



**AGENDA  
BELOIT CITY COUNCIL  
100 State Street, Beloit WI 53511  
City Hall Forum – 7:00 p.m.  
Monday, February 4, 2013**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
  - a. Proclamation recognizing the **Beloit International Film Festival** February 14-17, 2013 (Haynes)
  - b. **State of the City Report** (Haynes)
4. PUBLIC HEARINGS – none
5. CITIZENS PARTICIPATION
6. CONSENT AGENDA

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

- a. Approval of the **Minutes** of the Special Meeting of January 17, 2013, and the Regular Meeting of January 22, 2013 (LeMire)
  - b. Application for **Conditional Use Permit** to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 1623 Park Avenue (Christensen) Refer to Plan Commission
  - c. Application for a **Zoning Map Amendment** to change the Zoning District Classification from R-1A, Single-family Residential District, to PLI, Public Lands & Institutions District, for the property located at 2208 N. Lee Lane (Christensen) Refer to Plan Commission
  - d. Resolution Setting a Date for a Public Hearing for the **Vacation** of an Unnamed North-South Alley in the block bound by North Street, Sixth Street, Olympian Boulevard, and Fourth Street in the City of Beloit, Rock County, Wisconsin (Christensen)  
Accept and Refer to Plan Commission
7. LICENSES
    - a. Resolution **Setting Return Date and Authorizing Issuance of Summons** for Alcohol License Sanction Hearing for Speedway, LLC, d/b/a Speedway #4293, 2781 Milwaukee Road, Nancy A. Bryant, Agent (Krueger)
  8. ORDINANCES – none

9. APPOINTMENTS – none

10. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

11. CITY MANAGER'S PRESENTATION

12. REPORTS FROM BOARD AND CITY OFFICERS

- a. Resolution amending the **2013 Capital Improvement Budget** and appropriating funds from the Police Confiscated Fund to Purchase Mobile Video Recording Devices Equipment (Jacobs/Tyler)
- b. Resolution authorizing the issuance of a **Purchase Order** for replacement of two Transit Buses in 2014 (Gavin)

13. 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: January 30, 2013  
Rebecca Houseman LeMire  
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.

**PROCLAMATION RECOGNIZING THE BELOIT INTERNATIONAL FILM FESTIVAL  
FEBRUARY 14-17, 2013**

**WHEREAS**, the Beloit International Film Festival (BIFF) will celebrate its eighth season of enhancing the quality of life in Beloit, bringing visitors and residents together in the celebration of film, and bringing recognition and praise to our City February 14-17, 2013; and

**WHEREAS**, BIFF continues to expand the number of venues and the quality of the presentations throughout our region; and

**WHEREAS**, this internationally-acclaimed festival has expanded its program this year to include music presentations by emerging singer-songwriters and groups in local venues through BIFF Plus Music; and

**WHEREAS**, once again this year, BIFF will present films for the underserved audiences in our community through BIFF Latino and BIFF For the Deaf; and

**WHEREAS**, BIFF has joined with Beloit Regional Hospice, as it has joined with other important local organizations in the past, to focus the power of film on a pressing issue in our lives and our community; and

**WHEREAS**, BIFF has brought more than 100 filmmakers and 120 outstanding films, documentaries, features, and short films to 15 venues in Beloit, Rockford, and Janesville; and

**WHEREAS**, BIFF has continued its important mission of educating future film audiences by bringing thousands of school children together to learn critical viewing skills; and

**WHEREAS**, BIFF has launched its first community fund raising campaign to complement the generosity and support provided by The Hendricks Group, Visit Beloit, Beloit College, and the leading business and financial institutions in our community.

**NOW, THEREFORE, BE IT PROCLAIMED THAT** the City Council of the City of Beloit honors the organizers, sponsors, and volunteers that contribute to the success of BIFF and declare the week of February 10-17, 2013 to be Beloit International Film Festival Week. We urge all citizens to enjoy these exciting events and to extend the welcome of our community to the thousands of filmmakers and film fans who will be visiting Beloit.

Presented this 4<sup>th</sup> day of February, 2013.

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

**ATTEST:**

\_\_\_\_\_  
Rebecca Houseman LeMire, City Clerk



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**

**Special Meeting**

**January 17, 2013**

**6:30 p.m.**

Presiding: Charles Haynes  
Present: Sheila De Forest, Chuck Kincaid (arrived at 7:13 p.m.), David F. Luebke, Mark Spreitzer, and James E. Van De Bogart  
Absent: Kevin D. Leavy

1. President Haynes called the meeting to order at 6:35 p.m. in the 4<sup>th</sup> Floor City Manager's Conference Room at City Hall.
2. Councilor Luebke moved to adjourn into closed session pursuant to Wis. State 19.85(1)(g) to **confer with legal counsel with respect to litigation** in which the City is likely to become involved. Councilor De Forest seconded. The motion carried, and the Council adjourned into closed session at 6:35 p.m.
3. Councilor Spreitzer moved to adjourn the meeting, and Councilor Luebke seconded. The motion carried, and the meeting adjourned at 7:52 p.m.

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Rebecca Houseman LeMire  
City Clerk

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

Date Approved by Council:



**PROCEEDINGS OF THE BELOIT CITY COUNCIL**  
**100 State Street, Beloit WI 53511**  
**Tuesday, January 22, 2013**

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

1. The meeting was called to order at 7:05 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
  - a. Beloit Public Library Director Kristi Howe provided her **Departing Comments** to the City Council. She indicated that she has accepted a job as the Library Director for Vigo County, Indiana. She thanked the City Council for their support of the Library during her tenure. She said that the Council appointed an outstanding Library Board and encouraged the Council to continue to support and appreciate the new and existing programs the Library has to offer. The Councilors thanked her for her approach to programming, professionalism, and leadership. They wished her the best in her new position.
4. PUBLIC HEARINGS – none
5. CITIZENS PARTICIPATION – none
6. CONSENT AGENDA

Councilor Luebke made a motion to adopt the Consent Agenda, which consists of items 6.a. through 6.c. Councilor De Forest seconded, and the motion carried that the Consent Agenda be accepted, approved, adopted, or referred and acted upon as required by state and local codes by a vote of 6-0.

- a. The **Minutes** of the Regular and Special Meetings of January 7, 2013 were approved.
  - b. The resolution approving **Change of Agent** for Speedway, LLC, d/b/a Speedway #4087, 148 Liberty Avenue, from Catherine Winford to Megan M. Biggerstaff, was adopted. File 8542
  - c. The resolution authorizing the City Manager to apply for the 2013 HUD **Lead Hazard Reduction Grant** was adopted. File 8542
7. ORDINANCES
    - a. Community Development Director Julie Christensen presented a proposed Ordinance **Annexing** the properties located at 1035 and 1041 Udell Drive from the Town of Beloit to the City of Beloit. It was noted that the Plan Commission recommended approval 5-0. Ms. Christensen indicated that the two properties have separate ownership and contain two single-family dwellings with failing septic systems. She said that both property owners have requested this annexation to hook into the City's sewer system. Councilor Spreitzer made a motion to suspend the rules and allow for a second reading. Councilor Van De Bogart seconded, and the motion carried 6-0. On the merits of the ordinance, Councilor Luebke made a motion to enact, and Councilor Kincaid seconded. The motion carried 6-0. File 7103 Ordinance 3475
  8. APPOINTMENTS

President Haynes 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 Van De Bogart and a second by Councilor De Forest. The motion carried 6-0.

- a. **Municipal Golf Committee:** William Howard for a term ending December 31, 2015. File 7382
- b. Councilor Van De Bogart made a motion to appoint Kevin D. Leavy to the **Downtown Beloit Association Board of Directors**. Councilor Spreitzer seconded, and the motion carried 6-0. File 6201

## 9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest said that she enjoyed attending several local events to celebrate Martin Luther King, Jr. Day. She acknowledged three students who received scholarships and offered condolences to Kevin Leavy and his family regarding a recent loss.
- Councilor Van De Bogart said he enjoyed MLK Day activities and reminded the public of the upcoming Roy Chapman Andrews presentation and the Beloit International Film Festival.
- Councilor Kincaid said he attended the MLK Prayer Breakfast and that each year the event is more energized. He told the public of additional events throughout the week at Beloit College to celebrate MLK Day and the President's Inauguration.
- Councilor Luebke said that he will attend a lecture by Dr. Jeff Adams at Vision Beloit on January 24<sup>th</sup> regarding Beloit's history and future. He also congratulated Nate Tillis from Water Resources who was recently honored in a national publication and thanked Tony Farrell for his attendance, help, and security at Council meetings.
- Councilor Spreitzer said he attended the Prayer Breakfast, the City Center Seminars, and John Kalkirtz's retirement party and that he is looking forward to attending Beloit's Winterfest.
- Councilor Haynes said that he enjoyed attending the Prayer Breakfast and some of the other events mentioned by other Councilors.

