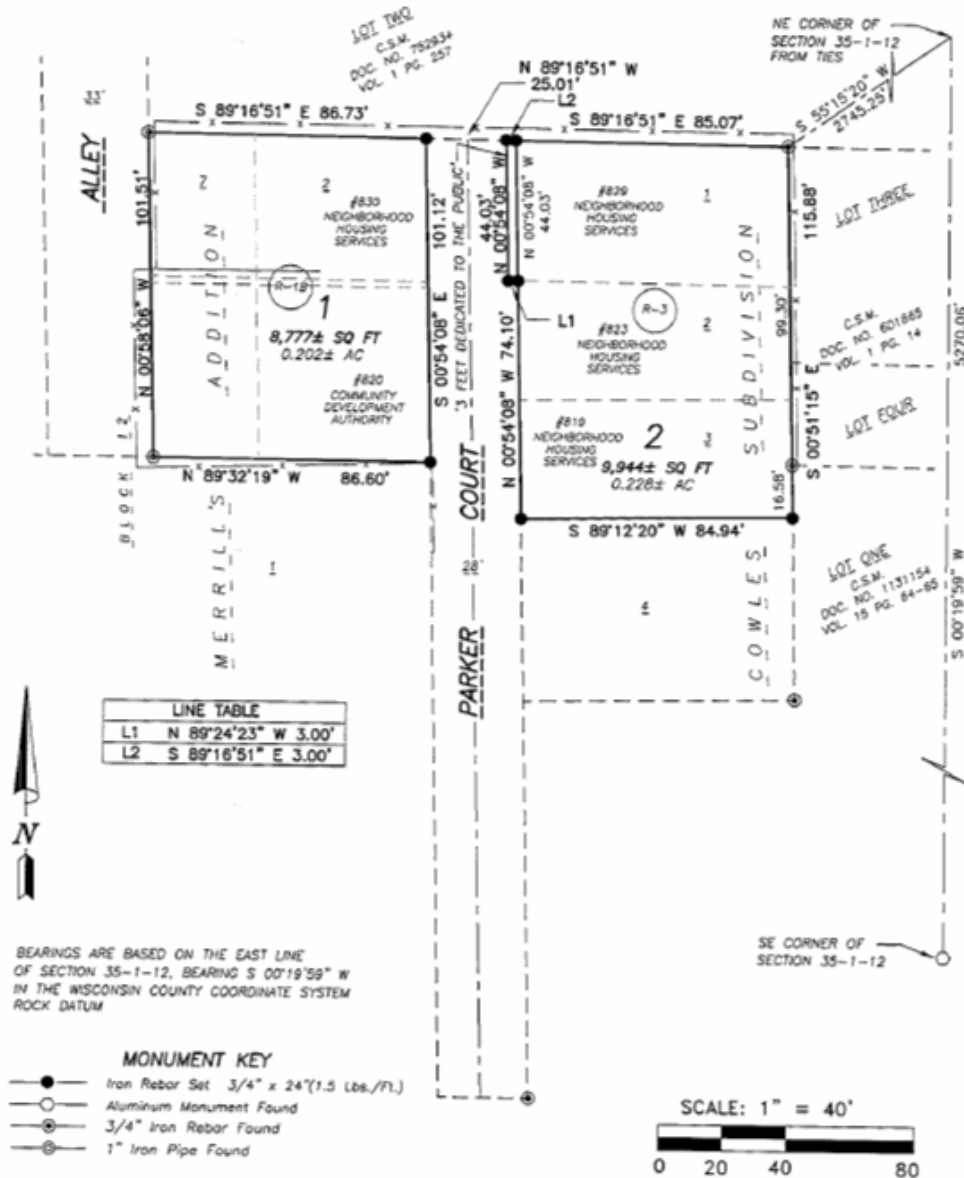
- Referral to the Plan Commission for the March 9, 2011 meeting
- This item will most likely return to the City Council for consideration on March 21, 2011

Fiscal Note/Budget Impact: N/A

Attachments: Proposed CSM and Application

CERTIFIED SURVEY MAP

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



ORDER NO. 31072
 FOR: NEIGHBORHOOD HOUSING SERVICES
 DATE: FEBRUARY 18, 2011
 BOOK 544 PG 25
 SHEET 1 OF 3
 File Name: J:\31050-31099\31072\31072.DWG
 Plotted on 17/02/11 at 12:52:33.

Batterman
 engineers surveyors planners

2857 Bartells Drive
 928.355.4454

Beloit, Wisconsin 53511
 www.tbatterman.com

CERTIFIED SURVEY MAP

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

CORPORATE OWNERS CERTIFICATE OF DEDICATION

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

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

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

XXX, President

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

Notary Public, Rock County, Wisconsin

My Commission Expires: _____

Approved by the City Council of the City of Beloit, this
day of _____, 2009.

By: _____

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

SHEET 2 OF 3

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

CERTIFIED SURVEY MAP

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

SURVEYOR'S CERTIFICATE OF COMPLIANCE WITH STATUTE

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

DESCRIBED AS FOLLOWS: Commencing at the Northeast corner of Section 35, T. 1 N., R. 12 E., of the 4th P.M., City of Beloit, Rock County, Wisconsin, thence South 55°15'20" West 2745.25 feet to the Northeast corner of Lot 1 of Cowles Subdivision, marked with a found rebar, said rebar being on the South line of Lot 2 of a Certified Survey Map as recorded in Volume 1 on Page 257 of Certified Survey Maps of Rock County, and the place of beginning for the following description; thence South 00°51'15" East 115.88 feet along the East line of Cowles Subdivision aforesaid, to the Southeast corner of Lot 3 aforesaid marked with a set rebar; thence South 89°12'20" West 84.94 feet along the South line of Lot 3 aforesaid marked with a set rebar; thence North 00°54'08" West 74.10 feet to a set rebar; thence North 89°24'23" West 3.00 feet to a set rebar; thence North 00°54'08" West 44.03 feet to the South line of Lot 2 of a Certified Survey Map aforesaid marked with a set rebar; thence North 89°16'51" West 25.01 feet along said South line of a Certified Survey Map aforesaid to a set rebar; thence South 00°54'08" East 101.12 feet to the South line of Lot 2 Merrill's Addition aforesaid marked with a set rebar; thence North 89°32'19" West 86.60 feet along the South line of Lot 2 to the Southwest corner of Lot 7 of Merrill's Addition aforesaid marked with a found pipe; thence North 00°58'06" West 101.51 feet along the West line of Lot 7 aforesaid to the Northwest corner of Lot 7 said corner being also the Southwest corner of Lot 2 of a Certified Survey Map aforesaid marked with a found pipe; thence South 89°16'51" West 199.81 feet along the South line of Lot 2 of a Certified Survey Map aforesaid to the place of beginning. Containing 18,852 square feet of land more or less.

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

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

Approved by the Planning Commission of the City of
Beloit, this 9th day of March, 2011.

By: _____

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

By: _____
Rock County Treasurer

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

REGISTER OF DEEDS

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

SHEET 3 OF 3

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

CITY of BELOIT
Neighborhood Planning Division

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

Application for Review of a Minor Subdivision

(Please Type or Print)

File Number: CSM-2011-02

1. Address of property: 819, 823, 829, 830 PARKER COURT
2. Tax Parcel Number(s): 13520450, 13520445, 13520440, 13520435
3. Property is located in (circle one) City of Beloit or Town of: Turtle; Beloit; Rock or LaPrairie
In the NE Quarter of Section 35, Township 1 North, Range 12 East of the 4th P.M.
4. Owner of record: NEIGHBORHOOD HOUSING SERVICES Phone: _____
520 W. GRAND AVE BELOIT WI 53511
(Address) (City) (State) (Zip)
5. Surveyor's name: BATTERMAN Phone: 365-4464
2857 BARTELLS DR BELOIT WI 53511
(Address) (City) (State) (Zip)
6. Number of new lots proposed with this land division is 2 lot(s).
7. Total area of land included in this map: 18,852 SQFT
8. Total area of land remaining in parent parcel: —
9. Is there a proposed dedication of any land to the City of Beloit? Yes
10. The present zoning classification of this property is: R-1B R-3
11. Is the proposed use permitted in this zoning district: _____

12. THE FOLLOWING ITEMS MAY NEED TO BE COMPLETED AND/OR ATTACHED:

- Site Assessment Checklist; is required if the total area of CSM is over 5 acres.
- Pre-application meeting; a pre-application meeting was held on 2/15/2011 with City of Beloit Staff.
- Developer's Statement; as required by section 12.02(7) of the Subdivision Ordinance.
- Phase One Environmental Assessment; as per section 12.05(1)(c) of the Subdivision Ordinance.
- Certified Survey Map; one copy as required by section 12.05(1) of the Subdivision Ordinance.