## 10. CITY MANAGER'S PRESENTATION

- a. Police Captain William Tyler presented information regarding recent changes to the **City's Animal Control Policies and Procedures**. He indicated that it is required that the City has a designated Humane Officer per state law. He said that the City continues to work with the Rock County Humane Society during their hours of operation and is now working with the Dane County Humane Society as well. He said that reports of abused or neglected animals will still be investigated through the Police Department.

## 11. REPORTS FROM BOARD AND CITY OFFICERS

- a. Fire Chief Brad Liggett presented a resolution approving a **Contract** with the State of Wisconsin for Statewide Structural Collapse Team Members. He said that the City entered into this agreement initially last spring, and this is a successor agreement. He indicated that this is a maintenance resolution that would allow the City Manager to approve the contract in the future provided that the contract does not change substantially. Councilor Luebke made a motion to adopt the resolution, and Councilor De Forest seconded. Councilor De Forest asked who pays for the training associated with team membership, and Chief Liggett indicated that the State pays while team members are deployed and also covers workers compensation and disability. Councilor Van De Bogart asked how many times the team has been deployed, and Chief Liggett said that the team has not had to respond. However, he indicated that the local team responded to the partial collapse of Robinson School last year. The motion carried 6-0. File 8534
- b. Finance and Administrative Services Director Paul York presented a resolution approving an Amendment of the **Agreement** between the City of Beloit and VantageCare Retirement Health Savings (RHS) Plan. He indicated that this item was laid over at the last Council meeting to make sure the language in the resolution is correct. He said that the City has two RHS plans with VantageCare as a result of the Health Department's move to the County. Councilor Luebke made a motion to adopt the resolution, and Councilor Spreitzer seconded. The motion carried 6-0. File 8173
- c. Mr. York presented a resolution Authorizing the Issuance and Sale of Approximately \$7,330,000 **General Obligation Refunding Bonds**, Series 2013A. Dawn Gunderson, Ehlers and Associates, presented the sales results of all three of the bonds. She indicated that Standard and Poor's maintained the City's A+ stable bond rating for the taxable and tax-exempt bonds and that it was reflected in the good interest rates. She explained that another key to favorable bond rates is maintaining the City's fund balance in accordance with the adopted policy. Councilor Van De Bogart made a motion to adopt the resolution, and Councilor Spreitzer seconded. The question was called by roll call vote, and the motion carried 6-0. File 8570

- d. Mr. York presented a resolution Supplementing Resolution Adopted October 20, 2003; Authorizing the Issuance and Sale of Approximately \$5,745,000 **Water System Refunding Revenue Bonds**, Series 2013B; and Providing the Payment of Said Bonds and Other Details and Covenants with Respect Thereto. Councilor Spreitzer made a motion to adopt the resolution, and Councilor Luebke seconded. The question was called by a roll call vote, and the motion carried 6-0. File 8570
  - e. Mr. York presented a resolution Authorizing the Issuance and Sale of Approximately \$885,000 **Taxable General Obligation Refunding Bonds**, Series 2013C. Councilor De Forest made a motion to adopt the resolution, and Councilor Kincaid seconded. The question was called by a roll call vote, and the motion carried 6-0. File 8570
12. At 7:41 p.m., Councilor Luebke made a motion to adjourn the meeting, and Councilor De Forest seconded. The motion carried 6-0.

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Rebecca Houseman LeMire, City Clerk

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

Date approved by Council:

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Conditional Use Permit Application for the property located at 1623 Park Avenue – Council Referral to the Plan Commission

**Date:** February 4, 2013

**Presenter(s):** Julie Christensen

**Department:** Community Development

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**Overview/Background Information:**

Magarita Mora, the operator of Santa Rosa Grocery Store, has filed an application for a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 1623 Park Avenue.

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

- The Santa Rosa Grocery Store is located at the intersection of Park Avenue and Washburn Street, and is in close proximity to the Merrill Neighborhood.
- The grocery store has operated at the Park Avenue location since 2008.
- The grocery store offers a variety of meats, food, and other household items to its customers.
- The applicant would like an opportunity to offer and sell beer to her customers; however, a Conditional Use Permit is required.
- An indoor alcohol sale use is a conditional use in the C-2 District.

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

- Consideration of this request supports Strategic Goal #5.

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

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

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**Action required/Recommendation:**

- Referral to the Plan Commission for the February 6, 2013 meeting.
- This item will return to the City Council for a public hearing and possible action on February 18, 2013.

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

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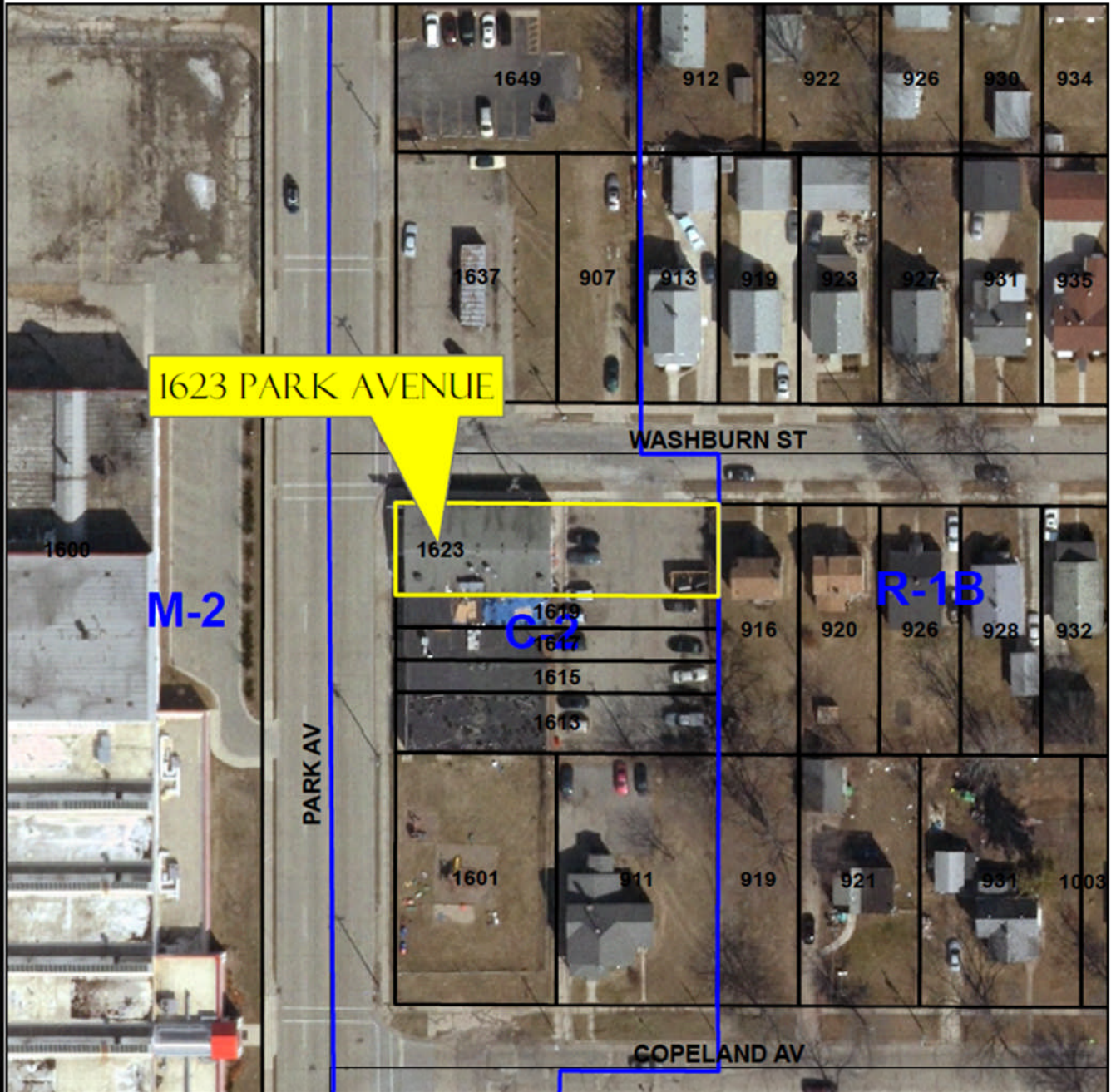
**Attachments:** Location & Zoning Map and Application



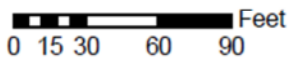
# Location & Zoning Map

1623 Park Avenue

CU-2013-02



1 inch = 71 feet



### Legend

- Zoning District
- Parcels

Map prepared by: Michael D. Lofton II

Date: January 2013

For: City of Beloit, Planning & Building Services

Date of Aerial Photography: April 2011

## PLANNING & BUILDING SERVICES DIVISION

# CITY of BELOIT

## Planning and Building Services Division

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

### Conditional Use Permit Application

(Please Type or Print)

File Number: CU-2013-02

1. Address of subject property: 1623 Park Ave. Beloit WI 53511

2. Legal description: \_\_\_\_\_

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

Property dimensions are: \_\_\_\_\_ feet by \_\_\_\_\_ feet = \_\_\_\_\_ square feet.

If more than two acres, give area in acres: \_\_\_\_\_ acres.

3. Tax Parcel Number(s): 1257 - 04 93

4. Owner of record: Margarita Mora Phone: (630) 661 02 35

6307 Blue Ridge Dr Plainfield IL 60586  
(Address) (City) (State) (Zip)

5. Applicant's Name: Margarita Mora

1623 Park Ave Beloit WI 53511  
(Address) (City) (State) (Zip)

608 362 8306 , 630 661 02 35,  
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: retail Sales  
grocery store

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

A Conditional Use Permit for: indoor liquor sales  
in a(n) C2, Neighborhood Zoning District.  
Cormisq

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

Principal use: \_\_\_\_\_

Secondary use: \_\_\_\_\_

Accessory use: \_\_\_\_\_

9. Project timetable: Start date: 01-10-13 Completion date: 01-10-13

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

- Owner - Gene R Kaye
- Leasehold, length of lease: \_\_\_\_\_
- Contractual, nature of contract: \_\_\_\_\_
- Other, explain: \_\_\_\_\_

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.

Gene R Kaye / Gene R Kaye / 1/11/13  
(Signature of Owner) (Print name) (Date)

Margarita Mora / \_\_\_\_\_ / \_\_\_\_\_  
(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 Planning and Building Services Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

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

To be completed by Planning Staff		
Filing fee: <u>\$275.00</u>	Amount paid: <u>\$275.00</u>	Meeting date: <u>February 6, 2013</u>
No. of notices: _____	x mailing cost (\$0.50) =	cost of mailing notices: \$ _____
Application accepted by: <u>Michael D. Lofton II</u>		Date: <u>1/11/13</u>

# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Zoning Map Amendment Application for the property located at 2208 N. Lee Lane – Council Referral to the Plan Commission

**Date:** February 4, 2013

**Presenter(s):** Julie Christensen

**Department:** Community Development

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### Overview/Background Information:

The Planning & Building Services Division has initiated an application for a Zoning Map Amendment to change the zoning district classification from R-1A, Single-Family Residential District to PLI, Public Lands & Institutions District, for the property located at 2208 N. Lee Lane.

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### Key Issues (maximum of 5):

- The subject property is Lee Lane Park, an improved City park. While researching an unrelated matter, Planning staff discovered that the subject property was not rezoned to PLI when the park was developed.
- The R-1A district is intended to accommodate single-family detached dwellings on moderate to large-sized lots. The PLI district is a special purpose district that is intended to accommodate public and quasipublic uses (parks, cemeteries, fire stations, etc.). Although parks are a permitted use in residential zoning districts, the PLI zoning district classification is much more appropriate for an improved City park.
- Planning staff initiated this application in an effort to correct this discrepancy in accordance with the Zoning Map Amendment procedures contained in Section 2-300 of the Zoning Ordinance.

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

- Consideration of this request supports Strategic Goal #5.

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

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

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### Action required/Recommendation:

- Referral to the Plan Commission for the February 6, 2013 meeting
- This item will most likely return to the City Council for a public hearing and possible action on February 18, 2013

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

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**Attachments:** Location & Zoning Map and Application



# Location & Zoning Map

2208 N. Lee Lane

ZMA-2013-01



1 inch = 142 feet

0 30 60 120 180 Feet

## Legend

- COB Parcels
- Zoning District

Map prepared by: Drew Pennington

Date: January 2013

For: City of Beloit Planning & Building

Date of Aerial Photography: March 2011

## PLANNING & BUILDING SERVICES DIVISION

# CITY of BELOIT

## PLANNING & BUILDING SERVICES 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-2013-01

1. Address of subject property: 2208 N. Lee Lane

2. Legal description: Lot: 17-18 Block: 4 Subdivision: Bootmaker Manor First Add  
(If property has not been subdivided, attach a copy of the complete legal description from deed.)

Property dimensions are: \_\_\_\_\_ feet by \_\_\_\_\_ feet = \_\_\_\_\_ square feet.

If more than two acres, give area in acres: \_\_\_\_\_ acres.

3. Tax Parcel Number(s): 21921210

4. Owner of record: City of Beloit Phone: 364-6700

100 State Street Beloit WI 53511  
(Address) (City) (State) (Zip)

5. Applicant's Name: Planning & Building Services Division

100 State Street Beloit WI 53511  
(Address) (City) (State) (Zip)

364-6700 / \_\_\_\_\_ / \_\_\_\_\_  
(Office Phone #) (Cell Phone #) (E-mail Address)

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

Change zoning district classification from: R-1A, SF Residential to: PLI, Public Lands

All existing uses on this property are: Park

7. All the proposed uses for this property are:

Principal use(s): Park

Secondary use(s): \_\_\_\_\_

Accessory use(s): \_\_\_\_\_



**RESOLUTION  
SETTING A DATE FOR A PUBLIC HEARING FOR THE  
VACATION OF AN UNNAMED NORTH-SOUTH ALLEY LOCATED IN THE  
BLOCK BOUND BY NORTH STREET, SIXTH STREET,  
OLYMPIAN BOULEVARD, AND FOURTH STREET  
IN THE CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN**

**IT IS RESOLVED THAT** a public hearing on the proposed Resolution to discontinue and vacate all of the north-south alley lying adjacent to Lots 10, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 in Dow's Subdivision of Blocks 3 & 4 of Dow's Addition to the City of Beloit, Rock County, Wisconsin, shall be held at the regular **City Council Meeting on Monday, March 18, 2013**, and the City Clerk is authorized and directed to give notices required under Section 66.1003, Wisconsin Statutes.

Adopted this 4<sup>th</sup> day of February, 2013.

**City Council of the City of Beloit**

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

**Attest:**

\_\_\_\_\_  
Rebecca Houseman LeMire, City Clerk



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Petition for Vacation of an Unnamed North-South Alley Located in the Block Bound by North Street, Sixth Street, Olympian Boulevard, and Fourth Street

- Resolution Setting a Public Hearing Date
- Council Referral to the Plan Commission

**Date:** February 4, 2013

**Presenter(s):** Julie Christensen

**Department:** Community Development

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### Overview/Background Information:

The Planning & Building Services Division has received a petition to vacate the unnamed north-south alley in the block bound by North Street, Sixth Street, Olympian Boulevard, and Fourth Street.

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### Key Issues (maximum of 5):

- The School District of Beloit has acquired all of the adjacent properties to the west of the alley, and is the process of amending the Comprehensive Plan and rezoning this block in order to expand the BMHS campus to the west.
- The attached Plat of Vacation shows the proposed right-of-way to be vacated.
- This Vacation will return the entire land area to the adjacent property owners. In this case, all of the adjacent properties are owned by the School District of Beloit.

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

- Consideration of this request supports Strategic Goal #5.