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

Jeff Garde, JEFF GARDE, 2/18/2011
(Signature of applicant) (Name of applicant) (Date)

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

Review fee: \$150 plus \$10 per lot Amount paid: \$170.⁰⁰
Scheduled meeting date: March 9, 2011
Application accepted by: *Dra Pennington* Date: 2/18/11

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE SECTION 1.58, TO AMEND SECTIONS 13.015(4), 13.25(1), 13.25(2)(b), 13.26, 15.03(7), 25.04(1)(d), 25.04(4)(b)12 and 13, 25.04(4)(c), 25.07 and 29.56(2) OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO THE MUNICIPAL COURT.

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

Section 1. Section 1.58 of the Code of General Ordinances of the City of Beloit is hereby repealed and recreated to read as follows:

“1.58 MUNICIPAL COURT

- (1) COURT ESTABLISHED. Pursuant to the authority granted by Ch. 755, Wis. Stats., there is hereby created and established a Municipal Court to be designated "Municipal Court for the City of Beloit." The Municipal Court shall constitute a separate department within the City government.
- (2) JURISDICTION. The Municipal Court shall exercise jurisdiction as provided in Article VII, §14 of the Wisconsin Constitution, §§938.17, 755.045, 755.05 and 800.01, Wis. Stats., and as otherwise provided by State law. It shall have exclusive jurisdiction over actions in which the City seeks to impose forfeitures for municipal ordinance violations, except as provided in §755.045, Wis. Stats. The Municipal Judge is authorized to issue warrants under §§66.0119 and 755.045(2), Wis. Stats.
- (3) MUNICIPAL JUDGE.
 - (a) Qualifications. There is hereby created the office of Municipal Judge of the Municipal Court of the City. The Municipal Judge shall be a resident of the City and shall be in good standing and licensed to practice law in the State.
 - (b) Oath and Bond. The Judge shall, after election or appointment to fill a vacancy, take the official oath prescribed by §757.02(1), Wis. Stats., and execute an official bond in an amount of \$5,000. The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c), Wis. Stats., and the requirements of §755.03(2), Wis. Stats., have been complied with.
 - (c) Compensation. The salary of the Municipal Judge shall be set by the City Council and established by Council resolution. The salary shall be paid bi-weekly and may be increased by the governing body before the start of the second or subsequent year of service of the term of the Judge, but shall not be decreased during a term. No salary shall be paid for any time during which the Judge has

not executed the official bond or official oath as required by §755.03, Wis. Stats., and has failed to file the same as required by §19.04(4)(c), Wis. Stats.

- (d) Judicial Education. The Municipal Judge shall participate in a program of continuing judicial education as required by the Wisconsin Supreme Court. The City shall pay the cost of that program. This paragraph does not apply to a Municipal Judge appointed under §8.50(4)(fm), Wis. Stats., nor to a former Municipal Judge or former Circuit Judge to whom cases are assigned under §800.06, Wis. Stats., during the 6-month period following the date on which the Judge receives his initial assignment.
- (4) ELECTION; TERM; VACANCY. The Municipal Judge shall be elected for a 4-year term. Any vacancy occurring in the office of Municipal Judge shall be filled in accordance with §800.06, Wis. Stats.
- (5) SESSIONS OF THE COURT. The municipal court shall be open daily or as determined by the Municipal Judge and approved by the City Council.
- (6) OFFICE, WHERE KEPT. The Municipal Judge shall keep his office and hold court in the City Hall or in any other public building designated by the City Council. The Municipal Judge may issue process and perform ministerial functions at any place in Rock County.
- (7) CLERK OF COURT. The Court shall be staffed by a Municipal Clerk of Court and such other deputy clerks as authorized by the City Council. Such employees shall be appointed in writing by the Municipal Judge. The Clerks of Court shall, before entering upon the duties of his or her office, take the oath provided by §19.01, Wis. Stats., as well as give a bond in the amount of \$2,000, the cost of which shall be paid by the City. The oath and bond shall be filed with the City Clerk.
- (8) PROCEDURE.
 - (a) State Law. The procedures in the Municipal Court shall be those prescribed by State law including, but not limited to because of enumeration, Chs. 66, 755, 800, and 938, Wis. Stats.
 - (b) Administrative Regulations. The Municipal Court and Municipal Judge shall be subject to such rules of procedure as may be promulgated from time to time by the Chief Judge of the Fifth Judicial Administrative District of the State.
 - (c) Collection of Forfeitures and Taxable Costs. The Municipal Clerk of Court shall collect all forfeitures and taxable costs in an action or proceeding before him or her and shall pay over such moneys to the City Treasurer no later than the next business day following receipt.
 - (d) Contempt of Court and Penalty. The Judge may punish for contempt as provided in §800.12, Wis. Stats., and may impose a forfeiture not to exceed \$200 or upon nonpayment of the forfeiture, penalty surcharge under §757.05, Wis. Stats., and jail surcharge under §302.46(1), Wis. Stats., crime laboratories

and drug law enforcement surcharge imposed by §165.755(1), Wis. Stats., and courts costs of \$28 under §814.65(1), Wis. Stats., a jail sentence not to exceed 7 days.

- (9) ILLNESS OR ABSENCE OF JUDGE. Whenever the Municipal Judge shall be temporarily absent or is sick or disabled, his or her office shall be filled for the period of his or her absence in accordance with the provisions of §800.06, Wis. Stats.”

Section 2. Section 13.015(4) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(4) PENALTY. Penalty for violation of any provision of this section shall be as provided in §25.04 of this Municipal Code, together with the costs of prosecution and applicable penalty surchargeassessment.”

Section 3. Section 13.25(1) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(1) FORFEITURE PENALTY. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs of ~~\$2823,~~ surchargeassessments and fees prescribed by Ch. 814, Wis. Stats., the penalty assessmentsurcharge for moving traffic violations, the crime laboratories and drug law enforcement assessmentsurcharge and the driver improvement surcharge imposed by §§~~757.05165.87,~~ 165.755 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, ~~assessments~~ and surcharges shall be governed by Chapter 800, Wis. Stats. ~~may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs and penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.~~”

Section 4. Section 13.25(2)(b) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(b) By City. No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the City Clerk except a dog license, until the forfeiture imposed for such violation and any penalty surcharge assessment, court costs and fees ~~or surcharge is~~ are paid.”

Section 5. Section 13.26 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“13.26 ENFORCEMENT.

- (1) ENFORCEMENT PROCEDURE. This chapter shall be enforced according to §§66.~~011412~~, 345.11—345.61, 350.17 and Ch. ~~800799~~, Wis. Stats.

- (2) DEPOSIT.
 - (a) Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the police station or at the office of the Administrator of the Municipal Court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:
 1. If the person makes a deposit for a violation of a statewide traffic regulation or a nonmoving traffic violation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered plea of no contest and submitted to a forfeiture and penalty ~~surchargesassessment~~ if required by §~~757.05165.87~~, Wis. Stats., jail ~~surchargesassessment~~ if required by §302.46(1), Wis. Stats., crime laboratories and drug law enforcement ~~surchargesassessment~~, if required by §165.755(1), Wis. Stats., plus any applicable fees, ~~surchargesassessments~~ and ~~court~~ costs of \$28 prescribed in Ch. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in §345.37, Wis. Stats.
 2. If the person fails to make a deposit for a violation of a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his arrest.
 - (b) The amount of the deposit for violation of a statewide traffic regulation or nonmoving traffic violation shall be determined in accordance with the deposit schedule established by the Wisconsin Judicial Conference.
 - (c) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt as required by §345.26(3)(b), Wis. Stats.
 - (d) If the Wisconsin Judicial Conference deposit schedule does not establish a deposit for a violation of a statewide traffic regulation or nonmoving traffic violation, the arresting officer shall require the alleged offender to deposit ½ of the maximum forfeiture plus the applicable fees and ~~surchargesassessments~~.”