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

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

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### Action required/Recommendation:

- City Council consideration and action on the proposed Resolution, which states that a Public Hearing on this matter shall be held at the regular City Council meeting on March 18, 2013
- Referral to the Plan Commission for the March 6, 2013 meeting

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

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**Attachments:** Resolution Setting a Public Hearing Date, Petition for Vacation, and Plat of Vacation.

**PETITION FOR VACATION OF A PUBLIC RIGHT-OF-WAY**

We, the undersigned hereby petition the City of Beloit to vacate the following portion(s) of the public right-of-way know as: In between 1300 block of Sixth and 14th St  
See Map 4 In between North St and Olympian Blvd  
Space will be used for District Athletic fields and/or green space  
 The portion of the right-of-way proposed to be vacated is further described on the attached Plat of Campus lot  
Vacation prepared by Registered Land Surveyor:

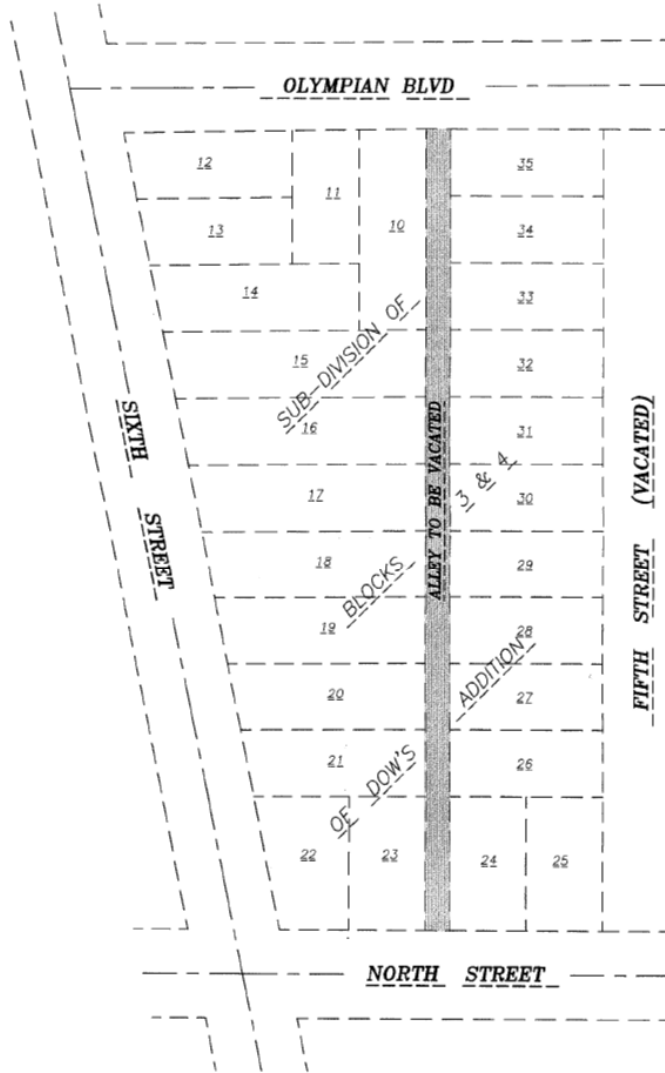
Print NAME and ADDRESS of PETITIONER:	SIGNATURE: (If jointly owned, both owners should sign petition.)	DATE SIGNED:
Name: School District of Beloit Address: 1633 Keeler Ave, Beloit WI 53511	Janelle Mary	12/4/12
Name: School District of Beloit Address: 219 North St	Janelle Mary	12/4/12
Name: School District of Beloit Address: 225 North St	Janelle Mary	12/4/12
Name: School District of Beloit Address: 1313, 1317 6th St	Janelle Mary	12/4/12
Name: School District of Beloit Address: 1323, 1327 6th St	Janelle Mary	12/4/12
Name: School District of Beloit Address: 1339, 1343, 1349 6th St	Janelle Mary	12/4/12
Name: School District of Beloit Address: 1353 Sixth	Janelle Mary	12/4/12
Name: School District of Beloit Address: 1249, 1253, 1257 6th	Janelle Mary	12/4/12
Name: School District of Beloit Address: 1203, 1233 Sixth	Janelle Mary	12/4/12

Contact person responsible for circulating this petition: Janelle Mary  
 Address of contact person: 1633 Keeler Ave, Beloit WI 53511  
 Phone number of contact person: 608-367-4615  
 Signature of contact person: Janelle Mary

<b>To be completed by Planning Staff</b>	
Filing fee: <u>\$75.00</u> Amount paid: <u>\$75.00</u> Meeting date: <u>March 18, 2013</u>	PC: <u>March 6, 2013</u> CC: <u>March 18, 2013</u>
Application accepted by: <u>D. Draper</u>	Date: <u>1/17/2013</u>

# PLAT OF VACATION

OF ALL OF THE NORTH-SOUTH ALLEY AS PLATTED IN THE  
THE SUB-DIVISION OF BLOCKS 3 & 4 OF DOW'S ADDITION,  
TO THE CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN.



A RESOLUTION TO VACATE THE ALLEY AS SHOWN HEREON  
WAS ADOPTED \_\_\_\_\_ 2013 AND IS REFERENCED AS CITY  
OF БЕЛОIT CLERK FILE NO. \_\_\_\_\_

*Jeffrey R. Garde*  
JEFFREY R. GARDE, R.L.S.  
WISCONSIN LAND SURVEYOR S-2766  
DATED THIS 17TH DAY OF JANUARY, 2013

ORDER NO. 31494  
FOR THE EXCLUSIVE USE OF:  
SCHOOL DISTRICT OF БЕЛОIT  
SCALE: 1" = 80 FEET

File Name: J:\31451-31499\31494 SCHOOL DISTRICT OF БЕЛОIT ALLEY VACATION\31494.DWG  
Plotted on 1/12/13 at 10:24:06.

**Batterman**  
engineers surveyors planners

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

**RESOLUTION SETTING A RETURN DATE AND  
AUTHORIZING THE ISSUANCE OF A SUMMONS FOR AN  
ALCOHOL LICENSE SANCTION HEARING FOR  
SPEEDWAY, LLC d/b/a SPEEDWAY #4293**

**WHEREAS**, the City of Beloit Alcohol Beverage License Control and Advisory Committee at its meeting on January 8, 2013 recommended that the alcohol beverage license issued to SPEEDWAY, LLC d/b/a SPEEDWAY #4293, be suspended for 30 consecutive days; and

**WHEREAS**, City Ordinance 31.01 adopts Wisconsin State Statutes 125.12(1) -(3m) which, among other things, requires that the City Council shall issue a summons signed by the City Clerk upon the filing of a complaint seeking revocation or suspension of a license; and

**WHEREAS**, such a complaint has been duly presented to the City Council; and

**WHEREAS**, the City Council is desirous of setting a return date and a hearing date on said matter at 6:30 p.m., on the 12<sup>th</sup> day of February, 2013, at the Forum in City Hall.

**BE IT RESOLVED**, that the City Clerk is hereby directed to sign a summons, said summons being hereby issued by the City Council for a hearing date of 6:30 p.m., on the 12<sup>th</sup> day of February, 2013, at the Forum in City Hall.

Dated this 4<sup>th</sup> day of February, 2013.

**BELOIT CITY COUNCIL:**

**By:**

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

ATTEST:

\_\_\_\_\_  
Rebecca S. Houseman LeMire  
City Clerk  
City of Beloit, Wisconsin

IN THE MATTER OF THE  
SUSPENSION OR REVOCATION  
OF THE ALCOHOL BEVERAGE  
LICENSE OF  
SPEEDWAY, LLC  
d/b/a SPEEDWAY #4293  
2781 MILWAUKEE ROAD  
BELOIT, WI 53511  
NANCY A. BRYANT, AGENT

## SUMMONS

THE CITY OF БЕЛОIT TO:                   SPEEDWAY, LLC  
  d/b/a SPEEDWAY #4293  
  NANCY A. BRYANT, AGENT  
  2781 MILWAUKEE ROAD  
  BELOIT, WI 53511

You are hereby summoned and required to appear before the City Council for the City of Beloit, Rock County, Wisconsin on the **February 12, 2013 at 6:30 p.m.** in the Forum, City Hall, 100 State Street, Beloit, Wisconsin regarding the attached Complaint.

The hearing will be held in accordance with the provisions of Section 31.01 of the Beloit Code of General Ordinances, which adopts by reference Section 125.12 of the Wisconsin Statutes.