Section 6. Section 15.03(7) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“15.07 PENALTY FOR VIOLATIONS. Any person who violates any provision of this section shall, upon conviction, be subject to a forfeiture as hereinafter provided, plus the applicable

penalty ~~surchargeassessment~~, crime laboratories and drug law enforcement surcharge, jail ~~surchargeassessment~~ and court costs imposed by law.

- (a) Upon conviction for a first violation, a forfeiture of not less than \$200 nor more than \$1,500.
- (b) Upon conviction for a second violation, a forfeiture of not less than \$300 nor more than \$1,500.
- (c) Upon conviction for a third or subsequent violation, a forfeiture of not less than \$500 nor more than \$1,500.”

Section 7. Section 25.04(1)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(d) *Violation by a Minor.* The minimum and maximum forfeiture imposed on a juvenile shall be the same as the minimum and maximum forfeiture imposed on an adult except as provided in §§~~93848~~.17, ~~93848~~.342, ~~93848~~.343 and ~~93848~~.344, Wis. Stats., plus court costs, penalty surchargeassessment and jail ~~surchargeassessment~~—when permitted by the sections listed herein or §~~93848~~.37, Wis. Stats.”

Section 8. Section 25.04(4)(b)12 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “12. Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, penalty ~~assessment~~surcharge, jail ~~assessment~~surcharge, crime laboratories and drug law ~~enforcement~~assessmentsurcharge, ~~any applicable automatic reinstatement assessment, any applicable domestic abuse assessment,~~ and court costs of ~~\$2823~~, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.”

Section 9. Section 25.04(4)(b)13 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “13. Notice that if the court finds that the defendant is guilty of violating a nontraffic ordinance or an ordinance authorizing restitution under §346.65(2r), Wis. Stats., or that the ~~the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by State statute punishable by fine or imprisonment or both, and that the~~ violation resulted in damage to the property of or physical injury to a person other than the defendant, the court may summon the

defendant into court to determine if restitution shall be ordered under §800.093, Wis. Stats.”

Section 10. The paragraph following the table in section 25.04(4)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“Plus the penalty surchargeassessment imposed by ~~§757.05165-87~~, Wis. Stats., jail surchargeassessment imposed by §302.46(1), Wis. Stats., crime laboratories and drug law enforcement surchargeassessment imposed by §165.755(1), Wis. Stats., ~~any applicable automatic reinstatement assessment imposed by §354.54(1), Wis. Stats., any applicable domestic abuse assessment imposed by §973.055(1), Wis. Stats.,~~ and court costs of \$28, ~~assessments~~ or other fees imposed by Ch. 814, Wis. Stats.”

Section 11. Section 25.07 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“25.07 TITLE; EFFECTIVE DATE: CITATION. These ordinances shall be known as the "Municipal Code of the City of Beloit" and shall take effect from and after passage and publication as provided in §66.0103035, Wis. Stats. All references thereto shall be cited by section number (example: §13.06, Municipal Code of the City of Beloit.)”

Section 12. Section 29.56(2) of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

- “(2) COURT ACTION. If any person is found to have committed a violation listed in sub. (1), the court shall impose, in addition to a forfeiture:
- (a) The penalty surchargeassessment prescribed by ~~§757.05165-87~~, Wis. Stats.
 - (b) The jail surchargeassessment prescribed by §302.46(1), Wis. Stats.
 - (c) Court costs authorized by Ch. 814, Wis. Stats.
 - (d) The crime laboratories and drug law enforcement surchargeassessment imposed by §165.755(1), Wis. Stats.”

Section 13. This ordinance shall be in force and take effect upon passage and publication.

Adopted this _____ day of March, 2011.

BELOIT CITY COUNCIL

By: _____
Kevin D. Leavy, President

ATTEST:

By: _____
Rebecca S. Houseman, City Clerk

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

tdh/ordinances/municipal court updates = ORD 110213(11-1022)

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Municipal Court Reform and Restructuring Act – Changes to Beloit Municipal Code

Date: March 7, 2011

Presenter(s): Elizabeth Krueger

Department(s): ATTORNEY

Overview/Background Information:

On January 1, 2011, the Municipal Court Reform and Restructuring Act took effect. The Act restructures court procedures in order to make municipal court procedures more uniform throughout the State of Wisconsin. Due to the large caseload, the City of Beloit has already had in place many of the new Act's requirements and only needed to make minor changes to the existing code.

Key Issues (maximum of 5):

1. Section 1.58 was repealed and recreated in order to incorporate the new changes. Most of the original enacting language for the court remained a part of this section over the years and it was removed in this amendment. A redlined version showing the changes is attached to the staff report to assist the councilors in seeing what has been changed.
 - a. The term of office for the Municipal Court judge has been increased from 2 years to 4 years.
 - b. Various terms and references have changed over the years. Specifically, the ordinance updates state statute references, corrects and/or updates terms of art and language choices.
 - c. Provides clarification for some court procedures to reflect the current state of the law and practice of the court.
 2. Municipal Court operations/procedures are outlined or referenced in sections of the Municipal Code other than Chapter 1. Similar changes and updates were made to language throughout Chapters 13, 15, 25 and 29 of the Municipal Code that contained outdated or incorrect references.
-

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

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

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

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

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

Action required/Recommendation:

The proposed ordinance has been reviewed by City Staff and it is recommended to Council for approval.

Fiscal Note/Budget Impact:

N/A

1.58 - MUNICIPAL COURT.

(1)

COURT ESTABLISHED. Pursuant to the authority granted by Ch. 755, Wis. Stats., there is hereby created and established a Municipal Court to be designated "Municipal Court for the City of Beloit." ~~The Court shall become operative and function on the date that the Municipal Judge is elected or appointed.~~ The Municipal Court shall constitute a separate department within the City government.

(2)

JURISDICTION. ~~The Municipal Court shall have jurisdiction over incidents occurring on or after the date that the Municipal Judge is elected or appointed.~~ The Municipal Court shall exercise jurisdiction as provided in Article VII, §14 of the Wisconsin Constitution, §§~~48938~~.17, 755.045, 755.05 and 800.01, Wis. Stats., and as otherwise provided by State law. It shall have exclusive jurisdiction over actions in which the City seeks to impose forfeitures for municipal ordinance violations, except as provided in §755.045, Wis. Stats. The Municipal Judge is authorized to issue warrants under §§66.~~0119-122, 66-123~~ and 755.045(2), Wis. Stats.

(3)

MUNICIPAL JUDGE.

(a)

Qualifications. There is hereby created the office of Municipal Judge of the Municipal Court of the City. The Municipal Judge shall be a resident of the City and shall be in good standing and licensed to practice law in the State.

(b)

Oath and Bond. The Judge shall, after election or appointment to fill a vacancy, take the official oath prescribed by §757.02(1), Wis. Stats., and execute an official bond in an amount of \$5,000. The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c), Wis. Stats., and the requirements of §755.03(2), Wis. Stats., have been complied with.

(c)

Compensation. (Am. #2885) The salary of the Municipal Judge shall be fixed by the City Council. The ~~initial salary shall be \$15,000, which~~ salary shall be paid bi-weekly. The ~~initial~~ salary may be increased by the governing body before the start of the second or subsequent year of service of the term of the Judge but shall not be decreased during a term. The salary shall be established by Council resolution. No salary shall be paid for any time during which the Judge has not executed the official

bond or official oath as required by §755.03, Wis. Stats., and has failed to file the same as required by §19.04(4)(c), Wis. Stats.

(d)

Judicial Education. The Municipal Judge shall participate in a program of continuing judicial education as required by the Wisconsin Supreme Court. The City shall pay the cost of that program. This paragraph does not apply to a Municipal Judge appointed under §8.50(4)(fm), Wis. Stats., nor to a former Municipal Judge or former Circuit Judge to whom cases are assigned under §800.06, Wis. Stats., during the 6-month period following the date on which the Judge receives his initial assignment.

(4)

ELECTION; TERM; VACANCY. The Municipal Judge shall be elected for a 24-year term. ~~The initial election for the office of Municipal Judge shall be held at the spring election of 1994. If the Municipal Court becomes operational prior to May 1, 1994, the office of Municipal Judge shall be filled by temporary appointment by the Council President, with approval of the City Council, pending the election of the Municipal Judge for the first full term, which shall commence on May 1, 1994. Thereafter,~~ any vacancy occurring in the office of Municipal Judge shall be filled according to State law.

(5)

SESSIONS OF THE COURT.

(a)

~~The Municipal Judge shall determine when the Municipal Court shall be open. (Rep. & recr. #2487)~~

(6)

OFFICE, WHERE KEPT. The Municipal Judge shall keep his office and hold court in the City Hall or in any other public building designated by the City Council. The Municipal Judge may issue process and perform ministerial functions at any place in Rock County.

(7)

CLERK OF COURTS. The Court shall be staffed by a Municipal Clerk of Courts and such other deputy clerks as authorized by the City Council. Such employees shall be appointed in writing by the Municipal Judge. The Clerks of Court shall, before entering upon the duties of their office, take the oath provided by §19.01, Wis. Stats., as well as give a bond in the amount of \$2,000, the cost of which shall be paid by the City. The oath and bond shall be filed with the City Clerk.

(8)

PROCEDURE.

(a)

State Law. The procedures in the Municipal Court shall be those prescribed by State law including, but not limited to because of enumeration, Chs. ~~93848~~, 66, 755 and 800, Wis. Stats.

(b)

Administrative Regulations. The Municipal Court and Municipal Judge shall be subject to such rules of procedure as may be promulgated from time to time by the Chief Judge of the Fifth Judicial Administrative District of the State.

(c)

Collection of Forfeitures and Taxable Costs. The Municipal Clerk of Courts shall collect all forfeitures and taxable costs in an action or proceeding before him and shall pay over such moneys to the City Treasurer ~~by the close of the business day, for moneys received by 3 p.m., and not later than the next business day following receipt, for moneys taken in after that time.~~

(d)

Contempt of Court and Penalty. (Am. #2866) The Judge may punish for contempt as provided in §800.12, Wis. Stats., and may impose a forfeiture therefor not to exceed \$~~5~~200 or upon nonpayment of the forfeiture, penalty ~~assessment surcharge~~ under §165.87, Wis. Stats., and jail assessment under §302.46, Wis. Stats., crime laboratories and drug law enforcement assessment imposed by §165.755(1), Wis. Stats., ~~any applicable domestic abuse assessment under §973.055(1)[, Wis. Stats.,]~~ and courts costs of \$~~238~~ under §814.65(1), Wis. Stats., a jail sentence not to exceed 7 days.

(9)

ILLNESS, ABSENCE OR REFUSAL OF JUDGE. Whenever the Municipal Judge shall be temporarily absent or is sick or disabled, his or her office shall be filled for the period of his or her absence in accordance with the provisions of §800.06, Wis. Stats. ~~by one or more municipal judges from other municipalities within Rock County as provided by~~ §800.06, Wis. Stats.

RESOLUTION
APPROVING A PILOT AGREEMENT BETWEEN THE CITY OF БЕЛОIT,
THE БЕЛОIT COMMUNITY DEVELOPMENT AUTHORITY AND
БЕЛОIT APARTMENTS REDEVELOPMENT - PHASE 2, LLC

WHEREAS, the Department of Housing and Urban Development allows Housing Authorities to make a Payment in Lieu of Taxes (PILOT) to the local municipality; and

WHEREAS, there is a prescribed formula to determine that payment, and

WHEREAS, the Community Development Authority has traditionally made such a payment on behalf of its public housing units, and

WHEREAS, as part of the second phase of the public housing redevelopment project which includes 66 public housing units, an LLC - Beloit Apartments Redevelopment-Phase 2, LLC - has been created to implement the redevelopment program and will be leasing the units from the Community Development Authority; and

WHEREAS, Beloit Apartments Redevelopment-Phase 2, LLC wishes to continue the PILOT for the 66 units to be redeveloped.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beloit authorizes the City Manager to execute the attached PILOT AGREEMENT to insure that the payments continue.

Adopted this 7th day of March, 2011.

БЕЛОIT CITY COUNCIL

Kevin D. Leavy, Council President

ATTEST:

Rebecca S. Houseman, City Clerk

PILOT AGREEMENT

This PILOT Agreement (“**Agreement**”) is entered into effective January 1, 2011, by and among the City of Beloit, Wisconsin (the “**City**”), Beloit Apartments Redevelopment-Phase 2, LLC, a Wisconsin limited liability company (the “**Company**”) and the Community Development Authority of the City of Beloit (the “**Housing Authority**”).

RECITALS

WHEREAS, the Housing Authority has historically owned and operated a 66-unit affordable public housing rental portfolio located in the City at the addresses set forth in Exhibit A (“referred to herein as the “**Land and Buildings**” or the “**Project**”) and

WHEREAS, in order to raise debt and equity capital for the substantial rehabilitation of the Project, the Housing Authority anticipates leasing the Land and transferring federal income tax ownership of the Buildings to the Company in 2011; and

WHEREAS, the Housing Authority is the sole managing member of the Company and the property manager of the Project, and, as such, exercises exclusive control and authority over the operation of the Project; and

WHEREAS, the Housing Authority has loaned substantial sums to the Company in connection with the acquisition and rehabilitation/construction of the Project, and has a right of first refusal to acquire the Project for a nominal sum following expiration of the fifteen (15)-year low-income housing tax period (the “**Compliance Period**”); and

WHEREAS, the Company is obligated to operate the Project as affordable housing in compliance with HUD and Internal Revenue Code restrictions and requirements, and the Housing Authority is solely responsible for ensuring that such restrictions and requirements are satisfied by the Company throughout the Compliance Period; and

WHEREAS, the Company will not generate material positive cash flow in excess of its fixed expenses, fees and debt obligations; and

WHEREAS, the parties have determined, based upon the foregoing RECITALS, that the Land and Buildings constitute property of the Housing Authority that is exempt from taxation under Section 70.11(18) of the Wisconsin Statutes and which may be subject to a payment in lieu of taxes (“**PILOT**”) imposed by the City, as provided in Section 66.1201(22) of the Wisconsin Statutes;

NOW, THEREFORE, acknowledging the receipt of sufficient consideration, the parties agree as follows:

1. Term of PILOT Agreement. The Company shall make a PILOT to the City with respect to the Land and Buildings for each calendar year beginning in 2011 and ending in the final calendar year of the Project’s Compliance Period, now estimated to be calendar year

2026. As required by Section 66.1201(22) of the Wisconsin Statutes, such PILOT shall not exceed the amount that would be levied as the annual tax of the City upon the Project.

2. Computation of PILOT. The PILOT for each calendar year shall be ten percent (10%) of the difference between (a) one hundred percent (100%) of the tenant's portion of the collected rents for all of the residential rental units in the Buildings for such calendar year; and (b) one hundred percent (100%) of the electricity, water, sewer and fuel bills incurred by the Company with respect to the Project for such calendar year. The amounts under clauses (a) and (b) above shall be based upon the financial statements of the Company for the prior calendar year.

3. Payment of PILOT. The Company shall make the PILOT within the time periods applicable to properties that are not exempt from property taxation, as provided in Section 74.11 of the Wisconsin Statutes.

4. Obligation of Company and Housing Authority. The Housing Authority shall cause the Company to rehabilitate and operate the Project as affordable rental housing throughout the Compliance Period in accordance with the income, rent and other restrictions and limitations imposed by USDA/Rural Development, HUD and the Internal Revenue Code.