At said hearing, you will be expected to be present to admit or deny the allegations of the Complaint. If you do not appear, the allegations of the Complaint shall be taken as true, and should the City Council deem said allegations sufficient, your license shall be revoked. Should you appear and deny the Complaint, the City Council will proceed to a hearing at said time and you will be required to show cause as to why the relief requested in the Complaint should not be granted.

You are further notified that the City Council will consider evidence regarding the allegations alleged in the Complaint at said hearing.

You are notified that at said hearing you have the right to be personally present and represented by counsel. You will have the right to confront any sworn witnesses under oath who support the aforementioned charges. You will have the right to present evidence on your own behalf by witnesses that you choose to present under oath. If you desire, you may have subpoenas issued requiring the attendance of witnesses on your behalf.

The hearing will be recorded. You have the right to have a verbatim record of the hearing proceeding made at your own expense. Should you desire a stenographic transcript, you have the right to have a stenographer present, but the arrangement and expenses, therefore, shall be your responsibility.

Dated this 4<sup>th</sup> day of February, 2013.

---

Rebecca S. Housman LeMire  
City of Beloit City Clerk

IN THE MATTER OF THE  
SUSPENSION OR REVOCATION  
OF THE ALCOHOL BEVERAGE  
LICENSE OF  
SPEEDWAY, LLC  
d/b/a SPEEDWAY #4293  
2781 MILWAUKEE ROAD  
BELOIT, WI 53511  
NANCY A. BRYANT, AGENT

## COMPLAINT

TO: THE CITY COUNCIL OF  
THE CITY OF БЕЛОIT  
ROCK COUNTY, WISCONSIN

**COMES NOW** Chief Norm Jacobs, being first duly sworn and upon oath respectfully makes the following allegations against the license holder listed above:

1. The Complainant is Chief Norm Jacobs of the City of Beloit Police Department, 100 State Street, Beloit, WI 53511 and a resident of the City of Beloit.
2. Speedway, LLC, d/b/a Speedway #4293, Nancy A. Bryant, Agent, 2781 Milwaukee Road, is the holder of the attached fermented malt beverage license issued for the period of July 1, 2012 through June 30, 2013 and the license and application are attached hereto as Exhibit 1 and Exhibit 2.
3. The abridged minutes of the January 8, 2013 meeting of the City of Beloit Alcohol Beverage License Control Committee are attached hereto as Exhibit 3 and incorporated herein by reference. Said minutes document the appearance of the license holder before the committee to address the sale of alcohol to an underage person on December 12, 2012. Said minutes document the committee's recommendation of a consecutive 30-day suspension of said license.
4. The abridged minutes of the December 11, 2012 meeting of the City of Beloit Alcohol Beverage License Control Committee are attached hereto as Exhibit 4 and incorporated herein by reference. Said minutes document the appearance of the license holder before the committee to address the sale of alcohol to an underage person on November 13, 2012.
5. As grounds for the sanction, it is alleged that the licensed holder violated Chapter 125 or municipal regulations adopted under §125.10, Wis. Stats. Specifically, it is alleged that the license holder sold alcohol to an underage person on November 13, 2012 and again on December 12, 2012 contrary to §31.01 of the Code of General Ordinances for the City of Beloit, which adopts § 125.07(1)(a), Wis. Stats., and that said violations were committed within a 12 month period of time. ISR numbers 12-9008 and 12-9759 document the police department investigation into these incidents, and are attached hereto and incorporated herein as Exhibit 5 and Exhibit 6.

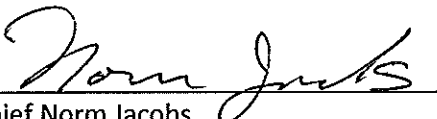
6. City of Beloit Municipal Court records indicate that Linda A. Alexander, was issued Citation N1249343 alleging sale of alcohol to an underage person for an incident occurring on the licensed premises on November 13, 2012. Said records further indicate that Alexander was convicted of said offense on December 13, 2012. A Certificate of Conviction in Beloit Municipal Court for citation number N1249343 is attached hereto and incorporated herein by reference as Exhibit 7.

7. City of Beloit Municipal Court records indicate that James E. Isferding, was issued Citation 3670464 alleging sale of alcohol to an underage person for an incident occurring on the licensed premises on December 12, 2012. Said records further indicate that Alexander was convicted of said offense on January 10, 2013. A Certificate of Conviction in Beloit Municipal Court for citation number N1249343 is attached hereto and incorporated herein by reference as Exhibit 8.

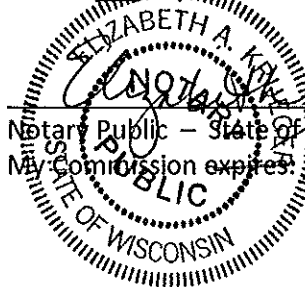
8. In addition to the incidents described above, the City reserves the right to rely on evidence, if any, arising out of any further violations at or about the premises complained of up to the time of any hearing held herein.

9. By reason of the foregoing acts and omissions of the license holder, Speedway, LLC, d/b/a Speedway #4293, the ABLCC recommends to the City Council that the license be suspended for a period of 30 days beginning forthwith and running for 30 consecutive days.

Dated this 21 day of January, 2013.

  
Chief Norm Jacobs  
Police Department, City of Beloit, Wisconsin

Subscribed and sworn to before me  
on this 21 day of January 2013:

  
Notary Public - State of Wisconsin  
My Commission expires: is permanent.

File Copy

**CITY OF BELOIT**  
STATE OF WISCONSIN

Non-Transferable

**SPEEDWAY LLC OWNED BY MPC INVESTMENT LLC**  
**NANCY A. BRYANT, AGENT**

Having paid to the City of Beloit, the sum of \$500.00

**IS HEREBY GRANTED A LICENSE**

To: Sell Class "A" Fermented Malt Beverages

At: SPEEDWAY #4293, 2781 MILWAUKEE RD., sales floor, walk-in cooler, storeroom

*Within this City, subject to the Ordinances thereof and to the laws of this State, unless previously relinquished or revoked.*

This License expires: **June 30, 2013**

Approved by the Beloit City Council

Issued this 30th day of June, 2012

  
CITY CLERK

EXHIBIT

tabbles



# RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: 07/01/2012 ending: 06/30/2013  
(MM DD YYYY) (MM DD YYYY)

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

County of Rock Aldermanic Dist. No. \_\_\_\_\_ (if required by ordinance)

CHECK ONE  Individual  Partnership  Limited Liability Company  
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:  
 Full Name(s) (Last, First and Middle Name) \_\_\_\_\_ Home Address \_\_\_\_\_ Post Office & Zip Code 53525

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company Speedway LLC  
 Address of Corporation/Limited Liability Company (if different from licensed premises) P O Box 1580, Springfield, OH 45501  
 All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	<u>Anthony Raymond Kenney</u>	<u>10623 Sunderland Woods Court, Centerville, OH 45458</u>	
Vice President/Member	<u>Glenn Michael Plumby</u>	<u>281 Southwood Trail, Beavercreek, OH 45440</u>	
Secretary/Member	<u>David Eugene Ball</u>	<u>5560 Enon-Xenia Pike, Fairborn, OH 45324</u>	
Treasurer/Member	<u>Ronald Louis Edmiston</u>	<u>221 Old Springfield Rd., South Charleston, OH 45368</u>	
Agent	<u>Nancy Anne Bryant</u>	<u>W9302 Cemetary Rd, Clinton, WI 53525</u>	

C. 1. Trade Name Speedway # 4293 Business Phone Number 608-364-1917  
 2. Address of Premises 2781 Milwaukee Rd Post Office & Zip Code Beloit, WI 53511

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers?  Yes  No
4. 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.) Not Changed
5. Legal description (omit if street address is given above): \_\_\_\_\_
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side  Yes  No
- b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side  Yes  No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain.  Yes  No
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain.  Yes  No
9. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown under Section A or B above? [phone (608) 266-2776]  Yes  No
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement?  Yes  No
11. 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.)

SUBSCRIBED AND SWORN TO BEFORE ME  
 this 23rd day of March, 2012

Sharon L. Stevens  
 My Commission Expires **May 14, 2016**  
 My commission expires \_\_\_\_\_

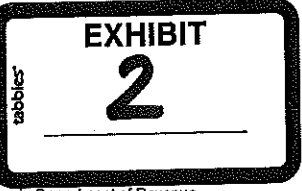
David E. Ball DAVID E. BALL, SECRETARY  
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)  
Ronald L. Edmiston RONALD L. EDMISTON, TREASURER  
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

\_\_\_\_\_  
(Additional Partner(s)/Member/Manager of Limited Liability Company)

## TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>3-29-12</u>	Date reported to council/board <u>5-7-12</u>	Date license granted <u>6-4-12</u>
License number issued <u>N/A</u>	Date license issued <u>6-20-12</u>	Signature of Clerk / Deputy Clerk <u>[Signature]</u>

Applicant's Wisconsin Seller's Permit Number: <u>456-000004854803</u>	
Federal Employer Identification Number (FEIN): <u>31-1551430</u>	
<b>LICENSE REQUESTED</b>	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$ 500.00
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Wholesale beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ 25.00
<b>TOTAL FEE</b>	<b>\$ 525.00</b>





## ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE

Beloit City Hall - The Forum  
100 State Street, Beloit, WI  
January 8, 2013 - 4:00 p.m.

Present: Ralph Berkley, Malissa Cronin, Frank Marsden, John Metter, Ron Tilley, Joseph Vickerman,  
Councilor Kevin Leavy (Non-Voting)  
Absent: Tina Goecks  
Advisory: Captain Vince Sciame, Deputy City Attorney Elizabeth Krueger

1. The meeting was called to order at 4:00 p.m. by Chairman Ralph Berkley with a quorum present.
- 2.
- 3.



4. Consideration of incidents occurring on November 13, 2012 and December 12, 2012, Police Reports 12-9008 and 12-9759, at Speedway #4293, 2781 Milwaukee Road, for a sale to an underage person during alcohol compliance checks. Agent Nancy A. Bryant and District Manager Jessica Wagner appeared.

Captain Sciame explained that the Police Department conducted an alcohol compliance check on December 12, 2012 and the underage operative was able to purchase a twelve pack of beer without having his identification checked. Captain Sciame explained to Ms. Bryant that because this is the second violation in a twelve-month period, the Police Department is recommending a sanction of suspending their beer license for thirty days.

Ms. Wagner stated Speedway takes this matter very seriously and all employees take a computer based training program twice every year called TAM, Tobacco/Alcohol/Management, and they have a third party company check them for underage sales on a regular basis. Ms. Wagner further explained that all employees recently took the TAM program again and were told if they sold to minors, they would be responsible to pay the fine and would be terminated immediately. Ms. Wagner explained the company

Alcohol Beverage License Control Committee

January 8, 2013

Page Two

has gone one step further in running age verification reports from the cash register to check how many times an employee keys in "over 30", if they enter the same birthday multiple times, and how many times they scan in an ID. Ms. Wagner stated the company is preparing the paperwork to change Agents and will be submitting it within a week. Attorney Krueger suggested having two clerks check the identification for the sale of alcohol.

Councilor Leavy asked the committee to take this violation very seriously as the employees are not getting the message, and he recommended more than a thirty day suspension. Chairman Berkley stated that based on past practice, the Police Department recommendation and history of the store, he feels thirty days is a fair sanction.

Mr. Tilley moved to recommend to the City Council a thirty day suspension of the license of Speedway #4087, second by Mr. Vickerman. Motion carried 6-0.

Attorney Krueger explained that she would be preparing a Summons and Complaint which will be personally served on the store's Agent, and that a hearing date will be set with the City Council in no less than three days and no more than ten days from the date introduced by the Council.

5.

6.



**ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE**

Beloit City Hall - The Forum

100 State Street, Beloit, WI

December 11, 2012 - 4:00 p.m.

Present: Ralph Berkley, Malissa Cronin, Tina Goecks, Frank Marsden, John Metter, Ron Tilley,  
Joseph Vickerman  
Absent: Councilor Kevin Leavy (Non-Voting)  
Advisory: Captain Vince Sciame, Deputy City Attorney Elizabeth Krueger

1. The meeting was called to order at 4:00 p.m. by Chairman Ralph Berkley with a quorum present.
- 2.
- 3.



4. Consideration of an incident on November 13, 2012, Police Report 12-9008, at Speedway #4293, 2781 Milwaukee Road for a sale to an underage person during an alcohol compliance check. Agent Nancy A. Bryant appeared.

Captain Sciame explained that the Police Department conducted an alcohol compliance check on November 13<sup>th</sup> and the underage operative was able to purchase a twelve pack of beer. Captain Sciame stated the clerk did ask for identification; however, she still sold the beer to the underage operative. Captain Sciame explained to Ms. Bryant that because this is their first violation in a twelve month period, they are being warned at this time but a second violation within twelve months could result in sanctions. He asked if Ms. Bryant understood, and she replied that she did.

Ms. Bryant stated Speedway takes this matter very seriously and all employees take a computer based training program twice a year called TAM – Tobacco/Alcohol/Management. She said they also take Alcohol

additional training to be able to obtain the City's Operators License. Ms. Bryant further explained they have a third party company check them for underage sales on a regular basis and that this employee was terminated.

5.

6.

7.

BELOIT POLICE DEPARTMENT  
100 STATE STREET  
BELOIT, WISCONSIN 53511

Incident Number: LBE12009008

## Narratives

ENTERED DATE/TIME: 11/19/2012 12:44:10  
NARRATIVE TYPE: INCIDENT  
SUBJECT: ORIGINAL REPORT  
AUTHOR: MACKEY, PATRICK

12-9008 Original  
Citation N1249343 Linda Alexander  
 Licensee Furnishing to Underage Person  
 Ord. 31.01, ss. 125.07(1)(a)(2)  
Date: 11/14/12  
Officer Mackey  
Copy: City Attorney's Office

On Tuesday, 11/13/12, at approximately 1800 hours, I, Officer Mackey, with the Beloit Drug and Gang Unit, took part in an alcohol compliance check project. The goal of this project was to check for liquor law compliance checks of local vendors by attempting to purchase beer from local Class A and Class B vendors by using underage persons. If a Class A or Class B vendor sold alcohol to an underage person, the clerk would be issued the appropriate citation for furnishing alcohol to an underage person.

Three adult males, under the age of 21, assisted with this project. These three subjects were photographed by me and were positively identified from their Wisconsin driver's licenses. A photocopy of their driver's license was also completed. Sgt. Tilley was the supervisor of this project and conducted a briefing which Officer Miller and I, along with the three adult males under the age of 21, attended. The procedure for this project was that Officer Miller would transport the underage purchaser to the place of business and provide money to buy beer. Officer Miller would maintain surveillance on the purchaser during the controlled buy. If one of the local vendors did sell alcohol to the purchaser, the purchaser would exit the store and advise Officer Miller who sold them the beer and provide a description of the clerk. The second officer, in uniform, which was me, would then photograph the purchaser with the beer and make contact with the clerk who sold the beer. I would then return the beer and change from the purchase to the store in exchange for the original money tendered, if possible. I would then issue the appropriate citation to the clerk who sold the beer to the underage purchaser. I would also confirm that a license-holder was on the premise, and if not, I would cite the appropriate citation and close the store for alcohol sales until a license-holder could arrive and remain at the store.

At approximately 1904 hours, Officer Miller arrived at the Speedway gas station, located at 2781 Milwaukee Road. One of the three underage persons, positively identified from his Wisconsin driver's license as Keegan J. Kelly, M/W, DOB [REDACTED] 1992, entered the store and successfully purchased a 12-pack of Miller Lite beer. I photographed Keegan Kelly holding the 12-pack of Miller Lite beer outside the Speedway gas station. Kelly informed me that he exchanged a \$20.00 bill with the older F/W clerk inside the store for the Miller Lite beer. Kelly said that the clerk looked at his Wisconsin driver's license and still sold the Miller Lite beer.