5. Obligations of City. The City shall furnish or cause to be furnished to the Company and/or Project tenants such services or facilities as are furnished to other property owners and residents of the City on the same basis as such City services are ordinarily provided. The City shall also, to the extent permitted by applicable law, apply or modify existing City codes and ordinances to permit the Housing Authority and the Company to operate the Project as described above throughout the Compliance Period.

6. Miscellaneous. This Agreement cannot be unilaterally amended, modified or terminated by any party hereto. Each party hereby represents to and for the benefit of the other party that the person executing this Agreement on the signature page on behalf of such party has been duly authorized to execute this Agreement, and that this Agreement has been duly authorized and approved by such party. The benefits of this Agreement shall not be assigned by the Company or the Housing Authority without City's consent. This Agreement represents the entire agreement of the parties with respect to the subject matter hereof. This Agreement shall be governed by the laws of the State of Wisconsin. This Agreement may be signed by facsimile or in counterparts.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto duly execute this PILOT Agreement effective January 1, 2011.

CITY OF BELOIT

By:

Name: Larry N. Arft
Its: City Manager

COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF BELOIT,
a public body, corporate and politic, organized and existing under the laws of the State of Wisconsin
d/b/a The Housing Authority of the City of Beloit, Wisconsin

By: Thomas J. Nee
Its: Chair

By: Julie Christensen
Its: Executive Director

BELOIT APARTMENTS REDEVELOPMENT-PHASE 2, LLC,
a Wisconsin limited liability company

By: Community Development Authority of the City of Beloit,
a public body, corporate and politic, organized and existing under the laws of the State of Wisconsin
d/b/a The Housing Authority of the City of Beloit, Wisconsin
Its: Managing Member

By: Thomas J. Nee
Its: Chair

By: Julie Christensen
Its: Executive Director

**EXHIBIT A
DESCRIPTION OF PROJECT(S)**

Addresses	Proposed/Current Land Use	Current Number of Bedrooms	Proposed Number of Bedrooms
220 Portland	40 Garden Apartments Units 1A – 10D	1 in each unit	1 in each unit
240 Portland	Single Family House	2	2
1821 Bayliss	Single Family House	3	3
416 Bluff	Single Family House	3	3
1149 Eleventh	Single Family House	3	3
1503 Grant	Single Family House	3	3
904 Highland	Single Family House	3	3
541 Kenwood	Single Family House	3	3
551 Kenwood	Single Family House	3	3
1445 McKinley	Single Family House	3	3
512 Olympian	Single Family House	3	3
1248 Tenth	Single Family House	3	3
1359 W. Grand	Single Family House	3	3
887 Milwaukee	Single Family House	3	3
208 Moore	Single Family House	3	3
212 Moore	Single Family House	3	3
2715 Scotties	Single Family House	4	4
836 Townline	Single Family House	3	3
840 Fifth Street	Parking Lot	0	9 new 2-BR townhomes
246 Portland Avenue	Dumpster-Parking Pad	0	0

CITY OF BELOIT

REPORT TO THE COMMUNITY DEVELOPMENT AUTHORITY

Topic: Consideration of a resolution adopting a PILOT agreement between the City of Beloit, The Community Development Authority and Beloit Apartments Redevelopment – Phase 2, LLC

Date: March 7, 2011

Presenter: Julie Christensen – Executive Director

Department: Community Development Authority

Overview/Background Information:

The Housing Authority is tax exempt and does not pay property taxes on the property it owns and manages. HUD rules provide a formula by which a Housing Authority may choose to pay a PILOT (Payment in Lieu of Taxes) to the local municipality. Traditionally, the Beloit Housing Authority has paid an annual PILOT to the City, which in 2010 was approximately \$9,000 for all 131 units. As part of the tax credit redevelopment of 66 of the Public Housing units, a Limited Liability Corporation (LLC), called Beloit Apartments Redevelopment-Phase 2, LLC, was created to lease the property for the 15 year compliance tax credit period. It will now be the obligation of the LLC to pay the PILOT on the 66 units.

Key Issues (maximum of 5):

1. The City and CDA wish to continue the PILOT payments.
 2. The LLC will be responsible for the PILOT payments for the 66 units in Phase 2.
-

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

This action conforms to the following goals:

4. Apply sound, sustainable practices to promote a high quality community through historic preservation, community revitalization and new development.
-

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**

Environmentally friendly "Green" building practices will be incorporated to the extent possible. All appliances and many fixtures will be more energy efficient.

- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**

Not applicable

- **Reduce dependence on activities that harm life sustaining eco-systems**

Not Applicable

- **Meet the hierarchy of present and future human needs fairly and efficiently**

This plan would provide for a more modern and energy efficient living unit for public housing occupants.

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

Action required/Recommendation:

Approval of the attached resolution

Fiscal Note/Budget Impact:

This will continue the PILOT payments to the City based on the formula permitted by HUD.

**RESOLUTION TO PROVIDE CORPORATE GUARANTY
TO WISCONSIN COMMUNITY BANK
FOR THE CONSTRUCTION LOAN FOR PHASE 2 OF THE
REDEVELOPMENT OF 66 PUBLIC HOUSING UNITS (“PROJECT”)**

WHEREAS, the Community Development Authority of the City of Beloit (the “CDA”) has identified the need to renovate and upgrade its public housing stock and has developed a concept and financing plan to oversee, manage and finance this Project; and

WHEREAS, the City of Beloit has endorsed this Project by resolution on March 15, 2010; and

WHEREAS, Wisconsin Community Bank (“WCB”) is making a construction loan in the approximate of \$8,300,000.00 to Beloit Apartments Redevelopment-Phase 2, LLC, (the “Borrower”) for the redevelopment of the Project (the “Construction Loan”); and

WHEREAS, in connection WCB making the Construction loan, WCB requires that the City of Beloit guaranty certain obligations of the Borrower under the Construction Loan documents (the “Guaranty”).

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit does hereby reaffirm support for this project and authorizes the City Manager to execute and deliver, on behalf of the City of Beloit, a guaranty to WCB in substantially the form attached hereto as **Exhibit A**, guarantying those certain Borrower obligations to WCB in connection with the Construction Loan.

Adopted this 7th day of March, 2011.

BELOIT CITY COUNCIL

Kevin D. Leavy, Council President

ATTEST:

Rebecca S. Houseman, City Clerk

CORPORATE GUARANTY

THIS CORPORATE GUARANTY is made as of the ____ day of _____, 2011, by THE CITY OF BELOIT, a municipal corporation (the "Guarantor") to Wisconsin Community Bank (the "Lender").

WITNESSETH:

BELOIT APARTMENTS REDEVELOPMENT-PHASE 2, LLC, a Wisconsin limited liability company (the "Borrower") has made and delivered to Lender a Promissory Note payable to the order of Lender dated the date hereof in the amount of Eight Million Three Hundred Thousand no/100 Dollars (\$8,300,000.00) evidencing a loan made by Lender to Borrower in the amount of such note (the "Loan"). Such note and all renewals, extensions or modifications thereof, and any substitute notes are herein referred to as the "Note." The proceeds of the Loan shall be disbursed pursuant to the terms of that certain Construction Loan Agreement of even date by and Among Borrower, Lender and First American Title Insurance Company, ("Loan Agreement") Collateral Assignment of Lessee's Interest in Lease ("Lease Assignment") and a Security Agreement ("Security Agreement"), together with various other documents given to Lender on the date hereof as security for the Note (collectively, the "Security Documents"). Borrower has also executed and delivered or caused to be delivered other documents evidencing, securing and referring to the Loan, all for the benefit of Lender (the "Loan Documents"). Lender has required, as a condition to the making of the Loan and in addition to the Note, the Security Documents and Loan Documents, that Guarantor execute this Guaranty. By virtue of Guarantor's interest in or relationship with Borrower and based on sound business judgment because valuable benefits will be derived by Guarantor as a result of the Loan, Guarantor deems it in Guarantor's best interest to execute and deliver to Lender this Guaranty.

NOW, THEREFORE, in consideration of the above and Ten Dollars (\$10.00), the receipt and sufficiency of which are hereby acknowledged, and for other value received, the Guarantor agrees as follows:

1. The Guarantor irrevocably and unconditionally guarantees:

the full, prompt and unconditional payment, when due, to Lender of any and all loans, drafts, overdrafts, checks, notes and all other debts, liabilities and obligations of every kind and description, whether direct or indirect, absolute or contingent, due or to become due, now existing or hereafter arising out of the Note, the Loan Agreement and an Environmental Indemnification Agreement of even date executed by and between Borrower and Lender (the "Obligations"); and

the full and prompt performance of and observance by Borrower or other party of each and every term, covenant, agreement and condition to be performed or observed by the Borrower or other party pursuant to the terms of the Obligations and the Loan Documents.

2. Upon any default by Borrower in the payment of any of the Obligations or by Borrower or Guarantor in the performance of every term and condition of any document evidencing or securing any of the Obligations, including but not limited to this Guaranty and the Loan Documents, and the expiration of any applicable cure period, the joint and several liability of the Guarantor shall be effective immediately. Such joint and several liability hereunder shall be absolute, unconditional and unlimited and shall continue regardless of any reduction or increase of the Obligations until all of the Obligations have been paid or otherwise discharged.

3. The Guarantor consents, without affecting Guarantor's liability to the Lender hereunder, that the Lender, may, without notice to or consent of the Guarantor and without the necessity for any consent, or additional endorsement or guaranty by the Guarantor, upon such terms as the Lender reasonably may deem advisable:

extend, in whole or in part, by renewal or otherwise, the time for the payment of any of the Obligations or the performance of any term or condition of any transaction in connection with any of the Obligations, or any other indulgence with respect thereto, regardless of the length and number of such extensions or indulgences;

release, surrender, exchange, modify, impair or extend the period of duration, or the time for performance or payment, or any collateral securing any of the Obligations to the Lender;

settle, compromise, release, surrender, modify, or impair and enforce and exercise, or fail or refuse to enforce or exercise, any claims, rights, or remedies of any kind and nature against the Borrower, or any other party presently or hereafter liable for the Obligations, or any collateral security held by the Lender for any of the Obligations; and

subordinate the Obligations, or any part, to any other indebtedness now or hereafter owing by Borrower to anyone.

4. The Guarantor, without affecting Guarantor's liability to the Lender hereunder, consents to the addition or release by the Lender, without notice, of any other person secondarily liable on any of the Obligations and agrees to the provisions of any instrument, security or other writing evidencing any of the Obligations. Failure or delay by the Lender in any one instance to make any demand or otherwise to proceed against the Guarantor shall not constitute a waiver of the Lender's right to proceed in respect to such failure or delay or in respect to any or all other defaults by the Borrower.

5. The Guarantor waives:

notice of acceptance of this Guaranty by the Lender;

notice of presentment, demand for payment, notice of default or nonpayment, protest and notice of dishonor of any of the Obligations, or of any obligation of any person, firm or corporation, held by the Lender as collateral security for the Obligations;

notice of any credit granted to the Borrower by the Lender;

notice of any payment to the Lender of any of the Obligations or of any indebtedness which the Lender may hold as collateral security for any of the Obligations; and

all other demands and notices of every kind in connection with this Guaranty or any of the Obligations.

6. Without limiting the generality of other provisions of this Guaranty:

the Lender shall have no obligation to exercise its rights under this Guaranty against more than one person liable for the Obligations and may proceed against one or any number of the persons liable for the Obligations, including the undersigned, as Guarantor, without proceeding against all or any other of the persons liable for the Obligations, including the undersigned, as Guarantor;

upon an Event of Default under the Security Documents or the Loan Documents, the Lender may at its option proceed in the first instance against Guarantor on this Guaranty to collect any of the Obligations, without first proceeding against the Borrower or against any other person presently or hereafter liable for any of the Obligations, or against any collateral security previously, contemporaneously, or hereafter given to the Lender for any of the Obligations by the Guarantor, or any other person; and

the Guarantor guarantees to the Lender the payment of any and all reasonable attorneys' fees, costs and expenses paid or incurred by the Lender in connection with the collection of any and all of the Obligations guaranteed hereunder, whether such collection be from the Borrower or from the Guarantor.

7. The Guarantor hereby represents, warrants and agrees as follows:

the financial statements of the Guarantor heretofore furnished to the Lender are correct and complete and truly represent the financial condition of Guarantor as of the relevant dates thereof. Since the latest of such dates, there has been no material adverse change in the property, financial condition or business operations of Guarantor except pursuant to the conduct of the ordinary course of business;

no event has occurred nor will occur as a result of the making and execution of this Guaranty or the compliance with its terms or upon the consummation of the transaction herein contemplated which either of itself or with the lapse of time or the giving of notice or both, would give any creditor of Guarantor the right to accelerate the maturity of any indebtedness of the Guarantor for borrowed money;

Guarantor is not in default nor does Guarantor anticipate default under any lease, agreement or instrument, or any law, rule, regulation, order, writ, injunction, decree, determination or award, noncompliance with which would materially adversely affect its property, financial condition or business operations;

Guarantor has no outstanding unpaid tax liabilities (except for taxes which are currently accruing from its current operations and ownership of property, which are not delinquent), and no tax deficiencies have been proposed or assessed against the Guarantor;

Guarantor is not a party to any litigation or administrative proceeding, nor so far as is known by the Guarantor is any litigation or administrative proceeding threatened against it which in either case would, if adversely determined, cause any material adverse change in the properties, financial condition or conduct of business of the Guarantor;

Guarantor is not a party to any agreement, instrument or undertaking, direct or contingent, or subject to any other restriction which materially adversely affects or may in the future so affect the property or financial condition of the Guarantor;

no information, exhibit or report furnished by the Guarantor to the Lender in connection with the negotiation or execution of the Note or Guaranty contained any misstatement of fact as of the date when made or omitted to state a material fact or any fact necessary to make the statements contained therein not misleading as of the date when made; and

Guarantor is a corporation duly organized and existing in good standing under the laws of the State of Wisconsin and is duly qualified to conduct business, and is in good standing, under the laws of each jurisdiction in which it is required to qualify for the conduct of its business. The execution, delivery and performance of this Guaranty are within the full power and authority of Guarantor. All actions on Guarantor's part required for the due authorization, execution, delivery and performance of the Guaranty

have been taken. This Guaranty constitutes a valid, legal and binding obligation of, and is valid and enforceable against, Guarantor.

8. The Guarantor covenants that so long as the Obligations under this Guaranty remain outstanding and unless otherwise waived or consented to in writing by the Lender, the Guarantor shall:

promptly notify the Lender of the occurrence of any event relating to it which would create a material adverse change in the business, assets or financial condition of the Guarantor;

pay and discharge, when due, all of its taxes, assessments and other liabilities, except when the payment thereof is being contested in good faith by appropriate legal procedures which will avoid foreclosure of liens securing such items, and with adequate reserves provided therefor;

without request, deliver to Lender all financial statements and information of Guarantor as required under the Loan Documents;

maintain its accounting records in accordance with generally recognized and accepted principles of accounting consistently applied through the accounting periods involved, and promptly furnish the Lender with such information concerning the business affairs and financial condition of Guarantor as the Lender may reasonable request;

comply with all covenants relating to it as set forth in the Loan Documents; and

preserve its public body existence, rights and franchises and not merge or consolidate with or into any other public body or authority or jurisdiction.

9. The liability of the Guarantor shall not be affected by any action which the Lender may take or fail to take or by any alteration or modification to which the Lender may agree with respect to this Guaranty, any other guaranty or endorsement of any of the Obligations or any security given to the Lender by the Guarantor, the Borrower, or any other person for any of the Obligations or because of any fraud, illegal or improper acts of the Borrower, or if by operation of law, including without limitation, bankruptcy, insolvency or similar proceedings or usury, consumer or similar laws, any of the Obligations to the Lender are invalidated. Notwithstanding any provision herein to the contrary, the liability of Guarantor shall not be extinguished and the Guarantor shall remain liable under this Guaranty in the event any payment in whole or in part of the Obligations is recaptured as a voidable preference or fraudulent conveyance under applicable bankruptcy, insolvency or receivership laws. Lender shall be required to return the original Guaranty to the Guarantor only after such time as any possibility of recapture has expired. Upon any such recapture, Guarantor shall, upon demand, pay to Lender the amount recaptured.