## Incident Report

BELOIT POLICE DEPARTMENT  
100 STATE STREET  
BELOIT, WISCONSIN 53511

Incident Number: LBE12009008

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I proceeded inside the store with the beer and the change from the sale. I made contact with the clerk, identified as Linda A. Alexander, DOB [REDACTED], positively identified from her Wisconsin driver's license. I informed Alexander that she had sold the 12-pack of Miller Lite beer to a male who was under the age of 21. Alexander informed me that she checked his ID and thought that he was 21 years old. I informed Alexander that this was not the case and that it had been observed by an undercover officer on scene. I informed Alexander I would be issuing her a citation for licensee furnishing to an underage person. I completed municipal citation number N1249343 for the violation of licensee furnishing to an underage person, adopting statute 125.07(1)(a)(2), ordinance number 31.01. I issued Linda Alexander her copy of this citation with a non-mandatory Municipal Court appearance of 12/13/12 at 8:30 AM.

I later proceeded to the Beloit Police Department and downloaded a photo CD showing the photograph of Keegan Kelly holding the 12-pack of Miller Lite beer. This photo CD was placed in the project folder which is kept filed with Sgt. Tilley as evidence. It should be noted that I also returned the 12-pack of Miller Lite beer to Linda Alexander at the Speedway gas station store along with the change from the purchase, and Alexander did give back the \$20.00 bill used to purchase the beer.

End of report.

Mackey / gm / 11-15-12\*kb\*11/19/12

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ENTERED DATE/TIME: 11/19/2012 12:45:06  
NARRATIVE TYPE: SUPPLEMENTAL  
SUBJECT: ARREST  
AUTHOR: SAGAITIS, KRISTIN

Linda A. Alexander Licensee Furnishing to Underage Person 11/19/12. kb

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ENTERED DATE/TIME: 11/19/2012 12:45:53  
NARRATIVE TYPE: SUPPLEMENTAL  
SUBJECT: COPY SENT  
AUTHOR: SAGAITIS, KRISTIN

Copy of original and citation sent to CA and LC 11/16/12. kb

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BELOIT POLICE DEPARTMENT  
100 STATE STREET  
BELOIT, WISCONSIN 53511

Incident Number: LBE12009759

## Narratives

ENTERED DATE/TIME: 12/28/2012 12:43:53

NARRATIVE TYPE: INCIDENT

SUBJECT: ORIGINAL REPORT

AUTHOR: MILLER, BRIAN

12-9759 Original

Alcohol Sting Operation

Citation 3670464 James Isferding; Furnishing Alcohol; ord. 31.01; ss. 125.07(1)(a)2

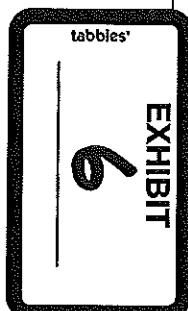
Officer Miller

On 12/12/12, at approximately 1800 hours, Beloit Police Department Drug and Gang Unit conducted an alcohol sting operation. The goal of the operation was to attempt to purchase beer from local Class A and Class B vendors by use of underage individuals.

At approximately 1800 hours, we had four underage individuals arrive at the Beloit Police Department to participate in the alcohol sting operation. Each individual was identified with a Wisconsin driver's license. The driver's license itself was photographed. Each individual participating in the operation also was patted down to make sure they had no other identification with altering information on it.

Sgt. Tilley of the Beloit Police Department was able to conduct a briefing informing the individuals involved in the operation, the rules of the alcohol sting operation. The Beloit Police Department Drug and Gang Unit did provide the money to purchase alcohol to the individuals. One officer would maintain surveillance in plain clothes on the purchaser during the controlled buy. Upon exiting, the purchaser would advise the officer of who sold them the intoxicant and provide a description of the clerk. The uniformed officer would then arrive and photograph the purchaser with the beer and make contact with the seller. Sgt. Tilley had explained all the rules and regulations to the individuals regarding the alcohol sting operation, at which point they were divided into two groups. Officer Sayles of the Beloit Police Department handled two of the individuals. Officer Mackey handled the other two, and I was the uniformed officer that was going to be issuing citations if the individual was able to purchase alcohol.

On 12/12/12, at approximately 1850 hours, one of our individuals working under the sting operation entered into Speedway gas station, located at 2781 Milwaukee Road, located in the City of Beloit. The individual's name was Dylan H. Agnew, DOB [REDACTED] 94. Dylan was able to obtain alcohol, go up to the register, and purchase it. Purchased was a 12-pack of Miller High Life 64. Dylan then exited the store with the intoxicants and made contact with Officer Sayles. I then arrived on scene and was able to photograph Dylan holding the 12-pack that he had just purchased. I then was able to obtain the change that Dylan had received back from the purchase and the 12-pack and went back into the store. Dylan advised me it was an older male clerk with a blue shirt that checked him out. Dylan had advised that he did not ask for ID during the purchase. I then was able to make contact with the employee of Speedway gas station, located at 2781 Milwaukee Road. The male subject fit the





## Incident Report

BELOIT POLICE DEPARTMENT  
100 STATE STREET  
BELOIT, WISCONSIN 53511

Incident Number: LBE12009759

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description that Dylan had given me of an older subject with a blue shirt. There were no other males working at the gas station that would fit that description. The male clerk identified himself as James E. Isferding, DOB [REDACTED]. I inquired with James Isferding if he remembered the transaction that occurred in the last five minutes, involving a person buying a 12-pack of Miller 64. James Isferding advised me that he did recall the incident and remembers saying to the person, this is expensive beer. James advised me that he did not card the individual and sold him the alcohol. I then explained to James Isferding that he was going to receive a citation for licensee sell alcohol to underage person, ord. violation number 31.01, adopting WI ss. 125.07(1)(a)(2). I then issued James Isferding a non-traffic citation for licensee sell alcohol to underage person, citation number 3670464, with no mandatory appearance required in court; however, the court date is 01/10/13 at 8:30 a.m. through the City of Beloit Municipal Court, 100 State Street, in Beloit, WI. James did receive a copy of the citation and was explained the court date. This is the second violation for the year for Speedway gas station, located at 2781 Milwaukee Road, in regards to selling intoxicants to underage person.

Attached to each report is the citation, a copy of the individuals who were involved in the alcohol sting operation, and a copy of photos of the individual holding the intoxicants outside the establishment. This narrative is to cover both non-traffic uniform citations regarding this incident. Narrative covers case number 12-9759 and case number 12-9761.

End of report.

Miller / gm / 12-13-12\*ja\*12/28/12

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Printed by: sagaitisk  
Printed date/time: 1/9/13 14:55

## Incident Report

Page 5 of 6

BELOIT POLICE DEPARTMENT  
100 STATE STREET  
BELOIT, WISCONSIN 53511

Incident Number: LBE12009759

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ENTERED DATE/TIME: 12/28/2012 12:44:41  
NARRATIVE TYPE: SUPPLEMENTAL  
SUBJECT: ARREST  
AUTHOR: ADAMS, JOCELYN

James E. Isferding Licensee Sell Alcohol to Underage Person ja 12/28/12

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ENTERED DATE/TIME: 12/28/2012 12:45:14  
NARRATIVE TYPE: SUPPLEMENTAL  
SUBJECT: COPY SENT  
AUTHOR: ADAMS, JOCELYN

Original, arrest, and attachments sent to the CA and LC on 12/14/12 ja 12/28/12

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STATE OF WISCONSIN

CITY OF BELOIT  
MUNICIPAL COURT

ROCK COUNTY

CITY OF BELOIT,

Plaintiff

Citation Number: N1249343

v.

LINDA A. ALEXANDER,

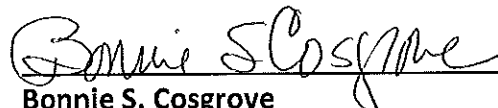
Defendant.

**CERTIFICATE OF CONVICTION**

STATE OF WISCONSIN     )  
  ) SS  
COUNTY OF ROCK         )

I, **BONNIE S. COSGROVE**, Municipal Court Administrator for the City of Beloit, do hereby certify that at a term of said Court, held at the City Hall in the City of Beloit, on December 13, 2012, **Linda A. Alexander**, was convicted of **Selling Alcohol to an Underage Person** in violation of §31.01 of the Code of General Ordinances for the City of Beloit, adopting by reference §125.07(1)(a), Wis. Stats., and upon said conviction the court did, on December 13, 2012, sentence the defendant under §31.01 of the Code of General Ordinances for the City of Beloit.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Municipal Court Administrator, at my office in the City of Beloit, in Rock County on this 23<sup>rd</sup> day of January, 2013.