10. Any claim Guarantor may have against Borrower, including without limitation, claims for contribution or other claims arising from payment or performance under this Guaranty, shall not be enforced or any payments made thereon until the Obligations have been paid in full.

11. This instrument and all rights and remedies of the parties shall be determined as to their validity, construction, effect and endorsement, and in all other respects of the same or different nature, by the laws of the State of Wisconsin.

12. This Guaranty is to take effect as a sealed instrument, shall inure to the benefit of the Lender and its successors and assigns, is intended to be a continuing Guaranty not revoked by death, dissolution, merger, bankruptcy or insolvency and shall be binding upon the undersigned and the heirs, personal

representative, administrators, other legal representatives, successors and assigns, of the Guarantor. If Guarantor shall become the subject of any bankruptcy or insolvency proceedings, Guarantor's liability hereunder shall become immediately due and payable whether or not the Obligations are then due and payable by Borrower.

13. The terms "party" and "person" shall include natural persons, corporations, trusts, partnerships and all other entities.
14. The Guarantor acknowledges that Lender has not made any representations or warranties with respect to, and agrees that Lender does not assume any liability to the Guarantor for, and agrees that Lender has no duty to the Guarantor regarding the collectibility or enforceability of the Obligations or the financial condition of the Borrower. The Guarantor has independently determined the collectibility and enforceability of the Obligations and until the Obligations are paid in full, will independently and without reliance on Lender continue to make such determinations.
15. Lender shall have the right to determine how, when and what application of payments and credits, regardless from whom received, shall be applied to the Obligations. Lender may, at any time after the occurrence of an event of default under any of the Loan Documents, set-off any amount unpaid on the Obligations against any deposit balances which the Guarantor may have at any time with Lender, or other money now or hereafter owed the Guarantor by Lender.

(SIGNATURE AND ACKNOWLEDGEMENT ON NEXT PAGE FOLLOWING)

SIGNED AND SEALED on the date first written above.

THE CITY OF БЕЛОIT, a municipal body existing under the laws of the State of Wisconsin,

By: _____
Name: Larry N. Arft
Its: City Manager

By: _____
Name: _____
Its: _____

ACKNOWLEDGMENTS

STATE OF)
)ss.
COUNTY OF)

On this ____ day of _____ 2011, before me personally appeared **Larry N. Arft**, the City Manager of the City of Beloit, a municipal body, organized and existing under the laws of the State of Wisconsin, to me known to be the person who executed the foregoing instrument on behalf of and by the authority of such corporation in its capacity as the manager of such limited liability company, and acknowledged the same.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal.

Print Name: _____
Notary Public, State of Wisconsin
My commission (is permanent) (expires ____)

STATE OF)
)ss.
COUNTY OF)

On this ____ day of _____, 2011, before me personally appeared _____, the _____ of the City of Beloit, a municipal body, organized and existing under the laws of the State of Wisconsin, to me known to be the person who executed the foregoing instrument on behalf of and by the authority of such corporation in its capacity as the manager of such limited liability company, and acknowledged the same.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal.

Print Name: _____
Notary Public, State of Wisconsin
My commission (is permanent) (expires ____)

**EXHIBIT A
DESCRIPTION OF PROJECT(S)**

Addresses	Proposed/Current Land Use	Current Number of Bedrooms	Proposed Number of Bedrooms
220 Portland	40 Garden Apartments Units 1A – 10D	1 in each unit	1 in each unit
240 Portland	Single Family House	2	2
1821 Bayliss	Single Family House	3	3
416 Bluff	Single Family House	3	3
1149 Eleventh	Single Family House	3	3
1503 Grant	Single Family House	3	3
904 Highland	Single Family House	3	3
541 Kenwood	Single Family House	3	3
551 Kenwood	Single Family House	3	3
1445 McKinley	Single Family House	3	3
512 Olympian	Single Family House	3	3
1248 Tenth	Single Family House	3	3
1359 W. Grand	Single Family House	3	3
887 Milwaukee	Single Family House	3	3
208 Moore	Single Family House	3	3
212 Moore	Single Family House	3	3
2715 Scotties	Single Family House	4	4
836 Townline	Single Family House	3	3
840 Fifth Street	Parking Lot	0	9 new 2-BR townhomes
246 Portland Avenue	Dumpster-Parking Pad	0	0

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Consideration of a resolution providing a guaranty to Wisconsin Community Bank for the construction loan to be provided to the Beloit Apartments Redevelopment – Phase 2, LLC

Date: March 7, 2011

Presenter: Julie Christensen – Executive Director

Department: Community Development Authority

Overview/Background Information:

The Housing Authority is responsible for providing decent, safe, and sanitary affordable housing for residents of the City of Beloit. The Authority manages 131 units, many of which were constructed 30 or more years ago. A recent needs assessment identified significant capital investment was needed to upgrade interiors and mechanical systems to provide for more energy efficient and modern units. The Housing Authority relies on Federal support from the Department of Housing and Urban Development to fund public housing modernization programs. These funds have not been sufficient to implement a comprehensive redevelopment/renovation program to meet the Authority's projected needs.

The Authority authorized the hiring of Dimension Development to formulate a proposal which would utilize HUD modernization funds and other sources to produce a comprehensive modernization plan for existing units in existing locations. The majority of the funding for the renovations would come from Low Income Housing tax credits allocated by the State of Wisconsin through the Wisconsin Housing and Economic Development Authority. In 2009, tax credits were awarded for Phase 1 which includes 65 public housing units at 5 sites in the City of Beloit. In 2010, tax credits were awarded for the remaining 66 units, which include 41 units at Parker Bluff and 25 units scattered site units.

Key Issues (maximum of 5):

1. On March 15, 2010, the City Council affirmed its support of Phase 2 of the public housing redevelopment project. In April, 2010, the Beloit Apartments Redevelopment – Phase 2, LLC, an LLC of the Community Development Authority, applied for Low Income Housing Tax Credits for the remaining 66 units of public housing. Phase 2 involves the rehabilitation of 41 units at Parker Bluff and 16 scattered site public housing units, the sale of nine of the Housing Authority's larger houses, and the construction of nine new units on the Parker Bluff site and adjacent parcels.
2. In June, 2010, the LLC for this project received notice that the tax credits were awarded, and in August, 2010, the City Council and Community Development Authority held a joint meeting and approved accepting the tax credits.
3. This project will be completed using the following sources of funds: WHEDA Low Income Housing Tax Credits in the amount of \$9,472,933; \$830,074 in Capital Fund Financing from HUD; and \$256,500 in Affordable Housing Program funds from the Federal Home Loan Bank through First National Bank; \$540,000 in Deferred CDA Developer Fee; and \$100 in Managing Member Equity.
4. On January 26, 2011, the Community Development Authority approved the equity investor for the project: National Equity Fund. On February 9, the LLC approved the construction loan with Wisconsin Community Bank (WCB) in the amount of \$8.3 million to provide short-term cash flow for the construction project until the tax credit monies are available.
5. In connection with making the construction loan, WCB is requiring the City and the CDA to guaranty certain obligations of the LLC. On February 9, 2011, the CDA approved its corporate guaranty.
6. The resolution on the agenda for action on March 7 authorizes the City Manager to executive and deliver, on behalf of the City of Beloit, a guaranty to WCB in a similar form to the attached Corporate Guaranty, guarantying those certain LLC obligations to WCB in connection with the construction loan.

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

This action conforms to the following goals:

4. Apply sound, sustainable practices to promote a high quality community through historic preservation, community revitalization and new development.

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**

Environmentally friendly "Green" building practices will be incorporated to the extent possible. All appliances and many fixtures will be more energy efficient.

- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**

N/A

- **Reduce dependence on activities that harm life sustaining eco-systems**

N/A

- **Meet the hierarchy of present and future human needs fairly and efficiently**

This plan would provide for a more modern and energy efficient living unit for public housing occupants.

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

Action required/Recommendation:

Approval of the attached resolution

Fiscal Note/Budget Impact:

There is no impact to the operating budget of the city. The City and CDA have identified sources of funds that will provide debt service payments.

**RESOLUTION RENAMING THE HENRY AVENUE BRIDGE
AS THE KEN HENDRICKS MEMORIAL BRIDGE**

WHEREAS, the bridge crossing the Rock River which connects Henry Avenue on the east to Maple Avenue on the west is unnamed and generally referred to as the “Henry Avenue Bridge;” and

WHEREAS, beginning later in 2011 the bridge is undergoing a complete reconstruction and widening, which will likely take a year or longer before it will be reopened for traffic; and

WHEREAS, Ken Hendricks had been a major benefactor to the City of Beloit through his business entrepreneurship, his philanthropic generosity, and his appreciation of the arts; and

WHEREAS, Ken also had an extraordinary capacity to reuse and redevelop old buildings and focused much of his energy on the City Center of Beloit, redeveloping (among others) the Beloit Corporation campus, now known as the Iron Works; the old Mall, now known as the Eclipse Center; numerous buildings previously utilized by Fairbanks Morse, now occupied by the ABC family of companies; the former Beloit Catholic High School, now partially occupied by Head Start; the former Alliant office building, now occupied by Vision Beloit; and numerous other smaller structures and sites located throughout the Stateline area; and

WHEREAS, these contributions have made an incalculable contribution to the modern redevelopment of the City of Beloit into a quality place, competitive in the 21st Century economy; and

WHEREAS, while several buildings and other facilities in the community carry the Hendricks name, no public facility has yet been named to honor Ken Hendricks; and

WHEREAS, the City has established an informal recognition committee, and has been in consultation with the Hendricks family, looking for a suitable public facility to name in Ken’s honor and in recognition of his extraordinary contributions to the City of Beloit; and

WHEREAS, the Hendricks family has requested that the new Henry Avenue Bridge be so named.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beloit resolve that the new bridge structure over the Rock River connecting Henry Avenue to Maple Avenue, which was previously referred to as the “Henry Avenue Bridge” shall hereby be renamed and known as the “Ken Hendricks Memorial Bridge;” and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that appropriate signage will be placed at both approaches to the bridge to properly identify the bridge as carrying the new name in honor of Ken Hendricks.

Adopted this 7th day of March 2011.

Kevin D. Leavy, Council President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Renaming the Henry Avenue Bridge the Ken Hendricks Memorial Bridge

Date: March 7, 2011

Presenter(s): Larry N. Arft

Department(s): City Manager

Overview/Background Information:

In recognition of Ken Hendricks' extraordinary contributions to the City of Beloit and the entire Stateline area, the City Manager and an ad hoc recognition committee have submitted a request to rename the Henry Avenue Bridge the Ken Hendricks Memorial Bridge. In accordance with Wisconsin Statutes and City policy, all memorials must be reviewed by the Plan Commission.

Key Issues (maximum of 5):

- The attached Location Map shows the existing Henry Avenue Bridge, which spans the Rock River and connects Maple Avenue and Henry Avenue. This request applies to the bridge structure itself, and the street names will remain unchanged.
- The City Manager and an ad hoc recognition committee have considered several possible memorials, and have identified the Henry Avenue Bridge as the ideal structure. Diane Hendricks, on behalf of the Hendricks family, has requested this renaming. The bridge will be the first public facility named in honor of Ken Hendricks.
- Ken's passion for the adaptive reuse and redevelopment of properties in the City Center led to many successful projects. In addition to redevelopment projects, Ken's appreciation of the arts and his philanthropy significantly improved the quality of life in the Stateline area.
- The reconstruction and widening of the bridge will begin later this year, and the project is expected to last a full year. As part of this project, signs that identify the new bridge as the Ken Hendricks Memorial Bridge will be installed on both sides of the structure.
- The Plan Commission reviewed this item on February 9, 2011 and voted unanimously (6-0) to recommend approval of this request.

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: February 9, 2011

Agenda Item: 4

File Number: RPB-2011-02

Request: Renaming the Henry Avenue Bridge

Request Overview/Background Information:

In recognition of Ken Hendricks' extraordinary contributions to the City of Beloit and the entire Stateline area, the City Manager and an ad hoc recognition committee have submitted a request to rename the Henry Avenue Bridge the Ken Hendricks Memorial Bridge. In accordance with Wisconsin Statutes and City policy, all memorials must be reviewed by the Plan Commission.

Key Issues:

- The attached Location Map shows the existing Henry Avenue Bridge, which spans the Rock River and connects Maple Avenue and Henry Avenue. This request applies to the bridge structure itself, and the street names will remain unchanged.
- The City Manager and an ad hoc recognition committee have considered several possible memorials, and have identified the Henry Avenue Bridge as the ideal structure. Diane Hendricks, on behalf of the Hendricks family, has requested this renaming. The bridge will be the first public facility named in honor of Ken Hendricks.
- Ken's passion for the adaptive reuse and redevelopment of properties in the City Center led to the following successful projects:
 - Redevelopment of the Beloit Corporation campus into Ironworks;
 - Redevelopment of the Beloit Mall into the Eclipse Center;
 - Redevelopment of the former Alliant office building into Vision Beloit;
 - Redevelopment of former Fairbanks Morse facilities into ABC Supply facilities; and
 - Numerous additional projects throughout the Stateline area.
- In addition to the above projects, Ken's appreciation of the arts and his philanthropy significantly improved the quality of life in the Stateline area.
- The reconstruction and widening of the bridge will begin later this year, and the project is expected to last a full year. As part of this project, signs that identify the new bridge as the Ken Hendricks Memorial Bridge will be installed on both sides of the structure.

Consistency with Strategic Plan:

- Consideration of this request supports *Strategic Goals #1 and #4*.

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

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

Staff Recommendation:

The Neighborhood Planning Division recommends **approval** of the request to rename the Henry Avenue Bridge the Ken Hendricks Memorial Bridge.

Fiscal Note/Budget Impact: N/A

Attachments: Location Map and Memo from the City Manager

Location Map

Bridge Renaming

RPB-2011-02



1 inch = 384 feet



Legend

 COB Parcels

Map prepared by: Drew Pennington
Date: February 2011
For: City of Beloit, Neighborhood Planning
Date of Aerial Photography: April 2008

NEIGHBORHOOD PLANNING DIVISION

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Julie Christensen, Community Development Director
FROM: Larry N. Affolter, City Manager
DATE: January 10, 2011
SUBJECT: **RENAMING OF HENRY AVENUE BRIDGE IN HONOR OF KEN HENDRICKS**

Please find attached a draft resolution for consideration by the Beloit City Council, which would be used for the purpose of renaming the current Henry Avenue Bridge to the "Ken Hendricks Memorial Bridge" in honor of the former Ken Hendricks and all of his many contributions to the City of Beloit.

The recommendation comes following numerous discussions by an ad hoc citizens committee considering appropriate memorials to honor Ken Hendricks and the many contributions that both Ken and Diane Hendricks have made to the City of Beloit.

Diane Hendricks, representing the family, has also requested that this particular structure be named in Ken's honor following review of a number of possible alternative public facilities that were available for this purpose.

Ken's contribution to the City of Beloit, including his extraordinary entrepreneurial successes; his extensive philanthropic activities; and his love for the arts have made a substantive and lasting impression on the City of Beloit. Ken's passion for recycling and reusing old buildings made him a legend and his reuse of the former Beloit Corporation campus; a number of the former Fairbanks Morse structures; his development of the former Beloit Mall into the Eclipse Center; and his role in developing the Vision Beloit facility downtown, were some of his many significant City Center contributions that have had an incalculably positive impact on our community.

Per established City policy, this item will be placed on Council's agenda for referral to the Plan Commission for their review and recommendation prior to Council taking final action on this request. Should you have questions or need additional information regarding this matter, do not hesitate to contact my office.

Att.