  
\_\_\_\_\_  
**Bonnie S. Cosgrove**  
Municipal Court Administrator  
City of Beloit, Rock County, Wisconsin



STATE OF WISCONSIN

CITY OF BELOIT  
MUNICIPAL COURT

ROCK COUNTY

CITY OF BELOIT,

Plaintiff

Citation Number: 3670464

v.

JAMES E. ISFERDING,

Defendant.

**CERTIFICATE OF CONVICTION**

STATE OF WISCONSIN     )  
  ) SS  
COUNTY OF ROCK         )

I, **BONNIE S. COSGROVE**, Municipal Court Administrator for the City of Beloit, do hereby certify that at a term of said Court, held at the City Hall in the City of Beloit, on January 10, 2013, **James E. Isferding**, was convicted of **Selling Alcohol to an Underage Person** in violation of §31.01 of the Code of General Ordinances for the City of Beloit, adopting by reference §125.07(1)(a), Wis. Stats., and upon said conviction the court did, on January 10, 2013, sentence the defendant under §31.01 of the Code of General Ordinances for the City of Beloit.

IN TESTIMONY WHEREOF, I have hereunto set my hand as Municipal Court Administrator, at my office in the City of Beloit, in Rock County on this 23rd day of January, 2013.

*Bonnie S. Cosgrove*

**Bonnie S. Cosgrove**  
Municipal Court Administrator  
City of Beloit, Rock County, Wisconsin



**RESOLUTION AMENDING THE 2013 CAPITAL IMPROVEMENT BUDGET AND  
APPROPRIATING FUNDS FROM POLICE CONFISCATED FUNDS TO PURCHASE  
MOBILE VIDEO RECORDING DEVICES EQUIPMENT**

**WHEREAS**, the City adopted the 2013 Capital Improvement Budget on November 5, 2012; and,

**WHEREAS**, the City of Beloit has non-taxpayer confiscated funds which are available for the purchase of new law enforcement equipment; and

**WHEREAS**, the City of Beloit non-taxpayer confiscated funds in the amount of \$80,000 will be transferred to the 2013 Capital Improvement Budget for the purchase of MVARs; and

**NOW, THEREFORE, BE IT RESOLVED** that the 2013 Capital Improvement Budget is hereby amended and additional funds transferred from the non-taxpayer confiscated funds and are appropriated, as follows:

**FUNDING:**

Police Confiscated Funds

P2913611-4971-2013	<u>(\$80,000)</u>
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**EXPENDITURES:**

<u>Project Name</u>	<u>Original</u>	<u>Amended</u>	<u>Difference</u>
MVARs – P2913611-5533-2013	\$0	\$80,000	\$80,000
Total			<u>\$80,000</u>

Dated at Beloit, Wisconsin, this 4th day of February 2013.

ATTEST:

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

\_\_\_\_\_  
Rebecca Houseman LeMire, City Clerk

# CITY OF БЕЛОIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Mobile Video Recording Systems/MVARs Purchase

**Date:** 02/04/2013

**Presenter(s):** Captain William Tyler and Chief Norm Jacobs

**Department(s):** Police

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**Overview/Background Information:** The department has had video units in fleet vehicles since 2004. The current models that are scheduled for replacement are not able to be repaired within acceptable maintenance cost limits. The department is replacing the remainder of its mobile video systems in the department fleet. Phase I replacement was completed in 2012. Phase II and III replacement were previously identified in Capital Improvement Requests for 2013 and 2014. Due to limited CIP funding availability for the city budget, the department suggests to use seized assets to purchase the remaining two phases of this project. The department intends to use these non-taxpayer confiscated funds in the amount of \$80,000.00 to fund the completion of this project.

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

- Resolution will allow for this necessary equipment to be purchased using non-taxpayer funds.
- All equipment will be raised up to a single standard making training and use easier for officers.
- Authorization will allow the department to continue to record significant or required contacts in the community via a reliable and updated recording system.
- Purchasing the remaining units in 2013 will save on the total cost of this project by nearly \$20K

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

This is an authorized use of the seized assets reducing cost to taxpayers as mentioned in Vision/Mission #4.

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

- Reduce dependence upon fossil fuels – 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

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

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**Action required/Recommendation:**

Staff recommends approval.

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**Fiscal Note/Budget Impact:**

No budget impact beyond what is already been budgeted for maintenance of existing systems.

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**Attachments:**

**RESOLUTION AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER FOR  
REPLACEMENT OF TWO TRANSIT BUSES IN 2014**

**WHEREAS**, the City adopted the 2013-2018 Capital Improvement Plan (CIP) on November 5, 2012; and

**WHEREAS**, the CIP includes a project for the replacement of two 1997 transit coaches in 2014; and

**WHEREAS**, it takes approximately 15-18 months from issuance of a purchase order to delivery and payment of transit buses; and

**WHEREAS**, the City elects to issue a purchase order in 2013 in order to be able to take delivery of the two new transit coaches in 2014; and

**WHEREAS**, the City will be purchasing the two new transit coaches using the City of Kenosha's contract with the Gillig Corporation the manufacturer of the new transit coaches; and

**WHEREAS**, the U.S. Department of Transportation, Federal Transit Administration is providing grant funding totaling \$660,000 for this project under their State of Good Repair Grant Program; and

**WHEREAS**, the City will fund the remaining \$165,000 balance through its General Obligation Bond issue scheduled for 2014.

**NOW, THEREFORE, BE IT RESOLVED** that the Manager is authorized to issue a purchase order in 2013 for the replacement of two 1997 transit coaches for delivery and payment in 2014 as follows:

**FUNDING:**

Intergovernmental Aids & Grants – P2511263-4301-2014	\$660,000
Other Financing Source (GO Bonds) – P2511263-4900-2014	<u>\$165,000</u>
Total	<u>\$825,000</u>

**EXPENDITURES:**

<u>Project Name</u>	<u>Original</u>	<u>Amended</u>	<u>Difference</u>
Transit Bus Replacement P2511263-5533-2014	\$825,000	\$825,000	\$0
Total			<u>\$825,000</u>

**BE IT FURTHER RESOLVED** that the City Council of the City of Beloit acknowledges and confirms the local share of funding for the purchase will be appropriated as part of the 2014 Capital Improvement Budget.

Dated at Beloit, Wisconsin, this 4th day of February 2013.

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Charles M. Haynes, City Council President

ATTEST:

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Rebecca Houseman LeMire, City Clerk



# CITY OF BELOIT

## REPORTS AND PRESENTATIONS TO CITY COUNCIL

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**Topic:** Authorization of the issuance of a Purchase Order for replacement of two Transit Buses in 2014

**Date:** February 4, 2013

**Presenter:** Michelle Gavin, Transit Director

**Department:** Public Works

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**Overview/Background Information:**

The transit buses have a 12 year usable life, and the City has been awarded an FTA State of Good Repair capital grant from the Federal Transit Administration for replacement of two buses. The grant pays up to 80% of the purchase cost, the remainder is to be paid for by the City, through GO bonds, as part of the Capital Improvement Program (CIP).

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

The City has been awarded a State of Good Repair capital grant from the Federal Transit Administration for replacement of two buses. The grant pays up to 80% of the purchase cost, the remainder is to be paid for by the City, through GO bonds, as part of the 2014 Capital Improvement Program (CIP).

The 2014 CIP includes the replacement of two (2) transit coaches to replace 2 1997 model year buses. It currently takes approximately 16-18 months from the date that a purchase order is issued until delivery is taken (and payment due). The Council is asked to authorize the issuance of a purchase order now given the significantly advanced age and condition of the buses.

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

1. As an eco-municipality, focus on the sustainable stewardship of City resources, services and infrastructure; to protect both our built and natural environment, enhance the quality of life for current and future generations.

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

- **Reduce dependence upon fossil fuels** – Yes, public transit uses between 1/5 and 1/2 of the amount of energy per passenger mile than automobiles use.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – Yes
- **Meet the hierarchy of present and future human needs fairly and efficiently** – Yes

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**Action required/Recommendation:**

Staff recommends that the Council adopt this resolution and authorize the issuance of the purchase order to allow delivery of the new vehicles in 2014.

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**Fiscal Note/Budget Impact:**

There is a PPI factor built into the original contract with the bus manufacturer. As such the cost of the two buses will increase if the purchase order is not issued. Additionally, given the age of the two buses to be replaced (1997), they are already three years beyond their useful life of 12 years, and are experiencing costly repairs.

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**Attachments:**

Resolution